

Enrolled
House Bill 3504

Sponsored by SPECIAL COMMITTEE ON BUDGET

CHAPTER

AN ACT

Relating to benefits for performing military service; creating new provisions; amending ORS 408.010, 408.020, 408.060, 408.225 and 497.006; repealing ORS 408.025; and declaring an emergency.

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

SECTION 1. ORS 408.010 is amended to read:

408.010. As used in ORS 408.010 to 408.090, unless otherwise required by the context:

(1) "Director" means Director of Veterans' Affairs.

(2) "Beneficiary" means *[and includes all persons]* **any person** who served in the active Armed Forces of the United States between June 25, 1950, and January 31, 1955, or subsequent to June 30, 1958, *[in a campaign or expedition for which the person received or qualified for a campaign or expeditionary medal or ribbon awarded by a branch of the Armed Forces of the United States,]* and who was relieved or discharged from such service under honorable conditions and who was also a resident of Oregon at the time the person applied for benefits under ORS 408.010 to 408.090. However, unless otherwise required by context, no aliens, alien enemies, persons who avoided combat service by claiming to be conscientious objectors, persons who served less than 90 days in the Armed Forces, or persons inducted or enlisted into the military or naval service, who received civilian pay for civilian work, shall be given aid under ORS 408.010 to 408.090.

SECTION 2. ORS 408.020 is amended to read:

408.020. (1) Beneficiaries who desire to pursue an approved course of study or professional training in or in connection with any accredited state or other public school or accredited private school or accredited college, shall have the right and privilege of state financial aid as provided in ORS *[408.020]* **408.010** to 408.090, payable at the rate of *[\$35]* **\$150** per month for each month of *[such]* **full-time** study or training, not to exceed the total number of months served in the Armed Forces or a total of 36 months, whichever is less. *[Beneficiaries pursuing full-time undergraduate college courses after September 1, 1949, shall receive additional state financial aid in the amount of \$15 per month for each month of such study.]*

(2) The Director of Veterans' Affairs may permit *[any]* **a** beneficiary to attend a school or college outside of this state upon a satisfactory showing that the training required is not available in an accredited institution within this state.

(3) *[No]* **A** beneficiary *[shall]* **may not** receive payments or benefits under ORS 408.010 to 408.090 at the same time that the beneficiary is receiving educational aid under any federal Act based upon prior service in the Armed Forces. Time spent by *[an applicant]* **a person who applies for benefits under ORS 408.010 to 408.090** in the army specialized training program, the Navy V-12 program[,] or other like training program[, *shall*] **may not** be counted as service in the Armed Forces within the purview of ORS 408.010 (2)(b).

SECTION 3. ORS 408.060 is amended to read:

408.060. (1) The [maximum] monthly payments provided in ORS 408.020 shall be allowed to any beneficiary who [faithfully attends 40 or more hours of instruction in any one month; and to those scheduling less than such number of hours, a proportionate part of the maximum payments for any one month, based upon the actual number of hours scheduled, shall be allowed. Any beneficiary whose proportion is less than actual expenses incident to the pursuit of such course of study or training shall be allowed such expenses in lieu thereof, not to exceed the payments provided in ORS 408.020 in any one month. In case of inability to attend courses on account of illness not exceeding two weeks, the monthly amount allowed shall be the average allowed for the preceding two months] **is enrolled in a full-time course of study or professional training.**

(2) Upon receipt of the monthly statement provided for in ORS 408.050, the Director of Veterans' Affairs, if the director finds that it is correct, shall issue a voucher to the Oregon Department of Administrative Services which shall issue a warrant on the State Treasurer in favor of each beneficiary. Such warrant shall be paid out of the funds appropriated for the administration of ORS 408.010 to 408.090.

SECTION 4. ORS 408.025 is repealed.

SECTION 5. The amendments to ORS 408.010, 408.020 and 408.060 by sections 1, 2 and 3 of this 2005 Act and the repeal of ORS 408.025 by section 4 of this 2005 Act first apply to the academic term beginning fall 2005.

SECTION 6. (1) The Oregon Veterans' Emergency Financial Assistance Program is created.

(2) The purpose of the program is to provide emergency financial assistance to Oregon veterans and their immediate families for needs that include but are not limited to:

(a) Emergency or temporary housing and related housing expenses, such as expenses for utilities, insurance, house repairs, rent assistance or food;

(b) Emergency medical or dental expenses;

(c) Emergency transportation;

(d) Expenses related to starting a business, such as business licenses or occupational licenses;

(e) Temporary income after military discharge; and

(f) Legal assistance.

(3) The Director of Veterans' Affairs shall adopt rules implementing subsection (2) of this section, including but not limited to establishing procedures for applying for emergency financial assistance and criteria for determining eligibility to receive emergency financial assistance.

(4) As used in this section:

(a) "Immediate family" means a spouse, child or stepchild.

