

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 724

BY REDMAN

AN ACT

1 RELATING TO OCCUPATIONAL LICENSING; AMENDING SECTION 67-2604, IDAHO CODE,  
2 TO REVISE PROVISIONS REGARDING THE DUTIES OF THE DIVISION ADMINISTRA-  
3 TOR; AMENDING SECTION 67-2608, IDAHO CODE, TO REQUIRE REPORTS REGARDING  
4 FUND BALANCES; AMENDING SECTION 67-9403, IDAHO CODE, TO DEFINE TERMS;  
5 AMENDING SECTION 67-9406, IDAHO CODE, TO REMOVE A DEFINITION; REPEALING  
6 SECTION 67-9407, IDAHO CODE, RELATING TO A REPORT TO THE LEGISLATURE;  
7 AMENDING CHAPTER 94, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SEC-  
8 TION 67-9407, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING UNIVERSAL  
9 OCCUPATIONAL AND PROFESSIONAL LICENSING PRACTICE AUTHORITY; AMENDING  
10 SECTION 67-9408, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE SUNRISE  
11 REVIEW PROCESS; AMENDING SECTION 67-9409, IDAHO CODE, TO REMOVE A DEFINI-  
12 TION; PROVIDING LEGISLATIVE INTENT REGARDING A REPORT TO THE LEGISLA-  
13 TURE; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
14

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

16 SECTION 1. That Section 67-2604, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 67-2604. DUTIES OF DIVISION ADMINISTRATOR. (1) In administering the  
19 laws regulating professions, trades, and occupations within the division  
20 of occupational and professional licenses, and in addition to the authority  
21 granted to the administrator by the laws and rules of the agencies and enti-  
22 ties within the division, the administrator may:

23 (a) Revise the operating structure of the division as needed to provide  
24 efficient and appropriate services to the various professions, trades,  
25 occupations, and programs administered within the division;

26 (b) Conduct examinations to ascertain the qualifications and fitness  
27 of applicants to exercise the profession, trade, or occupation for  
28 which an examination is held;

29 (c) Pass upon the qualifications of applicants for reciprocal li-  
30 censes, certificates, registrations, and authorities;

31 (d) Prescribe rules consistent with the provisions of chapter 94, title  
32 67, Idaho Code, for a fair and impartial method of examination of candi-  
33 dates to exercise the respective profession, trade, or occupation;

34 (e) Appoint hearing officers, administer oaths, take depositions of  
35 witnesses within or without the state in the manner provided by the ad-  
36 ministrative rules adopted by the division, issue subpoenas, compel the  
37 attendance of witnesses, and assess costs and fees incurred in the in-  
38 vestigation and prosecution or defense of any certificate holder, li-  
39 censee, or registrant of the division, in accordance with the provi-  
40 sions of section 12-117(5), Idaho Code, when applicable, the contested  
41 case provisions of chapter 52, title 67, Idaho Code, and laws and rules  
42 of the agencies within the division;

1 (f) Assess civil penalties as authorized for a violation of laws or  
 2 rules, provided that any such civil penalty collected for a violation  
 3 of laws or rules shall not exceed one thousand dollars (\$1,000), unless  
 4 otherwise provided by statute or rule, and shall be deposited in the oc-  
 5 cupational licenses fund;

6 (g) Implement processes and promulgate rules consistent with the pro-  
 7 visions of chapter 94, title 67, Idaho Code, for the administration of  
 8 the chapters of those agencies assigned to the division, including but  
 9 not limited to:

10 (i) The application, issuance, renewal, cancellation, and rein-  
 11 statement of licenses, certificates, registrations, and permits,  
 12 together with assessment of all related fees;

13 (ii) The terms by which fees may be prorated, if any; and

14 (iii) Procedures for the replacement of lost or destroyed li-  
 15 censes, certificates, or registrations;

16 (h) Employ individuals, make expenditures, enter into contracts,  
 17 require reports, make investigations, travel, and take other actions  
 18 deemed necessary;

19 (i) Collect and pay such fees as are required for criminal background  
 20 checks of applicants, licensees, or registrants;

21 (j) Provide honoraria as set forth in section 59-509 (p) , Idaho Code;

22 (k) Require applications to be verified under oath;

23 (l) Require applicants to provide a clear and legible copy of a govern-  
 24 ment-issued photo identification;

