



**SB 848 Testimony in opposition on behalf of AOC- Association of Oregon Counties**

**Senate Committee on Judiciary**

**March 1, 2023**

Dear Chair Prozanski, Vice-Chair Thatcher and members of the Senate Judiciary Committee:

My name is Anna Braun and I am testifying here today on behalf of the Association of Oregon Counties (AOC). **AOC is opposed to SB 848.**

SB 848 fundamentally shifts the risk of liability for defending construction defect claims from the design professional to the contracting agency. The bill makes it more challenging for all local governments to be made whole when a design professional does substandard work.

Counties currently require all vendors, contractors, and design professionals to indemnify and defend a county against claims arising from their negligence. This makes sense because the design professional is in the best position to defend the quality of their actions and design.

Requiring a local government to defend the claim until the design professional is found to be negligent by a court will place an increased financial burden on local governments for these types of claims. Local government should not be required to spend taxpayer dollars to defend a claim for a design professional's negligence.

SB 848 is expensive and a fundamental change to contract law for local governments. Please vote no on this bill.

Thank you.

Anna Braun

**Braun Law LLC**

On behalf of AOC Governance, Revenue and Veterans subcommittee

**UNITED COUNTIES. UNITED OREGON.**

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