Chapter 408

2011 EDITION

Miscellaneous Benefits for Veterans and Service Personnel

EDUCATIONAL BENEFITS FOR VETERANS

408.010 "Beneficiary" defined for ORS 408.010 to 408.090
408.020 Financial aid for educational purposes; limitations on payments and on eligibility for aid
408.030 Filing application with educational institution
408.040 Handling of application by institution and director; when benefits begin
408.050 Monthly statement by institution
408.060 Monthly payment of financial aid
408.070 Investigation of institutions; rules
408.090 Handling of donations
408.095 Campus Veterans' Service Officers Program

ADVANTAGES GIVEN VETERANS IN PUBLIC EMPLOYMENT

408.225 Definitions for ORS 408.225 to 408.237
408.230 Veterans' preference in public employment
408.235 Eligibility for preference
408.237 Interviews of veteran applicants for public service position required; exception
408.238 "Military duty" defined for ORS 408.240 to 408.280
408.240 Status and rights of public officer and employee during and after military duty
408.242 Public employees in Active Guard Reserve Program
408.250 Rights and duties of person replacing public officer in military service
408.260 Termination of term of office of substitute for officer in military service
408.270 Restoration of employee's seniority and tenure
408.280 Reelection of public officer while in military service
408.290 Benefits for public employees on temporary active duty in Armed Forces

STATE AID TO VETERANS FOR MEDICAL ISSUES

(Herbicide Exposure)

408.300 Short title
408.305 Definitions for ORS 408.305 to 408.340
408.310 Duty of physician to report symptoms attributable to herbicide exposure; consent of patient; report form; additional information
408.315 Application of ORS 408.310
408.320 Duties of Oregon Public Health Advisory Board
408.325 Referral program for affected veterans; rules
408.330 Suspension or termination of programs; conditions
408.335 Attorney General to represent veterans in certain proceedings; payment of expenses
408.340 Limitation of liability

(Hepatitis C)

408.350 Educational materials about hepatitis C

OREGON VETERANS' HOMES

408.360 Oregon Veterans' Home; authority of Department of Veterans' Affairs; issuance of certificates of participation
408.365 Use of state moneys for operation of Oregon Veterans' Home
408.368 Oregon Veterans' Home Account
408.370 Application of other statutes
408.375 Second Oregon Veterans' Home; contract for operation and management
408.380 Application of other statutes to second Oregon Veterans' Home
408.385 Third Oregon Veterans' Home; planning for and development of fourth Oregon Veterans' Home
408.390 City acquisition of land for Oregon Veterans' Home
408.393 Incurring city indebtedness for Oregon Veterans' Home
408.395 Condemnation of property for Oregon Veterans' Home

COUNTY AID TO VETERANS

408.410 Appointment of county service officer; duties; annual budget requirement
408.420 Recording discharge papers
408.425 Inspection of discharge papers
408.430 Free services to veterans rendered by court administrator or county clerk

MISCELLANEOUS VETERANS' BENEFITS

408.440 Land of enlisted person exempt from foreclosure and judicial sale during war
408.450 Duty to pay fees during military duty
408.460 Certain claims payable out of General Fund
408.470 Persons entitled to interment in Spanish War Veterans' plot
408.480 Care of veterans ineligible for federal home
408.485 Findings related to health care
408.490 Purchase of United States flags for placement on veterans' graves
408.500 Oregon Veterans' Emergency Financial Assistance Program; rules

INFORMATION AND REINTEGRATION SERVICES FOR VETERANS

408.503 Department website relating to benefits; reports to Legislative Assembly
408.504 Link on agency websites

408.505 Agencies to make available and provide information to veterans; report to legislature

408.506 Agencies to partner with Oregon Military Department to provide reintegration services

408.507 Information to be provided by establishments operated to provide food to needy persons

USE OF PUBLIC FACILITIES BY VETERANS' ORGANIZATIONS

408.540 Use of buildings by veterans' organizations

408.560 Use of public buildings for meetings of veterans' and auxiliary organizations

VETERANS WITH MENTAL ILLNESS

408.570 Commitment of veterans with mental illness to federal veterans facility

408.580 Transfer of veterans with mental illness from state to federal hospitals

BENEFITS TO INDIGENT VETERANS

408.710 Indigent veteran defined; effect of property ownership

408.720 Tax levy to finance activities of veterans' service officer; use of proceeds; use of county general funds

408.730 Procedure when indigent veterans are cared for by veterans organizations

408.740 Appointment and duties of county veterans' relief officer

408.750 When county court must aid veterans; necessity of veterans organization's consent before sending veterans to poorhouse

EDUCATIONAL BENEFITS FOR VETERANS

408.010 "Beneficiary" defined for ORS 408.010 to 408.090. As used in ORS 408.010 to 408.090, unless otherwise required by the context, "beneficiary" means any person who served in the active Armed Forces of the United States on or after June 25, 1950, who was relieved or discharged from that 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. "Beneficiary" does not include an alien, an alien enemy, a person who avoided combat service by claiming to be a conscientious objector, a person who served less than 90 days in the Armed Forces of the United States or a person inducted or enlisted in the military or naval service who received civilian pay for civilian work. [Amended by 1957 c.195 §1; 1965 c.517 §1; 1967 c.382 §1; 1993 c.139 §1; 2005 c.831 §1; 2007 c.857 §1]

408.020 Financial aid for educational purposes; limitations on payments and on eligibility for aid. (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 408.010 to 408.090.

(2) State financial aid is payable at the rate of $150 per month for each month of full-time study or training and $100 per month for each month of part-time study or training.

(3) The total number of monthly payments under subsection (2) of this section may not exceed the total number of months served in the Armed Forces of the United States or 36, whichever is less.

(4) The Director of Veterans' Affairs may permit 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.

(5) A beneficiary 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 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 may not be counted as service in the Armed Forces within the purview of ORS 408.010. [Amended by 1967 c.383 §1; 1995 c.343 §38; 2005 c.831 §2; 2007 c.857 §2]

408.025 [1955 c.206 §2; 1957 c.24 §1; repealed by 2005 c.831 §4]

408.030 Filing application with educational institution. Any beneficiary who desires to pursue a course of study or professional training may file, upon a form approved by the Director of Veterans' Affairs, an application with the executive head of the institution in which the beneficiary desires to pursue such course. In the application the beneficiary shall set forth the date of enlistment or induction into the service of the United States, the date of discharge, a certified copy of the discharge or document evidencing release from active duty, the courses of study the beneficiary desires to pursue, and the length of time the beneficiary intends to pursue such courses. [Amended by 1995 c.343 §39]

408.040 Handling of application by institution and director; when benefits begin. (1) The person to whom an application is made pursuant to ORS 408.030 shall examine and pass upon such application and shall, within 10 days after its receipt by the person, indorse approval or disapproval thereof. If the application is approved it shall be forthwith forwarded to the Director of Veterans' Affairs, who shall check it. The director shall determine whether or not the institution of learning or career school is accredited and if the tuition and other charges are reasonable. The director shall also determine whether or not the institution of learning or career school is reasonably qualified to provide the instruction desired by the beneficiary. The director shall be satisfied that the beneficiary has reasonable qualifications to pursue the course of study chosen and that such course, if satisfactorily completed, is likely to enable the beneficiary to become a more useful citizen. If all said conditions are met to the satisfaction of the director, the director may approve the application and file it in the office of the director; otherwise the director shall deny it.

