

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0311-01
Bill No.: SB 107
Subject: Animals; Business and Commerce; Crimes and Punishment; Disabilities; Health Care; Landlords and Tenants
Type: Original
Date: February 1, 2019

Bill Summary: This proposal modifies laws regarding service dogs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Labor and Industrial Relations (DOLIR)** assume this proposal requires the Missouri Commission on Human Rights (MCHR) to use its existing complaint hotline to receive reports and refer the alleged violations to appropriate law enforcement agencies. MCHR estimates it will get up to 1,500 calls per year, averaging ten minutes per call. Using this estimate, MCHR will require an additional 0.12 FTE (1,500 calls X 10 minutes/call = 15,000 ÷ 60 minutes = 250 hours ÷ 2,080 hours = 0.12). A Senior Office Support Assistant (SOSA) (Range 2; \$30,088) would take these calls and refer them to the appropriate law enforcement agency. The estimate includes standard per FTE expense and equipment costs.

Section #		209.204.4				
Personal Services						
Job Class	Range	FTE	Salary	FY 2020	FY 2021	FY 2022
Senior Ofc Supp Assistant	2	0.12	\$30,088	\$3,009	\$3,647	\$3,647
Total PS		0.12		\$3,009	\$3,647	\$3,647
Fringe Benefits				\$2,178	\$2,625	\$2,625
Equipment - One-Time Costs						
<i>Standard Equipment per FTE</i>	BOBC	Units	Cost	FY 2020	FY 2021	FY 2022
Telecom Equipment	340	1.00	\$406	\$406		
Computer Equipment	480	1.00	\$1,744	\$1,744		
Office Equipment	580	1.00	\$6,513	\$6,513		
Total Equipment				\$8,663	\$0	\$0
Expenses - Ongoing Costs						
<i>Standard Expenses per FTE</i>	BOBC	Units	Cost	FY 2020	FY 2021	FY 2022
Fuel & Utilities	180	0.12	\$400	\$40	\$48	\$48
Supplies	190	0.12	\$430	\$43	\$52	\$52

ASSUMPTION (continued)

Expenses - Ongoing Costs (continued)						
<i>Standard Expenses per FTE</i>	BOBC	Units	Cost	FY 2020	FY 2021	FY 2022
Housekeeping & Janitorial	420	0.12	\$300	\$30	\$36	\$36
Telecom Serv & Supp	340	0.12	\$233	\$23	\$28	\$28
Professional Services (Network)	400	0.12	\$241	\$24	\$29	\$29
Building Leases	680	0.12	\$3,600	\$360	\$436	\$436
Total Expenses				\$520	\$631	\$631
Section Total Cost						
				\$14,370	\$6,902	\$6,902

The DOLIR anticipates being able to absorb with existing staff. However, until the FY 20 budget is final, the DOLIR cannot identify specific funding sources.

Oversight inquired DOLIR regarding their salary range for a SOSA. DOLIR is currently using the midpoint range for that FTE. Oversight assumes that existing staff would be able to assume the additional responsibility of answering phone calls resulting from this proposal.

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 \$152 of General Revenue appropriations (\$0 out of \$36.4 million in FY 2016, \$2 out of \$38.0 million in FY 2017, and \$150 out of \$42.5 million in FY 2018). 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.

ASSUMPTION (continued)

Adding one additional Assistant Public Defender I (starting salary of \$47,000) will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional Assistant Public Defender II (at \$52,100 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. If you include expense and equipment costs such as travel, training, furniture, equipment, and supplies, 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) to the General Revenue Fund.

Officials at the **Office of the State Courts Administrator**, the **Office of the Governor**, the **Department of Public Safety's Missouri Highway Patrol**, the **Department of Health and Senior Services**, the **Department of Social Services**, the **Department of Mental Health**, the **Department of Revenue** and the **Office of Administration** each assume there is no fiscal impact from this proposal.

Officials at the **Office of Prosecution Services** assume no measurable fiscal impact from this proposal.

Oversight notes that the Office of the State Courts Administrator, the Office of the Governor, the Department of Public Safety's Missouri Highway Patrol, the Department of Health and Senior Services, the Department of Social Services, the Department of Mental Health, the Department of Revenue, the Office of Administration and the Office of Prosecution Services have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note.

Officials at the **Jackson County Sheriff's Office**, the **Boone County Sheriff Department**, the **Springfield Police Department**, the **Joplin Police Department**, the **St. Louis County Department of Justice Services** and the **St. Louis County Police Department** each assume there is no fiscal impact from this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local law enforcement were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Cost - SPD - (\$209.204) Salaries, fringe benefits, and equipment and expense</u>	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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

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 Rehabilitation Act shall be guilty of a Class C misdemeanor for the first offense and a Class B misdemeanor for each subsequent offense.

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. 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 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.

FISCAL DESCRIPTION (continued)

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 Labor and Industrial Relations
Office of the State Public Defender
Office of the State Courts Administrator
Office of the Governor
Department of Public Safety
 Missouri Highway Patrol
Department of Health and Senior Services
Department of Social Services
Department of Mental Health
Department of Revenue
Office of Administration
Office of Prosecution Services
Jackson County Sheriff's Office
Springfield Police Department
Joplin Police Department
St. Louis County Department of Justice Services
Boone County Sheriff Department
St. Louis County Police Department



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February 1, 2019

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