

A-Engrossed
House Bill 2093

Ordered by the House March 22
Including House Amendments dated March 22

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Oregon Military Department)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows service members to request stay of administrative proceedings under certain circumstances.

A BILL FOR AN ACT

1
2 Relating to stays of proceedings; creating new provisions; and amending ORS 399.238.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 399.238 is amended to read:

5 399.238. (1) As used in this section, "service member" means:

6 (a) A member of the organized militia who is called into active service of the state by the
7 Governor under ORS 399.065 (1). [*for 30 or more consecutive days.*]

8 (b) A member of the Oregon National Guard who is called into active [*federal*] service **outside**
9 **this state** under Title 10 **or Title 32** of the United States Code.

10 (c) **A member of the Oregon National Guard who is called into active state duty under**
11 **ORS 399.075.**

12 (2) A service member may, while in active service **or active state duty** or within six months
13 after that service **or duty** ends, apply to a court **or an administrative body**:

14 (a) For relief with respect to any obligation or liability incurred by the member before the pe-
15 riod of active service **or active state duty** began. The court **or administrative body**, after appro-
16 priate notice and hearing, may grant relief unless the court **or administrative body** determines that
17 the ability of the member to comply with the terms of the obligation or liability has not been
18 materially affected by active service **or active state duty**.

19 (b) For a stay of a civil [*judicial*] **or administrative** proceeding in which the service member
20 is a party. The court **or administrative body**, after appropriate notice, shall grant the stay unless
21 the court **or administrative body** determines that the ability of the service member to [*represent*
22 *the interests of the service member are*] **appear is** not materially affected by active service **or active**
23 **state duty**.

24 (3) The court **or administrative body** may not charge or collect any fee from a service member
25 who applies to the court **or administrative body** for relief under this section.

26 (4) An application filed under this section may not be deemed as consent to [*the*] jurisdiction
27 [*of any court of this state*] **in any action or proceeding**.

28 **SECTION 2.** (1) **Except as provided in subsection (2) of this section, the amendments to**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **ORS 399.238 by section 1 of this 2007 Act apply to administrative proceedings commenced**
2 **before, on or after the effective date of this 2007 Act.**

3 **(2) The amendments to ORS 399.238 by section 1 of this 2007 Act do not apply to any**
4 **proceeding in which a final order has been entered after all opportunity for administrative**
5 **review has been exhausted.**

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