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## FISCAL IMPACT REPORT

SPONSOR Komadina DATE TYPED 1/24/05 HB \_\_\_\_\_

SHORT TITLE Public Skate Park Operator Liability Limits SB 15

ANALYST Wilson

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			See Narrative		

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Energy, Minerals & Natural Resources (EMNRD)

### SUMMARY

#### Synopsis of Bill

Senate Bill 15 amends Section 41-4-6 NMSA 1978 by adding language exempting public employees from liability for damages in the operation or maintenance of a public skate park.

#### Significant Issues

SB 15 extends governmental immunity in ways that may encourage the construction and operation of state parks within city parks and additional state parks.

### FISCAL IMPLICATIONS

Potential implications include immunity from liability for damages caused by negligence of state employees while acting within the scope of their duties. This ultimately could save unknown future public dollars.

**ADMINISTRATIVE IMPLICATIONS**

The State Parks Division (SPD) currently does not operate any skate park facilities. If SPD were to operate skate park facilities in state parks, SB 15 would extend liability protection to SPD employees and therefore make it easier to offer skate park recreation opportunities in state parks, if deemed appropriate by SPD.

**TECHNICAL ISSUES**

The term “skate” is not defined. It is unclear if the bill is intended to extend liability protection for all types of skating activities, such as ice-skating, and roller skating, or skateboarding. All three forms of skating can potentially take place in state and public parks.

The bill also does not define the term “public skate park.” It is therefore unclear if a “public skate park” would include any skating-related facility within a state park, or just facilities built specifically and only for skating.

**DW/lg**