

HB 2860-1
(LC 2134)
3/7/25 (CPA/htl/ps)

Requested by Representative EVANS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2860**

1 In line 2 of the printed bill, before the period insert “; amending ORS
2 43.450, 90.475, 109.056, 166.260, 238.156, 316.193, 316.792, 323.055, 339.065,
3 341.496, 341.499, 352.293, 352.313, 353.200, 366.931, 396.555, 399.425, 497.006 and
4 676.875”.

5 Delete lines 4 through 8 and insert:

6 **“SECTION 1.** ORS 43.450 is amended to read:

7 “43.450. Relevant official records and files of the Departments of the
8 Army, Navy, [and] Air Force, **Marine Corps, Coast Guard and Space**
9 **Force** of the United States shall be accorded prima facie probative value in
10 evidence before any court or agency in which there is an issue of fact as to
11 the death or disappearance of any person while serving in or with the Armed
12 Forces of the United States.

13 **“SECTION 2.** ORS 90.475 is amended to read:

14 “90.475. (1) A tenant may terminate a rental agreement upon written no-
15 tice if the tenant provides the landlord with proof of official orders showing
16 that the tenant is:

17 “(a) Enlisting for active service in the Armed Forces of the United States;

18 “(b) Serving as a member of a National Guard or other reserve component
19 or an active service component of the Armed Forces of the United States and
20 ordered to active service outside the area for a period that will exceed 90
21 days;

1 “(c) Terminating active service in the Armed Forces of the United States;

2 “(d) A member of the Public Health Service of the United States Depart-
3 ment of Health and Human Services detailed by proper authority for duty
4 with the Army or Navy of the United States and:

5 “(A) Ordered to active service outside the area for a period that will ex-
6 ceed 90 days; or

7 “(B) Terminating the duty and moving outside the area within the period
8 that the member is entitled by federal law to the storage or shipment of
9 household goods; or

10 “(e) A member of the commissioned corps of the National Oceanic and
11 Atmospheric Administration ordered to active service outside the area for a
12 period that will exceed 90 days.

13 “(2) As used in subsection (1) of this section, ‘Armed Forces of the United
14 States’ means the Air Force, Army, Coast Guard, Marine Corps, [*or*] Navy
15 **or Space Force** of the United States.

16 “(3) A termination of a rental agreement under this section is effective
17 on the earlier of:

18 “(a) A date determined under the provisions of any applicable federal law;
19 or

20 “(b) The later of:

21 “(A) 30 days after delivery of the notice;

22 “(B) 30 days before the earliest reporting date on orders for active service;

23 “(C) A date specified in the notice; or

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

27 “(4) Notwithstanding ORS 90.300 (7)(a)(A) and 90.430, a tenant who ter-
28 minates a lease under subsection (1) of this section is not:

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

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

3 “**SECTION 3.** ORS 109.056 is amended to read:

4 “109.056. (1) Except as provided in subsection (2) or (3) of this section, a
5 parent or guardian of a minor or incapacitated person, by a properly exe-
6 cuted power of attorney, may delegate to another person, for a period not
7 exceeding six months, any of the powers of the parent or guardian regarding
8 care, custody or property of the minor child or ward, except the power to
9 consent to marriage or adoption of a minor ward.

10 “(2) A parent or guardian of a minor child may delegate the powers des-
11 ignated in subsection (1) of this section to a school administrator for a pe-
12 riod not exceeding 12 months.

13 “(3)(a) As used in this subsection, ‘servicemember-parent’ means a parent
14 or guardian:

15 “(A) Who is:

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

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

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

21 “(iv) A member of the Public Health Service of the United States De-
22 partment of Health and Human Services detailed by proper authority for
23 duty with the Army or Navy of the United States; and

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

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

1 “(c) Except as provided in paragraph (d) of this subsection, if the minor
2 child is living with the child’s other parent, a delegation under paragraph
3 (b) of this subsection must be to the parent with whom the minor child is
4 living unless a court finds that the delegation would not be in the best in-
5 terests of the minor child.

