

(To Resolve Conflicts)

B-Engrossed
House Bill 2124

Ordered by the Senate June 2
Including House Amendments dated March 5 and Senate Amendments
dated June 2 to resolve conflicts

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.

Updates provisions relating to food stamp program. Changes name of program to Supplemental Nutrition Assistance Program.

A BILL FOR AN ACT

1
2 Relating to nutrition assistance; amending ORS 25.381, 87.156, 410.430, 411.119, 411.703, 411.806,
3 411.816, 411.818, 411.825, 411.830, 411.837, 411.840, 411.845, 411.877, 411.878, 411.880, 411.882,
4 411.886, 411.890, 411.892, 412.151, 458.532, 458.545, 657.273, 657.665 and 813.602 and section 6,
5 chapter 290, Oregon Laws 1987; and repealing ORS 411.835.

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

7 **SECTION 1.** ORS 411.806 is amended to read:

8 411.806. As used in ORS 411.806 to 411.845, unless the context or a specially applicable statutory
9 definition requires otherwise:

10 (1) "Administrative costs" means, but is not limited to, costs in connection with:

11 (a) Distributing [*food stamp benefits*] **supplemental nutrition assistance** to recipients under [*a*
12 *food stamp plan*] **the Supplemental Nutrition Assistance Program;**

13 (b) The compensation of personnel while employed in carrying out ORS 411.806 to 411.845; and

14 (c) Reimbursement of the federal government for any loss described in ORS 411.830.

15 [(2) "*Food stamp plan*" means a plan under which the federal government makes food stamp ben-
16 efits available to this state or its agencies for distribution to individuals and households certified to
17 be in economic need of and eligible to receive such food stamp benefits for the purchase of food com-
18 modities from retail food outlets.]

19 [(3)] (2) "Household" means two or more related or nonrelated individuals who do not reside in
20 an institution.

21 [(4)] (3) "Issuing agency" means the Department of Human Services.

22 [(5)] (4) "Recipient" means an individual or household determined and certified, pursuant to ORS
23 [411.811] **411.816** or 411.825, to be eligible to receive [*food stamp benefits*] **supplemental nutrition**
24 **assistance** under [*a food stamp plan*] **the Supplemental Nutrition Assistance Program.**

25 (5) "**Supplemental Nutrition Assistance Program**" means a program under which the
26 **federal government makes aid available to the state or its agencies for distribution through**

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 **electronic benefits transfer or by check to individuals and households certified to be in eco-**
2 **nommic need of and eligible to receive such aid for the purchase of food from retail food out-**
3 **lets.**

4 **SECTION 2.** ORS 411.816 is amended to read:

5 411.816. The Department of Human Services shall adopt rules conforming to federal laws and
6 regulations required to be observed in maintaining the eligibility of this state to receive from the
7 federal government, and to issue [*food stamp benefits under a food stamp plan*] **supplemental nu-**
8 **trition assistance under the Supplemental Nutrition Assistance Program.** Rules adopted by the
9 department pursuant to this section shall relate to and include, but shall not be limited to:

10 (1) The classifications of and requirements of eligibility for individuals and households to receive
11 [*food stamp benefits under such plans*] **supplemental nutrition assistance under the program.** The
12 limitations upon the income and resources of individuals and households established as requirements
13 of eligibility under this section shall not exceed the maximum limitations on income and resources
14 allowable under federal laws, rules and regulations;

15 (2) The periods during which individuals and households shall be certified or recertified to be
16 eligible to receive [*food stamp benefits under such plans*] **supplemental nutrition assistance under**
17 **the program;**

18 (3) The amount of [*food stamp benefits*] **supplemental nutrition assistance** to be issued or al-
19 lotted to recipients, with respect to any period, under [*a food stamp plan*] **the program;**

20 (4) Periodic redetermination and review of the eligibility of recipients to receive [*food stamp*
21 *benefits issued under such plans*] **supplemental nutrition assistance under the program;**

22 (5) Cancellation of certifications issued for, and adjustment of the numbers of individuals in any
23 household eligible to receive [*food stamp benefits*] **supplemental nutrition assistance** issued to re-
24 cipients under [*such plans*] **the program** for any period in accordance with changes of circum-
25 stances in individual cases; and

26 (6) Procedures to review, on the basis of substantial hardship, request for such adjustments.

27 **SECTION 3.** ORS 411.818 is amended to read:

28 411.818. (1) The Department of Human Services shall seek approval from the United States De-
29 partment of Agriculture under 7 U.S.C. 2026 to disregard the amount of the annual cost-of-living
30 adjustment for Social Security benefits and for Supplemental Security Income benefits in determining
31 eligibility for [*food stamp benefits*] **supplemental nutrition assistance.**

32 (2) Upon receipt of federal approval to disregard the cost-of-living adjustment for Social Security
33 benefits or Supplemental Security Income benefits and approval of federal funding, the department
34 shall immediately adopt temporary rules consistent with the federal approval.

35 (3) The Department of Human Services shall annually renew an application approved by the
36 United States Department of Agriculture under subsections (1) and (2) of this section.

37 **SECTION 4.** ORS 411.825 is amended to read:

38 411.825. (1) The Department of Human Services shall determine and certify [*to*] the eligibility
39 of all individuals and households to receive [*food stamp benefits under a food stamp plan*] **supple-**
40 **mental nutrition assistance under the Supplemental Nutrition Assistance Program.**

41 (2) The department shall:

42 (a) Issue to recipients [*food stamp benefits*] **supplemental nutrition assistance** made available
43 from the federal government under [*such plan*] **the program;** and

44 (b) Account to the federal government for all such [*food stamp benefits*] **supplemental nutrition**
45 **assistance.**

1 (3) In order to carry out the provisions of ORS 411.806 to 411.845, the department is authorized
2 to contract with any governmental agencies or private agencies for distribution of *[food stamp ben-*
3 *efits]* **supplemental nutrition assistance**.

4 **SECTION 5.** ORS 411.830 is amended to read:

5 411.830. (1) Any loss for which this state or its agencies may be liable to reimburse the federal
6 government, in accordance with federal laws or regulations applicable to *[food stamp plans]* **the**
7 **Supplemental Nutrition Assistance Program**, shall be paid from funds appropriated to the De-
8 partment of Human Services for the purposes of ORS 411.806 to 411.845.

9 (2) Subsection (1) of this section shall not relieve any person of any civil or criminal liability
10 to this state.

11 **SECTION 6.** ORS 411.837 is amended to read:

12 411.837. Counties, state institutions and agencies, issuing agencies, retail food outlets, wholesale
13 food concerns, banks and all persons who participate in or administer any part of *[a food stamp*
14 *plan]* **the Supplemental Nutrition Assistance Program** shall comply with all state and federal
15 laws, rules and regulations applicable to such plans.

