

## Chapter 344

### 1965 REPLACEMENT PART

## Vocational Education and Rehabilitation

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#### CROSS REFERENCES

Administrative procedures governing state agencies, 183.310 to 183.510  
Apprentice instruction classes, 660.160  
Benefits for mentally retarded minors injured in special educational training programs, 655.405 to 655.460  
Discrimination against optometrists prohibited, 683.035  
Education and rehabilitation of the blind and deaf, Ch. 346  
Educational Coordinating Council, 351.270  
On-the-job training and retraining programs conducted by Bureau of Labor, 651.115  
Oregon Technical Institute, cooperation by State Board of Higher Education, 352.201

State agencies, general provisions applicable to, Ch. 182  
State Public Welfare Commission to cooperate in training of persons on work relief programs, 418.097  
Workmen's Compensation Board, rehabilitation services, 656.728

344.100

Federal Act, 20 U.S.C.A., Ch. 2

344.620

Expenditure without allotment prohibited in certain cases, 291.238

**VOCATIONAL EDUCATION**

**344.010** [Repealed by 1959 c.641 §38]

**344.020** [Repealed by 1959 c.641 §38]

**344.030** [Repealed by 1959 c.641 §38]

**344.040** [Repealed by 1959 c.641 §38]

**344.050** [Repealed by 1959 c.641 §38]

**344.060** [Amended by 1959 c.641 §35; repealed by 1965 c.100 §456]

**344.070 Revolving accounts for federally sponsored education or training; advances; uses.** (1) The Secretary of State may draw warrants upon any state fund to which federal funds for training or education have been credited, in payment of vouchers approved by the State Board of Education, in favor of school districts and area education districts, for such sums, not exceeding \$100,000 for a single district in the aggregate, as the state board, by duly adopted resolution, shall determine. The warrants, upon delivery thereof to the school districts, shall constitute advances from state funds to enable the districts more readily to effectuate the purposes set forth in any federal law or regulation pertaining to vocational education or training of war workers, or other education or training sponsored by the Federal Government.

(2) The districts to which moneys are advanced shall be responsible for the full repayment to the state of all sums advanced. The advances are not within any limitation upon indebtedness prescribed by law for school districts. The moneys advanced to school districts and area education districts shall not exceed in the aggregate the moneys to the credit of the state fund from which they are paid, and shall constitute advances to the recipient school district in anticipation of verified vouchers to be supplied therefor. The advances are to be used as revolving funds for the payment of the costs of vocational training programs. The advances shall be made only in those cases in which the Federal Government defrays all or part of the cost of such programs.

[Amended by 1965 c.100 §435; 1965 c.102 §1]

**344.080 Reimbursement vouchers; accounts and records; bond.** (1) All reimbursement vouchers for claims paid from the revolving funds mentioned in ORS 344.070 shall be approved by the State Board of Education or by such person as the board, by appropriate and duly recorded action

taken at a meeting thereof regularly called and held, shall designate, and shall be audited by the Secretary of State. When vouchers are so approved and audited, warrants covering the same shall be drawn by the Secretary of State, payable from the appropriate fund, and be used to reimburse the revolving funds.

(2) The school districts receiving such advances shall maintain their accounts and records so as to disclose at all times the true status of the unpaid vouchers issued for the reimbursement of said funds, the school district warrants drawn against the funds advanced and the balances to the credit thereof.

(3) The revolving funds and accounts shall be subject to examination and audit by the state in the manner provided by law for other state funds and accounts. The State Board of Education may require an audit of the revolving accounts and shall take proper precautions as to the safety of, and accountability for, all funds advanced.

(4) The State Board of Education may require the filing with it of a bond of a corporate surety duly licensed to transact business in this state to insure the proper handling of and responsibility for any funds advanced. The bond shall be cumulative and supplemental to fidelity insurance coverage already held by the school district concerned. The state may have recourse to any and all fidelity bonds of clerks or other financial officers of the district to protect such advances.

