

Chapter 274

Division 30

STATE FUNDS FOR COUNTIES AND ~~VETERANS'~~VETERANS ORGANIZATIONS

~~274-030-0500~~

~~274-030-0500~~

Definitions for Division 30

(1) "Accredited" means an individual officially recognized and authorized by the United States Department of Veterans Affairs (USDVA) to assist in the preparation, presentation, and prosecution of a claim for USDVA benefits.

(2) "Advisory Committee" means the Advisory Committee to the Director defined in ORS 406.210.

(3) "Capital Assets" means tangible and intangible property as defined as "capital assets" in the State of Oregon Accounting Manual, Number 10.50.00 PR, as amended, that have initial estimated useful lives beyond a single year and have an initial cost of at least \$5,000 and does not include items below \$5,000. Examples of capital assets include land, land improvements, buildings and building improvements, motor vehicles, equipment and machinery, works of art and historical treasures, and infrastructure items such as state highways and airports.

(4) "Capital outlay" means expenditures for capital assets.

(5) "County" means a county that carries on a program of veterans' rehabilitation work ~~described in ORS 406.320~~ and that contracts for or employs a part-time or full-time ~~veteran service officer~~Veteran Service Officer.

(6) "County Veteran Service Officer" means a person appointed by a county under ORS 408.410 who is contracted or employed as a part-time or full-time agent or employee of a county to carry on a program of veterans' rehabilitation work.

(7) "Department" means the Department of Veterans' Affairs as defined in ORS 406.005.

(8) "Director" means the Director of Veterans' Affairs as defined in ORS 406.410.

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(9) “Funds” means monies that have been appropriated to the Department for distribution to ~~veterans~~veterans organizations and counties under ORS 406.310 and 406.454.

(10) “Funds Available” shall mean the funds remaining, after any distributions have been made to veterans’ organization and counties, from those funds appropriated to the Department for distribution to ~~veterans~~veterans organizations and counties under ORS 406.310 and 406.454.

(11) “Qualified Veterans Organization” means a ~~veterans~~veterans organization qualified to apply for funds under ORS 406.310 and 406.320 that has carried on a program of ~~veterans~~veterans rehabilitation work by employing a part-time or full-time paid veteran service officer in Oregon for not less than two years immediately preceding an application for funds under ORS 406.410.

(12) “Rehabilitation Program” means conducting a program, in acting under power of attorney for veterans in connection with claims for benefits, in assisting veterans in prosecutions of their claims and in solution of problems arising out of previous military service as provided in ORS 406.310.

(13) “Supplant funds” means to use funds appropriated to the Department and distributed to a county under ORS 406.310 and ORS 406.454 to replace county funds that were previously appropriated by the county for county ~~veteran-service-officers~~Veteran Service Officers and rehabilitation programs.

(14) “~~Veterans~~Veterans Organization” means an organization recognized by the United States Department of Veterans Affairs (USDVA), Office of General Counsel, to assist claimants for USDVA benefits in the preparation, presentation, and prosecution of their claims.

(15) “Veteran Service Officer” means a part-time or full-time paid accredited employee of an accredited state or national ~~veterans~~veterans organization, who is employed to represent veterans before rating boards of the United States Department of Veterans Affairs.

Statutory/Other Authority: ~~ORS 406 & 408.410~~

Statutes/Other Implemented: ~~ORS 406.030, 406.215, 406.217 & 406.450 - 462~~

History:

DVA-3-2017, amend filed 11/30/2017, effective 12/01/2017

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DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18
DVA 2-2008, f. & cert. ef. 2-4-08
DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08
DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08
DVA 4-1984, f. 6-15-84, ef. 7-1-84
DVA 28, f. 8-16-61,
274-030-0505

274-030-0505

Application for Funds by a ~~Veterans~~Veterans Organization

A ~~veterans~~veterans organization applying for funds under ORS 406.310 must submit a written application to the Department, on an approved form, on or before August 15 of the application year. The application shall include the organization's eligibility for funds under ORS 406.320, a description of its rehabilitation program , and a copy of the approved budget for its program for the next fiscal year.

