

Requested by SENATE COMMITTEE ON FINANCE AND REVENUE

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 333**

1 On page 1 of the printed A-engrossed bill, line 3, delete the first “and”
2 and insert a comma and 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*
8 *adopted by the Oregon 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 busi-*
11 *ness in the traded sector industry*] **Is conducting a traded sector business**
12 on a regionally significant industrial site; and

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

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

20 “[*(3) ‘Estimated incremental income tax revenues’ means the Oregon per-*
21 *sonal income tax revenues that are estimated pursuant to ORS 285B.630 to be*”

1 *substantially equivalent to the amount of tax that employees of an eligible*
2 *employer who are hired after the eligible employer enters into a contract with*
3 *a qualified project sponsor to conduct a traded sector business on a certified*
4 *regionally significant industrial site will be required to pay under ORS*
5 *chapter 316 as a result of compensation paid to the employees by the eligible*
6 *employer in the tax years beginning with the tax year following the fifth tax*
7 *year in which a project sponsor was qualified under ORS 285B.627.]*

8 **“(2) ‘Estimated incremental income tax revenues’ means the**
9 **Oregon personal income tax revenues that are equivalent to the**
10 **amount of tax that employees of an eligible employer who are hired**
11 **by the eligible employer on a designated regionally significant indus-**
12 **trial site have paid under ORS chapter 316 in the tax years following**
13 **the first tax year in which the eligible employer begins conducting a**
14 **traded sector business on the designated regionally significant indus-**
15 **trial site.**

16 “[4] (3) ‘Industrial use’ means employment activities, including but not
17 limited to manufacturing, assembly, fabrication, processing, storage, logis-
18 tics, warehousing, importation, distribution, transshipment and research and
19 development, that generate income from the production, handling or distrib-
20 ution of goods or services, including goods or services in the traded sector.

21 “[5] (4) ‘Project sponsor’ means:

22 “(a) A public owner of a regionally significant industrial site that is in-
23 vesting in preparation of the site for industrial use by a third party; or

24 “(b) A public entity that has entered into a development or other agree-
25 ment with the private owner of a regionally significant industrial site to
26 prepare the site for industrial use.

27 “[6] (5) ‘Regionally significant industrial site’ means [*an area*] **a site**
28 **planned and zoned for industrial use that:**

29 “(a)(A) [*Contains a site or sites, including brownfields, that are*] **Is** suitable
30 **for the location of new industrial uses or the expansion of existing industrial**

1 uses and that can provide significant additional employment in the region;

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

5 “(C) Has superior access to transportation and freight infrastructure, in-
6 cluding but not limited to rail, port, airport, multimodal freight or trans-
7 shipment facilities and other major transportation facilities or routes; or

8 “(b) Is [*land*] **located in an area** designated by Metro, as defined in ORS
9 197.015, as a regionally significant industrial area.

10 “**(6) ‘Rural site’ means a regionally significant industrial site lo-**
11 **cated in an area outside of a metropolitan statistical area, as defined**
12 **by the most recent federal decennial census.**

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

14 “**(8) ‘Urban site’ means a regionally significant industrial site lo-**
15 **cated in a metropolitan statistical area, as defined by the most recent**
16 **federal decennial census, that is located inside a regional or metro-**
17 **politan urban growth boundary.**

18 “[~~(8)~~] **(9) ‘Wage’** has the meaning given that term pursuant to rules
19 adopted by the Oregon Business Development Department.”.

20 In line 13, delete the boldfaced material.

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

22 After line 30, insert:

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

24 “657.665. (1) Except as provided in subsections (2) to (5) of this section,
25 all information in the records of the Employment Department pertaining to
26 the administration of the unemployment insurance, employment service and
27 labor market information programs:

28 “(a) Is confidential and for the exclusive use and information of the Di-
29 rector of the Employment Department in administering the unemployment
30 insurance, employment service and labor market information programs in

1 Oregon.

2 “(b) May not be used in any court action or in any proceeding pending
3 in the court unless the director or the state is a party to the action or pro-
4 ceeding or unless the proceeding concerns the establishment, enforcement or
5 modification of a support obligation and support services are being provided
6 by the Division of Child Support or the district attorney pursuant to ORS
7 25.080.