(2) Upon approval of an application, benefits are payable beginning with the first day of the applicant's attendance during the current term of an institution of learning or career school, after a finding by the director, supported by evidence satisfactory to the director, that any delay in making application was caused by excusable oversight or neglect. [Amended by 1995 c.343 §40]

408.050 Monthly statement by institution. On or before the 10th day of each calendar month the executive head of the institution of learning or authorized representative, shall render a duly certified statement to the Director of Veterans' Affairs, setting forth the names of the beneficiaries attending the institution during the preceding calendar month and the amount of schooling or training furnished such benefi-

ciaries in accordance with ORS 408.010 to 408.090. The statement shall contain a report of the attendance and general attitude and aptitude of each beneficiary, and the number of hours of recitation, lectures or other training scheduled, and a statement of the beneficiary's diligence and progress.

408.060 Monthly payment of financial aid. (1) The monthly payments provided in ORS 408.020 shall be allowed to any beneficiary who is enrolled in an approved full-time or part-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 the monthly statement is correct, shall issue a voucher to the Oregon Department of Administrative Services which shall draw a warrant on the State Treasurer or make an electronic transfer in favor of each beneficiary. The warrant or electronic transfer shall be paid out of the funds appropriated for the administration of ORS 408.010 to 408.090. [Amended by 1983 c.740 §129; 2005 c.831 §3; 2007 c.857 §3]

408.070 Investigation of institutions; rules. (1) The Director of Veterans' Affairs shall investigate from time to time the institutions or other places where financial aid is being furnished to any beneficiary under ORS 408.010 to 408.090 to ascertain whether the spirit of ORS 408.010 to 408.090 is being complied with. If the director determines, after such investigation as the director deems necessary, that any such institution or place is not furnishing bona fide courses of instruction to the beneficiary or beneficiaries, or that any beneficiary is abusing the privileges granted by ORS 408.020, no money shall be paid to any beneficiary who is not receiving bona fide instruction or who is abusing such privileges. In making the investigations, the director may use the services of any state or county agency, and the agencies are required to render any such service requested by the director.

(2) The director may adopt rules necessary to carry out ORS 408.010 to 408.090. [Amended by 2007 c.71 §102]

408.080 [Amended by 1953 c.62 §2; 1957 c.91 §1; repealed by 1961 c.326 §8]

408.090 Handling of donations. (1) The Director of Veterans' Affairs, acting on behalf of the State of Oregon, is authorized to accept any donation, gift, grant, bequest or devise made in furtherance of the purposes of ORS 408.010 to 408.090, and if made in cash or its equivalent or reduced thereto, shall be promptly paid by the director to the State Treasurer, who shall credit the amount so received to the Veterans' Educational Aid Account in the General Fund. The director shall make such disposition of donations, gifts, grants, bequests or devises, not made in cash or its equivalent, as is specified by the donor thereof, and their earnings and proceeds shall inure to said account. All such donations, gifts, grants, bequests or devises accepted by the director are transfers exempt from taxes imposed on inheritances under the laws of this state.

(2) All moneys in the Veterans' Educational Aid Account are continuously appropriated to the director and may be used by the director for the purposes authorized in ORS 408.010 to 408.090. [Amended by 1961 c.326 §7; 1997 c.99 §53; 2005 c.755 §31]

408.095 Campus Veterans' Service Officers Program. (1) As used in this section, "community college" has the meaning given that term in ORS 341.005.

(2) There is created in the Department of Veterans' Affairs the Campus Veterans' Service Officers Program.

(3) The purpose of the program is to provide educational outreach to veterans to help ensure that they obtain maximum state and federal benefits.

(4) The department shall appoint a sufficient number of campus veterans' service officers to ensure that each Oregon community college and each public university in the Oregon University System, as described in ORS 352.002, is provided veterans' services.

(5) Each community college and public university in the Oregon University System shall provide office space that may be used for the provision of veterans' services.

(6) The department may adopt rules to implement the Campus Veterans' Service Officers Program. [2009 c.759 §1; 2011 c.637 §267]

Note: 408.095 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.100 [Repealed by 1961 c.326 §8]

408.110 [Repealed by 1961 c.326 §8]

ADVANTAGES GIVEN VETERANS IN PUBLIC EMPLOYMENT

408.210 [Renumbered 408.238 in 2005]

408.220 [Repealed by 1977 c.854 §5]

408.225 Definitions for ORS 408.225 to 408.237. (1) As used in ORS 408.225 to 408.237:

(a)(A) "Civil service position" means any position for which a hiring or promotion decision is made or required to be made based on the results of a merit based, competitive process that includes, but is not limited to, consideration of an applicant's or employee's relative ability, knowledge, experience and other skills.

(B) A "civil service position" need not be labeled a "civil service position."

(b) "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.

(c) "Disabled veteran" means a person who has a disability rating from 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.

(d) "Public employer" means a public body, as that term is defined in ORS 174.109, and any person authorized to act on behalf of the public body, with respect to control, management or supervision of any employee.

(e) "Veteran" means a person who:

(A) Served on active duty with the Armed Forces of the United States:

(i) For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;

(ii) For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;

(iii) For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability;

(iv) For 178 days or less and was discharged or released from active duty under honorable conditions and has a disability rating from the United States Department of Veterans Affairs; or

(v) For at least one day in a combat zone and was discharged or released from active duty under honorable conditions;

(B) Received a combat or campaign ribbon or an expeditionary medal for service in the Armed Forces of the United States and was discharged or released from active duty under honorable conditions; or

(C) Is receiving a nonservice-connected pension from the United States Department of Veterans Affairs.

(2) As used in subsection (1)(e) of this section, "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. [1977 c.854 §1; 1981 c.493 §1; 1989 c.507 §1; 1991 c.67 §98; 1993 c.18 §97; 1995 c.777 §1; 2005 c.99 §1; 2005 c.831 §7; 2007 c.71 §103; 2007 c.525 §1; 2009 c.41 §25; 2009 c.370 §1; 2011 c.29 §1]

408.230 Veterans' preference in public employment. (1) A public employer shall grant a preference to a veteran or disabled veteran who applies for a vacant civil service position or seeks promotion to a civil service position with a higher maximum salary rate and who:

(a)(A) Successfully completes an initial application screening or an application examination for the position; or

(B) Successfully completes a civil service test the employer administers to establish eligibility for the position; and

(b) Meets the minimum qualifications and any special qualifications for the position.

(2) The employer shall grant the preference in the following manner:

(a) For an initial application screening used to develop a list of persons for interviews, the employer shall add five preference points to a veteran's score and 10 preference points to a disabled veteran's score.

(b) For an application examination, given after the initial application screening, that results in a score, the employer shall add preference points to the total combined examination score without allocating the points to any single feature or part of the examination. The employer shall add five preference points to a veteran's score and 10 preference points to a disabled veteran's score.

(c) For an application examination that consists of an interview, an evaluation of the veteran's performance, experience or training, a supervisor's rating or any other method of ranking an applicant that does not result in a score, the employer shall give a preference to the veteran or disabled veteran. An employer that uses an application examination of the type described in this paragraph shall devise and apply methods by which the employer gives special consideration in the employer's hiring decision to veterans and disabled veterans.

(3) Preferences of the type described in subsection (1) of this section are not a requirement that the public employer appoint a veteran or disabled veteran to a civil service position.

(4) A public employer shall appoint an otherwise qualified veteran or disabled veteran to a vacant civil service position if the results of a veteran's or disabled veteran's application examination, when combined with the veteran's or disabled veteran's preference, are equal to or higher than the results of an application examination for an applicant who is not a veteran or disabled veteran.

