

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4083-01  
Bill No.: SB 750  
Subject: Animals; Business and Commerce; Disabilities; Crimes and Punishment; Health Care; Landlords and Tenants  
Type: Original  
Date: February 21, 2020

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Bill Summary: This proposal modifies law regarding service animals.

**FISCAL SUMMARY**

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

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

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
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **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 our to \$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 measurable 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 **St. Louis County Department of Justice Services** and the **St. Louis County 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** notes, in response to similar legislation (HB 1319), the **Boone County Sheriff's Department**, the **Ellisville Police Department**, the **Joplin Police Department**, and the **Springfield Police Department** stated the proposal would not have a direct fiscal impact on their 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
<b>GENERAL REVENUE FUND</b>			
Costs - 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>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>			
	<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><b>\$0</b></u>	<u><b>\$0</b></u>	<u><b>\$0</b></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 the 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 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. (§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  
Office of State Courts Administrator  
Office of Secretary of State  
Office of State Public Defender

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**SOURCES OF INFORMATION** (continued)

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 21, 2020



Ross Strope  
Assistant Director  
February 21, 2020