

**PROPOSED AMENDMENTS TO
HOUSE BILL 2440**

1 On page 1 of the printed bill, line 2, delete “and” and insert a comma.

2 In line 3, after “657.155” insert “and 657.315”.

3 On page 3, after line 34, insert:

4 **“SECTION 3.** ORS 657.315 is amended to read:

5 “657.315. (1) If the Director of the Employment Department decides that
6 an individual has been paid benefits to which the individual is not entitled
7 because of an error not due to the individual providing a false statement or
8 misrepresentation of a material fact or not disclosing a material fact, or be-
9 cause an initial decision to pay benefits is subsequently reversed by a deci-
10 sion finding the individual is not eligible for the benefits, the individual is
11 liable to have the amount deducted from any future benefits otherwise pay-
12 able to the individual under this chapter for any week or weeks within five
13 years following the week in which the decision establishing the erroneous
14 payment became final.

15 **“(2) If an overpayment of benefits subject to this section is due to**
16 **an individual’s receiving back pay for any week or weeks for which the**
17 **individual received benefits, the deduction from future benefits the**
18 **individual receives for any week may not exceed 50 percent of the**
19 **amount of benefits the individual would otherwise receive for that**
20 **week.**

21 “[2)] (3) A decision of the director under this section does not authorize
22 the recovery of the amount of any benefits paid to an individual until the

1 decision is final and the decision specifies that the individual is liable to
2 have the amount deducted from any future benefits otherwise payable under
3 this chapter for any week or weeks within five years following the week in
4 which the decision establishing the erroneous payment became final.

5 “[3] (4) Amounts paid to an individual in excess of the maximum bene-
6 fits allowable pursuant to this chapter may be recovered in a civil action
7 brought in the name of the director for such purpose.

8 **“(5) Notwithstanding any other provision of law, the director may**
9 **collect overpayments of benefits subject to this section by any meth-**
10 **ods required under federal law if the United States Secretary of Labor**
11 **serves notice that failure to use such methods would result in a de-**
12 **termination that Oregon’s unemployment insurance law does not meet**
13 **the requirements of the Federal Unemployment Tax Act or the Social**
14 **Security Act.”.**

15 In line 35, delete “3” and insert “4” and delete “657.150 by section 1” and
16 insert “657.150 and 657.315 by sections 1 and 3”.

17 In line 39, delete “4” and insert “5”.

18
