



May 9, 2017

House Committee on Judiciary
900 Court Street NE
Salem, OR 97301

RE: Senate Bill 327: Recreational immunity to owner of land.

Dear Chair Barker, Vice-Chair Olson, Vice-Chair Williamson, and members of the House Committee on Judiciary;

The City of Beaverton supports Senate Bill 327.

For twenty years, the Public Use of Lands Act has been broadly interpreted to apply recreational immunity not only to landowners but also to landowners' employees and agents, such as volunteers. The *Johnson v. Gibson* (2016) ruling effectively undermines a city's recreational immunity, because even though it upheld the immunity of landowners, public landowners are statutorily required under ORS 30.285 & 30.287 to indemnify their employees and volunteers. Most, if not all, landowners will ultimately be responsible for the negligence of their employees that results in injury to a member of the public, which was not what the court or the legislature intended.

Beaverton provides numerous community engagement programs and recreational activities that depend on the work of city staff and volunteers. Last year, volunteers donated more than 3,750 hours to support these city programs. Beaverton must now weigh whether allowing the public to recreate on city land and facilities is worth the increased risk of liability, an unfortunate dilemma that is resolved by SB 327.

Please support Senate Bill 327 and allow cities like Beaverton to continue providing our residents with quality programs and free access to recreational activities. Thank you for the opportunity to comment.

A handwritten signature in blue ink, appearing to read "Bill Kirby". The signature is fluid and cursive, with a long, sweeping underline.

Bill Kirby
City Attorney