

CS FOR HOUSE BILL NO. 539(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE LABOR AND COMMERCE COMMITTEE

Offered: 4/19/04

Referred: Judiciary

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting a person who allows a student of the University of Alaska to gain**
2 **practical work experience with the person while participating in a practicum from**
3 **vicarious liability as an employer, and exempting the student participating in a**
4 **practicum from the Alaska Wage and Hour Act; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 14.40 is amended by adding a new section to read:

7 **Sec. 14.40.065. Student practicums immunity.** A person is not considered
8 to be an employer of a student of the University of Alaska in a civil action based on
9 the vicarious liability of an employer for the acts or omissions of an employee if the
10 person

11 (1) has agreed to allow the student to gain practical work experience
12 with the person in a practicum that is part of the student's curriculum; and

13 (2) pays no compensation to the student.

14 * **Sec. 2.** AS 23.10.055 is amended to read:

1 **Sec. 23.10.055. Exemptions.** The provisions of AS 23.10.050 - 23.10.150 do
2 not apply to

3 (1) an individual employed in agriculture, which includes farming in
4 all its branches and, among other things, includes the cultivation and tillage of the soil,
5 dairying, the production, cultivation, growing, and harvesting of any agricultural or
6 horticultural commodities, the raising of livestock, bees, fur-bearing animals, or
7 poultry, and any practices, including forestry and lumbering operations, performed by
8 a farmer or on a farm as an incident to or in conjunction with the farming operations,
9 including preparation for market, delivery to storage or to market or to carriers for
10 transportation to market;

11 (2) an individual employed in the catching, trapping, cultivating or
12 farming, netting, or taking of any kind of fish, shellfish, or other aquatic forms of
13 animal and vegetable life;

14 (3) an individual employed in the hand picking of shrimp;

15 (4) an individual employed in domestic service, including a baby-
16 sitter, in or about a private home;

17 (5) an individual employed by the United States or by the state or
18 political subdivision of the state, except as provided in AS 23.10.065(b), including
19 prisoners not on furlough detained or confined in prison facilities;

20 (6) an individual engaged in the nonprofit activities of a nonprofit
21 religious, charitable, cemetery, or educational organization or other nonprofit
22 organization where the employer-employee relationship does not, in fact, exist, and
23 where services rendered to the organization are on a voluntary basis and are related
24 only to the organization's nonprofit activities; for purposes of this paragraph,
25 "nonprofit activities" means activities for which the nonprofit organization does not
26 incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;

27 (7) an employee engaged in the delivery of newspapers to the
28 consumer;

29 (8) an individual employed solely as a watchman or caretaker of a
30 plant or property that is not in productive use for a period of four months or more;

31 (9) an individual employed in a bona fide executive, administrative, or

1 professional capacity or in the capacity of an outside salesman or a salesman who is
 2 employed on a straight commission basis;

3 (10) an individual employed in the search for placer or hard rock
 4 minerals;

5 (11) an individual under 18 years of age employed on a part-time basis
 6 not more than 30 hours in a week;

7 (12) employment by a nonprofit educational or child care facility to
 8 serve as a parent of children while the children are in residence at the facility if the
 9 employment requires residence at the facility and is compensated on a cash basis
 10 exclusive of room and board at an annual rate of not less than

11 (A) \$10,000 for an unmarried person; or

12 (B) \$15,000 for a married couple;

13 (13) an individual who drives a taxicab, is compensated for taxicab
 14 services exclusively by customers of the service, whose written contractual
 15 arrangements with owners of taxicab vehicles, taxicab permits, or radio dispatch
 16 services are based upon flat contractual rates and not based on a percentage share of
 17 the individual's receipts from customers, and whose written contract with owners of
 18 taxicab vehicles, taxicab permits, or radio dispatch services specifically provides that
 19 the contract places no restrictions on hours worked by the individual or on areas in
 20 which the individual may work except to comply with local ordinances;

21 (14) a person who holds a license under AS 08.54 and who is
 22 employed by a registered guide or master guide licensed under AS 08.54, for the first
 23 60 work days in which the person is employed by the registered guide or master guide
 24 during a calendar year;

25 (15) an individual engaged in activities for a nonprofit religious,
 26 charitable, civic, cemetery, recreational, or educational organization where the
 27 employer-employee relationship does not, in fact, exist, and where services are
 28 rendered to the organization under a work activity requirement of AS 47.27 (Alaska
 29 temporary assistance program); [OR]

30 (16) an individual who

31 (A) provides emergency medical services only on a voluntary

1 basis;

2 (B) serves with a full-time fire department only on a voluntary

3 basis; or

4 (C) provides ski patrol services on a voluntary basis; **or**

5 **(17) a student participating in a University of Alaska practicum**
6 **described under AS 14.40.065.**

7 * **Sec. 3.** This Act takes effect July 1, 2004.