

HB

188

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: February 26, 2004

FURTHER REFERRALS:

Date of Committee Action: 3/23/04

The STATE AFFAIRS Committee considered:

HB 188

HOUSE BILL NO. 188

BAIL SCHEDULE FOR SKIING VIOLATION

"An Act relating to the authority of the Department of Natural Resources to issue citations for certain skiing violations; relating to establishing a bail schedule for certain skiing violations and to procedures for issuing a citation for a skiing violation."

Recommends it be replaced with HCS or CS for _____ (_____)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:

- ADM
- CED
- COR
- CRT
- EED
- DEC
- DFG
- GOV
- HSS
- LEG
- LAW
- LWF
- MVA
- DNR
- DPS
- REV
- DOT
- UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DNR				✓

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
CRT	1			✓

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
<i>Paul R. Seaton</i>	Seaton			✓	
<i>Michael Grunberg</i>	Grunberg			✓	
<i>John Holm</i>	Holm		✓		
<i>John Pughill</i>	Pughill	✓		X	
<i>John Berkowitz</i>	Berkowitz				✓
Chair: <i>Wayne Weyhrauch</i>	Weyhrauch	X			
Chair:					

Representative Mike Hawker

Alaska State Legislature



Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

Member:

House Finance Committee
Legislative Budget
& Audit Committee

House District 32:

Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

House Bill 188 Sponsor Statement

Enacted by the 18th Alaska State Legislature, the Alaska Ski Safety Act defines the rights and responsibilities of both ski areas and skiers. In accordance with the Act, House Bill 188 allows for citations to be issued in ski areas throughout the State and provides the Court with the necessary authority to adopt the bail forfeiture schedule for the violations included in the Statute.

House Bill 188 amends sections of the Alaska Ski Safety Act that have proven unenforceable. The proposed amendments are technical in nature; they clarify the statutes and are consistent with the original provisions of the Alaska Ski Safety Act. These measures will allow for full implementation and improved enforcement of the original Alaska Ski Safety Act.

It is not the intention of House Bill 188 to change any part of the Alaska Ski Safety Act.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 188
 (H) Publish Date: 2/26/04

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Bail Schedule for Skiing Violations BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Hawker
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The court system does not anticipate any fiscal impact from the passage of HB188.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 2/20/04 8:10 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/20/2004
 Agency Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB188-DNR-CPL-02-24-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title Bail schedule for skiing violations RDU Resource Development
 Component Claims, Permits & Leases
 Sponsor Rep. Hawker
 Requester (H) RES Component No. 2460

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mer 'al Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*
 There is no anticipated fiscal impact to DNR associated with implementation of this legislation.

Prepared by: Bob Loeffler, Director Phone 269-8600
 Division Mining, Land and Water Date/Time 2/24/04
 Approved by: Thomas Irwin, Commissioner Date 2/24/04
 Agency Natural Resources

Representative Mike Hawker

Alaska State Legislature



Session:

State Capitol
Juneau, AK 99801
907 465-4949 direct
800 478-4950 toll free
907 465-4979 fax

Interim:

716 W 4th Avenue
Anchorage, AK 99501
907 269-0244 office
907 269-0248 fax

Member:

House Finance Committee
Legislative Budget
& Audit Committee

House District 32:

Eagle River
Anchorage
Rainbow
Indian
Bird
Girdwood
Portage
Whittier
Sunrise
Hope

Sectional Analysis **House Bill 188-Bail Schedule for Skiing Violation**

Section 1.

Amends AS 05.45.100-Duties and Responsibilities of Skiers

- (h) Allows the Commissioner of the Department of Natural Resources or a person authorized by the Commissioner to issue a citation within a ski area to a person in violation of this statute.

Section 2.

Amends 05.45.100-Duties and Responsibilities of Skiers

- (i) Adds a new subsection ordering the Supreme Court to establish a bail schedule.

Section 3.

