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FISCAL IMPACT REPORT

SPONSOR HBIC ORIGINAL DATE 03/15/11
LAST UPDATED _____ HB 316/HBICS
SHORT TITLE Enforcement Of Railroad Fencing Laws SB _____
ANALYST Haug

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		See Narrative	See Narrative			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (AGO)

New Mexico Livestock Board (NMLB)

SUMMARY

Synopsis of Bill

The House Business and Industry Committee Substitute for House Bill 316 amends section 77-16-16, which requires railroads to erect and maintain fences and cattle guards in a suitable and sufficient manner to prevent cattle, horses and other described animals from getting onto the railroad. The bill adds a provision permitting a landowner adjacent to a railroad fence in a condition of neglect disrepair or nonexistence to repair or construct the fence to the legal standard of 77-16-17 NMSA 1978 at the cost of the railroad should the railroad fail to do so within required timelines upon notification by the landowner.

FISCAL IMPLICATIONS

House Bill 316 contains no appropriation. The number of instances where “ownership of killed or crippled livestock is unknown” would be very difficult to anticipate but fiscal implications in the table above are estimated to be moderate in scope.

SIGNIFICANT ISSUES

The AGO states:

In AG Advisory Letter dated January 26, 2010 to Honorable Mary Kay Papen, this Office

House Bill 316/HBICS – Page 2

advised that the New Mexico Department of Transportation is subject to the requirements of section 77-16-16, because the statute applies to “every railroad in this state” whose lines are open for use. Thus, the Rail Runner is covered by section 77-16-16.

House Bill 316 explicitly exempts “narrow-gauge and recreational railroads” from the new requirements of Section B the bill but does not exempt the Rail Runner.

GH/mew:bym