



Notes
PCC Member Strategy Call
Wednesday, April 14, 2021
12:00 pm ET

Steering Committee: ICE (Denise Roosendaal), ASAE (Mary Kate Cunningham/Jeff Evans)
Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Lori Panosyan, Nicole Steinberg (Pillsbury)

1. Welcome

- a. Thank you for your continued support, engagement, and intellectual input on all of these topics!

2. State Legislation

a. Update on High Priority Bills discussed on prior months' Member Strategy Calls

- Died: NH H.B. 405 (reciprocity), R.I. H.B. 5428 (review and repeal and ex-offender reentry), and UT H.B. 183 (reciprocity)
- Passed both chambers: AZ H.B. 2787 (ex-offender reentry), ID S. 1083 (reciprocity), KS H.B. 2066 (reciprocity)
- Enacted: AZ 1218 (review and repeal)
- As always, we will be monitoring for vehicles to amend enacted legislation that is contrary to the PCC's principles
- Remaining bills have had either no movement or have not passed chambers.
- Please see the [legislative watchlists](#) on the member section of the PCC website for the most up to date monitored information.

b. Recently Added 2021 High-Priority Bills: *Returning Bills*

- After the West Virginia legislature adjourned on Apr. 10, the following bills have died. We will continue to monitor whether they are taken up again in a special legislative session.

Bill Name	Description
WV HB 2909	Review and repeal/sunrise review
WV HB 3052	Ex-offender reentry (restricts use of the title "registered")

c. Recently Added 2021 High-Priority Bills: *New Bills*

- All of the new high priority bills are reciprocity bills except for CT SB 1019
- CT SB 1019 is similar to another bill in CT, HB 6474, that we discussed on our last member strategy call.
- It is an ex-offender reentry bill that targets private associations, as does CT HB 6474. It also calls for automatic erasure of criminal records for any conviction except a felony that results in a sentence of more than 10 years or a conviction for domestic violence or sexual crimes.
- Unlike similar bills, it does not provide for consideration of rehabilitation. With respect to private associations with members in regulated professions, it made it a discriminatory practice to deny membership to any person on the basis of an

individual’s erased criminal history information.

- Pillsbury has a relationship with Rep. Luxenberg, who was able to arrange a meeting between the PCC and Rep. Stafstrom, Chair of the Judiciary Committee.
- We shared our constitutional concerns about the bill targeting the membership decisions of professional certifications and our policy concerns regarding automatic erasure.
- Rep. Stafstrom was not greatly sympathetic to our concerns, but said he would bring them back to the committee and asked for us to send him the Supreme Court precedent on the First Amendment rights of associations.
- The Judiciary Committee has now adopted a substitute bill that has improvements, but does not fully address our concerns: the period of time before automatic erasure for felonies that result in up to 10 years’ imprisonment is now extended to 15 years from the date of the most recent conviction (versus the original 12 years from the date of that felony conviction), and the private association section now makes it a discriminatory practice to deny membership *solely* on the basis of erased criminal information.
- The bill has not passed either chamber yet.
- We have reached out to the CT and National ACLU to discuss our concerns and hope that the constitutional concern will catch their attention.

Bill Name	Description
AR HB 1667	Reciprocity (work experience/private certification in lieu of qualifications; no equivalence of scope or standards)
CT SB 1019	Ex-offender reentry (automatic erasure of criminal conviction history plus prohibits certain private association membership decisions)
ME LD 612/1131	Reciprocity (work experience/private certification in lieu of qualifications; no equivalence of standards)
MI HB 4377	Reciprocity (lifetime exemption from exam requirements for veterans and their spouses)
OH HB 203/SB 131	Reciprocity (work experience/private certification in lieu of qualifications; no equivalence of standards)
RI HB 5960/SB 432	Reciprocity (work experience/private certification in lieu of qualifications; no equivalence of standards)

