

House Bill 2194

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Human Services and Housing)

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**.

Creates general assistance pilot project administered by Department of Human Services. Sunsets pilot project January 2, 2019.

A BILL FOR AN ACT

1
2 Relating to general assistance; creating new provisions; and amending ORS 411.010, 411.081, 411.141
3 and 411.760.

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

5 **SECTION 1. (1) The Department of Human Services shall administer a general assistance**
6 **pilot project to provide cash and in-kind aid to meet the needs of individuals who:**

7 (a) **Do not qualify for the State Family Pre-SSI/SSDI program created by ORS 412.014;**

8 (b) **Have applied for Supplemental Security Income benefits;**

9 (c) **Are likely to qualify for the benefits; and**

10 (d) **Are not yet receiving the benefits.**

11 (2) **The department shall prescribe by rule the application procedures, criteria and pay-**
12 **ment standards for the general assistance pilot project.**

13 (3) **An applicant or recipient of aid under the general assistance pilot project is not sub-**
14 **ject to ORS 411.860 and 411.865.**

15 **SECTION 2. ORS 411.010 is amended to read:**

16 411.010. As used in this chapter and in other statutes providing for assistance and services to
17 needy persons, unless the context or a specially applicable statutory definition requires otherwise:

18 (1) "General assistance" means assistance or service of any character provided to needy persons
19 not otherwise provided for to the extent of such need and the availability of funds, including med-
20 ical, surgical and hospital or other remedial care.

21 (2) "Public assistance" means the following types of assistance:

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

23 (b) General assistance granted under ORS 411.710 to 411.730 **or section 1 of this 2015 Act;**

24 (c) Assistance provided by the Oregon Supplemental Income Program;

25 (d) General assistance other than general assistance granted under ORS 411.710 to 411.730 **or**
26 **section 1 of this 2015 Act;** and

27 (e) Any other functions, except the administration of medical assistance by the Oregon Health
28 Authority, that may be delegated to the Director of Human Services by or in accordance with fed-
29 eral and state laws.

30 **SECTION 3. ORS 411.081 is amended to read:**

31 411.081. (1) A person seeking public assistance shall file an application for public assistance with

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 Department of Human Services. At the time of application, the applicant shall declare to the
2 department any circumstance that directly affects the applicant's eligibility to receive assistance or
3 the amount of assistance available to the applicant. Upon the receipt of property or income or upon
4 any other change in circumstances that directly affects the eligibility of the recipient to receive
5 assistance or the amount of assistance available to the recipient, the applicant, recipient or other
6 person in the assistance household shall immediately notify the department of the receipt or pos-
7 session of such property or income, or other change in circumstances. The department shall recover
8 from the recipient the amount of assistance improperly disbursed by reason of failure to comply with
9 the provision of this section.

10 (2) The department may recover any cash assistance granted for general assistance under ORS
11 411.710 to 411.730 **and section 1 of this 2015 Act**, and the recipient's portion of the aid described
12 in ORS 412.014 (3), that has been paid to any recipient 18 years of age or older when the recipient
13 is presently receiving or subsequently receives Supplemental Security Income. The amount of re-
14 covery shall be limited to the total amount of Supplemental Security Income that was received for
15 the same time period that the general assistance or the aid received under ORS 412.014 was being
16 paid.

17 (3) Nothing in subsection (1) or (2) of this section shall be construed as to prevent the depart-
18 ment from entering into a compromise agreement for recovery of assistance improperly disbursed,
19 if the department determines that the administration and collection costs involved would exceed the
20 amount that can reasonably be expected to be recovered.

21 **SECTION 4.** ORS 411.141 is amended to read:

22 411.141. The Department of Human Services may, subject to the allotment system provided for
23 in ORS 291.234 to 291.260, expend such sums as are required to be expended in this state to provide
24 public assistance. Expenditures for public assistance include, but are not limited to, expenditures for
25 the following purposes:

26 (1) Temporary assistance for needy families granted under ORS 412.001 to 412.069 and 418.647,
27 including services to relatives with whom dependent children applying for or receiving temporary
28 assistance for needy families are living in order to help such relatives attain the maximum self-
29 support or self-care consistent with the maintenance of continuing parental care and protection or
30 in order to maintain and strengthen family life for such children.

31 (2) Assistance provided by the Oregon Supplemental Income Program and medical assistance
32 provided to recipients of assistance under the Oregon Supplemental Income Program.

33 (3) General assistance granted under ORS 411.710 to 411.730 **and section 1 of this 2015 Act**.

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

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

38 (6) Other purposes for which the department is authorized to expend funds, including the ad-
39 ministration expenses of the department.

40 (7) Carrying out the provisions of ORS 411.116.

