

TITLE 34

PUBLIC WELFARE; CORRECTIONAL INSTITUTIONS

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Chapter 411

1961 REPLACEMENT PART

Public Assistance Administration; General Assistance

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DEFINITIONS

411.010 Definitions. As used in statutes providing for assistance and services to needy persons, unless the context requires otherwise:

(1) "State commission" means the State Public Welfare Commission.

(2) "State department" means the State Public Welfare Commission, the State Public Welfare Administrator, and such other personnel as are employed thereby.

(3) "County commission" means the county public welfare commission.

(4) "County department" means the county public welfare commission and personnel employed thereby.

(5) "General assistance" means assistance or service of any character provided to needy persons not otherwise provided for to the extent of such need and the availability of funds, including medical, surgical and hospital or other remedial care and costs of burials of needy persons.

(6) "Public assistance" means all types of assistance including old-age assistance, medical assistance for the aged, aid to dependent children, services for crippled children, child welfare services, aid to the blind, general assistance, aid to the permanently and totally disabled, and such other functions as may be delegated to the state commission by or in accordance with the provisions of federal and state laws.

[Amended by 1961 c.620 §1]

411.020 to 411.040 [Reserved for expansion]

**PUBLIC ASSISTANCE
ADMINISTRATION**

411.050 State Public Welfare Commission. A State Public Welfare Commission of seven members hereby is created. The members of the state commission shall be appointed by the Governor on the basis of recognized interest in and a knowledge of the field of public welfare, for terms of four

years each, one beginning as of July 1, 1940, two beginning as of July 1, 1941, two beginning as of July 1, 1942, and two beginning as of July 1, 1943. Before the expiration of the term of a member of the state commission, the Governor shall appoint his successor to assume his duties on July 1 next following. In case of a vacancy for any cause, the Governor shall make an appointment to be immediately effective for the unexpired term. Any member of the state commission may be removed by the Governor at any time for cause. The state commission shall select one of its members as chairman and one of its members as secretary. The members shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred by them in the performance of their duties.

411.060 State commission as state agency for public assistance. The state commission shall serve as the state agency in the administration and supervision of the administration of all public assistance programs and promulgate and enforce such rules and regulations as are necessary to assure full local compliance with the terms of federal and state laws.

411.070 State commission shall fix state-wide standards for public assistance. The state commission shall by rules and regulations fix state-wide uniform standards for all public assistance programs and effect uniform observance thereof throughout the state. In establishing state-wide standards for public assistance, the state commission, within the limits of available funds, shall take into consideration all basic requirements for a standard of living compatible with decency and health, including food, shelter, clothing, fuel, public utilities, medical care and other essential items and, upon the basis of investigations of the facts, shall provide budgetary guides for determining

minimum costs of meeting such requirements. Rules and regulations made by the state commission are binding on the county departments.

[Amended by 1955 c.613 §1]

411.080 State commission shall appoint administrator of state department and fix his compensation. The state commission shall appoint and, unless otherwise provided in ORS 292.790, fix the compensation of an administrator who shall be the executive and administrative officer of the state department.

411.090 State commission shall make reports. The state commission shall make such reports and in such detail in relation to its receipts and disbursements of funds and its actions and transactions at such times as may be required by the Governor and by the Federal Government or any of its agencies.

411.100 State commission shall require information from county departments and conduct investigations in relation thereto. The state commission shall require such plans, estimates, budgets and other information as it deems advisable to be submitted by the county departments with relation to public assistance and conduct such investigations, inspections or audits as it deems advisable in connection therewith.

411.110 State commission shall review case records of beneficiaries to eliminate ineligible. The state commission shall review, or cause to be reviewed, the rolls and case records of beneficiaries of public assistance in the respective counties when deemed necessary and advisable for the purpose of eliminating from such rolls all persons for any reason not entitled to the benefits being granted; and for this purpose, the state commission may employ and fix the compensation of such auditors, investigators, attorneys and other persons as it finds necessary and advisable.

411.115 Services to needy persons to enable them to attain self-care or self-support. In addition to its other powers, the State Public Welfare Commission may provide, either directly or indirectly through the county commissions, services for applicants and recipients of medical assistance for the aged and for needy persons in every category of public assistance, including relatives

of dependent children as defined in ORS 418.055, to assist them to attain self-care or self-support.

[1957 c.572 §1; 1961 c.620 §2]

411.120 State commission may make expenditures from Public Welfare Account. The state commission may, subject to the allotment system provided for in ORS 291.234 to 291.260, expend such sums as are required to be expended in the various counties of this state to provide public assistance. Expenditures for public assistance include, but are not limited to, expenditures for the following purposes:

(1) Assistance to needy persons and their dependents.

(2) Old-age assistance, including services to applicants for and recipients of old-age assistance to help them attain self-care.

(3) On and after October 1, 1961, medical assistance for the aged as defined in ORS 413.005.

(4) Assistance to needy blind persons, including services to applicants for and recipients of aid to the blind to help them attain self-support and self-care.