16 **SECTION 7.** ORS 411.840 is amended to read:

17 411.840. (1) *[No person shall]* **A person may not** knowingly obtain or attempt to obtain, or aid
18 or abet another person in obtaining or attempting to obtain, *[any food stamp benefit under a food*
19 *stamp plan]* **any supplemental nutrition assistance** to which the person or such other person is
20 not entitled to receive or use under ORS 411.806 to 411.845, or under any rule or regulation
21 promulgated pursuant to ORS 411.806 to 411.845.

22 (2) *[No person shall]* **A person may not** knowingly give, sell, trade or otherwise dispose of
23 **supplemental nutrition assistance** to another person **who is** not entitled to receive or use the
24 *[same]* **assistance** pursuant to ORS 411.806 to 411.845, or pursuant to any rule or regulation
25 promulgated pursuant to ORS 411.806 to 411.845[:].

26 *[(a) Any food stamp benefit received under a food stamp plan; or]*

27 *[(b) Any food commodity received wholly or partially in exchange for a food stamp benefit received*
28 *under a food stamp plan.]*

29 **SECTION 8.** ORS 411.845 is amended to read:

30 411.845. (1) If any person obtains, gives, sells, trades or otherwise disposes of any *[food stamp*
31 *benefit]* **supplemental nutrition assistance** in violation of ORS 411.840, the district attorney shall
32 prosecute, for and in the name of the State of Oregon, a civil action or suit to recover from such
33 person[:]

34 *[(a) The food stamp benefit so obtained by such person; or]*

35 *[(b)]* the *[value of the food stamp benefit so]* **amount of the supplemental nutrition assistance**
36 obtained, given, sold, traded or otherwise disposed of by such person.

37 (2) In any suit or action prosecuted under subsection (1) of this section, the state is entitled to
38 recover interest and its costs and disbursements incurred in such suit or action.

39 (3) *[Food stamp benefits and]* Moneys recovered by the state under this section shall be ac-
40 counted for or paid to the federal and state governments, as their respective interests therein may
41 appear.

42 **SECTION 9.** ORS 411.878, as amended by section 48, chapter 21, Oregon Laws 2009 (Enrolled
43 Senate Bill 581), is amended to read:

44 411.878. (1) In establishing and implementing a program to be known as the JOBS Plus Program,
45 the Legislative Assembly recognizes that early attachment to work and development of knowledge

1 and skills are the most effective means of helping people make the transition from dependence on
2 public assistance and subsidizing in poverty to regular employment and self-reliance. It is the intent
3 of the Legislative Assembly to promote greater economic self-sufficiency among Oregon families by:

4 (a) Increasing the employability of unemployed and underemployed Oregonians through on-the-
5 job training;

6 (b) Invigorating the public-private workforce partnership through development of jobs with both
7 private for-profit and public employers;

8 (c) Ensuring that program participants through their employment development plans have op-
9 portunities to improve work skills, education and employability and to establish recent work histo-
10 ries with work site training, mentoring, individual education accounts and provision of necessary
11 support service benefits that include child care, workers' compensation, job placement and a guar-
12 antee that participation in the JOBS Plus Program does not result in a reduction in net income to
13 a participant when compared with the participant's combined income from the temporary assistance
14 for needy families program and the *[food stamp plan]* **Supplemental Nutrition Assistance**
15 **Program**; and

16 (d) Expeditiously placing program participants in subsidized and unsubsidized employment.

17 (2) The JOBS Plus Program is created as a program in which residents of the State of Oregon
18 shall, in lieu of receiving *[food stamp]* benefits **in the Supplemental Nutrition Assistance Pro-**
19 **gram** and payments from the temporary assistance for needy families program, be provided jobs and
20 paid in a way that promotes self-sufficiency and encourages unemployed Oregonians to improve their
21 positions in the workforce. The JOBS Plus Program shall be a public assistance to work strategy
22 for the State of Oregon and operate under the job opportunities and basic skills program and rules
23 adopted thereunder to the extent such rules are not inconsistent with ORS 411.877 to 411.896. These
24 rules include but are not limited to rules regarding participation requirements and support services.

25 **SECTION 9a.** ORS 411.877, as amended by section 47, chapter 21, Oregon Laws 2009 (Enrolled
26 Senate Bill 581), is amended to read:

27 411.877. As used in ORS 411.877 to 411.896:

28 (1) "Board" means the JOBS Plus Advisory Board established in ORS 411.886.

29 [(2) "*Food stamp plan*" means the plan described in ORS 411.825.]

30 [(3)] (2) "Job opportunities and basic skills program" means the program described in ORS
31 412.006.

32 [(4)] (3) "JOBS Plus" or "program" means the JOBS Plus Program established in ORS 411.878.

33 (4) "**Supplemental Nutrition Assistance Program**" has the meaning given that term in
34 **ORS 411.806.**

35 **SECTION 10.** ORS 411.880 is amended to read:

36 411.880. The Governor and the Department of Human Services shall work diligently to obtain
37 all exemptions and waivers from and amendments to federal statutes, rules and regulations neces-
38 sary to implement the JOBS Plus Program at the earliest possible date, including but not limited to
39 exemptions under section 1115 (42 U.S.C. 1315) of the Social Security Act and section 17 (7 U.S.C.
40 2026) of the Food *[Stamp]* **and Nutrition Act.**

41 **SECTION 11.** ORS 411.882, as amended by section 49, chapter 21, Oregon Laws 2009 (Enrolled
42 Senate Bill 581), is amended to read:

43 411.882. In administering the JOBS Plus Program and to the extent permitted by federal law, the
44 Department of Human Services shall maximize the use of federal grants and apportionments of the
45 temporary assistance for needy families program, the *[food stamp plan]* **Supplemental Nutrition**

1 **Assistance Program** and employment related child care.

2 **SECTION 12.** ORS 411.886, as amended by section 50, chapter 21, Oregon Laws 2009 (Enrolled
3 Senate Bill 581), is amended to read:

4 411.886. (1) The JOBS Plus Advisory Board is established. The board shall advise the Depart-
5 ment of Human Services in the direction and administration of the JOBS Plus Program established
6 in ORS 411.878. The board shall have seven members, consisting of six representatives of the busi-
7 ness community and one employed former recipient of temporary assistance for needy families or the
8 *[food stamp plan]* **Supplemental Nutrition Assistance Program.**

9 (2) The Governor shall appoint new members from nominees recommended by the board.

10 (3) Members appointed to the board shall serve terms of three years.

