

Chapter 183 of the Acts of 2007

AN ACT RELATIVE TO VOLUNTEERS AT STATE PARKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. The general court hereby finds that volunteer activities and events serve an important public purpose, assist in the enhancement, preservation and improvement of the park system in the commonwealth, and that a program is required to help foster and assist in the stewardship of department of conservation and recreation properties through encouraging volunteer activities and partnerships with nonprofit organizations.

SECTION 2. Chapter 21 of the General Laws is hereby amended by inserting after section 17D the following section:-

Section 17G. (a) For purposes of this section, the words "nonprofit organization" and "volunteer" shall have the same meaning as used in 42 U.S.C. 14505.

(b) The department of conservation and recreation may cosponsor and participate in an event or activity on department property with a nonprofit organization at which the nonprofit organization may be allowed to charge, or solicit or receive donations of funds at the event or activity, if the event or activity furthers a public purpose of the department and the funds are used and expended by the nonprofit organization or department only for supporting or improving a facility or program of the department. The nonprofit organization shall report to the department and provide an annual accounting of the funds and expenditures therefrom.

(c) To encourage and further public participation in stewardship to educate, promote, clean, maintain or improve facilities of the department of conservation and recreation, the department may enter into agreements with nonprofit organizations regarding volunteers participating in the stewardship on department property. If the department enters into an agreement to cosponsor or participate in an event or activity with a nonprofit organization, pursuant and subject to chapter 258 of the General Laws and the guidelines adopted by the department under this section, a volunteer of the nonprofit organization shall not be liable for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of the volunteer while acting within the scope of the volunteer's activities under the agreement.

(d) The department shall post on its website for public review and subsequently establish guidelines, requirements and standards for: (1) authorizing and registering volunteers to provide stewardship services; (2) delegating direction, control, safety and supervision of the volunteers to the nonprofit organization; (3) developing accounting and reporting procedures as required in subsection (b); and (4) considering the volunteers, while acting within the scope of volunteer responsibilities for the department or the nonprofit organization, whether or not under delegated authority from the department, as public employees within the meaning of chapter 258. In a civil action involving a volunteer who is considered a public employee, the department may assert any defense or limitation on liability that the volunteer could have asserted under federal or state law.

Approved November 26, 2007.

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SENATE NO. 786



AN ACT RELATIVE TO VOLUNTEERS AT STATE PARKS

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 SECTION 1. Notwithstanding any general or special law to the contrary, a person who is a member
- 2 of a group of volunteers rendering assistance to the public at a state park without remuneration shall
- 3 not be liable for ordinary negligence, but shall be liable for intentional, willful, wanton or reckless
- 4 misconduct that results in injury or damage to another person.

SENATE BILL SUMMARY

BILL NO: S. 786

TITLE: An Act Relative To Volunteers At State Parks

SPONSOR: Senator Antonioni

COMMITTEE: Judiciary

HEARING DATE: April 10, 2007

PRIOR HISTORY: S. 825 of 2005 (favorable report)

CURRENT LAW:

SUMMARY OF THE PROPOSED LAW:

The proposed legislation states that a person who is a member of a group of volunteers rendering assistance to the public at a state park shall not be liable for ordinary negligence. Such volunteers would still be liable for intentional, willful, wanton or reckless misconduct resulting in injury or damage to another person.

Senate, No. 786

Presented by: Senator Robert A. Antonioni

Petition of Robert A. Antonioni, Michael R. Knapik, Edward M. Augustus, Jr., Gale D. Candaras and other members of the General Court for legislation relative to volunteers at state parks.

01/11/07 S Referred to the committee on The Judiciary

01/11/07 H House concurred

Public Hearing date Apr 10 pm at 1:00 in Room A-2

04/17/07 S Bill reported favorably by committee and referred to the committee on Senate Ethics and Rules -SJ 168

04/30/07 S Committee reported that the matter be placed in the Orders of the Day for the next session

04/30/07 S Rules suspended

04/30/07 S Read second and ordered to a third reading -SJ 192

05/01/07 S Read third

05/01/07 S Passed to be engrossed - 38 YEAS to 0 NAYS (see Senate Roll Call, No. 13) -SJs 195-196

05/03/07 H Read; and referred to the committee on House Steering, Policy and Scheduling -HJ 368

06/11/07 H Committee reported that the matter be placed in the Orders of the Day for the next sitting for a second reading -HJ 457

06/13/07 H Read second and ordered to a third reading -HJ 463

07/26/07 H Read third

07/26/07 H Passed to be engrossed - 155 YEAS to 0 NAYS (See Yea and Nay in Supplement, No. 125) -HJ 569

