KATE BROWN
Governor

June 23, 2015

The Honorable Peter Courtney
President of the Senate
S-201 State Capitol
Salem, OR 97301

Dear Senate President Courtney:

Today I signed into law SB 775, which provides that measures taken to minimize the impact of a natural disaster cannot be used as evidence in court to prove negligence or culpable conduct in connection with damage or injury resulting from a natural disaster. This legislation serves an important public policy: property owners like utilities and local governments should be able to assess their vulnerability to natural disasters, and to take steps to minimize the impacts of natural disasters, without fear of incurring liability.

I am concerned, however, about the broad and unintended effects that SB 775 may have. For instance, SB 775 may effectively immunize a contractor that, in the course of performing natural disaster-mitigation work (such as a seismic retrofit), structurally weakens a building and causes it to incur damage in an earthquake. SB 775 may also effectively immunize a contractor hired to assess natural disaster vulnerability but uses unsound methods and produces an unreliable assessment. Finally, because SB 775 is not limited to the context of civil litigation, it could have unforeseeable implications for criminal and administrative proceedings.

For these reasons, I will be proposing legislation in the 2016 session to narrow the effects of SB 775.

Sincerely,

Governor Kate Brown

cc: Senate Committee on Veterans and Emergency Preparedness

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