

HB 6445 -- Redline

Governor's Bill to File No. 342 -- AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENT OF CONSUMER PROTECTION.

Deletions ~~struck~~ · Insertions underlined

House of Representatives General Assembly ~~Governor's File Bill~~ No.

~~6445~~342 January Session, 2021 ~~LCQ Substitute House Bill~~ No.

~~3216~~6445 Referred ~~House to of~~ Representatives, April 8, 2021 The Committee on ~~GENERAL~~General ~~LAW~~Law Introduced ~~reported by through REP.~~

~~Request~~D'AGOSTINO of the ~~Governor~~91st Pursuant Dist., to ~~Chairperson Joint of Rule the~~ ~~9~~Committee ANon ~~ACT the EXPANDING part ECONOMIC of OPPORTUNITY the IN House, OCCUPATIONS that LICENSED the BY substitute THE bill DEPARTMENT ought OF to CONSUMER pass. PROTECTION.~~

AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENT OF CONSUMER PROTECTION.

(NEW) (Effective October 1, 2021) (a) An occupational or professional license, permit, certification or registration issued by the Department of Consumer Protection shall be issued, in the occupation or profession applied for and at a practice level determined by the department, to a person who is (1) a resident of this ~~state~~state, as defined in section 12-701 of the general ~~statutes~~statutes, or ~~who~~(2) is married to an active duty member of the armed forces of the United States and accompanies ~~said~~such member, pursuant to an official permanent change of station, to a military installation located in this ~~state~~state, ~~if:~~if such person:

~~(1)(A) The~~Has ~~person holds~~ a valid license, permit, certification or registration in at least one other jurisdiction in the occupation or profession applied for;

~~(2)(B) The~~Has ~~person has~~ practiced under such license, permit, certification or registration for not less than ~~one~~four year; years;

~~LCQ~~SHB6445 / File No.

~~3216~~342 1 of ~~SHB6445~~ ~~6~~File ~~Governor's No. Bill No. 6445~~ (3) ~~The person is in good standing in all jurisdictions in which he or she holds a license, permit, certification or registration and has not had a license, permit, certification or registration revoked or discipline imposed by any jurisdiction, does not have a complaint, allegation or investigation related to unprofessional conduct pending in any jurisdiction, and has not voluntarily surrendered a license, permit, certification or registration while under investigation for unprofessional conduct in any jurisdiction;~~

~~(4) The person satisfies any background check or character and fitness~~342 check (C) required ~~Is of in other good applicants standing for in the all jurisdictions in which he or she holds a license, permit, certification or registration; registration and has not had a license, permit, certification or registration revoked or discipline imposed by any jurisdiction, does not have a complaint, allegation or investigation related to unprofessional conduct pending in any jurisdiction and has not voluntarily surrendered a license, permit, certification or registration while under investigation for unprofessional conduct in any jurisdiction;~~ ~~and (D) (5) Satisfies The any person background pays check all or fees character and fitness check required of other applicants for the license, permit, certification or registration;~~

~~(b) (E) In Pays addition to the requirements set forth in subsection (a) of this section, the Department of Consumer Protection shall require a person to take and pass all or fees a portion of any examination required of other persons applicants applying for the license, permit, certification or registration; unless the person has taken an exam acceptable to the department or there is a reciprocal arrangement with the jurisdiction in which the person is currently credentialed.~~

~~(c) and Any (F) person Takes issued and a passes license, all permit, certification or registration pursuant portion to of this any section examination shall required be subject to the laws of this other state persons and applying the for jurisdiction of the Department license, of permit, Consumer certification Protection, or registration.~~

~~(d) (b) Notwithstanding Any the person provisions issued of a this license, section, permit, the certification Commissioner or of registration Consumer pursuant Protection to may this deny section an shall occupational be or subject professional to license, the permit, laws certification of or this registration state if and he the or jurisdiction she of finds such denial is in the best Department interest of the Consumer state. Protection.~~

~~(e) (c) A Notwithstanding person the applying other for provisions a of license, this permit, section, certification the or Commissioner registration of that Consumer is Protection not may required deny to practice an occupation occupational or profession professional in license, at permit, least certification twenty-five or states registration who if relocates the to commissioner this finds states such from denial another is state in that the did best not interest require of a the license, state. permit, certification or registration to LCQ No.~~

~~3216 (d) 2A of person 6 applying Governor's for Bill a No 6445 license, practice permit, the certification person's or registration that is not required to practice an occupation or profession may in be at~~

~~considered least to twenty-five have states satisfied who there locates conditions to of this subdivisions state (1) from and another (2) state of that subsection did (a) not of require this a section license, if permit, he certification or she registration establishes to practice the satisfaction person's of occupation the or Department profession of may Consumer be Protection considered that to he have or satisfied she the has conditions three of or subparagraphs more (A) years and (B) of related subdivision work (2) experience of with subsection a (a) substantially of similar this scope section of if practice he within or the she four establishes year to preceding the satisfaction of the the Department date of Consumer of Protection that application he or to she suchs HB6445 department- / File No.~~

342 2 SHB6445 File No.

