TITLE 34

PUBLIC WELFARE; CORRECTIONAL INSTITUTIONS

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Chapter 411

1974 REPLACEMENT PART

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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) "Division" means the Public Welfare Division.

(2) "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.

(3) "Public assistance" means all types of assistance including old-age assistance, aid to dependent children, 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 administrator 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; 1969 c.597 §228; 1971 c.779 §7; 1973 c.464 §1]

PUBLIC ASSISTANCE ADMINISTRATION

411.040 Public Welfare Division. The Public Welfare Division hereby is established. The division consists of the Administrator of the Public Welfare Division, employes of the division necessary to carry out the functions of the division and the advisory committee established under ORS 411.125.

[1969 c.597 §227]

411.050 [Amended by 1969 c.314 §34; repealed by 1969 c.597 §281]

411.060 Division as state agency for public assistance; local offices. (1) The Department of Human Resources through the Public Welfare Division shall administer and supervise 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.

(2) The Public Welfare Division shall maintain a local office in each county.

[Amended by 1969 c.597 §229; 1971 c.319 §8; subsection (2) enacted as 1971 c.779 §72]

411.070 State-wide standards for public assistance. The Public Welfare Division 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 Public Welfare Division, 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.

[Amended by 1955 c.613 §1; 1969 c.597 §229a; 1971 c.779 §8]

411.080 [Amended by 1969 c.597 §230; repealed by 1971 c.319 §11]

411.090 Reports. The Public Welfare Division 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.

[Amended by 1969 c.597 §231]

411.095 Procedure for hearings, rules, orders. (1) Where the Public Welfare Division conducts a hearing pursuant to ORS chapter 416 or the Public Welfare Division proposes to refuse, suspend or revoke a grant of general assistance as defined in subsection (4) of ORS 411.010 or a grant of public assistance as defined in subsection (5) of ORS 411.010 opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.500.

(2) Promulgation of rules, conduct of hearings and issuance of orders and judicial review of rules and orders shall be in accordance with ORS 183.310 to 183.500.

[1971 c.734 §41]

411.100 [Repealed by 1971 c.779 §78]

411.105 Applicant's declaration of eligibility; report on change in circumstance; recovery of amounts improperly paid. At the time of making application every person applying for public assistance shall declare to the Public Welfare Division any circumstance which directly affects the eligibility to receive assistance or the amount of assistance available to him. Upon the receipt of property or income or upon any other change in circumstances which directly affects the eligibility of the recipient to receive assistance or the amount of assistance available to him, the applicant, recipient or other person in the assistance household shall immediately notify the Public Welfare Division of the receipt or possession of such property or income, or

other change in circumstances. The division shall recover from the recipient the amount of assistance improperly disbursed by reason of failure to comply with the provision of this section.
[1969 c.68 §3]

411.110 [Repealed by 1969 c.68 §1 (411.111 enacted in lieu of 411.110)]

411.111 Review of records to determine continued eligibility; personnel. For the purpose of eliminating from the public assistance rolls all persons for any reason not entitled to the benefits being granted, any application for or grant of public assistance is subject to investigation, certification, review and reconsideration from time to time and as frequently as is required by the rules and regulations of the division, and is subject to change or cancellation when the circumstances are not verified or have changed sufficiently to warrant such action; and for this purpose the division may employ and fix the compensation of such persons as it finds necessary and advisable.
[1969 c.68 §2 (enacted in lieu of 411.110)]

411.113 Division to determine eligibility; county boards' access to information. The Public Welfare Division shall determine eligibility for all public assistance. County public welfare boards shall have access to information regarding persons receiving public assistance.
[1971 c.779 §73]

411.114 Agreement for Federal Government determination of eligibility and payment to recipients under certain public assistance categories. The Public Welfare Division may enter into agreements with the Federal Government under which the Federal Government, on behalf of the division, will determine eligibility and make cash payments to recipients of old-age assistance, aid to the blind and aid to the disabled entitled thereto under rules adopted by the division.
[1973 c.651 §2]

411.115 Services to needy persons to enable them to attain self-care or self-support. In addition to its other powers, the Public Welfare Division may provide, either directly or indirectly, 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; 1971 c.779 §9]

411.120 Authorized expenditures for public assistance. The division 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 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) 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.

(4) 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.

(5) 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.

(6) 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.

