

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5672-02  
Bill No.: HCS for HB 2031  
Subject: Disabilities; Animals; Crimes and Punishment  
Type: Original  
Date: February 22, 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    |
|                                                              | \$0        | \$0        | \$0        |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                          |            |            |            |
|-----------------------------------------------------------------------|------------|------------|------------|
| FUND AFFECTED                                                         | FY 2019    | FY 2020    | FY 2021    |
|                                                                       |            |            |            |
|                                                                       |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>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  |
|                                                           |          |          |          |
|                                                           |          |          |          |
| <b>Total Estimated<br/>Net Effect on<br/>FTE</b>          | <b>0</b> | <b>0</b> | <b>0</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 **Office of Administration** assume the staff at the Missouri Governor's Council on Disability (GCD) will design a decal and brochure meeting the criteria of the proposed legislation. The brochure and the decal will be made available on GCD's website. The request for the decal would be submitted to GCD online and GCD would mail out the decal. The decal would have to be printed by Missouri Vocational Enterprises and kept in stock for timely mailing.

According to the Missouri Secretary of State's 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 GCD will receive a request for decals from 10% or 90,000 businesses each year. This includes new businesses and replacement of old decals. Some businesses may request multiple decals. Therefore, it is estimated that 100,000 decals would be printed each year at the cost of 31 cents per 4x4 inch decal, equaling \$31,000. (Source: Quote from Missouri Vocational Enterprises). Envelopes would cost 10 cents a piece for a total of \$10,000 and postage is estimated at 47 cents per envelope, equaling \$47,000.

Due to the limited staff of 4 FTE, the GCD would require at least one additional FTE to handle the increased workload. GCD would need to hire an Office Support Assistant with a minimum annual salary of \$22,992.

There are no funds budgeted for additional FTE for GCD.

The current total operational budget for the GCD is \$198,611 (PS and EE) and the total annual cost of this project would be \$88,000 for expenses and \$22,992 (plus \$14,681 fringe benefits) for the additional FTE.

The dollar amounts shown in the spreadsheet reflect an adjustment to 10 months in FY19 due to the effective date of August 28. The adjusted expenses would be \$73,333 and the adjusted FTE salary would be \$19,160 with fringe benefits of \$14,681 for FY19.

ASSUMPTION (continued)

**Oversight** assumes the GCD could absorb the additional workload required from this proposal. Should additional funding be needed in the future, the GCD could request funding through the appropriation process. Oversight also assumes the GCD will make available online a placard for welcoming service dogs for businesses, as well as, a brochure with guidelines about service dogs. Oversight assumes the placard and brochure can be printed by the business owner and would result in no cost to the GCD. Therefore, Oversight will reflect a \$0 fiscal impact for this proposal.

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.

**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 **Department of Health and Senior Services**, the **Office of the Governor**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Mental Health** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Department of Social Services** assumed no fiscal impact from this proposal.

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

In response to a previous version, officials at the **Boone County Sheriff's Department**, the **Springfield Police Department** and the **St. Louis County Police Department** each assumed no fiscal impact to their respective entities from this proposal.

ASSUMPTION (continued)

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<br>(10 Mo.) | FY 2020    | FY 2021    |
|                                         | <u>\$0</u>          | <u>\$0</u> | <u>\$0</u> |

|                                         |                     |            |            |
|-----------------------------------------|---------------------|------------|------------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2019<br>(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.

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.

FISCAL DESCRIPTION (continued)

The Governor's Council on Disability must prepare and make available online a placard 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 and 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 the Governor  
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



Acting Director  
February 22, 2018