

SB 89-4
(LC 775)
3/21/17 (DFY/ps)

Requested by SENATE COMMITTEE ON GENERAL GOVERNMENT AND ACCOUNTABILITY

**PROPOSED AMENDMENTS TO
SENATE BILL 89**

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
3 emergency”.

4 In line 6, delete “(3)” and insert “(4)”.

5 In line 21, after “(3)” insert “(a)”.

6 In line 26, delete the period and insert “and notify the state agency of the
7 assignment.

8 “(b) Nothing in this subsection prohibits the department from offering for
9 assignment the debt to a private collection agency at any time within the
10 six-month period.”.

11 On page 2, line 34, restore “a state agency” and delete “the Department
12 of Revenue”.

13 In line 35, delete “of” and insert “against” and delete “department”.

14 In line 36, delete “or any other”.

15 On page 3, line 12, after “under” insert “subsection (6) of”.

16 In line 21, after “(13)” insert “(a)”.

17 After line 23, insert:

18 “(b) The department shall set forth in writing the standards described in
19 paragraph (a) of this subsection and shall transmit the writing to a private
20 collection agency before assigning an account to the agency under this sec-
21 tion.

1 “(14)(a) A state agency may recall an account assigned to the Department
2 of Revenue if the account is deemed uncollectible under ORS 293.240 or set-
3 tled by compromise under ORS 293.240, or if the account may not be collected
4 under state or federal law or is eligible for cancellation under state or fed-
5 eral law.

6 “(b) If an account recalled under this subsection was assigned to a private
7 collection agency, the department shall cancel and recall the account from
8 the private collection agency.”.

9 On page 4, line 18, after the period insert “The notice must provide that
10 the debtor may, within 30 days and in a manner prescribed by the depart-
11 ment, contest the setoff and request a hearing before the department. No is-
12 sues may be considered at the hearing that were previously litigated or that
13 the debtor failed to raise timely after being given due notice of rights of
14 appeal.”.

15 In line 34, delete “provided” and insert “prohibited” and after “of” insert
16 “state”.

17 Delete lines 44 and 45 and insert:

18 “**SECTION 3.** ORS 293.226 is amended to read:

19 “293.226. (1) Subject to subsection (2) of this section, a state agency [*that*
20 *requests a person to*] **may request that a person** voluntarily supply the
21 person’s Social Security number **for use in collecting debts owed to the**
22 **State of Oregon** on any document relating to any monetary obligation or
23 transaction. **A state agency that so requests shall** [*may*] include on the
24 document a notice disclosing that the Social Security number **is requested**
25 **for and** may be used for state agency debt collection activities.

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

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

30 “(b) Setting procedures for the sharing of Social Security numbers be-

1 tween state agencies, **and between the Department of Revenue** and pri-
2 vate collection agencies, for the purpose of collecting debts owed state
3 agencies.

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

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

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

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

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

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

29 “(7) Except as provided in subsection (6) of this section, as used in this
30 section, ‘state agency’ means any state officer, board, commission, corpo-

1 ration, institution, department or other state organization.”.

2 On page 5, delete lines 1 through 26.

3 On page 6, after line 30, insert:

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

5 “293.233. (1) A state agency may use rules adopted by the Oregon De-
6 partment of Administrative Services for exempting liquidated and delinquent
7 accounts from assignment to **the Department of Revenue or** a private
8 collection agency. The state agency shall provide documentation and justi-
9 fication for exempting liquidated and delinquent accounts from assignment.

10 “(2) The Oregon Department of Administrative Services shall adopt rules
11 governing the procedure that a state agency may follow in exempting a liq-
12 uidated and delinquent account from assignment, including but not limited
13 to adequacy of the documentation and justification that a state agency is
14 required to provide under this section.”.

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

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

17 Delete lines 35 through 37.

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