

MINUTES OF MEETING
SENATE JUDICIARY COMMITTEE
March 9, 1979

The fifty-fifth meeting of the Senate Judiciary Committee was called to order by Senator Everett R. Lensink in room 331 of the capitol building on the above date at 9:32 a.m.

ROLL CALL:

All members were present.

CONSIDERATION OF HOUSE BILL 697:

This is an act to revise and clarify the procedure for revocation or suspension of medical licenses and to provide venue in Lewis and Clark County, etc. Representative Day gave an explanation of this bill.

Jerome Loendorf, representing the Montana Medical Association, gave a statement in support of this bill. He said that this would save the board money and he said that all the cases have been heard here except one and that cost \$40,000.00. He said there is considerable expense to move records, staff, court reporters, etc.

There were no further proponents and no opponents.

Senator Brown questioned if there were any objections to amending this to change the venue if both parties would agree it could be held elsewhere. Mr. Loendorf stated that he had no objection to that.

There being no further questions or comments, the hearing was closed.

CONSIDERATION OF HOUSE BILL 368:

This is an act to revise the reporters' confidence act, etc. Representative Ann May Dussault gave an explanation of this bill.

Mike Meloy, representing the Montana Press Association and the Lee Newspapers, stated that this bill is designed to correct the paradox which occurred when the district court opinion said that this act only protects the reporter. He stated that it is difficult to know when information

belongs to the news agency and when it belongs to the reporter. He stated that all tape recorders are the property of the news agency and he says that the present law only protects the reporter and if he discusses that information with his boss, the boss can be made to testify.

Bill Merrick, representing the Montana Broadcasters, gave a statement in support of this bill. He said that the type of equipment that is needed cannot be afforded by the reporter themselves.

There were no further proponents and no opponents.

There being no questions or comments, the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 705:

This is an act to amend section 2-3-203, MCA, to require that a meeting of a subcommittee of a public agency be open to the public. Representative Yardley stated that this amends the open meeting law and that if an agency wants to keep anything private that the best way to do it is to have a subcommittee.

Hal Stearnes, representing the Montana Press Association, stated that there have been many subterfuges to keep the public knowing from what is going on. He stated that he thought this would close a loophole.

Wayne Buchanan, representing the Montana School Boards Association, proposed an amendment and stated that he would like to speak on the amendment. He stated that first of all, it has to be a committee appointed by the public agency. He said this would prevent the casual meeting of the school board and they felt that this was a good bill and hope to get a do pass.

Mike Meloy, representing the Lee Newspapers and the Montana Press Association gave a statement in support of this bill.

Bill Merrick, representing the Montana Broadcasters Association, said they supported this bill.

There were no proponents and no opponents.

Senator Anderson questioned if this would do away with the closed meeting with the exception of collective bargaining and litigation. Senator Brown said that it also allows very personal matters and that is in the constitution.

Senator Van Valkenburg questioned the language that the House added instead of what was originally in the bill and he wondered if this was going to enable school boards or county commissioners to have these council meetings because they aren't subcommittees. Representative Yardley stated that if two people on the school board start talking about the school board, someone is going to claim that they are having a meeting and he felt the language that the school board has put in is fine.

Mr. Meloy stated that they have tried to address that question for the last four or five years, and he said that he could assure them that it would be a good thing to prevent casual meetings; however, as a practical matter, particularly in small areas, to draft language to prevent two or four people from getting together to discuss something that has to do with business would be virtually impossible to enforce. He said in trying to work out some language to allow the people to be in on the discussion and not to bring county schools to a standstill, that this is about as good as we could do.

Senator Olson questioned if the school board has the right to privately discuss the moral of a teacher. It was answered that school boards must give 48-hour written notice to the trustees but that it can vary from meeting to meeting.

Mr. Meloy stated that there are specific notice requirements for certain kinds of matters and he said that school boards must give a 48-hour notice to the members but not to the public - that a reasonable notice is implied by the statute.

Senator Lensink questioned if that would be implied for a subcommittee and Mr. Meloy said sure.

Senator Healy questioned about meetings by telephone. Chad Smith stated that a meeting has to have a proper notice and they may make use of the telephone and there are cases where it is being done, but it usually is followed up by a meeting where they have proper minutes.

Senator Van Valkenburg asked if those telephone meetings are open to the public. Mr. Smith said that this is followed up by a regular notice and a meeting and he said the only time the open meeting law goes into effect is when you don't have an open meeting.

