Chapter 408

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Miscellaneous Benefits for Veterans and Service Personnel

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EDUCATIONAL BENEFITS FOR VETERANS

408.010 Definitions for and application of ORS 408.010 to 408.090. As used in ORS 408.010 to 408.090, unless otherwise required by the context:

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

(2) "Beneficiary" means and includes all persons who were veterans of World War II, or who served in the active Armed Forces of the United States between June 25, 1950, and January 31, 1955, or subsequent to June 30, 1958, in a campaign or expedition for which the person received or qualified for the Armed Forces Expeditionary Medal or Vietnam Service Medal, and who was relieved or discharged from such service under honorable conditions and who was a resident of and domiciled within Oregon for one year prior to entrance in service and who was also a resident of Oregon at the time the person applied for benefits under ORS 408.010 to 408.090. However, unless otherwise required by context, no aliens, alien enemies, persons who avoided combat service by claiming to be conscientious objectors, persons who served less than 90 days 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 408.090. [Amended by 1957 c.195 §1; 1965 c.517 §1; 1967 c.382 §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 408.090, 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 408.090 at the same time that the beneficiary is receiving educational aid under any federal Act based upon prior service in the Armed Forces. Time spent by 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 ORS 408.010 (2)(b). [Amended by 1967 c.383 §1]

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 the 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 the beneficiary desires to pursue such course. In the application the beneficiary shall set forth the date of enlistment or induction into the service of the United States, the date of discharge, a certified copy of the discharge or document evidencing release from active duty, the courses of study the beneficiary desires to pursue, and the length of time the beneficiary intends to pursue such courses.

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

(2) Upon approval of an application, benefits are payable beginning with the first day of the applicant's attendance during the current term of an educational institution or

vocational training school, after a finding by the director, supported by evidence satisfactory to the director, that any delay in making application was caused by excusable oversight or neglect.

408.050 Monthly statement by institution. On or before the 10th day of each calendar month the executive head of the institution of learning or authorized representative, shall render a duly certified statement to the director, 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 408.090. The statement shall contain a report of the attendance and general attitude and aptitude of each beneficiary, and the number of hours of recitation, lectures or other training scheduled, and a statement of the beneficiary's diligence and progress.

408.060 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 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 the director finds that it is correct, shall issue a voucher to the Executive Department which shall issue a 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 408.090. [Amended by 1983 c.740 §129]

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 408.090, to ascertain whether or not the spirit of those sections is being complied with. If the director determines, after such investigation as the director deems necessary, that any such institution or place is not furnishing bona fide courses of instruction to the beneficiary or beneficiaries, or that any beneficiary is abusing the privileges granted by ORS 408.020, no money shall be paid to any beneficiary who is not receiving bona fide instruction or who is abusing such privileges. In making the investigations, the director may use the services of any state or county agency, and 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 408.090 to carry those sections into effect.

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

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

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

408.100 [Repealed by 1961 c.326 §8]

408.110 [Repealed by 1961 c.326 §8]

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 [Repealed by 1977 c.854 §5]

408.225 Definitions for ORS 241.240 and 408.225 to 408.235. As used in ORS 241.240 and 408.225 to 408.235.

(1) "Veteran" means a person, other than a person entitled to retirement pay from the United States based on length of military service, who served on active duty with the Armed Forces of the United States for a period of more than 180 consecutive days, and was discharged or released therefrom with other than a dishonorable discharge; or a person who served on active duty with the Armed Forces of the United States for 180 days or less and was discharged or released therefrom with other than a dishonorable discharge because of a service-connected disability. Attendance at a school under military orders, except schooling incident to an active enlistment or regular tour of duty, or normal military training as a reserve officer or member of an organized reserve or national guard unit shall not be considered active duty.

(2) "Disabled veteran" means a person entitled to disability compensation under laws administered by the United States Veterans Administration, a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a person who was awarded the Purple Heart for wounds received in combat. [1977 c.854 §1; 1981 c.493 §1; 1989 c.507 §1]

408.230 Veterans' preference on civil service examinations. (1) Every veteran and disabled veteran who has successfully completed all phases of a civil service test shall be allowed preference on the list established as a result of such test. Preference means that to the score of a veteran who has passed a test five points shall be added, and to the score of a disabled veteran who has passed a test 10 points shall be added. 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 except for the addition of the preference points allowed under this section.

