

HB

30

FISCAL NOTE

No. 2
 Bill Version: CSHB 30(L&C)
 (H) Publish Date: 1/31/97

STATE OF ALASKA
 1997 LEGISLATIVE SESSION

BILL NO.

Title: CIVIL LIABILITY FOR
SKATEBOARDING
 Sponsor: REP. MULDER
 Requestor: L & C

Dept. Affected NONE
 BRU: _____
 Components: _____
 Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
OPERATING						
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

See attached analysis

Prepared by: Tina Sullivan Staff Rep. Mulder
 PRODUCED BY: [Signature]
 AGENCY: LEGISLATURE

Date: 27 JAN 97
 Phone: 465-2647
 Phone: 465-2647

Date Referred to Committee: January 13, 1997

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 1/26/97

The LABOR AND COMMERCE Committee considered:

HB 30

HOUSE BILL NO. 30

CIVIL LIABILITY FOR SKATEBOARDING

"An Act relating to civil liability for skateboarding; and providing for an effective date."

recommends it be replaced
with the following committee substitute

CSHB30(L+G)

[x] the same title
[] a new title

[] additional referral to _____ Committee

[] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

[] fiscal note(s) _____

[] fiscal note(s) _____

(2) [x] zero fiscal note(s) Court
sponsor

[] zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Tom Brice</i> Brice			✓	
<i>John Cawdery</i> Cawdery	✓			
<i>Joe Ryan</i> Ryan	✓			
<i>John Rolkeberg</i> Rolkeberg			✓	
	(2)		(2)	

CHAIR'S SIGNATURE

John Rolkeberg
Rolkeberg

1-29-97

HOUSE COMMITTEE REPORT

(7) Date Referred to Committee: January 31, 1997 FURTHER REFERRALS: Finance

Date of Committee Action: 2/14/97

The JUDICIARY Committee considered: HB 30

HOUSE BILL NO. 30 CIVIL LIABILITY FOR SKATEBOARDING

"An Act relating to civil liability for skateboarding; and providing for an effective date."

recommends it be replaced with the following committee substitute CSHB 30 (JUD) the same title
 a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): <small>(Dept)</small> <input type="checkbox"/> fiscal note(s) _____ _____ <input type="checkbox"/> zero fiscal note(s) _____ _____	APPROVES PREVIOUS: <small>(Dept/Date)</small> <input type="checkbox"/> fiscal note(s) _____ _____ <input checked="" type="checkbox"/> zero fiscal note(s) <u>COURTS</u> _____
---	---

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>[Signature]</i> BROFT	-			
<i>[Signature]</i> PORTER	✓			
<i>[Signature]</i> GREEN	✓			
<i>[Signature]</i> BERKOWITZ			✓	

CHAIR'S SIGNATURE *[Signature]*

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 30

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Civil liability for skateboarding BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Mulder
 Requestor: House Labor & Commerce COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (
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Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

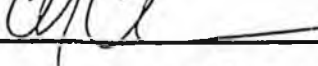
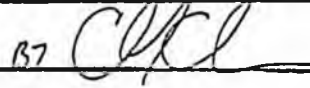
Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel 
 Agency: Alaska Court System
 Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System

Phone: 264-8228
 Date: 01/28/97
 Date: 01/28/97

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

12:23 PM

9v 1/97

FISCAL NOTE

STATE OF ALASKA
1997 LEGISLATIVE SESSION

BILL NO. HB 30

Title: CIVIL LIABILITY FOR
SKATEBOARDING

Sponsor: REP. MULDER

Requestor: L & C

Dept. Affected NONE

BRU: _____

Components: _____

Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants, Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
----------------	------------	------------	------------	------------	------------	------------

FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0.0	0.0	0.0	0.0	0.0	0.0
Federal Fund	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: Tim Sullivan Staff Rep. Mulder

APPROVED BY: [Signature] 2.7 JAN 97

AGENCY: LEGISLATURE

Date: 27 JAN 97

Phone: 465-2647

Phone: 465-2647

SPONSOR STATEMENT HOUSE BILL 30

by
Representative Eldon Mulder

HB 30 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.

The intent of House Bill 30 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.

