

HB

300

FISCAL NOTE

No. 1
 Bill Version: CSHB 300(L&C)
 (H) Publish Date: 2/28/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____
 Title: An Act relating to civil liability for commercial recreational activities. . . .
 Sponsor: House Labor and Commerce Committee
 Requestor: House Labor and Commerce Committee

Department Affected: Administration
 BRU: Risk Management
 Component: Risk Management
 COMPONENT SERIAL NO. 71

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUNDING SOURCE: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
OTHER						
TOTAL	0	0	0	0	0	0

Estimate of any current year (FY 94) cost: \$ 0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: J. Brad Thompson, Director
 Division: Risk Management

Phone: 465-5723
 Date: _____

Approved by Commissioner: Nancy Bear Usura
 Agency: Department of Administration

Date: 2/17/94

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Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT CS HB 300(L&C)

An Act Relating to Civil Liability for Commercial Recreational Activities

The Adventure Travel Society estimates that adventure travel and ecotourism segments of the travel industry are growing at a rate of 20% a year. The economic contributions of Alaska's wilderness based tourism, while undocumented, are undoubtedly important. AWRTA estimates that there are over 2,000 natural resource dependent tourism businesses in Alaska. Although few of these businesses employ upwards of 50 people, many are small, supporting or contributing to the income of only a few families. They are, however, Alaskan-based and vital to local employment. Unlike larger recreational outfits, these businesses keep their dollars in Alaska. They purchase their goods here, employ local residents, remain in-state, and spend the dollars they make here, thus providing both economic diversity and stability to many communities.

Many of these small businesses, however, are facing an uncertain future due to the high costs associated with insurance premiums and operation of such businesses. In order to encourage the continuance and survival of increasingly popular outdoor recreational activities, some kind of structure is needed to assure that both operators and participants become knowledgeable of, and assume, responsibility for inherent risks. House Bill 300 was introduced to establish the responsibilities of persons who operate and participate in commercial recreational activities. HB 300 in no way relieves recreational businesses/operators from liability. It simply establishes a framework that may help in the litigation process by stating that the state has recognized your responsibilities and sends the message that steps have been taken to educate both the operator and participant as to these responsibilities. While insurance premiums are based on many factors, including one's history of claims, similar legislation in Colorado has had the effect of lowering insurance premiums 15 to 20 percent.

HB 300 establishes a balance of responsibility between operators and participants, without diminishing the responsibility of either party.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 16, 1994

SUBJECT: Sectional Summary of HB 300

TO: Representative Bill Hudson

FROM: Michael F. Ford *mf - /*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Purpose.

Section 2.

Sec. 05.45.010. Establishes that participation in a commercial recreational activity constitutes acceptance of that activity's inherent risks that are apparent to an ordinarily prudent person.

Sec. 05.45.020. Provides that a person who accepts an inherent risk of a recreational activity is contributorily negligent to the extent the inherent risk causes injury, death, or property damage. Requires a reduction in compensatory damages for any contributory negligence.

Sec. 05.45.030. Establishes the responsibilities of participants in a recreational activities.

Sec. 05.45.040. Establishes responsibilities of operators of recreational activities.

Sec. 05.45.050. Provides that AS 05.45 does not affect immunity provided under AS 09.45.795 or AS 09.65.135.

Sec. 05.45.100. Definitions.

Representative Bill Hudson
February 16, 1994
Page 2

Section 3. Applicability section.

Section 4. Effective date.

MFF:lmb
94-058.lmb

DIVISION OF LEGAL SERVICES

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Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

M F M O R A N D U M

February 23, 1994

SUBJECT: Civil liability for commercial recreational activities - (HB 300)

TO: Representative Bill Hudson

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have asked for a general explanation of the effects of HB 300. The bill would, in my opinion, have its most significant effect in fixing the responsibilities of participants in recreational activities and operators of recreational activities. In sec. 05.45.030 and sec. 05.45.040 the bill lists these responsibilities. This should in some measure reduce the uncertainty regarding the legal responsibility for injuries resulting from recreational activities. While the bill also addresses inherent risks (in sec. 05.45.010) and contributory negligence (in sec. 05.45.020) these provisions are not significantly different from the existing system for allocating fault described under AS 09.17.

This bill will not immunize operators of recreational activities or eliminate litigation over injuries or property damage that occurs during a recreational activity. However, this bill may reduce the time spent in litigation by clearly indicating the responsibilities of each party when an accident occurs during a recreational activity.

