

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0276H.02P
 Bill No.: Perfected HCS for HB 682
 Subject: Education, Higher
 Type: Original
 Date: April 29, 2021

Bill Summary: This proposal would enact restrictions on government authority.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2035)
General Revenue	Could exceed (\$221,235)	Could exceed (\$155,466)	Could exceed (\$157,094)	Could exceed (\$157,094)
Total Estimated Net Effect on General Revenue	Could exceed (\$221,235)	Could exceed (\$155,466)	Could exceed (\$157,094)	Could exceed (\$157,094)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2035)
University Funds	\$0	\$0 or (Unknown)	\$0 or (Unknown)	(Unknown, Could exceed \$3,200,208)
Total Estimated Net Effect on Other State Funds	\$0	\$0 or (Unknown)	\$0 or (Unknown)	(Unknown, Could exceed \$3,200,208)

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2035)
Federal Funds*	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on All Federal Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

*Oversight notes this represents the potential loss of federal VA funding for the MVC due to potential compliance issues (see p. 15).

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2022	FY 2023	FY 2024	Fully Implemented (FY 2035)
General Revenue	2 FTE	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	2 FTE	2 FTE	2 FTE	2 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 2022	FY 2023	FY 2024	Fully Implemented (FY 2035)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other cities, various county officials, local public health agencies and police and sheriffs' departments 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.

Section 173.1590 - Campus Housing

Officials from the **Department of Higher Education and Workforce Development** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Officials from the **University of Central Missouri** state, while the extension of the effective date for the University of Central Missouri is extremely beneficial, the University does anticipate a significant negative impact beginning in fiscal year 2035. UCM currently has about \$3.8 million in student housing debt obligations due in October 2034, and room and board revenues could be impacted in excess of \$9.1 million per year.

These estimates are based on the 3-year average number of upper-class students residing in University Housing (Fall 2017 to Fall 2019), with current FY21 rates for room (double) and board. Inflation has not been factored into the calculation.

Type	Rate Per Semester	Avg. Student Count	Annual Revenue
Room (Double)	\$2,923	992	\$5,799,232
Board	\$1,675	992	<u>\$3,323,200</u>
			\$9,122,432

Officials from **Southeast Missouri State University** anticipate a significant negative fiscal impact of an undetermined amount as a result of this legislation. Additionally, the legislation may jeopardize the University's ability to meet its debt service obligations and bond covenants.

Officials from the **University of Missouri System** anticipate this legislation could have a significant fiscal impact to the University of Missouri due to changes in student living behaviors.

The exact extent of this revenue loss is difficult to determine and is based upon student preferences.

Officials from the **Missouri State University** assume the proposal will have no fiscal impact on their organization.

Upon further inquiry, **Missouri State University** state it is unlikely to have a significant impact on the number of students required to live on campus because of the exclusion for "first-time freshmen who may be required to live in campus housing during the first year of a student's attendance".

In response to a previous version, officials from **Northwest Missouri State University** stated they only require freshmen to live on-campus so this would have no fiscal impact.

In response to a previous version, officials from the **State Technical College of Missouri** assumed the proposal would have no fiscal impact on their organization.

Oversight notes this proposal would prohibit institutions of higher education from requiring students to live on campus after their freshmen year. Oversight notes that some institutions such as Missouri University of Science and Technology and the University of Central Missouri, require students to live on campus for the student's first two years. In addition, Oversight notes this may exempt other students such as student athletes from being required to live in student housing after their freshmen year.

Oversight notes it is unable to determine how many students would give up living in a residential hall if this proposal passed. Oversight also notes the combined undergraduate full-time equivalent enrollment for the University of Central Missouri (UCM) and Missouri University of Science and Technology was 13,911 in 2020 (latest data available). Oversight assumes if 25% (3,478) of those enrolled students were sophomores required to live in student housing, and assuming 10% of those (348) choose not to live in campus housing because of this proposal, the loss of revenue can be estimated at \$3,200,208 (348 x \$9,196) using the room and board rate provided by UCM.

Oversight assumes this proposal excludes certain universities until June 2034 (FY 2035). Therefore, Oversight will show a range of impact of \$0 (no universities impacted) to an unknown loss in revenue to Universities in FY 2023 and FY 2024 and a loss that could exceed \$3,200,208 beginning in FY 2035.

Additionally, the institutions expressed concern that their bond payments are based on full occupancy of the residential halls. It is possible that if many students give up living in the residential halls that this could have an impact on the ability to make bond payments. However, Oversight considers these to be indirect impacts of the proposal and will not indicate an impact in the fiscal note.

House Amendment 2 - Section 162.052 School Board Petition

Oversight does not anticipate a fiscal impact from this provision.

House Amendment 4 §192.027 - True COVID Liability ACT

Officials from the **Department of Corrections** assume the potential impact to the DOC from HA4 is related to infectious disease control/management within correctional institutions. If HA4 were to prevent the department from quarantining or isolating offenders exposed to an infectious respiratory disease (tuberculosis, measles, mumps, etc.) or limiting the otherwise lawful activities of such offenders where there is no extraordinary prevalence of such disease, this could impact the department's ability to respond to/prevent large-scale infectious disease outbreaks within their facilities. DOC is not certain the HA4 language restricts their ability to respond in those circumstances, but if it does there could be an impact, hence the impact is unknown.