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

13 **“SECTION 4.** ORS 166.260 is amended to read:

14 “166.260. (1) ORS 166.250 does not apply to or affect:

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

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

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

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

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

30 “(f) Active or reserve members of:

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

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

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

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

11 “(h) Duly authorized military or civil organizations while parading, or the
12 members thereof when going to and from the places of meeting of their or-
13 ganization.

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

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

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

22 “(a) Members of any club or organization, for the purpose of practicing
23 shooting at targets upon the established target ranges, whether public or
24 private, while such members are using any of the firearms referred to in ORS
25 166.250 upon such target ranges, or while going to and from such ranges.

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

28 “(4) The exceptions listed in subsection (1)(d) to (i) of this section con-
29 stitute affirmative defenses to a charge of violating ORS 166.250.

30 “**SECTION 5.** ORS 238.156 is amended to read:

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

7 “(2) The board shall adopt rules establishing contributions, benefits and
8 service credit for any period of service in the uniformed services by an em-
9 ployee described in subsection (1) of this section. For the purpose of adopting
10 rules under this subsection, the board shall consider and take into account
11 all federal law relating to contributions, benefits and service credit for any
12 period of service in the uniformed services. Contributions, benefits and ser-
13 vice credit under rules adopted by the board pursuant to this subsection may
14 not exceed contributions, benefits and service credit required under federal
15 law for periods of service in the uniformed services.

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

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

23 “(b) The employee returns to that employment within one year after being
24 otherwise than dishonorably discharged from the Armed Forces and within
25 five years after the date that the employee entered or reentered active ser-
26 vice in the Armed Forces; and

27 “(c) After returning to employment and before retirement, the employee
28 pays to the Public Employees Retirement Board in a lump sum six percent
29 of the salary that would have been paid to the member during the period of
30 military service in the Armed Forces based on the employee’s salary rate at

1 the time the employee entered or reentered the Armed Forces, as though the
2 employee had remained in the employment of the employer. Any lump sum
3 contribution made under this paragraph shall be added to the employee's
4 regular account and in all respects shall be considered as though made by
5 payroll deduction.

6 “(4) An employee may not receive benefits under both subsections (1) and
7 (3) of this section for the same period of service in the Armed Forces or
8 uniformed services. If an employee is entitled to benefits under both sub-
9 sections (1) and (3) of this section by the terms of those provisions, the em-
10 ployee shall receive benefits under the subsection that provides the greater
11 benefit.

12 “(5) For the purposes of this section:

13 “(a) ‘Armed Forces’ means the Army, Navy, Air Force, Marine Corps,
14 [and] Coast Guard **and Space Force**.

15 “(b) ‘Uniformed services’ means:

16 “(A) The Armed Forces;

17 “(B) The Army National Guard or the Air National Guard when the em-
18 ployee is engaged in active duty for training, inactive duty for training or
19 full-time National Guard duty;

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

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

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

25 “**SECTION 6.** ORS 316.193 is amended to read:

26 “316.193. (1) The Department of Revenue may enter into an agreement
27 with the appropriate United States agency or instrumentality for the volun-
28 tary withholding of state income taxes from the retired pay of members of
29 the uniformed services under the provisions of section 654, Public Law
30 98-525. The department is hereby authorized to do all acts and comply with

1 any requirements necessary to enable retired members of the uniformed ser-
2 vices to elect voluntary withholding of state income taxes from their retired
3 pay.

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

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

14 “(4) As used in this section:

15 “(a) ‘Member’ means any person retired from a regular or reserve com-
16 ponent of one of the uniformed services, who has Oregon personal income tax
17 liability in connection with the receipt of retired pay.

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

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

25 “**SECTION 7.** ORS 316.792 is amended to read:

26 “316.792. (1) As used in this section:

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

1 “(b) ‘Military pay’ means pay for active duty, inactive duty, training and
2 reserve component duty, including state active duty, and any other compen-
3 sation, other than retirement pay or pension, paid by the Armed Forces of
4 the United States to a member of the Armed Forces of the United States.

5 “(c) ‘Reserve component duty’ includes duty performed as a member of the
6 reserve components that is not federal active duty.

