

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1021S.01I
Bill No.: SB 91
Subject: Animals; Children and Minors; Children's Division; Disabilities; Elderly; Health
Care Professionals; Law Enforcement Officers and Agencies
Type: Original
Date: February 28, 2023

Bill Summary: This proposal modifies provisions relating to abuse and neglect reporting,
including a requirement to report companion animal abuse.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2024	FY 2025	FY 2026
Local Government	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

§§192.2405, 192.2510, 210.115, 210.191, 273.410, and 273.415 – Abuse and neglect reporting, including reporting companion animal abuse

Officials from the **Office of Administration - Budget and Planning (B&P)** state §273.410.7 provides that any professionally licensed person required to make a report under subsection 1, but fails to do so, shall be subject to discipline by their respective licensing board. The following penalties would apply for failure to report:

- For the first instance, the licensing board shall issue a written notice to the individual;
- For a second instance, the licensing board shall impose a fine of one hundred dollars; and
- For a third or subsequent instance, the licensing board shall impose a fine of five hundred dollars.

Article IX, Section 7 of the Missouri Constitution requires that penalties, forfeitures, and fines collected for violations of state law be distributed to the schools. To the extent any additional such revenues are deposited into the state treasury, TSR may increase.

Oversight contacted the Department of Commerce and Insurance, Division of Professional Registration (PR) since it appears the fines imposed would be administrative fines rather than criminal fines. PR stated their position regarding administrative fines is that the intent of the fine is the same as the intent of criminal fines. Any fines collected by professional licensing boards would be distributed to schools.

Oversight notes that violations of section §273.410 could result in fines or penalties. Oversight also notes per Article IX Section 7 of the Missouri Constitution fines and penalties collected by counties are distributed to school districts. Fine varies widely from year to year and are distributed to the school district where the violation occurred. Oversight will reflect a positive fiscal impact of \$0 to Unknown to local school districts. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Officials from the **Department of Health and Senior Services (DHSS)** state §192.2510 requires all persons providing protective services to eligible adults to complete at least one hour of training on how to identify companion animal neglect, how to make a report of companion animal abuse or neglect, and the relationship between adult abuse and neglect and companion animal abuse and neglect within the first sixty days of employment. Further, this section also requires the DHSS, in consultation with animal welfare associations, to develop or adapt available training materials.

DHSS, Division of Senior and Disability Services (DSDS), Section for Adult Protective Services (APS) has 257 team members that would require this training. Furthermore, APS hires approximately 44 Social Service Specialists each year that would be required to take the training described above. APS estimates it would take one training staff 40 hours to develop or modify existing training materials in collaboration with DSS. Additionally, APS estimates that this would equate to an additional 12 hours per year to facilitate such training for their staff on an ongoing basis.

DSDS anticipates being able to absorb costs associated with the training; however until the FY 2024 budget is final, DSDS cannot identify funding sources.

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

Officials from the **Department of Mental Health (DMH)** state §192.2510.1 is added stating all persons providing protective services to eligible adults, defined in §192.400, shall be required to complete at least one hour of training within the first sixty days of employment that can be completed during regular working hours. Subsection 2 states DHSS in consultation with animal welfare associations, shall develop or adapt and use available training materials for the required training under this section. Section 210.191 is added stating all children's division employees and their contractors who have direct contact with children through the state's child protection and welfare system shall be required to complete at least one hour of companion animal abuse training within the first sixty days of employment. Section 273.410.1 is added stating if there is reasonable cause to suspect that a companion animal may be subjected to abuse, the person shall immediately make a report to the hotline. Subsection 4 states a person required to report companion animal abuse shall be immune from civil or criminal liability. Subsection 6 states if any state agency determines a mandated reporter employee has failed to make a report, the agency shall include a finding of facts and the notice shall be retained in a separate file maintained by the agency and considered a closed record under chapter 610. Subsection 7 is added stating any required person who is subject to professional licensure, and who fails to make a report, shall be subject to discipline by their licensing board.

It is unclear to what extent the DMH team members would be included within this mandate as persons "who have direct contract with such adults". It is possible that all direct care workers, plus additional administrative team members would need this training. Adding an additional hourly training will increase overall training costs for DMH team members. It would also need to be determined how the training will be tracked and if any extra procedures need to be developed to allow for reporting.

DMH cannot calculate a fiscal impact on the Department at this stage; therefore, the fiscal impact is unknown.

Oversight does not have any information to the contrary. Oversight assumes the DMH has sufficient staff and resources to absorb the additional duties required by this proposal as it relates to the one hour of additional training personnel would be required to receive. However, if the DMH would require additional resources to meet the requirements of this proposal, Oversight assumes they could request those resources through the appropriations process. Oversight will reflect no fiscal impact for this agency for purposes of this fiscal note.

Officials from the **St. Joseph Police Department** state this proposal could have a potentially negative fiscal impact due to being required to provide one hour of training to all new police officers within 60 days.

Oversight does not have any information to the contrary. However, Oversight assumes the St. Joseph Police Department has sufficient ability to provide one hour of training to new hires within their current funding levels and will present no fiscal impact to this agency for fiscal note purposes.

Officials from the **University of Central Missouri (UCM)** state there is a potential fiscal impact related to cost of specific training required to identify when a companion animal is being abused or neglected and training of staff related to the modified reporting provisions.

