

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5062-04
Bill No.: HCS #2 for HB 1907
Subject: Animals; Agriculture
Type: Original
Date: April 30, 2018

Bill Summary: This proposal modifies provisions relating to working animals.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§§209.150, 209.200 and 209.204

Officials at the **Office of Administration** assume the Governor's Council on Disability shall 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 in violation of Missouri law and 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.

The Governor's Council on Disability shall 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.

The preparation of such an online placard and brochures will have no fiscal impact.

Officials from the **Department of Agriculture**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Social Services**, the **Department of Corrections**, the **Office of Prosecution Services**, **Department of Labor and Industrial Relations**, **Department of Public Safety - Missouri Highway Patrol**, the **Office of the State Courts Administrator**, **St. Louis County Department of Justice Services** and the **Springfield Police Department** each assume the proposal will not fiscally impact their respective agencies.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of misrepresenting an animal as a service animal, when it is known, a new class C misdemeanor. Subsequent offenses would escalate to a class B misdemeanor.

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.

Oversight assumes the SPD can absorb the additional caseload that may result from this proposal.

ASSUMPTION (continued)

In response to a similar proposal from 2018 (Perfecting HCS for HB 2031), officials at the **Office of the Governor, Joplin Police Department, Boone County Sheriff's Department and St. Louis County Police Department** each assumed no fiscal impact to their respective entities from this proposal.

\$262.760

Officials from the **Department of Agriculture** and the **City of Kansas City** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. AGO may seek additional appropriations if there is a significant increase in litigation.

In response to a previous version, officials from **St. Louis County** assumed the proposal would have no fiscal impact on their organization.

<u>FISCAL IMPACT - State Government</u>	FY 2019	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses that use working animals could be impacted by this proposal.

FISCAL DESCRIPTION

This bill specifies the right to use working animals for the mutual benefit and welfare of the animals and those they serve is guaranteed and no law, ordinance, or rule may be enacted to terminate the job of working animals in commerce or service unless such use poses a reasonable threat to public health, safety, or welfare, or to the health and welfare of the working animal. These provisions cannot be construed as prohibiting any sensible restrictions regarding animal care requirements, transportation, or public safety or as superseding local zoning ordinances.

This bill also revises the term "service dog" to include a psychiatric service dog or mental health service dog that is trained to do work or perform tasks for an owner with a psychiatric disability, medical condition, or developmental disability recognized in the Diagnostic and Statistical Manual of Mental Disorders.

This bill specifies that anyone who knowingly represents a dog as a service dog for the purpose of receiving the accommodations afforded service dogs under the Americans with Disabilities Act is guilty of a class C misdemeanor and liable for any actual damages resulting from the impersonation. Any subsequent violation is a class B misdemeanor.

The Commission on Human Rights must use its existing complaint hot line 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.

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 and a brochure to help business owners with permissible questions and answers and guidelines defining acceptable behavior.

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

Ross Strope



Acting Director
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