

**PROPOSED AMENDMENTS TO
SENATE BILL 259**

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**
3 **of ORS chapter 657.**

4 **“SECTION 2. (1) The Director of the Employment Department may**
5 **enter into an intergovernmental agreement with the federal govern-**
6 **ment for the purposes of:**

7 **“(a) Offsetting against liquidated state debt moneys that the federal**
8 **government owes to the debtor; and**

9 **“(b) Sharing information as necessary to make offsets under para-**
10 **graph (a) of this subsection.**

11 **“(2) The director may request an offset against liquidated state debt**
12 **under this section only if:**

13 **“(a) The debt is legally enforceable;**

14 **“(b) The debt is past due;**

15 **“(c) The debt was caused by the debtor’s willfully making a false**
16 **statement or misrepresentation, or willfully failing to report a mate-**
17 **rial fact, to obtain any benefits under this chapter;**

18 **“(d) The debtor’s appeal period for contesting the debt and the ele-**
19 **ment of causation described in paragraph (c) of this subsection has**
20 **expired; and**

21 **“(e) The director has provided at least 60 days’ advance written**
22 **notice to the debtor that the debt will be offset pursuant to this sec-**

1 tion and that the debtor has the right to request administrative review
2 under rules adopted by the director pursuant to subsection (5) of this
3 section.

4 “(3)(a) The director may pay a fee charged by the federal govern-
5 ment for processing a request for an offset under subsection (1) of this
6 section.

7 “(b) The net amount received from the federal government after
8 deduction of fees charged under paragraph (a) of this subsection shall
9 be offset against the debt.

10 “(4)(a) The director may pay a fee charged by the Department of
11 Revenue pursuant to ORS 293.250 for processing a request to offset
12 against liquidated state debt a state tax refund owed to the debtor.

13 “(b) The net amount received from the Department of Revenue af-
14 ter deduction of fees charged under paragraph (a) of this subsection
15 shall be offset against the debt.

16 “(5) The director shall adopt rules consistent with federal require-
17 ments for debt offsets requested under this section that establish the
18 requirements for the advance written notice provided to debtors, and
19 the procedures pursuant to which a debtor may obtain administrative
20 review, under this section.

21 **“SECTION 3. The 60 days’ advance written notice required under**
22 **section 2 (2)(e) of this 2013 Act is not valid unless it is sent on or after**
23 **the effective date of this 2013 Act, and the Director of the Employment**
24 **Department may not request an offset under section 2 (2) of this 2013**
25 **Act before the date that is 60 days after the effective date of this 2013**
26 **Act.**

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

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