(5) Assistance to dependent children, including services to relatives with whom dependent children applying for or receiving aid for dependent children are living in order to help such relatives attain the maximum self-support or self-care consistent with the maintenance of continuing parental care and protection or in order to maintain and strengthen family life for such children.

(6) Assistance to the permanently and totally disabled as defined in ORS 412.510, including services to the permanently and totally disabled as defined in ORS 412.510 to help them attain self-support and self-care.

(7) Carrying out the provisions of law for child welfare purposes.

(8) Such purposes as the state commission is otherwise authorized to expend funds, including the administration expenses of the state commission and of the county commissions.

[Amended by 1957 c.648 §1; 1961 c.600 §4; 1961 c.620 §3]

Note: As indicated in the source note to ORS 411.120, that section was amended by two 1961 Acts, i.e. chapters 600 and 620. Section 4 of chapter 600, which was signed by the Governor on May 25, 1961, inserted the following in ORS 411.120 (1959 Replacement Part): “, subject to the allotment system provided for in ORS 291.234 to 291.260.” The quoted material was not included in section 3 of chapter 620, signed by the Governor on May 29, 1961, but both amendments have been compiled.

411.130 State commission shall make quarterly allocation of funds for each category of public assistance. The state commission, taking into consideration the total amount of funds available for public assistance in Oregon during the biennial period beginning July 1 of each odd-numbered year, the estimated number of beneficiaries in each category thereof, current and estimated costs of essential needs to maintain a standard of living during such period compatible with decency and health and such other matters as it may deem pertinent, shall estimate and allocate the funds available for each category of public assistance on a monthly basis subject to the quarterly revisions. Changes in such allocations, if any, shall be uniform and, as nearly as practicable and considering the above factors, proportionately equal in each such category. The monthly amounts so found estimated and allocated shall be deemed to be the funds available for each category for public assistance in Oregon.

411.135 Cooperation with Federal Government in research and training personnel. In addition to its other powers, the State Public Welfare Commission may:

(1) Enter into agreements with, join with or accept grants from, the Federal Government for cooperative research and demonstration projects for public welfare purposes, including, but not limited to, any project which:

(a) Relates to the prevention and reduction of dependency.

(b) Aids in effecting coordination of planning between private and public welfare agencies of the state.

(c) Improves the administration and effectiveness of programs carried on or assisted by the state and county public welfare departments.

(2) With the cooperation and the financial assistance of the Federal Government, train personnel employed or preparing for employment in the state and county departments. The training may be carried out in any manner, including but not limited to:

(a) Directly by the state or county departments.

(b) Indirectly through grants to public or other nonprofit institutions of learning or through grants of fellowships.

(c) Any other manner for which federal aid in support of the training is available.

(3) Subject to the allotment system provided for in ORS 291.234 to 291.260, expend the sums required to be expended for the programs and projects described in subsections (1) and (2) of this section.

[1957 c.569 §1; 1961 c.600 §5]

411.140 County public welfare commissions. (1) A county public welfare commission of seven members, three of whom shall be members of the governing board of the county, ex officio, hereby is created within each county. The remaining four members shall be appointed by the governing board, on the basis of recognized interest in and knowledge of the field of public welfare, for terms of four years each. Before the expiration of the term of a member of the county public welfare commission, the governing board shall appoint his successor to assume his duties on July 1 next following. In case of a vacancy for any cause, the governing board shall make an appointment to be immediately effective for the unexpired term. Any appointive member of the county public welfare commission may be removed by the governing board at any time for cause. The governing board shall name the chairman of the county public welfare commission.

(2) The members appointed by the governing board shall receive no compensation for their services but shall be allowed the actual and necessary expenses incurred by them in attending any meeting of the state commission when such attendance is authorized by the chairman or administrator of the state commission. The expenses authorized pursuant to this subsection shall be paid by the state commission out of the Public Welfare Account.

[Amended by 1961 c.517 §1]

411.150 Powers and duties of county commissions generally. The county commission shall:

(1) Administer public assistance in the county as authorized by law and subject to the supervision of and the rules and regulations made by the state commission.

(2) Employ such persons as may be necessary for the proper administration of public assistance programs, upon approval of the state commission, in accordance with rules and regulations of the merit system administered by the Department of Civil Service.

(3) Keep such records and accounts and make such reports as the state commission prescribes.

411.160 Contributions by state and counties; administrative costs; payments from federal or state funds. (1) Exclusive of all sums of money contributed by the Federal Government for public assistance and for the expenses of administration of such assistance and aid, the State of Oregon shall contribute 70 percent and the several counties of the state, from funds raised by the taxes provided in ORS 411.170 and 411.180, shall each contribute 30 percent of all sums required to be expended for such purposes in and for such respective counties; provided, however, that all costs of administration of the state and county departments shall be paid from federal funds granted to the State of Oregon for such purpose and from funds of the State of Oregon; provided, further, that if the total of the payments made by any county to the state commission and deposited by it in the State Treasury at any time shall prove less than sufficient to pay the proportionate contributions of such county for public assistance, payments in full of assistance to the person entitled thereto shall nevertheless be made from funds of the Federal Government and of the State of Oregon available for that purpose.

