

SENATE AMENDMENTS TO A-ENGROSSED SENATE BILL 333

By COMMITTEE ON FINANCE AND REVENUE

May 24

1 On page 1 of the printed A-engrossed bill, line 3, delete the first “and” and insert a comma and
2 after “285B.630” insert “and 657.665”.

3 On page 2, delete lines 2 through 45.

4 On page 3, delete lines 1 through 11 and insert:

5 “**SECTION 2.** ORS 285B.626 is amended to read:

6 “285B.626. As used in ORS 285B.625 to 285B.632:

7 “[~~(1)~~ ‘*Compensation*’ has the meaning given that term pursuant to rules adopted by the Oregon
8 *Business Development Department.*]

9 “[~~(2)~~] (1) ‘Eligible employer’ means an employer that:

10 “(a) [*Has entered into a contract with a project sponsor to conduct a business in the traded sector*
11 *industry*] **Is conducting a traded sector business** on a regionally significant industrial site; and

12 “(b)(A) **With respect to a rural site**, has hired **at least 25** full-time employees [*who are resi-*
13 *dents of this state and*] whose [*compensation averages*] **wages average** at least 150 percent of the
14 county or state average wage, whichever is less; **or**

15 “(B) **With respect to an urban site**, has hired **at least 50 full-time employees whose wages**
16 **average at least 150 percent of the county or state average wage, whichever is less.**

17 “[~~(3)~~ ‘*Estimated incremental income tax revenues*’ means the Oregon personal income tax revenues
18 that are estimated pursuant to ORS 285B.630 to be substantially equivalent to the amount of tax that
19 employees of an eligible employer who are hired after the eligible employer enters into a contract with
20 a qualified project sponsor to conduct a traded sector business on a certified regionally significant in-
21 dustrial site will be required to pay under ORS chapter 316 as a result of compensation paid to the
22 employees by the eligible employer in the tax years beginning with the tax year following the fifth tax
23 year in which a project sponsor was qualified under ORS 285B.627.]

24 “(2) ‘**Estimated incremental income tax revenues**’ means the Oregon personal income tax
25 revenues that are equivalent to the amount of tax that employees of an eligible employer
26 who are hired by the eligible employer on a designated regionally significant industrial site
27 have paid under ORS chapter 316 in the tax years following the first tax year in which the
28 eligible employer begins conducting a traded sector business on the designated regionally
29 significant industrial site.

30 “[~~(4)~~] (3) ‘Industrial use’ means employment activities, including but not limited to manufactur-
31 ing, assembly, fabrication, processing, storage, logistics, warehousing, importation, distribution,
32 transshipment and research and development, that generate income from the production, handling
33 or distribution of goods or services, including goods or services in the traded sector.

34 “[~~(5)~~] (4) ‘Project sponsor’ means:

35 “(a) A public owner of a regionally significant industrial site that is investing in preparation of

1 the site for industrial use by a third party; or

2 “(b) A public entity that has entered into a development or other agreement with the private
3 owner of a regionally significant industrial site to prepare the site for industrial use.

4 “[6] (5) ‘Regionally significant industrial site’ means [*an area*] **a site** planned and zoned for
5 industrial use that:

6 “(a)(A) [*Contains a site or sites, including brownfields, that are*] **Is** suitable for the location of
7 new industrial uses or the expansion of existing industrial uses and that can provide significant
8 additional employment in the region;

9 “(B) Has site characteristics that [*give the area*] **provide** significant competitive advantages that
10 are difficult or impossible to replicate in the region; and

11 “(C) Has superior access to transportation and freight infrastructure, including but not limited
12 to rail, port, airport, multimodal freight or transshipment facilities and other major transportation
13 facilities or routes; or

14 “(b) Is [*land*] **located in an area** designated by Metro, as defined in ORS 197.015, as a regionally
15 significant industrial area.

16 “(6) **‘Rural site’ means a regionally significant industrial site located in an area outside**
17 **of a metropolitan statistical area, as defined by the most recent federal decennial census.**

18 “(7) ‘Traded sector’ has the meaning given that term in ORS 285A.010.

