

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008 SJUD 12575

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AFFIRMED.

Connor, Justice, not participating.

11 of 22 DOCUMENTS

Henry G. STORRS, Appellant, v. LUTHERAN HOSPITALS AND HOMES SOCIETY OF AMERICA, INC., d/b/a Fairbanks Memorial Hospital, Appellee

No. 6345

Supreme Court of Alaska

661 P.2d 632; 1983 Alas. LEXIS 405

April 1, 1983

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[*633] In our prior decision in this matter, *Storrs v. Lutheran Hospitals and Homes Society of America, Inc.*, 609 P.2d 24 (Alaska 1980), we held that the appellee had not applied the by-law standard of "proven gross negligence" [*634] in suspending appellant's hospital privileges. We remanded for application of this standard. The Judicial Review Committee (JRC) of the appellee decided that the suspension of Dr. Storrs was justified, based on his handling of a liver biopsy. The JRC determined that Dr. Storrs' handling of that procedure constituted "proven gross negligence." This decision was made on the evidence previously submitted. Dr. Storrs appealed to the Appellate Review Committee of appellee and, upon rejection of his appeal there, to the [**2] superior court, which affirmed the suspension.

Dr. Storrs' first contention is that the JRC used an incorrect definition of gross negligence. The definition the JRC adopted is as follows:

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A failure to perform any such duty is negligence.

Gross negligence requires a choice of a course of action either with knowledge of serious danger to patients involved in it or with knowledge of facts which would disclose this danger to any reasonable physician. Gross negligence involves a risk substantially greater in amount than that which is necessary [**3] to make conduct negligent.

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Appeal from the Superior Court of the State of Alaska, Fourth Judicial District, Fairbanks, Gerald J. Van Hoo-missen, Judge.

COUNSEL:

A. Lee Petersen, Anchorage, for Appellant.

Jennings, Strouss & Salmon, Inc., Phoenix, and David H. Call, Call, DeWitt, Barrett & Burbank, Fairbanks, for Appellee.

JUDGES:

Burke, Chief Justice, Rabinowitz, Matthews and Compton, Justices. Connor, Justice, not participating.

OPINION BY:

MATTHEWS

OPINION:

[*633] In our prior decision in this matter, *Storrs v. Lutheran Hospitals and Homes Society of America, Inc.*, 609 P.2d 24 (Alaska 1980), we held that the appellee had not applied the by-law standard of "proven gross negligence" [*634] in suspending appellant's hospital privileges. We remanded for application of this standard. The Judicial Review Committee (JRC) of the appellee decided that the suspension of Dr. Storrs was justified, based on his handling of a liver biopsy. The JRC determined that Dr. Storrs' handling of that procedure constituted "proven gross negligence." This decision was made on the evidence previously submitted. Dr. Storrs appealed to the Appellate Review Committee of appellee and, upon rejection of his appeal there, to the [**2] superior court, which affirmed the suspension.

Dr. Storrs' first contention is that the JRC used an incorrect definition of gross negligence. The definition the JRC adopted is as follows:

In performing professional services for a patient a physician or surgeon has the duty to have that degree of learning and skill ordinarily possessed by reasonable physicians and surgeons practicing in the same or a similar locality and under similar circumstances.

It is his further duty to use the care and skill ordinarily exercised in like cases by reasonable members of his profession practicing in the same or a similar locality under similar circumstances, and to use reasonable diligence and his best judgment in the exercise of his skill and the application of his learning, in an effort to accomplish the purpose for which he is employed.

A failure to perform any such duty is negligence.

Gross negligence requires a choice of a course of action either with knowledge of serious danger to patients involved in it or with knowledge of facts which would disclose this danger to any reasonable physician. Gross negligence involves a risk substantially greater in amount than that which is necessary [**3] to make conduct negligent.

"Proven gross negligence" is gross negligence proven by a preponderance of the evidence. By a preponderance of the evidence is meant such evidence as when weighed by that opposed to it has more

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In our view this definition was satisfactory. It clearly conveyed the idea that a major departure from the standard of care was required. See W. Prosser, *Torts* 182-84 (4th ed. 1971). In fact, since the definition requires a choice of a course of action either with knowledge of serious danger or with knowledge of facts which would disclose this danger the definition meets the stricter standard of recklessness. See *Restatement (Second) of Torts* § 500 (1966), especially comment g. n1

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Dr. Storrs' second point is that the record does not contain substantial evidence of gross negligence. The Judicial Review Committee found that gross negligence existed with respect to the liver biopsy "as manifested by

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AFFIRMED.

Connor, Justice, not participating.

11 of 22 DOCUMENTS

Henry G. STORRS, Appellant, v. LUTHERAN HOSPITALS AND HOMES SOCIETY OF AMERICA, INC., d/b/a Fairbanks Memorial Hospital, Appellee

No. 6345

Supreme Court of Alaska

661 P.2d 632; 1983 Alas. LEXIS 405

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Dr. Storrs' second point is that the record does not contain substantial evidence of gross negligence. The Judicial Review Committee found that gross negligence existed with respect to the liver biopsy "as manifested by

failure to recognize promptly a life threatening condition (hemorrhagic shock), failure to institute basic, appropriate, and timely treatment and failure to assume responsibility to expedite treatment of shock." These conclusions were amply and explicitly supported by testimony.

[*635] Dr. Storrs next argues that it is unreasonable, arbitrary and capricious to revoke hospital privileges on the basis of merely one case. We disagree. A hospital's duty to the public it serves may well justify it in terminating the privileges of a physician who has been grossly negligent on one occasion. This may be especially appropriate where, as here, the physician's gross negligence was committed in connection with the treatment of a common condition. In *Suckle v. Madison General Hospital*, 362 F. Supp. 1196, 1214 (W.D. Wis. 1973), *aff'd*, 499 F.2d 1364 (7th Cir. 1974), the court noted that a "single case in which a physician performs badly may be a constitutionally [**5] adequate basis for non-renewal of staff membership." If a hospital does not revoke staff privileges, or take some similar action, after a case of proven gross negligence it risks exposing itself to liability for similar future episodes. *Purcell v. Zimbelman*, 18 Ariz. App. 75, 500 P.2d 335 (Ariz. App. 1972); *Ferguson v. Gonyaw*, 64 Mich. App. 685, 236 N.W.2d 543, 550 (Mich. App. 1975); *Bost v. Riley*, 44 N.C. App. 638, 262 S.E.2d 391 (N.C. App. 1980), petition denied, 300 N.C. 194, 269 S.E.2d 621 (N.C. 1980); *Johnson v. Misericordia Community Hospital*, 99 Wis. 2d 708, 301 N.W.2d 156 (Wis. 1981).

