

House Bill 3968

Sponsored by COMMITTEE ON RULES (at the request of U.S. Department of Defense)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Adds Space Force to the components of the Armed Forces of the United States. (Flesch Readability Score: 83.8).

Adds Space Force to the components of the Armed Forces of the United States.

A BILL FOR AN ACT

1
2 Relating to the military; amending ORS 43.450, 90.475, 109.056, 166.260, 238.156, 316.193, 316.792,
3 323.055, 339.065, 341.496, 341.499, 352.293, 352.313, 353.200, 366.931, 396.555, 399.425, 497.006 and
4 676.875.

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

6 **SECTION 1.** ORS 43.450 is amended to read:

7 43.450. Relevant official records and files of the Departments of the Army, Navy, [*and*] Air
8 Force, **Marine Corps, Coast Guard and Space Force** of the United States shall be accorded prima
9 facie probative value in evidence before any court or agency in which there is an issue of fact as
10 to the death or disappearance of any person while serving in or with the Armed Forces of the
11 United States.

12 **SECTION 2.** ORS 90.475 is amended to read:

13 90.475. (1) A tenant may terminate a rental agreement upon written notice if the tenant provides
14 the landlord with proof of official orders showing that the tenant is:

15 (a) Enlisting for active service in the Armed Forces of the United States;

16 (b) Serving as a member of a National Guard or other reserve component or an active service
17 component of the Armed Forces of the United States and ordered to active service outside the area
18 for a period that will exceed 90 days;

19 (c) Terminating active service in the Armed Forces of the United States;

20 (d) A member of the Public Health Service of the United States Department of Health and Hu-
21 man Services detailed by proper authority for duty with the Army or Navy of the United States and:

22 (A) Ordered to active service outside the area for a period that will exceed 90 days; or

23 (B) Terminating the duty and moving outside the area within the period that the member is
24 entitled by federal law to the storage or shipment of household goods; or

25 (e) A member of the commissioned corps of the National Oceanic and Atmospheric Adminis-
26 tration ordered to active service outside the area for a period that will exceed 90 days.

27 (2) As used in subsection (1) of this section, "Armed Forces of the United States" means the
28 Air Force, Army, Coast Guard, Marine Corps, [*or*] Navy **or Space Force** of the United States.

29 (3) A termination of a rental agreement under this section is effective on the earlier of:

30 (a) A date determined under the provisions of any applicable federal law; or

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 (b) The later of:

2 (A) 30 days after delivery of the notice;

3 (B) 30 days before the earliest reporting date on orders for active service;

4 (C) A date specified in the notice; or

5 (D) 90 days before the effective date of the orders if terminating duty described under subsection
6 (1)(d)(B) of this section or terminating any active service described in this section.

7 (4) Notwithstanding ORS 90.300 (7)(a)(A) and 90.430, a tenant who terminates a lease under
8 subsection (1) of this section is not:

9 (a) Subject to a penalty, fee, charge or loss of deposit because of the termination; or

10 (b) Liable for any rent beyond the effective date of the termination as determined under sub-
11 section (3) of this section.

12 **SECTION 3.** ORS 109.056 is amended to read:

13 109.056. (1) Except as provided in subsection (2) or (3) of this section, a parent or guardian of
14 a minor or incapacitated person, by a properly executed power of attorney, may delegate to another
15 person, for a period not exceeding six months, any of the powers of the parent or guardian regarding
16 care, custody or property of the minor child or ward, except the power to consent to marriage or
17 adoption of a minor ward.

18 (2) A parent or guardian of a minor child may delegate the powers designated in subsection (1)
19 of this section to a school administrator for a period not exceeding 12 months.

20 (3)(a) As used in this subsection, "servicemember-parent" means a parent or guardian:

21 (A) Who is:

22 (i) A member of the organized militia of this state;

23 (ii) A member of the Reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard
24 **or Space Force** of the United States;

25 (iii) A member of the commissioned corps of the National Oceanic and Atmospheric Adminis-
26 tration; or

27 (iv) A member of the Public Health Service of the United States Department of Health and Hu-
28 man Services detailed by proper authority for duty with the Army or Navy of the United States; and

29 (B) Who is required to enter and serve in the active military service of the United States under
30 a call or order by the President of the United States or to serve on state active duty as defined in
31 the Oregon Code of Military Justice.

32 (b) A servicemember-parent of a minor child may delegate the powers designated in subsection
33 (1) of this section for a period not exceeding the term of active duty service plus 30 days.

34 (c) Except as provided in paragraph (d) of this subsection, if the minor child is living with the
35 child's other parent, a delegation under paragraph (b) of this subsection must be to the parent with
36 whom the minor child is living unless a court finds that the delegation would not be in the best
37 interests of the minor child.

38 (d) When the servicemember-parent has joint custody of the minor child with the child's other
39 parent or another individual, and the servicemember-parent is married to an individual other than
40 the child's other parent, the servicemember-parent may delegate the powers designated in subsection
41 (1) of this section to the spouse of the servicemember-parent for a period not exceeding the term of
42 active duty service plus 30 days, unless a court finds that the delegation would not be in the best
43 interests of the minor child.

