

Analysis
Department of Revenue
SB 1067 Collections Report

Analyst: John Borden

Request: Acknowledge receipt of a report on SB 1067 Collections

Analysis: The Department of Revenue (DOR) has submitted a report on the implementation of SB 1067 (2017), as requested by the Legislature in 2018 (HB 5201), which provided the following instruction:

Report on what collection functions were consolidated under SB 1067 (2017), from which agencies, and identify which agencies were exempt from consolidation and why. The Department is also to prepare a detailed revenue estimate, by agency and fund-type, for SB 1067 (2017) and those agency accounts subject to consolidation.

The Legislature in 2017 enacted SB 1067 to reduce and control future government costs. The operative date of the measure was July 1, 2018. One element of the measure was to centralize most *Executive Branch* debt collection activity in state government with DOR. Some agency debt collections will continue to remain decentralized at exempt agencies. One of the more notable changes in practice is that DOR will begin to manage private collection firm accounts of various agencies rather than those agencies managing the private collection firm process themselves. Previously, legal authority to send debt to private collections resided with the state agency responsible for the collection of the debt.

The centralization of debt collection activities is an important efficiency measure with the anticipated outcome of timelier and improved statewide debt recovery. Centralization provides for: the consolidation of debtor accounts; increased use of data analytics; consistent application of specialized collection practices; standardization of debtor customer service; and cost savings due to economies of scale.

DOR's report notes that of the 98 executive branch agencies, 55 have debt eligible for collections with DOR with the remaining 43 having no debt collectable by DOR. The Oregon Judicial Department and semi-independent agencies are not required under SB 1067 to submit debt to DOR for collections. Of important note is that the Department of Administrative Services - Statewide Accounts Receivable Management has granted no administrative exception to any executive branch agency from the centralized collections provisions of SB 1067.

DOR's report provides an update to the state's previous revenue estimates for SB 1067. An estimated \$12.7 million in new collections debt will be transferred to DOR annually under SB 1067. DOR estimates \$634,100 in predominately Other Funds will be collected annually, under an assumed collection rate of five percent.

Legislative Fiscal Office Recommendation: Acknowledge receipt of the report.

Department of Revenue Heath

Request: Report on the statewide consolidation of certain collections functions within the Department of Revenue under Senate Bill 1067 (2017) and the associated increase in collections revenue, as directed by House Bill 5201 (2018).

Recommendation: Acknowledge receipt of the report.

Discussion: Senate Bill 1067 (2017) was a cost containment measure that included, among other provisions, the consolidation of certain previously disparate collections functions within the Department of Revenue (DOR). House Bill 5201 (2018), the omnibus budget measure of the 2018 Legislative Session, directed the Department to “Report on what collection functions were consolidated under Senate Bill 1067 (2017), from which agencies, and identify which agencies were exempt from consolidation and why. The Department is also to prepare a detailed revenue estimate, by agency and fund-type, for Senate Bill 1067 (2017) and those agency accounts subject to consolidation.” House Bill 5201 also provided the Department with a Collections Manager position to begin planning for the potential consolidation of the Department’s internal collections functions and with 11 additional collections positions and the associated expenditure limitation to address the additional workload from the bill.

Senate Bill 1067 consolidated private collection firm management, reporting, and analytics under the Other Agency Accounts (OAA) section of the Department. The consolidation also allowed DOR to enhance the effectiveness of its offset programs. A future enhancement includes configuring Gentax to accommodate bankruptcy management in the OAA program. Non-executive branch agencies and semi-independent agencies, both defined in statute, are exempt from the requirements of Senate Bill 1067.

There are currently 43 agencies without OAA who would otherwise be subject to the requirements of Senate Bill 1067. The DOR does not have a formal process for connecting those agencies with collections services should they need them in the future. The Department will rely on the liquidated and delinquent reporting requirements and the work of the Department of Administrative Services – Statewide Accounts Receivable Management to coordinate with those departments should their situation change.