Dr. Storrs' last contention is that the refusal of the JRC to reopen the record for new evidence violated his right to procedural due process. In our prior order of remand we held that the JRC "may base its decision on the evidence previously submitted or, in its discretion may reopen the proceedings for new evidence." The JRC did not abuse its discretion in refusing to reopen the proceedings. Dr. Storrs himself requested that the evidentiary hearing be held on an expedited basis. There is no suggestion in the record that Dr. Storrs believed that the evidentiary hearing would [**6] be a preliminary one and that additional evidence could be presented later. Further, Dr. Storrs was not precluded from presenting evidence favorable to his case at that hearing.

AFFIRMED.

Connor, Justice, not participating.

REPRESENTATIVE PAUL SEATON

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ALASKA STATE LEGISLATURE

House District 35

Dear Sen. French,

Thank you for taking the time to carefully analyze HB 25 and help brainstorm potential compromises we both can agree upon.

1. In your email you note that you are uncomfortable with the bill referring to buildings, etc. I agree. Current statute exempts unimproved land from simple negligence. The purpose of HB25 is to clarify the liability standard for improved land for free recreational use by the public. In order to not include buildings, structures, and machinery in the bill, I would suggest the attached amendment.
2. In your email you request that the portion of the land the land owner wishes to declare as 'open' to the public for free recreational use be specified in a license filed to the public. According to Dennis Bailey, although filing a license would be similar to filing an easement, an easement would be more appropriate for this circumstance. However, I remain concerned about requiring such a filing. How would the public know what land is available for recreational use? Would they be expected to look up the parcels that have a license filed at the recorders office? How would easements designate which land was open for recreational use? Would the easement need to include specific descriptions, geographical land marks and GPS coordinates or would including an individual's entire parcel be sufficient?
3. In your email you state that you believe landowners should have a duty to warn of hidden dangers (though not necessarily obvious ones). It is very difficult to distinguish in statute which hazards a land owner is responsible for making aware to the public and those that are obvious. Furthermore, it would put the landowner in a catch 22. If a hidden danger is unknown to the landowner, how can he warn the public about it? Would the landowner be required to post signs similar to no trespass signage requirements? How would notification be accomplished?

I appreciate you for engaging in the process of refining the specifics of HB 25. In summary, I can support the attached amendment to help satisfy your concerns. The intention of HB 25 is to encourage landowners to allow recreational use on their property by providing them with clear guidelines on their liability. HB 25 has the potential to open up miles of trails for recreation across the state. I hope that we are able to work together towards a compromise on this legislation and open up more trails across the state.

Thank you for your thoughtful consideration.

Sincerely,

A handwritten signature in cursive script that reads "Paul Seaton".

Rep. Paul Seaton

AMENDMENT

OFFERED IN THE SENATE

TO: HB 25

1 Page 3, line 3:

2 Delete "improved or"

3

4 Page 3, following line 3:

5 Insert new material to read:

6 "(B) improved land, exclusive of buildings, structures,
7 machinery, or equipment on the land;"

8

9 Reletter the following subparagraphs accordingly.

10

11 Page 3, lines 7 - 8:

12 Delete all material.

LAW OFFICES

Michael J. Schneider, P.C.

TELEPHONE (907) 277-9306

880 "N" STREET, SUITE 203

FAX (907) 274-8201

ANCHORAGE, ALASKA 99501

VIA FACSIMILE: (907) 465-3175

March 16, 2007

The Honorable Paul Seaton
Alaska State Legislature
State Capitol, Room 403
Juneau, AK 99801-1182

RE: HB 25 – RECREATIONAL LAND USE LIABILITY/ADVERSE POSSESSION

Dear Representative Seaton:

Thank you very much for visiting with me recently, and thanks to you and your staff for copying me with your memorandum of March 5, 2007, to Senate Resources.

You suggested to me that you were very anxious to see this bill become law. We can both agree that increased access for the public to private improved land is often desirable. The intent of your bill as stated, is to relieve private land owners who unreasonably maintain their improved real estate of the responsibility that normally attends such failings. The justification for this gift to the careless is the "*quid pro quo*" of public access. I respectfully suggest that without language in the bill enforcing the *quid pro quo*, the bill does little or nothing for the public while immunizing those whose acts and omissions will foreseeably injure and kill members of the public.

The "directly or indirectly" problem.

During our visit, I explained that I have consulted with an experienced local real estate attorney and been advised that any private property owner could grant a "temporary revocable appurtenant easement" to the public. This recorded document would specify the land, or portion of the land, available for free public access and would leave no doubt in anyone's mind about what property, owned by others, they could or could not access for recreational purposes. It will eliminate the real and foreseeable problem that a negligent property owner would claim the benefit of this bill after the fact of injury, while never really giving the public free recreational access before the injury.

You responded that there were a number of legal impediments to this approach. Frankly, I am unable to debate you because this is beyond my depth. I can only say that upon repeating as much of our discussion as I could remember and understand to those more capable than I, it remains their opinion that a temporary revocable appurtenant easement would do the job. You advised me that such an easement would require "acceptance" by the state or municipality. My legal consultants tell me that such is simply not the case unless the state or municipality is the grantee of the easement in question.

Despite the above, and without regard to where the technical truth lies, there are other easy ways to make sure that negligent property owners do not get a free ride on the back of your injured constituents, a clearly foreseeable but unintended consequence of this bill. The recorder's office will accept virtually anything for filing. Section 1 (Sec. 09.65.202) could be amended to read as follows:

- (a) A land owner that ~~directly or indirectly~~ allows a recreational activity on the land owner's land by filing a "notice of availability for recreational activity", in form specified herein, with the appropriate recorder's office, does not, by allowing that activity,

While I can assure you I have no pride of authorship nor depth of skill in this area, such a "notice" might look like the following:

Notice of Availability for Recreational Activity

Notice is hereby given, pursuant to AS 09.65.202, that the following described real property is available for recreational activity by the public, without charge, or at a charge no greater than specifically authorized by this statute:

[Legal Description of Property, or portion thereof, or Metes and Bounds description of property and/or portion thereof intended to be open for recreational access.]

Date: _____

Signature by Land Owner: _____

The statutory language and the related notice can be further refined or modified to limit the nature or type of recreation involved. Some land owners may be very inclined to allow cross-country skiing or fishing or small game hunting on their property but disinclined to allow snowmachining, fireworks, or paintball wars.

I respectfully suggest that without some formal commitment by the owner to open their property for recreational access, and without some way for the recreational public to understand in advance where they can go and where they can't go, and what they can do when they get there, this bill gets the public little or nothing while immunizing from personal responsibility of those who unreasonably maintain their property.

The "charge" loophole needs to be closed.

Section (b) of the bill makes it clear that the bill is not intended to benefit land owners who collect "a charge for entry" onto the land for recreational activities. Nevertheless, subsection (e)(1)(C) of the bill swallows up this protection by the wording employed.

(C) a contribution in kind, service, or cash from a user if all of the contribution is used to improve access to trails, to remedy or reduce damage, to provide warning of a hazard, or to remove a hazard from the land [is not a charge].