(2) Any person who has been appointed permanently to a civil service position, granted military leave to serve in the armed services who would qualify as a veteran or disabled veteran and who has returned to duty in a permanent civil service position, shall be allowed such preference on any successfully completed promotion test for a position which would put the person in another class having a higher maximum salary rate. [Amended by 1977 c.854 §3; 1989 c.507 §2]

408.235 Eligibility for preference; limitation on use. (1) Except for a veteran described in subsection (2) of this section, a veteran is eligible to use the preference provided for in ORS 408.230 only for a position for which application is made within 15 years of discharge or release from service in the Armed Forces. Such time limit shall not apply in the case of a disabled veteran.

(2) A veteran whose service in the Armed Forces of the United States occurred between January 1, 1962, and May 7, 1975, within the borders of Vietnam, Cambodia, Laos or Thailand may use the preference provided for in ORS 408.230 only for a position for which application is made by July 1, 1999.

(3) Once a veteran has used the preference provided for in ORS 408.230 and has successfully completed trial service and attained regular employee status, the veteran may not use the preference again. Such limitation shall not apply in the case of a disabled veteran.

(4) Notwithstanding ORS 408.230 and subsections (1) to (3) of this section, a veteran whose service on active duty in the Armed Forces of the United States occurred entirely on or after October 15, 1976, may not use the preference provided for in ORS 408.230 unless the veteran was in the theater of operations when the Armed Forces of the United States were engaged in armed conflict with military forces of another nation or with terrorist or other armed forces. [1977 c.854 §4; 1989 c.507 §3]

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

(2) Subsection (1) of this section does not apply unless the officer or employee, upon the termination of such military duty, is qualified to perform the duties of such position, and makes application within 90 days after the officer or employee is relieved from

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

(3) Except as otherwise provided in this subsection, subsection (1) of this section does not apply if the total of such military duty exceeds four years. If the period of military duty is extended at the request of and for the convenience of the Federal Government, subsection (1) of this section is applicable if the total of such military duty does not exceed five years. Subsection (1) of this section is applicable also with regard to military duty that exceeds four years if the period of additional duty was imposed by law or resulted from inability of the officer or employee to obtain orders relieving the officer or employee from active duty. [Amended by 1979 c.468 §13]

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

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

408.270 Restoration of employee's seniority and tenure. Upon the termination of any leave granted by ORS 408.240, every public employee shall be restored to the position without loss of seniority or other benefits. It is the intention of the Legislative Assembly that such employee shall be restored in such manner as to give the employee the status in employment that the employee would have enjoyed if the employee had continued in such employment continuously from the time of entering the Armed Forces until the time of restoration to such employment. Any person so restored to the position shall not be discharged from such position without cause within one year after such restoration. Any employee who has not completed the probationary period in the position at the time of leaving for military duty, shall, upon returning to such position, be required to serve the remainder of such probationary period, notwithstanding the granting of continuous time credit for time served in the Armed Forces.

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

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

leave and without impairment of efficiency rating or other rights or benefits to which the officer or employee is entitled.

(2) Unless the officer or employee has been employed by the state or by any county, municipality or other political subdivision of the state for a period of six months next preceding application, no officer or employee is entitled to receive pay for any period during which the officer or employee is on military leave. [Amended by 1955 c.104 §1; 1969 c.368 §1]

STATE AID TO VETERANS EXPOSED TO HERBICIDES

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

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

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

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

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

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

(5) "Division" means the Health Division.

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

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

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

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

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

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

(c) Methods of treatment prescribed.

(d) Any other information required by the division.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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, the widow or dependents of the veteran, 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 the ser-

vice officer 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 shall maintain in the office a special book in which the county clerk 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 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 the office and certify thereto any matter required by veterans seeking benefits from any agency or department of the State of Oregon or Federal Government, without any charge, fee or compensation.

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 person in the Army or Navy of the United States, who enlisted therein in the volunteer forces or who enlisted in the National Guard of the United States and of the State of Oregon and the organization of the enlisted person was called into the service of the United States. The lands of any such soldier or sailor shall be exempt from judicial sale for the satisfaction of any judgment during the period provided for in this section. This moratorium shall extend only during the period of actual service in the army or navy forces of the United States, and in no case shall begin prior to the day on which the Congress of the United States declares war, nor continue after 60 days subsequent to the conclusion of such war. All statutes of limitation in effect in this state shall be suspended during the period described in this section, as to such mortgages, debts and judgments.

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

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

408.470 Persons entitled to interment in Spanish War Veterans' plot. All honorably discharged soldiers, sailors and marines who served in the forces of the United States during the Spanish War or Philippine Insurrection at any time between April 23, 1898, and July 4, 1902, who are now deceased or may hereafter die in Oregon or who being residents of Oregon die outside of Oregon, may be interred in the burial plot established pursuant to sections 1 to 3, chapter 72, Oregon Laws 1911.