Please contact me if you have further questions.

MFF:gc:pl
94-154.glc

DIVISION OF LEGAL SERVICES

**LEGISLATIVE AFFAIRS AGENCY
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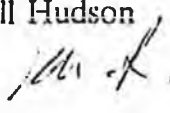
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

February 25, 1994

SUBJECT: Civil liability for commercial recreational activities - (CSHB 300(L&C))

TO: Representative Bill Hudson

FROM: Michael F. Ford 
Legislative Counsel

I wanted to point out a definition in the CS that will need further attention. The definition of "recreational activity" in the CS is intended to specify that only certain commercial and recreational activities should be covered by the bill. As written however, it could be interpreted as describing an activity in which the person participating in the activity is doing so for commercial purposes. I would suggest that the definitions be changed to read as follows:

(2) "commercial recreational activity" means a recreational activity for which the participants pay compensation;

(3) "recreational activity" means an outdoor activity undertaken for the purpose of exercise, relaxation, pleasure, sport, or as a hobby and includes hunting, or sportfishing.

This will avoid an inference that the participant is acting in a commercial manner and will clearly separate the specific categories from the generic provision in the definition. This would also require that "commercial" be added before "recreational activity" in sec. 05.45.020, 05.45.030 and 05.45.040.

If you have any questions on this matter please contact me.

MFF:pl
94-160.plm

HOUSE COMMITTEE REPORT

(7)

Date Referred: May 6, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2/24

The LABOR AND COMMERCE Committee considered:

HB 300

HOUSE BILL NO. 300

LIABILITY: COMMERCIAL RECREATION ACTIVITY

"An Act relating to civil liability for commercial recreational activities; and providing for an effective date."

RECOMMENDATIONS:

the same title

be replaced with CS HB 300 L+C

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note Admin.

zero fiscal note(s) _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Bruce Woster</i>	<input checked="" type="checkbox"/>				
<i>James [unclear]</i>	<input checked="" type="checkbox"/>				
<i>Alan [unclear]</i>	<input checked="" type="checkbox"/>				
<i>Bell [unclear]</i>	<input checked="" type="checkbox"/>				

Bell [unclear]
CHAIRMAN'S SIGNATURE



Marine Adventure Sailing Tours

Representative Bill Hudson
Chair, Labor and Commerce Committee
Alaska State Legislature
State Capital Building
Juneau, Alaska 99801-1182

February 16, 1994

Dear Bill:

There are, this session, a few bills floating around the legislature in which I am interested. As one of your constituents, I thought you would like to know my thoughts on them. I offer also whatever help I can give to you and your staff regarding these actions.

HB 300 "An Act relating to civil liability for commercial recreational activities; and providing for an effective date."

This bill may be uninteresting to many in the times of such fiscal distress, but to me and many other operators of commercial outdoor businesses, this is a desirable action. I do not believe that it will reduce our insurance costs much, but it will offer more protection to us in the case of some legal action. I have been operating for 12 years and have never had an accident, but the possibility always exists.

In my business, I use an informational form which reads very much like HB 300. It simply advises my clients that Alaska can offer some difficult challenges and that if there is any doubt about anything, ask. As a concessionaire for the Glacier Bay National Park, I am advised by NPS to have clients sign a release (enclosed) which reads again like HB 300. The U.S. Forest service also requires guiding insurance and since most of Southeast is in the Tongass, HB 300 could be quite influential on the USFS regulations.

I won't go on about this, but instead urge you to hear the bill and move it out of committee before the rush of other matters befalls you. I don't see any opposition to the bill as it is currently written and I expect a zero fiscal note. This is not a tort reform bill, but rather the recognition that Alaska still has a wild and wonderful outdoors.

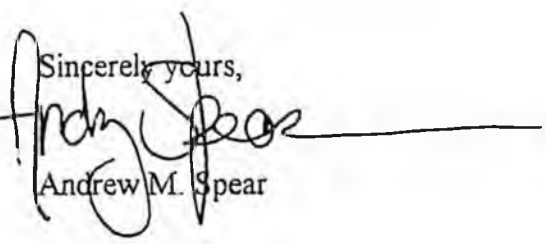
HB 238/SB215 Funding for the Oil and Hazardous Substance Release Response Fund
(470 Fund)

I'm sure you know my sentiments on these actions, but I will ask your assistance in keeping the "470 Fund" intact. During my time as the manager of the ADEC Oil Pollution Control Program, I found that small oil spills are by far a more serious problem than is recognized by the public and their representatives. When the *Exxon Valdez* hit the skids, I was introduced to the devastation of both the natural environment, and the very fabric which holds together our local communities. Any defunding and de-emphasis on the prevention and control of oil pollution is a false economy. Take a minute and recall some of the telephone calls you got during the *Exxon Valdez* disaster. I shudder when I do.

