

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5672-02
Bill No.: Perfected HCS for HB 2031
Subject: Disabilities; Animals; Crimes and Punishment
Type: Original
Date: March 27, 2018

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
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

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

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

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

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

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 Social Services**, the **Department of Mental Health** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies 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)

House Amendment #1

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

Oversight assumes this amendment modifies provisions regarding service dogs and provides an online brochure for landlords and tenants regarding laws relating to service dogs and assistance animals. Oversight assumes the brochure can be printed by the landlords and tenants and would result in no additional cost to the GCD. Therefore, Oversight will reflect a \$0 fiscal impact for this amendment.

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

<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 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

A handwritten signature in black ink, appearing to read "Ross Strobe", with a stylized, cursive script.

Acting Director
March 27, 2018