

SENATE AMENDMENTS TO SENATE BILL 259

By COMMITTEE ON FINANCE AND REVENUE

March 11

- 1 Delete lines 5 through 23 of the printed bill and insert:
2 **“SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 657.**
3 **“SECTION 2. (1) The Director of the Employment Department may enter into an inter-**
4 **governmental agreement with the federal government for the purposes of:**
5 **“(a) Offsetting against liquidated state debt moneys that the federal government owes to**
6 **the debtor; and**
7 **“(b) Sharing information as necessary to make offsets under paragraph (a) of this sub-**
8 **section.**
9 **“(2) The director may request an offset against liquidated state debt under this section**
10 **only if:**
11 **“(a) The debt is legally enforceable;**
12 **“(b) The debt is past due;**
13 **“(c) The debt was caused by the debtor’s willfully making a false statement or misrep-**
14 **resentation, or willfully failing to report a material fact, to obtain any benefits under this**
15 **chapter;**
16 **“(d) The debtor’s appeal period for contesting the debt and the element of causation de-**
17 **scribed in paragraph (c) of this subsection has expired; and**
18 **“(e) The director has provided at least 60 days’ advance written notice to the debtor that**
19 **the debt will be offset pursuant to this section and that the debtor has the right to request**
20 **administrative review under rules adopted by the director pursuant to subsection (5) of this**
21 **section.**
22 **“(3)(a) The director may pay a fee charged by the federal government for processing a**
23 **request for an offset under subsection (1) of this section.**
24 **“(b) The net amount received from the federal government after deduction of fees**
25 **charged under paragraph (a) of this subsection shall be offset against the debt.**
26 **“(4)(a) The director may pay a fee charged by the Department of Revenue pursuant to**
27 **ORS 293.250 for processing a request to offset against liquidated state debt a state tax refund**
28 **owed to the debtor.**
29 **“(b) The net amount received from the Department of Revenue after deduction of fees**
30 **charged under paragraph (a) of this subsection shall be offset against the debt.**
31 **“(5) The director shall adopt rules consistent with federal requirements for debt offsets**
32 **requested under this section that establish the requirements for the advance written notice**
33 **provided to debtors, and the procedures pursuant to which a debtor may obtain administra-**
34 **tive review, under this section.**
35 **“SECTION 3. The 60 days’ advance written notice required under section 2 (2)(e) of this**

1 2013 Act is not valid unless it is sent on or after the effective date of this 2013 Act, and the
2 Director of the Employment Department may not request an offset under section 2 (2) of this
3 2013 Act before the date that is 60 days after the effective date of this 2013 Act.

4 “SECTION 4. This 2013 Act being necessary for the immediate preservation of the public
5 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
6 on its passage.”.

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