11 **SECTION 13.** ORS 411.890, as amended by section 53, chapter 21, Oregon Laws 2009 (Enrolled
12 Senate Bill 581), is amended to read:

13 411.890. A JOBS Plus Implementation Council shall be established in service areas to be deter-
14 mined by the Director of Human Services to assist the JOBS Plus Advisory Board and the Depart-
15 ment of Human Services in the administration of the JOBS Plus Program and to allow local
16 flexibility in dealing with the particular needs of each county. Each council shall be primarily re-
17 sponsible for recruiting and encouraging participation of employment providers in the county. Each
18 council shall be composed of seven members who shall be appointed by the county commissioners
19 in each county in the district. Council members shall be residents of the district in which they are
20 appointed and shall serve four-year terms. Six members of the council shall be from the local busi-
21 ness community. At least one member shall be a current or former recipient of the temporary as-
22 sistance for needy families program or the *[food stamp plan]* **Supplemental Nutrition Assistance**
23 **Program.**

24 **SECTION 14.** ORS 411.892, as amended by section 54, chapter 21, Oregon Laws 2009 (Enrolled
25 Senate Bill 581), is amended to read:

26 411.892. (1)(a) All employers, including public and private sector employers within the State of
27 Oregon, are eligible to participate in the JOBS Plus Program. The Department of Human Services
28 shall adopt by rule a method to disqualify employers from participating in the program. No employer
29 is required to participate in the JOBS Plus Program. In the event that there are unassigned partic-
30 ipants whom no employer desires to utilize, the participants may be assigned to work for a public
31 agency.

32 (b) The maximum number of program participants that any employer is authorized to receive at
33 any one time may not exceed 10 percent of the total number of the employer's employees. However,
34 each employer may receive one participant. The Director of Human Services may waive the limit in
35 special circumstances.

36 (c) The Department of Human Services by rule shall establish criteria for excluding employers
37 from participation for failure to abide by program requirements, showing a pattern of terminating
38 participants prior to the completion of training or other demonstrated unwillingness to comply with
39 the stated intent of the program.

40 (2) The Department of Human Services shall ensure that jobs made available to program par-
41 ticipants:

42 (a) Do not require work in excess of 40 hours per week;

43 (b) Are not used to displace regular employees or to fill unfilled positions previously established;
44 and

45 (c) Do not pay a wage that is substantially less than the wage paid for similar jobs in the local

1 economy with appropriate adjustments for experience and training.

2 (3)(a) Eligibility for the program shall be limited to residents who are:

3 (A) Adults and caretaker relatives who are receiving temporary assistance for needy families
4 benefits;

5 (B) Adult [*food stamp*] **Supplemental Nutrition Assistance Program** recipients except as de-
6 scribed in subsection (5)(b) of this section; and

7 (C) Unemployed noncaretaker parents of children who are receiving temporary assistance for
8 needy families benefits.

9 (b) In addition to those residents eligible for the program under paragraph (a) of this subsection,
10 additional residents who are seeking employment may be eligible for the program if there are
11 legislatively allocated funds available in the temporary assistance for needy families budget of the
12 Department of Human Services.

13 (4)(a) Individuals desiring work through the program shall contact the nearest Department of
14 Human Services office serving the county in which they reside if they are temporary assistance for
15 needy families program or [*food stamp plan*] **Supplemental Nutrition Assistance Program** appli-
16 cants or recipients or noncustodial parents of individuals receiving temporary assistance for needy
17 families.

18 (b) With the assistance of the local JOBS Plus Implementation Councils and the JOBS Plus
19 Advisory Board, the Department of Human Services shall develop a job inventory of sufficient size
20 to accommodate all of the participants who desire to work in the program. In consultation with the
21 participant, the department shall try to match the profile of each participant with the needs of an
22 employer when assigning a participant to work with the employer.

23 (c) Either the employer or the participant may terminate the assignment by contacting the ap-
24 propriate Department of Human Services office. In such event, the Department of Human Services
25 shall reassess the needs of the participant and assign the participant to another JOBS Plus Program
26 placement or another job opportunity and basic skills program component and, at the employer's
27 request, provide the employer with another participant.

28 (d)(A) If after four months in a placement, a participant has not been hired for an unsubsidized
29 position, the employer shall allow the worker to undertake eight hours of job search per week.
30 Participating employers shall consider such time as hours worked for the purposes of paying wages.

31 (B) If after six months in a placement, a participant has not been hired for an unsubsidized po-
32 sition, the placement shall be terminated, and the caseworker shall reassess the participant's em-
33 ployment development plan.

34 (e) The Department of Human Services may pay placement and barrier removal payments to
35 temporary assistance for needy families program and [*food stamp plan*] **Supplemental Nutrition**
36 **Assistance Program** participants as necessary to enable participation in the JOBS Plus Program.

37 (f) The Department of Human Services shall accept eligible volunteers into the program prior
38 to mandating program participation by eligible persons.

39 (5)(a) Assignment of participants to available jobs shall be based on a preference schedule de-
40 veloped by the Department of Human Services. Any temporary assistance for needy families recipi-
41 ent or [*food stamp*] **supplemental nutrition assistance** recipient may volunteer for the program.

42 (b) The following individuals may not be required to participate in the program:

43 (A) Recipients under the temporary assistance for needy families program and the [*food stamp*
44 *plan*] **Supplemental Nutrition Assistance Program** who are eligible for Supplemental Security
45 Income benefits or other ongoing state or federal maintenance benefits based on age or disability.

1 (B) *[Food stamp]* **Supplemental nutrition assistance** applicants or recipients who are employed
2 full-time or are college students eligible for *[food stamps]* **supplemental nutrition assistance** and
3 enrolled full-time in a community college or an institution of higher education, or enrolled half-time
4 in a community college or an institution of higher education and working at least 20 hours per week.

5 (C) Teenage parents who remain in high school if progressing toward a diploma. Teenage par-
6 ents not in school are eligible for the JOBS Plus Program.

7 (c) The Department of Human Services shall provide life skills classes and opportunities to
8 achieve General Educational Development (GED) certificates to appropriate participants in con-
9 junction with working in the JOBS Plus Program.

10 (d) Subject to subsection (7) of this section, temporary assistance for needy families and *[food*
11 *stamp benefits]* **supplemental nutrition assistance** shall be suspended at the end of the calendar
12 month in which an employer makes the first wage payment to a participant who is a custodial par-
13 ent in a family that receives temporary assistance for needy families or to any adult member of a
14 household receiving *[food stamp benefits]* **supplemental nutrition assistance**. Failure of the par-
15 ticipant to cooperate with the requirements of the JOBS Plus Program may result in the partic-
16 ipant's removal, in accordance with rules adopted by the Department of Human Services, from the
17 JOBS Plus Program and suspension of the participant's temporary assistance for needy families
18 grant and *[food stamp benefits]* **supplemental nutrition assistance**. A temporary assistance for
19 needy families and *[food stamp benefits]* **supplemental nutrition assistance** recipient who has been
20 removed from the program for failing to cooperate shall be eligible to reapply to participate in the
21 program and shall have eligibility for program services determined without regard to the length of
22 time the person was not participating following removal.

