

## **2009 Oregon legislative end of session report**

This legislative session twenty-one bills that address veterans issues were passed by the Oregon Legislature and have been signed by the Governor. The bulk of these were issues brought forth by the Governor's Task Force on Veteran Issues.

Many good bills did not pass. This was primarily due to fiscal constraints. The state was looking at a short fall of approximately three billion dollar for this next biennium and there just weren't enough funds to implement new programs. As such, most of those bills that did not have a fiscal impact passed readily. While for the most part those that did were left on the table.

Among the Task Force's findings were issues best addressed at the national legislative level. They were able to convince our federal legislatures to sponsor bills addressing these concerns. These can be found under the Joint Memorials section.

The bills can be found in their entirety on the state legislative web site at,

[http://www.leg.state.or.us/bills\\_laws/](http://www.leg.state.or.us/bills_laws/)

### **The bills are presented in the following categories,**

Three bills with a direct impact on the members of OPVA

Other bills affecting veterans

House and Senate Joint Memorials sponsored by the Governor's Task Force on Veteran Issues

Other House and Senate Joint Memorials

House Joint Resolutions

Legislation relating to the Oregon Department of Veteran Affairs

Legislation relating to the National Guard, Reserve and Active Duty

### **Three bills that will have a more direct impact on our members but were not part of the Task Force bills.**

The first, **SB 595**, modified a bill passed during February's 2008's mini session. It opens a tuition waiver program for the dependents of 100% service disabled and the survivors of those who lost their lives in Line of Duty. The tuition waiver applies to the state universities. The Community Colleges are each implementing similar programs. Please be aware that there may be differences between the program run by

the University System and those by the different Community Colleges. The tuition waiver includes spouses.

**SB 595** was sponsored by Senator Hass, one of the original sponsors of the previous bill and Representative Barker.

A like bill, **HB 2035**, would have included the Community Colleges in state law. The colleges wishing to retain a certain amount of autonomy requested they be allowed to devise their own programs. Each Community College should have a slightly different version, check with the college to see how they are implementing the benefit. Also at the Community Colleges the waiver is last payer. This means all other sources of income are considered prior to the benefit kicking in. On a good note in Oregon living expenses are included in the education cost break down.

The second bill, **HB 2600**, will require that a place of lodging with more than 175 rooms provide a lift system. The guest will have to provide their own sling and assistance with use of the lift system. It will only apply to new construction and where substantial accessibility remodeling takes place.

The third bill, **SB 937**, Requires that when applying for a renewal of a disabled person parking placard the applicant resubmit certification from a medical professional stating they are a person with a qualifying disability. This is done to deter fraud.

### **Other veteran bills to pass were,**

**HB 2510**, Lifted the 15 year limit on veteran preference points in public employment. So, now there is no time limit for a veteran to receive preference points when applying for a public job.

**HB 2718**, Created a Task Force on Women Veterans' Health Care. This bill also came out of the Governor's Task Force on Veteran's Issues. The Task Force discovered that in far too many areas women veterans issues are at best poorly addressed. Of primary concern was lack of provisions for women who experienced sexual trauma while in the military. In particular, some place where a woman who has PTSD can go, with her family, to start working on these issues. Far too often a woman with PTSD puts off caring for herself so she can care for her family. Unfortunately this really doesn't work. And as we are all aware, if the veteran is broken, the veteran's family is broken.

**HB 2762**, Designates May 8<sup>th</sup> as Military Appreciation day. Requested by Representative Clem.

**HB 3020**, Adds disabled veterans and servicemembers to state law making it an unlawful practice to knowingly take advantage of these persons by a business or individual on behalf of a business concern.

**HB 3470**, Modifies definition of veteran. May only take affect if an Amendment to the state Constitution is, House Joint Resolution 7 is passed by the voters. Relates to changing eligibility requirements for State Veterans Home Loan Program.

**HJR 7**, Requests a change to the Oregon Constitution Sections 1 and 3, Article XI-A. Removes the term 'war' from definition of eligibility for State Veteran Home Loans and services to veterans.

**SB 96**, Revises terminology describing veterans. In essence removing the term 'war' from state definitions for veterans.

**SB 97**, Allows the Oregon Department of Veteran Affairs to provide mortgage insurance on the loans it has made under the state Veterans Home Loan Program.

**SB 98**, Creates Task Force on Transportation for veterans in rural areas to access health care.

**SB 381**, Requires health benefit plans to cover traumatic brain injuries. Adds orthotic and prosthetic devices to lists of required coverage for health care service contractors and multiple employer welfare arrangements.

**SB 400**, Authorizes State Fish and Wildlife Commission to issue at no charge to residents who are disabled veterans a shellfish license.

**SB 731**, Exempts Compensation and Pension from garnishment when electronically deposited. In the past a bank or other financial institution when required by a court writ were garnishing compensation or pension funds. This bill codifies in state law the process to ensure this does not occur.