**344.090 Procedure when training programs are no longer needed, or when advances are improperly handled or accounted for.** When it appears to the State Board of Education that the training and educational programs for which funds are advanced under ORS 344.070 have been completed, or that the need for such advances or revolving funds no longer exists, or that the sums advanced are not being properly handled or accounted for, the board, by appropriate and duly recorded action taken at a meeting regularly called and held, may require that all or part of the amounts advanced to any school district shall be returned, with any interest earned, to the state funds or accounts from which the amounts originally were withdrawn. Upon receipt of notification from the board that funds advanced are to be returned, the school district concerned shall immediately repay the same to the State

Treasurer, for credit to the proper fund or account. To the extent that funds advanced are so repaid, security or protection theretofore required by the board to insure the safety of such funds may be released.

**344.100 Acceptance of provisions of federal vocational education Act.** The State of Oregon hereby accepts all provisions and benefits of an Act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure."

**344.110 State Treasurer designated custodian of federal appropriation; authority to disburse federal and state appropriations.** The State Treasurer is designated and appointed custodian of all moneys received by the state from the appropriation made by the Act of Congress accepted by ORS 344.100. He is authorized to receive and provide for the proper custody of the moneys and to make disbursements thereof in the manner provided in that Act and for the purposes therein specified. He shall also pay out of any moneys appropriated for vocational education purposes by the State of Oregon upon the order of the State Board of Education.

**344.120 Audit and payment of claims approved by board.** The Secretary of State shall audit all lawfully incurred claims duly approved by the State Board of Education, including all claims to be paid from the moneys received by the state from the Federal Government for vocational education purposes and for which the State Treasurer is made custodian, and shall draw his warrants on the State Treasurer in payment thereof out of the proper appropriations or funds.

**344.130 Cooperation by district school boards to establish vocational training.** Any district school board may cooperate with the State Board of Education in establishment of vocational schools or classes giving instruction in agricultural subjects, the trade or industrial subjects, or in home economics subjects, and may use any moneys raised by public taxation in the same manner as

moneys for other school purposes are used for the maintenance and support of public schools.

**344.140 Special Vocational Trust Fund.** There is created a Special Vocational Trust Fund. The State Board of Education shall deposit in such fund all gifts, contributions and bequests for vocational education and moneys received as reimbursements for funds theretofore expended. The State Board of Education may expend said fund for the promotion, development and carrying on of vocational education in such manner as the board shall direct. All claims after being approved by the State Board of Education shall be audited by the Secretary of State and paid out of said fund.

**344.150** [1955 c.632 §2; 1959 c.641 §36; repealed by 1961 c.596 §7]

**344.160 to 344.300** [Reserved for expansion]

**344.310** [Amended by 1957 c.389 §1; subsection (2) of 1957 Replacement Part enacted as 1957 c.389 §2; repealed by 1959 c.566 §8]

**344.314** [1957 c.389 §3; repealed by 1959 c.566 §8]

**344.316** [1957 c.389 §3; repealed by 1959 c.566 §8]

**344.318** [1957 c.389 §15; repealed by 1959 c.566 §8]

**344.320** [Repealed by 1957 c.389 §17]

**344.322** [1957 c.389 §8; repealed by 1959 c.566 §8]

**344.324** [1957 c.389 §§4, 5; repealed by 1959 c.566 §8]

**344.326** [1957 c.389 §6; repealed by 1959 c.566 §8]

**344.328** [1957 c.389 §10; repealed by 1959 c.566 §8]

**344.330** [Repealed by 1959 c.566 §8]

**344.340** [Repealed by 1959 c.566 §8]

**344.345** [1953 c.722 §1; repealed by 1959 c.566 §8]

**344.350** [Repealed by 1959 c.566 §8]

**344.360** [Repealed by 1959 c.566 §8]

**344.370** [1957 c.389 §11; repealed by 1959 c.566 §8]

**344.375** [1957 c.389 §12; repealed by 1959 c.566 §8]

**344.380** [1957 c.389 §13; repealed by 1959 c.566 §8]

**344.390** [1957 c.389 §9; repealed by 1959 c.566 §8]

**344.400** [1957 c.389 §14; repealed by 1959 c.566 §8]

**344.410** [1957 c.389 §7; repealed by 1959 c.566 §8]

**344.320 to 344.500** [Reserved for expansion]

**VOCATIONAL REHABILITATION**

344.510 [Amended by 1963 c.522 §1; repealed by 1965 c.100 §436 (344.511 enacted in lieu of 344.570)]