The DOR’s Research Section estimates there will be an additional \$12.7 million in debt added to the OAA section of the Department with the additional agencies required to send accounts over to the department. Approximately 95 percent of this debt comes to OAA from the Employment Department, the Department of Justice, and the Department of Transportation. Assuming OAA collected 5 percent of the debt per year, the Department estimates this will increase revenues by approximately \$650,000 per year. As these agencies’ primary revenues sources are all Other Funds, the revenues collected by OAA will go back to those agencies as Other Funds.



Oregon

Kate Brown, Governor

Department of Revenue
955 Center St NE
Salem, OR 97301-2555
www.oregon.gov/dor

February 15, 2019

The Honorable Representative Dan Rayfield, Co-Chair
The Honorable Senator Betsy Johnson, Co-Chair
The Honorable Senator Elizabeth Steiner Hayward, Co-Chair
Joint Committee on Ways and Means
900 Court Street NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

The Department of Revenue (DOR) is submitting a report on SB 1067 (2017) as directed by a budget note included in House Bill 5201 (2018). The note directed the department to report to the 2019 Legislature:

“Report on what collection functions were consolidated under SB 1067 (2017), from which agencies, and identify which agencies were exempt from consolidation and why. The department is also to prepare a detailed revenue estimate, by agency and fund-type, for SB 1067 (2017) and those agency accounts subject to consolidation.”

Outlined below are highlights from the full report, which is provided with this letter.

Agency Action

DOR recently completed its final phase of the Senate Bill 1067 (2017) collections centralization implementation project. In response to the request in House Bill 5201 (2018) the department has prepared a report that discusses the five collection functions consolidated under SB1067:

- Private Collection Firm (PCF) management.
- Expanded offset efficiency.
- Enhanced reports.
- Debt collection analytics.
- Bankruptcy filings.

The document also provides information about the non-executive branch and semi-independent agencies that are exempt from the bill's centralized collection requirements. Finally, the report includes an assessment of potential revenues, by agency and fund-type, associated with SB 1067.

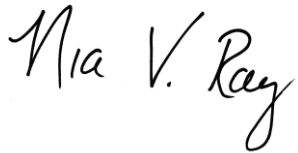
Action Requested

The agency requests that the committee acknowledge receipt of this report.

Legislation Affected

No legislation is affected.

Respectfully submitted,

A handwritten signature in black ink that reads "Nia V. Ray". The signature is written in a cursive, flowing style.

Nia Ray, Director
Oregon Department of Revenue



Executive summary

2019

Report on Centralization of Statewide Collections (HB 5201)

January 18, 2019

Executive summary

Background

HB 5201 (2018) included the following instructions for the Department of Revenue (DOR):

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This report provides the requested information pertaining to the consolidated functions, exempt agencies, and revenue projections associated with SB 1067 and within DOR's Other Agency Accounts (OAA) program.

Consolidated collections

The function consolidation associated with SB 1067 included centralization of the following services within DOR's Other Agency Accounts (OAA) program:

- PCF management: OAA now sends debts to private collection firms (PCFs) in lieu of this function being performed by referring agencies. OAA has also configured GenTax to achieve necessary account coordination and reporting, and implemented performance-based reporting associated with PCF collection activity.
- Expanded offset efficiency: When OAA sends accounts to PCFs, the program continues to offset against tax refunds without requiring the referring agency to set up a separate account.
- Enhanced reports: Enhanced report functionality addresses needs cited by referring agencies and to accommodate new services expressly required by SB 1067.
- Debt collection analytics: Expanded use of analytics in assessing the collectability of debts and to improve collection outcome assessments.
- Bankruptcy filings: OAA is currently configuring GenTax to accommodate the expansion of DOR's Chapter 7 or 13 bankruptcy-handling services to client agencies.

Collectively, these services expanded the nature or scope of the centralized collection services provided by OAA to state agencies.

