

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)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

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, 411.878, 411.880, 411.882, 411.886,
4 411.890, 411.892, 412.151, 458.532, 458.545, 657.273, 657.665 and 813.602 and section 6, chapter 290,
5 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**
27 **electronic benefits transfer or by check to individuals and households certified to be in eco-**
28 **nomical need of and eligible to receive such aid for the purchase of food from retail food out-**
29 **lets.**

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

31 411.816. The Department of Human Services shall adopt rules conforming to federal laws and

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 regulations required to be observed in maintaining the eligibility of this state to receive from the
 2 federal government, and to issue *[food stamp benefits under a food stamp plan]* **supplemental nu-**
 3 **trition assistance under the Supplemental Nutrition Assistance Program.** Rules adopted by the
 4 department pursuant to this section shall relate to and include, but shall not be limited to:

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

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

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

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

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

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

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

23 411.818. (1) The Department of Human Services shall seek approval from the United States De-
 24 partment of Agriculture under 7 U.S.C. 2026 to disregard the amount of the annual cost-of-living
 25 adjustment for Social Security benefits and for Supplemental Security Income benefits in determining
 26 eligibility for *[food stamp benefits]* **supplemental nutrition assistance.**

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

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

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

33 411.825. (1) The Department of Human Services shall determine and certify *[to]* the eligibility
 34 of all individuals and households to receive *[food stamp benefits under a food stamp plan]* **supple-**
 35 **mental nutrition assistance under the Supplemental Nutrition Assistance Program.**

36 (2) The department shall:

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

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

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

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

45 411.830. (1) Any loss for which this state or its agencies may be liable to reimburse the federal

1 government, in accordance with federal laws or regulations applicable to *[food stamp plans]* **the**
 2 **Supplemental Nutrition Assistance Program**, shall be paid from funds appropriated to the De-
 3 partment of Human Services for the purposes of ORS 411.806 to 411.845.

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

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

7 411.837. Counties, state institutions and agencies, issuing agencies, retail food outlets, wholesale
 8 food concerns, banks and all persons who participate in or administer any part of *[a food stamp*
 9 *plan]* **the Supplemental Nutrition Assistance Program** shall comply with all state and federal
 10 laws, rules and regulations applicable to such plans.

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

12 411.840. (1) *[No person shall]* **A person may not** knowingly obtain or attempt to obtain, or aid
 13 or abet another person in obtaining or attempting to obtain, *[any food stamp benefit under a food*
 14 *stamp plan]* **an electronic debit card issued for supplemental nutrition assistance** to which the
 15 person or such other person is not entitled to receive or use under ORS 411.806 to 411.845, or under
 16 any rule or regulation promulgated pursuant to ORS 411.806 to 411.845.

17 (2) *[No person shall]* **A person may not** knowingly give, sell, trade or otherwise dispose of **an**
 18 **electronic debit card issued for supplemental nutrition assistance or any food commodity**
 19 **purchased with the card** to another person **who is** not entitled to receive or use the *[same]* **card**
 20 pursuant to ORS 411.806 to 411.845, or pursuant to any rule or regulation promulgated pursuant to
 21 ORS 411.806 to 411.845[.].

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

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

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

26 411.845. (1) If any person obtains, gives, sells, trades or otherwise disposes of any *[food stamp*
 27 *benefit]* **electronic debit card issued for supplemental nutrition assistance** in violation of ORS
 28 411.840, the district attorney shall prosecute, for and in the name of the State of Oregon, a civil
 29 action or suit to recover from such person[:]

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

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

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

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

38 **SECTION 9.** ORS 411.878 is amended to read:

39 411.878. (1) In establishing and implementing a program to be known as the JOBS Plus Program,
 40 the Legislative Assembly recognizes that early attachment to work and development of knowledge
 41 and skills are the most effective means of helping people make the transition from dependence on
 42 public assistance and subsidizing in poverty to regular employment and self-reliance. It is the intent
 43 of the Legislative Assembly to promote greater economic self-sufficiency among Oregon families and
 44 workers by:

