

Enrolled Senate Bill 72

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CHAPTER

AN ACT

Relating to the administration of state agencies; creating new provisions; amending ORS 240.855, 276.005, 276.007, 276.093, 276.095, 276.097, 276.110, 276.137, 276.440, 291.407, 292.230, 293.226, 293.227, 293.229, 293.234, 293.235, 293.252, 293.254 and 293.256; and repealing ORS 276.135, 276.431 and 276.435.

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

MANAGEMENT OF TRAVEL AWARDS

SECTION 1. ORS 292.230 is amended to read:

292.230. (1) It is the policy of the state that all out-of-state travel by state agency personnel shall be allowed only when the travel is essential to the normal discharge of the agency's responsibilities. Out-of-state travel shall be conducted in the most efficient and cost-effective manner resulting in the best value to the state. The travel must comply with requirements of rules adopted under subsection [(5)] (2) of this section. State agencies shall adhere to the following guidelines when using out-of-state travel:

- (a) All out-of-state travel must be for official state business.
- (b) Use of out-of-state travel must be related to the agency's scope of responsibilities.
- (c) Each state agency is charged with the responsibility for determining the necessity and justification for and method of travel.
- (d) Each state agency shall make every effort possible to minimize employee time spent on out-of-state travel.

[(2) *Notwithstanding any other law, including but not limited to ORS 243.650 to 243.782, it is the policy of the state that travel awards earned while conducting state business shall be used to reduce the costs of state travel expenses except as otherwise required as a prerequisite to receipt of federal or other granted funds. The use of travel awards obtained while conducting state business for personal travel constitutes personal gain from state employment and violates ORS 244.040.*]

[(3) *The Oregon Department of Administrative Services shall work with commercial airlines to make travel awards available to the state rather than individual employees.*]

[(4) *Notwithstanding subsection (5) of this section, each state agency shall manage all travel awards earned by personnel employed by them who travel for the state. Agencies shall establish pro-*

cedures in accordance with Oregon Department of Administrative Services rules to monitor the earning and use of awards by individual employees.]

[(5)] (2) The Oregon Department of Administrative Services shall adopt by rule standards regulating out-of-state travel including but not limited to:

(a) Limiting the number of officers and employees who may attend the same meeting;

(b) Requiring state agencies to establish practices for travel that are consistent with the agency's resources;

(c) Requiring agencies to develop information sharing for reporting and other aspects that have benefits to more than one agency;

(d) Developing telecommunication resources to be used in lieu of travel; **and**

(e) Requiring agency administrators or their designees, as designated in writing, to approve out-of-state travel; *and*].

[(f) *Setting up procedures to audit agency use of travel and travel awards including appropriate sanctions for misuse.*]

[(6)] (3) As used in this section:

(a) "Official state business" means activity conducted by any agency personnel that has been authorized by that agency in support of approved state programs.

(b) "Out-of-state travel" means all travel from a point of origin in Oregon to a point of destination in another state and return therefrom.

[(c) *"Travel award" means any object of value awarded by any business providing commercial transportation or accommodations to an individual or agency which can be used to reduce the cost of travel including, but not limited to, frequent flier miles, discounts or coupons.*]

SECTION 2. The amendments to ORS 292.230 by section 1 of this 2019 Act apply to travel occurring on or after the effective date of this 2019 Act.

BUILDING RENTALS

SECTION 3. ORS 276.135, 276.431 and 276.435 are repealed.

SECTION 4. ORS 276.440 is added to and made a part of ORS 276.420 to 276.429.

SECTION 5. ORS 276.440 is amended to read:

276.440. (1) For any building under its jurisdiction, as described in ORS 276.004, the Oregon Department of Administrative Services may:

(a) Rent [*space not needed or available to state agencies*] **office quarters** in order of priority first to other public agencies, then to private [*citizens*] **persons, at rates established under ORS 276.385 and 276.390, if the department and the owning agency, if other than the department, determine that the office quarters are not appropriate to the needs of state agencies.**

(b) Rent space [*designated for public use to private concessions, when such use will not interfere with the orderly conduct of state business and is consistent with the public interest.*] **other than office quarters to any person, whether public or private, at rates appropriate to the local market, as determined by the department, notwithstanding ORS 276.385 (1), if the department and the owning agency, if other than the department, determine that such space is not appropriate to the needs of state agencies.**

(c) Permit the occasional use of any unoccupied or vacant room or space [*by persons or organizations*] for conventions, assemblies or other public meetings.

