

A-Engrossed Senate Bill 96

Ordered by the House March 11
Including House Amendments dated March 11

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Theodore R. Kulongoski for Department of Veterans' Affairs)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Revises **definition of "veteran" and terminology** describing veterans.

A BILL FOR AN ACT

1
2 Relating to terminology describing veterans; creating new provisions; amending ORS 307.250,
3 307.260, 307.262, 307.270, 311.812, 348.282, 406.005, 406.020, 406.040, 406.050, 406.060, 406.210,
4 406.310, 406.330, 406.340, 406.448, 408.225, 408.350, 408.410, 408.420, 408.710, 408.730, 497.102,
5 497.121 and 508.475; and repealing ORS 174.105.

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

7 **SECTION 1.** ORS 307.250 is amended to read:

8 307.250. (1) **As used in this section and ORS 307.260, 307.262 and 307.270, "veteran" has the**
9 **meaning given that term in ORS 408.225.**

10 [(1)] (2) Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed
11 \$15,000 of the assessed value of the homestead or personal property of any of the following residents
12 of this state other than those described in subsection [(2)] (3) of this section:

13 (a) Any [*war*] veteran who is officially certified by the United States Department of Veterans
14 Affairs or any branch of the Armed Forces of the United States as having disabilities of 40 percent
15 or more.

16 (b) Any [*war*] veteran having served with the United States Armed Forces who, as certified by
17 one duly licensed physician, is rated as having disabilities of 40 percent or more. However, a veteran
18 shall be entitled to the exemption granted under this paragraph only if the veteran during the cal-
19 endar year immediately preceding the assessment year for which the exemption is claimed had total
20 gross income, including pensions, disability compensation or retirement pay, or any combination of
21 such payments from the United States Government on account of such service, of not more than 185
22 percent of federal poverty guidelines.

23 (c) The surviving spouse remaining unmarried of a [*war*] veteran, but the exemption shall apply
24 only to the period preceding the date of the first remarriage of the surviving spouse.

25 [(2)] (3) Upon compliance with ORS 307.260, there shall be exempt from taxation not to exceed
26 \$18,000 of the assessed value of the homestead or personal property of any of the following residents
27 of this state:

28 (a) Any [*war*] veteran who is officially certified by the United States Department of Veterans

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 Affairs or any branch of the Armed Forces of the United States as having service-connected disa-
2 bilities of 40 percent or more.

3 (b) The surviving spouse remaining unmarried of a [war] veteran, if the [war] veteran died as
4 a result of service-connected injury or illness or if the [war] veteran received at least one year of
5 the maximum exemption from taxation allowed under paragraph (a) of this subsection after 1981 for
6 a veteran certified as having service-connected disabilities of 40 percent or more.

7 [(3)] (4) The amount of the exemption allowed under subsection [(1) or] (2) **or** (3) of this section
8 shall equal 103 percent of the amount of the exemption for the prior tax year.

9 **SECTION 2.** ORS 307.260 is amended to read:

10 307.260. (1)(a) Each [war] veteran or surviving spouse qualifying for the exemption under ORS
11 307.250 shall file with the county assessor, on forms supplied by the assessor, a claim therefor in
12 writing on or before April 1 of the assessment year for which the exemption is claimed, except that
13 when the property designated is acquired after March 1 but prior to July 1 the claim shall be filed
14 within 30 days after the date of acquisition.

15 (b) A claim need not be filed under this section in order to be allowed the exemption described
16 in ORS 307.250 if:

17 (A) The homestead or personal property of the [war] veteran or surviving spouse was allowed
18 the exemption under ORS 307.250 for the preceding tax year;

19 (B) The individual claiming the exemption is a [war] veteran described in ORS 307.250 [(1)(a)
20 or] (2)(a) **or** (3)(a) or a surviving spouse who meets the requirements of ORS 307.250 [(1)(c) or
21 (2)(b)] (2)(c) **or** (3)(b); and

22 (C) As of the filing date for the current tax year, the ownership and use of the homestead or
23 personal property and all other qualifying conditions for the homestead or personal property to be
24 allowed the exemption remain unchanged.

