

House Study Bill 620 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
LABOR BILL BY CHAIRPERSON
FORRISTALL)

A BILL FOR

1 An Act creating a wage payment collection revolving fund and
2 making an appropriation.

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

1 Section 1. Section 91A.12, subsections 1 and 4, Code 2014,
2 are amended to read as follows:

3 1. Any employer who violates the provisions of this chapter
4 or the rules promulgated under it shall be subject to a civil
5 money penalty of not more than five hundred dollars per pay
6 period for each violation. The commissioner may recover such
7 civil money penalty according to the provisions of subsections
8 2 to 5. Any civil money penalty recovered shall be remitted
9 to the treasurer of state to be deposited in the general wage
10 payment collection fund of the state.

11 4. An employer may seek judicial review of any assessment
12 rendered under subsection 3 by instituting proceedings
13 for judicial review pursuant to chapter 17A. However, such
14 proceedings must be instituted in the district court of the
15 county in which the violation or one of the violations occurred
16 and within thirty days of the day on which the employer was
17 notified that an assessment has been rendered. Also, an
18 employer may be required, at the discretion of the district
19 court and upon instituting such proceedings, to deposit the
20 amount assessed with the clerk of the district court. Any
21 moneys so deposited shall either be returned to the employer
22 or be forwarded to the commissioner for remittance to the
23 treasurer of state for deposit in the general wage payment
24 collection fund of the state, depending on the outcome of the
25 judicial review, including any appeal to the supreme court.

26 Sec. 2. NEW SECTION. 91A.15 Wage payment collection fund —
27 penalties appropriated.

28 A wage payment collection revolving fund is created within
29 the state treasury under the control of the commissioner and
30 shall consist of moneys collected by the commissioner as
31 penalties pursuant to section 91A.12. Moneys in the fund
32 are appropriated to and shall be used by the commissioner
33 to pay the actual costs and expenses necessary to perform
34 the duties of the commissioner as described in this chapter.
35 All penalties collected by the commissioner pursuant to this

1 chapter shall be remitted to the treasurer of state to be
2 deposited in the fund. All salaries and expenses properly
3 chargeable to the fund shall be paid from the fund. Section
4 8.33 does not apply to any moneys in the fund. Notwithstanding
5 section 12C.7, subsection 2, interest or earnings on moneys
6 deposited in the fund shall be credited to the fund.

7

EXPLANATION

8 The inclusion of this explanation does not constitute agreement with
9 the explanation's substance by the members of the general assembly.

10 This bill creates a wage payment collection revolving fund
11 within the state treasury under the control of the labor
12 commissioner. The fund shall consist of moneys collected by
13 the commissioner pursuant to Code section 91A.12 as penalties
14 for violations of Code chapter 91A, the Iowa wage payment
15 collection law. The bill appropriates moneys in the fund to
16 the commissioner to pay the actual costs and expenses necessary
17 to perform the duties described in Code chapter 91A.