(d) **With the advice of the occupying agency, rent the auditoriums, meeting rooms, courtyards and other outdoor spaces, suitable rooftops or lobbies of buildings occupied by state agencies to persons, whether public or private, engaged in commercial, cultural, educational or recreational activities that will not disrupt the building operations or the orderly conduct of state business.**

(2) **Terms of rentals authorized under this section may not exceed 10 years. Rentals authorized under this section may be negotiated without competitive bid.**

(3) The department shall, by lease or otherwise, impose terms and conditions on rentals authorized under this section as necessary to protect the public interest.

[(2)] (4) [The Director of the Oregon Department of Administrative Services may fix and collect a rental sufficient to defray the cost of janitor service and other expenses, including debt service.] Receipts from rentals of space [permitted] under [subsection (1) of] this section shall be [placed] deposited in the Oregon Department of Administrative Services Operating Fund [and are continuously appropriated for the purposes of that fund].

SECTION 6. ORS 276.093 is amended to read:

276.093. As used in ORS 276.093 to 276.098[, 276.135, 276.431 and 276.435] **and 276.440:**

(1) "Commercial activities" includes, but is not limited to, restaurants, food stores, craft stores, dry goods stores and display facilities.

(2) "Cultural activities" includes, but is not limited to, film, dramatic, dance and musical presentations, fine arts exhibits, studios and public meeting places, whether or not used by persons, firms or organizations intending to make a profit.

(3) "Director" means the Director of the Oregon Department of Administrative Services.

(4) "Educational activities" includes, but is not limited to, libraries, schools, child care facilities, laboratories and lecture and demonstration facilities.

(5) "Historical, architectural or cultural significance" includes, but is not limited to, buildings listed or eligible to be listed on the National Register of Historic Places under section 101 of the National Historic Preservation Act of October 15, 1966 (16 U.S.C. 470a).

(6) "Recreational activities" includes, but is not limited to, gymnasiums and related facilities.

(7) "State building" means all state buildings under the control of the Oregon Department of Administrative Services.

(8) "Unit of local government" means any city or county, or other political subdivision of the state.

SECTION 7. ORS 276.095 is amended to read:

276.095. With respect to operating, maintaining, altering and otherwise managing or acquiring space to meet the office needs of state government and to accomplish the purposes of ORS 276.094, the Director of the Oregon Department of Administrative Services may:

(1) Acquire or lease and utilize space in suitable buildings of historical, architectural or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives, taking into consideration the purposes of ORS 276.093 to 276.098[, 276.135, 276.431 and 276.435] **and 276.440;**

(2) Provide and maintain space, facilities and activities to the extent practicable that encourage public access to and stimulate public pedestrian traffic around, into and through state buildings, permitting cooperative improvements to and uses of the area between the building and the street, thereby complementing and supplementing commercial, cultural, educational and recreational resources in the neighborhood of state buildings;

(3) Encourage the location of compatible commercial, cultural, educational and recreational facilities and activities within or near state buildings; and

(4) Encourage multipurpose public use of state buildings for the benefit of children and community activities, including commercial, cultural, educational and recreational use of such buildings, providing such use would not be disruptive to state government.

SECTION 8. ORS 276.097 is amended to read:

276.097. The Director of the Oregon Department of Administrative Services, where practicable, shall give priority in the assignment of ground floor space not leased under the terms of ORS [276.431] **276.440** to state activities requiring regular contact with members of the public. To the extent ground floor space is not available, the director shall provide space with maximum ease of access to building entrances.

MULTITENANT BUILDINGS

SECTION 9. ORS 276.110 is amended to read:

276.110. As used in ORS **276.009**, 276.013, 276.015 and 276.110 to 276.137, unless the context requires otherwise:

(1) "Cost of acquisition" includes the costs of sites, plans, specifications, architects' fees, interest on investments of the investing funds and all other costs related to the erection and equipping of office buildings or to the purchase, alteration, repair and equipping of buildings for office purposes.

(2) "Investing agency" means the board, commission, department or other agency whose funds are defined as investment funds in ORS 293.701.

(3) "Investing funds" means those funds enumerated in ORS 293.701 (2), when invested pursuant to ORS **276.009**, 276.013, 276.015 and 276.110 to 276.137.

