

SENATE FILE 385

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Formerly SSB 216  
*Approved 3/6/85 (p. 632)*

FILED MAR 6 1985

Passed Senate, Date 3-14-85 (p. 792) Passed House, Date 4-17-85 (p. 1643)  
Vote: Ayes 26 Nays 19 Vote: Ayes 54 Nays 44  
Approved Detained 5/20/85

### A BILL FOR

1 An Act to provide for payment of prevailing wage rates on  
2 public construction projects and to provide enforcement  
3 through the labor commissioner and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 385

1 Section 1. NEW SECTION. 91C. PREVAILING WAGE RATE ACT.

2 This chapter shall be known as the prevailing wage rate  
3 Act.

4 Sec. 2. NEW SECTION. 91C.2 DEFINITIONS.

5 As used in this chapter:

6 1. "Governmental body" means the state of Iowa, its  
7 agencies and departments, and the state board of regents.

8 2. "Contracting party" means all contractors which are  
9 parties to a contract for a public improvement and all sub-  
10 contractors employed by contractors which are parties to a  
11 contract for a public improvement who perform work pursuant to  
12 a contract for a public improvement.

13 3. "Contract for a public improvement" means a contract  
14 for the construction, alteration, remodeling, or repair, in-  
15 cluding painting and decorating, of a public building or  
16 structure or other public improvement of any type located in  
17 whole or in part in a county over twenty thousand in  
18 population and to which a governmental body is a party.

19 4. "Wages" or "wage rates" means all of the following:

20 a. The basic hourly rate of pay.

21 b. The amount of:

22 (1) The rate of contribution irrevocably made by a con-  
23 tractor or subcontractor to a trustee or to a third person  
24 pursuant to a fund, plan, or program.

25 (2) The rate of costs to the contractor or subcontractor  
26 which may be reasonably anticipated in providing benefits to  
27 laborers and mechanics pursuant to an enforceable commitment  
28 to carry out a financially responsible plan or program which  
29 was communicated in writing to the laborers and mechanics af-  
30 fected, for medical or hospital care, pensions on retirement  
31 or death, compensation for injuries or illness resulting from  
32 occupational activity, or insurance to provide any of the  
33 foregoing, for unemployment benefits, life insurance, dis-  
34 ability and sickness insurance or accident insurance, for  
35 vacation and holiday pay, for defraying costs of apprentice-

1 ship or other similar programs, or for other bona fide fringe  
2 benefits, but only where the contractor or subcontractor is  
3 not required by other federal, state, or local law to provide  
4 any of such benefits.

5 5. "Prevailing wage rates" means rates of wages for  
6 mechanics, and skilled and unskilled laborers, who perform  
7 work pursuant to a contract for a public improvement, as  
8 determined by the labor commissioner under section 91C.6.

9 Sec. 3. NEW SECTION. 91C.3 SPECIFICATIONS FOR CONTRACT.

10 All specifications for a contract for a public improvement  
11 costing in excess of two thousand dollars and a contract for a  
12 public improvement costing in excess of two thousand dollars  
13 shall contain provisions:

14 1. Requiring the contracting party to pay mechanics and  
15 skilled and unskilled laborers, whom it employs to perform  
16 work on the project under the contract for a public improve-  
17 ment, not less than the prevailing wage rate.

18 2. Requiring the contracting party to pay its mechanics  
19 and skilled and unskilled laborers not less often than once a  
20 week and without subsequent deduction or rebate on any ac-  
21 count, the full amounts accrued at the time of payment, com-  
22 puted at wage rates not less than the prevailing wage rates,  
23 regardless of any contractual relationship alleged to exist  
24 between the contracting party and its mechanics and skilled  
25 and unskilled laborers.

26 3. Requiring the contracting party to post the prevailing  
27 wage rates in a prominent and easily accessible place at the  
28 site of work under the contract for a public improvement.

29 4. Requiring the contracting party to maintain records of  
30 the wages paid to its mechanics and skilled and unskilled  
31 laborers employed to perform work under the contract in the  
32 form determined necessary by the labor commissioner.

33 5. Permitting the governmental body to inspect the  
34 records, required to be maintained by the contracting party  
35 under this section, at all reasonable times and places upon

1 demand by the governmental body.

2 6. a. Permitting the governmental body to withhold from  
3 the contracting party so much of accrued payments under the  
4 contract as the governmental body deems necessary to pay the  
5 mechanics and skilled and unskilled laborers employed by the  
6 contracting party to perform work under the contract the dif-  
7 ference between the prevailing wage rates and the wages re-  
8 ceived by them.

9 b. Allowing the governmental body, upon not less than  
10 seven days' written notice to the contracting party, to termi-  
11 nate the contract, if the governmental body determines the  
12 contracting party has failed or is failing to perform any of  
13 its duties under this section, and permitting the governmental  
14 body the right to institute an action in the district court  
15 for damages reasonably related to the termination of the  
16 contract.

17 Sec. 4. NEW SECTION. 91C.4 GOVERNMENTAL BODY'S DUTIES.

18 In addition to any other duties imposed and authority  
19 granted by law concerning the letting of a bid for, entering  
20 into, and performing a contract for a public improvement, a  
21 governmental body:

22 1. Shall ascertain the prevailing wage rates for inclusion  
23 in any contract for a public improvement.

24 2. Shall comply with section 91C.3 in the letting of bids  
25 for a contract for a public improvement.

26 3. Shall not enter into a contract for a public improve-  
27 ment which fails to contain the provisions set out in section  
28 91C.3.

