

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1128S.01I  
Bill No.: SB 394  
Subject: Easements and Condemnation; Federal-State Relations; Property, Real and  
Personal  
Type: Original  
Date: March 8, 2021

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Bill Summary: Modifies provisions relating to the acquisition of land by the U.S.  
Government.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
State Road Funds	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</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 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<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 \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Attorney General’s Office, Department of Natural Resources, Missouri Department of Conservation, Missouri Senate, Missouri House of Representatives, State Tax Commission** and the **Office of Administration** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Missouri Department of Transportation (MoDOT)** state this legislation would impose a requirement for case-by-case approval by statutory authorization for certain uses, whether acquired by cession or condemnation. This proposed extra step could create delays in transactions and even entire projects due to the wait for General Assembly approval.

Specifically, the requirement for statutory authorization could delay the execution of the Rocheport Bridge temporary construction license between MoDOT and the United States Army Corps of Engineers for the construction of the project and a long-term/perpetual easement for the operation and maintenance of the final structure and abutment fills. Such a delay would put the entire \$81.2 million awarded through the federal BUILD Grant at risk. More broadly, this legislation would also put the Design-Build procurement at risk as well if contractors see the delay as too much risk.

**Oversight** will reflect MoDOT’s response as a potential fiscal impact to State Road Funds

<u>FISCAL IMPACT –</u> <u>State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>STATE ROAD FUNDS</b>			
<u>Costs – MoDOT –</u> potential costs resulting from case- by-case approval of certain projects	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON STATE ROAD FUNDS</b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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.

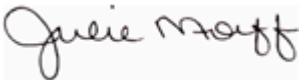
FISCAL DESCRIPTION

This act requires the General Assembly to approve the transfer of certain real property from the state of Missouri to the United States by any method including a voluntary agreement, condemnation, or purchase. The state shall retain the right of taxation over such areas and the right to serve civil and criminal process documents within any area transferred to the United States government.

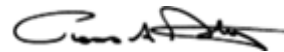
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office  
Department of Natural Resources  
Missouri Department of Conservation  
Office of Administration  
Missouri Department of Transportation  
Missouri House of Representatives  
Missouri Senate  
State Tax Commission



Julie Morff  
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March 8, 2021



Ross Strobe  
Assistant Director  
March 8, 2021