(5) If a public employer does not appoint a veteran or disabled veteran to a vacant civil service position, upon written request of the veteran or disabled veteran, the employer, in writing, shall provide the employer's reasons for the decision not to appoint the veteran or disabled veteran to the position. The employer may base a decision not to appoint the veteran or disabled veteran solely on the veteran's or disabled veteran's merits or qualifications with respect to the vacant civil service position.

(6) Violation of this section is an unlawful employment practice.

(7) A veteran or disabled veteran claiming to be aggrieved by a violation of this section may file a verified written complaint with the Commissioner of the Bureau of Labor and Industries in accordance with ORS 659A.820. [Amended by 1977 c.854 §3; 1989 c.507 §2; 1999 c.792 §1; 2007 c.525 §2; 2011 c.82 §1]

408.235 Eligibility for preference. A veteran is eligible to use the preference provided for in ORS 408.230 for a civil service position for which application is made at any time after discharge or release from service in the Armed Forces. [1977 c.854 §4; 1989 c.507 §3; 1995 c.777 §2; 1999 c.792 §2; 2007 c.525 §3; 2009 c.370 §2]

408.237 Interviews of veteran applicants for public service position required; exception. (1) As used in this section:

(a) "Eligibility list" means a list of ranked eligible candidates for a civil service position who have become eligible for the position through a test or series of tests and who will be considered for the civil service position in ranked order.

(b) "Transferable skill" means a skill that a veteran has obtained through military education or experience that substantially relates, directly or indirectly, to the civil service position for which the veteran is applying.

(2) When an interview is a component of the selection process for a civil service position or for an eligibility list for a civil service position, a public employer shall interview each veteran:

(a) Whom the public employer determines meets the minimum qualifications and special qualifications for the civil service position or eligibility list; and

(b) Who submits application materials that the public employer determines show sufficient evidence that the veteran has the transferable skills required and requested by the public employer for the civil service position or eligibility list.

(3) A public employer is not required to comply with subsection (2) of this section if the employer conducts interviews only as part of the process of selecting a candidate for a civil service position from an eligibility list.

(4) A public employer may consult with the Oregon Military Department and the Department of Veterans' Affairs to determine whether certain military education or experience produces a transferable skill.

(5) The Department of Veterans' Affairs shall provide training to veterans on how to show evidence of transferable skills in an application for a civil service position or eligibility list.

(6) Violation of subsection (2) of this section is an unlawful employment practice under ORS chapter 659A.

(7) A veteran claiming to be aggrieved by a violation of subsection (2) of this section may file a complaint under ORS 659A.820. [2011 c.484 §2]

408.238 "Military duty" defined for ORS 408.240 to 408.280. As used in ORS 408.240 to 408.280, "military duty" means training and service performed by an inductee, enlistee or reservist or any entrant into a temporary component of the Armed Forces of the United States, and authorized time spent reporting for and returning from such training or service, or, if a rejection occurs, from the place reported therefor; but does not include active duty training as a reservist in the Armed Forces of the United States or as a member of the National Guard of the United States where the call is for a period of 15 days or less. [Formerly 408.210]

408.240 Status and rights of public officer and employee during and after military duty. (1) Whenever any public officer or employee leaves a position, whether voluntarily or involuntarily, in order to perform military duty, such office or position may not become vacant, nor shall the officer or employee be subject to removal as a consequence thereof. Unless the officer or employee dies, resigns or is relieved or discharged from such duty under other than honorable conditions, during the term for which the officer or employee was elected, appointed or employed, such officer or employee shall be deemed absent on leave until release from such active service has permitted the officer or employee to resume the duties of the office or position. While so absent on leave, the officer or employee may not receive the pay or other emolument of such office or position, nor become liable, as such officer or employee, on an official bond or otherwise, for the acts or omissions of any other person.

(2) Subsection (1) of this section does not apply unless the officer or employee, upon the termination of such military duty, is

qualified to perform the duties of such position, and makes application within 90 days after the officer or employee is relieved from such military duty, or from hospitalization continuing after discharge for a period of not more than one year. If the officer or employee is not qualified to perform the duties of such position by reason of such service, but is qualified to perform the duties of any other public position, the officer or employee shall be restored to such other position, the duties of which the officer or employee is qualified to perform, as will provide the officer or employee like seniority, status and pay, or the nearest approximation thereof, consistent with the circumstances in the case.

(3) Except as otherwise provided in this subsection, subsection (1) of this section does not apply if the total of such military duty exceeds five years. Subsection (1) of this section is applicable with regard to military duty that exceeds five years if the period of additional duty was imposed by law or resulted from inability of the officer or employee to obtain orders relieving the officer or employee from active duty.

(4) Notwithstanding subsection (1) of this section:

(a) The State of Oregon shall continue coverage under an employer-sponsored health plan to a public officer or employee of the State of Oregon and any other individual provided coverage under the officer's or employee's plan on the day before the date the officer or employee goes on leave for a period not exceeding a total of 24 months while the public officer or employee is absent on leave.

(b) An employer other than the State of Oregon may provide coverage under an employer-sponsored health plan to an officer or employee and any other individual provided coverage under the officer's or employee's plan on the day before the date the officer or employee goes on leave for the period during which the officer or employee is absent on leave.

(5)(a) Notwithstanding subsection (1) of this section, the State of Oregon, a county, a municipality or other political subdivision of the state may establish and administer a donated leave program that:

(A) Allows an officer or employee who is absent on leave to receive donated leave; and

(B) Allows an officer or employee to voluntarily donate vacation time to an eligible officer or employee who is absent on leave.

(b) An officer or employee who is absent on leave and who receives donated leave under paragraph (a) of this subsection may receive an amount of donated leave that supplements any compensation received for performing military duty, but may not receive more than the amount of base salary the officer or employee was earning on the date the officer or employee began the leave of absence.

(c) This subsection does not apply to a leave of absence under ORS 408.290. [Amended by 1979 c.468 §13; 2003 c.72 §1; 2003 c.387 §14; 2005 c.38 §3]

408.242 Public employees in Active Guard Reserve Program. ORS 408.240 (4)(a) does not apply to a public employee who leaves a position under ORS 408.240 (1) to enter or reenter the Active Guard Reserve Program under 32 U.S.C. 502(f). [2005 c.38 §1]

Note: 408.242 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.250 Rights and duties of person replacing public officer in military service. During the period any public officer is absent on leave pursuant to ORS 408.240, a substitute shall serve in the place and stead of the public officer. Such substitute shall be appointed by the authority having power to have appointed the substitute as successor had such office become vacant. The substitute shall qualify by taking an oath of office, and by giving bond in an amount and conditioned as required by law for the officer for whom the substitute has been appointed, or, in the event no bond is required by law, then as the appointing authority directs. The substitute shall be designated by the title of the office, followed by the words "pro tem." The substitute shall be invested with the authority, duties and responsibilities, and shall receive the emoluments of the office, in lieu of the officer for whom the person is the substitute.

408.260 Termination of term of office of substitute for officer in military service. When the absence on leave of a public officer, granted by ORS 408.240, has terminated, or a successor has been duly appointed and qualified to fill the vacancy created by the death or resignation of such officer, the appointment of the substitute shall terminate, and the substitute immediately shall deliver to such officer or successor all records and other incidents of the office, together with a full and detailed statement of accounting covering the entire period of service as substitute.