(2) The state commission shall furnish the Secretary of State a list showing the items of administration costs for his allowance and warrant therefor on the State Treasurer on the general plan provided for in ORS 411.230.

411.170 Tax levy by counties; disposition of moneys collected thereunder. For the purpose of raising revenue to pay the share of each county of the expenditures for public assistance, the county court or board of county commissioners of each county shall each year levy a tax of four and one-half mills upon the dollar of the county assessed valuation as equalized by the State Tax Commission of all taxable property within the county as of January 1 of the preceding year. The tax levied for such purposes shall be levied and collected by each county in the same manner as other taxes are levied and collected by the counties. A sum equal to the total amount of the tax so levied, together with all other revenue accruing to the county for public assistance, shall be set

aside and deposited in a special fund designated as the county public assistance fund, shall be paid over to the state commission, deposited in the State Treasury and disbursed therefrom in accordance with the provisions of ORS 411.230.

411.180 Levy where part of public assistance may be provided from other sources. If the amount of money necessary to provide the proportionate contribution of any county during any fiscal year for public assistance, as certified to the county court or board of county commissioners thereof by the state commission, may be provided by other revenues available for such purpose, together with a tax of less than the tax of four and one-half mills provided in ORS 411.170, the county court or board of county commissioners shall levy a tax in an amount sufficient, when added to all other revenues available for such purpose, to provide said certified amount, and no more, in lieu of the maximum levy required by ORS 411.170.

411.190 County budgets for assistance; limitation on levy. Not later than March 1 of each year, the state commission shall submit to each county commission a tentative budget for the next fiscal year, showing for each program and category of assistance the amounts to be allocated for public assistance in the county, the standards and caseload estimates upon which the allocations are based, and such supplementary information as will enable the county commission to evaluate the tentative budget. The county commission shall review the tentative budget and, not later than March 15 of the same year, shall submit a report to the state commission giving its comments, approval, or protests thereupon. The state commission shall make such revisions as it deems necessary on the basis of information provided by the county commissions, the state-wide standards of assistance established by the state commission, the estimated number of persons who will require assistance, and the funds available from other sources and, not later than May 1, shall certify the final budget to the county court or board of county commissioners of each county, including a statement of the amount to be paid by the county as required by ORS 411.160 to 411.180. The amount to be paid by the county shall be included in the budget of each county for the ensuing fiscal year; provided that the levy therefor hereby is limited

to that which will provide an amount equal to the amount of revenue that would be provided by the levy of the maximum millage specified in ORS 411.170.

[Amended by 1955 c.443 §1; 1961 c.657 §1]

411.200 Adjustment of underpayments and overpayments by county to State Treasury. If the total of the amounts paid by any county to the state commission and deposited by it in the State Treasury during any fiscal year should prove to be more or less than sufficient to pay the proportionate contributions of the county of the sums required to be expended in and for such county for public assistance for all obligations incurred up to and including June 30 of such fiscal year, the resulting overpayment or underpayment shall be adjusted in the following manner and extent: Any such overpayment shall be returned to such county by the state commission, which shall draw a check or checks in favor of such county for the amount of such overpayment. In the case of any county which has levied for any fiscal year a tax less than the millage specified in ORS 411.170, any underpayment shall be added to the amount found and certified by the state commission to the county court or board of county commissioners as necessary for the proportionate contributions of the county during the next or second succeeding fiscal year and shall be included in the budget and the tax rate of the county for the next or second succeeding fiscal years; provided that in no year shall the tax levied by any county pursuant to this section or ORS 411.170 exceed the maximum millage specified in ORS 411.170.

411.210 Payment to state of county's share of public assistance. Each county, in paying or contributing its proportionate part of expenditures for public assistance, shall issue its warrant in favor of the state commission for one-quarter of the total of the tax levied and sums set aside by the county for those purposes on or before the first day of each calendar quarter of each fiscal year; provided that the warrant for such contribution for the first calendar quarter of each fiscal year shall be issued as soon after July 1 as possible and in any event not later than July 30.

411.220 Deposit by state commission of moneys received for public assistance purposes; appropriation thereof. (1) The state

commission may sell or assign without discount its claim represented by the warrant described in ORS 411.210. The state commission shall deposit in the State Treasury to the credit of the General Fund the amounts realized from payment, balance of assignment of its certain claims against counties or civil subdivisions, and also all the amounts received by it from the United States Government or its agencies or from any other source for public assistance purposes. All such funds, together with any remaining balances of funds received for the purposes of public assistance of any type, hereby are appropriated for expenditure by the state commission for the type of public assistance for which such funds were granted to or received by the state or appropriated by the state, as the case may be, except that the amounts of any money received as a result of federal grants to this state made pursuant to section 303(a)(1)(C) of title 42, United States Code, hereby are appropriated for expenditure by the state commission for old-age assistance or for medical assistance for the aged or both old-age assistance and medical assistance for the aged. All the amounts paid by the several counties to the state commission and deposited in the State Treasury hereby are appropriated and shall be applied to the full extent necessary to pay the respective proportionate contributions of the counties of the sums required to be expended in and for each county for public assistance.

(2) The amount of money heretofore or hereafter advanced to any county because of an underpayment of such county's required contribution to public assistance during any current fiscal year, pursuant to law, which shall be repaid to the state during the next or second succeeding fiscal year thereafter, shall be paid into the State Treasury and credited to the Public Welfare Account and hereby is appropriated for expenditure by the state commission for public assistance purposes.

(3) All moneys hereafter received from refunds, cancellations or recoveries resulting from public assistance payments made from state funds, as differentiated from federal or county funds, shall be paid into the State Treasury and credited to the Public Welfare Account and hereby are appropriated for expenditure by the state commission for public assistance purposes.

Subsections (2) and (3) enacted as 1953 c.458 §§2, 4; 1961 c.600 §6; 1961 c.620 §4]

Note: As indicated in the source note to ORS 411.220, that section was amended by two 1961 Acts; i.e. chapters 600 and 620. Section 6 of chapter 600, which was signed by the Governor on May 25, 1961, inserted the following in subsection (2) of ORS 411.220 (1959 Replacement Part): "paid into the State Treasury and credited to the Public Welfare Account" . . . "for expenditure by the state commission" and in subsection (3) of ORS 411.220 (1959 Replacement Part) "paid into the State Treasury and credited to the Public Welfare Account and hereby are appropriated for expenditures by the state commission for public assistance purposes." The quoted material was not included in section 4 of chapter 620, signed by the Governor on May 29, 1961, but both amendments have been compiled.

411.222 [1955 c.380 §§1, 3; repealed by 1957 c.531 §3]

411.230 Payment of claims by Secretary of State. (1) The Secretary of State shall draw warrants in favor of the state commission for the aggregate amounts of public assistance or refunds to counties duly certified to him by the state commission to be due to any person or county in such amount as may be set forth in such certification. The state commission shall cause to be deposited all warrants received from the Secretary of State in payment of public assistance or refunds to counties in the State Treasury in a suspense checking account for distribution to those entitled thereto and may draw its checks on the State Treasury in favor of the persons, firms, corporations, associations or counties entitled thereto under such rules as it shall promulgate so as to include in single combined payments for specified periods all moneys allotted to particular payees from various sources for said period.

(2) To facilitate and expedite the carrying out of the purposes of this section, the Secretary of State may adopt such further rules and regulations as are necessary for the proper performance of his duties under this section.

411.240 Public Welfare Account. (1) There hereby is established in the General Fund of the State Treasury an account to be known as the Public Welfare Account. All moneys in the Public Welfare Account hereby are appropriated for and shall be used by the State Public Welfare Commission for the respective purposes authorized by law.

(2) The State Public Welfare Commission shall keep a record of all moneys deposited in the Public Welfare Account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual activity or

program against which each withdrawal is charged.

(3) Except as provided by this subsection, the balance remaining in the Public Welfare Account at the end of each biennium shall revert to the General Fund. The State Public Welfare Commission shall, not later than 60 days after the close of each biennium, certify to the Secretary of State the amount of obligations outstanding against the Public Welfare Account as of June 30. The amount necessary to meet such outstanding obligations shall be transferred from the balance remaining in the Public Welfare Account at the end of the biennium to the new biennial appropriation for public assistance purposes.

[Amended by 1961 c.600 §7]

411.242 Advancements from Public Welfare Account to meet claims payable from federal funds. Pending receipt by the State Treasurer of federal funds for the payment of public assistance, the moneys in the Public Welfare Account appropriated for expenditure by the state commission for public assistance purposes shall be expended to the extent necessary to meet claims for public assistance which otherwise would be paid from such federal funds. Upon notice that such federal funds have been received by the State Treasurer, the State Public Welfare Commission shall prepare a claim against such funds for the amount advanced from the Public Welfare Account for the purposes of this section and the Secretary of State hereby is authorized to issue a warrant in favor of the State Treasurer in payment of such claim, for credit to and reimbursement of the Public Welfare Account. [1953 c.410 §1; 1961 c.600 §8]

411.245 Revolving fund for state commission. The Secretary of State hereby is authorized and directed to draw his warrant on the State Treasurer payable out of the Public Welfare Account for the sum of \$350,000 in favor of the State Public Welfare Commission. The amount designated shall be credited to, and is intended to be, a revolving fund which shall be carried with the State Treasurer and which shall be used by the State Public Welfare Commission for the purpose of providing funds to pay current salaries and expenses, emergency public assistance advances and other expenses when it is necessary to make immediate cash payments. Said revolving fund shall be reim-

bursed by properly supported claims of the State Public Welfare Commission filed with the Secretary of State, and paid in the same manner as other claims against the state are paid.

[1953 c.460 §1]

411.250 Unexpended balances of county funds budgeted for other purposes may be spent for public assistance; revision of estimates on budget. (1) The county court or board of county commissioners may expend for public assistance the whole or any part of any unexpended balance of any funds budgeted by the county for any purpose whatsoever.