Senator Van Valkenburg stated that his point is that he would assume if a member of the public wanted to hear what was transpiring in a telephone meeting, that he would be entitled to listen in on that conversation. He stated that he understood that the Fish and Game Department does this on a regular basis. Mr. Smith stated that he did not know of any instance where that had been denied.

There being no further questions or comments, the hearing on this bill was closed.

CONSIDERATION OF HOUSE BILL 836:

This is an act defining the responsibility and liability of ski area operators and the responsibility and risk borne by skiers. Pat Melby, representing the Northern Ski Area Operators Association, stated that he represented fourteen of the eighteen ski areas in the state. He stated that for years the ski area was responsible for negligent acts and the skier assumed some risk for the enjoyment of the sport. Now, he stated, there is substantial question nationwide about the responsibility of the ski area and what the responsibility of the skier is. He testified that ski insurance premiums have skyrocketed and the cost to the skier has gone up tremendously and could continue to rise. He said that the question of liability is so open right now and is causing concern.

Bob MacDonald, the general manager at Bridger Bowl, in Bozeman, told of how in Vermont a skier went out of control, skied into a tree and was killed, and he said the doctrine of assumption of risk was established. Then Billy Sunday while skiing, fell and struck his head and is now a quadriplegic, he sued and now this question has been thrown into doubt throughout the country. He said that numerous states have passed legislation in response to this - the responsibility of skiers for their own acts.

John Morrison, representing the National Ski Patrol System, Inc., stated that he has skied since the middle 1920s, when he had to make his own bindings and he was the first national ski patrolman in Montana. He stated that this bill, as written, is a good bill, that he had worked on the tramway bill, which was adopted eight or nine years ago. He said that he was vitally interested in ski safety but the skier has got to recognize conditions such as "flat light", etc.

George Willett, representing Showdown Ski Area in Nihart, gave a brief history of skiing. He stated that Montana has many big areas and many small areas and that one of the big costs is insurance, which may represent from 5 to 20 per cent of the gross receipts of a ski area. He said there are very few insurance companies that will insure small areas; and unless they are successful in enacting legislation which places the responsibility on the skier for getting himself down the mountain, that there are going to be more that are unable to obtain insurance at any price. He said that this will greatly increase the cost of a lift ticket in the state and in some cases, they will not be able to get insurance at all. He said if they had to close the Showdown Ski Area down, that this would greatly increase the number of unemployed in the Nihart Valley.

Bill Downs, representing the Northern Division of United States Ski Association, stated that they are the largest skier consumer group in the state with 1600 individual members in the state of Montana and their purpose

is to protect the skiing public. He stated that they are concerned over the escalating costs of skiing and skiing is 10 per cent of the gross income in the state of Montana. He said that skiing may soon come to where it will be run as private clubs for members only and that in some areas it is already like that.

Larry Roberts gave a prepared statement. (See Exhibit A.) He is president of the Belmont Ski Club out of Helena.

Roy Hickman, representing the National Ski Patrol System, Inc., gave a statement in support of this bill.

Phil Hauck, representing the Montana Passenger Tramway Safety Division, stated that the board voted unanimously to support this bill. He stated that in addition to the skier liability and the operator's liability, that the state, when they passed the tramway law, received considerable liability under the operation of a ski area. He defined the state's liability.

Dr. Bud Little, a businessman, medical practitioner, member of the Board of Directors of the U. S. Ski Association and a member of the Interenational Ski Federation, stated that he heard that this bill was going to be amended and he felt that amendments would take the guts out of this bill. He said he felt that primarily the skier himself has an assumption of risk and he stated that he sees this as a good bill, which would reduce the escalating costs of skiing.

There were no further proponents.

Mike Meloy, representing the Montana Trial Lawyers' Association, stated that of all the bills to be introduced this session to limit liability, he felt that this bill really wasn't too bad. He stated there were some things about it that he thought he had an obligation to point out. He stated that Montana is a comparative negligence state; if an accident occurs, the jury considers whether he knew or did not know the rock was there, whether he would assume some risk because he engaged in the sport of skiing.

