

Enrolled House Bill 3968

Sponsored by COMMITTEE ON RULES (at the request of U.S. Department of Defense)

CHAPTER

AN ACT

Relating to the military; amending ORS 43.450, 90.475, 109.056, 166.260, 238.156, 316.193, 316.792, 323.055, 339.065, 341.496, 341.499, 352.293, 352.313, 353.200, 366.931, 396.555, 399.425, 497.006 and 676.875.

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

SECTION 1. ORS 43.450 is amended to read:

43.450. Relevant official records and files of the Departments of the Army, Navy, [and] Air Force, **Marine Corps, Coast Guard and Space Force** of the United States shall be accorded prima facie probative value in evidence before any court or agency in which there is an issue of fact as to the death or disappearance of any person while serving in or with the Armed Forces of the United States.

SECTION 2. ORS 90.475 is amended to read:

90.475. (1) A tenant may terminate a rental agreement upon written notice if the tenant provides the landlord with proof of official orders showing that the tenant is:

- (a) Enlisting for active service in the Armed Forces of the United States;
 - (b) Serving as a member of a National Guard or other reserve component or an active service component of the Armed Forces of the United States and ordered to active service outside the area for a period that will exceed 90 days;
 - (c) Terminating active service in the Armed Forces of the United States;
 - (d) A member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States and:
 - (A) Ordered to active service outside the area for a period that will exceed 90 days; or
 - (B) Terminating the duty and moving outside the area within the period that the member is entitled by federal law to the storage or shipment of household goods; or
 - (e) A member of the commissioned corps of the National Oceanic and Atmospheric Administration ordered to active service outside the area for a period that will exceed 90 days.
- (2) As used in subsection (1) of this section, "Armed Forces of the United States" means the Air Force, Army, Coast Guard, Marine Corps, [or] Navy **or Space Force** of the United States.
- (3) A termination of a rental agreement under this section is effective on the earlier of:
- (a) A date determined under the provisions of any applicable federal law; or
 - (b) The later of:
 - (A) 30 days after delivery of the notice;
 - (B) 30 days before the earliest reporting date on orders for active service;
 - (C) A date specified in the notice; or

(D) 90 days before the effective date of the orders if terminating duty described under subsection (1)(d)(B) of this section or terminating any active service described in this section.

(4) Notwithstanding ORS 90.300 (7)(a)(A) and 90.430, a tenant who terminates a lease under subsection (1) of this section is not:

(a) Subject to a penalty, fee, charge or loss of deposit because of the termination; or

(b) Liable for any rent beyond the effective date of the termination as determined under subsection (3) of this section.

SECTION 3. ORS 109.056 is amended to read:

109.056. (1) Except as provided in subsection (2) or (3) of this section, a parent or guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any of the powers of the parent or guardian regarding care, custody or property of the minor child or ward, except the power to consent to marriage or adoption of a minor ward.

(2) A parent or guardian of a minor child may delegate the powers designated in subsection (1) of this section to a school administrator for a period not exceeding 12 months.

(3)(a) As used in this subsection, "servicemember-parent" means a parent or guardian:

(A) Who is:

(i) A member of the organized militia of this state;

(ii) A member of the Reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States;

(iii) A member of the commissioned corps of the National Oceanic and Atmospheric Administration; or

(iv) A member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States; and

(B) Who is required to enter and serve in the active military service of the United States under a call or order by the President of the United States or to serve on state active duty as defined in the Oregon Code of Military Justice.

(b) A servicemember-parent of a minor child may delegate the powers designated in subsection (1) of this section for a period not exceeding the term of active duty service plus 30 days.

(c) Except as provided in paragraph (d) of this subsection, if the minor child is living with the child's other parent, a delegation under paragraph (b) of this subsection must be to the parent with whom the minor child is living unless a court finds that the delegation would not be in the best interests of the minor child.

(d) When the servicemember-parent has joint custody of the minor child with the child's other parent or another individual, and the servicemember-parent is married to an individual other than the child's other parent, the servicemember-parent may delegate the powers designated in subsection (1) of this section to the spouse of the servicemember-parent for a period not exceeding the term of active duty service plus 30 days, unless a court finds that the delegation would not be in the best interests of the minor child.

