

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2202-01
Bill No.: Perfected HB 1044
Subject: Department of Natural Resources; Transportation; Parks and Recreation
Type: Original
Date: April 24, 2019

Bill Summary: This proposal creates the Rock Island Trail State Park Endowment Fund and modifies provisions concerning eminent domain and condemnation.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Rock Island Trail State Park Endowment Fund	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Natural Resources (DNR)** state as of April 18, 2019, DNR is in the process of negotiating an Interim Trail Use Agreement with Missouri Central Railroad (an affiliate of Ameren Missouri), the current owner of the former Chicago, Rock Island, and Pacific Railroad east of milepost 144. The National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, established a process known as "railbanking." Railbanking is a voluntary agreement between a railroad company and a trail agency to use an out-of-service corridor as a trail until a railroad might need the corridor again for rail service. In response to a request submitted by the DNR, with concurrence from Missouri Central Railroad, the Surface Transportation Board, a federal adjudicatory board responsible for economic regulatory oversight of railroads, issued a Notice of Interim Trail Use on Feb. 25, 2015.

The Notice of Interim Trail Use authorized DNR to negotiate with Missouri Central Railroad for acquisition of the corridor for use as a public recreational trail in accordance with the National Trails System Act. Should the parties conclude negotiations, DNR and the railroad may sign an Interim Trail Use Agreement, and Missouri State Parks, a division of DNR, would then be responsible for managing the railbanked corridor as a new state park trail. The current deadline to conclude negotiations is August 20, 2019.

If this bill becomes law, DNR estimates that establishment of the new fund could result in some administrative costs to the State Treasurer's office associated with setting up, administering and investing this new fund. DNR is unable to predict how much revenue may be derived from private donors or the amount of interest income that could be earned from investment of those donations if the new fund is established, but trail supporters have publicly indicated intention to provide financial contributions if DNR accepts responsibility for trail development.

There are other statutorily created state park endowment funds in the state treasury (see Sections 253.092, 253.120, 253.350- 253.380, and 253.520). For example, in FY 2018 the Dr. Edmund A. Babler Memorial State Park Fund (0911) created by Section 253.360, RSMo, had a beginning balance of \$792,121.87, received \$178,759.68 in receipts, and had \$107,619.03 in disbursements, with a fiscal year-end balance of \$828,048.60.

For fiscal note purposes, **Oversight** will reflect a potential unknown amount of donations received by the new Rock Island Trail State Park Endowment Fund and possible expenditures out of the fund.

ASSUMPTION (continued)

Officials from the **Office of the State Treasurer** and the **Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight inquired of DNR as to whether any funds had been deposited into the State Parks Earnings Fund for the purposes of operating, maintaining, and securing any portion of the former Chicago, Rock Island, and Pacific Railroad corridor. **DNR** notes they are not aware of any funds deposited for that purpose to date.

House Amendment 1

Oversight notes this amendment changes the title of the bill.

Officials from the **Department of Natural Resources, Office of Administration, Missouri Department of Conservation, Office of the State Treasurer** and **Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies due to the amendment.

House Amendment 2

Oversight notes this amendment adds “development” to the list of purposes of using the Rock Island Trail State Park Endowment Fund.

Officials from the **Department of Natural Resources, Office of Administration, Missouri Department of Conservation, Office of the State Treasurer** and **Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies due to the amendment.

ASSUMPTION (continued)

House Amendment 3

Oversight notes this amendment adds a provision that political subdivisions cannot use eminent domain or condemnation proceedings to acquire property for a recreational use including, but not limited to, a park or trail.

Officials from the **Department of Natural Resources, Office of Administration, Missouri Department of Conservation, Office of the State Treasurer and Department of Transportation** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies, due to this amendment.

Officials from the **City of Columbia** assume this amendment would likely result in the complete elimination of any future park or trail land acquisition by governments. At this time, when the City of Columbia seeks to acquire a trail easement, we negotiate in good faith. If one landowner decides he doesn't want to allow the trail on his property, we have the option of eminent domain to make sure the entire project succeeds. If we didn't have that tool, the entire trail project fails. This could mean the loss of hundreds of thousands of dollars just in planning and initial design alone. Plus, without eminent domain, the landowner could substantially increase the cost of acquisition, and there is no recourse for an arbitration by an independent panel of judges. For example, for a recent trail project, the owners wanted \$800,000 and we offered what it appraised at (approx \$50,000). A hearing was held, and the judges decided on \$85,000. The owners now have the right for a jury trial if they feel this is insufficient. There is protection and justifiable compensation under the current rules.

Oversight does not have any information to the contrary in regards to the City of Columbia's assumptions; therefore, Oversight will reflect a "\$0 to Unknown" cost on the fiscal note to local political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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**ROCK ISLAND TRAIL STATE
 PARK ENDOWMENT FUND**

<u>Revenue</u> - DNR - deposits (grants, gifts, donations, devices, or bequests of money) made into the new fund	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
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<u>Costs</u> - DNR - proceeds used for the purpose of operating, maintaining and securing the trail	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
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ESTIMATED NET EFFECT ON THE ROCK ISLAND TRAIL STATE PARK ENDOWMENT FUND	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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LOCAL POLITICAL SUBDIVISIONS

<u>Cost</u> - potential costs for not being able to use eminent domain or condemnation proceedings to acquire property (HA 3)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
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ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill creates the "Rock Island Trail State Park Endowment Fund" within the Department of Natural Resources to receive funds for the operation, maintenance, development and security of any portion of the former Chicago, Rock Island, and Pacific Railroad corridor east of milepost 215.325.

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
Department of Transportation
Office of the State Treasurer
Office of Administration
Missouri Department of Conservation
City of Columbia



Kyle Rieman
Director
April 24, 2019

Ross Strobe
Assistant Director
April 24, 2019