He stated that this bill changes that system - it says if the ski area operator does some things he isn't liable and if he does certain things, he is liable. If he follows all these duties and someone is injured, he is not liable and Mr. Meloy thought that they might want to consider the possibility of amending section 2 and section 3. He also stated that if there is a hazard that exists on a slope, such as a rock, etc., something that a ski operator knows about, if he doesn't mark it under this bill, he isn't responsible - he said that the problem is you are probably expanding duties too much and he did not know how to address that question. He also questioned the effect of section 10 - comparative negligence. He also made some comments in regard to the operation of a passenger tramway and he said that when a person gets on one of those things, he is pretty much subject to the control of the ski operator, and as long as the ski operator conforms with the regulations than he is free from any liability. He commented that he looked at those regulations and he could not tell if the case that occurred at Vail would be protected under this legislation. He said this case involved a situation where a gondola was being operated and they raised some kind of a safety bar in order to put more people on the gondola, and some people were killed. He said that in Montana, you would be relying on the safety regulations of the tramway act to say if this would be the case.

L. V. Harris, representing the Belmont Ski Club, stated that he was a charter member of the Montana Trial Lawyers Association and he was concerned that there was a decision such as the Sunday decision in Vermont. He stated that insurance companies are over-reacting. He also questioned that the Montana Trial Lawyers Association has taken the position as represented by Mr. Meloy. He stated that no one had been consulted in the association as to the stand on this bill, and he stated that there are many skiers in the association that would support this bill; and he did not find the problems in this bill that Mr. Meloy finds, that a hidden rock is assumed by the skier as part of the pleasure and adventure of the sport.

Mr. Meloy stated that he talked to Richard Bottomly, an official of the Montana Trial Lawyers Association, and he told him that this is the worse bill I have ever seen and to go at it as vigorously as he could.

Senator Towe asked Mr. Melby how he would respond to Mr. Meloy's feelings about section 7, page 4, line 20, wherein it states, "A ski area operator is liable for loss or damages caused by failure to follow the provisions of (sections 3 and 4)." Mr. Melby stated that those types of things will be marked and if they are not marked, then the ski area operator would be liable. Senator Towe said irregardless of any contributory negligence on the skier's part - that that is the impact of this. There was some discussion on this.

Senator Towe said that if we strike liability in section 7, then he wondered about section 8 and 9. There was some discussion concerning liability if a person is injured when another skier runs into them.

Senator Brown questioned if, as Mr. Meloy indicated, Montana's regulations in connection with the tramway act would guarantee that a situation which occurred in Vail would be covered and he said that this was his major concern with the bill.

Mr. Hauck said that he did not think those circumstances would be applicable to this law but that they would be held negligent and responsible, when they circumvent the tramway act.

There was some further discussion and questions asked. Senator Towe stated that he thinks it is a mistake to inject strict liability into this whole area where it does not belong - this is dynamite, he said. He thought they would want to keep the concept of contributory negligence and not go to strict negligence.

Senator Van Valkenburg stated that he did not know about the tramway act. He said that he would be inclined to think that the state might be liable for any accidents that might occur on lifts if the ski area operator was in compliance. Mr. Hauck said that he did not think so and he said that there is an overlap in liability - it overlaps in carrying that person up the hill. He stated that people have fallen out of chairs from just plain horsing around and it addresses this type of liability.

Senator Van Valkenburg stated that that scares him - that the state has liability and Mr. Hauck said that any-time you regulate, you assume liability. He asked if they are in compliance with the tramway regulations and an accident occurs on the left, are the ski operators im-mune from any suit under this bill. Mr. Melby stated that as long as the manufacturer was following the state of the art in the manufacture of the lift, as long as the tramway safety board is doing a prudent job and as long as the ski operator is operating in a reasonable and pru-dent manner in the operation of that lift, then there shouldn't be a question of liability unless the operator is negligent.

Senator Van Valkenburg questioned on page 3, lines 8, 9 and 10, what if he can use it safely with instruc-tion. Mr. Melby stated that this particular section was not in it until we took it to the legislative council.

Senator Brown asked a question concerning section 4 and Mr. Melby said that there is nothing that says the ski operator cannot be liable, there will be an investiga-tion by the insurance company and the trial lawyers are going to look to see if all standards are being met. Sena-tor Brown questioned why section 4 is even needed. Senator Turnage said on page 4, in connection with 45-6-305.

There were no further questions or comments and the hearing on this bill was closed.

DISPOSAL OF HOUSE BILL 697:

Senator Turnage said that with this bill, it would be mandatory to have this in Lewis and Clark County. Sena-tor Brown stated that with his amendment, if both parties agree, it might be changed. Senator Turnage stated that he should have the hearing right there in his home town.

