

Requested by Representative GOMBERG

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 172**

1 On page 3 of the printed A-engrossed bill, delete lines 1 through 25 and
2 insert:

3 **“SECTION 2.** ORS 657.315 is amended to read:

4 “657.315. (1)(a) If the Director of the Employment Department decides
5 that an individual has been paid benefits to which the individual is not en-
6 titled because of an error not due to the individual providing a false state-
7 ment or misrepresentation of a material fact or not disclosing a material
8 fact, or because an initial decision to pay benefits is subsequently reversed
9 by a decision finding the individual is not eligible for the benefits, the indi-
10 vidual is liable:

11 **“(A) To repay the amount of the benefits to the director for the**
12 **Unemployment Compensation Trust Fund; or**

13 **“(B) To have the amount deducted from any future benefits otherwise**
14 **payable to the individual under this chapter, or the equivalent law of an-**
15 **other state, for any week or weeks within five years following the week in**
16 **which the decision establishing the erroneous payment became final.**

17 **“(b) For purposes of paragraph (a)(B) of this subsection, the direc-**
18 **tor may deduct all or any part of the individual’s future weekly bene-**
19 **fits.**

20 **“(c) Any notice provided to an individual of the individual’s liability**
21 **for recovery of benefits under this section must include a description**

1 **of:**

2 **“(A) The basis for the director’s decision that benefits have been**
3 **overpaid; and**

4 **“(B) The consequences of the overpayment, including recovery of**
5 **the overpaid amount and the possibility of waiver under ORS 657.317.**

6 **“(2) Subject to ORS 657.269 and 657.270,** a decision of the director under
7 this section does not authorize the recovery of the amount of any benefits
8 paid to an individual until the decision is final [*and the decision specifies*
9 *that the individual is liable to have the amount deducted from any future*
10 *benefits otherwise payable under this chapter or the equivalent law of another*
11 *state for any week or weeks within five years following the week in which the*
12 *decision establishing the erroneous payment became final*].

13 **“(3) The director may bring a civil action against an individual to**
14 **recover** amounts paid to [*an*] **the** individual in excess of the maximum ben-
15 efits allowable pursuant to this chapter [*may be recovered in a civil action*
16 *brought in the name of the director for such purpose*].”.

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