44 **SECTION 4.** ORS 166.260 is amended to read:

45 166.260. (1) ORS 166.250 does not apply to or affect:

1 (a) A parole and probation officer, police officer or reserve officer, as those terms are defined
2 in ORS 181A.355.

3 (b) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections of-
4 ficer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer
5 or corrections officer is acting within the scope of employment.

6 (c) An honorably retired law enforcement officer, unless the person who is a retired law
7 enforcement officer has been convicted of an offense that would make the person ineligible to obtain
8 a concealed handgun license under ORS 166.291 and 166.292.

9 (d) Any person summoned by an officer described in paragraph (a) or (b) of this subsection to
10 assist in making arrests or preserving the peace, while the summoned person is engaged in assisting
11 the officer.

12 (e) The possession or transportation by any merchant of unloaded firearms as merchandise.

13 (f) Active or reserve members of:

14 (A) The Army, Navy, Air Force, **Marine Corps**, Coast Guard or [*Marine Corps*] **Space Force**
15 of the United States, or of the National Guard, when on duty;

16 (B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

17 (C) The Public Health Service of the United States Department of Health and Human Services,
18 when detailed by proper authority for duty with the Army or Navy of the United States.

19 (g) Organizations which are by law authorized to purchase or receive weapons described in ORS
20 166.250 from the United States, or from this state.

21 (h) Duly authorized military or civil organizations while parading, or the members thereof when
22 going to and from the places of meeting of their organization.

23 (i) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

24 (2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has
25 been granted relief from the disability under ORS 166.274.

26 (3) Except for persons who are otherwise prohibited from possessing a firearm under ORS
27 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

28 (a) Members of any club or organization, for the purpose of practicing shooting at targets upon
29 the established target ranges, whether public or private, while such members are using any of the
30 firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such
31 ranges.

32 (b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or re-
33 turning from a hunting or fishing expedition.

34 (4) The exceptions listed in subsection (1)(d) to (i) of this section constitute affirmative defenses
35 to a charge of violating ORS 166.250.

36 **SECTION 5.** ORS 238.156 is amended to read:

37 238.156. (1) Notwithstanding any other provision of this chapter, but subject to subsection (4)
38 of this section, an employee who leaves a qualifying position for the purpose of performing service
39 in the uniformed services is entitled to receive contributions, benefits and service credit for the
40 period under rules adopted by the Public Employees Retirement Board pursuant to subsection (2)
41 of this section.

42 (2) The board shall adopt rules establishing contributions, benefits and service credit for any
43 period of service in the uniformed services by an employee described in subsection (1) of this sec-
44 tion. For the purpose of adopting rules under this subsection, the board shall consider and take into
45 account all federal law relating to contributions, benefits and service credit for any period of service

1 in the uniformed services. Contributions, benefits and service credit under rules adopted by the
 2 board pursuant to this subsection may not exceed contributions, benefits and service credit required
 3 under federal law for periods of service in the uniformed services.

4 (3) Subject to subsection (4) of this section, an employee who leaves a qualifying position for the
 5 purpose of entering or reentering active service in the Armed Forces shall acquire retirement credit
 6 for the period during which the employee served in the Armed Forces if:

7 (a) The employee returns to the service of the employer who employed the employee immediately
 8 before commencing service in the Armed Forces in a qualifying position;

9 (b) The employee returns to that employment within one year after being otherwise than
 10 dishonorably discharged from the Armed Forces and within five years after the date that the em-
 11 ployee entered or reentered active service in the Armed Forces; and

12 (c) After returning to employment and before retirement, the employee pays to the Public Em-
 13 ployees Retirement Board in a lump sum six percent of the salary that would have been paid to the
 14 member during the period of military service in the Armed Forces based on the employee's salary
 15 rate at the time the employee entered or reentered the Armed Forces, as though the employee had
 16 remained in the employment of the employer. Any lump sum contribution made under this paragraph
 17 shall be added to the employee's regular account and in all respects shall be considered as though
 18 made by payroll deduction.

19 (4) An employee may not receive benefits under both subsections (1) and (3) of this section for
 20 the same period of service in the Armed Forces or uniformed services. If an employee is entitled to
 21 benefits under both subsections (1) and (3) of this section by the terms of those provisions, the em-
 22 ployee shall receive benefits under the subsection that provides the greater benefit.

23 (5) For the purposes of this section:

24 (a) "Armed Forces" means the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and**
 25 **Space Force**.

26 (b) "Uniformed services" means:

27 (A) The Armed Forces;

28 (B) The Army National Guard or the Air National Guard when the employee is engaged in ac-
 29 tive duty for training, inactive duty for training or full-time National Guard duty;

30 (C) The commissioned corps of the United States Public Health Service;

31 (D) The commissioned corps of the National Oceanic and Atmospheric Administration; and

32 (E) Any other category of persons designated by the President of the United States in time of
 33 war or national emergency.

