

HOUSE BILL NO. 345

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE MOORE

Introduced: 2/23/26

Referred: Community and Regional Affairs, Labor and Commerce

A BILL

FOR AN ACT ENTITLED

1 **"An Act exempting members of an agricultural cooperative from the Alaska Workers'**
2 **Compensation Act."**

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

4 *** Section 1.** AS 23.30.230(a) is amended to read:

5 (a) The following persons are not covered by this chapter:

6 (1) a part-time babysitter;

7 (2) a cleaning person;

8 (3) harvest help and similar part-time or transient help;

9 (4) a person employed as a sports official on a contractual basis and
10 who officiates only at sports events in which the players are not compensated; in this
11 paragraph, "sports official" includes an umpire, referee, judge, scorekeeper,
12 timekeeper, organizer, or other person who is a neutral participant in a sports event;

13 (5) a person employed as an entertainer on a contractual basis;

14 (6) a commercial fisherman, as defined in AS 16.05.940;

1 (7) an individual who drives a taxicab and whose compensation and
2 written contractual arrangement is as described in AS 23.10.055(a)(13), unless the
3 hours worked by the individual or the areas in which the individual may work are
4 restricted except to comply with local ordinances;

5 (8) a participant in the Alaska temporary assistance program
6 (AS 47.27) who is engaged in work activities required under AS 47.27.035 other than
7 subsidized or unsubsidized work or on-the-job training;

8 (9) a person employed as a player or coach by a professional hockey
9 team if the person is covered under a health care insurance plan provided by the
10 professional hockey team, the coverage is applicable to both work-related and
11 nonwork-related injuries, and the coverage provides medical and related benefits as
12 required under this chapter, except that coverage may not be limited to two years from
13 the date of injury as described under AS 23.30.095(a); in this paragraph, "health care
14 insurance" has the meaning given in AS 21.12.050;

15 (10) a person working as a qualified real estate licensee who performs
16 services under a written contract that provides that the person will not be treated as an
17 employee for federal income tax or workers' compensation purposes; in this
18 paragraph, "qualified real estate licensee" means a person who is required to be
19 licensed under AS 08.88.161 and whose payment for services is directly related to
20 sales or other output rather than the number of hours worked;

21 (11) a transportation network company driver who provides a
22 prearranged ride or is otherwise logged onto the digital network of a transportation
23 network company as a driver; [AND]

24 (12) a person employed as an independent contractor; a person is an
25 independent contractor for the purposes of this section only if the person

26 (A) has an express contract to perform the services;

27 (B) is free from direction and control over the means and
28 manner of providing services, subject only to the right of the individual for
29 whom, or entity for which, the services are provided to specify the desired
30 results, completion schedule, or range of work hours, or to monitor the work
31 for compliance with contract plans and specifications, or federal, state, or

1 municipal law;

2 (C) incurs most of the expenses for tools, labor, and other
3 operational costs necessary to perform the services, except that materials and
4 equipment may be supplied;

5 (D) has an opportunity for profit and loss as a result of the
6 services performed for the other individual or entity;

7 (E) is free to hire and fire employees to help perform the
8 services for the contracted work;

9 (F) has all business, trade, or professional licenses required by
10 federal, state, or municipal authorities for a business or individual engaging in
11 the same type of services as the person;

12 (G) follows federal Internal Revenue Service requirements by

13 (i) obtaining an employer identification number, if
14 required;

15 (ii) filing business or self-employment tax returns for
16 the previous tax year to report profit or income earned for the same
17 type of services provided under the contract; or

18 (iii) intending to file business or self-employment tax
19 returns for the current tax year to report profit or income earned for the
20 same type of services provided under the contract if the person's
21 business was not operating in the previous tax year; and

22 (H) meets at least two of the following criteria:

23 (i) the person is responsible for the satisfactory
24 completion of services that the person has contracted to perform and is
25 subject to liability for a failure to complete the contracted work, or
26 maintains liability insurance or other insurance policies necessary to
27 protect the employees, financial interests, and customers of the person's
28 business;

29 (ii) the person maintains a business location or a
30 business mailing address separate from the location of the individual
31 for whom, or the entity for which, the services are performed;

1 (iii) the person provides contracted services for two or
2 more different customers within a 12-month period or engages in any
3 kind of business advertising, solicitation, or other marketing efforts
4 reasonably calculated to obtain new contracts to provide similar
5 services; and

6 (13) a person who is a member of an agricultural cooperative; in
7 this paragraph, "agricultural cooperative" means a cooperative that is organized
8 and operated for the purpose of

9 (A) marketing agricultural products of members of the
10 cooperative or of other producers of agricultural products, and providing
11 a member with the proceeds of product sales, less the necessary marketing
12 expenses, based on either the quantity or the value of the products
13 furnished by the member; or

14 (B) purchasing agricultural supplies and equipment for the
15 use of members or other persons, and providing the supplies and
16 equipment to the members at actual cost, plus necessary expenses.