Finally as I write this infrequent letter, I must address again a defunding issue: the ATMC. You know that I am a small operator, but that I live and participate in my local community. I spend just about everything here and believe that I help make Alaska a better place. There are many others like me, but because we are small, spending \$5,000 for an ad in a national magazine is a heavy burden. There is little out there to help us compete in a very competitive market, but one thing that does help is the ATMC. I get more business from the "Alaska Planner" than from any other source. Please do not defund us any more. At least, see if we can maintain programs that keep our businesses here rather than favor large, foreign flag operations. If the Governor want's to find some money, maybe he can sell the road to Cordova or perhaps save a little aviation gas and stop the wolf kill. I'm feeling the pinch from the wolf kill boycott so I don't need to take another blow by way of a defunded ATMC. I've said enough.

Thank you for your attention and patience. I will come in to talk to Linda about HB 300 and perhaps we can meet as well. In the mean time, my best to you and your staff. Say hello to Lucy and keep up the good work.

Sincerely yours,


Andrew M. Spear

- NO NEED TO ANSWER, Bill.

Copy AWARTA



Alaska State Legislature

REPRESENTATIVE BILL HUDSON

State Capitol
Juneau, Alaska
99801-1182
(907) 465-3744

COMMITTEES

CHAIR
Labor & Commerce
VICE CHAIR
Resources
MEMBER:
Transportation
Regulation Review
Economic Development
Task Force

MEMORANDUM

February 28, 1994

TO: Representative Brian Porter, Chair
House Judiciary Committee

FROM: Representative Bill Hudson, Chair
House Labor and Commerce Committee

SUBJECT: CSHB 300(L&C), civil liability for commercial recreational activities

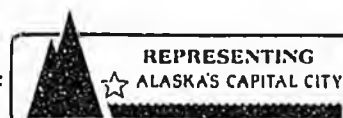
I would appreciate your scheduling a hearing for CSHB 300(L&C) at your earliest convenience. CSHB 300(L&C) passed the House Labor and Commerce Committee on February 24, with four "do pass" recommendations.

As we discussed, the bill will need further amendment in the House Judiciary Committee. Attached is a memorandum from legal counsel with two suggested amendments. With the new definition for commercial recreational activity, as suggested in the memo, I believe it preferable to go back to the broad definition of recreational activity without listing any specific activities, such as hunting or sport fishing. If a participant pays compensation for this activity, does it for exercise, relaxation, pleasure, sport or as a hobby, then I believe we've covered hunting and sportfishing, as well as the myriad activities this bill should affect.

Therefore, I would appreciate your considering two amendments in your committee, which I have attached to this memo, along with the memo from legal counsel.

If you have any questions, please contact me or my aide, Lynda Giguere.

Attachments



INSURANCE AND INDEMNITY

1. GENERAL

The Concessioner shall save, hold harmless, defend and indemnify the United States of America, its agents and employees for losses, damages or judgments and expenses on account of fire or other peril, bodily injury, death or property damage or claims for bodily injury, death or property damage of any nature whatsoever, and by whomsoever made, arising out of the activities of the Concessioner, his employees, subcontractors, or agents under the contract. The types and amounts of insurance coverage purchased by the Concessioner shall be approved by the Secretary.

At the request of the Secretary the Concessioner shall annually, or at the time insurance is purchased, provide the Secretary with a Statement of Concessioner Insurance and Certificate of Insurance as evidence of compliance with this section and shall provide the Secretary thirty (30) days advance written notice of any material change in the Concessioner's insurance program hereunder.

The Secretary will not be responsible for any omissions or inadequacies of insurance coverages and amounts in the event the insurance purchased by the Concessioner proves to be inadequate or otherwise insufficient for any reason whatsoever.

