

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)

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**.

Repeals outdated statutes. Makes provision of financial aid to beneficiaries permissive. Amends outdated language regarding World War II memorial. Clarifies definition of "disabled veteran."
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to veterans; amending ORS 406.452, 406.505, 408.020 and 408.225; repealing ORS 406.500,
3 407.582, 407.585, 408.095, 408.480 and 408.750; and declaring an emergency.

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

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 ORS 406.500, 407.582, 407.585, 408.095, 408.480 and 408.750 are repealed.**

6 **SECTION 2.** ORS 408.020 is amended to read:

7 408.020. (1) **The Department of Veterans' Affairs may provide financial aid to** beneficiaries
8 who desire to pursue an approved course of study or professional training in or in connection with
9 any accredited state or other public school or accredited private school or accredited college [*shall*
10 *have the right and privilege of state financial aid as provided in*] **consistent with** ORS 408.010 to
11 408.090.

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

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

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

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

25 **SECTION 3.** ORS 406.452 is amended to read:

26 406.452. The Director of Veterans' Affairs may establish by rule a state certification program
27 for veterans' service officers appointed under ORS [*408.095 or*] 408.410 and other individuals pro-
28 viding similar services to ensure their competency. The program curriculum shall provide the
29 training and education necessary to allow veterans' service officers and other individuals to assist
30 veterans, spouses and dependents of veterans or survivors of veterans in applying for all federal and

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

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

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

10 (3) Effective communication skills;

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

12 (5) Claims management.

13 **SECTION 4.** ORS 406.505 is amended to read:

14 406.505. (1) [A] **The World War II memorial constructed [by the World War II Memorial Task**
 15 **Force created in ORS 406.500] in the Capitol Mall in the City of Salem, Marion County,** is an
 16 outright permitted use without taking an exception under ORS 197.732 to the statewide land use
 17 planning goals or changing the acknowledged comprehensive plan or land use regulations of Marion
 18 County.

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

20 **SECTION 5.** ORS 408.225 is amended to read:

21 408.225. (1) As used in ORS 408.225 to 408.237:

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

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

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

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

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

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

39 (f) "Veteran" means a person who:

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

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

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

45 (iii) For 178 days or less and was discharged or released from active duty under honorable

1 conditions because of a service-connected disability;

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

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

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

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

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

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

18