34 **SECTION 6.** ORS 316.193 is amended to read:

35 316.193. (1) The Department of Revenue may enter into an agreement with the appropriate
 36 United States agency or instrumentality for the voluntary withholding of state income taxes from
 37 the retired pay of members of the uniformed services under the provisions of section 654, Public Law
 38 98-525. The department is hereby authorized to do all acts and comply with any requirements nec-
 39 cessary to enable retired members of the uniformed services to elect voluntary withholding of state
 40 income taxes from their retired pay.

41 (2) The department may establish by rule a minimum monthly amount to be withheld and paid
 42 over for any member electing voluntary withholding of state income taxes under an agreement en-
 43 tered into under subsection (1) of this section.

44 (3) Notwithstanding ORS 314.835 or 314.840, the department may disclose to the Department of
 45 Defense the name, address or Social Security number of any member electing voluntary withholding

1 of state income taxes whenever necessary to enable the Department of Defense to implement such
 2 withholding under the terms of an agreement entered into under subsection (1) of this section.

3 (4) As used in this section:

4 (a) "Member" means any person retired from a regular or reserve component of one of the uni-
 5 formed services, who has Oregon personal income tax liability in connection with the receipt of re-
 6 tired pay.

7 (b) "Retired pay" means pay and benefits received based on conditions of the federal retirement
 8 law, pay grade, years of service, date of retirement, transfer to Fleet Reserve or Fleet Marine Corps
 9 Reserve or disability.

10 (c) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, **Space**
 11 **Force**, commissioned corps of the United States Public Health Service and the commissioned corps
 12 of the National Oceanic and Atmospheric Administration.

13 **SECTION 7.** ORS 316.792 is amended to read:

14 316.792. (1) As used in this section:

15 (a) "Armed Forces of the United States" means all regular and reserve components of the United
 16 States Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** and other uni-
 17 formed services under the orders of the President of the United States.

18 (b) "Military pay" means pay for active duty, inactive duty, training and reserve component
 19 duty, including state active duty, and any other compensation, other than retirement pay or pension,
 20 paid by the Armed Forces of the United States to a member of the Armed Forces of the United
 21 States.

22 (c) "Reserve component duty" includes duty performed as a member of the reserve components
 23 that is not federal active duty.

24 (d) "Reserve components" includes all National Guard and reserve departments of the Armed
 25 Forces of the United States.

26 (e) "Uniformed services" includes the commissioned corps of the National Oceanic and Atmo-
 27 spheric Administration and the United States Public Health Service.

28 (2) There shall be subtracted from federal taxable income military pay received for:

29 (a) Service performed outside this state in the year of initial draft or enlistment or in the year
 30 of discharge.

31 (b) Service performed outside this state during any month beginning on or after August 1, 1990,
 32 and before the date designated by the President of the United States as the date of termination of
 33 combatant activities in the Persian Gulf Desert Shield area.

34 (c) Service by a member of the reserve components, if:

35 (A) The military pay is for service performed when the taxpayer is away from the home of the
 36 taxpayer overnight;

37 (B) The taxpayer is required to be away from home overnight in order to perform the service;
 38 and

39 (C) The service is of a duration of at least 21 consecutive days, although the consecutive days
 40 need not be in the same tax year.

41 (d) Service performed by a member of the Oregon National Guard while in active service of the
 42 state or on state active duty, as defined in ORS 396.005.

43 (e) Service not otherwise qualified for a subtraction under paragraphs (a) to (d) of this sub-
 44 section, not to exceed \$6,000 per year.

45 (3) The total amount subtracted under this section may not exceed the taxpayer's total military

1 pay included in federal taxable income for the tax year.

2 **SECTION 8.** ORS 323.055 is amended to read:

3 323.055. The taxes imposed by ORS 323.005 to 323.482 do not apply to:

4 (1) The sale of cigarettes to United States Army, Air Force, Navy, Marine Corps, Coast Guard,
5 **Space Force**, National Oceanic and Atmospheric Administration or Public Health Service of the
6 United States Department of Health and Human Services exchanges and commissaries and Navy or
7 Coast Guard ships' stores, the United States Department of Veterans Affairs, ships' stores main-
8 tained under federal bond, or to any person that by virtue of the Constitution or statutes of the
9 United States cannot be made the subject of taxation by this state.

10 (2) The sale or gift of federally tax-free cigarettes when the cigarettes are delivered directly
11 from the manufacturer under Internal Revenue bond to a veterans' home or a hospital or domiciliary
12 facility of the United States Department of Veterans Affairs for gratuitous issue to veterans re-
13 ceiving hospitalization or domiciliary care. The tax may not be imposed with respect to the use or
14 consumption of these cigarettes by the institution or by the veteran patients or domiciliaries.

15 **SECTION 9.** ORS 339.065 is amended to read:

16 339.065. (1) In estimating regular attendance for purposes of the compulsory attendance pro-
17 visions of ORS 339.005 to 339.030, 339.040 to 339.125, 339.137 and 339.420, the principal or teacher
18 shall consider all unexcused absences. Eight unexcused one-half day absences in any four-week pe-
19 riod during which the school is in session shall be considered irregular attendance.

