

(Draft – Awaiting Formal Approval)

**MINUTES OF THE
OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE**
Thursday, October 22, 2015 – 9:00 a.m. – Room 20 House Building

Members Present:

Sen. Todd Weiler, Cochair
Rep. Brian M. Greene, Cochair
Sen. Wayne A. Harper
Sen. Karen Mayne
Rep. Susan Duckworth
Rep. Jon E. Stanard
Mr. Duane Gardner
Ms. Heather Johnston
Mr. Merlin Taylor

Staff Present:

Mr. Joseph T. Wade, Policy Analyst
Mr. Peter Asplund, Associate General Counsel
Ms. Tracey Fredman, Legislative Assistant

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Greene called the meeting to order at 9:08 a.m.

MOTION: Sen. Weiler moved to approve the minutes of the September 4, 2015, meeting. The motion passed unanimously.

2. Sunrise Application Document

Mr. Wade distributed a packet of materials, which included:

- "Utah Code Section 36-23-107, Sunrise or Sunset Review Criteria";
- "Occupational and Professional Licensure Review Application";
- 1999 General Session S.B. 71, "Occupational and Professional Licensure Review Committee";
- 2003 General Session H.B. 332, "Insurance Coverage of Health Care Professionals";
- 2007 General Session H.B. 54, "Occupational and Professional Licensure Review Committee"; and
- 2013 General Session H.B. 75, "Occupational and Professional Licensing Amendments."

Mr. Wade explained that the sunrise application for an occupation that wants to obtain state licensure includes questions to meet the criteria set forth in Utah Code Section 36-23-107. Mr. Wade indicated that he has been working on updating the application so it will reflect current statute requirements and identified several questions for the committee's consideration.

Committee discussion followed concerning potential clarifications to the application. Sen. Harper encouraged Mr. Wade to continue working on updating the application and to present it to the committee in a future meeting.

MOTION: Chair Greene moved that the committee adopt the modified application with the understanding that the application is a work in process. The motion passed unanimously.

3. Scope of the Committee

Mr. Asplund distributed draft legislation "Occupational and Professional Licensure Review Committee Amendments" (2016FL-0548/004). He discussed provisions in the legislation that would make substantive changes to the Occupational and Professional Licensure Review Committee Act.

Committee discussion followed regarding how the committee could identify licenses for potential sunset review. Chair Greene asked staff for a list of regulated professions for consideration of this issue during the next interim.

Mr. Gardner distributed a Deseret News article dated Sunday, September 6, 2015, "We're Licensing our Way into Unemployment."

MOTION: Mr. Gardner moved to recommend draft legislation "Occupational and Professional Licensure Review Committee Amendments" as a committee bill. The motion passed unanimously.

Rep. Stanard agreed to sponsor the legislation. Sen. Harper said he would sponsor the bill in the Senate.

4. Potential Sunrise Applications

Chair Greene noted that an email was sent to all legislators requesting information about any licensing matters that they were going to pursue during the next session.

Mr. Wade reported that there may be some proposed changes to existing licenses, but not proposals to newly license an occupation or profession except interior design.

5. Three Tiers of Licensing

Mr. Asplund distributed "Possible Options for Regulating the Practice of an Occupation or Profession" and "The Occupational Licensing Relief and Job Creation Act, American Legislative Exchange Council." He indicated that the information on the handouts provides definitions of the three tiers of licensing that the committee has been discussing during the past year.

Chair Greene explained that the three tiers comprises a framework that the committee may use when considering new applications for licensure.

The committee discussed whether the three tiers should be defined in statute.

Mr. Asplund noted that it is difficult to define terms that are not found anywhere else in code.

Chair Greene encouraged Rep. Stanard and Sen. Harper to work on definitions to be added to draft legislation "Occupational and Professional Licensure Review Committee Amendments," which was discussed earlier in the meeting.

Chair Greene stated that the committee should wait until the three tiers of licensing are defined before adopting a committee rule.

6. Annual Report

Mr. Wade distributed "Annual Report" and referred committee members to Utah Code Section 36-23-106, which was included in the handout, as he discussed the required contents of the annual report, and responded to committee members' questions.

No action was taken on this item.

7. Future Meetings

The next meeting was tentatively scheduled for Tuesday, November 17, 2015, at 1:00 p.m.

8. Other Items / Adjourn

MOTION: Sen. Weiler moved to adjourn the meeting. The motion passed unanimously. Sen. Harper was absent for the vote.

Chair Greene adjourned the meeting at 11:11 a.m.