

HOUSE AMENDMENTS TO HOUSE BILL 2815

By COMMITTEE ON CONSUMER PROTECTION

April 10

1 On page 1 of the printed bill, delete lines 6 through 24 and delete page 2 and insert:

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

3 **“(a) The Department of Justice;**

4 **“(b) The Department of Revenue;**

5 **“(c) The Employment Department;**

6 **“(d) The Department of Consumer and Business Services;**

7 **“(e) The Bureau of Labor and Industries;**

8 **“(f) The Construction Contractors Board;**

9 **“(g) The State Landscape Contractors Board; and**

10 **“(h) Other state agencies that enter into the intergovernmental agreement as described**
11 **in subsection (3) of this section.**

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

13 **“(a) Work to establish consistency in agency determinations relating to the classification**
14 **of workers, including but not limited to classification of workers as independent contractors;**

15 **“(b) Gather and share information relating to persons who pay workers in cash and who**
16 **do not comply with laws relating to taxation and employment;**

17 **“(c) Gather and share information relating to the misclassification of workers, including**
18 **but not limited to misclassification as independent contractors;**

19 **“(d) Develop investigative methods for auditing persons who pay workers in cash, or who**
20 **misclassify workers, and who do not comply with laws relating to taxation and employment;**

21 **“(e) Conduct joint audits of persons who pay workers in cash, or who misclassify work-**
22 **ers, and who do not comply with laws relating to taxation and employment;**

23 **“(f) Identify opportunities for and obstacles to improving compliance with the laws re-**
24 **lating to the classification of workers, taxation and employment;**

25 **“(g) Create a coordinated enforcement process for the laws relating to classification of**
26 **workers that is efficient, fair and effective for the public and the regulatory agencies charged**
27 **with enforcing laws relating to taxation and employment;**

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

31 **“(i) Take such other action as the member agencies deem appropriate to improve com-**
32 **pliance with laws relating to taxation and employment that are administered by the member**
33 **agencies.**

34 **“(3) The agencies identified in subsection (1)(a) to (g) of this section shall enter into an**
35 **intergovernmental agreement for the purpose of coordinating the efforts of the agencies**

1 under this section. Any other agency of state government, as defined in ORS 174.111, that
2 has in interest in compliance with laws relating to taxation and employment may become a
3 member of the Interagency Compliance Network by entering into the agreement on such
4 terms as may be prescribed by the agencies identified in subsection (1)(a) to (g) of this sec-
5 tion.

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

11 “SECTION 2. (1) The Interagency Compliance Network Account is established in the
12 General Fund of the State Treasury. The account consists of amounts deposited in the ac-
13 count under ORS 56.041.

14 “(2) At least once each month, moneys in the Interagency Compliance Network Account
15 shall be distributed as follows:

16 “(a) _____ percent to the Department of Revenue, for the purpose of enforcing the tax
17 laws by engaging in compliance activities, including audits and investigations, that are re-
18 lated to persons who pay workers in cash, or who misclassify workers, and who do not
19 comply with laws relating to taxation.

20 “(b) _____ percent to the Employment Department, for the purpose of enforcing the
21 unemployment tax laws by engaging in compliance activities, including audits and investi-
22 gations, that are related to persons who pay workers in cash, or who misclassify workers,
23 and who do not comply with laws relating to taxation.

24 “(c) _____ percent to the Department of Consumer and Business Services, for the
25 purpose of compliance activities, including audits and investigations, that are related to
26 persons who pay workers in cash, or who misclassify workers, and who do not comply with
27 laws relating to employment or taxation.

28 “(d) _____ percent to the Construction Contractors Board, for the purpose of compli-
29 ance activities, including audits and investigations, that are related to persons who pay
30 workers in cash, or misclassify workers, and who do not comply with laws relating to em-
31 ployment or taxation.

32 “(e) _____ percent to the Bureau of Labor and Industries, for the purpose of enforcing
33 the laws related to wage and hours, and to prevailing wage rates, by engaging in compliance
34 activities, including audits and investigations, that are related to persons who pay workers
35 in cash, or who misclassify workers, and who do not comply with laws relating to employ-
36 ment.

37 “(f) _____ percent to the Department of Justice to investigate and prosecute criminal
38 activities discovered by reason of audits, investigations and other compliance activities de-
39 scribed in this subsection, or that otherwise come to the attention of the department and
40 that relate to persons who pay workers in cash, or who misclassify workers, and who do not
41 comply with laws relating to employment and taxation.

42 “(g) _____ percent to the Department of Revenue, for the purpose of distribution to
43 members of the Interagency Compliance Network pursuant to the terms of the intergovern-
44 mental agreement entered into under section 1 (3) of this 2009 Act.

45 “(3) All moneys distributed to an agency under subsection (2) of this section are contin-

1 uously appropriated to the agency for the purposes specified by subsection (2) of this section.

2 **“SECTION 2a. The member agencies of the Interagency Compliance Network shall pre-**
3 **pare a report once every two years that details the activities of the network during the**
4 **two-year period. The report shall identify the manner in which the funding provided by sec-**
5 **tion 2 of this 2009 Act has been expended, and an estimate of the revenue impact of the**
6 **network’s activities. The report shall be provided to the Governor, and to the Legislative**
7 **Assembly in the manner provided by ORS 192.245.”.**

8 On page 3, delete lines 1 through 5.

9 Delete lines 10 through 13 and insert:

10 “(2) The Secretary of State shall collect a nonrefundable fee of \$_____ for each of the fol-
11 lowing documents delivered to the Secretary of State for filing:

12 “(a) Articles of incorporation delivered for filing under ORS 60.051.

13 “(b) Articles of organization delivered for filing under ORS 63.051.

14 “(c) Applications for authority to transact business in this state delivered under ORS 60.707 and
15 63.707.

16 “(d) Annual reports delivered for filing under ORS 60.787 and 63.787.”.