7 “(d) ‘Reserve components’ includes all National Guard and reserve de-
8 partments of the Armed Forces of the United States.

9 “(e) ‘Uniformed services’ includes the commissioned corps of the National
10 Oceanic and Atmospheric Administration and the United States Public
11 Health Service.

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

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

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

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

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

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

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

27 “(d) Service performed by a member of the Oregon National Guard while
28 in active service of the state or on state active duty, as defined in ORS
29 396.005.

30 “(e) Service not otherwise qualified for a subtraction under paragraphs

1 (a) to (d) of this subsection, not to exceed \$6,000 per year.

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

5 **“SECTION 8.** ORS 323.055 is amended to read:

6 “323.055. The taxes imposed by ORS 323.005 to 323.482 do not apply to:

7 “(1) The sale of cigarettes to United States Army, Air Force, Navy, Ma-
8 rine Corps, Coast Guard, **Space Force**, National Oceanic and Atmospheric
9 Administration or Public Health Service of the United States Department
10 of Health and Human Services exchanges and commissaries and Navy or
11 Coast Guard ships’ stores, the United States Department of Veterans Affairs,
12 ships’ stores maintained under federal bond, or to any person that by virtue
13 of the Constitution or statutes of the United States cannot be made the
14 subject of taxation by this state.

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

22 **“SECTION 9.** ORS 339.065 is amended to read:

23 “339.065. (1) In estimating regular attendance for purposes of the com-
24 pulsory attendance provisions of ORS 339.005 to 339.030, 339.040 to 339.125,
25 339.137 and 339.420, the principal or teacher shall consider all unexcused
26 absences. Eight unexcused one-half day absences in any four-week period
27 during which the school is in session shall be considered irregular attend-
28 ance.

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

1 “(A) The pupil’s sickness, including the mental or behavioral health of the
2 pupil;

3 “(B) The sickness of some member of the pupil’s family; or

4 “(C) An emergency.

5 “(b) In addition to the reasons identified in paragraph (a) of this sub-
6 section, a principal or teacher:

7 “(A) Shall excuse not more than seven days of absences during the school
8 year if the pupil is a dependent of a member of the Armed Forces of the
9 United States who is on active duty or who is called into active duty. For
10 the purpose of this subparagraph, ‘Armed Forces of the United States’ in-
11 cludes:

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

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

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

18 “(B) May excuse absences for other reasons when satisfactory arrange-
19 ments are made in advance of the absence.

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

24 “(b) When calculating the number of excused absences under this sub-
25 section, any absences excused under subsection (2)(b)(A) of this section shall
26 not be counted.

27 **“SECTION 10.** ORS 341.496 is amended to read:

28 “341.496. (1) As used in this section:

29 “(a) ‘Active member of the Armed Forces of the United States’ includes
30 officers and enlisted personnel of the Armed Forces of the United States who:

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

3 “(B) Reside in this state while serving as members of the crew of a ship
4 that has an Oregon port or shore establishment as its home port or perma-
5 nent station; or

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

9 “(b) ‘Armed Forces of the United States’ includes:

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

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

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

16 “(c) ‘Dependent children’ includes any children of an active member of the
17 Armed Forces of the United States who:

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

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

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

1 **“SECTION 11.** ORS 341.499 is amended to read:

2 “341.499. (1) A student at a community college who is a member of the
3 military, a member of the commissioned corps of the National Oceanic and
4 Atmospheric Administration or a member of the Public Health Service of the
5 United States Department of Health and Human Services detailed by proper
6 authority for duty with the Army or Navy of the United States and who is
7 ordered to federal or state active duty for more than 30 consecutive days has
8 the following rights:

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

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

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

16 “(C) Continue and complete the course for full credit, subject to the pro-
17 visions of subsection (3) of this section;

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

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

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

30 “(2) If the student elects to withdraw from a course under subsection

1 (1)(a)(A) of this section, the community college may not:

2 “(a) Give the student academic credit for the course from which the stu-
3 dent withdraws;

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

6 “(c) Alter the student’s grade point average due to the student’s with-
7 drawal from the course.

