



OREGON JUDICIAL DEPARTMENT
Office of the State Court Administrator

May 12, 2021

(SUBMITTED VIA OLIS)

Senate Committee on Natural Resources and Wildfire Recovery
900 Court Street NE, Room 453
Salem, Oregon, 97301

Re: House Bill 2244A – Stay of WRD or WRC Final Orders

Dear Chair Golden, Vice-Chair Heard, and Members of the Senate Committee on Natural Resources and Wildfire Recovery:

My name is Erin Pettigrew and I am the Access to Justice Counsel for Legislative Affairs at the Oregon Judicial Department. The Oregon Judicial Department is neutral on the bill but we would like to provide the committee with some information concerning implementation of the measure. HB 2244A requires the court to hold a hearing within 21 days after a request if the OWRC or OWRD denies a request for a stay on the grounds that substantial public harm will result from staying the final order.

Our circuit courts and the Court of Appeals recognize the importance of reaching a timely disposition in cases concerning water rights. In most cases, this measure would expedite the court's current process by approximately nine days.

Motions in the Court of Appeals are usually decided by the Appellate Commissioner, as authorized by ORS 2.570(6) and Oregon Rule of Appellate Procedure (ORAP) 7.55. Typically, the Commissioner does not hold hearings on motions. Instead, the Commissioner issues rulings based on the administrative hearing record and briefing materials submitted by the parties. There is only one Appellate Commissioner and she has limited facilities for hearings, so a requirement that hearings be held would add additional workload to what is already one of the busiest intermediate appellate courts in the nation. We anticipate that, if HB 2244A becomes law, appeal of the denial of a stay in a contested case order appealed to the Court of Appeals will be resolved through a remote hearing process.

Please let me know if I can provide any additional information. Thank you.

Sincerely,

Erin M. Pettigrew