CS FOR HOUSE BILL NO. 30(JUD)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered:
Referred:

Sponsor(s): REPRESENTATIVE MULDER

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to civil liability for skateboarding; and providing for an effective
2 date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 05 is amended by adding a new chapter to read:

5 Chapter 50. Skateboard Liability and Responsibility.

6 Sec. 05.50.010. Limitation on actions arising from skateboarding.
7 Notwithstanding any other provision of law, a person may not bring an action against
8 a municipality for an injury occurring at a municipal skateboard facility if the injury
9 results from an inherent danger and risk of skateboarding.

10 Sec. 05.50.020. Effect of violations. (a) A municipality or person who
11 violates a requirement of this chapter is negligent and civilly liable to the extent the
12 violation causes injury to a person or damage to property.

13 (b) Notwithstanding the provisions of AS 09.17.080,
14 (1) the limitation of liability described under AS 05.50.010 is a

1 complete defense in an action against a municipality for an injury if an inherent danger
 2 or risk of skateboarding is determined to be a contributory factor in the resulting
 3 injury, unless the municipality has violated a requirement of this chapter;

4 (2) a violation of the person's duties imposed under AS 05.50.030 is
 5 a complete defense in an action against a municipality if the violation is determined
 6 to be a contributory factor in the resulting injury, unless the municipality has violated
 7 a requirement of this chapter.

8 (c) If the municipality is determined to have violated a requirement of this
 9 chapter, the provisions of AS 09.17.080 apply in an action against a municipality for
 10 an injury resulting from the violation.

11 **Sec. 05.50.030. Duties of municipal skateboard facility users.** (a) A person
 12 may not use a municipal skateboard facility if the person

13 (1) does not have sufficient physical dexterity or ability and knowledge
 14 to negotiate or use the facility safely; in the case of a minor who uses a municipal
 15 skateboard facility, the minor's parent or legal guardian is responsible for determining
 16 whether the minor satisfies the requirements of this paragraph;

17 (2) is not wearing knee pads, elbow pads, shoes, and a helmet at all
 18 times.

19 (b) A person using a municipal skateboard facility may not

20 (1) enter or leave a municipal skateboard facility except at a designated
 21 area unless reasonably necessary to prevent injury to the person or others;

22 (2) intentionally throw or expel an object onto the facility;

23 (3) take food, drink, or glass containers on the facility;

24 (4) act while using the facility in a manner that may interfere with
 25 proper or safe condition of the facility;

26 (5) engage in conduct that may contribute or cause injury to a person;

27 (6) enter the facility when the facility is marked as closed;

28 (7) disobey instructions posted in accordance with this chapter or any
 29 other instructions required by local laws consistent with this chapter;

30 (8) use other items including but not limited to bicycles, unicycles,
 31 coasters, roller skates, or roller blades at the facility unless otherwise allowed by the

1 municipality.

2 **Sec. 05.50.040. Duties of municipalities.** (a) In a municipal skateboard
3 facility, a municipality shall maintain a sign system with concise, simple, and pertinent
4 information for the protection and instruction of skateboarders. Signs shall be
5 prominently placed at each facility.

6 (b) At least one sign posted at each facility must contain language substantially
7 similar to the following warning notice:

8 **WARNING**

9 Under Alaska law, the risk of an injury to person or property
10 resulting from any of the inherent dangers of skateboarding rests
11 with the skateboarder. Inherent dangers and risks of
12 skateboarding include collisions with man-made objects,
13 collisions with other skateboarders, variations in slope, falling,
14 and the failure of skateboarders to skate within their own
15 abilities.

16 (c) A municipality shall clearly delineate the boundaries of a municipal
17 skateboard facility with fencing or another type of enclosing or surrounding structure.

18 (d) A municipality may not construct or maintain a municipal skateboard
19 facility in a negligent manner.

