

STATEMENT OF PURPOSE

RS27703 / S1351

This legislation comes from the work of the Occupational Licensing Reform Interim Committee. This legislation seeks to enhance competition and apply standards to evaluate new proposed regulation in the form of new licensure or registration of occupations. As a three year pilot, the legislation establishes a licensing review committee. Those proposing new regulation via licensure will be required to demonstrate the following to that committee:

1) Why new licensing is necessary for health, safety and welfare; 2) why the proposed licensure or regulation is the least restrictive means to protect health, safety and welfare; 3) why the public cannot be protected by other means; 4) whether the overall costs and economic impacts are outweighed by the benefits of the proposed regulation; and 5) whether the proposed regulation will have a negative impact on job creation, retention or wages or place an unreasonable restriction on the ability of an individual to practice their profession.

The committee is comprised of legislators that will review all new proposed regulation/licensure and make a non-binding recommendation to the House and Senate.

It provides for a universal licensure process to facilitate the efficient transfer of licenses between states to help fill needed positions in Idaho.

The bill provides that a criminal conviction must be relevant to the occupation and license requested. This provides an individual with an opportunity to inquire in advance, based on current and accurate information, whether their criminal conviction may disqualify them from obtaining a license, registration etc. Finally the legislation removes blanket felony exclusions and old ambiguous terms regarding crimes of "moral character" or "moral turpitude" as disqualifiers for licensure and replaces those outdated terms with the criminal relevancy analysis under the Occupational Licensing Reform Act.

FISCAL NOTE

The fiscal impact will be minimal but it is difficult to determine. There is only cost if a new license is proposed. It is not anticipated that there would be more than 1-2 applications per year. There will be years when no requests are made. If the committee meets, there would be the typical costs associated with the 1-2 meetings needed to review new licensing requests. There would be additional staff time to review applications for new licensure and prepare for review committee meetings. Legislative Services Office (LSO) believes they can handle this with current staffing levels.

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DISCLAIMER: This statement of purpose and fiscal note are a mere attachment to this bill and prepared by a proponent of the bill. It is neither intended as an expression of legislative intent nor intended for any use outside of the legislative process, including judicial review (Joint Rule 18).