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/

OF COUNSEL
M. E. MONAGLE

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

ROBERT B. BAKER
LEROY J. BARKER
L. G. BERRY
C. R. RICH
CARL W. WINNER

R. E. ROBERTSON (1885-1981)
F. O. EASTAUGH
J. B. BRADLEY
WILLIAM G. RUDDY
L. B. JACOBSON
MICHAEL T. THOMAS
JAMES F. CLARK
PAUL M. HOFFMAN
J. P. TANGEN
D. ELIZABETH CUADRA
HAROLD E. SNOW, JR.
PAMELA L. FINLEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW
POST OFFICE BOX 1211
JUNEAU, ALASKA 99802

RECEIVED

MAY 15 1981

ANCHORAGE OFFICE

801 WEST FIFTH, SUITE 510
ALASKA MUTUAL BANK BLDG.
POST OFFICE BOX 679
ANCHORAGE, ALASKA 99510
PHONE (907) 277-6693
CABLE: ROMEA
TELEX: 090-26-486

JUNEAU OFFICE

210 FERRY WAY, 2ND FLOOR
POST OFFICE BOX 1211
JUNEAU, ALASKA 99802
PHONE (907) 586-3340
CABLE: ROMEA
TELEX: 099-45-376

May 14, 1981

The Honorable Patrick Rodey
Chairman, Senate Judiciary Committee
Alaska State Legislature
Pouch V
Juneau, Alaska 99811

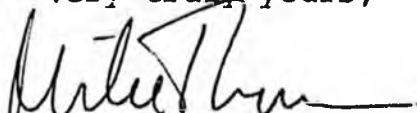
Re: Senate Bills 287 and 391

Dear Senator Rodey:

The American Insurance Association is interested in the above bills. This letter is to request that someone in your Committee notify my office when the above-referenced bills are to be heard.

Thank you for your courtesy.

Very truly yours,


M. T. Thomas

**PLEASE NOTE: THE FOLLOWING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT**



Alaska State Legislature

Senate

Judiciary Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Ski Boot Hill
Fairbanks, Alaska 99701

Dear Sir or Madam:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods

TELEGRAM

ALSCOM, INC.
PHONE: 586-6442
DUNEAU, AK 99602

RECEIVED

MAY 08 1981

MAY 8 AM 11 46

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PMS SEN PAT RODEY

JUN

0684

WE ARE AGAINST SB391

SKI FOOT HILL FAIRBANKS



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Thomas McCann
Vice President and Mountain Manager
Cleary Summit Ski Area
719 2nd Avenue
Fairbanks, Alaska 99701

Dear Mr. McCann:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

TELEGRAM

ALASCOM, INC.
PHONE: 588-6442
JUNEAU, AK 99802

#

1981 MAY 8 AM 11 40

RECEIVED

MAY 08 1981

12003 POM FAIRBANKS ALASKA 15 05-07 425P ADT

PMS PAT RODEY JUDICIARY COMMITTEE PLSE DLR BY 130PM

BUTROVICH ROOM 2ND FLOOR CAPITOL BLDG

JUN

WE ADVISE AGAINST REPEAL OF INHERENT RISK BILL AND SUPPORT

MR VON IMHOF COMPLETELY

THOMAS MCCANN

VICE PRESIDENT AND MOUNTAIN MANAGER CLEARLY SUMMIT SKI AREA

719 2ND AVE FAIRBANKS AK 99701



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Gary King, Jr.
1658 E. 59th Avenue
Anchorage, Alaska 99507

Dear Gary:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

LA11 2919 18.16 JAO1 0023 18.16 05/07/81

TO: JUN P.O.M.

FR: EFFIE

TO: SENATOR RODEY, REP. HAYES

FR: GARY KING, JR.
1658 E. 59TH AVE.
ANCHORAGE, AK 99507
344-9314

RE: SB 291

INCL A NO VOTE, LIMITED LIABILITY OF THE SKI INDUSTRY IS MUCH HELPED.