As this is worded, and contrary to your intent as you explained it to me, I could be charged a \$1,000.00 trespass fee to hunt brown bear on someone's land, fall into some barely visible mine shaft, suffer catastrophic injuries, and have my claim subject to a complete bar if, after the fact, the land owner in question used my \$1,000.00 to cover up the shaft I fell in to. To solve this problem, I would suggest language something like the following:

(C) a contribution in-kind, service, or cash from a user if there is in existence before the injury giving rise to the claim, a documented program in place to use 100% of such contributions to improve access or trails, to remedy or reduce damage, to provide warning of hazard, or to remove a hazard from the land;

The "land" loophole needs to be closed and expressly harmonized with Alaska's nuisance statute (AS 09.45.230).

it would be poor public policy for this bill to get in the way of abatement of private nuisances. Abatement is authorized by AS 09.45.230. I would suggest an amendment to Section (c) as follows:

(c) This section may not be construed to conflict with, nor does it have any effect on, a liability release agreement between a participant in a recreational activity and a land owner, or where an action based on private nuisance is authorized by AS 09.45.230.

I am quite concerned about the definition contained at Section (e)(2)(E) that includes within the definition of the "land" immunized by the bill "buildings, structures, other improvements, machinery, and equipment on the land;" I hope that all of the sponsors, and all the members of the legislature, appreciate that they are immunizing a list of horrors by this broad language. By this language, those that support this bill immunize people that "don't get around to fixing" the thin cable strung across a trail by making it visible or eliminating it with a safer barricade. If some bright light leaves a large piece of equipment unsecured, unattended, and with the keys in it next to the junior high school, that person or entity's insurance company gets a free ride on the back of some injured or killed kid when the inevitable happens. And, of course, if the child is injured seriously or if his health insurance is inadequate, the public then pays for this private stupidity, anointed and blessed by this legislation in its current form. I would strongly encourage limitations and tightening of the language in this section. However, much of the difficulty with this section might be solved

by reigning in Section (a) 2. See below.

The "known hidden" hazard loophole.

Section (a)(2) tells the negligent land owners among us that they do not:

(2) owe a duty to warn persons using the land for a recreational activity of any dangerous condition, known or unknown, apparent or hidden;

You cannot be liable, even if you act in a grossly negligent or intentional manner, under circumstances where you owe no duty. As the Alaska Supreme Court has observed on many occasions, a *prima facie* tort consists of the elements of duty, breach thereof, causation, and damages. No duty means no tort. In this section of the bill, the legislature is immunizing property owners who know of a hidden hazard from all liability. Because no duty exists, a finding of grossly negligent breach is not going to do much for the scout troop that falls into the carefully camouflaged mine shaft, as the property owner and his insurance company chuckle all the way to the bank.

More appropriate language for this section is suggested below.


(2) owe a duty to warn persons using the land for recreational activity of any dangerous condition of which the user knew, or should have known. A land owner has a duty to warn of hidden dangers.

Conclusion.

Thank you for allowing me to comment on this bill, and I am anxious to work with you toward a version that better protects your constituents from the foreseeable consequences of unreasonable acts and omissions by property owners.

Your very truly,

LAW OFFICES
MICHAEL J. SCHNEIDER, P.C.


Michael J. Schneider

MJS/clm

cc: Senate Resources Committee

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ALASKA STATE LEGISLATURE
House District 35

MEMORANDUM

TO: Senator French, Chair
Senate Judiciary Committee

FROM: Representative Paul Seaton

DATE: Tuesday April 17, 2007

RE: Request for a Hearing HB 25

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

I respectfully request a hearing before the Senate Judiciary Committee on HB 25, "An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

In summary, HB 25 delineates the duties of landowners who allow free recreational use of their lands.

Attached please find: HB 25, fiscal note, sponsor statement, sectional summary, letters of support, comparative chart of similar legislation in other states, March 5, 2007 letter to SRES, April 2, 2007 memo to SRES, and teleconference request form.

Staff contact: Katie Shows, ext. 2028

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ALASKA STATE LEGISLATURE
House District 35

HB 25 Sponsor Statement

House Bill 25 encourages recreational use of private lands by protecting landowners who allow free public access to their lands.

HB 25 stipulates that a private landowner does not owe to a person using his or her property for recreational purposes, (1) a duty to keep the land safe for use, (2) a duty to warn of unsafe conditions, or (3) a duty to curtail the use of their land for recreational purposes. A landowner receives no protection under the bill if they either charge for access or are guilty of intentional, reckless or grossly negligent conduct.

Current state law does not directly address recreational use of private lands. Alaska's Recreational Activities statute, AS.09.65.290, passed by the legislature in 2003, mainly addresses commercial operators. Some landowners are protected by Alaska's unimproved land statute, AS.09.65.200, but it is difficult to determine what lands qualify in more developed areas. Lands near any sort of structure, or that have been altered slightly from their natural state, such as a hayfield, may not be covered under that statute.

Parties interested in allowing public access of their lands are unable to assess their risks. The courts likewise have few means of interpreting legislative intent regarding the relationship between landowner and recreational land user. HB 25 eliminates these ambiguities by granting immunity for the recreational use of private lands in the same manner adopted by most other states.

HB 25 promotes recreation throughout Alaska by clarifying the rights and responsibilities of landowners, encouraging them to allow the public free recreational use of their lands.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 18, 2007

SUBJECT: Sectional summary (HB 25 (Work Order No. 25-LS0174\A))

TO: Representative Paul Seaton
Attn: Katie Shows

FROM: Dennis C. Bailey *DCB*
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. The bill itself is the best statement of its contents. Since you have not asked particular questions about the bill, the summary is intentionally brief.

Section 1. Limits the duties owed by a landowner who allows recreational activity, without charge, on the landowner's land unless the landowner acts intentionally or recklessly, or is grossly negligent. Also, provides that recreational land use may not form the basis for a claim of adverse possession or similar claim.

If I may be of further assistance, please advise.

DCB:med
07-027.med

Letters of Support –HB 25

Organizations

Alaska Trails
State Farm Insurance council, Lessmeier & Winters
Kachemak Heritage Land Trust
Alaska Outdoor Council (write-up in Outdoor Alaska publication)
Pratt Museum
Alaska State Chamber
Anchor Point Chamber of Commerce
Kenai Peninsula Borough (Resolution)
The Conservation Fund
Alaska Snowmobile Association
Letters/Resolutions addressing HB 415*
National Rifle Association of America
City of Homer (Resolution)
Coalition for Homer Open Space and Trails
Homer Soil and Water Conservation District

Individuals **HB 25**

Kathy S. Corp	Homer
Valarie Connor	Homer
Bill Smith	Homer
Elaine Martin	Wasillia
Roberta Highland	Homer
Mossy Kilcher	Homer
<u>Letters addressing HB 415*</u>	
James & Dianne Mahaffey	Anchorage
Kelley Griffin (Matsu Sled Dog Council)	Wasilla
Wayne Clark	Gustavus
Kathryn Kennedy	Ninilchik
Carol Grace (Snowmands Snowmachine Club)	Homer
Dave & Molly Brann (Kachemak Ski Club)	Homer

Additional letters from the following are available upon request from the sponsor:

Milli Martin	Homer
LoisBettini	Homer
Kevin & Jeanne Walker	Homer
Al Poindexter	Homer
David Scheer	Homer
Lindsay Winkler	Homer
Wayne Watson	Homer
Heather Beggs	Homer
Bruce Hess	Homer
Tamara Schmidt	Homer
Barb Seaman	Homer
Kenneth Jones	Homer
Jeanne Parker	Homer

*Note: Identical legislation was introduced last session under bill number HB 415. These letters of support speak to HB 415 but address the same topic/bill as HB 25.

