

**Enrolled**  
**House Bill 2347**

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Business and Labor)

CHAPTER .....

AN ACT

Relating to the definition of “employment” for purposes of unemployment insurance; creating new provisions; amending ORS 657.030; and declaring an emergency.

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

**SECTION 1.** Section 2 of this 2011 Act and ORS 657.078 and 657.093 are added to and made a part of ORS 657.043 to 657.094.

**SECTION 2.** (1) As used in this chapter, “employment” does not include officiating services performed by individuals in recreational, interscholastic or intercollegiate sporting events or contests.

(2) As used in this section:

(a) “Officiating services” means overseeing the play of a sporting event or contest, judging whether the rules are being followed and penalizing participants for infringing the rules.

(b) “Sporting event or contest” means any sporting competition in which the participants are not professional athletes or contestants or are not remunerated for their participation.

(3) Subsection (1) of this section does not apply to officiating services performed for:

- (a) A nonprofit employing unit;
- (b) This state;
- (c) A political subdivision of this state; or
- (d) An Indian tribe.

**SECTION 3.** ORS 657.030 is amended to read:

657.030. (1) As used in this chapter, [unless the context requires otherwise, and subject to] **except as provided in** ORS 657.035, 657.040 and [657.045 to 657.094, or any other section which excludes services from the term “employment,”] **657.043 to 657.094**, “employment” means service for an employer, including service in interstate commerce, within or outside [of] the United States, performed for remuneration or under any contract of hire, written or oral, express or implied.

(2) Notwithstanding any other provisions of this chapter, “employment” [shall include service] **includes service that is:**

- (a) [Which is] Subject to the tax imposed by the Federal Unemployment Tax Act; or
- (b) [Which is] Required to be covered under this chapter as a condition for employers to receive a full tax credit against the tax imposed by the Federal Unemployment Tax Act.

(3) Notwithstanding subsections (1) and (2) of this section, “employment” does not include:

(a) Service performed in the employ of a school, college or university, if [such] **the** service is performed by a student who is enrolled and is regularly attending classes at [such] **the** school, col-

lege or university, or by the spouse of [such a] **the** student, if [such] **the** spouse is advised at the time [such] **the** spouse commences to perform [such] **the** service, that the employment of [such] **the** spouse [to perform such service] is provided under a program to provide financial assistance to [such] **the** student by [such] **the** school, college, or university, and [such] **the** employment [will not be] **is not** covered by any program of unemployment insurance.

(b) Service performed in the employ of a hospital, if [such] **the** service is performed by a patient of [such] **the** hospital.

(c) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled in a nurses' training school chartered or approved pursuant to the laws of this state.

(d) Service performed by an individual who is enrolled at a nonprofit or public educational institution [which] **that** normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at [such] **the** institution, [which] **that** combines academic instruction with work experience, if [such] **the** service is an integral part of [such] **the** program, and [such] **the** program has been approved by the Director of the Employment Department, and [such] **the** institution has so certified to the employer, except that this paragraph [shall] **does** not apply to service performed in a program established for or on behalf of an employer or group of employers.

(e) Service performed by a full-time student in the employ of an organized camp described in section 3306(c)(20) of the Internal Revenue Code:

(A) If [such] **the** camp:

(i) Did not operate for more than seven months in the calendar year and did not operate more than seven months in the preceding calendar year; or

(ii) Had average gross receipts for any six months in the preceding calendar year [which] **that** were not more than 33-1/3 percent of its average gross receipts for the other six months in the preceding calendar year; and

(B) If [such] **the** full-time student performed services in the employ of [such] **the** camp for less than 13 calendar weeks in [such] **the** calendar year.

(4) As used in subsection (3)(e) of this section, an individual shall be treated as a full-time student for any period:

(a) During which the individual is enrolled as a full-time student at an educational institution; or

(b) [Which] **That** is between academic years or terms if:

(A) The individual was enrolled as a full-time student at an educational institution for the immediately preceding academic year or term; and

(B) There is a reasonable assurance that the individual will be [so] enrolled for the immediately succeeding academic year or term after the period described in subparagraph (A) of this paragraph.

**SECTION 4. Section 2 of this 2011 Act applies to officiating services performed on or after the effective date of this 2011 Act.**

**SECTION 5. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.**

**Passed by House March 3, 2011**

.....  
Ramona Kenady Line, Chief Clerk of House

.....  
Bruce Hanna, Speaker of House

.....  
Arnie Roblan, Speaker of House

**Passed by Senate May 9, 2011**

.....  
Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

.....  
John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

.....  
Kate Brown, Secretary of State