

**CHAPTER 224**

AN ACT

SB 37

Relating to Oregon veterans' homes; creating new provisions; amending ORS 291.055, 305.727, 315.624, 408.365, 408.375, 408.380, 408.385 and 805.105; and repealing ORS 408.360 and 408.370.

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

**SECTION 1.** As used in ORS 408.365 to 408.385 and this section:

(1) "Edward C. Allworth Veterans' Home" means the veterans' home located in Lebanon.

(2) "Fourth Oregon Veterans' Home" means the veterans' home authorized under ORS 408.385 (3).

(3) "Oregon Veterans' Home" means the Edward C. Allworth Veterans' Home, The Dalles Oregon Veterans' Home, the Roseburg Oregon Veterans' Home or the Fourth Oregon Veterans' Home.

(4) "Roseburg Oregon Veterans' Home" means the veterans' home authorized under ORS 408.385 (1).

(5) "The Dalles Oregon Veterans' Home" means the veterans' home located in The Dalles.

(6) "Veteran" has the meaning given that term in ORS 408.225.

**SECTION 2.** ORS 408.365 is amended to read:

408.365. Moneys to pay for the expenses of operating *[the]* an 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, **section 1 (1)(e)**, 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]* an Oregon Veterans' Home, or moneys in the trust fund that the Department of Veterans' Affairs determines may be expended for those purposes.

**SECTION 3.** ORS 408.375 is amended to read:

408.375. (1) 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]* **each Oregon Veterans' Home. The director shall contract with an entity that is experienced in the operation and staffing of long term care facilities, as defined in ORS 442.015.**

(2) The contract executed under this section *[shall be]* is subject to the requirements of ORS chapters 279A and 279B, except ORS 279A.140 and 279B.235, and *[shall]* **must** provide that:

*[(1)]* (a) The party who contracts to manage and operate the *[second]* Oregon Veterans' Home *[shall*

*be]* is responsible for hiring and maintaining the necessary staff for the facility.

*[(2)]* (b) The Director of Veterans' Affairs *[shall]* assign *[a sufficient number of]* **one or more** state employees, in the discretion of the director, to provide oversight of the management of the facility.

*[(3)]* (c) The *[second]* Oregon Veterans' Home may **only** 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.]* **residents who are any of the following:**

(A) A veteran.

(B) The spouse or surviving spouse of a veteran.

(C) The parent of a child who died while serving in the Armed Forces of the United States.

(D) Any other person who is eligible for admittance according to criteria adopted by the Department of Veterans' Affairs by rule and consistent with federal law.

**SECTION 4.** ORS 408.380 is amended to read:

408.380. (1) As used in this section, "long term care facility" has the meaning given that term in ORS 442.015.

(2) *[The]* **Except as provided in subsection (3) of this section, an 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 a long term care *[facilities]* **facility** operated by a nongovernmental *[entities are]* **entity** is 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.]

(3) **Notwithstanding ORS 442.315 and 442.325, an Oregon Veterans' Home is not subject to any certificate of need requirement.**

(4) **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.**

**SECTION 5.** ORS 408.385 is amended to read:

408.385. (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]* **the Roseburg Oregon Veterans' Home.**

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

(3) If the director determines that *[three]* **The Dalles Oregon Veterans' Home, the Edward C. Allworth Veterans' Home and the Roseburg Oregon Veterans' Home** facilities will not be suffi-

cient to provide for the needs of the veterans of Oregon, the director may begin planning for and developing [one additional] **the Fourth** Oregon Veterans' Home.

**SECTION 6.** ORS 291.055 is amended to read:

291.055. (1) Notwithstanding any other law that grants to a state agency the authority to establish fees, all new state agency fees or fee increases adopted during the period beginning on the date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly:

(a) Are not effective for agencies in the executive department of government unless approved in writing by the Director of the Oregon Department of Administrative Services;

(b) Are not effective for agencies in the judicial department of government unless approved in writing by the Chief Justice of the Supreme Court;

(c) Are not effective for agencies in the legislative department of government unless approved in writing by the President of the Senate and the Speaker of the House of Representatives;

(d) Shall be reported by the state agency to the Oregon Department of Administrative Services within 10 days of their adoption; and

(e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly as described in this subsection, unless otherwise authorized by enabling legislation setting forth the approved fees.

(2) This section does not apply to:

(a) Any tuition or fees charged by a public university listed in ORS 352.002.

(b) Taxes or other payments made or collected from employers for unemployment insurance required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contributions and assessments calculated by cents per hour for workers' compensation coverage required by ORS 656.506.

(c) Fees or payments required for:

(A) Health care services provided by the Oregon Health and Science University, by the Oregon Veterans' Homes **pursuant to ORS 408.365 to 408.385 and section 1 of this 2019 Act** and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.

