

Enrolled
House Bill 2470

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Consumer Protection and Government Accountability)

CHAPTER

AN ACT

Relating to the Interagency Compliance Network; amending ORS 670.700; and declaring an emergency.

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

SECTION 1. ORS 670.700 is amended to read:

670.700. (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 inter-governmental 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.

(5) ORS 192.610 to 192.690 do not apply to meetings of the Interagency Compliance Network or to meetings of representatives from member agencies of the Interagency Compliance Network for the purposes set forth in subsection (2) of this section.

SECTION 2. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 20, 2011

.....
Ramona Kenady Line, Chief Clerk of House

.....
Bruce Hanna, Speaker of House

.....
Arnie Roblan, Speaker of House

Passed by Senate May 26, 2011

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

.....
Kate Brown, Secretary of State