

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3070-01
Bill No.: HB 1319
Subject: Health, Public; Animals; Disabilities; Crimes and Punishment
Type: Original
Date: February 12, 2020

Bill Summary: This proposal modifies provisions relating to service dogs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§209.150, 209.200 and 209.204 - Service dogs

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crimes regarding the misrepresentation of a dog as a service dog - a new Class C Misdemeanor. Subsequent offenses would be escalated for a new Class B Misdemeanor. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

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 in all cases where the right to counsel attaches.

Oversight notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; and \$150 out of \$42.5 million in FY 2018; and \$1 out of \$46.0 million in FY 2019). Therefore, **Oversight** assumes the SPD is at maximum capacity and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, **Oversight** assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Department of Labor and Industrial Relations (DOLIR)** state §209.204.4 requires the Missouri Commission on Human Rights (MCHR) to use its existing complaint hotline to receive reports and refer the alleged violations to the appropriate law enforcement agencies. MCHR estimates it will get up to 1,500 call per year, averaging ten minutes per call. Using this estimate, MCHR will require an additional 0.12 FTE (1,500 calls x 10 min/call =

ASSUMPTION (continued)

15,000 min/60 min per hour = 250 hours/ 2,080 hours = 0.12 FTE). A Senior Office Support Assistant (\$30,088 annually) would take these calls and refer them to the appropriate law enforcement agency. DOLIR estimates total costs for this proposal (including equipment and expense and leased space costs) to be (\$14,370) for FY21; (\$6,902) for FY22; and (\$6,902) for FY23.

The DOLIR anticipates being able to absorb these costs. However, until the FY21 budget is final, the department cannot identify specific funding sources.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the DOLIR has sufficient staff and resources available to absorb the additional duties required by this proposal will reflect the no fiscal impact for DOLIR for fiscal note purposes.

Officials from the **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no fiscal impact on the MOPS. However, the enactment of new crimes creates additional responsibilities for county prosecutors which may in turn result in additional costs that are difficult to determine.

Oversight assumes county prosecutors could absorb any increase in cases referred to prosecutors within existing resources.

Officials from the **Office of Administration (OA)** stated the proposal would have no fiscal impact on their organization.

Oversight contacted OA officials about increased duties for the Governor's Council on Disability (GCD) under §209.204.5 and .6. These paragraphs require the GCD to prepare and make available online a placard suitable for posting in the front window or door, stating that service dogs are welcome and that misrepresentation of a service dog is a violation of Missouri law. The GCD is to create a brochure detailing permissible questions a business owner may ask in order to determine whether a dog is a service dog, proper answers to those questions, and guidelines defining unacceptable behavior. In addition, the GCD is to prepare and make available online a brochure for landlords and tenants regarding laws relating to service dogs and assistance animals and housing under federal and Missouri law.

OA officials stated the GCD assumes this proposal is only requiring them to post these items online and the time it would take to design something and place it on their web would be minimal and could be completed with existing resources. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this organization.

ASSUMPTION (continued)

Oversight notes the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Public Safety**, **Missouri State Highway Patrol**, the **Department of Social Services**, the **Governor’s Office**, the **Missouri Department of Agriculture**, the **Office of State Courts Administrator**, the **Office of Secretary of State**, the **Boone County Sheriff’s Department**, the **Ellisville Police Department**, the **Joplin Police Department**, the **St. Louis County Department of Justice Services**, the **St. Louis County Police Department** and the **Springfield Police Department** have each stated the proposal would not have a direct 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 organizations.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other sheriff’s and police departments 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 2021 (10 Mo.)	FY 2022	FY 2023
GENERAL REVENUE FUND			
<u>Costs</u> - SPD (\$209.204) - Personal service, fringe benefits and equipment and expense	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>	<u>(Less than \$100,000)</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2021 (10 Mo.)	 FY 2022	 FY 2023
	<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

This bill specifies that anyone who knowingly misrepresents a dog as a service dog for the purpose of receiving the accommodations afforded service dogs under the Americans with Disabilities Act, 42 U.S.C. Section 12101, et seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

This bill also specifies that anyone who knowingly misrepresents an animal as an assistance animal for the purpose of receiving the accommodations afforded assistance animals under the Fair Housing Act, 42 U.S.C. Section 3601 et, seq., is guilty of a class C misdemeanor and liable for any actual damages resulting from the misrepresentation. Any subsequent violation is a class B misdemeanor.

The Commission on Human Rights must use its existing complaint hotline 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. A person who intentionally files a false complaint is guilty of a class C misdemeanor and is civilly liable for any actual damages resulting from such misrepresentation.

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. The council must also create a brochure to help business owners with permissible questions and guidelines defining acceptable behavior. (§208.204)

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
Department of Mental Health
Department of Labor and Industrial Relations
Department of Public Safety -
 Missouri State Highway Patrol
Department of Social Services
Governor's Office
Missouri Department of Agriculture
Missouri Office of Prosecution Services
Office of Administration

SOURCES OF INFORMATION (continued)

Office of State Courts Administrator
Office of Secretary of State
Office of State Public Defender
Boone County Sheriff's Department
Ellisville Police Department
Joplin Police Department
St. Louis County Department of Justice Services
St. Louis County Police Department
Springfield Police Department



Julie Morff
Director
February 12, 2020



Ross Strobe
Assistant Director
February 12, 2020