(2) If at any time in the fiscal year the county court or board of county commissioners is of the opinion that any estimate of funds by it made and budgeted for any purpose is in excess of the actual requirements thereof, it may prepare a new estimate for such purpose. Upon the order of the county court or board of county commissioners duly made and entered, the revised estimate shall be substituted for the estimate as theretofore budgeted; and the amount by which the estimate has been reduced shall immediately constitute an unexpended balance and be available for the purposes and in the manner described in this section.

411.260 Merit system for state and county commission employees. All state commission and county commission employed personnel engaged in the administration of public assistance in compliance with the federal social security laws shall be subject to the merit system prescribed in the State Civil Service Law. For the purposes of the State Civil Service Law, the State Public Welfare Commission is the appointing authority of all employees in the state and county public welfare departments.

[Amended by 1957 c.570 §1]

411.270 Administrator may appoint and fix compensation of certain personnel. The administrator, subject to the approval of the state commission and in conformity with the State Civil Service Law, may appoint and employ such personnel as may be necessary for the state department and appoint and fix the compensation of all assistants and employes of the state and county departments.

[Amended by 1957 c.570 §2]

411.280 Bonds from persons employed in state and county departments. The state commission shall require such bonds and undertakings from persons employed in the state department and the county departments as in its judgment are necessary, provide and prescribe the conditions thereof and pay the premiums therefor.

411.290 Citizenship and residence requirements for employes of state and county commissions. All persons employed by the state and county commissions shall be citizens of the United States and residents of the State of Oregon for a period of one year immediately preceding the date of application for employment; provided that in the event qualified applicants are not available, the state commission may, in its discretion, waive such residence requirement.

411.300 Regulations concerning use and custody of records of state and county commissions. (1) The state commission shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the state department and county departments. The use of such records, papers, files and communications by any other agency or department of government or person to which they may be furnished shall be limited to the purposes for which they are furnished and by the provisions of the law under which they may be furnished.

(2) No rules or regulations shall be made by the State Public Welfare Commission pursuant to subsection (1) of this section which would interfere with the purposes of ORS 411.320 to 411.335.

[Amended by 1953 c.500 §12]

411.310 Destruction of old records. The state commission may in its discretion destroy any records and files of the state or county commissions which are not less than four years old.

411.320 Disclosure and use of records limited; contents as a privileged communication. For the protection of applicants for and recipients of public assistance, the State Public Welfare Department and the county public welfare departments shall not disclose or use the contents of any records, files, papers or communications for purposes other than those directly connected with the administration of the public assistance laws of Oregon, and these records, files, papers and communications are considered

confidential subject to the rules and regulations of the State Public Welfare Commission, except as otherwise provided in ORS 411.325 to 411.335. In any judicial proceedings, except proceedings directly connected with the administration of public assistance laws, their contents are considered privileged communications.

[1953 c.500 §5]

411.325 Monthly report of public assistance recipients by county commissions; public inspection of reports. (1) On or before the tenth day of every month, each county public welfare commission shall cause to be prepared a complete report showing the names and addresses of all public assistance recipients within the county as of the last day of the preceding month, except recipients of medical assistance for the aged and children in foster homes, or other child-caring institutions, together with the amounts paid to each during the preceding month.

(2) These record books and all information contained therein are hereby authorized to be open to public inspection during the regular office hours of the county public welfare commission, but only as herein provided.

[1953 c.500 §6; 1961 c.620 §5]

411.330 Application to inspect reports; register of persons inspecting reports. (1) Each person requesting to inspect a record book under this Act and qualified to inspect those books under subsection (2) of this section shall complete and sign with his correct name a form substantially similar to the following before obtaining access to the record books:

REQUEST TO INSPECT MONTHLY RECORDS OF (program) RECIPIENTS

Date _____

I hereby request permission to inspect the (insert name of county) record of the names of persons receiving (insert type of assistance program) during the month of (insert month). I have read and understand the provisions of ORS 411.320 to 411.335 and subsection (1) of ORS 411.990.

I will not use any information secured from inspection of the welfare record books for commercial or political purposes of any nature.

Name _____

Address _____

(2) The right to examine public welfare records under ORS 411.320 to 411.335 may be exercised by any qualified voter of this state.

(3) A register of persons inspecting the record books shall be maintained by the county public welfare commissions.

[1953 c.500 §§7, 8]

411.335 Prohibited use of lists or names. Except as otherwise provided in ORS 411.325 and 411.330, no person or agency shall solicit, disclose, receive, make use of, or authorize, knowingly permit, participate in or acquiesce in the use of, any lists or names for commercial or political purposes of any nature, or for any purpose not directly connected with the administration of the public assistance laws.

[1953 c.500 §9]

411.340 to 411.370 [Reserved for expansion]

411.375 Public assistance investigations; power to subpoena, administer oaths, take depositions and fix witness fees. (1) In connection with any public assistance investigation or hearing the administrator of the State Public Welfare Commission or any examiner, referee or other officer duly appointed to conduct the investigation or hearing may by subpoena compel the attendance and testimony of witnesses and the production of books, accounts, documents and other papers, and may administer oaths, take depositions and fix the fees and mileage of witnesses.

