



February 18, 2025

Senate Judiciary Committee
Senator Prozanski, Chair
Senator Thatcher, Vice-Chair

RE: SB 179 Testimony, Public Hearing, February 19, 2025

Dear Chair Prozanski, Vice-Chair Thatcher and Members of the Committee:

Please accept this testimony in support of Senate Bill 179. We appreciate the Committee's work on this effort to ensure that public lands across Oregon remain open for recreational purposes. These lands provide significant health benefits to our community, while contributing widely to economic growth including here in Jackson County where the Bear Creek Greenway trail alone generates a positive impact of nearly \$3 million annually for Southern Oregon.

While Senate Bill 179 permanently codifies the beneficial changes made through the 2024 legislative session, we strongly encourage the committee to consider further strengthening recreational immunity by addressing the issue of intent. Until which time this issue is clearly legislated, we will continue to see local jurisdictions be forced to defend themselves against litigation where a user, at their own discretion, can simply choose why they are using property, which effectively nullifies recreational immunity. This approach was made abundantly clear in the Fields versus Newport case.

A simple, yet very effective change to further protect continued use of our public lands is to make clear in legislation that, "There is a presumption that the owner of land is permitting entry upon land for recreational purposes, gardening, woodcutting, or the harvest of special forest products if land is open to the public and the owner of the land permits the use of the land within limits of the applicability of this section as set forth in ORS 105.672 to 105.696."

While we understand the committee's reservation to address *user* intent, the suggested change clarifies the *land owner's* intent, which will in effect, continue the legacy of access to Oregon's public lands as future attempts to dissect the historical Recreational Immunity Act protections continue.

Sincerely,

Steve Lambert. Roads and Parks Director, Jackson County

Rich Rosenthal, Parks, Recreation and Facilities Director, City of Medford