

HB

291



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

CLERK
LEGISLATIVE COUNSEL

FLOOR CLERK
HOUSE SENATE COMMITTEE
ON MUNICIPALITIES
YOUTH AFFAIRS

COUNCIL
MUNICIPAL AFFAIRS
YOUTH AFFAIRS

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-Ft. RICHARDSON



December 12, 1995

The Honorable Robin Taylor
Alaska State Senator
State Capitol
Juneau, Alaska 99801

Dear Senator Taylor:

House Bill 291 has been referred to the Judiciary Committee for consideration. The bill will provide limited protections from the risks inherent to skateboarding for municipalities. This is similar to the limitation on liability that we granted to ski areas.

Please schedule HB 291 for hearing as early as possible. It is important it receives early consideration so that the Municipality of Anchorage and the Fairbanks North Star Borough can proceed with the development of skateboard parks this Spring.

Thank you for your consideration.

Sincerely,

Eldon Mulder

SPONSOR STATEMENT HOUSE BILL 291

CSHB 291 (JUD) was introduced at the request of the Municipality of Anchorage.

The municipality would like to create a skateboard park so skateboarders will have a place to ride, rather than using other areas designed for pedestrians. Anchorage and Fairbanks are willing to develop areas suitable for skateboard riding if they can be insulated from liability for claims arising from hazards inherent in skateboarding.

Our intent with this bill is to encourage the municipalities to proceed with development of areas for outdoor recreation without increasing their liability unnecessarily. The bill applies only to municipal skateboard parks.

This bill is patterned after the legislation passed providing this limited protection to ski areas. The protection from liability relates to inherent dangers and risks of skateboarding. The municipality is required to post signs warning that there are inherent risks and the liability rests with the skateboarder. It was amended in the Judiciary Committee to make it certain that the parks are not required to have on-site supervision provided by the municipality.

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

April 28, 1995

SUBJECT: Sectional Summary of CSHB 291(JUD).

TO: Representative Eldon Mulder
Att: Dennis DeWitt

FROM: Michael F. Ford *M.F.*
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1

Sec. 05 50.010 - Prohibits a person from bringing a lawsuit against a municipality, for an injury resulting from an inherent danger and risk of skateboarding at a municipal skateboarding facility.

Sec. 05 50.020 - Describes the effect of a violation of AS 05 50. A municipality or other person who violates AS 05 50 is negligent and civilly liable to the extent the violation causes injury or property damage. Provides that if an injury occurs and an inherent danger and risk of skateboarding was a contributory factor or the injured person violated a provision of AS 05 50, that a municipality is not liable unless the municipality also violated a provision of AS 05 50.

Sec. 05 50.030 - Sets out the duties of a person who uses a municipal skateboarding facility.

Sec. 05 50.040 - Requires that municipalities maintain a sign system for protection and instruction of skateboarders.

Sec. 05 50.050 - Sets out the duties and responsibilities of a skateboarder who uses a municipal skateboarding facility.

Representative Eldon Mulder

April 28, 1995

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Sec. 05 50 060. - Requires that a municipality must allow a person participating in a skateboard competition to visually inspect the course or area. Provides that a person participating in a skateboard competition assumes certain risks and cannot hold the municipality liable for the assumed risks

Sec. 05 50 100. - Definitions.

Section 2. Applicability section.

Section 3. Effective date

MFF klb

95-309 klb

Municipality
of
Anchorage



P.O. Box 196050
Anchorage, Alaska 99519-0650
Telephone: (907) 343-4431
Fax: (907) 343-4791

Rick Mystrom, Mayor

OFFICE OF THE MAYOR

April 7, 1995

Representative Eldon Mulder
Alaska State Legislature
Juneau, Alaska 99801-1182

Re: House Bill No. 291

Dear Representative Mulder:

There is significant community interest in the construction of a municipal skateboarding park. Like alpine skiing, skateboarding is an active sport that includes numerous inherent risks of injury. Prior to construction of a municipal skateboarding park, the Municipality of Anchorage desires adoption of a statute that would insulate it from claims arising from Hazards inherent in skateboarding.

House Bill No. 291 fulfills that need.

Thank you for your assistance with this legislation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rick Mystrom".

Rick Mystrom
Mayor



Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 71267

Fairbanks, Alaska 99707-1267

907-459-1000

April 24, 1995

The Honorable Eldon Mulder
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

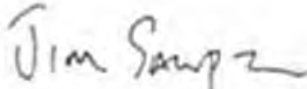
Dear Representative Mulder,

Thank you for introducing HB 291. The Fairbanks North Star Borough is considering the construction of a skateboard park and your legislation will make it possible to do so without the constant worry of claims arising from hazards associated with the sport.

We would like to know if you could amend your bill to include a requirement for the posting of a sign by the municipality which would explain the need for certain safety equipment to be used by skateboarders. It is my understanding that California has a law providing for immunity when a municipality posts a sign requiring the use of safety equipment. Also, I have been told that when the sign is posted, no on-site supervision by the municipality is required.