**ALASKA
TRAILS**

January 24, 2007

Representative Paul Seaton
Capitol Building, Room 102
Juneau, AK 99801

Dear Representative Seaton:

I would like you to know we continue to support your efforts to encourage recreational use of private lands by protecting landowners who allow free public access to their lands as we did last year with HB 415. We applaud your efforts in 2007 with House Bill 25, "An Act relating to landowners' immunity for allowing use of land for recreational activity..." We support your efforts to protect private property owners from lawsuits that could result from the informal recreational use of trails and property when no fees are collected by the landowner.

Liability from recreational activities has been a long-term concern by the private landowners within Alaska. Since Alaska Trails was formed in 2003, we have addressed trail issues statewide. We recognize the liability concern as the number one reason why private landowners are hesitant to grant public access across their lands. HB 25 addresses that concern and we support its passage. In addition, we believe that amending AS 34.17.055 so that easements granted "to the public" also receive liability immunity is an important step in preserving and protecting public trail access.

Thank you for your efforts to reduce this landowner concern and to increase recreational opportunities, especially trail access, across Alaska.

Please do not hesitate to contact us if we can provide additional support for HB25.

Sincerely,



Jack Mosby
Past President

LESSMEIER & WINTERS

LAWYERS - LLC

**VINTAGE BUSINESS PARK
3000 VINTAGE BOULEVARD
SUITE 100
JUNEAU, ALASKA 99801**

**MICHAEL L. LESSMEIER
GREGORY W. LESSMEIER
SHELDON E. WINTERS**

**TELEPHONE: (907) 796-4999
FACSIMILE: (907) 796-4998
E-MAIL: lw@gcl.net**

**VIA HAND DELIVERY
Representative Paul Seaton
Alaska State Legislature
State Capitol, Room 102
Juneau, Alaska 99801-1182**

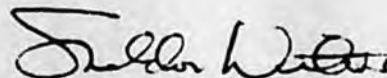
January 22, 2007

Re: HB 25

Dear Representative Seaton:

I am pleased to voice State Farm's support for House Bill 25 relating to landowners' immunity for recreational activity. If there is any information we can provide, please let me know.

Sincerely,



**Sheldon E. Winters
Lobbyist for State Farm**



Kachemak Heritage Land Trust

315 Klondike Avenue • Homer, AK 99603 • ph: 907-235-5263 • fax: 907-235-1303 • www.kachemaklandtrust.org

January 23, 2007

Representative Paul Seaton
Capitol Building, Room 102
Juneau, Alaska 99801

Dear Representative Seaton,

Thank you for taking the lead to sponsor and push House Bill 25 through the legislative process during this session. I write today to express strong support for the passage of this bill on behalf of the board of directors, staff and over 400 supporters of Kachemak Heritage Land Trust.

As you know, Kachemak Heritage Land Trust has worked on trails issues, and access for the public in general, for many years. Without a doubt, the potential for liability to private landowners allowing access to the public presents one of the few problems to creating viable trail networks for our community. Most landowners support trail development and use and would almost certainly allow the public to cross their lands if the liability in doing so were lessened.

The passage of House Bill 25 will make a significant difference in the development of a comprehensive network of public trails, enhancing recreational opportunities for both residents and visitors. This action will result in improved public health, increased economic vitality and a land-use planning tool that can be counted on as the Kenai Peninsula – and other rapidly-developing areas of Alaska -- develop more residential areas.

Thanks very much for your time and attention. We will make our membership aware of this upcoming bill and will ask that they contact you and Senator Stevens to express their support.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Seaman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barbara Seaman
Executive Director

highway. With support from the AOC Representative Bill Stoltze and for Charlie Huggins sponsored legislation to create the **Knik River Public Use Area** after some people proposed banning ATVs and airboats from the area. The Department of Natural Resources will now initiate a public process to determine just how the area is regulated. Watch for more details here, or in AOC Email Alerts.

Rep. Stoltze introduced legislation that would **allow the Mat-Su Borough to take state land** from the Hatcher Pass Public Use Area. AOC opposed this legislation because the Mat-Su Borough has failed to allow reasonable access to public lands. AOC opposes giving the Borough more land until they allow public access to the public land they have now. After it became clear that the Borough had failed to gain support of Mat-Su residents in their quest to take lands out of the public use area, Rep. Stoltze withdrew his legislation, effectively killing the land transfer for another year.

Long-time AOC supporter Senator Ralph Seekins introduced SB 170 last year in an effort to combine an **increase in hunting and trapping fees with several changes to Fish and Game statutes (Title 16)**. AOC testified on the bill last summer when the Senate Resources Committee held hearings around the state. Senator Seekins brought the bill up again this year, with support from AOC, but ran out of time. AOC's proposed changes to the fish and game statutes were addressed in the Spring 2006 newsletter. AOC will continue to work with legislators during the next session to secure needed funding from license holders for active game management.

For some time now Senator Seekins has been trying to open up state land in the **Dalton Highway corridor** from the Yukon River north. Current law bans off-road vehicles from operation for 5-miles on either side of the road. Seekins sponsored SB 85, which would repeal the ban and start a planning process within DNR to implement rules for ORV use in the corridor. BLM has also begun preliminary plans for developing a comprehensive off-highway vehicle plan in partnership with the state. The bill passed the Senate but fell short in the House. AOC supported SB 85 just as we support most legislation to allow access to state land as long as regulations are in place to maintain the high quality of the wildlife habitat. We hope Senator Seekins will re-introduce this legislation to allow more Alaskans to enjoy the outdoors.

Over the past couple of years legislators have introduced various versions of a bill that would create a **wildlife viewing fee**. Again this year there were bills in both the House and Senate. Senator Con Bunde sponsored SB 166, which would require that anyone between 16 and 60 pay a \$5 fee to view Alaska's wildlife. The fee would be waived for anyone who already holds a hunting, trapping or fishing license. SB 166 died in the Senate Resources Committee. Look for some version of this idea to surface again next year.

Rep. Paul Seaton, of Homer, introduced HB 415, which would have held **landowners immune from liability** if they allowed access to their land free of charge. There are cases where public recreational lands are separated by sections of private land. The private land holders don't oppose people crossing their land, but fear the potential for liability. Seaton tried to waive that liability if the land owners warn of any dangerous conditions. The bill passed the House, but never got a vote in the Senate. Chances are that a bill similar to HB 415 will be re-introduced next year.