2. PUBLIC LIABILITY

The Concessioner shall provide comprehensive general liability, or protection and indemnity, insurance against claims occasioned by actions or omissions of the Concessioner in carrying out the activities and operations authorized hereunder. Such insurance shall be in an amount commensurate with the degree of risk and the scope and size of such activities authorized herein, but in any event, the limits of liability shall not be less than the following amounts per occurrence covering both bodily injury and property damage:

<u># of passengers</u>	<u>Minimum Amount</u>
Up to 6	\$ 300,000 per occurrence
7 - 12	500,000 " "
13 - 20	1,000,000 " "
21 - 50	1,500,000 " "

If claims reduce available insurance below the required per occurrence limits, the Concessioner shall obtain additional insurance to restore the required limits. An umbrella or excess liability policy, in addition to a Comprehensive General Liability Policy, may be used to achieve the required limits.

From time to time, as conditions in the insurance industry warrant, the Secretary reserves the right to revise the minimum required limits.

All liability policies shall specify that the insurance company shall have no right of subrogation against the United States of America or shall provide that the United States of America is named an additional insured.

The Concessioner shall also obtain the following additional coverages at the same limits as required for Comprehensive General Liability insurance unless other limits are specified below:

- (1) Outfitters and Guides (if shore excursions are planned)
- (2) Liquor Liability (if liquor is served)
- (3) Product Liability (including food)
- (4) Alaska Statutory Workers' Compensation
- (5) Auto Liability (if autos are used in the park)

VISITOR'S ACKNOWLEDGEMENT OF RISK
(SAMPLE)

I recognize that there is an element of risk in any adventure, sport or activity associated with the outdoors. I am also fully cognizant of the risks and dangers inherent in _____ (activity(s)). Knowing of the inherent risks, (may include specific risks) dangers and rigors required of said activity(s), I certify that I am and my family, including minor children are fully capable of participating in the said activity(s). Therefore, I assume full responsibility for myself, my family, including minor children for bodily injury, death and loss of personal property and expenses thereof as a result of my negligence or the negligence of my family participating in said activity(s) except to the extent such damage or injury may be due to the negligence of _____ (concessioner). I further understand that _____ (concessioner) reserves the right to refuse any person it judges to be incapable of meeting the rigors and requirements of participating in _____ (activity(s)).

Name of Participants:

Self _____

Spouse _____

Minor Children _____

I have read, understand and accept the terms and conditions stated herein and acknowledge that this agreement shall be effective and binding upon the parties during the entire period of participation in the said activity(s).

Parent/Guardian _____

Customer Signature _____ Date _____

It is also understood that due to the unavailability of liability insurance that (concessioner) does not have such coverage and in the event of an accident resulting in bodily injury, death or loss of personal property (concessioner) ability to compensate me or members of my family may be limited.

NOTE: Form may be modified to provide for the signature of each individual member of a group.

JUST WORKING ON
A NEW ONE.

DRAFT

INFORMATION, BILL OF RIGHTS and TERMS

The purpose of this document is to set out the terms and conditions of liability for persons on the sailing vessel *ADVENTURESS* and its auxiliary equipment as operated by Andrew M. Spear who is also the owner of the vessel or his staff. This document does not relieve the owner from operating the vessel in a reasonable manner and does not remove your right to protection from acts of gross negligence. However, The *ADVENTURESS* is a sailing vessel and like most sailing vessels, it has numerous lines, wires, deck fittings and other obstacles which can be dangerous. As with all boats, it rolls, pitches and yaws and while under certain points of sail, it leans considerably. In addition, the *ADVENTURESS* is equipped with a small outboard powered inflatable tender boat. Because this is a light and fast vessel, it provides even greater risks. Life jackets should be worn at ALL TIMES when using this boat. Passengers who use this boat, do so entirely at their own risk. Should you rent, request or bring your own kayaks, MAST will not be liable for

The above conditions are to be expected and by being a passenger on this vessel you are accepting these elements of risk. It is also made clear here that:

It is set out here that the owner of this vessel is not in any way liable for accidents resulting from actions of passengers either to themselves or to other passengers. By way of example such actions include:

1. Injury caused by leaving the vessel without direction from the operator; eg. jumping onto the dock, jumping into the water and jumping into another boat.

2. Burns caused by hot foods or beverages

3. Accidents caused by intoxication

4. Tripping, slipping and falling except where the operator is grossly negligent

5. Rope burns or other line handling injuries

6. Accidents caused by Alaska's different fish and wildlife or the passenger, attempts to catch or photograph them. It is also recognized that passengers unfamiliar with the way of boats present considerable risk to the owner/operator and to the vessel and that risk is accepted, however, passengers will be expected to act in a reasonable manner and will be responsible for injuries and damages they may cause deliberately, by gross negligence or actions of malicious intent. Finally, as passengers, you should be familiar with:

1. The location and operation of all lifesaving equipment,

2. The emergency procedures, and

3. The location and operation of fire extinguishers.

IF YOU DO NOT KNOW, ASK.