(2) The state commission shall provide for defraying the expenses of such investigations or hearings, which may be held in any part of the state.

[1955 c.364 §1]

411.380 Petition for enforcement of subpoena issued under ORS 411.375. (1) In case of the refusal of a witness to attend or testify or produce any papers required by such subpoena, the person designated by the subpoena as the person before whom the testimony is to be given or the papers produced, may petition the circuit court in and for the county in which the investigation or hearing is pending for an order directing the witness to attend and testify or produce the papers before the petitioner.

(2) The petition shall allege that due notice was given of the time and place for the attendance of the witness or the production of the papers, that the witness was subpoenaed in the manner prescribed and that

the witness failed and refused to attend, to produce the papers required by the subpoena or to answer questions propounded to him in the course of the investigation or hearing.

[1955 c.364 §2]

411.385 Court order to show cause issued upon filing of petition for enforcement of subpoena. Upon the filing of such a petition the court shall enter an order, a copy of which shall be served upon the witness, directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended and testified or produced the papers as required by the subpoena.

[1955 c.364 §3]

411.390 Court may compel appearance of witness before petitioner. (1) If at the hearing provided for in ORS 411.385 it is apparent to the court that the subpoena was regularly issued, the court shall thereupon enter an order that the witness appear before the petitioner at a time and place to be fixed in such order, and testify and produce the required papers.

(2) Failure by the witness to comply with an order made pursuant to subsection (1) of this section shall be dealt with as for contempt of court.

[1955 c.364 §4]

411.395 Annual report of state commission. Within 90 days after the close of the fiscal year, the State Public Welfare Commission shall make a report to the Governor for the preceding year. The commission shall cause the report to be published and distributed to members of the Legislative Assembly and to the public. The report shall include for each public assistance program the following:

- (1) The number of recipients.
- (2) The amount disbursed.
- (3) The number of applications granted and denied.
- (4) The number of grants canceled.
- (5) Such other information as may be considered advisable or required.

[1961 c.171 §2]

411.400 [Reserved for expansion]

411.410 [Amended by 1961 c.605 §3; renumbered 416.020]

411.420 [Amended by 1957 c.154 §1; 1961 c.605 §4; renumbered 416.030]

411.425 [1953 c.361 §3; 1955 c.501 §1; 1959 c.273 §1; 1961 c.605 §8; renumbered 416.060]

411.428 [Formerly 411.440; renumbered 416.080]

411.430 [Repealed by 1953 c.361 §19]

411.434 [Formerly 411.450; amended by 1955 c.501 §2; renumbered 416.090]

411.438 [Formerly 411.460; renumbered 416.100]

411.440 [Renumbered 411.428 and then 416.080]

411.441 [1959 c.522 §§2, 4; renumbered 416.110]

411.442 [1953 c.361 §§4, 5; 1961 c.605 §9; renumbered 416.120]

411.444 [1953 c.361 §6; 1961 c.605 §10; renumbered 416.130]

411.446 [1953 c.361 §7; 1961 c.605 §11; renumbered 416.140]

411.448 [1953 c.361 §8; 1961 c.605 §17; renumbered 416.170]

411.450 [Renumbered 411.434 and then 416.090]

411.452 [1953 c.361 §9; renumbered 416.180]

411.454 [1953 c.361 §10; renumbered 416.190]

411.456 [1953 c.361 §11; renumbered 416.200]

411.458 [1953 c.361 §12; renumbered 416.210]

411.460 [Renumbered 411.438 and then 416.100]

411.462 [1953 c.361 §13; 1961 c.605 §20; renumbered 416.230]

411.464 [1953 c.361 §15; renumbered 416.240]

411.466 [1953 c.361 §16; renumbered 416.250]

411.470 [Amended by 1953 c.361 §19; renumbered 416.260]

411.474 [1957 c.571 §1; renumbered 416.270]

411.480 [Renumbered 416.310]

411.490 [Amended by 1961 c.104 §1; renumbered 416.320]

411.500 [Renumbered 416.330]

411.510 [Amended by 1961 c.600 §9; renumbered 416.310]

411.520 [Renumbered 416.820]

411.530 [Renumbered 416.830]

411.540 to 411.550 [Reserved for expansion]

411.552 [1959 c.454 §1; 1961 c.620 §8; renumbered 416.510]

411.554 [1959 c.454 §2; renumbered 416.520]

411.556 [1959 c.454 §3; renumbered 416.530]

411.558 [1959 c.454 §4; renumbered 416.540]

411.560 [1959 c.454 §§5, 7; renumbered 416.550]

411.562 [1959 c.454 §6; renumbered 416.560]

411.564 [1959 c.454 §8; renumbered 416.570]

411.566 [1959 c.454 §9; renumbered 416.580]

411.568 [1959 c.454 §11; renumbered 416.590]

411.570 [1959 c.454 §12; renumbered 416.600]

411.572 [1959 c.454 §10; renumbered 416.610]

411.574 to 411.600 [Reserved for expansion]

**MISCELLANEOUS PROVISIONS
RELATING TO PUBLIC ASSISTANCE**

411.610 Indorsement by others of public assistance checks or warrants payable to deceased recipient; disposition of proceeds. Any check or warrant issued by the state commission to a recipient of public assistance who subsequently dies may be indorsed in the name of the deceased by the surviving spouse or a next of kin in the order described in subsection (2) of ORS 291.526; and payment may be made and the proceeds used without any of the restrictions enumerated in subsection (1) of ORS 291.528.