Amends AS 12.25.190-When person to be given five-day notice to appear in court

- (c) Adds citations for skiing violations to the list of citations not required to give a written promise to appear in court by signing at least one copy of the citation.

Sec. ~~05.25.090~~. Penalties. [See delayed amendment note].

(a) Except as provided in (b) of this section, a person who violates a provision of this chapter or regulations adopted under this chapter is guilty of a class A misdemeanor.

(b) A person who violates

(1) AS 05.25.010, 05.25.020, 05.25.030(p), 05.25.060(2), or a regulation adopted under this chapter relating to AS 05.25.010 or 05.25.020 is guilty of a violation as defined in AS 11.81.900 and may be fined up to \$500;

(2) AS 05.25.055 is guilty of a violation as defined in AS 11.81.900 and may be fined up to \$50.

(c) The supreme court shall establish by order or rule a schedule of bail amounts for violations under (b) of this section that allow the disposition of a citation without a court appearance.

Sec. 05.45.100. Duties and responsibilities of skiers.

(a) A skier is responsible for knowing the range of the skier's own ability to negotiate a ski slope or trail and to ski within the limits of the skier's ability. A skier is responsible for an injury to a person or property resulting from an inherent danger and risk of skiing, except that a skier is not precluded under this chapter from suing another skier for an injury to person or property resulting from the other skier's acts or omissions. Notwithstanding any other provision of law, the risk of a skier's collision with another skier is not an inherent danger or risk of skiing in an action by one skier against another.

(b) A skier has the duty to maintain control of the skier's speed and course at all times when skiing and to maintain a proper lookout so as to be able to avoid other skiers and objects. However, a person skiing downhill has the primary duty to avoid collision with a person or object below the skier.

(c) A skier may not

(1) ski on a ski slope or trail that has been posted as "closed" under AS 05.45.060 (b)(5) and (d);

(2) use a ski unless the ski is equipped with a strap or other device capable of stopping the ski should the ski become unattached from the skier;

(3) cross the uphill track of a J-bar, T-bar, platter pull, or rope tow except at locations designated by the operator, or place an object in an uphill track;

(4) move uphill on a tramway or use a ski slope or trail while the skier's ability is impaired by the influence of alcohol or a controlled substance as defined in AS 11.71.900 or other drug;

(5) knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator under AS 05.45.060 (e)(3).

(d) A skier shall stay clear of snow grooming equipment, vehicles, lift towers, signs, and other equipment on the ski slopes and trails.

(e) A skier has the duty to heed all posted information and other warnings and to refrain from acting in a manner that may cause or contribute to the injury of the skier or others. Evidence that the signs required by AS 05.45.050 and 05.45.060 were present, visible, and readable at the beginning of a given day creates a presumption that all skiers using the ski area on that day have seen and understood the signs.

(f) Before beginning to ski from a stationary position or before entering a ski slope or trail from the side, a skier has the duty to avoid moving skiers already on the ski slope or trail.

(g) Except for the purpose of securing aid for a person injured in the collision, a skier involved in a collision with another skier or person that results in an injury may not leave the vicinity of the collision before giving the skier's name and current address to the other person involved in the collision and to an employee of the ski area operator or a member of the voluntary ski patrol. A person who leaves the scene of a collision to obtain aid shall give the person's name and current address as required by this subsection after obtaining aid.

(h) A person who violates a provision of (c) or (g) of this section is guilty of a violation as defined in AS 11.81.900. The commissioner of natural resources, a person designated by the ski area operator who is authorized by the commissioner, or an employee of the Department of Natural Resources authorized by the commissioner may issue a citation in accordance with the provisions of AS 41.21.960 to a person who violates (c) or (g) of this section within a ski area over which the state has jurisdiction.

Sec. 12.25.190. When person to be given five-day notice to appear in court.

(a) When a person is contacted by a peace officer and the peace officer exercises the option provided for in AS 12.25.180, the officer shall prepare a written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five days after the alleged violation or the issuance of the citation, whichever is later, unless the person cited requests an earlier hearing.