25 (c)(A) If the individual claiming the exemption is a [war] veteran described in ORS 307.250
26 [(1)(b)] (2)(b), the claimant shall file a claim annually that satisfies the requirements of subsection
27 (2) of this section on or before the date required in paragraph (a) of this subsection.

28 (B) If the county assessor has not received a claim filed under this paragraph on or before April
29 1 of the current year, not later than April 10 of each year, the county assessor shall notify the
30 [war] veteran in the county who secured an exemption under ORS 307.250 [(1)(b)] (2)(b) in the pre-
31 ceding year but who did not make application therefor on or before April 1 of the current year. The
32 county assessor may provide the notification on an unsealed postal card. A [war] veteran so notified
33 may secure the exemption, if still qualified, by making application therefor to the county assessor
34 not later than May 1 of the current year, accompanied by a late-filing fee of \$10, which shall be
35 deposited in the general fund of the county for general governmental expenses. If the claim for any
36 tax year is not filed within the time specified, the exemption may not be allowed on the assessment
37 roll for that year.

38 (2)(a) The claim shall set out the basis of the claim and designate the property to which the
39 exemption may apply. Except as provided in subsection (3) of this section, claims for exemptions
40 under ORS 307.250 [(1)(a) and] (2)(a) **and** (3)(a) shall have affixed thereto the certificate last issued
41 by United States Department of Veterans Affairs or the branch of the Armed Forces of the United
42 States, as the case may be, but dated within three years prior to the date of the claim for exemption,
43 certifying the rate of disability of the claimant.

44 (b) Claims for exemption under ORS 307.250 [(1)(b)] (2)(b) shall, except as provided in subsection
45 (3) of this section, have affixed thereto, in addition to the certificate last issued by a licensed phy-

1 sician and dated within one year prior to the date of the claim for exemption, certifying the rate
2 of disability of the claimant, a statement by the claimant under oath or affirmation setting forth the
3 total gross income received by the claimant from all sources during the last calendar year.

4 (c) There also shall be affixed to each claim the affidavit or affirmation of the claimant that the
5 statements contained therein are true.

6 (3) The provisions of subsection (2) of this section that require a [*war*] veteran to affix to the
7 claim certificates of the United States Department of Veterans Affairs, a branch of the Armed
8 Forces of the United States or a licensed physician do not apply to a [*war*] veteran who has filed
9 the required certificate after attaining the age of 65 years or to a [*war*] veteran who has filed, on
10 or after September 27, 1987, a certificate certifying a disability rating that, under federal law, is
11 permanent and cannot be changed.

12 (4)(a) Notwithstanding subsection (1) of this section, a surviving spouse may file a claim for the
13 exemption under ORS 307.250 at any time during the tax year if:

14 (A) The [*war*] veteran died during the previous tax year; or

15 (B) The property designated as the homestead was acquired after March 1 but prior to July 1
16 of the assessment year and the [*war*] veteran died within 30 days of the date the property was ac-
17 quired.

18 (b) The claim shall be allowed by the county assessor if the surviving spouse meets all of the
19 qualifications for an exemption under ORS 307.250 other than the timely filing of a claim under
20 subsection (1) of this section.

21 (c) If taxes on the exempt value have been paid, the taxes shall be refunded in the manner
22 prescribed in paragraph (d) of this subsection. If taxes on the exempt value have not been paid, the
23 taxes and any interest thereon shall be abated.

24 (d) The tax collector shall notify the governing body of the county of any refund required under
25 this section and the governing body shall cause a refund of the taxes and any interest paid to be
26 made from the unsegregated tax collections account described in ORS 311.385. The refund under this
27 subsection shall be made without interest. The county assessor and tax collector shall make the
28 necessary corrections in the records of their offices.

