

TITLE 34

PUBLIC WELFARE; CORRECTIONAL INSTITUTIONS

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Chapter 411

1965 REPLACEMENT PART

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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

DEFINITIONS

411.010 Definitions. As used in this chapter and in other statutes providing for assistance and services to needy persons, unless the context or a specially applicable statutory definition requires otherwise:

- (1) "State commission" means the State Public Welfare Commission.
- (2) "State department" means the State Public Welfare Commission, its administrator or other employed personnel.
- (3) "County commission" means the county public welfare commission.
- (4) "County department" means the county public welfare commission or its employed personnel.
- (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, aid to dependent children, child welfare services, aid to the blind, general assistance, aid to the permanently and totally disabled, medical assistance 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; 1963 c.599 §1; 1965 c.556 §15]

Note: The 1965 amendments to ORS 411.010, 411.115 and 411.120 and the enactment of ORS 411.405 take effect July 1, 1966, and become operative when state and federal funds are available for use in the programs authorized by those sections. See 1965 c.556 §31.

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 needy persons in every category of public assistance, including relatives of dependent children as defined in ORS 418.035, to assist them to attain self-care or self-support.

[1957 c.572 §1; 1961 c.620 §2; 1965 c.556 §16]

Note: See note under ORS 411.010.

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) Medical assistance, including deductions, cost sharing, enrollment fees, premiums, or similar charges imposed with respect to hospital insurance benefits or supplementary health insurance benefits, as established by federal law.

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

(9) 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; 1965 c.556 §17]

Note: See note under ORS 411.010.

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 not more than eleven one-hundredths of one percent (.0011) of the true cash value 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.

[Amended by 1963 c.143 §1]

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 eleven one-hundredths of one percent (.0011) of the true cash value of all taxable property within the county 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.

[Amended by 1963 c.143 §2]

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. The moneys in the Public Welfare Account and all appropriations for the State Public Welfare Commission shall be subject to allotment made by the Department of Finance and Administration.

(2) The State Public Welfare Commission shall keep a record of all moneys credited to and 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) The unobligated balance in the Public Welfare Account on June 30 of each odd-numbered year shall be determined by the State Public Welfare Commission as of September 30 following the close of each biennium and certified to the Secretary of State. The amount certified pursuant to this subsection shall revert to the General Fund and become available for general governmental purposes.

[Amended by 1961 c.600 §7; 1963 c.537 §4; 1965 c.440 §3]

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 reimbursed 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 Commis-

sion 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 departments; public inspection of reports. (1) On or before the tenth day of every month, each county department shall cause to be prepared a complete report showing the names 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. The address of any such recipient shall be provided upon the specific request of a person who is qualified to inspect such report.

(2) Subject to ORS 411.330 and 411.335, such reports shall be open to public inspection during the regular office hours of the county department.
[1953 c.500 §6; 1961 c.620 §5; 1963 c.70 §1]

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]

411.405 Agreements with federal government on voluntary health insurance program for recipients. The state commission may enter into agreements with officers and agencies of the Federal Government pursuant to federal law to undertake and perform the functions of carriers with respect to recipients of public assistance in this state enrolled under the voluntary health insurance program, and to the extent provided in such agreements:

- (1) To determine rates and amounts of payments to providers of services on a reasonable cost or reasonable charge basis;
- (2) To receive, disburse and account for funds in making such payments;
- (3) To make such audits of the records of providers of services as may be necessary to assure that proper payments are made; and
- (4) To perform such other functions as are necessary to carry out the provisions for the voluntary health insurance program.

[1965 c.556 §14]

Note: See note under ORS 411.010.

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 416.810]
- 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 293.490; and payment may be made and the proceeds used

without any of the restrictions enumerated in subsection (1) of ORS 293.495.
[Amended by 1957 c.120 §1]

411.620 Recovery of fraudulently obtained public assistance. (1) The state commission may prosecute a civil suit or action against any person who has obtained, for the benefit of himself or any other person, any amount or type of general assistance or public assistance, as defined in ORS 411.010, or has aided any other person to obtain such general assistance or public assistance, in violation of any provision of ORS 411.630, or in violation of ORS 411.640. In such suit or action the state commission may recover the amount or value of such general assistance or public assistance so obtained in violation of ORS 411.630, or in violation of ORS 411.640, with interest thereon, together with costs and disbursements incurred therein.