In response to a similar proposal, HCS HB 1358 (2021), officials from the **City of Springfield (Springfield)** stated Springfield anticipates a negative fiscal impact of an unknown amount from this bill due to the inability to use effective mitigation strategies to stop the spread of communicable diseases which may increase the cost of contact tracing and fighting diseases. It is impossible to estimate the amount of negative fiscal impact because it is unknown how many additional cases of communicable disease might result from this bill.

In response to a similar proposal, HCS HB 1358 (2021), officials from the **Columbia/Boone County Department of Public Health and Human Services (PHHS)** stated there will be an unknown cost due to an increase in COVID-19 cases and other communicable diseases requiring disease investigation and contact tracing. It is impossible to estimate how many additional COVID-19 cases and other communicable disease cases there will be as a result of not quarantining close contacts or taking appropriate actions to prevent the spread of illness in various properties.

In response to a similar proposal, HCS HB 1358 (2021), officials from the **City of Kansas City Health Department** assumed the proposal would have an indeterminate fiscal impact.

Oversight notes it is currently the responsibility of local public health agencies (LPHAs) to conduct disease investigation and contact tracing regardless of whether a statewide emergency has been proclaimed by the governor. It is assumed any potential costs that may be incurred as a result of this proposal are indirect costs. Therefore, Oversight will present no fiscal impact for provisions of this proposal that relate to communicable diseases and potential impacts incurred by local governments and public health departments.

In response to a similar proposal, HCS HB 1358 (2021), officials from the **Department of Social Services, the Missouri Office of Prosecution Services, the Office of the State Courts Administrator, the City of Claycomo, the City of Corder, the City of Kansas City, the City of O'Fallon, and the Newton County Health Department** each assumed the proposal would

have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a similar proposal, HB 1358 (2021), officials from the **Attorney General's Office**, the **Department of Health and Senior Services** and the **City of St. Louis** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

House Amendment 5 - Section 1.1000 Emergency Powers

In response to a similar proposal, HCS for HB 602, officials from the **City of Springfield** stated the City of Springfield anticipates a negative fiscal impact in an unknown amount due to an increase in COVID-19 cases or other communicable disease outbreaks requiring disease investigation and contact tracing. It is impossible to estimate how many additional COVID-19 or other communicable disease cases would occur due to the inability of local authorities to tailor emergency orders to local circumstances or to the delay or failure of the governor to act to prevent the spread of disease. This bill could elevate the risk of the spread of communicable diseases and limit the ability to provide the most prudent response to other types of emergencies thereby increasing the City's cost to respond to emergencies.

In response to a similar proposal, HCS for HB 602, officials from the **Columbia/Boone County Department of Public Health and Human Services (PHHS)** stated delays in issuing or re-issuing public health orders introduced by this bill will increase cases of COVID-19 and other infectious disease that orders are designed to address. There will be an unknown cost due to an increase in COVID-19 cases and other infectious diseases. It is impossible to estimate how many additional COVID-19 cases or other infectious disease cases there will be due to the inability to provide public health measures to prevent the spread of illness. The inability to take quick action will potentially result in increased disease.

Oversight notes it is currently the responsibility of local public health agencies (LPHAs) to conduct disease investigation and contact tracing regardless of whether a statewide emergency has been proclaimed by the governor. It is assumed any potential costs that may be incurred as a result of this proposal are indirect costs. Therefore, Oversight will present no fiscal impact for provisions of this proposal.

In response to a similar proposal, HCS for HB 602 (2021), officials from the **Department of Health and Senior Services**, the **Department of Public Safety**, **Missouri Highway Patrol**, the **Office of the Governor**, the **Missouri House of Representatives**, the **Office of the State Courts Administrator**, the **Missouri Senate** the **City of Claycomo**, the **City of Kansas City**, the **Newton County Health Department**, the **Kansas City Police Department**, the **St. Joseph Police Department** and the **St. Louis County Police Department** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any

information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a similar proposal, HB 602 (2021), officials from the **City of O’Fallon**, the **City of St. Louis**, the **City of Tipton**, the **Crestwood Police Department**, the **Ellisville Police Department** and the **Springfield Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

House Amendment 1 to House Amendment 5 – Restricting Utility Service

In response to a similar provision in Perfected HB 488 (2021), officials from the **Department of Commerce and Insurance** assumed the proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency for this section.

In response to a similar provision in HB 488 (2021), officials from the **City of Ballwin**, the **City of Kansas City**, the **City of O’Fallon**, **St. Louis City**, the **Cass County PWS #2**, the **Glasgow Village Street Light District**, the **High Point Elementary School**, the **Little Blue Valley Sewer District**, the **Metropolitan St. Louis Sewer District**, the **Platte County PWS #6** and the **Wayne County PWS #2** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

In response to similar legislation from 2020, HB 2697, officials from the **City of Springfield** assumed the proposal would have no fiscal impact on their organization.