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

(8) Scholarships or grants for qualified welfare recipients to provide them education and vocational, technical or other helpful training, payable to a publicly supported educational, vocational or training institution on behalf of the recipient.

(9) Such purposes as the division is otherwise authorized to expend funds, including the administration expenses of the division.
[Amended by 1957 c.648 §1; 1961 c.600 §4; 1961 c.620 §3; 1965 c.556 §17; 1967 c.588 §3; 1969 c.123 §1; 1969 c.203 §1; 1971 c.779 §10]

411.125 Public Welfare Review Commission; appointment; qualifications; compensation and expenses; duties. (1) There is established a Public Welfare Review Commission of 15 members. The members shall be appointed by the Governor for a term of two years. Eight members shall be appointed,

two from each of the four congressional districts, from county public welfare boards; five members shall be recipients or former recipients of the aid or services of the Public Welfare Division; two members shall be appointed as representatives of the state agencies or public or private organizations interested in public welfare. The commission shall receive compensation and expenses as provided in ORS 292.495.

(2) The commission shall advise and consult with the administrator in carrying out the functions of the division and shall, through its chairman, have access to information regarding persons receiving assistance and other relevant information about programs of the Public Welfare Division.

[1969 c.597 §228b; 1971 c.779 §71]

411.130 Quarterly allocation of funds for each category of public assistance. The division, 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 Public Welfare Division 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 Public Welfare Division.

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

(a) Directly by the division.

(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; 1969 c.597 §232; 1971 c.779 §11]

411.140 [Amended by 1961 c.517 §1; repealed by 1971 c.779 §78]

411.145 County public welfare boards; appointment; term; expenses. (1) A county public welfare board of not fewer than five nor more than seven members is created within each county. The members shall be appointed by the governing body of the county, on the basis of recognized interest in and knowledge of the field of public assistance. Members of the governing body may be appointed to the board.

(2) Members shall be appointed for a term of four years. Before the expiration of the term of a member of the county public welfare board, the governing body shall appoint his successor to assume his duties on July 1 next following. In case of a vacancy for any cause, the governing body shall make an appointment to be immediately effective for the unexpired term. Any member of the county public welfare board may be removed by the governing body at any time for cause. The governing body shall name the chairman of the county public welfare board.

(3) Members appointed 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 Public Welfare Division when such attendance is authorized by the administrator of the division. The expenses authorized pursuant to this subsection shall be paid by the division out of the Public Welfare Account.

[1971 c.779 §69]

411.150 [Repealed by 1971 c.779 §78]

411.155 Duties of county public welfare boards. The county public welfare board shall:

(1) Receive information and complaints from local citizens and may at its discretion transmit such complaints to the Public Welfare Division on matters relating to public assistance programs. The Public Welfare Division shall, if requested, investigate and report on its findings pursuant to any complaint presented to it by a county public welfare board.

(2) Evaluate the effectiveness of public welfare programs in relation to local needs, determine the need and develop locally sponsored programs to augment public welfare programs, interpret public welfare programs and inform the public.

(3) Confer with local welfare offices on selection of special local programs, budget, eligibility for assistance, and other matters which will assist local offices in effectively serving local needs.

(4) Recommend changes, if any are needed, in the program or delivery of services to improve the Public Welfare Division's response to local problems.

[1971 c.779 §70]

411.160 [Amended by 1967 c.454 §46; 1967 c.561 §3; 1967 (s.s.) c.12 §1; repealed by 1969 c.45 §10]

411.170 [Amended by 1963 c.143 §1; repealed by 1969 c.45 §11]

411.180 [Amended by 1963 c.143 §2; repealed by 1969 c.45 §11]

411.190 [Amended by 1955 c.443 §1; 1961 c.657 §1; 1967 c.240 §1; repealed by 1969 c.45 §11]

411.200 [Repealed by 1969 c.45 §10]

411.210 [Amended by 1967 c.240 §2; repealed by 1969 c.45 §10]

411.220 Deposit of funds received for public assistance purposes; appropriation thereof. (1) The division shall deposit in the State Treasury to the credit of the General Fund 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 division 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.

(2) All moneys 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 division for public assistance purposes.