Exemptions from consolidated collections requirements

OAA's implementation of SB 1067 included an assessment of agencies to identify potential exemptions from the centralized collection mandates of SB 1067. This assessment was performed in partnership with the Department of Administrative Services, Statewide Accounts Receivable Management Team (DAS SWARM). This assessment identified two categories of "exempt" agencies:

1. Non-executive branch agencies [Oregon Revised Statutes (ORS) 293.227]: The term "state agency" is defined in ORS 293.227 as "any officer, board, commission, department, division or institution in the executive or administrative branch of state government." Consistent with this definition, OAA considers 98 state executive branch agencies to be subject to the mandatory debt referral requirements. Other agencies, such as those in the judicial branch of government, are outside the scope of the bill.
2. Semi-independent state agencies (ORS 293.227 and individual agency statutes): The 12 semi-independent agencies are not required to submit debts to OAA under ORS 293.231.

DAS SWARM has communicated that it has not received any requests for exemption from the SB 1067 centralized collection requirements.

Revenue consequences of SB 1067

Lastly, the Legislative Revenue Office concluded that the revenue impact of the provisions of SB 1067 (as included in Senate Bill 89 earlier in the 2017 Legislative Session) was indeterminate. However, in response to the direction issued to DOR in HB 5201, DOR's Research Section assessed potential revenues associated with SB 1067. Estimating a precise revenue effect is not possible given the many independent choices made by multiple agencies prior to SB 1067, and the multitude of potentially causal factors changing at the same time as implementation of SB 1067. Nevertheless, current estimates suggest the potential of \$12,682,000 in new debt being sent to OAA, and calculated collections of \$634,100, consisting of mostly Other Fund (OF) revenues.



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2019
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Introduction

House Bill (HB) 5201 (2018) included the following instructions for the Department of Revenue (DOR):

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Background

DOR's Other Agency Accounts Unit (OAA) was formed in 1971 and serves as the state's centralized collection unit. OAA collects delinquent debt for state agencies, boards, and commissions, including circuit courts and various educational and regulatory agencies. The revenues OAA generates are distributed to client agencies, minus collection fees. OAA offers two categories of collection services: refund offsets only and full collections. Offset collection services involve applying tax refunds toward paying off debts. Full collection services include refund offset, as well as asset research, demand notification, billing and collection letters, garnishments, phone calls, and other active collection work. In providing collection services, OAA's mission is to achieve maximum recovery of debts owed to the state of Oregon while providing quality customer service to debtors and client agencies.

In the 2017 Legislative Session, OAA's debt collection activities changed with the enactment of the SB 1067 cost containment bill. The bill required, beginning July 1, 2018, that all Executive Branch state agencies¹ provide liquidated and delinquent (L&D) debts to OAA for collection. Additionally, the bill required that OAA deliver debts to private collection firms (PCFs) for supplemental collection activities rather than the referring agencies doing so. These newly consolidated functions, and additional services provided by OAA as part of its updated centralized, "full service" collection model, are discussed in more detail below.

Overview of OAA collections

It is important to briefly discuss OAA's longstanding role in relation to state collection activities before discussing what recently changed under SB 1067. OAA collects "liquidated and delinquent" debt² on behalf of state and local government entities (ORS 293.231 and 293.250).

After a debt is referred, OAA conducts an intake process by which it ensures that required information has been provided and enters the debt record into the department's system. As soon as five days after the debt is entered, OAA issues a "Notice and Demand for Payment" letter. OAA collection agents will start making phone calls to connect with the debtor to secure payment in full or establish a payment plan appropriate for the debtor.

If a debt meets the garnishment requirements outlined in the *Oregon Accounting Manual*, the payment demand letter is followed by the issuance of a "distrain warrant" approximately 15 days later. The distrain warrant enables OAA to take specific collection actions, including issuing a garnishment. OAA garnishments typically apply to wages, bank accounts, or third-party proceeds, such as assets held by the Oregon Department of State Lands.

During the collection process, OAA reports and delivers collections proceeds to referring agencies, on a monthly basis.