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

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

10 “(a) To any claimant or legal representative, at a hearing before an ad-
11 ministrative law judge, to the extent necessary for the proper presentation
12 of an unemployment insurance claim.

13 “(b) Upon request to the United States Secretary of Labor. The Employ-
14 ment Department shall disclose the information in a form and containing the
15 information that the United States Secretary of Labor may require. The in-
16 formation disclosed is confidential and may not be used for any other pur-
17 pose.

18 “(c) Pursuant to section 303(a)(7) of the Social Security Act, upon request
19 to any agency of the United States charged with the administration of public
20 works or assistance through public employment. Under this paragraph, the
21 Employment Department shall disclose the name, address, ordinary occupa-
22 tion and employment status of each recipient of unemployment insurance
23 benefits and a statement of the recipient’s right to further benefits under this
24 chapter. The information disclosed is confidential and may not be used for
25 any other purpose.

26 “(d) Pursuant to section 303(c)(1) of the Social Security Act, to the Rail-
27 road Retirement Board. Under this paragraph, the Employment Department
28 shall disclose unemployment insurance records. The information disclosed is
29 confidential and may not be used for any other purpose. The costs of dis-
30 closing information under this paragraph shall be paid by the board.

1 “(e) Pursuant to section 303(d) of the Social Security Act, upon request
2 to officers and employees of the United States Department of Agriculture and
3 to officers or employees of any state Supplemental Nutrition Assistance
4 Program agency for the purpose of determining an individual’s eligibility for
5 or the amount of supplemental nutrition assistance. The information dis-
6 closed is confidential and may not be used for any other purpose. The costs
7 of disclosing information under this paragraph shall be paid by the United
8 States Department of Agriculture.

9 “(f) Pursuant to section 303(e)(1) and (2)(A)(ii) of the Social Security Act,
10 to state or local child support enforcement agencies enforcing child support
11 obligations under Title IV-D of the Social Security Act for the purposes of
12 establishing child support obligations, locating individuals owing child sup-
13 port obligations and collecting child support obligations from those individ-
14 uals. The information disclosed is confidential and may not be used for any
15 other purpose. The costs of disclosing information under this paragraph shall
16 be paid by the child support enforcement agency.

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

26 “(h) Pursuant to section 303(h) of the Social Security Act and section
27 3304(a)(16)(B) of the Federal Unemployment Tax Act, to the United States
28 Department of Health and Human Services National Directory of New Hires.
29 The information disclosed is confidential and may not be used for any other
30 purpose. The costs of disclosing information under this paragraph shall be

1 paid by the United States Department of Health and Human Services.

2 “(i) Pursuant to section 303(i) of the Social Security Act, to officers and
3 employees of the United States Department of Housing and Urban Develop-
4 ment and to representatives of a public housing agency for the purpose of
5 determining an individual’s eligibility for benefits, or the amount of benefits,
6 under a housing assistance program of the United States Department of
7 Housing and Urban Development. The information disclosed is confidential
8 and may not be used for any other purpose. The costs of disclosing informa-
9 tion under this paragraph shall be paid by the United States Department of
10 Housing and Urban Development or the public housing agency.

11 “(j) Pursuant to regulations of the United States Secretary of Health and
12 Human Services issued under section 3304(a)(16)(A) of the Federal Unem-
13 ployment Tax Act, and except as required by section 303 of the Social Secu-
14 rity Act, to the state, a political subdivision or a federally recognized Indian
15 tribe that has signed an agreement with the Department of Human Services
16 to administer Part A of Title IV of the Social Security Act for the purpose
17 of determining an individual’s eligibility for assistance, or the amount of
18 assistance, under a program funded under Part A of Title IV of the Social
19 Security Act. The information disclosed is confidential and may not be used
20 for any other purpose.