23 (6)(a) Employers shall pay all participating individuals at least the hourly rate of the Oregon
24 minimum wage.

25 (b) Sick leave, holiday and vacation absences shall conform to the individual employer's rules
26 for temporary employees.

27 (c) Group health insurance benefits shall be provided by the employer to program participants
28 if, and to the extent that, state or federal law requires the employer to provide such benefits.

29 (d) All persons participating in the JOBS Plus Program shall be considered to be temporary
30 employees of the individual employer providing the work and shall be entitled only to benefits re-
31 quired by state or federal law.

32 (e) Employers shall provide workers' compensation coverage for each JOBS Plus Program par-
33 ticipant.

34 (7) In the event that the net monthly full-time wage paid to a participant would be less than the
35 level of income from the temporary assistance for needy families program and the *[food stamp*
36 *benefit]* **supplemental nutrition assistance** amount equivalent that the participant would otherwise
37 receive, the Department of Human Services shall determine and pay a supplemental payment as
38 necessary to provide the participant with that level of net income. The department shall determine
39 and pay in advance supplemental payments to participants on a monthly basis as necessary to en-
40 sure equivalent net program wages. Participants shall be compensated only for time worked.

41 (8) In addition to and not in lieu of the payments provided for under subsections (6) and (7) of
42 this section, participants shall be entitled to retain the full child support payments collected by the
43 Department of Justice.

44 (9) Program participants who are eligible for federally and state funded medical assistance at
45 the time they enter the program shall remain eligible as long as they continue to participate in the

1 program. In conformity with existing state day care program regulations, child day care shall be
2 provided for all program participants who require it.

3 (10) JOBS Plus Program employers shall:

4 (a) Endeavor to make JOBS Plus Program placements positive learning and training experiences;

5 (b) Maintain health, safety and working conditions at or above levels generally acceptable in the
6 industry and no less than that of comparable jobs of the employer;

7 (c) Provide on-the-job training to the degree necessary for the participants to perform their du-
8 ties;

9 (d) Recruit volunteer mentors from among their regular employees to assist the participants in
10 becoming oriented to work and the workplace; and

11 (e) Sign an agreement to abide by all requirements of the program, including the requirement
12 that the program not supplant existing jobs. All agreements shall include provisions noting the em-
13 ployer's responsibility to repay reimbursements in the event the employer violates program rules.
14 When a professional placement service, professional employment organization or temporary employ-
15 ment agency is acting as an employer pursuant to subsection (13) of this section, agreements under
16 this paragraph shall require a three-party agreement between the professional placement service,
17 professional employment organization or temporary employment agency, the organization where the
18 participant has been placed to perform services and the State of Oregon. The three-party agreement
19 shall include provisions requiring that all JOBS Plus reimbursements received by the professional
20 placement service, professional employment organization or temporary employment agency be cred-
21 ited to the organization where the participant has been placed to perform services.

22 (11) Program participant wages shall be subject to federal and state income taxes, Social Secu-
23 rity taxes and unemployment insurance tax or reimbursement as applicable under ORS chapter 657,
24 which shall be withheld and paid in accordance with state and federal law. Supplemental payments
25 made pursuant to subsection (7) of this section shall not be subject to state income taxes under ORS
26 chapter 316 and, to the extent allowed by federal law, shall not be subject to federal income taxes
27 and Social Security taxes.

28 (12)(a) The Department of Human Services shall reimburse employers for the employers' share
29 of Social Security, unemployment insurance and workers' compensation premiums paid on behalf of
30 program participants referred to the employer by the Department of Human Services, as well as the
31 minimum wage earnings paid by the employer to program participants referred to the employer by
32 the Department of Human Services.

33 (b) If the Department of Human Services finds that an employer has violated any of the rules
34 of the JOBS Plus Program, the department:

35 (A) Shall withhold any amounts due to employers under paragraph (a) of this subsection.

36 (B) May seek repayment of any amounts paid to employers under paragraph (a) of this sub-
37 section.

38 (13) For purposes of this section, "employer" shall include professional placement services, pro-
39 fessional employment organizations and temporary employment agencies.

40 **SECTION 15.** ORS 25.381 is amended to read:

41 25.381. (1) Whenever services are being provided under ORS 25.080, support rights are not and
42 have not at any time during the past five months been assigned to this or another state, and no
43 arrearages under a support order are so assigned, the administrator shall provide, upon request of
44 an obligor or obligee, services sufficient to permit establishment of income withholding under ORS
45 25.378, including services necessary to establish a support payment record under ORS 25.164 and

1 25.167.

2 (2) Regardless of whether services are being provided under ORS 25.080, the administrator shall
3 provide, upon request of an obligor or obligee, services sufficient to permit establishment of income
4 withholding under ORS 25.378:

5 (a) For the payment of child support without the necessity of an application for support
6 enforcement services under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.); and

7 (b) For the payment of spousal support if the obligee is receiving [*food stamps*] **supplemental**
8 **nutrition assistance** or any other form of public assistance, as defined in ORS 411.010, from the
9 Department of Human Services.

10 **SECTION 16.** ORS 87.156 is amended to read:

11 87.156. (1) Except as provided in subsection (2) of this section, the keeper of an inn, hotel or
12 motel has a lien on the chattels brought into the inn, hotel or motel belonging to or under the
13 control of a guest or boarder for the reasonable or agreed charges due the keeper from the guest
14 or boarder for accommodation, board and lodging, services, money, labor and materials furnished
15 at the request of the guest or boarder by the keeper. The keeper may retain possession of the
16 chattels until those charges are paid.

17 (2)(a) The keeper may not retain prescription or nonprescription medications, medical equipment
18 or apparatus, food [*or food stamps*] or children's clothing or accessories after the guest or boarder
19 requests return of the property.

20 (b) If the keeper retains property in violation of this subsection, the keeper waives any claim
21 to unpaid charges against the guest or boarder.

22 (c) In any action brought by the guest or boarder to compel the return of the property or to
23 recover damages based on its retention, the prevailing party may recover attorney fees.

24 **SECTION 17.** ORS 410.430 is amended to read:

25 410.430. (1) In order to qualify for services from an authorized agency or service provider, each
26 client or recipient must:

27 (a) Be 60 years old or older or have been diagnosed as having Alzheimer's disease or a related
28 disorder;

29 (b) Not be receiving financial assistance from the Department of Human Services, except [*food*
30 *stamp benefits*] **supplemental nutrition assistance** and limited Medicare reimbursement benefits
31 administered by the department; and

32 (c) Be assessed to be at the risk of entering an institution.

33 (2) Eligibility determination shall be required before any client may receive services from an
34 authorized agency or service provider.