Oversight does not have any information to the contrary. However, Oversight assumes UCM has sufficient ability to provide one hour of training to staff within current funding levels and will present no fiscal impact to this agency for fiscal note purposes.

Officials from the **Attorney General's Office, the Office of Administration - Administrative Hearing Commission, the Department of Commerce and Insurance, the Department of Economic Development, the Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Natural Resources, the Department of Corrections, the Department of Labor and Industrial Relations, the Department of Revenue, the Department of Public Safety, Divisions of: Alcohol and Tobacco Control, Capitol Police, Alcohol and Tobacco Control, Fire Safety, Director's Office, Missouri Gaming Commission, Missouri National Guard, Missouri Highway Patrol, Missouri Veterans Commission and the State Emergency Management Agency, the Department of Social Services, the Missouri Department of Agriculture, the Missouri Department of Conservation, the Missouri Ethics Commission, Missouri Department of Transportation, the MoDOT & Patrol Employees' Retirement System, the Office of Administration, the Petroleum Storage Tank Insurance Fund, the Office of the State Public Defender, the City of Kansas City, the City of Springfield, the Jackson County Election Board, the Kansas City Election Board, the Platte County Election Authority, the St. Louis County Election Authority, the St. Louis City Board of Elections, the Newton County Health Department, the St. Louis County Health Department, the Phelps County Sheriff's Department, the Kansas City Police Department, the St. Louis County Police Department, St. Charles Community College, the Office of the Governor, the Office of the Lieutenant Governor, Legislative Research, the Oversight Division, the Missouri Lottery,**

the **Office of the State Auditor**, the **Missouri House of Representatives**, the **Joint Committee on Public Employee Retirement**, the **Missouri Senate**, the **Missouri Consolidated Health Care Plan**, the **Missouri Office of Prosecution Services**, the **Missouri State Employee's Retirement System**, the **Office of the State Courts Administrator** and the **State Tax Commission** each assume the proposal will have no 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.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials from the **Office of the State Treasurer** did not respond to Oversight's request for a statement of fiscal impact.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, various county officials, local public health agencies, nursing homes, public administrators, sheriffs' and police departments, ambulance and EMS organizations, schools, hospitals and colleges and universities were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2024 (10 Mo.)	FY 2025	FY 2026
LOCAL GOVERNMENTS – SCHOOL DISTRICTS			
<u>Income – School Districts (\$273.410)</u>			
Fines/penalties	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS – SCHOOL DISTRICTS	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

FISCAL IMPACT – Small Business

This proposal may impact small business licensed professionals if they fail to make a report and are disciplined by their professional licensing board and fined. (§273.410)

FISCAL DESCRIPTION

This act requires animal control officers and animal humane investigators to be mandated reporters in cases of abuse and neglect of children, the elderly, and other vulnerable persons. Additionally, animal control officers and animal humane investigators shall be required to receive one hour of training within the first 60 days of employment to recognize the signs of abuse or neglect in children, the elderly, and vulnerable persons.

This act creates a mandated reporting requirement for certain mental health, educational, protective services, and law enforcement personnel to report cases of companion animal abuse or neglect to a hotline established by the Missouri Animal Control Association (MACA). A "companion animal" is defined in the act as a living creature maintained by a household for companionship and not commercial purposes. MACA shall provide the report of abuse or neglect to any duly-authorized law enforcement official, county or municipal animal control officer, or animal cruelty investigator. If the mandated reporter is an employee of an agency or political subdivision of the state and fails to make a report as required under this provision, the employer shall send a written notice to the employee noting the failure and providing a reminder of the requirements of reporting companion animal abuse or neglect. Additionally, a mandated reporter who fails to make a report shall be subject to discipline by his or her professional licensing board, as well as a fine, as described in the act.

Finally, protective services employees with direct contact with children, the elderly, and vulnerable persons shall be required to receive one hour of training within the first 60 days of employment to recognize the signs of abuse or neglect in companion animals.

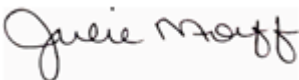
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Office of Administration - Administrative Hearing Commission
Office of Administration - Budget and Planning
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety –
 Alcohol and Tobacco Control
 Capitol Police
 Fire Safety
 Director's Office
 Missouri Gaming Commission
 Missouri National Guard
 Missouri Highway Patrol
 Missouri Veterans Commission
 State Emergency Management Agency
Department of Social Services
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Department of Transportation
MoDOT & Patrol Employees' Retirement System
Office of Administration
Petroleum Storage Tank Insurance Fund

Office of the Secretary of State
Office of the State Public Defender
City of Kansas City

City of Springfield
Jackson County Election Board
Kansas City Election Board
Platte County Election Authority
St. Louis County Election Authority
St. Louis City Board of Elections
Newton County Health Department
St. Louis County Health Department
Phelps County Sheriff's Department
Kansas City Police Department
St. Joseph Police Department
St. Louis County Police Department
University of Central Missouri
St. Charles Community College
Office of the Governor
Office of the Lieutenant Governor
Office of the State Auditor
Missouri House of Representatives
Joint Committee on Administrative Rules
Joint Committee on Public Employee Retirement
Legislative Research
Oversight Division
Missouri Senate
Missouri Lottery
Missouri Consolidated Health Care Plan
Missouri Office of Prosecution Services
Missouri State Employee's Retirement System
Office of the State Courts Administrator
State Tax Commission



Julie Morff
Director
February 28, 2023



Ross Strobe
Assistant Director
February 28, 2023