(2) Excepting as to bona fide purchasers for value, the state commission may prosecute a civil suit or action to set aside the transfer, gift or other disposition of any money or property made in violation of any provision of ORS 411.630, and may recover out of such money or property, or otherwise, the amount or value of any general assistance or public assistance obtained as a result of such violation, with interest thereon, together with costs and disbursements incurred therein.
[Amended by 1963 c.499 §1]

411.630 Unlawfully obtaining public assistance for self or other. (1) No person shall by means of any false representation or fraudulent device knowingly obtain or attempt to obtain, for the benefit of himself or of any other person, any amount or type of general assistance or public assistance, as defined in ORS 411.010, to which he or such other person is not entitled under state law.

(2) No person shall transfer, conceal or dispose of any money or property with the intent:

(a) To enable him to meet or appear to meet any requirement of eligibility prescribed by state law or by rule or regulation promulgated by the state commission for a grant or an increase in a grant of any type of general assistance or public assistance, as defined in ORS 411.010; or

(b) Except as to a conveyance by such person to create a tenancy by the entirety, to hinder or prevent the state commission

from recovering any part of any claim which it may have against him or his estate.

(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 any type of general assistance or public assistance, as defined in ORS 411.010, with the intent to enable such applicant or recipient to meet or appear to meet any requirement of eligibility referred to in paragraph (a) of subsection (2) of this section or, except as to a conveyance by such applicant or recipient to create a tenancy by the entirety, with the intent to hinder or prevent the state commission from recovering any part of any claim which it may have against such applicant or recipient or his estate.

[Amended by 1963 c.499 §2]

411.640 Unlawfully receiving public assistance. No person shall receive, either for the benefit of himself or for the benefit of any other person, any amount or type of general assistance or public assistance, as defined in ORS 411.010, to which he or such other person is not entitled under state law. [1963 c.499 §4]

411.650 Statement required to obtain public assistance. (1) Every person 18 years of age or over who applies for or receives any type of general assistance or public assistance, as defined in ORS 411.010, whether such general assistance or public assistance is applied for or received for the benefit of himself or of another individual, shall execute to the state department or the county department at the time of making such application, and at such times as may be required by the state department or the county department in any case, written statements relating to each individual for whose benefit such general assistance or public assistance is applied for or received, and to any person who has a duty to support such individual, or to whom such individual owes a duty of support. Such statements shall include, but need not be limited to, so much of the following information, relating to each such individual or other person, as may be specified or required by the state department or the county department:

(a) His name, address, date and place of birth, residence, family relationships, and

the composition of the household in which he lives;

(b) His financial circumstances and means of and ability for supporting himself and other individuals, including but not limited to information concerning:

(A) His employment and the nature and amount of his income, from whatever source derived;

(B) His tangible and intangible assets, property and resources of any nature including, but not limited to, money, real and personal property, rights and expectancies as an heir, devisee, legatee, trustee or cestui que trust, and any rights, benefits, claims or choses in action, whether arising in tort or based upon statute, contract, judgment or decree;

(C) His receipt, transfer or disposal of any assets, property or resources, referred to in subparagraph (B) of this subsection, within three years immediately preceding such application and during any period with respect to which such general assistance or public assistance is granted; and

(D) Such other information as may be required pursuant to state or federal laws applicable to such general assistance or public assistance.

(2) All applications for such general assistance or public assistance and all statements referred to in subsection (1) of this section shall be upon forms prescribed and furnished by the state commission. Each such statement shall be subscribed by each individual who executes or joins in the execution of such statement.

(3) The spouse of any individual who applies for or receives such general assistance or public assistance may be required by the state department or the county department to join in the execution of, or separately to execute, any statement referred to in subsection (1) of this section, under oath or affirmation, except during any period in which it appears to the state department or the county department that:

(a) Such individual and his spouse are estranged and are living apart;

(b) The spouse is absent from this state or his whereabouts is unknown; or

(c) The spouse is physically or mentally incapable of executing such statement or of providing any information referred to in subsection (1) of this section.

[1963 c.499 §5; 1965 c.300 §1]

411.660 Modification, cancellation or suspension of public assistance. (1) If any person is convicted of a violation of any provision of ORS 411.630, or is convicted of a violation of ORS 162.140 for having wilfully sworn or affirmed falsely in regard to any matter or information referred to in ORS 411.650, any grant of general assistance or public assistance made wholly or partially to meet the needs of such person shall be modified, canceled or suspended for such time and under such terms and conditions as may be prescribed by or pursuant to rules or regulations of the state commission.

(2) Subsection (1) of this section does not prohibit a grant of general assistance or public assistance to meet the needs of a child under the age of 18 years.

