

SENATE BILL REPORT

ESB 5109

As Passed Senate, March 11, 1999

Title: An act relating to immunity for school districts that make their facilities available to certain private nonprofit groups serving youth.

Brief Description: Creating limited immunity for school districts.

Sponsors: Senators Patterson, McAuliffe, Prentice, Johnson, Hochstatter, Brown, Heavey, Kline, Finkbeiner, Benton, Winsley, Oke and Kohl-Welles.

Brief History:

Committee Activity: Education: 2/3/99, 2/17/99 [DP].
Passed Senate, 3/11/99, 45-0.

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Benton, Brown, Goings, Hochstatter, Kohl-Welles, Rasmussen and Sellar.

Staff: Susan Mielke (786-7422)

Background: Under current state law, a school district may permit school facilities to be used for public purposes.

In August 1998, Governor Locke and State School Superintendent Bergeson held a Youth Safety Summit. One of the recommendations contained in the Youth Safety Summit Report was that school facilities should be available beyond their traditional uses and hours for nonschool programs that serve youth, and that school district liability should be limited when these other groups use school facilities.

Summary of Bill: Beginning January 1, 2000, school districts have limited immunity if:

1. the injuries are caused by the actions or inactions of an employee of a private nonprofit youth program using school district facilities; and
2. the nonprofit program provides proof of insurance.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: January 1, 2000.

Testimony For: The limited immunity provided to school districts under this bill will provide an incentive for schools to be used by others after the school day is done. Many school districts already require organizations leasing school facilities to have at least \$1 million liability insurance coverage, so the mechanism to make this bill work is already in place.

Testimony Against: None.

Testified: David Hayasaka, Puget Sound ESD.

House Amendment(s): The House amendment clarifies that the bill does not impose any new liability on a school district.