



Wisconsin Legislative Council Study Committee on Occupational Licenses August 2, 2022

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Agenda



Overview



Occupational
Licensing Trends



Consortium
Lessons Learned



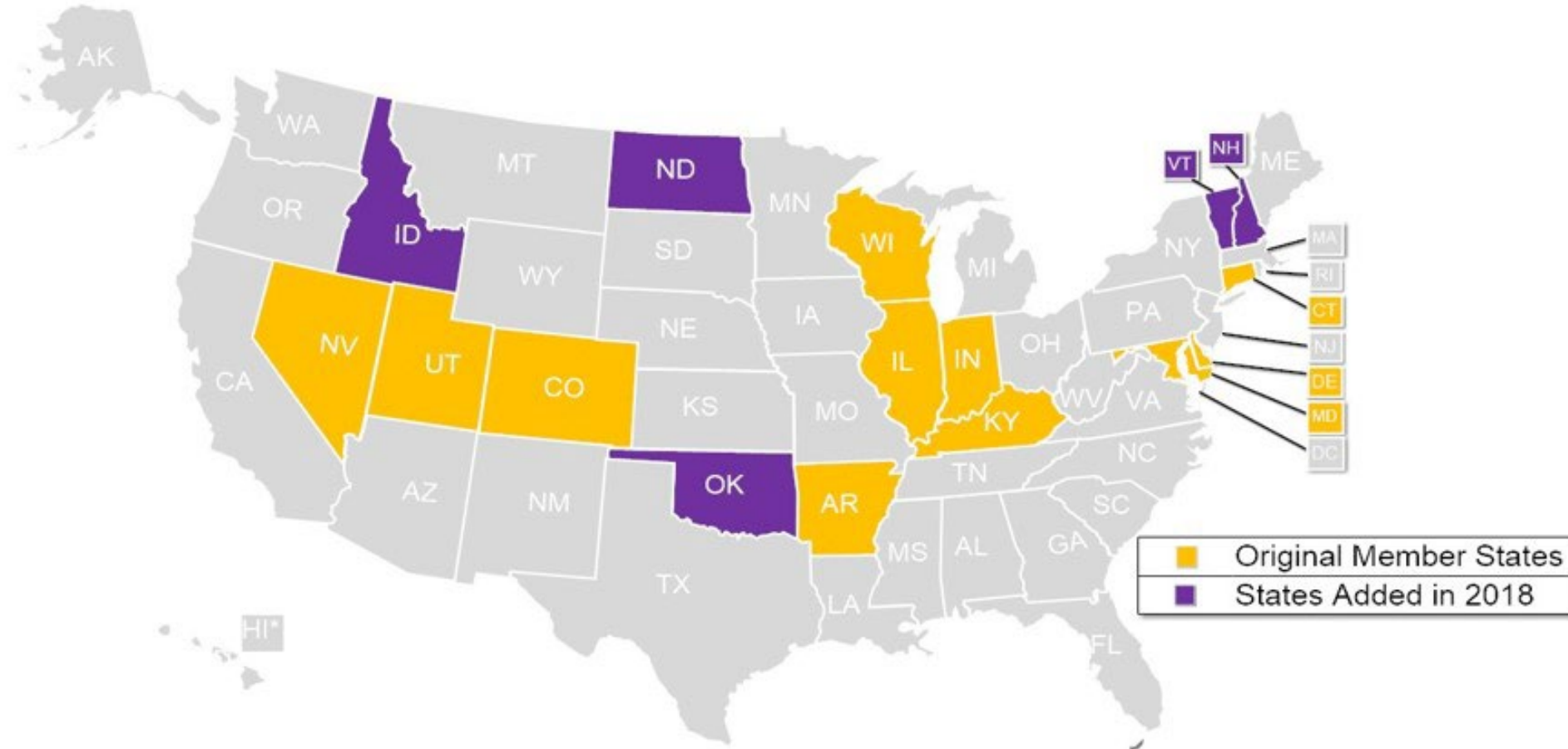
Sunrise & Sunset
Processes



OCCUPATIONAL LICENSING

ASSESSING STATE POLICY AND PRACTICE

Occupational Licensing Learning Consortium



OCCUPATIONAL LICENSING FINAL REPORT

Assessing State Policies and Practices

Project Overview and Lessons Learned from
the Occupational Licensing Learning Consortium