29 4. Shall take all actions reasonably necessary to insure  
30 the contracting party is in compliance with the terms and  
31 conditions of a contract for a public improvement, including  
32 inspecting the records maintained by the contracting party  
33 pursuant to sections 91C.3 and 91C.5 and investigating  
34 complaints by any person that the contracting party is not in  
35 compliance with the terms and conditions of the contract for a

1 public improvement.

2 5. Shall not enter into a contract for a public improve-  
3 ment with a contracting party, which has been found to be in  
4 violation of a contract for a public improvement as determined  
5 by the labor commissioner and which has been prohibited from  
6 bidding for and accepting a contract for a public improvement  
7 by the labor commissioner under section 91C.6, subsection 8.

8 6. Shall report to the labor commissioner, in a form and  
9 manner as the labor commissioner determines, the violation of  
10 any provision of this chapter by a contracting party which is  
11 a party to a contract for a public improvement with the  
12 governmental body.

13 7. May require the contracting party to post a bond as  
14 deemed necessary by the governmental body to provide for the  
15 payment of the prevailing wage rates.

16 8. May take any action to enforce the terms of the  
17 contract for a public improvement.

18 Sec. 5. NEW SECTION. 91C.5 DUTIES OF CONTRACTING PARTY.

19 A contracting party:

20 1. Shall, at the time of submitting a bid for a contract  
21 for a public improvement, state to the governmental body the  
22 identity of all other persons, partnerships, corporations or  
23 other entities to which it is subcontracting any portion of  
24 the work to be performed under a contract for a public  
25 improvement, and no work under a contract for a public im-  
26 provement shall be performed by any persons, partnerships,  
27 corporations or other entities other than those stated to the  
28 governmental body in the contracting party's bid proposal  
29 unless the contracting party obtains approval in writing from  
30 the governmental body and the labor commissioner to substitute  
31 subcontractors. The governmental body and the labor  
32 commissioner shall not grant approval unless they have  
33 received at least one day's notice of the request to  
34 substitute subcontractors stating the reason for the sub-  
35 stitution and the identity of the new subcontractor.

1       2. Shall comply with the terms of the contract for a  
2 public improvement required by section 91C.3.

3       3. Shall provide to the governmental body records showing  
4 payment of the prevailing wage rates to its mechanics and  
5 skilled and unskilled laborers under the contract for a public  
6 improvement in a form and manner as the labor commissioner  
7 shall determine.

8       4. Shall not attempt in any manner either directly or  
9 indirectly to avoid the requirements of this chapter.

10      Sec. 6. NEW SECTION. 91C.6 LABOR COMMISSIONER DUTIES.

11      The labor commissioner:

12      1. Shall by rule, at least annually, establish and deter-  
13 mine the wage rates for mechanics and skilled and unskilled  
14 laborers of the type customarily employed to perform work  
15 under a contract for a public improvement, which prevail in  
16 each county over twenty thousand in population in the state  
17 among workers performing work similar in character to that  
18 performed on projects under contracts for a public  
19 improvement. The wage rates so determined for each county and  
20 city by the labor commissioner shall be the prevailing wage  
21 rates for work to be performed by a contracting party under a  
22 contract for a public improvement within that county.

23      2. In establishing and determining the prevailing wage  
24 rates for each county, shall consider prevailing wage rate  
25 data established by the United States secretary of labor  
26 pursuant to 40 U.S.C. §§ 276a through 276a-7, wage rates for  
27 mechanics and skilled and unskilled laborers for work  
28 performed within the county provided for in bona fide  
29 collective bargaining agreements and any other reliable and  
30 relevant information concerning wages. If the labor  
31 commissioner reasonably deems it necessary, the labor  
32 commissioner may conduct surveys within the county to acquire  
33 information regarding wages paid.

34      3. Shall annually publish all prevailing wage rates  
35 established and determined by the labor commissioner.

1 4. Upon request by a governmental body, shall determine  
2 the prevailing wage rates applicable to work to be performed  
3 pursuant to a contract for a public improvement. Disputes  
4 concerning applicable prevailing wage rate for work to be  
5 performed pursuant to a contract for a public improvement  
6 shall be resolved through declaratory ruling procedures before  
7 the labor commissioner pursuant to section 17A.9.

8 5. Shall by rule provide that if work pursuant to a  
9 contract for a public improvement is to be performed in more  
10 than a single county, the highest prevailing wage rates  
11 applicable to any part of the work shall apply to all work  
12 performed pursuant to the contract for a public improvement.

13 6. Shall establish rules for the maintenance of wage  
14 records and the reports required by section 91C.3, subsection  
15 4, and section 91C.5, subsection 3. At a minimum, the records  
16 required by section 91C.3, subsection 4, shall contain the  
17 name, address and social security number of each mechanic and  
18 skilled and unskilled laborer, the number of hours worked each  
19 day and the gross wages paid each day. At a minimum, the  
20 reports required by section 91C.5, subsection 3, to be  
21 submitted to the governmental body shall contain the same  
22 information as contained in the records required under section  
23 91C.3, subsection 4, and shall be submitted at least once a  
24 week. The reports submitted to the governmental body as  
25 required by section 91C.5, subsection 3, are public records  
26 under chapter 22, and are not exempt under chapter 22.

27 7. May enter upon the premises of any work site where work  
28 is being performed pursuant to a contract for a public  
29 improvement at any reasonable time and may interview any  
30 mechanic or skilled or unskilled laborer for the purposes of  
31 determining whether the contracting party is complying with  
32 this chapter. No worker shall be discharged or otherwise  
33 disciplined or discriminated against by the contracting party  
34 for providing information to the labor commissioner in such an  
35 interview. A worker subject to discharge or other discipline

1 or otherwise discriminated against by the contracting party  
2 for providing information to the labor commissioner in an  
3 interview has a right of action in the district court for  
4 reinstatement, back pay and other equitable relief as  
5 appropriate.