Senator Brown moved that the bill be amended on page 3, line 1, after "hearing" strike "in Lewis and Clark county" and insert "shall be in the county of residence of the practitioner unless the practitioner and the board agree otherwise."

Senator Lensink stated that he thought this completely changes the bill and he is against it. Senator Olson said what if it is held in Ekalaka, if the defendant wants the hospital administrator, some nurses, etc., to testify than he has to haul them all here. Senator Lensink said that the board of medical examiners is very unlikely to get after a doctor anyway. Senator Turnage said that when they do, they have always prejudged his case and that really puts him at a disadvantage. Senator Olson stated that he was on the board of examiners for nine years and they bring him in and have a confrontation. Senator Turnage stated that they do not do that any more.

A vote was taken on the motion and it carried with Senators Van Valkenburg and Lensink voting no.

Senator Turnage moved that this bill be concurred in as amended. The motion carried.

DISPOSITION OF HOUSE BILL 368:

Senator O'Hara offered some amendments.

Mr. Marc Racicot from the attorney general's office stated that they asked him to come up and he explained some types of things that should not be included in the shield statute. Senator Turnage stated that he was in complete agreement with the attorney general's office. He said that on page 2, it says if he comes forth and testifies he waives the privilege of 26-1-902. He said that the point is if a newspaper man comes forward and volunteers to testify, he better testify by law and he stated that they went through this a couple sessions ago. He stated that the last sentence is a problem, "except as provided in this subsection, the provisions of 26-1-902 may not be waived."

Mr. Meloy said that this subsection was added last session by amendment and if you disseminate the news and give part of a news story, you do not waive the other part. He stated that when you voluntarily come forward to waive it, he thinks the last sentence becomes a real technical thing. Senator Towe said what you are worried about is if he reveals one source, that is not a waiver of the other, but if he comes into court voluntarily that it is - it is waived.

Senator Turnage asked what the present state of the law is and Mr. Meloy stated that under district court, the report shield law only applies to the reporter - it does not apply to his boss. He said that if a reporter gives information to his boss, his boss can be required to produce it and; he said that information that is on tapes belongs to the business as the tapes belong to the business.

Senator Brown moved that the bill be concurred in. The motion carried unanimously.

DISPOSITION OF HOUSE BILL 705:

Senator Van Valkenburg moved that the bill be concurred in. The motion carried unanimously.

DISPOSTION OF HOUSE BILL 836:

Senator Towe stated that this bill does not do what they intended it to do - not at all. He said that he would like to eliminate strict liability in this bill and he gave an example of a person drinking who is injured. He stated let's put contributory negligence back into the bill the way it ought to be. He further said that he found sections 8 and 9 most objectionable and what they really meant was limited liability to the passenger.

Senator Brown suggested that they read the Sunday case, as he would really like to know all the facts.

Senator Lensink said that slopes are not suppose to be as smooth as a billard table and ski areas cannot be expected to do that.

Senator Towe said that he is a little bothered about hidden hazards - if they know about it, they should mark the area. Senator Van Valkenburg stated that he would be more comfortable with the bill if it said that the assumption of risk applies to downhill skiers.

Senator Towe said that if an individual comes along in a ski area and they left a high stump, it snowed and some skier came plowing into that, that they should have some liability.

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Senate Judiciary Committee
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Senator Anderson stated that he thought Senator Van Valkenburg's remarks about assumption of risk is probably right.

Senator Lensink said that maybe we can get together with these people and see if we can work this bill out.

There being no further business, the meeting was adjourned at 11:28 a.m.

SENATOR EVERETT R. LENSINK, Chairman
Senate Judiciary Committee

Date 2/4/79

ROLL CALL

JUDICIARY COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Lensink, Everett R., Chr. (R)	✓		
Olson, S. A., V. Chr. (R)	✓		
Turnage, Jean A. (R)	✓		
O'Hara, Jesse A. (R)	✓		
Anderson, Mike (R)	✓		
Galt, Jack E. (R)	✓		
Towe, Thomas E. (D)	✓		
Brown, Steve (D)	✓		
Van Valkenburg, Fred (D)	✓		
Healy, John E. (Jack) (D)	✓		

Each Day Attach to Minutes.

