

05/18/2012 12:01:58 PM

HOUSE OF REPRESENTATIVES  
CONFERENCE COMMITTEE REPORT

Mr. President:  
Mr. Speaker:

The Conference Committee, to which was referred

**HB2258**

By: Sherrer of the House and Burrage of the Senate

Title: State government; requiring agencies to share information and coordinate investigative and enforcement efforts for certain purpose; codification; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendments and that the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

**HOUSE CONFEREES**

Armes \_\_\_\_\_ Sears

Earl Sears

Billy ~~\_\_\_\_\_~~ Walker

Ermy D. Walker

Blackwell \_\_\_\_\_

Brown \_\_\_\_\_

Cox \_\_\_\_\_

Dank \_\_\_\_\_

DeWitt \_\_\_\_\_

Denney \_\_\_\_\_

Dorman \_\_\_\_\_

Hoskin \_\_\_\_\_

Liebmann \_\_\_\_\_

Martin (Scott) \_\_\_\_\_

McPeak \_\_\_\_\_

Nelson \_\_\_\_\_

Peters \_\_\_\_\_

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**SENATE CONFEREES**

Burrage

*Stanley*

Newberry

Coates

*Coates*

Balienger

Brinkley

*Brinkley*

Ford

*Ford*

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

House Action \_\_\_\_\_ Date \_\_\_\_\_ Senate Action \_\_\_\_\_ Date \_\_\_\_\_

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2258

By: Sherrer and Hoskin of the  
House

7 and

8 Burrage, Coates, McAffrey,  
9 Newberry and Ivester of the  
10 Senate

11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to contractors; requiring certain  
13 contractors show proof of certain documentation;  
14 providing for penalties; requiring specified agencies  
15 to share information and coordinate investigative and  
16 enforcement efforts for certain purpose; providing  
17 authorization for creation of secure database and  
18 promulgation of rules; providing for codification;  
19 and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1708 of Title 68, unless there  
23 is created a duplication in numbering, reads as follows:

24 A. All contractors submitting a written bid on a public  
construction project offered for bid in this state shall upon

1 written request show proof of documentation required to be in their  
2 possession pursuant to Section 1701.1 of Title 68 of the Oklahoma  
3 Statutes.

4 B. Any contractor that fails to provide proof as required in  
5 subsection A of this section, or any contractor that performs work  
6 in this state as a resident or nonresident contractor without  
7 registration as required by Section 1701.1 of Title 68 of the  
8 Oklahoma Statutes, shall be fined by the Oklahoma Tax Commission an  
9 amount not to exceed ten percent (10%) of the contractor's total  
10 bid, which shall be in addition to any other penalties allowed by  
11 law.

12 C. Any contractor that intentionally misclassifies individuals  
13 as independent contractors rather than employees for the purpose of  
14 affecting procedures and payments relating to withholding and social  
15 security, unemployment tax or worker's compensation premiums shall  
16 be fined by the Oklahoma Tax Commission an amount not to exceed ten  
17 percent (10%) of the contractor's total bid, which shall be in  
18 addition to any other penalties allowed by law.

19 SECTION 2. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1709 of Title 68, unless there  
21 is created a duplication in numbering, reads as follows:

22 The Oklahoma Tax Commission, Oklahoma Workers' Compensation  
23 Court, Department of Labor, CompSource Oklahoma and Oklahoma  
24 Employment Security Commission shall share information and

1 coordinate investigative and enforcement efforts for the purpose of  
2 detecting those contractors who intentionally misclassify  
3 individuals as independent contractors rather than employees for the  
4 purpose of affecting procedures and payments relating to withholding  
5 and social security, unemployment tax or workers' compensation  
6 premiums. The agencies required by this section to share  
7 information and coordinate efforts shall be authorized to create a  
8 secure database of information accessible by agency representatives  
9 responsible for enforcement and shall be further authorized to enter  
10 into contracts and interagency agreements and promulgate such rules  
11 as may be necessary to implement this section.

12 SECTION 3. This act shall become effective November 1, 2012.

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14 53-2-10532 LRB 05/16/12

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