

# TITLE 33

## PRIVILEGES AND BENEFITS OF VETERANS AND SERVICE PERSONNEL

- Chapter 406. Department of Veterans' Affairs  
407. Veterans Loans  
408. Miscellaneous Benefits for Veterans and Service Personnel

### Chapter 406

2013 EDITION

#### Department of Veterans' Affairs

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**DEPARTMENT OF VETERANS'  
AFFAIRS**

**406.005 Department of Veterans' Affairs; duties; rules.** (1) The Department of Veterans' Affairs is established.

(2) The department is under the supervision and control of a director appointed as provided in ORS 406.020.

(3) The department is responsible for the administration of federal and state laws relating to veterans.

(4) The department, with the advice of the Advisory Committee created under ORS 406.210, shall adopt rules that the department considers necessary to carry out the provisions of ORS chapters 406, 407 and 408 and ORS 88.710 to 88.740. [2005 c.625 §1; 2007 c.44 §1; 2009 c.41 §24]

**Note:** 406.005 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 406 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**406.010 Definition of "director."** As used in this chapter, "director" means Director of Veterans' Affairs. [Amended by 2005 c.22 §269]

**406.020 Director of Veterans' Affairs; appointment; confirmation.** The Department of Veterans' Affairs shall be under the supervision and control of the Director of Veterans' Affairs. The Governor shall appoint the director subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. The appointment may not be made without the written approval of the Advisory Committee provided for in ORS 406.210. The director shall be a veteran, chosen on the basis of executive and administrative ability. [Amended by 1973 c.792 §14; 2005 c.625 §5; 2009 c.41 §6]

**406.030 Administration of veterans' laws.** (1) The Director of Veterans' Affairs, in the performance of the duties of the director, shall organize and coordinate the administration of all present and future federal and state laws pertaining to veterans, their spouses, dependents and survivors in this state.

(2) As used in this section, "survivor" means the spouse and dependents of a deceased veteran. [Amended by 1971 c.221 §1; 1985 c.790 §4; 1991 c.441 §5; 1999 c.45 §1; 2001 c.104 §140; 2005 c.625 §6; 2007 c.44 §2]

**406.040 General powers and duties of department.** The powers, authority and duties relating exclusively to veterans' affairs now or hereafter imposed by law upon any officer or agency of this state, are hereby also granted to and imposed upon the Department of Veterans' Affairs. Subject to ORS 406.090, the department shall be responsible for and shall supervise the admin-

istration of all such laws. The department may employ such personnel as may be necessary to carry into effect the purposes of this chapter and may prescribe the duties and responsibilities of all such employees. [Amended by 2005 c.625 §7; 2009 c.41 §7]

**406.050 Additional powers and duties of director or department; grants, donations and gifts; rules; service charges.** In addition to other powers and duties, the Department of Veterans' Affairs is authorized:

(1) To cooperate with officers and agencies of the United States in all matters affecting veterans' welfare.

(2) To accept monetary and nonmonetary grants, donations and gifts on behalf of this state from any person or governmental or nongovernmental entity. The department shall deposit with the State Treasurer all monetary grants, donations and gifts received. The State Treasurer shall credit the amounts deposited to a trust fund established for the purposes of this section. Moneys in the trust fund are continuously appropriated to the department and may be expended for the purposes specified in subsections (3), (4) and (5) of this section. Interest earned on the moneys in the trust fund established under this subsection shall accrue to the trust fund.

(3) To expend all or any portion of a monetary grant, donation or gift for the purposes specified in the grant, donation or gift.

(4) To expend moneys in the trust fund established under subsection (2) of this section as the department deems appropriate for purposes consistent with the department's authority under Articles XI-A and XI-F(2) of the Oregon Constitution and under this chapter and ORS chapters 88, 273, 407 and 408 if:

(a) The department determines that the purpose specified in the grant, donation or gift has been satisfied, has expired or is not feasible or appropriate; or

(b) Expenditure of trust fund moneys is not limited by the specific terms of a specific grant, donation or gift.

