

## HOUSE AMENDMENTS TO HOUSE BILL 3294

By COMMITTEE ON ELECTIONS, ETHICS AND RULES

June 12

1 In line 2 of the printed bill, delete “amending ORS 406.458” and insert “creating new provisions;  
2 and amending ORS 406.010, 406.020, 406.030, 406.040, 406.050, 406.060, 406.210, 406.410, 406.420,  
3 406.454, 406.460, 408.420 and 432.080”.

4 Delete lines 4 through 7 and insert:

5 **“SECTION 1.** ORS 406.010 is amended to read:

6 “406.010. (1) As used in this chapter, [*director*] means *Director of Veterans’ Affairs*] **‘veteran’**  
7 **means a person who served on active duty with the Armed Forces of the United States:**

8 **“(a) For a period of more than 178 consecutive days and was discharged or released from**  
9 **active duty with other than a bad conduct or dishonorable discharge;**

10 **“(b) For 178 days or less and was discharged or released from active duty with other than**  
11 **a bad conduct or dishonorable discharge because of a service-connected disability;**

12 **“(c) For at least one day in a combat zone and was discharged or released from active**  
13 **duty with other than a bad conduct or dishonorable discharge; or**

14 **“(d) Who received a combat ribbon or campaign ribbon for service in the Armed Forces**  
15 **of the United States.**

16 **“(2) As used in this section, ‘active duty’ does not include attendance at a school under**  
17 **military orders, except schooling incident to an active enlistment or a regular tour of duty,**  
18 **or normal military training as a reserve officer or member of an organized reserve or a**  
19 **National Guard unit.**

20 **“SECTION 2.** ORS 406.020 is amended to read:

21 “406.020. The Department of Veterans’ Affairs shall be under the supervision and control of the  
22 Director of Veterans’ Affairs. The Governor shall appoint the director subject to confirmation by  
23 the Senate in the manner provided in ORS 171.562 and 171.565. [*The appointment may not be made*  
24 *without the written approval of the Advisory Committee provided for in ORS 406.210.*] The director  
25 shall be a [*war*] veteran, chosen on the basis of executive and administrative ability.

26 **“SECTION 3.** ORS 406.030 is amended to read:

27 “406.030. (1) The Director of Veterans’ Affairs, in the performance of the duties of the director,  
28 shall organize and coordinate the administration of all present and future federal and state laws  
29 pertaining to [*war*] veterans and their dependents in this state.

30 “(2) The Department of Veterans’ Affairs, with the advice of the Advisory Committee provided  
31 for in ORS 406.210, shall promulgate such rules and adopt such forms as the department considers  
32 necessary and expedient to carry out the provisions of ORS chapter 407 and ORS 88.710 to 88.740,  
33 174.105, 406.010 to 406.090, 406.210 to 406.340, 406.410, 406.420, 408.010 to 408.090, 408.360, 408.365,  
34 408.370, 408.375, 408.380 and 408.385.

35 **“SECTION 4.** ORS 406.040 is amended to read:

1 “406.040. The powers, authority and duties relating exclusively to [*war*] veterans’ affairs now  
2 or hereafter imposed by law upon any officer or agency of this state, are hereby also granted to and  
3 imposed upon the Department of Veterans’ Affairs. Subject to ORS 406.090, the department shall  
4 be responsible for and shall supervise the administration of all such laws. The department may em-  
5 ploy such personnel as may be necessary to carry into effect the purposes of this chapter and may  
6 prescribe the duties and responsibilities of all such employees.

7 “**SECTION 5.** ORS 406.050 is amended to read:

8 “406.050. In addition to other powers and duties, the Director of Veterans’ Affairs or the De-  
9 partment of Veterans’ Affairs is authorized:

10 “(1) To cooperate with officers and agencies of the United States in all matters affecting veter-  
11 ans’ welfare.

12 “(2) To accept grants, donations and gifts on behalf of this state for veterans’ welfare from any  
13 person, corporation, government or governmental agency. Grants, donations and gifts so received  
14 shall be deposited with the State Treasurer and credited to a trust fund. Moneys in the trust fund  
15 are continuously appropriated to the department and expendable for the purposes specified in sub-  
16 sections (3) and (4) of this section. Interest earned on the moneys in the trust fund created under  
17 this subsection shall accrue to the trust fund.

