

Hi Donna:

I have been looking over H.681 as it relates to the Board of Bar Examiners. According to Erik Fitzpatrick and Assistant Attorney General Bridget Asay, Chair of the Board of Bar Examiners, there is a constitutional concern regarding separation of powers by having the Legislature regulate the Bar--that is a function of the court.

I can call the Board of Bar Examiners to understand reciprocity, but I think Harold raises some good points on what other states do. Most states do not include lawyers and doctors.

It's a bit awkward for me as the lead sponsor of H.275 that has been incorporated in the OPR bill to be raising these red flags, but I am speaking as a member of the Judiciary Committee who has been asked to look into this.

Thank you.

Maxine Grad, Vice Chair
Vermont House Judiciary Committee

From: Cooney, Harold E Jr CIV OSD OUSD P-R (US) <harold.e.cooney.civ@mail.mil>
Sent: Thursday, February 27, 2014 9:52 AM
To: Maxine Grad; Winters, Chris
Cc: Brenda Cruickshank
Subject: RE: H.681 question

Maxine,

I have looked at both bills and done some research on licensing across the state. Here is the result:

> The language in H656 (with licensure language from H275 at Sec 2) addresses those occupations and professions overseen by OPR (approx. 45 not counting any added by H656). There are a number of occupations/professions in which a service member might have experience that aren't covered (for example, plumbers/electricians, EMS, teachers, physician assistants). As Chris and I discussed last spring, for most of those there is some reciprocity or recognition of hands on experience involved in licensing (physician assistant is one exception).

> Section 1 (b) of H681 is much more comprehensive in that it takes all licensing agencies into account. It includes doctors and lawyers which we have found are normally not included by most states because their licensing requirements are just too hard.

You will have to determine, with timing as the key limiting factor, how many hoops have to be jumped through to coordinate H681, as Chris outlined. H656 is cleaner and meets a broader reaching need for Chris' organization. H681 is the GVAC bill and we wouldn't want to burn that bridge. With the licensing language in the other

agencies, it may not be a big problem to get concurrence. I don't know what the Gov't Ops committee heard in terms of opposition at the hearing last Friday. That would have been the time for those other agencies to speak up. I have asked Brenda for a conversation on the GVAC. I work closely with a similar organization in New Hampshire, but was unaware of it in Vermont. Shame on me!

If I was asked to pick a 'gold standard,' it would be H681, because it is all inclusive. H656 (Draft No. 3.1) is very good and addresses the vast majority of occupations and professions. To put it in military terms with Service member/spouse licensure as a target, H681 destroys the target; H656 neutralizes it. Or in beltway vernacular, H656 is good enough to meet the Department's intent, but leaves several key specialties to the whim of the licensing agency.

I know that may make the picture clearer, but walks the fence. That's what I do as I'm an advocate and not a lobbyist! :-)

I am available at your convenience if you want to discuss any of the above.

Thanks,

Harold

Please note my new email address, effective immediately:

Harold.e.cooney.civ@mail.mil _____ Harold E. Cooney Northeast Region
Liaison ODASD (Military Community and Family Policy)
571-309-7598
www.USA4MilitaryFamilies.org

-----Original Message-----

From: Maxine Grad [mailto:Mgrad@leg.state.vt.us]
Sent: Wednesday, February 26, 2014 8:24 PM
To: Winters, Chris
Cc: Cooney, Harold E Jr CIV OSD OUSD P-R (US); Brenda Cruickshank
Subject: RE: H.681 question

Hi Chris,

My response is yikes! yes, lots of moving parts too close to cross-over.

If you have all you need in H.275, could we get something from Harold that says it meets the President's and others priorities (if that is true)? I was told that 681 may be overkill given 275 in OPR. I think Rep. Canfield brought it forth as part of the GVAC agenda. Certainly, we don't want to kill a bill, but if the goals are reached in 275, then great. Perhaps we need to be educated on the differences. It may be a result of me doing my thing with 275 per Harold's request and GVAC setting an agenda that I am not involved in.

Harold if you can shed some light on this, that would be great. Many thanks, Maxine

Maxine Grad, Vice Chair
Vermont House Judiciary Committee

From: Winters, Chris <chris.winters@sec.state.vt.us>
Sent: Wednesday, February 26, 2014 4:50 PM
To: Maxine Grad
Cc: Cooney, Harold E Jr CIV OSD OUSD P-R (US)
Subject: RE: H.681 question

Hi Maxine,

Very timely email. I spent most of my morning trying to dispel some rumor that was floated that Chris Winters wanted to kill this bill and send it to a summer study. Not sure how it got started, but obviously not true. So I talked to Rep. Canfield and Rep. Sweaney and Zoe from our office connected with the Governor's office (Louis Porter) to make clear that the Secretary of State's Office supports H.681 and would like to see it passed this year as a priority of the President, Governor, Secretary of State and sponsors of the bill.

I have testified very little on H.681 other than to say we can implement it if asked to and that we also have everything we need in the OPR Bill (H.656) with the language added from H.275. I think the problem we run up against is that we have little time left before crossover, an extremely busy Gov Ops committee, and licensing is spread all over state government. Each of these agencies is under a different committee's jurisdiction. So someone has to wrangle all of those agencies, licenses and committees of jurisdiction.

- (A) the Office of Professional Regulation; (Gov Ops)
- (B) the Department of Health, including: (Health Care)
 - (i) the Board of Medical Practice; and
 - (ii) the Emergency Medical Services Division;
- (C) the Agency of Education; (Education)
- (D) the Vermont Criminal Justice Training Council; (Gov Ops)
- (E) the Vermont Fire 1 Service Training Council; (Gov Ops, I think, possibly General Housing)
- (F) the Department of Financial Regulation; (Commerce and Econ Dev?)
- (G) the Department of Public Safety; (Gov Ops)
- (H) the Board of Bar Examiners; and (Judiciary)
- (I) the Department of Environmental Conservation. (Natural Resources)

In addition to these agencies, the retirement piece is with the Department of Labor under the jurisdiction of the General Housing and Military Affairs committee, I believe.

I am happy to help out in any way I can, but cannot speak for any of these agencies on whether they can implement the bill as proposed.

Chris

From: Maxine Grad [mailto:Mgrad@leg.state.vt.us]
Sent: Wednesday, February 26, 2014 4:29 PM
To: Winters, Chris
Cc: Cooney, Harold E Jr CIV OSD OUSD P-R (US)
Subject: H.681 question

Hi,

Did you discuss the inclusion of the Board of Bar examiners in this bill? Is that out of your area? I am trying to make sure it works per Rep. Sweaney's request. Thanks.

Maxine Grad, Vice Chair
Vermont House Judiciary Committee