

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0210-03  
Bill No.: HB 250  
Subject: Agriculture and Animals; Roads an Highways  
Type: Original  
Date: February 18, 2009

Bill Summary: Allows all United States residents access to lands owned, managed or funded by the state for the purpose of riding horses or mules under certain conditions.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

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

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2010</b>	<b>FY 2011</b>	<b>FY 2012</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **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 2010 (10 Mo.)	FY 2011	FY 2012
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**CONSERVATION COMMISSION FUNDS**

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

<b>TOTAL ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<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.

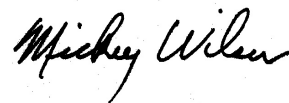
FISCAL DESCRIPTION

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  
February 18, 2009