

SB 205 B STAFF MEASURE SUMMARY

Carrier: Rep. Nguyen D

House Committee On Revenue**Action Date:** 05/18/23**Action:** Do pass with amendments. (Printed B-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Levy B, Marsh, Nathanson, Nguyen D, Reschke, Smith G, Walters**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Kyle Easton, Economist**Meeting Dates:** 5/3, 5/18**WHAT THE MEASURE DOES:**

Allows Department of Revenue to disclose and give access to the Employment Department, for purpose of detecting whether identity theft or fraud has been committed, specified taxpayer information that is otherwise confidential. Allows Director of Employment Department to disclose to Department of Revenue, information reported to Employment Department by employers and employees under unemployment insurance, and paid family and medical leave programs, for purpose of detecting potential identity theft or fraudulent claims. Repeals section 3 of measure if conflict exists due to enactment of Senate Bill 913. Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Similar topic being discussed in Ways and Means regarding relevant agencies
- Where fraud is occurring, fraud sourced at both Department of Revenue (DOR) and Oregon Employment Department (OED)
- Information sharing is DOR to OED and OED to DOR
- Individual example of identity theft
- Data handling at OED when receiving or having received shared data
- Expectation of data sharing being related to specific instances rather than large data transfer
- Guiding principles for Director of DOR in decision to exercise discretionary authority provided in measure
- Documentation process of DOR sharing information with OED.

EFFECT OF AMENDMENT:

-A3 Resolved conflict with Senate Bill 913.

BACKGROUND:

Unless specified in statute, tax return data is generally not allowed to be disclosed. For example, ORS 314.835 prohibits the disclosure of tax return particulars except when specifically allowed. Disclosure of information of the Oregon Employment Department (OED) relating to unemployment insurance, employment service, workforce and labor market information, and paid family and medical leave programs is subject to similar limitations.

Beginning in 2020, (SB 1703, 2020 2nd Special Session) temporary authority was provided to the Department of Revenue (DOR) allowing DOR to disclose and give access to specified tax return information to the Department of Employment. The authority was temporarily extended by HB 3043 (2021). SB 205 provides continual authority to Department of Revenue and Oregon Employment Department to share specified information for purposes of detecting potential identity theft or fraudulent claims.