[Subsections (2) and (3) enacted as 1953 c.458 §§2, 4; 1961 c.600 §6; 1961 c.620 §4; 1969 c.45 §1; 1969 c.203 §2]

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

411.230 Payment of claims. Warrants shall be drawn by the Executive Department in favor of the Public Welfare Division for the aggregate amounts of public assistance or refunds to counties duly certified by the division to be due to any person or county in such amount as may be set forth in such certification. The division shall cause to be deposited all such warrants 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.

[Amended by 1967 c.454 §47; 1971 c.80 §5]

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 Public Welfare Division for the respective purposes authorized by law. The moneys in the Public Welfare Account and all appropriations for the Public Welfare Division shall be subject to allotment made by the Executive Department.

(2) The Public Welfare Division 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 Public Welfare Division as of September 30 following the close of each biennium and certified to the Executive Department. 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; 1967 c.454 §107]

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 Public Welfare Division 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 division shall prepare a claim against such funds for the amount advanced from the Public Welfare Account for the purposes of this section and a warrant may be drawn by the Executive Department 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; 1967 c.454 §48; 1971 c.80 §6]

411.245 Revolving fund. The revolving fund in the amount of $50,000 established by warrant drawn on the State Treasurer by the Executive Department payable out of the Public Welfare Account in favor of the Public Welfare Division is continued. The revolving fund shall be used by the Public Welfare Division 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. The revolving fund shall be deposited with the State Treasurer. For the purpose of providing working cash balances for emergency public assistance advances and other expenses when it is necessary to make immediate cash payments, the Public Welfare Division may withdraw from the State Treasury portions of the fund to be used by designated custodians for the purposes authorized by this section. The designated custodians may hold the funds or may deposit the funds in any bank authorized as a depository of state funds, or may hold part and deposit the remainder. The revolving fund shall be reimbursed by warrants drawn by the Executive Department upon the verified claims of the Public Welfare Division and warrants payable out of the Public Welfare Account.
[1953 c.460 §1; 1967 c.71 §1; 1967 c.454 §49; 1971 c.80 §7; 1971 c.779 §12]

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. All division 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 Merit System Law. For the purposes of the State Merit System Law, the Public Welfare Division is the appointing authority of all employes in the Public Welfare Division.
[Amended by 1957 c.570 §1; 1969 c.597 §236; 1971 c.779 §13]

411.270 Appointment of personnel; compensation. The administrator, in conformity with the State Merit System Law, may appoint and employ such personnel as may be necessary for the Public Welfare Division and appoint and fix the compensation of all assistants and employes of the division.
[Amended by 1957 c.570 §2; 1969 c.597 §237; 1971 c.779 §14]

411.280 Bonds for employes. The Public Welfare Division shall require such bonds and undertakings from persons employed in the Public Welfare Division as in its judgment are necessary, provide and prescribe the conditions thereof and pay the premiums therefor.
[Amended by 1969 c.597 §238; 1971 c.779 §15]

411.290 [Repealed by 1969 c.597 §281]

411.300 Regulations concerning use and custody of records. (1) The division shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the division. 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 or administrative practice followed by the Public Welfare Division pursuant to subsection (1) of this section which would interfere with the purposes of ORS 411.113, 411.155 and 411.320 to 411.335.
[Amended by 1953 c.500 §12; 1971 c.779 §16]

411.310 [Repealed by 1967 c.98 §1]

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 Public Welfare Division and the county public welfare boards 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 Public Welfare Division, 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; 1971 c.779 §17]

411.325 Monthly reports on recipients in county; public inspection of reports. (1) Except with respect to children in foster homes or other child-caring institutions, the Public Welfare Division on or before the 10th day of each month shall cause to be prepared a complete report showing the names of all recipients within each county who are receiving old-age assistance, aid to the blind, aid to the disabled, aid to dependent children or general assistance, 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 office of the division for the particular county in which the respective recipients reside.
[1953 c.500 §6; 1961 c.620 §5; 1963 c.70 §1; 1967 c.502 §16; 1971 c.779 §18]

411.330 Application to inspect reports; register of persons inspecting reports. (1) Each person requesting to inspect a record book under ORS 411.320 to 411.335 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_____

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(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 Public Welfare Division.
[1953 c.500 §§7, 8; 1971 c.779 §19]

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]