**344.511 Definitions for ORS 344.511 to 344.630 and 344.710 to 344.730.** As used in ORS 344.511 to 344.630 and 344.710 to 344.730:

(1) "Director" means the Director of the Division of Vocational Rehabilitation.

(2) "Disabled individual" means any person who has a substantial occupational handicap due to a physical or mental condition except blindness.

(3) "Division" means the Division of Vocational Rehabilitation established by ORS 344.520.

(4) "Maintenance" means money payments, during vocational rehabilitation, to individuals with occupational handicaps found to require financial assistance with respect thereto in order to effectuate the vocational rehabilitation of such individuals.

(5) "Occupational handicap" means a physical or mental condition other than blindness which, regardless of its origin, constitutes, contributes to, or, if not corrected, will probably result in, an obstruction to occupational performance or the condition of being an untrained individual.

(6) "Occupational licenses" means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in any occupation.

(7) "Occupational tools, equipment and supplies" means such customary implements, appliances, apparatus, fixtures and materials as are necessary for the successful prosecution of the employment objective of an individual with an occupational handicap.

(8) "Physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially modify an individual's occupational handicap within a reasonable length of time. The term includes but is not limited to medical, psychiatric, dental and surgical treatment, nursing services, hospital and convalescent home care, medical and surgical drugs and supplies, and prosthetic appliances, excluding curative treatment for acute or transitory conditions.

(9) "Prosthetic appliance" means any artificial appliance designed to support or take the place of a part of the body or to increase the acuity of a sense organ.

(10) "Rehabilitation training" means all

training provided, directly or through public or private instrumentalities, to an individual to compensate for his occupational handicap. The term includes but is not limited to manual, preconditioning, prevocational, vocational and supplementary training and training provided for the purpose of achieving broader and more remunerative skills and capacities.

(11) "Resident" means any individual who voluntarily lives within the state for other than a temporary purpose.

(12) "Severely handicapped individual" means a disabled individual who, because of the nature of his disabilities, is not able to participate fully in competitive employment, and for whom specialized employment opportunities must be provided.

(13) "State board" means the State Board of Education.

(14) "Untrained individual" means any person without mental or physical disability who has a substantial occupational handicap due to lack of occupational training, experience, skills or other factors and who is receiving and, in the opinion of the State Public Welfare Commission, probably will continue to receive public assistance because of his occupational handicap.

(15) "Vocational rehabilitation" and "vocational rehabilitation services" mean any services necessary to enable an individual with an occupational handicap to engage in a remunerative occupation and include, but are not limited to, medical and vocational diagnoses, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, occupational tools, equipment and supplies, maintenance and training books, supplies and materials.

[1965 c.100 §437 (enacted in lieu of 344.510)]

**344.520 Division of Vocational Rehabilitation.** There is established, under the general direction and control of the state board, a Division of Vocational Rehabilitation, consisting of a director and such other personnel as may be necessary for the efficient performance of the functions of this division. The division shall administer, under general supervision of the state board, the vocational rehabilitation functions of the state board.

**344.530 State board rehabilitation duties.** Notwithstanding any other provisions of the law, the state board shall perform the

following vocational rehabilitation functions through the division:

(1) Provide for the vocational rehabilitation of all eligible individuals with occupational handicaps and for their placement in remunerative occupations.

