



Agenda
PCC Member Strategy Call
Wednesday, October 26, 2022
12:00 pm ET

Steering Committee: I.C.E. (Denise Roosendaal), ASAE (Jeff Evans)

Legal Counsel: Jerry Jacobs, Craig Saperstein, Julia Judish, Lori Panosyan, Nicole Steinberg (Pillsbury)

1. Welcome

- a. Thank you, as always, for your attention, time, and support!
- b. Thank you to those members who have paid their dues. There is a lot of political activity on the horizon at the federal and state level and prompt payment allows us to more accurately budget for advocacy efforts, particularly on-the-ground lobbying assistance in state capitols.
- c. As you saw in our recent email, we have sent out the new password for our For Members website to all members who have paid all or their first installment of dues.
- d. Please reach out to us at info@profcertcoalition.org if you have any questions.

2. State Advocacy Case Study: Oklahoma

- a. Ryan Kilpatrick, partner at Amber Integrated (AI) joined to discuss our strategy in Oklahoma and how this may be replicable in other states. We invited Ryan to offer a case study into how the PCC partners with on-the-group lobbyists.
- b. **Background:** OK SB 1691 was an ex-offender reentry bill where one of the key provisions would have prohibited a licensing agency from denying a license to an ex-offender unless the conviction was substantially related to the duties and responsibilities of the occupation and posed a reasonable threat to public safety. Many PCC member organizations are concerned about whether their certificant engage in fraud, which is not a public safety issue, but affects members who are certifying boards or professional societies for healthcare professions. As such, one of our key proposed amendments was to ensure the bill was amended to authorize licensing boards to consider public safety, health, or welfare. We were also concerned that the bill sponsors did not make explicit that it was limited to state licenses or state certifications, leaving open the possibility that it could be used by individuals to challenge decisions on eligibility or revocation of certification in the private sector.
- c. Kilpatrick noted that the legislative session runs from February to May. He recounted that he first met with the PCC team in late February, after SB 1691 had moved quickly through the legislative process given the state's focus on criminal justice and occupational licensing reform. The authors didn't necessarily think the way the bill was drafted would implicate our concerns, so this is a good example of where combining the PCC's expertise and on the ground relationships was merited. AI was able to engage with the bill's sponsors and The Prison Fellowship (TPF) (the main group behind the bill) early on and get us to the table to lay out our concerns. The PCC proposed clarifications that were very important from our perspective. If we interjected a week later, the bill might have already been on its way to the governor's desk – amending it in committee was critical.

- d. Per the experience of AI and the PCC, even if a state legislature cares a lot about an issue, many still rely on interest groups to present legislation that is consistent with their philosophy of governing. Therefore, it is critical for us to get in front of stakeholder groups, not just state legislators, to engage and reach a meeting of the minds. In this situation, we were able to get stakeholder groups to agree to make changes that allowed us to take a neutral position on the underlying bill. Our work in Oklahoma will certainly have downstream benefits. The stakeholder groups involved – TPF and Council of State Governments – both operate on a national level.
- e. We also want to emphasize how on the ground and present TPF and CSG were. When we had Zoom meetings, the Prison Fellowship was physically in the room – they literally had the ear of the bill’s sponsors, signifying that our typical approach of written communications with bill sponsors would not suffice. Some of the pushback was that substantively the sponsors didn’t think the changes were needed or important, but some of the pushback was also process-based. The bill’s sponsors wanted a win, and even less controversial changes would require harmonizing the House and Senate bills. The sponsors were wondering whether our proposed amendments would cost them a victory. As making sure there are as expanded opportunities as possible for ex-offenders is a valid and legitimate goal, it was more persuasive to come up with examples of other states changing their bills to include public health and welfare.
- f. This endeavor helped raise the PCC’s profile, in Oklahoma and around the country. We defied legislative gravity to help create a blueprint for this type of legislation elsewhere in the country and demonstrated to other stakeholders that we are not pushovers. On the contrary, we have strong membership and are pragmatic and will do what we have to do to stand up for our community. Everyone wants the path of least resistance to get their bill across and working with AI, the PCC helped achieve a favorable outcome for the bill sponsors, bill proponents, and the Coalition itself
- g. **Member Question:** Was this effort pretty much all direct lobbying? Or did you bring in constituents?
- i. **Answer (Ryan):** It was largely direct lobbying – being able to connect the expertise of the PCC and bring them to the table to say, this is the impact, we don’t disagree with the goal. We didn’t need to connect constituencies on this. We needed a voice on the ground to frankly start nagging legislators – we had to hammer into them that this is something important that you need to listen to.
- h. **Member Question:** Was it largely in-person or online meetings?
- i. **Answer (Ryan):** In-person, although Craig and Julia were online.
- i. **Member Question:** Is there or will there be a write up?
- i. **Answer:** Yes! We sent out an email to membership announcing the victory and it is also in our yearly accomplishments document.
- j. **Member Question:** Do we have plans to communicate directly with TPF on this issue?
- i. **Answer:** Absolutely, yes. We tend to do a lot of stakeholder outreach immediately after the election to see where we can reach agreement and narrow the differences. Alignment with the CSG, which is a non-partisan group, is also on our list.
- k. **Member Question:** Was there anything about this particular initiative that seemed unusual to you? Or was it more of what you see all the time?
- i. **Answer (Ryan):** I hardly view anything as unusual in the line of work I’m in! It was certainly moving very quickly, but Oklahoma’s interest in these issues was not surprising.