The Fairbanks North Star Borough Assembly will be considering an appropriation in June, 1995 to fund the construction of a skateboard park. We do not plan to provide continuous on-site supervision. If your bill could address this issue, it would help the assembly in deciding to support this most worthwhile project. Thank you again for your help on this legislation.

Sincerely,


Jim Sampson
Mayor

JS:rlf

cc: Rick Mystrom, Mayor, Municipality of Anchorage
Hank Hove, Fairbanks North Star Borough Assembly
Earl Wiese, FNSB Parks and Recreation Director
Linda Anderson, Governmental Affairs, FNSB

RE: HB 291
 FROM REP. MULDER

Christopher Beck
 & Associates

land use & tourism planning
 public spaces/urban design
 community development

May 4, 1995

Eldon Mulder
 Alaska State House of Representatives
 Juneau, Alaska

By FAX
 465 3518

Subject: HB 291 - Skateboard Park Liability Release

Dear Representative Mulder,

In these last days of the session I've just learned of a seemingly minor bill that I believe is extremely important. As you know, HB 291 would exempt cities like Anchorage from certain liabilities, and thereby allow construction and operation of public skateboard parks. The bill is modeled on a successful law passed in California. The passage of this bill would, at no cost, make a major contribution to keeping Anchorage teens out of trouble and headed towards useful lives. I realize this is a lot to claim for a technical change in insurance policy, but let me explain.

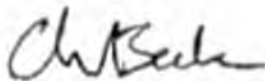
Teens everywhere are restless, often frustrated, and frequently on the edge of mischief or worse. At present a number of these kids can find a decent outlet for this teenage energy by hanging out and skateboarding at Anchorage's town square. Predictably, this motley group irritates members of the public. The Municipal Assembly, under growing public pressure, is poised to ban town square skateboarding. To the great credit of Connie Jones and other city staffmembers, all the pieces have come together to acquire land and build an alternative teen skateboard park. This eminently sensible action is stalled, however, out of city liability fears. This bill could clear away this last barrier.

Rudely kicking these kids out of their current hangout is a great way to push teens into cynicism, vandalism and perhaps more serious crimes. Grungy or not, these kids need public places where they can be with friends and enjoy themselves. In such locations, while the kids will perpetually test adult patience, they are, in effect, under supervision and thereby tend to stay out of trouble. Closing towncenter to skateboarding, without providing a good alternative, sends these kids off, mad as hell, to unsupervised locations, and to less benign activities.

It is not often that government can so directly deal with tough issues like crime and do something good for kids, all at little or no cost, as is possible through the passage of this bill. As a parent (two sons, 5 and 10), and a resident concerned about our community's future, I strongly urge you to explain the merits of this simple action to your colleagues, and get the bill approved. The whole community would thank you. Please contact me if I might be of assistance.

Sincerely

Chris Beck



cc Mayor Rick Mystrom
 Connie Jones, Director - Department of Cultural and Recreational Services
 Howard Weaver, Editor Anchorage Daily News

1847 Sunrise Drive Anchorage, Alaska 99508
 Telephone (907) 272 6365 FAX (907) 272 6391



Skateboarders put plan into motion

By KRISTEN SEINE
Of The Star Staff

They aren't the kind of people to just sit around and let things happen. Or not happen.

For a group of Eagle River area youths, a craving to get out and move around has resulted in a movement to get the thing they crave: a place to skateboard. Tired of being shooed away from local parking lots, they are asking for a place of their own.

At a task force meeting on youth drug and alcohol use held at Chugiak High School Tuesday evening, several local skateboarders happened to sit across a table from the governor's community relations assistant, Marilyn Stewart. After listening to their complaints for a while, Stewart decided to lend a hand.

The skateboarders, who maintain that they have just as much right to wheel around on local blacktop as bicyclists and roller-bladers, ask only for a place to do their thing. Local businesses and residents — some of whom have had their car doors allegedly dinged by the youths — say that's fine ... as long as it's someplace else.

So the skateboarders, led by their recently appointed "spokesperson" Rich Canut and guided by Stewart and other adult volunteers, are taking their grievance straight to City Hall. They plan to make several presentations to local government and civic groups asking for support for an Eagle River skate park.

They aren't asking for anything fancy, they say. Just a flat place with maybe a fence around it, and they'll build their own half- and quarter-pipes (ramps, to most of us).

"We just want a place to do what we want," said skateboarder Jason Farmer, a senior at Chugiak High School. "We heard about the meeting (April



Never ones to sit still for long, local skateboarders are putting their plans in motion.

PHOTO FOR THE STAR BY JASON FARMER

18) and decided it was the best thing to do."

Farmer said the skateboarders are more organized than they've ever been, and people are finally beginning to listen to them.

Their first presentation is scheduled for the next Parent Student Teacher Association meeting at the high school on May 9. Also on the agenda are the Parks & Rec board meeting and community councils

Already, folks are standing up and taking notice. Mike Graham, student services principal, said Tuesday that he was extremely impressed with the attitude and initiative displayed by the youths.

"This is really great. I think you're definitely going about this in the right way," he told the youths.