



*Day Law Group, P.C.*

ATTORNEYS AT LAW

Ross A. Day\*  
Matthew Swihart†

\* LICENSED IN OREGON AND WASHINGTON  
† LICENSED IN OREGON AND FLORIDA

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*Via electronic mail ([channa.newell@state.or.us](mailto:channa.newell@state.or.us)) only*

Conference Committee on HB 3452B  
900 Court Street NE, Rm. H-395  
Salem, Oregon 97301

RE: House Bill 3452B as amended by the –B6 Amendments

Chair Barker and Members of the Committee:

This letter is in regards to the above-referenced measure. Thank you for taking the time to consider my concerns. As you know, I represent Camp Attitude Oregon, Inc.

Thank you for working to address Camp Attitude’s concerns with House Bill 3452B. I especially appreciate the efforts of Representative McLane to come up with language that will address his concerns regarding hidden indemnification clauses without affecting non-profit organizations like Camp Attitude.

For those on the committee who are unfamiliar with Camp Attitude, let me describe what it is that we do:

Camp Attitude is located just east of Sweet Home, on Highway 20, on the middle fork of the Santiam River. We have a 24 acre camp, complete with cabins, yurts and a pavilion. During the summer months, we use the campus for the operation of Camp Attitude. Camp Attitude provides a summer camp experience to special needs families. We have a simple motto: anything an able-bodied person can do, a disabled person can do.

During the “off-season”, we rent the property to other organizations to use for such activities as corporate retreats, outdoor schools, and similar events.

As you would expect, we require the organization renting the property to sign both a liability waiver and an indemnification agreement. We also require the organization to provide one or more individuals who will personally indemnify Camp Attitude on behalf of the organization using the property. This personal indemnification acts as a pseudo “guarantee” that Camp Attitude will actually be indemnified as required under the terms of the rental agreement.

This additional indemnification also helps keep Camp Attitude’s insurance costs low (or at least lower). Almost a quarter of Camp Attitude’s cost is attributable to liability coverage. Any increase in our insurance cost will have a negative effect on Camp Attitude’s ability to provide assistance to special needs families.

Representative McLane’s purpose of HB 3452B is to prevent hidden indemnification clauses in liability waivers signed by parents. Camp Attitude supports Representative McLane’s intent behind HB 3452B.

Our concern with HB 3452B is that instead of prohibiting hidden indemnification clauses targeted by Representative McLane, HB 3452B would instead prohibit the “pseudo guarantees” used by Camp Attitude, described above. If Camp Attitude is not able to require the personal indemnifications described above, our insurance costs will likely be too high for us to continue to operate.

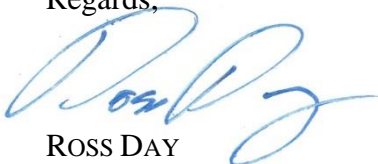
The –B6 amendments proposed by Representative McLane address Camp Attitude’s concerns. The –B6 amendments make “hidden indemnification” agreements void, while allowing the type of “pseudo guarantee” indemnification agreements used by Camp Attitude (and presumably others). Camp Attitude supports adoption of the –B6 amendments.

One last point: This week marks the first week for Camp Attitude’s 2015 summer season. Camp Attitude will be holding sessions for the next seven weeks. Camp Attitude is an amazing place. I tell people all the time that one week at Camp Attitude will change your life forever.

Camp Attitude is also the only camp of its kind in the country. It is truly unique and a blessing to all of Oregon. I want to extend an invitation to all members of the conference committee to come visit Camp Attitude. I think you will be amazed and inspired by what you witness.

Thank you again to Representative McLane, Chair Barker, Chair Prozanski and Senator Thatcher for your willingness to help address Camp Attitude’s concerns with HB 3452B.

Regards,



ROSS DAY  
ATTORNEY FOR CAMP ATTITUDE OREGON, INC.

CC: Conference Committee Members (via email)  
Representative Jim Weidner (via email)