

# **OREGON TRIAL LAWYERS ASSOCIATION**

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Testimony of Arthur Towers

OTLA Political Director

**In Opposition to House Bill 2126**

Before the House Judiciary Committee

February 2, 2021

Chair Bynum and members of the committee, thank you for the opportunity to submit testimony in opposition to HB 2126.

This bill seeks to shield the government from the consequences of its negligence.

The state has the power to grant or deny licenses to investigators. Employment opportunities rely on the ability for an applicant to get a license. Government action has real-life consequences for Oregonians.

The government should act in a responsible, legal manner or be held accountable.

The Oregon Tort Claims Act is a decades-old law that balances the considerations of taxpayers with the right of ordinary Oregonians to hold our government accountable. On Wednesday, January 27<sup>th</sup>, your Subcommittee on Civil Law held a very good informational hearing in which witnesses from the Department of Justice and the Association of Oregon Counties did an excellent job laying out the history and the balanced nuances of that statute.

HB 2126 seeks to make an end run around the OTCA by creating a new type of immunity from responsibility.

If the process to grant licenses to private investigators is faulty and often results in incorrect determinations, the solution is to improve the system. HB 2126 forces those victimized by the system to bear the damage caused in every instance.

We do not believe that every erroneous decision is the result of negligence. We don't believe that every person who thinks they have been wronged deserves to win a settlement or judgement.

We do strongly believe that the individual right to seek government accountability in a court of law needs to be preserved.

We urge that HB 2126 be defeated or be sent to the Subcommittee on Civil Law for further review. Thank you for your consideration.