Two management bills that didn't make it were HB 464 and HB 472. HB 464 was introduced by AOC member and outdoorsman Rep. Eric Croft and would have prohibited a hunter from taking the horns or antlers unless they **salvaged at least 50% of the meat** from the kill. The House Resources Committee held a couple of good hearings on this bill late in the session. Rather than supporting a reduction in the amount of meat currently required by law for salvage, which is essentially *all* the edible meat, AOC used the hearings to again advocate for stronger enforcement of game laws. HB 464 died in the House Judiciary Committee. HB 472 was introduced by our good friend Rep. Bill Stoltze and would have put the **Susitna Drainage Salmon Management Plan**, currently in policy, into statute. ADF&G opposed this legislation stating that they oppose putting regulations into statute because policy language is too specific to be appropriate for statutory language. AOC supported this bill because we believe that the present commercial fisheries interest domination of the Alaska Board of Fisheries has been detrimental to the sustainability of some salmon runs in the past. Unfortunately, the bill was referred to the House Special Committee on Fisheries where it met a quick death at the hands of legislators from commercial fishing districts.

AOC actively supported new members to the **Boards of Fisheries (BOF) and Game (BOG)**. Governor Murkowski appointed **Jeremiah Campbell** to the BOF, first to fill the remainder of an unexpired term, and then for a new 3-year term. Mr. Campbell has experience in both commercial and sport fishing, and we were impressed with his knowledge of, and concern for, in-river fisheries. Mr. Campbell's votes on the board regarding salmon returns to the Copper River and upper Susitna drainage showed his concern for sustainable salmon runs. AOC worked with Kenai River Sportfishing Association in supporting Mr. Campbell's confirmation. We are especially appreciative of the efforts of Cook Inlet Sportfishing Caucus member, Bob Penney, during this exercise.

AOC also supported the confirmation of long-time AOC supporter **Bonnie Williams** of Fairbanks to the BOF. Bonnie has served with distinction on the Fairbanks North Star Borough Assembly. Bonnie has been an avid personal use fisher for 55 years in Alaska and has a strong personal dedication to maintaining the integrity of Alaska's wildlife regulatory development process, which considers the opinions and experience of all individuals who use and enjoy fish and game. In her testimony during confirmation hearings before the Legislature, Bonnie affirmed her commitment to ensuring healthy, strong fisheries that sustain and meet the needs of subsistence, sport/personal use, and commercial fishing in Alaska.

AOC appreciated Governor Murkowski's reappointment of **Cliff Judkins** of Wasilla to a second term on the Board of Game. The Governor also added two new BOG members, **Dick Burley** of Fairbanks and **Paul Johnson** of Unalakleet. They were confirmed by the legislature with AOC's full support. Mr. Burley previously served on the Board of Game a few years back and did a very admirable job as chairman, maintaining a balanced and objective approach. His service was very beneficial to AOC's membership and we now look forward to another term for Mr. Burley on the BOG.

Members of the Boards of Fisheries Game have one of the toughest jobs in the state. AOC recognizes the personal commitment every one of these Alaskans makes when they accept an appointment. We thank them all. ■

Pratt Museum



January 22, 2007

Representative Paul Seaton
State Capitol, Room 102
Juneau, AK 99802

345 W. Sterling Highway
Suite 102B
Homer, AK 99603

Dear Representative Seaton,

The Pratt Museum enthusiastically supports House Bill 25, encouraging recreational use of private lands by protecting landowners who allow free public access to their lands. As a land owner of urban green space in Homer, the Pratt maintains a forest ecology trail with public access. We are also currently working with our neighbors, both public entities and private land owners, to develop trail connectivity in Homer. Legislation such as HB 25 will be particularly important in realizing greater community plans for trails in and around Homer.

The Pratt Museum is dedicated to the process of education by exploring the natural environment and human experience relative to the Kachemak Bay region of Alaska and its place in the world. The Museum seeks to inspire self-reflection and dialogue in its community and visitors through exhibitions, programs, and collections in the arts, sciences and humanities.

HB25 will help us assess our risks in allowing public access to our land as well as our risks in participating in a greater trail system for Homer bordering and impacting our property. As one of the few nonprofit organizations owning a sizeable amount of land in the city center, we are committed to preserving urban green space and providing public access and educational interpretation of that green space. Passage of HB25 would encourage us to continue this effort which allows public free recreational use of our land.

Thank you for all your hard work on HB25. Please let me know if the Pratt can be of further assistance in the process.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Beggs". The signature is fluid and cursive, written over a light background.

Heather Beggs
Museum Director



February 09, 2007

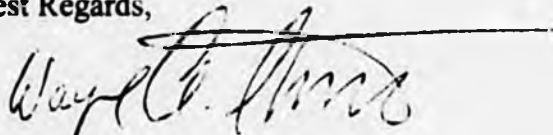
Representative Paul Seaton
State Capitol Room 102
Juneau, Alaska 99801

Representative Seaton,

The Alaska State Chamber of Commerce supports House Bill 25. Private landowners often play a pivotal role in accessing Alaska's outdoors through leasing or granting permission to use their own private property. This role helps small businesses blossom while providing recreational access for Alaska's burgeoning tourist and adventure activities. Without legal protections new tourist and adventure activities may be limited or threatened altogether. We believe HB 25 will increase business in Alaska by protecting private property owners from the potentiality of far-reaching lawsuits.

Jobs and economic opportunity are limited in many parts of Alaska. HB 25 may have additional benefits by creating opportunities in Alaska's remotest locations. The State Chamber encourages your constructive work with regards to HB 25 and we are hopeful that the bill will move through the legislative process.

Best Regards,



Wayne A. Stevens
President/CEO
Alaska State Chamber of Commerce



ALASKA STATE
CHAMBER
OF COMMERCE

Headquarters

217 2nd Street
Suite 201
Juneau
Alaska 99801
(907) 586-1221
FAX 463-3335

Regional Office

601 W 5th Ave
Suite 700
Anchorage
Alaska 99501
(907) 233-2222
FAX 238-6643



Chamber of Commerce

* P.O. Box 610, Anchor Point, Alaska 99556 * Mile 156 Sterling Hwy * (907) 235-2600 *

January 31, 2007

The Honorable Representative Paul Seaton
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

RE: HB 25

Dear Representative Seaton:

The Anchor Point Chamber of Commerce Board of Directors supports HB 25. This bill provides reasonable liability protection for private property owners who allow recreational use of their property.

Anchor Point is an unincorporated area within the Kenai Peninsula Borough. The Kenai Peninsula Borough does not accept trail easements, which means the only other way a land owner may avoid liability is to grant a trail easement to the State. This is an unreasonable burden for the land owner as well as a financial burden for the State. For land owners within the unincorporated areas of the Kenai Peninsula Borough, the liability protection granted by HB 25 is needed to protect private property owners and to preserve outdoor recreational opportunities.

