

Notes
PCC Member Strategy Call
Wednesday, January 23, 2024
12:00 noon ET

I. Welcome & Introductions

- a. Introduction
 - i. Welcome, thank you as always for your continued participation and engagement.
- b. Dues
 - i. We have brought in about 80% of our total dues amount for this fiscal year. Thanks to everyone for that. If you have any questions about your dues and invoicing, we can answer that offline.

II. Federal Legislation

- a. *Freedom to Invest in Tomorrow's Workforce Act (H.R. 1477/S. 722)*
 - i. As a reminder, this is a PCC bill that would allow individuals to use 529 savings plans to obtain post-secondary credentials, including professional certification programs.
 - ii. A key goal is to find a legislative vehicle to which we can attach our bill – this is important because Congress considers so few bills. We've narrowed in on the bipartisan tax package and are working with our House and Senate champions on this front.
 - 1. This is a sensible hook because 529 accounts are authorized under a section of the tax code.
 - 2. The tax package is also attractive because it is a bipartisan vehicle, essentially marrying the Democratic priority of expanding child tax credit with the Republican priority of several business tax incentive reauthorizations.
 - iii. Our best shot at this is on the Senate side; it's much more likely that we'd see an amendment in the Senate. And if we get an amendment on the Senate side, we don't think the House will object to it. So that is our strategy. At the same time, we continue to work to get our legislation attached to other moving legislative vehicle or to pass it as a standalone measure by developing widespread support for the bill in Congress.
 - iv. Senate Co-Sponsors

1. We are continuing to add co-sponsors: Senator John Hickenlooper (CO) joined today. We recently had a meeting with the Office of Senator Brian Schatz (HI).
- v. House Co-Sponsors
1. Co-sponsor count is approaching 110 in the House.
- vi. **We encourage your organizations to reach out to any contacts you have.** Weigh in with your members of Congress and tell them you support the bill and support its inclusion in the tax package. We are happy to provide material and messaging assistance here.
- b. REBUILD Skills Act
- i. We made a pivot away from tying this legislation to COVID, which resulted in pretty substantial modifications to the legislation.
 - ii. We've been talking about REBUILD skills for more than three years, but the reason we've kept up with this is because of the long-term positive implications of the bill.
 - iii. We also expect that the need for the bill will grow: with hastening tech advances (AI and the like) there is going to be a lot of change in the workforce.
 - iv. We should also note that there really is a vacuum in terms of federal recognition of national certifications – this legislation would both increase recognition and incentivize certification organizations to apply to be included in the directory.
 - v. We are strategizing regarding ways to advance key provisions of the bill, including the creation of a consolidated federal directory of qualified credentialing programs.

III. State Legislation

- a. State legislatures are back in session. Most of the bills we've seen so far have carried over or been reintroduced from last session.
- b. Returning Citizens Bills
 - i. Generally, these bills provide that a licensing agency can only consider conviction if it's directly and substantially related to the application. One of our key concerns here is convictions related to fraud, which won't always be covered under this language.
- c. Priority Bill: New Hampshire HB 1676