6 8. Upon a finding by a governmental body, the labor  
7 commissioner, or a court that a contracting party has violated  
8 a provision of this chapter, may prohibit the contracting  
9 party from bidding for and accepting any contract for a public  
10 improvement for a period not to exceed five years from the  
11 date of the finding of a violation by the contracting party.  
12 In determining the length of time for which a contracting  
13 party has been prohibited from bidding for and accepting a  
14 contract for a public improvement, the labor commissioner  
15 shall consider the number of violations of this chapter by the  
16 contracting party, the amount of unpaid wages, if any, to  
17 employees of the contracting party, and whether the actions of  
18 the contracting party were willful or intentional. The labor  
19 commissioner shall maintain and publish, at least  
20 semiannually, a listing of all contracting parties found to  
21 have violated a provision of this chapter and the period of  
22 any prohibition against bidding for and accepting a contract  
23 for a public improvement imposed upon each contracting party.

24 9. Shall adopt rules pursuant to chapter 17A necessary to  
25 perform duties under this chapter.

26 Sec. 7. NEW SECTION. 91C.7 REMEDIES.

27 In addition to any remedies otherwise available under law,  
28 the following remedies for violation of any provisions of this  
29 chapter are available:

30 1. A mechanic or a skilled or unskilled laborer, who per-  
31 formed work pursuant to a contract for a public improvement  
32 but to whom the contracting party failed to pay the applicable  
33 prevailing wage rates may maintain an action in the district  
34 court to recover the difference between the applicable pre-  
35 vailing wage rates and the wages the worker received from the

1 contracting party. Chapter 91A applies to the action, except  
2 that the labor commissioner may institute an action for the  
3 collection of unpaid wages on behalf of all employees affected  
4 by the actions of the same employer on the same project  
5 without the necessity of obtaining a wage assignment from any  
6 of the affected employees. The fact that the mechanic or  
7 skilled or unskilled laborer knowingly accepted payment of  
8 wages less than the applicable prevailing wage rate does not  
9 relieve the contracting party from liability unless the  
10 contracting party establishes that the mechanic or skilled or  
11 unskilled laborer knowingly accepted payment of wages less  
12 than the applicable prevailing wage rate as part of a willful  
13 and intentional plan, scheme, design or conspiracy to violate  
14 this chapter or any other provision of the Code.

15 2. The labor commissioner may maintain an action in dis-  
16 trict court against a contracting party for a knowing and in-  
17 tentional failure to pay the prevailing wage rates by the  
18 contracting party. The district court shall provide for a  
19 penalty against the contracting party of one hundred dollars  
20 per day for each day it finds the contracting party has failed  
21 to pay the required prevailing wage rates.

22 Sec. 8. NEW SECTION. 91C.8 PENALTY.

23 A willful or intentional violation of any provision of this  
24 chapter by a contracting party or its representative or by a  
25 representative or employee of a governmental body is a serious  
26 misdemeanor.

27 Sec. 9. NEW SECTION. 91C.9 FEDERAL FUND PROJECTS.

28 This chapter does not apply to any contract for a public  
29 improvement which is funded in whole or in part by federal  
30 funds and if 40 U.S.C. §§ 276a through 276a-7 apply to all  
31 portions of the work to be performed under the contract for a  
32 public improvement.

33 EXPLANATION

34 This bill incorporates some of the substantive provisions  
35 of the federal Davis-Bacon Act. Governmental bodies entering

1 into contracts for public improvements over \$2,000 in counties  
2 over 20,000 population are required to include in the contract  
3 provisions requiring the payment of "prevailing wages" to  
4 laborers and mechanics. The labor commissioner is to deter-  
5 mine the prevailing wages based on projects of a similar  
6 character in the city or county in which the work is to be  
7 performed. The governmental body is allowed to withhold a  
8 portion of the contract payments to pay mechanics or laborers  
9 the difference between their wages and the prevailing wage if  
10 the contractor is paying less. Contracting parties are re-  
11 quired to keep records of wages paid and allow inspection of  
12 the records by the governmental body or the department of  
13 labor. In addition the labor commissioner may enter the work  
14 site premises to interview any worker to determine compliance  
15 with this chapter. A mechanic or laborer may bring an action  
16 in district court for the difference between wages paid and  
17 the prevailing wage. The labor commissioner may also bring an  
18 action against a contractor who violates this chapter and the  
19 contractor may be penalized \$100 for each day the contractor  
20 is in violation. In addition, any violation of this chapter  
21 is a serious misdemeanor.

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STATE OF IOWA  
FISCAL NOTELSB No. 2450S  
Staff ID. TCF

In compliance with a written request received March 5, 1985, a fiscal note for SENATE FILE 385 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 385 requires governmental bodies entering into contracts for public improvements over \$2,000 in counties over 20,000 population to include in the contracts provisions requiring the payment of prevailing wages to laborers and mechanics. The Labor Commissioner is to determine the prevailing wages based on projects of a similar character in the city or county in which the work is to be performed. The bill also provides for enforcement of payment of prevailing wage by the Labor Commissioner and provides penalties for violation of the law.

Fiscal Effect: Because it is not known what the total cost of all state and local public constructions projects will be in the future or what the prevailing wage will be and how it will effect future labor costs, a comprehensive estimate is not possible. The possible fiscal effect to some state agencies is as follows:

Department of General Services

The Department of General Services estimates Senate File 385 will increase the labor cost of their public construction projects by approximately 15%.

Board of Regents

The Board of Regents estimates Senate File 385 will increase the labor cost of their public construction projects by 25%. Currently, there are \$80 million worth of construction projects. \$48 million of the \$80 million is for labor costs. The Regents estimate Senate File 385 will increase the labor costs by approximately \$12 million.

