

Enrolled House Bill 2124

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)

CHAPTER

AN ACT

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

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

SECTION 1. ORS 411.806 is amended to read:

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

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

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

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

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

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

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

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

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

(5) **"Supplemental Nutrition Assistance Program" means a program under which the federal government makes aid available to the state or its agencies for distribution through electronic benefits transfer or by check to individuals and households certified to be in economic need of and eligible to receive such aid for the purchase of food from retail food outlets.**

SECTION 2. ORS 411.816 is amended to read:

411.816. The Department of Human Services shall adopt rules conforming to federal laws and regulations required to be observed in maintaining the eligibility of this state to receive from the federal government, and to issue *[food stamp benefits under a food stamp plan]* **supplemental nu-**

trition assistance under the Supplemental Nutrition Assistance Program. Rules adopted by the department pursuant to this section shall relate to and include, but shall not be limited to:

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

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

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

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

(5) Cancellation of certifications issued for, and adjustment of the numbers of individuals in any household eligible to receive *[food stamp benefits]* **supplemental nutrition assistance** issued to recipients under *[such plans]* **the program** for any period in accordance with changes of circumstances in individual cases; and

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

SECTION 3. ORS 411.818 is amended to read:

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

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

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

SECTION 4. ORS 411.825 is amended to read:

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

(2) The department shall:

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

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

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

SECTION 5. ORS 411.830 is amended to read:

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

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

SECTION 6. ORS 411.837 is amended to read:

411.837. Counties, state institutions and agencies, issuing agencies, retail food outlets, wholesale food concerns, banks and all persons who participate in or administer any part of *[a food stamp*

plan] **the Supplemental Nutrition Assistance Program** shall comply with all state and federal laws, rules and regulations applicable to such plans.

SECTION 7. ORS 411.840 is amended to read:

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

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

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

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

SECTION 8. ORS 411.845 is amended to read:

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

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

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

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

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

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

411.878. (1) In establishing and implementing a program to be known as the JOBS Plus Program, the Legislative Assembly recognizes that early attachment to work and development of knowledge and skills are the most effective means of helping people make the transition from dependence on public assistance and subsidizing in poverty to regular employment and self-reliance. It is the intent of the Legislative Assembly to promote greater economic self-sufficiency among Oregon families by:

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

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

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

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

(2) The JOBS Plus Program is created as a program in which residents of the State of Oregon shall, in lieu of receiving *[food stamp]* benefits **in the Supplemental Nutrition Assistance Program** and payments from the temporary assistance for needy families program, be provided jobs and paid in a way that promotes self-sufficiency and encourages unemployed Oregonians to improve their

positions in the workforce. The JOBS Plus Program shall be a public assistance to work strategy for the State of Oregon and operate under the job opportunities and basic skills program and rules adopted thereunder to the extent such rules are not inconsistent with ORS 411.877 to 411.896. These rules include but are not limited to rules regarding participation requirements and support services.

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

411.877. As used in ORS 411.877 to 411.896:

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

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

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

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

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

SECTION 10. ORS 411.880 is amended to read:

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

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

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

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

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

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

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

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

411.890. A JOBS Plus Implementation Council shall be established in service areas to be determined by the Director of Human Services to assist the JOBS Plus Advisory Board and the Department of Human Services in the administration of the JOBS Plus Program and to allow local flexibility in dealing with the particular needs of each county. Each council shall be primarily responsible for recruiting and encouraging participation of employment providers in the county. Each council shall be composed of seven members who shall be appointed by the county commissioners in each county in the district. Council members shall be residents of the district in which they are appointed and shall serve four-year terms. Six members of the council shall be from the local business community. At least one member shall be a current or former recipient of the temporary assistance for needy families program or the [*food stamp plan*] **Supplemental Nutrition Assistance Program**.

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

411.892. (1)(a) All employers, including public and private sector employers within the State of Oregon, are eligible to participate in the JOBS Plus Program. The Department of Human Services

shall adopt by rule a method to disqualify employers from participating in the program. No employer is required to participate in the JOBS Plus Program. In the event that there are unassigned participants whom no employer desires to utilize, the participants may be assigned to work for a public agency.

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

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

(2) The Department of Human Services shall ensure that jobs made available to program participants:

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

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

(c) Do not pay a wage that is substantially less than the wage paid for similar jobs in the local economy with appropriate adjustments for experience and training.

