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SENATE BILL 15

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO GOVERNMENTAL IMMUNITY; EXCEPTING PUBLIC EMPLOYEES FROM LIABILITY FOR DAMAGES IN THE OPERATION OR MAINTENANCE OF A PUBLIC SKATE PARK.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 41-4-6 NMSA 1978 (being Laws 1976, Chapter 58, Section 6, as amended) is amended to read:

"41-4-6. LIABILITY--BUILDINGS, PUBLIC PARKS, MACHINERY, EQUIPMENT AND FURNISHINGS--EXCEPTIONS. --

A. The immunity granted pursuant to Subsection A of Section [~~5-14-4 NMSA 1953~~] 41-4-4 NMSA 1978 does not apply to liability for damages resulting from bodily injury, wrongful death or property damage caused by the negligence of public employees while acting within the scope of their duties in the operation or maintenance of any building, public park,

underscored material = new
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1 machinery, equipment or furnishings.

2 B. Nothing in this section shall be construed as
3 granting waiver of immunity for any damages arising out of the
4 operation or maintenance of works used for diversion or storage
5 of water or for the operation or maintenance of a public skate
6 park. "

7 Section 2. EFFECTIVE DATE. --The effective date of the
8 provisions of this act is July 1, 2005.

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