

House Bill 3162

Sponsored by Representative FAGAN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes Task Force on Franchisees to study relationships among franchisors, subfranchisors and franchisees to determine whether, for purposes of applying this state's tax laws and other laws, franchisee or subfranchisor is employee of franchisor.

Sunset December 31, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to franchisees; and declaring an emergency.

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

4 **SECTION 1. (1) The Task Force on Franchisees is established, consisting of five members**
5 **appointed as follows:**

6 (a) **The President of the Senate shall appoint one member from among members of the**
7 **Senate.**

8 (b) **The Speaker of the House of Representatives shall appoint one member from among**
9 **members of the House of Representatives.**

10 (c) **The Governor shall appoint three members who represent a franchisor, a**
11 **subfranchisor and a franchisee.**

12 (2) **The task force shall study the relationships among franchisors, subfranchisors and**
13 **franchisees to determine whether, for the purposes of applying this state's tax laws and**
14 **other laws, a franchisee or subfranchisor is an employee of a franchisor.**

15 (3) **The task force may conduct surveys, receive testimony and otherwise do any act that**
16 **is necessary to further the task force's purposes under subsection (2) of this section.**

17 (4) **A majority of the members of the task force constitutes a quorum for the transaction**
18 **of business.**

19 (5) **Official action by the task force requires the approval of a majority of the members**
20 **of the task force.**

21 (6) **The task force shall elect one of its members to serve as chairperson.**

22 (7) **If there is a vacancy for any cause, the appointing authority shall make an appoint-**
23 **ment to become immediately effective.**

24 (8) **The task force shall meet at times and places specified by the call of the chairperson**
25 **or of a majority of the members of the task force.**

26 (9) **The task force may adopt rules necessary for the operation of the task force.**

27 (10) **The task force may pre-session file legislation in the manner provided in ORS 171.130**
28 **for interim committees. All legislation recommended by official action of the task force must**
29 **indicate that it is introduced at the request of the task force.**

30 (11) **The task force shall report to the Legislative Assembly in the manner provided in**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **ORS 192.245 at any time within 30 days after its final meeting or at such later time as the**
2 **President and Speaker may designate.**

3 **(12) The Legislative Administrator may employ persons necessary for the performance**
4 **of the functions of the task force. The Legislative Administrator shall fix the duties and**
5 **amounts of compensation of these employees. The task force shall use the services of con-**
6 **tinuing legislative staff, without employing additional persons, to the greatest extent practi-**
7 **cable.**

8 **(13) All agencies of state government, as defined in ORS 174.111, are directed to assist**
9 **the task force in the performance of its duties and, to the extent permitted by laws relating**
10 **to confidentiality, to furnish such information and advice as the members of the task force**
11 **consider necessary to perform their duties.**

12 **SECTION 2. Section 1 of this 2015 Act is repealed on December 31, 2016.**

13 **SECTION 3. This 2015 Act being necessary for the immediate preservation of the public**
14 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
15 **on its passage.**

16 _____