411.350 Copies of rules to be available in local offices; availability for public inspection. The Public Welfare Division shall maintain in each of its offices copies of its rules and regulations which the division is required to file with the Secretary of State. These copies of the rules and regulations shall be available for public use and inspection during regular business hours and shall be compiled and indexed in a manner which will facilitate their use.
[1967 c.578 §1; 1971 c.779 §20]

411.375 Public assistance investigations; power to subpena, administer oaths, take depositions and fix witness fees. (1) In connection with any public assistance investigation or hearing the Administrator of the Public Welfare Division or any examiner, referee or other officer duly appointed to conduct the investigation or hearing may by subpena 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 Public Welfare Division 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; 1969 c.597 §240]

411.380 Petition for enforcement of subpena 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 subpena, the person designated by the subpena 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 subpenaed in the manner prescribed and that the witness failed and refused to attend, to produce the papers required by the subpena 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 subpena. 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 subpena.
[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 subpena 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 [1961 c.171 §2; repealed by 1969 c.597 §281]

411.405 Agreements with Federal Government on voluntary health insurance program for recipients. The division 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]

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

411.415 Agreements to purchase vocational rehabilitation services. Within the limits of funds available, the Public Welfare Division may enter into agreements with the Vocational Rehabilitation Division for the purchase of services from sheltered workshops to provide vocational training, employment opportunities and employment for severely handicapped individuals who are current, former, or potential recipients of assistance through the Public Welfare Division.
[1971 c.617 §3]

Note: ORS 411.415 was not added to and made a part of ORS chapter 411 by legislative action.

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]

411.552 [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]

411.575 Acceptance of gifts and grants for scholarships. (1) In addition to other funds made available for education and training of public assistance recipients, the Children's Services Division may accept gifts and grants from private sources for the purpose of providing the scholarships or grants authorized under ORS 411.580.

(2) The moneys received under subsection (1) of this section shall be deposited in a special account to be named the Children's Services Division Scholarship Account which account is hereby established. All moneys in the account and all earnings thereon are continuously appropriated to the Children's Services Division to be used together with any federal funds that may be available to provide scholarships or grants under ORS 411.580.

(3) The amount in the Children's Services Division Scholarship Account that is available after scholarships and grants under ORS 411.580 have been awarded for any period shall be reported to the Oregon Investment Council by the Children's Services Division and shall be considered investment funds within the meaning of ORS 293.701 to 293.776 and shall be invested in accordance with the standards of ORS 293.726. All earnings on such investments shall be credited to the Children's Services Division Scholarship Account.
[1967 c.588 §2; 1969 c.707 §1; 1971 c.774 §16]

411.580 Scholarships for recipients. (1) In addition to any other scholarships or grants provided by law and subject to the availability of funds in the Children's Services Division Scholarship Account, the Children's Services Division may award tuition and fee-exempting scholarships or grants and additional funds for purchase of required books and supplies from other funds, whether from public or private sources, made available for training of recipients toward self-support to those qualified to receive welfare assistance, for enrollment at any publicly supported educational, vocational or training institution in this state.

(2) Selection of scholarship or grant recipients shall be made by county public welfare board created by ORS 411.145, with the advice and assistance of all publicly supported educational, vocational or training institutions.

(3) Scholarships or grants shall be awarded on the basis of the recipient's apparent ability and willingness to profit from the education or the vocational, technical, or other courses available, to the end that scholarships or grants awarded will benefit both the student and the people of this state.

(4) In order to facilitate the most effective use of funds granted under this section, the Children's Services Division may apply funds available under this section to supportive services, including but not limited to transportation and child care, for scholarship or grant recipients whenever the availability of such services has been eliminated by the exhaustion of funds in the division's job related training program.

[1967 c.588 §1; 1969 c.123 §2; 1971 c.227 §1; 1971 c.387 §1; 1971 c.774 §17; 1971 c.779 §21a]

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 division 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 public assistance obtained or disposed of unlawfully. (1) The division 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 division 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 division or the personal representative of the estate of a deceased recipient 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 provisions of ORS 411.630, 412.600, 413.200, 414.105 and 416.280 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; 1971 c.334 §2; 1973 c.661 §1]

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

(a) Any false representation or fraudulent device, or

(b) Failure to immediately notify the Public Welfare Division of the receipt or possession of property or income, or of any other change of circumstances, which directly affects the eligibility for, or the amount of, such assistance.

