

Enrolled House Bill 3001

Sponsored by Representative HELM, Senator MEEK, Representative GOMBERG, Senator WOODS; Representatives BOWMAN, CATE, DEXTER, EVANS, GRAYBER, HIEB, HOLVEY, LEWIS, NELSON, RESCHKE, Senators DEMBROW, SOLLMAN (Presession filed.)

CHAPTER

AN ACT

Relating to Gold Star Family members; creating new provisions; amending ORS 366.931 and 805.105; and declaring an emergency.

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

SECTION 1. ORS 366.931 is amended to read:

366.931. (1) As used in this section[,]:

(a) “Armed Forces of the United States” means:

[(a)] (A) The Army, Navy, Air Force, Marine Corps and Coast Guard of the United States;

[(b)] (B) The reserves of the Army, Navy, Air Force, Marine Corps and Coast Guard of the United States; and

[(c)] (C) The Oregon National Guard and a National Guard of any other state or territory.

(b) “Gold Star Family member” means a person who is a parent, sibling, spouse or dependent of a person who was killed in action during an armed conflict while serving in the Armed Forces of the United States.

(c) “Sibling” includes siblings of the whole or half blood and siblings by adoption, marriage or domestic partnership.

(2) To recognize and honor those who were killed in action or who died as a result of wounds received in action while serving in the Armed Forces of the United States, the Department of Transportation shall erect and maintain a Fallen Hero roadside memorial sign if:

(a)(A) The Legislative Assembly adopts a concurrent resolution that recognizes the individual killed in the line of duty; or

(B) The individual killed in the line of duty was formerly designated as either a prisoner of war or unaccounted for by the Defense POW/MIA Accounting Agency and the remains of the individual have been recovered, identified and returned to Oregon; and

(b) The department receives the payment of a fee determined by the department under subsection (3) of this section.

(3) The department shall determine the amount of the fee required under subsection (2)(b) of this section by rule. The fee may not exceed the direct and indirect expenses associated with erecting, maintaining and removing a roadside memorial sign.

(4) The department shall deposit the fees that the department collects under this section into the Roadside Memorial Fund established under ORS 366.932.

(5) **Except as provided in subsection (6) of this section,** a public body, as defined in ORS 174.109, may not expend moneys for the purpose of paying the fee required under this section.

(6) The department shall waive the fee required under this section and expend moneys for the purpose of paying the fee required under this section if:

(a) A request to waive the fee is submitted by a Gold Star Family member; and

(b) Funds are appropriated by the Legislative Assembly or otherwise made available to the department for the purpose of paying the fees.

[(6)] (7) The department, by rule, shall establish the size, design and location of a roadside memorial sign erected under this section. The sign must include the name of the individual the sign is recognizing.

SECTION 2. ORS 805.105 is amended to read:

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

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

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

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

(d) Specify what constitutes proof that a person is a surviving family member of a person who was killed in action during an armed conflict while serving in the Armed Forces of the United States. The department may only issue a veterans' recognition registration plate displaying a gold star decal and the words "Gold Star Family" to a person who is a parent, sibling, spouse or dependent of a person who was killed in action during an armed conflict while serving in the Armed Forces of the United States.

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

(b) Except as otherwise provided in paragraph (c) of this subsection, net proceeds of the surcharge collected by the department for the veterans' recognition registration plate shall be deposited in the trust fund established under ORS 406.050 for paying the expenses of operating the Oregon Veterans' Homes identified in ORS 408.362.

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

(d) The department shall waive the surcharge required under paragraph (a) of this subsection and transfer the amount otherwise paid by the person to the trust fund established under ORS 406.050 if:

(A) A request to waive the surcharge is submitted by a Gold Star Family member; and

(B) Funds are appropriated by the Legislative Assembly or otherwise made available to the department for the purpose of paying the surcharge.

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

(3)(a) In consultation with the Department of Transportation, the Director of Veterans' Affairs shall design the veterans' recognition registration plate.

(b) If the department issues a veterans' recognition registration plate to recognize a veterans' group, the department shall, in consultation with the requesting veterans' group, add words or a

military-related decal to the veterans' recognition registration plate that names, describes or represents the veterans' group.

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

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

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

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

SECTION 3. (1) The amendments to ORS 366.931 by section 1 of this 2023 Act apply to applications received on or after the effective date of this 2023 Act.

(2) The amendments to ORS 805.105 by section 2 of this 2023 Act apply to plates issued, renewed or replaced on or after the effective date of this 2023 Act.

SECTION 4. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (3), chapter _____, Oregon Laws 2023 (Enrolled House Bill 5040), for the biennium beginning July 1, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2 (3), chapter _____, Oregon Laws 2023 (Enrolled House Bill 5040), collected or received by the Department of Transportation, for project delivery and support, is increased by \$20,000.

SECTION 5. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 2 (5), chapter _____, Oregon Laws 2023 (Enrolled House Bill 5040), for the biennium beginning July 1, 2023, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts and federal funds received as reimbursement from the United States Department of Transportation, but excluding lottery funds and federal funds not described in section 2 (5), chapter _____, Oregon Laws 2023 (Enrolled House Bill 5040), collected or received by the Department of Transportation, for driver and motor vehicle services, is increased by \$5,000.

SECTION 6. This 2023 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect July 1, 2023.

Passed by House June 14, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 23, 2023

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State