20 (2)(a) An absence may be excused by a principal or teacher if the absence is caused by:

21 (A) The pupil's sickness, including the mental or behavioral health of the pupil;

22 (B) The sickness of some member of the pupil's family; or

23 (C) An emergency.

24 (b) In addition to the reasons identified in paragraph (a) of this subsection, a principal or
25 teacher:

26 (A) Shall excuse not more than seven days of absences during the school year if the pupil is a
27 dependent of a member of the Armed Forces of the United States who is on active duty or who is
28 called into active duty. For the purpose of this subparagraph, "Armed Forces of the United States"
29 includes:

30 (i) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the
31 United States;

32 (ii) Reserve components of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and**
33 **Space Force** of the United States; and

34 (iii) The National Guard of the United States and the Oregon National Guard.

35 (B) May excuse absences for other reasons when satisfactory arrangements are made in advance
36 of the absence.

37 (3)(a) Any pupil may be excused from attendance by the district school board for a period not
38 to exceed five days in a term of three months or not to exceed 10 days in any term of at least six
39 months. Any such excuse shall be in writing directed to the principal of the school that the pupil
40 attends.

41 (b) When calculating the number of excused absences under this subsection, any absences ex-
42 cused under subsection (2)(b)(A) of this section shall not be counted.

43 **SECTION 10.** ORS 341.496 is amended to read:

44 341.496. (1) As used in this section:

45 (a) "Active member of the Armed Forces of the United States" includes officers and enlisted

1 personnel of the Armed Forces of the United States who:

2 (A) Reside in this state while assigned to duty at any base, station, shore establishment or other
3 facility in this state;

4 (B) Reside in this state while serving as members of the crew of a ship that has an Oregon port
5 or shore establishment as its home port or permanent station; or

6 (C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon
7 state income taxes no later than 12 months before leaving active duty.

8 (b) "Armed Forces of the United States" includes:

9 (A) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the
10 United States;

11 (B) Reserve components of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and**
12 **Space Force** of the United States; and

13 (C) The National Guard of the United States and the Oregon National Guard.

14 (c) "Dependent children" includes any children of an active member of the Armed Forces of the
15 United States who:

16 (A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

17 (B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution
18 of higher learning and dependent on the member for over one-half of their support.

19 (2) Community colleges in Oregon shall admit active members of the Armed Forces of the United
20 States, active members of the commissioned corps of the National Oceanic and Atmospheric Ad-
21 ministration and members of the Public Health Service of the United States Department of Health
22 and Human Services detailed by proper authority for duty with the Army or Navy of the United
23 States, and their spouses and dependent children, in the same manner as Oregon residents who are
24 residents of the community college district and shall assess the same fees and tuition rates.

25 **SECTION 11.** ORS 341.499 is amended to read:

26 341.499. (1) A student at a community college who is a member of the military, a member of the
27 commissioned corps of the National Oceanic and Atmospheric Administration or a member of the
28 Public Health Service of the United States Department of Health and Human Services detailed by
29 proper authority for duty with the Army or Navy of the United States and who is ordered to federal
30 or state active duty for more than 30 consecutive days has the following rights:

31 (a) With regard to a course in which the student is enrolled and for which the student has paid
32 tuition and fees, the right to:

33 (A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

34 (B) Receive a grade of incomplete and, upon release from active duty, complete the course in
35 accordance with the community college's practice for completion of incomplete courses; or

36 (C) Continue and complete the course for full credit, subject to the provisions of subsection (3)
37 of this section;

38 (b) The right to a credit described in ORS 341.502 for all amounts paid for room, board, tuition
39 and fees;

40 (c) If the student elects to withdraw from the community college, the right to be readmitted and
41 reenrolled at the community college within one year after release from active duty without a re-
42 quirement of redetermination of admission eligibility; and

43 (d) The right to continuation of scholarships and grants awarded to the student that were funded
44 by the community college or the Office of Student Access and Completion before the student was
45 ordered to active duty. The Higher Education Coordinating Commission may adopt rules for the

1 administration of scholarships and grants described in this paragraph that are funded by the Office
2 of Student Access and Completion.

3 (2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the
4 community college may not:

5 (a) Give the student academic credit for the course from which the student withdraws;

6 (b) Give the student a failing grade or a grade of incomplete or make any other negative anno-
7 tation on the student's record; or

8 (c) Alter the student's grade point average due to the student's withdrawal from the course.

9 (3) A student who elects to continue and complete a course for full credit under subsection
10 (1)(a)(C) of this section is subject to the following conditions:

11 (a) Course sessions the student misses due to active duty shall be counted as excused absences
12 and may not adversely impact the student's grade for the course or rank in the student's class.

13 (b) The student may not be automatically excused from completing course assignments due
14 during the period the student serves on active duty.

