

**B-Engrossed**  
**House Bill 4038**

Ordered by the House March 2  
Including House Amendments dated February 16 and March 2

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.

**Expands definition of "disabled veteran" for preference in public employment to include person receiving service-connected disability pension from United States Department of Veterans Affairs who does not otherwise meet state definition of "veteran."**

*[Takes effect on 91st day following adjournment sine die.]*

**Declares emergency, effective on passage.**

**A BILL FOR AN ACT**

1  
2 Relating to military service members; creating new provisions; amending ORS 408.230; and declaring  
3 an emergency.

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

5  
6 **ROSEBURG OREGON VETERANS' HOME**

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

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12 **MILITARY MEDALS**

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

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

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

17 (c) **"Military medal" means a medal or decoration awarded to a person for military ser-**  
18 **vice in the Armed Forces of the United States and presumed to be abandoned under ORS**  
19 **98.302 to 98.436.**

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

22 (2) **Notwithstanding ORS 98.382 and 98.384, the Department of State Lands may not sell**

**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 or destroy a military medal. Except as provided in subsection (4) of this section, upon re-  
2 ceiving a military medal, the department shall retain the military medal until a claim is filed  
3 for the military medal by a service member or by a descendant of a deceased service mem-  
4 ber.

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

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

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

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

16 (c) A state or federal agency; or

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

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

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

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

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

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

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

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30 **VETERANS' CEMETERIES**

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

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36 **REENTRY BENEFITS PROGRAM**

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

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

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

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

45 (3) The program shall:

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

4 (b) Provide assistance in applying for or obtaining reinstatement of federal and state  
5 veterans' benefits and aid that incarcerated veterans and their spouses and dependents may  
6 be entitled to and help to appeal any denial of benefits and aid.

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

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

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

16 **SECTION 6.** Notwithstanding any other law limiting expenditures, the limitation on  
17 expenditures established by section 2 (1), chapter 585, Oregon Laws 2017, for the biennium  
18 ending June 30, 2019, as the maximum limit for payment of expenses from lottery funds al-  
19 located from the Veterans' Services Fund established under ORS 406.140, to the Department  
20 of Veterans' Affairs, is increased by \$136,531 for carrying out the provisions of section 5 of  
21 this 2018 Act.

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23 **VETERANS' PREFERENCE IN PUBLIC EMPLOYMENT**  
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25 **SECTION 7.** ORS 408.230 is amended to read:

26 408.230. (1) A public employer shall grant a preference to a veteran or disabled veteran who  
27 applies for a vacant civil service position or seeks promotion to a civil service position with a  
28 higher maximum salary rate and who:

29 (a)(A) Successfully completes an initial application screening or an application examination for  
30 the position; or

31 (B) Successfully completes a civil service test the employer administers to establish eligibility  
32 for the position; and

33 (b) Meets the minimum qualifications and any special qualifications for the position.

34 (2) The employer shall grant the preference in the following manner:

35 (a) For an initial application screening used to develop a list of persons for interviews, the em-  
36 ployer shall add five preference points to a veteran's score and 10 preference points to a disabled  
37 veteran's score.

38 (b) For an application examination, given after the initial application screening, that results in  
39 a score, the employer shall add preference points to the total combined examination score without  
40 allocating the points to any single feature or part of the examination. The employer shall add five  
41 preference points to a veteran's score and 10 preference points to a disabled veteran's score.

42 (c) For an application examination that consists of an interview, an evaluation of the veteran's  
43 performance, experience or training, a supervisor's rating or any other method of ranking an appli-  
44 cant that does not result in a score, the employer shall give a preference to the veteran or disabled  
45 veteran. An employer that uses an application examination of the type described in this paragraph

1 shall devise and apply methods by which the employer gives special consideration in the employer's  
2 hiring decision to veterans and disabled veterans.

3 (3) Preferences of the type described in subsection (1) of this section are not a requirement that  
4 the public employer appoint a veteran or disabled veteran to a civil service position.

5 (4) A public employer shall appoint an otherwise qualified veteran or disabled veteran to a va-  
6 cant civil service position if the results of a veteran's or disabled veteran's application examination,  
7 when combined with the veteran's or disabled veteran's preference, are equal to or higher than the  
8 results of an application examination for an applicant who is not a veteran or disabled veteran.

9 (5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service  
10 position, upon written request of the veteran or disabled veteran, the employer, in writing, shall  
11 provide the employer's reasons for the decision not to appoint the veteran or disabled veteran to the  
12 position. The employer may base a decision not to appoint the veteran or disabled veteran solely  
13 on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil ser-  
14 vice position.

15 (6) Violation of this section is an unlawful employment practice.

16 (7) A veteran or disabled veteran claiming to be aggrieved by a violation of this section may file  
17 a verified written complaint with the Commissioner of the Bureau of Labor and Industries in ac-  
18 cordance with ORS 659A.820.

19 (8) **For purposes of this section, "disabled veteran" includes a person who is receiving**  
20 **service-connected compensation from the United States Department of Veterans Affairs un-**  
21 **der 38 U.S.C. 1110 or 1131.**

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23 **CAPTIONS**

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25 **SECTION 8. The unit captions used in this 2018 Act are provided only for the convenience**  
26 **of the reader and do not become part of the statutory law of this state or express any leg-**  
27 **islative intent in the enactment of this 2018 Act.**

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29 **EMERGENCY CLAUSE**

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31 **SECTION 9. This 2018 Act being necessary for the immediate preservation of the public**  
32 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**  
33 **on its passage.**