



Colorado Legislative Council Staff
NO FISCAL IMPACT

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Prime Sponsor(s): Rep. Witwer
Sen. Grossman

Bill Status: House Agriculture

Fiscal Analyst: Marc Carey (303-866-4102)

TITLE: CONCERNING LIMITATIONS ON LIABILITY FOR OWNERS OF ABANDONED MINING OPERATIONS ON LAND MADE AVAILABLE FOR PUBLIC RECREATIONAL PURPOSES.

Summary of Assessment

This bill modifies statutes regarding landowner liability for persons using land made available to the public for recreational purposes: (1) under general liability law, and (2) in cases when the land is maintained as an attractive nuisance. The bill specifies that such land includes real property that was subject to mining operations under state or federal law and that has been abandoned or left in an inadequate reclamation status prior to:

- August 3, 1977, for coal mining operations; and
- July 1, 1976, for hard rock mining operations.

The bill will be effective upon signature of the Governor.

The bill negates the ability of recreationists to sue land owners if they are injured in abandoned mine sites that are documented to have existed before the law required such sites be secured by the mining company. The bill also limits the state's liability for mines located on lands owned by the State Land Board. There have been no such cases involving mines located on state-owned lands during the last 10 years. Thus, the bill does not affect state or local revenues or expenditures and is assessed as having no fiscal impact.

Departments Contacted

Natural Resources