



**SENATE AMENDMENT 1,  
TO 2011 SENATE BILL 382**

February 23, 2012 – Offered by Senator GALLOWAY.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 6: after “functions.” insert “For purposes of s. 895.523, “actual  
3 costs” means reasonable costs for maintenance, security, supervision of participants  
4 who are minors, if applicable, and cleaning.”.

5 **2.** Page 3, line 7: delete lines 7 to 9 and substitute:

6 “(c) 1. Except as provided in subd. 2., “recreational activity” means all of the  
7 following:

8 a. Any indoor physical activity, sport, team sport, or game, whether organized  
9 or unorganized, undertaken for the purpose of exercise, relaxation, diversion,  
10 education, or pleasure.

11 b. Any outdoor activity undertaken for the purpose of exercise, relaxation, or  
12 pleasure, including practice or instruction in any such activity. In this subd. 1. b.,  
13 “outdoor activity” includes hunting, fishing, trapping, camping, picnicking,

1 exploring caves, nature study, bicycling, horseback riding, bird-watching,  
2 motorcycling, operating an all-terrain vehicle, ballooning, hang gliding, hiking,  
3 tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, water sports,  
4 sight-seeing, rock-climbing, cutting or removing wood, climbing observation  
5 towers, animal training, harvesting the products of nature, sport shooting, and any  
6 other outdoor sport, game, or educational activity.

7       2. “Recreational activity” does not include any indoor or outdoor organized  
8 team sport or activity organized and held by a school district, school board, or  
9 governing body of a charter school.”.

10       **3.** Page 3, line 11: delete “permitting” and substitute “that permits”.

11       **4.** Page 3, line 13: after “activity” insert “and that satisfies the requirements  
12 under sub. (5)”.

13       **5.** Page 3, line 17: delete “school board” and substitute “school district, by a  
14 school board,”.

15       **6.** Page 3, line 20: delete “school board” and substitute “school district, by a  
16 school board,”.

17       **7.** Page 3, line 21: after that line insert:

18       “(gm) “Spectator” means a person who attends or watches a recreational  
19 activity but does not engage or participate in or intend to engage or participate in the  
20 recreational activity.”.

21       **8.** Page 3, line 24: after “no” insert “school district, no”.

22       **9.** Page 4, line 9: before “school” insert “school district, no”.

23       **10.** Page 4, line 15: after “liability of a” insert “school district, a”.

1           **11.** Page 4, line 17: delete that line and substitute “board or of the governing  
2 body of a charter school for any of the following”.

3           **12.** Page 4, line 18: before “malicious act” insert:

4           “(a) A death or injury caused by a”.

5           **13.** Page 4, line 23: after that line insert:

6           “(b) The death of or injury to a spectator that occurs on the school grounds of  
7 the school board or of the governing body of a charter school designated for use in a  
8 recreational agreement during the recreational activity.”.

9           **14.** Page 5, line 4: after that line insert:

10           “(5) RECREATIONAL AGREEMENT. Each recreational agreement shall include all  
11 of the following:

12           (a) A description of the recreational activity or activities to be held on the school  
13 grounds pursuant to the agreement.

14           (b) The time and place of the recreational activity or activities.

15           (c) Any eligibility requirements for participation in the recreational activity or  
16 activities.

17           (d) Whether and, if so, to what extent participants who are minors will be  
18 supervised.

19           (e) A clear statement describing a participant’s assumption of risk.”.

20           **15.** Page 5, line 6: after “or the limitation” insert “of school districts’ liability”.

21           **16.** Page 5, line 7: delete “boards’ liability” and substitute “boards’ liability”.

22           **17.** Page 5, line 14: after that line insert:

