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LEGISLATURE OF THE STATE OF IDAHO
Sixty-sixth Legislature First Regular Session - 2021

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1 AN ACT
2 RELATING TO THE OCCUPATIONAL LICENSING REFORM ACT; AMENDING CHAPTER 94, TI-
3 TLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-9412, IDAHO CODE,
4 TO ESTABLISH A PROCESS FOR REVIEW OF LICENSING AUTHORITIES AND RELATED
5 LAWS AND REGULATIONS.

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 67-9412, Idaho Code, and to read as follows:

10 67-9412. REVIEW OF EXISTING LICENSING AUTHORITIES. (1) Beginning in
11 2022, the [Entity] shall review each licensing authority on an annual rotat-
12 ing basis. Review of a licensing authority shall include review of the ex-
13 isting laws and regulations related to a licensing authority.

14 (2) The review process established by this section shall be conducted
15 as follows:

16 (a) Licensing authorities shall be divided into six (6) groups to be de-
17 termined by the [Entity].

18 (b) The [Entity] shall review one (1) group each year.

19 (c) A licensing authority may be reviewed out of the rotating basis if a
20 member of the Legislature makes a formal request to the [Entity] and the
21 cochairs of the [Entity] approve the request.

22 (d) After all groups have been reviewed one (1) time, the [Entity] shall
23 continue to review the groups as described in this section.

24 (3) The review process shall include an opportunity for stakeholder
25 participation, including a public hearing.

26 (4) Upon completion of the review process established in this section,
27 the [Entity] shall issue a report regarding its findings. The report shall
28 include the [Entity]'s findings as to whether, with respect to each licens-
29 ing authority under consideration:

30 (a) The existing licensing or other regulation is necessary to pro-
31 tect against present, recognizable, and sufficient harm to the health,
32 safety, or welfare of the public to warrant the regulation;

33 (b) The existing licensing or other regulation is the least restric-
34 tive regulation necessary to protect against present, recognizable,
35 and sufficient harm to the health, safety, or welfare of the public to
36 warrant the regulation proposed;

37 (c) The public can be effectively protected by other means;

38 (d) The overall cost-effectiveness and economic impact of the exist-
39 ing licensing or other regulation of the profession or occupation, in-
40 cluding the direct and indirect costs to consumers, is outweighed by the
41 benefits of the licensing or other regulation;

- 1 (e) The existing licensing or other regulation has had an unreasonably
2 negative effect on job creation, job retention, or wages in the state or
3 has placed unreasonable restrictions on the ability of individuals who
4 seek to practice or who are practicing a given profession or occupation
5 to continue to practice or to find employment; and
6 (f) Other relevant information should be considered.
- 7 (5) Based on the [Entity]'s findings with respect to the factors pro-
8 vided in subsection (4) with respect to each licensing authority under re-
9 view, the [Entity]'s report shall include a recommendation as to whether:
10 (a) The existing licensing or other regulation should be repealed;
11 (b) The existing licensing or other regulation should be amended to re-
12 duce barriers to licensure; or
13 (c) Other legislative reforms are recommended.
- 14 (6) As part of the review process established in this section, the [En-
15 tity] is authorized to draft legislation to provide for recommended legisla-
16 tive actions, if any, and to attach such draft legislation to its report.
- 17 (7) Upon completion of the review process established in this section,
18 the [Entity] shall deliver its report, along with any related draft legisla-
19 tion, to the president pro tempore of the senate and the speaker of the house
20 of representatives for subsequent delivery to the appropriate germane com-
21 mittee chairpersons.
- 22 (8) A germane committee of the legislature later considering the [En-
23 tity's] report and any related draft legislation shall not be bound by the
24 recommendation of the [Entity].
- 25 (9) The composition of the [Entity] shall be as follows: