

House Bill 2559

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Department of Veterans' Affairs)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Defines the word that describes a condition in which a veteran is discharged or released. (Flesch Readability Score: 61.8).

Defines "honorable conditions" as related to the discharge or release of a veteran.

A BILL FOR AN ACT

Relating to veterans; amending ORS 200.005, 407.087, 408.225 and 413.650.

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

SECTION 1. ORS 408.225 is amended to read:

408.225. (1) As used in ORS 408.225 to 408.237:

(a)(A) "Civil service position" means any position for which a hiring or promotion decision is made or required to be made based on the results of a merit based, competitive process that includes, but is not limited to, consideration of an applicant's or employee's relative ability, knowledge, experience and other skills.

(B) A "civil service position" need not be labeled a "civil service position."

(b) "Combat zone" means an area designated by the President of the United States by executive order in which, on the dates designated by executive order, the Armed Forces of the United States are or have engaged in combat.

(c) "Disabled veteran" means a veteran who has a disability rating from the United States Department of Veterans Affairs, a veteran whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a veteran who was awarded the Purple Heart for wounds received in combat.

(d) "Honorable conditions" [*has the meaning given that term in rules adopted by the Department of Veterans' Affairs*] **means a condition of discharge or release that is other than dishonorable, as determined by the United States Department of Defense or the United States Department of Veterans Affairs.**

(e) "Public employer" means a public body, as that term is defined in ORS 174.109, and any person authorized to act on behalf of the public body, with respect to control, management or supervision of any employee.

(f) "Veteran" means a person who:

(A) Served on active duty with the Armed Forces of the United States:

(i) For a period of more than 90 consecutive days beginning on or before January 31, 1955, and was discharged or released under honorable conditions;

(ii) For a period of more than 178 consecutive days beginning after January 31, 1955, and was discharged or released from active duty under honorable conditions;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (iii) For 178 days or less and was discharged or released from active duty under honorable
2 conditions because of a service-connected disability;

3 (iv) For 178 days or less and was discharged or released from active duty under honorable
4 conditions and has a disability rating from the United States Department of Veterans Affairs; or

5 (v) For at least one day in a combat zone and was discharged or released from active duty under
6 honorable conditions;

7 (B) Received a combat or campaign ribbon or an expeditionary medal for service in the Armed
8 Forces of the United States and was discharged or released from active duty under honorable con-
9 ditions; or

10 (C) Is receiving a nonservice-connected pension from the United States Department of Veterans
11 Affairs.

12 (2) As used in subsection (1)(f) of this section, "active duty" does not include attendance at a
13 school under military orders, except schooling incident to an active enlistment or a regular tour of
14 duty, or normal military training as a reserve officer or member of an organized reserve or a Na-
15 tional Guard unit.

16 **SECTION 2.** ORS 407.087 is amended to read:

17 407.087. (1) As used in Article XI-A of the Oregon Constitution and this chapter, "veteran"
18 means a person who:

19 (a) Served on active duty with the Armed Forces of the United States:

20 (A) For a period of more than 90 consecutive days beginning on or before January 31, 1955, and
21 was discharged or released from active duty under honorable conditions;

22 (B) For a period of more than 178 consecutive days beginning after January 31, 1955, and was
23 discharged or released from active duty under honorable conditions;

24 (C) For 178 days or less and was discharged or released from active duty under honorable con-
25 ditions because of a service-connected disability;

26 (D) For 178 days or less and was discharged or released from active duty under honorable con-
27 ditions and has a disability rating from the United States Department of Veterans Affairs; or

28 (E) For at least one day in a combat zone and was discharged or released from active duty under
29 honorable conditions;

30 (b) Received a combat or campaign ribbon or an expeditionary medal for service in the Armed
31 Forces of the United States and was discharged or released from active duty under honorable con-
32 ditions; or

33 (c) Is receiving a nonservice-connected pension from the United States Department of Veterans
34 Affairs.

35 (2) As used in subsection (1) of this section:

36 (a) "Active duty" does not include attendance at a school under military orders, except school-
37 ing incident to an active enlistment or a regular tour of duty, or normal military training as a re-
38 serve officer or member of an organized reserve or National Guard unit.