SECTION 4. ORS 166.260 is amended to read:

166.260. (1) ORS 166.250 does not apply to or affect:

(a) A parole and probation officer, police officer or reserve officer, as those terms are defined in ORS 181A.355.

(b) A federal officer, as defined in ORS 133.005, or a certified reserve officer or corrections officer, as those terms are defined in ORS 181A.355, while the federal officer, certified reserve officer or corrections officer is acting within the scope of employment.

(c) An honorably retired law enforcement officer, unless the person who is a retired law enforcement officer has been convicted of an offense that would make the person ineligible to obtain a concealed handgun license under ORS 166.291 and 166.292.

(d) Any person summoned by an officer described in paragraph (a) or (b) of this subsection to assist in making arrests or preserving the peace, while the summoned person is engaged in assisting the officer.

(e) The possession or transportation by any merchant of unloaded firearms as merchandise.

(f) Active or reserve members of:

(A) The Army, Navy, Air Force, **Marine Corps**, Coast Guard or [*Marine Corps*] **Space Force** of the United States, or of the National Guard, when on duty;

(B) The commissioned corps of the National Oceanic and Atmospheric Administration; or

(C) The Public Health Service of the United States Department of Health and Human Services, when detailed by proper authority for duty with the Army or Navy of the United States.

(g) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(h) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organization.

(i) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(2) It is an affirmative defense to a charge of violating ORS 166.250 (1)(c)(C) that the person has been granted relief from the disability under ORS 166.274.

(3) Except for persons who are otherwise prohibited from possessing a firearm under ORS 166.250 (1)(c) or 166.270, ORS 166.250 does not apply to or affect:

(a) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(b) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

(4) The exceptions listed in subsection (1)(d) to (i) of this section constitute affirmative defenses to a charge of violating ORS 166.250.

SECTION 5. ORS 238.156 is amended to read:

238.156. (1) Notwithstanding any other provision of this chapter, but subject to subsection (4) of this section, an employee who leaves a qualifying position for the purpose of performing service in the uniformed services is entitled to receive contributions, benefits and service credit for the period under rules adopted by the Public Employees Retirement Board pursuant to subsection (2) of this section.

(2) The board shall adopt rules establishing contributions, benefits and service credit for any period of service in the uniformed services by an employee described in subsection (1) of this section. For the purpose of adopting rules under this subsection, the board shall consider and take into account all federal law relating to contributions, benefits and service credit for any period of service in the uniformed services. Contributions, benefits and service credit under rules adopted by the board pursuant to this subsection may not exceed contributions, benefits and service credit required under federal law for periods of service in the uniformed services.

(3) Subject to subsection (4) of this section, an employee who leaves a qualifying position for the purpose of entering or reentering active service in the Armed Forces shall acquire retirement credit for the period during which the employee served in the Armed Forces if:

(a) The employee returns to the service of the employer who employed the employee immediately before commencing service in the Armed Forces in a qualifying position;

(b) The employee returns to that employment within one year after being otherwise than dishonorably discharged from the Armed Forces and within five years after the date that the employee entered or reentered active service in the Armed Forces; and

(c) After returning to employment and before retirement, the employee pays to the Public Employees Retirement Board in a lump sum six percent of the salary that would have been paid to the member during the period of military service in the Armed Forces based on the employee's salary rate at the time the employee entered or reentered the Armed Forces, as though the employee had

remained in the employment of the employer. Any lump sum contribution made under this paragraph shall be added to the employee's regular account and in all respects shall be considered as though made by payroll deduction.

(4) An employee may not receive benefits under both subsections (1) and (3) of this section for the same period of service in the Armed Forces or uniformed services. If an employee is entitled to benefits under both subsections (1) and (3) of this section by the terms of those provisions, the employee shall receive benefits under the subsection that provides the greater benefit.

(5) For the purposes of this section:

(a) "Armed Forces" means the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force**.

(b) "Uniformed services" means:

(A) The Armed Forces;

(B) The Army National Guard or the Air National Guard when the employee is engaged in active duty for training, inactive duty for training or full-time National Guard duty;

(C) The commissioned corps of the United States Public Health Service;

(D) The commissioned corps of the National Oceanic and Atmospheric Administration; and

(E) Any other category of persons designated by the President of the United States in time of war or national emergency.

SECTION 6. ORS 316.193 is amended to read:

316.193. (1) The Department of Revenue may enter into an agreement with the appropriate United States agency or instrumentality for the voluntary withholding of state income taxes from the retired pay of members of the uniformed services under the provisions of section 654, Public Law 98-525. The department is hereby authorized to do all acts and comply with any requirements necessary to enable retired members of the uniformed services to elect voluntary withholding of state income taxes from their retired pay.

(2) The department may establish by rule a minimum monthly amount to be withheld and paid over for any member electing voluntary withholding of state income taxes under an agreement entered into under subsection (1) of this section.

(3) Notwithstanding ORS 314.835 or 314.840, the department may disclose to the Department of Defense the name, address or Social Security number of any member electing voluntary withholding of state income taxes whenever necessary to enable the Department of Defense to implement such withholding under the terms of an agreement entered into under subsection (1) of this section.

(4) As used in this section:

(a) "Member" means any person retired from a regular or reserve component of one of the uniformed services, who has Oregon personal income tax liability in connection with the receipt of retired pay.

(b) "Retired pay" means pay and benefits received based on conditions of the federal retirement law, pay grade, years of service, date of retirement, transfer to Fleet Reserve or Fleet Marine Corps Reserve or disability.

(c) "Uniformed services" means the Army, Navy, Air Force, Marine Corps, Coast Guard, **Space Force**, commissioned corps of the United States Public Health Service and the commissioned corps of the National Oceanic and Atmospheric Administration.

SECTION 7. ORS 316.792 is amended to read:

316.792. (1) As used in this section:

(a) "Armed Forces of the United States" means all regular and reserve components of the United States Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** and other uniformed services under the orders of the President of the United States.

(b) "Military pay" means pay for active duty, inactive duty, training and reserve component duty, including state active duty, and any other compensation, other than retirement pay or pension, paid by the Armed Forces of the United States to a member of the Armed Forces of the United States.

(c) "Reserve component duty" includes duty performed as a member of the reserve components that is not federal active duty.

(d) "Reserve components" includes all National Guard and reserve departments of the Armed Forces of the United States.

(e) "Uniformed services" includes the commissioned corps of the National Oceanic and Atmospheric Administration and the United States Public Health Service.

(2) There shall be subtracted from federal taxable income military pay received for:

(a) Service performed outside this state in the year of initial draft or enlistment or in the year of discharge.

(b) Service performed outside this state during any month beginning on or after August 1, 1990, and before the date designated by the President of the United States as the date of termination of combatant activities in the Persian Gulf Desert Shield area.

(c) Service by a member of the reserve components, if:

(A) The military pay is for service performed when the taxpayer is away from the home of the taxpayer overnight;

(B) The taxpayer is required to be away from home overnight in order to perform the service; and

(C) The service is of a duration of at least 21 consecutive days, although the consecutive days need not be in the same tax year.

(d) Service performed by a member of the Oregon National Guard while in active service of the state or on state active duty, as defined in ORS 396.005.

(e) Service not otherwise qualified for a subtraction under paragraphs (a) to (d) of this subsection, not to exceed \$6,000 per year.

(3) The total amount subtracted under this section may not exceed the taxpayer's total military pay included in federal taxable income for the tax year.

SECTION 8. ORS 323.055 is amended to read:

323.055. The taxes imposed by ORS 323.005 to 323.482 do not apply to:

(1) The sale of cigarettes to United States Army, Air Force, Navy, Marine Corps, Coast Guard, **Space Force**, National Oceanic and Atmospheric Administration or Public Health Service of the United States Department of Health and Human Services exchanges and commissaries and Navy or Coast Guard ships' stores, the United States Department of Veterans Affairs, ships' stores maintained under federal bond, or to any person that by virtue of the Constitution or statutes of the United States cannot be made the subject of taxation by this state.

(2) The sale or gift of federally tax-free cigarettes when the cigarettes are delivered directly from the manufacturer under Internal Revenue bond to a veterans' home or a hospital or domiciliary facility of the United States Department of Veterans Affairs for gratuitous issue to veterans receiving hospitalization or domiciliary care. The tax may not be imposed with respect to the use or consumption of these cigarettes by the institution or by the veteran patients or domiciliaries.

SECTION 9. ORS 339.065 is amended to read:

339.065. (1) In estimating regular attendance for purposes of the compulsory attendance provisions of ORS 339.005 to 339.030, 339.040 to 339.125, 339.137 and 339.420, the principal or teacher shall consider all unexcused absences. Eight unexcused one-half day absences in any four-week period during which the school is in session shall be considered irregular attendance.

(2)(a) An absence may be excused by a principal or teacher if the absence is caused by:

(A) The pupil's sickness, including the mental or behavioral health of the pupil;

(B) The sickness of some member of the pupil's family; or

(C) An emergency.

(b) In addition to the reasons identified in paragraph (a) of this subsection, a principal or teacher:

(A) Shall excuse not more than seven days of absences during the school year if the pupil is a dependent of a member of the Armed Forces of the United States who is on active duty or who is

called into active duty. For the purpose of this subparagraph, “Armed Forces of the United States” includes:

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

(ii) Reserve components of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the United States; and

(iii) The National Guard of the United States and the Oregon National Guard.

(B) May excuse absences for other reasons when satisfactory arrangements are made in advance of the absence.

(3)(a) Any pupil may be excused from attendance by the district school board for a period not to exceed five days in a term of three months or not to exceed 10 days in any term of at least six months. Any such excuse shall be in writing directed to the principal of the school that the pupil attends.

(b) When calculating the number of excused absences under this subsection, any absences excused under subsection (2)(b)(A) of this section shall not be counted.

SECTION 10. ORS 341.496 is amended to read:

341.496. (1) As used in this section:

(a) “Active member of the Armed Forces of the United States” includes officers and enlisted personnel of the Armed Forces of the United States who:

(A) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(b) “Armed Forces of the United States” includes:

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

(B) Reserve components of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the United States; and

(C) The National Guard of the United States and the Oregon National Guard.

(c) “Dependent children” includes any children of an active member of the Armed Forces of the United States who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the member for over one-half of their support.

(2) Community colleges in Oregon shall admit active members of the Armed Forces of the United States, active members of the commissioned corps of the National Oceanic and Atmospheric Administration and members of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States, and their spouses and dependent children, in the same manner as Oregon residents who are residents of the community college district and shall assess the same fees and tuition rates.

SECTION 11. ORS 341.499 is amended to read:

341.499. (1) A student at a community college who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the community college's practice for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 341.502 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the community college, the right to be readmitted and reenrolled at the community college within one year after release from active duty without a requirement of redetermination of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the community college or the Office of Student Access and Completion before the student was ordered to active duty. The Higher Education Coordinating Commission may adopt rules for the administration of scholarships and grants described in this paragraph that are funded by the Office of Student Access and Completion.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the community college may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student's record; or

(c) Alter the student's grade point average due to the student's withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) If a student at a community college who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States is ordered to federal or state active duty for 30 or fewer consecutive days and misses a course session, assignment, examination or other course work due to serving on active duty or receiving medical treatment for an injury sustained on active duty:

(a)(A) In accordance with a policy or practice of the community college for excused absences, the student may complete any missed course assignment, examination or other course work after the student has returned from active duty or medical treatment and has been provided a reasonable amount of time to complete the assignment or other course work or prepare for and take the examination; or

(B) The teacher may award a letter grade or grade of pass without requiring the student to complete the missed assignment, examination or other course work if the teacher determines that the student has completed sufficient work and demonstrated sufficient progress toward meeting course requirements to justify the student's grade without completion of the missed assignment, examination or other course work;

(b) The student's grade may not be adversely impacted solely due to the late completion of an assignment, examination or other course work if the assignment, examination or other course work is timely completed under the provisions of paragraph (a)(A) of this subsection; and

(c) Course sessions the student misses due to active duty or medical treatment shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(5) Boards of education of community college districts shall adopt rules for the administration of this section.

(6) Nothing in this section prevents a community college from providing rights in addition to those provided in this section to students who are ordered to federal or state active duty.

(7) As used in this section, "member of the military" means a person who is a member of:

(a) The Oregon National Guard or the National Guard of any other state or territory; or

(b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States.

SECTION 12. ORS 352.293 is amended to read:

352.293. (1) A student at a public university listed in ORS 352.002 who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the practice of the public university for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 352.296 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the public university, the right to be readmitted and reenrolled at the public university within one year after release from active duty without a requirement of redetermination of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the public university or the Higher Education Coordinating Commission before the student was ordered to active duty. The commission may adopt rules for the administration of scholarships and grants described in this paragraph that are funded by the commission.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the public university may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student's record; or

(c) Alter the student's grade point average due to the student's withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) If a student at a public university listed in ORS 352.002 who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States is ordered to federal or state active duty for 30 or fewer consecutive days and misses a course session, assignment, examination or other course work due to serving on active duty or receiving medical treatment for an injury sustained on active duty:

(a)(A) In accordance with a policy or practice of the public university for excused absences, the student may complete any missed course assignment, examination or other course work after the student has returned from active duty or medical treatment and has been provided a reasonable amount of time to complete the assignment or other course work or prepare for and take the examination; or

(B) The teacher may award a letter grade or grade of pass without requiring the student to complete the missed assignment, examination or other course work if the teacher determines that the student has completed sufficient work and demonstrated sufficient progress toward meeting course requirements to justify the student's grade without completion of the missed assignment, examination or other course work;

(b) The student's grade may not be adversely impacted solely due to the late completion of an assignment, examination or other course work if the assignment, examination or other course work is timely completed under the provisions of paragraph (a)(A) of this subsection; and

(c) Course sessions the student misses due to active duty or medical treatment shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(5) The Higher Education Coordinating Commission and the governing board of a public university listed in ORS 352.002 shall adopt standards for the administration of this section.

(6) Nothing in this section prevents a public university from providing rights in addition to those provided in this section to students who are ordered to federal or state active duty.

(7) As used in this section, "member of the military" means a person who is a member of:

(a) The Oregon National Guard or the National Guard of any other state or territory; or

(b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States.

SECTION 13. ORS 352.313 is amended to read:

352.313. (1) As used in this section:

(a) "Active member of the Armed Forces of the United States" includes officers and enlisted personnel of the Armed Forces of the United States who:

(A) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Reside in another state or a foreign country and establish Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(b) "Armed Forces of the United States" includes:

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

(B) Reserve components of the Army, Navy, Air Force, Marine Corps, [and] Coast Guard **and Space Force** of the United States; and

(C) The National Guard of the United States and the Oregon National Guard.

(c) "Dependent children" includes any children of an active member of the Armed Forces of the United States, of an active member of the commissioned corps of the National Oceanic and Atmospheric Administration or of a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States, who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the member for over one-half of their support.

(2) Active members of the Armed Forces of the United States, active members of the commissioned corps of the National Oceanic and Atmospheric Administration and members of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States, and their spouses and dependent

children, are considered residents of this state for the purpose of admission and for the purpose of determining fees and tuition to be paid by such individuals while attending any public university listed in ORS 352.002.

(3) The governing board of a public university listed in ORS 352.002 may contract with the Armed Forces of the United States to furnish educational service to active members of the Armed Forces of the United States.

(4) The governing board shall determine the number of such students that should be accepted and shall make final decisions on admission of individual applicants.

(5) Students attending the public universities under contracts with the Armed Forces of the United States under this section shall pay fees and tuition customarily charged Oregon students.

(6) Payments made by the Armed Forces of the United States under such contracts shall be deposited in a designated account in the same manner that fees and tuition payments for resident students are deposited and credited.

SECTION 14. ORS 353.200 is amended to read:

353.200. (1) A student at the Oregon Health and Science University who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States and who is ordered to federal or state active duty for more than 30 consecutive days has the following rights:

(a) With regard to a course in which the student is enrolled and for which the student has paid tuition and fees, the right to:

(A) Withdraw from the course, subject to the provisions of subsection (2) of this section;

(B) Receive a grade of incomplete and, upon release from active duty, complete the course in accordance with the practice of the university for completion of incomplete courses; or

(C) Continue and complete the course for full credit, subject to the provisions of subsection (3) of this section;

(b) The right to a credit described in ORS 353.202 for all amounts paid for room, board, tuition and fees;

(c) If the student elects to withdraw from the university, the right to be readmitted and reenrolled at the university within one year after release from active duty without a requirement of redetermination of admission eligibility; and

(d) The right to continuation of scholarships and grants awarded to the student that were funded by the university or the Higher Education Coordinating Commission before the student was ordered to active duty. The commission may adopt rules for the administration of scholarships and grants described in this paragraph that are funded by the commission.