(2) Establish and enforce such rules as may be necessary to:

(a) Carry out ORS 344.511 to 344.630 and 344.710 to 344.730;

(b) Safeguard the confidential character of vocational rehabilitation information and records; and

(c) Maintain a system of personnel standards, subject to the State Civil Service Law, governing the selection, appointment and employment upon a merit basis of all personnel engaged in the administration of the vocational rehabilitation program.

(3) Cooperate with public and private departments, agencies and institutions in:

(a) Providing for the vocational rehabilitation of individuals with occupational handicaps;

(b) Studying the problems involved therein; and

(c) Establishing, developing and providing, in conformity with ORS 344.511 to 344.630 and 344.710 to 344.730, such programs, facilities and services as may be necessary.

(4) Enter into reciprocal agreements with other states relative to the provision of vocational rehabilitation to residents of the states concerned.

(5) Conduct research and compile statistics relating to the vocational rehabilitation of individuals with occupational handicaps.

(6) Encourage and assist severely handicapped individuals in the establishment, maintenance and conduct of appropriate home industries within their capacities and in the promotion of the sale and distribution of the products of such home industries. All funds collected or received from such activities shall be deposited in a permanent special fund in the State Treasury and shall be used for the operation of such home industries upon the order of the state board.

(7) For sheltered workshops:

(a) Establish, conduct and maintain facilities necessary for the sheltered employment of severely handicapped individuals;

(b) Pay the individuals employed in the facilities suitable wages;

(c) Devise means for the sale and distribution of the products of the facilities; and

(d) Take such other action as may be necessary to insure the successful operation of the facilities established.

All funds collected or received from such activities shall be deposited in the State Vocational Rehabilitation Account and hereby are appropriated and shall be used for the operation of facilities necessary for the sheltered employment of severely handicapped individuals upon the order of the state board.

(8) Take such other action as may be necessary to carry out ORS 344.511 to 344.630 and 344.710 to 344.730.

[Amended by 1963 c.522 §2; 1965 c.100 §438]

**344.540 State board and federal cooperation.** Through the division, the state board shall cooperate with the Federal Government in carrying out the purposes of any federal Act pertaining to vocational rehabilitation, and in related matters of mutual concern, including the adoption of methods of administration found by the Federal Government to be necessary for the efficient operation of plans for vocational rehabilitation.

[Amended by 1965 c.100 §439]

**344.550 Eligibility for and extent of rehabilitation services.** Vocational rehabilitation services shall be provided to any disabled individual:

(1) Who is a bona fide resident of the state at the time of filing his application therefor.

(2) Who is eligible for vocational rehabilitation service under the terms of an agreement with another state or with the Federal Government.

(3) Except as otherwise provided by law or as specified in any agreement with the Federal Government with respect to classes of individuals certified to the state board, the following rehabilitation services shall be provided at public cost only to disabled individuals found to require financial assistance with respect thereto:

(a) Physical restoration.

(b) Transportation not provided to determine the eligibility of the individual for vocational rehabilitation services and the nature and extent of the services necessary.

(c) Occupational licenses.

(d) Customary occupational tools and equipment.

(e) Maintenance.

(f) Training books and materials.

[Amended by 1965 c.100 §440]

**344.555 Training under apprenticeship program.** (1) When an individual with an occupational handicap is to be trained as an apprentice as defined in ORS chapter 660, or in a trade or craft for which training standards are established under ORS chapter 660, the training shall be subject to the provisions of ORS chapter 660, and shall be under the jurisdiction of the State Apprenticeship Council in cooperation with the division.

(2) This section is not intended to limit any necessary financial assistance to which or for which an individual with an occupational handicap would otherwise be entitled under ORS 344.550.

[1963 c.522 §9]

**344.560 Application; form.** Applications for vocational rehabilitation under ORS 344.550 shall be made in such manner and form and contain such information as the director may require.