House Amendment 2 to House Amendment 5 - §292.652 – Public Employee COVID-19 vaccinations

In response to a similar proposal, HB 838 (2021), officials from the **Taney County Auditor’s Office** indicated this proposal would have a fiscal impact on their organization. **Oversight** notes officials provided no additional information regarding this potential impact and assumes any impact will be absorbable within current staffing and funding levels. Oversight assumes no fiscal impact for the Taney County Auditor’s Office for fiscal note purposes.

In response to a similar proposal, HCS to HB 838 (2021), officials from the **Caldwell County Ambulance District** stated an unknown fiscal impact could result from staff being too sick to work but being required to do so as a result of the provisions of this proposal.

Oversight assumes any fiscal impact to the Caldwell County Ambulance District related to this proposal would be minimal and absorbable within current staffing and funding levels and will, therefore, present no fiscal impact for this agency for fiscal note purposes.

In response to a similar proposal, HB 838 (2021), officials from the **Florissant Valley Fire Protection District Retirement Plan** stated this proposal takes local control away from specific governmental entities that provide public health services and are at a high risk of exposure and infection. It could pose a health risk to other employees, increased sick leave and work comp leave adding to overtime expenses. The long-term effects of COVID-19 are not completely known, making a work comp claim from an employee who refused a vaccine possible when receiving the vaccine could have prevented a serious illness and possible long-term health effects. There is a possibility this could severely impact finances, including much higher work comp premiums and/or being dropped from that insurance all together. The fiscal impact is unknown.

Oversight assumes an increase in workers' compensation premiums to be an indirect, long-term impact for this proposal and will not include this indirect impact for fiscal note purposes.

In response to a similar proposal, HB 838 (2021), officials from the **Kansas City Police Retirement System** stated revenue losses and cost increases cannot be determined.

Oversight assumes potential revenue losses and increased costs to the Kansas City Police Retirement System to be an indirect, long-term impact and will not include this indirect impact for fiscal note purposes.

In response to a similar proposal, HB 838 (2021), officials from the **High Point R-III School District** indicated this proposal would have a fiscal impact on their school district. **Oversight** notes no additional information was provided and assumes any impact will be minimal and, therefore, absorbable within current funding and staffing levels.

In response to a similar proposal, HB 838 (2021), officials from the **Springfield R-XII School District** indicated this proposal would have an unknown fiscal impact on the district.

Oversight assumes any fiscal impact would not be material and could be absorbed by the school district within current staffing and funding levels.

In response to the previous version of this proposal, officials from the **City of Lexington Water/Wastewater** stated there could be an impact if the municipal employee does not take the vaccination. This could cause a shortage in the department where outside personnel would be required; if it is a small department, that department could be shut down due to a shortage of personnel.

Oversight assumes the potential impact of an employee contracting the virus after not taking the vaccination and a possible shortage of department employees would result in an indirect impact. Oversight will not present an indirect impact for fiscal note purposes.

In response to a similar proposal, HCS for HB 838 (2021), officials from the **Office of Administration (OA) - Budget and Planning** state this proposal has no direct impact on B&P; has no direct impact on general or total state revenues; and will not impact the calculation pursuant to Article X, Sec. 18(e).

In response to a similar proposal, HCS for HB 838 (2021), officials from the **Attorney General's Office, the Department of Commerce and Insurance, the Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Health and Senior Services, the Department of Natural Resources, the Department of Corrections, the Department of Labor and Industrial Relations, the Department of Revenue, the Department of Public Safety (DPS), Divisions of: Capitol Police, Director's Office, Missouri National Guard, Missouri Highway Patrol, and the Missouri Veterans Commission, the Department of Social Services, the Missouri Lottery, the Missouri Consolidated Health Care Plan, the Office of the Governor, the Missouri Department of Agriculture, the Missouri House of Representatives, the Missouri Senate, the Missouri Department of Transportation, the MoDOT & Patrol Employees' Retirement System, the Office of the State Courts Administrator, the Office of the State Auditor, the Office of the State Public Defender, the City of Claycomo, the City of Corder, the City of Springfield, the Kansas City Health Department, the Newton County Health Department, the Kansas City Police Department, the St. Joseph Police Department and the St. Louis County Police Department** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a similar proposal, HB 838 (2021), officials from the **OA - Administrative Hearing Commission and the Commissioner's Office, the Department of Economic Development, the Department of Mental Health, DPS, Divisions of: Alcohol and Tobacco Control, Division of Fire Safety, Missouri Gaming Commission, and the State Emergency Management Agency, the Missouri Department of Conservation, the Missouri Ethics Commission, the Economic and Policy Analysis Research Center, the Missouri Higher Education Loan Authority, the Missouri Office of Prosecution Services, the Missouri State Employees Retirement System, the Joint Committee on Administrative Rules, the Joint Committee on Education, the Petroleum Storage Tank Insurance Fund, the Office of the State Treasurer, the State Tax Commission, the City of Kansas City, the City of O'Fallon, the City of St. Louis, the Kansas City Board of Elections, the Platte County Board of Elections, the St. Louis County Board of Elections, the Mississippi County Recorder of Deeds, the Clay County Auditor's Office, the Crestwood Police Department, the Fruitland Area Fire Protection District, the Kearney Fire & Rescue Protection District, the Nodaway County Ambulance District, the Crawford County 911 Board, the County Employees Retirement Fund, the Joint Committee on Public Employee Retirement, the Kansas City Employee's Retirement System, the Kansas City Firefighter's Pension System, the Kansas City Public School Retirement System, the Kansas City Supplemental Retirement Plan, the Local Government Employees Retirement System, the Sheriff's Retirement System, the Cass County Public Water Supply District #2, the City of Corder Water/Wastewater, the**

