

**Written Testimony of Rob Bovett, AOC Legal Counsel,  
before the House Agriculture and Land Use Committee  
in support of Senate Bill 696**

Tuesday, April 16, 2019

Dear Chair Clem, Vice-Chairs McLain and Post, and  
Representatives Boshart Davis, Helm, Brock Smith, and Williams,

Thank you for the opportunity to discuss [Senate Bill 696](#), a bill introduced and supported by the Association of Oregon Counties (AOC) to clean up a specific liability insurance statute relating to outdoor mass gatherings that should have been cleaned up long ago. The bill comes to you following a unanimous Do Pass recommendation from the Senate Judiciary Committee and at 30-0 vote on the Senate floor.

Oregon law provides for regulation and issuance of permits for outdoor mass gatherings. ORS 433.735 to 433.770. Included within those statutes is a cap for required liability insurance, namely \$1,000,000. ORS 433.755(1). That cap was last adjusted in 1993, when that amount mirrored the applicable limit in the Oregon Tort Claims Act (OTCA). 1993 Oregon Laws, Chapter 779, Section 2 (Enrolled HB 2910).

A lot has changed in the 25 years since 1993.

In order to comply with Oregon Supreme Court case law, the limits in the OTCA were amended to be indexed annually for inflation. However, that indexing legislation failed to amend ORS 433.755(1) to connect the liability caps. Thus, a growing gap in coverage has evolved over time. That currently applicable OTCA limit is now \$1,454,300.

Senate Bill 696 fixes the disconnect by indexing the applicable statute, ORS 433.770(1), to the OTCA limit. That should have been fixed many years ago. But, as the saying goes, better late than never. Please support SB 696.

Sincerely,



Rob Bovett  
AOC Legal Counsel