

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands specified circumstances that constitute public assistance overpayment for which Department of Human Services may issue warrant.

A BILL FOR AN ACT

1
2 Relating to overpayments of public assistance; amending ORS 411.640 and 411.703.

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

4 **SECTION 1.** ORS 411.640 is amended to read:

5 411.640. [No] **A person [shall receive] has received an overpayment of public assistance, for**
6 **purposes of ORS 411.703, if the person has:**

7 (1) **Received**, either for the benefit of the person or for the benefit of any other person, any
8 amount or type of general assistance or public assistance, as defined in ORS 411.010, to which the
9 person or such other person is not entitled under state law[.];

10 (2) **Spent lawfully received public assistance on an expense not approved by the Depart-**
11 **ment of Human Services and not considered a basic requirement under standards adopted**
12 **by the department pursuant to ORS 411.070;**

13 (3) **Misappropriated public assistance by cashing and retaining the proceeds of a check**
14 **on which the person is not the payee and the check has not been lawfully indorsed or as-**
15 **signed to the person; or**

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

18 **SECTION 2.** ORS 411.703 is amended to read:

19 411.703. (1) If an overpayment of public assistance, including food stamp benefits, is not repaid
20 within 30 days of the payment due date, after an individual has been afforded an opportunity for a
21 contested case hearing under ORS chapter 183 relating to the overpayment of public assistance, in-
22 cluding food stamp benefits issued under ORS 411.806 to 411.845, the Department of Human Services
23 may:

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

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

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

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

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the debtor.

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

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

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

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

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

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