[1963 c.499 §6]

411.670 and 411.680 [Reserved for expansion]

411.690 Liability for refund to commission of person receiving payment from recipient or other. (1) As used in this section "need" means any type of care, service, commodity, shelter or living requirement.

(2) Any person, as defined in ORS 174.100, who accepts from the state commission any payment made to such person for furnishing any need to or for the benefit of a public assistance recipient shall be liable to refund or credit the amount of such payment to the state commission if such person has obtained or subsequently obtains from the recipient or from any source any additional payment received for furnishing the same need to or for the benefit of such recipient. However, the liability of such person shall be limited to the lesser of the following amounts:

(a) The amount of the payment so accepted from the state commission; or

(b) The amount by which the aggregate sum of all payments so accepted or received by such person exceeds the maximum amount payable for such need from public assistance funds under rules or regulations promulgated by the state commission.

(3) The state commission may prosecute civil actions to recover moneys claimed due under this section, and for costs and disbursements incurred in such actions.

[1963 c.609 §11]

411.700 [Reserved for expansion]

GENERAL ASSISTANCE

411.710 Basis for granting general assistance. (1) 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.

(2) With respect to health services and needs to be provided in any general assistance programs during any period, and within the limits of funds available therefor, the state commission shall determine and fix, subject to such revisions as it may make from time to time:

(a) The types and extent of health services and needs to be provided to applicants and recipients.

(b) State-wide uniform standards to be observed in the provision of health services and needs.

(c) The maximum number of days of health services and needs toward the cost of which general assistance funds will be expended in the care of any applicant or recipient.

(d) Schedules of maximum fees, charges and daily rates to which general assistance funds will be applied toward meeting the costs of providing health services and needs to an applicant or recipient.

(3) The types and extent of health services and needs and the amounts to be paid in meeting the costs thereof, as determined and fixed by the state commission, shall be the total general assistance available to applicants and recipients for health services and needs and the total amounts from general assistance funds available to vendors in meeting such costs.

(4) Payments of general assistance for medical care and services shall constitute payment in full for all such care and services for which the payments were made.

[Amended by 1965 c.556 §18]

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]

411.805 [1961 c.526 §1; repealed by 1963 c.599 §2 (ORS 411.806 enacted in lieu of ORS 411.805)]

FOOD DISTRIBUTION PROGRAMS

411.806 Definitions for ORS 411.806 to 411.845. As used in ORS 411.806 to 411.845, unless the context or a specially applicable statutory definition requires otherwise:

(1) "Administrative costs" means, but is not limited to, costs in connection with:

(a) Shipment, storage, packaging and distribution of food commodities under a food distribution program;

(b) Receiving, safekeeping and distributing food stamps or coupons to recipients under a food stamp plan; and

(c) The compensation of personnel while employed in carrying out ORS 411.806 to 411.845.

(d) Reimbursement of the Federal Government for any loss described in ORS 411.830.

(2) "Food distribution program" means a program under which the Federal Government makes food commodities available to this state or its agencies, or to tribal councils of Indian tribes in this state, for direct distribution to individuals and households certified to be in economic need of and eligible to receive such commodities.

(3) "Food stamp plan" means a plan under which the Federal Government makes food stamps or coupons available to this state or its agencies, or to tribal councils of Indian tribes in this state, for distribution to individuals and households certified to be in economic need of and eligible to receive such food stamps or coupons for the purchase of food commodities from retail food outlets.

(4) "Household" means two or more related or nonrelated individuals who do not reside in an institution.

(5) "Issuing agency" means the state commission or a county, county public welfare commission, a tribal council of an Indian tribe or a commercial banking institution or branch thereof, which is authorized by the state commission, with the approval of the Federal Government, to issue food stamps or coupons to recipients under a food stamp plan.

(6) "Recipient" means an individual or household determined and certified, pursuant to ORS 411.811 or 411.825, to be eligible to receive food commodities under a food distribution program, or to receive food stamps or coupons under a food stamp plan. [1963 c.599 §3 (enacted in lieu of ORS 411.805)]

411.810 [1961 c.526 §2; repealed by 1963 c.599 §4 (ORS 411.811 enacted in lieu of ORS 411.810)]

411.811 Participation in food distribution programs. (1) Except as to food distribution programs in which a tribal council of an Indian tribe makes direct distribution of food commodities to recipients, a food distribution program shall be put into effect or discontinued within a county only at the election of the governing body of such county. However, a food distribution program may be discontinued in any county if by federal law, rule or regulation such discontinuance is required or this state is permitted or required to conduct a food stamp plan in such county in lieu of a food distribution program.