Glasgow Village Solid Waste, the Hancock Street Light District, the Little Blue Valley Sewer District, the Metropolitan St. Louis Sewer District, the Schell City Water Department, the South River Drainage District, the St. Charles County Public Water Supply District #2, the Tri County Water Authority, the Union Star Water/Wastewater, the Wayne County Public Water Supply District #2, the Hermann Area Hospital District, Missouri State University, State Technical College of Missouri, the University of Central Missouri, St. Charles Community College and the Mo-Kan Regional Council each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

House Amendment 3 to House Amendment 5 - §542.525 – Cameras on private property

In response to a similar proposal, HCS for HB 1166 (2021), officials from the **Attorney General's Office, the Department of Commerce and Insurance, the Department of Economic Development, the Department of Elementary and Secondary Education, the Department of Health and Senior Services, the Department of Higher Education and Workforce Development, the Department of Labor and Industrial Relations, the Department of Mental Health, the Department of Natural Resources, the Department of Corrections, the Department of Revenue, the Department of Public Safety – (Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Highway Patrol, Missouri National Guard, Missouri Veterans Commission, Office of the Director, and State Emergency Management Agency), the Department of Social Services, the Missouri Department of Agriculture, the Missouri Department of Conservation, the Missouri Department of Transportation, the MoDOT & Patrol Employees' Retirement System, the Office of Administration, the Office of Administration - Administrative Hearing Commission, the Office of the Secretary of State, the Office of the State Public Defender, the Missouri Lottery Commission, MCHCP, MOHELA, MOSERS, the Office of the State Courts Administrator, the Office of the Governor, the Missouri House of Representatives, the Joint Committee on Administrative Rules, the Joint Committee on Education, the Legislative Research, the Oversight Division, the Missouri Senate, the Office of the State Auditor, the State Tax Commission, the University of Missouri, the City of Claycomo, the City of Corder, the City of Kansas City, the City of O'Fallon, the City of Springfield, the City of St. Louis, the Kansas City Police Department, and the St. Louis County Police Department** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to a similar proposal, HCS for HB 1166 (2021), officials from the **Office of Administration - Budget and Planning (B&P)** stated this proposal has no direct impact on B&P and no direct impact on general and total state revenues and will not impact the calculation pursuant to Art. X, Sec. 18(e).

In response to a similar proposal, HCS for HB 1166 (2021), officials from the **Joint Committee on Public Employee Retirement (JCPER)** stated this proposal would not affect retirement plan benefits as defined in §105.660(9).

In response to a similar proposal, HB 1166 (2021), officials from the **Missouri Ethics Commission**, the **Office of the Lieutenant Governor**, the **Office of the State Treasurer**, the **Missouri Office of Prosecution Services** and **Boone County** each assumed the proposal would have no fiscal impact on their respective organizations.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

House Amendment 6 - Section 67.260 - Special permission to implement extended public health or safety closures

In response to a similar proposal, HCS No. 2 for HB 75 (2021), officials from the **Columbia/Boone County Department of Public Health and Human Services** stated there would be an unknown cost due to an increase in COVID-19 cases and other communicable diseases requiring disease investigation and contact tracing. It is impossible to estimate how many additional COVID-19 cases and other communicable diseases there will be during the time governing body would have to accept the order. If the order is rejected, the fiscal impact would be greater.

In response to a similar proposal, HCS for HB 75 (2021), officials from the **City of Springfield (Springfield)** stated Springfield anticipates a potential negative fiscal impact of an unknown amount due to an increase in COVID-19 cases or other communicable disease outbreaks requiring disease investigation and contact tracing if an outbreak exceeds thirty days and approval from the department of health and senior services to enact an order longer than thirty days is not timely received. Additionally, Springfield anticipates increased costs if an outbreak exceeds ninety days and a request to continue a mitigation order is denied. It is impossible to estimate how many additional COVID-19 or other communicable disease cases there would be.

Oversight notes it is currently the responsibility of local public health agencies (LPHAs) to conduct disease investigation and contact tracing regardless of whether a statewide emergency has been proclaimed by the governor. It is assumed any potential costs that may be incurred as a result of this proposal are indirect costs. Therefore, Oversight will present no fiscal impact for provisions of this proposal.

In response to a similar proposal, HCS No. 2 for HB 75 (2021), officials from the **Department of Health and Senior Services**, the **Missouri House of Representatives**, the **Missouri Senate**, the **City of Claycomo**, the **City of Corder**, the **City of Kansas City** and the **Newton County Health Department** each indicated this proposal would have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to a similar proposal, HCS for HB 75 (2021), officials from the **City of Southwest City** stated this proposal will have a fiscal impact. Officials stated they are currently following all CDC and local health department guidelines regarding this issue. **Oversight** notes no additional information regarding the fiscal impact of this proposal was provided.