Without the passage of HB 25, land owners will remain vulnerable to frivolous law suits for allowing simple activities such as neighbors skiing across their land. Protections for land owners are needed to support the recreational activities of hiking, skiing, snow machining, hunting and more. These activities are important to our quality of life and the character of our community.

Through HB 25, the State of Alaska has the opportunity to protect recreational and private property interests at the same time. The Anchor Point Chamber of Commerce supports and encourages the passage of this bill.

Sincerely,

Paul Voeller
President

Introduced by:

Martin

Date:

02/06/07

Action:

Adopted as Amended

Vote:

9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2007-010**

**A RESOLUTION SUPPORTING HOUSE BILL 25 AS CURRENTLY WRITTEN
RELATING TO LANDOWNERS' IMMUNITY FOR ALLOWING USE OF
PRIVATE LAND FOR RECREATIONAL ACTIVITIES**

WHEREAS, although Alaska Statute 09.65.200 provides immunity to land owners for certain uses of their unimproved land, Alaska currently does not have a statute that protects landowners from liability for the use of their improved land for private recreational use such as skiing, hiking, snowmachining, and horseback riding; and

WHEREAS, House Bill 25 would enact a statute to delineate the responsibilities of landowners who allow free public access to their lands for recreational uses; and

WHEREAS, the bill states that a private property owner does not owe a person using the land for recreational purposes a duty to keep the land safe for use, a duty to warn of unsafe conditions, a duty to prevent recreational use of the land, and does not assume responsibility for any injury to persons or property; and

WHEREAS, HB 25 also provides that recreational land use allowed by a landowner without charge may not be used to obtain a prescriptive easement or to adversely possess the property; and

WHEREAS, approximately 45 other states have similar statutes; and

WHEREAS, HB 25 will encourage private property owners to allow recreational uses on their lands, possibly leading to the development of more trails and expanding recreational opportunities for all Alaskans; and

WHEREAS, in March 2006, the assembly adopted Resolution 2006-027 which supported HB 415, the prior legislature's version of the current HB 25, and the two are substantially the same;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough Assembly supports and endorses the passage of House Bill 25 as currently written.

Katie Shows

From: BradMeiklejohn@aol.com
Sent: Tuesday, February 27, 2007 12:13 PM
To: Sen. Charlie Huggins
Subject: Support for HB25

THE CONSERVATION FUND

BRAD A. MEIKLEJOHN
ALASKA REPRESENTATIVE
2727 HILAND ROAD
EAGLE RIVER, ALASKA 99577
(907) 694-9060/9070 FAX
Bradmeiklejohn@aol.com
www.conservationfund.org

February 27, 2007

Senator Charlie Huggins, Chair
Senate Resources Committee
Alaska State Legislature
Juneau, Alaska

RE: Support for House Bill 25

Dear Senator Huggins,

I am writing in support of House Bill 25, a bill expanding legal immunity for landowners who allow public use of their lands.

While Alaska has an abundance of public lands, access to these lands is often blocked by landowners who are apprehensive of the potential liabilities of allowing public use of their lands. Many states have adopted legislation that shields private landowners from liability, and such laws have expanded opportunities for public access and recreation.

I ask for your support of House Bill 25.

Sincerely,

/s/

Brad Meiklejohn
Alaska Representative

The Alaska State Snowmobile Association



I appreciate the opportunity to comment on the Alaska State Snowmobile Association's position of support for HB 25. As the umbrella organization that coordinates over 1600 members of local snowmobile clubs, we appreciate Rep Seaton's addressing of an issue that has presented itself as an impediment to access of developing parcels of land throughout Alaska. While these occasions have been infrequent up to now, the problem is certain to increase both in frequency as well as impact as the State of Alaska maintains the rate of growth in both settlement of land as well as recreational use of public property.

Lands being currently developed in our less populated areas many times include sections of recreational trails that are enjoyed by several types of enthusiasts, including but not limited to snowmobilers. Many times these sections of trails are leading from a parking location to a destination accessible only by the trail system. Whenever there are unresolved questions of liability for landowners allowing free recreational access, the most common reaction by the landowner is to protect his interest in the most effective way available. Unfortunately for access, this generally means prohibiting the very use that he or she utilized for development of this property.

Routes that have traditionally allowed thru passage to areas beyond the private landowners holdings become more difficult or impossible. Giving private landowners protection from frivolous or nuisance claims that could possibly lead to adverse possession of the holdings. This protection goes a long ways toward development of healthy and mutually beneficial relationships between private landowners and recreationists.

In conclusion, the Alaska State Snowmobile Association supports this legislation and offers our appreciation to Representative Seaton for sponsoring it.

Kevin Hite
President
Alaska State Snowmobile Association
www.aksnow.org
907-522-6373 Home
907-529-0106 Mobile



NATIONAL RIFLE ASSOCIATION OF AMERICA

INCORPORATED 1871

**11250 WAPLES MILL ROAD
FAIRFAX, VA 22030**

5 May 2006

Brad Kruger
AK NRA Field Representative
PO Box 1098
Homer, AK 99603

Dear Rep Seaton,

I am writing you today in support of HB 415.

House Bill 415 encourages recreational use of private lands by protecting landowners who allow free public access to their lands.

HB 415 stipulates that a private landowner does not owe to a person using his or her property for recreational purposes (1) a duty to keep the land safe for use, (2) a duty to warn of unsafe conditions or (3) a duty to curtail the use of their land for recreational purposes. A landowner receives no protection under the bill if they either charge for access or are guilty of intentional, reckless or grossly negligent conduct.

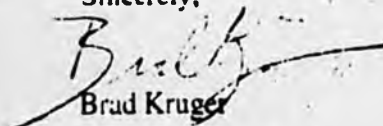
Unfortunately current state law does not directly address recreational use of private lands. Alaska's Recreational Activities statute, AS.09.65.290, passed by the legislature in 2003, mainly addresses commercial operators. Some landowners are protected by Alaska's unimproved land statute, AS.09.65.200, but it is difficult to determine what lands qualify in more developed areas. Lands near any sort of structure, or that have been altered slightly from their natural state, such as a hayfield, may not be covered under that statute.

Parties interested in allowing public access of their lands are unable to assess their risks. The courts likewise have few means of interpreting legislative intent regarding the relationship between landowner and recreational land user. HB 415 eliminates these ambiguities by granting immunity for the recreational use of private lands in the same manner adopted by most other states.

HB 415 promotes recreation throughout Alaska by clarifying the rights and responsibilities of owners, encouraging them to allow the public free recreational use of their lands.

Thank you for listening.

Sincerely,


Brad Kruger
AK NRA Field Rep

**CITY OF HOMER
HOMER, ALASKA**

**Mayor/
Parks & Recreation
Commission**

RESOLUTION 06-30

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA IN SUPPORT OF HOUSE BILL 415 ENTITLED "AN ACT RELATING TO LANDOWNERS' IMMUNITY FOR ALLOWING USE OF LAND FOR A RECREATIONAL ACTIVITY; AND PROVIDING FOR AN EFFECTIVE DATE".

