

Minutes of the
Occupational Licensing Reform (OLR) Workgroup
Friday, January 21, 2022, 9:00 a.m. – 11:00 a.m.
TEAMS Conference Call

Members present: Katie Ralston, Senator Burckhard, Representative Cynthia Schreiber-Beck, Senator Judy Lee, Senator Kristin Roers, Major Jay Sheldon, Adam Martin, Jace Beehler, Phil Davis
Members absent: Rick Gardner, Matt Gardner, Dirk Wilke

Welcome and Introductions

Katie Ralston opened the meeting at 9:00 a.m., welcoming members back together from the last meeting that was held September 2020 via the Microsoft TEAMS video conferencing platform.

MISSION/ACOMPLISHMENT/BACKGROUND TO OLR
Katie Ralston Howe

MISSION: Remove unnecessary barriers to employment while preserving the health and safety of North Dakotans and promoting competition.

ACCOMPLISHMENT:

- The workgroup will study North Dakota’s schema for occupational licensing to develop a thorough understanding of licensing in our state.
- Discover best practices
- Engage licensing boards and commissions.
- Identify the best path for reform.

WORKGROUP MEMBERS:

- Legislators
 - Cross functional group of Representatives – those affected by ND’s occupational licensing framework
- Business Community
- Representatives of Populations with Barriers
 - Criminal backgrounds
 - Military
 - Workforce reentry populations

RECAP OF PREVIOUS WORK AND WDC RECOMMENDATIONS

- Partnership with Council of State Governments (CSG)
- National Council of State Legislatures (NCSL)
- Presentations by subject matter experts
- Listening sessions with boards.
- Council on Licensure, Enforcement and Regulation (CLEAR) Research

CLEAR REPORT FINDINGS

- “ND’s regulatory system is well positioned for enhancements to maximize reciprocity.”
- ND’s average rate to receive an occupational license is 17days.
 - What is the most extreme response from shortest to longest time to receive a license?
 - 👉 Katie will find the data and respond to the question
- Licensure application/processing time is reasonable
 - Delegated authority
 - 30% designate a board member
 - 61% empower a staff member to approve routine applications

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- Reciprocity
 - 41% of boards have informal policies to expedite out of state applications
- ND belongs to five of the six Interstate Compacts
 - Teachers, Physicians, Nurses, Physical Therapists, Emergency Medical Services
- Licensure Environment for Military Spouses
 - Survey measured limited utilization of SB 2306
 - This may reflect a heightened awareness created by SB 2306, and/or could reflect existing efficiencies.
- Opportunities for Reform
 - Criminal convictions/good moral character requirements
 - Universal recognition (geographic mobility)

WDC RECOMMENDATIONS – 13 RECOMMENDATIONS were reported last legislative session, that included **4 occupational licensing recommendations:**

1. Remove vague or generic terms such as “moral turpitude” and “good character.”
2. Establish and make public criminal convictions that will disqualify an applicant from obtaining a license.
3. Establish an ongoing system for data collection
4. Define who qualifies as a military spouse or dependent, including military personnel under provisions of military spouse reciprocity bill.

LEGISLATIVE PROCESS

FAILED:

- HB 1166 – Occupational licensing of foreign practitioners who are residents of the state.
 - Bill didn't consider the work that was conducted.
- SB 2266 – Review occupational and professional laws and rules to update outdated references to good character
 - Didn't pass the House, leaving some boards to take it upon themselves to update their outdated references.

Questions asked:

- How does the moral/good character clause compare to other states?
- Should the moral/good character clause be considered with Law Enforcement and high demands jobs, e.g. teachers, nurses.
- What board professions does ND require to be licensed, that other states don't require licensing.
 - Katie mentioned the NCSL. She will follow up for the next meeting.
 - CSG offers technical assistance in this area. An ask for a presentation to the group to speak on other states uses of these clauses could be possible.

PASSED:

- SB 2175 (SB 2306 clean up) – Extend expedited application procession and/or provisional/temporary license to military members.
- Clarify definition of “military spouse or dependent”
- Commerce to collect an annual report regarding military member and military spouse data, and a report on the status and outcome of each board's review of its laws and rules by August 2022.

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DEPARTMENT OF DEFENSE TOP 10 AND SCORECARD

Top 10

Major Jay Sheldon provided weblinks that provide top 10 information relative to Compacts.

[North Dakota Military Legislation & Policies | Military State Policy \(militaryonesource.mil\)](#)

- ND has 4 of 8 licensing compacts with continuing to add more and spouse licensure to end, with going to compacts only. There is no state that has 8 out of the 8 compacts.

[Microsoft Word - MSLP report 15Aug2021.docx \(psu.edu\)](#)

- Page 108, ND scores well, but reference to Cosmetology is not being credited for.
- To be considered in the green category – scoring is based on accessibility to a centralized site for accessibility to information. ND does not have one central agency that oversees all boards.

[AF Support of Military Families Program Overview Slick Sheet Rd4.ai](#)

- Explanation of how Military grading

[External CASH single map file v4.2.pdf \(af.mil\)](#)

- Scorecard map

Scorecard

Major Jay Sheldon shared web links that are showing some discrepancies on Scorecards in the communities of Cavalier, Fargo, Grand Forks, and Fargo. Military families use these scorecards as strategic decisions when moving families. These cards report data on public education, licensure portability, data of geography, and additional information. Major Sheldon admits that ND is not getting the credit for what is being done, and therefore, he has been in communication with the owners of the sites, trying to ensure ND does get the credit.

The scorecards were started in 2018, the secretaries of the army, air force and navy wanted to take quality of life seriously and signed a document to take education seriously. Airman from out of the state, look at the cards that provide the web links to military families on their military websites.

Major Sheldon mentioned the legislative strategic review that will happen later in March. In late April, letters will be sent to the subcommittee members talking about presentations that will be held by the Military Affair committee. Legislative engagements will happen in the fall timeframe for reengagement prior to Legislative Session.

OTHER Phil Davis

Unemployment

- Back to pre-pandemic levels, unemployment is 2-2.5% across the state.
- Job openings are at 17-18,000 on the Jobs ND website.
- More hiring in the Williston Bakken area, regarding truck drivers.
- Healthcare continues to be the number one needed occupation in the state.
- Spring Job Fairs to happen in the Dickins, Bismarck, Fargo, Grand Forks, Williston, Minot and the three smaller job service sites.
- Wahpeton to have a Spring job fair.
- The targeting of out of state job seekers will be done by a Virtual Job Fair on May 19th.

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NEXT STEP

- Looking at the four compacts that ND hasn't joined and having conversations with certain boards.
- Universal Recognition to be addressed.
- The Council on State Government (CSG) – learn more about moral character clause and how it affects other states.
- Katie will resent the CLEAR Report to subcommittee members as a review.

NEXT MEETING/ADJOURN

It was discussed to set a reoccurring meeting during the winter months for the third Friday of each month. Sherri will send out a reoccurring meeting invite for the winter months for now. Summer months will be moved to a different day.

Meeting was unanimously adjourned at 11:00 a.m.