

February 8, 2024

Senator Floyd Prozanski, Chair  
Senate Judiciary Committee  
900 Court Street, NE  
Salem, OR. 97310

Chair Jama & Members of the Committee:

The Special Districts Association of Oregon represents approximately 950 districts across the state that provide a wide range of services including rural fire protection, library services, parks and recreation, municipal water, wastewater, and storm water services to name a few. Our association appreciates the opportunity to express its opposition to SB 1575 which shifts the risk of liability for defending construction defect claims from design professionals to public contracting agencies.

Our membership believes that public bodies should be able to require design professionals to defend their work and indemnify districts if a district receives a claim based on faulty design or sub-par work. It is our position that those design professions are in the best position to defend the quality of their work and design. This bill, if passed, will place a financial burden on districts, thereby exposing taxpayers or utility customers to defend against claims for a design professional's negligence.

Public bodies are already required to choose design professionals based on qualifications. It seems ironic to our membership that those very same design professionals who are required to be selected based on their qualifications are now asking that public bodies defend and indemnify them in litigation until the negligence is apportioned.

Finally, we believe that design professionals should not be treated any differently from any other professional contractors.

Thank you for your consideration of these comments.

Sincerely,



Mark Landauer  
Lobbyist  
Special Districts Association of Oregon