

MAR 13 1997

JUDICIARY

HOUSE FILE

595

BY SUKUP

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act concerning compliance with the terms of an employee
2 pension plan and providing a penalty.

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

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HOUSE FILE 595

H-1244

1 Amend House File 595 as follows:

2 1. Page 1, line 2, by inserting before the word

3 "PENALTY" the following: "CIVIL".

4 2. Page 1, lines 15 and 16, by striking the words

5 "commits a serious misdemeanor" and inserting the

6 following: "shall be subject to a civil penalty of an

7 amount equivalent to ten percent of the contributions

8 of employees not timely deposited. The civil penalty

9 shall be recovered by the county attorney of the

10 county where the violation occurred".

By MILLAGE of Scott

H-1244 FILED MARCH 19, 1997

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HF 595

1 Section 1. NEW SECTION. 730.6 EMPLOYEE PENSION PLANS --
2 PENALTY.

3 1. For purposes of this section:

4 a. "Employee pension plan" means a qualified pension plan
5 subject to the requirements of section 401(k) of the Internal
6 Revenue Code.

7 b. "Timely deposit" means within a period of time
8 consistent with federal requirements governing the time
9 employers are required to deposit an employee's pension
10 contribution into an employee pension plan.

11 2. A person who fails to timely deposit an employee's
12 contributions following a payroll deduction of the
13 contribution from the employee's pay into the employee pension
14 plan for the employee violates this section.

15 3. A person who violates this section commits a serious
16 misdemeanor.

17 EXPLANATION

18 This bill provides that a person commits a serious
19 misdemeanor if the person fails to timely deposit an
20 employee's contribution made through a payroll deduction into
21 an employee pension plan. An employee pension plan is defined
22 as a qualified plan under section 401(k) of the Internal
23 Revenue Code. Timely deposit is defined consistently with
24 federal requirements.

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HOUSE FILE 596

AN ACT

AUTHORIZING THE UTILITIES BOARD TO ISSUE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO MUNICIPAL TELECOMMUNICATIONS UTILITIES, REGULATING CERTAIN MUNICIPAL UTILITIES AS COMPETITIVE LOCAL EXCHANGE SERVICE PROVIDERS, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

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

Section 1. Section 476.1B, subsection 1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Unless otherwise specifically provided by statute, a municipally owned utility furnishing gas or electricity is not subject to regulation by the board under this chapter, except for regulatory action pertaining to:

Sec. 2. Section 476.1B, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Unless otherwise specifically provided by statute, a municipally owned utility providing local exchange services is not subject to regulation by the board under this chapter except for regulatory action pertaining to the enforcement of sections 476.11, 476.29, 476.95, 476.96, 476.101, and 476.102.

Sec. 3. Section 476.29, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 16. Notwithstanding other provisions of this section, approval by the voters of a city pursuant to section 388.2 of a proposal to establish or acquire a public utility providing communications services is conclusive evidence of the fact that the city has the technical, financial, and managerial ability to provide such service. Following the notice and opportunity for hearing in subsection 2, an applicant shall not be denied a certificate if the board finds the proposed service is consistent with the public interest.

Sec. 4. Section 476.96, subsection 3, Code 1997, is amended to read as follows:

3. "Competitive local exchange service provider" means any person, including a municipal utility, that provides local exchange services, other than a local exchange carrier or a nonrate-regulated wireline provider of local exchange services under an authorized certificate of public convenience and necessity within a specific geographic area described in maps filed with and approved by the board as of September 30, 1992.

Sec. 5. APPLICABILITY. A city that has made application to the board for issuance of a certificate of public convenience and necessity prior to the effective date of this Act shall not be deemed to be in violation of this Act for failure to comply with the provisions of chapter 476. The original application for a certificate shall be deemed refiled as of the effective date of the Act for purposes of issuance of the certificate in accordance with this Act.

House File 596, p. 3

Sec. 6. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
This Act, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to October 18, 1994.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 596, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved *April 23*, 1997

TERRY E. BRANSTAD
Governor