(5) To expend or otherwise dispose of a nonmonetary grant, donation or gift received by selling or otherwise converting a grant, donation or gift into moneys unless the sale or conversion is inconsistent with a limitation specified in the grant, donation or gift. Notwithstanding a specified limitation, the department may sell or otherwise convert a nonmonetary grant, donation or gift into moneys if the department determines that the limitation has been satisfied, has expired or is not feasible or appropriate. The department shall deposit the moneys realized

from any sale or conversion under this subsection into the trust fund established in subsection (2) of this section.

(6) If the department determines that the nature of a nonmonetary grant, donation or gift makes its use by the department, or its sale or conversion to moneys for use by the department not feasible or appropriate, to donate or otherwise transfer all or any portion of the nonmonetary grant, donation or gift to:

(a) A person or governmental or nongovernmental entity that the department determines is engaged in serving veterans or veterans' survivors or dependents.

(b) A veteran or veteran's survivor or dependent whom the department determines is in need of emergency assistance.

(7) To act as agent or attorney in fact for any veteran and the dependents or beneficiaries of any veteran relating to rights under any federal or state law.

(8) To act without bond as conservator of the estate of:

(a) A person who qualifies for benefits from the United States Department of Veterans Affairs.

(b) A dependent, an immediate family member, a survivor or a former spouse who has not remarried of a person who qualifies for benefits, or who qualified for benefits while alive, from the United States Department of Veterans Affairs, as those persons are defined by rule by the Department of Veterans' Affairs.

(9) On behalf of the State of Oregon, to extend such assistance as the department determines to be reasonably required to any veteran and to the dependents of any such veteran, in the prosecution of any claim before the United States Department of Veterans Affairs, or any other federal or state agency, the securing of employment or relief and any other benefits to which the veteran and the dependents of the veteran might be entitled.

(10) To require and collect such reasonable service charges as the department determines, by rule, are necessary and expedient to carry out a duty, or to exercise a power or authority, conferred on the department by law.

(11) The Department of Veterans' Affairs may adopt rules and regulations with respect to all matters of administration to carry into effect the purposes of this section. [Amended by 1965 c.374 §1; 1967 c.172 §1; 1973 c.823 §127; 1987 c.425 §5; 1991 c.67 §94; 1995 c.106 §1; 1999 c.52 §1; 2001 c.102 §1; 2003 c.152 §1; 2005 c.625 §8; 2009 c.41 §8; 2009 c.602 §§1,1a]

**406.055 Authority of director to require fingerprints.** (1) In addition to the powers and duties authorized under ORS 406.050, the Director of Veterans' Affairs may, for the purpose of requesting a state or nationwide criminal records check under ORS 181.534, require the fingerprints of a person who:

(a) Is applying for employment with the Department of Veterans' Affairs in a position described in subsection (2) of this section or is employed by the department but is being transferred, promoted or demoted to a position described in subsection (2) of this section; or

(b) Provides goods or services or seeks to provide goods or services to or on behalf of the department as a contractor, subcontractor, vendor or volunteer, or as an employee, member or agent of a contractor, subcontractor, vendor or volunteer.

(2) The director may request fingerprints of a person described in subsection (1) of this section who is in a position in which the person has:

(a) Control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(b) Access to information that state or federal laws, rules or regulations prohibit disclosing or define as confidential;

(c) Responsibility for payroll, billing, collections or other financial transactions or for purchasing or selling property;

(d) Access to money, negotiable instruments or financial information of the department;

(e) Mailroom duties;

(f) Responsibility for auditing the department or other business entities doing business with the department;

(g) Personnel or human resources functions or access to personnel information;

(h) Access to Social Security numbers, dates of birth or criminal background information of other persons;

(i) Access to tax or financial information of the department or persons employed by the department; or

(j) Access to tax or financial information collected by the department about individuals or business entities. [2009 c.166 §1]

**Note:** 406.055 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 406 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**406.060 Use of services and facilities of other state agencies.** The Department of Veterans' Affairs may utilize the services and facilities of any state agency in the course of administration of any law of this state enacted for the benefit and welfare of veterans and their dependents. All such agencies shall cooperate fully with the department in that regard and furnish such services and facilities when called upon by the department to do so. Neither the authority nor the duties referred to in this section shall be so exercised or performed as to impair the efficient administration of the laws applicable to any state agency. [Amended by 2005 c.625 §9; 2009 c.41 §9]

**406.070 Director to qualify and furnish bond; reimbursement for expenses; location of office.** The Director of Veterans' Affairs shall qualify in like manner as other heads of state departments, and furnish a fidelity bond in an amount to be fixed by the Governor. The director shall be reimbursed for necessary expenses incurred in the performance of the duties as are other state officers. The director shall maintain the main office of the director at the state capital. [Amended by 1967 c.2 §3]

**406.072 Notice of application for public assistance; rules.** (1) As used in this section:

(a) "Uniformed service" means the Armed Forces of the United States, the Army National Guard or the Air National Guard when the member is engaged in active duty for training, inactive duty for training or full-time National Guard duty, the commissioned corps of the United States Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency.