35 **SECTION 18.** ORS 411.119 is amended to read:

36 411.119. (1) Except as provided in subsection (2) of this section, a person who is otherwise eli-
37 gible to receive public assistance, including [*food stamp benefits*] **supplemental nutrition assist-**
38 **ance**, may not be denied assistance because the person has been convicted of a drug-related felony.

39 (2) The Department of Human Services may suspend a person's [*food stamp benefits*] **supple-**
40 **mental nutrition assistance** if:

41 (a) The person has been convicted of the manufacture or delivery of a controlled substance un-
42 der ORS 475.840 (1)(a) to (c); and

43 (b) The person is on probation, parole or post-prison supervision and the agency supervising the
44 person makes a recommendation to the department, pursuant to subsection (3) of this section, that
45 the department suspend the person's [*food stamp benefits*] **supplemental nutrition assistance**.

1 (3) When making a recommendation to the department regarding the continuation or suspension
2 of a person's *[food stamp benefits]* **supplemental nutrition assistance**, a supervising authority shall
3 consider, at a minimum, whether there is reason to believe:

4 (a) That the person traded the person's *[food stamp benefits]* **supplemental nutrition assistance**
5 for controlled substances; and

6 (b) That, as a result of the trading, a member of the person's household who is a dependent of
7 the person did not receive the *[food stamp benefits]* **supplemental nutrition assistance** for which
8 the member is eligible.

9 (4) The department shall reinstate the *[food stamp benefits]* **supplemental nutrition assistance**
10 of a person whose benefits were suspended under subsection (2) of this section if the department
11 receives a recommendation from the supervising authority to reinstate the benefits pursuant to
12 subsection (5) of this section.

13 (5) When making a recommendation to the department regarding the reinstatement of *[food*
14 *stamp benefits]* **supplemental nutrition assistance**, the supervising authority shall consider, at a
15 minimum, the following:

16 (a) Whether members of the person's household are also receiving *[food stamp benefits]* **supple-**
17 **mental nutrition assistance**; and

18 (b) Whether the person is enrolled in and successfully participating in a rehabilitation program.

19 **SECTION 19.** ORS 411.703 is amended to read:

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

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

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

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

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

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

36 (5) Upon issuance of the warrant, the department may issue a notice of garnishment in accord-
37 ance with ORS 18.854.

38 (6) Upon recording, the warrant:

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

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

41 **SECTION 20.** ORS 412.151 is amended to read:

42 412.151. (1) The Department of Human Services shall provide direct deposit services for any
43 person receiving temporary assistance for needy families who has an appropriate account at a
44 qualified financial institution.

45 (2) The department shall negotiate with electronic transfer processors to establish a system for

1 providing temporary assistance for needy families **and supplemental nutrition assistance** to eli-
2 gible individuals through an electronic **benefits** transfer system. *[To the extent practicable, the de-*
3 *partment shall include food stamp assistance received under ORS 411.806 to 411.845 in any electronic*
4 *debit card system established under this section.]*

5 (3) The department shall seek all state and federal approvals necessary for implementation of
6 an electronic **benefits** transfer system as described in subsection (2) of this section. The department
7 shall establish a statewide electronic **benefits** transfer system within six months of receiving all
8 necessary approvals.

9 **SECTION 21.** ORS 458.532 is amended to read:

10 458.532. (1) The Hunger Relief Task Force is established in the Housing and Community Services
11 Department. The task force shall consist of not more than 28 members appointed as follows:

12 (a) The President of the Senate shall appoint one member from among members of the Senate.

13 (b) The Senate Minority Leader shall appoint one member from among members of the Senate.

14 (c) The Speaker of the House of Representatives shall appoint one member from among members
15 of the House of Representatives.

16 (d) The House Minority Leader shall appoint one member from among members of the House
17 of Representatives.

18 (e) The Director of the Housing and Community Services Department, with the advice of the
19 Director of Human Services, shall appoint the following:

20 (A) One member representing the Department of Education who has experience in child nutri-
21 tion programs.

22 (B) One member representing the Department of Human Services who has experience in *[food*
23 *stamp programs]* **the Supplemental Nutrition Assistance Program.**

24 (C) One member representing the Department of Human Services who has experience in the
25 Women, Infants and Children program.

26 (D) One member representing the State Department of Agriculture.

27 (E) One member representing the Oregon Food Bank.

28 (F) One member representing United Way of America or a successor organization.

29 (G) One member representing an Oregon low-income advocacy group.

30 (H) One member who is a student at an institution of higher education.

31 (I) One member representing the Community Action Directors of Oregon.

32 (J) One member representing the food retailing industry.

33 (K) One member representing the food growing and processing industries.

34 (L) One member who is a direct service provider.

35 (M) One member representing county government.

36 (N) One member representing the migrant community.

37 (O) Three members representing the religious community.

38 (P) One member representing the Housing and Community Services Department.

39 (Q) No more than six additional members having qualifications other than those of members
40 described in subparagraphs (A) to (P) of this paragraph.

41 (2) A member serves for a three-year term. A member may be reappointed.

42 (3) If there is a vacancy for any cause, the appointing authority shall make an appointment to
43 become immediately effective for the unexpired term. The appointing authority may appoint a re-
44 placement for any member of the task force who misses more than two consecutive meetings of the
45 task force.

1 (4) One-half of the task force membership constitutes a quorum for the transaction of business.

2 (5) The Director of the Housing and Community Services Department shall provide the task
3 force with staff support the director deems appropriate, by using Housing and Community Services
4 Department employees or by contract. The director shall also provide for the payment of appropriate
5 task force operating expenses.

6 **SECTION 22.** ORS 458.545 is amended to read:

7 458.545. The Hunger Relief Task Force shall:

8 (1) Serve within government and in the state at large as an advocate for hungry persons.

9 (2) Participate in coordinating the effective and efficient provision of services to hungry citizens
10 so that the services will be readily available to the greatest number over the widest geographic
11 area; assure that information on these services is available in each locality, utilizing whenever
12 possible existing information services; and assure that each new service receives maximum publicity
13 at the time it is initiated.

14 (3) Have authority to study programs and budgets of those public bodies or private entities
15 willing to cooperate, and all state agencies, that provide services or funding directed at the allevi-
16 ation or eradication of hunger.

17 (4) Have authority to study any concepts regarding the alleviation or eradication of hunger
18 within this state.

19 (5) Make any recommendations or proposals the task force deems appropriate to the Interagency
20 Council on Hunger and Homelessness, the Governor, the Legislative Assembly or others. Such
21 recommendations shall be designed to provide coordination of programs for hungry persons, to avoid
22 unnecessary duplication in provision of services, to point out gaps in provision of services and to
23 recommend ways of filling gaps in services. The task force also shall recommend development of a
24 comprehensive plan for delivery of services to hungry persons. In carrying out these tasks, the task
25 force shall coordinate its efforts with other advisory groups or entities with similar or related re-
26 sponsibilities to avoid duplication of effort.

