

House Bill 2640

Sponsored by Representative BARKER (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Excludes from definition of "employment" for purposes of unemployment insurance benefits, service performed for nonprofit organization and remunerated with stipend.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to exclusion from definition of employment; creating new provisions; amending ORS 657.092;
3 and declaring an emergency.

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

5 **SECTION 1.** ORS 657.092 is amended to read:

6 657.092. (1) **As used in this chapter**, "employment" does not include service performed by an
7 individual as a director, designer, performer, musician, technical crew member, house or business
8 person, contestant, beauty queen or member of a court for or on behalf of a nonprofit organization
9 in connection with a symphony, opera, play, pageant, festival, rodeo or similar event operated by
10 [*such*] **the nonprofit** organization when the remuneration for such service consists solely of a
11 gratuity, prize, scholarship, **stipend** or reimbursement of expenses.

12 (2) As used in this section:

13 (a) "Contestant" means a person competing [*in a competition*] in a pageant, festival, rodeo or
14 similar event.

15 (b) "Gratuity" means a voluntary return for a service and does not include commissions or other
16 amounts paid pursuant to an agreement reached at the time the individual agrees to perform a ser-
17 vice for the organization.

18 (c) "Nonprofit organization" means an organization or group of organizations described in
19 sections 501(c)(3) to 501(c)(10) of the Internal Revenue Code [*which*] **that** is exempt from income tax
20 under section 501(a) of the Internal Revenue Code.

21 (d) "Prize" means a reward received for winning a competition in a pageant, festival, rodeo or
22 similar event.

23 (e) "Reimbursement for expenses" means a payment made in lieu of salary to compensate an
24 individual for transportation costs to the location of the service and return, and ordinary living
25 expenses while in the vicinity of the event in which the individual is participating.

26 (f) "Scholarship" means a grant provided for the purpose of paying part of the tuition or other
27 costs of attending an educational institution or institution of higher education and payable to the
28 institution of the individual's choice.

29 (g) **"Stipend" means the payment of a specified amount for each performance or event**
30 **pursuant to an agreement between the individual and the organization.**

31 **SECTION 2.** The amendments to ORS 657.092 by section 1 of this 2011 Act apply to service

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 that is performed on or after the effective date of this 2011 Act.

2 SECTION 3. This 2011 Act being necessary for the immediate preservation of the public
3 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
4 on its passage.

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