408.270 Restoration of employee's seniority and tenure. Upon the termination of any leave granted by ORS 408.240, every public employee shall be restored to the position without loss of seniority or other benefits. It is the intention of the Legislative

Assembly that such employee shall be restored in such manner as to give the employee the status in employment that the employee would have enjoyed if the employee had continued in such employment continuously from the time of entering the Armed Forces until the time of restoration to such employment. Any person so restored to the position shall not be discharged from such position without cause within one year after such restoration. Any employee who has not completed the probationary period in the position at the time of leaving for military duty, shall, upon returning to such position, be required to serve the remainder of such probationary period, notwithstanding the granting of continuous time credit for time served in the Armed Forces.

408.280 Reelection of public officer while in military service. Whenever the term of office of an elected public officer expires during military service in the Armed Forces of the United States for which a leave of absence has been granted pursuant to ORS 408.240 and the officer is reelected to such office, the officer shall continue in such office and on such leave of absence. The pro tem officer acting in the place and stead shall continue to act in said capacity during the continuation of such leave of absence of such public officer. Whenever the leave of absence of the reelected public officer has terminated, and the reelected public officer has qualified for the resumption of the duties of said office as required by law, and has conformed to the requirements of ORS 408.240, the appointment of the substitute of the reelected officer shall terminate in the same manner as provided in ORS 408.260.

408.290 Benefits for public employees on temporary active duty in Armed Forces. (1) Except as provided in subsection (2) of this section, for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, any officer or employee of the state, or of any county, municipality or other subdivision of the state, is entitled, upon application therefor, to a leave of absence from duties for a period not exceeding 15 days in any one training year, without loss of time, pay or regular leave and without impairment of efficiency rating or other rights or benefits to which the officer or employee is entitled.

(2) Unless the officer or employee has been employed by the state or by any county, municipality or other political subdivision of the state for a period of six months next preceding application, no officer or employee is entitled to receive pay for any period during which the officer or employee is on military leave.

(3) As used in this section, "training year" means the federal fiscal year for any particular unit of the National Guard or a reserve component. [Amended by 1955 c.104 §1; 1969 c.368 §1; 1993 c.197 §1; 2011 c.18 §2]

STATE AID TO VETERANS FOR MEDICAL ISSUES

(Herbicide Exposure)

408.300 Short title. ORS 408.305 to 408.340 shall be known and may be cited as the Oregon Vietnam Veteran Benefits Act of 1983. [1983 c.658 §1]

408.305 Definitions for ORS 408.305 to 408.340. As used in ORS 408.305 to 408.340, unless the context requires otherwise:

(1) "Agent Blue" means the herbicide composed primarily of cacodylic acid (organic arsenic) and inorganic arsenic.

(2) "Agent Orange" means the herbicide composed primarily of trichlorophenoxyacetic acid and dichlorophenoxyacetic acid.

(3) "Agent White" means any herbicide composed primarily of 2, 4, D and picloram.

(4) "Causative agent" includes Agent Blue, Agent Orange, Agent White and any other combination of chemicals consisting primarily of 2, 4, D or 2, 4, 5, T or any other chemical or biological agent used by any government involved in the Vietnam Conflict, or diseases endemic to Southeast Asia, including, but not limited to, the disease known as melioidosis.

(5) "Veteran" means any individual who resides in this state, who served on active duty in the Armed Forces of the United States for a period of not less than 180 days any part of which occurred between January 1, 1962, and May 7, 1975, within the borders of Vietnam, Cambodia, Laos or Thailand, and who was either a resident of this state at the time of enlistment, induction or other entry into the Armed Forces or became a bona fide resident of Oregon prior to April 1, 1981. [1983 c.658 §2; 1985 c.574 §1; 2009 c.595 §233]

408.310 Duty of physician to report symptoms attributable to herbicide exposure; consent of patient; report form; additional information. (1) A physician who has primary responsibility for the treatment of a veteran who may have been exposed to causative agents while serving in the Armed Forces of the United States or for the treatment of a veteran's spouse, surviving spouse or minor child who may be exhibiting symptoms or conditions that may be attributable to the veteran's exposure to causative agents shall, at the request and direction of the

veteran, veteran's spouse or surviving spouse or the parent or guardian of such minor child, submit a report to the Oregon Health Authority. The report shall be made on a form adopted by the authority and made available to physicians and hospitals in this state.

(2) If there is no physician having primary responsibility for the treatment of a veteran, veteran's spouse, surviving spouse or minor child, then the senior medical supervisor of the hospital or clinic treating the veteran, veteran's spouse, surviving spouse or minor child shall submit the report described in this section to the authority at the request and direction of the veteran, veteran's spouse or surviving spouse or the parent or legal guardian of a veteran's minor child.

(3) The form adopted by the authority under this section shall list the symptoms commonly attributed to exposure to causative agents, and shall require the following information:

(a) Symptoms of the patient which may be related to exposure to causative agents.

(b) A diagnosis of the patient's condition.

(c) Methods of treatment prescribed.

(d) Any other information required by the authority.

(4) The authority, after receiving a report from a physician, hospital or clinic under this section, may require the veteran, veteran's spouse, surviving spouse or minor child to provide such other information as may be required by the authority. [1983 c.658 §3; 2009 c.595 §234]

408.315 Application of ORS 408.310. (1) ORS 408.310 applies to all veterans, spouses, surviving spouses and minor children of veterans treated by a physician, hospital or clinic after January 1, 1982. Physicians, hospitals or clinics shall submit the reports and study required under ORS 408.310 for veterans, spouses, surviving spouses and minor children of veterans treated prior to that date when requested and directed to do so by such individuals.

(2) ORS 408.300 to 408.340 apply to all physicians, hospitals and clinics, whether public or private, within the State of Oregon. [1983 c.658 §8]

408.320 Duties of Oregon Public Health Advisory Board. The Oregon Public Health Advisory Board created under ORS 431.195 shall:

(1) Order the compilation of statistical data from information obtained under ORS 408.310 and determine the use and dissemination of that data.

(2) Make recommendations to the Director of the Oregon Health Authority or the Director of Veterans' Affairs concerning the implementation and operation of programs authorized by ORS 408.300 to 408.340.

(3) Assess programs of federal agencies operating for the benefit of veterans exposed to causative agents and their families, and make recommendations to the appropriate agencies for the improvement of those programs.

(4) Suspend or terminate specific programs or duties required under ORS 408.300 to 408.340 when necessary to prevent duplication of those programs or duties by other governmental agencies.

(5) Apply for, receive and accept any grants or contributions available from the United States or any of its agencies for the purpose of carrying out ORS 408.300 to 408.340.

(6) When the advisory board considers it necessary for the health and welfare of veterans and the spouses, surviving spouses and minor children of veterans, ask the Attorney General to initiate proceedings as provided under ORS 408.335.

(7) Report biennially to the Legislative Assembly or to the Emergency Board, as appropriate, as necessary to accomplish the objectives of ORS 408.300 to 408.340 concerning the programs instituted under ORS 408.300 to 408.340. [1983 c.658 §5; 2009 c.595 §235]

408.325 Referral program for affected veterans; rules. (1) The Oregon Health Authority and the Oregon Public Health Advisory Board shall institute a cooperative program to refer veterans to appropriate state and federal agencies for the purpose of filing claims to remedy medical and financial problems caused by exposure to causative agents.

