

SENATE AMENDMENTS TO RESOLVE CONFLICTS TO HOUSE BILL 2177

By COMMITTEE ON HEALTH CARE AND VETERANS' AFFAIRS

May 28

1 On page 1 of the printed bill, line 2, after "Affairs;" insert "creating new provisions;".

2 On page 2, after line 44, insert:

3 "**SECTION 1a.** If Senate Bill 96 becomes law, ORS 406.050, as amended by section 1 of this 2009
4 Act, is amended to read:

5 "406.050. In addition to other powers and duties, the Department of Veterans' Affairs is au-
6 thorized:

7 "(1) To cooperate with officers and agencies of the United States in all matters affecting veter-
8 ans' welfare.

9 "(2) To accept monetary and nonmonetary grants, donations and gifts on behalf of this state
10 from any person or governmental or nongovernmental entity. The department shall deposit with the
11 State Treasurer all monetary grants, donations and gifts received. The State Treasurer shall credit
12 the amounts deposited to a trust fund established for the purposes of this section. Moneys in the
13 trust fund are continuously appropriated to the department and may be expended for the purposes
14 specified in subsections (3), (4) and (5) of this section. Interest earned on the moneys in the trust
15 fund established under this subsection shall accrue to the trust fund.

16 "(3) To expend all or any portion of a monetary grant, donation or gift for the purposes specified
17 in the grant, donation or gift.

18 "(4) To expend moneys in the trust fund established under subsection (2) of this section as the
19 department deems appropriate for purposes consistent with the department's authority under Arti-
20 cles XI-A and XI-F(2) of the Oregon Constitution and under this chapter and ORS chapters 88, 273,
21 407 and 408 if:

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

24 "(b) Expenditure of trust fund moneys is not limited by the specific terms of a specific grant,
25 donation or gift.

26 "(5) To expend or otherwise dispose of a nonmonetary grant, donation or gift received by selling
27 or otherwise converting a grant, donation or gift into moneys unless the sale or conversion is in-
28 consistent with a limitation specified in the grant, donation or gift. Notwithstanding a specified
29 limitation, the department may sell or otherwise convert a nonmonetary grant, donation or gift into
30 moneys if the department determines that the limitation has been satisfied, has expired or is not
31 feasible or appropriate. The department shall deposit the moneys realized from any sale or con-
32 version under this subsection into the trust fund established in subsection (2) of this section.

33 "(6) If the department determines that the nature of a nonmonetary grant, donation or gift
34 makes its use by the department, or its sale or conversion to moneys for use by the department not
35 feasible or appropriate, to donate or otherwise transfer all or any portion of the nonmonetary grant,

1 donation or gift to:

2 “(a) A person or governmental or nongovernmental entity that the department determines is
3 engaged in serving veterans or veterans’ survivors or dependents.

4 “(b) A veteran or veteran’s survivor or dependent whom the department determines is in need
5 of emergency assistance.

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

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

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

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

14 “(9) On behalf of the State of Oregon, to extend such assistance as the department determines
15 to be reasonably required to any [*war*] veteran and to the dependents of any such [*war*] veteran, in
16 the prosecution of any claim before the United States Department of Veterans Affairs, or any other
17 federal or state agency, the securing of employment or relief and any other benefits to which the
18 [*war*] veteran and the dependents of the [*war*] veteran might be entitled.

19 “(10) To require and collect such reasonable service charges as the department determines, by
20 rule, are necessary and expedient to carry out a duty, or to exercise a power or authority, conferred
21 on the department by law.

22 “(11) The Department of Veterans’ Affairs may adopt rules and regulations with respect to all
23 matters of administration to carry into effect the purposes of this section.

24 “**SECTION 1b. If Senate Bill 96 becomes law, the amendments to ORS 406.050 by section**
25 **1a of this 2009 Act become operative on January 1, 2010.”**

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