(c) The person cited for the crime shall give a written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer, and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to boating citations for which a bail schedule has been established under AS 05.25.090 (b), motor vehicle and traffic citations for which a bail or fine schedule has been established under AS 28.05.151, fish and game citations for which a bail schedule has been established under AS 16.05.165, citations issued under AS 04.21.065, citations issued under AS 18.35.341, citations issued in state park and recreational facilities under AS 41.21.960, or littering citations issued under AS 46.06.080.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

RECEIVED

AUG 21 1995

LAND
REGI

Susan Miller
Office of Special Projects

Alaska Court System
State of Alaska
OFFICE OF THE ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, Alaska 99501-2099

Phone: (907) 264-8229
Fax: (907) 258-4968

August 16, 1995

Mike Sullivan
Natural Resource Manager
Division of Land
Department of Natural Resources
PO Box 107005
Anchorage AK 99510-7005

Dear Mr. Sullivan:

On August 8 the Alaska Supreme Court discussed your December 21, 1994 request that a bail forfeiture schedule be adopted for the new skiing offenses defined in AS 05.45.100. The court declined to create such a schedule because there is no clear authorization in the statute for such a schedule. Administrative Rule 43(a) states: "The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute...." The court decided the language in AS 05.45.100(b) is not an adequate authorization.

Please give me a call when you get a chance. A copy of Administrative Rule 43 is attached.

Sincerely,

Susan Miller
Office of Special Projects

SM:lb

Enclosure

Memorandum

Alaska Court System

101 E Street, Anchorage, AK 99501-2099
Phone: 254-8229 Fax: 258-4958

TO: Christine Johnson
Court Rules Attorney

DATE: July 24, 1995

FROM: Susan Miller
Special Projects

SUBJ: Ski Area Bail Forfeiture Schedule

Issue: Can the new Alaska Ski Safety Act offenses in AS 05.45.100 be added to the Parks Bail Forfeiture Schedule?

It is my understanding that the supreme court will not create bail forfeiture schedules without a clear mandate from the legislature. The Department of Natural Resources has requested that a bail forfeiture schedule be adopted for six of the new downhill skiing offenses created by the Alaska Ski Safety Act of 1994. A copy of the request and a copy of the new law (ch 63 SLA 1994) are attached.

There is no explicit requirement in this legislation that the court create a bail forfeiture schedule for these offenses. However, Mike Sullivan, author of the attached memorandum from the Department of Natural Resources, believes it was the intent of the drafters of the legislation that such a schedule be created. He points to AS 05.45.100(h) as the authority for this. Paragraph (h) states:

(h) A person who violates a provision of (c) or (g) of this section is guilty of a violation as defined in AS 11.81.900. The commissioner of natural resources, a person designated by the ski area operator who is authorized by the commissioner, or an employee of the Department of Natural Resources authorized by the commissioner may issue a citation in accordance with the provisions of AS 41.21.960 to a person who violates (c) or (g) of this section within a ski area over which the state has jurisdiction.

Apparently the drafters thought all that was required to make the new offenses eligible to be on a bail forfeiture schedule was to make them "violations" rather than misdemeanors. This is, of course, not correct. Alternatively, they apparently believed that the reference to AS 41.21.960 in the last sentence was enough to make it clear that the court should add the offenses to the Parks Bail Schedule.

AS 41.21.960(a) authorizes issuance of a citation for "a misdemeanor offense committed within a park or recreational facility subject to the department's supervision." Paragraph (b) of the statute requires the supreme court to create a bail forfeiture schedule for "those offenses that are amenable to disposition without court appearance." The statute is not completely clear about which offenses can be included in the bail schedule. Arguably, however, "those offenses" means misdemeanors defined in AS 41.21 or a regulation adopted under AS 41.21 which are committed within a park or recreational facility subject to the supervision of the Department of Natural Resources. See AS 41.21.950 and AS 41.21.960(a), attached.

