

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3601S.01I
Bill No.: SB 867
Subject: Contracts and Contractors; Commerce and Insurance, Department of; Licenses -
Miscellaneous; Political Subdivisions; Professional Registration and Licensing
Type: Original
Date: February 4, 2022

Bill Summary: This proposal establishes the Missouri Statewide Mechanical Contractor
Licensing Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Professional Registration Fees Fund (0689)	(\$318,716)	\$0	\$0
Missouri Mechanical Contractor Licensing Fund	(\$0)	\$412,435	(\$271,572)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$318,716)	\$412,435	(\$271,572)

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Professional Registration Fees Fund	3 FTE	3 FTE	3 FTE
Total Estimated Net Effect on FTE	3 FTE	3 FTE	3 FTE

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

☒ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Sections 324.953 - 324.983 - Missouri Statewide Mechanical Contractor Licensing Act
Officials from the **Department of Commerce and Insurance (DCI)** assume the following:

Licensee/Revenue

2,000	Estimated Licensees (US Labor census & Mechanical Engineers Association)
\$350.00	Initial License Fee
\$350.00	Renewal License Fee
Biennial	Renewal Cycle

- In the current language of this proposed legislation, Professional Registration assumes one license holder per corporation, firm, institution, organization, or company will register with the department.
- Projected revenue reflects fees collected for all categories of licensure.
- A 3% growth rate has been estimated (568 additional initial licensees).
- It is estimated that the collection of initial license fees will begin in FY 2023 and renewal fees will not be collected until FY 2025.
- If the number of licensees largely vary from the number estimated above, the licensure fees will be adjusted accordingly.

In summary, DCI assumes a revenue of \$700,000 (2,000 x \$350) in FY 2024 and \$21,000 (2,000 x 3% x \$350) in FY 2025 to the Missouri Mechanical Industry Licensing Fund to provide for the implementation of the changes in this proposal.

The following board-specific expenses are being calculated to determine the additional appropriation needed by the division to support the board and to assist in calculating the anticipated license and renewal fees.

Staffing

1 FTE Principal Assistant at \$68,400 annually needed to serve as the senior executive officer of the registration agency.

1 FTE Customer Service Representative at \$43,700 annually needed to provide technical support, process applications for licensure, and respond to inquiries related to the licensure law and/or rules and regulations.

1 FTE Non-Commissioned Investigator at \$46,000 annually needed to conduct investigations and inspections, serve notices, and gather information required by the board.

Complaints and Investigations

It is estimated the board will receive approximately 33 complaints. The division does not anticipate receiving any complaints until FY 2024. It is estimated 15% of the complaints filed will require field investigations with 50% requiring overnight travel. A car is needed to conduct investigations and will need to be eventually replaced based upon usage. Therefore, the vehicle cost is considered an ongoing expense and appropriation need.

In summary, DCI assumes a cost of \$318,715 in FY 2023, \$287,565 in FY 2024 and \$292,573 in FY 2025 to provide for the implementation of the changes in this proposal.

Oversight will reflect the DCI estimated revenues and cost. Oversight will reflect the board-specific expenses to the Professional Registration Fees Fund. Oversight assumes the revenue collected from the licensure fees will be deposited into the Missouri Mechanical Contractor Licensing Fund and then will be transferred to the PR Fees Fund resulting in an estimated net effect of zero to the PR Fees Fund in FY 24 and FY 25. Oversight notes the PR Fees Fund Balance at the end of December 2021 was \$631,930

Officials from the **Office of Administration - Administrative Hearing Commission**, the **Office of the State Public Defender**, the **Department of Revenue**, the **Office of the State Treasurer**, the **Office of the State Courts Administrator**, **Kansas City** and the **City of Springfield** each assume the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal from last year (SB 11), officials from the **Missouri Office of Prosecution Services** assumed the proposal will have no fiscal impact on their organization.

Oversight notes that the above mentioned agencies have stated the proposal would not have a direct fiscal impact on their respective organizations. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities and counties were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in Oversight's database is available upon request.