(2) If the student elects to withdraw from a course under subsection (1)(a)(A) of this section, the university may not:

(a) Give the student academic credit for the course from which the student withdraws;

(b) Give the student a failing grade or a grade of incomplete or make any other negative annotation on the student's record; or

(c) Alter the student's grade point average due to the student's withdrawal from the course.

(3) A student who elects to continue and complete a course for full credit under subsection (1)(a)(C) of this section is subject to the following conditions:

(a) Course sessions the student misses due to active duty shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(b) The student may not be automatically excused from completing course assignments due during the period the student serves on active duty.

(c) A letter grade or a grade of pass may be awarded only if, in the opinion of the teacher of the course, the student completes sufficient work and demonstrates sufficient progress toward meeting course requirements to justify the grade.

(4) If a student at the university who is a member of the military, a member of the commissioned corps of the National Oceanic and Atmospheric Administration or a member of the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the Army or Navy of the United States is ordered to federal or state active duty for 30 or fewer consecutive days and misses a course session, assignment, examination or other course work due to serving on active duty or receiving medical treatment for an injury sustained on active duty:

(a)(A) In accordance with a policy or practice of the university for excused absences, the student may complete any missed course assignment, examination or other course work after the student has returned from active duty or medical treatment and has been provided a reasonable amount of time to complete the assignment or other course work or prepare for and take the examination; or

(B) The teacher may award a letter grade or grade of pass without requiring the student to complete the missed assignment, examination or other course work if the teacher determines that the student has completed sufficient work and demonstrated sufficient progress toward meeting course requirements to justify the student's grade without completion of the missed assignment, examination or other course work;

(b) The student's grade may not be adversely impacted solely due to the late completion of an assignment, examination or other course work if the assignment, examination or other course work is timely completed under the provisions of paragraph (a)(A) of this subsection; and

(c) Course sessions the student misses due to active duty or medical treatment shall be counted as excused absences and may not adversely impact the student's grade for the course or rank in the student's class.

(5) The Oregon Health and Science University Board of Directors shall adopt rules for the administration of this section.

(6) Nothing in this section prevents the university from providing rights in addition to those provided in this section to students who are ordered to federal or state active duty.

(7) As used in this section, "member of the military" means a person who is a member of:

(a) The Oregon National Guard or the National Guard of any other state or territory; or

(b) The reserves of the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States.

SECTION 15. ORS 366.931 is amended to read:

366.931. (1) As used in this section:

(a) "Armed Forces of the United States" means:

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

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

(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 and identified; 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.

(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 16. ORS 396.555 is amended to read:

396.555. (1) The Oregon Military Museum is established at Camp Withycombe in Clackamas County. The Oregon Military Department shall establish an official repository in the museum for military weapons, documents and artifacts relating to the military history of the citizens of Oregon, whether service is in the Oregon National Guard or the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States.

(2) The department may enter into agreements with the contributors of such artifacts as it considers necessary.

SECTION 17. ORS 399.425 is amended to read:

399.425. (1) A commissioned officer of the organized militia may tender resignation at any time. Such resignation will be tendered in writing through proper military channels in accordance with applicable federal and state laws and regulations. Such resignations shall take effect when properly accepted and announced in orders.

(2) A commissioned officer desiring to accept an appointment or to enlist in the active Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States or a reserve component thereof shall first obtain a conditional release from the commander of the officer. Such conditional release shall be issued in accordance with this chapter and ORS chapters 396 and 398 and military department regulations, and shall include certification that the officer is properly cleared of responsibility for all state and United States property and public money, and that the officer is not indebted to the state or to the organization to which the officer belongs. An officer so released shall be considered to have resigned upon presentation of evidence that the officer has accepted an appointment or enlisted in the force to which released, and the resignation shall be announced in orders.

(3) No officer shall be allowed to resign a commission who is under arrest, suspension or who is under orders to be returned to any military court for delinquency.