Department of Human Services

The Department of Human Services estimates Senate File 385 will increase their project cost by 18%. For FY 1985 \$1,000,000 of capital projects are scheduled.

Department of Transportation

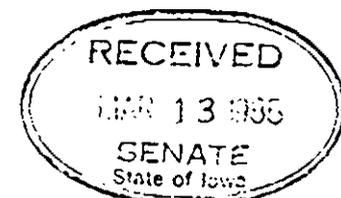
The Department of Transportation estimates Senate File 385 will increase the labor costs of their non-federal construction projects by 10%. They estimate a total FY 1985 cost of \$1,400,000 in increased labor costs and \$500,000 in additional administrative expenses.

Bureau of Labor

The fiscal effect of establishing and monitoring prevailing wage by the Labor Commissioner is as follows:

Personnel

Statistical Research Analyst I	\$16,848
Statistical Assistant II	12,293
Hearings Compliance Officer II	24,669
Secretary I	11,937
Fringe Benefits (19%)	12,492
Total Salary/Benefits	\$78,239



STATE OF IOWA

LSB No. 2450S  
Staff ID. TCF

page 2

FISCAL NOTE

<u>Travel</u>	
120 trips @ \$9.00/car	\$ 1,080
60 nights @ \$22.00	1,320
Per Diem-60 days @ \$12.00	720
Total Travel	<u>\$ 3,120</u>

<u>Supplies, Printing, Telephone</u>	\$ 1,000
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Total Cost	<u>\$82,359</u>
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Source: Labor Commission  
 Dept. of General Services  
 Board of Regents  
 Dept. of Transportation  
 Dept. of Human Services  
 Iowa State Association of Counties  
 League of Municipalities

(LSB 2450S, TCF)

Requested by Sen. Hultman  
 Filed March 14, 1985

*Kevin Prouty*  
 Fiscal Director

Legislative Fiscal Bureau

Date: 3/15/85

SENATE 3  
MARCH 14, 1985

S-3286

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 2, lines 19 and 20, by striking the words
- 3 "not less often than once a week and".
- 4 2. Page 5, line 16, by striking the word "twenty"
- 5 and inserting the following: "thirty".

S-3286 Filed

March 13, 1985

BY WALDSTEIN

*WLD 3/14 (p. 774)*

S-3288

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. By striking page 5, line 10 through page 8,
- 3 line 21 and inserting the following:
- 4 "Sec. 6. NEW SECTION. WAGE DETERMINATION.
- 5 In establishing and determining prevailing wages,
- 6 the labor commissioner shall, in the interest of
- 7 equity and fairness, survey at least fifty percent of
- 8 all construction projects within the affected area."

S-3288 Filed

March 13, 1985

By HULTMAN

*WLD 3/14 (p. 774)*

S-3289

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. By striking page 5, line 10 through page 8,
- 3 line 21 and inserting the following:
- 4 "Sec. 6. NEW SECTION. WAGE DETERMINATION.
- 5 In establishing and determining prevailing wages,
- 6 the merit system provisions of chapter 19A shall be
- 7 observed."

S-3289 Filed

March 13, 1985

By HULTMAN

*WLD 3/14 (p. 774)*

S-3290

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. By striking page 5, line 10 through page 8,
- 3 line 21 and inserting the following:
- 4 "Sec. 6. NEW SECTION. WAGE DETERMINATIONS.
- 5 In determining the wage rates applicable in each
- 6 subdivision the rules and provisions of section 79.17,
- 7 subsection 1 shall be observed."

S-3290 Filed

March 13, 1985

By HULTMAN

*WLD 3/14 (p. 774)*

S-3269

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 1, line 17 by striking the word "twenty"
- 3 and inserting the following: "one hundred".

S-3269 Filed

March 12, 1985

*Less 3-14-85 (p. 773)*

By GENTLEMAN

S-3272

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 1, line 15, by striking the words
- 3 "and decorating".
- 4 2. Page 1, line 16, by inserting after the word
- 5 "type" the following: ", excluding works of art,".

S-3272 Filed

March 12, 1985

*Less 3/13 (p. 761)*

By GENTLEMAN

S-3279

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 1, line 7, by striking the words ", and
- 3 the state board of regents".

S-3279 Filed

March 13, 1985

*Less 3/13 (p. 760)*

By RITSEMA

S-3281

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 2, line 11, by striking the word "two"
- 3 and inserting the following: "four hundred ninety-
- 4 nine".
- 5 2. Page 2, line 12, by striking the word "two" and
- 6 inserting the following: "four hundred ninety-nine".

S-3281 Filed

March 13, 1985

*Less 3/13 (p. 762)*

By GENTLEMAN

S-3285

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "party." the following: "'Contract for a public
- 4 improvement" does not mean fine arts projects as
- 5 defined in section 304A.8."

S-3285 Filed

March 13, 1985

*Adopted 3/13 (p. 762)*

By SMALL & GENTLEMAN

S-3293

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 1, by striking lines 17 and 18 and
- 3 inserting the following: "all political subdivisions
- 4 of the state and all special taxing districts and
- 5 governmental units created by law."

S-3293 Filed

March 13, 1985

*Classified 3/14 (p. 775)*

By HULTMAN

S-3295

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 1, line 17, by striking the word
- 3 "twenty" and inserting the following: "thirty".
- 4 2. Page 2, lines 19 and 20, by striking the words
- 5 "not less often than once a week and".
- 6 3. Page 5, line 16, by striking the word "twenty"
- 7 and inserting the following: "thirty".

