



ALEX CUYLER

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TO: House Committee on Judiciary

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

Chairman Barker and members of the Committee:

SB 327A is one of Lane County's highest legislative priorities for this session, and the Board of Commissioners seeks your support of this measure.

The measure proposes 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). SB 327A creates an expansion of the definition of 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.

This bill is necessary due to a decision by the Oregon Supreme Court in March of 2016. 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. SB 327A would clearly illustrate that intent.

Public and private land managers and recreationalists alike have already seen the impacts of this case. Lane County 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) due to the cost of liability insurance for these kinds of public facilities and the knowledge of the Supreme Court ruling.

Lane County urges the Judiciary Committee to take the necessary action to clarify intent with respect to the actions of employees and agents of landowners, and we hope we can count on your support for moving this measure to the floor with a DO PASS recommendation.

SUBMITTED ELECTRONICALLY