45 (a) Increasing the employability of unemployed and underemployed Oregonians through on-the-

1 job training;

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

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

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

13 (2) The JOBS Plus Program is created as a program in which residents of the State of Oregon
14 shall, in lieu of receiving [food stamp] benefits **in the Supplemental Nutrition Assistance Pro-**
15 **gram** and payments from the temporary assistance for needy families program, be provided jobs and
16 paid in a way that promotes self-sufficiency and encourages unemployed Oregonians to improve their
17 positions in the workforce. Recipients of unemployment insurance also shall be offered employment
18 under the program. The JOBS Plus Program shall be a public assistance to work strategy for the
19 State of Oregon and operate under the job opportunities and basic skills program and rules adopted
20 thereunder to the extent such rules are not inconsistent with ORS 316.680, 411.877 to 411.896 and
21 657.925. These rules include but are not limited to rules regarding participation requirements, ex-
22 emptions and support services.

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

24 411.880. The Governor and the Department of Human Services shall work diligently to obtain
25 all exemptions and waivers from and amendments to federal statutes, rules and regulations neces-
26 sary to implement the JOBS Plus Program at the earliest possible date, including but not limited to
27 exemptions under section 1115 (42 U.S.C. 1315) of the Social Security Act and section 17 (7 U.S.C.
28 2026) of the Food [Stamp] **and Nutrition Act.**

29 **SECTION 11.** ORS 411.882 is amended to read:

30 411.882. In administering the JOBS Plus Program and to the extent permitted by federal law, the
31 Department of Human Services shall maximize the use of federal grants and apportionments of the
32 temporary assistance for needy families program, the [food stamp] **Supplemental Nutrition As-**
33 **sistance** Program and employment related child care.

34 **SECTION 12.** ORS 411.886 is amended to read:

35 411.886. (1) The JOBS Plus Advisory Board is established. The board shall advise the Depart-
36 ment of Human Services and the Employment Department in the direction and administration of the
37 JOBS Plus Program established under ORS 316.680, 411.877 to 411.896 and 657.925. The board shall
38 have seven members, consisting of six representatives of the business community and one employed
39 former recipient of temporary assistance for needy families, the [food stamp] **Supplemental Nutri-**
40 **tion Assistance** Program or the unemployment insurance program.

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

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

43 **SECTION 13.** ORS 411.890 is amended to read:

44 411.890. A JOBS Plus Implementation Council shall be established in service areas to be deter-
45 mined by the Director of Human Services to assist the JOBS Plus Advisory Board, the Department

1 of Human Services and the Employment Department in the administration of the JOBS Plus Program
2 and to allow local flexibility in dealing with the particular needs of each county. Each council shall
3 be primarily responsible for recruiting and encouraging participation of employment providers in the
4 county. Each council shall be composed of seven members who shall be appointed by the county
5 commissioners in each county in the district. Council members shall be residents of the district in
6 which they are appointed and shall serve four-year terms. Six members of the council shall be from
7 the local business community. At least one member shall be a current or former recipient of the
8 temporary assistance for needy families program, the *[food stamp]* **Supplemental Nutrition As-**
9 **sistance** Program or the unemployment insurance program.

10 **SECTION 14.** ORS 411.892 is amended to read:

11 411.892. (1)(a) All employers, including public and private sector employers within the State of
12 Oregon, are eligible to participate in the JOBS Plus Program. The Department of Human Services
13 or Employment Department, as appropriate, shall adopt by rule a method to disqualify employers
14 from participating in the program. No employer is required to participate in the JOBS Plus Program.
15 In the event that there are unassigned participants whom no employer desires to utilize, the par-
16 ticipants may be assigned to work for a public agency.

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

21 (c) The Department of Human Services or Employment Department, as appropriate, by rule shall
22 establish criteria for excluding employers from participation for failure to abide by program re-
23 quirements, showing a pattern of terminating participants prior to the completion of training or
24 other demonstrated unwillingness to comply with the stated intent of the program.

