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SENATE MEMORIAL 51

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Eric G. Griego

A MEMORIAL

REQUESTING A STUDY, REPORT AND RECOMMENDATIONS REGARDING SAFETY  
OVERSIGHT AT NEW MEXICO SKI AREAS.

WHEREAS, New Mexico's ski areas are a vital and important  
part of the state's economy, enjoyed by the state's residents  
and attracting thousands of visitors to the state each year;  
and

WHEREAS, it is the policy of New Mexico to protect its  
residents and visitors from unnecessary hazards in the  
operation of ski areas, ski lifts and passenger aerial  
tramways; and

WHEREAS, the primary responsibility for the safety of  
operation, maintenance, repair and inspection of ski areas, ski  
lifts and tramways rests with ski area operators; and

WHEREAS, there are inherent risks in the sport of skiing

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1 that are essentially impossible to eliminate by the ski area  
2 operator; and

3 WHEREAS, there are other risks that can be reduced through  
4 proper safety procedures and precautions at ski area  
5 operations; and

6 WHEREAS, New Mexico, pursuant to the Ski Safety Act,  
7 recognizes responsibilities and duties on the part of the ski  
8 area operator; and

9 WHEREAS, ski area operators file their liability insurance  
10 coverage, the date of ski lift inspections and the name of the  
11 person making such inspections with the public regulation  
12 commission; and

13 WHEREAS, New Mexico has not otherwise designated a state  
14 agency with the responsibility to oversee the safe operation of  
15 the state's ski areas, including the responsibility to adopt,  
16 as appropriate, rules to protect the state's residents and  
17 visitors from unnecessary hazards in the operation of ski  
18 areas, ski lifts and passenger aerial tramways; and

19 WHEREAS, there are no minimum safety, training or  
20 operation requirements for New Mexico ski areas; and

21 WHEREAS, safety requirements must be timely adopted to  
22 meet the current and emerging needs of New Mexico's ski area  
23 operations; and

24 WHEREAS, before legislation relating to oversight of ski  
25 area safety is introduced, further study is needed to ensure

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1 that the legislation is cost-effective and does not impose  
2 undue regulatory burdens on ski area operators; and

3 WHEREAS, the New Mexico senate would be well-served by  
4 having the public regulation commission study and propose  
5 legislation relating to safety oversight at New Mexico's ski  
6 areas; and

7 WHEREAS, while many statistics and much data are collected  
8 to reflect the rate of accidents and injuries in New Mexico,  
9 currently, no records on ski area accidents and injuries are  
10 collected in the state;

11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
12 OF NEW MEXICO that the public regulation commission be  
13 requested to form a working group to study legislation  
14 providing for ski area safety regulation; and

15 BE IT FURTHER RESOLVED that the department of health be  
16 requested to specifically track the number and types of  
17 accidents and injuries at New Mexico's ski areas; and

18 BE IT FURTHER RESOLVED that the public regulation  
19 commission's working group present its findings and  
20 recommendations for proposed legislation to the interim  
21 legislative committee with oversight over health and safety  
22 issues in New Mexico; and

23 BE IT FURTHER RESOLVED that copies of this memorial be  
24 transmitted to the public regulation commission and the  
25 secretary of health.

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