

HOUSE BILL NO. 2

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE LYNN

Introduced: 1/21/15

Referred: Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting certain unpaid students from the Alaska Wage and Hour Act."**

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

3 *** Section 1.** AS 23.10.055(a) is amended to read:

4 (a) The provisions of AS 23.10.050 - 23.10.150 do not apply to

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

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

- 1 (3) an individual employed in the hand picking of shrimp;
- 2 (4) an individual employed in domestic service, including a baby-
3 sitter, in or about a private home;
- 4 (5) an individual employed by the United States or by the state or a
5 political subdivision of the state, except as provided in AS 23.10.065(b), including
6 prisoners not on furlough detained or confined in prison facilities;
- 7 (6) an individual engaged in the nonprofit activities of a nonprofit
8 religious, charitable, cemetery, or educational organization or other nonprofit
9 organization where the employer-employee relationship does not, in fact, exist, and
10 where services rendered to the organization are on a voluntary basis and are related
11 only to the organization's nonprofit activities; for purposes of this paragraph,
12 "nonprofit activities" means activities for which the nonprofit organization does not
13 incur a liability for unrelated business income tax under 26 U.S.C. 513, as amended;
- 14 (7) an employee engaged in the delivery of newspapers to the
15 consumer;
- 16 (8) an individual employed solely as a watchman or caretaker of a
17 plant or property that is not in productive use for a period of four months or more;
- 18 (9) an individual employed
- 19 (A) in a bona fide executive, administrative, or professional
20 capacity;
- 21 (B) in the capacity of an outside salesman or a salesman who is
22 employed on a straight commission basis; or
- 23 (C) as a computer systems analyst, computer programmer,
24 software engineer, or other similarly skilled worker;
- 25 (10) an individual employed in the search for placer or hard rock
26 minerals;
- 27 (11) an individual under 18 years of age employed on a part-time basis
28 not more than 30 hours in a week;
- 29 (12) employment by a nonprofit educational or child care facility to
30 serve as a parent of children while the children are in residence at the facility if the
31 employment requires residence at the facility and is compensated on a cash basis

1 exclusive of room and board at an annual rate of not less than

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

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

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

12 (14) a person who holds a license under AS 08.54 and who is
13 employed by a registered guide-outfitter or master guide-outfitter licensed under
14 AS 08.54, for the first 60 workdays in which the person is employed by the registered
15 guide-outfitter or master guide-outfitter during a calendar year;

16 (15) an individual engaged in activities for a nonprofit religious,
17 charitable, civic, cemetery, recreational, or educational organization where the
18 employer-employee relationship does not, in fact, exist, and where services are
19 rendered to the organization under a work activity requirement of AS 47.27 (Alaska
20 temporary assistance program);

21 (16) an individual who

22 (A) provides emergency medical services only on a voluntary
23 basis;

24 (B) serves with a full-time fire department only on a voluntary
25 basis; or

26 (C) provides ski patrol services on a voluntary basis;

27 (17) a student participating in **an unpaid practicum as part of a**
28 **course of study at a postsecondary school; in this paragraph, "practicum" means**
29 **a program for a student to gain practical work experience as part of a**
30 **curriculum at a postsecondary school** [A UNIVERSITY OF ALASKA
31 PRACTICUM DESCRIBED UNDER AS 14.40.065];

1 (18) an individual who is employed by a motor vehicle dealer and
2 whose primary duty is to

3 (A) receive, analyze, or reference requests for service, repair,
4 or analysis of motor vehicles;

5 (B) arrange financing for the sale of motor vehicles and related
6 products and services that are added or included as part of the sale; or

7 (C) solicit, sell, lease, or exchange motor vehicles.