WHEREAS, Current Alaska law does not address recreational land use directly; and

WHEREAS, Protection is granted only on lands qualifying as "unimproved", however it is difficult to legally define an improvement, which is a great concern to landowners when considering recreational land use; and

WHEREAS, This distinction should not be the benchmark used for protecting landowners when considering recreational land use; and

WHEREAS, HB 415 encourages the recreational use of private lands by protecting land owners that allow free public access to their lands; and

WHEREAS, HB 415 clearly stipulates that a private land owner does not owe a person using their property for recreational purposes,

- A duty to keep the land safe for use**
- A duty to warn for unsafe conditions**
- A duty to curtail the use of their land for recreational purposes; and**

WHEREAS, A landowner receives no protection under HB 415 if they charge for access or are guilty of intentional, reckless or grossly negligent conduct.

NOW, THEREFORE, BE IT RESOLVED That the City Council of Homer Alaska finds that the passage of HB 415 is in the best interest of landowners allowing use of their land for a recreational activity; and

BE IT FURTHER RESOLVED That the Council hereby expresses its strong support for HB 415 and urges that the Legislature and Governor pass it into law.

**Coalition for Homer Open Space and Trails
(907) 235-2926**

January 18, 2006

**Representative Paul Seaton
Capitol Building, Rm. 102
Juneau, AK 99801**

Dear Representative Seaton:

This past November the Coalition for Homer Open Space and Trails met with you and your staff to discuss potential changes to the Alaska liability statutes, especially as they affect landowner liability and recreational activities.

We thank you for your time on this effort and would like to express our strong support for continuing the pursuit of alternative language that will help landowners to feel more comfortable with their liability concerns and be more apt to allow access for recreational opportunities across their land.

As it stands, the existing statutes are confusing for landowners to understand their rights and responsibilities and, as such, landowners have become more concerned about their liability. We hope the new legislation will clarify the rights or property owners to allow public use of their land without fear of petty liability actions.

Please contact me at the above listed number if you have any questions or suggestions regarding COHOST and the ideas expressed in this letter. Your support and involvement could make a very positive difference.

Sincerely,

**Bruce Hess
Founding Member**



4014 Lake Street, suite 201
Homer, Alaska 99603
907-235-8177 ext. 5
hswcd@vz.net

Rep. Paul Seaton
Capitol Building, Room 102
Juneau, AK 99801

Dear Representative Seaton:

During our February 9th Board of Supervisors meeting, our board members reviewed House Bill 415, "An Act relating to landowners' immunity for allowing use of land for recreational activity," and expressed strong support for this bill. Our Board unanimously supported your efforts to protect private property owners from frivolous lawsuits that could result from the informal use of trails and property for recreational uses.

Since 2001, the Homer Soil and Water Conservation District has worked with recreational issues on the Kenai Peninsula and have recognized a strong need for greater liability protection for landowners. This bill addresses this need and we are thrilled to see it in the legislature this session.

We would like to highlight that we support this bill in its current state; should any changes be made to the bill's language, we would like to consider any new implications of those changes.

Thanks for your hard work in Juneau, Paul. We appreciate you having your representation and thank you for your work on House Bill 415.

Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley Schollenberg", written in a cursive style.

Shirley Schollenberg
District Manager

*"To provide education and leadership in the conservation and sustainable use of soil-
and water-related resources through cooperative programs that protect, restore
and improve our..."*

Katie Shows

From: Kathy Corp [kcorp@alaska.net]
Sent: Wednesday, January 24, 2007 9:19 AM
To: Katie Shows
Subject: HB 25, with address included

Good morning!

HB 25, limiting the liability of property owners for injuries sustained by recreational vehicle users, is a good thing.

I own close to half the lots in a subdivision which was originally my father's homestead. The land is easily accessible, and pretty good snowmachine riding. It is not at all uncommon to have uninvited snowmachine riders on the property.

As far as I'm concerned, these folks are welcome. They seem to be mostly teenagers, with occasional family groups. It is pleasant to see and hear them out there having good clean fun.

But I have to admit that the liability issue has always been a niggling worry. Thus far, I've always bit my lip a little, and assumed that the type of people engaging in active, outdoor recreation are not the type of people given to suing innocent property owners.

I would very much like to see HB 25 become law.

Thanks ...

Kathy S. Corp
40935 Ruth Way
omer, AK. 99603
(907) 235-2335 (days)
(907) 235-0605 (home)

Katie Shows

From: Valerie Connor [redherring007@hotmail.com]
Sent: Monday, January 22, 2007 9:39 AM
To: Katie Shows
Subject: HB25

Dear Katie,

I wanted to thank you for the work you have put into HB 25. Your support on this issue is much appreciated.

I would like to go on record as being in favor of this bill. It has the potential to benefit many communities around Alaska. With increasing sprawl, diminishing open spaces and health problems associated with inactivity, this bill is greatly needed. I can't imagine who would be against this bill. It benefits everyone. I believe many landowners would welcome a trail through their lands if they were relieved of the burden of a possible lawsuit. Please add my name to the list of supporters for HB 25.

Many thanks,

Valerie Connor

963 Cape Douglas Way Homer, AK 99603

235-6371

FREE online classifieds from Windows Live Expo buy and sell with people you know

Katie Shows

From: bill.smith@acsalaska.net
Sent: Monday, January 22, 2007 11:36 PM
To: Katie Shows
Subject: HB 25

Hi Katie,

To Representative Paul Seaton,

This letter is to express my strong support for HB 25.

Trail users all over Alaska will benefit from this important protection for continued and improved trail access.

Please inform your fellow lawmakers that this bill will help a broad spectrum of Alaskans.

It would be especially respectful to traditional Alaskan ways if there could be added the ability of immunized landowners to grant the use of trailways to non-motorized transportation purposes as well as recreational users.

Bill Smith
PO Box 150
Homer AK 99603
235-8932

Katie Shows

From: Elaine Martin [lovemushing@yahoo.com]
Sent: Tuesday, January 23, 2007 9:52 PM
To: Katie Shows
Subject: protection of property owners trails

Hello there Ms. Shows,

My friend Kelly Griffen forwarded your email regarding the issue of keeping trails open to recreational uses. I wanted to also weigh in on this issue and have you forward my email to any relevant parties regarding my whole hearted support for this house bill that would protect the owners of private property who allow recreational use of trails that cross it.

As a musher who depends on the trails to train my team of dogs I urge lawmakers to pass this bill so that future use will be ensured. Every year new developments encroach upon this traditional haven of dog sled drivers in the Knick and surrounding areas. If steps are not taken to protect our access to trails a historic and treasured sport for which Wasilla is well known will become obsolete, and Alaska will lose a valued part of its heritage.

I cannot be there to testify tomorrow, but would appreciate it if you would make my email available to whoever can best help this bill pass. Thank you.

