

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: SB 327 - A

79th Oregon Legislative Assembly – 2017 Regular Session
Legislative Fiscal Office

*Only Impacts on Original or Engrossed
Versions are Considered Official*

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Measure Description:

Provides recreational immunity to owner of land.

Government Unit(s) Affected:

Judicial Department, Department of State Lands, Oregon Department of Transportation (ODOT), Oregon Department of Fish and Wildlife (ODFW), Oregon Parks and Recreation Department (OPRD)

Summary of Expenditure Impact:

Analysis:

SB 327-1 provides recreational immunity to officers, employees, volunteers, and other agents of an organization providing recreational services, while acting within the scope of their assigned duties. In *Johnson v. Gibson*, 358 Or 624 (2016), the Oregon Supreme Court ruled that officers, employees, volunteers, and other agents of the owner, working within the scope of their assigned duties, were not considered “owners” for recreational purposes. This ruling, poses a significant risk to state agencies and their employees’ engaging in recreational activities such as the Oregon Department of Fish and Wildlife’s Access and Habitat, and Restoration and Enhancement programs, by exposing them to civil action while acting in the course of their official duties.

The fiscal impact of the measure is indeterminate. However, failure of the measure would likely result in increased insurance costs on the affected agencies, as well as potential increased Department of Justice fees as a result of potential future litigation.