15 (c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of
16 the course, the student completes sufficient work and demonstrates sufficient progress toward
17 meeting course requirements to justify the grade.

18 (4) If a student at a community college who is a member of the military, a member of the com-
19 missioned corps of the National Oceanic and Atmospheric Administration or a member of the Public
20 Health Service of the United States Department of Health and Human Services detailed by proper
21 authority for duty with the Army or Navy of the United States is ordered to federal or state active
22 duty for 30 or fewer consecutive days and misses a course session, assignment, examination or other
23 course work due to serving on active duty or receiving medical treatment for an injury sustained
24 on active duty:

25 (a)(A) In accordance with a policy or practice of the community college for excused absences,
26 the student may complete any missed course assignment, examination or other course work after the
27 student has returned from active duty or medical treatment and has been provided a reasonable
28 amount of time to complete the assignment or other course work or prepare for and take the ex-
29 amination; or

30 (B) The teacher may award a letter grade or grade of pass without requiring the student to
31 complete the missed assignment, examination or other course work if the teacher determines that
32 the student has completed sufficient work and demonstrated sufficient progress toward meeting
33 course requirements to justify the student's grade without completion of the missed assignment, ex-
34 amination or other course work;

35 (b) The student's grade may not be adversely impacted solely due to the late completion of an
36 assignment, examination or other course work if the assignment, examination or other course work
37 is timely completed under the provisions of paragraph (a)(A) of this subsection; and

38 (c) Course sessions the student misses due to active duty or medical treatment shall be counted
39 as excused absences and may not adversely impact the student's grade for the course or rank in the
40 student's class.

41 (5) Boards of education of community college districts shall adopt rules for the administration
42 of this section.

43 (6) Nothing in this section prevents a community college from providing rights in addition to
44 those provided in this section to students who are ordered to federal or state active duty.

45 (7) As used in this section, "member of the military" means a person who is a member of:

1 (a) The Oregon National Guard or the National Guard of any other state or territory; or

2 (b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force**
 3 of the United States.

4 **SECTION 12.** ORS 352.293 is amended to read:

5 352.293. (1) A student at a public university listed in ORS 352.002 who is a member of the mili-
 6 tary, a member of the commissioned corps of the National Oceanic and Atmospheric Administration
 7 or a member of the Public Health Service of the United States Department of Health and Human
 8 Services detailed by proper authority for duty with the Army or Navy of the United States and who
 9 is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

10 (a) With regard to a course in which the student is enrolled and for which the student has paid
 11 tuition and fees, the right to:

12 (A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

13 (B) Receive a grade of incomplete and, upon release from active duty, complete the course in
 14 accordance with the practice of the public university for completion of incomplete courses; or

15 (C) Continue and complete the course for full credit, subject to the provisions of subsection (3)
 16 of this section;

17 (b) The right to a credit described in ORS 352.296 for all amounts paid for room, board, tuition
 18 and fees;

19 (c) If the student elects to withdraw from the public university, the right to be readmitted and
 20 reenrolled at the public university within one year after release from active duty without a re-
 21 quirement of redetermination of admission eligibility; and

22 (d) The right to continuation of scholarships and grants awarded to the student that were funded
 23 by the public university or the Higher Education Coordinating Commission before the student was
 24 ordered to active duty. The commission may adopt rules for the administration of scholarships and
 25 grants described in this paragraph that are funded by the commission.

26 (2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the
 27 public university may not:

28 (a) Give the student academic credit for the course from which the student withdraws;

29 (b) Give the student a failing grade or a grade of incomplete or make any other negative anno-
 30 tation on the student's record; or

31 (c) Alter the student's grade point average due to the student's withdrawal from the course.

32 (3) A student who elects to continue and complete a course for full credit under subsection
 33 (1)(a)(C) of this section is subject to the following conditions:

34 (a) Course sessions the student misses due to active duty shall be counted as excused absences
 35 and may not adversely impact the student's grade for the course or rank in the student's class.

36 (b) The student may not be automatically excused from completing course assignments due
 37 during the period the student serves on active duty.

38 (c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of
 39 the course, the student completes sufficient work and demonstrates sufficient progress toward
 40 meeting course requirements to justify the grade.

41 (4) If a student at a public university listed in ORS 352.002 who is a member of the military, a
 42 member of the commissioned corps of the National Oceanic and Atmospheric Administration or a
 43 member of the Public Health Service of the United States Department of Health and Human Services
 44 detailed by proper authority for duty with the Army or Navy of the United States is ordered to
 45 federal or state active duty for 30 or fewer consecutive days and misses a course session, assign-

1 ment, examination or other course work due to serving on active duty or receiving medical treat-
 2 ment for an injury sustained on active duty:

3 (a)(A) In accordance with a policy or practice of the public university for excused absences, the
 4 student may complete any missed course assignment, examination or other course work after the
 5 student has returned from active duty or medical treatment and has been provided a reasonable
 6 amount of time to complete the assignment or other course work or prepare for and take the ex-
 7 amination; or

8 (B) The teacher may award a letter grade or grade of pass without requiring the student to
 9 complete the missed assignment, examination or other course work if the teacher determines that
 10 the student has completed sufficient work and demonstrated sufficient progress toward meeting
 11 course requirements to justify the student's grade without completion of the missed assignment, ex-
 12 amination or other course work;

13 (b) The student's grade may not be adversely impacted solely due to the late completion of an
 14 assignment, examination or other course work if the assignment, examination or other course work
 15 is timely completed under the provisions of paragraph (a)(A) of this subsection; and

16 (c) Course sessions the student misses due to active duty or medical treatment shall be counted
 17 as excused absences and may not adversely impact the student's grade for the course or rank in the
 18 student's class.