Please sign & return to Secretary's Office

SENATE Judiciary COMMITTEE

BILL _____

VISITORS' REGISTER

DATE 3/9/68

Please note bill no.

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
MIKE M GARDNER	MT. BELMONT VISITORS ASSN 1968-1969 BOARD OF MPA	705, 705 836	836, 705	836
Bill McInerney	Mountain Landmarks	768 705	✓	
Arnold van Swearingen	Access Led Press	302	✓	
YEBERT S MACDONALD	Belmont Bowl	836	✓	
Larry Gahert	Belmont Ski Area	836	✓	
Jay Leuech	League of Women Voters of Montana	705	✓	
GEORGE S WILBET	SHOENHORN SKI AREA	836	✓	
William D. Danner	Northern Wyoming Resilient State Ski Assoc.	836	✓	
A. Bal Little	USSki Assn. / International Ski Federation	836	✓	
L. V. Harris	Belmont Ski Club	836	✓	
Philip A. Petty	Belmont ski Area	836	✓	
Hal Erickson	BELMONT MTN SKI SCHOOL	836	✓	
Paul Larson	Mount Rainier	705 836	✓	
Miss Macdonald	Access Led Press	302		✓
Tommy Lee Smith	Belmont Bowl	836	✓	
Wayne Buchanan	Mt. Seb. Beds	705	✓	
Tom Hough	County Attorneys	302		✓
PHIL HAUSTK	Dept. of Admin.	836	✓	
Bob Hickman	NATE SKI PATROL System Inc.	836	✓	
John H. Morrison	" " " " " " " " " " " "	836	✓	
Pat Malloy	Northern Ski Area Operators Association	836	✓	
Steve Veazie	Mt. University Sys	705		

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY



BELMONT SKI AREA

P.O. Box 1090

Helena, MT 59601

My name is Larry Roberts, I am the President of the Belmont Ski Club and the Belmont Board of Trustees here in Helena.

The ski area is owned and operated by the club as a non-profit organization and has a membership of 1488 individuals.

Belmont, in comparison with the majority of other ski areas is quite small, however, we along with the other areas are experiencing a continuous growth of new skiers.

Since last year our Liability Insurance has increased at an astronomical rate of 20%. At the present time we are paying 10¢ on the dollar of our gross receipts.

Skiing, we recognize, is a hazardous sport and we feel that House Bill No. 836 "The Skier Responsibility Act" is a good Bill and is long over due and recommend that the Bill be approved in its original form without amendments.

Thank you.

e. h. ...

March 7, 1979

The Honorable Senator, Jack Galt
Senate Judiciary Committee
Room 331
State Capitol
Helena, Montana
59601

Dear Senator:

I would appreciate your consideration on voting on H.B. 836, The Skiing Responsibility Act, to be in favor of this act, as drafted and without amendment. I direct the Belmont Mountain Ski School at the Belmont Ski Area. I also am a member of the Northern Rocky Mountain Ski Instructors Association. This organization is also in favor of this act, as drafted and without amendment.

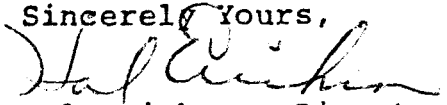
The ski business in Montana is and has been growing at a healthy rate for a number of years. I am concerned that if this bill is not passed, as drafted, the ski industry would be in jeopardy with extremely high liability insurance rates and other costs.

The individual skier must accept the responsibilities for his own actions. As a ski teacher, I see a number of close calls from collisions frequently and these are solely due to the individual skiers errors and inconsiderations.

The inherent risks of skiing will always be there what with changing weather along with skier use. The responsibilities of the ski areas are well defined in the various safety codes established by State and Federal regulations as well as the insurance companies. The act proposed, will enhance these responsibilities.

Again, I would appreciate your favorable vote on House Bill 836, as drafted and without amendment.

Sincerely Yours,


Hal Erickson, Director
Belmont Men. Ski School
1011 5th Ave 442-8246
Helena, Montana

59601

Proposed
Amendment
by following
leg. process

HB 348

Mark Locco

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

Section 1. Section 26-1-902, MCA, is amended to read:

26-1-902. Extent of reporters' privilege. (1) Without his or its consent no person engaged, or who was so engaged at the time the information sought was procured, in the work of or connected with or employed by including any newspaper, magazine, press association, news agency, news service, radio station, television station, or community antenna television service or any person connected with or employed by any of these for the purpose of gathering, writing, editing, or disseminating news may be examined as to or may be required to disclose any information obtained or prepared or the source of that information in any legal proceeding if the information was legally gathered, received, or processed in the course of his employment.