(b) "Written information" means information that is in written form and includes but is not limited to information obtained by electronic means, electronic mail, facsimile or other form of electronic communication.

(2)(a) Subject to subsection (3) of this section and upon implementation or upgrade of an electronic delivery system that will enable the Department of Human Services to provide the notice required by this subsection in a cost-effective and efficient manner, the Director of Human Services shall notify the Director of Veterans' Affairs within 30 days of receipt of written information from a member or veteran of a uniformed service who has applied for benefits or services under the following:

(A) Temporary assistance for needy families program under ORS 412.001 to 412.069;

(B) Assistance funded under Title IV-A of the Social Security Act as administered in this state by the Department of Human Services;

(C) Supplemental Nutrition Assistance Program under ORS 411.806 to 411.845;

(D) Oregon Health Plan;

(E) Employment Related Day Care program administered by the Department of Human Services;

(F) Programs and services for seniors and persons with disabilities administered by the Department of Human Services; and

(G) Vocational rehabilitation services and programs administered by the Department of Human Services.

(b) The notification required under this subsection is limited to notifying the Director of Veterans' Affairs of the name and residence address or mailing address of the member or veteran.

(c) The authorization of a member or veteran as required by subsection (3) of this section may be contained in the written information at the time it is received by the Department of Human Services or separately at another time but the authorization must specifically authorize the notification to be made under this subsection.

(3) The Director of Human Services shall notify the Director of Veterans' Affairs as required by subsection (2) of this section only when authorized to do so by the member or veteran of a uniformed service who submitted the written information.

(4) The Department of Human Services, in consultation with the Department of Veterans' Affairs, shall adopt rules to implement the provisions of this section including but not limited to the method of notification required under subsection (2) of this section. [2013 c.51 §1]

**Note:** 406.072 and 406.073 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 406 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**406.073 Notice of application for certain items from Department of Transportation; rules.** (1) As used in this section:

(a) "Uniformed service" means the Armed Forces of the United States, the Army National Guard or the Air National Guard when the member is engaged in active duty for training, inactive duty for training or full-time National Guard duty, the commissioned corps of the United States Public Health Service and any other category of persons designated by the President of the United States in time of war or national emergency.

(b) "Written information" means information that is in written form and includes but is not limited to information obtained by electronic means, such as electronic mail, facsimile or other form of electronic communication.

(2)(a) Subject to subsection (3) of this section, the Director of Transportation shall notify the Director of Veterans' Affairs at least once a month regarding receipt of written information from a member or veteran of a uniformed service when the Department of Transportation receives the written information in connection with an application for:

- (A) A license under ORS 807.050;
- (B) An identification card under ORS 807.400;
- (C) A certificate of title under ORS 803.050; or
- (D) A vehicle registration under ORS 803.370.

(b) The notification required under this subsection is limited to notifying the Director of Veterans' Affairs of the name and residence address or mailing address of the member or veteran.

(c) The authorization of a member or veteran as required by subsection (3) of this section may be contained in the written information at the time it is received by the department or separately at another time, but the authorization must specifically authorize the notification to be made under this section.

(3) The Director of Transportation shall notify the Director of Veterans' Affairs as required by subsection (2) of this section only if authorized to do so in writing by the member or veteran of a uniformed service.

(4) The Department of Transportation, in consultation with the Department of Veterans' Affairs, shall adopt rules to implement the provisions of this section, including but not limited to the method of notification required under subsection (2) of this section. [2013 c.647 §1]

**Note:** See note under 406.072.

**406.080** [Amended by 1967 c.211 §9; 1987 c.652 §1; repealed by 1987 c.658 §3]

**406.081 Suicide prevention campaign.**

(1) The Department of Veterans' Affairs shall create and coordinate a public information campaign to inform public agencies and the public about suicide prevention, including but not limited to increasing knowledge and understanding about recognizing the signs of a potentially suicidal veteran and resources to which veterans who are potentially suicidal may be referred.

