

HOUSE COMMITTEE ON  
NATURAL RESOURCES  
SUBCOMMITTEE ON AGRICULTURE & FORESTRY

Hearing Room

Tapes - 5

MEMBERS PRESENT:

REP. BILL FISHER, Chair  
REP. TONY CORCORAN, Vice-Chair  
REP. LARRY WELLS  
REP. JIM WELSH  
REP. TIM JOSI

STAFF PRESENT:

PAT ZWICK, Committee Administrator  
GAIL E. BOESCH, Committee Assistant

MEASURES HEARD:

Public Hearing and Possible Work Session - HB 2296  
Public Hearing and Possible Work Session - HB 2130

These minutes contain materials which paraphrase and/or summarize  
statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings,  
please refer to the tapes.

TAPE , A

005 CHAIR FISHER: Calls the meeting to order at 1:30 pm.

019 Opens Public Hearing on HB 2296.  
Witnesses: Representative Kevin Mannix  
Representative Larry Sowa  
Rod Ingram, Oregon Department of Fish & Wildlife  
John Brenneman, Idaho Power  
Tom Balmer, Oregon Department of Justice  
Connie Battaile, Daisy Hill Tree Farm  
Richard Angstrom, OCAPA  
Ken Evans, Oregon Anglers, SPORT PAC  
Alan Willis, Port of Portland

026 REP. MANNIX: Gives overview of HB 2296.

139 REP. JOSI: Questions where protection against prescriptive easement is  
noted in bill.

140 REP. MANNIX: Section 5, pg. 2, l. 28 - 31. Notes that the committee may  
want to expand second part to include woodcutting at a fee of not more than  
\$20/day. Summarizes part one, part two. Fiscal impact speculative at this  
point. Two sets of amendments prepared. -1 and -2 amendments. (Exhibit C)

183 REP. CORCORAN: Questions if there is data to show lawsuits and damages.

193 REP. MANNIX: Responds that bill is dealing with fear.

220 REP. SOWA: Discusses problems of opening private land for public use.

265 REP. WELSH: Expresses concerns with section 3.

295 REP. SOWA: Trying to give owner maximum protection. Comments about  
wording in present law.

310 REP. WELLS: Requests clarification regarding property owner's liability  
coverage as compared to proposed bill.

322 REP. SOWA: Responds that bill would probably lower risk, and premiums.  
Notes recent legislation to encourage landowners to open land.

362 REP. WELLS: Questions who will inform landowners regarding bill.

369 REP. SOWA: Restoration & Enhancement Board and Access & Habitat Board.

373 REP. JOSI: Questions language of bill regarding protection against known dangerous activity and expresses concerns regarding how "dangerous" might be defined.

396 REP. SOWA: Responds that language is right out of present law. No objections to changing it.

TAPE 5, A

003 REP. LEWIS: Requests further clarification.

015 REP. WELSH: Proposes sending bill to work session to rework wording of section 3, subsection 2.

019 ROD INGRAM, DEPUTY DIRECTOR, OREGON DEPARTMENT OF FISH & WILDLIFE: Submits Exhibit B in support of HB 2296. Suggests committee consider clarifying the term "activity", and consider allowing the landowner to limit recreational activity.

056 JOHN BRENNEMAN, IDAHO POWER: Discusses Exhibit C, proposed amendments to HB 2296. Speaks in support of bill.

125 REP. CORCORAN: 2 concerns, cost and need for rationale.

135 BRENNEMAN: Will find out what I can on cost. States that as a matter of fairness, HB 2296 should apply to all land, not just private.

144 TOM BALMER, DEPUTY ATTORNEY GENERAL, OREGON DEPARTMENT OF JUSTICE: Objects to HB 2296, submits Exhibit D. Reads and summarizes testimony from document.

200 BALMER: Continues reading from Exhibit D. Specific objection is with section 7, sub. 5.

283 REP. JOSI: Requests ORS reference regarding prohibition of Attorney General's office from representing private individuals.

