

SB

101



Representative Dave Donley, Chair House Labor & Commerce Committee

DATE: 4-20-89

PLACE: CA17

SUBJECT OF MEETING:
 SB 82 SB101
 SJR 30 HB 284 HB 166
 HB 278

| NAME | REPRESENTING | BUSINESS/PERSONAL MAILING ADDRESS | ZIP | (H) PHONE | (W) PHONE | DO YOU WANT TO TESTIFY? | WHAT SUBJECT WHICH BILL? |
|---------------|---------------------------------|-----------------------------------|-------|-----------|-----------|-------------------------|--------------------------|
| PAULA TERRELL | SENATOR KERTOLA | | | | | (Y) N | |
| ROSE PETERSON | G/COVE | 211 FOURTH ST. #101 | 99801 | | 6-1736 | (N) (N) | SJR 30 |
| Doree Gray | Son. Kelly | | | 3822 | | Y N | SB 101 |
| Guy Warren | JAW DOUGLAS OFFICIAL ASSN | 4362 TAKUBLUD JUNEAU | 99801 | | 9-3852 | (Y) N | SB 107 |
| KATE GRAHAM | UNITED FISHERMEN OF ALASKA | 211 4TH ST. SUITE 106 JUNEAU | 99801 | | 6-2820 | IF NEEDED Y N | SB 82 HB 166 |
| Dennis Mestas | Alaska Academy of Trial Lawyers | 880 (N) St. Suite 202 | 99501 | 277-4 | 277-4551 | (Y) N | HB 166 |
| Beta Kertola | Atty Gen | Juneau | | | | Y (N) | HB 166 |
| | | | | | | Y N | |
| | | | | | | Y N | |
| | | | | | | Y N | |
| | | | | | | Y N | |

166
 (166)
 166
 (166)

SB 101

Dealing With: CIVIL LIABILITY FOR SPORTS OFFICIALS

Sponsors: KELLY

Cost: 0

Supporters/ Opponents:

National Association of Sports Officials Anchorage Sports Association
Amateur Softball Association
Anchorage Softball Umpires Association
Anchorage Baseball Officials Association

Description:

MAKES a Sports official not liable for civil damages in officiating an amateur athletic contest.

— Provided that The official Does not receive more than \$5000 Dollars in a 12 month period from officiating.

Does not apply to gross negligence or reckless or intentional misconduct.

HOUSE COMMITTEE REPORT

(7)

Date Referred: March 30, 1989

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 4-20-89

The LABOR & COMMERCE Committee considered:

CSSB 101(JUD)

CS FOR SENATE BILL NO. 101 (Judiciary)

[LIMITING LIABILITY OF SPORTS OFFICIALS]

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

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
- [] _____ [] a new title
- [] have attached amendment(s)
- [] do pass
- [] do not pass
- [] no recommendation
- [] individual recommendations
- [] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____
- [] zero fiscal note _____
- [] zero with analysis _____

- [] fiscal note(s) _____
- [] zero fiscal note(s) _____
- [] zero fn/analysis _____

SIGNING DO PASS:

[Signature]
[Signature]
[Signature]

SIGNING:

(Check approp. column)

| | Do Not Pass | No Rec | Amend |
|--------------------|-------------|--------|-------|
| <u>[Signature]</u> | | X | |
| <u>[Signature]</u> | | X | |
| <u>[Signature]</u> | | | ✓ |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |
| _____ | | | |

[Signature]

Chairman's Signature

OFFICE OF THE PRESIDENT

MEMBER

TENTH ALASKA LEGISLATURE
ELEVENTH ALASKA LEGISLATURE
TWELFTH ALASKA LEGISLATURE
THIRTEENTH ALASKA LEGISLATURE
FOURTEENTH ALASKA LEGISLATURE
FIFTEENTH ALASKA LEGISLATURE
SIXTEENTH ALASKA LEGISLATURE



SENATOR TIM KELLY

P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3822

P.O. BOX 210001
ANCHORAGE, ALASKA 99521
(907) 561-7612

April 6, 1989

Representative Dave Donley, Chair
Labor & Commerce Committee
Alaska State House
Box V
Juneau, Alaska 99811

Re: Scheduling SB 101, limiting civil liability of sports officials.

