



# MEMORANDUM

EUGENE WATER & ELECTRIC BOARD

*Rely on us.*

TO: Commissioners McRae, Barofsky, Schlossberg, Brown, and Carlson  
FROM: Jason Heuser, Public Policy and Government Affairs Program Manager  
DATE: January 26, 2024  
SUBJECT: February 2024 Legislative/Policy Update  
OBJECTIVE: Information

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## **Issue**

EWEB monitors, influences, and strategically plans around legislative and regional policy issues.

## **Background**

The Board adopts general policy directives for advocacy on legislation and other public policy matters, which guide the work of EWEB's lobbying activities. When political considerations test the applicability of those directives, the General Manager makes a determination as to whether a fundamental shift in direction is required. The Board may be asked to reaffirm policy directives or direct staff to make necessary adjustments.

## **Discussion**

The following is an update on interim state and federal legislative/administrative issues.

### Emerging 2024 State Legislative Session Issues:

Since the EWEB Board adopted the utility's 2024 State Legislative Agenda a new issue of interest to EWEB has emerged, although it will not be confirmed that this topic will be addressed until the release of 2024 session bills on January 31<sup>st</sup>.

#### *Recreational Immunity*

In 2023 an Oregon appellate court decision called into question the tort immunity enjoyed by public and private landowners when they allow access to land free of charge for recreation. The issue in question in the case was whether a person hiking on a trail while walking their dog and socializing with a friend was recreating on the trail or was using it for transit to and from a beach recreational area. Public agencies and recreational user groups have made requests to the Legislature for a fix to ensure continued public access to recreation areas in the wake of this court decision.

There are news reports of subsequent recreational access impacts in some locales around Oregon. The legislature has a history of supporting recreational immunity and has previously amended Oregon law to provide remedy when past court decisions have put recreational access at risk.

EWEB will be monitoring for potential legislation on this topic that would clarify and relieve landowners of

unnecessary exposure to liability and litigation costs when making land accessible for recreation free of charge. If and when introduced, this bill could be beneficial to the utility and our community and could be a bill EWEB would support.

**Recommendation/Requested Board Action**

These are informational updates, and no action is required at this time.