Statutory/Other Authority: ~~ORS~~ 406

Statutes/Other Implemented: ~~ORS~~ 406.030 & 406.310 - 406.340

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017
DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18
DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08
DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08
DVA 4-1984, f. 6-15-84, ef. 7-1-84
DVA 28, f. 8-16-61,
274-030-0515

274-030-0515

Distribution of Funds to a Veterans' Organizations

(1) The Department shall review the applications and qualifications of each ~~veterans~~veterans organization that applied for funds and distribute the funds appropriated to qualified ~~veterans~~veterans organizations based on the number of veterans served by the organization, the number of organizations applying for funds, and the amount of the organization's financial contribution to its ~~veterans~~veterans rehabilitation program.

(2) After reviewing the quarterly reports required under OAR 274-030-0520, the Department shall distribute funds to ~~veterans~~veterans organizations on a quarterly basis, based on the Department's fiscal year that begins on July 1 and ends June 30.

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Statutory/Other Authority: ~~ORS 406~~

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Statutes/Other Implemented: ~~ORS 406.030, 406.210, 406.215 & 406.310 - 406.340~~

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~~DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017~~

~~DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18~~

~~DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08~~

~~DVA 4-1984, f. 6-15-84, ef. 7-1-84~~

~~DVA 28, f. 8-16-61,~~

~~274-030-0520~~

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~~274-030-0520~~

Quarterly Reports and Audits from ~~Veterans'~~~~Veterans~~ Organizations

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(1) ~~Veterans'~~~~Veterans~~ organizations that receive funds from the Department shall submit quarterly reports of the activities of their accredited ~~veteran-service-officers~~~~Veteran Service Officers~~ and program expenses on an approved form. The Department shall review and approve the quarterly reports, and authorize disbursement.

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(2) The Director may audit and examine the activities and expenditures of ~~veterans'~~~~veterans~~ organizations before approving reimbursements ~~or at any time during the fiscal year~~.

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Statutory/Other Authority: ~~ORS 406~~

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Statutes/Other Implemented: ~~ORS 406.030 & 406.450 - 406.462~~

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History:

~~DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017~~

~~DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18~~

~~DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08~~

~~DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08~~

~~DVA 4-1984, f. 6-15-84, ef. 7-1-84~~

~~DVA 28, f. 8-16-61,~~

~~274-030-0525~~

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~~274-030-0525~~

Fiscal Division of Funds for Veterans' Organizations

The Department shall not disburse more than one-half of the funds available for disbursement to ~~veterans'~~~~veterans~~ organizations under ORS 406.310 during the first 12 months of the Department's fiscal biennium.

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Statutory/Other Authority: ORS 406

Statutes/Other Implemented: ORS 406.030, 406.310 & 406.330

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017

DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18

DVA 4-1984, f. 6-15-84, ef. 7-1-84

DVA 28, f. 8-16-61,

274-030-0535

274-030-0535

Limitation on Distribution of Funds to Veterans' Organizations

The Department shall not allocate funds to a veterans' organization in an amount that is more than 50 percent of the organization's approved budget. However, if the national headquarters of a state veterans' organization bears the major portion of the expenses of the veteran-service officer, the state veterans' organization may submit as its own expense that portion of the annual member dues that are sent to its national headquarters as payment for a portion of the expenses of its veteran-service officer. For purposes of this rule, a "veteran-service officer" may be referred to by a veterans' organization as a "State Service Officer" or a "National Service Officer."

Statutory/Other Authority: ORS 406

Statutes/Other Implemented: ORS 406.030, 406.210 - 406.217, 406.310 & 406.450 - 406.462

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017

DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18

DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08

DVA 4-1984, f. 6-15-84, ef. 7-1-84

DVA 28, f. 8-16-61,

274-030-0541

274-030-0541

Application of Rules

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The rules under OAR 274-030-050 and 274-030-0541 through 274-030-630 apply to all funds allocated to the Department and distributed to the counties under ORS 406.310 (Director authorized to aid veterans organizations) and under ORS 406.454 (Distribution formula; rules; use of funds).

Statutory/Other Authority: ~~ORS 406.005, 406.330, 406.454 & 406.456~~

Statutes/Other Implemented: ~~ORS 406.310, 406.320, 406.440, 406.450, 406.452, 406.454, 406.456, 406.460 & 406.462~~

History:

~~DVA 3-2017, adopt filed 11/30/2017, effective 12/01/2017~~

~~DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18, 274-030-0545~~

274-030-0545

County Application for Funds

(1) A county applying for funds under ORS 406.310 ~~and~~, ORS 406.454, ~~and 406.462~~ must submit written application to the Department, on an approved form, on or before August 15~~30~~ of the application year. The application shall include budget reports, revenue and expense reports, and a copy of the approved budget for its program for the next fiscal year.