(B) Copayments and premiums paid to the Oregon medical assistance program.

(C) Assessments paid to the Department of Consumer and Business Services under sections 3 and 5, chapter 538, Oregon Laws 2017.

(d) Fees created or authorized by statute that have no established rate or amount but are calculated for each separate instance for each fee payer and are based on actual cost of services provided.

(e) State agency charges on employees for benefits and services.

(f) Any intergovernmental charges.

(g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the Oregon Forest Land Protection Fund fees established by ORS 477.760.

(h) State Department of Energy assessments required by ORS 456.595 and 469.421 (8).

(i) Assessments on premiums charged by the Director of the Department of Consumer and Business Services pursuant to ORS 731.804 or fees charged by the director to banks, trusts and credit unions pursuant to ORS 706.530 and 723.114.

(j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.

(k) Fees charged by the Housing and Community Services Department for intellectual property pursuant to ORS 456.562.

(L) New or increased fees that are anticipated in the legislative budgeting process for an agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted budget or the legislatively approved budget for the agency.

(m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004.

(n) Portal provider fees as defined in ORS 276A.270 and established by the State Chief Information Officer under ORS 276A.276 (3) and recommended by the Electronic Government Portal Advisory Board.

(o) Fees set by the State Parks and Recreation Director and approved by the State Parks and Recreation Commission under ORS 390.124 (2)(b).

(3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unexpected and temporary revenue surpluses may be increased to not more than their prior level without compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency specifies the following:

(A) The reason for the fee decrease; and

(B) The conditions under which the fee will be increased to not more than its prior level.

(b) Fees that are decreased for reasons other than those described in paragraph (a) of this subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.

**SECTION 7.** ORS 305.727 is amended to read:

305.727. (1) In addition to the opportunity to be listed on the Oregon individual tax return forms under ORS 305.725, an entity on the eligibility roster may apply to the commission for listing in the Department of Revenue instructions for tax return checkoff contribution as provided in this section.

(2) In order to qualify for instruction listing, the entity must apply to the commission in the manner in which an entity applies for listing on the individual tax forms under ORS 305.725.

(3) In order to qualify for instruction listing, the entity must meet the qualifications described in ORS 305.720, collect 10,000 or more signatures from elec-

tors of this state attesting that the electors support the entity qualifying for instruction listing and be:

(a) [The] **An Oregon Veterans' Home, as defined in section 1 of this 2019 Act**, the Nongame Wildlife Fund, the Alzheimer's Disease Research Fund, the Oregon Military Emergency Financial Assistance Fund, the Oregon Department of Veterans' Affairs Veterans Suicide Prevention and Outreach Program Fund, the Oregon Volunteer Firefighters Association, but only if contributions are dedicated to the direct costs of firefighter training or to the assistance of a firefighter, or a firefighter's immediate family, who has experienced hardship resulting from the death, injury or illness of the firefighter, or the subaccount described in ORS 316.493 for contributions dedicated to the prevention of child abuse and neglect;

(b) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code with a gross income of at least \$1 million for the year prior to application; or

(c) The central office for a group of affiliated nonprofit organizations with a collective gross income of at least \$1 million in the year prior to the year of application.

(4) The commission shall review applications and approve those that meet the qualifications of ORS 305.720 and this section. An entity that is approved by the commission shall thereafter qualify for instruction listing for six years and thereafter must reapply under this section for continued listing in additional six-year periods, except that an entity that reapplies does not need to collect 10,000 or more signatures.

(5) The commission shall certify those entities that are on the eligibility roster and that the commission has approved in the interim since the last preceding certification to the Department of Revenue for listing in the instructions to the forms described in ORS 305.710.

(6) The department shall include in the instructions to the forms described in ORS 305.710 a list of entities that have been certified by the commission under this section as of the date the instructions for the forms must be prepared.

(7) The department shall cause two lines to be included on the Oregon individual tax return forms following the listing of the entities described in ORS 305.715 (2). These lines may be used by a taxpayer to designate one entity or two entities that have qualified for instruction listing under this section as the recipients of checkoff contributions by the taxpayer.

(8) Amounts contributed by charitable checkoff to an instruction-listed entity shall be subject to and distributed as provided in ORS 305.747.

**SECTION 8.** ORS 315.624 is amended to read:

315.624. (1) A resident or nonresident individual physician licensed under ORS chapter 677 who is engaged in the practice of medicine qualifies for an annual credit against the taxes that are otherwise due under ORS chapter 316 if the physician provides

medical care to residents of an Oregon Veterans' Home, **as defined in section 1 of this 2019 Act**.