3 RECEIVED

MAY 11 1981

Handwritten notes:
Ker Kitchell
TO POINT'S PICK DOWN THE
1 DO NOT POST MARKING TO
SB 291 FOR ANOM TO
THANKS
MAY 11 1981



Alaska State Legislature

Senate

Judiciary Committee

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Harland Davis
610 West 2nd Avenue
Anchorage, Alaska 99501

Dear Mr. Davis:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods

2
MSG 81-00015978 PRTY 1 05/08/81 16:53:26 ORIG: LA02 IN= 0002 OUT= 0038
FROM: ROBERTA TO: JUNO INFO
TARGET: LJH? SUBJ: POMS

PAGE 0004

TO: SENATOR RODEY
FROM: HARLAND DAVIS, 610 W 2ND, ANC. 99501; 277-0111

I OPPOSE AND URGE YOU TO OPPOSE SB 391 REGARDING REPEAL OF THE
ASSUMPTION OF INHERENT RISK OF SKIING.

RECEIVED
MAY 11 1981



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. James A. Oviatt
6425 E. 14th Avenue
Anchorage, Alaska 99504

Dear Mr. Oviatt:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

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Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Larry Foster
Member, Denali Ski Patrol
1502 Turpin
Anchorage, Alaska 99504

Dear Mr. Foster:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

MSG 81-00015630 PRTY 1 05/06/81 15:05:39 ORIG: LA00 IN= 0002 OUT= 0010
FROM: LDU TO: JNU INFO
TARGET: LJH2 SUBJ: POM PAGE 0003

TO: SENATOR RODEY

FROM: JAMES A. OVIATT, 6425 E 14TH AVE., ANCHORAGE, AK 99504 374-8531

I URGE YOU TO WORK AGAINST PASSAGE OF SD-391.

MSG 81-00015630 PRTY 1 05/06/81 15:05:39 ORIG: LA00 IN= 0002 OUT= 0010
FROM: LDU TO: JNU INFO
TARGET: LJH2 SUBJ: POM PAGE 0003

TO: SENATOR RODEY

FROM: LARRY FOSTER, MEMBER- DENALI SKI PATROL, 4500 TURPIN, ANCHORAGE, AK 99503 4617

IN THE BEST INTEREST OF SKIING, I OPPOSE SD-391.



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Gregory Nilsson
2221 North Star Drive #3
Anchorage, Alaska 99503

Dear Mr. Nilsson:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

Pat

Senator Patrick M. Rodey
Chairman

PMR/ods



Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

May 14, 1981

Mr. Roger Hyde
880 K Street
Anchorage, Alaska 99501

Dear Mr. Hyde:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

LA11 1509 12.36 JAU1 0028 12.36 05/08/81

TO BUREAU INFO

FROM MARCIE, ANC INFO

RE: POM

TO: SENATOR RODEY, CHAIRMAN, SENATE JUDICIARY COMMITTEE

FROM: GREGORY NILSSON, 2221 NORTH STAR DRIVE H3, ANC 99503
(278-2256)

I OPPOSE SENATE BILL 391.

RECEIVED

MAY 11 1981

TO: SENATOR RODEY

FROM: ROGER HYDE, 880 "K" SREET, ANC 99501 (277-6505)

I AM OPPOSED TO SENATE BILL 391 RELATING TO RISKS OF SKIING.

LA11 1537 12.42 JAU1 0029 12.42 05/08/81



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Edwin Blair
334 E. 9th
Anchorage, Alaska 99501

Dear Mr. Blair:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

MSG 31-00015848 PRY 1 05/07/01 18:46:13 ORIG: LA00 IN= 0000 OUT= 0075
FROM: ROBERTA TO: JUNO INFO
TARGET: LJH2 SUBJ: FOMS PAGE 0003

TO: SENATOR RODEY
FROM: EDWIN BLAIR, 334 E 9TH, ANC 99501, 277-1325
I AM OPPOSED TO SB 391.



Official Business

Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

May 14, 1981

Mr. Jim King
308 E. Northern Lights
Anchorage, Alaska 99503

Dear Mr. King:

Thank you for your comments on SB 391, "An Act relating to civil liability on claims arising from skiing; and providing for an effective date."