Consolidated collection functions

OAA's role as the collector for state agencies was expanded in the 2017 Legislative Session. The SB 1067 cost containment bill included, under the section titled "Debt Collection Practices," revisions to key components of the state's legal authority for debt collection, including changes to ORS 293.231 and 293.250. This legislation mandated, beginning July 1, 2018, that every executive branch state agency, unless otherwise prohibited by law, offer for assignment to OAA those L&D accounts for which continued collections is required. Prior to this legislation, state agencies were instead able to offer these debts for assignment to OAA or a PCF.

The new centralized debt collection provisions required that OAA facilitate the consolidation of various debt collection activities that had previously been conducted disparately by all state agencies.

¹ The terms "state agency" or "state agencies," as used in this paper, pertains specifically to Executive Branch state agencies subject to ORS 293.231, excluding semi-independent state agencies identified in ORS 182.454.

² As defined in *Oregon Accounting Manual* Policy Number 35.30.30.

SB 1067 mandated that every state agency deliver its L&D debt, not otherwise exempt from continued collections, to OAA. Although OAA previously collected debts for most state agencies, initial projections provided during the legislative fiscal impact process indicated that OAA would initially receive an additional 16,000 accounts from these agencies, and approximately 8,500 additional accounts from these agencies in subsequent years. In response, the department streamlined and modernized its process for agencies to deliver debts to OAA for collections. OAA also developed and implemented a new “full service” collections approach, where the department would manage all aspects of collections until the debt was paid in full or returned to the referring agency. The new “full service” collections approach includes:

- **PCF management**

Under the provisions of SB 1067, OAA now assigns appropriate accounts directly to PCFs, rather than each state agency handling this independently. OAA entered into agreements with the three PCFs that had been working with DOR’s Collection Agency Program unit. Although the State Procurement Office maintains the master price agreement for PCF services, the department is working with DAS SWARM to develop requirements and expectations for future PCF contracts. The department has incorporated language into the PCF agreements regarding expected standards for confidentiality, service, and courtesy to ensure PCFs are “held to the same standard...imposed on the Department of Revenue,” as required in SB 1067.

Also related to PCF management, the department configured GenTax to achieve the necessary account coordination and reporting among DOR collection teams, customer state agencies, and PCFs. OAA also established new performance-based reporting for the PCFs receiving state agency debts via OAA.

- **Expanded offset efficiency**

OAA now retains the ability to capture Oregon tax refunds to offset a debt while the account is with a PCF. Previously, a state agency had to take multiple steps to ensure that a debt was offered both to a PCF and for offset-only service with OAA.

- **Enhanced reports**

Various aspects of the centralization of debt collections required updating and expanding OAA reports. In order to achieve this, the department coordinated with DAS SWARM and state agencies to determine reporting needs among the state agencies and to develop an appropriate reporting framework. Improved monthly reports were designed and distributed to state agencies after the first month of implementation. Additional reporting enhancements are planned for the second phase of SB 1067 implementation, which is scheduled for completion in January 2019.

While not explicitly required under SB 1067, OAA has made other additions to its offerings as part of the new full-service model:

- **Debt collection analytics**

OAA recognizes the critical role of debt analytics in maximizing recoveries on behalf of its customer agencies. OAA improved the debt scoring business rules used to guide collection activities and prioritize each debt in the collections portfolio. The data points are used to inform the debt score assigned and may be revised on an ongoing basis, depending upon collection outcomes. The system updates these scores as new data is available so that revenue agents are continually provided the debts determined to be the most collectible and that require human intervention for collection action to be initiated.

- **Bankruptcy filings**

Prior to centralization, OAA returned to referring agencies those debts subject to an open Chapter 7 or Chapter 13 bankruptcy proceeding. OAA is launching a pilot project involving these debts during 2019. The pilot will evaluate the effectiveness of OAA handling the coordination of proof-of-claim submissions, monitoring of debts during the pendency of the bankruptcy action, and pursuit of additional collections, if warranted, following the conclusion of the bankruptcy action.