19 “(8) **‘Urban site’ means a regionally significant industrial site located in a metropolitan**
20 **statistical area, as defined by the most recent federal decennial census, that is located inside**
21 **a regional or metropolitan urban growth boundary.**

22 “[8] (9) ‘Wage’ has the meaning given that term pursuant to rules adopted by the Oregon
23 Business Development Department.”.

24 In line 13, delete “Employment Department and the”.

25 On page 5, line 4, delete “from the Employment Department”.

26 After line 30, insert:

27 “**SECTION 5.** ORS 657.665 is amended to read:

28 “657.665. (1) Except as provided in subsections (2) to (5) of this section, all information in the
29 records of the Employment Department pertaining to the administration of the unemployment in-
30 surance, employment service and labor market information programs:

31 “(a) Is confidential and for the exclusive use and information of the Director of the Employment
32 Department in administering the unemployment insurance, employment service and labor market
33 information programs in Oregon.

34 “(b) May not be used in any court action or in any proceeding pending in the court unless the
35 director or the state is a party to the action or proceeding or unless the proceeding concerns the
36 establishment, enforcement or modification of a support obligation and support services are being
37 provided by the Division of Child Support or the district attorney pursuant to ORS 25.080.

38 “(c) Is exempt from disclosure under ORS 192.410 to 192.505.

39 “(2) The Employment Department shall disclose information:

40 “(a) To any claimant or legal representative, at a hearing before an administrative law judge,
41 to the extent necessary for the proper presentation of an unemployment insurance claim.

42 “(b) Upon request to the United States Secretary of Labor. The Employment Department shall
43 disclose the information in a form and containing the information that the United States Secretary
44 of Labor may require. The information disclosed is confidential and may not be used for any other
45 purpose.

1 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request to any agency of the
2 United States charged with the administration of public works or assistance through public em-
3 ployment. Under this paragraph, the Employment Department shall disclose the name, address, or-
4 dinary occupation and employment status of each recipient of unemployment insurance benefits and
5 a statement of the recipient’s right to further benefits under this chapter. The information disclosed
6 is confidential and may not be used for any other purpose.

7 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Railroad Retirement Board.
8 Under this paragraph, the Employment Department shall disclose unemployment insurance records.
9 The information disclosed is confidential and may not be used for any other purpose. The costs of
10 disclosing information under this paragraph shall be paid by the board.

11 “(e) Pursuant to section 303(d) of the Social Security Act, upon request to officers and employees
12 of the United States Department of Agriculture and to officers or employees of any state Supple-
13 mental Nutrition Assistance Program agency for the purpose of determining an individual’s eligibil-
14 ity for or the amount of supplemental nutrition assistance. The information disclosed is confidential
15 and may not be used for any other purpose. The costs of disclosing information under this paragraph
16 shall be paid by the United States Department of Agriculture.

17 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act, to state or local child
18 support enforcement agencies enforcing child support obligations under Title IV-D of the Social Se-
19 curity Act for the purposes of establishing child support obligations, locating individuals owing child
20 support obligations and collecting child support obligations from those individuals. The information
21 disclosed is confidential and may not be used for any other purpose. The costs of disclosing infor-
22 mation under this paragraph shall be paid by the child support enforcement agency.

23 “(g) Pursuant to sections 303(f) and 1137 of the Social Security Act, to agencies participating in
24 the income and eligibility verification system for the purpose of verifying an individual’s eligibility
25 for benefits, or the amount of benefits, under unemployment insurance, temporary assistance for
26 needy families, Medicaid, the Supplemental Nutrition Assistance Program, Supplemental Security
27 Income, child support enforcement or Social Security programs. The information disclosed is confi-
28 dential and may not be used for any other purpose. The costs of disclosing information under this
29 paragraph shall be paid by the requesting agency.

30 “(h) Pursuant to section 303(h) of the Social Security Act and section 3304(a)(16)(B) of the Fed-
31 eral Unemployment Tax Act, to the United States Department of Health and Human Services Na-
32 tional Directory of New Hires. The information disclosed is confidential and may not be used for
33 any other purpose. The costs of disclosing information under this paragraph shall be paid by the
34 United States Department of Health and Human Services.