(2) The Director of the Oregon Health Authority, after receiving the recommendations of the advisory board, shall adopt rules to provide for the administration and operation of programs authorized by ORS 408.300 to 408.340. The director shall cooperate with appropriate state and federal agencies in providing services under ORS 408.300 to 408.340. [1983 c.658 §7; 2009 c.595 §236]

408.330 Suspension or termination of programs; conditions. If the Oregon Public Health Advisory Board determines that any federal agency is adequately performing the referral functions described in ORS 408.325, the advisory board may suspend or terminate any program or duty required under ORS 408.300 to 408.340 in order to avoid duplication of services. [1983 c.658 §9]

408.335 Attorney General to represent veterans in certain proceedings; payment of expenses. (1) When requested to do so by the Director of Veterans' Affairs, the Attorney General shall represent, on behalf of all of the members of the class, one or more members of the class of veterans, spouses and surviving spouses of veterans and minor children of veterans who allege injuries caused by exposure to or contact with causative agents, and appear for them in any court or before any administrative agency in any proceeding to compel release of individual medical records, United States Department of Veterans Affairs medical and claim files or any other information relating to causative agents during military service.

(2) When requested to do so by the Director of Veterans' Affairs, the Attorney General shall represent, on behalf of all of the members of the class of veterans, one or more veterans in any proceeding to compel the United States Department of Veterans Affairs to comply with the requirements of the Veterans' Health Care, Training, and Small Business Loan Act of 1981, P.L. 97-72 (38 U.S.C. 610 et seq.) or any other public law, regulation or administrative directive and to release any records or reports prepared under that Act relating to exposure to dioxin or other toxic substances found in a herbicide or defoliant used for military purposes.

(3) The expenses incurred by the Attorney General under this section shall be paid from the General Fund.

(4) The Attorney General shall seek a judgment ordering the payment of all expenses incurred by the Attorney General from the agency against which the action was brought. [1983 c.658 §6; 1985 c.574 §2; 1991 c.67 §99]

408.340 Limitation of liability. (1) A physician, hospital or clinic subject to ORS 408.300 to 408.340 shall not be subject to any criminal or civil liability for providing information required under ORS 408.300 to 408.340.

(2) Nothing in this section shall prevent, however, any action for negligence by a physician, hospital or clinic in choosing or providing medical treatment. [1983 c.658 §4]

(Hepatitis C)

408.350 Educational materials about hepatitis C. (1) As used in this section, "veteran" means a person who is:

(a) A resident of Oregon; and

(b) A veteran as defined in ORS 408.225.

(2) The Department of Veterans' Affairs shall provide, in written or electronic format, educational materials on the diagnosis, treatment and prevention of hepatitis C in veterans who are at high risk of contracting the disease.

(3) The department shall make the materials available to all veterans and health care providers.

(4) The materials shall include:

(a) The recommendations of the Centers for Disease Control and Prevention and the American Liver Foundation relating to the diagnosis, treatment and prevention of hepatitis C; and

(b) Information from other groups that the department believes present reliable information concerning the increased risk to veterans of contracting hepatitis C. [2007 c.381 §1; 2009 c.41 §20]

Note: 408.350 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

OREGON VETERANS' HOMES

408.360 Oregon Veterans' Home; authority of Department of Veterans' Affairs; issuance of certificates of participation. (1) Subject to approval by the Director of the Oregon Department of Administrative Services as provided in section 3, chapter 795, Oregon Laws 1993, the Department of Veterans' Affairs is authorized to issue certificates of participation for the purposes of constructing an Oregon Veterans' Home.

(2) When issuance of the certificates of participation is approved by the Director of the Oregon Department of Administrative Services, the Department of Veterans' Affairs may issue the certificates of participation, but not earlier than the 120th day after September 8, 1993.

(3) The Department of Veterans' Affairs shall expend the proceeds from the sale of the certificates of participation for construction of an Oregon Veterans' Home and shall take any other action considered by the department to be necessary or appropriate for the construction and operation of an Oregon Veterans' Home. [1993 c.795 §2; 2005 c.625 §55]

Note: 408.360 to 408.385 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.365 Use of state moneys for operation of Oregon Veterans' Home. Moneys to pay for the expenses of operating the Oregon Veterans' Home may be appropriated from:

(1) The General Fund;

(2) The Oregon War Veterans' Fund pursuant to section 1 (1)(e) of Article XI-A of the Oregon Constitution; and

(3) Moneys donated to the trust fund established under ORS 406.050 for the purpose of paying for the expenses of operating the Oregon Veterans' Home, or moneys in the trust fund that the Department of Veterans' Affairs determines may be expended for those purposes. [1993 c.795 §7; 2001 c.102 §2; 2001 c.104 §141; 2003 c.302 §1; 2009 c.602 §5]

Note: See note under 408.360.

408.368 Oregon Veterans' Home Account. (1) There is created in the State Treasury, separate and distinct from the General Fund, the Oregon Veterans' Home Account. Moneys credited to the account are appropriated continuously to the Director of Veterans' Affairs to pay expenses that the director determines are appropriate for developing, operating and maintaining each Oregon Veterans' Home including, but not limited to, providing care and services to the residents of each home and the costs of administration incurred by the director.

(2) The account shall consist of moneys received by the director that relate to the development, operation or maintenance of each Oregon Veterans' Home, including but not limited to residents' fees and charges, per diem payments received from the United States Department of Veterans Affairs, Medicare payments and moneys received under ORS 292.057. The director may transfer moneys to the account from the Oregon War Veterans' Fund and from other funds and accounts administered by the director.

(3) Earnings on moneys in the account shall be credited to the account.

(4) Disbursements from the account may be made by the director for the purposes set forth in subsection (1) of this section. The director may also transfer moneys from the account to the Oregon War Veterans' Fund. [1999 c.51 §1; 2007 c.208 §2]

Note: See note under 408.360.

408.370 Application of other statutes. (1) In addition to the other uses for the Oregon Housing Fund set forth in ORS 458.600 to 458.665, financial support for an Oregon Veterans' Home is a permitted use of moneys from the Oregon Housing Fund.

(2) Notwithstanding ORS 442.315, 442.325 and 442.584, an Oregon Veterans' Home is not subject to any certificate of need requirement. [1993 c.795 §§1,4; 2011 c.657 §2; 2011 c.720 §78]

Note: 442.584 was repealed by section 228, chapter 720, Oregon Laws 2011. The text of 408.370 was not amended by enactment of the Legislative Assembly to reflect the repeal. Editorial adjustment of 408.370 for the repeal of 442.584 has not been made.

Note: See note under 408.360.

408.375 Second Oregon Veterans' Home; contract for operation and management. The Director of Veterans' Affairs shall enter into a contract with a nongovernmental entity for the operation and management of the second Oregon Veterans' Home authorized by section 1, chapter 591, Oregon Laws 1995. The entity with whom the director contracts under this section shall be a person experienced in the operation and staffing of long term care facilities, as defined in ORS 442.015. The contract executed under this section shall be subject to the requirements of ORS chapters 279A and 279B, except ORS 279A.140 and 279B.235, and shall provide that:

(1) The party who contracts to manage and operate the second Oregon Veterans' Home shall be responsible for hiring and maintaining the necessary staff for the facility.

(2) The Director of Veterans' Affairs shall assign a sufficient number of state employees, in the discretion of the director, to provide oversight of the management of the facility.

(3) The second Oregon Veterans' Home may admit only patients who are veterans, as defined in ORS 408.225, the spouses of veterans and other patients who are eligible for admittance under federal law. [1995 c.591 §4; 2003 c.794 §274; 2007 c.668 §1; 2011 c.414 §1]

Note: See note under 408.360.

