



February 14, 2023

Chair Prozanski
Vice Chair Thatcher
Members of the Senate Committee on Judiciary

Re: SB 754

On behalf of Bend Park and Recreation District, I appreciate the willingness of the Senate Committee on Judiciary to explore the possible release of claims associated with recreational activities that possess an inherent risk. On behalf of our board of directors, we respectfully ask you to **support SB 754, with the following amendments:**

- 1. When a waiver is signed on behalf of the Operator, the immunity should be extended to the Landowner. Not extending it to the landowner would direct lawsuits to the party that simply makes their lands available for recreational use and may not be responsible for its operation.**
- 2. This bill should also be clear that the bill does not in any way take away protections afforded in the Recreational Immunity Act.**

Oregonians treasure the time spent recreating in the natural environments. Not only does this time result in a healthier population, as shown in the recent Statewide Comprehensive Outdoor Recreation Plan (SCORP) and in numerous studies conducted by the Center for Disease Control (CDC), but the outdoor recreation economy brings valuable tourism dollars to communities across the state and employs Oregonians with rewarding professions. Many, if not most of these lands are owned and administered by public agencies including cities, counties, and special parks and recreation districts with limited resources and budgets.

Land providers work tirelessly to build and maintain facilities and manage public lands to build community and healthy lifestyles for Oregonians and our visitors. In many of the services we offer, and especially in outdoor recreation, inherent risk is always present, which is a motivating factor in drawing many people to the activities they enjoy. Outdoor recreation risk can be managed, but it cannot be eliminated. If risk were to be eliminated we would lose many of the outdoor recreation opportunities that Oregonians enjoy. Imagine a flat ski slope, a river rafting trip with no rapids, or a mountain bike trail that is level and paved.

play for life

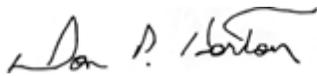
District Office | Don Horton, Executive Director

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Case in point... In Bend we built the Bend Whitewater Park to provide a fun place for residents and visitors to recreate in the Deschutes River. The park also provides an excellent whitewater training facility for beginner surfers and kayakers and for public safety to hone their skills in swift water rescue. We have a concessionaire who rents tubes and offers life jackets without charge to any river user who wishes to wear one. The purpose of offering this concession is to promote life jackets as becoming a common part of a river user's equipment, which makes river recreation a safer experience. However, even with life jackets the river is not without risks. SB754 will help to further create solutions to offering exciting activities for Oregonians without the fear of expensive litigation.

Thank you for your consideration. I will be available for any questions you may have and can be contacted at don@bendparksandrec.org, or at 541.280.0475.

Sincerely,

A handwritten signature in black ink that reads "Don P. Horton". The signature is written in a cursive style with a prominent flourish at the end of the name.

Don Horton, executive director
Bend Park and Recreation District