

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## 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
<b>Total</b>			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