(2) With respect to food distribution programs, the Department of Finance and Administration shall:

(a) Execute agreements necessary to maintain the eligibility of this state to receive food commodities, and to carry into effect ORS 411.806 to 411.845 relating to such programs, including agreements with counties and other agencies of this state, with the Federal Government and its agencies, and with tribal councils of Indian tribes;

(b) Order, ship and store food commodities pending their delivery to counties or tribal councils of Indian tribes for direct distribution to recipients;

(c) Determine and require that the storage, distribution and handling of food commodities are made in accordance with state and federal laws, rules, regulations and requirements;

(d) Determine the quantities of food commodities which recipients shall be entitled to receive with respect to any period and geographical area; and

(e) Except as otherwise provided by ORS 411.816, promulgate and enforce rules and regulations necessary to maintain the eligibility of this state to receive food commodities and to carry into effect ORS 411.806 to 411.845 relating to such programs.

(3) The state commission, through the county departments, shall determine and certify to the eligibility of all individuals and

households to receive food commodities under food distribution programs.

(4) Except as to any program in which the tribal council of an Indian tribe issues food commodities to recipients, the governing body of a county in which a food distribution program is in effect shall cause to be received, stored, packaged if necessary, and distributed to recipients, any food commodity made available under such program.

[1963 c.599 §5 (enacted in lieu of ORS 411.810)]

411.815 [1961 c.526 §3; repealed by 1963 c.599 §6 (ORS 411.816 enacted in lieu of ORS 411.815)]

411.816 Eligibility and benefit level. The state commission shall promulgate rules and regulations conforming to federal laws, rules and regulations required to be observed in maintaining the eligibility of this state to receive from the Federal Government, and to issue or distribute to recipients, food stamps or coupons under a food stamp plan or food commodities under a food distribution program. Such rules and regulations which relate to food distribution programs shall be subject to approval of the Director of the Department of Finance and Administration. Rules and regulations promulgated by the state commission pursuant to this section shall relate to and include, but shall not be limited to:

(1) The classifications of and requirements of eligibility for individuals and households to receive food commodities or food stamps or coupons under such plans or programs. The limitations upon the income and resources of individuals and households established as requirements of eligibility under this section shall be directly related to the applicable requirements of eligibility established under state law for recipients of old-age assistance or of aid as defined in ORS 418.035. However, with respect to individuals or households not receiving public assistance, limitations upon the amount or value of the liquid assets of any individual or household may be established, as requirements of eligibility under this section, at not more than double the amount or value of liquid assets allowable under state law to recipients of old-age assistance and of aid as defined in ORS 418.035;

(2) The periods during which individuals and households shall be certified or recertified to be eligible to receive food stamps or coupons under such plans;

(3) The numbers and values of food stamps or coupons to be issued or allotted

to recipients, with respect to any period, under a food stamp plan, and the amount such recipients shall be required to pay for such food stamps or coupons;

(4) Periodic redetermination and review of the eligibility of recipients to receive food commodities, or the numbers and values of food stamps or coupons issued or allotted to recipients and amounts required to be paid therefor, under such plans or programs;

(5) Cancellation of certifications issued for, and adjustment of the numbers of individuals in any household eligible to receive food commodities or the numbers, values and amounts to be paid by recipients for food stamps or coupons issued or allotted to recipients under such plans or programs for any period in accordance with changes of circumstances in individual cases; and

(6) Procedures to review, on the basis of substantial hardship, requests for such adjustments.

[1963 c.599 §7 (enacted in lieu of ORS 411.815)]

411.820 Contribution by state and counties; administrative costs; reimbursement of counties. (1) For payment of expenses incurred in connection with a food stamp plan or a food distribution program, the State of Oregon shall contribute 70 percent and the several counties wherein such plan or program is in effect shall each contribute 30 percent of all sums which the state commission finds have been reasonably incurred or expended in and for such counties pursuant to ORS 411.806 to 411.845. In determining the costs for which the counties shall contribute, all administrative costs exclusive of costs for certification of recipients 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; 1963 c.599 §12]

411.825 Food stamp plan. (1) Subject to approval of the state commission, a food stamp plan may be put into effect in any county, in lieu of a food distribution program, if permitted by the Federal Government.

(2) The state commission, through the county departments, shall determine and certify to the eligibility of all individuals and households to receive food stamps or coupons under a food stamp plan.