3. State Legislation

- a. Updated watchlists and executive summary on Members Only portion of website.
- b. Legislative activity has been slow. Most state legislatures and Congress have been out of session getting ready for the election. Several states will return to session and have prefiling deadlines after the election.
- c. We are still monitoring two companion bills in Ohio (see below). Neither has moved since June, but Ohio's session ends at the end of the year. We have also communicated our concerns to our state regulator contact in Ohio.

High Priority Bills

State	Bill Number	Category	Priority
Ohio (OH)	HB 203/SB 131	Universal Licensure/Reciprocity	High

4. Federal Legislation

- a. Pre-election update
 - i. On the federal level, most of Washington is preparing for a divided government. All of us in politics have vowed to never make predictions about election outcomes after 2016, but the conventional wisdom and polling data suggests that Republicans are likely to take the House after the midterms. The Senate remains a toss-up. National trends suggest Republican control of the Senate, but in the individual races, there are many that could go either way. However, even if just the House flips, it will lead to divided government.
 - ii. One trend that is relevant to the PCC is the backlash to efforts to elevate the issue of criminal justice reform from prominent Republicans. The First Step Act, a major bipartisan bill enacted under former President Trump, was intended to be the first in a string of efforts to reform criminal justice and ensure there are no barriers to entry for licensure or certification after serving time. Recently, there has been pushback by several prominent Senators in particular, blaming criminal justice reform for the impression that there is increased crime. Republicans have emphasized crime as one of their political issues. The potential fracturing of the bipartisan consensus developing around criminal justice reform is an important political dynamic to monitor heading into next year. We may need to adjust our strategy and messaging to address it.
 - iii. A divided government only further increases the need for bipartisanship, which is why we have had the right approach to our federal bills. It does remain unlikely that either of those bills will make it to the finish line at the end of this session, but bipartisanship will be absolutely critical.
 - iv. We're in a unique position moving forward because workforce development is one of the few remaining bipartisan issues. This is an opportunity for us regardless of some of the unpredictability.
- b. *Freedom to Invest in Tomorrow's Workforce Act* update
 - i. Rep. Spanberger's race is considered a tossup. We are monitoring her reelection status closely.
- c. *REBUILD Skills Act* update
 - i. Sen. Klobuchar and Rep. Kilmer have received further substantive feedback from House

legislative counsel on our draft REBUILD Skills legislation.

- ii. We remain hopeful that our sponsors will introduce during the lame duck session.
- iii. Sen. Klobuchar and Rep. Kilmer have said their goal is to get it introduced by the end of the year, and it has been in development for so long because they want it to be in a condition to be as complete as possible, with a realistic chance of passing.
- iv. The Common Ground Committee, an organization that ranks bipartisanship among Members of Congress, recently identified Rep. Spanberger as #6 out of 535 and Kilmer is #8 out of 535 Members of Congress, so we have picked bill sponsors who are effective at working across the aisle.

5. Stakeholder Outreach

- a. Women in Government – Leadership and Innovation Summit (November - Orlando, FL)
 - i. Craig will be attending this and we have been given the opportunity to give a round robin presentation on the PCC’s activities. This means we will get 3 back-to-back audiences of conference attendees, who are mainly state legislators, policymakers, and interest groups.
 - ii. There will be 40-50 people in each group so we will be reaching a lot of people during this presentation, an example of a targeted use of our resources.
- b. Connecticut Clean Slate law
 - i. We have reengaged with the ACLU of Connecticut, which led efforts to pass the clean slate law in Connecticut. It has several troublesome provisions which led the governor to almost veto the legislation.
 - ii. The PCC was mainly concerned with constitutional issues in the law, and we have heard some inklings that corrections will be made to it at some point. We want to make sure we are considered an important stakeholder when that time comes.
- c. Presentation to I.C.E. Public Member Committee
 - i. Many certification organizations have public members on their board.
 - ii. Julia talked to the I.C.E. Public Member Committee about the work of the PCC.
 - iii. We encourage member organizations to spread the word to their colleagues if they would benefit from the services the PCC provides.
- d. I.C.E. Exchange presentation with ABMS
 - i. Julia is co-presenting with Tom Granatir of ABMS on legislation relating to licensing agency decisions about conduct inconsistent with professional values and codes of conduct.
- e. Other stakeholder outreach
 - i. After the midterm election, the PCC will meet with other stakeholder organizations to discuss legislative efforts for the following year.