39 (b) "Honorable conditions" [*has the meaning given that term in rules adopted by the Department*
40 *of Veterans' Affairs*] **means a condition of discharge or release that is other than dishonorable,**
41 **as determined by the United States Department of Defense or the United States Department**
42 **of Veterans Affairs.**

43 **SECTION 3.** ORS 200.005 is amended to read:

44 200.005. As used in ORS 200.005 to 200.075, 200.110, 200.120, 200.160 to 200.200 and 279A.105:

45 (1) "Contracting agency" has the meaning given that term in ORS 279A.010.

1 (2) “Contractor” means a person that agrees to legally enforceable terms and conditions under
 2 which the person performs services or supplies materials in accordance with a contracting agency’s
 3 specifications and for the purpose of accomplishing results the contracting agency intends, while
 4 retaining control of the means, methods and manner of performing the services or supplying the
 5 materials.

6 (3) “Disadvantaged business enterprise” means a small business concern:

7 (a) At least 51 percent of which one or more socially and economically disadvantaged individuals
 8 own; or

9 (b) At least 51 percent of the stock of which, if the small business concern is a corporation, is
 10 owned by one or more economically disadvantaged individuals who also control and manage the
 11 daily business operations of the small business concern.

12 (4) “Economically disadvantaged individual” means a socially disadvantaged individual for whom
 13 diminished capital and credit opportunities have impaired the individual’s ability to compete in the
 14 free enterprise system as compared to other individuals in the same business area who are not so-
 15 cially disadvantaged individuals.

16 (5) “Emerging small business” means an independent business concern that:

17 (a) Has a principal place of business located in this state;

18 (b) Qualifies as a tier one firm or a tier two firm;

19 (c) Is properly licensed and legally registered in this state; and

20 (d) Is not a subsidiary or parent company that belongs to a group of firms that the same indi-
 21 viduals own or control if, in the aggregate, the group of firms does not qualify as a tier one firm
 22 or a tier two firm.

23 (6) “Minority individual” means an individual who is a citizen or lawful permanent resident of
 24 the United States and is:

25 (a) African American, having origins in any of the original peoples of Africa;

26 (b) Hispanic, having Mexican, Puerto Rican, Cuban, Central or South American or other Spanish
 27 culture or origin, regardless of race;

28 (c) Asian American, having origins in any of the original peoples of East Asia, Southeast Asia,
 29 the Indian subcontinent or the Pacific Islands;

30 (d) Portuguese, having Portuguese, Brazilian or other Portuguese culture or origin, regardless
 31 of race;

32 (e) American Indian or Alaska Native, having origins in any of the original peoples of North
 33 America; or

34 (f) Any other individual or member of another group that the Certification Office for Business
 35 Inclusion and Diversity determines is socially and economically disadvantaged.

36 (7) “Minority-owned business,” “woman-owned business” or “veteran-owned business” means, as
 37 appropriate, a small business concern:

38 (a) At least 51 percent of which one or more minority individuals, women or veterans own and
 39 control; or

40 (b) At least 51 percent of the stock of which, if the small business concern is a corporation, is
 41 owned by one or more minority individuals, women or veterans who also control and manage the
 42 daily business operations of the small business concern.

43 (8) “Responsible bidder or proposer” means a bidder or proposer that the Governor’s Policy
 44 Advisor for Economic and Business Equity determines has undertaken both a policy and practice
 45 of actively pursuing participation by minority-owned businesses, woman-owned businesses, veteran-

1 owned businesses or emerging small businesses in all of the bidder’s or proposer’s bids or proposals,
 2 both public and private.

3 (9) “Small business concern” means a small business, as defined by the United States Small
 4 Business Administration in 13 C.F.R. part 121, as in effect on January 1, 2016.

5 (10) “Socially disadvantaged individual” means an individual who has been subjected to racial
 6 or ethnic prejudice or cultural bias, without regard to individual qualities, because of the
 7 individual’s identity as a member of a group.

8 (11) “State contracting agency” has the meaning given that term in ORS 279A.010.

9 (12) “Subcontractor” means a contractor that does not have a direct contractual relationship
 10 with a contracting agency.

11 (13) “Tier one firm” means a business that employs not more than 19 full-time equivalent em-
 12 ployees and has average annual gross receipts for the last three years that do not exceed an amount
 13 that the Oregon Business Development Department specifies by rule.