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

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

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

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

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

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

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

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

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

(B) If after six months in a placement, a participant has not been hired for an unsubsidized position, the placement shall be terminated, and the caseworker shall reassess the participant's employment development plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Employers shall provide workers' compensation coverage for each JOBS Plus Program participant.

(7) In the event that the net monthly full-time wage paid to a participant would be less than the level of income from the temporary assistance for needy families program and the [food stamp benefit] **supplemental nutrition assistance** amount equivalent that the participant would otherwise receive, the Department of Human Services shall determine and pay a supplemental payment as necessary to provide the participant with that level of net income. The department shall determine

and pay in advance supplemental payments to participants on a monthly basis as necessary to ensure equivalent net program wages. Participants shall be compensated only for time worked.

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

(9) Program participants who are eligible for federally and state funded medical assistance at the time they enter the program shall remain eligible as long as they continue to participate in the program. In conformity with existing state day care program regulations, child day care shall be provided for all program participants who require it.

(10) JOBS Plus Program employers shall:

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

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

(c) Provide on-the-job training to the degree necessary for the participants to perform their duties;

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

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

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

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

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

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

(B) May seek repayment of any amounts paid to employers under paragraph (a) of this subsection.

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

SECTION 15. ORS 25.381 is amended to read:

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

25.378, including services necessary to establish a support payment record under ORS 25.164 and 25.167.

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

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

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

SECTION 16. ORS 87.156 is amended to read:

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

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

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

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

SECTION 17. ORS 410.430 is amended to read:

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

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

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

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

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

SECTION 18. ORS 411.119 is amended to read:

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

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

(a) The person has been convicted of the manufacture or delivery of a controlled substance under ORS 475.840 (1)(a) to (c); and

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

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

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

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

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

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

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

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

SECTION 19. ORS 411.703 is amended to read:

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

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

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

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

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

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

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

(6) Upon recording, the warrant:

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

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

SECTION 20. ORS 412.151 is amended to read:

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

(2) The department shall negotiate with electronic transfer processors to establish a system for providing temporary assistance for needy families **and supplemental nutrition assistance** to eligible individuals through an electronic **benefits** transfer system. *[To the extent practicable, the department shall include food stamp assistance received under ORS 411.806 to 411.845 in any electronic debit card system established under this section.]*

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

SECTION 21. ORS 458.532 is amended to read:

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

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

- (b) The Senate Minority Leader shall appoint one member from among members of the Senate.
- (c) The Speaker of the House of Representatives shall appoint one member from among members of the House of Representatives.
- (d) The House Minority Leader shall appoint one member from among members of the House of Representatives.
- (e) The Director of the Housing and Community Services Department, with the advice of the Director of Human Services, shall appoint the following:
 - (A) One member representing the Department of Education who has experience in child nutrition programs.
 - (B) One member representing the Department of Human Services who has experience in [food stamp programs] **the Supplemental Nutrition Assistance Program.**
 - (C) One member representing the Department of Human Services who has experience in the Women, Infants and Children program.
 - (D) One member representing the State Department of Agriculture.
 - (E) One member representing the Oregon Food Bank.
 - (F) One member representing United Way of America or a successor organization.
 - (G) One member representing an Oregon low-income advocacy group.
 - (H) One member who is a student at an institution of higher education.
 - (I) One member representing the Community Action Directors of Oregon.
 - (J) One member representing the food retailing industry.
 - (K) One member representing the food growing and processing industries.
 - (L) One member who is a direct service provider.
 - (M) One member representing county government.
 - (N) One member representing the migrant community.
 - (O) Three members representing the religious community.
 - (P) One member representing the Housing and Community Services Department.
 - (Q) No more than six additional members having qualifications other than those of members described in subparagraphs (A) to (P) of this paragraph.
 - (2) A member serves for a three-year term. A member may be reappointed.
 - (3) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective for the unexpired term. The appointing authority may appoint a replacement for any member of the task force who misses more than two consecutive meetings of the task force.
 - (4) One-half of the task force membership constitutes a quorum for the transaction of business.
 - (5) The Director of the Housing and Community Services Department shall provide the task force with staff support the director deems appropriate, by using Housing and Community Services Department employees or by contract. The director shall also provide for the payment of appropriate task force operating expenses.

