

Enrolled
House Bill 2815

Sponsored by Representatives HOLVEY, GARRETT, Senator PROZANSKI; Representatives BAILEY, BARKER, BARNHART, BUCKLEY, CLEM, GREENLICK, HARKER, HUNT, KAHL, KOMP, NATHANSON, NOLAN, READ, RILEY, SHIELDS, J SMITH, WITT, Senators BONAMICI, BURDICK, DEVLIN, MORRISSETTE, ROSENBAUM

CHAPTER

AN ACT

Relating to compliance with laws relating to the conduct of business; appropriating money; and declaring an emergency.

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

SECTION 1. (1) There is established an Interagency Compliance Network consisting of:

- (a) The Department of Justice;**
- (b) The Department of Revenue;**
- (c) The Employment Department;**
- (d) The Department of Consumer and Business Services;**
- (e) The Bureau of Labor and Industries;**
- (f) The Construction Contractors Board;**
- (g) The State Landscape Contractors Board; and**
- (h) Other state agencies that enter into the intergovernmental agreement as described**

in subsection (3) of this section.

(2) The Interagency Compliance Network established under this section shall:

- (a) Work to establish consistency in agency determinations relating to the classification of workers, including but not limited to classification of workers as independent contractors;**
- (b) Gather and share information relating to persons who pay workers in cash and who do not comply with laws relating to taxation or employment;**
- (c) Gather and share information relating to the misclassification of workers, including but not limited to misclassification as independent contractors;**
- (d) Develop investigative methods for auditing persons who pay workers in cash, or who misclassify workers, and who do not comply with laws relating to taxation or employment;**
- (e) Conduct joint audits of persons who pay workers in cash, or who misclassify workers, and who do not comply with laws relating to taxation or employment;**
- (f) Identify opportunities for and obstacles to improving compliance with the laws relating to the classification of workers, taxation or employment;**
- (g) Create a coordinated enforcement process for the laws relating to classification of workers that is efficient, fair and effective for the public and the regulatory agencies charged with enforcing laws relating to taxation or employment;**

(h) Engage in public outreach efforts to educate the public generally on the distinctions between independent contractors and employees and on the laws and regulations governing the duties relating to classification of workers; and

(i) Take such other action as the member agencies deem appropriate to improve compliance with laws relating to taxation or employment that are administered by the member agencies.

(3) The agencies identified in subsection (1)(a) to (g) of this section shall enter into an intergovernmental agreement for the purpose of coordinating the efforts of the agencies under this section. Any other agency of state government, as defined in ORS 174.111, that has an interest in compliance with laws relating to taxation or employment may become a member of the Interagency Compliance Network by entering into the agreement on such terms as may be prescribed by the agencies identified in subsection (1)(a) to (g) of this section.

(4) Notwithstanding ORS 314.835 or any other law relating to confidentiality of information, any agency that is a member of the Interagency Compliance Network may enter into an agreement with another member agency to provide information to the other agency. Information provided to an agency under this subsection may be used by the agency only for the purpose of enforcing compliance of laws that are administered by the agency.

SECTION 2. The member agencies of the Interagency Compliance Network shall prepare a report once every two years that details the activities of the network during the two-year period. The report shall identify the manner in which the funding for the network has been expended, and an estimate of the revenue impact of the network's activities. The report shall be provided to the Governor, and to the Legislative Assembly in the manner provided by ORS 192.245.

SECTION 3. (1) In addition to and not in lieu of any other appropriation, there is appropriated to the Emergency Board, for the biennium beginning July 1, 2009, out of the General Fund, the amount of \$750,000, to be allocated to state agencies that are members of the Interagency Compliance Network for carrying out the purposes of section 1 of this 2009 Act. Nothing in this subsection requires that the Emergency Board allocate moneys to each agency in the network or allocate equal amounts to agencies.

(2) If any of the moneys appropriated by subsection (1) of this section are not allocated by the Emergency Board before December 1, 2010, the moneys remaining on that date become available for any purpose for which the Emergency Board lawfully may allocate funds.

SECTION 4. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect July 1, 2009.

Passed by House June 25, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 29, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State