(2) As used in this section:

(a) "Public agencies" means the State of Oregon and any political subdivision thereof and any county, city, district, authority, public corporation or entity and any of their instrumentalities organized and existing under law or charter.

(b) "Veteran" has the meaning given that term in ORS 408.225. [2013 c.779 §1]

**Note:** 406.081, 406.082 and 406.083 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 406 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**406.082 Veterans Suicide Prevention and Outreach Program; rules.** (1) The Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program is created in the Department of Veterans' Affairs. The purposes of the program are to publicize veterans' benefits, provide outreach regarding suicide prevention for veterans in this state and implement the provisions of ORS 406.081.

(2) The department shall adopt rules to implement the provisions of this section. [2013 c.779 §3]

**Note:** See note under 406.081.

**406.083 Veterans Suicide Prevention and Outreach Program Fund.** (1) The Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program Fund shall be credited to the fund. The fund shall consist of:

(a) Moneys appropriated to the fund by the Legislative Assembly.

(b) Amounts credited to the fund under ORS 305.690 to 305.753.

(c) Amounts credited to the fund under ORS 803.478.

(d) Gifts, grants and donations, in money or otherwise, for use as described in subsection (2) of this section.

(e) Interest earned by the fund.

(2) Moneys in the fund are continuously appropriated to the Department of Veterans' Affairs for the purposes of implementing the provisions of ORS 406.081 and 406.082. [2013 c.779 §4]

**Note:** See note under 406.081.

**406.085 Revolving account for department when acting as conservator or personal representative of estate of veteran.** The Conservatorship Revolving Account is created, separate and distinct from the General Fund, to provide for disbursement of funds for the beneficiary. Funds may also be

disbursed from the Conservatorship Revolving Account to the Conservatorship Services Account in compensation for claims arising under ORS 406.100. The Conservatorship Revolving Account shall consist of all money received by the Department of Veterans' Affairs as conservator or personal representative herein. Disbursement from the account shall be made by the department. Interest earned by the account shall be credited to the account. [1965 c.374 §2; 1973 c.823 §128; 1987 c.425 §6; 1989 c.932 §3; 1989 c.966 §44; 2005 c.625 §10; 2007 c.218 §4]

**406.090 Sections not affected by parts of this chapter.** The administration of ORS 273.035 to 273.051, 273.071, 273.161 to 273.175 and 408.710 to 408.750 shall in no way be affected by ORS 406.010 to 406.070, 406.210, 406.220 and 406.340, and such laws are excepted from the operation thereof. The Department of Veterans' Affairs shall cooperate with the person or agency responsible for the administration of such laws, and shall render such reasonable assistance in that regard as may be requested by any such person or agency. [Amended by 1967 c.421 §201; 1967 c.616 §§28,28a; 2005 c.625 §11]

**406.100 Claims against estate by department when acting as conservator.** If the Department of Veterans' Affairs is appointed as a conservator under ORS 406.050 or a personal representative under ORS 113.085, the department shall have a claim against the estate of the protected person or the decedent, as the case may be, for all of the following:

(1) Reasonable expenses incurred by the department in the execution or administration of the estate.

(2) After the appointment of the department as conservator, reasonable compensation for ordinary and unusual services, as set forth by rule by the department.

(3) After the appointment of the department as personal representative, compensation as provided in ORS 116.173.

(4) With prior approval by the court having probate jurisdiction over the estate, fees charged to the department by the Attorney General for advice or assistance in the performance of the department's duties as conservator or personal representative of the estate. [1987 c.425 §3; 2005 c.625 §12; 2013 c.258 §1]

**406.110 Waiver of claims; statute of limitations.** (1) The Director of Veterans' Affairs may waive all or any portion of a claim arising under ORS 406.100 if the director finds that payment of the claim, or a portion thereof, would pose a hardship to the person from whose estate the claim is payable, or would deplete the estate.

(2) The director may retract a waiver made under subsection (1) of this section if the director finds that payment of the claim, or a portion thereof, would no longer pose a hardship to the person from whose estate the claim is payable, or would no longer deplete the estate.

