

Professional Certification Coalition Member Strategy Call

Thursday, January 30, 2020

12:30 p.m. EST

I. Welcome

- a. Happy new year and welcome to new members that have joined the PCC!
- b. Friendly reminder — for those paying dues in two installments, invoices covering the second installment have gone out. We appreciate your attention to this, so that the PCC can maximize its resources during the busy state legislative season.
- c. **Save the Date:** PCC Annual In-Person Meeting on **Feb. 20** (afternoon in D.C.)
 - i. Format similar to last year – we will discuss currently monitored bills and provide opportunities to network with different member organizations.
 - ii. Please RSVP by email and include who will be representing your organization.
 - iii. A dial-in number and follow-up discussion will be sent to those who cannot attend.

II. Strategic Discussions—State Legislation

- a. The current PCC 2020 Watchlist has been posted – please refer to the PCC Watchlist for complete information about the bills the PCC is monitoring.
- b. High priority bills
 - i. Pennsylvania H.B. 811/H.B. 1477/S.B. 637
 1. **S.B. 637** passed – we were very pleased and felt we could hold it up as an example for future ex-offender bills.
 - a. The bill allows ex-offenders to demonstrate sufficient rehabilitation to be eligible for licensure and established a process where a board decides whether an applicant’s criminal history disqualifies them from licensure.
 - b. However, a sister bill, H.B. 1477, passed the House and was significantly amended, negative to the PCC’s interests. We are working with lobbyist Judy

Eschberger on the ground and meeting with both houses to align the bill more with S.B. 637.

2. **H.B. 811** – We have been monitoring this bill for some time because it includes a title prohibition on the use of the term “certified.” This bill has not moved, but it remains technically active and we want to make sure that language is not incorporated into other bills.

ii. Missouri S.B. 647/H.B. 2141

1. We were within five minutes of the end of the 2019 legislative session to pass amended language that would have removed the statutory restriction on individuals holding themselves out as “registered,” but the session ended without the amendments being implemented.
2. Our on-the-ground lobbyist, Ginger Steinmetz, has met with legislators who have introduced bills that would amend current Missouri law and using our suggested language in those amendments. We are very optimistic.
3. We have been advised to hold off on flooding legislators with letters for the time being while our lobbyist works the levers of power. We will advise if the situation changes.

iii. Michigan H.B. 4488/S.B. 40

1. **H.B. 4488** – deals with eligibility requirements for certain licenses and regulations under the Skilled Trades Regulation. The bill would prohibit licensure boards from considering any misdemeanor conviction or any conviction that does not present a risk to public “safety.”
 - a. There has been no movement since this bill was first referred to committee back in April. The PCC is working with allies in Michigan to monitor this bill, and we will continue to keep an eye on it moving forward.
2. **S.B. 40** – watching very closely, defines registration as registering with the state and is an example of a “review and repeal” bill that requires government-run licensing and certification. This bill also has not moved.

iv. Oklahoma S.B. 651/S.B. 1109

1. **S.B. 651**– This is the revival of the “Right to Earn a Living Act” that we saw last year. The bill creates a private cause of

action for any individual to sue the state to repeal a licensure regulation if the individual can establish they are “burdened” by the requirements of an occupational license.

2. **S.B. 1109** – This is, in some respects, a mini-variant of federal H.R. 5339 (the 529 legislation that the PCC drafted that was introduced by Rep. Spanberger). It creates a tax credit for qualified fees required to obtain or renew certain licenses or certification, but it limits the tax credit to fees charged by the state and required for licensure. With amendments to broaden its reach, we think this bill could be highly beneficial to the Oklahoma certification community and could represent a model for other states.

a. A PCC member, the National Association of Legal Assistants, is located in OK, and its leadership will be reaching out to Senator Dahm to try to persuade him and his staff to amend SB 1109 and withdraw S.B. 651.

v. West Virginia S.B. 218

1. This is a “consumer choice” bill that creates a giant loophole for someone without a license to practice lawfully in WV if they provide a nonlicensed disclosure – regardless of whether the consumer sees the disclosure, and regardless of whether the person contracting with the unlicensed individual will be the end-user of those services. We are paying close attention to this bill and proposing deep amendments that exclude many professions from its reach and would transform it into a form of reciprocity bill.

vi. Washington H.B. 2355

1. Would allow the state department of licensing to grant a license to individuals who meet a competency-based assessment, as an alternative to an occupational licensing examination. Not all occupations fall under this department, but some do (e.g., not most healthcare professions, but engineering professions).

2. We have drafted a letter and will either oppose this or seek to narrow the scope significantly to make it applicable only to occupations where at least half of states do not require exams (florists, hair braiders, etc.).

3. This is a Republican bill and the state is under Democratic control so we think its prospects for passage remain unlikely.

vii. Virginia H.B. 601

1. This is another bill that would create a private right of action for individuals to challenge an occupational licensing regulation if they can prove the regulation is burdensome.
2. We have sent a letter to the bill sponsor expressing our concern that it invites expensive litigation and suggesting at a minimum that challenges should be permitted only in occupations where at least half the other states do not require a license.

viii. Arizona H.B. 2539

1. This bill would prevent agencies from denying a license to a qualified applicant that has been convicted of any drug offense, regardless of severity or the connection of the drug offense to the practice of the licensed profession. We have propose significant amendments.

III. Strategic Discussions – Federal Legislation

a. **H.R. 5339** – Freedom to Invest in Tomorrow’s Workforce Act

- i. This bill, drafted and endorsed by the PCC, was introduced in the House in mid-December by sponsors Reps. Abigail Spanberger (D-VA) and Rob Wittman (R-VA). Since introduction, Rep. Josh Harder (D-CA) signed on as a co-sponsor. We are fortunate that a bill we drafted has been introduced on a bipartisan basis and are currently advocating for others to support the bill. We are also actively speaking to other influential stakeholder groups that may endorse and allocate resources to advocate for passage of the legislation. The bill would allow tax-favored 529 funds to pay for certification exam fees and other related qualified expenses.
 - ii. We encourage members to reach out to their Members of Congress to encourage them to join as cosponsors, using the form letters the PCC has sent to members.
- b. **Potential Senate companion to H.R. 5339:** we have been in touch with Sen. Klobuchar about introducing a Senate companion to H.R. 5339 and she would like to have a Republican as an original cosponsor before moving forward. We are working with her staff on this.

IV. Thank you for your continued participation in the PCC.