

failed to pass 3-16-89 (p. 830) ?  
Senate, bus. & labor relations  
passed 4-5-89 (p. 1191c)

MAR 2 1989

Place On Calendar

HOUSE FILE 448

BY COMMITTEE ON LABOR AND  
INDUSTRIAL RELATIONS

(SUCCESSOR TO HSB 250)

Passed House, Date 3-9-89 (p. 831) Passed Senate, Date 5-2-89 (p. 1830)  
Vote: Ayes 95 Nays 0 Vote: Ayes 49 Nays 0

Motion to  
Reconsider

Approved May 24, 1989

3-9-89  
motion withdrawn  
3-16-89 (p. 832)

Repassed by House 5-2-89 (p. 2313)

A BILL FOR

Ayes 100 Nays 0

355-1 An Act relating to the coverage of real estate agents under the  
2862 2 workers' compensation law.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 448

1 Section 1 Section 85.61, subsection 2, Code 1989, is  
2 amended by adding the following new unnumbered paragraph:  
3 NEW UNNUMBERED PARAGRAPH. "Worker" or "employee" includes  
4 a real estate agent who does not provide the services of an  
5 independent contractor. For the purposes of this paragraph a  
6 real estate agent is an independent contractor if the real  
7 estate agent is licensed by the Iowa real estate commission as  
8 a salesperson and both of the following apply:

5-40599 a. Substantially all of the remuneration, whether or not  
10 paid in cash, for the services performed by the individual as  
11 a real estate salesperson is directly related to sales or  
12 other output, including the performance of services, rather  
13 than to the number of hours worked.

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

3505  
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19 EXPLANATION

20 This bill provides that real estate agents will be covered  
21 under the workers' compensation law if the agents are not  
22 considered independent contractors as defined in the bill.

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HOUSE FILE 448

S-3565

- 1 Amend House File 448, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 18 the
- 4 following:
- 5 "Sec. 100. Section 111.85, subsection 8, Code
- 6 1989, is amended to read as follows:
- 7 8. The county recorder shall remit to the
- 8 commission all fees from the sale of user permits
- 9 within ten days from the end of the month. The
- 10 commission shall remit the fees from sales of user
- 11 permits to the treasurer of state who shall place the
- 12 money in a state park, forest, and recreation area
- 13 facilities improvement trust fund. Notwithstanding
- 14 section 453.7, subsection 2, interest or earnings on
- 15 investments or time deposits of the funds in the state
- 16 park, forest and recreation area facilities
- 17 improvement trust fund shall be credited to that fund.
- 18 The money in that fund is appropriated to the
- 19 commission solely for renovation, replacement, and
- 20 improvement of facilities otherwise acquired in state
- 21 parks, forests, and recreation areas. Notwithstanding
- 22 ~~chapters-96-and~~ chapter 97B, persons employed by the
- 23 commission with the money from the trust fund are not
- 24 eligible for membership in the Iowa public employees'
- 25 retirement system ~~or-eligible-to-receive-unemployment~~
- 26 ~~compensation-benefits~~ by virtue of this employment.
- 27 Sec. \_\_\_\_\_. Section 100 of this Act, being deemed of
- 28 immediate importance, takes effect upon enactment."
- 29 2. Title page, line 1, by striking the words "the
- 30 coverage of" and inserting the following: "certain
- 31 employment benefit coverages for".
- 32 3. Title page, line 2, by inserting after the
- 33 word "law" the following: "and for persons employed
- 34 by the natural resource commission under the
- 35 unemployment compensation law".
- 36 4. By renumbering as necessary.