25 (m) Notwithstanding any other provisions of law, terminate an appli-  
 26 cation that has not had any activity within ~~one (1) year~~ six (6) months,  
 27 unless otherwise specified in law or rule;

28 (n) Issue a license, certificate, permit, or authority only on behalf  
 29 of an agency that has administrative rules approved by the legislature;

30 (o) Implement application processes that provide for clear adminis-  
 31 tration of all licenses, registrations, permits, and certificates, in-  
 32 cluding their status and history; and

33 (p) Establish advisory committees as needed to provide efficient and  
 34 appropriate services to the various professions, trades, occupations,  
 35 and programs administered within the division.

36 (2) Notwithstanding any law governing any agency within the division,  
 37 each board or commission member shall hold office until a successor has been  
 38 duly appointed and qualified.

39 (3) The administrator shall administer the following provisions and  
 40 shall perform such additional duties as are imposed by law: chapter 41,  
 41 title 39, Idaho Code, relating to the Idaho building code; chapter 40, ti-  
 42 tle 39, Idaho Code, relating to manufactured homes; chapter 43, title 39,  
 43 Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code,  
 44 relating to manufactured home dealer and installer licensing; chapter 25,  
 45 title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10,  
 46 title 54, Idaho Code, relating to electrical contractors and journeymen;  
 47 chapter 19, title 54, Idaho Code, relating to public works contractors;  
 48 chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter  
 49 45, title 54, Idaho Code, relating to public works construction management  
 50 licensing; chapter 50, title 54, Idaho Code, relating to installation of

1 heating, ventilation and air conditioning systems; chapter 80, title 39,  
 2 Idaho Code, relating to uniform public school building safety; chapter 59,  
 3 title 33, Idaho Code, relating to Idaho school safety and security; chapter  
 4 86, title 39, Idaho Code, relating to elevator safety; and chapter 22, title  
 5 55, Idaho Code, relating to underground facilities damage prevention.

6 (4) For those agencies listed in subsection (3) of this section, the ad-  
 7 ministrator may, in addition to those powers listed in this chapter:

8 (a) Issue registrations, licenses, and certificates;

9 (b) Charge a fee of seventy-five dollars (\$75.00) for each examination  
 10 administered, unless a different fee is established in law or rule;

11 (c) Conduct hearings on proceedings to discipline, renew, or reinstate  
 12 licenses, certificates, or authorities of persons exercising the re-  
 13 spective profession, trade, or occupation;

14 (d) Revoke, suspend, refuse to renew, or take other disciplinary action  
 15 against such licenses, certifications, or authorities; and

16 (e) Assess civil penalties as authorized for a violation of law or rule.

17 SECTION 2. That Section 67-2608, Idaho Code, be, and the same is hereby  
 18 amended to read as follows:

19 67-2608. OCCUPATIONAL LICENSES FUND CREATED -- DISPOSITION OF FEES --  
 20 REPORTS. (1) There is hereby created in the state treasury the occupational  
 21 licenses fund. All fees and renewal fees received by the division of occu-  
 22 pational and professional licenses for licenses to engage in trades, busi-  
 23 nesses, occupations, or professions shall be deposited to the credit of the  
 24 occupational licenses fund. The administrator shall ensure that fees col-  
 25 lected by the division are not waived, prorated, transferred, or refunded  
 26 unless authorized by rule or law of the agency within the division.

27 (2) The division shall prepare quarterly reports regarding the rev-  
 28 enues and expenditures of each board and commission. Such reports shall be  
 29 submitted within ten (10) business days after the end of each quarter to the  
 30 budget and policy analysis division of the legislative services office and  
 31 a copy of each report pertaining to a certain board or commission shall be  
 32 submitted to that board or commission.

33 (3) The division shall prepare a year-end report regarding the cash  
 34 balances of each board and commission. The report shall be submitted annu-  
 35 ally to the budget and policy analysis division of the legislative services  
 36 office no later than December 31. If the year end cash balance of any board or  
 37 commission fund detail exceeds one hundred fifty percent (150%) of the five  
 38 (5) year rolling average of expenditures, the division shall present a plan  
 39 to the legislature for reducing fund balances, including but not limited to  
 40 fee reductions and holidays. This plan shall take into account cash fluctua-  
 41 tions associated with multi-year license renewals.

