

House Bill 3504

Sponsored by SPECIAL COMMITTEE ON BUDGET

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**.

Removes certain limitations on eligibility for educational aid for veterans. Increases monthly benefit payable by state.

Creates Oregon Veterans' Emergency Financial Assistance Program to provide financial assistance to veterans and their families. Establishes Oregon Veterans' Emergency Financial Assistance Fund.

Establishes Oregon Troops to Teachers program within Oregon Student Assistance Commission. Provides that program shall pay resident tuition costs of veteran, provided veteran agrees to teach in high poverty area for three years or in subject of mathematics, science or special education for four years.

Allows State Fish and Wildlife Commission to issue hunting and angling licenses at no charge to active members of Armed Forces of the United States and certain retirees from armed forces.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to benefits for performing military service; creating new provisions; amending ORS 408.010,
3 408.020, 408.060, 408.225, 497.006, 497.102 and 497.121; repealing ORS 408.025; appropriating
4 money; and declaring an emergency.

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

6 **SECTION 1.** ORS 408.010 is amended to read:

7 408.010. As used in ORS 408.010 to 408.090, unless otherwise required by the context:

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

9 (2) "Beneficiary" means [*and includes all persons*] **any person** who served in the active Armed
10 Forces of the United States between June 25, 1950, and January 31, 1955, or subsequent to June 30,
11 1958, [*in a campaign or expedition for which the person received or qualified for a campaign or*
12 *expeditionary medal or ribbon awarded by a branch of the Armed Forces of the United States,*] and
13 who was relieved or discharged from such service under honorable conditions and who was also a
14 resident of Oregon at the time the person applied for benefits under ORS 408.010 to 408.090. How-
15 ever, unless otherwise required by context, no aliens, alien enemies, persons who avoided combat
16 service by claiming to be conscientious objectors, persons who served less than 90 days in the
17 Armed Forces, or persons inducted or enlisted into the military or naval service, who received ci-
18 vilian pay for civilian work, shall be given aid under ORS 408.010 to 408.090.

19 **SECTION 2.** ORS 408.020 is amended to read:

20 408.020. (1) Beneficiaries who desire to pursue an approved course of study or professional
21 training in or in connection with any accredited state or other public school or accredited private
22 school or accredited college, shall have the right and privilege of state financial aid as provided in
23 ORS [*408.020*] **408.010** to 408.090, payable at the rate of [*\$35*] **\$150** per month for each month of
24 [*such*] **full-time** study or training, not to exceed the total number of months served in the Armed
25 Forces or a total of 36 months, whichever is less. [*Beneficiaries pursuing full-time undergraduate*

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 college courses after September 1, 1949, shall receive additional state financial aid in the amount of \$15
 2 per month for each month of such study.]

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

6 (3) [No] A beneficiary [shall] **may not** receive payments or benefits under ORS 408.010 to
 7 408.090 at the same time that the beneficiary is receiving educational aid under any federal Act
 8 based upon prior service in the Armed Forces. Time spent by [an applicant] **a person who applies**
 9 **for benefits under ORS 408.010 to 408.090** in the army specialized training program, the Navy V-12
 10 program[,] or other like training program[, shall] **may not** be counted as service in the Armed
 11 Forces within the purview of ORS 408.010 (2)[(b)].

12 **SECTION 3.** ORS 408.060 is amended to read:

13 408.060. (1) The [maximum] monthly payments provided in ORS 408.020 shall be allowed to any
 14 beneficiary who [faithfully attends 40 or more hours of instruction in any one month; and to those
 15 scheduling less than such number of hours, a proportionate part of the maximum payments for any one
 16 month, based upon the actual number of hours scheduled, shall be allowed. Any beneficiary whose
 17 proportion is less than actual expenses incident to the pursuit of such course of study or training shall
 18 be allowed such expenses in lieu thereof, not to exceed the payments provided in ORS 408.020 in any
 19 one month. In case of inability to attend courses on account of illness not exceeding two weeks, the
 20 monthly amount allowed shall be the average allowed for the preceding two months] **is enrolled in a**
 21 **full-time course of study or professional training.**

22 (2) Upon receipt of the monthly statement provided for in ORS 408.050, the Director of Veterans'
 23 Affairs, if the director finds that it is correct, shall issue a voucher to the Oregon Department of
 24 Administrative Services which shall issue a warrant on the State Treasurer in favor of each bene-
 25 ficiary. Such warrant shall be paid out of the funds appropriated for the administration of ORS
 26 408.010 to 408.090.

27 **SECTION 4.** ORS 408.025 is repealed.

