

SENATE BILL REPORT

ESSB 5844

AS PASSED SENATE, MARCH 9, 1993

Brief Description: Allowing volunteers to assist agencies to serve at-risk children's needs.

SPONSORS: Senate Committee on Government Operations (originally sponsored by Senators McAuliffe, Erwin, M. Rasmussen, Amondson, Drew, Prentice, Pelz, Niemi, Winsley, Sheldon, McDonald, Talmadge, Owen, Snyder, Haugen, Hargrove, Moyer, Quigley, Roach, Jesernig, Oke, Hochstatter and Spanel)

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5844 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Oke, von Reichbauer, and Winsley.

Staff: Katie Healy (786-7784)

Hearing Dates: February 24, 1993; February 26, 1993

HOUSE COMMITTEE ON HUMAN SERVICES

BACKGROUND:

The Center for Volunteerism and Citizen Service supports, promotes and enhances the ethic of citizen service throughout the state.

SUMMARY:

A collaborative program permits a volunteer organization and individual to assist a public agency in attending to at-risk children. The center establishes guidelines for the collaborative programs. The guidelines define at-risk children and establish reasonable safety standards for the activities of any volunteers.

Volunteers are not considered employees of the agency administering the program. A volunteer and the public agency will sign a written master agreement, approved in form by the Attorney General, which defines the scope of volunteer activities and waives any claims against each other. A volunteer who complies with the safety standards is not subject to liability. A claimant seeking damages against a public agency or volunteer organization must show that the agency failed to comply with the safety standards.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

The portion of the bill providing for liability protection is innovative. Policymakers have been trying for years to give liability protection.

TESTIMONY AGAINST:

The intervention program to provide alternatives to at-risk youth is supported. Concern is with programs that are dangerous if not done correctly. Programs are for kids who carry knives and guns. No one is responsible if someone is injured. Standards should be designed to protect public health and safety. There needs to be incentive to follow the guidelines. At-risk youth should be defined.

TESTIFIED: Joby Winans, Department of Community Development (pro);
Dennis Martin, Washington State Trial Attorneys (con)

HOUSE AMENDMENT(S):

A background check for program supervisors is included in the safety standards to be set. An individual volunteer is not held liable for civil damages for acts complying with the safety standards unless the acts are grossly negligent or willful or wanton. In an action against a public agency or volunteer organization, a claimant must establish by a preponderance of the evidence that the reasonable safety standards were not complied with by the agency or organization.