

The Forum for America's Ideas

EASING BURDENS OF LICENSING: COOPERATIVE & INDEPENDENT APPROACHES

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Why ease burdens?

□ Picture representing group

□ Who are we talking about?

Cooperative

- % of population, number of people
- Gender/racial composition
- Other stats
- Of 34 occupations:
 - ▣ Examples/data
- Chart/graph/map



The Council
of State
Governments



NATIONAL CONFERENCE *of* STATE LEGISLATURES

Independent Approaches

- Sunrise/Sunset procedures
 - ▣ Data-driven decisions
- Streamline
 - ▣ Centralize and digitize
- Altering requirements
 - ▣ Lower, exempt, delicense

Sunrise/Sunset: Theory and Mechanics

- At the federal level, regulatory bodies have been required by every President since Jimmy Carter to review the cost and benefits of regulatory alternatives before issuing rules
 - ▣ Also required in many states, for licensing and other rulemaking
- Ex-ante or “lookback” regulatory impact analysis can help to improve enforcement, expand opportunity for public input, and reduce mission creep
- Executors of these reviews can vary
 - ▣ Independent agency or commission, self-review, legislative body

Sunrise/Sunset: In Practice

Washington Sunrise Act of 1986

- <http://www.dol.wa.gov/about/sunrise.html>

Texas Sunset Act of 1977

- <http://www.lib.utexas.edu/taro/tslac/40063/tsl-40063.html>

Streamlining: Theory and Mechanics

- Reducing time burden while maintaining same regulatory requirements
 - ▣ Moving systems online, “one stop” licensing, intrastate reciprocity
- Most streamlining activity can be done administratively
- Centralization of licensing is exception and generally requires legislation

Streamlining: In Practice

Maryland SB 262 - 2017

- <https://legiscan.com/MD/bill/SB262/2017>

Kansas Board of Pharmacy - eLicensing

- <https://pharmacy.ks.gov/licensing-registration/license-renewal>

Altering Requirements: Theory and Mechanics

- Following Sunrise/Sunset review, existing requirements may be found to exceed necessary levels to achieve policy goals
 - ▣ Changing demographics, technology
- Alternative mechanisms for demonstrating qualifications to the state may arise or become newly recognized
 - ▣ Military training, virtual classrooms, lateral recognition
- Occupations and professions found to put the public at limited risk relative to the labor market burden of licensing can be delicensed
 - ▣ State certification or consolidation

Altering Requirements: In Practice

Ohio HB 189 - 2017

- <https://www.legislature.ohio.gov/download?key=7045&format=pdf>

Nebraska LB 140e - 2017

- <https://governor.nebraska.gov/press/gov-ricketts-signs-first-occupational-licensing-reforms>

Limitations and challenges of independent reforms

- ❑ Personnel and budget constraints
- ❑ May not address interstate mobility
 - ▣ May undermine interstate agreements
- ❑ Political considerations

Questions?

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