42 SECTION 3. That Section 67-9403, Idaho Code, be, and the same is hereby  
 43 amended to read as follows:

44 67-9403. DEFINITIONS. As used in this chapter:

45 (1) "Division of occupational and professional licenses" means the  
 46 agency created pursuant to section 67-2601, Idaho Code.

1       ~~(1)~~ (2) "Honorable conditions" means an honorable discharge or a gen-  
2 eral discharge "under honorable conditions."

3       (3) "License" means a license, certificate, registration, permit, or  
4 other authorization to practice a profession or occupation in Idaho.

5       (4) "Licensed professional" means an individual who holds a license,  
6 certificate, registration, permit, or other authorization issued by a li-  
7 censing authority to practice a profession or occupation in Idaho.

8       ~~(2)~~ (5) "Licensing authority" means any agency, bureau, commission,  
9 department, division, or professional or occupational licensing board  
10 charged with granting, suspending, or revoking the license, certificate,  
11 registration, permit, or other authorization of any person to practice a  
12 profession or occupation, including but not limited to the professional  
13 and occupational licensing boards within the department of self-governing  
14 agencies. The term licensing authority does not include the board of commis-  
15 sioners of the Idaho state bar as established pursuant to chapter 4, title 3,  
16 Idaho Code, or the Idaho supreme court.

17       ~~(3)~~ (6) "Licensure" means a license, certificate, registration, per-  
18 mit, or other authorization of any person to practice a profession or occupa-  
19 tion.

20       ~~(4)~~ (7) "Military" means the armed forces or reserves of the United  
21 States, including the army, navy, marine corps, coast guard, air force, and  
22 the reserve components thereof, the national guard of any state, the mili-  
23 tary reserves of any state, or the naval militia of any state.

24       ~~(5)~~ (8) "Veteran" means any person who has been discharged or released  
25 from active duty in the armed forces under honorable conditions provided the  
26 person has served on active duty for a minimum of one hundred eighty (180)  
27 consecutive days.

28       SECTION 4. That Section 67-9406, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30       67-9406. LICENSURE BY ENDORSEMENT -- MEMBERS OF THE MILITARY, VETER-  
31 ANS, AND SPOUSES. (1) A licensing authority shall establish a procedure to  
32 grant licensure by endorsement to a member of the military, a former member  
33 of the military after discharge under honorable conditions, a veteran, or a  
34 spouse of any such person, who possesses current, valid, and unrestricted  
35 licensure in another state, district, or territory of the United States, or  
36 in any branch of the armed forces or the national guard. Such procedure is  
37 intended to provide licensure by endorsement to qualifying persons within  
38 fifteen (15) business days after such person applies for licensure under  
39 this section, provided that the applicant is able to validate his qualifi-  
40 cations pursuant to subsection (2) of this section within such time frame.  
41 Each licensing authority may promulgate applicable rules to implement the  
42 provisions of this subsection, if necessary.

43       (2) Each applicant for licensure by endorsement under this section must  
44 apply to the applicable licensing authority for relevant licensure to vali-  
45 date:

46       (a) The applicant's status as a member of the military, a former member  
47 of the military after discharge under honorable conditions, a veteran,  
48 or a spouse of any such person; and

1 (b) The applicant's current, valid, and unrestricted licensure in  
2 another state, district, or territory of the United States, or in any  
3 branch of the armed forces or the national guard.

4 (3) An applicant for licensure by endorsement pursuant to this section  
5 must disclose all current, pending, or subsequent disciplinary proceed-  
6 ings related to the applicant's licensure in another state, district, or  
7 territory of the United States, or in any branch of the armed forces or the  
8 national guard. A licensing authority has discretion regarding whether  
9 to withhold, revoke, or place conditions on an applicant's licensure by  
10 endorsement related to such disciplinary proceeding and any information  
11 obtained by the licensing authority related to such proceedings. An ap-  
12 plicant's failure to disclose a current, pending, or future disciplinary  
13 proceeding pursuant to this subsection is grounds for a licensing authority  
14 to withhold, revoke, or place conditions on licensure by endorsement pur-  
15 suant to this section.