SECTION 22. ORS 458.545 is amended to read:

458.545. The Hunger Relief Task Force shall:

- (1) Serve within government and in the state at large as an advocate for hungry persons.
- (2) Participate in coordinating the effective and efficient provision of services to hungry citizens so that the services will be readily available to the greatest number over the widest geographic area; assure that information on these services is available in each locality, utilizing whenever possible existing information services; and assure that each new service receives maximum publicity at the time it is initiated.
- (3) Have authority to study programs and budgets of those public bodies or private entities willing to cooperate, and all state agencies, that provide services or funding directed at the alleviation or eradication of hunger.
- (4) Have authority to study any concepts regarding the alleviation or eradication of hunger within this state.

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

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

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

(a) The dimensions of hunger in the state;

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

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

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

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

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

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

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

SECTION 23. ORS 657.273 is amended to read:

657.273. Notwithstanding ORS 43.130 and 43.160, the decisions, findings, conclusions, final orders and judgments that arise out of hearings under ORS 657.270, review proceedings under ORS 657.275 and judicial review proceedings under ORS 657.282:

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

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

SECTION 24. ORS 657.665 is amended to read:

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

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

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

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

(2) The Employment Department shall disclose information:

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

(b) Upon request to the United States Secretary of Labor. The Employment Department shall disclose the information in a form and containing the information that the United States Secretary

of Labor may require. The information disclosed is confidential and may not be used for any other purpose.

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

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

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

(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child support enforcement agencies enforcing child support obligations under Title IV-D of the Social Security Act for the purposes of establishing child support obligations, locating individuals owing child support obligations and collecting child support obligations from those individuals. The information disclosed is confidential and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the child support enforcement agency.

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

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

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

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

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

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

(a) To agencies of this state, federal agencies and local government agencies to the extent necessary to properly carry out governmental planning, performance measurement, program analysis, socioeconomic analysis and policy analysis functions performed under applicable law. The information disclosed is confidential and may not be disclosed by the agencies in any manner that would identify individuals, claimants, employees or employing units. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the agency requesting the information.

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

(c) In accordance with ORS 657.673.

(4) The Employment Department may:

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

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

(c) Disclose information pursuant to an informed consent, received from an employer or claimant, to disclose the information.

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

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

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

(g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Retirement System for the purpose of determining the eligibility of members of the retirement system for disability retirement allowances under ORS chapter 238. The information disclosed is confiden-

tial and may not be used for any other purpose. The costs of disclosing information under this paragraph shall be paid by the Public Employees Retirement System.

(h) Disclose to the Oregon Economic and Community Development Commission information required by the commission in performing its duty under ORS 285A.050 to verify changes in employment levels following direct employer participation in Economic and Community Development Department programs or indirect participation through municipalities under ORS 285B.410 to 285B.482 and regional boards and partnerships under ORS 285B.230 to 285B.269. The information disclosed to the commission may include an employer's employment level, total subject wages payroll and whole hours worked. The information disclosed is confidential and may not be used for any other purpose. The commission may not disclose the information in any manner that would identify an employing unit or employee except to the extent necessary to carry out the commission's duty under ORS 285A.050. If the information disclosed under this paragraph is not prepared for the use of the Employment Department, the costs of disclosing the information shall be paid by the commission.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public Utility Commission shall establish a plan to provide assistance to low income customers through differential rates or otherwise. The plan of assistance shall be designed to use, to the maximum extent possible, the available funding offered by the Federal Communications Commission, and may provide different levels of assistance to low income customers based upon differences in local exchange rates. The plan established by the commission shall prescribe the amount of assistance to be provided and the time and manner of payment.

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

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

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

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

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

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

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

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

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

SECTION 26. ORS 813.602 is amended to read:

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

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

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

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

(2) If the court determines that approved ignition interlock devices are reasonably available, the court may require as a condition of a driving while under the influence of intoxicants diversion agreement that an approved ignition interlock device be installed in any vehicle operated by the person. Courts may not exercise authority under this subsection during any period the courts have notice from the Office of Economic Analysis of the Oregon Department of Administrative Services that there are not sufficient moneys in the Intoxicated Driver Program Fund to pay the costs under subsection (4) of this section. The Office of Economic Analysis of the Oregon Department of Administrative Services may not issue any notice under this subsection if federal funds are available to pay the cost of the interlock devices for indigents and costs of analysis of the use of interlock devices.

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

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

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

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

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

SECTION 27. ORS 411.835 is repealed.

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Chief Clerk of House

.....M.,....., 2009

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Speaker of House

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Governor

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Secretary of State