

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5672-01  
Bill No.: HB 2031  
Subject: Disabilities; Animals; Crimes and Punishment  
Type: Original  
Date: February 5, 2018

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Bill Summary: This proposal modifies provisions regarding service dogs.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	(\$661,214)	(\$734,373)	(\$747,222)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$661,214)</b>	<b>(\$734,373)</b>	<b>(\$747,222)</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	7 FTE	7 FTE	7 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>7 FTE</b>	<b>7 FTE</b>	<b>7 FTE</b>

☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Department of Health and Senior Services (DHSS)** will work with the Missouri Governor's Council on Disabilities to design a decal and brochure meeting the criteria of the proposed legislation. The brochure will be made available on the DHSS's website. The decal will be made available to order directly from the DHSS Warehouse.

According to the Missouri Secretary of State Corporations Division, the total number of entities registered as an active business in the state of Missouri fluctuates daily, but stays around 900,000 at any given time. For purposes of this fiscal note, it is estimated that the DHSS will receive a request for decals from 10 percent or 90,000 businesses each year. (New businesses, promotional activity and replacement of old decals were considered in estimation of the number of requests.) It is also assumed for fiscal note purposes that a brochure will be included in with the mailing of a requested decal. Since it is possible that one business may request multiple decals (business has more than one building), it is estimated that 100,000 decals and brochures will be printed each year at the cost of \$.05 per 4x4 inch decal ( $100,000 \times .05 = \$5,000$ ) and \$.04 per brochure ( $100,000 \times .04 = \$4,000$ ). There will be 6 x 7 envelope estimated at a cost of \$.09 each. Shipping of these packages will be at a cost of \$3.60 each.

DHSS estimates that each shipment will take 10 minutes to prepare resulting in 900,000 minutes per year of additional work time needed. Each full time FTE works 2,080 hours per year, which is 124,800 minutes. Based on this, we estimate requiring seven additional Storekeeper I positions to handle the workload of these mailings ( $900,000/124,800$ ).

Cost of Envelopes-  $90,000 \times \$0.09$  each = \$8,100  
Cost of Shipping-  $90,000 \times \$3.60$  each = \$324,000  
Cost of FTE- 7.0 FTE Storekeeper I (000202, A12, \$26,340 annually) = \$184,380

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of misrepresentation of a dog as a service dog - a new Class C misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

ASSUMPTION (continued)

**Oversight** assumes the SPD can absorb the additional caseload that may result from this proposal.

Officials at the **Office of the State Courts Administrator** assume there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Department of Labor and Industrial Relations**, the **Office of Administration**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Mental Health**, the **Department of Social Services** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Boone County Sheriff's Department**, the **Springfield Police Department**, the **Joplin Police Department**, the **St. Louis County Police Department** and the **St. Louis County Department of Justice Services** each assume no fiscal impact to their respective entities from this proposal.

Officials from the following law enforcement agencies: the Ashland Police Chief, Branson Police Department, Buchanan County Sheriff's Department, Cass County Sheriff's Office, Clark County Sheriff's Department, Clay County Sheriff's Department, Cole County Sheriff's Department, Columbia Police Department, Franklin County Sheriff's Department, Greene County Sheriff's Department, Independence Police Department, Jackson County Sheriff's Department, Jasper County Sheriff's Department, Jefferson City Police Department, Jefferson County Sheriff's Department, Lawrence County Sheriff's Department, Platte County Sheriff's Department, St. Charles Police Department, St. Joseph Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for a statement of fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
<b>GENERAL REVENUE</b>			
<u>Costs - DHSS</u>			
Personal Services	(\$153,650)	(\$186,224)	(\$188,086)
Fringe Benefits	(\$108,564)	(\$130,825)	(\$131,378)
Equipment and Expense	(\$113,250)	(\$67,696)	(\$69,389)
Decal/Brochure Expense	(\$285,750)	(\$349,628)	(\$358,369)
<u>Total Cost - DHSS</u>	<u>(\$661,214)</u>	<u>(\$734,373)</u>	<u>(\$747,222)</u>
FTE Change - DHSS	7 FTE	7 FTE	7 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b><u>(\$661,214)</u></b>	<b><u>(\$734,373)</u></b>	<b><u>(\$747,222)</u></b>
Estimated Net FTE Change for General Revenue	7 FTE	7 FTE	7 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

There could be a direct fiscal impact to small businesses as a result of this proposal.

FISCAL DESCRIPTION

This bill specifies that anyone who knowingly represents a dog as a service dog for the purpose of receiving the accommodations afforded service dogs under the Americans with Disabilities Act is guilty of a class C misdemeanor and liable for any actual damages resulting from the impersonation. Any subsequent violation is a class B misdemeanor.

FISCAL DESCRIPTION (continued)

The Commission on Human Rights must use its existing complaint hot line to receive reports of individuals impersonating a person with a disability or representing a dog as a service dog. The commission will refer an alleged violation to the appropriate law enforcement agency for investigation.

The Department of Health and Senior Services must prepare and make available to businesses a decal, suitable for posting in a front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law. The department must also create a brochure to help business owners with permissible questions and answers and guidelines defining acceptable behavior.

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 Health and Senior Services  
Office of the State Public Defender  
Office of the State Courts Administrator  
Department of Labor and Industrial Relations  
Office of Administration  
Department of Public Safety  
    Missouri Highway Patrol  
Department of Mental Health  
Department of Social Services  
Office of Prosecution Services  
Boone County Sheriff's Department  
Springfield Police Department  
Joplin Police Department  
St. Louis County Police Department  
St. Louis County Department of Justice Services

Ross Strobe

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized flourish at the end.

Acting Director  
February 5, 2018