In response to a similar proposal, HCS for HB 75 (2021), officials from the **City of Hughesville**, the **City of O'Fallon**, the **City of St. Louis** and the **City of Tipton** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

House Amendment 7 - Sections 37.710, 37.717 and 210.152

§37.710 - Adds provisions to the Office of Child Advocate statutes

In response to a similar proposal, HCS for HB 673 (2021), officials from the **Department of Social Services (DSS), Children's Division (CD)** stated this section adds language to the Office of Administration (OA), Office of Child Advocate (OCA) statutes that nothing in their statute should preclude them from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

There is no fiscal impact to CD as this language applies to the Office of Child Advocate and the State Technical Assistance Team.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact for CD for this section in the fiscal note.

§§37.717 - Office of Administration to create a safety reporting system for DSS

In response to a similar proposal, HCS for HB 673 (2021), officials from the **Office of Administration (OA), Office of Child Advocate (OCA)** stated this bill requires them to create a safety reporting system that will allow employees of the Department of Social Services (DSS), Children's Division (CD) to report concerns about the safety of children served by CD, as well as the safety of CD's employees. Any criminal act reported to OCA through this system must be reported to the appropriate authorities by OCA.

OCA assumes this bill will result in an unknown increase in concerns regarding the safety of children that are reported to OCA. OCA believes existing staff can handle the increase in incoming reports regarding child safety; however, should the increase be greater than expected, additional staff could be required.

Reviewing the safety concerns of Children's Division employees is a new responsibility for OCA, which would require a new complaint process, database changes, and increased investigative responsibilities. OCA believes it will take two (2) Senior Social Services Specialists (\$40,000 annual salary plus fringe benefits each) to implement and maintain this new responsibility.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by OA, OCA.

Officials from **OA, ITSD** state their calculations for this proposal are based on 12 weeks of effort by two staff to develop safety reporting system in §37.717.1 along with additional ongoing support to handle the maintenance of the new application; and two weeks effort by one staff to develop method for electronic exchange of data between DSS and OA in §210.652 with ongoing maintenance included to support that process going forward.

OA, ITSD assumes every new IT project/system will be bid out because all ITSD resources are at full capacity. IT contract rates for the safety reporting system and data exchange are estimated at \$95/hour. It is assumed the necessary modifications will require 1,123.20 hours for a cost of \$106,704 (1,123.20 * \$95) in FY22. Ongoing support and maintenance costs are estimated to be \$23,516 in FY23 and \$24,063 in FY24; 100% GR.

Officials from **DSS, CD** state this bill creates a new section, which creates a safety reporting system in which employees of DSS may report information regarding the safety of those served by the DSS and the safety of such department's employees.

2. The identity of any individual who reports shall:

- (1) Be sealed from inspection by the public or any other entity or individual who is otherwise provided access to the DSS confidential records;
- (2) Not be subject to discovery or introduction into evidence in any civil proceeding; and
- (3) Be disclosed only as necessary to carry out the purpose of the reporting.

3. Any criminal act reported into the reporting system under subsection 1 of this section shall be disclosed by the DSS to the appropriate law enforcement agency or prosecuting or city attorney.

4. Any investigation conducted as a result of a report made under this section shall be conducted by an unbiased and disinterested investigator.

There is no fiscal impact to CD as this statute is established under the Office of Child Advocate.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for DSS, CD for this section.

§210.152 – OCA may release findings about any member of the multidisciplinary team

In response to a similar proposal, HCS for HB 673 (2021), officials from the **Children’s Division** stated this section adds language that nothing in the section shall preclude the Office of Child Advocate from releasing findings regarding the professional performance of any individual member of the multidisciplinary team as described in §660.520.

CD does not anticipate a fiscal impact at this time.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section.

House Amendment 1 to House Amendment 7 - §21.753 – All occupations qualify as essential workers

In response to a similar proposal, HB 851 (2021), officials from **State Technical College of Missouri (STC)** stated this proposal could have a positive impact on STC; however, the amount cannot be estimated.

Oversight notes officials from the **High Point R-III School District** responded to the request for a statement of fiscal impact. High Point R-III officials indicated this proposal would have an impact on their school district, but no additional information was provided.

In response to a similar proposal, HB 851 (2021), officials from the **Springfield R-XII School District** indicated the fiscal impact to the school district is unknown.

In response to a similar proposal, HB 851 (2021), officials from **Northwest Missouri State University** stated they would have to change their policy around pay for essential employees but it is not thought this will have a financial impact that is a negative on the institution.

Oversight assumes classifying all employees as essential would not have a direct fiscal impact on agencies and organizations as these are employees that are currently deemed necessary by the simple fact that they are employed by the organization.

In response to a similar proposal, HB 851 (2021), officials from the **Department of Commerce and Insurance** defer to the Office of Administration (OA), Division of Personnel for the fiscal impact of this proposal.

In response to a similar proposal, HB 851 (2021), officials from the **Department of Public Safety (DPS) – Missouri Veterans Commission** defer to OA for response to this proposal as it may have a fiscal impact.

