

February, 15, 2023

Senate Judiciary Committee

Testimony of Lauren Bagley

No on Senate Bill 754

Chair Prozanski and members of the Committee, my name is Lauren Bagley. I'm the proud mother of Myles Bagley, a wonderful, determined, unstoppable young man whose life forever changed on February 16, 2006, when he skied off a man-made jump at Mt. Bachelor. My son is a paraplegic because of that negligently designed jump.

We were here in March 2015 opposing a similar bill seeking immunity for the ski industry and I'm here again today, 8 years later, because I vowed I would do everything I can to make sure this doesn't happen to someone else's child. And I vowed to make certain that ski resorts and operators are held responsible for the condition of the ski premises they charge the public to use.

Myles was an 18-year-old, expert skier on that day in February 2006 and that's not just me bragging. Myles' ability was recognized by the ski and snowboard community. He was born just naturally agile and active. He took easily to all winter sports; cross-country skiing, ice skating, downhill skiing and then switched to snowboarding in middle school. By the time he started high school in Bend, Myles had clocked in hundreds of hours of training on trampolines – he got the gymnastics part locked in and then took it to the hill. His friends on the hill went pro and Myles was right there with them. So when he took that jump in 2006, he was not a novice taking a wrong turn. He knew how to negotiate a clean jump. The lip of the jump was poorly designed. It threw him. And it changed the course of his life forever.

It's been 17 years now, but I'll never forget that phone call. It was one of his young friends saying "Lauren, it's really bad, he can't move his legs." It was surreal. My husband was on the ground sobbing, so I had to keep it together. Before going into surgery for his broken back I started to well up, but Myles looked at me and said "Mom, if you start, I will never stop" – so I stopped. He was in the hospital for 21 days and was determined to break the record of quickest hospital stay for someone who broke 3 vertebrae. Amazing attitude aside, keep in mind he was a teenager, and now a young man, who will need to use catheters for the rest of his life, will never walk and battles dark days. The amount of work he continues to put in to keep his life moving forward as best he can, is huge.

And let me assure you, I have learned so much on this journey. It boils down to this; it's shocking how people who build these jumps aren't trained, how there are no uniform safety and design standards. They are literally just guys who move snow. Two years before Myles' incident a 10-year-old died in that same terrain park. How did a 10-year-old get into an "expert level" park in the first place? Ski resorts are a business and if you offer immunity, they will take the short cut on safety every time. Buying a season pass, or a lift ticket, should not operate as a blanket "release" of Mt. Bachelor's accountability for their negligence. They cannot allow our kids to launch themselves off badly designed jumps and escape responsibility. Don't let this happen to another kid in Oregon.

Myles knows we can't give big corporations like Mt. Bachelor a free pass on negligence and neither one of us can stomach the idea of that happening to someone else with no accountability or incentive to ensure safety for their patrons.

I urge you to **Vote No on SB 754**. Thank you.