S-3295 Filed

March 13, 1985

*Law 3/14 (p. 776)*

By WALDSTEIN

S-3299

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 6, line 17, by striking the words "name,
- 3 address and social security number" and inserting the
- 4 following: "name and address".

S-3299 Filed

March 14, 1985

By GENTLEMAN

S-3300

*Law 3/14 (p. 774)*

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 8, line 25, by striking the word
- 3 "serious" and inserting the word "simple".

S-3300 Filed

March 14, 1985

*Law 3/14 (p. 775)*

By GENTLEMAN

S-3301

SENATE FILE 385

- 1 Amend Senate File 385 as follows:
- 2 1. Page 6, by striking lines 8 through 12.
- 3 2. By renumbering sections as required.

S-3301 Filed

March 14, 1985

*Law 3/14 (p. 774)*

By GENTLEMAN

S-3307

SENATE FILE 385

Amend the amendment S-3290 to Senate File 385 as follows:

- 1. Page 1, lines 6 and 7, by striking the figure
- and words "79.17, subsection 1" and inserting the
- following: "79.13".

S-3307 Filed

March 14, 1985

*Adopted 3/14 (p. 773)*

By HULTMAN



SENATE 4  
MARCH 14, 1985

S-3291

SENATE FILE 385

1 Amend Senate File 385 as follows:  
2 1. Page 4, by inserting after line 17 the  
3 following:  
4 "9. Following the letting of a contract for public  
5 improvements under the provisions of this Act, shall  
6 cause to be printed in two papers of general  
7 circulation, within the geographic area of the  
8 contracting entity of government, the increased cost  
9 to the specific project as a result of the imposition  
10 of the prevailing wage standard."

S-3291 Filed  
March 13, 1985

By HULTMAN

*Done 3/14 (p. 776)*

S-3292

SENATE FILE 385

1 Amend Senate File 385 as follows:  
2 1. Page 7, by inserting after line 25 the  
3 following:  
4 "10. The labor commissioner shall cause to be  
5 published at least annually, in a paper with statewide  
6 circulation, and in at least three regional  
7 newspapers, an itemization of the additional cost on  
8 each project impacted by the imposition of this Act.  
9 Such a list shall also be maintained in the  
10 commissioner's office for public inspection and shall  
11 be transmitted to the county auditors' office in all  
12 counties of this state, and the city clerks' offices  
13 in all the cities of this state, and in each case  
14 shall be available for public inspection."

S-3292 Filed

March 13, 1985

By HULTMAN

*Done 3/14 (p. 776)*

S-3294

SENATE FILE 385

1 Amend Senate File 385 as follows:  
2 1. Page 2, line 11, by striking the word "two"  
3 and inserting the words "four hundred and ninety-  
4 nine".  
5 2. Page 2, line 12, by striking the word "two"  
6 and inserting the words "four hundred and ninety-  
7 nine".

S-3294 Filed

March 13, 1985

By HULTMAN

*Done 3/14 (p. 776)*

S-3312

SENATE FILE 385

1 Amend Senate File 385 as follows:  
2 1. Page 5, by striking lines 30 through 33, and  
3 inserting the following: "relevant information  
4 concerning wages. The labor commissioner shall, in  
5 the interest of equity and fairness, survey at least  
6 fifty percent of all construction projects within  
7 the affected counties."

S-3312 Filed  
March 14, 1985

By HULTMAN

*Law 3/14/85 (p. 724)*

S-3313

SENATE FILE 385

1 Amend Senate File 385 as follows:  
2 1. Page 8, line 1, by inserting after the word  
3 "party." the following: "A contracting party who  
4 inadvertently pays more than the prevailing wage rate  
5 to a mechanic or a skilled or unskilled laborer may  
6 maintain an action in the district court to recover  
7 the difference between the applicable prevailing wage  
8 rates and the wages the worker received from the  
9 contracting party."

S-3313 Filed  
March 14, 1985

By JENSEN

*Law 3/14 (p. 722)*

*House Labor 2/19/85*

Senate File 385

Labor and Industrial Relations: Sherzan, Chair; Corey and Running.

*Do Pass 4/10/85*

SENATE FILE 385

BY COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

(AS AMENDED AND PASSED BY THE SENATE MARCH 14, 1985)

Passed Senate, Date 3-14-85 (p. 792) Passed House, Date 4-17-85 (p. 1643)

Vote: Ayes 26 Nays 19 Vote: Ayes 54 Nays 44

Approved Vetoed May 20, 1985

## A BILL FOR

1 An Act to provide for payment of prevailing wage rates on  
 2 public construction projects and to provide enforcement  
 3 through the labor commissioner and providing penalties.  
 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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\_\_\_\_\_ = New Language  
by the Senate

1 Section 1. NEW SECTION. 91C. PREVAILING WAGE RATE ACT.

2 This chapter shall be known as the prevailing wage rate  
3 Act.

4 Sec. 2. NEW SECTION. 91C.2 DEFINITIONS.

5 As used in this chapter:

6 1. "Governmental body" means the state of Iowa, its  
7 agencies and departments, and the state board of regents.

8 2. "Contracting party" means all contractors which are  
9 parties to a contract for a public improvement and all sub-  
10 contractors employed by contractors which are parties to a  
11 contract for a public improvement who perform work pursuant to  
12 a contract for a public improvement.

13 3. "Contract for a public improvement" means a contract  
14 for the construction, alteration, remodeling, or repair, in-  
15 cluding painting and decorating, of a public building or  
16 structure or other public improvement of any type located in  
17 whole or in part in a county over twenty thousand in  
18 population and to which a governmental body is a party.

19 "Contract for a public improvement" does not mean fine arts  
20 projects as defined in section 304A.8.

21 4. "Wages" or "wage rates" means all of the following:

22 a. The basic hourly rate of pay.