Exemptions from consolidated collections requirements

SB 1067 mandates that OAA collect L&D debts from any state agency. The term “state agency” is defined in ORS 293.227 as “any officer, board, commission, department, division or institution in the executive or administrative branch of state government.” Other agencies, such as those within the judicial branch of government are outside the scope of this bill. Consistent with this definition, OAA considers 98 state executive branch agencies to be subject to SB 1067’s mandatory debt delivery requirements³. Of those, 55 have debt eligible for collections.

Agencies subject to ORS 293.231: Active OAA client agencies

Accountancy, Board of	Lottery Commission, Oregon
Administrative Services, Department of	Marine Board, Oregon State
Agriculture, Department of	Medical Board, Oregon
Aviation, Department of	Military Department, Oregon
Business Oregon	Mortuary and Cemetery Board
Chiropractic Examiners, Board of	Nursing, Oregon State Board of
Construction Contractors Board	Oregon Naturopathic Medicine, Board of
Consumer and Business Services, Department of	Oregon Youth Authority
Corrections, Department of	Parks & Recreation Department, Oregon
Dentistry, Oregon Board of	Pharmacy, Board of
Dungeness Crab Commission, Oregon	Police, Department of State
Education, Department of	Professional Counselors & Therapists, Oregon Board of
Employment Department	Psychologist Examiners, Board of
Employment Relations Board	Public Employees Retirement System
Energy, Department of	Public Safety Standards and Training, Department of
Environmental Quality, Department of	Public Utility Commission
Fish and Wildlife, Oregon Department of	Real Estate Agency
Forestry, Oregon Department of	Ryegrass Growers Seed Commission, Oregon
Geology and Mineral Industries, Department of	Secretary of State, Office of the
Government Ethics Commission, Oregon	Speech-Language Pathology and Audiology, Board of Examiners for
Health Authority, Oregon	Sweet Cherry Commission, Oregon
Housing and Community Services Department	Tall Fescue Commission, Oregon
Human Services, Department of	Tax Practitioners, Board of
Justice, Department of	Transportation, Department of
Labor and Industries, Bureau of	Veterans’ Affairs, Department of
Lands, Department of State	Veterinary Medical Examiners, Board of
Library, Oregon State	Water Resources Department
Liquor Control Commission, Oregon	

³ ORS 293.227 also notes, separate from exempt “agencies,” that certain accounts may be exempt from assignment to DOR under ORS 293.233.

The remaining 43 executive branch agencies do not currently have debts collectible by OAA.

Agencies subject to ORS 293.231: No debt volume

Advocacy Commissions Office, Oregon	Medical Imaging, Board of
Albacore Commission, Oregon	Mint Commission, Oregon
Alfalfa Seed Commission, Oregon	Occupational Therapy Licensing Board
Beef Council, Oregon	Office of the Governor
Blind, Commission for the	Orchard Grass Seed Producers Commission, Oregon
Blueberry Commission, Oregon	Parole and Post-Prison Supervision, State Board of
Chief Education Office	Potato Commission, Oregon
Clover Commission, Oregon	Processed Vegetable Commission, Oregon
Columbia River Gorge Commission	Psychiatric Security Review Board
Criminal Justice Commission, Oregon	Racing Commission, Oregon
Dairy Products Commission, Oregon	Raspberry & Blackberry Commission, Oregon
Facilities Authority, Oregon	Revenue, Department of
Fine Fescue Commission	Salmon Commission, Oregon
Forest Resources Institute, Oregon	Sheep Commission, Oregon
Hazelnut Commission, Oregon	Strawberry Commission, Oregon
Health Related Licensing Boards	Teacher Standards & Practices Commission
Higher Education Coordinating Commission	Travel Information Council
Hop Commission, Oregon	Trawl Commission, Oregon
Land Conservation and Development, Department of	Treasurer, Office of the State
Land Use Board of Appeals	Watershed Enhancement Board, Oregon
Licensed Social Workers, Board of	Wheat Commission, Oregon
Long Term Care Ombudsman, Office of	

As of October 23, 2018, DAS communicates that they have neither received nor approved any agency exemptions from the centralized collections provisions of SB 1067.