29 **SECTION 3.** ORS 307.262 is amended to read:

30 307.262. (1) Notwithstanding ORS 307.260, if a [*war*] veteran receives notice of certification from
31 the United States Department of Veterans Affairs or any branch of the Armed Forces of the United
32 States that the [*war*] veteran has disabilities of 40 percent or more as of a date set forth in the
33 certification, the [*war*] veteran may obtain the exemption set forth in ORS 307.250 for each tax year
34 following the date of certified disability.

35 (2) A [*war*] veteran seeking to obtain an exemption under ORS 307.250 pursuant to this section
36 must file a claim for exemption with the county assessor within six months of the date the federal
37 government agency notifies the [*war*] veteran of the certified disability.

38 (3) Notwithstanding subsection (1) of this section, a [*war*] veteran may not receive an exemption
39 under ORS 307.250 for a tax year that is more than three tax years prior to the tax year in which
40 a claim is filed under this section.

41 (4) If the county assessor determines that a [*war*] veteran who has filed a claim under this sec-
42 tion meets the requirements of ORS 307.250 for a tax year prior to the current tax year, property
43 taxes collected on the exempt amount for the prior tax year, together with interest at the rate set
44 forth in ORS 311.812, shall be refunded to the [*war*] veteran. Refunds shall be made from the refund
45 reserve account established under ORS 311.807.

1 **SECTION 4.** ORS 307.270 is amended to read:

2 307.270. (1) The exemption under ORS 307.250 shall apply to property any such [*war*] veteran
3 or surviving spouse may own, or have in possession under a recorded contract of purchase, on
4 January 1 of the year in which the exemption is claimed. The exemption shall first apply to the
5 homestead of the [*war*] veteran or surviving spouse and then to the personal property of the [*war*]
6 veteran or surviving spouse. Property of the spouse of any such [*war*] veteran where they are living
7 together and occupying the same as their homestead shall be deemed the homestead of the [*war*]
8 veteran. When any such [*war*] veteran or surviving spouse applies for exemption on properties in
9 two or more counties, the total amount of the exemption allowed in all such counties shall not ex-
10 ceed the maximum amount of exemption under ORS 307.250.

11 (2) For each qualified [*war*] veteran or surviving spouse only one valid and allowable claim for
12 an exemption on a homestead shall be permitted in any one assessment year.

13 **SECTION 5.** ORS 311.812 is amended to read:

14 311.812. (1) Except as provided in subsection (2) of this section, interest may not be paid upon
15 any tax refunds made under ORS 311.806.

16 (2) Interest as provided in subsection (3) of this section shall be paid on the following refunds:

17 (a) A refund resulting from the correction under ORS 308.242 (2) or (3) or 311.205 of an error
18 made by the assessor, Department of Revenue or tax collector.

19 (b) A refund resulting from a written stipulation of the county assessor or the county tax col-
20 lector if the written stipulation constitutes a final determination that is not subject to appeal.

21 (c) Any refund ordered by the Department of Revenue if no appeal is taken or can be taken from
22 the department's order.

23 (d) Refunds ordered by the Oregon Tax Court or the Supreme Court if the order constitutes a
24 final determination of the matter.

25 (e) Refunds of taxes collected against real or personal property not within the jurisdiction of the
26 tax levying body.

27 (f) Refunds due to reductions in value ordered by a county board of property tax appeals where
28 no appeal is taken.

29 (g) Refunds due to reductions in value made pursuant to ORS 309.115.

30 (h) Refunds due to a claim for a [*war*] veteran's exemption for a prior tax year that is filed
31 pursuant to ORS 307.262.

32 (3)(a) The interest provided by subsection (2) of this section shall be paid at the rate of one
33 percent per month, or fraction of a month, computed from the time the tax was paid or from the time
34 the first installment thereof was due, whichever is the later. If a discount is given at the time the
35 taxes are paid, interest shall be computed only on the net amount of taxes to be refunded. If any
36 portion of a refund described in subsection (2) of this section results from an assessment based on
37 inaccurate information contained in a report filed by a taxpayer, interest shall be computed on only
38 the portion of the refund that is not attributable to the inaccurate information contained in the
39 taxpayer report.