20 **Sec. 05.50.050. Duties and responsibilities of skateboarders.** A skateboarder
21 who uses a municipal skateboard facility

22 (1) is responsible for knowing the range of the person's own ability to
23 negotiate a skateboard facility and to skateboard within the limits of a skateboarder's
24 ability; in the case of a skateboarder who is a minor, the minor's parent or legal
25 guardian is responsible for determining whether the minor satisfies the requirements
26 of this paragraph;

27 (2) is responsible for an injury to a person or property resulting from
28 an inherent danger and risk of skateboarding, except that a skateboarder is not
29 precluded under this chapter from suing another skateboarder for an injury to person
30 or property resulting from the other skateboarder's acts or omissions; notwithstanding
31 any other provision of law, the risk of collision with another skateboarder is not an

1 inherent danger or risk of skateboarding in an action by one skateboarder against
2 another;

3 (3) has the duty to

4 (A) maintain control of the skateboarder's speed and course at
5 all times when skateboarding and to maintain a proper lookout so as to be able
6 to avoid other skateboarders, objects, and debris; however, a person
7 skateboarding on a downhill slope has a primary duty to avoid collision with
8 a person or object below the skateboarder;

9 (B) perform a visual inspection of the facility before each use;

10 (C) ensure that all areas of the facility the skateboarder intends
11 to use are free and clear of natural or manmade debris that would interfere with
12 the skateboarder's use of the facility;

13 (D) heed all posted information and other warnings and to
14 refrain from acting in a manner that may cause or contribute to the injury of
15 the skateboarder; evidence that signs as required by AS 05.50.040 or as
16 required by consistent local laws were present, visible, and readable at the
17 beginning of a given day creates the presumption that skateboarders using the
18 skateboard facility on that day have seen and understood the sign; and

19 (4) may not

20 (A) skateboard in a facility or a portion of a facility that has
21 been posted as "closed"; or

22 (B) use a skateboard facility while the skateboarder's ability is
23 impaired by the influence of alcohol or a controlled substance as defined in
24 AS 11.71.900 or other drugs.

25 **Sec. 05.50.060. Competition: immunity for municipality operating a**
26 **skateboard facility.** (a) A municipality shall, before beginning skateboard
27 competition at a municipal skateboard facility, allow an athlete who will skateboard
28 in the competition a reasonable visual inspection of the course or area where the
29 competition is to be held.

30 (b) A person skateboarding in competition assumes the risk of all course or
31 area conditions, course construction or layout, and obstacles that a visual inspection

1 would have revealed. A municipality is not liable for injury to a person who
2 skateboarded in competition at a skateboard facility operated by the municipality and
3 who is injured as a result of a risk described in this subsection.

4 **Sec. 05.50.100. Definitions.** In this chapter,

5 (1) "inherent danger and risk of skateboarding" means a danger or
6 condition that is an integral part of the sport of skateboarding, including collisions with
7 man-made objects; impact with ramps, signs, posts, fences, or enclosures, or other
8 man-made structures and their components; variations in slope and steepness; collisions
9 with other skateboarders; and the failure of skateboarders to skateboard within their
10 own abilities; the term "inherent danger and risk of skateboarding" does not include
11 the negligence of a municipality that is responsible for a municipal skateboarding
12 facility;

13 (2) "injury" means property damage, personal injury, or death.

14 * **Sec. 2. APPLICABILITY.** This Act applies to a civil action that accrues on or after the
15 effective date of this Act.

16 * **Sec. 3.** This Act takes effect July 1, 1997.

FISCAL NOTE

No. 1
 Bill Version: CSHB 30 (L&C)
 (H) Publish Date: 1/31/97

**STATE OF ALASKA
 1997 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Alaska Court System
 Title: Civil liability for skateboarding BRU: Trial Courts
 Component: _____
 Sponsor: Rep. Mulder
 Requestor: House Labor & Commerce COMPONENT SERIAL NO. 768

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ()						

Fund Source (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: None

Positions

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Agency: Alaska Court System Date: 01/28/97

Approved by: Arthur H. Snowden, II, Administrative Director Date: 01/28/97
 Agency: Alaska Court System

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COMMITTEE COPY

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM

February 19, 1997

SUBJECT: Civil liability for skateboarding - (CSHB 30(JUD))

TO: Representative Joe Green
Attn: Lisa

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

In preparing the Judiciary CS for HB 30 I made two changes to the language requested by the committee. Both changes are style changes required by the drafting manual, not substantive changes. The language adopted by the committee was "A municipality shall not construct or maintain a skateboard facility in a negligent manner." I changed the "shall not" to "may not" and added "municipal" before "skateboard" to be consistent with other provisions of the bill.

