

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3268-02
Bill No.: HB 1093
Subject: Agriculture and Animals; Disabilities; Employees - Employers
Type: Original
Date: February 2, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services, Office of the State Courts Administrator, Office of Administration – Division of Personnel, Department of Revenue, Department of Conservation, Department of Transportation and Department of Mental Health** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those few cases arising where indigent persons were charged with committing a crime against service animals. SPD states passage of more than one proposal increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Labor and Industrial Relations (DOL)** state it is not possible to predict how many cases this proposal would add to the Missouri Commission on Human Rights (MCHR) workload. DOL notes in tough economic times, intake has traditionally increased and has seen increases in intake at this time. From FY99 through FY03, intake increased by 299 cases.

ASSUMPTION (continued)

Oversight notes, in a similar proposal from last session, DOL assumed the proposal would have no fiscal impact on their department. Therefore, **Oversight** assumes the fiscal impact to be minimal and assumes DOL could absorb the additional responsibilities associated with their request for additional FTE.

Officials from the **Department of Corrections (DOC)** did not respond to our fiscal impact request. However, in response to a similar proposal from a prior session, DOC stated they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this proposal, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, the DOC assumes the impact would be less than \$100,000 per year.

FISCAL IMPACT - State Government

FY 2005
(10 Mo.)

FY 2006

FY 2007

GENERAL REVENUE FUND

Cost - Department of Corrections

Incarceration/Probation	<u>(Less than \$100,000)</u>	<u>(Less than \$100,00)</u>	<u>(Less than \$100,000)</u>
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FISCAL IMPACT - Local Government

FY 2005
(10 Mo.)

FY 2006

FY 2007

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

This bill:

- (1) Prohibits discrimination based on use of a service dog in housing, employment, transportation, or public accommodations;
- (2) Requires motor vehicles to yield to service dogs and their users;
- (3) Prohibits persons from harassing, interfering with, or assaulting service dogs or their users;
- (4) Prohibits disguising animals as service dogs;
- (5) Holds owners of service dogs responsible for controlling their dogs and liable for actual damages caused by the service dogs; and
- (6) Details penalties and remedies for violations.

DESCRIPTION (continued)

Officials from the Department of Labor and Industrial Relations indicate most of the unlawful discriminatory acts in this proposal are already protected under the Missouri Human Rights Act, Chapter 213, RSMo.

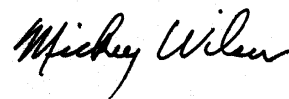
This proposal is not federally mandated and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services
Office of the State Courts Administrator
Office of Administration – Division of Personnel
Department of Revenue
Department of Conservation
Department of Transportation
Department of Mental Health
Office of the State Public Defender
Department of Labor and Industrial Relations

NOT RESPONDING

Department of Corrections



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Director
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