Final Report Takeaways

Trends in the States

- Legislation and Rate of Enactment
- Population Groups
- Executive Actions
- Licensure Portability

Lessons Learned

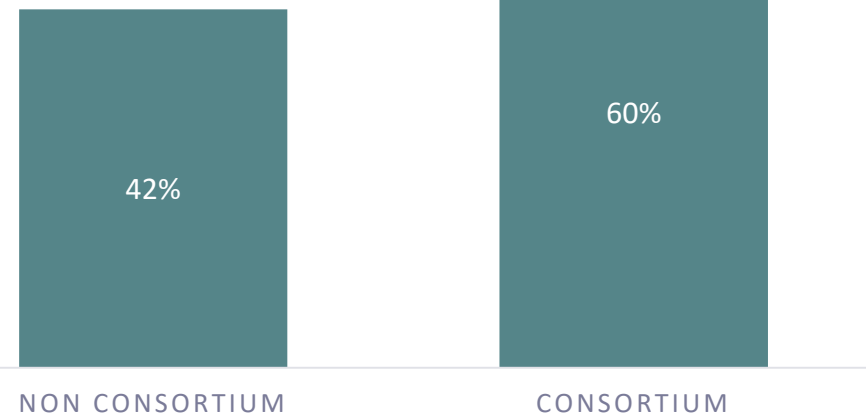
- **Importance of Messaging**
- **Stakeholder Engagement**
- Importance of Third-Party Facilitator
- Peer-to-Peer Learning
- State Technical Assistance
- **Sunrise and Sunset Processes**
- **Institutionalizing Efforts**
- **Focus on Targeted Occupations**
- **Efforts for Population Groups**

Licensing Trends

Legislative Bills

- Increasing fees/requirements
- Decreasing fees/requirements
- Portability
- New license creation
- Population groups

ENACTMENT RATE OF LICENSING BILLS





Licensing Portability

States possess several policy options to improve licensure portability.

- Licensure by endorsement
- Reciprocity agreements
- Expedited and temporary licensure
- Interstate compacts
- Universal Licensure/Recognition
 - Newer trend in the licensing space
 - Essentially licensure recognition laws, allowing states to recognize one another's credentials.
 - Process is not automatic.

Pandemic Response

State Actions in 2020 - 2022



Increasing
reciprocity

Using
temporary &
emergency
licensure



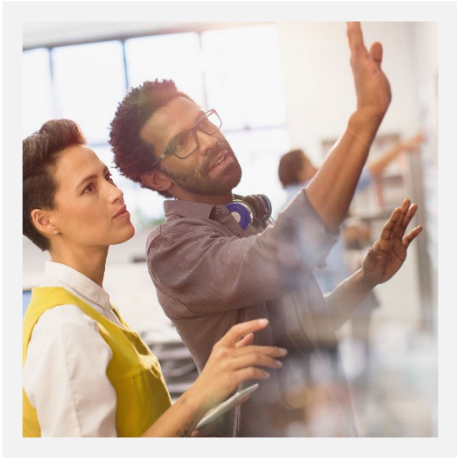
Waiving
continuing
education
requirements

Calling on
recently retired
and student
professionals



Lessons Learned

What the Consortium States and Partners Learned



Importance of Messaging



Stakeholder Engagement



Institutionalizing the State
Efforts



Targeted Occupations



Targeted Population
Groups



Sunset Processes in States

- Periodic reviews or audits of a state board, commission, agency or regulation created by legislation.
- Allows legislators to periodically evaluate government functions.
- Specifically applied to occupational licensing, sunset reviews often result in modifying licensing requirements and boards or, in some cases, eliminating (or “sunsetting”) them entirely.

Sunset: A Brief History

1970s-1980s: Gained traction in many states as a tool to review all actions of state government.

1990: States start repealing sunset laws in favor of broader “program evaluation” processes.

2020s: 3 states have recently implemented new sunset processes; at least 8 states have considered legislation.

1980s: 36 states had passed legislation to create a sunrise or sunset review process.

2010s: States start to reexamine the value of sunset processes, particularly as they apply to occupational licensing.

Major Considerations

For New Sunset Process

Where is the Process Housed?

- Who is responsible for what?
- Opportunity for cross-branch collaboration.

What are the Resources Available?

- Staff?
- Resources?
- Partnerships with other government entities or private organizations.

What Approach is Being Used?

- Impacts what is being reviewed, structure of review may need to change based on approach.

What Approach is Being Used, cont.?