SECTION 18. ORS 497.006 is amended to read:

497.006. (1) As used in this section:

(a) "Dependent children" includes any children of an active member of the Armed Forces of the United States who:

(A) Are under 18 years of age and not married, otherwise emancipated or self-supporting; or

(B) Are under 23 years of age, unmarried, enrolled in a full-time course of study in an institution of higher learning and dependent on the resident member of the uniformed services for over one-half of their support.

(b) "Resident member of the uniformed services" means a member of the uniformed services who:

(A) Resides in this state while assigned to duty at any base, station, shore establishment or other facility in this state;

(B) Resides in this state while serving as a member of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station; or

(C) Resides in another state or a foreign country and establishes Oregon residency by filing Oregon state income taxes no later than 12 months before leaving active duty.

(c) "Uniformed services" means:

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

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

(C) The Oregon National Guard and the National Guard of any other state or territory;

(D) The commissioned corps of the National Oceanic and Atmospheric Administration; and

(E) The Public Health Service of the United States Department of Health and Human Services while detailed by proper authority for duty with the Army or Navy of the United States.

(2) The following persons are resident persons for the purpose of purchasing licenses, tags and permits issued by the State Fish and Wildlife Commission:

(a) A resident member of the uniformed services and the member's spouse and dependent children.

(b) A member of the uniformed services who is not a resident member of the uniformed services, except for the purpose of purchasing controlled hunt tags issued by the commission.

(c) A noncitizen who furnishes to the commission evidence satisfactory to the commission that the noncitizen is attending a school in this state pursuant to a foreign student exchange program.

SECTION 19. ORS 676.875 is amended to read:

676.875. (1) A health care facility may not allow a person to practice surgical technology at the health care facility unless the person provides the health care facility with documentation showing that the person:

(a)(A) Has completed an educational program for surgical technologists accredited by a national accreditation organization approved by the Oregon Health Authority by rule; and

(B) Holds and maintains a:

(i) Surgical technologist certification issued by a nationally accredited certifying organization for surgical technologists approved by the authority by rule; or

(ii) Subspecialty surgical assistant or surgical technologist certification, including but not limited to a certified ophthalmic surgical assisting credential issued by the International Joint Commission on Allied Health Personnel in Ophthalmology or its successor organization, that is accredited by the National Commission for Certifying Agencies or its successor organization and approved by the authority by rule;

(b) Has completed and is certified by a registered apprenticeship program in surgical technology that:

(A) Is approved under ORS 660.002 to 660.210;

(B) Meets the requirements for, and requires participants to receive, certification by the National Center for Competency Testing or its successor organization;

(C) Includes an educational component as determined sufficient by the authority;

(D) Upon completion awards certification accredited by the National Commission for Certifying Agencies or its successor organization; and

(E) Is approved by the authority by rule;

(c)(A) Has completed a training program for surgical technologists in the Army, Navy, Air Force, Marine Corps, [or] Coast Guard **or Space Force** of the United States or in the United States Public Health Service Commissioned Corps; and

(B) Every two years has completed 16 hours of continuing education approved by the authority; or

(d)(A) Practiced surgical technology during at least two of the three years immediately preceding January 1, 2017:

- (i) In a health care facility in Oregon or in another state; or
- (ii) As an employee of an agency or institution of the federal government; and

(B) Every two years has completed 16 hours of continuing education approved by the authority.

(2) Notwithstanding subsection (1)(a)(B) of this section, a health care facility may allow a person who does not hold a certification described in subsection (1)(a)(B) of this section to perform surgical technology at the health care facility for 12 months after the person completes an educational program for surgical technologists accredited by a national accreditation organization approved by the authority by rule.

(3) Notwithstanding subsection (1)(b) of this section, a health care facility may allow a person who does not hold a certification described in subsection (1)(b) of this section to perform surgical technology at the health care facility if the person:

(a) Is an apprentice, as defined in ORS 660.010, actively enrolled in a registered apprenticeship program in surgical technology described in subsection (1)(b) of this section that requires the person to obtain on-the-job supervised training; and

(b) Is at all times while performing surgical technology provided adequate direct supervision as required by the standards for the registered apprenticeship program in which the person is enrolled.

Passed by House May 22, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate June 16, 2025

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Rob Wagner, President of Senate

Received by Governor:

.....M.,....., 2025

Approved:

.....M.,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M.,....., 2025

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Tobias Read, Secretary of State