

## SENATE AMENDMENTS TO SENATE BILL 89

By COMMITTEE ON GENERAL GOVERNMENT AND ACCOUNTABILITY

March 30

- 1 On page 1 of the printed bill, line 2, after “provisions;” insert “and”.
- 2 In line 3, after “293.231,” insert “293.233,” and delete “; and declaring an emergency”.
- 3 In line 6, delete “(3)” and insert “(4)”.
- 4 In line 21, after “(3)” insert “(a)”.
- 5 In line 26, delete the period and insert “and notify the state agency of the assignment.
- 6 “(b) Nothing in this subsection prohibits the department from offering for assignment the debt
- 7 to a private collection agency at any time within the six-month period.”.
- 8 On page 2, line 34, restore “a state agency” and delete “the Department of Revenue”.
- 9 In line 35, delete “of” and insert “against” and delete “department”.
- 10 In line 36, delete “or any other”.
- 11 On page 3, line 12, after “under” insert “subsection (6) of”.
- 12 In line 21, after “(13)” insert “(a)”.
- 13 After line 23, insert:
- 14 “(b) The department shall set forth in writing the standards described in paragraph (a) of this
- 15 subsection and shall transmit the writing to a private collection agency before assigning an account
- 16 to the agency under this section.
- 17 “(14)(a) A state agency may recall an account assigned to the Department of Revenue if the
- 18 account is deemed uncollectible under ORS 293.240 or settled by compromise under ORS 293.240,
- 19 or if the account may not be collected under state or federal law or is eligible for cancellation under
- 20 state or federal law.
- 21 “(b) If an account recalled under this subsection was assigned to a private collection agency,
- 22 the department shall cancel and recall the account from the private collection agency.”.
- 23 On page 4, line 18, after the period insert “The notice must provide that the debtor may, within
- 24 30 days and in a manner prescribed by the department, contest the setoff and request a hearing
- 25 before the department. No issues may be considered at the hearing that were previously litigated
- 26 or that the debtor failed to raise timely after being given due notice of rights of appeal.”.
- 27 In line 34, delete “provided” and insert “prohibited” and after “of” insert “state”.
- 28 Delete lines 44 and 45 and insert:
- 29 “**SECTION 3.** ORS 293.226 is amended to read:
- 30 “293.226. (1) Subject to subsection (2) of this section, a state agency [*that requests a person to*]
- 31 **may request that a person** voluntarily supply the person’s Social Security number **for use in**
- 32 **collecting debts owed to the State of Oregon** on any document relating to any monetary obli-
- 33 gation or transaction. **A state agency that so requests shall** [*may*] include on the document a
- 34 notice disclosing that the Social Security number **is requested for and** may be used for state
- 35 agency debt collection activities.

1 “(2) The Oregon Department of Administrative Services shall adopt rules:

2 “(a) Specifying the form of the notice, including provisions specifying when the notice must state  
3 *[that]* **whether** the disclosure of a Social Security number is voluntary **or mandatory**; and

4 “(b) Setting procedures for the sharing of Social Security numbers between state agencies, **and**  
5 **between the Department of Revenue** and private collection agencies, for the purpose of collecting  
6 debts owed state agencies.

7 “(3) If a person is required to provide the person’s Social Security number to *[the requesting]* a  
8 state agency under federal or state law **for purposes other than collection of a debt owed to the**  
9 **State of Oregon**, *[this section does not apply.]* **the agency may not use the Social Security**  
10 **number for debt collection purposes, except:**

11 “(a) **When the agency requests that the person voluntarily disclose the person’s Social**  
12 **Security number for the purpose of collecting debts owed to the State of Oregon, the agency**  
13 **provides the notice required under subsection (1) of this section and the person subsequently**  
14 **voluntarily provides the person’s Social Security number; or**

15 “(b) **When otherwise allowed under state or federal law.**

16 “(4) A state agency, the Department of Revenue *[under ORS 293.250]* or a private collection  
17 agency *[assigned]* **that is collecting** a liquidated and delinquent account *[under ORS 1.197 or*  
18 *293.231]* may use a Social Security number collected under this section, or collected as otherwise  
19 allowed by law, to collect any debt owed a state agency or local government by the person associ-  
20 ated with the Social Security number.

21 “(5) Nothing in this section authorizes a state agency, the Department of Revenue or a private  
22 collection agency *[assigned an]* **that is collecting a liquidated and delinquent** account *[under ORS*  
23 *1.197, 293.231 or 293.250]* to use or disclose a Social Security number for any reason other than a  
24 reason specified in this section.

25 “(6) Rules adopted under subsection (2) of this section do not apply to state courts and com-  
26 missions, departments and divisions in the judicial branch of state government, the Secretary of  
27 State or the State Treasurer.

28 “(7) Except as provided in subsection (6) of this section, as used in this section, ‘state agency’  
29 means any state officer, board, commission, corporation, institution, department or other state or-  
30 ganization.”.

31 On page 5, delete lines 1 through 26.

32 On page 6, after line 30, insert:

33 “**SECTION 4a.** ORS 293.233 is amended to read:

34 “293.233. (1) A state agency may use rules adopted by the Oregon Department of Administrative  
35 Services for exempting liquidated and delinquent accounts from assignment to **the Department of**  
36 **Revenue or** a private collection agency. The state agency shall provide documentation and justi-  
37 fication for exempting liquidated and delinquent accounts from assignment.

38 “(2) The Oregon Department of Administrative Services shall adopt rules governing the proce-  
39 dure that a state agency may follow in exempting a liquidated and delinquent account from assign-  
40 ment, including but not limited to adequacy of the documentation and justification that a state  
41 agency is required to provide under this section.”.

42 On page 9, line 27, after “293.231,” insert “293.233,”.

43 In line 34, after “293.231,” insert “293.233,”.

44 Delete lines 35 through 37.