

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5785-01  
Bill No.: HB 2187  
Subject: Natural Resources, Department of; Property, Real and Personal.  
Type: Original  
Date: January 25, 2016

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Bill Summary: This proposal requires the Department of Natural Resources to sell certain lands acquired through environmental settlement funds.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	Less than (\$69,257)	Less than (\$70,988)	\$0
<b>Total Estimated Net Effect on General Revenue</b>	<b>Less than (\$69,257)</b>	<b>Less than (\$70,988)</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
Road Funds	\$0	(\$37,320)	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>(\$37,320)</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<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.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials at the **Office of Administration - Facilities Management, Design and Construction (OA-FMDC)** assume the proposal would apply only to Oregon County. Also, OA-FMDC assumes that it would fulfill the obligations of currently existing leases, but would not be able to renew or extend those leases and would not be able to enter into new leases in Oregon County.

In OA-FMDC's experience, current market rates for counties surrounding Oregon County range from \$16 - \$21 per square foot. This is much higher than the \$7 - \$10 rates for the existing contracts in Oregon County. Assuming an average cost for replacement space of \$18.50/sq ft would result in an increase of \$69,257 in annual rent.

**Oversight** will show OA-FMDC's estimated increase in annual rent of \$69,257 in FY17, and \$79,988 in FY18. However, Oversight is unsure how the effective dates of the legislation (August 28, 2016 - August 28, 2017) will correlate to the timing of leasing space (ban on owning an interest in land is in parts of two state fiscal years). Therefore, since the ban does not cover either fiscal year completely, Oversight will reflect a fiscal impact of "less than" OA-FMDC's estimates in FY 2017 and FY 2018.

Officials at the **Department of Natural Resources (DNR)** assume this proposal would have a one time positive fiscal impact to the 3rd State Building Funds based on the sale of 162.58 acres located at Grand Gulf State Park.

Currently, Department of Natural Resources - Division of State Park's (DSP) only state park in Oregon County is Grand Gulf State Park. The park is comprised of 162.96 acres of land owned by DSP plus 162.58 acres that are leased.

DSP will auction the 162.96 acres currently owned at Grand Gulf State Park. Based on the purchase price, DSP estimates the value of the land at \$62,500. This land was acquired by the 3rd State Building Funds; therefore, DSP assumes any revenue from the sale of the land will be returned to that fund.

DSP will end our current lease for the remaining 162.58 acres of Grand Gulf State Park. We do not anticipate an impact to the Parks Sales Tax fund for the cancellation of this lease due to the nominal amount of the annual lease (\$19.08 for calendar year 2014).

ASSUMPTION (continued)

DSP and the Office of Administration would also have to end a lease for the office space for Grand Gulf State Park management. DSP defers to the Office of Administration for the fiscal impact to ending the lease prior to the agreed terms and any potential savings from avoided lease payments.

DSP assumes that all staff and operating expenses will be shifted to other facilities. Therefore, there will be no impact to the fund for these expenses.

Since the legislation has an expiration date of August 28, 2017, the DSP assumes that we could re-enter the lease for the 162.58 acres of Grand Gulf State Park after the expiration date.

The greatest impact from the closure of Grand Gulf State Park will be the loss of the state park for the more than 58,000 visitors per year. Additionally, Oregon County will experience a drop in tourism related revenues that our visitors spent in Oregon County while visiting Grand Gulf.

DNR also stated DSP acquired an additional 4,167 acres in Oregon County on January 15, 2016. Visitors are estimated at 42,000 per year. If the state is forced to sell, the department would need to refund the federal treasury settlement account approximately \$8 million.

This additional acreage is the result of the acquisition of two ranches made by DSP which were known as the Frederick Creek Ranch and the Building 4 Babies Ranch (B4B) or formerly known as the Pigman Ranch; both are located in Oregon County.

Neither State or Federal funds held in the State Treasury were used to purchase these two ranches for a total cost of \$8 million.

**Oversight** notes the recent purchase by DNR is the result of a 2007 settlement in which ASARCO agreed to pay Missouri nearly \$35 million for environmental damages in Missouri's lead mining counties. DNR and the U.S. Fish and Wildlife Service are acting as trustees for the settlement proceeds.

**Oversight** will not show the fiscal impact of the estimated proceeds from the sale of the properties in Oregon County because the net impact to the State's total assets is \$0. Oversight assumes it is the sale of land, an asset, in exchange for cash (sale proceeds) - also an asset.

**Oversight** will not show an impact to local political subdivisions in Oregon County, either increase property tax with the state no longer holding an interest in land, or a potential loss of tourism-related revenue as mentioned by DNR. Oversight considers these indirect impacts.

ASSUMPTION (continued)

Officials at the **Department of Transportation (MoDOT)** assume the second paragraph of this proposal prohibits DNR and all other state departments from purchasing property interest in the same properties which are referenced in the first paragraph, however, this paragraph does not specify if such prohibition applies only to the cases when funds administered by DNR would be used in such acquisition. The paragraph if approved as is, seems to apply to MoDOT. In the event MoDOT would seek to acquire any property for highway purposes it would not be able to do so under the application of this paragraph, causing delays in highway construction and the execution/implementation of the Missouri Statewide Transportation Improvement Program (STIP).