21 “(k) Upon request, to the United States Attorney’s Office. Under this
22 paragraph, the Employment Department may disclose an individual’s em-
23 ployment and wage information in response to a federal grand jury subpoena
24 or for the purpose of collecting civil and criminal judgments, including
25 restitution and special assessment fees. The information disclosed is confi-
26 dential and may not be used for any other purpose. The costs of disclosing
27 information under this paragraph shall be paid by the United States
28 Attorney’s Office.

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

1 “(a) To agencies of this state, federal agencies and local government
2 agencies to the extent necessary to properly carry out governmental plan-
3 ning, performance measurement, program analysis, socioeconomic analysis
4 and policy analysis functions performed under applicable law. The informa-
5 tion disclosed is confidential and may not be disclosed by the agencies in any
6 manner that would identify individuals, claimants, employees or employing
7 units. If the information disclosed under this paragraph is not prepared for
8 the use of the Employment Department, the costs of disclosing the informa-
9 tion shall be paid by the agency requesting the information.

10 “(b) As part of a geographic information system. Points on a map may be
11 used to represent economic data, including the location, employment size
12 class and industrial classification of businesses in Oregon. Information pre-
13 sented as part of a geographic information system may not give specific de-
14 tails regarding a business’s address, actual employment or proprietary
15 information. If the information disclosed under this paragraph is not pre-
16 pared for the use of the Employment Department, the costs of disclosing the
17 information shall be paid by the party requesting the information.

18 “(c) In accordance with ORS 657.673.

19 “(4) The Employment Department may:

20 “(a) Disclose information to public employees in the performance of their
21 duties under state or federal laws relating to the payment of unemployment
22 insurance benefits, the provision of employment services and the provision
23 of labor market information.

24 “(b) At the discretion of the Director of the Employment Department and
25 subject to an interagency agreement, disclose information to public officials
26 in the performance of their official duties administering or enforcing laws
27 within their authority and to the agents or contractors of public officials.
28 The public official shall agree to assume responsibility for misuse of the in-
29 formation by the official’s agent or contractor.

30 “(c) Disclose information pursuant to an informed consent, received from

1 an employer or claimant, to disclose the information.

2 “(d) Disclose information to partners under the federal Workforce In-
3 vestment Act of 1998 for the purpose of administering state workforce pro-
4 grams under the Act. The information disclosed is confidential and may not
5 be used for any other purpose. The costs of disclosing information under this
6 paragraph shall be paid by the requesting partner.

7 “(e) Disclose the names and addresses of employing units to the Bureau
8 of Labor and Industries for the purpose of disseminating information to em-
9 ploying units. The names and addresses disclosed are confidential and may
10 not be used for any other purpose. If the information disclosed under this
11 paragraph is not prepared for the use of the Employment Department, the
12 costs of disclosing the information shall be paid by the bureau.

13 “(f) Disclose information to the Commissioner of the Bureau of Labor and
14 Industries for the purpose of performing duties under ORS 279C.800 to
15 279C.870, 658.005 to 658.245 or 658.405 to 658.503 or ORS chapter 652, 653 or
16 659A. The information disclosed may include the names and addresses of
17 employers and employees and payroll data of employers and employees. The
18 information disclosed is confidential and may not be used for any other
19 purpose. If the information disclosed under this paragraph is not prepared
20 for the use of the Employment Department, the costs of disclosing the in-
21 formation shall be paid by the bureau.

22 “(g) Disclose information required under ORS 657.660 (3) and (4) to the
23 Public Employees Retirement System for the purpose of determining the el-
24 igibility of members of the retirement system for disability retirement al-
25 lowances under ORS chapter 238. The information disclosed is confidential
26 and may not be used for any other purpose. The costs of disclosing informa-
27 tion under this paragraph shall be paid by the Public Employees Retirement
28 System.