Dear Representative Donley,

I would appreciate a committee hearing on SB 101 at your earliest convenience. Nationwide there is a growing recognition of the value and necessity of this kind of legislation (see attachment). This summer I was asked by several Alaskan sports official groups to introduce SB 101.

In the last several years the legislature has passed similar legislation offering protections from civil liability to a variety of volunteer and paraprofessional groups. Search and rescue and ski patrol groups most recently come to mind. In every case it is the recognition that the value and public service of certain activities would be irreparably harmed if exposed to the full effect of liability and the counter balancing cost of insurance.

Also attached are letters I have recieved supporting SB 101 during it course through the Senate.

Thank you for your consideration.

~~Sincerely,~~

A handwritten signature in cursive script that reads "Tim Kelly".

TIM KELLY
Alaska State Senator



NATIONAL ASSOCIATION
OF SPORTS OFFICIALS

SPECIAL NEWS RELEASE • SPECIAL NEWS R

FOR RELEASE: July 23, 1987

FOR INFORMATION: Barry Mano (415) 692-9100 San Francisco or
(414) 632-5448 Wisconsin
Mel Narol (415) 692-9100 San Francisco or
(609) 452-0808 New Jersey

NATIONAL ASSOCIATION SPEARHEADS LEGISLATIVE EFFORTS FOR SPORTS OFFICIALS

SAN FRANCISCO, CA.

The launching of a national legislative effort to protect sports officials from physical abuse and civil lawsuits will be an important focus of the 7th annual National Convention of Sports Officiating.

Sponsored by the National Association of Sports Officials, this annual event will convene today at the Marriott Hotel at San Francisco International Airport.

With the increased visibility and economic stake in sports, greater attention has been focused on the referees and umpires who work the games. No longer are verbal jabs the only recourse being used by disgruntled players, coaches and fans.

Some examples:

* Last year a parent came out of the stands during a Little League game in Huntington Beach, CA., and attacked a

Phy
ABUSP

17-year old umpire. The attacker was fined \$500 and ordered to write an essay on sportsmanship.

* In 1982, an ice hockey referee was attacked by players and fans on his way from the ice to the dressing room in a Fairfax, VA., arena. He underwent two spinal operations and was totally incapacitated for one year. There was a substantial monetary settlement.

* Last year, a softball umpire was attacked by players with bats in Long Beach, CA., resulting in him nearly losing his eyesight in one eye and suffering serious other injuries. The two attackers were sentenced to jail.

During the past five years, the men and women who participate in the avocation of sports officiating, have begun to fight back. "As officials we must let the players, fans, coaches and parents know we will no longer tolerate physical abuse," stated Barry Mano, founder and President of the 13,000 member National Association of Sports Officials (NASO). And the officials, through the education and awareness campaigns by NASO, have been very successful convincing judges in court that physical abuse cannot be part of sports at any level.

The leading authority on sports officials and the law continues to be New Jersey attorney, Mel Narol. Narol, past Chairman and current NASO board member comments: "Criminal court penalties have increased. Last year in California two men were sentenced to six months and one year respectively for their part in a vicious attack on a softball umpire."

Phy
AB/USP

Now NASO has drafted Model Legislation which makes it a criminal offense, greater than merely assault, to physically abuse a sports official. This was made public to the more than 500 attendees at the NASO convention and will be sent to all state legislatures for use in statute writing. NASO plans to lend its expertise and support in fostering this type of protection for officials in every state.

Already in 1987 NASO worked in coordination with legislators in Arkansas to assist passage of such a bill. Arkansas Governor Clinton signed the measure in April.

The other state which has adopted similar legislation is Oklahoma. Its 1978 law makes it a felony to assault a sports official. This is punishable by a fine of up to \$1,000 and/or six months in jail.

NASO also made public today Model Legislation which would make it more difficult to sue sports officials. It would only permit such lawsuits to be successful if the official intentionally injured a person or acted in a "grossly negligent manner."

"Currently most states give limited liability to coaches, athletic directors, public institutions and municipalities," emphasized Narol. "We are seeking parity for officials and umpires."