On Friday, May 8, the Senate Judiciary Committee conducted hearings on this legislation. No action was taken by the committee at that time, and I am very doubtful that we will conduct further hearings during this session.

Again, I appreciate your comments and will make them a part of the committee's permanent file for any future consideration.

Sincerely,

A handwritten signature in cursive script that reads "Pat".

Senator Patrick M. Rodey
Chairman

PMR/ods

MSG 81-00015848 PRTY 1 05/07/81 10:46:13 ORIG: LA00 IN= 0000 OUT= 0075
FROM: ROBERTA TO: JUNG INFO
TARGET: LJH2 SUBJ: POMS PAGE 0004

TO: SENATOR RODEY
FROM: JIM KING, 308 E NO. LIGHTS. APO 99503; 279-7454

I AM IN FAVOR OF THE 1 MILLION DOLLAR LIMITATION ON WHETHER OR NOT
PEOPLE CAN SUE THE SKI RELATED INDUSTRIES.

PLEASE NOTE: THE PRECEDING PAGES WERE TREATED
AS A UNIT IN THE ORIGINAL DOCUMENT.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
FAIRBANKS, ALASKA 99811
907-465-3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 2, 1981

SUBJECT: Skiing
(Work Order Number 12-1293)

TO: Senator Patrick M. Rodey

FROM: Richard A. Bradley 
Legislative Counsel

The bill requested is enclosed.

The bill repeals not only AS 09.65.135 but also the legislative findings that preceded that section as Sec. 1 Chapter 80, SLA 1980.

In my view, AS 18.60.822 which was added by Sec. 3 of Chapter 80, should not be repealed. As I understand the situation, ski areas within national forests are required by Forest Service regulations to operate under such a plan and its existence seems separate and apart from the risk-shifting accomplished by AS 09.65.135, AS 05.20.012, or their repeal.

RAB:ljb

Enclosure

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 31, 1981

SUBJECT: Skiing
(Work Order No. 12-1293)

TO: Senator Patrick M. Rodey

FROM: Richard A. Bradley *B*
Legislative Counsel

Some questions relating to your work order request.

I propose also to repeal the temporary law found at Section 1 of Chapter 80, SLA 1980, if the permanent law is repealed.

Chapter 80 repealed AS 05.20.012. A copy of the provision is attached; it does not appear in the present publication of AS 05.

Do you intend to reinstate it as the law controlling in this situation?

Since neither it nor AS 09.65.135 appears to state the common law, the results may or may not be desirable -- but we wish you to have a more full picture of the implications of your request.

RAB:ljb

Attachment

Effect of amendment. — The 1976 amendment inserted "labor, political" in paragraph (15) and added paragraphs (19), (20), and (21).

As the rest of the section was not affected by the amendment, it is not set out.

Chapter 20. Recreational Devices.

Section

- 10. Owners or operators to provide safe equipment
- 12. Liability for accidents in skiing areas

Sec. 05.20.010. Owners or operators to provide safe equipment. Every owner or operator of a device as defined in § 120 of this chapter shall construct, furnish, maintain and provide safe and adequate facilities and equipment with which to safely and properly receive and carry all persons offered to and received by the owner or operator of the device, and to promote the safety of the patrons, employees and the public. The owner or operator of ski equipment and devices is not considered a common carrier. (§ 1 ch 109 SLA 1960; am § 1 ch 25 SLA 1967)

Effect of amendment. — The 1967 amendment added the last sentence. 1967 (CSSL 99), see House Journal (1967), pp. 369-370.

Legislative committee report. — For legislative committee report on ch. 25, SLA

Sec. 05.20.012. Liability for accidents in skiing areas. No owner or operator of ski equipment may be held liable for the negligence of persons other than employees who use designated skiing areas owned or controlled by him, unless the owner or operator has negligently maintained the designated skiing areas or has furnished or supplied defective equipment, the use of which is the proximate cause of an injury sustained by a person while engaged in skiing activities within the designated skiing areas. (§ 2 ch 25 SLA 1967)

Legislative committee report. — For legislative committee report on ch. 25, SLA 1967 (CSSB 99), see House Journal (1967), pp. 369-370.