23 b. The amount of:

24 (1) The rate of contribution irrevocably made by a con-  
25 tractor or subcontractor to a trustee or to a third person  
26 pursuant to a fund, plan, or program.

27 (2) The rate of costs to the contractor or subcontractor  
28 which may be reasonably anticipated in providing benefits to  
29 laborers and mechanics pursuant to an enforceable commitment  
30 to carry out a financially responsible plan or program which  
31 was communicated in writing to the laborers and mechanics af-  
32 fected, for medical or hospital care, pensions on retirement  
33 or death, compensation for injuries or illness resulting from  
34 occupational activity, or insurance to provide any of the  
35 foregoing, for unemployment benefits, life insurance, dis-

1 ability and sickness insurance or accident insurance, for  
2 vacation and holiday pay, for defraying costs of apprentice-  
3 ship or other similar programs, or for other bona fide fringe  
4 benefits, but only where the contractor or subcontractor is  
5 not required by other federal, state, or local law to provide  
6 any of such benefits.

7 5. "Prevailing wage rates" means rates of wages for  
8 mechanics, and skilled and unskilled laborers, who perform  
9 work pursuant to a contract for a public improvement, as  
10 determined by the labor commissioner under section 91C.6.

11 Sec. 3. NEW SECTION. 91C.3 SPECIFICATIONS FOR CONTRACT.

12 All specifications for a contract for a public improvement  
13 costing in excess of two thousand dollars and a contract for a  
14 public improvement costing in excess of two thousand dollars  
15 shall contain provisions:

16 1. Requiring the contracting party to pay mechanics and  
17 skilled and unskilled laborers, whom it employs to perform  
18 work on the project under the contract for a public improve-  
19 ment, not less than the prevailing wage rate.

20 2. Requiring the contracting party to pay its mechanics  
21 and skilled and unskilled laborers not less often than once a  
22 week and without subsequent deduction or rebate on any ac-  
23 count, the full amounts accrued at the time of payment, com-  
24 puted at wage rates not less than the prevailing wage rates,  
25 regardless of any contractual relationship alleged to exist  
26 between the contracting party and its mechanics and skilled  
27 and unskilled laborers.

28 3. Requiring the contracting party to post the prevailing  
29 wage rates in a prominent and easily accessible place at the  
30 site of work under the contract for a public improvement.

31 4. Requiring the contracting party to maintain records of  
32 the wages paid to its mechanics and skilled and unskilled  
33 laborers employed to perform work under the contract in the  
34 form determined necessary by the labor commissioner.

35 5. Permitting the governmental body to inspect the

1 records, required to be maintained by the contracting party  
2 under this section, at all reasonable times and places upon  
3 demand by the governmental body.

4 6. a. Permitting the governmental body to withhold from  
5 the contracting party so much of accrued payments under the  
6 contract as the governmental body deems necessary to pay the  
7 mechanics and skilled and unskilled laborers employed by the  
8 contracting party to perform work under the contract the dif-  
9 ference between the prevailing wage rates and the wages re-  
10 ceived by them.

11 b. Allowing the governmental body, upon not less than  
12 seven days' written notice to the contracting party, to termi-  
13 nate the contract, if the governmental body determines the  
14 contracting party has failed or is failing to perform any of  
15 its duties under this section, and permitting the governmental  
16 body the right to institute an action in the district court  
17 for damages reasonably related to the termination of the  
18 contract.

19 Sec. 4. NEW SECTION. 91C.4 GOVERNMENTAL BODY'S DUTIES.

20 In addition to any other duties imposed and authority  
21 granted by law concerning the letting of a bid for, entering  
22 into, and performing a contract for a public improvement, a  
23 governmental body:

24 1. Shall ascertain the prevailing wage rates for inclusion  
25 in any contract for a public improvement.

26 2. Shall comply with section 91C.3 in the letting of bids  
27 for a contract for a public improvement.

28 3. Shall not enter into a contract for a public improve-  
29 ment which fails to contain the provisions set out in section  
30 91C.3.

31 4. Shall take all actions reasonably necessary to insure  
32 the contracting party is in compliance with the terms and  
33 conditions of a contract for a public improvement, including  
34 inspecting the records maintained by the contracting party  
35 pursuant to sections 91C.3 and 91C.5 and investigating

1 complaints by any person that the contracting party is not in  
2 compliance with the terms and conditions of the contract for a  
3 public improvement.

4 5. Shall not enter into a contract for a public improve-  
5 ment with a contracting party, which has been found to be in  
6 violation of a contract for a public improvement as determined  
7 by the labor commissioner and which has been prohibited from  
8 bidding for and accepting a contract for a public improvement  
9 by the labor commissioner under section 91C.6, subsection 8.

10 6. Shall report to the labor commissioner, in a form and  
11 manner as the labor commissioner determines, the violation of  
12 any provision of this chapter by a contracting party which is  
13 a party to a contract for a public improvement with the  
14 governmental body.

15 7. May require the contracting party to post a bond as  
16 deemed necessary by the governmental body to provide for the  
17 payment of the prevailing wage rates.

18 8. May take any action to enforce the terms of the  
19 contract for a public improvement.

20 Sec. 5. NEW SECTION. 91C.5 DUTIES OF CONTRACTING PARTY.

21 A contracting party:

22 1. Shall, at the time of submitting a bid for a contract  
23 for a public improvement, state to the governmental body the  
24 identity of all other persons, partnerships, corporations or  
25 other entities to which it is subcontracting any portion of  
26 the work to be performed under a contract for a public  
27 improvement, and no work under a contract for a public im-  
28 provement shall be performed by any persons, partnerships,  
29 corporations or other entities other than those stated to the  
30 governmental body in the contracting party's bid proposal  
31 unless the contracting party obtains approval in writing from  
32 the governmental body and the labor commissioner to substitute  
33 subcontractors. The governmental body and the labor  
34 commissioner shall not grant approval unless they have  
35 received at least one day's notice of the request to

1 substitute subcontractors stating the reason for the sub-  
2 stitution and the identity of the new subcontractor.