40 (b) As used in this subsection, "report" means a return, statement or any other information
41 provided by a taxpayer in writing to the department or county assessor.

42 **SECTION 6.** ORS 406.020 is amended to read:

43 406.020. The Department of Veterans' Affairs shall be under the supervision and control of the
44 Director of Veterans' Affairs. The Governor shall appoint the director subject to confirmation by
45 the Senate in the manner provided in ORS 171.562 and 171.565. The appointment may not be made

1 without the written approval of the Advisory Committee provided for in ORS 406.210. The director
2 shall be a [*war*] veteran, chosen on the basis of executive and administrative ability.

3 **SECTION 7.** ORS 406.040 is amended to read:

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

10 **SECTION 8.** ORS 406.050 is amended to read:

11 406.050. In addition to other powers and duties, the Director of Veterans' Affairs or the De-
12 partment of Veterans' Affairs is authorized:

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

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

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

23 (4) To expend all or any portion of a grant, donation or gift in the trust fund created under
24 subsection (2) of this section for the administration of ORS 406.010 to 406.070, 406.090, 406.210,
25 406.220 and 406.340 and for the administration and purposes of ORS 408.368 when:

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

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

29 (5) To donate or otherwise transfer all or any portion of a grant, donation or gift to other per-
30 sons, corporations or entities engaged in serving veterans if the department determines that the
31 nature of the grant, donation or gift makes use by the department or conversion to cash for use by
32 the department not feasible or appropriate.

33 (6) To act as agent or attorney in fact for any [*war*] veteran and the dependents or beneficiaries
34 of any [*war*] veteran relating to rights under any federal or state law.

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

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

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

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

1 of this section.

2 (9) To require and collect such reasonable service charges as the Department of Veterans' Af-
3 fairs deems necessary and expedient to carry out a duty, or to exercise a power or authority, con-
4 ferred on the department by law.

5 **SECTION 9.** ORS 406.060 is amended to read:

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

12 **SECTION 10.** ORS 406.330 is amended to read:

13 406.330. The Director of Veterans' Affairs, with advice from the Advisory Committee, may adopt
14 such procedural rules and regulations as the director deems advisable in making distribution of
15 funds under ORS 406.310. The director shall also establish a general and uniform policy to be fol-
16 lowed by the various organizations and counties in carrying out the work to which the state con-
17 tributes aid under ORS 406.310. In establishing such policy the director shall give primary
18 consideration to the rehabilitation of the greatest possible number of [war] veterans in Oregon. To
19 that end the director shall eliminate, insofar as possible, a duplication of effort and inefficient ex-
20 penditure of money.

21 **SECTION 11.** ORS 406.340 is amended to read:

22 406.340. In performance of the duties of the office of the Director of Veterans' Affairs, the di-
23 rector may accept services voluntarily tendered by any person or organization, and may cooperate
24 with the established service agencies and officers of any organization for the benefit and welfare
25 of all [war] veterans in this state and their dependents or beneficiaries. Insofar as practicable and
26 consistent with the faithful performance of the director's duties, the director shall avoid duplicating
27 the efforts of voluntary service agencies and officers.

28 **SECTION 12.** ORS 406.448 is amended to read:

29 406.448. As used in ORS 406.450, 406.452, 406.454 and 406.456[.]:

30 (1) "Survivor of a veteran" means the spouse or a dependent of a deceased veteran.

31 (2) "**Veteran**" has the meaning given that term in ORS 408.225.

32 **SECTION 13.** ORS 408.410 is amended to read:

33 408.410. (1) The county governing body in each county may appoint a service officer who shall
34 give aid and assistance to any veteran, the spouse or dependents of the veteran or the survivors of
35 the veteran, in applying for all benefits and aid to which they are entitled by federal, state or local
36 laws, rules and regulations. The county governing body shall fix the compensation of the service
37 officer, provide the service officer with an office and the necessary equipment therefor in the same
38 manner as provided for any other county officer. If a county governing body appoints a service of-
39 ficer, the governing body shall also provide in the annual budget for expenditure of moneys suffi-
40 cient to enable the county to employ the service officer, to properly maintain the office provided for
41 the service officer and to pay the costs incurred by the service officer in providing assistance to
42 veterans, spouses and dependents of veterans or survivors of veterans. The annual expenditures re-
43 quired by this section shall be made from the county funds referred to in ORS 408.720.