Chapter 25. Watercraft.

Article 3. General Provisions.

Section

- 60. Prohibited operation
- 100. Definitions

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subsection (b) of this section suggests that
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ually are to be performed by a private
agency. Granato v. Occhipinti, Sup. Ct.
Op. No. 1962 (File No. 3756), 602 P.2d 442
(1979).
Performance of "other services"
cannot be compelled. — There is no
implied grant of power in subsection (a) or
of this section to compel the
performance of "other services" by a state
agency not wishing to perform them.
Granato v. Occhipinti, Sup. Ct. Op. No.
1962 (File No. 3756), 602 P.2d 442 (1979).
The vague directive of this section that

in a private custody dispute the court may
order that "services be provided for the
protection of the child does not empower a
court to command the aid of the
department of health and social services in
a private custody dispute. Granato v.
Occhipinti, Sup. Ct. Op. No. 1962 (File No.
3756), 602 P.2d 442 (1979).
Distinctions between AS 47.10.020
and this section. — See Granato v.
Occhipinti, Sup. Ct. Op. No. 1962 (File No.
3756), 602 P.2d 442 (1979).
Quoted in Chavre v. Chavre, Sup. Ct.
Op. No. 1591 (File No. 3349), 598 P.2d 81
(1979)

Sec. 09.65.135. Limitations on claims arising from skiing. (a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.

(b) A ski area operator shall post trail signs at prominent locations within a ski area which shall include a list of the inherent risks of skiing and the limitation on liability of the ski area operator provided by this section.

(c) In this section
(1) "inherent risks of skiing" means the dangers or conditions which are an integral part of the sport of skiing, including, but not limited to,

- (A) changing weather conditions;
 - (B) variations or steepness in terrain;
 - (C) snow or ice conditions;
 - (D) surface or subsurface conditions such as bare spots, forest growth, and rocks;
 - (E) collisions with lift towers, other structures, and their components unless the skier is on the lift;
 - (F) collisions with other skiers; and
 - (G) a skier's failure to ski within the limits of his own ability;
- (2) "injury" means a personal injury or property damage or loss;
- (3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, or other device for recreation in snow;

(4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the state;

(5) "ski area operator" means the operator of a ski area. (§ 2 ch 80 SLA 1980)

Title 7
Paragraphs

Title 8
Business and Professions

Title 6
Banks and Financial
Institutions



THE CITY AND BOROUGH OF JUNEAU

CAPITAL OF ALASKA

155 SOUTH SEWARD ST. JUNEAU, ALASKA 99801

LAW DEPARTMENT 586-3300

May 8, 1981

Senate Judiciary Committee
Pouch V
Juneau, Alaska 99811

File: Legislature - 1981 - SB 391

Subject: Opposition to SB 391

Gentlemen:

The last legislature enacted Chapter 80 SLA 1980 in an attempt to clarify for the courts, for skiers, for ski area operators, and for insurance carriers just how much responsibility ski area operators had for various risks which are inherent in skiing. An insurance liability crisis similar to that experienced a few years ago in the medical profession was already in the making last year and Chapter 80 SLA 1980 was partially in response to that crisis. In addition, the determination of which were inherent risks of skiing and which were not needed clarification. Without legislative action this matter could not be addressed except through expensive litigation on a case by case basis. That law met the needs of all those involved in skiing and should not now be repealed.

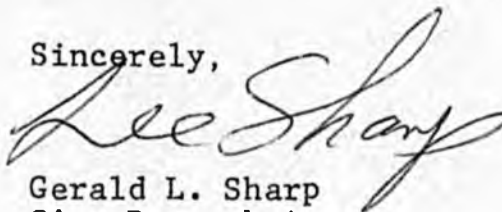
That law provides that ski area operators who properly post their ski area may not be held liable for "inherent risks of skiing." Those risks are the ones which are an integral part of the sport of skiing and include changing weather conditions, variations or steepness in terrain, snow or ice conditions, surface or subsurface conditions such as bare spots, forest growth or rocks, collisions with lift towers or other structures (unless the skier is on the lift), collisions with other skiers and the failure of the skier to ski within the limits of his own ability. The foregoing are risks which should reasonably fall upon the shoulders of the skier and not the ski area operator. These risks are either totally beyond the control of the ski area operator or are risks over which the ski area operator has little or no effective control. It is only reasonable that the ski area operator not be forced to run the risk of unnecessary litigation arising out of injuries due to such risks.

