

PCC Member Strategy Call
April 10, 2019
Meeting Minutes

1. Welcome (Denise Roosendaal and Mary Kate Cunningham – PCC Steering Committee)
 - a. Thanks to members for continuing participation.
 - b. Looking forward to receiving members’ input regarding advocacy actions taken so far.
2. Membership
 - a. The PCC currently has 115 members. Several new members have joined since the last member call in March.
 - b. Outstanding Invoices: The PCC is still awaiting payment for fiscal year 2019 from several members. Members with outstanding dues will receive emails from the PCC over the coming days.
 - c. PR Update: *Associations Now* published an article several weeks ago regarding certification, including a sidebar referencing the PCC and our work in Ohio and other activities. The article does a good job spreading the word regarding our work and the progress we have made as a coalition.
 - i. In addition to the articles the PCC circulated, we included a link to a Twitter thread highlighting an investigation that *USA Today* and the *Arizona Republic* conducted regarding the influence of model legislation introduced by interest groups. It examines some of the strategies and tactics these influential (and effective) groups use to promote their ideology via model legislation and underscores the importance of the PCC and members continuing to pair our state advocacy efforts with outreach to these stakeholder groups.
3. Strategic Discussion – State Legislation
 - a. PA HB 811
 - i. Most dangerous bill.
 - ii. It has bipartisan support from 18 GOP and Democratic sponsors.
 - iii. The bill is poorly drafted, and no reading of its ambiguous provisions is favorable. Under one reading, it would dictate the substantive and procedural provisions of the ethics codes of private certification organizations operating in Pennsylvania. On the other hand, if the bill is interpreted to exclude private certification organizations from the definition of a “licensing and certifying body,” it would prohibit the use of the title “certified” by individuals holding private certifications.
 - iv. Advocacy Actions: Members are encouraged to send communications using the suggested legislative language identified in the Watchlist or to simply

forward the PCC's letter on the bill (posted on the PCC website with a cover email) to relevant state legislators and to urge their stakeholders in Pennsylvania to contact legislators about the problems with the bill.

b. Missouri

- i. We have learned that Missouri S.B. 500, a troublesome “consumer choice” bill that would permit unlicensed individuals to practice a profession so long as they disclose their unlicensed status, will not be pursued further during the 2019 legislative session by its sponsor. It is possible, however, that the bill will be considered next year.
- ii. Other MO legislation: we are monitoring and seeking changes to several other pending MO bills related to occupational licensing reform. We also seek to use them as vehicles to amend two laws passed last year (prior to the PCC's formation) that would permit the state to establish certifications that could compete with private certifications.
- iii. The PCC's contract lobbying firm, Husch Blackwell, has been in frequent contact with the bill sponsors, committee chairs, and legislative leadership to advocate for our proposed changes. Given the numerous issues we are encountering in MO, we have retained Husch Blackwell for both 2019 and 2020.

c. Other significant legislation: The PCC has identified for members several other high priority bills, including bills in WA, IA, MI, and other jurisdictions. We have written letters to the sponsors of each of those bills addressing our concerns, and those letters can be found on the “For Members” portion of the PCC website. As outlined in our email, PCC members should feel free to use our letters as a model for their own outreach to legislators or may simply attach the PCC letter to a communication to legislators. Members are requested to inform the PCC if they engage in outreach related to any of these bills.

d. Inactive legislation: A number of bills are no longer active because state legislative deadlines have passed without the bill advancing. We have included key deadlines in the first column of the Watchlist.

4. Strategic Discussion – Federal Legislation

- a. As state legislative sessions wind down, the PCC sees an opportunity to increase our monitoring and potential advocacy activity on the federal level. There have been two companion bills introduced, one in the U.S. House of Representatives (introduced by Rep. Bonnie Watson Coleman) and one in the Senate (introduced by Sen. Cory Booker) that aim to provide the “next step” in comprehensive criminal justice reform, following passage of last year's landmark criminal justice reform legislation. Additionally, Sen. Amy Klobuchar (D-MN) has introduced a bill that would permit individuals to use funds in tax-advantaged 529 college savings plans to pay for

- expenses associated with obtaining a postsecondary credential or occupational license.
- b. Title VIII of the Watson Coleman/Booker bill is named the Fair Chance Licensing Act. That Title places limitations on licensing or “occupational certification” authorities with respect to restricting individuals’ ability to obtain a license/certification if they have a criminal conviction history.
 - i. Our concern: Are these bills intended to regulate private occupational certification organizations?
 - a. There is significant legal precedent to suggest that courts should defer to certification bodies with respect to their ethical and performance standards.
 - b. That deference has limits, however, if a certification organization’s decision is unlawful (e.g., discriminatory). It is unclear whether this bill seeks to expand to private certifications the kinds of restrictions on considerations of criminal history that have been enacted in the employment context.
 - c. If so, the PCC would encourage allowing private certification organizations to self-regulate in this area.
 - ii. We don’t expect this bill to become law this year given Congress’s work on criminal justice reform last year. Moreover, we expect that congressional Republicans will be wary of giving a legislative victory to Sen. Booker, who is running for the Democratic nomination for president. On the other hand, this bill could advance due to bipartisan support for expanding opportunities for ex-offenders.
 - c. Use of 529 Funds for Expenses Associated with Obtaining a Credential
 - iii. S. 379, sponsored by Sen. (and presidential candidate) Amy Klobuchar (D-MN) would allow fund in 529 college savings plan to be used for expenses associated with postsecondary credentials. The bill has not moved since introduction and its prospects remain uncertain.
 - iv. Additionally, the House Ways and Means Committee moved a comprehensive “retirement security” bill known as the SECURE Act (H.R. 1994), which contains several provisions that allow for the use of 529 funds for registered apprenticeship programs. The SECURE Act may be a potential legislative vehicle for inclusion of legislative language that is similar to the Klobuchar bill language. The PCC would seek to include language beneficial to certification organizations and certificants.

Member Question – What is the concern with criminal history bills?

- The PCC is in favor of expanding opportunity for ex-offenders. The PCC plans to develop a white paper internally for members making recommendations on best practices for ensuring that ethics codes and procedures do not disqualify individuals based on conviction histories that are not relevant to the certification. We want to

continue to allow private certification organizations to self-regulate in this area, however. In addition, we oppose enactment of laws that would allow someone whose certification is denied or revoked based on conduct that results in a criminal conviction to sue such organization for unlawful discrimination. We also oppose provisions in these bills that could block enforcement of licensure laws that condition licensure on private certification.

Please feel free to contact the PCC with any follow up questions and we will continue to keep you informed.