18 “(3) To expend all or any portion of a grant, donation or gift for the purposes specified in the  
19 grant, donation or gift.

20 “(4) To expend all or any portion of a grant, donation or gift in the trust fund created under  
21 subsection (2) of this section for the administration of ORS 406.010 to 406.070, 406.090, 406.210,  
22 406.220 and 406.340 and for the administration and purposes of ORS 408.368 when:

23 “(a) The department determines that the purpose specified in the grant, donation or gift has  
24 been satisfied, or is not feasible or appropriate; or

25 “(b) The grant, donation or gift specifies no purpose.

26 “(5) To donate or otherwise transfer all or any portion of a grant, donation or gift to other  
27 persons, corporations or entities engaged in serving veterans if the department determines that the  
28 nature of the grant, donation or gift makes use by the department or conversion to cash for use by  
29 the department not feasible or appropriate.

30 “(6) To act as agent or attorney in fact for any [*war*] veteran and the dependents or benefi-  
31 ciaries of any [*war*] veteran relating to rights under any federal or state law.

32 “(7) To act without bond as conservator of the estate of:

33 “(a) A person who qualifies for benefits from the United States Department of Veterans Affairs.

34 “(b) A dependent, an immediate family member, a survivor or a former spouse who has not re-  
35 married of a person who qualifies for benefits, or who qualified for benefits while alive, from the  
36 United States Department of Veterans Affairs, as those persons are defined by rule by the director.

37 “(8) On behalf of the State of Oregon to extend such assistance as the Department of Veterans’  
38 Affairs shall determine to be reasonably required to any [*war*] veteran and to the dependents of any  
39 such [*war*] veteran, in the prosecution of any claim or claims before the United States Department  
40 of Veterans Affairs, or any other federal or state agency, the securing of employment or relief and  
41 any other benefits to which they might be entitled. The Department of Veterans’ Affairs may adopt  
42 rules and regulations with respect to all matters of administration to carry into effect the purposes  
43 of this section.

44 “(9) To require and collect such reasonable service charges as the Department of Veterans’ Af-  
45 fairs deems necessary and expedient to carry out a duty, or to exercise a power or authority, con-

1 ferred on the department by law.

2 “**SECTION 6.** ORS 406.060 is amended to read:

3 “406.060. The Department of Veterans’ Affairs may utilize the services and facilities of any state  
4 agency in the course of administration of any law of this state enacted for the benefit and welfare  
5 of [war] veterans and their dependents. All such agencies shall cooperate fully with the department  
6 in that regard and furnish such services and facilities when called upon by the department to do so.  
7 Neither the authority nor the duties referred to in this section shall be so exercised or performed  
8 as to impair the efficient administration of the laws applicable to any state agency.

9 “**SECTION 7.** ORS 406.210 is amended to read:

10 “406.210. (1) The Governor shall designate and appoint nine persons, all of whom are [war] vet-  
11 erans as defined by the laws of this state, who shall constitute the Advisory Committee and who  
12 shall act in an advisory capacity to the Director of Veterans’ Affairs concerning all matters upon  
13 which the director requests counsel.

14 “(2) The representation on the committee provided for in this section shall be maintained by the  
15 Governor in making appointments to fill vacancies. When a vacancy occurs, the Governor shall so-  
16 licit and consider nominations from the executive committees of congressionally chartered veterans’  
17 organizations that maintain an Oregon state headquarters. A list of not more than three persons  
18 nominated by each executive committee shall be submitted to the Governor within 30 days after the  
19 vacancy occurs. Organizations interested in participating in the nomination process shall report the  
20 current address of their state headquarters to the Director of Veterans’ Affairs. The director shall  
21 notify those organizations of any current or anticipated vacancy.

22 “(3) In addition to the other requirements of this section, until such time as no veteran of a  
23 period of service as described in ORS 174.105 or a period of service after January 31, 1955, is willing  
24 or able to serve, each period shall be represented by at least one member of the Advisory Commit-  
25 tee.

26 “(4) When appointing an individual to the Advisory Committee to succeed an at-large member  
27 who vacated or whose term of office is expiring, the Governor may consider the names of the per-  
28 sons recommended for appointment by the executive committees of congressionally chartered veter-  
29 ans’ organizations that maintain an Oregon state headquarters. Any recommendation for  
30 appointment must be received by the Governor within 30 days after a vacancy occurs or not later  
31 than 30 days prior to the expiration of a member’s term of office.

