

# D R A F T

## SUMMARY

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  
3 657.400; and declaring 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 dis-  
7 tinct from the General Fund, the Employment Department Special Fraud  
8 Control Fund. The Employment Department Special Fraud Control Fund  
9 shall consist of moneys collected or received by the Employment Department  
10 as follows:

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

12 (b) All gifts to, interest on or profits earned by the Employment Depart-  
13 ment Special Fraud Control Fund.

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

18 (3) All amounts in the Employment Department Special Fraud Control

1 Fund *[are to be used for administrative costs associated with the prevention,*  
2 *discovery and collection of unemployment benefit overpayments]* **shall be used**  
3 **for the following purposes**, as included in the biennial budget of the Em-  
4 ployment Department and approved by the Legislative Assembly[.]:

5 (a) **Administrative costs associated with the prevention, discovery**  
6 **and collection of unemployment benefit overpayments;**

7 (b) **Costs associated with the Lost Wages Assistance program ad-**  
8 **ministered by the department pursuant to a grant agreement with the**  
9 **Federal Emergency Management Agency under authority established**  
10 **by the presidential memorandum issued on August 8, 2020, on the**  
11 **subject of Authorizing the Other Needs Assistance Program for Major**  
12 **Disaster Declarations Related to Coronavirus Disease 2019; and**

13 (c) **Administrative costs associated with other benefit programs**  
14 **administered by the department.**

15 (4) **If, under subsection (3)(b) of this section, the Employment De-**  
16 **partment uses any amounts for the purpose of reimbursing the Federal**  
17 **Emergency Management Agency for overpayments of benefits under**  
18 **the Lost Wages Assistance program:**

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

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

25 (B) **The Director of the Employment Department may waive col-**  
26 **lection of such overpayments if the director determines that it is ad-**  
27 **ministratively impracticable to pursue collection.**

28 **SECTION 2. This 2021 Act being necessary for the immediate pres-**  
29 **ervation of the public peace, health and safety, an emergency is de-**  
30 **clared to exist, and this 2021 Act takes effect on its passage.**

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