

CHAPTER 65

LABOR AND INDUSTRY

HOUSE BILL 95-1217

BY REPRESENTATIVES Schauer and Swenson;
also SENATOR Ament.

AN ACT

CONCERNING THE EXCLUSION OF CERTAIN SERVICES PERFORMED BY LAND PROFESSIONALS FROM THE DEFINITION OF EMPLOYMENT UNDER THE "COLORADO EMPLOYMENT SECURITY ACT".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Article 70 of title 8, Colorado Revised Statutes, 1986 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

8-70-140.7. Employment does not include - land professionals.

(1) "EMPLOYMENT" DOES NOT INCLUDE SERVICES PERFORMED FOR A PRIVATE FOR PROFIT PERSON OR ENTITY BY A LAND PROFESSIONAL, IF:

(a) SUBSTANTIALLY ALL REMUNERATION PAID IN CASH OR OTHERWISE FOR THE PERFORMANCE OF THE SERVICES IS DIRECTLY RELATED TO THE COMPLETION BY THE LAND PROFESSIONAL OF THE SPECIFIC TASKS CONTRACTED FOR RATHER THAN TO THE NUMBER OF HOURS WORKED BY THE INDIVIDUAL; AND

(b) THE SERVICES PERFORMED BY THE LAND PROFESSIONAL ARE PERFORMED UNDER A CONTRACT BETWEEN THE LAND PROFESSIONAL AND THE PERSON OR ENTITY FOR WHOM THE SERVICES ARE PERFORMED THAT PROVIDES THAT THE LAND PROFESSIONAL IS TO BE TREATED AS AN INDEPENDENT CONTRACTOR AND NOT AS AN EMPLOYEE WITH RESPECT TO THE SERVICES PROVIDED UNDER THE CONTRACT.

(2) FOR THE PURPOSES OF THIS SECTION, "LAND PROFESSIONAL" MEANS AN INDIVIDUAL WHO HAS BEEN ENGAGED PRIMARILY IN:

(a) NEGOTIATING FOR THE ACQUISITION OR DIVESTITURE OF MINERAL RIGHTS;

(b) NEGOTIATING BUSINESS AGREEMENTS THAT PROVIDE FOR THE EXPLORATION

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

FOR OR DEVELOPMENT OF MINERALS;

(c) DETERMINING OWNERSHIP OF MINERALS THROUGH THE RESEARCH OF PUBLIC AND PRIVATE RECORDS; AND

(d) REVIEWING THE STATUS OF TITLE, ACTING TO CURE TITLE DEFECTS, AND OTHERWISE ACTING TO REDUCE TITLE RISK ASSOCIATED WITH OWNERSHIP OF MINERALS, MANAGING RIGHTS OR OBLIGATIONS DERIVED FROM OWNERSHIP OF INTERESTS IN MINERALS, OR UNITIZING OR POOLING OF INTEREST IN MINERALS.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 7, 1995