

DRAFT

SUMMARY

Modifies criteria for erecting roadside memorial signs for deceased veterans formerly prisoners of war or unaccounted for.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to memorial highways; amending ORS 366.931; and prescribing an effective date.

Whereas nearly 1,000 members of the armed forces who remain missing in action have called Oregon their home, including an estimated 21 from World War I, 887 from World War II, two from the Cold War, 57 from the Korean War and 33 from the Vietnam War; and

Whereas those from this state who remain missing in action represent approximately 16 percent of the nearly 6,000 Oregonians who paid the ultimate sacrifice while serving in the military since the Civil War; and

Whereas 770 Oregonians were prisoners of war during World War II, and, of those Oregonians, approximately 78 percent were returned to the custody of the United States, 11 percent were executed by the enemy, 10 percent died in the custody of the enemy and the fate of one percent to this day remains unknown; and

Whereas the Legislative Assembly, with the assistance of the Bend Heroes Foundation and its partners, has established memorial highways across Oregon to honor veterans, including the World War I Veterans Memorial Highway, the World War II Veterans Historic Highway, the Korean War Veterans Memorial Highway, the Vietnam Veterans Memorial Highway, the

Persian Gulf, Afghanistan and Iraq Veterans Memorial Highway, the Purple Heart Trail and the Oregon Medal of Honor Highway; and

Whereas the 74-mile segment of U.S. Highway 26 beginning at U.S. Highway 101 and ending at Interstate 5 was designated as the Sunset Highway in 1946 by the Oregon State Highway Commission to honor the 41st Infantry Division, which was deployed in World War II following the Japanese attack on Pearl Harbor and whose soldiers wore uniforms displaying a sunset insignia; and

Whereas at the request of the Bend Heroes Foundation, the Legislative Assembly established the Oregon Medal of Honor Highway on the 451 miles of U.S. Highway 20 that cross this state, honoring current and future recipients of the Medal of Honor; and

Whereas memorial highways honor the many Oregonians who served in the military during five major wars since World War I, whose numbers approach 500,000; and

Whereas the Bend Heroes Foundation and its partners raised over \$100,000 to pay for the creation, installation and maintenance of 79 markers alongside those veterans memorial highways; and

Whereas at the request of the Bend Heroes Foundation, the Legislative Assembly established the POW/MIA Memorial Highway on the 471 miles of U.S. Highway 26 that cross this state to honor Oregonians who have been a prisoner of war or missing in action since the Civil War; and

Whereas nearly 1,770 Oregonians have been prisoners of war or missing in action since the Civil War; and

Whereas Oregonians are deeply concerned about the fate of the Oregonians who were prisoners of war or missing in action; and

Whereas the Defense POW/MIA Accounting Agency searches worldwide for the remains of individuals who are unaccounted for to return the remains of those missing in action to families for final closure; and

Whereas the Defense POW/MIA Accounting Agency continues to recover and return remains of individuals missing in action to Oregon families; and

Whereas roadside memorial signs will complement the POW/MIA Memorial Highway to educate the public and honor the prisoners of war and those missing in action; now, therefore,

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

SECTION 1. ORS 366.931 is amended to read:

366.931. (1) As used in this section, "Armed Forces of the United States" has the meaning given that term in ORS 348.282.

(2) To recognize and honor those who were killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States, the Department of Transportation shall erect and maintain a Fallen Hero roadside memorial sign if:

(a)(A) The Legislative Assembly adopts a concurrent resolution that recognizes the individual killed in the line of duty; **or**

(B) The individual killed in the line of duty was formerly designated as either a prisoner of war or unaccounted for by the Defense POW/MIA Accounting Agency and the remains of the individual have been recovered, identified and returned to Oregon; and

(b) The department receives the payment of a fee determined by the department under subsection (3) of this section.

(3) The department shall determine the amount of the fee required under subsection (2)(b) of this section by rule. The fee may not exceed the direct and indirect expenses associated with erecting, maintaining and removing a roadside memorial sign.

(4) The department shall deposit the fees that the department collects under this section into the Roadside Memorial Fund established under ORS 366.932.

(5) A public body, as defined in ORS 174.109, may not expend moneys for the purpose of paying the fee required under this section.

(6) The department, by rule, shall establish the size, design and location of a roadside memorial sign erected under this section. The sign must include the name of the individual the sign is recognizing.

1 **SECTION 2.** ORS 366.931, as amended by section 11, chapter 384, Oregon
2 Laws 2019, is amended to read:

3 366.931. (1) As used in this section, “Armed Forces of the United States”
4 means:

5 (a) The Army, Navy, Air Force, Marine Corps and Coast Guard of the
6 United States;

7 (b) The reserves of the Army, Navy, Air Force, Marine Corps and Coast
8 Guard of the United States; and

9 (c) The Oregon National Guard and a National Guard of any other state
10 or territory.

11 (2) To recognize and honor those who were killed in action or who died
12 as a result of wounds received in action while serving in the Armed Forces
13 of the United States, the Department of Transportation shall erect and
14 maintain a Fallen Hero roadside memorial sign if:

15 (a)(A) The Legislative Assembly adopts a concurrent resolution that re-
16 cognizes the individual killed in the line of duty; **or**

17 **(B) The individual killed in the line of duty was formerly designated**
18 **as either a prisoner of war or unaccounted for by the Defense**
19 **POW/MIA Accounting Agency and the remains of the individual have**
20 **been recovered, identified and returned to Oregon; and**

21 (b) The department receives the payment of a fee determined by the de-
22 partment under subsection (3) of this section.

23 (3) The department shall determine the amount of the fee required under
24 subsection (2)(b) of this section by rule. The fee may not exceed the direct
25 and indirect expenses associated with erecting, maintaining and removing a
26 roadside memorial sign.

27 (4) The department shall deposit the fees that the department collects
28 under this section into the Roadside Memorial Fund established under ORS
29 366.932.

30 (5) A public body, as defined in ORS 174.109, may not expend moneys for
31 the purpose of paying the fee required under this section.

(6) The department, by rule, shall establish the size, design and location of a roadside memorial sign erected under this section. The sign must include the name of the individual the sign is recognizing.

4 **SECTION 3.** This 2021 Act takes effect on the 91st day after the date
5 on which the 2021 regular session of the Eighty-first Legislative As-
6 sembly adjourns sine die.

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