408.380 Application of other statutes to second Oregon Veterans' Home. (1) The Oregon Veterans' Home authorized by section 1, chapter 591, Oregon Laws 1995, is subject to all state laws and administrative rules and all federal laws and administrative regulations to which long term care facilities operated by nongovernmental entities are subject, except for the requirement to obtain a certificate of need under ORS 442.315 from the Oregon Health Authority.

(2) As used in this section, "long term care facility" has the meaning given that term in ORS 442.015. [1995 c.591 §6; 2005 c.22 §270; 2007 c.668 §2; 2009 c.595 §237]

Note: See note under 408.360.

408.385 Third Oregon Veterans' Home; planning for and development of fourth Oregon Veterans' Home. (1) The Director of Veterans' Affairs shall establish a third Oregon Veterans' Home in Roseburg, in addition to the two facilities authorized by law on July 17, 1995.

(2) The director may seek federal grant funds from the United States Department of Veterans Affairs for the purpose of establishing the third Oregon Veterans' Home in Roseburg.

(3) If the director determines that three facilities will not be sufficient to provide for the needs of the veterans of Oregon, the director may begin planning for and developing one additional Oregon Veterans' Home. [1995 c.591 §5; 2011 c.296 §1; 2011 c.657 §1a]

Note: See note under 408.360.

408.390 City acquisition of land for Oregon Veterans' Home. When such power is conferred or contained in their charters or Acts of incorporation, incorporated cities may purchase, receive, take and acquire by eminent domain, or otherwise, and within or without corporate limits, land and necessary or convenient means of access thereto by roads, ways, streets, railroad spurs, bridges, or the like, and sell or donate the same to the Director of Veterans' Affairs for the construction thereon of an Oregon Veterans' Home. Such acquisition and donation shall be deemed for the general use and benefit of the inhabitants of any city exercising the powers granted by this section and for the general use and benefit of the veterans of the State of Oregon. For the purpose of exercising the power of eminent domain under this section and ORS 408.395 or under the provision in any municipal charter based upon this section, such taking or acquisition shall be deemed to be for a public and municipal use. [Formerly 408.510]

408.393 Incurring city indebtedness for Oregon Veterans' Home. In connection with the exercise of the powers granted by ORS 408.390, such incorporated cities may incur such indebtedness and issue such bonds, warrants or other evidences of debt as their respective charters may authorize. [Formerly 408.520]

408.395 Condemnation of property for Oregon Veterans' Home. For the purpose of exercising the powers conferred by ORS 408.390, any incorporated city may bring and maintain any suit or action for the appropriation, condemnation or taking of real property within or without its corporate limits, in fee simple or otherwise, including riparian rights, rights of way and other easements. The city may proceed to have such property appropriated and the compensation therefor determined and paid, in the manner provided by law for exercising of the power of eminent domain by municipal corporations. [Formerly 408.530]

Note: Sections 2 and 3, chapter 296, Oregon Laws 2011, provide:

Sec. 2. (1) The Department of Veterans' Affairs shall enter into a contract to conduct a statewide study to determine the number of skilled nursing beds needed to meet the current and future needs of veterans for skilled nursing care. The study shall determine, for the 20 years after the date the study is commenced:

(a) The number of veterans needing skilled nursing care, including veterans needing skilled nursing care because of Alzheimer's disease or other forms of dementia;

(b) Regional catchment areas for provision of services to veterans and the number of veterans within each catchment area who may need skilled nursing care; and

(c) The number of veterans needing skilled nursing care whose care could be provided through community care.

(2) The department shall report on the study to the Legislative Assembly in the manner provided in ORS 192.245 on or before May 31, 2015. [2011 c.296 §2]

Sec. 3. Section 2 of this 2011 Act is repealed on January 2, 2016. [2011 c.296 §3]

COUNTY AID TO VETERANS

408.410 Appointment of county service officer; duties; annual budget requirement. (1) The county governing body in each county may appoint a service officer who shall give aid and assistance to any veteran, the spouse or dependents of the veteran or the survivors of the veteran, in applying for all benefits and aid to which they are entitled by federal, state or local laws, rules and regulations. The county governing body shall fix the compensation of the service officer, provide the service officer with an office and the necessary equipment therefor in the same manner as provided for any other county officer. If a county governing body appoints a service officer, the governing body shall also provide in the annual budget for expenditure of moneys sufficient to enable the county to employ the service officer, to properly maintain the office provided for the service officer and to pay the costs incurred by the service officer in providing assistance to veterans, spouses and dependents of veterans or survivors of veterans. The annual expenditures required by this section shall be made from the county funds referred to in ORS 408.720.

(2) As used in this section:

(a) "Survivor of a veteran" means the spouse or a dependent of a deceased veteran.

(b) "Veteran" has the meaning given that term in ORS 408.225. [Amended by 1995 c.557 §1; 2007 c.357 §6; 2009 c.41 §13]

408.420 Recording discharge papers. Each county clerk shall maintain in the office a special book in which the county clerk shall, upon request, record the final discharge of any veteran. A recording fee may not be collected when the veteran requesting the record is an actual resident of the county or was a resident at the time of entrance into the service of the United States. In all other cases a legal fee shall be charged. There shall be kept in connection with the record an alphabetical index referring to the name of the veteran whose name appears in each discharge paper so recorded. Books that are necessary for the recording of the dis-

charge papers shall be paid for by the several counties in the manner provided for paying other claims against the county. [Amended by 2009 c.500 §§2,2a]

408.425 Inspection of discharge papers. (1) Each county clerk who receives a request to inspect veteran discharge papers that are recorded under ORS 408.420 shall produce the recorded discharge papers for inspection if:

(a) The request for inspection is made in writing;

(b) The request sets forth the name, address and telephone number of the requester;

(c) The request sets forth the name and the date of birth or the last four digits of the Social Security number of the veteran; and

(d) The request is made by:

(A) The veteran or the spouse, legal guardian or personal representative of the veteran;

(B) A county veterans' service officer appointed under ORS 408.410;

(C) A representative of the Department of Veterans' Affairs; or

(D) A licensed funeral establishment seeking to ascertain if a decedent was a veteran for the purpose of obtaining veteran's burial benefits.

(2) This section does not create a cause of action and may not be asserted as the basis of a per se negligence claim.

(3) Each county clerk may adopt additional policies in order to protect recorded discharge papers from malicious or unlawful use and policies regarding copying of recorded discharge papers.

(4) Each county clerk shall maintain in the records of the county clerk a copy of each request for inspection of recorded discharge information for a period of at least 10 years after the date the request is received by the county clerk. [2009 c.500 §3; 2009 c.500 §3a]

Note: 408.425 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.430 Free services to veterans rendered by court administrator or county clerk. The county clerk or a court clerk or court administrator shall administer all oaths required in matters of pensions, certify pension vouchers, affix the seal of the court whenever required, and make and prepare copies of any documents of record in the office and certify thereto any matter required by veterans seeking benefits from any agency or department of the State of Oregon or federal government, without any charge, fee or compensation. [Amended by 1993 c.223 §9]

MISCELLANEOUS VETERANS' BENEFITS

408.440 Land of enlisted person exempt from foreclosure and judicial sale during war. No suit or action shall be commenced or maintained, during the period provided for in this section, to foreclose any mortgage upon real property, or to collect the debt secured thereby, if the land covered by the mortgage is owned, wholly or in part, by an enlisted person in the Army or Navy of the United States, who enlisted therein in the volunteer forces or who enlisted in the National Guard of the United States and of the State of Oregon and the organization of the enlisted person was called into the service of the United States. The lands of any such soldier or sailor shall be exempt from judicial sale for the satisfaction of any judgment during the period provided for in this section. This moratorium shall extend only during the period of actual service in the army or navy forces of the United States, and in no case shall begin prior to the day on which the Congress of the United States declares war, nor continue after 60 days subsequent to the conclusion of such war. All statutes of limitation in effect in this state shall be suspended during the period described in this section, as to such mortgages, debts and judgments.