32 “(5) The term of office of a member of the Advisory Committee is four years, and a member may  
33 be reappointed upon expiration of the member’s term. However, a member of the Advisory Commit-  
34 tee shall not serve more than two consecutive terms.

35 “(6) After consultation with the Director of Veterans’ Affairs, the Advisory Committee shall se-  
36 lect one committee member to act as chairperson of the Advisory Committee, subject to approval  
37 by the Governor.

38 “(7) Each participating congressionally chartered veterans’ organization shall furnish the direc-  
39 tor with a copy of its Congressional Charter including any subsequent amendments.

40 “(8) In addition to the other requirements of this section, at least one member of the Advisory  
41 Committee shall be a veteran of the Korean conflict and at least three members shall be veterans  
42 of the period following the Korean conflict.

43 “**SECTION 8.** ORS 406.410 is amended to read:

44 “406.410. (1) The Director of Veterans’ Affairs, on behalf of this state, may, with the agreement  
45 of the Attorney General, contract with attorneys for the provision by the attorneys of services as

1 counsel for [war] veteran residents of Oregon in the preparation, presentation and prosecution of  
2 claims under laws administered by the United States Department of Veterans Affairs.

3 “(2) Legal services shall be provided under a contract only for claims arising from or relating  
4 to:

5 “(a) The status of the [war] veteran as a prisoner of war under circumstances described in ORS  
6 805.110 (2);

7 “(b) Damages suffered by the [war] veteran due to exposure to causative agents, as defined in  
8 ORS 408.305 (4) while serving on active duty;

9 “(c) Damages suffered by the [war] veteran as a consequence of exposure to radiation during  
10 testing of nuclear weapons; or

11 “(d) Service by the [war] veteran in any combat zone while the Armed Forces of the United  
12 States were engaged in armed conflict with military forces of another nation.

13 “(3) Insofar as possible, the expense of services provided under a contract authorized by this  
14 section shall be paid by the state to an attorney from funds available to the Department of Veterans’  
15 Affairs.

16 “(4) Attorneys who are parties to a contract authorized by this section shall be active members  
17 of the Oregon State Bar.

18 “(5) A contract authorized by this section may allow law students enrolled in an accredited law  
19 school in this state, while under the supervision of a member of the Oregon State Bar, to participate  
20 in the preparation, presentation and prosecution of claims described in this section.

21 “**SECTION 9.** ORS 406.420 is amended to read:

22 “406.420. The Director of Veterans’ Affairs and county service officers appointed under ORS  
23 408.410 shall institute a cooperative program with veterans organizations in this state to refer  
24 [war] veterans to appropriate state and federal agencies for the purpose of filing claims described  
25 in ORS 406.410 (2) and obtaining legal counsel and representation for such claims.

26 “**SECTION 10.** ORS 408.420 is amended to read:

27 “408.420. (1) Each county clerk shall maintain in the office a special book in which the county  
28 clerk shall, upon request, record the final discharge of any [war] veteran.

29 “(2) [No] A recording fee [shall] **may not** be collected when the [war] veteran requesting such  
30 record is an actual resident of said county or was such a resident at the time of entrance into the  
31 service of the United States. In all other cases a legal fee shall be charged.

32 “(3) There shall be kept in connection with such record, an alphabetical index referring to the  
33 name of the soldier, sailor or marine whose name appears in each discharge paper so recorded.  
34 Such books as are necessary for the recording of the discharge papers shall be paid for by the se-  
35 veral counties in the manner provided for paying other claims against the county.

36 “**SECTION 11.** ORS 432.080 is amended to read:

37 “432.080. Notwithstanding ORS 432.146, the State Registrar of the Center for Health Statistics  
38 or the county registrar shall furnish, without charge therefor, a certified copy of a vital record to  
39 the United States Department of Veterans Affairs, the Director of Veterans’ Affairs or any county  
40 service officer appointed under ORS 408.410 when the record is requested by the agency or officer  
41 in connection with, or for use as evidence in, any proceeding involving a claim based upon [war]  
42 veterans’ benefits.

