

February 22, 2021

Dear Chair Power & Members of the House Subcommittee on Civil Law,

I am writing to you today to urge you to oppose HB 2205. This bill would allow for private lawsuits for the potential violation of any Oregon statute. It is a shocking overreach, particularly as businesses struggle to keep their doors open during the COVID-19 pandemic.

HB 2205 is similar to a California law, the Private Attorney General Act (PAGA), that has been disastrous for the state's businesses. Each year in California about 4000 PAGA lawsuits are filed against large and small employers, many for minor violations or mistakes. This is exactly what will happen to our local businesses if Oregon legislators pass HB 2205, either in its expanded form or limited to labor policy like California. We need to grow our small business not to push us out. Small business is all Oregon has left and the only hope of a better future for our kids.

HB 2205 will impact on every business, every non-profit and nearly every employer in Oregon, subjecting liability exposure never envisioned when enforcement statutes were adopted. HB 2205 inappropriately shifts the responsibility of enforcing state law from state agencies to the courts. There is reason that state agencies are charged with enforcing state laws. There is significant rulemaking and interpretation that agencies conduct as they enforce laws. HB 2205 removes the nuance of those decisions from agencies and places it with our overburdened court system. Judges are not subject matter experts on the countless Oregon laws that agencies routinely enforce. And state agencies should not be forced to dedicate finite state resources that could be used for education and enforcement to meet the tight timelines for notice proposed by HB 2205.

I am very worried about what HB 2205 means for my business. These lawsuits will force employers large and small to either settle or risk hundreds of thousands of dollars if not millions litigating the case on the merits. Please do not open my business up to endless litigation. One baseless lawsuit could easily cost me my business and (36) jobs.

It is unacceptable to saddle local employers with this amount of liability and risk. HB 2205 will create lasting harm if it moves forward this session.

Please vote '**no**' on HB 2205.

Respectfully,

Richard E Duncan, Owner

Rich Duncan Construction Inc.