25 (2) The Department of Human Services or Employment Department, as appropriate, shall ensure
26 that jobs made available to program participants:

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

28 (b) Are in conformity with section 3304(a)(5) of the Federal Unemployment Tax Act;

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

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

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

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

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

38 (C) Unemployment compensation recipients; and

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

41 (b) In addition to those residents eligible for the program under paragraph (a) of this subsection,
42 additional residents who are seeking employment may be eligible for the program if there are
43 legislatively allocated funds available from the savings attributable to the program in the Unem-
44 ployment Compensation Trust Fund or in the temporary assistance for needy families budget of the
45 Department of Human Services.

1 (4)(a) Individuals desiring work through the program shall contact the nearest Department of
 2 Human Services office serving the county in which they reside if they are temporary assistance for
 3 needy families program or *[food stamp]* **Supplemental Nutrition Assistance** Program applicants or
 4 recipients or noncustodial parents of individuals receiving temporary assistance for needy families.
 5 Unemployment insurance applicants or recipients or others seeking employment may gain access to
 6 the program through their local Employment Department office.

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

12 (c) Either the employer or the participant may terminate the assignment by contacting the ap-
 13 propriate Department of Human Services or Employment Department office. In such event, the De-
 14 partment of Human Services or Employment Department shall reassess the needs of the participant
 15 and assign the participant to another JOBS Plus Program placement or another job opportunity and
 16 basic skills program component and, at the employer's request, provide the employer with another
 17 participant.

18 (d)(A) Subject to ORS 657.925 (6)(d), if after four months in a placement, a participant has not
 19 been hired for an unsubsidized position, the employer shall allow the worker to undertake eight
 20 hours of job search per week. Participating employers shall consider such time as hours worked for
 21 the purposes of paying wages.

22 (B) Subject to ORS 657.925 (6)(d), if after six months in a placement, a participant has not been
 23 hired for an unsubsidized position, the placement shall be terminated, and the caseworker shall re-
 24 assess the participant's employment development plan.

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

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

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

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

35 (A) Temporary assistance for needy families and *[food stamp]* **supplemental nutrition assist-**
 36 **ance** recipients who are eligible for Supplemental Security Income benefits or other ongoing state
 37 or federal maintenance benefits based on age or disability.

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

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

44 (c) The Department of Human Services shall provide life skills classes and opportunities to
 45 achieve General Educational Development (GED) certificates to appropriate participants in con-

1 junction with working in the JOBS Plus Program.

2 (d) Temporary assistance for needy families and *[food stamp]* **supplemental nutrition assist-**
 3 **ance** benefits shall be suspended at the end of the calendar month in which an employer makes the
 4 first wage payment to a participant who is a custodial parent in a family that receives temporary
 5 assistance for needy families or to any adult member of a household receiving *[food stamp benefits]*
 6 **supplemental nutrition assistance**. Failure of the participant to cooperate with the requirements
 7 of the JOBS Plus Program may result in the participant’s removal, in accordance with rules adopted
 8 by the Department of Human Services, from the JOBS Plus Program and suspension of the partic-
 9 ipant’s temporary assistance for needy families grant and *[food stamp benefits]* **supplemental nu-**
 10 **trition assistance**. A temporary assistance for needy families and *[food stamp benefits]*
 11 **supplemental nutrition assistance** recipient who has been removed from the program for failing
 12 to cooperate shall be eligible to reapply to participate in the program and shall have eligibility for
 13 program services determined without regard to the length of time the person was not participating
 14 following removal.

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

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

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

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

24 (e) Employers shall provide workers’ compensation coverage for each JOBS Plus Program par-
 25 ticipant.

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

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

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

40 (10) JOBS Plus Program employers shall:

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

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

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

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

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

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

20 (12)(a)(A) The Department of Human Services shall reimburse employers for the employers'
21 share of Social Security, unemployment insurance and workers' compensation premiums paid on be-
22 half of program participants, other than those who are unemployment insurance claimants, referred
23 to the employer by the Department of Human Services, as well as the minimum wage earnings paid
24 by the employer to program participants referred to the employer by the Department of Human
25 Services.