288 BALMER: ORS chapter 180.060(3), referenced because it indicates the role of the A.G; indicative of the kind of responsibilities that we have. Bill indicates a shift in responsibility.

300 REP. CORCORAN: Solicits opinion about a proposed amendment requiring reimbursement for AG's services by litigants who lose.

306 BALMER: Question of tort reform, would not reduce objections. Reduces fiscal problem minimally; does not change fundamental philosophical problem of representing a few private concerns instead of greater public issues.

337 REP. WELLS: Asks for clarification concerning how much current law is incorporated into HB 2296.

342 BALMER: Clarifies that HB 2276 combines current laws, rephrases immunity that landowner is due; provides more protection, is clearer than current law.

363 REP. WELLS: Comments that as a landowner, this is a personal issue. Would like to see changes from viewpoint of permission and assumption of responsibility. Let land user assume responsibility.

TAPE 4, B

009 CHAIR FISHER: Requests clarification regarding Mr. Balmer's statement that the AG's office couldn't handle both public and private concerns.

020 BALMER: Treated as one law firm, can't handle both pro & con; ethical prohibition by Bar.

040 CONNIE BATTAILE, DAISY HILL TREE FARM: Speaks against HB 2296, submits Exhibit E and testifies from it.

097 RICHARD ANGSTROM, OREGON CONCRETE & AGGREGATE PRODUCERS ASSOCIATION (OCAPA): Submits Exhibit F, proposed amendment to HB 2296. Speaks in support of bill. Provides examples of injuries on private lands and resulting suits. Speaks to the words "wanton" and "reckless".

150 - Concurs with Brenneman amendment.

225 REP. WELSH: Questions whether section 3 provides enough protection for the landowner.

232 ANGSTROM: We're working with subsection 2; we think it's pretty strong.

250 KEN EVANS, OREGON ANGLERS, SPORTSMAN PROTECTING OREGON RESOURCES  
TOGETHER P.A.C.: Speaks in support of HB 2296. Supports Brenneman's  
amendments as well. Comments to A.G.'s testimony. Supports promoting  
recreational access to public land, agrees with transferring responsibility

to user.

- Would like to amend, pg 1, lines 14, 15 to include any wildlife habitat  
restoration or enhancement project.

338 ALAN WILLIS, PORT OF PORTLAND: Speaks in support of HB 2296, asks that  
ports be included in the legislation. Conceptual amendment, Sec. 7, lines  
44 - 45.

398 CHAIR WILLIS: Closes Public Hearing on HB 2296.  
Opens Work Session on HB 2130.

TAPE 5, B

013 STAFF ZWICK: Introduces HB 2130, recaps previous discussions. Submits

Exhibit G

028 MOTION: REP. JOSI: Moves to ADOPT the HB 2130-1 amendment.

VOTE: CHAIR FISHER: Hearing no objection, the amendments are ADOPTED. All  
members are present.

047 MOTION: REP. JOSI: Moves that HB 2130, AS AMENDED, be sent to the full  
committee with a DO PASS recommendation.

065 CHAIR FISHER: Closes the WORK SESSION on HB 2130.  
Adjourns meeting at 3:03PM

Submitted by, Reviewed by,

GAIL E. BOESCH PAT ZWICK  
Committee Assistant Committee Administrator

#### EXHIBIT SUMMARY:

A - Staff Measure Summary, Pat Zwick, Committee Administrator, 4 pages.  
B - Testimony on HB 2296, Rod Ingram, Oregon Department of Fish & Wildlife,  
2 pages.  
C - Proposed Amendments to HB 2296, John Brenneman, Oregon Cattlemen's  
Association, 3 pages.  
D - Testimony Opposing HB 2296, Tom Balmer, Deputy Attorney General,  
Department of Justice, 3 pages.  
E - Testimony on HB 2296, Connie Battaile, Daisy Hill Tree Farm, 2 pages.  
F - Proposed Amendments to HB 2296, Richard Angstrom, OCAPA, 1 page.  
G - Staff Measure Summary, HB 2130, Pat Zwick, Committee Administrator, 2  
pages.