

Enrolled House Bill 2191

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of Human Services)

CHAPTER

AN ACT

Relating to overpayments of public assistance; amending ORS 411.640 and 411.703.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 411.640 is amended to read:

411.640. [No] **A person [shall receive] has received an overpayment of public assistance, for purposes of ORS 411.703, if the person has:**

(1) **Received**, either for the benefit of the person 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 the person or such other person is not entitled under state law[.];

(2) **Spent lawfully received public assistance that was designated by the Department of Human Services for a specific purpose on an expense not approved by the department and not considered a basic requirement under standards adopted by the department pursuant to ORS 411.070;**

(3) **Misappropriated public assistance by cashing and retaining the proceeds of a check on which the person is not the payee and the check has not been lawfully endorsed or assigned to the person; or**

(4) **Failed to reimburse the department, when required by law, for public assistance furnished for a need for which the person is compensated by another source.**

SECTION 2. ORS 411.703 is amended to read:

411.703. (1) If an overpayment of public assistance, including food stamp benefits, is not repaid within 30 days of the payment due date, after an individual has been afforded an opportunity for a contested case hearing under ORS chapter 183 relating to the overpayment of public assistance, including food stamp benefits issued under ORS 411.806 to 411.845, the Department of Human Services may:

(a) Issue a warrant that meets the requirements of ORS 205.125 for the overpayment; and

(b) Present a warrant issued under this section for recordation in the County Clerk Lien Record of the county clerk of any county in the state.

(2) The warrant must include the principal amount of the overpayment, interest accumulated pursuant to ORS 82.010 or other applicable law, costs associated with recording, indexing and serving the warrant and costs associated with an instrument evidencing satisfaction or release of the warrant.

(3) The department shall mail a copy of the warrant to the debtor at the last known address of the debtor.

(4) Upon receipt of the warrant for recordation, the county clerk shall record the warrant in the manner provided in ORS 205.125.

(5) Upon issuance of the warrant, the department may issue a notice of garnishment in accordance with ORS 18.854.

[5] (6) Upon recording, the warrant:

(a) Has the effect described in ORS 205.125 and 205.126; and

(b) May be enforced as provided in ORS 18.854 and 205.126.

Passed by House February 8, 2007

Received by Governor:

Repassed by House April 9, 2007

.....M.,....., 2007

Approved:

.....
Chief Clerk of House

.....M.,....., 2007

.....
Speaker of House

.....
Governor

Passed by Senate April 4, 2007

Filed in Office of Secretary of State:

.....
President of Senate

.....M.,....., 2007

.....
Secretary of State