

# SENATE BILL REPORT

## ESSB 5186

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As Amended by House, April 6, 2011

**Title:** An act relating to skiing in an area closed to the public.

**Brief Description:** Concerning skiing in an area or ski trail closed to the public.

**Sponsors:** Senate Committee on Natural Resources & Marine Waters (originally sponsored by Senators Kastama, Delvin and Eide).

**Brief History:**

**Committee Activity:** Natural Resources & Marine Waters: 1/24/11, 2/16/11 [DPS, w/oRec].

Passed Senate: 3/04/11, 43-5.

Passed House: 4/06/11, 71-26.

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### SENATE COMMITTEE ON NATURAL RESOURCES & MARINE WATERS

**Majority Report:** That Substitute Senate Bill No. 5186 be substituted therefor, and the substitute bill do pass.

Signed by Senators Ranker, Chair; Fraser, Hargrove and Swecker.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Regala, Vice Chair; Morton, Ranking Minority Member; Stevens.

**Staff:** Sherry McNamara (786-7402)

**Background:** Currently, a ski area operator must maintain a sign system based on international or national standards and the State Parks and Recreation Commission. The signs must advise of certain hazards. Signs must be posted on trails or runs that have been closed by an operator and a person cannot ski on a trail or run which has been designated as "Closed."

Skiers are required to conduct themselves within the limits of their individual ability and are not to act in a manner that will contribute to the injury of themselves or others.

**Summary of Engrossed Substitute Bill:** A person is guilty of criminal trespass in the second degree if they knowingly ski in an area owned or controlled by a ski area operator that is closed to the public and has signs posted indicating the closure.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill deals with the areas within the confines of a ski area and hopefully, will prevent someone skiing into an area where avalanche control activities are occurring. Currently, if a sign says an area of the ski area is closed, the person skiing in the closed area can have their pass pulled. Persons are not taking the signs seriously. This bill will let people know that we are serious. We want to avoid costly expenses on rescuing these individuals and paying for unnecessary lawsuits. The bill should be amended to remove "national" for the ski patrol. Ski areas have ski patrols that are not all national ski patrol members.

**Persons Testifying:** PRO: Senator Kastama, prime sponsor; John Kircher, Crystal Mountain; Paul Baugher, Northwest Avalanche Institute.

**House Amendment(s):** Provides that a person is guilty of a misdemeanor (instead of criminal trespass in the second degree) if they knowingly ski in an area or on a ski trail, owned or controlled by a ski area operator, that is closed to the public and that has signs posted indicating the closure.