

# House Bill 4083

Sponsored by Representatives LEWIS, ZIKA, HELT, EVANS; Representatives BARKER, BARRETO, BONHAM, BOSHART DAVIS, BREESE-IVERSON, DOHERTY, DRAZAN, LEIF, MEEK, NERON, NOBLE, NOSSE, PILUSO, POST, RESCHKE, SMITH DB, SMITH G, STARK, WALLAN, WILDE, Senators BOQUIST, FINDLEY, MANNING JR (at the request of Lieutenant Colonel Dick Tobiason) (Presession filed.)

## 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**.

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

Takes effects on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to memorial highways; amending ORS 366.931; and prescribing an effective date.

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

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

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

13       Whereas the Legislative Assembly, with the assistance of the Bend Heroes Foundation and its  
14 partners, has established memorial highways across Oregon to honor veterans, including the World  
15 War I Veterans Memorial Highway, the World War II Veterans Historic Highway, the Korean War  
16 Veterans Memorial Highway, the Vietnam Veterans Memorial Highway, the Persian Gulf,  
17 Afghanistan and Iraq Veterans Memorial Highway, the Purple Heart Trail and the Oregon Medal  
18 of Honor Highway; and

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

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

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

28       Whereas the Bend Heroes Foundation and its partners raised over \$100,000 to pay for the cre-  
29 ation, installation and maintenance of 79 markers alongside those veterans memorial highways; 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 Whereas at the request of the Bend Heroes Foundation, the Legislative Assembly established the  
 2 POW/MIA Memorial Highway on the 471 miles of U.S. Highway 26 that cross this state to honor  
 3 Oregonians who have been a prisoner of war or missing in action since the Civil War; and

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

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

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

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

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

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

16 **SECTION 1.** ORS 366.931 is amended to read:

17 366.931. (1) As used in this section, "Armed Forces of the United States" has the meaning given  
 18 that term in ORS 348.282.

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

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

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

27 (b) The department receives the payment of a fee determined by the department under sub-  
 28 section (3) of this section.

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

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

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

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

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

41 366.931. (1) As used in this section, "Armed Forces of the United States" means:

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

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

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

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

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

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

9 (b) The department receives the payment of a fee determined by the department under sub-  
10 section (3) of this section.

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

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

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

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

21 **SECTION 3. This 2020 Act takes effect on the 91st day after the date on which the 2020**  
22 **regular session of the Eightieth Legislative Assembly adjourns sine die.**

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