Semi-independent state agencies

Various entities, such as certain professional licenses boards, might be argued to be state agencies under SB 1067. OAA’s review of statutory provisions associated with these entities, including ORS 182.460, indicates that the 12 “semi-independent state agencies” listed in ORS 182.454 are not required to submit debts to OAA under ORS 293.231.

Appraiser Certification and Licensure Board	Oregon Patient Safety Commission
Architect Examiners, Board of	Oregon Wine Board
Examiners for Engineering and Land Surveying, State Board of	Massage Therapists, State Board of
Geologist Examiners, State Board of	Physical Therapist Licensing Board
State Landscape Architect Board	State Landscape Contractors Board
Optometry, Oregon Board of	Citizens’ Initiative Review Commission

The referenced analysis of subjectivity requirements was performed in partnership with DAS SWARM. Although these individual agency subjectivity determinations are the responsibility of each agency, OAA notes that it has not received any questions to date regarding agency subjectivity.

Revenue consequences of SB 1067

As previously described, SB 1067 (2017) made several changes to debt collection requirements and procedures for affected state agencies. Overall, the debt collection components of SB 1067 focus on increasing efficiency in statewide debt collection more than increasing revenue. The Legislative Revenue Office concluded that the revenue impact of these provisions (as included in SB 89 earlier in the 2017 Legislative Session) was indeterminate. However, this section was prepared in response to direction issued to DOR to prepare a detailed revenue estimate, by agency and fund type. As explained below, estimating a precise revenue effect is not possible given the many independent choices made by multiple agencies prior to SB 1067 and the multitude of potentially causal factors changing at the same time as implementation of SB 1067. This section describes some of the factors that may be expected to be associated with collection amounts.

Summary of elements potentially affecting revenue

Among the most significant changes relating to debt collection in SB 1067 is the requirement that agencies offer for collection specified L&D accounts to OAA exclusively rather than having a choice to offer to a PCF directly. The bill gives OAA the ability to subsequently offer these accounts to PCFs, with OAA serving as the overseeing agency. While such an account is assigned to a PCF, OAA now retains the ability to capture tax refunds to offset the debt. Previously, a state agency had to take multiple steps to ensure that a debt was offered both to a PCF and for offset-only status with OAA.

Before quantifying any activity related to SB 1067, it's important for context to recognize that the majority of the debt under collection by OAA is not subject to the debt collection practices referenced in SB 1067. Similarly, the majority of outstanding debt reported on the statewide L&D report is also not subject to SB 1067. Therefore, SB 1067 is not expected to change significantly the overall debt collection portfolio at OAA.

Approximately \$380 million in outstanding debt is currently under full collection (more than just offset-only) by OAA. More than \$250 million of this amount is owed to one SB 1067-exempt entity: the Oregon Judicial Department (OJD). This entity is the judicial branch of Oregon's government and consists of circuit courts, appellate courts, and the Oregon Tax Court. As noted in previous sections, the relevant definition of "state agency" for SB 1067 excludes the judicial branch. Similarly, public universities and community colleges are also exempt from SB 1067's debt collection provisions, as are the many local level governmental entities for which OAA provides collection services. Overall, less than 15 percent of the debt under collection by OAA is owed to agencies subject to SB 1067.

This analysis is not able to compare the effectiveness of debt collection conducted by OAA to that conducted by other state agencies, either by themselves or using PCFs. Certainly some of the debt under collection by other agencies would have been collected without the involvement of DOR. It is outside the department's role to measure debt collection conducted by other state agencies.

Agencies and accounts impacted

The debts expected to be most impacted by SB 1067 are those L&D accounts that agencies would have otherwise offered to a PCF directly, and which had not already been offered to a PCF at the time the bill took effect. Prior to SB 1067, affected state agencies may have either been offering all eligible accounts to OAA, some to OAA and some to PCFs, or all to PCFs and none to OAA. Only a relatively small number of agencies prior to SB 1067 appear not to have been offering any eligible accounts to OAA.