If the law is repealed ski area operators may very well be put in a worse position than they were in prior to the enactment of the law. If the law is repealed, an argument can be made that the legislature was making a policy statement that those conditions which were formerly inherent risks of skiing are no longer inherent risks of skiing and are therefore a liability of the ski area operator.

May 8, 1981

We urge you not to pass out Senate Bill 391 as it would create confusion where we now have certainty and would have an adverse impact on the ability of ski area operators to obtain insurance for their operations.

Sincerely,



Gerald L. Sharp
City-Borough Attorney

GLS: jr

cc: Jim Wakefield, Chairman
Assembly Legislative Committee

Jim Hall, Director
Parks and Recreation

#

IPMAFUR AHG

4-0369015127 05/07/81

ICS IPMRNCZ CSP

SUSPECTED DUPLICATE

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
JUNEAU, AK 99802

051 MAY 7 PM 12 12

2062813535 TDRN SEATTLE WA 138 05-07 0158P EST

PMS SENATOR PATRICK M RODEY

CHAIRMAN SENATE JUDICIARY COMMITTEE

ALASKA STATE SENATE **0510**

STATE CAPITOL BLDG

JUNEAU AK 99811

THE ALASKA VISITORS ASSOCIATION UNDERSTANDS THAT A HEARING WILL BE HELD TOMORROW BEFORE YOUR COMMITTEE ON SENATE BILL 391 WHICH WOULD REPEAL THE PRESENT DATE STATUTE RECOGNIZING THE INHERENT RISK OF SKIING. THE ALASKA VISITORS ASSOCIATION STRONGLY OPPOSES SENATE BILL 391 AND RESPECTFULLY URGES YOUR COMMITTEE'S CONSIDERATION OF THE FACT THAT THIS BILL IS IN DIRECT OPPOSITION TO ALASKA'S OBJECTIVE FOR INCREASED VISITOR TRAFFIC. FURTHER, REPEAL OF THE PRESENT STATUTE WOULD PLACE UNJUST AND COMPLETELY UNWARRANTED LIABILITY ON THE OPERATORS OF SKI AREAS BASED ON CONDITIONS COMPLETELY BEYOND THEIR CONTROL INCLUDING THOSE INHERENT CONDITIONS OF WEATHER AND IMPRUDENT AND UNCONTROLLABLE ACTS OF SKIERS THEMSELVES. IT SHOULD BE RECOGNIZED THAT SKI AREA OPERATORS ARE SUBJECT TO MANY COMPULSORY REQUIREMENTS IN ADHERENCE TO VARIOUS SAFETY STANDARDS, NATIONAL FOREST SERVICE CONTRACTUAL REQUIREMENTS AND CODES. AGAIN, IT IS THE POSITION OF AVAA THAT THOSE PEOPLE WILLING TO INVEST THEIR MONEY TO MAKE RECREATIONAL ACTIVITIES AVAILABLE TO ALASKANS AND ALASKA VISITORS SHOULD NOT BE SUBJECT TO LEGISLATION WHICH MAKES THEM LIABLE FOR MATTERS THAT CANNOT REASONABLY BE CONSIDERED TO BE UNDER THEIR CONTROL AND WHICH WOULD AUTOMATICALLY REDUCE FURTHER DEVELOPMENT OF RECREATIONAL SKI AREAS

H J MUSIEL, VICE PRESIDENT
GOVERNMENT AFFAIRS
ALASKA VISITORS ASSOCIATION

1404 EST

IPMAFUR AHG

parties temporarily without funds, subsection (b) of this section suggests that it is contemplated that such services typically are to be performed by a private agency. *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3755), 602 P.2d 442 (1979).

