



CITY OF BEND



Brooks Resources Corporation



LAY IT OUT EVENTS



FOOTZONE



CENTRAL OREGON  
Irrigation  
DISTRICT  
Since 1918



BEND PADDLE TRAIL  
ALLIANCE



BEND Chamber

April 4, 2017

Senate Committee on Judiciary  
Senator Floyd Prozanski, Chair  
900 Court Street NE  
Salem, Oregon 97301

**RE: Support for Restoring Recreational Immunity Liability Protections**

Chair Prozanski and Committee Members:

We write in strong support of Senate Bill 327. In passing this legislation, you would restore crucial recreational immunity protections granted in 1971 via the Oregon Public Use of Lands Act.

The intent of the Act was to expand recreational opportunities to the public by shielding landowners who allow use of their land from liability. This protection was diminished by the Oregon Supreme Court's 2016 decision in *Johnson v. Gibson* which held that employees and agents of property owners are not protected. SB 327 clarifies that the protections apply to employees and agents.

Collectively, we represent public and private landowners, event organizers, promoters, and sponsors. We write in the interest not just of the world-class recreational opportunities we provide on a daily basis but of outdoor events that have become synonymous with Bend, Oregon as a place to live and visit. We also write in the interest of nonprofits, many of whom depend on recreational immunity to carry out their missions.

The majority of outdoor events in Bend are held on land and facilities owned by the City of Bend, the Bend Parks and Recreation District, the Old Mill District, Mt. Bachelor Village, and Brooks Resources. You may be familiar with some of the larger events: Pole Pedal Paddle, the Cascade Cycling Classic, Balloons Over Bend, cycling and running national championships, and the Bend Brewfest. As an example of the importance to nonprofits, Deschutes Land Trust, like other Oregon land trusts, opens many of its preserves to the public for passive recreation while also hosting hundreds of free events each year on its preserves in the form of nature tours, school field trips, and stewardship and restoration activities.

The *Johnson v. Gibson* decision represents a threat not just to our businesses, but to our economy and more fundamentally our way of life. Recreation and the outdoors are in our blood. It's why we live here and why so many people visit. The Oregon Public Use of Lands Act has helped lay the foundation for our thriving success.

The prospect of increased liability risks and insurance premiums for landowners and event sponsors threatens to undercut this success. Landowners will be less likely to make their lands available for public use, fearing potential lawsuits. Insurers will have no choice but to increase premiums paid by property owners and event promoters. Event promoters will have more difficulty securing locations; property owners will require significantly more "additional insured" coverage from promoters; and premiums for promoters will increase.

We ask that you act swiftly and decisively in restoring the protections lost in *Johnson v. Gibson* and work broadly to protect our legacy of outdoor recreation. This is not a partisan issue. It's not a regional issue. It affects all of us and so much of what we love about our amazing state of Oregon. Please support SB 327.