16 (4) With respect to an applicant under this section, each licensing au-  
17 thority must implement a condensed military application form to verify the  
18 requirements of subsection (2) of this section. A condensed application may  
19 not request additional information unless such information is deemed criti-  
20 cal by the applicable licensing authority to verify the applicant's qualifi-  
21 cation for an Idaho-specific aspect of practice or to determine the applica-  
22 ble scope of practice pursuant to subsection (5) of this section. As part of  
23 a condensed military application, a licensing authority may not require:

24 (a) The taking of all or a portion of an examination, even if such exami-  
25 nation is required of other applicants for the same type of licensure in  
26 Idaho; or

27 (b) The payment of an application fee.

28 (5) With respect to applicants for licensure by endorsement under this  
29 section, a licensing authority may, at its discretion, compare the autho-  
30 rized scope of practice in the applicable jurisdiction, or jurisdictions,  
31 where the applicant currently holds licensure to the authorized scope of  
32 practice in Idaho. If such licensing authority determines that the au-  
33 thorized scope of practice in Idaho is broader than the scope of practice  
34 authorized in the jurisdiction, or jurisdictions, where the applicant cur-  
35 rently holds licensure, such licensing authority may issue a limited license  
36 to such applicant pending completion of the additional education, training,  
37 or any other requirements determined necessary by the licensing authority.  
38 A limited license issued under this section must restrict the applicant's  
39 practice in Idaho to the scope of practice authorized in the state where the  
40 applicant holds prior licensure until such time that the applicant satisfies  
41 the education, training, or other requirements deemed necessary by the li-  
42 censing authority for a limited period of time necessary for an applicant to  
43 meet the qualifications for a full license. Notwithstanding the provisions  
44 of subsection (4) of this section, a licensing authority may administer an  
45 examination or partial examination to an applicant pursuant to this sub-  
46 section for the purpose of ascertaining whether an applicant possesses  
47 the requisite qualifications for a full license. Such examination must be  
48 narrowly tailored to the additional knowledge or skills required for the  
49 applicant to prove that he is qualified for a full license.

1 (6) This section does not restrict a person who is a member of a profes-  
 2 sion or occupation covered by an applicable interstate licensure compact or  
 3 applicable reciprocity agreement from seeking licensure by endorsement pur-  
 4 suant to this section. In such a situation, a person may apply for licensure  
 5 by endorsement under this section or may apply for licensure pursuant to the  
 6 terms of the applicable licensure compact or reciprocity agreement.

7 (7) An applicant under this section is subject to the laws regulating  
 8 the person's practice in Idaho and is subject to the applicable licensing au-  
 9 thority's jurisdiction. ~~For purposes of this section, the term "licensure"~~  
 10 ~~means a license, certificate, registration, permit, or other authorization~~  
 11 ~~to practice a profession or occupation.~~

12 SECTION 5. That Section 67-9407, Idaho Code, be, and the same is hereby  
 13 repealed.

14 SECTION 6. That Chapter 94, Title 67, Idaho Code, be, and the same is  
 15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 16 ignated as Section 67-9407, Idaho Code, and to read as follows:

17 67-9407. UNIVERSAL OCCUPATIONAL AND PROFESSIONAL LICENSING PRACTICE  
 18 AUTHORITY. (1) An act is within the practice authority of a licensed profes-  
 19 sional in Idaho under the authority of the division of occupational and pro-  
 20 fessional licenses if:

21 (a) The act is consistent with and not expressly prohibited by Idaho  
 22 Code;

23 (b) The act is consistent with the individual's education, training,  
 24 and experience; and

25 (c) Performance of the act is within the accepted standard of care for  
 26 the licensed professional's profession or occupation that would be pro-  
 27 vided in the same or similar setting by a reasonable and prudent indi-  
 28 vidual with the same or similar education, training, and experience.

29 (2) Boards and commissions under the authority of the division of oc-  
 30 cupational and professional licenses shall be authorized to pursue disci-  
 31 plinary action if a licensed professional subject to licensure by such board  
 32 or commission fails to meet the standard of care provided by other similarly  
 33 licensed professionals in the same or similar settings. Any penalties re-  
 34 sulting from such acts or omissions must comply with applicable state laws  
 35 and regulations of the licensing board or commission.

36 (3) A licensing authority shall review its administrative rules and  
 37 modify or eliminate any provisions in conflict with the provisions of this  
 38 section.