(2) A person engaged as in subsection (1) may not be adjudged in contempt by a judicial, legislative, administrative, or any other body having the power to issue subpoenas for refusing to disclose or produce the source of any information or for refusing to disclose any information obtained or prepared in legally gathering, receiving, or processing information in the course of his employment or its business.

Section 2. Section 1 does not apply if the information obtained consists of tangible or real evidence of a crime.

Section 3. Section 26-1-903, MCA, is amended to read:

26-1-903. Waiver of privilege. (1) Dissemination, except as provided in subsection (2), in whole or in part

does not constitute a waiver of provisions of 26-1-902.

26-1-903. Waiver of privilege. (1) Disclosure by dissemination or otherwise of the source of the information or the information constitutes a waiver of the provisions of 26-1-902 to the extent that the source or information is disclosed. Waiver of the provisions of 26-1-903 by the source of that information constitutes a complete waiver of the provisions of 26-1-903.

FACT SHEET

Skiing Responsibility Act

1. The main problem facing the ski industry nationwide is the problem of defining what responsibilities the skier has and what responsibilities the ski area has.

2. This act spells out responsibilities of skiers and ski area operators. It will serve as a skier education program. Skiers have a right to know what to expect and what is expected of them when they come to Montana to ski.

3. Ski areas in Montana attract approximately 750,000 skiers every ski season.

4. Approximately 30 percent of skiers visiting Montana ski areas are from out of state. Skiers are drawn primarily from Saskatchewan, Alberta, Idaho, Washington, Utah, Wyoming, Minnesota, North Dakota, South Dakota, and California.

5. An estimated \$15,000,000.00 are spent each ski season at ski areas in Montana. This amount includes money spent at sports shops, cafeterias and restaurants, motels, ski rentals, lift tickets, and ski school lessons.

6. In addition, approximately \$5,000,000.00 are spent at businesses surrounding the ski areas for accommodations, meals, gas, etc.

7. Ski areas help provide jobs both at the areas themselves and in surrounding towns.

8. Ski areas are a good source of revenue to the

taxing authorities. Montana ski areas pay a substantial sum of money to Federal, State, and other taxing agencies annually.

9. Since the Sunday decision against Stratton Mountain in Vermont, liability insurance rates nationwide have increased.

10. Without passage of a bill of this type, cost and availability of liability insurance for ski areas could become prohibitive, which could threaten the existence of ski areas in Montana. At the very least, it will cause the cost of skiing to rise substantially.

11. The United States Ski Association is the only nationally organized skiing consumers' union. The USSA has endorsed the concepts presented by this bill. Similar legislation has been passed in five other states (Maine, Vermont, New Hampshire, Washington, and Tennessee).

12. Similar legislation is under consideration in Utah and Wyoming.

Mr. Chairman, Members of the Senate Judicial Committee--

My name is William Downs, home address, 700 North Benton, Helena, Montana.

I have been a citizen of Montana for the past 56 years. I am presently on the Board of Directors of the Northern Division of the United States Ski Association (NDUSSA) and I am representing the Division at this hearing on House Bill 836.

The Northern Division represents 22 ski clubs and approximately 1600 individual members within Montana, and is one of the 8 Divisions of the United States Ski Association. The prime purpose of the Northern Division is to protect and promote the consumer or skiing public as it pertains to the sport of skiing.

At the risk of repeating other testimony, I would like to point out that the Northern Division is greatly concerned over escalating costs of skiing. Insurance rates are at an all time high with premiums ranging as high as 10% of gross lift income. Because almost all ski areas are on public lands, liability insurance is mandated by the Federal Government. To make the ski areas responsible for total skiing participation is unnatural as skiing is inherently dangerous sport which in itself attracts people. Should insurance rates continue to climb skiing will become only for the more affluent or ski areas will be run as private clubs for members only.

Another important reason the Northern Division supports HB 836, is that the act defines one skier's responsibility towards another. This alone we feel, will make downhill skiing safer. We also feel the ski areas responsibility to the individual skier has not lessened by this act.

