



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

House Bill 4521 (Substitute S-1 as reported)
House Bill 4527 (Substitute S-1 as reported)
Sponsor: Representative Tom Barrett (H.B. 4521)
Representative David Rutledge (H.B. 4527)
House Committee: Military and Veterans Affairs
Senate Committee: Veterans, Military Affairs and Homeland Security

CONTENT

House Bill 4521 (S-1) would create a new statute to do the following:

- Allow a person with a disability to obtain an identification and patch for a service animal, if the person submitted documentation described in the bill, including an affidavit attesting that the animal had been trained to be a service animal for a person with a disability.
- Require the Department of Civil Rights to make the ID and patches available, upon request.
- Require the Department to receive reports of problems encountered by a person with a disability using a service animal and of fraudulent use of a service animal.
- Authorize the Department to refer to the appropriate law enforcement agency an alleged violation of the requirement to provide an affidavit.
- Prescribe a misdemeanor penalty of up to 90 days' imprisonment, a maximum fine of \$500, and/or up to 30 days' community service for the submission of a false or fraudulent affidavit.

House Bill 4527 (S-1) would amend Public Act 82 of 1981, which prohibits the use of certain collars or harnesses on service animals except by people with physical limitations, to do the following:

- Delete the current prohibition and instead prohibit a person from falsely representing that he or she was in possession of a service animal or a service animal in training.
- Prescribe a misdemeanor penalty for a violation of the Act of up to 90 days' imprisonment, a maximum fine of \$500, and/or up to 30 days' community service, instead of the current penalty of a maximum \$10 fine.
- Require the Department of Civil Rights to receive reports of a person falsely representing that he or she had a service animal or service animal in training.
- Authorize the Department to refer an alleged violation of the Act to the appropriate law enforcement agency.

Under both bills, "person with a disability" would mean a person who has a disability as defined in Section 12102 of the Americans with Disabilities Act and 28 CFR 36.104: a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or being regarded as having such an impairment. The term "person with a disability" would include a veteran (as defined in the bills) who has been diagnosed with post-traumatic stress disorder, traumatic brain injury, and/or other service-related disabilities.

"Service animal" would mean the following: a) that term as defined in 28 CFR 36.104, or b) a miniature horse that has been individually trained to do work or perform tasks as described

in 28 CFR 36.104 for the benefit of a person with a disability. (Under the Federal regulation, "service animal" refers to any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The definition excludes other species of animals but requires public accommodations to make reasonable modifications to policies, practices, or procedures, with some exceptions, to allow the use of a trained miniature horse by a person with a disability.)

The bills would take effect 90 days after their enactment. Each bill is tie-barred to the other and to Senate Bills 298 and 299.

(Senate Bill 298 (S-1), as passed by the Senate, would amend the Michigan Penal Code to require a public accommodation to modify its policies, practices, and procedures to permit the use of a service animal by a person with a disability and require a public accommodation to make reasonable modifications in its policies, practices, and procedures to permit the use of a miniature horse by a person with a disability. Senate Bill 299 (S-1), as passed by the Senate, would amend Public Act 207 of 1970, which exempts certain dogs from license fees, to change various terms and definitions.)

MCL 752.61 et al. (H.B. 4527)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

House Bill 4521 (S-1) would create an additional cost for the Department of Civil Rights estimated at \$125,000 in the initial year of compliance and an ongoing cost of approximately \$110,000 annually thereafter.

According to the Department, there are an estimated 1.2 million disabled Michigan residents. Of these, approximately 200,000 are veterans. The Department used the results of an Arizona study and a study by the Wounded Warrior Project to determine that an estimated 1.0% of disabled individuals in both studies used service animals. Based on those estimates, the Department anticipates that it would have to process up to approximately 10,000 requests for IDs and patches. The exact number of requests the Department would receive is indeterminate and the estimate of 10,000 is on the high end based on the two studies.

The anticipated costs to the Department would result from designing and producing the IDs and patches and receiving reports of fraudulent use of a service animal and problems encountered by disabled people using service animals, as the bill would require.

The potential one-time (initial year) costs are estimated at \$15,000 for the purchase of equipment to design and produce IDs and patches. Ongoing costs would result from the need for one additional full-time equated employee (FTE) to process the requests at \$10,000.

In addition, the bill includes a misdemeanor penalty for violations of the proposed act. Any increase in misdemeanors could increase demands on local court systems and jails. Any associated fine revenue would be provided to public libraries.

House Bill 4527 (S-1) would have no fiscal impact on the Department of Civil Rights as the Department already has a reporting system in place

The bill would increase the misdemeanor penalty for violations of Public Act 82 of 1981. Any increase in misdemeanors could increase demands on local court systems and jails. Any associated fine revenue would be provided to public libraries.

Date Completed: 9-24-15

Fiscal Analyst: Joe Carrasco
John Maxwell

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.