39 SECTION 7. That Section 67-9408, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 67-9408. OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMIT-  
 42 TEE. (1) In order to establish oversight of occupational and professional  
 43 licensure and related issues in Idaho, there is hereby established an occu-  
 44 pational and professional licensure review committee.

45 (2) The committee shall consist of eight (8) members, with four (4) mem-  
 46 bers from the senate, one (1) of whom shall be cochair of the committee, and

1 four (4) members from the house of representatives, one (1) of whom shall be  
2 cochair of the committee. Members from the senate shall be appointed by the  
3 president pro tempore of the senate, and members from the house of represen-  
4 tatives shall be appointed by the speaker of the house of representatives.  
5 No more than three (3) members from the senate and no more than three (3)  
6 members from the house of representatives shall be from the same political  
7 party. Appointments to the committee shall be for the term of office of the  
8 member appointed. Any vacancy shall be filled in a manner consistent with  
9 the appointment procedure set forth in this subsection, except the appoint-  
10 ment shall be for the remainder of the unexpired term. A committee member may  
11 be reappointed to the committee.

12 (3) In addition to conducting sunrise and sunset reviews as set forth in  
13 this section, the committee is authorized to study and review occupational  
14 licensing and certification laws in general in order to determine, as appli-  
15 cable, how the legislature may be able to ease occupational licensing barriers  
16 while still protecting the public health and safety. The committee shall  
17 meet as often as may be necessary for the proper performance of its duties  
18 upon the call of the cochairs.

19 (4) ~~Beginning January 1, 2021, the~~ The committee shall conduct a sun-  
20 rise review upon request that a lawful profession or occupational group that  
21 is not licensed become licensed. For purposes of this section, a profession  
22 or occupation becoming "licensed" means adding a requirement that a person  
23 must hold a license, certificate, registration, permit, or other authoriza-  
24 tion issued by a licensing authority to engage in such profession or occupa-  
25 tion. Sunrise review by the committee shall be required prior to the intro-  
26 duction of any proposed legislation that a lawful profession or occupational  
27 group that is not licensed become licensed; provided, however, that a ger-  
28 mane committee of the legislature later considering such proposed legisla-  
29 tion shall not be bound by the recommendation of the committee. The sunrise  
30 review process shall be as follows:

31 (a) The legislative services office shall prepare and publish an appli-  
32 cation form to be approved by the committee and used for the sunrise re-  
33 view process.

34 (b) A requestor shall, prior to the introduction of any proposed leg-  
35 islation, submit the application for sunrise review to the legislative  
36 services office. The application shall be submitted by May 1 for review  
37 and processing prior to the next regular legislative session.

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

41 (i) The requestor's identity and relationship to the profession  
42 or occupational group;

43 (ii) Why licensing or other regulation of the profession or occu-  
44 pation is necessary to protect against present, recognizable, and  
45 sufficient harm to the health, safety, or welfare of the public to  
46 warrant the regulation proposed;

47 (iii) Why the proposed licensing or other regulation is the least  
48 restrictive regulation necessary to protect against present, rec-  
49 ognizable, and sufficient harm to the health, safety, or welfare  
50 of the public to warrant the regulation proposed;

1 (iv) Why the public cannot be effectively protected by other  
2 means;

3 (v) Whether the overall cost-effectiveness and economic impact  
4 of the proposed regulation, including the direct and indirect  
5 costs to consumers, will be outweighed by the benefits of the pro-  
6 posed licensing or other regulation;

7 (vi) Whether the proposed licensing or other regulation will have  
8 an unreasonably negative effect on job creation, job retention, or  
9 wages in the state or will place unreasonable restrictions on the  
10 ability of individuals who seek to practice or who are practicing a  
11 given profession or occupation to continue to practice or to find  
12 employment; and

13 (vii) How the license will comply with the provisions of this chap-  
14 ter; and

15 ~~(vii)~~ (viii) Any other relevant information.

16 (d) With respect to an application timely received by the legislative  
17 services office by May 1:

18 (i) By August 1, the legislative services office shall submit a  
19 report with factual analysis to the committee and the applicant.  
20 Such report shall be made available to the public. Such report  
21 shall verify the contents of an application and submitted informa-  
22 tion and address any other related factual matters, but shall not  
23 contain a recommendation.

