



ALEX CUYLER

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DATE: April 6, 2017

TO: Senate Committee on Judiciary

RE: SB 327, relating to recreational immunity from claims of persons entertering land for certain purposes

Dear Senator Prozanski and members of the Committee:

Lane County offers its support of SB 327 and urges the Committee to make a DO PASS recommendation on this measure. . This measure defines an owner of land to include an officer, employee, owner, volunteer, or agent of a person who possesses an interest in land, and who is acting within the scope of assigned duties.

The Lane County Board of Commissioners elevated this issue to among its highest priorities. Lane County supports the modifications to Oregon's 'recreational immunity' statutes (ORS 105.672 and ORS 105.682, created as part of the Public Use of Lands Act in 1995) contained in the introduced measure and amended by the -1 amendment.

We are part of a well-organized coalition of stakeholders that will work to seek the ultimate passage of SB 327.

We are seeking this bill due to a decision by the Oregon Supreme Court in March of this year. Local governments all over Oregon were alarmed to read of the Supreme Court decision in Johnson v Gibson. This case arose when plaintiff Johnson stepped into a hole while jogging in a City of Portland Park and sued the City and two of its Parks employees. The legal question eventually boiled down to whether the legislative intent of the Public Use of Lands Act was to extend recreational immunity to a landowner's employees and agents. The Supreme Court found nothing to indicate that the legislature chose to extend immunity to a landowner's employees, and thus the employees were not protected from tort liability.

Public and private land managers and recreationalists alike have already seen the impacts of this case. Local timberland owners such as Roseboro and Willamette Industries have reduced access to their lands and several cities in Oregon immediately shuttered recreational facilities (an outdoor climbing wall in Redmond and a motocross track in Pilot Rock). Insurance companies have responded by dramatically increasing rates for coverage, given the potential new exposure resulting from the Supreme Court finding.

SB 327 and the -1 amendment will restore the original intent of recreational immunity and allow existing and future partnerships amongst public and private landowners to flourish to the benefit of the public at large.

SUBMITTED ELECTRONICALLY