Chapter 408

1957 REPLACEMENT PART

Miscellaneous Veterans' and Servicemen's Benefits

EDUCATIONAL BENEFITS FOR VETERANS

408.010 Definitions for and application of ORS 408.010 to 408.110
408.020 Financial aid for educational purposes; limitations on eligibility for aid
408.025 Cut-off date for educational aid for World War II veterans
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 Computation of monthly payments; payment procedure
408.070 Investigation of institutions; rules and regulations
408.080 Levy of taxes to finance program
408.090 Handling of donations
408.100 Payment of expenses
408.110 Constitutional limitations not to apply

ADVANTAGES GIVEN VETERANS IN PUBLIC EMPLOYMENT

408.210 Definitions for ORS 408.240 to 408.280
408.220 Preference of veterans in public employment
408.230 Veterans' preference on civil service examinations
408.240 Status and rights of public officer and employe during and after military duty
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 employe's seniority and tenure
408.280 Reelection of public officer while in military service
408.290 Benefits for public employes on temporary active duty in Armed Forces

COUNTY AID TO VETERANS; MISCELLANEOUS BENEFITS

408.410 Appointment of county service officer; duties
408.420 Recording discharge papers
408.430 Free service to veterans rendered by county clerk
408.440 Land of serviceman exempt from foreclosures 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
408.490 Purchase of United States flags for placement on veterans' graves

HOMES AND MEETING FACILITIES FOR VETERANS; INSANE VETERANS

408.510 City acquisitions of land for soldiers' home
408.520 Incurring city indebtedness for soldiers' home
408.530 Condemnation of property for soldiers' home
408.540 Use of buildings by veterans' organizations
408.550 Use of armories for meetings of veterans' and other organizations
408.560 Use of public buildings for meetings of veterans' and other organizations
408.570 Commitment of mentally ill veterans to Veterans Administration hospitals
408.580 Transfer of mentally ill veterans from state to federal hospitals
408.590 Annual appropriation to United Spanish War Veterans

BENEFITS TO INDIGENT VETERANS

408.710 Indigent war veteran defined; effect of property ownership
408.720 Indigents entitled to relief; method of financing program
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

CROSS REFERENCES

Admission of veterans to tuberculosis hospitals, 437.170

Distribution of proceeds from boxing exhibitions to veterans organizations, 463.170

Licensing of accountants who are veterans, 673.110

Motor vehicle operator's license, renewal of after expiration, 482.020

Service in Armed Forces not to affect right to vote, 247.280

Special probationary period for veteran teachers, 342.240

Unlawful use of discharge insignia, 165.355

Veterans' preference to water rights, 555.400

Veterans' tax exemptions, 307.250, 316.110

"War veteran" defined, 174.100

408.070
Rules of state agencies, 183.310 to 183.410

408.080
Limit on collection of state property tax, 311.660

408.100
Expenditures without allotment prohibited in certain cases, 291.238

408.220
"War veteran" defined, 174.100

408.230
"War veteran" defined, 174.100

408.270
Military duty's effect on retirement, 237.093, 237.097

408.450
Effect of service on bar fees, 9.190

408.480
Director's duty regarding veterans' legislation, 406.040

408.510
City's power to appropriate land for memorials, 226.320, 226.400

Proceeds from tax lands appropriated for veterans' meeting place, 358.110

408.550
Building and maintaining house for servicemen, 276.732

408.720
Recognition of veteran of Indian wars, 397.140

EDUCATIONAL BENEFITS FOR VETERANS

408.010 Definitions for and application of ORS 408.010 to 408.110. (1) As used in ORS 408.010 to 408.110, unless otherwise required by the context:

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

(b) "Beneficiary" means and includes all war veterans of World War II who were residents of and domiciled within Oregon for one year prior to entrance in service, who are also residents of Oregon at the time they apply for benefits under ORS 408.010 to 408.110, who have served at least three months in the Armed Forces of the United States and whose applications for such benefits have been approved by the director. However, unless otherwise required by context, no aliens, alien enemies, persons who avoided combat service by claiming to be a conscientious objector, persons who served less than three months in the Armed Forces, or persons inducted or enlisted into the military or naval service, who received civilian pay for civilian work, shall be given aid under ORS 408.010 to 408.110.

