



Fiscal Note
S.B. 61 1st Sub. (Green)
 2023 General Session
 Livestock Collision Amendments
 by Owens, D. (Owens, Derrin.)



General, Income Tax, and Uniform School Funds

JR4-4-101

	Ongoing	One-time	Total
Net GF/ITF/USF (rev.-exp.)	\$0	\$0	\$0

State Government

UCA 36-12-13(2)(c)

Revenues	FY 2023	FY 2024	FY 2025
New Account Created By Bill (FN Only)	\$0	\$311,600	\$0
Total Revenues	\$0	\$311,600	\$0

Enactment of this legislation may increase revenues to the newly created Railroad Livestock Damage Fund (Fund) by \$311,600 one-time in FY 2024 from the initial mileage fees assessed to rail lines in the state. To the extent that railroads do not comply with the provisions of the legislation, a civil penalty of \$5,000-\$10,000 will be assessed per incident and deposited into the Fund. The aggregate revenue from these penalties cannot be estimated at this time. When a train collision with livestock occurs, railroads will be responsible for paying into the fund the market value of livestock. The annual amount paid into the fund by all railways will depend on the number of collisions and the value of livestock involved, which cannot be estimated at this time. Beginning in FY 2025, the Department of Agriculture and Food is authorized to charge a fee per claim which covers the Department's cost to administer 56-1-12, which will also be deposited into the Fund. The fee amount and the total revenue collected will depend on the Department's costs and the number of claims.

Expenditures	FY 2023	FY 2024	FY 2025
New Account Created By Bill (FN Only)	\$0	\$103,900	\$0
Total Expenditures	\$0	\$103,900	\$0

Enactment of this legislation could cost the Department of Agriculture and Food (UDAF) \$103,900 one-time from the Railroad Livestock Damage Fund (Fund) in FY 2024 for collision investigations, program administration, website creation and maintenance, fund administration, and per diem for the members of the Livestock Damages Board. Beginning in FY 2025, UDAF is authorized to charge a fee per incident which will pay for the department's costs to administer 56-1-12. The fee amount and the total expenditures will depend on the Department's costs and the number of claims. In the case of a livestock collision with a train, owners are entitled to be compensated the market value from the Fund. The total number and dollar value of reimbursements will vary, and cannot be estimated at this time.

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	<i>FY 2023</i>	<i>FY 2024</i>	<i>FY 2025</i>
Net All Funds	<u>\$0</u>	<u>\$207,700</u>	<u>\$0</u>

Local Government

UCA 36-12-13(2)(c)

Enactment of this legislation could cost the Utah Transit Authority (UTA) \$30,200 one-time in FY 2024, for the required initial deposits into the newly created Railroad Livestock Damage Fund (Fund). To the extent that UTA does not comply with the provisions of this legislation, civil penalties of \$5,000-\$10,000 will be assessed by the Department of Agriculture and Food and deposited into the Fund. The aggregate sum of these penalties cannot be estimated at this time. To the extent that UTA's railways travel through public lands which allow grazing, they will be required to install and maintain enclosure fencing. In the case of a livestock collision with a UTA train, the authority will be responsible for compensating owners at market value for the livestock, an amount which will vary from incident to incident.

Individuals & Businesses

UCA 36-12-13(2)(c)

Enactment of this legislation could cost private railroads \$281,400 one-time in FY 2024, for the required initial deposits into the newly created Railroad Livestock Damage Fund (Fund). To the extent that railroad companies do not comply with the provisions of this legislation, civil penalties of \$5,000-\$10,000 will be assessed by the Department of Agriculture and Food and deposited into the Fund. The aggregate sum of these penalties cannot be estimated at this time. To the extent that private railways travel through private lands or public lands which allow grazing, they will be required to install and maintain enclosure fencing. In the case of a livestock collision with a train, the railroad will be responsible for compensating owners at market value for the livestock, an amount which will vary from incident to incident.

Regulatory Impact

UCA 36-12-13(2)(d)

Enactment of this legislation could result in a medium increase in the regulatory burden for Utah residents or businesses.

Performance Evaluation

JR1-4-601

This bill does not create a new program or significantly expand an existing program.

Notes on Notes

Fiscal notes estimate the direct costs or revenues of enacting a bill. The Legislature uses them to balance the budget. They do not measure a bill's benefits or non-fiscal impacts like opportunity costs, wait times, or inconvenience. A fiscal note is not an appropriation. The Legislature decides appropriations separately.