[Amended by 1957 c.120 §1]

411.620 Recovery of fraudulently obtained public assistance. (1) The state commission has a right of suit or action against any person who fraudulently has obtained public assistance or has aided any person to obtain public assistance in violation of ORS 411.630. In such suit or action the state commission may recover the amount of public assistance so obtained by fraud, with interest thereon, out of any property or interest therein belonging to the defendant in such action or to his estate.

(2) Excepting as to bona fide purchasers for value, the state commission has a right to institute a suit or action to set aside the transfer, gift or other disposition of any property of any person made for the purpose of aiding such person to obtain public assistance to which he is not entitled and to recover out of such property the amount of public assistance so obtained through fraud, together with interest thereon.

411.630 Unlawfully obtaining public assistance. (1) No person shall by means of any false representation or fraudulent device knowingly obtain or attempt to obtain any public assistance to which he is not entitled as provided by law.

(2) No person shall transfer, conceal or dispose of money or property with the intent to conceal his ineligibility for public assistance.

(3) No person shall knowingly aid or abet any person to violate any provision of this section.

(4) No person shall receive, possess or conceal any money or property of an applicant for, or recipient of, public assistance, with the intent to conceal the ineligibility of such applicant or recipient to receive public assistance.

411.640 to 411.700 [Reserved for expansion]

GENERAL ASSISTANCE

411.710 Basis for granting general assistance. General assistance shall be granted in accordance with the rules and regulations of the state commission and on the basis of need, taking into account the income, resources and maintenance available to the individual from whatever source derived and his necessary expenditures and the conditions existing in each case.

411.720 Residence required of applicants for general assistance. (1) No person shall be eligible for general assistance unless he has lived within the county for a period of one year, and within the state for a period of three years, preceding the date of application for general assistance; except that in unusual or emergency cases, if an applicant for general assistance has not lived within the state and county for such required period, the county department may return the applicant to his state or county of legal settlement or may, in its discretion and in accordance with rules and regulations of the state commission, provide general assistance.

(2) Casual absence from the county or state shall not be deemed as not living in the county.

(3) Any person absent from the State of Oregon for one year shall lose settlement in the state and any person absent from the county for one year shall lose settlement in the county for the purposes of this section.

(4) Nothing contained in this section shall affect public welfare programs financed in whole or in part from funds granted to the State of Oregon by the United States Government.

411.730 Application for general assistance; determination of eligibility and amount of grant. The county commission shall receive and ascertain the facts supporting all applications for general assistance, and shall determine in accordance with the rules and regulations of the state commission the eligibility for and the amount of the assistance which any person shall receive.

[Amended by 1955 c.613 §2]

411.740 State commission shall supervise general assistance administration. The state commission shall administer and supervise through the department the administration of general assistance by the county departments and it shall prescribe the form of

and supply to the county departments all blank applications, reports, affidavits and such other forms as the state department deems advisable.

411.750 State commission shall cooperate with Federal Government in providing general assistance. The state commission shall cooperate with the United States Government, departments and agencies of the State of Oregon and the counties of the state in providing general assistance, either direct relief, work relief, medical and hospital care or other services for needy persons and shall receive, disburse or distribute all sums of money, commodities and other properties from the United States Government, departments or agencies of the State of Oregon and counties of the state for assistance purposes for needy persons.

411.760 Assistance grants are inalienable. All moneys granted under the provisions of ORS 411.060, 411.070, 411.150 and 411.710 to 411.730 shall be inalienable by any assignment or transfer and shall be exempt from garnishment, levy or execution under the laws of this state.

411.770 [Repealed by 1953 c.500 §12]

411.780 to 411.800 [Reserved for expansion]

SURPLUS FOOD DISTRIBUTION

411.805 Definitions for ORS 411.805 to 411.820. As used in ORS 411.805 to 411.820, unless the context requires otherwise:

(1) "Administrative costs" include but are not limited to the costs of shipment, storage, packaging and distribution of surplus food commodities and necessary personnel to carry out the provisions of ORS 411.805 to 411.820.

(2) "Eligible person" means:

(a) A person receiving any type of public assistance grant.

(b) A person who is not receiving any type of public assistance but whose income and resources do not exceed the standards specified for recipients of aid to dependent children.

