

Enrolled
House Bill 2093

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)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 399.238 is amended to read:

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

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

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

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

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

(a) For relief with respect to any obligation or liability incurred by the member before the period of active service **or active state duty** began. The court **or administrative body**, after appropriate notice and hearing, may grant relief unless the court **or administrative body** determines that the ability of the member to comply with the terms of the obligation or liability has not been materially affected by active service **or active state duty**.

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

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

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

SECTION 2. (1) **Except as provided in subsection (2) of this section, the amendments to ORS 399.238 by section 1 of this 2007 Act apply to administrative proceedings commenced before, on or after the effective date of this 2007 Act.**

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

Passed by House March 28, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 25, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

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Governor

Filed in Office of Secretary of State:

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Secretary of State