07/26/07 H Enacted -HJ 576

07/26/07 S Enacted and laid before the Governor -SJ 637

08/02/07 G Governor returned to the Senate with an amendment

08/02/07 S For message, see S2311

08/06/07 S Referred to the committee on Senate Bills in the Third Reading. -SJ 670

11/08/07 S Bills in the Third Reading report accepted

11/08/07 S Governor's amendment rejected

11/08/07 S Amendment (Antonioni) adopted -SJs 932-933

11/15/07 H Rules suspended

11/15/07 H House concurred in the Senate amendment -HJ 842

11/19/07 H Re-enacted -HJs 883-884

11/19/07 S Re-enacted and again laid before the Governor -SJ 968

11/26/07 G Signed by the Governor, Chapter 183 of the Acts of 2007

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**THE COMMONWEALTH OF MASSACHUSETTS
JOINT COMMITTEE ON THE JUDICIARY**

Robert S. Creedon, Jr.
Senate Chairman
Room 413C
(617) 722-1200

Eugene L. O'Flaherty
House Chairman
Room 138
(617) 722-2396

TO ALL MEMBERS OF THE SENATE JUDICIARY COMMITTEE

Enclosed please find the summaries of the bills scheduled for hearing tomorrow, **Tuesday, April 10, 2004 at 1 PM in room A-1**. If you have any questions, please do not hesitate to contact me at ext. 1200.

Tom Brophy,
Counsel,
Senate Judiciary Committee

THE JOINT COMMITTEE ON THE JUDICIARY

Public Hearing to be held on April 10, 2007 in Room A-2 at 1:00 P.M.

Senate, No. 26

Petition of Cynthia S. Creem, Ruth B. Balsler, Edward M. Augustus, Jr., James E. Timilty and other members of the General Court for legislation to amend the constitution to preserve civil rights and equal protection.

Senate, No. 27

Petition of Stanley C. Rosenberg for a proposal for a legislative amendment to the constitution relative to legislative action.

Senate, No. 786

Petition of Robert A. Antonioni, Michael R. Knapik, Edward M. Augustus, Jr., Gale D. Candaras and other members of the General Court for legislation relative to volunteers at state parks.

Senate, No. 793

Petition of Steven A. Baddour for legislation to protect victims of computer crimes.

Senate, No. 857

Petition of Robert S. Creedon, Jr. for legislation to add certain school transportation personnel to the so-called good samaritan law.

Senate, No. 860

Petition of Robert S. Creedon, Robert L. Hedlund, Robert K. Coughlin, Susan C. Tucker and other members of the General Court for legislation to prohibit internet hunting.

Senate, No. 897

Petition of Cynthia S. Creem for legislation to end double taxation of attorney's fees.

Senate, No. 911

Petition of Benjamin B. Downing and Stanley C. Rosenberg for legislation that provision be made in favor of Major General Chester E. Gorski.

Senate, No. 1033

Petition of Susan C. Tucker for legislation to regulate notaries public to protect consumers and provide anti-fraud protections.

Senate, No. 1047

Petition of Marian Walsh and Michael F. Rush that provision be made for a payment from the State Treasury to William J. Gormley, III.

House, No. 1314

Petition of Ruth B. Balsler and others to provide for representatives of the behavioral science community on the Parole Board.

House, No. 1315

Petition of Ruth B. Balsler and others relative to protecting the confidentiality of patient records.

House, No. 1368

Petition filed at the request of Jim Thivierge for a legislative amendment to the Constitution to provide for a minimum standard for charter revisions.

House, No. 1497

Joint petition of Bradley H. Jones, Jr., and others for a legislative amendment to the Constitution prohibiting eminent domain takings for the purpose of economic development.

House, No. 1675

Petition of Alice Hanlon Peisch relative to tort liability prior to the acquisition of estates of homestead.

House, No. 1690

Petition of John F. Quinn relative to licensure of court reporters.

House, No. 1705

Petition of Richard J. Ross and others for a proposal for a legislative amendment to the Constitution relative to eminent domain.

House, No. 1727

Petition of Theodore C. Speliotis and Christopher J. Donelan for a proposal for a legislative amendment to the Constitution relative to legislative action on initiative amendments.

House, No. 1771

Petition of Martha M. Walz and others for a proposal for a legislative amendment to the Constitution relative to eminent domain takings.

House, No. 1772

Petition of Alice K. Wolf and others for a proposal for a legislative amendment to the Constitution relative to initiative petitions.

House, No. 3878

Petition of Douglas W. Petersen for a legislative amendment to the Constitution relative to civil and legal rights.