

A-Engrossed
House Bill 4038

Ordered by the House February 16
Including House Amendments dated February 16

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Veterans and Emergency Preparedness)

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.

Directs Director of Veterans' Affairs to study progress of establishment of Roseburg Oregon Veterans' Home.

Prohibits sale or destruction of military medals and decorations by Department of State Lands. Permits Department of State Lands to deliver military medals and decorations to certain custodians.

Directs Director of Veterans' Affairs to identify potential sites for veterans' cemeteries.

Establishes program to provide outreach and assistance to incarcerated veterans.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to military service members; and prescribing an effective date.

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

ROSEBURG OREGON VETERANS' HOME

SECTION 1. The Director of Veterans' Affairs shall study the progress of the establishment of the Roseburg Oregon Veterans' Home authorized under ORS 408.385 and shall report the findings of the study to the Legislative Assembly no later than September 1, 2018.

MILITARY MEDALS

SECTION 2. (1) As used in this section:

(a) "Armed Forces of the United States" has the meaning given that term in ORS 348.282.

(b) "Descendant" has the meaning given that term in ORS 111.005.

(c) "Military medal" means a medal or decoration awarded to a person for military service in the Armed Forces of the United States and presumed to be abandoned under ORS 98.302 to 98.436.

(d) "Service member" means the person to whom a military medal was initially awarded by the Armed Forces of the United States.

(2) Notwithstanding ORS 98.382 and 98.384, the Department of State Lands may not sell or destroy a military medal. Except as provided in subsection (4) of this section, upon receiving a military medal, the department shall retain the military medal until a claim is filed for the military medal by a service member or by a descendant of a deceased service member.

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 (3) The department may make a photograph or other visual depiction of the military
2 medal available to the public, together with any information in the records of the holder,
3 excluding Social Security numbers, that the department determines is necessary to facilitate
4 the identification and location of a service member or a descendant of a deceased service
5 member.

6 (4) The department may deliver a military medal to one of the following custodians if the
7 recipient custodian agrees, in writing, to retain the military medal for the service member
8 or a descendant of a deceased service member:

9 (a) A military veterans' organization qualified under section 501(c)(19) of the Internal
10 Revenue Code;

11 (b) The agency that awarded the military medal;

12 (c) A state or federal agency; or

13 (d) The Oregon Military Museum established under ORS 396.555.

14 (5) If the department transfers custody of a military medal as provided in subsection (4)
15 of this section, the department is relieved of any duty to safeguard the military medal.

16 (6) The department may adopt rules to implement the provisions of this section, includ-
17 ing:

18 (a) Identifying procedures the department must take to reasonably identify a service
19 member or a descendant of a deceased service member.

20 (b) Specifying documentation necessary for a service member or a descendant of a de-
21 ceased service member to submit a claim for a military medal.

22 (c) Prioritizing claims if more than one of a deceased service member's descendants
23 submits a claim for a military medal.

24 **SECTION 3.** Section 2 of this 2018 Act is added to and made a part of ORS 98.302 to 98.436.

25 26 VETERANS' CEMETERIES

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28 **SECTION 4.** The Director of Veterans' Affairs shall study potential sites for state and
29 tribal veterans' cemeteries and the feasibility of applying for a grant under the United States
30 Department of Veterans Affairs Veterans Cemetery Grants Program.

31 32 REENTRY BENEFITS PROGRAM

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34 **SECTION 5.** (1) As used in this section:

35 (a) "Incarcerated veteran" means a veteran sentenced to a period of incarceration in a
36 prison or other correctional facility until such time as a lawful release authority authorizes
37 the release of the veteran.

38 (b) "Veteran" has the meaning given that term in ORS 408.225.

39 (2) The Director of Veterans' Affairs shall establish a program to provide services to
40 incarcerated veterans.

41 (3) The program shall:

42 (a) Conduct outreach to, and provide assistance designed for the unique needs of, veter-
43 ans during incarceration and post-release, and to the spouses and dependents of such veter-
44 ans.

45 (b) Provide assistance in applying for or obtaining reinstatement of federal and state

1 veterans' benefits and aid that incarcerated veterans and their spouses and dependents may
2 be entitled to and help to appeal any denial of benefits and aid.

3 (c) Provide assistance in applying for and obtaining veterans' benefits and benefits
4 available through other programs that provide services and resources to incarcerated vet-
5 erans and to the spouses and dependents of such veterans.

6 (d) Develop and distribute informational materials for incarcerated veterans and their
7 spouses and dependents regarding veterans' benefits and other benefit programs that provide
8 services and resources to incarcerated veterans and their spouses and dependents.

9 (4) The director, in consultation with the Department of Corrections, shall appoint one
10 or more veterans' service officers certified under ORS 406.452 to carry out the program re-
11 quirements under subsection (3) of this section.

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13 **CAPTIONS**

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15 **SECTION 6.** The unit captions used in this 2018 Act are provided only for the convenience
16 of the reader and do not become part of the statutory law of this state or express any leg-
17 islative intent in the enactment of this 2018 Act.

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19 **EFFECTIVE DATE**

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21 **SECTION 7.** This 2018 Act takes effect on the 91st day after the date on which the 2018
22 regular session of the Seventy-ninth Legislative Assembly adjourns sine die.
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