(4) "Office building" means any building, **or portion thereof**, in the State of Oregon acquired under ORS **276.009**, 276.013, 276.015 and 276.110 to 276.137, by appropriation therefor, or as otherwise provided by law, to provide [*centralized*] office quarters for state agencies and may include parking, storage, motor pool, [*and*] service **and other** facilities.

(5) "State Treasurer" means the State Treasurer in the capacity of investment officer for the Oregon Investment Council.

SECTION 10. ORS 291.407 is amended to read:

291.407. (1) The Mass Transit Assistance Account is established in the General Fund of the State Treasury. The account shall consist of moneys deposited in the account under ORS 291.405 and as otherwise provided by law. The moneys in the account are continuously appropriated to the Oregon Department of Administrative Services to be used as provided in this section.

(2) The Oregon Department of Administrative Services shall distribute moneys from the account established under this section to districts described in ORS 291.405 on the last day of each calendar quarter. Subject to the limitations in this section, the amount distributed to each district shall be equal to the total assessments received by the department during the immediate preceding three months under ORS 291.405 from agencies with employees performing subject services within that district.

(3) Distributions under this section are subject to the following limitations:

(a) Except for newly formed districts, the Oregon Department of Administrative Services shall not distribute to a district during a calendar year an amount that exceeds the amount received by the district under the district's own taxes during the immediate preceding fiscal year of the district.

(b) The Oregon Department of Administrative Services shall not distribute to a newly formed district during a calendar year an amount that exceeds the amount the budget approved by the district board proposes as revenue for the district from the district's own taxes during the current fiscal year of the district. If the district does not collect the proposed amount, the department shall make adjustments in the distributions during subsequent years to recover any amount paid under this section that is over the amount the district actually received under the district's own taxes.

(4) The limitations imposed under this section that are based on amounts received by a district under its own taxes do not include amounts received by the district from farebox revenues, federal moneys, state moneys, gifts, investments, bonds or similar moneys received by the district.

(5) The Department of Transportation shall provide the Oregon Department of Administrative Services with any information concerning a mass transit district or transportation district that the Oregon Department of Administrative Services determines necessary for the performance of its duties under this section and ORS 291.405. The Department of Transportation shall provide the information in the form and at times determined by the Oregon Department of Administrative Services.

(6) In exchange for payments authorized under this section to transit districts, the State of Oregon and its agencies shall be exempt [*from any parking code requirements for existing state-owned buildings, construction of new state buildings or the renovation of existing state buildings, which*], **with respect to existing state buildings and newly constructed, acquired or renovated state buildings, from any parking code requirements that** have been or may be established by any political subdivision within the boundaries of a transit district receiving such payments.

(7) As used in this section, “state buildings” includes office buildings as defined in ORS 276.110.

SECTION 11. ORS 276.005 is amended to read:

276.005. (1) The Oregon Department of Administrative Services through funds appropriated therefor, from balances in the Capital Projects Fund, or as otherwise provided by law, may enter into all contracts or agreements deemed necessary to:

(a) Purchase, construct, improve, repair, equip and furnish office buildings as defined in ORS 276.110;

(b) Purchase, construct, improve and repair utility and service facilities;

(c) Execute such other buildings, grounds and public works projects for state government as may be necessary to accomplish the purposes of this chapter; and

(d) Acquire land by purchase, gift, exchange, lease, condemnation or otherwise for the purposes of paragraphs (a), (b) and (c) of this subsection and to improve sites therefor.

(2) There is established in the State Treasury a Capital Projects Fund, separate and distinct from the General Fund. The moneys in the Capital Projects Fund may be invested as provided in ORS 293.701 to 293.857. Interest earnings on the fund assets shall be credited to the fund. All moneys credited to the fund by law are appropriated continuously to the department for the purposes set out in subsection (1) of this section.

(3) The Oregon Department of Administrative Services on behalf of the State of Oregon may accept gifts, grants and donations from public and private sources for the purposes set out in subsection (1) of this section. Such gifts, grants and donations shall be deposited by the department in appropriate separate trust accounts until such time as required to meet the obligations for which the gift, grant or donation was intended. When so required, the department shall deposit such amounts in the Capital Projects Fund, subject to any limitations imposed by the donor.