44 (2) As used in this section[.]:

45 (a) "Survivor of a veteran" means the spouse or a dependent of a deceased veteran.

1 **(b) “Veteran” has the meaning given that term in ORS 408.225.**

2 **SECTION 14.** ORS 408.420 is amended to read:

3 408.420. Each county clerk shall maintain in the office a special book in which the county clerk
4 shall, upon request, record the final discharge of any [*war*] veteran. [*No*] **A** recording fee [*shall*]
5 **may not** be collected when the [*war*] veteran requesting such record is an actual resident of [*said*]
6 **that** county or was [*such*] a resident at the time of entrance into the service of the United States.
7 In all other cases a legal fee shall be charged. There shall be kept in connection with such record,
8 an alphabetical index referring to the name of the [*soldier, sailor or marine*] **veteran** whose name
9 appears in each discharge paper so recorded. Such books as are necessary for the recording of the
10 discharge papers shall be paid for by the several counties in the manner provided for paying other
11 claims against the county.

12 **SECTION 15.** ORS 408.710 is amended to read:

13 408.710. (1) As used in ORS 408.710 to 408.750, “indigent [*war*] veteran” means any [*war*] veteran
14 who is without means of procuring the necessities of life.

15 (2) [*No*] **A** person [*shall*] **may not** be deprived of the benefits provided for in ORS 408.720 to
16 408.750 by reason of the fact that the person owns property [*which*] **that** is not of such a character
17 that it may be used to give assistance to the person, or owns a home [*which*] **that** is not dis-
18 proportionate to the needs of such veteran and family. [*No*] **A** person [*shall*] **may not** be deprived
19 of such benefits until the person has ceased to be domiciled in the county for a period of one year.

20 **SECTION 16.** ORS 408.730 is amended to read:

21 408.730. (1) The commander or executive head of any veterans organization organized under a
22 charter issued by an Act of Congress, proposing to undertake the relief provided for in ORS 408.720,
23 shall file with the county clerk of the county in which the veterans organization may be situated,
24 the names of its commander or executive head and its relief committee, if any. The commander or
25 executive head shall also file a notice in writing that such veterans organization will undertake the
26 relief of the indigent persons provided for in ORS 408.720, and by the fourth Monday in January of
27 each year shall file with the county clerk a similar notice, and render and file a detailed statement
28 of the relief furnished during the preceding year, including the amount thereof, the names of the
29 persons to whom furnished and on whose recommendation, and such other facts and suggestions as
30 are deemed material.

31 (2) The commander or executive head shall also file a bond, with one or more sureties, to be
32 approved by the county court or judge thereof, or board of county commissioners, in a sum not less
33 than \$100 and not more than \$1,000. The amount of the bond shall be fixed by the court, judge or
34 board. It shall run to the county, and be conditioned by stating that if said commander or executive
35 head faithfully applies all funds that come into the hands of the commander or executive head for
36 that purpose, to the relief of the indigent persons named in ORS 408.720, it is void. If the bond is
37 enforced there shall be recovered from the principal and sureties thereon the amount which is found
38 to be misappropriated, which shall be paid into the county treasury.

39 (3) If the county operates on a fiscal year ending on June 30, the notice, statement and bond
40 required by this section may be filed on the fourth Monday in July of each year rather than on the
41 fourth Monday of January. If the statement required by subsection (1) of this section is filed at the
42 time provided in this subsection, this statement shall cover the preceding fiscal year.

