

Chapter 411

Public Assistance Administration; General Assistance

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NOTES OF DECISIONS

The statutory requirements constitute a declaration by the legislature of intent to take advantage of the benefits under the Federal Act, and the state legislation should be construed in relation to the objectives of that Act. *Multnomah County v. Luihn*, (1947) 180 Or 528, 178 P2d 159.

1947 c. 545 was passed with the legislative intention of making the state eligible for federal aid. *State v. Malheur County Court*, (1949) 185 Or 392, 203 P2d 305.

There was no unconstitutional delegation of legislative power to the State Public Welfare Commission, as the 1947 legislation defined the policy and established sufficient standards for the Public Welfare Code to guide the commission in administering the code. *Id.*

411.010

CASE CITATIONS: *State v. Malheur County Court*, (1949) 185 Or 392, 203 P2d 305.

ATTY. GEN. OPINIONS: Obligation of State Public Welfare Commission to pay the cost of burial of indigents by county public welfare departments, 1952-54, p 34; assistance limited to available funds, 1962-64, p 409; assistance if matching funds are not provided, 1962-64, p 473.

411.060

CASE CITATIONS: *Ladd & Bush v. Siegmund*, (1936) 153 Or 471, 57 P2d 395; *Sims v. Juras*, (1969) 313 F Supp 1212.

ATTY. GEN. OPINIONS: Power of State Public Welfare Commission under state law to conform to Public Law 86-778, Sec. 1, relating to medical assistance for the aged, prior to 1961 amendment, 1960-62, p 106; conformance with federal requirement of restricted use of records in prosecutions by Welfare Recovery Division, 1960-62, p 171; resolving conflicting federal and state laws for payments to representatives and imposition of sanctions, 1966-68, p 619; authority of administrator over local employes and commissions, (1970) Vol 35, p 114.

411.070

CASE CITATIONS: *Sims v. Juras*, (1969) 313 F Supp 1212.

ATTY. GEN. OPINIONS: Power of State Public Welfare Commission under state law to conform to Public Law 86-778, Sec. 1, relating to medical assistance for the aged, prior to 1961 amendment, 1960-62, p 106; effect of oral representations regarding income, 1960-62, p 420; assistance limited to available funds, 1962-64, p 409.

LAW REVIEW CITATIONS: 1 WLJ 148, 152.

411.120

CASE CITATIONS: *Oregon State Pharmaceutical Assn. v. State Pub. Welfare Comm.*, (1967) 248 Or 60, 432 P2d 296.

ATTY. GEN. OPINIONS: Control of Department of Finance and Administration by allotment system over nonadministrative expenditures from Public Assistance Fund [now Public Welfare Account], 1960-62, p 95; administering State Public Welfare Commission appropriations under allotment system, 1960-62, p 195; prorating payments to vendors, 1962-64, p 409; reimbursement of members of Governor's Commission on Youth for travel expenses, (1969) Vol 34, p 858.

411.130

CASE CITATIONS: *Oregon State Pharmaceutical Assn. v. State Pub. Welfare Comm.*, (1967) 248 Or 60, 432 P2d 296.

ATTY. GEN. OPINIONS: Prorating payments to vendors, 1962-64, p 409.

411.135

ATTY. GEN. OPINIONS: Prorating payments to vendors, 1962-64, p 409.

411.240

ATTY. GEN. OPINIONS: Control of Department of Finance and Administration by allotment system over nonadministrative expenditures from Public Assistance Fund [now Public Welfare Account], 1960-62, p 95; unexpended balances in Public Welfare Account, 1962-64, p 409.

411.245

ATTY. GEN. OPINIONS: Designation of county welfare department administrators to draw checks against fund, (1971) Vol 35, p 683.

411.250

CASE CITATIONS: *Multnomah County v. Luihn*, (1947) 180 Or 528, 178 P2d 159.