In response to a similar proposal, HB 851 (2021), officials from the **Office of Administration, the Attorney General’s Office, the Department of Economic Development, the Department**

of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Health and Senior Services, the Department of Mental Health, the Department of Natural Resources, the Department of Corrections, the Department of Labor and Industrial Relations, the Department of Revenue, the DPS, Divisions of: Alcohol & Tobacco Control, Capitol Police, Director's Office, Fire Safety, Missouri Gaming Commission, Missouri Highway Patrol, Missouri National Guard, and the State Emergency Management Agency, the Department of Social Services, the Office of the Governor, the Missouri Department of Agriculture, the Missouri Ethics Commission, the Missouri House of Representatives, the Missouri Department of Transportation, the MoDOT & Patrol Employees' Retirement System, the Missouri State Employee's Retirement System, the Petroleum Storage Tank Insurance Fund, the Missouri Lottery, the Missouri Consolidated Health Care Plan, the Missouri Department of Conservation, the Missouri Office of Prosecution Services, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, Legislative Research, the Administrative Hearing Commission and the Division of Budget and Planning, the Oversight Division, the Office of the State Auditor, the Missouri Senate, the Office of the State Courts Administrator, the Office of the State Public Defender, the City of Corder, the City of Kansas City, the City of O'Fallon, the City of Springfield, the Newton County Health Department, the Crestwood Police Department, the Ellisville Police Department, the Kansas City Police Department, the St. Louis County Police Department, the Crawford County 911 Board, the Nodaway County Ambulance District, the Hermann Area Hospital District, Missouri State University, the University of Central Missouri, the University of Missouri System each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this section for these agencies.

Bill as amended

Officials from **Department of Public Safety - Missouri Veterans Commission (MVC)** state compliance with the masking provision of this bill would put MVC in violation of VA regulations and therefore jeopardize their federal funding. Additionally, compliance with the masking provision of this bill would almost certainly lead to severe medical outcomes for MVC staff and residents of MVC Homes for which they would anticipate litigation. Finally, the collective bargaining agreement that they have in place with their direct care staff requires us to adhere to all CDC published guidance. Therefore, compliance with the masking provision in this bill reasonably can be expected to lead to litigation on that issue as well. MVC defers to the AGO as to the costs to the state in litigation expenses, and anticipates a possible fiscal impact of more than \$70 million annually if VA funding for its Homes is revoked.

Officials from the **Department of Natural Resources, Department of Public Safety (Fire Safety, Director's Office, Missouri National Guard, Missouri Highway Patrol and the State Emergency Management Agency), Department of Social Services, Missouri Department of Transportation, MoDOT & Patrol Employees' Retirement System, Office of Administration, Missouri House of Representatives, Joint Committee on Education, Joint**

Committee on Public Employee Retirement, Oversight Division, Missouri Consolidated Health Care Plan, Missouri Higher Education Loan Authority, Missouri Office of Prosecution Services, Missouri Senate, Missouri Department of Agriculture, Department of Health and Senior Services, Department of Higher Education and Workforce Development, Department of Elementary and Secondary Education, Department of Commerce and Insurance, Department of Mental Health and the State Tax Commission each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Corder Water & Wastewater District, Metropolitan St. Louis Sewer District, South River Drainage District, Wayne County PWSD #2, Kansas City Public School Retirement System, Metro St. Louis Sewer District Employees Pension Plan, St. Joseph Policeman's Pension Fund, St. Joseph Police Department, Clay County Auditor, Newton County Health Department, City of Claycomo, Hancock Street Light District, Little Blue Valley Sewer District, Crawford County 911 Board** and the **City of Corder** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State** notes many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$5,000. The Secretary of State's office recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, they also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what their office can sustain with their core budget. Therefore, they reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

<u>FISCAL IMPACT</u> – State Government	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2035)
GENERAL REVENUE				
<u>Cost/Loss</u> - DOC - from restrictions on quarantine procedures – HA 4 §192.027 p. 5	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> - OA, OCA (\$37.717) – HA 7 p. 12-13				Could exceed...
Personal service	(\$66,667)	(\$80,800)	(\$81,608)	(\$81,608)
Fringe benefits	(\$42,400)	(\$51,150)	(\$51,423)	(\$51,423)
Equipment and expense	(\$5,464)	\$0	\$0	\$0
Total Costs	(\$114,531)	(\$131,950)	(\$133,031)	(\$133,031)
FTE Changes	2 FTE	2 FTE	2 FTE	2 FTE
<u>Costs</u> - OA, ITSD (\$37.717) Safety reporting and data exchange - p. 12-13	(\$106,704)	(\$23,516)	(\$24,063)	Could exceed (\$24,063)
ESTIMATED NET EFFECT ON GENERAL REVENUE	Could exceed (\$221,235)	Could exceed (\$155,466)	Could exceed (\$157,094)	Could exceed (\$157,094)
Estimated Net FTE Change on the General Revenue	2 FTE	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT</u> – State Government	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2035)
FEDERAL FUNDS				
<u>Loss - MVC - loss of federal funds due to compliance issues - p.15</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT ON FEDERAL FUNDS	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
UNIVERSITY FUNDS				
<u>Revenue (Loss) - student housing payments - §173.1590 - p. 3</u>	\$0	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	(Unknown, Could exceed <u>\$3,200,208</u>)
ESTIMATED NET EFFECT ON UNIVERSITY FUNDS	\$0	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	(Unknown, Could exceed <u>\$3,200,208</u>)

<u>FISCAL IMPACT</u> – Local Government	FY 2022 (10 Mo.)	FY 2023	FY 2024	Fully Implemented (FY 2035)
	\$0	\$0	\$0	\$0

FISCAL IMPACT – Small Business

Oversight assumes there could be a fiscal impact to small businesses as a result of this proposal.