(3) The statute of limitations applicable to a claim under ORS 406.100, the waiver of which has been retracted under this section, is tolled for the period of time from the date the director waived the claim to the date the director retracted the waiver of the claim. [1987 c.425 §4; 2013 c.190 §2]

**406.120 Conservatorship Services Account; sources; use.** (1) The Conservatorship Services Account is established as a separate account within the Oregon War Veterans' Fund. The Conservatorship Services Account shall consist of all moneys received by the Department of Veterans' Affairs as payment of claims arising under ORS 406.100.

(2) The moneys in the Conservatorship Services Account are continuously appropriated to the department for payment of expenses incurred while serving as conservator under ORS 406.050 or personal representative under ORS 406.085.

(3) Moneys in the Conservatorship Services Account shall be held and set aside separately from the other moneys in the Oregon War Veterans' Fund, but such account may be accounted for as part of the Oregon War Veterans' Fund. [1989 c.932 §2; 2005 c.625 §13]

**406.130 Veterans' Services Account; uses.** There hereby is established in the General Fund of the State Treasury an account to be known as the Veterans' Services Account. Moneys in the Veterans' Services Account are continuously appropriated to the Department of Veterans' Affairs and shall be used by the department for grants and services supplied to veterans by the department under ORS chapters 406 and 408, and for expenses of administration of such grants and services. [1987 c.658 §2; 2005 c.625 §14]

## ADVISORY COMMITTEE

**406.210 Function of advisory committee; appointment, qualifications and term of members; chairperson; nominations by veterans organizations to fill vacancies.** (1) The Governor shall appoint nine persons, all of whom are veterans as defined in ORS 408.225, to constitute the Advisory Committee and to act in an advisory capacity to the Director of Veterans' Affairs concerning all matters upon which the director requests counsel.

(2) The Governor shall make appointments to fill vacancies on the Advisory

Committee. When a vacancy occurs, the Governor shall solicit and consider nominations from the executive committees of congressionally chartered veterans' organizations that maintain an Oregon state headquarters. A list of not more than three persons nominated by each executive committee shall be submitted to the Governor within 30 days after the vacancy occurs or, if the vacancy is due to the expiration of a member's term of office, not later than 30 days prior to the expiration of the member's term. Organizations interested in participating in the nomination process shall report the current address of their state headquarters to the Director of Veterans' Affairs. The director shall notify those organizations of any current or anticipated vacancy.

(3) The term of office of a member of the Advisory Committee is four years, and a member may be reappointed upon expiration of the member's term. However, a member of the Advisory Committee may not serve more than two consecutive terms.

(4) After consultation with the Director of Veterans' Affairs, the Advisory Committee shall select one committee member to act as chairperson of the Advisory Committee, subject to approval by the Governor.

(5) Each participating congressionally chartered veterans' organization shall furnish the director with a copy of its Congressional Charter including any subsequent amendments. [Amended by 1959 c.675 §1; 1975 c.603 §1; 1982 s.s.1 c.11 §8; 1991 c.798 §1; 2009 c.41 §18; 2009 c.206 §1]

**406.215 Additional duties of advisory committee.** In addition to any other powers and duties granted to the Advisory Committee by law, the Advisory Committee shall:

(1) Work with the Director of Veterans' Affairs to insure that the needs of the veterans and their dependents and survivors who reside in this state are recognized and addressed in a timely and effective manner.

(2) Review current issues affecting veterans and their dependents and survivors who reside in this state and make recommendations relating to those issues.

(3) Review current operations of the Department of Veterans' Affairs and make recommendations to the director concerning the operation of any part of the department.

(4) Make recommendations to the director for the establishment or revision of programs and entitlements for veterans. [1991 c.798 §2]

**406.217 Duties of director concerning advisory committee.** The Director of Veterans' Affairs shall:

(1) Solicit recommendations from the Advisory Committee on the administration of all federal and state laws affecting veterans, their spouses, dependents and survivors in this state.

