

DRAFT

DRMDD039

LEGISLATURE OF THE STATE OF IDAHO
Sixty-fifth Legislature Second Regular Session - 2020

This bill draft contains confidential and privileged information exempt from disclosure under Section 74-109(1), Idaho Code. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning the Legislative Services Office at (208) 334-2475.

1 AN ACT
2 RELATING TO OCCUPATIONAL LICENSING REFORM; AMENDING CHAPTER 94, TITLE 67,
3 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9408, IDAHO CODE, TO PRO-
4 VIDE FOR THE CREATION OF AN OCCUPATIONAL AND PROFESSIONAL LICENSURE RE-
5 VIEW COMMITTEE.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Chapter 94, Title 67, Idaho Code, be, and the same is
8 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
9 ignated as Section 67-9408, Idaho Code, and to read as follows:

10 67-9408. OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMIT-
11 TEE. (1) In order to establish oversight of occupational and professional
12 licensure and related issues in Idaho, there is hereby established an occu-
13 pational and professional licensure review committee.

14 (2) The committee shall consist of eight (8) members, with four (4) mem-
15 bers from the senate, one (1) of whom shall be cochair of the committee, and
16 four (4) members from the house of representatives, one (1) of whom shall be
17 cochair of the committee. Members from the senate shall be appointed by the
18 president pro tempore of the senate and members from the house of represen-
19 tatives shall be appointed by the speaker of the house of representatives.
20 No more than three (3) members from the senate and no more than three (3)
21 members from the house of representatives shall be from the same political
22 party. Appointments to the committee shall be for the term of office of the
23 member appointed. Any vacancy shall be filled in a manner consistent with
24 the appointment procedure set forth in this subsection, except the appoint-
25 ment shall be for the remainder of the unexpired term. A committee member may
26 be reappointed to the committee.

27 (3) The committee may conduct a sunrise review upon request that a
28 lawful profession or occupational group that is not regulated become reg-
29 ulated. For purposes of this section, a profession or occupation becoming
30 "regulated" means adding a requirement that a person must hold a license,
31 certificate, registration, permit, or other authorization in order to en-
32 gage in such profession or occupation.

33 (4) The sunrise review process shall be as follows:

34 (a) The legislative services office shall prepare an application form
35 to be approved by the committee and used for the sunrise review process
36 described in this subsection.

37 (b) If a government requestor or a representative of a profession or oc-
38 cupation that is not regulated proposes that the state regulate a pro-
39 fession or occupation, the requestor or representative shall, prior to
40 the introduction of any proposed legislation, submit the application
41 for sunrise review to the legislative services office. The application

1 shall be submitted by June 1 for review and processing prior to the next
2 regular legislative session.

3 (c) In addition to any other information requested by the committee or
4 staff, the application shall include a copy of the applicant's proposed
5 draft legislation and a description of:

6 (i) Why licensing or other regulation of the profession or occu-
7 pation is necessary to protect against present, recognizable, and
8 sufficient harm to the health, safety, or welfare of the public to
9 warrant the regulation proposed;

10 (ii) Why the proposed licensing or other regulation is the least
11 restrictive regulation necessary to meet the objectives of the
12 previous subparagraph;

13 (iii) Why the public cannot be effectively protected by other
14 means;

15 (iv) Whether the overall cost-effectiveness and economic impact
16 of the proposed regulation, including the direct and indirect
17 costs to consumers, will be outweighed by the benefits of the pro-
18 posed licensing or other regulation;

19 (v) Whether the proposed licensing or other regulation will have
20 an unreasonable effect on job creation or job retention in the
21 state or will place unreasonable restrictions on the ability of
22 individuals who seek to practice or who are practicing a given
23 profession or occupation to continue to practice or to find em-
24 ployment; and

25 (vi) Any other relevant information.

26 (d) With respect to an application timely received pursuant to this
27 subsection, the legislative services office shall, by August 15, submit
28 a report with factual analysis to the committee and the applicant. Such
29 report shall be made available to the public. Such report shall verify
30 the contents of an application and submitted information and address
31 any other related factual matters, but shall not contain a recommenda-
32 tion.

33 (e) With respect to an application timely received pursuant to this
34 subsection, by October 1, the committee shall review such application
35 and submitted information and the associated report prepared by the
36 legislative services office, along with any other relevant informa-
37 tion, and hold a public hearing on such application. By November 1, the
38 committee shall make a recommendation to the president pro tempore of
39 the senate and the speaker of the house of representatives as to whether
40 a requested occupation or profession should be regulated in the manner
41 set forth in the application. The committee's recommendation may in-
42 clude suggestions as to how the application, including the legislation,
43 may be improved. An applicant receiving such recommendations shall be
44 encouraged to make such changes as suggested by the committee without
45 the necessity of reappearing before the committee prior to introducing
46 the legislation at issue.

47 (5) The committee shall meet as often as may be necessary for the proper
48 performance of its duties upon the call of the cochairs.

49 (6) In addition to the sunrise process, the committee may study and
50 review occupational licensing and certification laws in general in order

DRAFT

DRMDD039

3

1 to determine, as applicable, how the legislature may be able to ease occu-
2 pational licensing barriers while still protecting the public health and
3 safety.

4 (7) The committee shall operate for two (2) years and make a report to
5 the second regular session of the sixty-sixth Idaho legislature in 2022. The
6 legislature may take subsequent action to extend the duration of the commit-
7 tee or to make it permanent.