29 “(h) Disclose to the Oregon Business Development Commission **and the**
30 **Oregon Business Development Department** information required by the

1 commission **and the department** in performing [*its duty*] **their duties** under
2 ORS 285A.050 **and 285B.630** to verify changes in employment levels following
3 direct employer participation in [*Oregon Business Development*] department
4 programs or indirect participation through municipalities under ORS
5 285B.410 to 285B.482. The information disclosed to the commission **and the**
6 **department** may include an employer's employment level, total subject
7 wages payroll and whole hours worked. The information disclosed is confi-
8 dential and may not be used for any other purpose. The commission **and the**
9 **department** may not disclose the information in any manner that would
10 identify an employing unit or employee except to the extent necessary to
11 carry out the commission's [*duty*] **and the department's duties** under ORS
12 285A.050 **and 285B.630**. If the information disclosed under this paragraph is
13 not prepared for the use of the Employment Department, the costs of dis-
14 closing the information shall be paid by the commission **or the Oregon**
15 **Business Development Department**.

16 “(i) Disclose information to the Department of Revenue for the purpose
17 of performing its duties under ORS 293.250 or under the revenue and tax laws
18 of this state. The information disclosed may include the names and addresses
19 of employers and employees and payroll data of employers and employees.
20 The information disclosed is confidential and may not be disclosed by the
21 Department of Revenue in any manner that would identify an employing unit
22 or employee except to the extent necessary to carry out the department's
23 duties under ORS 293.250 or in auditing or reviewing any report or return
24 required or permitted to be filed under the revenue and tax laws adminis-
25 tered by the department. The Department of Revenue may not disclose any
26 information received to any private collection agency or for any other pur-
27 pose. If the information disclosed under this paragraph is not prepared for
28 the use of the Employment Department, the costs of disclosing the informa-
29 tion shall be paid by the Department of Revenue.

30 “(j) Disclose information to the Department of Consumer and Business

1 Services for the purpose of performing its duties under ORS chapters 654 and
2 656. The information disclosed may include the name, address, number of
3 employees and industrial classification code of an employer and payroll data
4 of employers and employees. The information disclosed is confidential and
5 may not be disclosed by the Department of Consumer and Business Services
6 in any manner that would identify an employing unit or employee except to
7 the extent necessary to carry out the department's duties under ORS chap-
8 ters 654 and 656, including administrative hearings and court proceedings in
9 which the Department of Consumer and Business Services is a party. If the
10 information disclosed under this paragraph is not prepared for the use of the
11 Employment Department, the costs of disclosing the information shall be
12 paid by the Department of Consumer and Business Services.

13 “(k) Disclose information to the Construction Contractors Board for the
14 purpose of performing its duties under ORS chapter 701. The information
15 disclosed to the board may include the names and addresses of employers and
16 status of their compliance with this chapter. If the information disclosed
17 under this paragraph is not prepared for the use of the Employment De-
18 partment, the costs of disclosing the information shall be paid by the board.

19 “(L) Disclose information to the State Fire Marshal to assist the State
20 Fire Marshal in carrying out duties under ORS 453.307 to 453.414. The in-
21 formation disclosed may include the name, address, telephone number and
22 industrial classification code of an employer. The information disclosed is
23 confidential and may not be disclosed by the State Fire Marshal in any
24 manner that would identify an employing unit except to the extent necessary
25 to carry out duties under ORS 453.307 to 453.414. If the information disclosed
26 under this paragraph is not prepared for the use of the Employment De-
27 partment, the costs of disclosing the information shall be paid by the office
28 of the State Fire Marshal.

29 “(m) Disclose information to the Higher Education Coordinating Com-
30 mission for the purpose of performing the commission's duties under ORS

1 chapter 348 and Title IV of the Higher Education Act of 1965. The informa-
2 tion disclosed may include the names and addresses of employers and em-
3 ployees and payroll data of employers and employees. The information
4 disclosed is confidential and may not be disclosed by the commission in any
5 manner that would identify an employing unit or employee except to the
6 extent necessary to carry out the commission's duties under ORS chapter 348
7 or Title IV of the Higher Education Act of 1965. If the information disclosed
8 under this paragraph is not prepared for the use of the Employment De-
9 partment, the costs of disclosing the information shall be paid by the com-
10 mission.