(2) Instruct members of the Advisory Committee concerning the operation of all veterans' programs administered by the director. [1991 c.798 §3; 2007 c.44 §3]

**406.220 Meetings and reports.** The Advisory Committee shall meet within this state at least once each three months. At each such meeting the Director of Veterans' Affairs shall report upon all matters concerning the administration of the office of the director, and shall request the advice and counsel of the committee on matters concerning the policy thereof. Each August the Advisory Committee shall report to the Governor on all matters which it deems pertinent concerning the administration of the office of the director during the preceding year, and concerning any specific matters previously requested by the Governor, and on the administration of ORS 406.010 to 406.070, 406.090 and 406.340. [Amended by 1957 c.25 §1]

**406.230 Compensation and expenses of members.** Each member of the Advisory Committee is entitled to compensation and expenses as provided in ORS 292.495. [Amended by 1969 c.314 §33]

## RELATIONS WITH VETERANS ORGANIZATIONS

**406.310 Director authorized to aid veterans organizations.** From funds available to the office of the Director of Veterans' Affairs for this purpose, the director, with advice from the Advisory Committee, is authorized to aid veterans' organizations that have been accredited by the United States Department of Veterans Affairs and counties of the state, in connection with their respective programs of service to veterans. [Amended by 1991 c.67 §95; 2007 c.401 §1; 2009 c.41 §19]

**406.320 Qualification of veterans organization for state aid.** Organizations desiring to apply for benefits under ORS 406.310 shall submit to the Director of Veterans' Affairs statements of their expenditures incurred in conducting their rehabilitation programs, in acting under power of attorney for veterans in connection with claims for benefits, in assisting veterans in prosecutions of their claims and in solution of problems arising out of previous military service. However, a veterans' organization does not qualify for benefits under ORS 406.310 unless it has carried on a program of veterans' rehabilitation work in Oregon for not less than two years immediately preceding.

**406.330 Power to establish regulations for aid program.** The Director of Veterans' Affairs, with advice from the Advisory Committee, may adopt such procedural rules and regulations as the director deems advisable in making distribution of funds under ORS 406.310. The director shall also establish a general and uniform policy to be followed by the various organizations and counties in carrying out the work to which the state contributes aid under ORS 406.310. In establishing such policy the director shall give primary consideration to the rehabilitation of the greatest possible number of veterans in Oregon. To that end the director shall eliminate, insofar as possible, a duplication of effort and inefficient expenditure of money. [Amended by 2007 c.401 §2; 2009 c.41 §10]

**406.340 Director authorized to accept voluntary services.** In performance of the duties of the office of the Director of Veterans' Affairs, the director may accept services voluntarily tendered by any person or organization, and may cooperate with the established service agencies and officers of any organization for the benefit and welfare of all veterans in this state and their dependents or beneficiaries. Insofar as practicable and consistent with the faithful performance of the director's duties, the director shall avoid duplicating the efforts of voluntary service agencies and officers. [Amended by 2009 c.41 §11]

**406.410** [1985 c.790 §1; 1991 c.67 §96; repealed by 2007 c.117 §1]

**406.420** [1985 c.790 §2; repealed by 2007 c.117 §1]

**406.430** [1985 c.790 §3; repealed by 2007 c.117 §1]

### COUNTY VETERANS' SERVICE OFFICER PROGRAM

**406.448 Definitions.** As used in ORS 406.450, 406.452, 406.454 and 406.456:

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

(2) "Veteran" has the meaning given that term in ORS 408.225. [2007 c.357 §1; 2009 c.41 §12]

**Note:** 406.448 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 406 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**406.450 Services provided by county veterans' service officers.** (1) The Director of Veterans' Affairs shall establish a program to enhance and expand the services provided by county veterans' service officers appointed under ORS 408.410.

(2) The program shall:

(a) Conduct outreach and provide veterans, spouses and dependents of veterans or survivors of veterans with:

(A) Information regarding veterans' benefit programs and other benefit programs; and

(B) Assistance by trained representatives who are certified by the state in applying for all federal and state veterans' benefits and aid to which veterans, spouses and dependents of veterans or survivors of veterans may be entitled on account of the veterans' military service and in appealing any denial of veterans' benefits or aid;

(b) Develop and offer informational materials and training opportunities for county veterans' service officers;

(c) Develop a comprehensive and coordinated statewide network of information and referral resources for veterans, spouses and dependents of veterans or survivors of veterans;

(d) Ensure that the receipt of veterans' benefits or aid does not adversely impact other benefits or aid that a veteran, the spouse or dependent of a veteran or a survivor of a veteran may be receiving or may be eligible to receive; and