Please contact me if you have further questions.

MFF:glc
97-104.glc

~~Enclosure~~

page 3 - line 17

~~Section~~ # 2

(d) THE MUNICIPALITY SHALL MAINTAIN
~~AND OPERATE~~ THE SKATEBOARD FACILITY
IN A ~~NON~~ NEGLIGENT MANNER. NOT CONSTRUCT ~~OR~~ JV

per Mike Ford
"shall" only
in const.
provisions

"municipal"
consistent
@ bill

02/14/97

12:24:43

TCN: 70265

DATE & TIME: 02/14/97 13:00 TO 15:00 STATUS:3 ANNOUNCED

**** ORDER SUMMARY ****

SPONSOR: HJUD HOUSE JUDICIARY CHAIRS: GREEN
 PURPOSE: PUB PUBLIC HEARING LEGISLATIVE
 CONTACT: LISA KIRSCH TEL#: (907)465-4990
 CHAIRING SITE: JUNEAU CAPITOL CAP120
 TOLL FREE: DIAL-UP: LIO: (800)478-9908

SPONSOR REMARKS(PUB): TESTIMONY:Y ALLOWED 3 MINUTE LIMIT
 TESTIMONY WILL BE TAKEN WITH A 3 MINUTE LIMIT.
 SEE COMMITTEE SCHEDULE IN BASIS

SPONSOR REMARKS(LIO): BACKUP MATERIAL:Y MEETING IN PROGRESS:N MAX. SITES:10
 WE WILL HEAR BILLS FROM PREVIOUS CALENDARS. THIS MAY INCLUDE HB69, HB30 AND P
 RHAPS HB22. *** SEE NOTES ON PAGE 6 *** BACKUP FAXED 2/14.
 TCN REQUESTED ON 02/14/97 AND HAS 4 UPDATES

**** AGENDA ****

- 1 HB 30 CIVIL LIABILITY FOR SKATEBOARDING
- 2 REAPPOINTMENT OF SHIRLEY MCCOY

**** PARTICIPATING LIOS ****

ANC ANCHORAGE	716 W 4TH, #200	LOCATION STAFF
FBX FAIRBANKS	119 N CUSHMAN ST	LOCATION STAFF
JNU JUNEAU	CAPITOL CAP120	LOCATION STAFF
KOD KODIAK	112 MILL BAY RD.	LOCATION STAFF
VAL VALDEZ	STATE BLDG. #13	LOCATION STAFF

**** SCHEDULING NOTES ****

NO JNU MOD. AVAILABLE SO NO NEED TO SEND PARTS. LISTS. ERIC WILL STOP BY TO
 SHOW HER HOW TO CONNECT AND DISCONNECT. BH

**** UPDATES ****

- 01 02/12/97 11:00:10 ANNOUNCING TELECONFERENCE
- 02 02/13/97 13:38:54 VALDEZ ADDED ON
- 03 02/14/97 08:55:60 DROPPED HB 69
- 04 02/14/97 11:02:50 KODIAK ADDED ON

→ Called Fairbanks to check
 NO ONE TO TESTIFY

- 1) DIAL 800 478 9908 - YOU WILL GET MUSIC & A RECORDED MESSAGE. WAIT FOR JEAN TO ANSWER.
- 2) IDENTIFY YOURSELF - HJUD - JEAN WILL TELL YOU THAT SHE WILL CONNECT YOU.
- 3) GIVE IT ABOUT 3 SECONDS - PRESS CONNECT BUTTON - WAIT FOR BEEP OUT OF CEILING SPEAKERS THEN HANG PHONE UP. PRESS PRIVACY BUTTON TO MUTE OUT UNWANTED CHATTER.
- 4) AT START OF MEETING PRESS RED PRIVACY BUTTON SO THAT THE RED LIGHT STOPS SHINING.
- 5) TEL. CON NOW IN PROGRESS.
- 6) AT MEETINGS END HIT CONNECT BUTTON TO END TC CONNECTION.
- 7) IF "A-LEASE" IS CALLED MUTE OUT WITH RED PRIVACY BUTTON.