408.450 Duty to pay fees during military duty. No person in the military or naval service of the United States, or any auxiliary corps thereof, while exercising any privilege in this state by virtue of having paid an annual license or privilege fee to any state board or commission for the right to practice a profession or engage in a trade, shall lose such privilege because of failure to pay any such fee for any subsequent year during the period the person is in such service, unless dishonorably discharged therefrom. Upon being discharged from such service under honorable conditions and upon written application within 60 days of such discharge, every such person shall be restored to former status with respect to any such privilege without the necessity of paying the then current license fee.

408.460 Certain claims payable out of General Fund. Lawful claims payable from the Memorial Fund, 116th Engineers, or the fund entitled Unclaimed Back Pay Due Second Oregon Volunteers, shall be paid, upon approval of the Adjutant General, from the General Fund.

408.470 Persons entitled to interment in Spanish War Veterans' plot. All honorably discharged soldiers, sailors and marines who served in the forces of the United States during the Spanish War or Philippine Insurrection at any time between

April 23, 1898, and July 4, 1902, who are now deceased or may hereafter die in Oregon or who being residents of Oregon die outside of Oregon, may be interred in the burial plot established pursuant to sections 1 to 3, chapter 72, Oregon Laws 1911.

408.480 Care of veterans ineligible for federal home. In case of the establishment of a national soldiers' home or branch thereof at or near Roseburg, Douglas County, Oregon, and any persons lawfully entitled prior to February 26, 1931, to be cared for in the Oregon State Soldiers' Home formerly located at that location and not to be cared for in said national soldiers' home or branch thereof, then the Department of Human Services shall have authority to enter into contract with the United States Government for the care of such persons in such home.

408.485 Findings related to health care. The Legislative Assembly finds that:

(1) The United States Department of Veterans Affairs Veterans Health Administration should be encouraged to export its expertise in military sexual trauma, post-traumatic stress disorder and other conditions associated with military service to health care providers outside of the administration; and

(2) Health care providers outside of the administration should be encouraged to seek out continuing education in military sexual trauma, post-traumatic stress disorder and other conditions associated with military service. [2011 c.81 §1]

Note: 408.485 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.490 Purchase of United States flags for placement on veterans' graves. The county court or board of county commissioners of each county is authorized annually to budget and pay such amount of money as it may deem reasonable for the purpose of purchasing flags of the United States for placement, by any nationally chartered organization or organizations of war veterans, annually on or prior to Memorial Day, upon the graves of deceased war veterans of the United States who are interred within the county. [1953 c.355 §1]

408.500 Oregon Veterans' Emergency Financial Assistance Program; rules. (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 Department of Veterans' Affairs shall administer the program created under subsection (1) of this section and shall adopt rules implementing the program, 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, unremarried surviving 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. [2005 c.831 §6; 2007 c.42 §1]

Note: 408.500 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

INFORMATION AND REINTEGRATION SERVICES FOR VETERANS

408.503 Department website relating to benefits; reports to Legislative Assembly. (1) The Department of Veterans' Affairs shall establish a website that allows members of the public to request information about veterans' benefits and services and enter contact information.

(2) The department shall coordinate outreach to individuals who request information through the website established under subsection (1) of this section or in any other manner.

(3) On or before October 1 of each even-numbered year, the department shall report to the appropriate interim committees of the

Legislative Assembly on the department's outreach to veterans. [2009 c.851 §1]

Note: 408.503 to 408.505 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.504 Link on agency websites. An agency, as defined in ORS 183.310, shall include on the agency's website a link to the website established by the Department of Veterans' Affairs under ORS 408.503. [2009 c.851 §2]

Note: See note under 408.503.

408.505 Agencies to make available and provide information to veterans; report to legislature. (1) As used in this section, "agency" has the meaning given that term in ORS 183.310.

(2) In order to assist veterans in claiming federal benefits, the Department of Veterans' Affairs and the Oregon Military Department shall provide agencies with materials to inform individuals how to contact the Department of Veterans' Affairs and the reintegration team within the Oregon Military Department to request information about veterans' benefits and services.

(3) An agency shall:

(a) Make available in offices that are accessible to the public the information provided under subsection (2) of this section; and

(b) When appropriate, feasible and consistent with the agency's mission, make reasonable efforts to:

(A) Ask a customer or client who comes into contact with the agency if the customer or client is a veteran; and

(B) Provide the information provided under subsection (2) of this section to a customer or client who states that the customer or client is a veteran.

(4) An agency may cooperate with elected officials, local governments, school districts and community colleges to implement other measures to direct customers or clients to the Department of Veterans' Affairs or the reintegration team within the Oregon Military Department to obtain information about veterans' benefits and services.

(5) On or before October 1 of each even-numbered year, agency directors shall report to the appropriate interim committees of the Legislative Assembly on the effectiveness of measures undertaken to implement the provisions of this section.

(6) This section does not require an agency to respond to inquiries from customers or clients about veterans' benefits or services. [2009 c.851 §3; 2011 c.41 §1]

Note: See note under 408.503.

408.506 Agencies to partner with Oregon Military Department to provide reintegration services. The Department of Human Services, the Department of Transportation, the Housing and Community Services Department, the Employment Department, the Department of Justice, the Judicial Department, the Oregon University System, the Bureau of Labor and Industries, the Department of Community Colleges and Workforce Development and the Department of Veterans' Affairs shall partner with the Oregon Military Department to provide reintegration services for veterans throughout this state through regional strategies. [2011 c.19 §1]

Note: 408.506 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.507 Information to be provided by establishments operated to provide food to needy persons. (1) The Department of Veterans' Affairs and the Oregon Military Department shall make available to establishments operated to provide food to indigent or needy persons information on how to contact the Department of Veterans' Affairs and the reintegration team within the Oregon Military Department to request information about veterans' benefits and services.

(2) An establishment operated to provide food to indigent or needy persons that receives public funds shall:

(a) Make available to indigent or needy persons served the information provided under subsection (1) of this section; and

(b) When appropriate, feasible and consistent with the establishment's mission, make reasonable efforts to:

(A) Ask a person who is provided food if the person is a veteran; and

(B) Provide the information provided under subsection (1) of this section to a person who is provided food and states that the person is a veteran. [2011 c.41 §3]

Note: 408.507 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 408 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

408.510 [Amended by 1993 c.795 §8; renumbered 408.390 in 1999]

408.520 [Renumbered 408.393 in 1999]

408.530 [Renumbered 408.395 in 1999]

USE OF PUBLIC FACILITIES BY VETERANS' ORGANIZATIONS

408.540 Use of buildings by veterans' organizations. All buildings acquired or constructed by county courts pursuant to chapter 595, Oregon Laws 1947, shall be made available for the use of any veterans' organizations and their auxiliaries located in the city, town or community where any such building is located.