8 “(3) A student who elects to continue and complete a course for full credit
9 under subsection (1)(a)(C) of this section is subject to the following condi-
10 tions:

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

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

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

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

29 “(a)(A) In accordance with a policy or practice of the community college
30 for excused absences, the student may complete any missed course assign-

1 ment, examination or other course work after the student has returned from
2 active duty or medical treatment and has been provided a reasonable amount
3 of time to complete the assignment or other course work or prepare for and
4 take the examination; or

5 “(B) The teacher may award a letter grade or grade of pass without re-
6 quiring the student to complete the missed assignment, examination or other
7 course work if the teacher determines that the student has completed suffi-
8 cient work and demonstrated sufficient progress toward meeting course re-
9 quirements to justify the student’s grade without completion of the missed
10 assignment, examination or other course work;

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

15 “(c) Course sessions the student misses due to active duty or medical
16 treatment shall be counted as excused absences and may not adversely im-
17 pact the student’s grade for the course or rank in the student’s class.

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

20 “(6) Nothing in this section prevents a community college from providing
21 rights in addition to those provided in this section to students who are or-
22 dered to federal or state active duty.

23 “(7) As used in this section, ‘member of the military’ means a person who
24 is a member of:

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

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

29 “**SECTION 12.** ORS 352.293 is amended to read:

30 “352.293. (1) A student at a public university listed in ORS 352.002 who

1 is a member of the military, a member of the commissioned corps of the
2 National Oceanic and Atmospheric Administration or a member of the Public
3 Health Service of the United States Department of Health and Human Ser-
4 vices detailed by proper authority for duty with the Army or Navy of the
5 United States and who is ordered to federal or state active duty for more
6 than 30 consecutive days has the following rights:

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

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

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

14 “(C) Continue and complete the course for full credit, subject to the pro-
15 visions of subsection (3) of this section;

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

18 “(c) If the student elects to withdraw from the public university, the right
19 to be readmitted and reenrolled at the public university within one year after
20 release from active duty without a requirement of redetermination of admis-
21 sion eligibility; and

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

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

29 “(a) Give the student academic credit for the course from which the stu-
30 dent withdraws;

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

3 “(c) Alter the student’s grade point average due to the student’s with-
4 drawal from the course.

5 “(3) A student who elects to continue and complete a course for full credit
6 under subsection (1)(a)(C) of this section is subject to the following condi-
7 tions:

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

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

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

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

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

1 take the examination; or

2 “(B) The teacher may award a letter grade or grade of pass without re-
3 quiring the student to complete the missed assignment, examination or other
4 course work if the teacher determines that the student has completed suffi-
5 cient work and demonstrated sufficient progress toward meeting course re-
6 quirements to justify the student’s grade without completion of the missed
7 assignment, examination or other course work;

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

12 “(c) Course sessions the student misses due to active duty or medical
13 treatment shall be counted as excused absences and may not adversely im-
14 pact the student’s grade for the course or rank in the student’s class.

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

18 “(6) Nothing in this section prevents a public university from providing
19 rights in addition to those provided in this section to students who are or-
20 dered to federal or state active duty.

21 “(7) As used in this section, ‘member of the military’ means a person who
22 is a member of:

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

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

27 **“SECTION 13.** ORS 352.313 is amended to read:

28 “352.313. (1) As used in this section:

29 “(a) ‘Active member of the Armed Forces of the United States’ includes
30 officers and enlisted personnel of the Armed Forces of the United States who:

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

3 “(B) Reside in this state while serving as members of the crew of a ship
4 that has an Oregon port or shore establishment as its home port or perma-
5 nent station; or

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

9 “(b) ‘Armed Forces of the United States’ includes:

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

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

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

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

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

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

27 “(2) Active members of the Armed Forces of the United States, active
28 members of the commissioned corps of the National Oceanic and Atmospheric
29 Administration and members of the Public Health Service of the United
30 States Department of Health and Human Services detailed by proper au-

1 thority for duty with the Army or Navy of the United States, and their
2 spouses and dependent children, are considered residents of this state for the
3 purpose of admission and for the purpose of determining fees and tuition to
4 be paid by such individuals while attending any public university listed in
5 ORS 352.002.

