

Senate Bill 72

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 John A. Kitzhaber 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 **as introduced**.

Clarifies definition of "disabled veteran" for purposes of statutes relating to veterans' preferences in public employment.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to disabled veterans; amending ORS 408.225; and declaring an emergency.

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

3 **SECTION 1.** ORS 408.225 is amended to read:

4 408.225. (1) As used in ORS 408.225 to 408.235:

5 (a)(A) "Civil service position" means any position for which a hiring or promotion decision is
6 made or required to be made based on the results of a merit based, competitive process that in-
7 cludes, but is not limited to, consideration of an applicant's or employee's relative ability, knowl-
8 edge, experience and other skills.

9 (B) A "civil service position" need not be labeled a "civil service position."

10 (b) "Combat zone" means an area designated by the President of the United States by executive
11 order in which, on the dates designated by executive order, the Armed Forces of the United States
12 are or have engaged in combat.

13 (c) "Disabled veteran" means a person [*entitled to disability compensation under laws adminis-*
14 *tered by the United States Department of Veterans Affairs*] **who has a disability rating from the**
15 **United States Department of Veterans Affairs**, a person whose discharge or release from active
16 duty was for a disability incurred or aggravated in the line of duty or a person who was awarded
17 the Purple Heart for wounds received in combat.

18 (d) "Public employer" means a public body, as that term is defined in ORS 174.109, and any
19 person authorized to act on behalf of the public body, with respect to control, management or
20 supervision of any employee.

21 (e) "Veteran" means a person who:

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

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

25 (ii) For a period of more than 178 consecutive days beginning after January 31, 1955, and was
26 discharged or released from active duty under honorable conditions;

27 (iii) For 178 days or less and was discharged or released from active duty under honorable
28 conditions because of a service-connected disability;

29 (iv) For 178 days or less and was discharged or released from active duty under honorable
30

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 conditions and has a disability rating from the United States Department of Veterans Affairs; or

2 (v) For at least one day in a combat zone and was discharged or released from active duty under
3 honorable conditions;

4 (B) Received a combat or campaign ribbon or an expeditionary medal for service in the Armed
5 Forces of the United States and was discharged or released from active duty under honorable con-
6 ditions; or

7 (C) Is receiving a nonservice-connected pension from the United States Department of Veterans
8 Affairs.

9 (2) As used in subsection (1)(e) of this section, "active duty" does not include attendance at a
10 school under military orders, except schooling incident to an active enlistment or a regular tour of
11 duty, or normal military training as a reserve officer or member of an organized reserve or a Na-
12 tional Guard unit.

13 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
15 **on its passage.**

16