(2) A county may not apply for or use funds for capital outlay.

(3) A county may not apply for or use funds to supplant county funds that were previously appropriated by the county for county ~~veteran service officers~~ Veteran Service Officers and rehabilitation programs.

(4) The Director shall distribute moneys appropriated to the Director for the purposes described in ORS 406.450 on a quarterly basis as follows:

(a) Each fiscal year, the Director shall notify each county governing body of the amount of moneys to be distributed to the county governing body for the fiscal year.

(b) The county governing body shall provide the Director a copy of the county's budget for the services to be provided by the county Veterans Service Officer for the fiscal year.

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Statutory/Other Authority: ORS 406

Statutes/Other Implemented: ORS 406.030, 406.215 & 406.310

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017

DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18

DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08

DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08

DVA 4-1984, f. 6-15-84, ef. 7-1-84

DVA 28, f. 8-16-61,

274-030-0550

274-030-0550

Late Applications

The Director may approve a distribution of funds to a county that files an application under OAR 274-030-0550 after August 15³⁰ only if sufficient funds are available.

Statutory/Other Authority: ORS 406

Statutes/Other Implemented: ORS 406.030, 406.215, 406.217, 406.450 & 406.450 - 462

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017

DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18

DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08

DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08

DVA 4-1984, f. 6-15-84, ef. 7-1-84

DVA 28, f. 8-16-61,

274-030-0560

274-030-0560

Quarterly Reports and Audits

(1) A

(1) At the end of each fiscal quarter, the county must submit governing body shall provide the Director

quarterly reports and supporting documentation described in subsection (2) subsections (a) and (b) of this rule, no later than the last working day of the month following the end of a fiscal quarter.

(2) The Department will distribute funds to a county on a quarterly reimbursement basis only after the Department has reviewed and approved both of the following reports and supporting documentation submitted by the county:

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(a) Quarterly expense reports of the county's veteran services program; and

(b) Quarterly county ~~veteran service officer~~ **Veteran Service Officers** activity reports.

(3

(2) The Director may audit and examine the activities and expenditures of a county before approving the disbursement of funds, **or at any point during the fiscal year**.

Statutory/Other Authority: ~~ORS 406~~

Statutes/Other Implemented: ~~ORS 406.030 & 406.450 - 462~~

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017

DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18

DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08

DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08

DVA 4-1984, f. 6-15-84, ef. 7-1-84

DVA 28, f. 8-16-61,

274-030-0565

274-030-0565

Fiscal Division of Funds

(1) At the end of each calendar quarter, the county governing body shall provide the director a report on the moneys the county expended during the calendar quarter for the services provided by the county Veteran Service Officers.

(2) Upon receipt of the county governing body's quarterly report, the director shall distribute to the county governing body a portion of moneys allocated to the county governing body in an amount that is based on the proportion of all moneys budgeted for all services provided by county veterans' service officers that were expended during the calendar quarter.

(3) At the end of each calendar quarter, the county governing body may also provide the director documentation for moneys the county expended during a previous calendar quarter in the fiscal year for the services provided by the county veterans' service officer that the county had not previously reported to the director and for which the county governing body has not received a distribution of moneys from the director. Upon receipt of

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the documentation, the director shall distribute to the county governing body a portion of moneys allocated to the county governing body in an amount that is based on the proportion of all moneys budgeted for all services provided by county veterans' service officers that were expended during the calendar quarter within which the county expended the moneys for which the county governing body provided the director documentation.

(4) At the end of each fiscal year, the Director shall calculate the remaining moneys not distributed during the fiscal year and distribute the remaining moneys using a formula established under ORS 406.454 to each county governing body that expended 90 percent or more of the moneys that the county budgeted for services provided by the county Veteran Service Officers for the fiscal year. The Director shall distribute the remaining moneys within 90 days from the last date of the fiscal year.

(5) The Department shall not disburse more than one-half of the total funds available for distribution to a county under ORS 406.310 and 406.454 during the first 12 months of the Department's fiscal biennium.

(6) The Director may reduce the amount of moneys distributed to county governing bodies for county Veteran Service Officers if there is a decrease in the amount of General Fund or State Lottery Fund revenues appropriated to the Director for the purposes described in ORS 406.450 for the same period of time.