(3) Issuing agencies under a food stamp plan shall:

(a) Receive, safeguard, inventory and issue to recipients, food stamps or coupons made available from the Federal Government under such plan;

(b) Receive, safeguard and pay to the Federal Government all moneys paid by recipients for such food stamps or coupons; and

(c) Account to the Federal Government for all such food stamps or coupons received by it, together with reconciliations of food stamps or coupons received, inventoried and issued to and paid for by recipients.

[1963 c.599 §10]

411.827 Appropriation of sums received from Federal Government. All sums received by the state commission from the Federal Government to assist in meeting the costs of processing applications from, and of certifying and recertifying, individuals and households under ORS 411.806 to 411.845 are hereby appropriated to the state commission for expenditure in meeting the costs of processing applications from, and making certifications and recertifications of, individuals and households for the benefits made available pursuant to ORS 411.806 to 411.845.

[1963 c.599 §14]

411.830 Payment of losses from program. (1) Any loss for which this state or its agencies or counties may be liable to reimburse the Federal Government, in accordance with federal laws, rules or regulations applicable to food stamp plans or food distribution programs, and which results from improper shipment, storage, handling, receipt or disposal of food commodities or food stamps or coupons, from improper certification of any person, or from the criminal or tortious act of any person, shall be paid from funds appropriated to the state commission for the purposes of ORS 411.806 to 411.845. The county in which such plan or program is in effect, and with respect to which such loss is incurred, shall pay to the state commission 30 percent of the amount payable to the Federal Government under this section.

(2) Subsection (1) of this section shall not relieve any person of any civil or criminal liability to this state.

[1963 c.599 §15]

411.835 Residence requirement. Individuals and households are not eligible to receive food stamps or coupons under a food stamp plan or to receive food commodities under a food distribution program, unless they reside in a county in which such plan or program is in effect.

[1963 c.599 §9]

411.837 Compliance with state and federal laws required. Counties, state institutions and agencies, issuing agencies, retail food outlets, wholesale food concerns, banks and all persons who participate in or administer any part of a food stamp plan shall comply with all state and federal laws, rules and regulations applicable to such plans.

[1963 c.599 §11]

411.840 Unlawfully using stamps or commodities. (1) No person shall knowingly obtain or attempt to obtain, or aid or abet another person in obtaining or attempting to obtain, any food commodity under a food distribution program or any food stamp or coupon under a food stamp plan, to which he or such other person is not entitled to receive or use under ORS 411.806 to 411.845, or under any rule or regulation promulgated pursuant to ORS 411.806 to 411.845.

(2) No person shall knowingly give, sell, trade or otherwise dispose of to another person not entitled to receive or use the same pursuant to ORS 411.806 to 411.845, or pursuant to any rule or regulation promulgated pursuant to ORS 411.806 to 411.845:

(a) Any food commodity received under a food distribution program;

(b) Any food stamp or coupon received under a food stamp plan; or

(c) Any food commodity received wholly or partially in exchange for a food stamp or coupon received under a food stamp plan.

[1963 c.599 §16]

411.845 Prosecution; costs; accounting.

(1) If any person obtains, gives, sells, trades or otherwise disposes of any food commodity or any food stamp or coupon in violation of ORS 411.840, the district attorney shall prosecute, for and in the name of the State of Oregon, a civil action or suit to recover from such person:

(a) The food commodity or food stamp or coupon so obtained by such person;

(b) The reasonable value of the food commodity so obtained, given, sold, traded or otherwise disposed of by such person; or

(c) The face value of the food stamp or

coupon so obtained, given, sold, traded or otherwise disposed of by such person, less any sum paid to the issuing agency for such food stamp or coupon.

(2) In any suit or action prosecuted under subsection (1) of this section, the state is entitled to recover interest and its costs and disbursements incurred in such suit or action.

(3) Food commodities, food stamps or coupons, and moneys recovered by the state under this section shall be accounted for or paid to the federal, state and county governments, or their respective agencies, as their respective interests therein may appear.

[1963 c.599 §17]

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 public entity under which such public entity undertakes to provide work, utilizing labor and services required to be performed without compensation by applicants or recipients of public assistance, and to provide supervision and control over the performance of such labor and services.

(2) "Public entity" means any agency of the federal or state government, county, city, town, public corporation or political subdivision in this state.

[1961 c.631 §1; 1965 c.291 §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 public entity as a part of his regular duties.

[1961 c.631 §2; 1965 c.291 §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.

(3) Violation of any provision of ORS 411.840 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 by both such fine and imprisonment.

[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; 1963 c.599 §18]

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