11 “(n) Disclose information to the Department of Transportation to assist
12 the Department of Transportation in carrying out the duties of the Depart-
13 ment of Transportation relating to collection of delinquent and liquidated
14 debts, including taxes, under ORS 184.610 to 184.656, 184.670 to 184.733 and
15 805.263, ORS chapter 319 and the Oregon Vehicle Code. The information
16 disclosed may include the names and addresses of employers and employees
17 and payroll data of employers and employees. The information disclosed is
18 confidential and may not be disclosed by the Department of Transportation
19 in any manner that would identify an employing unit or employee except to
20 the extent necessary to carry out the Department of Transportation's duties
21 relating to collection of delinquent and liquidated debts or in auditing or
22 reviewing any report or return required or permitted to be filed under the
23 revenue and tax laws administered by the Department of Transportation. The
24 Department of Transportation may not disclose any information received to
25 any private collection agency or for any other purpose. If the information
26 disclosed under this paragraph is not prepared for the use of the Employment
27 Department, the costs of disclosing the information shall be paid by the De-
28 partment of Transportation.

29 “(o) Disclose information to the Department of Human Services and the
30 Oregon Health Authority to assist the Department of Human Services and

1 the Oregon Health Authority in the collection of debts that the Department
2 of Human Services and the Oregon Health Authority are authorized by law
3 to collect. The information disclosed may include the names, addresses and
4 payroll data of employers and employees. The information disclosed is con-
5 fidential and may not be disclosed by the Department of Human Services or
6 the Oregon Health Authority in a manner that would identify an employing
7 unit or employee except to the extent necessary for the collection of debts
8 as described in this paragraph. The Department of Human Services and the
9 Oregon Health Authority may not disclose information received under this
10 paragraph to a private collection agency or use the information for a purpose
11 other than the collection of debts as described in this paragraph. If the in-
12 formation disclosed under this paragraph is not prepared for the use of the
13 Employment Department, the costs of disclosing the information shall be
14 paid by the Department of Human Services or the Oregon Health Authority.

15 “(p) Disclose to the Alcohol and Drug Policy Commission information
16 required by the commission in evaluating and measuring the performance of
17 alcohol and drug prevention and treatment programs under ORS 430.242 or
18 the impact of the programs on employment. The information disclosed to the
19 commission may include total subject wages payroll and whole hours worked.
20 The information disclosed under this paragraph is confidential and may not
21 be used for any other purpose. The commission may not disclose the infor-
22 mation in any manner that would identify an employing unit or employee
23 except to the extent necessary to carry out the commission’s duties under
24 ORS 430.242. If the information disclosed under this paragraph is not pre-
25 pared for the use of the Employment Department, the costs of disclosing the
26 information shall be paid by the commission.

27 “(q) Disclose to any person establishment level information secured pur-
28 suant to this chapter from federal, state and local government employing
29 units. If the information disclosed under this paragraph is not prepared for
30 the use of the Employment Department, the costs of disclosing the informa-

1 tion shall be paid by the party requesting the information.

2 “(r) Disclose to any person the industrial classification code assigned to
3 an employing unit. If the information disclosed under this paragraph is not
4 prepared for the use of the Employment Department, the costs of disclosing
5 the information shall be paid by the party requesting the information.

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

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

13 “(7) Any person or any officer or employee of an entity to whom infor-
14 mation is disclosed by the Employment Department under this section who
15 divulges or uses the information for any purpose other than that specified
16 in the provision of law or agreement authorizing the use or disclosure may
17 be disqualified from performing any service under contract or disqualified
18 from holding any appointment or employment with the state agency that
19 engaged or employed that person, officer or employee. The Employment De-
20 partment may immediately cancel or modify any information sharing agree-
21 ment with an entity when a person or an officer or employee of that entity
22 discloses confidential information, other than as specified in law or agree-
23 ment.”.

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

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

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

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