

Senate Bill 309

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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**.

Includes individual in definition of "members of the same family" for purposes of family business exclusion from definition of "employment" in unemployment insurance statutes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to the definition of employment; creating new provisions; amending ORS 657.044; and de-
3 claring an emergency.

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

5 **SECTION 1.** ORS 657.044 is amended to read:

6 657.044. (1) As used in this chapter, "employment" does not include service performed for:

7 (a) A corporation by corporate officers who are directors of the corporation, who have a sub-
8 stantial ownership interest in the corporation and who are members of the same family if the cor-
9 poration elects not to provide coverage for those individuals. The election [*shall*] **must** be in
10 writing and [*shall be*] **is** effective on the first day of the current calendar quarter or of the calendar
11 quarter preceding the calendar quarter in which the request [*was*] **is** submitted.

12 (b) A limited liability company by a member, including members who are managers, as defined
13 in ORS 63.001.

14 (c) A limited liability partnership by a partner as described in ORS chapter 67.

15 (2) The provisions of this section do not apply to service performed for:

16 (a) A nonprofit employing unit;

17 (b) This state;

18 (c) A political subdivision of this state; or

19 (d) An Indian tribe.

20 (3) As used in this section, "members of the same family" means:

21 **(a) An individual; or**

22 **(b) Persons who are members of a family as parents, stepparents, grandparents, spouses, sons-**
23 **in-law, daughters-in-law, brothers, sisters, children, stepchildren, adopted children or grandchildren.**

24 **SECTION 2. The amendments to ORS 657.044 by section 1 of this 2011 Act apply to service**
25 **performed on or after the effective date of this 2011 Act.**

26 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**
27 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
28 **on its passage.**
29

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.