

HOUSE AMENDMENTS TO HOUSE BILL 2051

By COMMITTEE ON HUMAN SERVICES

May 4

- 1 On page 1 of the printed bill, line 2, delete “411.105,” and insert “411.010, 411.105, 411.120,”.
2 In line 3, delete “411.720,” and after “ORS” insert “411.720,”.
3 In line 6, delete “2, 3 and 4” and insert “2 and 3”.
4 In line 11, delete “or” and insert “and”.
5 In line 15, delete “to meet ongoing health needs and to pay” and insert “including payment”.
6 In line 20, delete “The Department of Human Services” and insert “Within the moneys contin-
7 uously appropriated to the Department of Human Services from the General Assistance Program
8 Fund by the Legislative Assembly, the department”.
9 In line 22, after “as” delete the rest of the line and insert “defined in ORS 411.710;”.
10 On page 2, delete lines 3 through 13 and insert:
11 “**NOTE:** Section 4 was deleted by amendment. Subsequent sections were not renumbered.”.
12 On page 3, delete lines 41 through 45.
13 On page 4, delete lines 1 through 19 and insert:
14 “(1) As used in ORS 411.710 to 411.730:
15 “(a) ‘Individual who has a disability’ means an individual who is unable to do any substantial
16 gainful activity by reason of any medically determinable physical or mental impairment, or combi-
17 nation of impairments, that can be expected to result in death or that has lasted or can be expected
18 to last for a continuous period of not less than 12 months. To meet this description, an individual
19 must be unable to do the individual’s past relevant work or any other substantial gainful work that
20 exists in the national economy, based on the individual’s mental and physical residual functional
21 capacity, age, education and work experience.
22 “(b) ‘Resident of Oregon’ means an individual who lives in Oregon with the intent to reside in
23 Oregon and who is:
24 “(A) A United States citizen; or
25 “(B) Otherwise lawfully residing in the United States.
26 “(c) ‘Social Security disability benefits’ means assistance paid to individuals on account of dis-
27 ability under Title II of the Social Security Act, 42 U.S.C. 402.
28 “(d) ‘Substantial gainful activity’:
29 “(A) Means work that involves doing significant and productive physical or mental duties and
30 is done or intended to be done for pay or profit.
31 “(B) Does not mean an activity for which the earnings from the activity are below the greater
32 of:
33 “(i) \$940 per month; or
34 “(ii) An amount adjusted for national wage growth, calculated by multiplying \$700 by the ratio
35 of the national average wage index for the year two calendar years before the year for which the

1 amount is being calculated to the national average wage index for the year 1998, rounded to the
2 next higher multiple of \$10 if such amount is a multiple of \$5 but not of \$10 or to the nearest mul-
3 tiple of \$10 in any other case.

4 “(e) ‘Supplemental Security Income’ means assistance paid to needy individuals on account of
5 disability under Title XVI of the Social Security Act, 42 U.S.C. 1382.

6 “(2) In adopting rules to carry out this section, the Department of Human Services shall pre-
7 scribe a definition of:

8 “(a) ‘Disability’ that includes both blindness and disability as those terms are defined in ORS
9 411.704; and

10 “(b) ‘Substantial gainful activity’ that is consistent with 20 C.F.R. parts 404 and 416.

11 “**NOTE:** Section 9 was deleted by amendment. Subsequent sections were not renumbered.”.

12 On page 5, line 6, after the comma insert “the General Assistance Program under ORS 411.710
13 to 411.730, Supplemental Security Income payments and”.

14 In line 7, delete the comma and insert a period and delete the rest of the line and delete line
15 8.

16 In line 9, delete “means, insofar as funds are available for the category” and insert “includes,
17 to the extent that moneys are appropriated to the Department of Human Services by the Legislative
18 Assembly for the category”.

19 On page 7, delete lines 21 through 33 and insert:

20 “**SECTION 13.** ORS 411.010 is amended to read:

21 “411.010. As used in this chapter and in other statutes providing for assistance and services to
22 needy persons, unless the context or a specially applicable statutory definition requires otherwise:

23 “(1) ‘Department’ means the Department of Human Services.

24 “(2) ‘General assistance’ means assistance or service of any character provided to needy persons
25 not otherwise provided for to the extent of such need and the availability of funds, including med-
26 ical, surgical and hospital or other remedial care.

27 “(3) ‘Public assistance’ means the following types of assistance:

28 “(a) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647;

29 “(b) [*General assistance granted*] **Assistance provided by the General Assistance Program**
30 under ORS 411.710 to 411.730;

31 “(c) Medical assistance;

32 “(d) Assistance provided by the Oregon Supplemental Income Program;

33 “(e) General assistance other than general assistance granted under ORS 411.710 to 411.730; and

34 “(f) Any other functions that may be delegated to the Director of Human Services by or in ac-
35 cordance with federal and state laws.

36 “**SECTION 14.** ORS 411.120 is amended to read:

37 “411.120. The Department of Human Services may, subject to the allotment system provided for
38 in ORS 291.234 to 291.260, expend such sums as are required to be expended in this state to provide
39 public assistance excluding medical assistance. Expenditures for public assistance include, but are
40 not limited to, expenditures for the following purposes:

41 “(1) General assistance to needy persons and their dependents.

42 “(2) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647,
43 including services to relatives with whom dependent children applying for or receiving temporary
44 assistance for needy families are living in order to help such relatives attain the maximum self-
45 support or self-care consistent with the maintenance of continuing parental care and protection or

1 in order to maintain and strengthen family life for such children.

2 “(3) Assistance provided by the Oregon Supplemental Income Program.

3 “(4) [*General assistance granted*] **Assistance provided by the General Assistance Program**
4 under ORS 411.710 to 411.730.

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

6 “(6) Scholarships or grants for qualified recipients to provide them education and professional,
7 technical or other helpful training, payable to a publicly supported career school or educational in-
8 stitution on behalf of the recipient.

9 “(7) Other purposes for which the department is authorized to expend funds, including the ad-
10 ministration expenses of the department.

11 “(8) Carrying out the provisions of ORS 411.116.

12 “**SECTION 15.** ORS 411.720, 411.750, 411.790, 411.860, 411.865 and 416.810 are repealed.

13 “**SECTION 16.** Except as provided in section 17 of this 2009 Act, sections 2 and 3 of this
14 2009 Act, the amendments to ORS 293.321, 411.010, 411.105, 411.120, 411.220, 411.710, 411.730
15 and 414.025 by sections 6 to 14 of this 2009 Act and the repeal of ORS 411.720, 411.750, 411.790,
16 411.860, 411.865 and 416.810 by section 15 of this 2009 Act become operative on January 1, 2010.

17 “**SECTION 17.** The Department of Human Services may take any action before the oper-
18 ative date specified in section 16 of this 2009 Act that is necessary to exercise, on and after
19 the operative date specified in section 16 of this 2009 Act, all the duties, functions and powers
20 conferred on the department by sections 2 and 3 of this 2009 Act, the amendments to ORS
21 293.321, 411.010, 411.105, 411.120, 411.220, 411.710, 411.730 and 414.025 by sections 6 to 14 of this
22 2009 Act and the repeal of ORS 411.720, 411.750, 411.790, 411.860, 411.865 and 416.810 by section
23 15 of this 2009 Act.

24 “**SECTION 18.** This 2009 Act being necessary for the immediate preservation of the public
25 peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect
26 on its passage.”.

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