Performance of "other services" cannot be compelled. — There is no implied grant of power in subsection (a) or (c) of this section to compel the performance of "other services" by a state agency not wishing to perform them. *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

The vague directive of this section that

in a private custody dispute the court may order that "services be provided for the protection of the child" does not empower a court to command the aid of the department of health and social services in a private custody dispute. *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

Distinctions between AS 47.10.020 and this section. — See *Granato v. Occhipinti*, Sup. Ct. Op. No. 1962 (File No. 3756), 602 P.2d 442 (1979).

Quoted in *Chavre v. Chavre*, Sup. Ct. Op. No. 1891 (File No. 3349), 598 P.2d 81 (1979).

Sec. 09.65.135. Limitations on claims arising from skiing. (a) A skier may not recover from a ski area operator for injury resulting from an inherent risk of skiing unless the injury occurred when the ski area operator was not providing the information required by (b) of this section.

(b) A ski area operator shall post trail signs at prominent locations within a ski area which shall include a list of the inherent risks of skiing and the limitation on liability of the ski area operator provided by this section.

(c) In this section

(1) "inherent risks of skiing" means the dangers or conditions which are an integral part of the sport of skiing, including, but not limited to,

(A) changing weather conditions;

(B) variations or steepness in terrain;

(C) snow or ice conditions;

(D) surface or subsurface conditions such as bare spots, forest growth, and rocks;

(E) ~~collisions with lift towers, other structures, and their components unless the skier is on the lift;~~

(F) collisions with other skiers; and

(G) a skier's failure to ski within the limits of his own ability;

(2) "injury" means a personal injury or property damage or loss;

(3) "skier" means a person in a ski area engaged in the sport of skiing, sliding downhill on snow or ice on skis, a toboggan, a sled, a tube, a ski-bob, or other device for recreation in snow;

(4) "ski area" means all ski slopes, trails and other places under the control of a ski area operator and administered as a single enterprise in the state;

(5) "ski area operator" means the operator of a ski area. (§ 2 ch 80 SLA 1980)

Introduced: 4/6/81
Referred: Judiciary

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

SENATE BILL NO. 391

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

TWELFTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to civil liability on claims arising

7

from skiing; and providing for an effective date."

8

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9

* Section 1. AS 09.65.135 is repealed.

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* Sec. 2. Section 1, ch. 80, SLA 1980, is repealed.

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* Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

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070(c).

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STRAIN INSURANCE - Pass money lost to consumer

NO PENDING CASES IN LITIGATION

Alaska Action Trust - Group of Attorney's

TELEGRAM

TELECOM, INC.

PHONE: 262-4442

JUNEAU, AK 99802

1981 JUN 7 PM 10 02

IPMAFUB AHG

1-042322N127 05/07/81

TLX ATKINSON AHG

1 ANCHORAGE AK 5/7/81

PMS PATRICK RODEY 465-3717

POUCH V

JUNEAU AK

ATHE HONORABLE PAT RODEY

CHAIRMAN OF THE SENATE

JUDICIARY COMMITTEE

ALASKA STATE SENATE

STATE BUILDING

0647

JUNEAU, ALASKA

DEAR SENATOR RODEY:

I WANT TO TAKE THIS OPPORTUNITY TO EXPRESS MY STRONG
OPPOSITION TO S. B. 391. I BELIEVE THAT AS 09.10.300 ET SEQ
IS A FAIR AND EQUITABLE BILL FROM A LEGAL STANDPOINT AND
ACCORDINGLY SHOULD REMAIN IN EFFECT.

SKI OPERATORS SHOULD NOT BE SUBJECTED TO LIABILITY FOR
INJURIES THAT OCCUR TO SKIERS AS A RESULT OF CONDITIONS
OVER WHICH THE OPERATOR HAS NO CONTROL. BECAUSE OF THE
INHERENT RISKS IN SKIING ALL PERSONS USING THE SKI SLOPES
MUST BE REQUIRED TO EXERCISE CARE FOR THEIR OWN SAFETY AND
THE SAFETY OF OTHER SKIERS.