35 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and employees of the United
36 States Department of Housing and Urban Development and to representatives of a public housing
37 agency for the purpose of determining an individual’s eligibility for benefits, or the amount of ben-
38 efits, under a housing assistance program of the United States Department of Housing and Urban
39 Development. The information disclosed is confidential and may not be used for any other purpose.
40 The costs of disclosing information under this paragraph shall be paid by the United States De-
41 partment of Housing and Urban Development or the public housing agency.

42 “(j) Pursuant to regulations of the United States Secretary of Health and Human Services issued
43 under section 3304(a)(16)(A) of the Federal Unemployment Tax Act, and except as required by sec-
44 tion 303 of the Social Security Act, to the state, a political subdivision or a federally recognized
45 Indian tribe that has signed an agreement with the Department of Human Services to administer

1 Part A of Title IV of the Social Security Act for the purpose of determining an individual's eligibility
2 for assistance, or the amount of assistance, under a program funded under Part A of Title IV of the
3 Social Security Act. The information disclosed is confidential and may not be used for any other
4 purpose.

5 “(k) Upon request, to the United States Attorney’s Office. Under this paragraph, the Employ-
6 ment Department may disclose an individual’s employment and wage information in response to a
7 federal grand jury subpoena or for the purpose of collecting civil and criminal judgments, including
8 restitution and special assessment fees. The information disclosed is confidential and may not be
9 used for any other purpose. The costs of disclosing information under this paragraph shall be paid
10 by the United States Attorney’s Office.

11 “(3) The Employment Department may disclose information secured from employing units:

12 “(a) To agencies of this state, federal agencies and local government agencies to the extent
13 necessary to properly carry out governmental planning, performance measurement, program analy-
14 sis, socioeconomic analysis and policy analysis functions performed under applicable law. The in-
15 formation disclosed is confidential and may not be disclosed by the agencies in any manner that
16 would identify individuals, claimants, employees or employing units. If the information disclosed
17 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
18 closing the information shall be paid by the agency requesting the information.

19 “(b) As part of a geographic information system. Points on a map may be used to represent
20 economic data, including the location, employment size class and industrial classification of busi-
21 nesses in Oregon. Information presented as part of a geographic information system may not give
22 specific details regarding a business’s address, actual employment or proprietary information. If the
23 information disclosed under this paragraph is not prepared for the use of the Employment Depart-
24 ment, the costs of disclosing the information shall be paid by the party requesting the information.

25 “(c) In accordance with ORS 657.673.

26 “(4) The Employment Department may:

27 “(a) Disclose information to public employees in the performance of their duties under state or
28 federal laws relating to the payment of unemployment insurance benefits, the provision of employ-
29 ment services and the provision of labor market information.

30 “(b) At the discretion of the Director of the Employment Department and subject to an intera-
31 gency agreement, disclose information to public officials in the performance of their official duties
32 administering or enforcing laws within their authority and to the agents or contractors of public
33 officials. The public official shall agree to assume responsibility for misuse of the information by
34 the official’s agent or contractor.

35 “(c) Disclose information pursuant to an informed consent, received from an employer or claim-
36 ant, to disclose the information.

37 “(d) Disclose information to partners under the federal Workforce Investment Act of 1998 for the
38 purpose of administering state workforce programs under the Act. The information disclosed is
39 confidential and may not be used for any other purpose. The costs of disclosing information under
40 this paragraph shall be paid by the requesting partner.

41 “(e) Disclose the names and addresses of employing units to the Bureau of Labor and Industries
42 for the purpose of disseminating information to employing units. The names and addresses disclosed
43 are confidential and may not be used for any other purpose. If the information disclosed under this
44 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
45 information shall be paid by the bureau.

1 “(f) Disclose information to the Commissioner of the Bureau of Labor and Industries for the
2 purpose of performing duties under ORS 279C.800 to 279C.870, 658.005 to 658.245 or 658.405 to
3 658.503 or ORS chapter 652, 653 or 659A. The information disclosed may include the names and ad-
4 dresses of employers and employees and payroll data of employers and employees. The information
5 disclosed is confidential and may not be used for any other purpose. If the information disclosed
6 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
7 closing the information shall be paid by the bureau.

8 “(g) Disclose information required under ORS 657.660 (3) and (4) to the Public Employees Re-
9 tirement System for the purpose of determining the eligibility of members of the retirement system
10 for disability retirement allowances under ORS chapter 238. The information disclosed is confiden-
11 tial and may not be used for any other purpose. The costs of disclosing information under this par-
12 agraph shall be paid by the Public Employees Retirement System.