**344.570 Division action upon application.** Whenever the division receives an application for vocational rehabilitation under ORS 344.560, it shall promptly cause to be obtained and recorded, with respect to such applicant, all essential, pertinent information concerning his circumstances, health condition, vocational aptitudes and experience, and such other information as may be necessary for the determination of his eligibility and of the nature and amount of vocational rehabilitation services needed.

**344.573 Referral by state or county public welfare commission; eligibility of person referred; reimbursement of division.**

(1) The State Public Welfare Commission or the county public welfare commission of the county in which the untrained individual resides may refer to the division any untrained individual who is responsible for his own maintenance or is the responsible head of a household when, in the opinion of the State Public Welfare Commission or the county public welfare commission, the individual has a reasonable chance for employment after receiving vocational rehabilitation.

(2) If, in the opinion of the division the individual so referred has a reasonable

chance for employment after receiving vocational rehabilitation, he shall be eligible for all services of the division including those under subsection (2) of ORS 344.550. The division shall report the amount of any additional payments made to the individual to the State Public Welfare Commission or the county public welfare commission which made the referral.

(3) The State Public Welfare Commission or the county public welfare commission in making a referral under subsection (1) of this section shall send any medical, psychiatric, social, financial or other information in its possession concerning the individual that the division may request unless such information is confidential under federal laws or regulations.

(4) The State Public Welfare Commission shall enter into an agreement for reimbursement of the division for its expenditures in providing vocational rehabilitation to untrained individuals and shall reimburse the division for such expenditures according to the terms of such agreement.

[1963 c.522 §7]

**344.575 Training for person referred by state or county public welfare commissions.** The division shall provide vocational rehabilitation to any untrained individual who is referred by the State Public Welfare Commission or the county public welfare commission in the county in which the untrained individual resides as provided in ORS 344.573 if, in the opinion of the division, the individual has a reasonable chance for employment after receiving vocational rehabilitation.

[1963 c.522 §3a]

**344.577 Eligibility for public assistance of person referred for training.** (1) An untrained individual referred to the division under ORS 344.573 or his family shall continue if otherwise eligible to receive public assistance during the period when he is receiving vocational rehabilitation.

(2) The State Public Welfare Commission or the county public welfare commission may make adjustment in the amount of assistance required by the family of the individual if, because of a lack of facilities for vocational rehabilitation in the area where the individual and his family live, the individual is required to live away from home during the period when he is receiving vocational rehabilitation.

[1963 c.522 §8]

**344.580 Payments exempt from process.** Any payments made to an individual with an occupational handicap as maintenance under ORS 344.511 to 344.630 and 344.710 to 344.730 shall not be transferable or assignable at law or in equity. None of the money payable under ORS 344.511 to 344.630 and 344.710 to 344.730 shall be subject to execution, levy, attachment, garnishment or other legal process or to the operation of any bankruptcy or insolvency law.  
[Amended by 1963 c.522 §4]

**344.590 Appeal and hearing.** Any individual applying for or receiving vocational rehabilitation who is aggrieved because of the division's decision or delay in making a decision shall be entitled to appeal to the state board in the manner prescribed by it and shall be afforded reasonable notice and opportunity for a fair hearing by the state board.

**344.600 Unauthorized use of official rehabilitation data.** Except for purposes directly connected with the administration of vocational rehabilitation, and in accordance with the rules and regulations of the state board, no person shall solicit, disclose, receive, make use of or authorize, knowingly permit, participate in or acquiesce in the use of, any list of or names of, or any information concerning persons applying for or receiving vocational rehabilitation directly or indirectly derived from the records, papers, files or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

**344.610** [Amended by 1963 c.522 §5; repealed by 1965 c.100 §456]

**344.620 State Vocational Rehabilitation Account; federal funds; custody and disbursement; records.** (1) There is established in the General Fund of the State Treasury, a State Vocational Rehabilitation Account which shall consist of all moneys made available to the state board for rehabilitation purposes. All moneys in such special account hereby are appropriated for the purposes of the administration of ORS 344.511 to 344.630 and 344.710 to 344.730.