24 (ii) By October 1, the committee shall review such application and  
25 submitted information and the associated report prepared by the  
26 legislative services office, along with any other relevant infor-  
27 mation, and hold a meeting to consider such application.

28 (iii) By November 1, the committee shall prepare a written rec-  
29 ommendation as to whether a requested occupation or profession  
30 should be licensed in the manner set forth in the application and  
31 shall deliver such recommendation to the president pro tempore  
32 of the senate and the speaker of the house of representatives for  
33 subsequent delivery to the appropriate germane committee chair-  
34 persons. Such written recommendation may include nonmandatory  
35 suggestions as to how the application, including the proposed  
36 legislation, may be improved. An applicant receiving such sugges-  
37 tions shall be encouraged to follow the recommended suggestions  
38 of the committee before offering the legislation for introduction  
39 during the next legislative session.

40 (5) The committee shall develop a process to conduct a sunset review of  
41 licensing authorities on a rotating basis. Review of a licensing authority  
42 shall include review of the existing laws and regulations related to a li-  
43 censing authority.

44 (a) The sunset review process established by this subsection shall be  
45 conducted as follows:

46 (i) Licensing authorities shall be divided into groups to be de-  
47 termined by the committee;

48 (ii) After developing the sunset review process, the committee  
49 shall endeavor to review at least one (1) group each year, depend-  
50 ing on the priorities and workload of the committee;



1 (iii) Each licensing authority shall be reviewed at least every  
2 ten (10) years;

3 (iv) A licensing authority may be reviewed out of order if the gov-  
4 ernor or a member of the legislature makes a written request to the  
5 committee and the cochairs of the committee approve such request;  
6 and

7 (v) Each licensing authority under review shall submit informa-  
8 tion to the committee to facilitate the committee's evaluation of  
9 the factors set forth in paragraph (d) of this subsection.

10 (b) After all groups have been reviewed once, the committee shall con-  
11 tinue to review the groups as described in this subsection and according  
12 to the priorities and workload of the committee.

13 (c) The review process shall include an opportunity for stakeholder  
14 participation, in such manner as determined by the committee.

15 (d) Upon completion of the review process established in this section,  
16 the committee shall issue a report regarding its findings. The report  
17 shall include the committee's findings as to whether, with respect to  
18 each licensing authority under consideration:

19 (i) The existing licensing or other regulation is necessary to  
20 protect against present, recognizable, and sufficient harm to the  
21 health, safety, or welfare of the public to warrant the regula-  
22 tion;

23 (ii) The existing licensing or other regulation is the least re-  
24 strictive regulation necessary to protect against present, recog-  
25 nizable, and sufficient harm to the health, safety, or welfare of  
26 the public to warrant the regulation proposed;

27 (iii) The public can be effectively protected by other means;

28 (iv) The overall cost-effectiveness and economic impact of the  
29 existing licensing or other regulation of the profession or occu-  
30 pation, including the direct and indirect costs to consumers, is  
31 outweighed by the benefits of the licensing or other regulation;

32 (v) The existing licensing or other regulation has had an unrea-  
33 sonably negative effect on job creation, job retention, or wages  
34 in the state or has placed unreasonable restrictions on the abil-  
35 ity of individuals who seek to practice or who are practicing a  
36 given profession or occupation to continue to practice or to find  
37 employment; and

38 (vi) Other relevant information should be considered.

39 (e) Based on the committee's findings with respect to the factors pro-  
40 vided in paragraph (d) of this subsection with respect to each licensing  
41 authority under review, the committee's report shall include a recom-  
42 mendation as to whether:

43 (i) The existing licensing or other regulation should be re-  
44 pealed;

45 (ii) The existing licensing or other regulation should be amended  
46 to reduce barriers to licensure;

47 (iii) Other legislative reforms are recommended; or

48 (iv) No legislative reforms are recommended.

1 (f) The committee is authorized to draft legislation regarding recom-  
2 mended legislative actions, if any, and may attach such draft legisla-  
3 tion to its report.

4 (g) Upon completion of the review process established in this section,  
5 the committee shall deliver its report, along with any related draft  
6 legislation, to the president pro tempore of the senate and the speaker  
7 of the house of representatives for subsequent delivery to the appro-  
8 priate germane committee chairs.