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

9 “(4) The governing board shall determine the number of such students
10 that should be accepted and shall make final decisions on admission of in-
11 dividual applicants.

12 “(5) Students attending the public universities under contracts with the
13 Armed Forces of the United States under this section shall pay fees and tu-
14 tion customarily charged Oregon students.

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

18 **“SECTION 14.** ORS 353.200 is amended to read:

19 “353.200. (1) A student at the Oregon Health and Science University who
20 is a member of the military, a member of the commissioned corps of the
21 National Oceanic and Atmospheric Administration or a member of the Public
22 Health Service of the United States Department of Health and Human Ser-
23 vices detailed by proper authority for duty with the Army or Navy of the
24 United States and who is ordered to federal or state active duty for more
25 than 30 consecutive days has the following rights:

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

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

30 “(B) Receive a grade of incomplete and, upon release from active duty,

1 complete the course in accordance with the practice of the university for
2 completion of incomplete courses; or

3 “(C) Continue and complete the course for full credit, subject to the pro-
4 visions of subsection (3) of this section;

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

7 “(c) If the student elects to withdraw from the university, the right to be
8 readmitted and reenrolled at the university within one year after release
9 from active duty without a requirement of redetermination of admission el-
10 igibility; and

11 “(d) The right to continuation of scholarships and grants awarded to the
12 student that were funded by the university or the Higher Education Coordi-
13 nating Commission before the student was ordered to active duty. The com-
14 mission may adopt rules for the administration of scholarships and grants
15 described in this paragraph that are funded by the commission.

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

18 “(a) Give the student academic credit for the course from which the stu-
19 dent withdraws;

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

22 “(c) Alter the student’s grade point average due to the student’s with-
23 drawal from the course.

24 “(3) A student who elects to continue and complete a course for full credit
25 under subsection (1)(a)(C) of this section is subject to the following condi-
26 tions:

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

30 “(b) The student may not be automatically excused from completing

1 course assignments due during the period the student serves on active duty.

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

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

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

21 “(B) The teacher may award a letter grade or grade of pass without re-
22 quiring the student to complete the missed assignment, examination or other
23 course work if the teacher determines that the student has completed suffi-
24 cient work and demonstrated sufficient progress toward meeting course re-
25 quirements to justify the student’s grade without completion of the missed
26 assignment, examination or other course work;

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

1 “(c) Course sessions the student misses due to active duty or medical
2 treatment shall be counted as excused absences and may not adversely im-
3 pact the student’s grade for the course or rank in the student’s class.

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

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

9 “(7) As used in this section, ‘member of the military’ means a person who
10 is a member of:

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

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

15 **“SECTION 15.** ORS 366.931 is amended to read:

16 “366.931. (1) As used in this section:

17 “(a) ‘Armed Forces of the United States’ means:

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

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

22 “(C) The Oregon National Guard and a National Guard of any other state
23 or territory.

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

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

29 “(2) To recognize and honor those who were killed in action or who died
30 as a result of wounds received in action while serving in the Armed Forces

1 of the United States, the Department of Transportation shall erect and
2 maintain a Fallen Hero roadside memorial sign if:

3 “(a)(A) The Legislative Assembly adopts a concurrent resolution that re-
4 cognizes the individual killed in the line of duty; or

5 “(B) The individual killed in the line of duty was formerly designated as
6 either a prisoner of war or unaccounted for by the Defense POW/MIA Ac-
7 counting Agency and the remains of the individual have been recovered and
8 identified; and

9 “(b) The department receives the payment of a fee determined by the de-
10 partment under subsection (3) of this section.

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

15 “(4) The department shall deposit the fees that the department collects
16 under this section into the Roadside Memorial Fund established under ORS
17 366.932.