27 (6) Encourage, by expansion of existing activities and programs for the hungry, by school pro-
28 grams, by meals-on-wheels, by counseling or by other means, public and private development of nu-
29 trition programs for hungry citizens that prevent or minimize hunger and illness which is related
30 to hunger or nutritional deficiencies.

31 (7) Conduct research and other appropriate activities to determine:

32 (a) The dimensions of hunger in the state;

33 (b) The availability and accessibility of emergency food in all areas of the state;

34 (c) The opportunities for public and private partnerships in the areas of food and nutrition;

35 (d) The participation rates of eligible persons in all federal food programs, especially [*food*
36 *stamps*] **the Supplemental Nutrition Assistance Program;**

37 (e) The identification of persons needing food and nutrition services who are not eligible under
38 existing programs;

39 (f) Barriers to the participation of eligible persons in food and nutrition programs; and

40 (g) The impact of economic changes on food and nutrition programs.

41 (8) Prepare and disseminate an annual report on the status of hunger in the state, efforts being
42 made to alleviate and eradicate hunger, and proposals and recommendations for strengthening
43 progress toward the eradication of hunger.

44 **SECTION 23.** ORS 657.273 is amended to read:

45 657.273. Notwithstanding ORS 43.130 and 43.160, the decisions, findings, conclusions, final orders

1 and judgments that arise out of hearings under ORS 657.270, review proceedings under ORS 657.275
2 and judicial review proceedings under ORS 657.282:

3 (1) May not be used for the purpose of claim preclusion or issue preclusion in any other action
4 or proceeding except an administrative or civil action or proceeding under this chapter; and

5 (2) Are not admissible as evidence in any other civil action or proceeding other than civil
6 actions or proceedings under this chapter or in determination of eligibility for public assistance or
7 [food stamp benefits] **supplemental nutrition assistance** under ORS 412.001 to 412.161 [and
8 412.991] and ORS [chapters 411 and 418] **chapter 411**.

9 **SECTION 24.** ORS 657.665 is amended to read:

10 657.665. (1) Except as provided in subsections (2) to (4) of this section, all information in the
11 records of the Employment Department pertaining to the administration of the unemployment in-
12 surance, employment service and labor market information programs:

13 (a) Is confidential and for the exclusive use and information of the Director of the Employment
14 Department in administering the unemployment insurance, employment service and labor market
15 information programs in Oregon.

16 (b) May not be used in any court action or in any proceeding pending in the court unless the
17 director or the state is a party to the action or proceeding or unless the proceeding concerns the
18 establishment, enforcement or modification of a support obligation and support services are being
19 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

20 (c) Is exempt from disclosure under ORS 192.410 to 192.505.

21 (2) The Employment Department shall disclose information:

22 (a) To any claimant or legal representative, at a hearing before an administrative law judge, to
23 the extent necessary for the proper presentation of an unemployment insurance claim.

24 (b) Upon request to the United States Secretary of Labor. The Employment Department shall
25 disclose the information in a form and containing the information that the United States Secretary
26 of Labor may require. The information disclosed is confidential and may not be used for any other
27 purpose.

28 (c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the
29 United States charged with the administration of public works or assistance through public em-
30 ployment. Under this paragraph, the Employment Department shall disclose the name, address, or-
31 dinary occupation and employment status of each recipient of unemployment insurance benefits and
32 a statement of the recipient's right to further benefits under this chapter. The information disclosed
33 is confidential and may not be used for any other purpose.

34 (d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.
35 Under this paragraph, the Employment Department shall disclose unemployment insurance records.
36 The information disclosed is confidential and may not be used for any other purpose. The costs of
37 disclosing information under this paragraph shall be paid by the board.

38 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
39 of the United States Department of Agriculture and to officers or employees of any state [food
40 stamp] **Supplemental Nutrition Assistance Program** agency for the purpose of determining an
41 individual's eligibility for or the amount of [food stamps] **supplemental nutrition assistance**. The
42 information disclosed is confidential and may not be used for any other purpose. The costs of dis-
43 closing information under this paragraph shall be paid by the United States Department of Agri-
44 culture.

45 (f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child

1 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-
2 curity Act for the purposes of establishing child support obligations, locating individuals owing child
3 support obligations and collecting child support obligations from those individuals. The information
4 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-
5 mation under this paragraph shall be paid by the child support enforcement agency.

6 (g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in
7 the income and eligibility verification system for the purpose of verifying an individual's eligibility
8 for benefits, or the amount of benefits, under unemployment insurance, Temporary Assistance for
9 Needy Families, Medicaid, *[food stamps]* **the Supplemental Nutrition Assistance Program**, Sup-
10 plemental Security Income, child support enforcement or Social Security programs. The information
11 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-
12 mation under this paragraph shall be paid by the requesting agency.

13 (h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Federal
14 Unemployment Tax Act, to the United States Department of Health and Human Services National
15 Directory of New Hires. The information disclosed is confidential and may not be used for any other
16 purpose. The costs of disclosing information under this paragraph shall be paid by the United States
17 Department of Health and Human Services.

18 (i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United
19 States Department of Housing and Urban Development and to representatives of a public housing
20 agency for the purpose of determining an individual's eligibility for benefits, or the amount of ben-
21 efits, under a housing assistance program of the United States Department of Housing and Urban
22 Development. The information disclosed is confidential and may not be used for any other purpose.
23 The costs of disclosing information under this paragraph shall be paid by the United States De-
24 partment of Housing and Urban Development or the public housing agency.

25 (j) Pursuant to regulations of the United States Secretary of Health and Human Services issued
26 under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by sec-
27 tion 303 of the Social Security Act, to the state, a political subdivision or a federally recognized
28 Indian tribe that has signed an agreement with the Department of Human Services to administer
29 Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility
30 for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the
31 Social Security Act. The information disclosed is confidential and may not be used for any other
32 purpose.

33 (k) Upon request, to the United States Attorney's Office. Under this paragraph, the Employment
34 Department may disclose an individual's employment and wage information in response to a federal
35 grand jury subpoena or for the purpose of collecting civil and criminal judgments, including
36 restitution and special assessment fees. The information disclosed is confidential and may not be
37 used for any other purpose. The costs of disclosing information under this paragraph shall be paid
38 by the United States Attorney's Office.

39 (3) The Employment Department may disclose information secured from employing units:

40 (a) To agencies of this state, federal agencies and local government agencies to the extent nec-
41 essary to properly carry out governmental planning, performance measurement, program analysis,
42 socioeconomic analysis and policy analysis functions performed under applicable law. The informa-
43 tion disclosed is confidential and may not be disclosed by the agencies in any manner that would
44 identify individuals, claimants, employees or employing units. If the information disclosed under this
45 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the

1 information shall be paid by the agency requesting the information.

