Legislation recently introduced in Wisconsin could change the way the state studies proposed occupational licensing regulations. Sponsored by Senator Chris Kapenga and Representative Rob Hutton, Senate Bill 541 calls for the establishment of a sunrise review process that would formally require certain information to be collected and analyzed during the legislative process.

Specifically, SB 541 proposes that the sunrise reviews evaluate the following:

- The risk to public health, safety, and welfare;
- Public benefit gained from the requirement for the license;
- The least restrictive regulation available that will effectively protect the public;
- Licensure requirements for that occupation in other states;
- Number of individuals or businesses that would be affected by the requirement.

The legislation serves as another example of how states are taking steps to refine their occupational licensing policy processes. While it is well known by states that occupational licensure can serve as an effective means to protect public health and safety and ensure consumer confidence in a profession, there is wide discretion that can be taken during the policy making process. This can include decisions regarding the form of licensure to implement and its related requirements. With these decisions, there are many factors a state can take into account, including relevant data on instances of harm, existing protections, other states’ licensing practices, and employment numbers and trends.

Sunrise reviews are a type of policy tool designed to address these questions. The reviews are conducted when there is a proposal to either create new or substantially change occupational licensing regulations. While some of the information typically included in a sunrise review could be identified during the legislative process, some states see these reviews as a way to ensure consistency in the information collected and studied. Further, the reviews can be used as a formal way to consider a proposal against a state’s defined criteria for licensing.

Arizona, Colorado, Georgia, Florida, Hawai‘i, Maine, Minnesota, Nebraska, Ohio, Vermont, Virginia, Washington and West Virginia are the states currently with active sunrise review provisions. Though these states may prescribe different processes and requirements for the sunset reviews, there are common elements to their design including descriptions of the review’s contents and the timeline and process for completion.

With SB 541, Wisconsin is considering becoming one of these states. At a recent public hearing hosted by the Wisconsin Senate Committee on Public Benefits, Licensure, and State-Federal Relations, Sen. Kapenga, who also chairs the committee, and Rep. Hutton presented the bill.

“If somebody comes forward from a profession and wants to create a new type of license, we want to make sure we go through a standard process to identify the lowest form of licensure that would still
address public safety risks,” said Sen. Kapenga on the bill.

Numerous other organizations were present at the hearing to provide comment - including The Council of State Governments, which profiled the different state sunrise review structures.

With the Wisconsin legislature convening throughout the year, further deliberations on the proposed bill will serve as additional examples of how states are considering processes like sunrise reviews.

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