A review of the current STIP for projects in that county found that one project includes right of way to acquire prior to the legislation's expiration date. If the legislation were to pass, right of way and construction would be delayed to the next fiscal year resulting in an estimated \$37,320, or 3%, increase in construction dollars.

This fiscal impact response does not account for projects that may be added to the STIP in the future.

Officials at the **Office of Administration - Budget and Planning (BAP)** assume this proposal would not have an impact on their organization but defers to other agencies regarding its impact on their respective organizations.

Officials at **BAP** assume the proposal could have a one-time positive fiscal impact on total state revenue if proceeds from the sale of land located at Grand Gulf State Park are deposited into the state treasury.

Officials at the **Department of Economic Development** defers to the Office of Administration to make an assumption about the fiscal impact of this proposal.

Officials at the **Department of Agriculture, Office of Attorney General, State Auditor's Office, Department of Conservation, Department of Corrections, Department of Elementary and Secondary Education, Department of Public Safety - Gaming Commission, Governor's Office, Department of Health and Senior Services, Department of Higher Education, Missouri House of Representatives, Department of Insurance, Financial Institutions, and Professional Registrations, Joint Committee on Public Employee Retirement, Legislative Research, Lieutenant Governor's Office, Department of Labor and Industrial Relations, Lottery Commission, Missouri Ethics Commission, Missouri Consolidated Health Care Plan, Department of Mental Health, State Highway Employees Retirement System, Missouri State Employees' Retirement System, Office of Prosecution Services, State Public Defender's Office, Office of Administration - Administrative Hearing**

ASSUMPTION (continued)

**Commission, Department of Public Safety - Capitol Police, Department of Public Safety - Fire Safety Division, Department of Public Safety - Highway Patrol, Department of Public Safety - State Emergency Management Agency, Department of Public Safety - Veterans Commission, Department of Revenue, Office of Secretary of State, Missouri Senate, Department of Social Services, Office of State Courts Administrator, State Tax Commission, and State Treasurer's Office** each assume this proposal would not have a fiscal impact on their respective organizations.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>GENERAL REVENUE</b>			
<u>Costs</u> - OA-FMDC - building lease payments assumed to increase outside of Oregon County	Less than <u>(\$69,257)</u>	Less than <u>(\$70,988)</u>	<u>\$0</u>
<b>ESTIMATED NET FISCAL EFFECT ON THE GENERAL REVENUE FUND</b>	<b>Less than <u>(\$69,257)</u></b>	<b>Less than <u>(\$70,988)</u></b>	<b><u>\$0</u></b>
<b>ROAD FUNDS</b>			
<u>Costs</u> - MoDOT - STIP PROJECTS 3% increase in construction costs from delay of not acquiring right-of-way land until after August 28, 2017	<u>\$0</u>	<u>(\$37,320)</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON ROAD FUNDS</b>	<b><u>\$0</u></b>	<b><u>(\$37,320)</u></b>	<b><u>\$0</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

## FISCAL DESCRIPTION

This bill requires the Department of Natural Resources and all other state departments, agencies, or entities to sell at public auction any property interest to land in Oregon County purchased on or before August 28, 2016 through legal settlement funds administered by the Department of Natural Resources. If there is no purchaser, the property will revert to the ownership of Oregon county government.

After August 26, 2016, the bill also prohibits the department and all other state departments, agencies, or entities from purchasing property interest in Oregon County. Any taxpayer in the state has standing to enforce these requirements and will be entitled to reasonable attorney's fees.

This section expires on August 28, 2017.

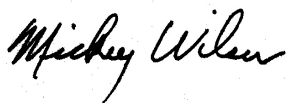
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

## SOURCES OF INFORMATION

Department of Natural Resources  
Office of Administration - Facilities Management, Design and Construction  
Office of Administration - Accounting  
Office of Administration - Budget and Planning  
Department of Economic Development  
Department of Agriculture  
Office of Attorney General  
State Auditor's Office  
Department of Conservation  
Department of Corrections  
Department of Elementary and Secondary Education  
Department of Public Safety - Gaming Commission  
Governor's Office  
Department of Health and Senior Services  
Department of Higher Education  
Missouri House of Representatives  
Department of Insurance, Financial Institutions, and Professional Registrations  
Joint Committee on Public Employee Retirement  
Legislative Research  
Lieutenant Governor's Office  
Department of Labor and Industrial Relations  
Lottery Commission  
Missouri Ethics Commission

SOURCES OF INFORMATION (continued)

Missouri Consolidated Health Care Plan  
Department of Mental Health  
State Highway Employees Retirement System  
Missouri State Employees' Retirement System  
Office of Prosecution Services  
State Public Defender's Office  
Office of Administration - Administrative Hearing Commission  
Department of Public Safety - Capitol Police  
Department of Public Safety - Fire Safety Division  
Department of Public Safety - Highway Patrol  
Department of Public Safety - State Emergency Management Agency  
Department of Public Safety - Veterans Commission  
Department of Revenue  
Office of Secretary of State  
Missouri Senate  
Department of Social Services  
Office of State Courts Administrator  
State Tax Commission  
State Treasurer's Office



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