14 (14) “Tier two firm” means a business that employs not more than 29 full-time equivalent em-
 15 ployees and has average annual gross receipts for the last three years that do not exceed an amount
 16 that the Oregon Business Development Department specifies by rule.

17 (15)(a) “Veteran” means an individual who:

18 (A) Served on active duty with the Armed Forces of the United States:

19 (i) For a period of more than 90 consecutive days beginning on or before January 31, 1955, and
 20 was discharged or released under honorable conditions;

21 (ii) For a period of more than 178 consecutive days beginning after January 31, 1955, and was
 22 discharged or released from active duty under honorable conditions;

23 (iii) For 178 days or less and was discharged or released from active duty under honorable
 24 conditions because of a service-connected disability;

25 (iv) For 178 days or less and was discharged or released from active duty under honorable
 26 conditions and has a disability rating from the United States Department of Veterans Affairs; or

27 (v) For at least one day in a combat zone and was discharged or released from active duty under
 28 honorable conditions;

29 (B) Received a combat or campaign ribbon or an expeditionary medal for service in the Armed
 30 Forces of the United States and was discharged or released from active duty under honorable con-
 31 ditions;

32 (C) Is receiving a nonservice-connected pension from the United States Department of Veterans
 33 Affairs;

34 (D) Is a disabled veteran, as defined in ORS 408.225; or

35 (E) Has been a reserve officer or member of a National Guard unit for at least five years before
 36 the individual seeks a certification under ORS 200.055.

37 (b) As used in paragraph (a) of this subsection[,]:

38 (A) “Active duty” does not include attendance at a school under military orders, except
 39 schooling incident to an active enlistment or a regular tour of duty, or normal military training as
 40 a reserve officer or member of an organized reserve or a National Guard unit.

41 (B) **“Honorable conditions” means a condition of discharge or release that is other than**
 42 **dishonorable, as determined by the United States Department of Defense or the United**
 43 **States Department of Veterans Affairs.**

44 (16) “Woman” means a person of the female gender who is a citizen or lawful permanent resi-
 45 dent of the United States.

1 **SECTION 4.** ORS 413.650 is amended to read:

2 413.650. (1) As used in this section:

3 (a) “Dental care organization” means a prepaid managed care health services organization, as
4 defined in ORS 414.025, that provides dental care to members of a coordinated care organization.

5 (b) “Medical assistance” has the meaning given that term in ORS 414.025.

6 (c) “Veteran” means an individual who is a veteran, as defined in ORS 408.225, except the in-
7 dividual may be discharged or released under honorable or other than honorable conditions.

8 (2) The Veterans Dental Program is established in the Oregon Health Authority and shall be
9 administered in collaboration with the Department of Consumer and Business Services. The purpose
10 of the program is to provide oral health care to eligible veterans who are residing in Oregon.

11 (3) The authority shall contract with dental care organizations throughout this state and with
12 individual oral health care providers in areas of this state that are not served by dental care or-
13 ganizations to provide oral health care to veterans enrolled in the Veterans Dental Program.

14 (4) Enrollees in the Veterans Dental Program shall receive the types and extent of oral health
15 care services that the authority determines will be provided to medical assistance recipients in ac-
16 cordance with ORS 414.065, without any corresponding copayments, deductibles or cost sharing re-
17 quired.

18 (5) An individual is eligible for the Veterans Dental Program if the individual:

19 (a) Is a resident of Oregon;

20 (b) Is ineligible for medical assistance;

21 (c) Has income that is at or below 400 percent of the federal poverty guidelines; and

22 (d) Is a veteran.

23 (6) The authority shall:

24 (a) Prescribe by rule a simple application process for the Veterans Dental Program.

25 (b) Provide assistance, in person or by telephone, to applicants for and enrollees in the program.

26 (c) Require and accept as verification of eligibility:

27 (A) Documentation demonstrating that an applicant’s income is at or below 400 percent of the
28 federal poverty guidelines[.]; **and**

29 (B)(i) An applicant’s federal DD Form 214 or 215; **or**

30 (ii) **An applicant’s summary of benefits letter from the United States Department of**
31 **Veterans Affairs.**

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