(2) Persons who have served in the active Armed Forces of the United States between June 25, 1950, and January 31, 1955, and who were relieved or discharged from such service under honorable conditions shall be entitled to all the rights, privileges and benefits of war veterans authorized by ORS 408.010 to 408.110. [Amended by 1957 c.195 §1]

408.020 Financial aid for educational purposes; limitations on eligibility for aid. (1) Beneficiaries who desire to pursue an approved course of study or vocational training in or in connection with any accredited state or other public school or accredited private school or accredited college, shall have the right and privilege of state financial aid as provided in ORS 408.020 to 408.110, payable at the rate of $35 per month for each month of such study or training, not to exceed the total number of months served in the Armed Forces or a total of 36 months, whichever is less. Beneficiaries pursuing full-time undergraduate college courses after September 1, 1949, shall receive additional state financial aid in the amount of $15 per month for each month of such study.

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

(3) No beneficiary shall receive payments or benefits under ORS 408.010 to 408.110 at the same time that he is receiving educational aid under any federal Act. Time spent by an applicant in the army specialized training program, the Navy V-12 program, or other like training program, shall not be counted as service in the Armed Forces within the purview of paragraph (b) of subsection (1) of ORS 408.010.

408.025 Cut-off date for educational aid for World War II veterans. No beneficiary whose entitlement is based on service in the Armed Forces as a war veteran of World War II shall commence a new course of study or training after June 30, 1959. Any beneficiary following a course of study or training on or before that date shall be allowed to continue until same is completed, or until his entitlement has expired, whichever occurs first. [1955 c.206 §2; 1957 c.24 §1]

408.030 Filing application with educational institution. Any beneficiary who desires to pursue a course of study or vocational training may file, upon a form approved by the director, an application with the executive head of the institution in which he desires to pursue such course. In the application he shall set forth the date of his enlistment or induction into the service of the United States, the date of his discharge, a certified copy of his discharge or document evidencing release from active duty, the courses of study he desires to pursue, and the length of time he intends to pursue such courses.

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 him, endorse his approval or disapproval thereof. If the application is approved it shall be forthwith forwarded to the director, who shall check it. He shall determine whether or not the institution of learning is accredited and if the tuition and other charges are reasonable. He shall also determine whether or not the institution of learning or vocational training school is reasonably qualified to

provide the instruction desired by the beneficiary. He shall satisfy himself that the beneficiary has reasonable qualifications to pursue the course of study chosen by him 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, he may approve the application and file it in his office; otherwise he 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 educational institution or vocational training school, after a finding by the director, supported by evidence satisfactory to him, that any delay in making application was caused by excusable oversight or neglect.

408.050 Monthly statement by institution. On or before the tenth day of each calendar month the executive head of the institution of learning or his authorized representative, shall render a duly certified statement to the director, setting forth the names of the beneficiaries attending the institution during the preceding calendar month and the amount of schooling or training furnished such beneficiaries in accordance with ORS 408.010 to 408.110. 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 Computation of monthly payments; payment procedure. (1) The maximum monthly payments provided in ORS 408.020 shall be allowed to any beneficiary who faithfully attends 40 or more hours of instruction in any one month; and to those scheduling less than such number of hours, a proportionate part of the maximum payments for any one month, based upon the actual number of hours scheduled, shall be allowed. Any beneficiary whose proportion is less than his actual expenses incident to the pursuit of such course of study or training shall be allowed such expenses in lieu thereof, not to exceed the payments provided in ORS 408.020 in any one month. In case of inability to attend courses on account of illness not exceeding two weeks, the monthly amount allowed shall be the average allowed for the preceding two months.

(2) Upon receipt of the monthly statement provided for in ORS 408.050, the director, if he finds that it is correct, shall issue a voucher to the Secretary of State, and the Secretary of State shall issue his warrant on the State Treasurer in favor of each beneficiary. Such warrant shall be paid out of the funds appropriated for the administration of ORS 408.010 to 408.110.