I have read and understand this notice _____

Sugar Leaf Packings, Transport, Inc

2-13-94

P.O. Box 10

Healy, AK 99743-00

Jeanette James
Alaska State Legislature
MS 31100
Juneau, AK 99801-1182

Ms. James,

I implore you to please help get Bill:
HB 300 Civil Liabilities for Commercial
Recreational Activities before the House
Judiciary and passed.

We give horseback tours beside
Denali Park line on the Healy side,
milepost 245. We gave over 2600 rides
last summer for one and two hours.
We paid \$8700.00 for liability coverage
from Cathcart Insurance.

Still we are "always on guard"
for that one frivolous lawsuit that
could ultimately wipe us out of
business.

We have a very good safety record.
Still one person has sent all their
medical bills, for 6 months, to be
paid by our insurance. She fell
off a horse that bolted from the scent of
a bear. She was riding Comp (free)
from Greysine to learn about the trail
ride. She was a rail car manager.
She broke 2 fingers in the fall. They
healed & she crushed them later
doing something else. The matter
is pending at this time. She
was 38 yrs old.

another lady client mounted a horse and was waiting for her guide to mount along with 3 other members of her family. She was 65 yrs. She was going to ride because the other members wanted to ride. Her horse moved a step, she panicked, in spite of being asked to let up on the reins, she pulled back hard, continuing to pull. She caused the horse to back up until he tripped one foot on a bush. This caused that hip to drop on the horse unbalancing the lady, she slipped off & onto the ground upon her hip.

She was helped up and asked for a different horse. We obliged. She made the one hour ride. "Statins by pen" this was the only way to see Alaska" up close. By the time she had returned home by rail, cruise ship & plane to Iowa, she was unable to walk without a walker & was suing us for a gardener, housekeeper, pain medication all due to the one hour ride, falling off the horse. She was a gardener, writer & seminar gardener. She had a condition that had deteriorated. Our insurance is handling the matter.

She had become unable to do
seminars. She said the horses
were in poor condition, poor manners,
and she had been poorly treated
by Sugar Loaf employees and Princess
Tour. We are lucky we had
gotten the horses vet checked,
and their condition was very good.
The amount of riders testified to
the quality of rides and guest
treatment. Safety is number
one in our company. We have
been in business 5 yrs with
Princess. And in horse business
for 9 yrs. We are a reputable
business.

We give safe^{ty} and information
talks prior to each ride for inform-
ation, horsemanship and to give
each guest a chance to "back"
out gracefully should they choose to
do so.

Generally, we are treated fairly
by most customers. We like
"showing off" Alaska by horseback
but still ~~we~~ feel threatened
by "frivolous" suits by a few "bad
Apples".

We feel we have to watch our
backs all the time.

We employ 8 to 12 employees
every summer May to September
Approximately \$23,000⁰⁰ payroll.

at costs \$1,141⁰⁰ for workmens
comp, \$1,261⁰⁰ for liability for
Clients in our vehicle, and
this summer our liability for
Client riders will be about
\$12,000⁰⁰ or more for coverage.

Horse feed \$15,000⁰⁰

Horses - 15 22,000⁰⁰

land use + CD 1360⁰⁰

licenses 500⁰⁰ (transporters,
business, land use
fee)

all of this before we open
the door for business... a business
that could be closed instantly
by one large suit.
we work 16 hrs a day
every day and have yet to
profit but this could be the year
we do. We've incorporated
the business.

We would greatly appreciate
your help with \$300... at
least there would be a lite
at the end of the tunnel.

This has been like Russian
Roulette still now.

Sincerely

Thyllis A. Stickle
office manager
Rick Stickle Jr.

any Questions? - 907-683-2402
Owner



Sustainable recreation and tourism for a quality future

P.O. Box 1353
Valdez, AK 99686
Phone: 907-835-4300
Fax: 907.835.5679

February 9, 1994

Honorable Bill Hudson
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

Dear Representative Hudson:

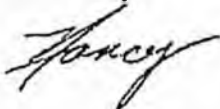
I am writing to you on behalf of the Alaska Wilderness Recreation and Tourism Association's members to request that you schedule HB 300 An Act Relating to Civil Liability for Commercial Recreation for hearings and move it out of your committee.