Liability lawsuits have greatly increased during the past five years. Examples of lawsuits now pending or recently concluded:

* Two New York umpires have been sued for their alleged failure to timely stop a Connie Mack League baseball

Why
ABUSE

Protection
of
Civil
Lawsuits

game resulting in a player being struck and killed by lightning.

* A New Jersey track referee was sued by a high school trackster who claimed to have been injured on a slippery take-off board while participating in a long-jump competition. A jury found the referee was not responsible.

* A major-college basketball referee was sued because of a disagreement on a call he made near the end of a Big Ten game. The court ruled judges should not review referee's calls and dismissed the case.

* A California umpires' association has been sued by a softball player who claims second base was not properly fastened in the ground resulting in injury to him while sliding.

The Model Legislation should be viewed in the context of the fees received by the more than 350,000 sports officials in the U.S. "Officials at the high school, recreation and lower levels earn just \$15 to \$40 per game," noted Mano.

Officials are also beginning to rethink whether the risks of officiating are still worth it. Aside from the difficult task of game control and decision making, they now have real concern for their safety and the spectre of being hauled into a court of law.

NASO, headquartered in Racine, Wisconsin, plans to continue its ground-breaking work to improve the environment in which officials work today. The convention in San Francisco demonstrates this commitment.

Who of
Suing
Civil



DAVID J. STRIKE INSURANCE
~~Auto-Life-Health-Home and Business~~
2213 EAST TUDOR RD SUITE 54
ANCHORAGE, ALASKA 99507 PHONE (907) 562-2721

February 22, 1969

Senator Jan Faiks
Judiciary Committee
Alaska State Senate
Box V
Juneau, Alaska 99811

Re Senate Bill 101

Dear Senator Faiks:

We need your help!

I am writing to you on behalf of the Anchorage Baseball Officials Association, and fellow referees, umpires and officials throughout this great State of ours.

Sports Officials liability needs to be limited to the point that only if we act in a willful or negligent manner can we be sued.

In most states, Coaches, Athletic Directors, Public Institutions and Municipalities have all been granted limited liability. As sports officials all we are seeking is parity.

Please do all possible to pass this very important piece of legislation.

Best Personal Regards,

David J. Strike

DJS:sjd

Encl (1)

RECEIVED

APR 5 1989

SENATOR TIM KELLY
SENATE PRESIDENT

INTERIOR ALASKA HOCKEY OFFICIALS ASSOCIATION
P.O. Box 74514
Fairbanks, Alaska 99707

March 31, 1989

Senator Tim Kelly
Box V
Juneau, AK 99811

Re: SB 101

Dear Senator Kelly:

On February 28, 1989 I spoke with Dave Gray of your office about Senate Bill 101. This bill proposes that a sports official is not liable for civil damages occurring in an amateur event if the official makes less than \$5000.00 during the previous 12 months. During my conversation with Mr. Gray, I suggested that \$7500.00 would be a good ceiling for earnings as there are individuals within the Interior Alaska Hockey Officials Association who are very close to the \$5000.00 limit while belonging to a national, state, or local organization.

Section 09.65.145(a)(2) does not protect an official doing NCAA Hockey games for the University of Alaska as there is presently no NCAA officials organization for hockey officials in Alaska. This may change in the future, however, the IAHOA strongly urges you to broaden the scope of this subsection. I do not know if this same scenario exists with other NCAA sports in Alaska.

While the IAHOA commends you on the introduction of this bill, it would better serve IAHOA officials, as well as other officials, if the limit was raised to \$7500.00.

Should you have any questions, I can be contacted at 451-2733(w) or 456-6858(h). Thank you for your time.

Sincerely,



Christopher C. Milles
IAHOA President 1988-89

cc: Senator Steve Frank
Senator Bettye Fahrenkamp
Senator Dick Eliason
Senator Pat Rodey
Senator Jan Faiks
Senator Jack Coghill
Senator Jay Kerttula

The Honorable Tim Kelly
President Alaska Senate
P.O. Box V, MS 3100
Juneau, Alaska 99811

Date
3/5/89

Dear Senator Kelly:

The Anchorage Softball Umpires Association (ASUA) supports Senate Bill 101 as originally introduced on January 11, 1989. ASUA believes the bill is a positive step toward reducing the opportunity for needless liability claims and lawsuits, while maintaining a high level of responsibility on trained and qualified amateur sports officials.