(e) Facilitate coordination of computer systems to ensure the seamless transfer of information. [2005 c.836 §2; 2007 c.357 §2]

**406.452 State certification program for veterans' service officers; rules.** The Director of Veterans' Affairs may establish by rule a state certification program for veterans' service officers appointed under ORS 408.095 or 408.410 and other individuals providing similar services to ensure their competency. The program curriculum shall provide the training and education necessary to allow veterans' service officers and other individuals to assist veterans, spouses and dependents of veterans or survivors of veterans in applying for all federal and state veterans' benefits and aid to which veterans, spouses and dependents of veterans or survivors of veterans may be entitled and in appealing any denial of veterans' benefits or aid. The curriculum shall include, but need not be limited to, training and education in the following areas:

(1) Applicable federal, state and local laws providing benefits or aid for veterans, spouses and dependents of veterans or survivors of veterans and other benefits or aid for which veterans, spouses or dependents of veterans or survivors of veterans may be eligible;

(2) Skills necessary to provide quality representation and advocacy on behalf of veterans, spouses or dependents of veterans or survivors of veterans, including case preparation and handling of administrative hearings and appeals;

(3) Effective communication skills;

(4) Health care, human services and referral resources; and

(5) Claims management. [2005 c.836 §3; 2007 c.357 §3; 2009 c.759 §2]

**406.454 Distribution formula; rules; use of funds.** (1) The Director of Veterans' Affairs shall adopt by rule a formula to distribute to county governing bodies funds appropriated to the director to enhance and expand the services provided by county veterans' service officers appointed under ORS 408.410. In developing the distribution formula, the director shall consider factors that include, but need not be limited to:

(a) The number of veterans residing in each county;

(b) A base amount to be distributed equally among counties;

(c) Retention by the Department of Veterans' Affairs of the amount that would otherwise be distributed to a county governing body if the county governing body has not appointed a county veterans' service officer;

(d) Criteria for withholding funds from a county governing body; and

(e) The purchase and coordination of a statewide computer system or other technology, or both, to facilitate efficient claims and appeals development and processing for veterans, spouses, dependents and survivors of veterans.

(2)(a) Funds retained under subsection (1)(c) of this section must be used to provide veterans' services in a county not providing a county veterans' service officer in a manner deemed appropriate by the director until such time as the county appoints or reinstates a county veterans' service officer.

(b) Funds retained under subsection (1)(c) and (d) of this section may be spent on:

(A) Training costs of veterans' service officers and other individuals providing similar services; and

(B) Providing veterans' services to veterans, spouses, dependents and survivors of veterans as deemed appropriate by the director. [2005 c.836 §4; 2007 c.357 §4; 2013 c.730 §3]

**Note:** Section 6, chapter 730, Oregon Laws 2013, provides:

**Sec. 6.** No later than February 28, 2017, the Secretary of State, the Director of Veterans' Affairs and the Director of the Department of Revenue shall each submit a report in the manner provided in ORS 192.245 to the Senate Committee on Rules and the House Committee on Rules. Each report submitted pursuant to this section shall describe the experience of the respective agency in implementing the respective provisions of this 2013 Act and may include recommendations for legislation. [2013 c.730 §6]

**406.456 Rules.** The Director of Veterans' Affairs shall adopt rules to implement ORS 406.450, 406.452 and 406.454. The rules shall include, but need not be limited to:

(1) Development and implementation of a distribution formula;

(2) Establishment of reporting and data collection requirements for county veterans' service officers including, but not limited to, the number of interviews conducted, the number of veterans, spouses and dependents of veterans or survivors of veterans served by the program, the number of claims filed, the outcomes of claims filed and the outreach activities conducted; and

(3) Establishment of service outcomes for county veterans' service officers. [2005 c.836 §5; 2007 c.357 §5]

**406.458 Consultation with Association of Oregon Counties; outreach.** (1) The Director of Veterans' Affairs shall carry out the provisions of ORS 406.450, 406.452, 406.454 and 406.456 and subsection (2) of this section in consultation with the Association of Oregon Counties.