408.070 Investigation of institutions; rules and regulations. (1) The director 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 408.110, to ascertain whether or not the spirit of those sections is being complied with. If he determines, after such investigation as he 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 said agencies are required to render any such service requested by the director.

(2) The director may adopt and promulgate all necessary rules and regulations consistent with ORS 408.010 to 408.110 to carry those sections into effect.

408.080 Levy of taxes to finance program. There shall be included in the state levy of taxes each year an amount equal to two-tenths of a mill on the dollar of the total value of taxable property of the state according to the next previous assessment and equalization thereof. Such amount shall be collected and paid to the State Treasurer in the same manner as the other state taxes are collected and paid and shall be used only for the purposes specified in ORS 408.010 to 408.110. However, the operation of this section shall be suspended for the fiscal years beginning July 1, 1957, and July 1, 1958, only. [Amended by 1953 c.62 §2; 1957 c.91 §1]

408.090 Handling of donations. The director, acting in 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 408.110, and if made in cash or its equiva-

lent or reduced thereto, shall be promptly paid by the director to the State Treasurer, who shall credit the amount so received to a special 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 gifts or inheritances under the laws of this state.

408.100 Payment of expenses. All expenses incurred in administration of ORS 408.010 to 408.110, including the necessary expenses of the director and the salary and expenses of any persons appointed by him to assist him in performance of his duties under those sections, shall be paid from the moneys provided for in ORS 408.080 and said moneys hereby are appropriated for such purposes. The Secretary of State shall audit all claims duly approved by the director, incurred in pursuance of law and said appropriation and draw his warrants on the State Treasurer in payment thereof.

408.110 Constitutional limitations not to apply. The limits imposed by section 11, Article XI, Oregon Constitution shall not apply to any amount authorized to be levied and appropriated under ORS 408.080 to 408.100.

408.120 to 408.200 [Reserved for expansion]

ADVANTAGES GIVEN VETERANS IN PUBLIC EMPLOYMENT

408.210 Definitions 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.

408.220 Preference of veterans in public employment. In every department and upon all public work of this state, and of any county, city, municipal corporation or other political subdivision thereof, war veterans shall be preferred for appointment and employment if the veteran possesses a business capacity necessary to discharge the duties of the position.

408.230 Veterans' preference on civil service examinations. (1) Every war veteran who has successfully completed all phases of a civil service entrance test shall be allowed preference on the list established as a result of such test. Preference means that to the score of such war veteran who has passed a test five points shall be added, and if the veteran has a service-connected disability of not less than 10 percent, recognized and certified as such by the United States Veterans Administration, he or she shall be accorded another five points in addition to the passing grade earned in such test. All such points shall be added to the total combined test score of the veteran and shall not be allocated to any single feature or part of the examination. Rating shall be based on a scale of 100 points as the maximum attainable.

(2) Any person who has been appointed permanently to a civil service position, granted military leave to serve in the armed services during a period which would qualify him as a war veteran and who has returned to duty in a permanent civil service position, shall be allowed such preference on any successfully completed promotion test. However, when any person using such preference receives a promotive appointment and successfully completes his probationary period, no further preference for promotion will be granted. Such preference for promotion shall only be allowed to those war veteran candidates for promotion, on tests conducted prior to July 1, 1955, or prior to six years from the date of separation from the Armed Forces of the United States under honorable conditions, whichever date is the later.

408.240 Status and rights of public officer and employe during and after military duty. (1) Whenever any public officer or employe leaves a position after June 24, 1950, whether voluntarily or involuntarily, in order to perform military duty, such office or position shall not become vacant,

nor shall the officer or employe be subject to removal as a consequence thereof. Unless he dies, resigns or is relieved or discharged from such duty under other than honorable conditions, during the term for which he was elected, appointed or employed, such officer or employe shall be deemed absent on leave until his release from such active service has permitted him to resume the duties of his office or position. While so absent on leave, he shall not receive the pay or other emolument of such office or position, nor become liable, as such officer or employe, on his 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 employe, upon the termination of such military duty, is qualified to perform the duties of such position, and makes application within 90 days after he is relieved from such military duty, or from hospitalization continuing after discharge for a period of not more than one year. If he 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 employe shall be restored to such other position, the duties of which he is qualified to perform, as will provide him like seniority, status and pay, or the nearest approximation thereof, consistent with the circumstances in his case.