The new downhill skiing offenses in Title 5 do not seem to qualify under this interpretation of AS 41.21.960(b). They are not misdemeanors, they are not offenses defined in AS 41.21 or a regulation adopted under AS 41.21, and it is not clear that they would be committed within a park or recreational facility subject to the supervision of DNR. So, the question becomes: Is the supreme court willing to add these offenses to the Parks Bail Forfeiture Schedule based on the second sentence in AS 05.45.100(h) quoted above?

Susan

Rule 43. Bail Forfeiture Schedules.

(a) **Procedure for Adopting Bail Forfeiture Schedule.** The supreme court will consider adopting a bail forfeiture schedule only when so authorized by statute. The agency charged with enforcement under a statute for which a bail forfeiture schedule has been authorized shall forward to the administrative director its recommendations for a proposed schedule, listing offenses by number, describing the offenses, and proposing a bail forfeiture amount. The proposed schedule shall be accompanied by commentary explaining the basis for the agency's recommendation, and by a copy of the proposed citation form. The supreme court shall consider the recommendation, and shall determine whether to adopt a bail forfeiture schedule, and if so, shall determine which offenses are amenable to disposition by bail forfeiture and whether the bail forfeiture amounts are appropriate. The administrative director shall notify the agency when an order adopting the schedule is issued.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB188-DNR-CPL-02-24-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Natural Resources
 Title Bail schedule for skiing violations RDU Resource Development
 Component Claims, Permits & Leases
 Sponsor Rep. Hawker
 Requester (H) RES Component No. 2460

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact to DNR associated with implementation of this legislation.

Prepared by: Bob Loeffler, Director Phone 269-8600
 Division Mining, Land and Water Date/Time 2/24/04
 Approved by: Thomas Irwin, Commissioner Date 2/24/04
 Agency Natural Resources

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB188-ACS-TC-2-20-04
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Bail Schedule for Skiing Violations BRU Alaska Court System
 Component Trial Courts
 Sponsor Representative Hawker
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
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CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

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1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
 The court system does not anticipate any fiscal impact from the passage of HB188.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 2/20/04 8:10 AM
 Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/20/2004
 Agency Alaska Court System

STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

February 24, 2004

The Honorable Mike Hawker
Alaska State Legislature
State Capitol, Room 434
Juneau, AK 99801

Dear Representative Hawker:

My staff and I have reviewed House Bill 188, proposed changes to the Alaska Ski Safety Act. The revisions allow the Department of Natural Resources (DNR) employees to issue citations for certain skiing violations by establishing a bail schedule for these violations. The bill also extends this DNR authority to all Alaskan ski area operators. Currently DNR's authority is limited to those areas operating under state jurisdiction. Alaskan ski area operators have proposed similar revisions in the past, including HB 134 in 1999. The operators' primary concern is that DNR was never granted the authority to establish bail schedules for ski safety act violations and that all ski areas — those on state land and those on other lands — be treated equally in regards to enforcement of these violations.

When the Alaska Ski Safety Act was passed in 1994, DNR anticipated having the responsibility of issuing a citation for the infractions listed in AS 5.45.100 (c) and (g) for ski areas operating on state lands. However, when attempting to enact a bail schedule for these violations through state court officials it was determined the 1994 legislation lacked the specific direction the courts needed to establish a bail schedule. My staff and ski area managers are particularly concerned that skiers who violate closed areas and boundaries be subject to a fine sufficient to discourage this dangerous behavior. I believe this revision is an important safety concern for both the skiers who violate closed areas and the resort employees who must search for or rescue their customers.

DNR anticipates that this bill will cause a minor increase in workload and will have minimal impact on other DNR operations. DNR supports passage of HB 188.

Sincerely,



Thomas E. Irwin
Commissioner

cc: Bob Loeffler, Director, ML&W

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."