43 (4) On the approval and filing of the bond, and on the recommendation of the relief committee
44 of any such veterans organization, orders shall be drawn in favor of the commander or executive
45 head in the same manner as orders are now drawn for the relief of the poor. The orders shall des-

1 designate thereon the names of the persons for whom the relief is intended and, in like manner, a sum
2 not exceeding \$100 may be drawn to pay the funeral expenses of an indigent [*war*] veteran, and the
3 indigent wives, widows and the minor children of such [*war*] veterans.

4 **SECTION 17.** ORS 348.282 is amended to read:

5 348.282. As used in this section and ORS 348.283:

6 (1) "Armed Forces of the United States" means:

7 (a) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

8 (b) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United
9 States; and

10 (c) The Oregon National Guard and a National Guard of any other state or territory.

11 (2) "Public post-secondary institution" means:

12 (a) A state institution under the direction of the State Board of Higher Education; and

13 (b) A community college operated under ORS chapter 341.

14 (3) "Veteran" [*means a person who served on active duty with the Armed Forces of the United*
15 *States and was discharged or released from active duty with other than a dishonorable discharge*] **has**
16 **the meaning given that term in ORS 408.225.**

17 **SECTION 18.** ORS 406.210 is amended to read:

18 406.210. (1) The Governor shall designate and appoint nine persons, all of whom are [*war*] vet-
19 erans as defined [*by the laws of this state*] **in ORS 408.225**, who shall constitute the Advisory Com-
20 mittee and who shall act in an advisory capacity to the Director of Veterans' Affairs concerning all
21 matters upon which the director requests counsel.

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

30 [*(3) In addition to the other requirements of this section, until such time as no veteran of a period*
31 *of service as described in ORS 174.105 or a period of service after January 31, 1955, is willing or able*
32 *to serve, each period shall be represented by at least one member of the Advisory Committee.]*

33 [(4)] (3) When appointing an individual to the Advisory Committee to succeed an at-large mem-
34 ber who vacated or whose term of office is expiring, the Governor may consider the names of the
35 persons recommended for appointment by the executive committees of congressionally chartered
36 veterans' organizations that maintain an Oregon state headquarters. Any recommendation for ap-
37 pointment must be received by the Governor within 30 days after a vacancy occurs or not later than
38 30 days prior to the expiration of a member's term of office.

39 [(5)] (4) The term of office of a member of the Advisory Committee is four years, and a member
40 may be reappointed upon expiration of the member's term. However, a member of the Advisory
41 Committee [*shall*] **may** not serve more than two consecutive terms.

42 [(6)] (5) After consultation with the Director of Veterans' Affairs, the Advisory Committee shall
43 select one committee member to act as chairperson of the Advisory Committee, subject to approval
44 by the Governor.

45 [(7)] (6) Each participating congressionally chartered veterans' organization shall furnish the

1 director with a copy of its Congressional Charter including any subsequent amendments.

2 [(8) *In addition to the other requirements of this section, at least one member of the Advisory*
3 *Committee shall be a veteran of the Korean conflict and at least three members shall be veterans of the*
4 *period following the Korean conflict.*]

5 **SECTION 19.** ORS 406.310 is amended to read:

6 406.310. From funds available to the office of the Director of Veterans' Affairs for this purpose,
7 the director, with advice from the Advisory Committee, is authorized to aid [*war*] veterans' organ-
8 izations that have been accredited by the United States Department of Veterans Affairs and counties
9 of the state, in connection with their respective programs of service to [*war*] veterans.

10 **SECTION 20.** ORS 408.350 is amended to read:

11 408.350. (1) As used in this section, "veteran" means a person who is:

12 (a) A resident of Oregon; and [*who served in the Armed Forces of the United States or the Re-*
13 *serves.*]

14 (b) **A veteran as defined in ORS 408.225.**

15 (2) The Department of Veterans' Affairs shall provide, in written or electronic format, educa-
16 tional materials on the diagnosis, treatment and prevention of hepatitis C in veterans who are at
17 high risk of contracting the disease.

18 (3) The department shall make the materials available to all veterans and health care providers.