A) OBSERVERS

B) TESTIFIERS

3194

Rep. Rikeberg

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 30(L&C)

*originally
proposed
in L&C*

1 Page 1, line 1:

2 Delete "civil liability for"

3 Page 2, following line 10:

4 Insert new material to read:

5 "Sec. 05.50.025. Prohibition of skateboarding in undesignated places. (a)

6 A person may not skateboard on public or private property without the written
7 permission of the property owner unless the property is posted with signs that clearly
8 indicate that the property is available for skateboarding.

9 (b) In addition to being subject to civil liability under AS 05.50.020, a person
10 who violates this section is guilty of a violation and, upon conviction, the court may
11 impose a fine of not more than \$50."



REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-Ft. RICHARDSON



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMORANDUM

DATE: January 30, 1997

TO: Representative Joe Green, Chair
House Judiciary Committee

FROM: Representative Eldon Mulder

RE: CSHB 30 (L&C)

CSHB 30 has been referred to the House 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 CSHB 30 for hearing as early as possible. It is important it receives early consideration so that the Municipality of Anchorage, Fairbanks North Star Borough and City of Borough of Juneau can proceed with the development of skateboard parks this Spring.

Included are copies of CSHB 30, sponsor statement, bill sectional, zero fiscal note, and letters of support.



REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-Ft. RICHARDSON



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

SPONSOR STATEMENT
CSHB 30 (L&C)
by
Representative Eldon Mulder

CSHB 30 was introduced at the request of the Municipality of Anchorage.

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

The intent of CSHB 30 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. CSHB 30 was amended in the House Labor and Commerce Committee to make a minor's parent or legal guardian responsible to determine the minor's ability to skateboard and require municipalities to delineate the boundaries of a skateboard facility with fencing or another type of enclosing or surrounding structure.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

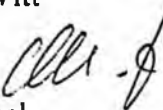
130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

January 23, 1997

SUBJECT: Sectional Summary of HB 30

TO: Representative Eldon Mulder
Attn: Dennis DeWitt

FROM: Michael F. Ford 
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

January 23, 1997

Page 2

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:jdr
97-042.jdr

O-LS0192VA.1
Lauterbach
1/29/97

A
AMENDMENT # 1

OFFERED IN THE HOUSE
TO: HB 30

- 1 Page 2, line 14, following "safely":
- 2 Insert "; in the case of a minor who uses a municipal skateboard facility, the minor's
- 3 parent or legal guardian is responsible for determining whether the minor satisfies the
- 4 requirements of this paragraph"

- 5 Page 3, line 18, following "ability":
- 6 Insert "; in the case of a skateboarder who is a minor, the minor's parent or legal
- 7 guardian is responsible for determining whether the minor satisfies the requirements of this
- 8 paragraph"

0-LS0192A.3
Lauterbach
1/29/97

AMENDMENT #2

OFFERED IN THE HOUSE

TO: HB 30

- 1 Page 3, following line 13:
- 2 Insert a new subsection to read:
- 3 "(c) A municipality shall clearly delineate the boundaries of a municipal
- 4 skateboard facility with fencing or another type of enclosing or surrounding structure."

TO: JUNEAU LIO
@ 465-2864
FROM: HOUSE JUD.
@ 465-4316
RE: TODAY-70265

0-LS0192\E.1'
Ford
2/11/97

Rep. Rokeberg

AMENDMENT

OFFERED IN THE HOUSE

TO: CSHB 30(L&C)

- 1 Page 1, line 1:
- 2 Delete "civil liability for"

- 3 Page 2, following line 10:
- 4 Insert new material to read:
- 5 "Sec. 05.50.025. Prohibition of skateboarding in undesignated places. (a)
- 6 A person may not skateboard on public or private property without the written
- 7 permission of the property owner unless the property is posted with signs that clearly
- 8 indicate that the property is available for skateboarding.
- 9 (b) In addition to being subject to civil liability under AS 05.50.020, a person
- 10 who violates this section is guilty of a violation and, upon conviction, the court may
- 11 impose a fine of not more than \$50."