Alaska Division
National Ski Patrol
PO Box 92207
Anchorage, Alaska 99509

February 21, 2004

House Resources Committee
Alaska State Capitol, Room 124
Juneau, Alaska 99801

Dear Co-Chair Dahlstrom and Co-Chair Masek,

The members of the Alaska Division of the National Ski Patrol urge you to adopt HB 188, providing an amendment to the Alaska Ski Safety Act. This correction is necessary to correct a major deficiency of the existing law.

In 1994, the 18th Alaska State Legislature enacted the Alaska Ski Safety Act which itemized the responsibilities of both the ski areas and the skiers and more clearly defined the rights and responsibilities of both parties. This is a good piece of legislation which well serves both the skiing public and the ski area operators.

The Alaska Supreme Court ruled that the language in the original legislation was not specific enough to give them the authority to establish a bail schedule.

In December of 1994 DNR requested the Courts to adopt a bail forfeiture schedule for specific violations of the Alaska Ski Safety Act as included in AS 05.45.100 (c) & (g).

The Alaska Supreme Court responded to this request by declining to create such a schedule because: "there is no clear authorization in the statute for such a schedule" based on the fact that Administrative Rule 43(a) states: "The Supreme Court will consider adopting a bail forfeiture schedule only when so authorized by statute . . .". The Court decided the language in AS 05.45.100 (h) is not an adequate authorization.

It should be noted that AS 05.45.100 (h) does contain a reference to AS 41.21.960 which is the Statute that pertains to "Form and Issuance of Citation". At the time the Alaska Ski Safety Act was written, it was thought that this would be adequate authority for the Courts to establish the bail schedule. Nonetheless, the Courts didn't feel that this gave them sufficient authority.

HB 188 provides specific language for a bail schedule to be created to enforce the safety provisions of the act. These changes are necessary to protect the safety and well-being of Alaskan skiers, protect others such as patrollers and resort personnel, and maintain consistency with the provisions of the Alaska Ski Safety Act. Skiers who act recklessly and do not observe closure areas can create extremely unsafe conditions for those who may be forced to rescue them.

The Alaska Division represents nearly 400 paid and volunteer ski patrollers across the State of Alaska.

Thank you for your careful consideration of this matter.

Sincerely yours,

Chris Ross
Division Director



A Facility of Youth Exploring Adventure, Inc. A Non-Profit Organization
Dedicated to Developing Recreational Facilities for Our Alaskan Youth

Representative Mike Hawker
State Capital Building Rm 434
Juneau, Alaska 99801-1182

February 25, 2004

Dear Representative Mike Hawker

I have had time to review the proposed House Bill No.188 package that you sent me and would like to offer our support in making this important legislation happen. Without this legislation there are no consequences for persons that willfully and knowingly violate provisions already included in the Alaska Ski Safety Act. It is unfortunate that this detail was overlooked when the Alaska Ski Safety Act was initially passed. It is extremely important that this legislation pass for the safety of all those Alaskans that enjoy this wonderful outdoor recreation and abide by the rules. Without consequences for the people who do not abide by the guidelines, as set forth in the Alaska Ski Safety Act, many innocent people are at risk.

I am hopeful that House Bill No. 188 will be introduced, gain support and be passed in this legislative session. It is vital that our Legislators recognize the importance of having this tool available to those persons that are out there on the front lines enforcing safety.

Please let me know if there is anything more that I can do to help you in this effort.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven P. Remme". The signature is written in a cursive, flowing style.

Steven P. Remme
CEO Hilltop Ski Area



February 19, 2004

Representative Mike Hawker
State of Alaska

Fx. 907 465-4979

Alyeska Resort strongly supports the enactment of House Bill 188, which would allow for citations to be issued in ski areas throughout the State and provides the Court with the necessary authority to adopt the bail forfeiture schedule for the violations included in the Statute. These measures will allow for full implementation and improved enforcement of the original Alaska Ski Safety Act.