Statutory/Other Authority: ORS 406

Statutes/Other Implemented: ORS 406.030 & 406.450 - 462

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017
DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18
DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08
DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08
DVA 4-1984, f. 6-15-84, ef. 7-1-84
DVA 28, f. 8-16-61,
274-030-0570

274-030-0570

Formula for the Distribution of Funds to Counties under ORS 406.310 and 406.454

(1) The formula in subsection (2) of this rule for the distribution of funds described in ORS 406.310 and 406.454 to the counties is based on the consideration of the following factors:

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(a) A base amount will be provided for each county;

(b) The number of veterans residing in each county;

(c) The existing veterans' service resources available in each county;

(d) The rehabilitation of the greatest number of Oregon veterans; and

(e) The elimination, as much as possible, of any duplication of effort and inefficient expenditure of funds.

(2) The Department will review applications from all qualified counties and distribute funds allocated to the Department under ORS 406.310 and ORS 406.454 for counties based on the following formula:

(a) Base funds. The Department will distribute 55% of all funds available to qualified counties as a base amount. After subtracting the base funds distributed to the counties that share services of a county veteran service officer as described under section (3) of this rule, the remaining base funds will be distributed equally among the remaining counties that do not share a county veteran service officer.

(b) Veteran population funds. The Department will distribute 45% of all funds available to qualified counties based on the total ~~veterans~~veteran's population in Oregon divided by the number of veterans residing in a county.

(3) As an allocation of the base funds available described under subsection (2)(a) of this rule, if two or more counties share the expenses of an accredited county ~~veteran service officer~~Veteran Service Officer who provides veteran services to these counties for at least 1,000 hours per year, the Director shall determine a base amount of funds for each of these counties and distribute that amount, after considering the following factors:

(a) Number of veterans served;

(b) Geographical accessibility to veterans served; and

(c) Number of county veteran service officers needed.

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Statutory/Other Authority: ORS 406

Statutes/Other Implemented: ORS 406.030, 406.215, 406.217, 406.330 & 406.450 - 462

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017

DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18

DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08

DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08

DVA 4-1984, f. 6-15-84, ef. 7-1-84

DVA 28, f. 8-16-61,

274-030-0630

274-030-0630

Withholding Funds

(1) The Department may withhold funds from a county based on one or more of the following:

(a) A county failed to submit required quarterly reports to the Department in a timely manner as required under OAR 274-030-0620;

(b) A county submitted one or more required quarterly reports to the Department containing inaccurate or unverifiable information;

(c) A county used funds distributed by the Department for capital outlay, as defined in OAR 274-030-0500, which is prohibited under OAR 274-030-0545;

(d) A county supplanted funds previously appropriated by the county for county ~~veteran service officers~~ **Veteran Service Officers** and rehabilitation programs with funds distributed by the Department to a county under ORS 406.310 and ORS 406.454.

(2) The Department may release funds to a county that were withheld under section (1)(a) of this rule when a county submits all required quarterly reports to the Department that were not submitted in a timely manner.

(3) The Department may release funds to a county that were withheld under section (1)(b) of this rule when a county submits all amended quarterly reports to the Department containing corrected, accurate and verifiable information.

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(4) The Department may release funds to a county that were withheld under section (1)(c) of this rule when a county submits an amended and corrected report that demonstrates that funds used for capital outlay were county funds and not funds distributed to the county by the Department.

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(5) The Department may release funds to a county that were withheld under section (1)(d) of this rule when a county amends and corrects the expense reports that showed the county supplanted funds. The amended and corrected report must demonstrate that funds distributed to the county by the Department were not used to supplant county funds.

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(6) At the conclusion of the Department's biennium, the Department may disburse withheld funds equally to all remaining counties as determined by the Director.

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Statutory/Other Authority: ORS 406.030, 406.050, 406.310 - 406.340, 406.450 - 406.462 & 408.410

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Statutes/Other Implemented: ORS 406.030, 406.050, 406.450 - 406.462 & 408.410

History:

DVA 3-2017, amend filed 11/30/2017, effective 12/01/2017
DVA 1-2017(Temp), f. 7-20-17, cert. ef. 7-21-17 thru 1-12-18
Reverted to DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08
DVA 6-2013(Temp), f. & cert. ef. 7-24-13 thru 1-20-14
DVA 4-2007, f. 12-20-07, cert. ef. 1-1-08
DVA 1-2007(Temp), f. & cert. ef. 7-25-07 thru 1-18-08
DVA 6-2006, f. & cert. ef. 6-16-06
DVA 7-2005(Temp), f. 12-22-05, cert. ef. 12-23-05 thru 6-21-06

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