411.260

ATTY. GEN. OPINIONS: Authority of the State Public Welfare Commission, the State Board of Health and the State Unemployment Compensation Commission to establish a joint merit system council to recruit and examine personnel for the three agencies, 1944-46, p 3; authority of administrator over local employes and commissions, (1970) Vol 35, p 114; designation of county welfare department administrators to draw checks against a central revolving fund, (1971) Vol 35, p 683.

411.270

ATTY. GEN. OPINIONS: Authority of administrator over local employes and commissions, (1970) Vol 35, p 114; designation of county welfare department administrators to draw checks against a central revolving fund, (1971) Vol 35, p 683.

411.300

ATTY. GEN. OPINIONS: Conformance with federal requirement of restricted use of records in prosecutions by Welfare Recovery Division, 1960-62, p 171; Welfare Recovery Division right to have access to case files, 1960-62, p 341.

411.320

NOTES OF DECISIONS

It is for the court to say in any proceeding whether or not evidence is privileged. *Groff v. State Ind. Acc. Comm.*, (1967) 246 Or 557, 426 P2d 738.

The privilege conferred by this section is not absolute. *Id.*

The right to claim the privilege may be waived by the person entitled to claim it. *Id.*

ATTY. GEN. OPINIONS: Conformance with federal requirements of restricted use of records in prosecutions by Welfare Recovery Division, 1960-62, p 171; Welfare Recovery Division right to have access to case files, 1960-62, p 341.

LAW REVIEW CITATIONS: 36 OLR 159.

411.325

ATTY. GEN. OPINIONS: Power of State Public Welfare Commission under state law to conform to Public Law 86-778, sec. 1, relating to medical assistance for the aged, prior to 1961 amendment, 1960-62, p 106.

411.330

ATTY. GEN. OPINIONS: Power of State Public Welfare Commission under state law to conform to Public Law 86-778, sec. 1, relating to medical assistance for the aged, prior to 1961 amendment, 1960-62, p 106.

411.335

ATTY. GEN. OPINIONS: Conformance with federal requirement of restricted use of records in prosecutions by Welfare Recovery Division, 1960-62, p 171.

411.610

ATTY. GEN. OPINIONS: When checks are deemed "issued," 1940-42, p 238.

411.620

ATTY. GEN. OPINIONS: Limitation on actions for welfare recovery, 1962-64, p 58.

411.630

CASE CITATIONS: *State v. Moore*, (1964) 238 Or 117, 393 P2d 180.

ATTY. GEN. OPINIONS: Effect of oral representations regarding income, 1960-62, p 420; limitation on actions for welfare recovery, 1962-64, p 58.

411.650

ATTY. GEN. OPINIONS: Swearing to false statement, 1964-66, p 130.

411.690

ATTY. GEN. OPINIONS: Prorating payments to vendors, 1962-64, p 409.

411.710

ATTY. GEN. OPINIONS: Obligation of State Public Welfare Commission to pay the cost of burial of indigents by county public welfare departments, 1952-54, p 34.

411.720

ATTY. GEN. OPINIONS: Authority to adopt resolution limiting absence from state, 1938-40, p 343; liability for care of indigent person in county only a few months, 1938-40, p 443; section as superseding residence requirements for soldiers, sailors, and marines, 1938-40, p 590; eligibility of woman in county in which she has lived separate from her husband for three years, 1938-40, p 624; power of State Public Welfare Commission under state law to conform to Public Law 86-778, sec. 1, relating to medical assistance for the aged, prior to 1961 amendment, 1960-62, p 106; constitutionality of state durational residence requirements, (1969) Vol 34, p 694.

411.750

ATTY. GEN. OPINIONS: Authority of welfare commission to lease warehouse space for storage of emergency supplies provided by Federal Government, 1940-42, p 621; approval by Board of Control of leases to welfare commission for storage of public relief supplies as not required, 1940-42, p 623; authority of commission to contract with the United States respecting aid to enemy aliens and to receive federal funds for such purposes, 1942-44, p 31.

411.855 to 411.875

ATTY. GEN. OPINIONS: Use of 1967 appropriation for Work Incentive Program, 1966-68, p 619.