(4) Moneys loaned by an investing fund under ORS **276.009**, 276.013, 276.015 and 276.110 to 276.137 shall be deposited in the Capital Projects Fund and are appropriated continuously for the purposes set out in subsection (1) of this section.

SECTION 12. ORS 276.007 is amended to read:

276.007. (1) Moneys credited to the Oregon Department of Administrative Services Operating Fund by law are appropriated continuously to the Oregon Department of Administrative Services and may be used to:

(a) Repay investing funds for moneys loaned under ORS **276.009**, 276.013, 276.015 and 276.110 to 276.137, and the interest thereon; and

(b) Pay all the expenses associated with operating, maintaining, repairing, equipping and furnishing the buildings and facilities described in ORS 276.004.

(2) For any biennium any moneys collected by the department pursuant to ORS 276.385 and 276.412 as rental payments for depreciation reserves for space in buildings, parking facilities and mall houses specified in ORS 276.004 and any net profit from mall houses shall be transferred from the Oregon Department of Administrative Services Operating Fund to the Capital Projects Fund for any of the purposes enumerated in ORS 276.005 (1).

(3) Except as provided in subsection (2) of this section, and except an amount as determined by the department for operating capital for the management of such office space, for any biennium any moneys collected by the department pursuant to ORS 276.385 and 276.412 as rental payments for space in buildings specified in ORS 276.004 that exceed the amounts required by law to be paid out of such moneys with respect to that biennium, shall be used to adjust rental rates in the current or subsequent biennia.

SECTION 13. ORS 276.137 is amended to read:

276.137. On repayment of all moneys loaned by investing funds to acquire a building under ORS **276.009**, 276.013, 276.015 and 276.110 to 276.137, title to such building shall vest automatically in the Oregon Department of Administrative Services in the name of the State of Oregon.

DEFINITIONS OF STATE AGENCY

SECTION 14. ORS 293.226 is amended to read:

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

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

(a) Specifying the form of the notice, including provisions specifying when the notice must state whether the disclosure of a Social Security number is voluntary or mandatory; and

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

(3) If a person is required to provide the person's Social Security number to a state agency under federal or state law for purposes other than collection of a debt owed to the State of Oregon, the agency may not use the Social Security number for debt collection purposes, except:

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

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

(4) A state agency, the Department of Revenue or a private collection agency that is collecting a liquidated and delinquent account may use a Social Security number collected under this section, or collected as otherwise allowed by law, to collect any debt owed a state agency or local government by the person associated with the Social Security number.

(5) Nothing in this section authorizes a state agency, the Department of Revenue or a private collection agency that is collecting a liquidated and delinquent account to use or disclose a Social Security number for any reason other than a reason specified in this section.

(6) Rules adopted under subsection (2) of this section do not apply to *[state courts and commissions, departments and divisions in the judicial branch of state government]* **the judicial department as defined in ORS 174.113**, the Secretary of State or the State Treasurer.

[(7) Except as provided in subsection (6) of this section, as used in this section, "state agency" means any state officer, board, commission, corporation, institution, department or other state organization.]

(7)(a) As used in this section, "state agency" means any state officer, board, commission, corporation, institution, department or other state organization.

(b) Notwithstanding ORS 182.460, 284.118, 284.375, 377.836, 421.352, 656.753 and 757.552, "state agency" includes semi-independent state agencies listed in ORS 182.454, the Oregon Tourism Commission, the Oregon Film and Video Office, the Travel Information Council, the Children's Trust Fund of Oregon Foundation, Oregon Corrections Enterprises, the State Accident Insurance Fund Corporation and the Oregon Utility Notification Center.

SECTION 15. ORS 293.227 is amended to read:

293.227. As used in ORS 293.227 to 293.233, unless the context requires otherwise:

(1) "Payment" means a voluntary amount of money paid by a debtor to a state agency or an involuntary amount of money paid by a debtor through offset or garnishment.