43 “**SECTION 12.** ORS 406.454 is amended to read:

44 “406.454. (1) The Director of Veterans’ Affairs shall adopt by rule a formula to distribute to  
45 county governing bodies funds appropriated to the director to enhance and expand the services

1 provided by county veterans' service officers appointed under ORS 408.410. In developing the dis-  
2 tribution formula, the director shall [*consider*] **apply only the following** factors [*that include, but*  
3 *need not be limited to*]:

4 “(a) The number of veterans residing in each county;

5 “(b) A base amount to be distributed equally among counties;

6 “(c) Retention of an amount, not to exceed six percent of the total amount appropriated to the  
7 director for the purposes of ORS 406.450, that would otherwise be distributed to a county governing  
8 body if the county governing body has not appointed county veterans' service officers; [*and*]

9 “(d) Criteria for withholding funds from a county governing body; **and**

10 **“(e) A proportional amount allocated and distributed to the counties according to the**  
11 **number of veterans residing in each county.**

12 “(2) Funds retained under subsection (1)(c) and (d) of this section must be spent on:

13 “(a) Training costs of veterans' service officers and other individuals providing similar services;  
14 and

15 “(b) The coordination of computer systems and technology to facilitate efficient delivery of ser-  
16 vices to veterans and their spouses and dependents.

17 **“SECTION 13.** ORS 406.460 is amended to read:

18 **“406.460. (1) A county governing body that receives funds under ORS 406.454 may not use the**  
19 **funds to supplant moneys appropriated by the county governing body for county veterans' service**  
20 **officers.**

21 **“(2)(a) Notwithstanding subsection (1) of this section, if a county governing body reduces ap-**  
22 **propriations to county programs, the county governing body may reduce the amount of moneys ap-**  
23 **propriated for county veterans' service officers by an amount not greater than the average**  
24 **percentage reduction imposed on all county programs for the same period of time.**

25 **“(b) A county governing body that reduces the amount of moneys appropriated for county vet-**  
26 **erans' services officers under paragraph (a) of this subsection shall certify to the Director of Vet-**  
27 **erans' Affairs that the amount of the reduction is not greater than the average percentage reduction**  
28 **imposed on all county programs for the same period of time.**

29 **“(3) Notwithstanding subsection (1) of this section, if the amount of moneys distributed to a**  
30 **county governing body by the Director of Veterans' Affairs to enhance and expand the services**  
31 **provided by county veterans' service officers appointed under ORS 408.410 for biennia beginning**  
32 **after June 30, 2007, is less than the amount of moneys distributed to the county governing body for**  
33 **the 2005-2007 biennium, the county governing body may reduce the amount of moneys appropriated**  
34 **by the county governing body for county veterans' service officers by an amount not greater than**  
35 **the same percentage of reduction.**

36 **“(4) If a county governing body reduces or eliminates the county's support of a county**  
37 **veterans' service program, the Department of Veterans' Affairs shall retain state funds al-**  
38 **located to that county. The department shall use the retained funds to provide the services**  
39 **to veterans, their spouses and dependents or survivors that would have been provided by the**  
40 **county governing body through the county veterans' service program.**

41 **“SECTION 14. (1) There is created a Training and Certification Committee for Veterans'**  
42 **Service Officers. The purpose of the committee is to improve coordination of veterans' ser-**  
43 **vices among the state and counties and congressionally chartered veterans' organizations, to**  
44 **increase cooperation and understanding of the veterans' services provided by county veter-**  
45 **ans' service officers and to establish criteria and goals for the training of county veterans'**

1 service officers, veterans' service officers employed by the Department of Veterans' Affairs  
2 and veterans' service officers of congressionally chartered veterans' organizations.

3       “(2) The committee shall assist the department in creating training conferences and es-  
4 tablishing the criteria to be used in the certification of county veterans' service officers,  
5 veterans' service officers employed by the department and veterans' service officers of  
6 congressionally chartered veterans' organizations.

7       “(3)(a) The Director of Veterans' Affairs shall appoint three members to the committee  
8 from representatives of veterans' service officers employed by the department and veterans'  
9 service officers of congressionally chartered veterans' organizations.

10       “(b) The director shall appoint three additional members from a list of nominees sub-  
11 mitted by an association of county veterans' service officers.

12       “SECTION 15. The amendments to ORS 406.454 by section 12 of this 2007 Act become  
13 operative on July 1, 2009.”

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