3 2. Shall comply with the terms of the contract for a  
4 public improvement required by section 91C.3.

5 3. Shall provide to the governmental body records showing  
6 payment of the prevailing wage rates to its mechanics and  
7 skilled and unskilled laborers under the contract for a public  
8 improvement in a form and manner as the labor commissioner  
9 shall determine.

10 4. Shall not attempt in any manner either directly or  
11 indirectly to avoid the requirements of this chapter.

12 Sec. 6. NEW SECTION. 91C.6 LABOR COMMISSIONER DUTIES.

13 The labor commissioner:

14 1. Shall by rule, at least annually, establish and deter-  
15 mine the wage rates for mechanics and skilled and unskilled  
16 laborers of the type customarily employed to perform work  
17 under a contract for a public improvement, which prevail in  
18 each county over twenty thousand in population in the state  
19 among workers performing work similar in character to that  
20 performed on projects under contracts for a public  
21 improvement. The wage rates so determined for each county and  
22 city by the labor commissioner shall be the prevailing wage  
23 rates for work to be performed by a contracting party under a  
24 contract for a public improvement within that county.

25 2. In establishing and determining the prevailing wage  
26 rates for each county, shall consider prevailing wage rate  
27 data established by the United States secretary of labor  
28 pursuant to 40 U.S.C. §§ 276a through 276a-7, wage rates for  
29 mechanics and skilled and unskilled laborers for work  
30 performed within the county provided for in bona fide  
31 collective bargaining agreements and any other reliable and  
32 relevant information concerning wages. If the labor  
33 commissioner reasonably deems it necessary, the labor  
34 commissioner may conduct surveys within the county to acquire  
35 information regarding wages paid.

1 3. Shall annually publish all prevailing wage rates  
2 established and determined by the labor commissioner.

3 4. Upon request by a governmental body, shall determine  
4 the prevailing wage rates applicable to work to be performed  
5 pursuant to a contract for a public improvement. Disputes  
6 concerning applicable prevailing wage rate for work to be  
7 performed pursuant to a contract for a public improvement  
8 shall be resolved through declaratory ruling procedures before  
9 the labor commissioner pursuant to section 17A.9.

10 5. Shall by rule provide that if work pursuant to a  
11 contract for a public improvement is to be performed in more  
12 than a single county, the highest prevailing wage rates  
13 applicable to any part of the work shall apply to all work  
14 performed pursuant to the contract for a public improvement.

15 6. Shall establish rules for the maintenance of wage  
16 records and the reports required by section 91C.3, subsection  
17 4, and section 91C.5, subsection 3. At a minimum, the records  
18 required by section 91C.3, subsection 4, shall contain the  
19 name, address and social security number of each mechanic and  
20 skilled and unskilled laborer, the number of hours worked each  
21 day and the gross wages paid each day. At a minimum, the  
22 reports required by section 91C.5, subsection 3, to be  
23 submitted to the governmental body shall contain the same  
24 information as contained in the records required under section  
25 91C.3, subsection 4, and shall be submitted at least once a  
26 week. The reports submitted to the governmental body as  
27 required by section 91C.5, subsection 3, are public records  
28 under chapter 22, and are not exempt under chapter 22.

29 7. May enter upon the premises of any work site where work  
30 is being performed pursuant to a contract for a public  
31 improvement at any reasonable time and may interview any  
32 mechanic or skilled or unskilled laborer for the purposes of  
33 determining whether the contracting party is complying with  
34 this chapter. No worker shall be discharged or otherwise  
35 disciplined or discriminated against by the contracting party

1 for providing information to the labor commissioner in such an  
2 interview. A worker subject to discharge or other discipline  
3 or otherwise discriminated against by the contracting party  
4 for providing information to the labor commissioner in an  
5 interview has a right of action in the district court for  
6 reinstatement, back pay and other equitable relief as  
7 appropriate.

8 8. Upon a finding by a governmental body, the labor  
9 commissioner, or a court that a contracting party has violated  
10 a provision of this chapter, may prohibit the contracting  
11 party from bidding for and accepting any contract for a public  
12 improvement for a period not to exceed five years from the  
13 date of the finding of a violation by the contracting party.  
14 In determining the length of time for which a contracting  
15 party has been prohibited from bidding for and accepting a  
16 contract for a public improvement, the labor commissioner  
17 shall consider the number of violations of this chapter by the  
18 contracting party, the amount of unpaid wages, if any, to  
19 employees of the contracting party, and whether the actions of  
20 the contracting party were willful or intentional. The labor  
21 commissioner shall maintain and publish, at least  
22 semiannually, a listing of all contracting parties found to  
23 have violated a provision of this chapter and the period of  
24 any prohibition against bidding for and accepting a contract  
25 for a public improvement imposed upon each contracting party.

26 9. Shall adopt rules pursuant to chapter 17A necessary to  
27 perform duties under this chapter.