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4431
Fax: (907) 343-4499
<http://www.ci.anchorage.ak.us>

Rick Mystrom, Mayor

OFFICE OF THE MAYOR

January 23, 1997

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

Re: House Bill No. 30. "An Act relating to civil liability for skateboarding"

Dear Eldon:

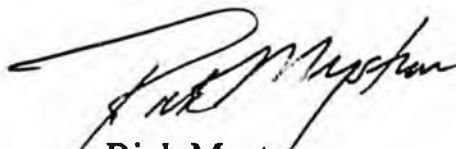
There is significant community interest in a municipal skateboard park and our 1997 Capital Improvement Budget includes plans for construction of one.

Like alpine skiing, skateboarding is an active sport that includes numerous inherent risks of injury. Before construction of a municipal skateboard park, the Municipality of Anchorage desires adoption of a statute that would insulate it from claims arising from the hazards inherent in skateboarding.

House Bill 30 helps fulfill that need and will eliminate a roadblock to the completion of this long awaited facility.

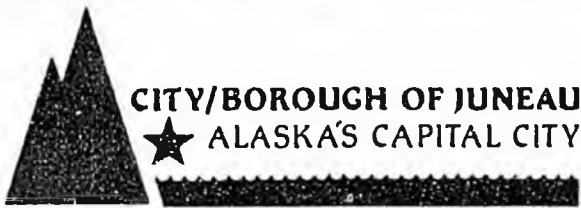
Thank you for your assistance with this legislation.

Sincerely,



Rick Mystrom
Mayor

"City of Lights and Flowers"

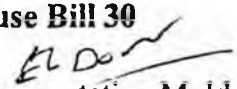


OFFICE OF THE MAYOR

January 27, 1997

The Honorable Eldon Mulder
Representative
Alaska State Legislature
Alaska State Capital, Rm 501
Juneau, Alaska 99801-1182

RE: House Bill 30


Dear Representative Mulder:

On behalf of the City & Borough of Juneau Assembly, I am writing to express our support for House Bill 30, pending legislation limiting municipal liability for skate park operation. The introduction of this bill is timely for Juneau's youth; a group of students from Juneau Douglas High School has undertaken a class project to construct a skate facility on borough land. Of concern to the Borough Assembly is liability for skate park operation.

In their proposal for the skate park, the youth included a summary of survey data substantiating the need for the facility. From the data they gathered at three schools, we learned that over 80% of our youth roller skate, in-line skate, skate board or BMX bike. We suspect that recreation patterns in Juneau are similar to those in other Alaskan communities. Like other municipalities, we have no facility to accommodate these activities. An Alaska law limiting a municipality's exposure to liability for park operation will go a long way towards enabling us to accommodate our youth without breaking the budget.

Please contact me if I can provide additional information regarding our efforts to provide a venue for skating in Juneau. Thank you for your effort on behalf of Alaskan skaters.

Sincerely,



Dennis Egan
Mayor



January 29, 1997

Representative Eldon Mulder
State Capital
Juneau, AK 99801

Dear Representative Mulder:

Thank you for introducing HB 30, relating to civil liability for skateboarding. This issue is becoming increasingly important for municipalities around the state and we support its passage.

As stated in the 1997 AML Policy Statement, which was adopted unanimously by AML members at their November conference:

C. Liability Issues


1. Liability for Injury in Recreational Activities: The League supports legislation that would limit the liability of a government, organization, volunteer, or private property owner providing recreational activities, facilities, and trail easements.

There is increasing pressure on local governments to provide additional recreational areas for young people, but they are reluctant to do so because of the unacceptable risk to their taxpayers. With passage of HB 30, those municipalities would be able to provide a safe place for skateboarders without putting the rest of the population at financial risk.

This issue is also a part of our 1997 Legislative Platform (attached). We believe providing recreational opportunities for youth will give communities more tools to help reduce youth crime.

Thanks again for your continued support.

