

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0467S.01I
Bill No.: SB 11
Subject: Contracts and Contractors; Commerce and Insurance, Department of; Licenses-
Miscellaneous; Political Subdivisions; Professional Registration and Licensing
Type: Original
Date: January 11, 2021

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

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Professional Registration Fees Fund (0689)	\$0	\$0	\$0
Missouri Mechanical Contractor Licensing Fund	(\$304,179)	\$427,620	(\$254,271)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$304,179)	\$427,620	(\$254,271)

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
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 \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 324.953 - 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

- ID the current language of this proposed legislation, the Division of Professional Registrations assumes one license holder per corporation, firm, institution, organization, or company will register with the department according to the provisions of Section 324.953.
- 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 2022 and renewal fees will not be collected until FY 2024.
- 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 2023 and \$21,000 (2,000 x 3% x \$350) in FY 2024 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 Principal Assistant at \$67,000 annually needed to serve as the senior executive officer of the registration agency.

1 Customer Service Representative at \$30,089 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 Non-Commissioned Investigator at \$45,000 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 21 complaints. The division does not anticipate receiving any complaints until FY 2023. 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 eventually replace based upon usage. Therefore the vehicle cost is considered an ongoing expense and appropriation need.

In summary, DCI assumes a cost of \$278,568 in FY 2022, \$254,265 in FY 2023 and \$256,889 in FY 2024 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.

For the purpose of the proposed legislation, and as a result of excessive caseloads, the **Office of the State Public Defender (SPD)** cannot assume existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crime of violating the provisions of being a mechanical contractor in Missouri - a new Class B Misdemeanor. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the Office of the State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018 and \$1 out of \$46.0 million in FY 2019).

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the SPD for fiscal note purposes.

Officials from the **Department of Revenue**, the **Office of the State Treasurer**, the **Office of the State Courts Administrator**, the **Office of Prosecution Services**, the **City of Ballwin**, the **City of Corder**, **Kansas City** and the **City of Springfield** each assume the proposal will have no fiscal impact on their respective organizations.

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 that we have 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 our 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.

Officials from the **Office of Administration - Administrative Hearing Commission** anticipate that this legislation will not significantly alter is caseload. If similar bills pass, resulting in more cases, there will be a fiscal impact. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
PR FEES FUND (0689)			
<u>Transfer In</u> - from Missouri Mechanical Contractor Licensing	\$304,179	\$272,380	\$275,271
<u>Cost</u> - DCI			
Salaries	(\$118,408)	(\$143,510)	(\$144,945)
Fringe Benefits	(\$74,337)	(\$89,675)	(\$90,150)
Equipment and Expense	(\$82,309)	(\$9,342)	(\$9,576)
Other Fund Cost	(\$29,125)	(\$29,853)	(\$30,600)
<u>Total Cost</u> - DCI	<u>(\$304,179)</u>	<u>(\$272,380)</u>	<u>(\$275,271)</u>
FTE Change - DCI	3 FTE	3 FTE	3 FTE
ESTIMATED NET EFFECT TO THE PR FEES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change to the PR Fees	3 FTE	3 FTE	3 FTE
MISSOURI MECHANICAL CONTRACTOR LICENSING FUND			
<u>Revenue</u> - DCI Licensing Fee	\$0	\$700,000	\$21,000
<u>Transfer Out</u> - to PR Fee Fund (0689)	<u>(\$304,179)</u>	<u>(\$272,380)</u>	<u>(\$275,271)</u>
ESTIMATED NET EFFECT ON THE MISSOURI MECHANICAL CONTRACTOR LICENSING FUND	<u>(\$304,179)</u>	<u>\$427,620</u>	<u>(\$254,271)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
LOCAL POLITICAL SUBDIVISIONS			
<u>Loss</u> Potential loss of licensing fees	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)

FISCAL IMPACT – Small Business

This proposal will have a fiscal impact on certain small businesses who would now be required to pay a fee to be state-licensed.

FISCAL DESCRIPTION

This act shall be known as the Missouri Statewide Mechanical Contractor Licensing Act. Under this act, the statewide mechanical 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 license must meet certain criteria set forth in the act. A corporation, firm, institution, organization, company, or representative seeking to engage in mechanical contracting, is required to employ at least one license holder. A statewide licensed mechanical contractor may represent only one entity at a time.

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.

Political subdivisions may establish their own local mechanical contractor's license, but shall recognize a statewide 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 license in lieu of a local license, a statewide mechanical contractor licensee 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 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.

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

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 person 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 licensee applies for reinstatement and pays the required fees, so long as the application for reinstatement is received within two years of the renewal date.

Any person operating as a mechanical contractor in a political subdivision shall not be required to possess a statewide license to operate as a mechanical contractor in such political subdivision.

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 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. Upon a judicial or administrative finding of a violation of this act, the Division may assess fines up to \$5,000.

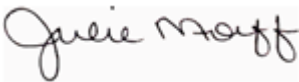
Any person who knowingly violates the provisions of this act is guilty of a Class B misdemeanor.

The provisions of this act shall not apply to service work or installation of chimney sweeps, outdoor cooking appliances, outdoor fire pits, and outdoor gas lanterns.

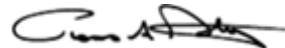
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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 Ballwin
City of Corder
City Of Springfield



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January 11, 2021



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January 11, 2021