

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

Bill Number: S-217 Name of Bill: Professions and Occupations

Agency/Dept: Department of Public Safety Author of Bill Review: Mike Desrochers, Director, Division of Fire Safety, Lt. Jeffrey Danoski-VSP

Date of Bill Review: February 1, 2016 Related Bills and Key Players: H.562

Status of Bill: (check one)

Upon Introduction       As passed by 1<sup>st</sup> body       As passed by both bodies

Recommended Position:

Support     Oppose       Remain Neutral       Support with modifications identified in # 8 below

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**Analysis of Bill**

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- 1. Summary of bill and issue it addresses.** The bill proposes to require specified agencies to provide a comprehensive report to the Office of Professional Regulation (OPR) regarding the resources necessary to regulate professions. It is the desire of OPR to consolidate the licensure and certification of all professions listed in the bill. Additionally, OPR would take our licensing fees to fund the consolidation effort.
- 2. Is there a need for this bill?** We feel there is no need for the bill.
- 3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

**Vermont State Police:** The Vermont State Police license precious metal dealers, polygraph examiners, and explosive blasters.

**Precious Metal Dealers:** It is important that the Department of Public Safety continue to license and conduct background checks on individuals and their employees that are precious metal dealers in an effort to hold these businesses accountable, eliminate criminal activity and aid in criminal investigations when necessary.

**Explosive Blaster:** It is an important public safety function that the Vermont State Police continue to license and conduct background checks on individuals and entities using and storing explosives. This allows the Department to know who has and is using explosives and to know where they are stored. Which in the event of accident or incident would allow the Department to deploy the necessary resources to control the incident and preserve life and property.

**Polygraph Examiners:** The Vermont State Police licenses Polygraph Examiners. The Vermont State Police has a Polygraph Unit that oversees, monitors, conducts background checks and renews and/or suspends licenses when there is an issue or violation of the polygraph examiners certifications or rules of

conduct. Without this oversight and the lack of anyone in OPR having knowledge in and with polygraph, if a licensed examiner made a mistake or committed a violation, no one would know or catch it.

**Fire Safety:** The Division of Fire Safety administers licenses to approximately 3750 electricians, 1700 plumbers, 145 elevator inspectors, and certifies 1456 gas technicians, 35 sprinkler system designers, 592 oil heat technicians, 745 sprinkler, fire alarm, generator, chemical suppression installers. These professions/individuals interact with our Assistant State Fire Marshals on a daily basis in the field at construction sites. In fact, the licensing requirement authorizes the licensed/certified trade's person to file permits with the Division of Fire Safety and more importantly allows the individual to install critical life safety systems. Assistant State Fire Marshals work directly with all licensed trade people making sure the work they complete comply with nationally adopted safety standards to protect Vermonters from fires, structural collapse, explosions, electrocutions and carbon monoxide poisoning. Inspectors mentor, educate, motivate, and administer fines when warranted to individual license or certificate holders. The Electrical, Plumbing, and Elevator Boards provide an extremely legitimate regulatory platform for licensure, discipline, curriculum development, rulemaking, and continuing education. The day to day interaction with the license and certificate holders provides the division of fire safety an opportunity to make needed adjustments in rules, continuing education, certification and permitting. Back in the early 1990's carbon monoxide fatalities and poisonings were very common. We addressed this serious problem by promulgating rules to certify gas and oil installers. We effectively created certification programs by working directly with industry professionals addressing the problem. The coordination, enforcement, and regulation of professions by licensing is best handled by those who know the programs. For example: All continuing education documentation for all trades is reviewed and validated in house before a renewal is issued whereas with the Secretary of State Office you attest to the fact you have completed it but you're not required to submit it at least for Architects. Another example is our Gas Certification requires at least 2 hours of the 8 hours of continuing education pertain specifically to preventing carbon monoxide. This is validated before a renewal certification is issued to the applicant.

Moving licensing/certification with our fees to OPR would devastate our existing licensing and inspection programs which have operated successfully for 30+ years. Loss of licensing revenue would force us to reduce our work force with a significant negative impact on life safety across all disciplines. Even if the fees remained with fire safety moving licensing to OPR would result in less efficiency by adding another State Agency into the business management process unnecessarily. Important to note our fire marshals work directly everyday with all these licensed and certified entities. Licensure and permitting are intermingled and trade people must be licensed to file permits and we manage and review and approve all continuing education classes ensuring they are relevant to all the trades with emphasis on safety. The testing for licensure is also managed by the division of fire safety with input from all the professions making sure we are addressing the safety concerns as well as professional development in the trades.

**4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?**

Other agencies who receive special funds for licensing have and will certainly oppose this. There has been testimony in Senate Gov Ops in opposition of this bill including opposition to complete the comprehensive legislative report due to concerns of limited resources.

**5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** The impact on others could be significant including higher fee for licensing,

*Please return this bill review as a Microsoft Word or PDF document to [Jahala.Dudley@vermont.gov](mailto:Jahala.Dudley@vermont.gov) and Jessica [Mishaan@vermont.gov](mailto:Mishaan@vermont.gov)*

delays in licensing, delays in processing applications, delayed responses to problem solving, and poor customer service (not knowing anything about the trade). This includes electricians, plumbers, elevator technicians, gas installers, oil technicians, fire alarm installers, sprinkler system installers, emergency generator installers, chimney sweeps, sprinkler system designers, and suppressions system installers. The associated boards (electrical, plumbing and elevator) will also oppose this bill.

## 6. Other Stakeholders:

**6.1 Who else is likely to support the proposal and why?** Not sure who else would support the bill.

### 6.2 Who else is likely to oppose the proposal and why?

**1. The Vermont Fire Service:** Career Chiefs, Vermont State Fire Fighters Association, Professional Fire Fighters, and the Volunteer Chiefs. The fire service will oppose this because there would be a negative impact on safety.

**2. The Vermont Fuel Dealers Association:** We work with VFDA in our certification programs (gas and oil) and we have a well-established professional relationship with the organization.

**3. Division Employees:** Fire safety employees will not support this especially if it means reducing our already strained work force.

## 7. Rationale for recommendation:

**Vermont State Police:** This is an unnecessary Bill that does nothing to promote or further public safety for the citizens and visitors of Vermont. It wouldn't make Vermont safer, but may actually make it harder to respond to incidents, provide the necessary resource in order to take appropriate action to successfully mitigate incidents if control of its licensing and certification programs were diminished. Loss of licensing and certification would hurt the working relationships and working knowledge we have with entities and individuals we license and certify. It is important for the Department of Public Safety to continue conducting background and criminal records checks on the individuals we license and regulate to ensure public safety.

**Division of Fire Safety:** The Bill does not further promote public safety in fact it reduces oversight, provides an unnecessary layer of business process management, negatively impacts customer service, reduces our ability to control continuing education, and will likely increase the licensing fee assessed on the trades people. More importantly, we would have to reduce our field work force which would directly impact our ability to issue building permits and electrical/plumbing work notices in a timely manner creating unnecessary delays in construction projects.

**8. Specific modifications that would be needed to recommend support of this bill:** We would not support the moving of licensure or certification to OPR.

**9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** Not aware of specific details but there would certainly have to be major logistical planning and an overhaul of existing boards and statutes.

Secretary/Commissioner has reviewed this document



Date: 2/4/16