(2) "State agency" *[means any officer, board, commission, department, division or institution in the executive or administrative branch of state government]* **has the meaning given that term in ORS 293.226, except that it does not include the judicial department as defined in ORS 174.113, the legislative department as defined in ORS 174.114 or entities described in ORS 293.226 (7)(b).**

SECTION 16. ORS 293.229 is amended to read:

293.229. (1) Not later than October 1 of each fiscal year, each state agency shall submit a report to the Legislative Fiscal Office that describes the status of that agency's liquidated and delinquent accounts and efforts made by that agency to collect liquidated and delinquent accounts during the

previous fiscal year. The report required under this subsection shall be in a form prescribed by the Legislative Fiscal Office and shall include but not be limited to:

- (a) Beginning balance and total number of all liquidated and delinquent accounts;
- (b) New liquidated and delinquent accounts added during the last preceding fiscal year;
- (c) Total collections of liquidated and delinquent accounts;
- (d) Total amount and total number of liquidated and delinquent accounts that have been written off;
- (e) Total number and ending balance of all liquidated and delinquent accounts;
- (f) Total amount of liquidated and delinquent accounts assigned to the Department of Revenue and the total amount collected by the department under ORS 293.250;
- (g) Total amount of liquidated and delinquent accounts assigned to private collection agencies and the total amount collected by private collection agencies under ORS 293.231;
- (h) Total number and total amount of all liquidated and delinquent accounts exempted under ORS 293.233;
- (i) Total number and ending balance of all liquidated and delinquent accounts that have been placed in suspended collection status under ORS 305.155; and
- (j) A statement indicating whether the agency has liquidated and delinquent accounts that are not exempt under ORS 293.233, or are otherwise prohibited or exempted by law from assignment, for which no payment has been received for more than 90 days and that have not been assigned to the Department of Revenue under ORS 293.231.

(2) If a state agency reports under subsection (1) of this section that the total ending balance of its liquidated and delinquent accounts is \$50 million or greater, the state agency shall, not later than three months after it submits the report under subsection (1) of this section, submit an additional report to the committees or interim committees of the Legislative Assembly related to ways and means that:

- (a) Describes major categories of liquidated and delinquent accounts held by the state agency;
- (b) Describes circumstances under which the state agency writes off or adjusts liquidated and delinquent amounts or removes an account from liquidated and delinquent status;
- (c) Describes actions undertaken by the state agency to reduce the amount of liquidated and delinquent debt owed to it at the end of each fiscal year; and
- (d) Sets forth a plan for future actions that will reduce the amount of liquidated and delinquent debt owed to the state agency at the end of each fiscal year and describes any additional resources that are necessary to carry out the plan.

(3) The Legislative Fiscal Office shall produce an annual report not later than December 31 of each fiscal year on the status of liquidated and delinquent accounts of state agencies and the judicial branch of state government. The report shall be based on the reports submitted by state agencies as required in this section and on reports submitted by the judicial branch of state government under ORS 1.195.

(4) The report required under subsection (3) of this section shall:

- (a) List those state agencies, including the judicial branch of state government, that have liquidated and delinquent accounts that are not exempt under ORS 1.198, 1.199 or 293.233, or are otherwise prohibited or exempted by law from assignment, for which no payment has been received for more than 90 days and that have not been assigned to a private collection agency or to the Department of Revenue under ORS 1.197 or assigned to the Department of Revenue under 293.231;
- (b) List separately information about the liquidated and delinquent accounts of the Secretary of State, the State Treasurer, other state agencies in the executive branch of state government and the judicial branch of state government; and
- (c) Include any other information the Legislative Fiscal Office determines is necessary to describe the status of liquidated and delinquent accounts across offices and branches of state government.

[(5) Notwithstanding ORS 182.460, 284.118, 284.375, 352.138, 353.100, 377.836, 421.352, 656.753 and 757.552, for purposes of this section, "state agency" also includes semi-independent state agencies listed

in ORS 182.454, the Oregon Tourism Commission, the Oregon Film and Video Office, the Travel Information Council, the Children's Trust Fund of Oregon Foundation, Oregon Corrections Enterprises, Oregon Health and Science University, the State Accident Insurance Fund Corporation, the Oregon Utility Notification Center and public universities listed in ORS 352.002.]

(5) Notwithstanding ORS 293.227, as used in this section, "state agency" has the meaning given that term in ORS 293.226, except that it:

(a) Does not include the judicial department as defined in ORS 174.113 or the legislative department as defined in ORS 174.114; and

(b) Includes public universities listed in ORS 352.002 and Oregon Health and Science University, notwithstanding ORS 352.138 and 353.100.