408.480 Care of veterans ineligible for federal home. In case of the establishment of a national soldiers' home or branch thereof at or near Roseburg, Douglas County, Oregon, and any persons lawfully entitled prior to February 26, 1931, to be cared for in the Oregon State Soldiers' Home formerly located at that location and not to be cared for in said national soldiers' home or branch thereof, then the Mental Health and Developmental Disability Services Division 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]

HOMES AND MEETING FACILITIES FOR VETERANS; MENTALLY ILL VETERANS

Note: Sections 1 to 4, chapter 637, Oregon Laws 1987, provide.

Sec. 1. The Legislative Assembly finds that.

(1) The war veterans of the State of Oregon comprise an aging population.

(2) Oregon does not have a state Veterans Home.

(3) The need for long term care facilities for war veterans will increase dramatically as Oregon's 146,000 veterans of World War II reach retirement age.

(4) A study ought to be conducted to determine the need for, and feasibility of, establishing and operating an Oregon Veterans Home. [1987 c.637 §1]

Sec. 2. The Legislative Assembly declares that it is the policy of this state that, should the State of Oregon establish an Oregon Veterans Home, the operation of such facility should not be a continuing financial obligation of this state, and should be self-sustaining. [1987 c.637 §2]

Sec. 3. (1) The Executive Department is authorized to conduct a study to determine the need for, and feasibility of, establishing an Oregon Veterans Home. Any study conducted by the Executive Department shall be conducted so as to obtain statistical and financial data and other information necessary for preparation of a comprehensive report on the need for long term care for all Oregon war veterans during the next 30 years. The report shall clearly set forth the choices available to this state relating to the establishment of an Oregon Veterans Home.

(2) When conducting the study authorized under this section, the Executive Department may consult with the United States Veterans' Administration and with persons representing organizations operating long term care facilities, as defined in ORS 441.100. However, any person consulted or employed as a consultant by the department while conducting the study shall not have a direct or substantial financial interest or any other personal interest in the establishment and operation of an Oregon Veterans Home.

(3) The costs of the study authorized by this section shall be paid from any moneys available to the Executive Department that may be used for the purpose of conducting such a study. [1987 c.637 §3]

Sec. 4. The Emergency Board may authorize expenditures from funds available to it for the purpose of conducting the study authorized by section 3 of this Act or for the purpose of obtaining federal matching funds, upon submission of a plan by the Executive Department to apply for and obtain such federal moneys. [1987 c.637 §4]

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 [Repealed by 1961 c.454 §213]

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

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

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

408.590 [Repealed by 1963 c.540 §8]

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 the person owns property which is not of such a character that it may be used to give assistance to the person, or owns a home which is not disproportionate to the needs of such veteran and family. No person shall be deprived of such benefits until the person 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 one-eightieth of one percent (.000125) of the true cash value of all taxable property within the county, computed in accordance with ORS 308.207, 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. [Amended by 1963 c.9 §24]

408.730 Procedure when indigent veterans are cared for by veterans' organizations. (1) The commander or executive head of any veterans organization organized under a charter issued by an Act of Congress, proposing to undertake the relief provided for in ORS 408.720, shall file with the county clerk of the county in which the veterans organization may be situated, the names of its commander or executive head and its relief committee, if any. The commander or executive head shall also file

a notice in writing that such veterans organization will undertake the relief of the indigent persons provided for in ORS 408.720, and by the fourth Monday in January of each year shall file with the county clerk a similar notice, and render and file a detailed statement of the relief furnished during the preceding year, including the amount thereof, the names of the persons to whom furnished and on whose recommendation, and such other facts and suggestions as are deemed material.

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

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

(4) On the approval and filing of the bond, and on the recommendation of the relief committee of any such veterans organization, orders shall be drawn in favor of the commander or executive head in the same manner as orders are now drawn for the relief of the poor. The orders shall designate thereon the names of the persons for whom the relief is intended and, in like manner, a sum not exceeding $100 may be drawn to pay the funeral expenses of an indigent 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. The officer shall give such bond as may be required and approved by the court or board, and may be removed at any time by the court or board. If any vacancy occurs in such office, the court or board shall appoint a successor to such officer. Such officer shall be paid a salary from funds of the county other than the relief fund, to be fixed by the court or board, and audited and paid in the manner that county officers are paid, as provided by law.

408.750 When county court must aid veterans; necessity of veterans organization's consent before sending veterans to poorhouse. (1) If there is no war veterans organization within any county in this state, the county judge thereof shall undertake the relief provided for in ORS 408.720.

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

CHAPTER 409

[Reserved for expansion]