

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5804S.01I
Bill No.: SB 1207
Subject: Attorney General; Education, Elementary and Secondary; Emergencies; General Assembly; Governor & Lieutenant Governor; Department of Health And Senior Services; Health, Public; Political Subdivisions
Type: Original
Date: April 4, 2022

Bill Summary: This proposal modifies provisions relating to public health, including public health orders and COVID-19 school policies.

FISCAL SUMMARY

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

*Oversight assumes the fiscal impact to the state would not reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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
Total Estimated Net Effect on FTE	0	0	0

- ☐ 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 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§§27.150, 67.265, 67.308, 167.029, 167.181, 167.191, 171.011, and 192.290 – Public health provisions including public health orders and Covid-19 school policies

Officials from the **City of Kansas City** state this legislation could have a negative fiscal impact on Kansas City if the City had to pay attorney's fees, court costs, and other expenses in an action brought pursuant to this legislation.

Oversight assumes the provisions of this proposal could have a negative fiscal impact on local governments and will reflect a \$0 to negative unknown for fiscal note purposes.

Officials from the **Kansas City Health Department** state this proposal would have a fiscal impact of an indeterminate amount.

Oversight assumes the provisions of §21.750 may have a negative impact to local governments if a civil action is brought against them by the Attorney General (AG) and they are required to reimburse the AG for fees, court costs and other expenses. For fiscal note purposes, Oversight will present a \$0 to unknown loss to local governments and a \$0 to unknown positive fiscal impact to the General Revenue Fund for reimbursement of AG costs. Funds deposited into the General Revenue fund are dedicated for use in the line of duty, survivor's and disabled employee's educational grant program, as set forth in §173.260.

Oversight assumes the provisions of §§67.265 and 67.308 could have a negative fiscal impact on local governments and will reflect a \$0 to negative unknown for fiscal note purposes.

Officials from the **Attorney General's Office**, the **Department of Health and Senior Services**, the **City of Claycomo**, the **City of O'Fallon**, the **City of Springfield**, the **Newton County Health Department**, the **Office of the Governor**, the **Missouri House of Representatives**, the **Missouri Senate** and the **Missouri Office of Prosecution Services** 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 (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS 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 the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes 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 the office can sustain with its core budget. Therefore, the SOS reserves 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, various county officials, local public health departments and schools were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System database is available upon request.

Officials from the **Office of the State Courts Administrator** did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
GENERAL REVENUE FUND			
<u>Savings</u> – AGO (\$27.150) – Reimbursement of litigation costs dedicated for the line of duty, survivor's and disabled employee's educational grant program	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
LOCAL GOVERNMENTS			
<u>Costs – Local Governments (§27.150) – reimbursement to Attorney General for civil action costs</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Costs – Local Governments (§§67.265 and 67.308) – injunctive relief, punitive damages, litigation costs</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act modifies provisions relating to public health. First, in any civil action brought by the Attorney General against a political subdivision, including a school district, relating to the authority to impose health-related orders, the courts shall award attorney's fees, court costs, and all other expenses incurred by the Attorney General in the action if the Attorney General is the prevailing party.

Under this act, all public health orders shall be issued and approved by a vote of the local elected governing body of a city or county, including those orders requiring the wearing of face coverings. Any order issued during a state of emergency shall automatically expire at the end of 30 days unless extended prior to the expiration or termination of the original order, and no orders shall be extended beyond 60 days of the effective date of the original order. Upon the expiration of the 60 day period, only the Director of the Department of Health and Senior Services shall be authorized to issue or extend any further orders. Prior to or concurrent with the issuance or extension of such orders, the health officer, public health agency, or executive may submit a draft order to the local elected governing body and shall submit a report including specific studies and legal authorities supporting the order, as well as a summary of comments in support of or opposition to the order.

No local elected governing body shall issue or authorize any order relating to a statewide pandemic under this act unless the Governor has directed the Director of the Department of

Health and Senior Services to authorize local elected governing bodies to do so, in accordance with specific criteria. The Governor, Director, and General Assembly shall each have the authority to declare a statewide pandemic, as set forth in the act. During a statewide pandemic, only the Director shall have the authority to close schools, places of assembly, or restrict the operations or hours of such.

This act provides a civil remedy and damages for persons aggrieved by a violation of this act, as described further in the act.

Under this act, no private person, business, corporation, organization, or other non-governmental entity shall be required to assist the enforcement of an order issued under this act.

No public or charter school shall implement or enforce any student dress requirements or COVID-19 preventative measures that include a mask or face covering mandate. No student shall be required, as a condition of school attendance or participation in school-sponsored extracurricular activities, to be immunized against COVID-19 or to undergo any testing policy as an alternative to a COVID-19 vaccination.

Under current law, a teacher or school board may require a student to be examined by a physician and be excluded from school if a child has a contagious disease or is liable to transmit the disease. This act permits such examination to be conducted by a physician assistant or advanced practice registered nurse. If the child's parent or guardian presents a written document to the school that is signed by a physician, physician assistant, or advanced practice registered nurse and states that the child is not contagious, then the child shall not be excluded from school.

No school board, administrator, teacher, staff, or other public or charter school personnel shall have the authority to adopt policies or orders relating to quarantine, isolation, or other health-related requirements for students beyond specific grants of such authority in current statute. During a statewide pandemic, all generally applicable orders relating to the spread of a contagious disease shall be made by a local elected governing body of a city or county. 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

Attorney General's Office
Department of Health and Senior Services
Office of the Secretary of State
City of Claycomo
City of Kansas City
City of O'Fallon
City of Springfield
Kansas City Health Department
Newton County Health Department

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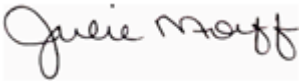
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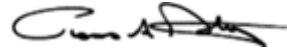
Office of the Governor
Missouri House of Representatives
Joint Committee on Administrative Rules
Missouri Senate
Missouri Office of Prosecution Services

NOT RESPONDING

Office of the State Courts Administrator



Julie Morff
Director
April 4, 2022



Ross Strobe
Assistant Director
April 4, 2022