THE STATES OF WASHINGTON, OREGON, UTAH AND COLORADO ALL HAVE LAWS SIMILAR TO AS 09.10.300 ET SEQ. TO MY KNOWLEDGE THE LEGISLATURES OF THOSE STATES HAVE NOT REPEALED THOSE LAWS NOR HAVE THE COURTS OF THOSE STATES STRUCK THEM DOWN FOR ANY REASON.

AS 09.10.300 ET SEQ, AS IT NOW STANDS, FAIRLY APPORTIONS THE RISKS AND RESPONSIBILITIES FOR SKIER SAFETY BETWEEN THE OPERATOR AND THE SKIER. S. B. 391 WOULD UNNECESSARILY UPSET THAT BALANCE TO THE DETRIMENT OF BOTH SKIERS AND THE SKI INDUSTRY.

VERY TRULY YOURS,

JOHN A. TREPTOW
ATTORNEY AT LAW
420 I. STREET, SUITE 500
ANCHORAGE, ALASKA 99501

2130 EST

IPMAFUB ANG

Alaska RESORT



P.O. BOX 249

GIRDWOOD, ALASKA 99587

May 4, 1981

RECEIVED

MAY 08 1981

Senator Pat Rodey
Alaska State Senate
Pouch V, State Capitol Building
Juneau, Alaska 99811

Dear Senator Rodey:

Attached is a letter I wrote to Mitch Gravo asking for the reasoning behind repeal legislation introduced to repeal the Inherent Risks of Skiing Act. We worked hard last year to get this legislation because we knew it was vital to the health of the ski industry. You yourself were helpful in getting the legislation passes unanimously in the Senate.

I am greatly concerned about any attempts to repeal this legislation and would appreciate the opportunity to discuss this with you and/or your committee. Please let me know when this would be convenient. If you need any more background information, please let me know.

Sincerely yours,

Chris von Imhof
Vice President and General Manager

CVI/bbp
Attachment

ALASKA'S LARGEST YEAR-ROUND RESORT & SKI FACILITY

(907) 783-2222

Alaska RESORT



P.O. BOX 249

GIRDWOOD, ALASKA 99587

May 3, 1981

Mr. Mitch Gravo
Cape Fox Hotel
Juneau, Alaska 99801

Dear Mitch:

The general manager of Eagle Crest Ski Area recently brought to my attention that legislation had been introduced to repeal the Inherent Risks of Skiing act (copy attached). I learned that you requested the introduction of such legislation through Senator Pat Roddy's judiciary committee.

I wonder if you are familiar with the background that lead to the introduction and passage of the Inherent Risks of Skiing Act. Ski areas are constantly plagued with nuisance claims making it almost impossible to run the business. Many states have now adopted similar legislation to protect their ski industry against unfair nuisance claims such as accidents skiers bring on themselves by skiing out of control or recklessly. We accept the responsibility we have for the safety of customers on our lifts, and we make sure they get the same protection on our slopes; however, we cannot protect them from themselves. We follow to the letter a stringent snow safety plan which details the required codes (federal, state, and local) and regulations with which we must comply.

Please be kind enough to advise me by phone or letter if, in fact, you intend to try to get the original legislation repealed and what is the reasoning behind this. If this is true, your actions are in direct conflict with your duties as lobbyist for the Alaska Visitors Association as the ski industry in Alaska is very much a part of the travel industry. In addition, I also understand you represent the Municipality of Anchorage, and as the Municipality is also operating a ski area, I am certain it would not appreciate repeal of the present legislation.

ALASKA'S LARGEST YEAR-ROUND RESORT & SKI FACILITY

(907) 783 2222



Mr. Mitch Gravo

-2-

May 3, 1981

Frankly, I will do everything in my power to stop repeal of this act which is so very important to ski areas to keep the insurance rates and cost of doing business down. I would hope that you recognize your conflict of interest and withdraw your repeal legislation.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Chris von Imhof".

Chris von Imhof
Vice President and General Manager

CVI/bbp

Copy to ✓ Senator Pat Rodey
Mayor George Sullivan
Mr. John Spencer
Mr. Gary Walker
Mr. Rolf Klug

NEED YOUR HELP IN GETTING GRAVO TO WITHDRAW THIS LEGISLATION.