408.550 [Repealed by 1961 c.454 §213]

408.560 Use of public buildings for meetings of veterans' and auxiliary organizations. In counties where there is no armory belonging to or under control of state authority, the county courts or boards of county commissioners, upon written application of the commander or president of any organized unit of war veterans or its auxiliary, shall allow its unit organized in such county, free of cost, to occupy a portion of the courthouse or any other public building, when such occupancy does not materially interfere with occupancy of the building for the original purposes for which it was intended. [Amended by 1961 c.454 §210]

VETERANS WITH MENTAL ILLNESS

408.570 Commitment of veterans with mental illness to federal veterans facility. When a veteran who has been adjudged mentally ill is eligible for treatment in a United States veterans facility and commitment is necessary for the proper care and treatment of such veteran, the Oregon Health Authority or community mental health program director, as provided under ORS 426.060, may, upon receipt of a certificate of eligibility from the United States Department of Veterans Affairs, assign the person to the United States Department of Veterans Affairs for care, custody and treatment in a United States veterans facility. Upon admission to any such facility, the veteran shall be subject to the rules and regulations of the United States Department of Veterans Affairs and provisions of ORS 426.060 to 426.395 and related rules and regulations of the Oregon Health Authority. The chief officer of such facility shall be vested with the same powers exercised by superintendents of state hospitals for persons with mental illness within this state with reference to the retention, transfer, trial visit or discharge of the veteran so assigned. The commitment of a veteran to a veterans facility within this state by a court of another state under a similar provision of law has the same force and effect as if the veteran was committed to a veterans facility within that other state. [Amended by 1975 c.690 §26; 1991 c.67 §100; 2007 c.70 §160; 2009 c.595 §238]

408.580 Transfer of veterans with mental illness from state to federal hospitals. Upon receipt of a certificate of eligibility and available facilities, the Oregon Health Authority may cause to be transferred any veteran from any facility to which the veteran has been assigned to a United States veterans facility. No veteran under sentence by any court, or committed by any court after having been charged with any crime and acquitted on the ground of mental disease or defect, may be transferred without an order of such court authorizing the transfer. Whenever any veteran, not a convict, has been committed by order of a court and is transferred as provided in this section, the order of commitment shall be held to apply to the facility to which the veteran is transferred as to any other facility to which the veteran could be assigned or transferred under ORS 426.060. [Amended by 1975 c.690 §27; 2009 c.595 §239]

408.590 [Repealed by 1963 c.540 §8]

BENEFITS TO INDIGENT VETERANS

408.710 Indigent veteran defined; effect of property ownership. (1) As used in ORS 408.710 to 408.750, "indigent veteran" means any veteran who is without means of procuring the necessities of life.

(2) A person may not be deprived of the benefits provided for in ORS 408.720 to 408.750 by reason of the fact that the person owns property that is not of such a character that it may be used to give assistance to the person, or owns a home that is not disproportionate to the needs of such veteran and family. A person may not be deprived of such benefits until the person has ceased to be domiciled in the county for a period of one year. [Amended by 2009 c.41 §15]

408.720 Tax levy to finance activities of veterans' service officer; use of proceeds; use of county general funds. (1) Except as provided in subsection (3) of this section, in addition to the taxes now authorized to be levied by law, a county governing body may levy in each year a tax not exceeding one-eightieth of one percent (0.000125) of the real market value of all taxable property within the county, computed in accordance with ORS 308.207. The tax shall be levied and collected in the same manner as other county taxes and is subject to the limits set forth in ORS 310.150.

(2) The taxes collected shall be set apart in the county treasury as a special fund for the purpose of financing the employment and the activities of the service officer appointed under ORS 408.410. If an unobligated balance remains in the special fund at the end of a fiscal year, the unobligated balance may be carried forward to the next fiscal year and

expended for the purposes described in this subsection.

(3) A county governing body need not levy the tax authorized under subsection (1) of this section in any fiscal year when, at the beginning of the fiscal year, the unobligated balance in the special fund described in subsection (2) of this section is sufficient to finance the employment and activities of the service officer for the entire fiscal year.

(4) If the unobligated balance in the special fund at the beginning of a fiscal year is not sufficient to finance the employment and activities of the service officer for the entire fiscal year or if the levy authorized by subsection (1) of this section is not made by a county governing body for any year for the objects specified in subsection (2) of this section, all expenses incurred under ORS 408.410 and 408.720 to 408.750 shall be paid from the general funds in the treasury of the county the same as though such levy had been duly made. [Amended by 1963 c.9 §24; 1991 c.459 §398; 1995 c.557 §2]

408.730 Procedure when indigent veterans are cared for by veterans organizations. (1) The commander or executive head of any veterans organization organized under a charter issued by an Act of Congress, proposing to undertake the relief provided for in ORS 408.720, shall file with the county clerk of the county in which the veterans organization may be situated, the names of its commander or executive head and its relief committee, if any. The commander or executive head shall also file a notice in writing that such veterans organization will undertake the relief of the indigent persons provided for in ORS 408.720, and by the fourth Monday in January of each year shall file with the county clerk a similar notice, and render and file a detailed statement of the relief furnished during the preceding year, including the amount thereof, the names of the persons to whom furnished and on whose recommendation, and such other facts and suggestions as are deemed material.

(2) The commander or executive head shall also file a bond, with one or more sureties, to be approved by the county court or judge thereof, or board of county commissioners, in a sum not less than $100 and not more than $1,000. The amount of the bond shall be fixed by the court, judge or board. It shall run to the county, and be conditioned by stating that if said commander or executive head faithfully applies all funds that come into the hands of the commander or executive head for that purpose, to the relief of the indigent persons named in ORS 408.720, it is void. If the bond is enforced there shall be recovered from the principal and sureties thereon the amount which is found to be misappropriated, which shall be paid into the county treasury.

(3) If the county operates on a fiscal year ending on June 30, the notice, statement and bond required by this section may be filed on the fourth Monday in July of each year rather than on the fourth Monday of January. If the statement required by subsection (1) of this section is filed at the time provided in this subsection, this statement shall cover the preceding fiscal year.

(4) On the approval and filing of the bond, and on the recommendation of the relief committee of any such veterans organization, orders shall be drawn in favor of the commander or executive head in the same manner as orders are now drawn for the relief of the poor. The orders shall designate thereon the names of the persons for whom the relief is intended and, in like manner, a sum not exceeding $100 may be drawn to pay the funeral expenses of an indigent veteran, and the indigent wives, widows and the minor children of such veterans. [Amended by 1955 c.56 §1; 2009 c.41 §16]

408.740 Appointment and duties of county veterans' relief officer. The relief fund may be disbursed by an officer to be appointed by the county court or board of county commissioners. The commanders or executive heads of the various veterans organizations shall constitute an advisory board to consult and advise with the court or board relative to administration and disbursement of the fund. Such officer shall investigate all requests for relief, and no warrant shall be paid from the fund except upon the order of such officer. The officer shall give such bond as may be required and approved by the court or board, and may be removed at any time by the court or board. If any vacancy occurs in such office, the court or board shall appoint a successor to such officer. Such officer shall be paid a salary from funds of the county other than the relief fund, to be fixed by the court or board, and audited and paid in the manner that county officers are paid, as provided by law.

408.750 When county court must aid veterans; necessity of veterans organization's consent before sending veterans to poorhouse. (1) If there is no war veterans organization within any county in this state, the county judge thereof shall

undertake the relief provided for in ORS 408.720.

(2) The county judge in a county in which there is a war veterans organization, shall not send to the county poorhouse any person for whom relief is provided by ORS 408.720, without first obtaining the consent of the organization's commander or executive head. All the indigent persons named in ORS 408.720 shall be provided for, so far as practicable, at their homes.