

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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Action: Do Pass

Vote: 9 - 0 - 0

Yeas: Barton, Cameron, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker

Nays: 0

Exc.: 0

Prepared By: Bill Taylor, Counsel

Meeting Dates: 5/14

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**WHAT THE MEASURE DOES:** Directs agencies in a contested case hearing to comply with the Servicemember's Civil Relief Act by giving notice to parties of the rights of active duty servicemembers and include with the notice a statement of the servicemember's right to postpone the proceedings. Also requires the agency to include with the statement the right of the servicemember to contact the Oregon State Bar and the Oregon Military Department with their respective phone numbers and the e-mail address of the United States Armed Forces Legal Assistance Locator website. Permits exhaustion of existing inventories of preprinted forms. Effective September 1, 2013.

**ISSUES DISCUSSED:**

- Federal law requires notice to persons on active military duty

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** The Servicemember's Civil Relief Act (SCRA) provides a wide range of protections for individuals on active military duty. It is intended to postpone or suspend certain civil obligations including judicial and administrative proceedings so service members can devote full attention to duty and relieve stress on the family members. Servicemembers may be protected against outstanding credit card debt, mortgage payments, pending trials, taxes, domestic relations matters and even administrative proceedings.

Oregon currently requires agencies to notify parties to a contested case proceeding of certain rights and procedures in advance of a hearing and of their right to a hearing generally (see ORS 183.413 and 183.415, respectively). Senate Bill 125 B adds to these notices, a statement regarding active duty service members' right to stay proceedings pursuant to the SCRA, such as: "Note to Military Personnel: Active duty service members have a right to stay these proceedings under the SCRA."