(2) The amount of the credit allowed under this section shall be equal to the lesser of:

(a) \$1,000 for every eight residents to whom the physician provides care at an Oregon Veterans' Home; or

(b) \$5,000.

(3) The credit allowed under this section may not exceed the tax liability of the taxpayer for the tax year, and a credit allowed under this section that is unused may not be carried forward to a succeeding tax year.

(4) A nonresident shall be allowed the credit described in this section in the proportion provided in ORS 316.117. If a change in the status of a taxpayer from resident to nonresident or from nonresident to resident occurs, the credit allowed by this section shall be determined in a manner consistent with ORS 316.117.

(5) In order to qualify for the tax credit allowed under this section, the physician claiming the credit must submit with the physician's tax return a letter from the Oregon Veterans' Home at which the physician provided care to residents, confirming that the physician missed no more than five percent of the physician's scheduled visits with residents of the home during the tax year.

(6) In the case of a shareholder of a corporation or a member of a partnership, only the care provided by the individual shareholder or partner shall be considered, and the full amount of the credit shall be allowed to each shareholder or partner who qualifies in an individual capacity.

(7) The Director of Veterans' Affairs shall assist the Department of Revenue in determining if a taxpayer claiming a credit under this section qualifies for the credit.

**SECTION 9.** ORS 805.105 is amended to read:

805.105. (1) The Department of Transportation shall establish a veterans' recognition registration plate program to issue registration plates called "veterans' recognition registration plates" upon request to an owner of any motor vehicle registered under ORS 803.420 (6)(a) if the owner of the motor vehicle qualifies for the plates. Rules adopted under this section shall include, but need not be limited to, rules that:

(a) Describe general qualifications to be met by any veterans' group in order to be eligible for a veterans' recognition registration plate issued under this section.

(b) Specify circumstances under which the department may cease to issue veterans' recognition registration plates.

(c) Specify what constitutes proof of veteran status for issuance of a veterans' recognition registration plate, if such proof is required by a veterans' group or by the Director of Veterans' Affairs.

(d) Specify what constitutes proof that a person is a surviving family member of a person who was killed in action during an armed conflict while

serving in the Armed Forces of the United States. The department may only issue a veteran's recognition registration plate displaying a gold star decal and the words "Gold Star Family" to a person who is a parent, sibling, spouse or dependent of a person who was killed in action during an armed conflict while serving in the Armed Forces of the United States.

(2)(a) In addition to any other fee authorized by law, upon issuance of a veterans' recognition registration plate under this section and upon renewal of registration for a vehicle that has plates issued under this section, the department shall collect a surcharge of \$2.50 per plate for each year of the registration period for the vehicle as described under ORS 803.415.

(b) Except as otherwise provided in paragraph (c) of this subsection, net proceeds of the surcharge collected by the department for the veterans' recognition registration plate shall be deposited in the trust fund established under ORS 406.050 for paying the expenses of operating the Oregon Veterans' [Home] **Homes identified in section 1 of this 2019 Act.**

(c) If the department issues a veterans' recognition registration plate that names, describes or represents a veterans' group, that veterans' group may designate an account into which the net proceeds of the surcharge collected by the department under this section are to be deposited. The department shall keep accurate records of the number of plates issued under this paragraph for each veterans' group and, after payment of administrative expenses of the department, shall deposit moneys collected under this subsection into the specified account.

(d) Deposits under this subsection shall be made quarterly.

(3)(a) In consultation with the Department of Transportation, the Director of Veterans' Affairs

shall design the veterans' recognition registration plate.

(b) If the department issues a veterans' recognition registration plate to recognize a veterans' group, the department shall, in consultation with the requesting veterans' group, add words or a military-related decal to the veterans' recognition registration plate that names, describes or represents the veterans' group.

(c) The department shall add a gold star decal and the words "Gold Star Family" to a veterans' recognition registration plate background to recognize surviving family members of persons killed in action during an armed conflict while serving in the Armed Forces of the United States.

(d) Except as otherwise required by the design, veterans' recognition registration plates must comply with the requirements of ORS 803.535.

(4) The department shall determine how many sets of veterans' recognition registration plates will be manufactured. If the department does not sell or issue renewal for 500 sets of veterans' recognition registration plates in any one year, the department shall cease production of veterans' recognition registration plates. For the purposes of this section, veterans' recognition registration plates that name, describe or represent a veterans' group are included in the total number of veterans' recognition registration plates issued.

(5) For the purposes of this section, "sibling" includes siblings of the whole or half blood and siblings by adoption, marriage or domestic partnership.

**SECTION 10. ORS 408.360 and 408.370 are repealed.**

Approved by the Governor June 4, 2019

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