

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 0 - 1
Yeas:	Bates, Beyer, Prozanski, Avakian
Nays:	0
Exc.:	Atkinson
Prepared By:	Sue Marshall, Administrator
Meeting Dates:	5/10

WHAT THE MEASURE DOES: Amends the definition of “charge” in ORS 105.672 to specify that it does not include any amount received from a public body in return for granting permission for the public to enter or go upon the owner’s land. Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Loss of private land hunting access due to uncertainties over liability coverage
- Opportunities to expand public access programs
- Whether funds received for habitat improvements are considered granting “public access”

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 105.682 provides immunity from liability to landowners allowing public access for recreation, provided the owner makes no charge for permission to use the land. There has been uncertainty over whether a landowner who accepts payment from a public body for access is still protected by the liability shield. The Department of Fish and Wildlife currently administers two programs that pay landowners to allow public access.

House Bill 2445 clarifies that moneys received from a public body in return for granting public access is not considered charging admission and does not affect a landowner’s immunity from liability.