

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0919H.02C
Bill No.: HCS for HB 746
Subject: Religion; Political Subdivisions; Cities, Towns, and Villages; Emergencies;
Health and Senior Services, Department of
Type: Original
Date: March 10, 2021

Bill Summary: This proposal would prohibit restrictions on the free exercise of religion during an emergency.

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
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 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
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 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§44.104 – Prohibits restrictions on free exercise of religion during an emergency

Officials from the **City of Springfield (Springfield)** states Springfield anticipates a 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. It is impossible to estimate how many additional COVID-19 or other communicable disease cases there will be as a result of people not observing social distancing or other mitigation strategies during the exercise of religion. Therefore, the amount of the negative fiscal impact cannot be estimated.

Officials from the **Columbia/Boone County Department of Public Health and Human Services (DPHHS)** state 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 people not adhering to social distancing or other disease prevention measures while exercising religion.

Officials from the **Kansas City Health Department** assume this proposal would result in a negative fiscal impact of an indeterminate amount.

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.

Officials from the **Office of Attorney General (AGO)** assume any additional litigation costs arising from this proposal can be absorbed with existing personnel and resources. However, the AGO may seek additional appropriations if there is a significant increase in litigation.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO 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 AGO for fiscal note purposes.

Officials from 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 Mental Health, the Department of Natural Resources, the Department of Labor and Industrial Relations, the Department of Public Safety, Divisions of: Alcohol and Tobacco Control, Director's Office, MO National Guard, and the State Emergency Management Agency, the Department of Revenue, the Department of Social Services, the Joint Committee on Administrative Rules, the Missouri Consolidated Health Care Plan, the Missouri Department of Agriculture, the Missouri Lottery Commission, the Missouri Office of Prosecution Services, the Missouri Senate, the Missouri House of Representatives, the Office of Administration, Director's Office, Administrative Hearing Commission and the Division of Budget and Planning, the Office of the Governor, 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 and the Newton County Health Department 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.

In response to the previous version of this proposal, officials from the **Department of Corrections (DOC)** stated while the DOC anticipates no impact from this legislation, it assumes the provisions of Chapter 1.302, RSMo, would still allow the department to restrict access to religious services when needed for safety and security needs, emergency response, segregation assignments, and infectious disease outbreaks. If that is not correct, then there could potentially be a significant impact on department operations.

In response to the previous version of this proposal, officials from the **University of Missouri Health Care (UMHC)** stated they have reviewed the proposed legislation and determined that as written, it should not create expenses in excess of \$100,000.

Oversight notes UMHC has determined that \$100,000 is their threshold for costs being absorbable within current funding levels. Therefore, Oversight will present no fiscal impact for the UMHC for fiscal note purposes.

In response to the previous version of this proposal, officials from the **Department of Economic Development, the Department of Public Safety, Divisions of: Capitol Police, Fire Safety, Gaming Commission, MO State Highway Patrol and the MO Veterans Commission, the Missouri Department of Conservation, the Missouri Ethics Commission, the Missouri Department of Transportation, the MoDOT & Patrol Employees' Retirement System, the Petroleum Storage Tank Insurance Fund, the Office of the Secretary of State, the Office of State Auditor, the Office of the State Treasurer, the City of Southwest City, the City of St. Louis, the City of Tipton and the Hermann Area Hospital District** 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.

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

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

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

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Commerce and Insurance
 Department of Economic Development
 Department of Elementary and Secondary Education
 Department of Higher Education and Workforce Development
 Department of Health and Senior Services
 Department of Mental Health
 Department of Natural Resources
 Department of Corrections
 Department of Labor and Industrial Relations
 Department of Revenue

Department of Public Safety –

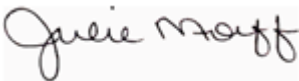
- Director's Office
- Division of Alcohol and Tobacco Control
- Capitol Police
- Division of Fire Safety
- Missouri Gaming Commission
- Missouri National Guard
- Missouri Highway Patrol
- Missouri Veterans Commission
- State Emergency Management Agency

Department of Social Services

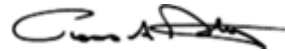
- Office of the Governor
- Joint Committee on Administrative Rules
- Missouri Lottery Commission
- Missouri Consolidated Health Care Plan
- Missouri Department of Agriculture
- Missouri Department of Conservation
- Missouri Ethics Commission
- Missouri House of Representatives
- Missouri Department of Transportation
- Missouri Senate
- Missouri Office of Prosecution Services
- MoDOT & Patrol Employees' Retirement System
- Petroleum Storage Tank Insurance Fund
- Office of Administration –
 - Administrative Hearing Commission
 - Budget and Planning
 - Commissioner's Office
- Office of the State Courts Administrator
- Office of the Secretary of State
- Office of State Auditor
- Office of the State Public Defender
- Office of the State Treasurer
- University of Missouri Health Care
- City of Corder
- City of Kanas City
- City of O'Fallon
- City of Southwest City
- City of Springfield
- City of St. Louis
- City of Tipton

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Columbia/Boone County Department of Public Health and Human Services
Kansas City Health Department
Newton County Health Department
Hermann Area Hospital District
University of Missouri Health Care

A handwritten signature in cursive script, appearing to read "Julie Morff", written in black ink on a light-colored background.

Julie Morff
Director
March 10, 2021

A handwritten signature in cursive script, appearing to read "Ross Strobe", written in black ink on a light-colored background.

Ross Strobe
Assistant Director
March 10, 2021