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 his place and stead. Such substitute shall be appointed by the authority having power to have appointed him as successor had such office become vacant. He 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. He shall be designated by the title of the office, followed by the words "pro tem." He shall be invested with the authority, duties and responsibilities, and shall receive the emoluments of the office, in lieu of the officer for whom he 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 his 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 his service as substitute.

408.270 Restoration of employe's seniority and tenure. Upon the termination of any leave granted by ORS 408.240, every public employe shall be restored to his position without loss of seniority or other benefits. It is the intention of the Legislative Assembly that such employe shall be restored in such manner as to give him the status in his employment that he would have enjoyed if he had continued in such employment continuously from the time of his entering the Armed Forces until the time of his restoration to such employment. Any person so restored to his position shall not be discharged from such position without cause within one year after such restoration. Any employe who has not completed his probationary period in his 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 his military service in the Armed Forces of the United States for which a leave of absence has been granted to him pursuant to ORS 408.240 and he is reelected to such office, he shall continue in such office and on such leave of absence. The pro tem officer acting in his 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 he has qualified for the resumption of his duties of said office as required by law, and has conformed to the requirements of ORS 408.240, the appointment of his substitute shall terminate in the same manner as provided in ORS 408.260.

408.290 Benefits for public employes on temporary active duty in Armed Forces. (1) Except as provided in subsection (2) of this section, for all periods of active duty as a member of the National Guard or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, any officer or employe 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 his duties for a period not exceeding 15 days in any one calendar year, without loss of time, pay or regular leave and without impairment of efficiency rating or other rights or benefits to which he is entitled.

(2) Unless he 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 his application, no officer or employe is entitled to receive pay for any period during which he is on military leave. [Amended by 1955 c.104 §1]

408.300 to 408.400 [Reserved for expansion]

COUNTY AID TO VETERANS; MISCELLANEOUS BENEFITS

408.410 Appointment of county service officer; duties. Any county court or board of county commissioners may appoint a service officer who shall give aid and assistance to any veteran, his widow or dependents, in applying to the federal or state veterans agencies for all benefits and aid to which they are entitled by federal, state or local laws, rules and regulations. The court or board shall fix the compensation of the service officer, provide him with an office and the necessary equipment therefor in the same manner as provided for any other county officer, and shall make provision in the budget for the employment of the service officer and the expense for the proper maintenance of such office.

408.420 Recording discharge papers. Each county clerk, or recorder of conveyances if there is one, shall maintain in his office a special book in which he shall, upon request, record the final discharge of any war veteran. No recording fee shall be collected when the war veteran requesting such record is an actual resident of said county or was such a resident at the time of his 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 such record, an alphabetical index referring to the name of the soldier, sailor or marine whose name appears in each discharge paper so recorded. Such books as are necessary for the recording of the discharge papers shall be paid for by the several counties in the manner provided for paying other claims against the county.

408.430 Free services to veterans rendered by county clerk. The county clerk and the clerk of the county court in each county shall administer all oaths required in matters of pensions, certify pension vouchers, affix the seal of the county court whenever required, and make and prepare copies of any documents of record in his 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.

408.440 Land of serviceman 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 man 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 his organization 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 he 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 his 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 State Board of Control shall have authority to enter into contract with the United States Government for the care of such persons in such home.

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 [Reserved for expansion]

HOMES AND MEETING FACILITIES FOR VETERANS; INSANE VETERANS

408.510 City acquisition of land for soldiers' 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 United States for the construction thereon of a national soldiers' home or branch thereof. 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 people of the State of Oregon. For the purpose of exercising the power of eminent domain under this section and ORS 408.530 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.

408.520 Incurring city indebtedness for soldiers' home. In connection with the exercise of the powers granted by ORS 408.510, such incorporated cities may incur such indebtedness and issue such bonds, warrants or other evidences of debt as their respective charters may authorize.