House Bill 188 amends sections of the Alaska Ski Safety Act that have proven to unenforceable. The proposed amendments are technical in nature; they clarify the statutes and are consistent with the original provisions of the Alaska Ski Safety Act.

Thank you,

Lary Daniels, General Manager -

Skiing and Golf



Eaglecrest

Ski Area

February 20, 2004

The Honorable Mike Hawker
House of Representatives
Alaska State Capitol
Juneau, AK 99801-1182

Dear Representative Hawker:

Thank you for your support of the ski industry in Alaska. Your sponsorship of HB 188 is certainly appreciated. We feel this legislation will give Alaska ski areas an effective tool for dealing with violators of the Ski Safety Act.

The Alaska Ski Safety Act of 1994 allows the Commissioner of the Department of Natural Resources to designate authorized individuals who may issue citations. Unfortunately, the Alaska Court system determined that the bail schedule was not specified clearly in the Act and that there is not sufficient authority to establish the bail schedule. It is our understanding that this situation can be corrected by the legislative amendment you introduced. The bail schedule would specifically cover the following items noted in the ski safety act.

- AS 05.45.100(c)3 Crossing the uphill track of a surface lift or rope tow except at locations designated by the operator, or places an object in the uphill track.
- AS 05.45.100(c)4 Moving uphill on a tramway or use a ski slope or trail while the skier's mobility is impaired by the influence of alcohol or a controlled substance as defined in AS 11.71.900 or other drug.
- AS 05.45.100(c)5 Knowingly enter upon public or private land from an adjoining ski area when the land has been closed by an owner and is posted by the owner or by the ski area operator.
- AS 05.45.100(g) Except for the purpose of securing aid for a person injured in the collision, a skier involved in a collision with another skier or person that results in an injury may not leave the vicinity of the collision before giving the skier's name and current address to the other person involved in the collision and to an employee of the ski area operator or a member of the voluntary ski patrol. A person who leaves the scene of a collision to obtain aid shall give the person's name and current address as required by this subsection after obtaining aid.

In December of 1994 the Department of Natural Resources, Division of Lands recommended the following bail schedule.

AS 05.45.100(c)1	Skiing on a closed slope or trail	\$150.00
AS 05.45.100(c)2	Use a ski w/out a stopping device	\$50.00
AS 05.45.100(c)3	Cross uphill track of surface lift	\$50.00
AS 05.45.100(c)4	Ski or ride lifts under the influence of alcohol or drugs	\$100.00
AS 05.45.100(c)5	Skiing in closed area	\$150.00
AS 05.45.100(g)	Skier involved in collision leaves the scene of an accident	\$150.00

It should be noted that this legislation carries out the original intent of the Ski Safety Act, which is very specific on what violations would be subject to citations. The proposed legislation does not address skiers or snowboarders who venture outside the ski area boundary, although the Ski Safety Act notes that skiers/snowboarders do so at their own risk.

Sincerely,



Gary Mendivil,
Business Manager

Paul Swanson, Area Manager, Eaglecrest Ski Area
155 S. Seward St., Juneau, AK 99801. Telephone: 586-5284.

Thank you Madame Chair and Members of the Committee for the opportunity to testify this afternoon in support of HB 188.

For the record, my name is Paul Swanson. I am Area Manager of Eaglecrest Ski Area which is owned and operated by the City and Borough of Juneau.

When the Alaska Ski Safety Act was enacted in 1994 it clearly identified duties and responsibilities of both the ski area and the skier.

However, currently we are unable to fully enforce all provisions due to the fact that the bail schedule as called for in the Act has not been established by the courts.

I feel that passage of this bill is needed to support the intent of the Ski Safety Act and reinforce current area operations and safety policies as approved by the Department of Natural Resources.

The establishment of the bail schedule will allow us to deal more effectively with violators, such as skiers who enter a closed area and those under the influence of alcohol and controlled substances.

It is important to note that the Act does not prohibit skiers from going out of the ski area boundaries - at their own risk.

I appreciate your support and am willing to answer any questions you might have.