342 has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application to said department.

Upon application for any such license, the applicant shall pay to the department a nonrefundable application fee of ninety dollars for a license under subdivisions (2) and (3) of subsection (a) and subdivision (4) of subsection (e) of section 20-334a, or a nonrefundable application fee of one hundred fifty dollars for a license under ~~LCQ~~ subdivision No. (1) of subsection (a), subdivisions (1) and (2) of subsection (b), subdivision (1) of subsection (c) and subdivisions (1), (2) and (3) of subsection (e) of section 20-334a.

~~3216 Any 3 such of application 6 fee Governor's shall Bill be No 6445 waived subdivision for (1) persons of who subsection present (a), a subdivisions recommendation (1) for and review (2) issued of sHB6445 subsection/ (b), File subdivision No. (1) of subsection (c) and subdivisions (1), (2) and (3) of subsection (e) of section 20-334a.~~

~~Any 342 such 3 applications sHB6445 fee File shall No. be waived for persons who present a recommendation for review issued pursuant to section 31-22u.~~

342 pursuant to section 31-22u.

(c) The Commissioner of Consumer Protection, subject to section 46a- 80, may deny a license or may issue a license pursuant to a consent order containing conditions that shall be met by the applicant if the applicant reports that he or she has been found guilty or convicted as a result of an act which constitutes a felony under (1) the laws of this state at the time of application for such license, (2) federal law at the time of application for such license, or (3) the laws of another jurisdiction, and ~~LCQ~~ which, No. if committed within this state, would constitute a felony under the laws of this state.

~~3216 [(c)] 4 (d) of When 6 an Governor's applicant Bill has qualified for a license, the department sHB6445 / File No.~~

~~6445 342 which, 4 if sHB6445 committed File within No. this state, would constitute a felony under the laws of this state.~~

~~[(c)] 342 (d) When an applicant has qualified for a license, the department~~ shall, upon receipt of the license fee or upon waiver of such fee pursuant to section 20-335, issue to such applicant a license entitling such applicant to engage in the work or occupation for which a license was sought and shall register each successful applicant's name and address in the roster of licensed persons authorized to engage in the work or occupation within the appropriate board's authority.

~~(NEW)~~ (Effective October 1, 2021) The Departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection and Public Health, the Labor Department, and the Office of Early Childhood shall, within not ninety later days, than January 1, 2022, report to the Secretary of the Office of Policy and Management on (1) the number of employees ~~that who~~ perform background checks related to the Agency's department's or office's licensing functions, the job classifications of such employees, and the type or level of clearance of the background checks that are being performed, (2) the number of hours each such employee spends on average per week performing background checks, and (3) for any licenses in which some education or training is required of the applicant prior to obtaining a license, the feasibility of establishing a preclearance assessment of criminal history prior to potential applicants beginning such education or training.

3 October 1, 2021 New section ~~LCQ~~ Statement No. of Legislative Commissioners:

~~3216 Section 51(a) of was 6 reorganized Governor's for Bill clarity. No.~~

~~6445 sHB6445 Statement/ of File Purpose: No.~~

~~To 342 implement 5 the sHB6445 Governor's File budget No. recommendations.~~

~~[Proposed 342 deletions GL are Joint enclosed Favorable in Subst. brackets.~~

~~Proposed sHB6445 additions/ are File indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.] LCQ No.~~

~~3216 342 6 of sHB6445 6 File No.~~

342 The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose.

In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge.

Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note State Impact:

Agency Affected Fund-Effect FY 22 \$ FY 23 \$ Resources of the General Fund GF - Potential See Below See Below Revenue Gain Note:

GF=General Fund Municipal Impact:

None Explanation Sections 1-2 expand the opportunity for occupations licensed by the Department of Consumer Protection (DCP) and results in a potential revenue gain to the state to the extent additional licenses are applied for.

The state charges various application and renewal fees for the occupations licensed by DCP. Section 3 requires various agencies to report to the Office of Policy and Management regarding background checks resulting in no fiscal impact to the state because the agencies have the expertise to meet the reporting requirements.

The Out Years The annualized ongoing fiscal impact identified above would continue into the future subject to the number of license applications and renewals.

SHB6445 / File No.

342 7 SHB6445 File No.