- i. The New Hampshire bill has two key provisions: first, it creates a commission to review licensing laws on the books, ultimately asking whether these laws (and regulating agencies more broadly) are necessary. The second part of the bill is a sunset provision that sets a timeline for the expiration of several chapters of law that provide for licensing regimes. We are actively engaging on this bill.
 - ii. As a reminder, we've seen this play out before. We saw this in Texas in 2019 where there was a statute that provided for automatic sunset of licensing agencies with the expectation that having the threat of the licensing agency being completely abolished—so anyone could practice that profession—would compel the legislature to take action to renew that statute or modify it. This is what appears to be at play in New Hampshire, too. In Texas, the commission never got around to reviewing some of these laws and consequently the plumbing board was automatically abolished. Then Governor Abbott took emergency action to keep the statute from sunseting so that the legislature could reauthorize that plumbing board. So, this approach can have unintended consequences and we've proposed either striking that provision entirely or having a requirement that if the legislature does not fully consider an act on the report from the commission, then the deadline—the automatic sunset date—would be postponed for a year.
- d. Safe Harbor Provisions
 - i. One other thing to flag on our strategy for offering bill amendments: last session for reciprocity bills we drafted specific amendments for each bill to ensure that states evaluate applicants and their scope of practice, so that they're checking all the boxes.
 - ii. By way of background, these reciprocity bills basically say if you're an out-of-state applicant for a license, you can substitute work experience or any kind of experience. These aren't profession-specific statutes; they're broad brush. And so, while we don't think it's good public policy to have two different standards for licensure, our core interest here is certification community. So, our safe harbor says if the state enacting this bill requires a specific certification to get a license, then regardless what qualifications the out of state applicant has, they have to possess that private certification so that there's not a different standard or loophole to what otherwise would be a requirement for licensure purposes.
- e. Watchlist Housekeeping
 - i. Please note that we've combined the Reciprocity Watchlist and General Watchlist, so everything is now in one place. **We hope this makes it easier for you all to follow along with the bills that we are tracking.**

- ii. We will continue to update the watchlist regularly and alert you to any high priority bills.

- f. Possibility of Growing Momentum

- i. Clean Slate Bills

- 1. As a reminder, Clean Slate bills are distinguishable from, but related to, the Returning Citizen bills. Returning Citizen bills focus on what a licensing agency is allowed to consider as part of an application. Clean Slate bills aren't focused on licensing agencies. They're saying across the board criminal history of certain nature will be erased.
 - 2. There was an article in Bloomberg Law, [States, Advocates Push Beyond Ban-the-Box for Hiring Ex-Felons](#), which discussed findings that show that even though there are many, many fair chance laws and ban-the-box laws on the books, employers are nonetheless running these background checks on current employees or new employees once they're hired. So, they're moving to a clean slate bill approach as way of preventing employers from having access at any stage. But these laws are drafted so broadly that the provision also apply to certification, licensing agencies, etc. This illustrates some of the policy reasons behind these bills and suggests that we're probably going to continue to see those bills.

- ii. Reciprocity Bills

- 1. On the reciprocity/alternative pathways to licensure front, based on conversations we had a few months ago with one of the Florida legislators who had introduced a bill, and based on feedback from other legislators, I think we're going to continue to see those bills in states that are facing workforce shortages in a number of skilled professions. The approach is basically, let's bring in people who are willing to do this profession. And it creates this two-tier system: rather than going to a profession and saying, okay for teachers, dentists, or other profession, let's reconsider what this gateway should be for anyone, regardless of where they're coming from to work in this profession, instead they're taking this broad brush approach saying, let's try to lure people who can practice these professions to move to our state and lower the barriers.

IV. Stakeholder Outreach & Engagement

- a. We continue our outreach to organizations that have an influence on state-level and federal-level legislation.

- b. Craig has had continued communications with state legislators who attended the Women in Government conference that he attended back in November 2023.
- c. We've also had some communication with The Prison Fellowship, which is a particular leader on returning citizens and clean slate bills. They are once again well-aware that we're monitoring activity on those bills, including the bills that they've been helping to champion. So we will continue communication with those stakeholder bills.

V. Reminder of in-person meeting!

- a. As a reminder, the PCC will be meeting in-person at Pillsbury's office on March 20, 2024, which will be preceded by our Capitol Hill advocacy day on March 19, 2024.
- b. We anticipate that Freedom to Invest will be the focus of lobby day.
- c. We'll send out an invitation and agenda which will hopefully help you all with travel planning. We would love to see as many of you at the event as we can for what is typically a really informative activity for those of us who are managing and overseeing the PCC on a day-to-day basis. As a bonus, we've also received feedback that it's a really valuable networking opportunity for our members.

VI. Conclusions