(2) The Department of Veterans' Affairs shall conduct outreach to, and cooperate and coordinate with, cities, counties, community organizations, persons and organizations offering volunteer services under ORS 406.340 and any other person or organization to provide services and assistance described in ORS 406.450 (2) through alternative means and resources, including the media, in addition to the county veterans' service officers program established under ORS 406.450.

(3) The department shall make the informational materials and training opportunities described in ORS 406.450 (2)(b) available to the cities, counties, community organizations, persons and organizations described under subsection (2) of this section. [2005 c.836 §8; 2013 c.779 §2]

**Note:** 406.458 to 406.462 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 406 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**406.460 Limitation on use of funds by county governing body; exceptions.** (1) A county governing body that receives funds under ORS 406.454 may not use the funds to supplant moneys appropriated by the county governing body for county veterans' service officers.

(2)(a) Notwithstanding subsection (1) of this section, if a county governing body reduces appropriations to county programs, the county governing body may reduce the amount of moneys appropriated for county veterans' service officers by an amount not greater than the average percentage re-

duction imposed on all county programs for the same period of time.

(b) A county governing body that reduces the amount of moneys appropriated for county veterans' services officers under paragraph (a) of this subsection shall certify to the Director of Veterans' Affairs that the amount of the reduction is not greater than the average percentage reduction imposed on all county programs for the same period of time.

(3) Notwithstanding subsection (1) of this section, if the amount of moneys distributed to a county governing body by the Director of Veterans' Affairs to enhance and expand the services provided by county veterans' service officers appointed under ORS 408.410 for biennia beginning after June 30, 2007, is less than the amount of moneys distributed to the county governing body for the 2005-2007 biennium, the county governing body may reduce the amount of moneys appropriated by the county governing body for county veterans' service officers by an amount not greater than the same percentage of reduction. [2005 c.836 §6]

**Note:** See note under 406.458.

**406.462 Distribution of moneys by Director of Veterans' Affairs.** (1) Moneys appropriated to the Director of Veterans' Affairs for the purposes described in ORS 406.450 must be distributed to county governing bodies and expended for the purposes of ORS 406.450 and may not be used to supplant moneys currently budgeted by the director for services provided by county veterans' service officers.

(2) Notwithstanding subsection (1) of this section, the director may reduce the amount of moneys distributed to county governing bodies for county veterans' service officers if there is a decrease in the amount of General Fund revenues appropriated to the director for the purposes described in ORS 406.450 for the same period of time. [2005 c.836 §7]

**Note:** See note under 406.458.

## WORLD WAR II MEMORIAL

**406.500 World War II Memorial Task Force.** (1) The World War II Memorial Task Force is established. The Director of Veterans' Affairs shall be one of the co-chairpersons of the task force. The director shall appoint another cochairperson of the task force, and the cochairpersons may appoint other members at their discretion.

(2) The task force shall:

(a) Solicit private funding for the development, design and construction of a memo-

rial to honor Oregon's World War II veterans;

(b) After arranging for full funding for the memorial under paragraph (a) of this subsection, arrange for the development, design and construction of the memorial in the Capitol Mall area near the corner of Court Street and Cottage Street in the City of Salem, Marion County, Oregon; and

(c) Seek the input of World War II veterans, as appropriate.

(3) A majority of the members of the task force constitutes a quorum for the transaction of business.

(4) Official action by the task force requires the approval of a majority of the members of the task force.

(5) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(6) The task force shall meet at times and places specified by the call of one of the co-chairpersons or of a majority of the members of the task force.

(7) The task force may adopt rules necessary for the operation of the task force.

(8) Members of the task force are not entitled to compensation or reimbursement for expenses and serve as volunteers on the task force.

(9) All agencies of state government, as defined in ORS 174.111, are directed to assist the task force in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish such information and advice as the members of the task force consider necessary to perform their duties. [2011 c.463 §1]

**Note:** 406.500 and 406.505 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 406 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**406.505 Exception to land use regulations for memorial; maintenance.** (1) A World War II memorial constructed by the World War II Memorial Task Force created in ORS 406.500 is an outright permitted use without taking an exception under ORS 197.732 to the statewide land use planning goals or changing the acknowledged comprehensive plan or land use regulations of Marion County.

(2) The Department of Veterans' Affairs shall maintain the finished memorial. [2011 c.463 §2]

**Note:** See note under 406.500.