26 (B) The Employment Department shall reimburse employers \$5 per hour paid by the employer
27 as earnings to JOBS Plus Program participants, who are unemployment insurance claimants and are
28 referred to the employer by the Employment Department.

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

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

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

34 (13) Subject to ORS 657.925 (6)(d), for unemployment insurance claimants participating in the
35 JOBS Plus Program:

36 (a) If after nine weeks in a placement, a participant has not been hired for an unsubsidized po-
37 sition, the employer shall allow the worker to undertake up to five hours of job search per week.
38 Participating employers shall consider this time as hours worked for the purposes of paying wages.

39 (b) If after 13 weeks in a placement, a participant has not been hired for an unsubsidized posi-
40 tion, the employer shall terminate the placement and the Employment Department shall assess the
41 participant's employment development plan.

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

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

45 25.381. (1) Whenever services are being provided under ORS 25.080, support rights are not and

1 have not at any time during the past five months been assigned to this or another state, and no
 2 arrearages under a support order are so assigned, the administrator shall provide, upon request of
 3 an obligor or obligee, services sufficient to permit establishment of income withholding under ORS
 4 25.378, including services necessary to establish a support payment record under ORS 25.164 and
 5 25.167.

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

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

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

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

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

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

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

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

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

29 410.430. (1) In order to qualify for services from an authorized agency or service provider, each
 30 client or recipient must:

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

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

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

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

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

40 411.119. (1) Except as provided in subsection (2) of this section, a person who is otherwise eli-
 41 gible to receive public assistance, including *[food stamp benefits]* **supplemental nutrition assist-**
 42 **ance**, may not be denied assistance because the person has been convicted of a drug-related felony.

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

45 (a) The person has been convicted of the manufacture or delivery of a controlled substance un-

1 der ORS 475.840 (1)(a) to (c); and

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

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

8 (a) That the person traded the person's *[food stamp benefits]* **electronic debit card issued for**
9 **supplemental nutrition assistance** for controlled substances; and

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (6) Upon recording, the warrant:

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

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

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

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

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

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

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

14 458.532. (1) The Hunger Relief Task Force is established in the Housing and Community Services
 15 Department. The task force shall consist of not more than 28 members appointed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 (M) One member representing county government.

40 (N) One member representing the migrant community.

41 (O) Three members representing the religious community.

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

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

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

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

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

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

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

11 458.545. The Hunger Relief Task Force shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (8) Prepare and disseminate an annual report on the status of hunger in the state, efforts being

1 made to alleviate and eradicate hunger, and proposals and recommendations for strengthening
 2 progress toward the eradication of hunger.

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

4 657.273. Notwithstanding ORS 43.130 and 43.160, the decisions, findings, conclusions, final orders
 5 and judgments that arise out of hearings under ORS 657.270, review proceedings under ORS 657.275
 6 and judicial review proceedings under ORS 657.282:

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

9 (2) Are not admissible as evidence in any other civil action or proceeding other than civil
 10 actions or proceedings under this chapter or in determination of eligibility for public assistance or
 11 [food stamp benefits] **supplemental nutrition assistance** under ORS 412.001 to 412.161 [and
 12 412.991] and ORS [chapters 411 and 418] **chapter 411**.

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

14 657.665. (1) Except as provided in subsections (2) to (4) of this section, all information in the
 15 records of the Employment Department pertaining to the administration of the unemployment in-
 16 surance, employment service and labor market information programs:

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

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

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

25 (2) The Employment Department shall disclose information:

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

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

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

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

42 (e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
 43 of the United States Department of Agriculture and to officers or employees of any state [food
 44 stamp] **Supplemental Nutrition Assistance Program** agency for the purpose of determining an
 45 individual's eligibility for or the amount of [food stamps] **supplemental nutrition assistance**. The

1 information disclosed is confidential and may not be used for any other purpose. The costs of dis-
2 closing information under this paragraph shall be paid by the United States Department of Agri-
3 culture.