19 (4) The materials shall include:

20 (a) The recommendations of the Centers for Disease Control and Prevention and the American
21 Liver Foundation relating to the diagnosis, treatment and prevention of hepatitis C; and

22 (b) Information from other groups that the department believes present reliable information
23 concerning the increased risk to veterans of contracting hepatitis C.

24 **SECTION 21.** ORS 508.475 is amended to read:

25 508.475. The failure to renew the license, or make application therefor, for any location for a
26 fixed fishing gear in any of the waters of this state, on January 1 of any year, constitutes aban-
27 donment of the location. However, any licensee entering the Armed Forces of the United States
28 during any period which would qualify the licensee [*under the laws of this state as a war veteran*]
29 **as a veteran, as defined in ORS 408.225**, is not deemed to have abandoned such location or gear
30 so licensed, either by reason of absence from the location during such service or by failure to renew
31 the license as required. Such licensee may file application for renewal of the license at any time
32 following the date of release from the Armed Forces of the United States, until January 1 of the
33 following year, and shall have preference over other persons therefor.

34 **SECTION 22.** ORS 497.102 is amended to read:

35 497.102. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to
36 persons desiring to hunt wildlife the following licenses and permits and shall charge therefor the
37 following fees:

38 (a) Resident annual hunting license to hunt wildlife, \$19.

39 (b) Nonresident annual hunting license to hunt wildlife, \$73.

40 (c) Resident annual juvenile hunting license for persons 14 through 17 years of age to hunt
41 wildlife except those species for which a game mammal tag or permit is required by the wildlife laws
42 or by any rule promulgated pursuant thereto, \$2.

43 (d) Resident pioneer hunting license to hunt wildlife for persons 65 years of age or older who
44 have resided in the state for not less than 50 years prior to the date of application, free.

45 (e) Resident annual senior citizen hunting license to hunt wildlife for persons 70 years of age

1 or older who have resided in the state for not less than five years prior to the date of application,
2 one-half the fee imposed under paragraph (a) of this subsection for a resident annual hunting license
3 to hunt wildlife.

4 (f) Resident disabled [*war*] veteran hunting license to hunt wildlife for a person who files with
5 the commission written proof that the last official certification of record by the United States De-
6 partment of Veterans Affairs or any branch of the Armed Forces of the United States shows the
7 person to be at least 25 percent disabled, free.

8 (g) Annual resident private hunting preserve permit to hunt privately owned hunting preserve
9 game birds, \$3.

10 (h) Annual nonresident private hunting preserve permit to hunt privately owned hunting pre-
11 serve game birds, \$9.

12 (i) Nonresident hunting license to hunt migratory waterfowl and upland birds for three consec-
13 utive days, \$20.

14 (2) The hunting preserve permits referred to in subsection (1)(g) and (h) of this section are in
15 lieu of the hunting licenses required by the wildlife laws.

16 **SECTION 23.** ORS 497.121 is amended to read:

17 497.121. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to
18 persons desiring to angle for fish or take shellfish the following licenses and tags and shall charge
19 therefor the following fees:

20 (a) Resident annual angling license, \$21.

21 (b) Nonresident annual angling license, \$54.75.

22 (c) Nonresident angling license to angle for seven consecutive days, \$39.50.

23 (d) Angling license to angle for one day, \$9.25.

24 (e) Resident annual juvenile angling license for persons 14 through 17 years of age, \$4.

25 (f) Resident annual shellfish license, \$5.

26 (g) Nonresident annual shellfish license, \$15.

27 (h) Nonresident three-day shellfish license, \$7.50.

28 (i) Resident pioneer angling license for persons 65 years of age or older who have resided in the
29 state for not less than 50 years prior to the date of application, free.

30 (j) Resident annual senior citizen angling license for persons 70 years of age or older who have
31 resided in the state for not less than five years prior to the date of application, one-half the fee
32 imposed under paragraph (a) of this subsection for a resident annual angling license.

33 (k) Resident disabled [*war*] veteran angling license for a person who files with the commission
34 written proof that the last official certification of record by the United States Department of Vet-
35 erans Affairs or by any branch of the Armed Forces of the United States shows the person to be
36 at least 25 percent disabled, free.

