

Enrolled Senate Bill 250

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, M.D., for Department of Veterans' Affairs)

CHAPTER

AN ACT

Relating to veterans; amending ORS 406.452, 406.505, 408.020 and 408.225; repealing ORS 406.500, 407.582, 407.585, 408.095, 408.480 and 408.750; and declaring an emergency.

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

SECTION 1. ORS 406.500, 407.582, 407.585, 408.095, 408.480 and 408.750 are repealed.

SECTION 2. ORS 408.020 is amended to read:

408.020. (1) **The Department of Veterans' Affairs may provide financial aid to** beneficiaries who desire to pursue an approved course of study or professional training in or in connection with any accredited state or other public school or accredited private school or accredited college [*shall have the right and privilege of state financial aid as provided in*] **consistent with** ORS 408.010 to 408.090.

(2) [*State financial aid is payable at the rate of*] **Financial aid under this section may not exceed** \$150 per month for each month of full-time study or training [*and*] **or** \$100 per month for each month of part-time study or training.

(3) The total number of monthly payments under subsection (2) of this section may not exceed the total number of months served in the Armed Forces of the United States or 36, whichever is less.

(4) The Director of Veterans' Affairs may permit a beneficiary to attend a school or college outside of this state upon a satisfactory showing that the training required is not available in an accredited institution within this state.

(5) A beneficiary may not receive payments or benefits under ORS 408.010 to 408.090 at the same time that the beneficiary is receiving educational aid under any federal Act based upon prior service in the Armed Forces. Time spent by a person who applies for benefits under ORS 408.010 to 408.090 in the army specialized training program, the Navy V-12 program or other like training program may not be counted as service in the Armed Forces within the purview of ORS 408.010.

SECTION 3. ORS 406.452 is amended to read:

406.452. The Director of Veterans' Affairs may establish by rule a state certification program for veterans' service officers appointed under ORS [*408.095 or*] 408.410 and other individuals providing similar services to ensure their competency. The program curriculum shall provide the training and education necessary to allow veterans' service officers and other individuals to assist veterans, spouses and dependents of veterans or survivors of veterans in applying for all federal and state veterans' benefits and aid to which veterans, spouses and dependents of veterans or survivors

of veterans may be entitled and in appealing any denial of veterans' benefits or aid. The curriculum shall include, but need not be limited to, training and education in the following areas:

(1) Applicable federal, state and local laws providing benefits or aid for veterans, spouses and dependents of veterans or survivors of veterans and other benefits or aid for which veterans, spouses or dependents of veterans or survivors of veterans may be eligible;

(2) Skills necessary to provide quality representation and advocacy on behalf of veterans, spouses or dependents of veterans or survivors of veterans, including case preparation and handling of administrative hearings and appeals;

(3) Effective communication skills;

(4) Health care, human services and referral resources; and

(5) Claims management.

SECTION 4. ORS 406.505 is amended to read:

406.505. (1) [A] **The World War II memorial constructed [by the World War II Memorial Task Force created in ORS 406.500] in the Capitol Mall in the City of Salem, Marion County,** is an outright permitted use without taking an exception under ORS 197.732 to the statewide land use planning goals or changing the acknowledged comprehensive plan or land use regulations of Marion County.

(2) The Department of Veterans' Affairs shall maintain the finished memorial.

SECTION 5. ORS 408.225 is amended to read:

408.225. (1) As used in ORS 408.225 to 408.237:

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

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

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

(c) "Disabled veteran" means a [person] **veteran** who has a disability rating from the United States Department of Veterans Affairs, a [person] **veteran** whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a [person] **veteran** who was awarded the Purple Heart for wounds received in combat.

(d) "Honorable conditions" has the meaning given that term in rules adopted by the Department of Veterans' Affairs.

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

(f) "Veteran" means a person who:

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

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

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

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

(iv) For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or

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

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

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

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

SECTION 6. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by Senate March 30, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 11, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State