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

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

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

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

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

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

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

44 (a) To agencies of this state, federal agencies and local government agencies to the extent nec-
45 essary to properly carry out governmental planning, performance measurement, program analysis,

1 socioeconomic analysis and policy analysis functions performed under applicable law. The informa-
2 tion disclosed is confidential and may not be disclosed by the agencies in any manner that would
3 identify individuals, claimants, employees or employing units. If the information disclosed under this
4 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
5 information shall be paid by the agency requesting the information.

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

12 (c) In accordance with ORS 657.673.

13 (4) The Employment Department may:

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

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

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

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

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

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

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

45 (h) Disclose to the Oregon Economic and Community Development Commission information re-

1 quired by the commission in performing its duty under ORS 285A.050 to verify changes in employ-
2 ment levels following direct employer participation in Economic and Community Development
3 Department programs or indirect participation through municipalities under ORS 285B.410 to
4 285B.482 and regional boards and partnerships under ORS 285B.230 to 285B.269. The information
5 disclosed to the commission may include an employer's employment level, total subject wages payroll
6 and whole hours worked. The information disclosed is confidential and may not be used for any
7 other purpose. The commission may not disclose the information in any manner that would identify
8 an employing unit or employee except to the extent necessary to carry out the commission's duty
9 under ORS 285A.050. If the information disclosed under this paragraph is not prepared for the use
10 of the Employment Department, the costs of disclosing the information shall be paid by the com-
11 mission.

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

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

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

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

1 (m) Disclose information to the Oregon Student Assistance Commission for the purpose of per-
2 forming the commission's duties under ORS chapter 348 and Title IV of the Higher Education Act
3 of 1965. The information disclosed may include the names and addresses of employers and employees
4 and payroll data of employers and employees. The information disclosed is confidential and may not
5 be disclosed by the commission in any manner that would identify an employing unit or employee
6 except to the extent necessary to carry out the commission's duties under ORS chapter 348 or Title
7 IV of the Higher Education Act of 1965. If the information disclosed under this paragraph is not
8 prepared for the use of the Employment Department, the costs of disclosing the information shall
9 be paid by the commission.

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

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

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

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

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

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

45 **Sec. 6.** (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public

1 Utility Commission shall establish a plan to provide assistance to low income customers through
 2 differential rates or otherwise. The plan of assistance shall be designed to use, to the maximum extent
 3 possible, the available funding offered by the Federal Communications Commission, and may
 4 provide different levels of assistance to low income customers based upon differences in local exchange
 5 rates. The plan established by the commission shall prescribe the amount of assistance to
 6 be provided and the time and manner of payment.

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

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

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

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

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

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

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

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

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

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

31 813.602. (1) When a person is convicted of driving while under the influence of intoxicants in
 32 violation of ORS 813.010 or of a municipal ordinance, the Department of Transportation, in addition
 33 to any other requirement, shall require that an approved ignition interlock device be installed and
 34 used in any vehicle operated by the person:

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

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

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

43 (2) If the court determines that approved ignition interlock devices are reasonably available, the
 44 court may require as a condition of a driving while under the influence of intoxicants diversion
 45 agreement that an approved ignition interlock device be installed in any vehicle operated by the

1 person. Courts may not exercise authority under this subsection during any period the courts have
 2 notice from the Office of Economic Analysis of the Oregon Department of Administrative Services
 3 that there are not sufficient moneys in the Intoxicated Driver Program Fund to pay the costs under
 4 subsection (4) of this section. The Office of Economic Analysis of the Oregon Department of Ad-
 5 ministrative Services may not issue any notice under this subsection if federal funds are available
 6 to pay the cost of the interlock devices for indigents and costs of analysis of the use of interlock
 7 devices.

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

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

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

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

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

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

37