(2) The State Treasurer is designated custodian of all funds received from the Federal Government for the purpose of carrying out any federal Act pertaining to vocational

rehabilitation. The State Treasurer shall receive such funds and provide for their custody.

(3) Disbursements from the State Vocational Rehabilitation Account shall be made as directed by the state board. The division shall keep a record of all moneys deposited in such account. The record shall indicate by separate cumulative accounts the source from which the moneys are derived and the individual departmental activity against which each withdrawal is charged.

**344.630 Gifts for rehabilitation purposes.** The state board may receive and accept, through the division, such gifts, donations and other funds from either public or private sources as may be offered unconditionally or under such conditions as in the judgment of the state board are proper and consistent with the provisions of ORS 344.511 to 344.630 and 344.710 to 344.730. Gifts so accepted shall be held in trust for investment, reinvestment and use in accordance with the conditions of the gift. Such moneys shall be deposited in the State Treasury to the credit of the State Vocational Rehabilitation Account.

**344.640** [Amended by 1953 c.674 §13, 1957 c.574 §1; renumbered 344.810]

**344.650** [Renumbered 344.820]

**344.660** [Amended by 1953 c.674 §13; renumbered 344.830]

**344.670** [Renumbered 344.840]

**344.680** [1955 c.762 §3, renumbered 344.850]

**344.690 and 344.700** [Reserved for expansion]

## SHELTERED WORKSHOPS

**344.710 Definition for ORS 344.710 to 344.730.** "Sheltered workshop" means a non-profit facility established and operated by a private organization, agency or institution to provide vocational training, employment opportunity and employment for disabled and severely handicapped individuals.  
[1963 c.506 §2]

**344.720 Establishment of sheltered workshops; application; approval of division.** (1) Upon approval of the sheltered workshop and within the limits of available funds, the division may make grants to assist sheltered workshops.

(2) Applications for grants under subsection (1) of this section shall be made in the manner and form and contain the information required by the division.

(3) The approval of the division required by subsection (1) of this section shall be based on reasonable and satisfactory assurance of:

(a) Provision for vocational training and employment experience to enable the disabled or severely handicapped person to participate in competitive employment when his physical condition warrants such employment.

(b) Compliance with the rules of the state board applicable to sheltered workshops.

[1963 c.506 §3; 1965 c.100 §441]

**344.730 Financial report.** All sheltered workshops which receive state aid under the provisions of ORS 344.710 to 344.730, on or before January 15, shall file with the division a financial report on the preceding year in the form prescribed by the division.

[1963 c.506 §4]

**344.740 to 344.800** [Reserved for expansion]

#### REHABILITATION OF WORKMEN

**344.810** [Formerly 344.640; amended by 1965 c.285 §67b; renumbered 656.616]

**344.820** [Formerly 344.650; amended by 1965 c.285 §67c; renumbered 656.728(1)]

**344.830** [Formerly 344.660; amended by 1965 c.285 §67d; renumbered 656.728(2)]

**344.840 Vocational instruction in public schools for workmen; reimbursement.** Upon application of the Workmen's Compensation Board, the district school board of a school district which employs vocational instructors or maintains a vocational training program shall furnish to any person designated by the Workmen's Compensation Board such vocational instruction as is provided for district pupils when the facilities of the district permit. The Workmen's Compensation Board shall cause to be paid to the district the actual cost of such instruction as nearly as may be estimated by the district school board.

[Formerly 344.670; amended by 1965 c.100 §442]

**344.850 Reimbursements to Division of Vocational Rehabilitation.** All reimbursements to the Division of Vocational Rehabilitation made by the Workmen's Compensation Board in connection with rehabilitation services shall be deposited in the State Vocational Rehabilitation Account to be applied as a reduction of expenditures.

[Formerly 344.680; amended by 1965 c.100 §443]

**344.990** [Repealed by 1965 c.100 §456]

#### 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 November 15, 1965.

Sam R. Haley  
Legislative Counsel