19 (5) The Higher Education Coordinating Commission and the governing board of a public uni-
 20 versity listed in ORS 352.002 shall adopt standards for the administration of this section.

21 (6) Nothing in this section prevents a public university from providing rights in addition to those
 22 provided in this section to students who are ordered to federal or state active duty.

23 (7) As used in this section, "member of the military" means a person who is a member of:

24 (a) The Oregon National Guard or the National Guard of any other state or territory; or

25 (b) The reserves of the Army, Navy, Air Force, Marine Corps, [*or*] Coast Guard **or Space Force**
 26 of the United States.

27 **SECTION 13.** ORS 352.313 is amended to read:

28 352.313. (1) As used in this section:

29 (a) "Active member of the Armed Forces of the United States" includes officers and enlisted
 30 personnel of the Armed Forces of the United States who:

31 (A) Reside in this state while assigned to duty at any base, station, shore establishment or other
 32 facility in this state;

33 (B) Reside in this state while serving as members of the crew of a ship that has an Oregon port
 34 or shore establishment as its home port or permanent station; or

35 (C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon
 36 state income taxes no later than 12 months before leaving active duty.

37 (b) "Armed Forces of the United States" includes:

38 (A) The Army, Navy, Air Force, Marine Corps, [*and*] Coast Guard **and Space Force** of the
 39 United States;

40 (B) Reserve components of the Army, Navy, Air Force, Marine Corps, [*and*] Coast Guard **and**
 41 **Space Force** of the United States; and

42 (C) The National Guard of the United States and the Oregon National Guard.

43 (c) "Dependent children" includes any children of an active member of the Armed Forces of the
 44 United States, of an active member of the commissioned corps of the National Oceanic and Atmo-
 45 spheric Administration or of a member of the Public Health Service of the United States Department

1 of Health and Human Services detailed by proper authority for duty with the Army or Navy of the
 2 United States, who:

3 (A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

4 (B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution
 5 of higher learning and dependent on the member for over one-half of their support.

6 (2) Active members of the Armed Forces of the United States, active members of the commis-
 7 sioned corps of the National Oceanic and Atmospheric Administration and members of the Public
 8 Health Service of the United States Department of Health and Human Services detailed by proper
 9 authority for duty with the Army or Navy of the United States, and their spouses and dependent
 10 children, are considered residents of this state for the purpose of admission and for the purpose of
 11 determining fees and tuition to be paid by such individuals while attending any public university
 12 listed in ORS 352.002.

13 (3) The governing board of a public university listed in ORS 352.002 may contract with the
 14 Armed Forces of the United States to furnish educational service to active members of the Armed
 15 Forces of the United States.

16 (4) The governing board shall determine the number of such students that should be accepted
 17 and shall make final decisions on admission of individual applicants.

18 (5) Students attending the public universities under contracts with the Armed Forces of the
 19 United States under this section shall pay fees and tuition customarily charged Oregon students.

20 (6) Payments made by the Armed Forces of the United States under such contracts shall be de-
 21 posited in a designated account in the same manner that fees and tuition payments for resident
 22 students are deposited and credited.

23 **SECTION 14.** ORS 353.200 is amended to read:

24 353.200. (1) A student at the Oregon Health and Science University who is a member of the
 25 military, a member of the commissioned corps of the National Oceanic and Atmospheric Adminis-
 26 tration or a member of the Public Health Service of the United States Department of Health and
 27 Human Services detailed by proper authority for duty with the Army or Navy of the United States
 28 and who is ordered to federal or state active duty for more than 30 consecutive days has the fol-
 29 lowing rights:

30 (a) With regard to a course in which the student is enrolled and for which the student has paid
 31 tuition and fees, the right to:

32 (A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

33 (B) Receive a grade of incomplete and, upon release from active duty, complete the course in
 34 accordance with the practice of the university for completion of incomplete courses; or

35 (C) Continue and complete the course for full credit, subject to the provisions of subsection (3)
 36 of this section;

37 (b) The right to a credit described in ORS 353.202 for all amounts paid for room, board, tuition
 38 and fees;

39 (c) If the student elects to withdraw from the university, the right to be readmitted and
 40 reenrolled at the university within one year after release from active duty without a requirement
 41 of redetermination of admission eligibility; and

42 (d) The right to continuation of scholarships and grants awarded to the student that were funded
 43 by the university or the Higher Education Coordinating Commission before the student was ordered
 44 to active duty. The commission may adopt rules for the administration of scholarships and grants
 45 described in this paragraph that are funded by the commission.