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

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

24 “(a) A request to waive the fee is submitted by a Gold Star Family mem-
25 ber; and

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

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

1 **“SECTION 16.** ORS 396.555 is amended to read:

2 “396.555. (1) The Oregon Military Museum is established at Camp
3 Withycombe in Clackamas County. The Oregon Military Department shall
4 establish an official repository in the museum for military weapons, docu-
5 ments and artifacts relating to the military history of the citizens of Oregon,
6 whether service is in the Oregon National Guard or the Army, Navy, Air
7 Force, Marine Corps, [*or*] Coast Guard **or Space Force** of the United States.

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

10 **“SECTION 17.** ORS 399.425 is amended to read:

11 “399.425. (1) A commissioned officer of the organized militia may tender
12 resignation at any time. Such resignation will be tendered in writing through
13 proper military channels in accordance with applicable federal and state
14 laws and regulations. Such resignations shall take effect when properly ac-
15 cepted and announced in orders.

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

28 “(3) No officer shall be allowed to resign a commission who is under ar-
29 rest, suspension or who is under orders to be returned to any military court
30 for delinquency.

1 **“SECTION 18.** ORS 497.006 is amended to read:
2 “497.006. (1) As used in this section:
3 “(a) ‘Dependent children’ includes any children of an active member of the
4 Armed Forces of the United States who:
5 “(A) Are under 18 years of age and not married, otherwise emancipated
6 or self-supporting; or
7 “(B) Are under 23 years of age, unmarried, enrolled in a full-time course
8 of study in an institution of higher learning and dependent on the resident
9 member of the uniformed services for over one-half of their support.
10 “(b) ‘Resident member of the uniformed services’ means a member of the
11 uniformed services who:
12 “(A) Resides in this state while assigned to duty at any base, station,
13 shore establishment or other facility in this state;
14 “(B) Resides in this state while serving as a member of the crew of a ship
15 that has an Oregon port or shore establishment as its home port or perma-
16 nent station; or
17 “(C) Resides in another state or a foreign country and establishes Oregon
18 residency by filing Oregon state income taxes no later than 12 months before
19 leaving active duty.
20 “(c) ‘Uniformed services’ means:
21 “(A) The Army, Navy, Air Force, Marine Corps, [*and*] Coast Guard **and**
22 **Space Force** of the United States;
23 “(B) The reserves of the Army, Navy, Air Force, Marine Corps, [*and*]
24 Coast Guard **and Space Force** of the United States;
25 “(C) The Oregon National Guard and the National Guard of any other
26 state or territory;
27 “(D) The commissioned corps of the National Oceanic and Atmospheric
28 Administration; and
29 “(E) The Public Health Service of the United States Department of Health
30 and Human Services while detailed by proper authority for duty with the

1 Army or Navy of the United States.

2 “(2) The following persons are resident persons for the purpose of pur-
3 chasing licenses, tags and permits issued by the State Fish and Wildlife
4 Commission:

5 “(a) A resident member of the uniformed services and the member’s spouse
6 and dependent children.

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

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

13 **“SECTION 19.** ORS 676.875 is amended to read:

14 “676.875. (1) A health care facility may not allow a person to practice
15 surgical technology at the health care facility unless the person provides the
16 health care facility with documentation showing that the person:

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

20 “(B) Holds and maintains a:

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

24 “(ii) Subspecialty surgical assistant or surgical technologist certification,
25 including but not limited to a certified ophthalmic surgical assisting cre-
26 dential issued by the International Joint Commission on Allied Health Per-
27 sonnel in Ophthalmology or its successor organization, that is accredited by
28 the National Commission for Certifying Agencies or its successor organiza-
29 tion and approved by the authority by rule;

30 “(b) Has completed and is certified by a registered apprenticeship program

1 in surgical technology that:

2 “(A) Is approved under ORS 660.002 to 660.210;

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

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

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

10 “(E) Is approved by the authority by rule;

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

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

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

19 “(i) In a health care facility in Oregon or in another state; or

20 “(ii) As an employee of an agency or institution of the federal govern-
21 ment; and

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

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

30 “(3) Notwithstanding subsection (1)(b) of this section, a health care fa-

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

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

8 “(b) Is at all times while performing surgical technology provided ade-
9 quate direct supervision as required by the standards for the registered ap-
10 prenticeship program in which the person is enrolled.”.

11
