

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3969-03
Bill No.: HCS for HB 1438
Subject: Agriculture and Animals; Entertainment, Sports and Amusements; property, Real and Personal
Type: Original
Date: April 9, 2007

Bill Summary: Allows all residents of this state access to lands owner, managed or funded by the State of Missouri for the purpose of riding horses or mules.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Conservation Commission Funds	(Unknown to \$3,000,000)	(Unknown to \$3,000,000)	(Unknown to \$3,000,000)
Various Other State Funds	(Unknown)	(Unknown)	(Unknown)
Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Attorney General's Office** assume no fiscal impact to their agency.

Officials from the **Department of Conservation (MDC)** assume this proposal would have significant fiscal impact on MDC funds by limiting the ability to close unauthorized trails that arise on Department lands. While the exact amount of impact is unknown, the proposal appears to require the Department to either keep such a trail open and maintain it, or be ready to establish in court that it meets certain requirements allowing exclusion. Those requirements could vary in different courts. If exclusion could not be documented to a court's satisfaction, substantial federal funds used in acquisition and development might have to be refunded. Litigation costs and federal aid reimbursements could be significant. This proposal also impinges on the authority of the Conservation Commission to manage the fish, forest and wildlife resources of Missouri.

In response to a similar proposal in 2007, HB 354, 1206-01, officials from the **Department of Conservation (MDC)** assume this proposal would have significant impact on MDC funds, since it would increase costs to manage conservation areas for riding horses and mules. The exact amount of impact is unknown, but is estimated to be as much as \$3 million annually and would jeopardize federal aid funding.

Officials with the **Department of Natural Resources (DNR)** assume this proposal will have an unknown fiscal impact on the Department's Division of State Parks. If the resources such as soil conditions and terrain will allow, new construction of trails that will be for equestrian use will require some additional construction and maintenance costs, particularly in wet areas of a trail to keep the areas stable.

There also will be ecological costs to natural and wilderness areas in the long run. To provide recreational opportunities while protecting and preserving our natural resources there may be a need to clarify the language of this proposal to provide authority for state park managers to zone use areas, including horseback riding, based on their knowledge and experience with the park situation without need for acquiring scientific or geologic data.

It is unknown how many equestrians would choose to ride in the state parks. Whether individual equestrians, small groups, or large groups chose to ride in the parks would determine the level of impact that could occur. The financial impact could include not only maintenance and repair

ASSUMPTION (continued)

costs, but also ecological costs to natural and wildernedd areas. Besides the monetary costs, this proposal may also cause suer conflict and could raise a potential liability issue if an accident occurs with a non-equestrian park visitor.

Parks lands are designated for different purposes and uses. Through classification the department is able to accommodate different kinds of user groups, and locate them where the impacts and maintenance may be best managed.

Currently the department has the following facilities to accommodate our equestrian visitors:

Facilities with existing equestrian trails:

Babler
Baker
Castlewood
Crowder
Cuivre River
Johnson's Shut-Ins
Katy Trail
Knob Noster
Lake of the Ozarks
Lake Wappapello - this connects with Ozark trail (100 miles of trail).
Rock Bridge
Rt. 66
St. Francois
St. Joe
Trail of Tears
Watkins Woolen Mill

Facilities with existing equestrian campgrounds:

Baker
Cuivre River
Knob Noster
St. Joe

Facilities with existing stables:

Babler -- not currently in operation
Lake of the Ozarks
Roaring River -- not currently in operation

ASSUMPTION (continued)

Facilities with proposed addition/expansion of equestrian amenities:

Johnson's Shut-Ins -- equestrian campground
 Lake Wappapello -- provide equestrian trailhead and campground
 Robertsville -- equestrian trail and trailhead
 Mark Twain -- equestrian campground and trailhead to connect to Corps of Engineers equestrian trail

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
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CONSERVATION COMMISSION FUNDS

<u>Cost - Equipment & Expense</u>	(Unknown to \$3,000,000)	(Unknown to \$3,000,000)	(Unknown to \$3,000,000)
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ESTIMATED NET EFFECT ON CONSERVATION COMMISSION FUNDS	<u>(Unknown to \$3,000,000)</u>	<u>(Unknown to \$3,000,000)</u>	<u>(Unknown to \$3,000,000)</u>
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OTHER STATE FUNDS

Park Sales Tax Fund	(Unknown)	(Unknown)	(Unknown)
State Park Earnings Fund	(Unknown)	(Unknown)	(Unknown)
Meramec-Onondaga State Parks Fund	(Unknown)	(Unknown)	(Unknown)
Babler State Park Fund	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

TOTAL ESTIMATED NET EFFECT ON OTHER STATE FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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FISCAL IMPACT - Local Government

FY 2009
(10 Mo.)

FY 2010

FY 2011

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

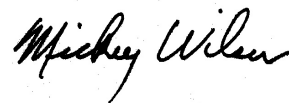
FISCAL DESCRIPTION

The proposed legislation appears to have an impact on Conservation Commission Funds and other state park funds.

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 Conservation
Department of Natural Resources
Attorney General's Office



Mickey Wilson, CPA
Director
April 9, 2007