Passage of the bill into law would likely have the effect of reducing insurance costs to sports officiating associations and individual officials.

The ASUA has an annual membership of approximately one hundred and twenty individuals. Members are required to attend annual umpiring clinics on rules, mechanics and handling of games at all levels of organized softball. In addition, each member must pass a national association sanctioned test before he/she is eligible to umpire in the ASUA.

Such preparation in training and qualifying umpires clearly reduces the opportunity for needless liability claims, yet the threat of such claims remains. Passage of Senate Bill 101 will remove that threat and hold sports officials fully responsible for acts of gross negligence or reckless or intentional misconduct.

The ASUA does not support the Senate Judiciary Committee amendment that removes the benefits of this bill from amateur officials who are compensated in excess of \$5,000.00 annually.

A small percentage of ASUA umpires work multiple sports events. Several work high school basketball, football and volleyball. The multiple sports officials will generally earn between \$5,000.00 and \$7,500.00 per year in officiating fees. Under the Judiciary Committee amendment multiple sports officials will receive limited benefits under the proposed law, unless they limit their participation in officiating.

Alaska, statewide, does not have an abundance of amateur sports officials. The compensation level currently in the bill presents a disincentive to maintaining an adequate number of officials.

The ASUA appreciates you sponsoring Senate Bill 101. Thank you.

Sincerely,

Lorena Christie

President ASUA

AMATEUR SOFTBALL

ASSOCIATION



March 6, 1989

PATRICIA A. LILLIAN
Alaska State Commissioner
2950 Drake Drive
Anchorage, Alaska 99508
(907) 272-7683

The Honorable Tim Kelly
President, Alaska Senate
P.O. Box V, MS 3100
Juneau, AK 99811

Dear Senator Kelly:

This letter is intended to convey the Alaska Amateur Softball Association's support for Senate Bill 101.

The Alaska Association represents a statewide membership of over 14,000 individuals in 20 communities.

Senate Bill 101, as originally drafted, will reduce the opportunity for trivial liability claims and needless lawsuits, thus reducing insurance costs to officiating and amateur sports associations. In addition, the passage of Senate Bill 101 into law will serve as yet another incentive for individuals to enter the arena of sports officiating.

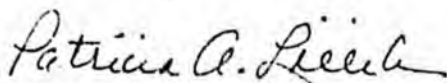
Recent Senate Judiciary Committee action on the bill added language that limits its application to officials that are compensated at an annual level of \$5,000 or less. The Alaska Association does not support such an amendment.

There is no relationship between applying a compensation level and the original intent of the bill, i.e., reduce trivial liability claims, reduce insurance costs, and provide added incentive for individuals to enter the field of amateur sports officiating.

I urge you and your fellow members of the Senate to pass Senate Bill 101 into law minus the compensation level requirement.

Thank you for sponsoring Senate Bill 101.

Sincerely,



Patricia A. Lillian
ASA Commissioner - Alaska



RECEIVED

MAR 6 1989

SENATOR TIM KELLY
SENATE PRESIDENT

March 3, 1989

The Honorable Tim Kelly
President Alaska Senate
P.O. Box V, MS 3100
Juneau, Alaska 99811

Dear Senator Kelly:

The Anchorage Sports Association (ASA) would like to take this opportunity to convey its support for Senate Bill 101.

The ASA represents over 7,500 adults in the organized sports of softball, volleyball and broomball. Active players represented by the ASA are residents of the Municipality of Anchorage.

It is the Board of Directors opinion that passage of SB 101, as originally drafted, would reduce the opportunity for frivolous liability claims and the potential for subsequent law suits. In addition, the provisions of SB 101 would likely reduce the cost of liability insurance for individual officials and officiating associations. Hopefully a portion of such savings can be passed on to ASA members through reduced costs of programs.

ASA does not support recent ammendments to SB 101 that limit liability protection to sports officials who's annual compensation is \$5,000.00 or less. The vast majority of amateur sports officials in Alaska earn less than \$5,000.00 annually. A small percentage of officials who work more than on sport will likely exceed the \$5,000.00 amount.