This bill establishes the responsibilities of tour operators and participants. It increases the safety of commercial recreational activities through better preparedness on the part of tour operators to respond to a medical situation and increased awareness by trip participants of the inherent risks. The bill reduces the likelihood of frivolous suits which are becoming a significant problem in the industry elsewhere. At AWRTA's annual meeting last year, a representative from AWRTA's group insurance company gave several examples of insurance scams that "tourists" are running in other states.

Other states, including Wisconsin and Colorado, have passed similar legislation. It has resulted in significant reductions in insurance premiums. Insurance premiums in Alaska are extremely high for small tour operators. Our own company, Alaska Wilderness Sailing Safaris, pays about \$10 a day per person in insurance costs for guests to walk in the Chugach National Forest. This is in addition to our insurance for the time they spend sailing. For Alaskan commercial recreation businesses to remain competitive price-wise with other states, we must have comparable insurance rates.

On behalf of our 230 business members, I encourage you to pass this bill out of committee as soon as possible.

Sincerely,



Nancy R. Lethcoe

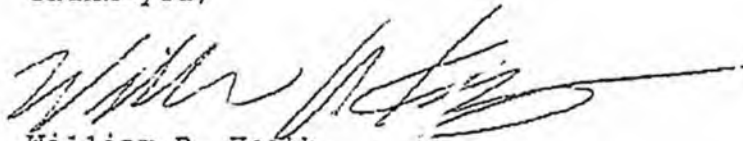
Kenai Peninsula Hike'n'Lunch Tours
 203 Pamela Ct.
 Kenai, AK 99611
 (907) 283-8010

February 21, 1994

Dear Representative Bill Hudson, Chairman House Labor and
 Commerce Committee:

It has recently been brought to my attention HB 300 Civil
 Liability for Commercial Recreation Activities is in the
 committee you chair and furthermore I learn it will be going
 up for a hearing on February 24th. I wish to say I strongly
 support this bill because it clarifies my obligations to my
 clients and will probably reduce my liability insurance
 cost. Please help the Tourism Industry's small businesses
 by moving this bill through your committee.

Thank-you,



William D. Heath
 owner, Hike'n'Lunch Tours

Post-It™ brand fax transmittal memo 7671		# of pages	1
To	<i>H. L. H.</i>	From	<i>Joh. Lio</i>
Cc	<i>Written testimony</i>	Co.	<i>for HB 300</i>
Dept.		Phone #	
Fax #		Fax #	

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Fax-465-6790

Dear Representative Hudson -

We urge you to schedule HB300 regarding civil liability for commercial recreation.

The bill would serve to reduce insurance costs for operators, a very high cost for us all. Other states have passed similar legislation with good results.

Moving the bill out of committee would do great service to small tourism companies in Alaska.

Thanks for listening,
LAW HOENE President



P.O. Box 389 • CIRDWOOD, AK 99587
DIRECT: 907-785-2928 • OUTSIDE ALASKA: 800-334-8730 • WITHIN ALASKA: 800-478-4100
FAX: 907-785-2150



GLACIER BAY SEA KAYAKS

P. O. BOX 26
GUSTAVUS, ALASKA 99826
(907) 697-2257

15 February 1994

Representative Jerry Mackie
Alaska State Legislature
State Capitol
MS 3100
Juneau, AK 99801-1182

Dear Representative Mackie:

I am writing on behalf of HB 300 Civil Liability for Commercial Recreation Activities, and to let you know that our company supports this bill.

It's my understanding that this bill will help establish the responsibilities of both the people who operate the commercial activity and those that participate in it. In so doing, it's the intent of this bill to reduce uncertainty regarding the legal responsibility for injuries that may result from participation in such activities.

The passage of this bill could dramatically reduce insurance premiums for recreation businesses in Alaska, where profit margins are often borderline anyway due to the seasonal nature of the recreation industry in this state. Further, this bill would help to mitigate the effects that out-of-state accidents have on our insurance premiums. It would clearly reduce the number and amounts of out-of-court settlements.

I urge you give this bill high priority and to schedule a hearing to move this bill out of committee and on to the House Judiciary.

Thank you for your swift attention on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kara Berg". The signature is written in dark ink and is positioned above the typed name.