9 (h) A germane committee of the legislature shall not be bound by a rec-  
10 ommendation of the committee.

11 SECTION 8. That Section 67-9409, Idaho Code, be, and the same is hereby  
12 amended to read as follows:

13 67-9409. UNIVERSAL LICENSURE. (1) A licensing authority shall estab-  
14 lish a procedure for the issuance of licensure to a person who:

15 (a) Possesses current, valid, and unrestricted licensure in another  
16 state, district, or territory of the United States; and

17 (b) Demonstrates competency in the profession or occupation through  
18 methods determined by the licensing board or commission.

19 (2) Each applicant for universal licensure under this section must ap-  
20 ply to the applicable licensing authority for relevant licensure. An appli-  
21 cant under this section shall be subject to the laws regulating the person's  
22 practice in Idaho and is subject to the applicable licensing authority's ju-  
23 risdiction. ~~For purposes of this section, the term "licensure" means a li-~~  
24 ~~cence, certificate, registration, permit, or other authorization to prac-~~  
25 ~~tice a profession or occupation.~~

26 (3) To determine whether an applicant for universal licensure who  
27 possesses the licensure requirements established in subsection (1) of this  
28 section is otherwise qualified for licensure under Idaho law, a licensing  
29 authority shall require an applicant to complete an application, submit  
30 supporting materials, and undergo the same background checks as required of  
31 other applicants for licensure.

32 (4) In addition to the requirements set forth in this section, if it ad-  
33 ministers an examination as part of the application requirements, a licens-  
34 ing authority may require an applicant to take and pass all or a portion of  
35 such examination as may be necessary to demonstrate competence to practice  
36 in Idaho. A licensing authority shall not establish a jurisprudence exami-  
37 nation to demonstrate competence to practice in Idaho.

38 (5) An applicant for universal licensure shall pay the same licensing  
39 fees as required for applicants under the standard licensing process and  
40 shall be subject to all applicable requirements related to maintaining li-  
41 censure as established by the licensing authority.

42 (6) A licensing authority may, at its discretion, compare the au-  
43 thorized scope of practice in the state, or states, where the applicant  
44 currently holds licensure to the authorized scope of practice in Idaho. If  
45 such licensing authority determines that the authorized scope of practice  
46 in Idaho is broader than the scope of practice authorized in the state, or  
47 states, where the applicant currently holds licensure, such licensing au-  
48 thority may, instead of issuing a denial on the basis of the difference in  
49 scope of practice, issue a limited license to such applicant pending com-

1 pletion of the additional education, training, and any other requirements  
2 determined necessary by the licensing authority. A limited license issued  
3 under this section shall restrict the applicant's practice in Idaho to the  
4 scope of practice authorized in the state where the applicant holds prior  
5 licensure until such time that the applicant satisfies the education, train-  
6 ing, or other requirements deemed necessary by the licensing authority for a  
7 limited period of time necessary for an applicant to meet the qualifications  
8 for a full license.

9 (7) This section shall not restrict a person who is a member of a pro-  
10 fession or occupation covered by an applicable interstate licensure compact  
11 or applicable reciprocity agreement from seeking licensure pursuant to this  
12 section. In such a situation, a person may apply for universal licensure un-  
13 der this section or may apply for licensure pursuant to the terms of the ap-  
14 plicable licensure compact or reciprocity agreement. A licensing authority  
15 may promulgate applicable rules if necessary to implement the provisions of  
16 this section.

17 (8) A licensing authority shall not establish additional methods of  
18 demonstrating competency to qualify for universal licensure beyond the re-  
19 quirements to qualify under the standard licensing process.

20 SECTION 9. REPORT TO LEGISLATURE. A licensing authority shall, no later  
21 than January 1, 2025, prepare and deliver to an appropriate germane leg-  
22 islative committee information regarding the actions taken to comply with  
23 the provisions of section 67-9407, Idaho Code. Further, the licensing au-  
24 thority shall report on the profession-specific endorsement and reciprocity  
25 statutes, including proposed legislative language, that must be modified or  
26 eliminated for the licensing authority to fully comply with the provisions  
27 of sections 67-9407, 67-9409, and 67-9414, Idaho Code.

28 SECTION 10. An emergency existing therefor, which emergency is hereby  
29 declared to exist, this act shall be in full force and effect on and after  
30 July 1, 2024.