



**Date:** April 3<sup>rd</sup>, 2017

**To:** The Honorable Floyd Prozanski, Chair  
Senate Judiciary Committee

### Testimony in Support of Senate Bill 327

Greenbelt Land Trust supports Senate Bill 327 and offers the following comments.

Senate Bill 327 provides recreational immunity to landowners including employees and agents of the landowners when acting within of the scope of assigned duties for managing the land. Specifically the Bill proposes to clarify the Oregon Recreational Immunity Statute (ORS 105.682) to extend immunity to volunteers and employees working on lands open for public recreational use. However, the Bill preserves the ability to seek litigation in response to gross negligence. The legislation was intended to address the liability issues raised by the Oregon Supreme Court's decision in the Johnson v Gibson case whereby employees and agents of landowners were not explicitly granted immunity under the ORS 105.682. Many private and public landowners have **expressed strong concerns** about this decision and how it may impact their ability to manage some of their lands for recreational access given the potential litigation that may impact their volunteers and employees.

Greenbelt Land Trust owns two properties that currently have some of the most actively used trails in the community. Thousands of people annually access this trail system including hikers, trail runners, bicyclists, equestrians, and many families with young children. Providing a connection to nature for people in our community through some public access is a very important value for our organization. However, after consultation with our attorney and insurance agent about the potential risks associated with the Johnson and Gibson decision, we (like many other public and private landowners across the state) have initiated a process to review the liabilities of opening our lands to public use. It is certainly a strong possibility that many private landowners may consider restricting the use of their lands for recreational use unless ORS 105.682 is amended to include protections for their employees or agents working on their lands.

Greenbelt Land Trust appreciates the opportunity to provide these comments and strongly encourages the members of the Committee to approve moving this Bill for full consideration by the Senate and House.

**Contact:**

Michael Pope, Executive Director  
Greenbelt Land Trust  
541 752 -9609