

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2019-01

LICENSING FREEDOM ACT OF 2019

WHEREAS, then acting Governor Brad Little issued Executive Order No. 2017- 06, the Licensing Freedom Act, on May 19, 2017("Licensing Freedom Act of 2017"); and

WHEREAS, the Licensing Freedom Act of 2017 initiated an unprecedented effort by executive branch agencies to systematically review applicable professional and occupational licensing laws and solicit feedback from the public. The Licensing Freedom Act was the first comprehensive review of occupational licensure in the state in more than 40 years; and

WHEREAS, under the Licensing Freedom Act of 2017, each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, was required to submit certain information to then Lieutenant Governor Little, no later than July 1, 2018, which included the following information: The timeframe in which a license is either granted or denied; Prerequisites for a license; Renewal requirements; Requirements for accepting or denying an application and license renewal; Qualifications for suspension, revocation, or other disciplinary action; The cost to apply for an application or renewal of a license; The cost for administering the licensing and renewal process; and

WHEREAS, then Lt. Governor Brad Little issued a report compiling the reports from each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency with statutory or regulatory authority to issue a license to an individual, authorizing such person to engage in a profession, vocation or occupation, summarizing the findings, and providing a comprehensive snapshot of the scope of occupational licensure in Idaho; and

WHEREAS, the Licensing Freedom Act of 2017 report found at least 442 different occupational license types, with at least 204,000 licensees in Idaho, administered by 13 executive branch agencies and 47 boards and commissions; and

WHEREAS, in reporting back to the Lt. Governor Little, agencies made 241 total recommendations for improvement, modification, or elimination of licensing requirements or other regulatory burdens; and

WHEREAS, the Licensing Freedom Act of 2017 report identified 20 universal recommendations, aimed at identifying recommendations for improvement, modification, and/or elimination of licensing requirements or other regulatory burdens, while still ensuring public protection; and

WHEREAS, the top two recommendations from the Licensing Freedom Act Report concerned establishing a sunrise review process for new proposed licenses and a sunset review process for existing licenses.

NOW, THEREFORE, I, Brad Little, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

- 1. Sunset of professional regulations. Each year, no later than March 31, the Administrator of the Division of Financial Management shall recommend to the Governor the review of no fewer than five (5) professions, vocations or occupations that are licensed by any executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including any division, bureau or self-governing agency, for the purpose of determining whether the continuation of those regulatory programs is in the public interest. Upon approval by the Governor of the requested reviews, the Division of Financial Management shall conduct such reviews as are determined by the Administrator to be appropriate. The Administrator shall report the findings of the Division of Financial Management's*

review to the Governor on or before September 30 of each year. This process shall result in the review of the licensure of each profession, occupation, or vocation at least once every four (4) years.

2. Sunrise restrictions on professional regulations. In evaluating proposals to regulate a business, profession or occupation, or to modify the regulation of a business, profession or occupation, the Governor and each executive department of the state of Idaho as set forth in section 67-2402, Idaho Code, including each division, bureau or self-governing agency, shall work with the Legislature to consider the following factors:
- a. Whether the unregulated business or practice of the profession or occupation will substantially harm or endanger the public health, safety or welfare and whether the potential for harm is recognizable, quantifiable and not remote; and
 - b. Whether the practice of the profession or occupation requires specialized skill or training and whether that skill or training is readily available and measurable or quantifiable so that examination or training requirements would reasonably assure initial and continuing professional or occupational ability; and
 - c. Whether the regulation will have an unreasonable effect on job creation or job retention in the state or will place unreasonable restrictions on the ability of individuals who seek to practice or who are practicing a given profession or occupation to continue to practice or to find employment; and
 - d. Whether the public is or can be effectively protected by other less restrictive means; and
 - e. Whether and how the occupation or profession is licensed in other states and the compatibility of the proposed regulation in Idaho with the reciprocity rules of other states; and
 - f. Whether the proposed regulation considers and addresses the unique needs of military personnel, spouses, and veterans who are members of the occupation or profession addressed; and
 - g. Whether the overall cost-effectiveness and economic impact of the proposed regulation, including the direct and indirect costs to consumers, will be outweighed by the benefits of regulation; and
 - h. Whether the proposed regulation is the least restrictive effective regulatory framework capable of adequately protecting the public.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 31st day of January, in the year of our Lord two thousand and nineteen.



BRAD LITTLE
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BRAD LITTLE
GOVERNOR

LAWRENCE DENNEY
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LAWRENCE DENNEY
SECRETARY OF STATE