

Submitter: Mike Madlener
On Behalf Of: Mt Hood Ski Patrol
Committee: Senate Committee On Commerce and General Government
Measure, Appointment or Topic: SB1593

Testimony in Support of Senate Bill 1593

Chair and Members of the Committee,

My name is Mike Madlener, and I am a volunteer member of Mt. Hood Ski Patrol. I am submitting this testimony to strongly urge your support for Senate Bill 1593.

SB 1593 represents a practical, balanced, and urgently needed solution to a problem that is already harming Oregon families, small businesses, and recreation providers. Since the Bagley v. Mt. Bachelor decision, Oregon has become an outlier among Western states. Liability waivers for ordinary negligence are no longer enforceable here, which has led directly to shrinking insurance options, rapidly rising premiums, and higher costs for consumers across the state.

What makes SB 1593 especially compelling is the extraordinary breadth of support behind it. This bill is:

- Bipartisan – supported by Democrats and Republicans
- Bicameral – introduced with strong legislative partnership across both chambers
- Backed by a coalition of more than 150 Oregon sports and recreation organizations
- Supported by businesses, nonprofits, tourism partners, and community groups statewide

This is not a narrow or special-interest proposal. SB 1593 is a statewide, consensus-driven effort to preserve access, affordability, and safety for all Oregonians who participate in recreation and fitness activities.

From my perspective as a ski patroller, safety is ALWAYS the top priority. SB 1593 maintains that priority by restoring enforceability of liability waivers for ordinary negligence only, while explicitly preserving full accountability for gross negligence or reckless misconduct. This approach aligns Oregon with every other Western state and provides the legal clarity and insurance stability that responsible operators need in order to continue serving the public safely.

The bill also recognizes that Oregon's recreation economy extends far beyond skiing. Guides, outfitters, climbing gyms, fitness facilities, youth programs, and countless

other providers are all affected by the current legal uncertainty. SB 1593 addresses these challenges in a comprehensive and fair manner, helping stabilize an entire sector that is vital to Oregon's economy, public health, and quality of life.

There is an additional reality that cannot be overlooked. Most of Oregon's ski areas operate on federally leased land, and they cannot operate at all without liability insurance. If the sole remaining insurer determines that Oregon is no longer worth the risk from an actuarial perspective, operations on federal land will be in jeopardy. The reality is that once insurance carriers exit a market, it can take decades for them to return. The stakes for state tourism, public access to outdoor recreation, and the local economies for which they depend upon are extremely high.

SB 1593 offers a common-sense path forward. It restores fairness and predictability to Oregon law, helps stabilize insurance markets, and ensures that recreation providers can continue to invest in safety, training, and responsible operations. Most importantly, it protects the ability of Oregon families to enjoy the outdoor opportunities that are central to our state's identity.

For these reasons, I respectfully ask you to support Senate Bill 1593 as the comprehensive and balanced solution Oregon needs. Thank you for your time, your consideration, and your commitment to practical, bipartisan problem-solving on behalf of all Oregonians.

Respectfully,

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