The net result of applying a compensation level may be that an individual will officiate until the compensation level is reached and then decline to work additional events. Such a situation may tax the sports associations ability to secure the most qualified officials during the latter part of the year. Thus the application of a compensation level appears to have no relationship to the bills intended purpose.

ASA appreciates your efforts in sponsoring SB 101. The Association would appreciate your continued efforts toward it becoming law.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Rod Hill".

Rod Hill
Executive Director

SAMPLE OF CURRENT PAY RATES FOR AMATEUR SPORTS OFFICIALS

by D. Gray

| | JNU | ANC | FBKS |
|-----------------------------------|----------------------------------|---------|--------|
| | (\$/game unless otherwise noted) | | |
| H. S. Basketball | 40-45 | 45 | |
| College Basketball | 75 | 125 | 115 |
| Adult Basketball | 15 | 17-35 | |
| Softball | 11 | 11 | |
| H. S. Baseball Am. Legion | 20/10 | 25 | |
| College (Glacier Pilots, et. al.) | | 50 | 50 |
| Little League | | 25 | |
| H. S. Football | 35 | 295(7)* | |
| Junior Football | 15 | | |
| Youth Soccar | 10 | | |
| Wrestling | 3-5/match | 3-5 | |
| H. S. Volleyball | 25 | | |
| H. S. Ice Hockey | | | 30 |
| Junior Hockey | | 15 | 10-18 |
| Adult Hockey | | 20 | 15-100 |
| College Hockey | | 90 | 45,90 |
| Skiing | | | |
| Swimming | | | |

*Cost of 7 officials.

Information Sources: Claire Markey, Bob Sims, Juneau; Dave Strike, Jim Brett, Emmitt Wilson, Anchorage; Chris Milles, Fairbanks.

Sports Officials

States that have
Limited Liability

States with pending
legislation limiting
liability

Arkansas

Rd. Island

N. Jersey

Miss.

Maryland

(5)

Ohio

Calif.

Texas

Virginia

Colorado

N.Y.

Washington

Wisconsin

Iowa

Penn.

Minn.

(11)

D. Gray from call to Barry MANO, Pres.
Natl. Assoc. of Sports Officials

~~STATE OF ALASKA~~ 1989 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: _____ Bill Version: CS SB 101 JUD
 Publish Date: 3/2/89

Revision Date: 3/6/89 Agency Affected: Alaska Court System
 Title: An act relating to civil BRU: Trial Courts
 liability for sports officiating...
 Sponsor: Kelly Components:
 Requestor: Judiciary

| EXPENDITURES/REVENUES: | | (Thousands of Dollars) | | | | | |
|------------------------|-------|------------------------|-------|-------|-------|-------|--|
| OPERATING | FY 89 | FY 90 | FY 91 | FY 92 | FY 93 | FY 94 | |
| Personal Services | . | . | . | . | . | . | |
| Travel | . | . | . | . | . | . | |
| Contractual | . | . | . | . | . | . | |
| Supplies | . | . | . | . | . | . | |
| Equipment | . | . | . | . | . | . | |
| Land & Structures | . | . | . | . | . | . | |
| Grants & Claims | . | . | . | . | . | . | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| CAPITAL | . | . | . | . | . | . | |
| REVENUE | . | . | . | . | . | . | |

| FUNDING: | | (Thousands of Dollars) | | | | | |
|---------------|-----|------------------------|-----|-----|-----|-----|--|
| General Funds | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |
| Federal Funds | . | . | . | . | . | . | |
| Other | . | . | . | . | . | . | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | |

| POSITIONS: | | (Thousands of Dollars) | | | | | |
|------------|---|------------------------|---|---|---|---|--|
| Full-time | . | . | . | . | . | . | |
| Part-time | . | . | . | . | . | . | |
| Temporary | . | . | . | . | . | . | |

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg*
 Jan Strandberg, General Counsel
 Division: Alaska Court System

Phone: 264-8228
 Date: 03/06/89

Approved by: *Arthur H. Snowden, II*
 Arthur H. Snowden, II, Administrative Director
 Agency: Alaska Court System

Date: 03/06/89

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