

Senate Bill 111

Date: February 1, 2022

Committee: Senate Judicial Proceedings

Bill Title: Occupational Licenses or Certificates – Pre-application Determinations – Criminal Convictions

RE: **Letter of Information**

Senate Bill 111 creates a process for potential applicants for an occupational license or certificate to obtain a determination from a department as to whether certain criminal convictions would be the basis for the denial of the application for the certain license or certificate before they formally apply for the license or certificate.

Licensing statutes which govern boards and commissions within the Division of Occupational and Professional Licensing have in place statutory criteria that each board and commission needs to consider when reviewing an applicant with a prior criminal conviction. In particular, a board or commission needs to evaluate, based on the submitted court records, whether an applicant was convicted of (1) a felony; or (2) a misdemeanor that is directly related to the applicant's fitness and qualifications to practice an occupation or profession for which such applicant is seeking a license. Therefore, there are already statutory safeguards in place to ensure that each applicant with a criminal conviction receives a fair and impartial consideration. SB 111 adds an additional level of applicant review that will impact the time it takes for Boards and Commissions to complete the issuance of licenses and certificates.

Currently, there is a limited pool of volunteers willing to serve on boards and commissions due to the commitment to serve without compensation and the time each member of the board or commission spends away from his/her profession or occupation. Requiring boards and commissions to conduct initial determinations will not only add hours to boards' and commissions' meetings as they would now need to consider requests from individuals who may never complete the other licensing requirements. Given that most boards and commissions meet only once a month, and some only quarterly, we anticipate significant delays to the licensing process.

MDL would require additional staff to assemble and review materials from individuals who are seeking these predeterminations. The materials would need to be disseminated to board and commission members prior to meetings. To that end, an additional person would need to be hired to process the materials and review them before presenting them for consideration. After the meetings, staff would need to follow up with each potential candidate seeking a determination.

Finally, MDL projects increased programming costs of \$100,000 to modify its system. Additional staff is required to process the materials which could cost up to \$50,000 each year. With the projected costs of at least \$150,000 and projected annual revenues from reasonable fees of less than \$4,000, the Division of Occupational & Professional Licensing cannot, within existing resources, absorb the cost of implementing the Pre-application Determination process set forth in Senate Bill 111.