2 (b) As part of a geographic information system. Points on a map may be used to represent eco-
3 nomic data, including the location, employment size class and industrial classification of businesses
4 in Oregon. Information presented as part of a geographic information system may not give specific
5 details regarding a business's address, actual employment or proprietary information. If the infor-
6 mation disclosed under this paragraph is not prepared for the use of the Employment Department,
7 the costs of disclosing the information shall be paid by the party requesting the information.

8 (c) In accordance with ORS 657.673.

9 (4) The Employment Department may:

10 (a) Disclose information to public employees in the performance of their duties under state or
11 federal laws relating to the payment of unemployment insurance benefits, the provision of employ-
12 ment services and the provision of labor market information.

13 (b) At the discretion of the Director of the Employment Department and subject to an intera-
14 gency agreement, disclose information to public officials in the performance of their official duties
15 administering or enforcing laws within their authority and to the agents or contractors of public
16 officials. The public official shall agree to assume responsibility for misuse of the information by
17 the official's agent or contractor.

18 (c) Disclose information pursuant to an informed consent, received from an employer or claim-
19 ant, to disclose the information.

20 (d) Disclose information to partners under the federal Workforce Investment Act of 1998 for the
21 purpose of administering state workforce programs under the Act. The information disclosed is
22 confidential and may not be used for any other purpose. The costs of disclosing information under
23 this paragraph shall be paid by the requesting partner.

24 (e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries
25 for the purpose of disseminating information to employing units. The names and addresses disclosed
26 are confidential and may not be used for any other purpose. If the information disclosed under this
27 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
28 information shall be paid by the bureau.

29 (f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the
30 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to
31 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-
32 dresses of employers and employees and payroll data of employers and employees. The information
33 disclosed is confidential and may not be used for any other purpose. If the information disclosed
34 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
35 closing the information shall be paid by the bureau.

36 (g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-
37 tirement System for the purpose of determining the eligibility of members of the retirement system
38 for disability retirement allowances under ORS chapter 238. The information disclosed is confiden-
39 tial and may not be used for any other purpose. The costs of disclosing information under this par-
40 agraph shall be paid by the Public Employees Retirement System.

41 (h) Disclose to the Oregon Economic and Community Development Commission information re-
42 quired by the commission in performing its duty under ORS 285A.050 to verify changes in employ-
43 ment levels following direct employer participation in Economic and Community Development
44 Department programs or indirect participation through municipalities under ORS 285B.410 to
45 285B.482 and regional boards and partnerships under ORS 285B.230 to 285B.269. The information

1 disclosed to the commission may include an employer's employment level, total subject wages payroll
2 and whole hours worked. The information disclosed is confidential and may not be used for any
3 other purpose. The commission may not disclose the information in any manner that would identify
4 an employing unit or employee except to the extent necessary to carry out the commission's duty
5 under ORS 285A.050. If the information disclosed under this paragraph is not prepared for the use
6 of the Employment Department, the costs of disclosing the information shall be paid by the com-
7 mission.

8 (i) Disclose information to the Department of Revenue for the purpose of performing its duties
9 under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may
10 include the names and addresses of employers and employees and payroll data of employers and
11 employees. The information disclosed is confidential and may not be disclosed by the Department
12 of Revenue in any manner that would identify an employing unit or employee except to the extent
13 necessary to carry out the department's duties under ORS 293.250 or in auditing or reviewing any
14 report or return required or permitted to be filed under the revenue and tax laws administered by
15 the department. The Department of Revenue may not disclose any information received to any pri-
16 vate collection agency or for any other purpose. If the information disclosed under this paragraph
17 is not prepared for the use of the Employment Department, the costs of disclosing the information
18 shall be paid by the Department of Revenue.

19 (j) Disclose information to the Department of Consumer and Business Services for the purpose
20 of performing its duties under ORS chapters 654 and 656. The information disclosed may include the
21 name, address, number of employees and industrial classification code of an employer and payroll
22 data of employers and employees. The information disclosed is confidential and may not be disclosed
23 by the Department of Consumer and Business Services in any manner that would identify an em-
24 ploying unit or employee except to the extent necessary to carry out the department's duties under
25 ORS chapters 654 and 656, including administrative hearings and court proceedings in which the
26 Department of Consumer and Business Services is a party. If the information disclosed under this
27 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
28 information shall be paid by the Department of Consumer and Business Services.

29 (k) Disclose information to the Construction Contractors Board for the purpose of performing
30 its duties under ORS chapter 701. The information disclosed to the board may include the names and
31 addresses of employers and status of their compliance with this chapter. If the information disclosed
32 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
33 closing the information shall be paid by the board.

34 (L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying
35 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,
36 telephone number and industrial classification code of an employer. The information disclosed is
37 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify
38 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.
39 If the information disclosed under this paragraph is not prepared for the use of the Employment
40 Department, the costs of disclosing the information shall be paid by the office of the State Fire
41 Marshal.

42 (m) Disclose information to the Oregon Student Assistance Commission for the purpose of per-
43 forming the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act
44 of 1965. The information disclosed may include the names and addresses of employers and employees
45 and payroll data of employers and employees. The information disclosed is confidential and may not

1 be disclosed by the commission in any manner that would identify an employing unit or employee
 2 except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title
 3 IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not
 4 prepared for the use of the Employment Department, the costs of disclosing the information shall
 5 be paid by the commission.

6 (n) Disclose information to the Department of Transportation to assist the Department of
 7 Transportation in carrying out the duties of the Department of Transportation relating to collection
 8 of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.666, 184.670 to 184.733
 9 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include
 10 the names and addresses of employers and employees and payroll data of employers and employees.
 11 The information disclosed is confidential and may not be disclosed by the Department of Transpor-
 12 tation in any manner that would identify an employing unit or employee except to the extent nec-
 13 essary to carry out the Department of Transportation's duties relating to collection of delinquent
 14 and liquidated debts or in auditing or reviewing any report or return required or permitted to be
 15 filed under the revenue and tax laws administered by the Department of Transportation. The De-
 16 partment of Transportation may not disclose any information received to any private collection
 17 agency or for any other purpose. If the information disclosed under this paragraph is not prepared
 18 for the use of the Employment Department, the costs of disclosing the information shall be paid by
 19 the Department of Transportation.

20 (o) Disclose to any person establishment level information secured pursuant to this chapter from
 21 federal, state and local government employing units. If the information disclosed under this para-
 22 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-
 23 mation shall be paid by the party requesting the information.

