

4. An action shall not be maintained to enforce a liability created under this chapter unless brought before the expiration of six years after the execution of the contract for continuing care or senior adult congregate living services which gave rise to the violation.

5. Except as expressly provided in this chapter, civil liability in favor of a private party shall not arise against a person, by implication, from or as a result of the violation of this chapter. This chapter does not limit a liability which may exist by virtue of any other statute or under common law if this chapter were not in effect.

Sec. 8. NEW SECTION. 523D.8 CRIMINAL PENALTIES.

1. A person who willfully and knowingly violates a provision of this chapter or a rule adopted or order entered pursuant to this chapter, upon conviction, is guilty of an aggravated misdemeanor.

2. This chapter does not limit the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

Sec. 9. NEW SECTION. 523D.9 INITIAL FILING.

For any facility offering continuing care or senior adult congregate living services contracts prior to the effective date of this Act, initial filings of disclosure statements shall take effect in and for the facility's fiscal year ending after January 1, 1990.

Sec. 10. NEW SECTION. 523D.10 RULES.

The division of insurance may adopt rules pursuant to chapter 17A as necessary and appropriate to implement this chapter, and may make further recommendations to the general assembly for the protection of residents and prospective residents of facilities required to file an annual disclosure statement under this chapter.

Approved May 24, 1989

CHAPTER 218

EMPLOYMENT BENEFITS

H.F. 448

AN ACT relating to certain employment benefit coverages for real estate agents under the workers' compensation law and for persons employed by the natural resource commission under the unemployment compensation law.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 85.61, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. "Worker" or "employee" includes a real estate agent who does not provide the services of an independent contractor. For the purposes of this paragraph a real estate agent is an independent contractor if the real estate agent is licensed by the Iowa real estate commission as a salesperson and both of the following apply:

a. Seventy-five percent or more of the remuneration, whether or not paid in cash, for the services performed by the individual as a real estate salesperson is derived from one company and is directly related to sales or other output, including the performance of services, rather than to the number of hours worked.

b. The services performed by the individual are performed pursuant to a written contract between the individual and the person for whom the services are performed, and the contract provides that the individual will not be treated as an employee with respect to the services for state tax purposes.

Sec. 2. Section 111.85, subsection 8, Code 1989, is amended to read as follows:

8. The county recorder shall remit to the commission all fees from the sale of user permits within ten days from the end of the month. The commission shall remit the fees from sales of user permits to the treasurer of state who shall place the money in a state park, forest, and recreation area facilities improvement trust fund. Notwithstanding section 453.7, subsection 2, interest or earnings on investments or time deposits of the funds in the state park, forest and recreation area facilities improvement trust fund shall be credited to that fund. The money in that fund is appropriated to the commission solely for renovation, replacement, and improvement of facilities otherwise acquired in state parks, forests, and recreation areas. Notwithstanding ~~chapters 96 and chapter 97B~~, persons employed by the commission with the money from the trust fund are not eligible for membership in the Iowa public employees' retirement system or ~~eligible to receive unemployment compensation benefits~~ by virtue of this employment.

Sec. 3. Section 2 of this Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 24, 1989

CHAPTER 219

AGRICULTURAL PRODUCT ADVISORY COUNCIL

H.F. 549

AN ACT relating to the agricultural product advisory council.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 15.203, Code 1989, is amended to read as follows:

15.203 AGRICULTURAL PRODUCTS ADVISORY COUNCIL — DUTIES.

1. The department shall establish, in consultation with the department of agriculture and land stewardship, an agricultural products advisory council for the purpose of advising the two departments in relation to the sales, promotion, marketing, and export of agricultural commodities; and value-added agricultural products processed in Iowa and for the purpose of assisting in the coordination of the respective agricultural marketing programs of the two departments. The council shall seek to promote the agricultural commodities and products of the state by providing advice in the development of and by monitoring the implementation of a program and plan which provide for the participation and cooperation of the two departments. The council shall consist of ~~one member from each of the following associations, five members~~ appointed by the secretary of agriculture: ~~Iowa pork producers association, Iowa beef cattle producers association, Iowa sheep and wool promotion board, Iowa egg council, Iowa dairy industry commission, Iowa turkey marketing council, Iowa soybean promotion board, Iowa corn promotion board, Iowa wood industry association, and state horticulture society and up to an additional ten members, and five members~~ appointed by the director, who are experienced in marketing or exporting agricultural commodities or products, financing the export of agricultural commodities or products, and or adding value to and processing of agricultural products.

~~The agricultural products advisory council shall submit recommendations to the departments of economic development and agriculture and land stewardship, the governor, and the general assembly.~~

2. The department and the department of agriculture and land stewardship shall jointly develop a comprehensive five-year agricultural commodities and products promotion program for the state not later than January 15, 1990, which shall be submitted to the council for its