(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 division 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 division 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 division 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; 1969 c.66 §1; 1971 c.779 §22]

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 division at the time of making such application, and at such times as may be required by the division 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 division:

(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 division. 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 division 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 division 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; 1971 c.779 §23]

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 division.

(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]

411.690 Liability for refund 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 division 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 division 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 division; 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 division.

(3) The division 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 Income and resources that may be disregarded in determining eligibility. (1) In the determination of eligibility and the amount of need with respect to a recipient or applicant of public assistance under ORS chapters 412, 413 and 414, the division may disregard such amounts of income and resources as are required by federal law or rules adopted pursuant thereto or as are authorized by the Legislative Assembly including the following:

(a) Any property tax relief provided by ORS 310.640 or refunds in lieu of such relief shall be disregarded in determining eligibility and need.

(b) Any increase in the amount of assistance that is authorized by section 4, Public Law 93-233 (87 Stat. 953) and which is also being paid on March 5, 1974, shall be disregarded in determining eligibility and need.

(2) Any increase in the amount of assistance provided under Title XVI of the Social Security Act that is an increase over that amount being paid on March 5, 1974, pursuant to an Act of Congress and which will first be paid after March 5, 1974, shall not be disregarded in determining eligibility and need.

[1974 s.s. c.17 §2]

GENERAL ASSISTANCE

411.710 Basis for granting general assistance. (1) General assistance shall be granted in accordance with the rules and regulations of the division 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 division 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 division, 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. No person shall be eligible for general assistance unless he is a resident of the State of Oregon.

[Amended by 1969 c.468 §1]

411.730 Application for general assistance; determination of eligibility and amount of grant. The Public Welfare Division shall receive all applications for general assistance, and shall determine in accordance with its rules and regulations the eligibility for and the amount of the assistance which any person shall receive.
[Amended by 1955 c.613 §2; 1969 c.68 §4; 1971 c.779 §24]

411.740 General assistance administration. The Public Welfare Division shall administer and supervise the administration of general assistance and it shall prescribe the form of and supply all blank applications, reports, affidavits and such other forms as the division deems advisable.
[Amended by 1969 c.597 §244; 1971 c.779 §25]

411.750 Cooperation with Federal Government in providing general assistance. The Public Welfare Division 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, community work and training, 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.
[Amended by 1967 c.130 §1]

411.760 Assistance grants are inalienable. All moneys granted under the provisions of ORS 411.060, 411.070 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.

411.765 Medical care by insurance or service contracts. In lieu of providing one or more of the medical and remedial care and services available under general assistance by direct payments to providers thereof and in lieu of providing such medical and remedial care and services made available pursuant to ORS 411.710, the Public Welfare Division may use available general assistance funds to purchase and pay premiums on policies of insurance, or enter into and pay the expenses on health care service contracts, or medical or hospital service contracts that provide one or more of the medical and remedial care and services available under general assistance. The policy of insurance or the contract by its terms, or the insurer or contractor by written acknowledgment to the division, must guarantee:

(1) To provide medical and remedial care and services of the type, to the extent and according to standards prescribed under ORS 411.710;

(2) To pay providers of medical and remedial care and services the amount due, based on the number of days of care and the fees, charges and costs established under ORS 411.710, except as to medical or hospital service contracts issued by a hospital association which employs a method of accounting or payment on other than a fee-for-service basis;

(3) To provide medical and remedial care and services under policies of insurance or contracts in compliance with all laws, rules and regulations applicable thereto; and

(4) To provide such statistical data, records and reports relating to the provision, administration and costs of providing medical and remedial care and services to the division as may be required by the division for its records, reports and audits.
[1969 c.207 §2]

411.770 [Repealed by 1953 c.500 §12]

411.775 Rates on insurance or service contracts; requirements for insurer or contractor. (1) Any payment of available general assistance funds for policies of insurance or service contracts shall be according to such uniform state-wide rates as the Public Welfare Division shall have established and which it may revise from time to time as may be necessary or practical.