Sincerely,



Kevin C. Ritchie
Executive Director

Attachment

c:\jk\leg97\hb30ltr.doc



**Alaska Municipal League &
Alaska Conference of Mayors
1997 Legislative Platform**

1. Approval of the "Safe Communities" bill and maintain current funding for municipal revenue sharing to avoid further state generated local property tax increases. The "four legs" of the Safe Communities bill are:
 - Directs the funds to be used primarily for public safety and health services
 - Establishes a minimum sharing of \$40,000 for small municipalities
 - Removes the "hold harmless" to allow equal treatment to all municipalities
 - Distributes municipal funds on July 31 each year
2. Provide for the long term construction, operation, and maintenance of state and municipal airports, roads, and harbors, including revenue sharing programs for maintenance. Bring state harbors up to an adequate maintenance level through a statewide bond issue, or other funds, to prepare them for possible negotiated transfer to municipalities.
3. Approval of a Long Range Financial Plan that prohibits unfunded mandates and unfunded service responsibilities, adequately funds schools and maintenance of public infrastructure, reasonably reduces state expenses, protects the Permanent Fund, and phases in new tax revenue sources.
4. Actively encourage the construction of a natural gas pipeline with an emphasis on jobs for Alaskans.
5. Restore funding for Municipal Capital Matching Grant Program to \$20 million because local communities can most efficiently determine and meet local capital needs.
6. Create a permanent State/Local Government Partnership Council to negotiate methods to most efficiently provide public services at the lowest possible cost to taxpayers.
7. Provide long term funding of public safety and health services through the equitable sharing of increased statewide alcohol and tobacco taxes, and removing the current prohibition against municipalities voting for local special taxes on the sale or use of alcohol.
8. Reduce the state unfunded mandate for the Senior Citizen Property Tax exemption.
9. Adequately fund a program to construct efficient sanitation systems throughout Alaska.
10. Give communities more tools to reduce youth crime by limiting confidentiality of youth crime information to protect the community, allow municipalities the option of assuming greater jurisdiction over juvenile justice, and limit liability for providing recreational opportunities for youth, such as skateboard parks.

02/14/97 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1401
10:17:17 N CONFERENCE DISPLAY PAGE 01 - ORDER SUMMARY L357
TCN 70265 T/C DATE: 02/14/97 TIME: 13:00 to 15:00 STATUS: 3 ANNOUNCED

SPONSOR: HJUD HOUSE JUDICIARY CHAIRS: GREEN
PURPOSE: PUB PUBLIC-HEARING LEGISLATIVE
1ST ITEM: HB 30 CIVIL LIABILITY FOR SKATEBOARDING 2 ITEMS ON AGENDA
CONTACT: LISA KIRSCH TEL: (907)465-4990 MODERATOR: ZZZ
LOCATION STAFF
CHAIRING SITE: JUNEAU CAPITOL ROOM: CAP120 PRINTER: L900
PARTICIPATING LIOS: 4 VOLUNTEER SITES: 0 OFFNETS: 0

SPONSOR REMARKS (PUBLIC): TESTIMONY ALLOWED: Y 3 MINUTE LIMIT:
TESTIMONY WILL BE TAKEN WITH A 3 MINUTE LIMIT.
SEE COMMITTEE SCHEDULE IN BASIS
BACKUP MATERIAL: N

UPDATE NO: 3 ENTERED BY: LHSCJUD LAST UPDATED BY: LIJCBLK
REQUESTED ON: 02/12/97 ON: 02/12/97 ON: 02/14/97

MSG:
ENTER Pg# 02 PF2 NextC# ynnnn PF3 Exit PF: Menu PF6 Print PF12 Quit

NO MODERATOR AVAILABLE

HB 30

Wits.

Kevin Rielue - Municipal League

Tim Allen - Pks & Rec
≈ 5 people in person.



REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-Ft. RICHARDSON



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES

MEMORANDUM

DATE: January 23, 1997

TO: Representative Norm Rokeberg, Chair
House Labor & Commerce Committee

FROM: Representative Eldon Mulder

RE: House Bill 30

House Bill 30 has been referred to the Labor & Commerce 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 30 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.

Included are copies of HB 30, sponsor statement, and bill sectional.

SPONSOR STATEMENT HOUSE BILL 30

by
Representative Eldon Mulder

HB 30 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.

The intent of House Bill 30 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.

LEGISLATIVE REFERENCE LIBRARY

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Judiciary Standing Committee, 4/26/95, 1:17 p.m.