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House Committee on Rules  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

Re: HB 2993

Dear Committee Members:

Although I believe that an open and accessible government is desirable, I wish to express my concern that, if enacted, HB 2993 would have the effect of delaying the adoption of important rules and would often work to the detriment of those whom proposed rules are intended to protect. I am likewise concerned that compliance with the proposed amendments will impose additional costs on agencies and divert key personnel from other important duties.

Advisory committees can be useful to agencies, especially in controversial matters having clearly-discerned stakeholders. Nonetheless, the reality is that much rulemaking involves mundane matters that do not generate much excitement. Such cases do not warrant the effort required of agency staff to assemble and administer advisory committees and the agency and the public are better served by the existing public comment process. In addition, situations where there are substantial disparities in expertise and resources among the stakeholders, or when some stakeholders lack either the interest or ability to participate, could result in the agency receiving biased recommendations.

The recent rulemakings by the Oregon State Marine Board pertaining to wake sports on the Willamette River provide a case in point. There were numerous stakeholders who had intensely conflicting interests and the Marine Board had little difficulty in assembling a rules advisory committee. However, after months of meetings, the committee failed to come up with a useful framework that would allow these sports to continue without damaging property, harming the environment, and putting river users at risk. The Marine Board ultimately abandoned the advisory committee approach and relied on workshops in which representative stakeholders provided testimony directly to the Board members and on the public comment process, during which interested stakeholders provided 1118 pages of comment.

In summary, it would be best to give agencies the discretion to use advisory committees when they deem them useful, but also permit agencies to rely on the existing public comment process when the public interest is better served.

Very truly yours,

s/Bert P. Krages II  
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