(2) No premium or other periodic charge on any policy of insurance, health care service contract, or medical or hospital service contract shall be paid from available general assistance funds unless the insurer or contractor issuing such policy or contract is by law authorized to transact business as an insurance company, health care service contractor or hospital association in this state.
[1969 c.207 §3]

411.785 Content of contract. The Public Welfare Division may enter into nonexclusive contracts under which funds available for general assistance may be administered and disbursed by the contractor to direct providers of medical and remedial care and services

available under general assistance in consideration of services rendered and supplies furnished by them in accordance with the provisions of ORS 411.710 to 411.785. Payment shall be made according to the rules of the division pursuant to the number of days and the fees, charges and costs established under ORS 411.710. The contractor must guarantee the division by written acknowledgment:

(1) To make all payments under ORS 411.710 to 411.785 promptly but not later than 30 days after receipt of the proper evidence establishing the validity of the provider's claim.

(2) To provide such data, records and reports to the division as may be required by the division.
[1969 c.207 §4]

411.795 Claim against estate of deceased recipient. The amount of any general assistance paid under this chapter is a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or if there be no estate or the estate does not have sufficient assets to satisfy the claim, the estate of the surviving spouse shall be charged for such aid paid to either or both; provided, however, that there shall be no adjustment or recovery of any general assistance correctly paid to or on behalf of any individual under this chapter except after the death of such individual and his surviving spouse, if any, and only at a time when he has no surviving child who is under 21 years of age or is blind or permanently and totally disabled.
[1971 c.422 §1]

Note: ORS 411.795 was not added to and made a part of ORS chapter 411 by legislative action.

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;

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

(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 Public Welfare Division or a county, a tribal council of an Indian tribe or a commercial banking institution or branch thereof, which is authorized by the division, 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); 1971 c.779 §26]

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 General Services 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 Public Welfare Division 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); 1971 c.779 §27]

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 division 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 General Services. Rules and regulations promulgated by the division 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 not exceed the maximum limitations on income and resources allowable under federal laws, rules and regulations;

(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 411.815); 1969 c.571 §1]

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 Public Welfare Division 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.

(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 division 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 Public Welfare Division, 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 division 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.559 §10; 1971 c.779 §28]

411.827 Appropriation of sums received from Federal Government. All sums received by the division 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 division 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 division 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 division 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]

COMMUNITY WORK AND TRAINING PROGRAMS

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

(1) "Community work and training program" means a program of a constructive nature designed to conserve work skills and to develop new skills of applicants and recipients of public assistance, pursuant to a plan jointly entered into by the division and a public entity under which such public entity undertakes to provide work or training to applicants or recipients of public assistance, who are required to participate without compensation in such program, and to provide supervision and control over such work or training.

(2) "Public entity" means any agency of the federal or state government, county, city, town, public corporation or political subdivision in this state, including the Public Welfare Division with respect to work or training in the division.
[1961 c.631 §1; 1965 c.291 §1; 1967 c.130 §2; 1969 c.597 §245; 1971 c.779 §29]

411.860 Work relief programs authorized for general assistance applicants or recipients. Subject to rules and regulations promulgated by the division, each employable applicant or recipient of general assistance may be required to participate without compensation in a community work and training 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 community work and training 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; 1967 c.130 §3]

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 participate in a community work and training program may be denied or suspended for such time as may be fixed under rule or regulation of the Public Welfare Division, if such individual without good cause:

(1) Fails to participate satisfactorily in such community work and training program to which he may be assigned;

(2) Fails to report for a community work and training program when and as directed by the division or by his supervisor therein;

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

(4) Is insubordinate to his supervisor therein;

(5) Fails 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 training; 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; 1967 c.130 §4; 1971 c.779 §30]

411.870 Approval of programs. All community work and training programs shall be subject to approval of the Public Welfare Division. The division shall promulgate and enforce rules and regulations necessary to carry into effect ORS 411.855 to 411.870.

[1961 c.631 §4; 1967 c.130 §5]

411.875 Status of applicants, recipients, beneficiaries and trainees under community work and training program. Persons who are applicants, recipients, beneficiaries or trainees in community work and training programs as defined by ORS 411.855, and persons who are volunteers during their participation in such programs:

(1) Are not serving in positions in the services of a public entity as defined by ORS 411.855 for the purposes of any civil service law or of any retirement system of such public entity.

(2) Are not employes as defined in ORS 657.015.

(3) Are workmen covered under the state system of workmen's compensation if the applicant, recipient, beneficiary or trainee is not otherwise covered by a program of insurance offering similar coverage.

[1967 c.130 §8]

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, Thomas G. Clifford, 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 June 1, 1974.

Thomas G. Clifford
Legislative Counsel