Oversight assumes there could be a potential loss to local municipalities that currently license mechanical contractors as this legislation would require them to recognize a statewide license for the purposes of performing contracting work or obtaining permits to perform work within the political subdivision. Oversight assumes the Department of Revenue shall withhold any moneys the noncompliant political subdivision would otherwise be entitled to from local sales tax, until the director has received notice from the division that the political subdivision is in compliance with this section

KC:LR:OD

MISSOURI MECHANICAL CONTRACTOR LICENSING FUND			
<u>Revenue</u> - DCI Licensing Fee §§324.953-324.983 p.3	\$0	\$700,000	\$21,000
<u>Transfer Out</u> - to PR Fee Fund (0689) §§324.953-324.983	\$0	(\$287,565)	(\$292,572)
ESTIMATED NET EFFECT ON THE MISSOURI MECHANICAL CONTRACTOR LICENSING FUND	\$0	\$412,435	(\$271,572)

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
LOCAL POLITICAL SUBDIVISIONS			
<u>Loss</u> Potential loss of licensing fees §§324.953-324.983 p.4	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL IMPACT – Small Business

This small business mechanical contractors would be impacted by this proposal.

FISCAL DESCRIPTION

This act shall be known as the Missouri Statewide Mechanical Contractor Licensing Act. Under this act, the statewide mechanical contractor license for mechanical contractors shall be regulated by the Division of Professional Registration, within the Department of Commerce and Insurance. This act creates the Office of Mechanical Contractors within the Division to carry out the provisions of this act.

Applicants for a statewide mechanical contractor license must meet certain criteria set forth in the act. A corporation, firm, institution, organization, company, or representative seeking to engage in mechanical contracting on a residential or commercial jobsite is required to employ at least one license holder. For residential and commercial jobsites, a statewide licensed mechanical contractor may represent only one entity at a time.

A corporation, firm, institution, organization, company, or representative seeking to engage in mechanical contracting on an industrial jobsite is required to have all employees working on the job as mechanical contractors obtain a statewide mechanical contractor license or a local license if the political subdivision requires a license.

A mechanical contractor shall have one license holder responsible for offering field employees eight contact hours of industry training each year, and mechanical contractors shall be responsible for providing proof of such training to the Division upon request.

In the event of a loss of a license holder, a mechanical contractor shall remain in good standing with the Division for six months after notifying the Division of such change. Within the six month period, a new license holder shall be registered with the Division. If no license holder is registered within such six month period, the Division shall declare the mechanical contractor inactive. (Section 324.959)

Political subdivisions may establish their own local mechanical contractor's license, but shall recognize a statewide mechanical contractor license in lieu of a local license for the purposes of performing contracting work or obtaining permits to perform work within such political subdivision. No political subdivision may require the employees of a statewide licensed mechanical contractor or its subcontractors or manufacturers' representatives to obtain journeymen licenses, apprenticeship licenses, or occupational licenses that require passing any examination or any special requirements to assess proficiency.

If a political subdivision does not recognize a statewide mechanical contractor 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. (Section 324.962)

This act establishes the Missouri Mechanical Contractor Licensing Fund in the state treasury, which shall be expended for the administration of this act. (Section 324.965)

Mechanical contractor licenses shall expire on a renewal date established by the Division. The Division shall, prior to the renewal date, mail a renewal notice to the last known address of each individual licensed under this act. Failure to provide the Division with the information required for renewal or to pay the required fee shall result in the license being declared inactive. The license shall remain inactive until the license holder applies for reinstatement and pays the required fees, so long as the application for reinstatement is received within two years of the renewal date. (Section 324.968)

Any individual 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. (Section 324.971)

The Division may refuse to issue any certificate of registration or license, and may cause a complaint to be filed with the Administrative Hearing Commission against any holder of a certificate of registration or 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 an individual 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. Upon a judicial or administrative finding of a violation of this act, the Division may assess fines up to \$5,000. (Section 324.980)

Any individual who knowingly violates the provisions of this act is guilty of a Class B misdemeanor. (Section 324.983)

The provisions of this act shall not apply to contracting work related to chimney sweeps, outdoor cooking appliances, outdoor fire pits, outdoor gas lanterns, and propane-related equipment for which certification is required.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Commerce and Insurance

Department of Revenue

Office of the State Treasurer

Office of the State Courts Administrator

Office of the State Public Defender

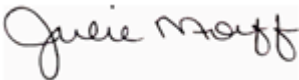
Office of Prosecution Services

Office of Administration

Administrative Hearing Commission

City of Kansas City

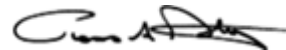
City Of Springfield



Julie Morff

Director

February 4, 2022



Ross Strobe

Assistant Director

February 4, 2022