OAA does not know the number, value, timing, or age of new debts that may be offered in the future by either these "new" agencies or by "existing" agencies that already offered at least a portion of accounts to OAA. However, the funds actively collected by OAA on these accounts or by PCFs under OAA's management reflect the increase in funds passing through OAA due to SB 1067. Collectively, these accounts are new to OAA and would not have been sent to OAA if not for SB 1067. While the new-to-OAA accounts from "new" agencies are relatively straightforward to identify, it is, unfortunately, not possible to distinguish accounts from "existing" agencies that would not have been otherwise offered to OAA without SB 1067. Each agency has traditionally made independent decisions using criteria unknown to OAA. Although SB 1067 has imposed significant constraints on these decisions, it's not guaranteed that practices would have been static in the absence of SB 1067. The counterfactual scenario of all else being the same except SB 1067 is not observable.

Entire agencies new to OAA

When SB 1067 took effect July 1, 2018, it appears that seven state agencies⁴ that had not previously offered any debts to OAA for full collection became required to do so. Six of these agencies either had little or zero total debt owed to them, or that debt was largely exempt from assignment. Only three of the six had debt under collection at a PCF at the end of fiscal year 2017, according to the statewide L&D report. As of September 2018, only two of the six agencies had debt under collection by OAA.

The seventh “new” agency, the Oregon Employment Department (OED), is a special case. OED has its own collections unit and has traditionally only offered debt to DOR for the offset-only program and not for full collection. Debt collection requirements and timelines for OED are governed, in part, by DAS. OED is granted twelve months rather than 60 days (by Executive Order before 6/30/19) or 90 days before they must offer a debt to another entity for collection. Under SB 1067, OED has begun to offer selected debts to DOR for full collection rather than to a PCF. At the end of fiscal year 2017, OED reported \$6 million under collection by a PCF. As of September 2018, nearly \$1 million from OED is under full collection by OAA.

Agencies previously sending only some debts to OAA

Some agencies subject to SB 1067’s debt collection provisions had already been sending at least some of their outstanding debts to OAA for collection, but may have been sending other debts directly to PCF, which is no longer allowable. Numerous agencies had a practice of sending debt to a PCF only after it had been previously sent to OAA for collection and then returned to the agencies with a balance still owed. From the information available, it’s not possible to tell which of the debt sent to PCFs has never previously been offered to OAA for collection. Only a handful of SB 1067 affected agencies account for the majority of SB 1067 debt under collection, either by OAA or PCFs.

Expectations for “new” revenue

When discussing potential consequences of the debt collection components of SB 1067, it’s important to bear in mind that several other operational changes occurred within OAA’s collection unit at the same time as implementation of SB 1067 which were not directly required by the legislation. Those changes included the use of different methods of prioritizing accounts for collection, new approaches to incoming phone calls, and new tools for partnering with financial institutions. Those changes likely have their own effects on revenue, making it impossible to separate the causes of any revenue outcomes.

Other considerations may influence statewide debt collection in general or in the near future. Some of these factors would suggest an upward influence and others a downward influence. The overall health of the economy is a determinant of whether debtors are employed or have other sources of funds that the state can garnish or that the debtor can use to repay debts. Tax refunds are also a major source that the state uses to offset debts. Oregon’s kicker rebate, predicted to be next received in 2020, is likely to increase the average tax refund amount. Federal tax law and withholding changes resulting from the Tax Cuts and Jobs Act of 2017 may be another factor, albeit a complicated one. Because of federal tax and withholding reform, Oregon refunds could potentially be lower than they would have been without tax reform.