**SB 874**, Updates state law to reflect recent changes in federal discrimination laws regarding persons with disabilities.

**SB 449**, Provides that US Hwy 97 in Oregon shall also be known as the World War II Veterans Historic Highway.

**SB 479**, Provides that the Public Contracting Code may not be construed to prohibit preference in awarding contracts to a business owned or controlled by disabled veterans.

**SB 618**, Exempts military discharge records from public records disclosure.

## **House and Senate Joint Memorials Sponsored by the Governors' Task Force on Veteran Issues.**

These bills are requests by the state legislature to the national legislature requesting certain actions. Each member of our national legislature has agreed to produce a bill or work on the issues brought forth in each request.

**HJM 2**, Urges Congress to enact legislation assisting with veterans seeking employment. This is meant to increase employment services for veterans and will be carried by Representative Schrader.

**HJM 3**, Urges Congress to increase funding for Fee Basis payments for veterans. To review and simplify Fee Basis status and regulations regarding eligibility for specialty and emergency health care for veterans. Senator Merkley and Representative Walden will be working on this issue. Many of the issues involved with Fee Base Services could be handled by administrative rule. The Senator and Representative will discuss with the Department of Veteran Affairs means by which road blocks could be overcome to enhance the health care opportunities for veterans in rural areas.

**HJM 4**, Urges Congress to pass legislation and approve funding for transition of National Guard and Reservists to civilian life following active service. Urges Congress to pass legislation requiring the Secretary of Defense to develop a coordinated transition program and to use specified funds to fund the program. This is known as a Soft Landing and would otherwise keep on the pay rolls Guard and Reservists for 90 days giving them the time to adjust back to civilian life post deployment. The current idea is to give them full pay for three one month, three quarters pay for one month, then half pay for one month. This bill will be carried by Senator Wyden.

**SJM 1**, Urges Congress to lift the 25 year limit imposed by Federal Regulation for a veteran to obtain a state Veterans Home Loan. Representative Blumenauer will carry this issue.

**SJM 2**, Urges Congress to enact legislation to create state wide transportation systems to provide access to health care for veterans in rural areas. Representative DeFazio will carry this issue

**SJM 3**, Urges Congress to enact legislation to provide complete health care for all honorably discharged veterans and their dependents. Senator Merkley will work on this issue.

Representative Wu has brought forth **H.R. 1211**, this bill addresses women veterans issues.

### **Other HJM and SJM**

**HJM 6**, Urges US Postal Service to create stamp commemorating the 442<sup>nd</sup> Regimental Combat Team.

**HJM 21**, Urges Congress to make funding for veterans health care a mandatory obligation.

**HJM 12**, Urges Congress to enact legislation increasing veterans access to health care. Primarily geared to veterans in rural areas. In essence they ask that there be an increase in mileage rates for vets in rural areas.

### **House Joint Resolutions**

**HJR 7**, Proposes amendment to Oregon Constitution, modifying language, expanding eligibility for veterans home loan program.

**HJR10**, Declares March 2009 American Legion Month

### **Legislation relating to the Oregon Department of Veteran Affairs**

**HB 2176**, Modified the qualifications that are required for the Advisory Committee for the Director of the Department of Veteran Affairs. There were several language changes to the previous law governing appointment to this committee. The most substantial was removal of reference to 'war' veterans. This will allow for any veteran to sit on the committee regardless of when they served.

**HB 2177**, Allows the Department of Veteran Affairs to receive grants, donations and gifts. Further it allows the Department to convert nonmonetary gifts, grants or donations to money when doing so follows the intent specified with the gift, grant or donation.

**HB 2178**, Establishes a Campus Service Officer Program. This bill was an outcome sought by the Governors' Task Force. The Department of Veteran Affairs will now be

placing on campus state veteran service officers. At the larger schools they will be permanent, for the smaller schools they will most likely run a circuit. One of the outcomes from the Task Force was a realization that many veterans are not aware of their benefits or entitlements. It actually turns out that a good way to contact these veterans or someone who knows them is through schools.

## **Legislation relating to the National Guard, Reserve and Active Duty**

**HB 2164**, Expands the subtraction from taxable income for compensation to members of the armed services.

This bill in essence allows Guard and Reserve members a bit of relief from income taxes.

**HB 2165**, Allows certain members of the Oregon National Guard to administer health care services in times of emergency. It allows trained Guard to act as emergency medical without having to obtain a state license.

**HB 2303**, Allows for state courts to address issues brought under the Servicemembers Civil Relief Act.

**HB 2744**, Requires employers to provide 14 days of unpaid leave to the spouse of a servicemember who is to be deployed during times of conflict. Applies to employers who employ 25 or more persons. This bill was requested by Representative Esquivel

**HB 3097**, Allows applicant for certification as an emergency medical technician or first responder to substitute certification by National Registry of Emergency Medical Technician for completion of training courses approved by the Department of Human Services.

**HB 3256**, Adds to state law provisions which mirror the Servicemembers Civil Relief Act.