3. License Reciprocity: report from Maine

- a. The PCC was invited by Rep. Cloutier, sponsor of ME LD 149 (a low priority reciprocity bill that tracks the PCC’s Statement of Principles) to attend a working group session of the Maine Committee on Innovation, Development, Economic Advancement and Business (IDEA).
- b. This provided a unique opportunity to observe discussion between legislators and regulators on different approaches to reciprocal licensure (ME LD 149, ME LD 612, ME LD 1131).
- c. Although legislators emphasized the need to speed up the licensing process for out-of-state applicants and “remove red tape,” there was hesitancy to undermine consumer protection.
- d. The Department of Professional and Financial Regulation (which put forward MD LD 149) emphasized the vast differences between professions and the impossibility of standardizing the application and approval process.
- e. We submitted testimony for all three bills. LD 149 (which the PCC supported) moved out of committee and the other two did not.
- f. **Member Question:** It seems like most reciprocity bills address veterans, is there an organization pushing for reciprocity for veterans?
 - i. **Answer:** Many reciprocity bills focus on military service members and veterans, and

those bills are of low concern to the PCC if they seek to *temporarily* relax standards. However, we are seeing bills that provide for a lifetime exemption from licensure requirements for anyone who has ever served in the military. Further, many reciprocity bills apply not only to military members but also anyone who is establishing residence in the state. While most reciprocity bills were initially focused only on military members, the reach is more expansive now.

- g. **Member Question:** When you weigh in with a letter or testimony, is that posted on the PCC website?
 - i. **Answer:** Yes! They are posted [here](#).

4. Federal Legislation

a. Freedom to Invest in Tomorrow’s Workforce Act (S. 905/H.R. 2171)

- i. We are happy to report that the Freedom to Invest in Tomorrow’s Workforce Act has been formally introduced, on a bipartisan basis, in both the House and the Senate.
- ii. Representative Spanberger is the lead House sponsor and Senator Klobuchar is the lead sponsor on the Senate side.
- iii. We are discussing the path forward and how to promote the legislation with sponsors and will provide more guidance in the next few days.
- iv. However, if members want to activate members and get involved, feel free to conduct outreach as you see fit. The PCC’s [letter of support](#) may be a helpful reference.
- v. The sponsors may try to incorporate the bill in the “American Jobs Act” infrastructure bill or in a comprehensive workforce development bill that is in the works in the Senate Committee on Health, Education, Labor, and Pensions.

b. Proposed Credentialing, Education, Resources, and Training (“CERT”) Act

- i. We have now shared draft legislation that embodies our proposed alternative to the Skills Renewal Act with the Senate Committee on Health, Education, Labor, and Pensions (HELP), as well as with the sponsors of the Skills Renewal Act, to see if they are open to introducing the same bill with a different name.
- ii. Under our proposed alternative, certification organizations would offer discounted enrollment and/or exam fees to individuals displaced from their jobs due to the pandemic, supported by federally funded Career Rebuilding Scholarships. This stands in contrast to the original version of the Skills Renewal Act, under which those individuals would need to apply for tax credits to cover the cost of training or obtaining credentials.
- iii. The funding under our proposed alternative would come from a self-administered payroll tax credit, similar to the paid leave provisions of the Families First Coronavirus Response Act (FFCRA).
- iv. Certification organizations would be responsible for reviewing applications from eligible individuals and promoting the scholarship program, which would also provide the opportunity to promote their certification programs.
- v. This would lead to building a database of strong, robust programming across all industries and professions, which could be eventually used for anyone looking into available opportunities, irrespective of economic status.
- vi. **Member Question:** Does this put the burden on certification organizations to evaluate who is and isn’t eligible for the scholarship? Is there a risk that an organization would evaluate them incorrectly and not get the credits due to them from the government?
 - 1. **Answer:** The legislation currently leaves it to the IRS and DOL to provide guidance on how the determination of eligibility should be made, but in the FFCRA, which this uses as a model, the burden is quite small for employers that provide paid leave and claim the tax credit. There is no third-party

documentation required. The employer must simply keep the employee's statement of need in case of an IRS audit. Further, the scholarship would be capped at \$4,000 and could not exceed 80% of fees. We expect that if this is enacted, we will seek a voice in the guidance and rulemaking that addresses the details of how this is implemented.

vii. **Member Question:** Would the CERT Act also cover membership dues?

1. **Answer:** If the dues are part of the certification exam fee, they would be covered.

5. Member Survey Results

- a. Thank you for your feedback! We have followed up with a few members who have provided substantive comments and will continue to analyze the results.
- b. However, feel free to continue to reach out to us individually or at info@profcertcoalition.org with any feedback.