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FISCAL IMPACT REPORT

ORIGINAL DATE 01/18/19

SPONSOR Soules **LAST UPDATED** _____ **HB** _____

SHORT TITLE Landowner Liability For Cave Exploration **SB** 77

ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
LFC files

SUMMARY

Synopsis of Bill

Senate Bill 77 clarifies that cave exploration is included among recreational activities addressed in the duty of care language in Section 17-4-7 NMSA 1978. The statute relates to liability of landowners and SB 77 adds cave exploration as an activity that the owner/lessee/person in control does not (1) extend assurance that the premises are safe for such purpose; (2) assume any duty of care to keep such lands safe for entry or use; (3) assume responsibility or liability for injury or damage to or cause by such person or group; or (4) assume any greater responsibility, duty of care or liability to such person or group than if permission had not been granted and the person or group were trespassers.

SB 77 defines “cave” as “a natural geologically formed void or cavity beneath the surface of the earth, not including any mine, tunnel, aqueduct or other manmade excavation.”

FISCAL IMPLICATIONS

NFI

SIGNIFICANT ISSUES

Current statute provides that landowners who, without charge or other consideration, grant permission to use of their land for recreational activities have a defined duty of care to individuals using the land for such purposes. Hunting, fishing, trapping, camping, hiking, sightseeing, and the operation of aircraft are specifically listed along with “any other recreational use.” While cave exploration could be interpreted as an “other recreational use,” SB 77 expressly adds it to the list.

AHO/al