



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2027 Biennium

Bill#/Title: SB0533.01: Generally revise accessibility laws related to trails/roads

Primary Sponsor: Sara Novak Status: As Introduced

☐ Included in the Executive Budget ☒ Needs to be included in HB 2 ☐ Significant Local Gov Impact
☐ Significant Long-Term Impacts ☒ Technical Concerns ☐ Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2026</u> <u>Difference</u>	<u>FY 2027</u> <u>Difference</u>	<u>FY 2028</u> <u>Difference</u>	<u>FY 2029</u> <u>Difference</u>
Expenditures				
General Fund (01)	\$18,000	\$0	\$0	\$0
State Special Revenue (02)	\$335,140	\$335,140	\$335,140	\$335,140
Revenues				
General Fund (01)	\$0	\$0	\$0	\$0
State Special Revenue (02)	\$335,140	\$335,140	\$335,140	\$335,140
Net Impact	<u>(\$18,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
General Fund Balance				

Description of fiscal impact

SB 533 creates a nonambulatory recreation access pass, which would allow a nonambulatory person to use motorized equipment on a recreational trail or road managed by Fish, Wildlife & Parks (FWP). FWP is required to adopt rules to implement this and may restrict or prohibit the use of motorized equipment by a person with this pass on recreational trails or roads for human, ecological, or environmental health and safety reasons. Penalties are established for violation of the nonambulatory recreation access pass laws in Section 4. SB 533 requires FWP to classify all public trails and adopt rules to implement this. SB 533 provides for a \$5.00 fee for nonambulatory motorized recreation pass fees to be collected at the County Treasurers Office. A fiscal impact of \$18,000 is anticipated for programming of the Motor Vehicle Division (MVD) Credentialing and Registration System (CARS).

FISCAL ANALYSIS

Assumptions

Department of Natural Resources and Conservation

1. DNRC assumes that "department" and "state land management agency" is FWP and that "state lands" is limited to state lands owned and/or managed by FWP as used in SB 533. DNRC is not impacted by SB 533.

Department of Justice

2. Per SB 533, it does not appear MVD would collect or distribute the nonambulatory motorized recreation pass fees.
3. However, if the fee is collected by the County Treasurers Office with the CARS program, new

programming would be needed with a one-time cost of \$18,000. This would cover 80 hours of programming, definition, testing, and implementation into production.

Department of Fish, Wildlife, and Parks

4. SB 533 creates a \$5 nonambulatory recreation access pass, or “recreation pass” as defined, which would allow a nonambulatory person to use motorized equipment on a recreational trail or road managed by FWP that is primarily used for recreation and designated, maintained mapped, and marked on the most current official map of FWP.
5. Wildlife Management Areas are primarily for wildlife habitat, and therefore would be excluded. There are no known recreation trails or roads at fishing access sites that meet the definition of recreation trail or road. FWP estimates there are 109 sites at State Parks that would meet the description of recreation trail or road.
6. To apply and purchase a recreation pass, FWP would process applications using the current online licensing system. There would be no additional cost to add this item type for purchase in the system.
7. FWP does not have data to estimate the number of nonambulatory recreators in Montana. However, the University of Montana’s Research Institute has disability counts from the 2020 Decennial Census. This database shows in 2020 there were 67,028 residents with ambulatory disabilities.
8. FWP estimates at most 67,028 people will apply for a recreation pass, assuming each resident with an ambulatory disability would apply with one piece of equipment. The revenue would be \$335,140, or \$5 per pass X 67,028 nonambulatory residents. The agency assumes this is an overestimate because it is assumed not all nonambulatory residents would apply. See technical notes 5 through 7 for additional comments regarding this estimate.
9. A recreation pass is valid indefinitely; therefore, the agency estimates the revenue will spike in the first few years of implementation as new applicants purchase the pass, and then decrease as the applicants replace, add to, or upgrade their equipment. However, the agency does not have data to determine this, so again, the annual revenue of \$335,140 is assumed to be an overestimate.
10. The revenue from the sale of the recreation passes would be deposited into a new fund and is to be used by FWP to implement this bill.
11. SB 533 requires the pass to be in the form of a decal that may be affixed to the equipment. The cost of a decal is \$0.30. FWP would purchase 67,028 decals initially, for a total cost of \$20,108.40.
12. Due to the complications with enforcing the use of this recreation pass, the agency does not know how much revenue will be collected from penalties associated with violating the recreation pass laws and rules.
13. Of the fines collected, two-thirds would be deposited in the general fund. The remaining third would be deposited in the new recreation pass revenue fund.
14. SB 533 requires the department to reopen, or open recreational trails and roads that previously allowed the use of motorized equipment in the state to the use of motorized equipment by a person with a recreation pass. However, SB 533 also allows the department to restrict or prohibit the use of motorized equipment by a recreation passholder for human, ecological, or environmental health and safety reasons.
15. FWP roads and trails that are currently closed to motorized use were closed for ecological purposes and would continue to be closed moving forward. Therefore, no roads or recreational trails would be reopened. See technical notes number 8 through 10 for additional comments regarding the use of the recreation pass.
16. Section 6 requires FWP to classify all public trails as Class I, Class II, or Class III. As defined in Section 2, it is not clear if the definition of “public trail” would include public trails on lands owned by the Department of Natural Resources and Conservation (DNRC). See technical note number 11 for additional comments.
17. FWP would need to hire a consultant to classify all public trails. FWP estimates there are 109 trails at State Parks that would meet this requirement. There are no known trails at FASes or WMAs that would meet this requirement. FWP estimates the consultant contract would cost \$188,025 (\$1,500/site, 109 sites, and a \$24,525 contract contingency fee).
18. Once complete, the classification is required to be posted both at the trailhead and online. FWP estimates the cost of fabricating these signs is \$14,388.