By COMMITTEE ON BUSINESS AND  
 LABOR RELATIONS  
 JOHN A. PETERSON, Chairperson

S-3565 FILED APRIL 5, 1989

*Adopted 4-13-89 (p. 1421)*

*Motion to Reconsider 4-13-89 (p. 1432) - motion  
prewaited 4-20  
(p. 1596)*

*adopted 5-2-89 (p. 1819)*

## HOUSE FILE 448

S-3862

1 Amend House File 448, as passed by the House, as  
 2 follows:  
 3 1. Page 1, by inserting after line 18, the  
 4 following:  
 5 "Sec. \_\_\_\_ . Section 258A.2, Code 1989, is amended  
 6 by adding the following new subsection:  
 7 NEW SUBSECTION. 4. A person licensed to sell real  
 8 estate in this state shall be deemed to have complied  
 9 with the continuing education requirements of this  
 10 state during periods that the person serves honorably  
 11 on active duty in the military services, or for  
 12 periods that the person is a resident of another state  
 13 or district having a continuing education requirement  
 14 for the occupation or profession and meets all  
 15 requirements of that state or district for practice  
 16 therein, if the state or district accords the same  
 17 privilege to Iowa residents, or for periods that the  
 18 person is a government employee working in the  
 19 person's licensed specialty and assigned to duty  
 20 outside of the United States, or for other periods of  
 21 active practice and absence from the state approved by  
 22 the appropriate board of examiners."  
 23 2. Title page, line 2, by inserting after the  
 24 word "law" the following: "and to reciprocity in  
 25 continuing education requirements for persons licensed  
 26 to sell real estate in this state".  
 27 3. By renumbering as necessary.

By CALVIN O. HULTMAN

S-3862 FILED APRIL 24, 1989

*out of order 5-2-89 (p. 1819)*

## HOUSE FILE 448

S-4049

1 Amend House File 448, as passed by the House, as  
 2 follows:  
 3 1. Page 1, line 9, by striking the words "Sub-  
 4 stantially all" and inserting the following:  
 5 "Seventy-five percent or more".  
 6 2. Page 1, line 11, by inserting after the word  
 7 "is" the following: "derived from one company and  
 8 is".

By BERL E. PRIEBE

S-4049 FILED MAY 2, 1989

ADOPTED *5-2-89 (p. 1830)*

SENATE AMENDMENT TO HOUSE FILE 448

H-4371

1 Amend House File 448, as passed by the House, as  
2 follows:

3 1. Page 1, line 9, by striking the words "Sub-  
4 stantially all" and inserting the following:  
5 "Seventy-five percent or more".

6 2. Page 1, line 11, by inserting after the word  
7 "is" the following: "derived from one company and  
8 is".

9 3. Page 1, by inserting after line 18 the  
10 following:

11 "Sec. 100. Section 111.85, subsection 8, Code  
12 1989, is amended to read as follows:

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

33 Sec. \_\_\_\_ . Section 100 of this Act, being deemed of  
34 immediate importance, takes effect upon enactment."

35 4. Title page, line 1, by striking the words "the  
36 coverage of" and inserting the following: "certain  
37 employment benefit coverages for".

38 5. Title page, line 2, by inserting after the  
39 word "law" the following: "and for persons employed  
40 by the natural resource commission under the  
41 unemployment compensation law".

42 6. By renumbering, relettering, or redesignating  
43 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4371 FILED MAY 2, 1989

CONCURRED

5-2-89 (p. 2312)

HSB 250

LABOR & INDUSTRIAL RELATIONS

*new*

HOUSE FILE

*249*

BY (PROPOSED COMMITTEE ON  
LABOR AND INDUSTRIAL  
RELATIONS BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the coverage of real estate agents under the  
2 workers' compensation law.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 NEW UNNUMBERED PARAGRAPH. "Worker" or "employee" includes  
4 a real estate agent even if the agent is licensed, even though  
5 substantially all of the remuneration for the agent's services  
6 is directly related to sales or other output rather than the  
7 number of hours worked, and even though the agent's services  
8 are performed pursuant to a written contract between the agent  
9 and the person for whom the services are performed, which  
10 provides that the agent will not be treated as an employee  
11 with respect to the services for federal tax purposes.

12 EXPLANATION

13 This bill provides that real estate agents will be covered  
14 under the workers' compensation law even though the agents are  
15 considered independent contractors for federal tax purposes.

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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.

HOUSE FILE 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 85.51, 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



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

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 448, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved May 24, 1989

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TERRY E. BRANSTAD  
Governor