41 **SECTION 5.** ORS 411.760 is amended to read:

42 411.760. All moneys granted under the provisions of ORS 411.060, 411.070, 411.706 and 411.710
43 to 411.730 **and section 1 of this 2015 Act** are inalienable by any assignment or transfer and are
44 exempt from garnishment, levy or execution under the laws of this state.

45 **SECTION 6.** ORS 411.010, as amended by section 2 of this 2015 Act, is amended to read:

1 411.010. As used in this chapter and in other statutes providing for assistance and services to
 2 needy persons, unless the context or a specially applicable statutory definition requires otherwise:

3 (1) "General assistance" means assistance or service of any character provided to needy persons
 4 not otherwise provided for to the extent of such need and the availability of funds, including med-
 5 ical, surgical and hospital or other remedial care.

6 (2) "Public assistance" means the following types of assistance:

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

8 (b) General assistance granted under ORS 411.710 to 411.730 [*or section 1 of this 2015 Act*];

9 (c) Assistance provided by the Oregon Supplemental Income Program;

10 (d) General assistance other than general assistance granted under ORS 411.710 to 411.730 [*or*
 11 *section 1 of this 2015 Act*]; and

12 (e) Any other functions, except the administration of medical assistance by the Oregon Health
 13 Authority, that may be delegated to the Director of Human Services by or in accordance with fed-
 14 eral and state laws.

15 **SECTION 7.** ORS 411.081, as amended by section 3 of this 2015 Act, is amended to read:

16 411.081. (1) A person seeking public assistance shall file an application for public assistance with
 17 the Department of Human Services. At the time of application, the applicant shall declare to the
 18 department any circumstance that directly affects the applicant's eligibility to receive assistance or
 19 the amount of assistance available to the applicant. Upon the receipt of property or income or upon
 20 any other change in circumstances that directly affects the eligibility of the recipient to receive
 21 assistance or the amount of assistance available to the recipient, the applicant, recipient or other
 22 person in the assistance household shall immediately notify the department of the receipt or pos-
 23 session of such property or income, or other change in circumstances. The department shall recover
 24 from the recipient the amount of assistance improperly disbursed by reason of failure to comply with
 25 the provision of this section.

26 (2) The department may recover any cash assistance granted for general assistance under ORS
 27 411.710 to 411.730 [*and section 1 of this 2015 Act*], and the recipient's portion of the aid described
 28 in ORS 412.014 (3), that has been paid to any recipient 18 years of age or older when the recipient
 29 is presently receiving or subsequently receives Supplemental Security Income. The amount of re-
 30 covery shall be limited to the total amount of Supplemental Security Income that was received for
 31 the same time period that the general assistance or the aid received under ORS 412.014 was being
 32 paid.

33 (3) Nothing in subsection (1) or (2) of this section shall be construed as to prevent the depart-
 34 ment from entering into a compromise agreement for recovery of assistance improperly disbursed,
 35 if the department determines that the administration and collection costs involved would exceed the
 36 amount that can reasonably be expected to be recovered.

37 **SECTION 8.** ORS 411.141, as amended by section 4 of this 2015 Act, is amended to read:

38 411.141. The Department of Human Services may, subject to the allotment system provided for
 39 in ORS 291.234 to 291.260, expend such sums as are required to be expended in this state to provide
 40 public assistance. Expenditures for public assistance include, but are not limited to, expenditures for
 41 the following purposes:

42 (1) 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 (2) Assistance provided by the Oregon Supplemental Income Program and medical assistance
3 provided to recipients of assistance under the Oregon Supplemental Income Program.

4 (3) General assistance granted under ORS 411.710 to 411.730 [*and section 1 of this 2015 Act*].

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

6 (5) 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 (6) Other purposes for which the department is authorized to expend funds, including the ad-
10 ministration expenses of the department.

11 (7) Carrying out the provisions of ORS 411.116.

12 **SECTION 9.** ORS 411.760, as amended by section 5 of this 2015 Act, is amended to read:

13 411.760. All moneys granted under the provisions of ORS 411.060, 411.070, 411.706 and 411.710
14 to 411.730 [*and section 1 of this 2015 Act*] are inalienable by any assignment or transfer and are
15 exempt from garnishment, levy or execution under the laws of this state.

16 **SECTION 10.** The amendments to ORS 411.010, 411.081, 411.141 and 411.760 by sections 6
17 to 9 of this 2015 Act become operative on January 2, 2019.

18 **SECTION 11.** Section 1 of this 2015 Act is repealed on January 2, 2019.

19 **SECTION 12.** There is appropriated to the Department of Human Services, for the
20 biennium beginning July 1, 2015, out of the General Fund, the amount of \$_____ for ad-
21 ministering the general assistance pilot project described in section 1 of this 2015 Act.
22