SECTION 17. ORS 293.234 is amended to read:

293.234. (1) The Oregon Department of Administrative Services shall, no later than December 31 of each year and in the manner provided by ORS 192.245, report to the Legislative Assembly the amounts of liquidated and delinquent debt that, in the previous fiscal year:

(a) Were written off by a state agency under ORS 293.240;

(b) Were abated by a state agency; and

(c) Were canceled by the Department of Revenue under ORS 305.155.

(2) Each state agency shall certify to the Oregon Department of Administrative Services that the debts described in subsection (1) of this section were written off, abated or canceled in accordance with applicable statutes and rules.

(3) All state agencies shall provide to the department any information that the department considers necessary or convenient for carrying out its duties under this section, to the extent permitted by laws relating to confidentiality.

(4) The department may adopt rules necessary to carry out the provisions of this section.

(5) As used in this section:

(a) "Abated" means waived, settled or determined not to be owed.

(b) "State agency" [means:]

[A] *Any state officer, board, commission, corporation, institution, department or other state organization having power to collect state funds; and]*

[B] *Semi-independent state agencies listed in ORS 182.454, the Oregon Tourism Commission, the Oregon Film and Video Office, the Travel Information Council, the Children's Trust Fund of Oregon Foundation, Oregon Corrections Enterprises, the State Accident Insurance Fund Corporation and the Oregon Utility Notification Center.*] **has the meaning given that term in ORS 293.226, except that it does not include the judicial department as defined in ORS 174.113, the Secretary of State or the State Treasurer.**

SECTION 18. ORS 293.235 is amended to read:

293.235. As used in ORS 293.240 and 293.245, "state agency" [means any state officer, board, commission, corporation, institution, department or other state organization having power to collect state funds.] **has the meaning given that term in ORS 293.226.**

SECTION 19. ORS 293.252 is amended to read:

293.252. (1) The Oregon Department of Administrative Services shall monitor state agency debt collection functions described by law and assist state agencies in efforts to improve the collection of delinquent debts owed to state agencies. The department's duties under this subsection include, but are not limited to:

(a) Providing training to state agencies regarding processing and managing accounts receivable in compliance with applicable law and state policies.

(b) Providing technical assistance to state agencies in resolving challenges in processing and managing accounts receivable and developing financial administrative systems to improve the handling of liquidated and delinquent accounts.

(c) Developing performance standards for state debt collection, including but not limited to standards defining what constitutes liquidated and delinquent accounts and when debt may be written off pursuant to ORS 293.240.

(d) Working with state agencies to improve the quality and value of data that each state agency submits to the Legislative Fiscal Office for purposes of ORS 293.229.

(e) Submitting an annual management report to the Legislative Assembly not later than December 31 of each fiscal year, in conjunction with the report of the Legislative Fiscal Office produced under ORS 293.229, that identifies important issues and significant trends in state agency debt collection practices and describes and evaluates efforts by state agencies to improve the collection of delinquent debt.

(2) The department shall adopt policies:

(a) Providing guidance for the collection of liquidated and delinquent accounts owing to state agencies.

(b) Setting procedures for state agencies to account for and manage information regarding the agency's liquidated and delinquent accounts.

(c) After consultation with the Attorney General, setting criteria for effective and efficient assignment of liquidated and delinquent accounts to the Department of Revenue or private collection agencies, and setting performance measurements to be used in the application of the criteria.

(d) For the allocation, form and amount of charges or fees added to liquidated and delinquent accounts under ORS 293.231, 293.250 and 697.105.

(e) Setting exemptions or adjustments for state agencies that are prohibited by law from adding or collecting fees under ORS 293.231, 293.250 or 697.105 and for agencies for which the addition or collection of the fees is not feasible given the agency resources available for collection of accounts receivable.

(f) For the improvement of communications regarding liquidated and delinquent accounts among state agencies and between private collection agencies and the Department of Revenue.

(g) Describing conditions under which a state agency may request and collect Social Security numbers in accordance with state and federal law when it is reasonably foreseeable that a person may owe the state agency a liquidated and delinquent amount as a result of a transaction or activity.

(h) After consultation with the Attorney General, setting criteria under which state agencies, the Department of Revenue and private collection agencies may propose and accept offers of compromise as provided in ORS 293.240.

(3) As used in this section[.]

[(a) "State agency" means any state officer, board, commission, corporation, institution, department or other state organization.]

