

T H E C O M M O N W E A L T H O F M A S S A C H U S E T T S

In the Year Two Thousand and Seven

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.

House of Representatives, November 19, 2007.

Passed to be re-enacted,

 Speaker.

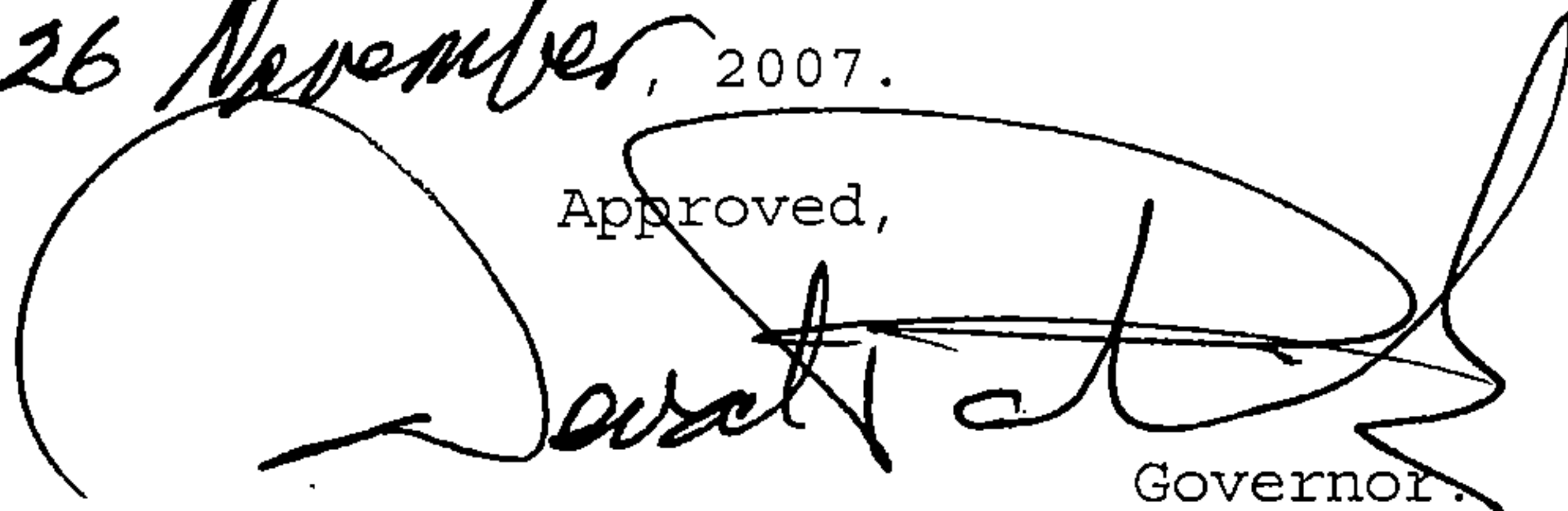
In Senate, November 19, 2007.

Passed to be re-enacted,

 President.

26 November, 2007.

Approved,


Governor.