

HCS SS#2 SCS SB 88 -- PROFESSIONAL LICENSING

SPONSOR: Brown (226)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Standing Committee on General Laws by a vote of 14 to 0. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 5 to 0 with 1 Present.

The following is a summary of the House Committee Substitute for SB 88.

This bill modifies several provisions relating to professional licensing, including: (1) temporary licensure; (2) mechanical contractors; and (3) social workers.

TEMPORARY LICENSURE (Section 324.004)

Under this bill, any person who has at least 3 years of work experience in an occupation or profession in another state or the District of Columbia that does not use a license to regulate that occupation or profession may submit an application for a license in Missouri, with proof of experience and U.S. citizenship, to the relevant oversight body. Within 45 days of receiving the application, the oversight body shall make a determination of qualification. The oversight body shall require an applicant to take and pass a profession-specific examination and may require an examination specific to the laws of Missouri.

A license issued under this bill shall be a one-time, non-renewable temporary license for two years. Upon expiration of that license, individuals shall be required to apply for a permanent license, consistent with the licensure and application requirements of that license as set forth in statute and rule. A license issued under this bill shall not be qualified for reciprocity with another state or as part of an interstate compact. The provisions of this bill shall not apply to certain specified professions.

The provisions of this bill shall only apply to those professions or occupations for which an oversight body issued licenses as of January 1, 2023.

MECHANICAL CONTRACTORS (Sections 324.950 to 324.974)

These sections shall be known as the "Missouri Statewide Mechanical Contractor Licensing Act". Under this Act, the statewide mechanical contractor license, the statewide mechanical journeyman license, and the statewide mechanical apprentice license for

mechanical work shall be regulated by the Division of Professional Registration, within the Department of Commerce and Insurance. The provisions of this Act shall not apply to mechanical work performed in Greene, Newton, and Jasper counties.

This Act establishes the "Missouri Mechanical Contractor Licensing Fund", which shall be expended for the administration of this Act.

A statewide license shall not be required to perform mechanical work in, but shall be accepted in lieu of an equivalent local license if a political subdivision requires a local license for mechanical work. Any person operating as a mechanical contractor in a political subdivision that does not require a local license shall not be required to possess a statewide license to operate as a mechanical contractor in such political subdivision.

If a political subdivision does not recognize a statewide license in lieu of a local license, a statewide mechanical contractor license holder may file a complaint with the Division, which may investigate such complaint. If the Division finds that the political subdivision failed to recognize a statewide mechanical contractor license, the Division shall notify the political subdivision of such violation and grant them 30 days to comply. If after 30 days the political subdivision does not comply, the Division shall notify the Director of the Department of Revenue, who shall withhold any moneys the political subdivision would otherwise be entitled to from local sales tax until the political subdivision is in compliance.

Applicants for the statewide licenses shall meet certain training, education, and experience criteria set forth in the Act equal to those of the mechanical code of St. Louis County as of April 18, 2023.

A corporation, firm, institution, organization, or company seeking to engage in mechanical work shall have a least one statewide mechanical contractor licensee in its employ if the political subdivision requires a license. For the purposes of performing residential work, a statewide mechanical contractor or statewide mechanical journeyman, or the equivalent local licensee, shall perform, direct, inspect, or supervise the work. For all other mechanical work, at least one statewide mechanical journeyman shall be on site for every statewide mechanical apprentice performing the work, or the equivalent local licensee.

The Division may refuse to issue any license, and may cause a complaint to be filed with the Administrative Hearing Commission against any holder of a license for causes set forth in the Act. Upon a finding by the Administrative Hearing Commission that

grounds for disciplinary action are met, the Division may censure or place such a person on probation for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke any license.

Any person who knowingly violates the provisions of this Act is guilty of a Class B misdemeanor.

SOCIAL WORKERS (Sections 337.615, 337.644, 337.651, and 337.665)

This bill modifies provisions relating to license reciprocity for clinical social workers, master social workers, and baccalaureate social workers. Currently, those applicants who are licensed in another state or territory may receive a license in this state if they are approved or in good standing with certain professional organizations. This bill repeals this provision and implements a provision permitting any person who, for at least one year, has held a valid, current license issued by another state, a branch or unit of the military, a U.S. territory, or the District of Columbia, to apply for an equivalent Missouri license through the State Committee for Social Workers, subject to procedures and limitations as provided in the bill.

This bill adopts the "Social Work Licensure Compact". The purpose of the Compact is to facilitate the interstate practice of licensed regulated social workers with the goal of improving public access to competent social work services. The Compact sets forth the requirements to be met in order for a state to join the Compact. Each member state shall require an applicant for a social work license to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure as well as all other applicable state laws.

The Compact creates a joint public agency known as the "Social Work Licensure Compact Commission". The Commission has powers and duties as listed in the Compact and shall enforce the provisions and rules of the Compact. The Commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licenses, adverse actions, and investigative information on all licensed individuals in member states.

The Compact shall come into effect on the date on which the Compact is enacted into law in the seventh member state. Any member state may withdraw from the compact by enacting a statute repealing the same. The Compact shall be binding upon member states and shall supersede any conflict with state law.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the Senate Perfected version of the bill.

PROPONENTS: Supporters say that this bill addresses a pressing labor shortage in Missouri by making it easier for new skilled workers to transfer their credentials and licensing to the state to begin working immediately. This also applies to military service, making the transition back to civilian life easier. The bill contains appropriate safeguards to ensure transferees are competent. Five other states have already adopted this policy, including three neighboring states that now have a competitive advantage over the state for attracting skilled workers. This bill is good, common-sense legislation to help people come to Missouri and begin working and contributing.

Testifying in person for the bill were Senator Brown; and the Opportunity Solutions Project.

OPPONENTS: Those who oppose the bill say that the portion of the bill on state mechanical licensing is problematic. This provision in its current iteration is unworkable for a vast majority of regulated trades. The bill establishes bad policy in requiring the same requirements throughout the state for licensees as in St. Louis, being overly burdensome on rural areas. The mechanical licensing portion of this bill will ultimately stifle growth and hurt career opportunity throughout the state.

Testifying in person against the bill were Professional Certification Coalition (PCC); Corey Gibson, Lee Mechanical Contractors, Inc.; and the Associated Builders And Contractors.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under "House Testimony on Senate Bills" on the House website.