

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3552-01
Bill No.: SB 644
Subject: Animals; Business and Commerce; Crimes and Punishment; Disabilities; Health Care; Landlords and Tenants
Type: Original
Date: January 8, 2020

Bill Summary: This proposal modifies laws regarding service animals.

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 6 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 animals

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. 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; \$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 with 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 **Missouri Office of Prosecution Services (MOPS)** assume the proposal will have no measurable fiscal impact on MOPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

ASSUMPTION (continued)

Oversight notes the **Department of Labor and Industrial Relations (DOLIR)** has stated the proposal would not have a direct fiscal impact on their organization. DOLIR states the Missouri Commission on Human Rights (MCHR) does not enforce alleged violations of criminal laws. Allegations of criminal violations should be initially filed with the law enforcement agencies rather than reporting an alleged criminal violation to MCHR to pass on to law enforcement agencies.

Oversight does not have any information contrary to that provided by DOLIR. Therefore, Oversight will reflect DOLIR's no impact for fiscal note purposes.

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 **Department of Agriculture**, the **Office of Administration**, the **Office of State Courts Administrator**, the **Office of Secretary of State**, the **Boone County Sheriff's Department**, the **Springfield Police Department**, the **St. Louis County Police Department**, the **St. Louis County Department of Justice Services**, and the **Lawson 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 agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other police and sheriff's 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 (§§209.150, 209.200, and 209.204) Salaries, 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 act adds "mental health service dog" to the definition of a service dog. A mental health service dog, or a psychiatric service dog, is a dog that has been individually trained for an owner who has a psychiatric disability, medical condition, or developmental disability, including, but not limited to, the following: autism spectrum disorder, major depressive disorder, bipolar disorder, Alzheimer's disease, dementia, post-traumatic stress disorder, anxiety disorder, obsessive compulsive disorder, and schizophrenia. The dog is trained to perform tasks to assist the owner, including alerting or responding to panic attacks and anxiety, as well as performing other tasks directly related to the owner's disability.

Under this act, any person knowingly misrepresenting a dog as a service dog, as described in the act, for the purposes of receiving accommodations regarding service dogs under the Americans with Disabilities Act shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense. Additionally, any person knowingly misrepresenting any animal as an assistance animal, as described in the act, for the purposes of receiving accommodations regarding assistance animals under the Fair Housing Act or the Rehabilitation Act shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense. A person seeking accommodations regarding assistance animals under the Fair Housing Act or the Rehabilitation Act shall provide documentation from a health care professional or mental health professional attesting to the person's need.

The Missouri Commission on Human Rights shall use its existing complaint hotline to receive reports of individuals impersonating a person with a disability, misrepresenting a dog as a service dog, or misrepresenting an animal as an assistance animal. A person filing a false complaint shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense. The Governor's Council on Disability shall prepare and make available online a placard for posting in a front window or door of a business stating that service dogs are welcome and that misrepresenting a service dog is a violation of Missouri law. The Council shall also prepare and make available a brochure detailing guidelines regarding service dogs and assistance animals.

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
Department of Agriculture
Missouri Office of Prosecution Services
Office of Administration
Office of State Courts Administrator
Office of Secretary of State
State Public Defender's Office
Boone County Sheriff's Department
Springfield Police Department
St. Louis County Police Department
St. Louis County Department of Justice Services
Lawson Police Department



Julie Morff
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January 8, 2020



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