

HOUSE COMMITTEE ON
VETERANS' AFFAIRS

February 1, 2005 Hearing Room C

8:30 A.M. Tapes 12 - 14

(corrected 07/28/05)

MEMBERS PRESENT: **Rep. Donna Nelson, Chair**

Rep. Phil Barnhart, Vice-Chair

Rep. Debi Farr, Vice-Chair

Rep. Brian Boquist

Rep. Scott Bruun

Rep. Dave Hunt

Rep. Betty Komp

STAFF PRESENT: **Jim Stembridge, Committee Administrator**

Erin Seiler, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2135 – Public Hearing and Work Session

HB 2136 – Public Hearing and Work Session

Veterans' Issues – Informational Meeting

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For

complete contents, please refer to the tapes.

TAPE/#Speaker Comments

TAPE 12, A

001 Chair Nelson Opens the meeting at 8:31 a.m. Acknowledges veterans in the attendance.

029 Chair Nelson Opens a public hearing on HB 2135.

HB 2135 - PUBLIC HEARING

030 Jim Stembridge Committee Administrator. Explains HB 2135, which extends certain benefits to members of Oregon National Guard serving under Title 10 of United States Code.

050 Colonel Mike Caldwell Deputy Director, Oregon Military Department. Submits and summarizes written testimony in support of HB 2135 (**EXHIBIT A**).

071 Chair Nelson Closes the public hearing on HB 2135. Opens a work session on HB 2135.

HB 2135 – WORK SESSION

080 Rep. Barnhart MOTION: Moves HB 2135 to the floor with a DO PASS recommendation.

083 Rep. Barnhart Speaks in strong support of HB 2135.

099 Rep. Boquist Verifies that HB 2135 brings state statutes into exact compliance with federal statutes.

117 Chair Nelson Addresses the importance of ensuring that all Oregon National Guard soldiers have access to benefits.

140 VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Nelson The motion CARRIES.

REP. NELSON will lead discussion on the floor.

149 Chair Nelson Closes the work session on HB 2135. Opens a public hearing on HB 2136.

HB 2136 - PUBLIC HEARING

152 Jim Stembridge Committee Administrator. Explains HB 2136, which revises provisions relating to Oregon militia.

165 Colonel Mike Caldwell Deputy Director, Oregon Military Department (OMD). Submits and summarizes written testimony in support of HB 2136 (**EXHIBIT B**).

193 Caldwell Explains the purpose of HB 2136 is to update State Code in an effort to maintain consistency with the federal Uniformed Code of Military Justice.

235 Caldwell Reviews the key components of the bill, noting that it authorizes the OMD to make regulations that govern “our actions and behaviors.”

285 Rep. Barnhart Asks if any of the changes have substantive value that need to be fixed by this committee or by the Judiciary Committee.

294 Caldwell Points out that the changes are minor and the major purpose of the bill is to provide clarification regarding the application of federal rules.

328 Rep. Barnhart Comments that having two different sets of rules governing the deployment status of soldiers does not make sense. Asks who is responsible for the costs of holding a person in county jail.

342 Caldwell Responds that he has never had anybody locked up.

361 Major Mark Ronning State Judge Advocate, OMD. Explains why the threat of jail is hollow.

TAPE 13, A

020 Rep. Bruun Expresses concern as to a provision in the bill regarding wearing military uniforms. Asks if it is aimed at members of the militia or anybody wearing a uniform.

032 Caldwell

- Explains that the “key” of the statute is whether the individual is wearing an official uniform.
- 057 Rep. Bruun Verifies that it would be a violation when a person attempts to misrepresent oneself as active in the military or having achieved a status within the military that does not truly represent the situation.
- 061 Caldwell Stresses that this law is intended to apply to a person who purposefully tries to mislead someone else in an official capacity.
- 071 Ronning Clarifies that HB 2136 gives local law enforcement officials that authority to prevent people who are not authorized from wearing an official uniform.
- 084 Rep. Bruun Restates concern that a “kid in college” who, though, wearing a uniform, does so without the intention of misleading someone in an official capacity.
- 095 Rep. Barnhart Questions if it really would be a violation for a soldier who is legally authorized to wear an official uniform to appear before a legislative body without authorization from superiors.
- 106 Caldwell Explains why a person not authorized, by law or regulation, may not wear any official uniform.
- 110 Rep. Barnhart Cites a possible exception to the rule.
- 117 Ronning Confirms that there could be an exception to the rule. Discusses the ability of the Oregon National Guard to rectify the impair behavior of a soldier while in uniform.
- 125 Rep. Boquist Asks for a background summary of the bill.
- 138 Ronning Summarizes the history, development, and purpose of HB 2136
- 202 Chair Nelson Closes the public hearing on HB 2136. Opens a work session on HB 2136.

HB 2136 - WORK SESSION

- 207 Rep. Farr **MOTION: Moves HB 2136 to Judiciary with a DO PASS recommendation.**

212 Rep. Barnhart Expresses concern about the penalty for the unauthorized wearing of an official military uniform being a class B misdemeanor.

235 VOTE: 7-0-0

AYE: In a roll call vote, all members present vote Aye.

Chair Nelson The motion CARRIES.

241 Chair Nelson Closes the work session on HB 2136. Opens an informational meeting on Veterans' Issues.

VETERANS' ISSUES - INFORMATIONAL MEETING

252 Jim Willis Director, Oregon Department of Veterans' Affairs (ODVA). Discusses the Veterans' Home Loan Program.

300 Willis Explains the eligibility criteria for home loan and the current number of veterans eligible for a home loan from ODVA.

350 Willis Identifies the federal laws that limits eligibility to specific veterans and restricts ODVA ability to make funds available for loans.

385 Rep. Barnhart Asks how limited are the funds for the Veterans' Home Loan Program and how the program is doing as a business enterprise.

400 Willis Explains the long-term viability of the Veterans' Home Loan Program.

TAPE 14, A

027 Willis Addresses the ability of ODVA to meet current demand for home loans and the effect of fluctuations in the interest rate on demand for loans.

110 Willis Responds to concerns regarding the future of the Veterans' Home Loan Program if the Federal Tax Code is not revised.

145 Rep. Boquist Asks how changing the definition of veteran would impact eligibility for home loan.

151 Willis

Discusses how changing Oregon's definition of a veteran effects eligibility for a home loan.

- 200 Rep. Boquist Asks if changing the definition of veteran increases eligibility.
- 216 Willis Replies that changing the definition of a veteran in Oregon would not increase access to federal benefits because they are tied to the federal definition of a veteran.
- 259 Willis Addresses concern about the distance that veterans have to travel for healthcare services and the need to allow veterans to access healthcare in their own local area.
- 327 Chair Farr Closes the informational meeting on veterans' issues. Adjourns the meeting at 9:48 a.m.

EXHIBIT SUMMARY

- A. **HB 2135, written testimony, Colonel Mike Caldwell, 1 pp**
- B. **HB 2136, written testimony, Colonel Mike Caldwell, 3 pp**