1 (2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the
 2 university may not:

3 (a) Give the student academic credit for the course from which the student withdraws;

4 (b) Give the student a failing grade or a grade of incomplete or make any other negative anno-
 5 tation on the student's record; or

6 (c) Alter the student's grade point average due to the student's withdrawal from the course.

7 (3) A student who elects to continue and complete a course for full credit under subsection
 8 (1)(a)(C) of this section is subject to the following conditions:

9 (a) Course sessions the student misses due to active duty shall be counted as excused absences
 10 and may not adversely impact the student's grade for the course or rank in the student's class.

11 (b) The student may not be automatically excused from completing course assignments due
 12 during the period the student serves on active duty.

13 (c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of
 14 the course, the student completes sufficient work and demonstrates sufficient progress toward
 15 meeting course requirements to justify the grade.

16 (4) If a student at the university who is a member of the military, a member of the commissioned
 17 corps of the National Oceanic and Atmospheric Administration or a member of the Public Health
 18 Service of the United States Department of Health and Human Services detailed by proper authority
 19 for duty with the Army or Navy of the United States is ordered to federal or state active duty for
 20 30 or fewer consecutive days and misses a course session, assignment, examination or other course
 21 work due to serving on active duty or receiving medical treatment for an injury sustained on active
 22 duty:

23 (a)(A) In accordance with a policy or practice of the university for excused absences, the student
 24 may complete any missed course assignment, examination or other course work after the student
 25 has returned from active duty or medical treatment and has been provided a reasonable amount of
 26 time to complete the assignment or other course work or prepare for and take the examination; or

27 (B) The teacher may award a letter grade or grade of pass without requiring the student to
 28 complete the missed assignment, examination or other course work if the teacher determines that
 29 the student has completed sufficient work and demonstrated sufficient progress toward meeting
 30 course requirements to justify the student's grade without completion of the missed assignment, ex-
 31 amination or other course work;

32 (b) The student's grade may not be adversely impacted solely due to the late completion of an
 33 assignment, examination or other course work if the assignment, examination or other course work
 34 is timely completed under the provisions of paragraph (a)(A) of this subsection; and

35 (c) Course sessions the student misses due to active duty or medical treatment shall be counted
 36 as excused absences and may not adversely impact the student's grade for the course or rank in the
 37 student's class.

38 (5) The Oregon Health and Science University Board of Directors shall adopt rules for the ad-
 39 ministration of this section.

40 (6) Nothing in this section prevents the university from providing rights in addition to those
 41 provided in this section to students who are ordered to federal or state active duty.

42 (7) As used in this section, "member of the military" means a person who is a member of:

43 (a) The Oregon National Guard or the National Guard of any other state or territory; or

44 (b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force**
 45 of the United States.

SECTION 15. ORS 366.931 is amended to read:

366.931. (1) As used in this section:

(a) “Armed Forces of the United States” means:

(A) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the United States;

(B) The reserves of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the United States; and

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

(b) “Gold Star Family member” means a person who is a parent, sibling, spouse or dependent of a person who was killed in action during an armed conflict while serving in the Armed Forces of the United States.

(c) “Sibling” includes siblings of the whole or half blood and siblings by adoption, marriage or domestic partnership.

(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 and identified; 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) Except as provided in subsection (6) of this section, 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 shall waive the fee required under this section and expend moneys for the purpose of paying the fee required under this section if:

(a) A request to waive the fee is submitted by a Gold Star Family member; and

(b) Funds are appropriated by the Legislative Assembly or otherwise made available to the department for the purpose of paying the fees.

(7) 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.

SECTION 16. ORS 396.555 is amended to read:

396.555. (1) The Oregon Military Museum is established at Camp Withycombe in Clackamas County. The Oregon Military Department shall establish an official repository in the museum for military weapons, documents and artifacts relating to the military history of the citizens of Oregon, whether service is in the Oregon National Guard or the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States.

(2) The department may enter into agreements with the contributors of such artifacts as it

1 considers necessary.

2 **SECTION 17.** ORS 399.425 is amended to read:

3 399.425. (1) A commissioned officer of the organized militia may tender resignation at any time.
 4 Such resignation will be tendered in writing through proper military channels in accordance with
 5 applicable federal and state laws and regulations. Such resignations shall take effect when properly
 6 accepted and announced in orders.

7 (2) A commissioned officer desiring to accept an appointment or to enlist in the active Army,
 8 Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States or a reserve
 9 component thereof shall first obtain a conditional release from the commander of the officer. Such
 10 conditional release shall be issued in accordance with this chapter and ORS chapters 396 and 398
 11 and military department regulations, and shall include certification that the officer is properly
 12 cleared of responsibility for all state and United States property and public money, and that the
 13 officer is not indebted to the state or to the organization to which the officer belongs. An officer
 14 so released shall be considered to have resigned upon presentation of evidence that the officer has
 15 accepted an appointment or enlisted in the force to which released, and the resignation shall be
 16 announced in orders.