THANKS!

2

MSG 81-00015680 PRTY 1 05/06/81 18:54:59 ORIG: LA00 IN= 0005 OUT= 0037
FROM: ROBERTA TO: JUND INFO
TARGET: LJH2 SUBJ: POMS PAGE 0009

TO: SENATOR RODEY
FROM: BOB BRYANT, 119 MEADOWCREEK DRIVE, EAGLE RIVER 99577; 694-2888
RE: SB 391

AS A MEMBER OF THE NATIONAL SKI PATROL I HAVE BEEN DEEPLY INVOLVED
IN ALL ASPECTS OF SKIING FOR OVER 10 YEARS. I FEEL QUALIFIED TO VOICE
STRONG OPPOSITION TO CONSIDERATION, MUCH LESS PASSAGE OF SB 391.

RECEIVED
MAY 08 1981

TO: SENATOR RODEY
FROM: JOHN BLASKO, SRA BOX 249-T, ANC 99507; 345-0018

SB 391 UNDERMINES YEARS OF EFFORT IN DEVELOPING EQUITABLE LAWS
PERTAINING TO SKI RELATED INJURIES AND LIABILITIES. AS A 10 YEAR VOLUNTEER
SKI PATROLER I OPPOSE SB 391 IN ITS ENTIRETY.

TO: SENATOR RODEY
FROM: KATHERINE JANIGO, 7125 WHITEHALL ROAD, ANC 99502; 243-7754
RE: SB 391

I AM OPPOSED TO THE REPEAL OF THE INHERENT RISK OF SKIING LEGISLATION
THAT WAS PASSED LAST YEAR.

MSG 81-00015677 PRTY 1 05/06/81 18:28:29 ORIG: LA02 IN= 0003 OUT= 0034
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: LJH2 SUBJ: POM PAGE 0001

TO: SENATOR RODEY
FROM: MARGIE FOSTER, 1502 TURPIN STREET, ANC 99504 (333-4617)

MY INTEREST IS AS AN ANCHORAGE SKI CLUB BOARD MEMBER. I WOULD
LIKE TO OPPOSE SENATE BILL 391.

RECEIVED

MAY 08 1981

MSG 81-00015677 PRTY 1 05/06/81 18:28:29 ORIG: LA02 IN= 0003 OUT= 0034
FROM: MARCIE, ANC INFO TO: POM, JUNEAU INFO
TARGET: LJH2 SUBJ: POM PAGE 0002

TO: SENATOR RODEY
FROM: HARVEY TURNER, 1900 STATE STREET, ANC 99504 (337-2467)

RE: SENATE BILL 391

I HAVE SKIED FAIRBANKS, ANCHORAGE, ALYESKA, AND JUNEAU SINCE
1949 AS A SKI RACER, INSTRUCTOR, RECREATIONAL SKIER AND SKI PATROLMAN
FOR 9 YEARS. MOST INJURIOUS RISKS ARE CAUSED BY POOR JUDGEMENT OF THE
SKIER - NOT MANAGEMENT OR HILL MAINTENANCE. I VIGOROUSLY REQUEST
SENATE BILL 391 BE KILLED.

RECEIVED

MAY 08 1981

MSG 81-00015768 PRTY 1 05/07/81 13:18:31 ORIG: LAGG IN= 0003 OUT= 0044
FROM: MARCIE, AND INFO TO: POM, JUNEAU INFO
TARGET: LJM2 SUBJ. POM PAGE 0003

TO: SENATOR PAT BODEY

FROM: CHARLES DRUMMOND, 1046 SUNRISE DRIVE, AND 00504 (870-0134)

WE DON'T NEED SENATE BILL 391. HAVING SKIED FOR 12 YEARS I FEEL
IT AN INSULT TO ALL THOSE WHO LIVE AND PLAY IN THE OUTDOORS TO THINK THEY
NEED ALL THE HAZARDS MARKED TO ENJOY SKIING. PLEASE DON'T TAKE IT AWAY
WITH HIGHER INSURANCE COSTS.