[1961 c.526 §1]

411.810 Participation in surplus food distribution programs by state and county commissions. (1) The State Public Welfare Commission shall, and the county courts and boards of county commissioners may, participate in any federal program for the distribution of surplus food commodities to all eligible and certified persons as provided in

ORS 411.805 to 411.820, subject to the rules and regulations of the United States Secretary of Agriculture governing distribution of such food commodities.

(2) The Department of Finance and Administration shall have responsibility for ordering surplus foods and determining that the distribution of surplus commodity foods is made in accordance with rules and regulations of the U.S. Department of Agriculture.

(3) The participation of the State Public Welfare Commission shall be limited to certification of eligible persons and reimbursement of reasonable costs incurred by county courts and boards of county commissioners as provided in ORS 411.820.

[1961 c.526 §2]

411.815 Certification of eligible persons.

(1) Eligible persons shall be certified by the county public welfare departments under regulations of the State Public Welfare Commission to receive surplus food commodities under ORS 411.805 to 411.820 if they are living in a county in which the program is in effect and if they have facilities for the preparation of uncooked food.

(2) The period of certification for eligible persons under ORS 411.805 to 411.820 is:

(a) During the time such persons receive grants of public assistance; or

(b) For persons not receiving public assistance grants, 90 days, subject to renewal.

[1961 c. 526 §3]

411.820 Contribution by state and counties; administrative costs; reimbursement of counties. (1) For payment of expenses incurred under the surplus food commodities distribution program established by ORS 411.805 to 411.820, the State of Oregon shall contribute 70 percent and the several counties wherein such program is in effect shall each contribute 30 percent of all sums actually expended for the purpose of ORS 411.805 to 411.820 in and for such counties. In determining the costs for which the counties shall contribute, all administrative costs exclusive of costs for certification of eligible persons shall be included, notwithstanding ORS 411.160.

(2) All county accounts and claims for reimbursement, credit or allowance shall be forwarded by the county court or the board of county commissioners to the State Public Welfare Commission for approval in accordance with subsection (1) of this section.

[1961 c.526 §§4, 5]

411.825 to 411.850 [Reserved for expansion]

WORK RELIEF PROGRAMS

411.855 Definitions for ORS 411.855 to 411.870. For the purposes of ORS 411.855 to 411.870:

(1) "Work relief program" means a plan jointly entered into by the state commission, a county commission and a municipality under which such municipality undertakes to provide work in and about county or municipal works or improvements, utilizing labor and services required to be performed without compensation by applicants or recipients of general assistance, and to provide supervision and control over the performance of such labor and services.

(2) "Municipality" means any county or city in this state.
[1961 c.631 §1]

411.860 Work relief programs authorized for general assistance applicants or recipients. Subject to rules and regulations promulgated by the state commission, each employable applicant or recipient of general assistance may be required to perform labor or services without compensation in a work relief program, as a condition to a grant of general assistance for the benefit of himself or those to whom he owes a legal duty of support, and for periods of time limited by the amount of such assistance, in cash or in kind, provided through such grant. However, no applicant or recipient of general assistance shall be required or permitted to perform labor or services without compensation in a work relief program if such labor or services can be performed by an employe of the municipality as a part of his regular duties.
[1961 c.631 §2]

411.865 Denial of general assistance to applicants or recipients; causes. The application for or grant of general assistance to any employable individual required to perform labor or services in a work relief program may be denied or suspended for such time as may be fixed under rule or regulation of the state commission, if such individual without good cause:

(1) Fails or refuses satisfactorily or at

all to perform such labor or services as may be assigned to him;

(2) Fails or refuses to report for work under a work relief program when and as directed by the county department or by his foreman, overseer or other supervisor therein;

(3) Abandons or repeatedly absents himself from such work;

(4) Is insubordinate to his foreman, overseer or other supervisor therein;

(5) Fails or refuses therein to take due precaution for the safety of himself or others, or to use safety clothing or equipment made available to him;

(6) Is guilty of misconduct connected with such work; or

(7) If, within 30 days prior to such application, he was rendered ineligible for general assistance in another county, or his grant of general assistance in another county was suspended, for any of the causes stated in subsections (1) to (6) of this section.
[1961 c.631 §3]

411.870 Approval of programs by state commission. All work relief programs shall be subject to approval of the state commission. The state commission shall promulgate and enforce rules and regulations necessary to carry into effect ORS 411.855 to 411.870.
[1961 c.631 §4]

411.875 to 411.985 [Reserved for expansion]

PENALTIES

411.990 Penalties. (1) Violation of ORS 411.320 to 411.335 is punishable, upon conviction, by a fine of not more than \$1,000 or by imprisonment in the county jail for not more than 60 days, or by both.

(2) Violation of any provision of ORS 411.630 is punishable upon conviction by a fine not to exceed \$1,000 or by imprisonment in the county jail not to exceed one year, or both, or by imprisonment in the penitentiary not to exceed three years.

[Subsection (2) of 1959 Replacement Part enacted as 1955 c.501 §3; subsection (3) of 1959 Replacement Part enacted as 1953 c.500 §10; part renumbered 416.990]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on December 1, 1961.

Sam R. Haley
Legislative Counsel