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

31 **SECTION 6.** (1) **The Oregon Veterans' Emergency Financial Assistance Program is cre-**
 32 **ated.**

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

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

37 (b) **Emergency medical or dental expenses;**

38 (c) **Emergency transportation;**

39 (d) **Expenses related to starting a business, such as business licenses or occupational li-**
 40 **censes;**

41 (e) **Temporary income after military discharge; and**

42 (f) **Legal assistance.**

43 (3) **The Director of Veterans' Affairs shall adopt rules implementing subsection (2) of this**
 44 **section, including but not limited to establishing procedures for applying for emergency fi-**
 45 **nancial assistance and criteria for determining eligibility to receive emergency financial as-**

1 **sistance.**

2 **(4) As used in this section:**

3 **(a) “Immediate family” means a spouse, child or stepchild.**

4 **(b) “Veteran” means:**

5 **(A) A veteran as defined in ORS 408.225;**

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

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

10 **SECTION 7. The Oregon Veterans’ Emergency Financial Assistance Fund is established**
 11 **in the State Treasury, separate and distinct from the General Fund. The Oregon Veterans’**
 12 **Emergency Financial Assistance Fund shall consist of moneys appropriated to the fund by**
 13 **the Legislative Assembly. Moneys in the fund are continuously appropriated to the Director**
 14 **of Veterans’ Affairs for the purposes of funding the Oregon Veterans’ Emergency Financial**
 15 **Assistance Program created in section 6 of this 2005 Act. Interest earned by the Oregon**
 16 **Veterans’ Emergency Financial Assistance Fund shall be credited to the fund.**

17 **SECTION 8. ORS 408.225 is amended to read:**

18 **408.225. As used in ORS [241.240 and] 408.225 to 408.235:**

19 *[(1) “Veteran” means a person who served on active duty with the Armed Forces of the United*
 20 *States for a period of more than 180 consecutive days, and was discharged or released therefrom with*
 21 *other than a dishonorable discharge; or a person who served on active duty with the Armed Forces*
 22 *of the United States for 180 days or less and was discharged or released therefrom with other than a*
 23 *dishonorable discharge because of a service-connected disability. Attendance at a school under military*
 24 *orders, except schooling incident to an active enlistment or regular tour of duty, or normal military*
 25 *training as a reserve officer or member of an organized reserve or national guard unit shall not be*
 26 *considered active duty.]*

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

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

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

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

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

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

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

44 **(b) As used in this subsection, “active duty” does not include attendance at a school un-**
 45 **der military orders, except schooling incident to an active enlistment or a regular tour of**

1 **duty, or normal military training as a reserve officer or member of an organized reserve or**
 2 **a National Guard unit.**

3 **SECTION 9. As used in this section and section 10 of this 2005 Act:**

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

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

6 **(b) Reserve components of the Army, Navy, Air Force, Marine Corps and Coast Guard**
 7 **of the United States; and**

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

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

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

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

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

15 **SECTION 10. (1) There is established within the Oregon Student Assistance Commission**
 16 **the Oregon Troops to Teachers program. Through the program, the commission shall pay for**
 17 **all of the resident tuition charges of a veteran imposed by a public post-secondary institu-**
 18 **tion, provided the veteran:**

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

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

21 **(c) Agrees to teach:**

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

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

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

29 **(3) The commission shall adopt rules necessary for the implementation and adminis-**
 30 **tration of this section in consultation with the Department of Education and the Department**
 31 **of Higher Education.**

32 **SECTION 11. ORS 497.102 is amended to read:**

33 **497.102. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to**
 34 **persons desiring to hunt wildlife the following licenses and permits and shall charge therefor the**
 35 **following fees:**

36 **(a) Resident annual hunting license to hunt wildlife, \$19.**

37 **(b) Nonresident annual hunting license to hunt wildlife, \$73.**

38 **(c) Resident annual juvenile hunting license for persons 14 through 17 years of age to hunt**
 39 **wildlife except those species for which a game mammal tag or permit is required by the wildlife laws**
 40 **or by any rule promulgated pursuant thereto, \$2.**

41 **(d) Resident pioneer hunting license to hunt wildlife for persons 65 years of age or older who**
 42 **have resided in the state for not less than 50 years prior to the date of application, free.**

43 **(e) Resident annual senior citizen hunting license to hunt wildlife for persons 70 years of age**
 44 **or older who have resided in the state for not less than five years prior to the date of application,**
 45 **one-half the fee imposed under paragraph (a) of this subsection for a resident annual hunting license**

1 to hunt wildlife.