24 (p) Disclose to any person the industrial classification code assigned to an employing unit. If the
 25 information disclosed under this paragraph is not prepared for the use of the Employment Depart-
 26 ment, the costs of disclosing the information shall be paid by the party requesting the information.

27 (5) Any officer appointed by or any employee of the Director of the Employment Department
 28 who discloses confidential information, except with the authority of the director, pursuant to rules
 29 or as otherwise required by law, may be disqualified from holding any appointment or employment
 30 with the Employment Department.

31 (6) Any person or any officer or employee of an entity to whom information is disclosed by the
 32 Employment Department under this section who divulges or uses the information for any purpose
 33 other than that specified in the provision of law or agreement authorizing the use or disclosure may
 34 be disqualified from performing any service under contract or disqualified from holding any ap-
 35 pointment or employment with the state agency that engaged or employed that person, officer or
 36 employee. The Employment Department may immediately cancel or modify any information sharing
 37 agreement with an entity when a person or an officer or employee of that entity discloses confi-
 38 dential information, other than as specified in law or agreement.

39 **SECTION 25.** Section 6, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 622,
 40 Oregon Laws 1991, and section 1, chapter 29, Oregon Laws 2007, is amended to read:

41 **Sec. 6.** (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public
 42 Utility Commission shall establish a plan to provide assistance to low income customers through
 43 differential rates or otherwise. The plan of assistance shall be designed to use, to the maximum ex-
 44 tent possible, the available funding offered by the Federal Communications Commission, and may
 45 provide different levels of assistance to low income customers based upon differences in local ex-

1 change rates. The plan established by the commission shall prescribe the amount of assistance to
2 be provided and the time and manner of payment.

3 (2) For the purpose of establishing a plan to provide assistance to low income customers under
4 this section, the commission shall require all public utilities, cooperative corporations and
5 unincorporated associations providing local exchange telecommunication service to participate in
6 the plan, except as provided in subsection (3) of this section.

7 (3) In lieu of participation in the commission's plan to assist low income customers, a public
8 utility, cooperative corporation or unincorporated association providing local exchange telecommu-
9 nication service may apply to the commission to establish an alternative plan for the purpose of
10 carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, for its own customers. The
11 commission shall adopt standards for determining the adequacy of alternative plans.

12 (4) The commission may contract with any governmental agency to assist the commission in the
13 administration of any assistance plan adopted pursuant to this section.

14 (5)(a) As used in sections 2 to 6, chapter 290, Oregon Laws 1987, "low income customer" means
15 an individual determined by the commission:

16 (A) To be receiving benefits from the [*federal food stamp*] **Supplemental Nutrition Assistance**
17 Program or from another low income public assistance program for which eligibility requirements
18 limit participation to individuals with income that does not exceed 135 percent of federal poverty
19 guidelines; or

20 (B) To be a resident of a long term care facility, as defined in ORS 442.015, or a residential care
21 facility, as defined in ORS 443.400:

22 (i) Who receives medical assistance under ORS chapter 414; and

23 (ii) Who has income that does not exceed 135 percent of federal poverty guidelines.

24 (b) The commission must be able to verify the continuing participation of a low income customer
25 in a program described in paragraph (a) of this subsection.

26 **SECTION 26.** ORS 813.602 is amended to read:

27 813.602. (1) When a person is convicted of driving while under the influence of intoxicants in
28 violation of ORS 813.010 or of a municipal ordinance, the Department of Transportation, in addition
29 to any other requirement, shall require that an approved ignition interlock device be installed and
30 used in any vehicle operated by the person:

31 (a) Before the person is eligible for a hardship permit. The requirement is a condition of the
32 hardship permit for the duration of the hardship permit.

33 (b) For a first conviction, for one year after the ending date of the suspension or revocation
34 caused by the conviction. Violation of the condition imposed under this paragraph is a Class A
35 traffic violation.

36 (c) For a second or subsequent conviction, for two years after the ending date of the suspension
37 or revocation caused by the conviction. Violation of the condition imposed under this paragraph is
38 a Class A traffic violation.

39 (2) If the court determines that approved ignition interlock devices are reasonably available, the
40 court may require as a condition of a driving while under the influence of intoxicants diversion
41 agreement that an approved ignition interlock device be installed in any vehicle operated by the
42 person. Courts may not exercise authority under this subsection during any period the courts have
43 notice from the Office of Economic Analysis of the Oregon Department of Administrative Services
44 that there are not sufficient moneys in the Intoxicated Driver Program Fund to pay the costs under
45 subsection (4) of this section. The Office of Economic Analysis of the Oregon Department of Ad-

1 ministrative Services may not issue any notice under this subsection if federal funds are available
2 to pay the cost of the interlock devices for indigents and costs of analysis of the use of interlock
3 devices.

4 (3) Except as provided in subsection (4) of this section, if an ignition interlock system is ordered
5 or required under subsection (1) or (2) of this section, the person so ordered or required shall pay
6 to the provider the reasonable costs of leasing, installing and maintaining the device. A payment
7 schedule may be established for the person by the department.

8 (4) The department may waive, in whole or in part, or defer the defendant's responsibility to pay
9 all or part of the costs under subsection (3) of this section if the defendant meets the criteria for
10 indigence established for waiving or deferring such costs under subsection (5) of this section. If the
11 defendant's responsibility for costs is waived, then notwithstanding ORS 813.270, the costs described
12 in subsection (3) of this section must be paid from the Intoxicated Driver Program Fund.

13 (5) The department, by rule, shall establish criteria and procedures it will use for qualification
14 to waive or defer costs described under subsection (3) of this section for indigence. The criteria must
15 be consistent with the standards for indigence adopted by the federal government for purposes of
16 the [food stamp] **Supplemental Nutrition Assistance** Program.

17 (6) At the end of the suspension or revocation resulting from the conviction, the department
18 shall suspend the driving privileges or right to apply for driving privileges of a person who has not
19 submitted proof to the department that an ignition interlock device has been installed or who
20 tampers with an ignition interlock device after it has been installed. If the suspension is for failing
21 to submit proof of installation, the suspension continues until the department receives proof that the
22 ignition interlock device has been installed or until one year after the ending date of the suspension
23 resulting from the first conviction or two years after the ending date of the suspension resulting
24 from a second or subsequent conviction, whichever comes first. If the suspension is for tampering
25 with an ignition interlock device, the suspension continues until one year after the ending date of
26 the suspension resulting from the first conviction or two years after the ending date of the suspen-
27 sion resulting from a second or subsequent conviction. A person whose driving privileges or right
28 to apply for privileges is suspended under this subsection is entitled to administrative review, as
29 described in ORS 809.440, of the action.

30 (7) The department shall adopt rules permitting medical exemptions from the requirements of
31 installation and use of an ignition interlock device under subsection (1) of this section.

32 **SECTION 27. ORS 411.835 is repealed.**

33