[(b) "State agency" does not include all state courts and all commissions, departments and divisions in the judicial branch of state government, the Secretary of State and the State Treasurer.], "state agency" has the meaning given that term in ORS 293.226, except that it does not include the judicial department as defined in ORS 174.113, the Secretary of State or the State Treasurer.

SECTION 20. ORS 293.254 is amended to read:

293.254. (1) Subject to ORS 293.250, a state agency shall make all reasonable efforts to collect liquidated and delinquent accounts owing to the state agency, including the use of Social Security numbers made available by state agencies pursuant to ORS 293.226, and the setoff of any refunds or sums due to the debtor from the state agency, the Department of Revenue or from any other state agency.

(2) The Oregon Department of Administrative Services shall adopt rules establishing procedures for the setoff of amounts between state agencies under this section. Prior to adopting rules under this subsection, the Director of the Oregon Department of Administrative Services shall consult with the Chief Justice regarding the application of the rules to state courts and all commissions, departments and divisions in the judicial branch of state government.

(3) Rules adopted under subsection (2) of this section do not apply to the Secretary of State or the State Treasurer.

(4) *[Except as provided in subsection (3) of this section,]* As used in this section, “state agency” *[means any state officer, board, commission, corporation, institution, department or other state organization]* **has the meaning given that term in ORS 293.226.**

SECTION 21. ORS 293.256 is amended to read:

293.256. (1) The Oregon Department of Administrative Services shall estimate in advance the expenses that the department will incur during a biennium in carrying out the provisions of ORS 293.226 and 293.252 to 293.256.

(2) The department shall charge each state agency for the agency’s share of the expenses described in subsection (1) of this section for the biennium. The department shall determine the rate to be charged state agencies.

(3) Each state agency shall pay to the credit of the department the charge described in this section as an administrative expense from funds or appropriations available to the state agency in the same manner as other claims against the state agency are paid.

(4) All moneys received by the department under this section shall be credited to the Delinquent Accounts Administration Fund established under ORS 293.258.

(5) The department shall adopt rules specifying the methods for calculating and collecting the rates and charges described in this section.

(6) As used in this section[.]

[(a) “State agency” means any state officer, board, commission, corporation, institution, department or other state organization.]

[(b) “State agency” does not include all state courts and all commissions, departments and divisions in the judicial branch of state government, the Secretary of State and the State Treasurer.], **“state agency” has the meaning given that term in ORS 293.226, except that it does not include the judicial department as defined in ORS 174.113, the Secretary of State or the State Treasurer.**

TELECOMMUTING

SECTION 22. ORS 240.855 is amended to read:

240.855. (1) As used in this section:

(a) “State agency” means any state office, department, division, bureau, board and commission, whether in the executive, legislative or judicial branch.

(b) “Telecommute” means to work from the employee’s home or from an office near the employee’s home, rather than from the principal place of employment.

(2) It is the policy of the State of Oregon to encourage state agencies to allow employees to telecommute when there are opportunities for improved employee performance, reduced commuting miles or agency savings.

(3) Each state agency shall adopt a written policy that:

(a) Defines specific criteria and procedures for telecommuting;

(b) Is applied consistently throughout the agency; and

(c) Requires the agency, in exercising its discretion, to consider an employee request to telecommute in relation to the agency’s operating and customer needs.

(4) Each state agency that has an electronic bulletin board, home page or similar means of communication shall post the policy adopted under subsection (3) of this section on the bulletin board, home page or similar site.

[(5) The Oregon Department of Administrative Services, in consultation with the State Department of Energy, shall provide a biennial report to the Joint Committee on Technology, or a similar committee of the Legislative Assembly, containing at least the following:]

[(a) The number of employees telecommuting;]

[(b) The number of trips, miles and hours of travel time saved annually;]

[(c) A summary of efforts made by the state agency to promote and encourage telecommuting;]

[(d) An evaluation of the effectiveness of efforts to encourage employees to telecommute; and]

[(e) Such other matters as may be requested by the committee.]

(5) The Oregon Department of Administrative Services, in consultation with the State Chief Information Officer and state agencies, shall work to identify barriers to telecommuting for state employees and identify solutions to promote telecommuting.

UNIT CAPTIONS

SECTION 23. The unit captions used in this 2019 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2019 Act.

Passed by Senate March 14, 2019

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 29, 2019

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2019

Approved:

.....M,....., 2019

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2019

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Bev Clarno, Secretary of State