13 “(h) Disclose to the Oregon Business Development Commission **and the Oregon Business De-**
14 **velopment Department** information required by the commission **and the department** in perform-
15 ing [*its duty*] **their duties** under ORS 285A.050 **and 285B.630** to verify changes in employment levels
16 following direct employer participation in [*Oregon Business Development*] department programs or
17 indirect participation through municipalities under ORS 285B.410 to 285B.482. The information dis-
18 closed to the commission **and the department** may include an employer’s employment level, total
19 subject wages payroll and whole hours worked. The information disclosed is confidential and may
20 not be used for any other purpose. The commission **and the department** may not disclose the in-
21 formation in any manner that would identify an employing unit or employee except to the extent
22 necessary to carry out the commission’s [*duty*] **and the department’s duties** under ORS 285A.050
23 **and 285B.630**. If the information disclosed under this paragraph is not prepared for the use of the
24 Employment Department, the costs of disclosing the information shall be paid by the commission
25 **or the Oregon Business Development Department**.

26 “(i) Disclose information to the Department of Revenue for the purpose of performing its duties
27 under ORS 293.250 or under the revenue and tax laws of this state. The information disclosed may
28 include the names and addresses of employers and employees and payroll data of employers and
29 employees. The information disclosed is confidential and may not be disclosed by the Department
30 of Revenue in any manner that would identify an employing unit or employee except to the extent
31 necessary to carry out the department’s duties under ORS 293.250 or in auditing or reviewing any
32 report or return required or permitted to be filed under the revenue and tax laws administered by
33 the department. The Department of Revenue may not disclose any information received to any pri-
34 vate collection agency or for any other purpose. If the information disclosed under this paragraph
35 is not prepared for the use of the Employment Department, the costs of disclosing the information
36 shall be paid by the Department of Revenue.

37 “(j) Disclose information to the Department of Consumer and Business Services for the purpose
38 of performing its duties under ORS chapters 654 and 656. The information disclosed may include the
39 name, address, number of employees and industrial classification code of an employer and payroll
40 data of employers and employees. The information disclosed is confidential and may not be disclosed
41 by the Department of Consumer and Business Services in any manner that would identify an em-
42 ploying unit or employee except to the extent necessary to carry out the department’s duties under
43 ORS chapters 654 and 656, including administrative hearings and court proceedings in which the
44 Department of Consumer and Business Services is a party. If the information disclosed under this
45 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the

1 information shall be paid by the Department of Consumer and Business Services.

2 “(k) Disclose information to the Construction Contractors Board for the purpose of performing
3 its duties under ORS chapter 701. The information disclosed to the board may include the names and
4 addresses of employers and status of their compliance with this chapter. If the information disclosed
5 under this paragraph is not prepared for the use of the Employment Department, the costs of dis-
6 closing the information shall be paid by the board.

7 “(L) Disclose information to the State Fire Marshal to assist the State Fire Marshal in carrying
8 out duties under ORS 453.307 to 453.414. The information disclosed may include the name, address,
9 telephone number and industrial classification code of an employer. The information disclosed is
10 confidential and may not be disclosed by the State Fire Marshal in any manner that would identify
11 an employing unit except to the extent necessary to carry out duties under ORS 453.307 to 453.414.
12 If the information disclosed under this paragraph is not prepared for the use of the Employment
13 Department, the costs of disclosing the information shall be paid by the office of the State Fire
14 Marshal.

15 “(m) Disclose information to the Higher Education Coordinating Commission for the purpose of
16 performing the commission’s duties under ORS chapter 348 and Title IV of the Higher Education
17 Act of 1965. The information disclosed may include the names and addresses of employers and em-
18 ployees and payroll data of employers and employees. The information disclosed is confidential and
19 may not be disclosed by the commission in any manner that would identify an employing unit or
20 employee except to the extent necessary to carry out the commission’s duties under ORS chapter
21 348 or Title IV of the Higher Education Act of 1965. If the information disclosed under this para-
22 graph is not prepared for the use of the Employment Department, the costs of disclosing the infor-
23 mation shall be paid by the commission.