37 (L) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut, \$20.

38 (m) Annual tag for persons under 18 years of age to angle for salmon, steelhead trout, sturgeon
39 and halibut, \$5.

40 (n) Renewable tag to angle for hatchery salmon and steelhead, \$10.50.

41 (2) Any person who holds a valid permanent angling license for persons who are blind or a
42 permanent angling license for persons in a wheelchair issued by the commission before January 1,
43 2000, need not obtain a resident annual angling license under this section.

44 (3) The annual tags to angle for salmon, steelhead trout, sturgeon and halibut referred to in
45 subsection (1)(L), (m) and (n) of this section are in addition to and not in lieu of the angling licenses

1 required by the wildlife laws. However, an annual tag to angle for salmon, steelhead trout, sturgeon
2 and halibut is not required of a person who holds a valid angling license referred to in subsection
3 (1)(c) or (d) of this section.

4 **SECTION 24.** ORS 406.005 is amended to read:

5 406.005. (1) The Department of Veterans' Affairs is established.

6 (2) The department is under the supervision and control of a director appointed as provided in
7 ORS 406.020.

8 (3) The department is responsible for the administration of federal and state laws relating to
9 veterans.

10 (4) The department, with the advice of the Advisory Committee created under ORS 406.210, shall
11 adopt rules that the department considers necessary to carry out the provisions of ORS chapters
12 406, 407 and 408 and ORS 88.710 to 88.740 [and 174.105].

13 **SECTION 25.** ORS 408.225 is amended to read:

14 408.225. (1) As used in ORS 408.225 to 408.235:

15 (a) "Combat zone" means an area designated by the President of the United States by executive
16 order in which, on the dates designated by executive order, the Armed Forces of the United States
17 are or have engaged in combat.

18 (b) "Disabled veteran" means a person entitled to disability compensation under laws adminis-
19 tered by the United States Department of Veterans Affairs, a person whose discharge or release
20 from active duty was for a disability incurred or aggravated in the line of duty or a person who
21 was awarded the Purple Heart for wounds received in combat.

22 (c) "Public employer" means the state or any agency or political subdivision of the state and
23 any person authorized to act on behalf of the state or any agency or political subdivision of the state
24 with respect to control, management or supervision of any employee.

25 (d) "Veteran" means a person who:

26 (A) Served on active duty with the Armed Forces of the United States:

27 **(i) For a period of more than 90 consecutive days beginning on or before January 31, 1955,**
28 **and was discharged or released under honorable conditions;**

29 [(i)] **(ii) For a period of more than 178 consecutive days beginning after January 31, 1955, and**
30 **was discharged or released from active duty under honorable conditions;**

31 [(ii)] **(iii) For 178 days or less and was discharged or released from active duty under honorable**
32 **conditions because of a service-connected disability; [or]**

33 **(iv) For 178 days or less and was discharged or released from active duty under honorable**
34 **conditions and has a disability rating from the United States Department of Veterans Af-**
35 **fairs; or**

36 [(iii)] **(v) For at least one day in a combat zone and was discharged or released from active duty**
37 **under honorable conditions; [or]**

38 (B) Received a combat or campaign ribbon **or an expeditionary medal** for service in the Armed
39 Forces of the United States[.] **and was discharged or released from active duty under honorable**
40 **conditions; or**

41 **(C) Is receiving a nonservice-connected pension from the United States Department of**
42 **Veterans Affairs.**

43 (2) As used in subsection (1)(d) of this section, "active duty" does not include attendance at a
44 school under military orders, except schooling incident to an active enlistment or a regular tour of
45 duty, or normal military training as a reserve officer or member of an organized reserve or a Na-

1 tional Guard unit.

2 **SECTION 26. ORS 174.105 is repealed.**

3 **SECTION 27. The amendments to ORS 307.250 by section 1 of this 2009 Act apply to**
4 **property tax years beginning on or after July 1, 2009.**

5 _____