17 (3) No officer shall be allowed to resign a commission who is under arrest, suspension or who
 18 is under orders to be returned to any military court for delinquency.

19 **SECTION 18.** ORS 497.006 is amended to read:

20 497.006. (1) As used in this section:

21 (a) “Dependent children” includes any children of an active member of the Armed Forces of the
 22 United States who:

23 (A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

24 (B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution
 25 of higher learning and dependent on the resident member of the uniformed services for over one-half
 26 of their support.

27 (b) “Resident member of the uniformed services” means a member of the uniformed services who:

28 (A) Resides in this state while assigned to duty at any base, station, shore establishment or
 29 other facility in this state;

30 (B) Resides in this state while serving as a member of the crew of a ship that has an Oregon
 31 port or shore establishment as its home port or permanent station; or

32 (C) Resides in another state or a foreign country and establishes Oregon residency by filing
 33 Oregon state income taxes no later than 12 months before leaving active duty.

34 (c) “Uniformed services” means:

35 (A) The Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the
 36 United States;

37 (B) The reserves of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space**
 38 **Force** of the United States;

39 (C) The Oregon National Guard and the National Guard of any other state or territory;

40 (D) The commissioned corps of the National Oceanic and Atmospheric Administration; and

41 (E) The Public Health Service of the United States Department of Health and Human Services
 42 while detailed by proper authority for duty with the Army or Navy of the United States.

43 (2) The following persons are resident persons for the purpose of purchasing licenses, tags and
 44 permits issued by the State Fish and Wildlife Commission:

45 (a) A resident member of the uniformed services and the member’s spouse and dependent chil-

1 dren.

2 (b) A member of the uniformed services who is not a resident member of the uniformed services,
 3 except for the purpose of purchasing controlled hunt tags issued by the commission.

4 (c) A noncitizen who furnishes to the commission evidence satisfactory to the commission that
 5 the noncitizen is attending a school in this state pursuant to a foreign student exchange program.

6 **SECTION 19.** ORS 676.875 is amended to read:

7 676.875. (1) A health care facility may not allow a person to practice surgical technology at the
 8 health care facility unless the person provides the health care facility with documentation showing
 9 that the person:

10 (a)(A) Has completed an educational program for surgical technologists accredited by a national
 11 accreditation organization approved by the Oregon Health Authority by rule; and

12 (B) Holds and maintains a:

13 (i) Surgical technologist certification issued by a nationally accredited certifying organization
 14 for surgical technologists approved by the authority by rule; or

15 (ii) Subspecialty surgical assistant or surgical technologist certification, including but not lim-
 16 ited to a certified ophthalmic surgical assisting credential issued by the International Joint Com-
 17 mission on Allied Health Personnel in Ophthalmology or its successor organization, that is
 18 accredited by the National Commission for Certifying Agencies or its successor organization and
 19 approved by the authority by rule;

20 (b) Has completed and is certified by a registered apprenticeship program in surgical technology
 21 that:

22 (A) Is approved under ORS 660.002 to 660.210;

23 (B) Meets the requirements for, and requires participants to receive, certification by the Na-
 24 tional Center for Competency Testing or its successor organization;

25 (C) Includes an educational component as determined sufficient by the authority;

26 (D) Upon completion awards certification accredited by the National Commission for Certifying
 27 Agencies or its successor organization; and

28 (E) Is approved by the authority by rule;

29 (c)(A) Has completed a training program for surgical technologists in the Army, Navy, Air
 30 Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States or in the United States
 31 Public Health Service Commissioned Corps; and

32 (B) Every two years has completed 16 hours of continuing education approved by the authority;

33 or

34 (d)(A) Practiced surgical technology during at least two of the three years immediately preced-
 35 ing January 1, 2017:

36 (i) In a health care facility in Oregon or in another state; or

37 (ii) As an employee of an agency or institution of the federal government; and

38 (B) Every two years has completed 16 hours of continuing education approved by the authority.

39 (2) Notwithstanding subsection (1)(a)(B) of this section, a health care facility may allow a person
 40 who does not hold a certification described in subsection (1)(a)(B) of this section to perform surgical
 41 technology at the health care facility for 12 months after the person completes an educational pro-
 42 gram for surgical technologists accredited by a national accreditation organization approved by the
 43 authority by rule.

44 (3) Notwithstanding subsection (1)(b) of this section, a health care facility may allow a person
 45 who does not hold a certification described in subsection (1)(b) of this section to perform surgical

1 technology at the health care facility if the person:

2 (a) Is an apprentice, as defined in ORS 660.010, actively enrolled in a registered apprenticeship
3 program in surgical technology described in subsection (1)(b) of this section that requires the person
4 to obtain on-the-job supervised training; and

5 (b) Is at all times while performing surgical technology provided adequate direct supervision as
6 required by the standards for the registered apprenticeship program in which the person is enrolled.

7