Any amendments to change the act which would increase ski area liability would greatly endanger the growth of skiing and ski industry which Montana can ill afford. Failure to pass the skier's responsibility act would also hinder the orderly growth of the sport, therefore the Northern Division of the United States

Ski Association at their mid-winter meeting, voted unanimously to support passage of House Bill 836.

Thank you for the privilege of presenting our views.

HB 678

1. Title, lines 5 through 9.

Following: "TO" on line 5

Strike: remainder of line 5 through ~~line 9~~ "TO" on line 9

2. Title, line 10.

Following: "FROM"

Strike: "SUCH"

Insert: "YOUTH COURT"

Following: "PROCEEDINGS"

Insert: "IN WHICH A YOUTH IS ALLEGED TO BE DELINQUENT OR IN NEED OF SUPERVISION UNLESS THE COURT DETERMINES THAT A CLOSED HEARING IS IN THE YOUTH'S BEST INTEREST"

3. Title, lines 10 and 11.

Strike: "; AND REPEALING SECTION 41-5-601, MCA"

4. Page 2, line 24.

Following: "excluded"

Strike: "1"

Following: "EXCEPT"

Strike: "THAT"

5. Page 2, lines 24 and 25.

Strike: "THE OFFENSE CHARGED DOES NOT
CONSTITUTE A FELONY AND"

6. Page 3, lines 2 through 4.

Following: "INTEREST" on line 2

Strike: remainder of line 2 through "ADMET
on line 4

7. Page 3, lines 14 and 15.

Strike: section 2 in its entirety

HB 697

1. Title, line 6.

Following: "PROVIDE"

Insert: "FOR"

Following: "VENUE"

Strike: "IN LEWIS AND
CLARK COUNTY"

2. Page 3, lines 1 and 2.

Following: "residing"

Strike: "is in Lewis and
Clark county"

Insert: "shall be in the
county of residence of the
practitioner unless the
practitioner and the board
~~directly~~ agree otherwise"

STANDING COMMITTEE REPORT

March 9

19 79

MR. President

We, your committee on Judiciary

having had under consideration House Bill No. 678

Respectfully report as follows: That House Bill No. 678,

third reading bill, be amended as follows:

1. Title, lines 5 through 9.

Following: "TO" on line 5

Strike: remainder of line 5 through "TO" on line 9

2. Title, line 10.

Following: "FROM"

Strike: "SUCH"

Insert: "YOUTH COURT"

Following: "PROCEEDINGS"

Insert: "IN WHICH A YOUTH IS ALLEGED TO BE DELINQUENT OR IN NEED OF SUPERVISION UNLESS THE COURT DETERMINES THAT A CLOSED HEARING IS IN THE YOUTH'S BEST INTEREST"

3. Title, lines 10 and 11.

Strike: "; AND REPEALING SECTION 41-5-601, MCA"

DO PASS X

(Continued)

4. Page 2, line 24.

Following: "excluded"

Strike: "I"

Following: "EXCEPT"

Strike: "THAT"

5. Page 2, lines 24 and 25.

Strike: "THE OFFENSE CHARGED DOES NOT CONSTITUTE A FELONY AND"

6. Page 3, lines 2 through 4.

Following: "INTEREST" on line 2

Strike: remainder of line 2 through "ADMITTED" on line 4

7. Page 3, lines 14 and 15.

Strike: section 2 in its entirety

P.G.

And, as so amended,
BE CONCURRED IN

55

STANDING COMMITTEE REPORT

March 9 19 79

MR. President

We, your committee on Judiciary

having had under consideration House Bill No. 697

Respectfully report as follows: That House Bill No. 697,

third reading bill, be amended as follows:

1. Title, line 6.

Following: "PROVIDE"

Insert: "FOR"

Following: "VENUE"

Strike: "IN LEWIS AND CLARK COUNTY"

2. Page 3, lines 1 and 2.

Following: "hearing"

Strike: "is in Lewis and Clark county"

Insert: "shall be in the county of residence of the practitioner unless the practitioner and the board agree otherwise"

And, as so amended,

BE CONCURRED IN

DEPASS: *JA*

Everett R. Lensink
Everett R. Lensink, Chairman

STANDING COMMITTEE REPORT

March 9, 19 79

MR. President:

We, your committee on Judiciary

having had under consideration House Bill No. 725

Respectfully report as follows: That House Bill No. 725

BE CONCURRED IN

Pa.

CO.
ont.

Everett R. Lensink

Chairman.