(b) "Veteran" means:

(A) A veteran as defined in ORS 408.225;

(B) A person who is a member of the Oregon National Guard who has been demobilized after serving on federal active duty for more than 30 days; or

(C) A person who is an Oregon resident, is a member of the Reserves and has been demobilized after serving on federal active duty for more than 30 days.

SECTION 7. ORS 408.225 is amended to read:

408.225. As used in ORS [241.240 and] 408.225 to 408.235:

[(1) "Veteran" means a person who served on active duty with the Armed Forces of the United States for a period of more than 180 consecutive days, and was discharged or released therefrom with other than a dishonorable discharge; or a person who served on active duty with the Armed Forces of the United States for 180 days or less and was discharged or released therefrom with other than a dishonorable discharge because of a service-connected disability. Attendance at a school under military orders, except schooling incident to an active enlistment or regular tour of duty, or normal military

training as a reserve officer or member of an organized reserve or national guard unit shall not be considered active duty.]

(1) **“Combat zone” means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the Armed Forces of the United States are or have engaged in combat.**

(2) **“Disabled veteran” means a person entitled to disability compensation under laws administered by the United States Department of Veterans Affairs, a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a person who was awarded the Purple Heart for wounds received in combat.**

(3)(a) **“Veteran” means a person who served on active duty with the Armed Forces of the United States:**

(A) **For a period of more than 178 consecutive days and was discharged or released from active duty with other than a dishonorable discharge;**

(B) **For 178 days or less and was discharged or released from active duty with other than a dishonorable discharge because of a service-connected disability;**

(C) **For at least one day in a combat zone and was discharged or released from active duty with other than a dishonorable discharge; or**

(D) **Received a combat or campaign ribbon for service in the Armed Forces of the United States.**

(b) **As used in this subsection, “active duty” does not include attendance at a school under military orders, except schooling incident to an active enlistment or a regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or a National Guard unit.**

SECTION 8. As used in this section and section 9 of this 2005 Act:

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

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

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

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

(2) **“Public post-secondary institution” means:**

(a) **A state institution under the direction of the State Board of Higher Education; and**

(b) **A community college operated under ORS chapter 341.**

(3) **“Veteran” means a person who served on active duty with the Armed Forces of the United States and was discharged or released from active duty with other than a dishonorable discharge.**

SECTION 9. (1) There is established within the Oregon Student Assistance Commission the Oregon Troops to Teachers program. Through the program, the commission shall pay for all of the resident tuition charges of a veteran imposed by a public post-secondary institution, provided the veteran:

(a) **Was discharged from the Armed Forces of the United States;**

(b) **Is a resident of Oregon; and**

(c) **Agrees to teach:**

(A) **In an Oregon school district or public charter school classified as serving a high poverty area for not less than three years; or**

(B) **In the area of mathematics, science or special education for not less than four years.**

(2) **An award under subsection (1) of this section shall be used for the purpose of paying resident tuition. The commission may not award funds under subsection (1) of this section for the purpose of paying for books, supplies, housing, food or any other costs associated with attending a public post-secondary institution.**

(3) **The commission shall adopt rules necessary for the implementation and administration of this section in consultation with the Department of Education and the Department of Higher Education.**

SECTION 10. ORS 497.006 is amended to read:

497.006. (1) As used in this section:

(a) "Active member of the Armed Forces of the United States" *[includes]* **means** officers and enlisted personnel of the Armed Forces of the United States who:

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

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

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

(b) "Armed Forces of the United States" *[includes]* **means:**

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

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

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

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

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

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

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

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

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

(a) Active members of the Armed Forces of the United States who furnish to the commission evidence satisfactory to the commission that the person is permanently assigned to active duty in this state and the spouses and dependent children of such members.

(b) Any active member of the Armed Forces of the United States who furnishes to the commission evidence satisfactory to the commission that the person is a member of the Armed Forces of the United States and the spouse and dependent children of such member.

(c) Aliens who furnish to the commission evidence satisfactory to the commission that the person is attending a school in this state pursuant to a foreign student exchange program.

SECTION 11. (1) As used in this section, "active member of the Armed Forces of the United States" and "Armed Forces of the United States" have the meanings given those terms in ORS 497.006.

(2) A person may apply to the Oregon Military Department for reimbursement for the cost of a resident annual hunting license to hunt wildlife issued to the person under ORS 497.102 and a resident annual angling license issued to the person under ORS 497.121 if the person:

(a) Is an active member of the Armed Forces of the United States; or

(b) Has retired from the Armed Forces of the United States within 12 months of the date of making the application for a license.

(3) The department shall reimburse a person described in subsection (2) of this section for the cost of a resident annual hunting license to hunt wildlife and a resident annual angling license upon receipt of the person's application.

(4) The department shall adopt regulations implementing subsection (3) of this section.

SECTION 12. Section 11 of this 2005 Act applies to licenses issued on or after the effective date of this 2005 Act.

SECTION 13. This 2005 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect on its passage.

Passed by House July 29, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate August 1, 2005

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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State