

S B

101

6-0019E
Ford
3/2/89

as amended

Original sponsor: Kelly

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 101 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to civil liability for sports offi-
7 ciating; and providing for an effective date."

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

9 * Section 1. AS 09.65 is amended by adding a new section to read:

10 Sec. 09.65.145. CIVIL LIABILITY FOR SPORTS OFFICIATING. (a) A
11 sports official is not liable for civil damages as a result of an act
12 or omission in officiating an ^{amateur} athletic contest, if the sports official

13 (1) does not receive compensation for officiating the
14 athletic contest; or

15 (2) receives less than ^{\$5,000} ~~\$2,000~~ in compensation for officiat-
16 ing athletic contests during the 12 months preceding the act or omis-
17 sion in officiating and at the time the act or omission in officiating
18 occurs is a member of a local, state, or national organization that
19 provides education and training in officiating the type of athletic
20 contest at which the act or omission in officiating occurred.

21 (b) This section does not apply to a person who acts with gross
22 negligence or reckless or intentional misconduct.

23 (c) In this section,

24 (1) "compensation" means money or other property received
25 for services rendered, but does not include reimbursement of actual
26 expenses incurred for acting as a sports official;

27 (2) "sports official" means a person who acts as a referee,
28 judge, umpire, line judge, or other official during an amateur ath-
29 letic contest.

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* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

Proposed CS

1 IN THE SENATE

BY KELLY

2

SENATE BILL NO. 101

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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12 or omission in officiating an ^{amateur} athletic contest, if the sports official
13 is a member of a local, state, or national organization that provides
14 education and training in officiating the type of athletic contest at
15 which the act or omission in officiating occurred.

16 (b) This section does not apply to a person who acts with gross
17 negligence or reckless or intentional misconduct.

18 (c) In this section, "sports official" means a person who acts
19 as a referee, judge, umpire, line judge, or other official during an ^{amateur}
20 athletic contest. ^

21 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

1) Extend limited liability to
pure volunteers.

2) Make application only to those
who officiate as an avocation (not
professional) by deriving income less than
\$5000/year from officiating activities.

SAMPLE OF CURRENT PAY RATES FOR AMATEUR SPORTS OFFICIALS

	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.

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

February 7, 1989

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

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

Dear Senator Faiks,

I would appreciate a Judiciary 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.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive that reads "Tim".

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 ABUSE

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

Phy
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.

Prof
Lawsuits
Civil

STATE OF ALASKA FISCAL NOTE

Bill Version: SB 101

Publication Date:

Agency Affected: Alaska Court System
SRCU
Trial Courts

Components:

Subject: an act relating to civil liability for sport officiating...
Topic: Judiciary

FUNCTIONS	VENDOR: (Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
Personal Services
Travel
Contracts
Supplies
Printing
Food & Drink
Office & Printing
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

FUNCTIONS	VENDOR: (Thousands of Dollars)					
	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	.	.	.	.	.	.
Contracts	.	.	.	.	.	.
Supplies	.	.	.	.	.	.
Printing	.	.	.	.	.	.
Food & Drink	.	.	.	.	.	.
Office & Printing	.	.	.	.	.	.
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

No fiscal impact.

Reviewed by: Jan Stranberg, General Counsel
 Alaska Court System
 Approved by: Andrew H. Snowdon, II, Administrative Director
 Agency: Alaska Court System

- Legislative Sponsor
- Legislative Sponsor
- Regulator
- Office of Management & Budget
- Agency(ies)



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, 1989

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

Re Senate Bill 101

Dear Senator Falks:

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)

a) a sports official is not liable for civil damages as a result of an act or omission in officiating an amateur athletic contest, if the sports official is a volunteer officiating the contest without compensation.

A PERSON WHO
IS A VOLUNTEER
AT AN EVENT
IS IMMUNE

b) a sports official who is officiating an amateur athletic contest for compensation is not liable for civil damages as a result of an act or omission in officiating the contest, if the sports official is a member of a local, state, or national organization that provides education and training in officiating the type of athletic contest at which the act or omission in officiating occurred, and the sports official receives less than \$2000 per year from officiating athletic contests, not including reimbursement of expenses actually incurred.

A PERSON
WHO IS NOT
A VOLUNTEER
AT AN EVENT
IS IMMUNE
UNLESS HE
DID RECEIVE
(A))
TRAINING
AND (B)

c) This section does not apply to a person who acts with gross negligence or reckless or intentional misconduct.

RECEIVES
LESS THAN

d) In this section, "sports official" means a person who acts as a referee, judge, umpire, line judge, or other official during an amateur athletic contest.

\$2000 PER
YEAR

Effective date.