- Comprehensive
- Regulatory
- Selective
- Discretionary

State Examples

Small Staff & Legislatively Driven

- Arkansas
- New Mexico
- Nevada

Large Staff & Legislatively Driven

- Washington

Cross Branch Process

- Texas (Large staff)
- Colorado (Small staff)

Arkansas: Small staff, legislature driven

Enabling Legislation

- 2019 – Act 600
- Created systemic process for reviewing licensing entities over the course of a six-year cycle.
- Review type: Regulatory

Responsible for Process

- Created the Occupational Licensing Review Subcommittee.
- Housed in the Arkansas Legislative Council, staff from the Bureau of Legislative Research (BLR) responsible for research, presenting reports to the subcommittee and other housekeeping items related to reviews.

Resources and Staff

- BLR, which staffs Arkansas' legislative committees, did not hire any new staff specifically to support the subcommittee.
- Typically, about four staff working to share responsibilities.
- One committee analyst, one administrative assistant and two committee lawyers.

Washington: Large staff, legislature driven

Enabling Legislation

- 1977 – Washington Sunset Act
- Provided the legislature with the authority to request sunset reviews on an as-needed basis.
- Review type: Discretionary

Responsible for Process

- Housed exclusively in the JLARC. The committee is made up of an equal number of House and Senate members, Democrats and Republicans.
- Committee members review the reports created by staff and make ultimate recommendations to the full legislature.

Resources and Staff

- JLARC has a robust staff totaling 24 who share responsibilities for performance audits, program evaluations, sunset reviews and other analyses. Staff members include auditors, policy analysts, data analysts and an administrative assistant.
- Sunset-related responsibilities are spread among the staff.

Texas: Large staff, cross-branch process

Enabling Legislation

- 1977 – Texas Sunset Act
- Established the process for reviewing an average of 22 entities every two years, allows the legislature to set the sunset schedule in law and review every legislative session.
- Review type: Selective

Responsible for Process

- The Commission is an independent state oversight body with cross-branch collaboration.
- Voting body is the Legislative Sunset Commission, which consists of five senators, five representatives and two members of the public appointed by the lieutenant governor.

Resources and Staff

- The Sunset Commission employs an executive director as well as about 30 staff to conduct the reviews.
- Funded by legislative appropriation each session.



Sunrise Processes in States

- Occurs on the legislative process's front-end before codifying any new rules or requirements in statute.
- Explore whether there is a need to regulate a currently unregulated occupation or entity.
- Historically been less common than sunset reviews, with fewer states having such a process. Currently aware of 15 states with them in process.

Key Components to Consider

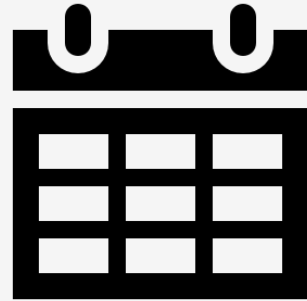
When creating a sunrise process



Where will the process be housed?



What will the review criteria be?



What is the timeline?



What will the report look like?



What will the reporting process and voting look like?

Where will it be housed?

Legislative Branch

- Legislative committee or auditing office
- Idaho's Occupational and Professional Licensure Review Interim Committee

Executive Branch

- Housed in agency or department
- Vermont's Office of Professional Regulation

Independent State Office

- Office not considered part of executive branch
- Hawaii's Office of the Auditor

Determining Criteria and Timeline

General Questions

- Is the public currently being harmed by unregulated practice?
- Can that harm be measured or demonstrated?
- If the occupation were regulated, would the public see benefits in terms of health and safety?

Timeline

- Can vary by state
- Ranges from roughly six months to a year for the review
- Varies based on requestor (individual, groups, legislators)

The Report

- Determine what the required components of the report are, including cost and benefits and fiscal impact to the state
- Often include state comparisons

Reporting Process and Voting

- Committee or subcommittee?
- Germane committee or other?
- Then on to full legislative process
- What happens if the committee denies the request?

Additional Resources

- Council on Licensure Enforcement and Regulation (CLEAR), [“Sunrise, Sunset and State Agency Audits”](#)
- Mercatus Center [“Sunset Legislation in the States: Balancing the Legislature and the Executive”](#)
- Council of State Governments, [“Sunrise Review Processes by State”](#)
- New NCSL report coming soon...





Questions?

Thank you!

Reach out anytime!

Contact Info

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