The primary assumption in this discussion of SB 1067 is that debt that becomes L&D will now be offered to OAA in a magnitude that can be approximated by the historical amounts offered to PCFs minus the historical amounts returned from OAA with a balance. The amounts reported by agencies on the fiscal year 2017 L&D report are used to predict future patterns. Agencies were generally not able, because of time constraints or other reasons, to answer questions for this analysis about their expected future amounts or number of accounts to be sent to OAA. An annual debt collection rate of five percent is assumed, which was the approximate collection rate for OAA reported in the fiscal year 2017 L&D report.

In total, historical amounts suggest “new” revenue to OAA associated with SB 1067 to be approximately \$650,000 annually, although the exact timing is extremely uncertain. The following table shows the components of this total. Some of this amount would have been collected by other agencies anyway. Again, this analysis represents an extremely rough annual approximation based on assumptions such as the likelihood of future patterns being a reflection of past experiences. The number of accounts expected to be sent to OAA can be roughly estimated

⁴ The agencies are: Oregon Employment Department, Oregon State Police, Employment Relations Board, Oregon Department of Forestry, Board of Examiners for Speech-Language Pathology & Audiology, Oregon State Library, and Oregon Water Resources Department.

as 4,000 annually, based on what agencies reported in the fiscal year 2017 L&D report. Although some agencies reported large total numbers of accounts, the number of those accounts under collection by OAA or PCFs at a given time has often been much smaller, because the agency is collecting on most debts themselves, accounts are exempt from assignment, or other reasons. Revenue breakdowns by agency type are as follows.

- Debt from small “new” agencies: Based on historical balances with PCFs, it’s reasonable to expect that any balances under collection by OAA from these six agencies combined because of SB 1067 will be under \$100,000 annually. Assuming an annual collection rate of five percent as discussed above, the revenue encompassing six out of seven “new” agencies is likely to be less than \$5,000 annually.
- Debt from the one large “new” agency: OED reported \$6 million in outstanding balance under collection by PCFs at the end of fiscal year 2017. That number reflects \$7.6 million in additional debt offered to PCFs in 2017, along with the starting balance and amounts returned during the year. Lower amounts of additional debt sent to PCFs have been reported in some previous years. Assuming that an amount similar to or less than the \$7.6 million amount in 2017 will eventually fall to OAA for collection, at a five percent annual collection rate, revenue would be about \$380,000 annually as an upper bound. These accounts may be considered more difficult to collect because they have likely already been under collection by OED for an extended period of time.
- “New” debt from “existing” agencies: The net total of the amounts offered to PCFs during 2017 minus the amounts returned with a balance from OAA is approximately \$5.3 million. Again assuming that this amount is a reasonable order-of-magnitude approximation of the future debts that will be offered to OAA and using a five percent collection rate, the annual collections would work out to approximately \$265,000.

Calculated potential “new” debt sent to OAA and collection

Agency	Calculated potential new debt sent to OAA	Calculated collection	Fund type
Employment Department	\$7,652,000	\$382,600	OF
Department of Justice	\$3,175,000	\$158,750	OF
Department of Transportation	\$1,254,000	\$62,700	OF
Department of Environmental Quality	\$189,000	\$9,450	Mostly GF
Construction Contractors Board	\$93,000	\$4,650	OF
Water Resources Department	\$54,000	\$2,700	Mostly OF
Department of Education	\$49,000	\$2,450	FF & OF
Board of Licensed Professional Counselors & Therapists	\$43,000	\$2,150	OF
Real Estate Agency	\$40,000	\$2,000	GF
Department of Agriculture	\$39,000	\$1,950	OF
Board of Pharmacy	\$39,000	\$1,950	OF
Oregon State Police	\$32,000	\$1,600	OF
State Board of Psychologist Examiners	Less than \$25,000	Less than \$1,250	–
Department of Forestry	Less than \$25,000	Less than \$1,250	–
Department of Fish and Wildlife	Less than \$25,000	Less than \$1,250	–
Lottery Commission	Less than \$25,000	Less than \$1,250	–
Estimated total “new” potential	\$12,682,000	\$634,100	Mostly OF

Note: The calculated potential new debt sent to OAA is zero for all other agencies subject to SB 1067.