



Clackamas County Requests Your SUPPORT to restore Recreational Immunity

On behalf of the Clackamas County Board of Commissioners, I write to urge your support to restore Recreational Immunity to landowners and their officers, employees, agents, or volunteers who are acting within the scope of their employment or duties to allow Oregonians to access their lands for recreational use and enjoyment.

Public Access to Land

Oregon is beautiful. People choose to live in and visit Oregon because of the quality of life our landscape provides. Clackamas County is proud to host Oregon's premier and most recognizable mountain: Mt. Hood. Clackamas County is also home to numerous wineries, ski resorts, and public parks. Access to these resources is a major economic driver in both Clackamas County and Oregon.

The Public Use of Lands Act (PULA), established in 1995, declared it to be public policy of the State of Oregon to encourage landowners to make their land available to the public for recreational purposes by limiting their liability. Large and small businesses alike have built their livelihood around the 1995 decision to encourage access to recreational resources across Oregon. In Clackamas County, parks, trails, and other recreational access is now expected by Oregonians to encompass a complete community. Clackamas County proudly embraces that interest through our County Parks, North Clackamas Parks and Recreation District (NCPRD), the numerous parks services offered in our 16 cities, and countless agritourism-related businesses throughout the county.

The Burden on Public Agencies, Land Owners, and those Supporting Public Use of Lands

Clackamas County recognizes that recreational immunity does not mean immunity from negligence or malpractice. For twenty years, PULA has increased the availability of land for free recreation by citizens and visitors alike by limiting liability to cities, counties, park districts, irrigation districts, schools, and private land owners and has extended this immunity from liability to apply not only to landowners but also to landowner's agents and volunteers.

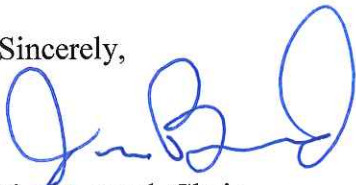
In *Johnson v. Gibson*, the Oregon Supreme Court determined PULA was only a protection intended for the landowner, not those working or volunteering for the landowner. This decision has undermined landowner's recreational immunity from tort liability under PULA because public employers are statutorily required to represent and indemnify their employees. Ultimately, most, if not all, landowners who allow access to their lands free of charge will be responsible for the negligence of their employees that results in injury to a member of the public or property.

Without restoration of the recreational immunity provided by PULA, landowners providing free access to their lands will see increased insurance premiums for the new risk exposure. Park districts, like NCPRD, that are funded by permanent rate structures and provide free access to lands will be required to reduce services to cover the additional insurance premiums. Some landowners may even need to close off access to their property or amenities to Oregonians trying to recreate due to the result of this decision.

Please support the restoration of recreational immunity.

Clackamas County urges your sincere attention to restore recreational immunity in a way that makes sense for both landowners and users. Please renew the protections once allowed for landowners to provide free access to one of Oregon's greatest economic stimulators – our beautiful landscape.

Sincerely,



Jim Bernard, Chair

On behalf of the Clackamas County Board of Commissioners
On behalf of North Clackamas Parks and Recreation District

Please contact Chris Lyons at clyons@clackamas.us for more information.