342 OLR Bill Analysis SHB 6445 AN ACT EXPANDING ECONOMIC OPPORTUNITY IN OCCUPATIONS LICENSED BY THE DEPARTMENT OF CONSUMER PROTECTION.

SUMMARY This bill generally makes it easier for tradespeople credentialed in other states to obtain a Connecticut credential if they reside here.

It does so by generally requiring the Department of Consumer Protection (DCP) to issue the appropriate license or other credential to a state resident, or a spouse of an active duty service member permanently stationed here, if that person meets specified requirements (e.g., has practiced under a valid credential in another jurisdiction for at least four years, passes an examination, and has no disciplinary history).

It allows the DCP commissioner to deny a credential if she finds the denial to be in the state's best interest.

The bill specifies that, for certain professions, the DCP commissioner may deny a license, or issue one under a consent order with conditions that an applicant must meet, if the applicant reports that he or she has been found guilty or convicted of what constitutes a felony under Connecticut or federal law at the time of the application, or the laws of another jurisdiction that would be a felony under Connecticut law (see BACKGROUND). This authority applies to electricians; plumbers; solar, heating, piping, and cooling contractors and journeymen;

elevator and fire protection sprinkler craftsmen;

irrigation contractors and journeymen;

gas hearth installer contractors and journeymen;

and residential stair lift technicians.

The bill also eliminates a requirement that applicants for these licenses demonstrate good moral character.

By January 1, 2022, the bill requires various state agencies to report to the Office of Policy and Management (OPM) secretary on certain SHB6445 / File No.

342 8 SHB6445 File No.

342 information related to background checks.

EFFECTIVE DATE:

October 1, 2021 DCP CREDENTIALING The bill generally requires DCP to issue an occupational or professional license, permit, certification, or registration (hereinafter, "credential") to a person who is a state resident for income tax purposes, or an accompanying spouse of an active duty service member permanently stationed here, if that person:

1.

holds a valid credential in the applicable occupation or profession in at least one other jurisdiction and has practiced under that credential for at least four years;

2.

is in good standing in all jurisdictions where credentialed and has no disciplinary history (including credential revocation or other discipline;

pending complaints, allegations, or investigations related to unprofessional conduct;

or voluntary surrender of a credential during an investigation);

3.

satisfies any background, character, or fitness check required of other applicants;

4.

pays any credentialing fees required of other applicants;

and 5.

takes and passes all or a portion of any examination required of others applying for the credential.

The bill creates an exception to the first requirement (holding a credential and practicing under it for at least four years) for certain applicants relocating from states that do not require a credential to practice the occupation or profession.

The bill deems these applicants as satisfying this requirement if (1) at least 25 states do not require the credential and (2) the applicant establishes to DCP's satisfaction that he or she has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the application date.

SHB6445 / File No.

342 9 SHB6445 File No.

342 The bill specifies that anyone issued a credential under these provisions is subject to Connecticut law and DCP jurisdiction.

It also allows the DCP commissioner to deny an application if she finds it to be in the state's best interest.

AGENCY REPORTING By January 1, 2022, the bill requires the departments of Administrative Services, Agriculture, Consumer Protection, Correction, Emergency Services and Public Protection, Labor, and Public Health, and the Office of Early Childhood, to report to the OPM secretary on certain information related to background checks.

The report must include:

1.

the number of employees who perform background checks related to the department's or office's licensing functions, their job classifications, and the background checks' type or level of clearance;

2.

the average number of hours these employees spend weekly performing background checks;

and 3.

for any licenses requiring some pre-licensure education or training, the feasibility of assessing criminal history to preclear potential applicants before they begin the education or training.

The recommendations must also (1) assess the feasibility of centralizing and standardizing background checks state agencies perform and (2) address any related issues of these agencies delegating authority.

BACKGROUND Related Bill HB 6449 (File 203), reported favorably by the Public Health Committee, makes similar changes for health care professionals.

SHB 6474, Sec. 32, reported favorably by the Labor and Public Employees Committee, requires the agencies to make the same report and recommendations.

SHB6445 / File No.

342 10 SHB6445 File No.

342 Felony Conviction and Credentials With limited exceptions, the law prohibits the state from disqualifying a person from engaging in an occupation, profession, or business that requires a state credential solely because of a prior criminal conviction (CGS Sec. 46a-80).

State agencies may deny someone a credential to practice an occupation, trade, profession or business, after considering (1) the nature of the crime and its relationship to the job;

(2) information pertaining to the degree of the person's rehabilitation; and (3) how much time has passed since the person's conviction or release.

COMMITTEE ACTION General Law Committee Joint Favorable Substitute Yea 15 May 3 (03/23/2021) SHB6445 / File No.

342 11