FISCAL DESCRIPTION

Beginning July 1, 2022, this bill prohibits any public institution of higher education in this state from requiring students to live in campus housing except for first-time freshman. First-time freshman may be required to live in campus housing the first year of his or her attendance. The bill allows the University of Central Missouri, the University of Southeast Missouri State, and the Missouri University of Science and Technology to continue to have policies that require upperclassman to live on campus until after June 30, 2034.

House Amendment 2 - Section 162.052 - The bill allows registered voters to file a petition with the school board to add agenda items to any monthly school board meeting. Requirements for the petition language is outlined in the bill, and no request may be submitted more than once every six months. Any agenda item added in this manner, shall be taken up by the board following the board procedure for such items.

House Amendment 4 - Section 192.027 - The bill creates the "True COVID Liability Act" and contains declarative statements regarding epidemiology, public policy relating to contagious diseases including COVID-19, susceptibility to contagious diseases, personal accountability, legal liability and government-mandated responses as outlined.

The bill prohibits the state or any political subdivision thereof from, as a response to a contagious disease, quarantining an individual in any way; limiting the use of otherwise lawful activities in any private property or premises in which extraordinary prevalence of a contagious disease has not been proven; revoking any business license based on an individual's or entity's decision regarding recommendations from a government or scientific entity.

No individual, owner, or entity shall be subject to criminal or civil liability in any action alleging exposure to a contagious disease on premises controlled by such person unless they knowingly and purposely with malice, exposed an individual to a contagious disease where such exposure caused the exposed individual to suffer from a clinical disease.

The provision contains an emergency clause.

House Amendment 5 - Section 1.1000 - This bill requires that any exercise of emergency powers by the Governor or state or local officials that regulates the public is limited as follows:

- 1) It must be narrowly tailored to serve a compelling public health or safety purpose, and must be limited in duration, applicability, and scope to reduce infringement of individual liberty;
- 2) There must be expedited judicial review of these requirements, and a court may cite inequality in the applicability or impact of emergency orders on analogous groups, situations, and circumstances as evidence that the order is not narrowly tailored to serve a compelling public health or safety purpose;

3) To the extent allowed by the Constitution of Missouri and state law, only the Governor may issue emergency orders that infringe on Constitutional rights in a nontrivial manner. For the purposes of this section, Constitutional rights include, but are not limited to, the rights to travel, work, assemble, and speak; the freedom of religious exercise; the nonimpairment of contract and property rights; freedom from unreasonable search and seizure; and the freedom to purchase lawful firearms and ammunition;

4) All state-wide emergency orders infringing Constitutional rights will expire automatically after seven days unless the legislature is in session and has 15 days to consider and vote on them, or the Governor calls a special sessions for that purpose;

5) All orders will expire after 30 days unless the Governor or General Assembly terminates the order earlier or the legislature ratifies the order by joint resolution within the 30 day period;

The legislature is authorized to vote on these emergency orders by remote debate and electronic or other means, as established by the rules of the chamber or by the presiding officer of each chamber. If the legislature fails to timely ratify an emergency order or rejects it, the Governor cannot reissue the order or issue one that is substantially similar, except that the Governor may reissue the order based on significantly changed circumstances for a single period of up to three days if the Governor calls the legislature to reconsider the order and the changed circumstances.

Nothing in this section grants additional emergency powers to the governor or any other official. Notwithstanding the provisions of this section, state and local officials may issue nonbinding recommendations and guidelines and may help coordinate public and private action to prevent or respond to an emergency.

House Amendment 1 to House Amendment 5 - The bill also prohibits any political subdivision of the state from adopting an ordinance, resolution, regulation, code, or policy that prohibits or has the effect of prohibiting the connection or reconnection of a utility service based on the type or source of energy to be delivered to an individual customer. No political subdivision of this state can adopt or enforce an ordinance, resolution, regulation, code, or policy that requires the connection of a private single-family residence to public water or sewer services if it is already served by an existing private well or septic system unless it was installed in violation of applicable ordinances at the time of installation.

House Amendment 2 to House Amendment 5 - Section 292.652 - This bill prohibits a public employer from requiring any public employee or person entering a public building to receive a COVID-19 vaccination and prohibits political subdivisions from adopting any ordinance, rule, or regulation that requires a public employer to implement a policy that violates these provisions.

House Amendment 3 to House Amendment 5 - Section 542.525 - This bill prohibits any employee of a state agency or political subdivision of the state from placing a surveillance camera or game camera on private property without the consent of the landowner or landowner's

designee, a search warrant, or permission from the highest ranking law enforcement chief or officer of the agency. If placed with the permission of the highest ranking officer, the camera must be facing a location that is open to public access or use and the camera is within 100 feet of the intended surveillance location.