Sincerely, Elaine Martin
HC 35 Box 5355-M
Wasilla, AK 99654

Looking for earth-friendly autos?
[Browse Top Cars by "Green Rating"](#) at Yahoo! Autos' Green Center.

Katie Shows

From: Rep. Paul Seaton
Sent: Thursday, January 25, 2007 9:39 AM
To: Katie Shows
Subject: FW: HB25

-----Original Message-----

From: seaside [mailto:seaside@alaska.net]
Sent: Wednesday, January 24, 2007 3:05 PM
To: Rep. Paul Seaton
Subject: HB25

Dear Mr. Seaton

I am sorry I was unable to attend the hearing for HB 25 here in Homer today. However, please note that I am 100% in favor of this bill and would like to see everything done to have it pass both the House and the Senate. I am owner of Seaside Farm and as Trustee of the 600 acre Kilcher homestead, and feel it would be in the best interest of any one who has property to not have to be liable for people recreationally crossing or using private land.

Thanks

Mossy Kilcher,

Katie Shows

From: Mary Jane Shows
Sent: Monday, February 12, 2007 9:31 AM
To: katie.shows@legis.state.ak.us
Subject: FW: New Pom:HB 25 Recreational Land Use Liability/adv. Poss

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Monday, February 12, 2007 9:28 AM
To: Mary Jane Shows
Subject: New Pom:HB 25 Recreational Land Use Liability/adv. Poss

Robert Archibald
Po Box 2460

Homer 99603-2460,

As owners of thirty five acres with many trails used by the public I strongly support HB 25. It's time to help private property owners maintain access to trails without the worry of litigation. Your support is greatly appreciated.

Ian Laing

From: Dianne Mahaffey (dmahaff@alaska.net)
Sent: Friday, March 10, 2006 9:01 AM
To: Rep. Paul Seaton
Subject: HB415

We want to commend you on your work to introduce and move forward HB415.

As long-time trail users in Alaska, we feel this is a very important piece of legislation.

Thank you for your efforts.

James R. & Dianne D. Mahaffey
9601 Midden Way
Anchorage, AK 99507

Ian Laing

From: Kelley G [kelleyg@gci.net]
Sent: Wednesday, March 22, 2006 5:26 PM
To: Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner
Subject: HB 415A

To Whom it May Concern,

I am a member of the MatSu Sled Dog Council, Inc. a non-profit dedicated to education and preservation of dog mushing in Alaska, as well as a Yukon Quest and Iditarod musher. Trails are a critical part of the equation in the sport of dog mushing, which is the official state sport.

Due to the massive amount of development, especially in the MatSu, we are losing trails everyday. Even trails along public right of ways are in danger because of road development.

And in light of today's litigious society, many landowners are reluctant to allow historic or new passage across their properties, which further restricts and in many cases, cuts trails into unusable pieces.

Please give trail developers a powerful tool to maintain access and create new trails! Landowners should not be held liable for mishaps on a trail on their property! I am a property owner with a self-made trail that makes me nervous about allowing anybody else to use, and as firmly as I believe in trails, I have to consider whether the allowing access is worth the possibility of losing everything I own.

Please pass HB0415A!!

Sincerely,

Kelley Griffin
HC 35 Box 5355 Z
Wasilla, AK 99654
907-373-1126
Voter ID# 07408940
Voter Precinct - Knik/ Goose Bay

From: WEClark [W3CLARK@gci.net]
Sent: Tuesday, March 21, 2006 9:44 AM
To: Emily Stancliff
Subject: Voice support for HB 415

My name is Wayne G. Clark. I live at P.O. Box 164; Gustavus, Alaska 99826 (Spring,summer,fall), and the winters in Douglas, Alaska 99824. Due to the fact I will be on a boat in transit to Gustavus on Weds. March 22, I will not be able to phone in my support for the HB 415 hearing.

As a retired teacher who taught outdoor classes, a wilderness guide, hunter, and hiker, I feel the bill addresses the needed description of liability to landowners enabling them to allow free access to their lands. This I feel, will help to encourage future growth of the state's recreational trails. Many trails around the state are used by scores individuals to see the beauty of our State, and to appreciate its resources. Any steps to enhance their use should be strongly supported. It is the free access to our waters, and great trail systems that bring many back to enjoy our wonderful outdoors here, and seems to be the things many remember when they return from their visits.

Therefore, I ask your support for HB 415.

Sincerely,

wayne g. clark

(907)-384-3226/ (907) 697-2335/ (907) 209-1441(c)

Ian Laing

From: Afish-n-See/Kennedy's [afishnsee@alaska.com]
Sent: Tuesday, March 07, 2006 8:49 AM
To: Rep. Paul Seaton
Cc: cohosts@gmail.com; Molly Brann
Subject: in favor of HB 415

Representative Seaton,

I am a cross country skier and land owner who would benefit from the passing of HB 415. The protection to private land owners that this bill would provide would definitely encourage me to participate. I currently go to great measure to prevent trespassing on my land. Also as a skier who travels to Homer occasionally to ski I am aware that is a big issue there. Many fine trails could be expanded without huge cost if this bill passes.

Thank you for your help to pass HB 415,

Kathryn Kennedy
P.O. Box 39011
Ninilchik, Alaska 99639
907-567-3310
afishnsee@alaska.com

Ian Laing

From: Carol at Northern Enterprises [kshores@ptialaska.net]

Sent: Thursday, January 26, 2006 8:01 AM

To: Ian Laing

Subject: Land usage-liability

Good Afternoon Mr. Seaton,

I have actively been a member of the Snomad Snowmachine Club here in Homer for 4 years. This organization has been very helpful and offered many benefits to the entire community.

I enjoy both atv and snowmachine activity and understandably accept full responsibility for that.

Over the last couple of years I have noted more and more that the issue of liability of public access across private property is a major concern. As a land owner, I do not feel that I should have to bear the responsibility for someone wishing to use my property in order to have fun, I feel that this should be a state issue. I feel that with the states assistance in this matter our trails would be able to stay open to be enjoyed by all.

Thank you,

Carol Grace

Ian Laing

From: Dave and Molly Brann [brann@alaska.net]
Sent: Thursday, January 19, 2006 10:08 AM
To: Rep. Paul Seaton
Cc: Ian Laing
Subject: Re: RE:

Rep. Paul Seaton,

Hi Paul, Just a short note to assure you the Kachemak Nordic Ski Club, 200+ members, are in full support of creating a clear recreational use statute. The existing statute(s) while somewhat beneficial are confusing to the private landowner and don't cover all the situations we would like to see included. A new statute would make it much easier for the private landowner and trails groups to work together to provide recreational opportunities for residents and visitors alike. For over twenty years the biggest problem related to developing and maintaining ski trails in the Homer area has been the landowners fear of being sued. A new statute would be of benefit to the whole state.

I also am sure our local Raven Ridge Homeowners Assoc. would also be very supportive of a new comprehensive statute.

**Sincerely,
Dave Brann**