Kara Berg
Glacier Bay Sea Kayaks, Inc.

Afognak Wilderness Lodge

SEAL BAY, ALASKA 99697

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Radio Phone Contact: (907) 486-6442
FAX: (907) 486-2217

ROY & SHANNON RANDALL
Owners & Operators

FAX: 465-6790

February 21st, 1994.

Honorable Bill Hudson,
Alaska State Legislature,
State Capitol [MS 3100]
Juneau, AK 99801-1182

Dear Representative Hudson,

We request that you schedule HB 300 for hearings and move it out of your committee. Alaska's multitude of small "Mom & Pop" businesses are already under tremendous financial burdens to maintain both quality and all legal permits, insurances, etc. and we would like our Alaskan legislators to be more on our side as Wisconsin & Colorado legislators have helped their constituents.

Many thanks, in advance, for your consideration.

Cordially,



Roy & Shannon Randall,
Afognak Wilderness Lodge.

February 15, 1994

Linda Giguere
Legislative Aide

Dear Linda,

Per our phone conversation yesterday, I want to put a few thoughts in writing regarding HB 300.

This bill is important to me because I know that many people living in the villages want to start small-scale tourism businesses but are stopped, in part, by the high cost of insurance. Anything the legislature can do to relieve or remove this obstacle to rural tourism development would be greatly appreciated by many people.

I am currently working for the City Council of a small Interior Athabascan village to develop their village as a tourism destination. Several residents there want to start small tourism operations. Insurance costs are inhibiting some of these potential businesspeople. They know the dangers of bush excursions and the terms of HB 300 would suit the kind of clients and activities they want to have.

I hope that you can hold a hearing on HB 300 during this session and move out of committee to a successful vote on the floor. Thank you for your time, attention, and energy on this crucial piece of legislation.

Sincerely,

David Corrberg, Ph.D.
General Manager
LOCAL WORKS, Inc.
P.O. Box 82631
Fairbanks, AK 99708

488-7328



Clearwater Outdoor Services

Peter R. Buist - Registered Guide/Outfitter

P.O. Box 71561 - Fairbanks, Alaska 99707

(907) 457-7189

February 14, 1994

Representative Bill Hudson
State Capitol
Juneau, AK 99801-1182

RE: HB 300 - Civil Liability for Commercial Recreation
Activities

Dear Representative Hudson:

It is my understanding that this bill is currently in your Labor and Commerce Committee. I would appreciate your consideration for an amendment to this bill to include the more traditional Alaskan "supervised commercial outdoor recreation activities," namely hunting, fishing and dogsledding.

I support the concept of the bill, but wish the eco-tourism folks would be a little more fair in their scope. Hunting guides have far more problems with insurance requirements, even though they seem to be killing fewer tourists than the rafters and kayakers!

Thank you.

Sincerely,

Pete Buist
Registered Guide-Outfitter #477





GLACIER BAY SEA KAYAKS

P.O. BOX 26
GUSTAVUS, ALASKA 99826
(907) 697-2257

15 February 1994

Representative Bill Hudson
Alaska State Legislature
State Capitol
MS 3100
Juneau, AK 99801-1182

Dear Representative Hudson:

I am writing on behalf of HB 300 Civil Liability for Commercial Recreation Activities, and to let you know that our company supports this bill.

It's my understanding that this bill will help establish the responsibilities of both the people who operate the commercial activity and those that participate in it. In so doing, it's the intent of this bill to reduce uncertainty regarding the legal responsibility for injuries that may result from participation in such activities.

The passage of this bill could dramatically reduce insurance premiums for recreation businesses in Alaska, where profit margins are often borderline anyway due to the seasonal nature of the recreation industry in this state. Further, this bill would help to mitigate the effects that out-of-state accidents have on our insurance premiums. It would clearly reduce the number and amounts of out-of-court settlements.

I urge you give this bill high priority and to schedule a hearing to move this bill out of committee and on to the House Judiciary.

Thank you for your swift attention on this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kara Berg". The signature is written in dark ink and is positioned above the typed name.

Kara Berg
Glacier Bay Sea Kayaks, Inc.

RE: HB 300

2-14-94

Please help small, local recreation businesses by supporting this bill.

Two huge worries we have are:

- 1) The tremendous cost of commercial liability insurance
- 2) The constant worry about being sued

We are not organized in a high profile way because our energies are focused on operating our businesses. So please consider our needs.

Nelda J. Osprey