24 “(n) Disclose information to the Department of Transportation to assist the Department of
25 Transportation in carrying out the duties of the Department of Transportation relating to collection
26 of delinquent and liquidated debts, including taxes, under ORS 184.610 to 184.656, 184.670 to 184.733
27 and 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information disclosed may include
28 the names and addresses of employers and employees and payroll data of employers and employees.
29 The information disclosed is confidential and may not be disclosed by the Department of Transpor-
30 tation in any manner that would identify an employing unit or employee except to the extent nec-
31 essary to carry out the Department of Transportation’s duties relating to collection of delinquent
32 and liquidated debts or in auditing or reviewing any report or return required or permitted to be
33 filed under the revenue and tax laws administered by the Department of Transportation. The De-
34 partment of Transportation may not disclose any information received to any private collection
35 agency or for any other purpose. If the information disclosed under this paragraph is not prepared
36 for the use of the Employment Department, the costs of disclosing the information shall be paid by
37 the Department of Transportation.

38 “(o) Disclose information to the Department of Human Services and the Oregon Health Au-
39 thority to assist the Department of Human Services and the Oregon Health Authority in the col-
40 lection of debts that the Department of Human Services and the Oregon Health Authority are
41 authorized by law to collect. The information disclosed may include the names, addresses and pay-
42 roll data of employers and employees. The information disclosed is confidential and may not be dis-
43 closed by the Department of Human Services or the Oregon Health Authority in a manner that
44 would identify an employing unit or employee except to the extent necessary for the collection of
45 debts as described in this paragraph. The Department of Human Services and the Oregon Health

1 Authority may not disclose information received under this paragraph to a private collection agency
2 or use the information for a purpose other than the collection of debts as described in this para-
3 graph. If the information disclosed under this paragraph is not prepared for the use of the Employ-
4 ment Department, the costs of disclosing the information shall be paid by the Department of Human
5 Services or the Oregon Health Authority.

6 “(p) Disclose to the Alcohol and Drug Policy Commission information required by the commis-
7 sion in evaluating and measuring the performance of alcohol and drug prevention and treatment
8 programs under ORS 430.242 or the impact of the programs on employment. The information dis-
9 closed to the commission may include total subject wages payroll and whole hours worked. The in-
10 formation disclosed under this paragraph is confidential and may not be used for any other purpose.
11 The commission may not disclose the information in any manner that would identify an employing
12 unit or employee except to the extent necessary to carry out the commission’s duties under ORS
13 430.242. If the information disclosed under this paragraph is not prepared for the use of the Em-
14 ployment Department, the costs of disclosing the information shall be paid by the commission.

15 “(q) Disclose to any person establishment level information secured pursuant to this chapter
16 from federal, state and local government employing units. If the information disclosed under this
17 paragraph is not prepared for the use of the Employment Department, the costs of disclosing the
18 information shall be paid by the party requesting the information.

19 “(r) Disclose to any person the industrial classification code assigned to an employing unit. If
20 the information disclosed under this paragraph is not prepared for the use of the Employment De-
21 partment, the costs of disclosing the information shall be paid by the party requesting the informa-
22 tion.

23 “(5) The Employment Department may make public all decisions of the Employment Appeals
24 Board.

25 “(6) Any officer appointed by or any employee of the Director of the Employment Department
26 who discloses confidential information, except with the authority of the director, pursuant to rules
27 or as otherwise required by law, may be disqualified from holding any appointment or employment
28 with the Employment Department.

29 “(7) Any person or any officer or employee of an entity to whom information is disclosed by the
30 Employment Department under this section who divulges or uses the information for any purpose
31 other than that specified in the provision of law or agreement authorizing the use or disclosure may
32 be disqualified from performing any service under contract or disqualified from holding any ap-
33 pointment or employment with the state agency that engaged or employed that person, officer or
34 employee. The Employment Department may immediately cancel or modify any information sharing
35 agreement with an entity when a person or an officer or employee of that entity discloses confi-
36 dential information, other than as specified in law or agreement.”.

37 In line 31, delete “5” and insert “6”.

38 In line 34, delete “6” and insert “7” and delete “5” and insert “6”.

39 In line 35, delete “7” and insert “8”.