House Amendment 6 - Section 67.260 - This bill provides time limited authority for political subdivisions to order closures of businesses, churches, schools, or other public gatherings for reasons of public health or safety.

A public official is authorized to order closure for up to 15 days, then for a second period of up to 15 days upon approval of the government entity's legislative body. The order closure may be extended an addition 10 days at a time up to three times upon a 2/3's vote of the governmental entity's legislative body. After three extensions of 10 days any additional 10 day extension shall be upon unanimous approval of the government entity's legislative body.

This provision contains an emergency clause.

House Amendment 7 - Section 37.710, 37.717 & 210.152 - This bill allows the office of child advocate to release findings for members of a multidisciplinary team relating to their professional performance.

This bill requires the Office of Child Advocate to create a safety reporting system for the Department of Social Services employees to be able to report information regarding the safety of those served by the office and the safety of the employees. The bill specifies how the identity of the person making the report will be protected. Any criminal act reported to the reporting system will be disclosed to the Department and to the appropriate law enforcement agency, and any investigation conducted as a result of the report must be conducted by an unbiased and disinterested investigator.

House Amendment 1 to House Amendment 7 - Section 21.753 - This bill provides that the General Assembly occupies and preempts the entire field of legislation touching in any way the classification of essential workers. Existing or future orders, ordinances, or regulations regarding the classification of essential workers are and will be null and void. Neither the state nor an official, agency, or political subdivision thereof shall issue or adopt any order, ordinance, or regulation concerning in any way which occupations are classified as essential workers. All occupations in the state of Missouri qualify as essential workers.

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

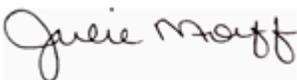
SOURCES OF INFORMATION

Department of Higher Education and Workforce Development
Department of Social Services

Missouri Office of Prosecution Services
Office of the State Courts Administrator
Attorney General's Office
Department of Health and Senior Services
Office of the Governor
Missouri House of Representatives
Missouri Senate
Department of Commerce and Insurance
Office of Administration
 Budget and Planning
 Administrative Hearing Commission
 Commissioner's Office
 Office of Child Advocate
 Information Technology
Department of Elementary and Secondary Education
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety
 Capitol Police
 Director's Office
 Missouri National Guard
 Missouri Highway Patrol
 Missouri Veterans Commission
 Division of Alcohol and Tobacco Control
 Fire Safety
 Missouri Gaming Commission
 State Emergency Management Agency
Missouri Lottery
Missouri Consolidated Health Care Plan
Missouri Department of Agriculture
Missouri Department of Transportation
MoDOT & Patrol Employees' Retirement System
Office of the State Auditor
Office of the State Public Defender
Department of Economic Development
Department of Mental Health
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Higher Education Loan Authority
Missouri State Employee's Retirement System
Joint Committee on Administrative Rules
Joint Committee on Education

Petroleum Storage Tank Insurance Fund
Office of the State Treasurer
Legislative Research
Oversight Division
Office of the Lieutenant Governor
State Tax Commission
University of Central Missouri
Southeast Missouri State University
University of Missouri System
Missouri State University
Northwest Missouri State University
State Technical College of Missouri
City of Springfield
City of St. Louis
City of Claycomo
City of Corder
City of Kansas City
City of O'Fallon
City of Tipton
City of Ballwin
City of Southwest City
City of Hughesville
Boone County
Newton County Health Department
Columbia/Boone County Department of Public Health and Human Services
City of Kansas City Health Department
St. Joseph Police Department
St. Louis County Police Department
Crestwood Police Department
Ellisville Police Department
Springfield Police Department
Cass County PWSD #2
Glasgow Village Street Light District
High Point Elementary School
Little Blue Valley Sewer District
Metropolitan St. Louis Sewer District
Platte County PWSD #6
Wayne County PWSD #2
Taney County Auditor's Office
Caldwell County Ambulance District
Florissant Valley Fire Protection District Retirement Plan
Crestwood Police Department
Fruitland Area Fire Protection District
Kearney Fire & Rescue Protection District

Nodaway County Ambulance District
Crawford County 911 Board
Kansas City Police Retirement System
High Point R-III School District
Springfield R-XII School District
City of Lexington Water/Wastewater
Kansas City Board of Elections
Platte County Board of Elections
St. Louis County Board of Elections
Mississippi County Recorder of Deeds
Clay County Auditor's Office
County Employees Retirement Fund
Kansas City Public School Retirement System
Kansas City Supplemental Retirement Plan
Local Government Employees Retirement System
Sheriff's Retirement System
Cass County Public Water Supply District #2
City of Corder Water/Wastewater
Glasgow Village Solid Waste
Hancock Street Light District
Schell City Water Department
South River Drainage District
St. Charles County Public Water Supply District #2
Tri County Water Authority
Union Star Water/Wastewater
Wayne County Public Water Supply District #2
Hermann Area Hospital District
Mo-Kan Regional Council



Julie Morff
Director
April 29, 2021



Ross Strobe
Assistant Director
April 29, 2021