2 (f) Resident disabled war veteran hunting license to hunt wildlife for a person who files with the
3 commission written proof that the last official certification of record by the United States Depart-
4 ment of Veterans Affairs or any branch of the Armed Forces of the United States shows the person
5 to be at least 25 percent disabled, free.

6 (g) Annual resident private hunting preserve permit to hunt privately owned hunting preserve
7 game birds, \$3.

8 (h) Annual nonresident private hunting preserve permit to hunt privately owned hunting pre-
9 serve game birds, \$9.

10 (i) Nonresident hunting license to hunt migratory waterfowl and upland birds for three consec-
11 utive days, \$20.

12 **(j) Resident annual hunting license to hunt wildlife for active members of the Armed**
13 **Forces of the United States, free.**

14 **(k) Resident annual hunting license to hunt wildlife for persons who have retired from**
15 **the Armed Forces of the United States within 12 months of the date of making an application**
16 **for a license, free.**

17 (2) The hunting preserve permits referred to in subsection (1)(g) and (h) of this section are in
18 lieu of the hunting licenses required by the wildlife laws.

19 **(3) As used in this section, “active members of the Armed Forces of the United States”**
20 **and “Armed Forces of the United States” have the meanings given those terms in ORS**
21 **497.006.**

22 **SECTION 12.** ORS 497.121 is amended to read:

23 497.121. (1) The State Fish and Wildlife Commission is authorized to issue, upon application, to
24 persons desiring to angle for fish or take shellfish the following licenses and tags and shall charge
25 therefor the following fees:

26 (a) Resident annual angling license, \$21.

27 (b) Nonresident annual angling license, \$54.75.

28 (c) Nonresident angling license to angle for seven consecutive days, \$39.50.

29 (d) Angling license to angle for one day, \$9.25.

30 (e) Resident annual juvenile angling license for persons 14 through 17 years of age, \$4.

31 (f) Resident annual shellfish license, \$5.

32 (g) Nonresident annual shellfish license, \$15.

33 (h) Nonresident three-day shellfish license, \$7.50.

34 (i) Resident pioneer angling license for persons 65 years of age or older who have resided in the
35 state for not less than 50 years prior to the date of application, free.

36 (j) Resident annual senior citizen angling license for persons 70 years of age or older who have
37 resided in the state for not less than five years prior to the date of application, one-half the fee
38 imposed under paragraph (a) of this subsection for a resident annual angling license.

39 (k) Resident disabled war veteran angling license for a person who files with the commission
40 written proof that the last official certification of record by the United States Department of Vet-
41 erans Affairs or by any branch of the Armed Forces of the United States shows the person to be
42 at least 25 percent disabled, free.

43 (L) Annual tag to angle for salmon, steelhead trout, sturgeon and halibut, \$20.

44 (m) Annual tag for persons under 18 years of age to angle for salmon, steelhead trout, sturgeon
45 and halibut, \$5.

1 (n) Renewable tag to angle for hatchery salmon and steelhead, \$10.50.

2 (o) **Resident annual angling license for active members of the Armed Forces of the**
 3 **United States, free.**

4 (p) **Resident annual angling license for persons who have retired from the Armed Forces**
 5 **of the United States within 12 months of the date of making an application for a license, free.**

6 (2) Any person who holds a valid permanent angling license for blind persons or a permanent
 7 angling license for persons in a wheelchair issued by the commission before January 1, 2000, need
 8 not obtain a resident annual angling license under this section.

9 (3) The annual tags to angle for salmon, steelhead trout, sturgeon and halibut referred to in
 10 subsection (1)(L), (m) and (n) of this section are in addition to and not in lieu of the angling licenses
 11 required by the wildlife laws. However, an annual tag to angle for salmon, steelhead trout, sturgeon
 12 and halibut is not required of a person who holds a valid angling license referred to in subsection
 13 (1)(c) or (d) of this section.

14 (4) **As used in this section, “active members of the Armed Forces of the United States”**
 15 **and “Armed Forces of the United States” have the meanings given those terms in ORS**
 16 **497.006.**

17 **SECTION 13.** ORS 497.006 is amended to read:

18 497.006. (1) As used in this section:

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

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

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

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

27 (b) “Armed Forces of the United States” includes:

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

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

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

32 (c) “Dependent children” includes any children of an active member of the Armed Forces of the
 33 United States who:

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

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

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

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

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

45 (c) Aliens who furnish to the commission evidence satisfactory to the commission that the per-

1 son is attending a school in this state pursuant to a foreign student exchange program.

2 **SECTION 14. This 2005 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect**
4 **on its passage.**

5