Fiscal Analysis Table

Department of Fish, Wildlife, and Parks

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Operating Expenses	\$335,140	\$335,140	\$335,140	\$335,140
TOTAL Expenditures	\$335,140	\$335,140	\$335,140	\$335,140
<u>Funding of Expenditures</u>				
State Special Revenue (02)	\$335,140	\$335,140	\$335,140	\$335,140
TOTAL Funding of Expenditures	\$335,140	\$335,140	\$335,140	\$335,140
<u>Revenues</u>				
State Special Revenue (02)	\$335,140	\$335,140	\$335,140	\$335,140
TOTAL Revenues	\$335,140	\$335,140	\$335,140	\$335,140
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
State Special Revenue (02)	\$0	\$0	\$0	\$0

Department of Justice

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<u>Fiscal Impact</u>				
<u>Expenditures</u>				
Operating Expenses	\$18,000	\$0	\$0	\$0
TOTAL Expenditures	\$18,000	\$0	\$0	\$0
<u>Funding of Expenditures</u>				
General Fund (01)	\$18,000	\$0	\$0	\$0
TOTAL Funding of Expenditures	\$18,000	\$0	\$0	\$0
<u>Revenues</u>				
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	(\$18,000)	\$0	\$0	\$0

STATEWIDE SUMMARY

	<u>FY 2026 Difference</u>	<u>FY 2027 Difference</u>	<u>FY 2028 Difference</u>	<u>FY 2029 Difference</u>
<u>Fiscal Impact</u>				
TOTAL Fiscal Impact	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
<u>Expenditures</u>				
Operating Expenses	<u>\$353,140</u>	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>
TOTAL Expenditures	<u>\$353,140</u>	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>
<u>Funding of Expenditures</u>				
General Fund (01)	<u>\$18,000</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
State Special Revenue (02)	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>
TOTAL Funding of Expenditures	<u>\$353,140</u>	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>
<u>Revenues</u>				
State Special Revenue (02)	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>
TOTAL Revenues	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>	<u>\$335,140</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures)</u>				
General Fund (01)	<u>(\$18,000)</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
State Special Revenue (02)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Technical Concerns**Department of Natural Resources and Conservation**

1. Section 2 does not provide clarity for definitions that could apply to state lands owned and/or managed by other state land management agencies.
2. Section 3 clearly identifies Department of Fish Wildlife and Parks as responsible agency for implementing legislation.
3. Section 5 does not clearly identify Department of Fish Wildlife and Parks and lands owned and/or managed by Department of Fish Wildlife and Parks solely as the state lands subject to legislation.
4. Section 6 has similar ambiguity as Section 5.

Department of Fish, Wildlife, and Parks

5. The bill does not specify that the motorized equipment described on the nonambulatory recreation access pass application must be registered in the applicant's name. It only requires that a description of the equipment and proof of registration in the state is provided. Person A could apply for a recreation pass if Person A meets the definition of nonambulatory, and could supply a physical description of and proof of Montana registration for a vehicle owned by Person B.
6. The requirement to provide proof of registration of the equipment in the state could also be problematic for nonambulatory individuals intending to use rental equipment.
7. Since the decal is required to be affixed to the equipment, a person who is not the applicant of the recreation pass may inadvertently use the equipment and take advantage of this pass when they do not qualify for it. This would complicate a game warden's ability to enforce the laws and rules of this recreation pass.
8. Some of FWP's lands adjoin federal Forest Service or Bureau of Land Management Lands. Roads and trails on FWP lands may continue on to those adjoining federal lands. FWP has no jurisdiction to implement this proposed statute on those lands, so the road/trail may become inaccessible at the property boundary.

9. The definition of motorized equipment includes off-highway vehicles, motorcycles, quadricycles, motorhomes, light vehicles, trucks, buses, logging trucks, snowmobiles, watercraft, trailers, semitrailers, pole trailers, low-speed electric vehicles, golf carts, travel trailer. The language in SB 533 does not allow FWP to limit the type of motorized equipment a nonambulatory person may use when utilizing the recreation pass.
10. SB 533 requires the agency to open recreational trails and roads to the use of motorized equipment by a person with a recreation pass. FWP did not provide a cost estimate in this fiscal note for any necessary maintenance or improvements needed to open additional trails to the use of motorized equipment at this time.
11. SB 533 defines a public trail as a trail on state land designated, maintained, mapped, and marked by a state land management agency on the most current official map of the agency. There may be some lands managed by the Department of Natural Resources and Conservation (DNRC) that may meet this definition. Section 6 of this bill would then require FWP to classify DNRC trails and ensure trail classifications are posted at the trailhead and online.
12. This fiscal note was written with the assumption that FWP is not required to verify the vehicle registration that is to be submitted by an applicant for the nonambulatory recreation pass. However, if it is the intention for FWP to verify the registration with the Department of Justice's (DOJ) database, this would create an additional cost. FWP will need to develop a system that interfaces with the DOJ CARS system to find vehicles registered in Montana. We are estimating the business analysis, development, testing, and quality assurance would take 300 hours at the contracted rate. The total cost for this request would be \$36,000 and is not included in the totals in this fiscal note.
13. This fiscal note was written with the assumption that FWP could post the trail classifications online in a written form. If it is the intent of this bill for the trail classifications to be made available in the form of a mobile friendly map on the FWP website, this would create an additional cost. In addition, as mentioned in technical note number 10, it is not clear if this would include DNRC public trails. If so, this would cost FWP \$1,820,400 to create a database and geospatial mapping system to meet the requirements of this bill. This cost is not included in the totals in this fiscal note.

NO SPONSOR SIGNATURE

Sponsor's Initials

Date



Budget Director's Initials

3/26/2025

Date