408.530 Condemnation of property for soldiers' home. For the purpose of exercising the powers conferred by ORS 408.510, 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.

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 Use of armories for meetings of veterans' and other organizations. The state authorities having charge of armories located in counties where there are organized units of war veterans or their auxiliaries, or of Ladies of the Grand Army of the Republic, or of Daughters of Union Veterans of the Civil War, or of Sons of Union Veterans of the Civil War or their auxiliaries, upon written request of the executive head of any such organization, shall provide suitable meeting places, including anterooms, in the armories free of cost to such organizations, if there is sufficient unoccupied space in the armories so to do and occupancy by any of such organizations does not materially interfere with occupancy of the armory for the purpose for which it was originally intended.

408.560 Use of public buildings for meetings of veterans' and other 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 organization mentioned in ORS 408.550, 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.

408.570 Commitment of mentally ill veterans to Veterans Administration hospitals. When a veteran who has been adjudged insane is eligible for treatment in a United States veterans facility and commitment is necessary for the proper care and treatment of such veteran, the court of the county in which the veteran is found may, upon receipt of a certificate of eligibility from the Veterans Administration, direct his commitment to the Veterans Administration for hospitalization in a United States veterans facility. Upon admission to any such facility, the veteran shall be subject to the rules and regulations of the Veterans Administration and the chief officer of such facility shall be vested with the same powers exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention, transfer or parole of the veteran so committed. Notice of pending commitment proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied. 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 such commitment were made by a court of this state.

408.580 Transfer of mentally ill veterans from state to federal hospitals. Upon receipt of a certificate of eligibility and available facilities, the Oregon State Board of Control may, upon notice to the committing court, cause to be transferred any veteran from any mental hospital to which he has been committed 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 insanity, 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 though the facility had been the one to which the order of commitment had originally been made.

408.590 Annual appropriation to United Spanish War Veterans. There is appropriated out of the General Fund the sum of $1,900 annually for the purpose of aiding the Department of Oregon, United Spanish War Veterans, in maintaining department headquarters in Portland, Oregon, and for contributing to the expenses of the annual encampment of said organization to be held in various cities within this state. The appropriation shall be paid to such organization in quarterly instalments on or before the fifth day of July, October, January and April of each year. The Secretary of State shall issue his warrants in payment thereof.

408.600 to 408.700 [Reserved for expansion]

BENEFITS TO INDIGENT VETERANS

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

(2) No person shall be deprived of the benefits provided for in ORS 408.720 to 408.750 by reason of the fact that he owns property which is not of such a character that it may be used to give him assistance, or owns a home which is not disproportionate to the needs of such veteran and his family. No person shall be deprived of such benefits until he has ceased to be domiciled in the county for a period of one year.

408.720 Indigents entitled to relief; method of financing program. (1) The county court or the board of county commissioners is authorized to levy, in addition to the taxes now authorized to be levied by law, a tax not exceeding five-tenths of one mill upon taxable property in their respective counties, to be levied and assessed as now provided by law for the assessment and collection of taxes, to create a fund to defray the funeral and last sickness expenses of persons described in paragraphs (a) and (b) of this subsection and of the indigent wives, widows and minor children of such persons, and for the relief of the following:

(a) Indigent war veterans who have resided in Oregon for three years and in the county for one year.

(b) Indigent soldiers and volunteers who served not less than 10 days in any of the Indian wars, or who received a permanent disability while in such service, and who have resided in Oregon one year and in the county for three months.

(c) Indigent widows and minor children of such war veterans, soldiers and volunteers.

(2) If no levy is made by the court or board for any year for the objects specified in subsection (1) of this section, all expenses incurred under ORS 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.

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. He 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) He 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 his hands 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 war veteran, and the indigent wives, widows and the minor children of such war veterans. [Amended by 1955 c.56 §1]

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. He 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.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on December 2, 1957.

Sam R. Haley
Legislative Counsel

CHAPTERS 409 AND 410

[Reserved for expansion]