

House Bill 3206

Sponsored by COMMITTEE ON BUSINESS AND LABOR (at the request of Representative Paul Holvey)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands permissible uses of amounts in Employment Department Special Fraud Control Fund, including payment of costs associated with federal Lost Wages Assistance program. Provides for methods of collection from debtor of reimbursements to Federal Emergency Management Agency for benefit overpayments required under Lost Wages Assistance program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the use of certain Employment Department funds; amending ORS 657.400; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 657.400 is amended to read:

6 657.400. (1) There is established in the State Treasury, separate and distinct from the General
7 Fund, the Employment Department Special Fraud Control Fund. The Employment Department Spe-
8 cial Fraud Control Fund shall consist of moneys collected or received by the Employment Depart-
9 ment as follows:

10 (a) Interest and penalties described under ORS 657.310 (7)(b).

11 (b) All gifts to, interest on or profits earned by the Employment Department Special Fraud
12 Control Fund.

13 (2) The moneys in the Employment Department Special Fraud Control Fund are continuously
14 appropriated [*only*] to the Employment Department and may not be **appropriated**, transferred or
15 otherwise made available to any other state agency.

16 (3) All amounts in the Employment Department Special Fraud Control Fund [*are to be used for*
17 *administrative costs associated with the prevention, discovery and collection of unemployment benefit*
18 *overpayments*] **shall be used for the following purposes**, as included in the biennial budget of the
19 Employment Department and approved by the Legislative Assembly[.]:

20 (a) **Administrative costs associated with the prevention, discovery and collection of un-**
21 **employment benefit overpayments;**

22 (b) **Costs associated with the Lost Wages Assistance program administered by the de-**
23 **partment pursuant to a grant agreement with the Federal Emergency Management Agency**
24 **under authority established by the presidential memorandum issued on August 8, 2020, on**
25 **the subject of Authorizing the Other Needs Assistance Program for Major Disaster Decla-**
26 **rations Related to Coronavirus Disease 2019; and**

27 (c) **Administrative costs associated with other benefit programs administered by the de-**
28 **partment.**

29 (4) **If, under subsection (3)(b) of this section, the Employment Department uses any**
30 **amounts for the purpose of reimbursing the Federal Emergency Management Agency for**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **overpayments of benefits under the Lost Wages Assistance program:**

2 (a) Any amounts of overpayments collected from the debtor by the department shall be
3 deposited in the Employment Department Special Fraud Control Fund.

4 (b)(A) The department may collect such overpayments under the provisions of this
5 chapter as if the amounts were overpayments of regular benefits; or

6 (B) The Director of the Employment Department may waive collection of such overpay-
7 ments if the director determines that it is administratively impracticable to pursue col-
8 lection.

9 **SECTION 2.** This 2021 Act being necessary for the immediate preservation of the public
10 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
11 on its passage.

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