

HOUSE BILL REPORT

HB 1615

As Reported by House Committee On:
Judiciary

Title: An act relating to service members' civil relief.

Brief Description: Concerning service members' civil relief.

Sponsors: Representatives Ladenburg, Kelley, Rodne, Moscoso, Kirby, Appleton and Stanford.

Brief History:

Committee Activity:

Judiciary: 2/16/11, 2/17/11 [DPS].

Brief Summary of Substitute Bill

- Amends the Washington Service Members' Civil Relief Act to apply to National Guard members who are under a call to service authorized by the Governor for a period of more than 30 consecutive days.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Chandler, Eddy, Frockt, Kirby, Klippert, Nealey, Orwall, Rivers and Roberts.

Staff: Edie Adams (786-7180).

Background:

The Washington Service Members' Civil Relief Act (SCRA) was enacted in 2005. The SCRA contains certain rights for service members and their dependents whose financial and legal obligations may be adversely impacted by active military duty. The main provisions of the SCRA provide rights to a service member and dependents in civil proceedings to protect them from default judgments and to allow them to stay civil proceedings until after the end of active military service. The SCRA also contains provisions restricting contract fines and penalties, restructuring interest rates on certain business loans, and tolling statutes of

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limitations during military service periods. The SCRA was modeled on the portions of the federal Service Members' Civil Relief Act relating to default judgments and stays of civil proceedings.

The SCRA applies to Washington residents who are members of the National Guard or a military reserve component and who are under a call to active service authorized by the President or the Secretary of the Department of Defense for a period of more than 30 consecutive days. The SCRA applies also to certain dependents of covered service members. Eligible dependents are the spouse and children, and any person for whom the service member provided more than one-half of the person's support for the six months prior to applying for relief under the SCRA.

The Governor is authorized to call National Guard members to active duty within the state for any of a number of reasons. Those reasons are established by statute and include when any of the following events occur or are in imminent danger of occurring: war, insurrection, rebellion, invasion, tumult, or riot; a mob or organized body acting by force to commit a felony; the failure of local authorities to preserve law and order; public disaster; or when required for the public health, safety, or welfare.

Summary of Substitute Bill:

The Washington Service Members' Civil Relief Act is amended to apply to National Guard members who are under a call to service authorized by the Governor for a period of more than 30 consecutive days.

Substitute Bill Compared to Original Bill:

The original bill expanded the SCRA to cover active duty members of the United States Armed Forces who are residents of Washington and did not apply to National Guard members called to duty by the Governor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill will provide the same protection for National Guard members called up for state emergency service as provided to National Guard and reserve members who are called to service by the President. It gives them the opportunity to have their day in court when their ability to appear is hampered by their military service. The legislation is brought

by the Legal Assistance to Military Personnel section of the Washington State Bar Association and has no fiscal impact.

(Opposed) None.

Persons Testifying: Representative Ladenburg, prime sponsor; Ted Wicorek, Veterans Legislative Coalition; and Ken Luce, Washington State Bar Association Legal Assistance to Military Personnel.

Persons Signed In To Testify But Not Testifying: None.