

February 16, 2026

Chair Prozanski, Vice Chair Thatcher and Members of the Committee,

My name is Lauren Bagley, mother of Myles Bagley, the Plaintiff in the unanimous 2014 Supreme Court decision Bagley vs. Mt Bachelor.

I have been fighting the issue of protecting Oregon citizens' civil and constitutional rights relating to liability waivers since 2006. After my son Myles was injured at Mt. Bachelor that same year, became a paraplegic and confined to a wheelchair, we learned, firsthand, what it meant to fight through our court system to hold a recreational business accountable for their wrongdoing. I saw how difficult and long the process was, but the fight to have **RIGHTS, a VOICE, AND ACCESS TO JUSTICE**, kept us moving forward. Since the Supreme Court decision, it seems almost every legislative session Myles and I have made numerous trips to testify on this issue, to retell Myles' story and to urge legislators to protect our constitutional rights.

I respectfully encourage careful review of this legislation to ensure full compliance with the Oregon Constitution. Regardless of policy objectives, it is important that any enacted measure clearly protects individual Oregonian's fundamental rights, avoids unintended burdens on constitutionally protected activity, and is drafted with sufficient clarity and narrow tailoring to withstand judicial scrutiny.

To me the role of the Senate Judiciary Committee is not merely procedural. It is foundational. You are entrusted with safeguarding constitutional principles, ensuring that legislation complies with the limits placed on government authority, and preventing infringement on the civil liberties of the people you represent.

The Oregon Constitution is not advisory. It is binding. Its protections are clear and deliberate—particularly those safeguarding due process, equal protection, and the rights reserved to the people. This legislation must protect these rights. Legislative convenience must never outweigh constitutional protections. It is precisely during contentious or politically charged debates that constitutional fidelity matters most.

As an Oregonian, I expect my elected officials to defend—not dilute—the rights secured in our Constitution. I urge you to approach this legislation with the seriousness, independence, and constitutional commitment your office requires.

Public policy goals, however important, must always be pursued within constitutional boundaries. Protecting constitutional rights strengthens both legislative authority and public trust which in turn protects every Oregon citizen.

Myles' case is over and will not be affected by this legislation. But we both believe so strongly in protecting future injured Oregonians' rights, we continue to testify time and time again to ensure the voices and stories of injured Oregonians remain at the forefront of these discussions.

The industry is asking lawmakers to trade away the constitutional rights of Oregonians for insurance profits. When the negligence of a business causes catastrophic injuries or death Oregonians should be allowed to have their day in court.

I urge each member of this Committee to safeguard the rights of those injured due to the negligence of another. I cherish my rights and I know Oregon citizens, your constituents, do as well.

My request is simple: whatever policy decision is made, please ensure it is done within clear constitutional limits.

Thank you for your careful consideration of this matter and for your service to the people of Oregon.

Respectfully,

Lauren and Myles Bagley

Bend OR