28 Sec. 7. NEW SECTION. 91C.7 REMEDIES.

29 In addition to any remedies otherwise available under law,  
30 the following remedies for violation of any provisions of this  
31 chapter are available:

32 1. A mechanic or a skilled or unskilled laborer, who per-  
33 formed work pursuant to a contract for a public improvement  
34 but to whom the contracting party failed to pay the applicable  
35 prevailing wage rates may maintain an action in the district

1 court to recover the difference between the applicable pre-  
2 vailing wage rates and the wages the worker received from the  
3 contracting party. Chapter 91A applies to the action, except  
4 that the labor commissioner may institute an action for the  
5 collection of unpaid wages on behalf of all employees affected  
6 by the actions of the same employer on the same project  
7 without the necessity of obtaining a wage assignment from any  
8 of the affected employees. The fact that the mechanic or  
9 skilled or unskilled laborer knowingly accepted payment of  
10 wages less than the applicable prevailing wage rate does not  
11 relieve the contracting party from liability unless the  
12 contracting party establishes that the mechanic or skilled or  
13 unskilled laborer knowingly accepted payment of wages less  
14 than the applicable prevailing wage rate as part of a willful  
15 and intentional plan, scheme, design or conspiracy to violate  
16 this chapter or any other provision of the Code.

17 2. The labor commissioner may maintain an action in dis-  
18 trict court against a contracting party for a knowing and in-  
19 tentional failure to pay the prevailing wage rates by the  
20 contracting party. The district court shall provide for a  
21 penalty against the contracting party of one hundred dollars  
22 per day for each day it finds the contracting party has failed  
23 to pay the required prevailing wage rates.

24 Sec. 8. NEW SECTION. 91C.8 PENALTY.

25 A willful or intentional violation of any provision of this  
26 chapter by a contracting party or its representative or by a  
27 representative or employee of a governmental body is a serious  
28 misdemeanor.

29 Sec. 9. NEW SECTION. 91C.9 FEDERAL FUND PROJECTS.

30 This chapter does not apply to any contract for a public  
31 improvement which is funded in whole or in part by federal  
32 funds and if 40 U.S.C. §§ 276a through 276a-7 apply to all  
33 portions of the work to be performed under the contract for a  
34 public improvement.

35

SENATE FILE 385

H-3800

1 Amend Senate File 385 as amended, passed and  
2 reprinted by the Senate as follows:  
3 1. Page 6, line 12, by striking the word  
4 "highest" and inserting the word "average".

H-3800 FILED APRIL 16, 1985 BY BENNETT of Ida  
*Lost 4/17 (p 1631)*

SENATE FILE 385

H-3853

1 Amend Senate File 385 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 4, by inserting after line 19 the  
4 following:  
5 "9. Following the letting of a contract for public  
6 improvements under the provisions of this Act, shall  
7 cause to be printed in two papers of general  
8 circulation, within the geographic area of the  
9 contracting entity of government, the increased cost  
10 to the specific project as a result of the imposition  
11 of the prevailing wage standard."

H-3853 FILED APRIL 17, 1985 BY MCINTEE of Black Hawk  
OUT OF ORDER (*p. 1644*)

SENATE FILE 385

H-3854

1 Amend Senate File 385 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 7, by inserting after line 27 the  
4 following:  
5 "10. The labor commissioner shall cause to be  
6 published at least annually, in a paper with statewide  
7 circulation, and in at least three regional  
8 newspapers, an itemization of the additional cost on  
9 each project impacted by the imposition of this Act.  
10 Such a list shall also be maintained in the  
11 commissioner's office for public inspection and shall  
12 be transmitted to the county auditors' office in all  
13 counties of this state, and the city clerks' offices  
14 in all the cities of this state, and in each case  
15 shall be available for public inspection."

H-3854 FILED APRIL 17, 1985 BY MCINTEE of Black Hawk  
OUT OF ORDER (*p. 1644*)

SSB 216

Labor/Ind. Rel.

SENATE FILE \_\_\_\_\_

New SF 385

BY (PROPOSED COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

### A BILL FOR

1 An Act to provide for payment of prevailing wage rates on  
2 public construction projects and to provide enforcement  
3 through the labor commissioner and providing penalties.

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

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1 Section 1. NEW SECTION. 91C. PREVAILING WAGE RATE ACT.

2 This chapter shall be known as the prevailing wage rate  
3 Act.

4 Sec. 2. NEW SECTION. 91C.2 DEFINITIONS.

5 As used in this chapter:

6 1. "Governmental body" means the state of Iowa, its  
7 agencies and departments, and the state board of regents.

8 2. "Contracting party" means all contractors which are  
9 parties to a contract for a public improvement and all sub-  
10 contractors employed by contractors which are parties to a  
11 contract for a public improvement who perform work pursuant to  
12 a contract for a public improvement.

13 3. "Contract for a public improvement" means a contract  
14 for the construction, alteration, remodeling, or repair, in-  
15 cluding painting and decorating, of a public building or  
16 structure or other public improvement of any type located in  
17 whole or in part in a city over twenty thousand in population  
18 or located in whole or in part in the unincorporated part of a  
19 county over twenty thousand in population and to which a  
20 governmental body is a party, but does not mean a contract for  
21 the construction, alteration, or repair of a farm-to-market  
22 road, as defined in section 306.3, to which a governmental  
23 body is a party.

24 4. "Wages" or "wage rates" means all of the following:

25 a. The basic hourly rate of pay.

26 b. The amount of:

27 (1) The rate of contribution irrevocably made by a con-  
28 tractor or subcontractor to a trustee or to a third person  
29 pursuant to a fund, plan, or program.

30 (2) The rate of costs to the contractor or subcontractor  
31 which may be reasonably anticipated in providing benefits to  
32 laborers and mechanics pursuant to an enforceable commitment  
33 to carry out a financially responsible plan or program which  
34 was communicated in writing to the laborers and mechanics af-  
35 fected, for medical or hospital care, pensions on retirement

1 or death, compensation for injuries or illness resulting from  
2 occupational activity, or insurance to provide any of the  
3 foregoing, for unemployment benefits, life insurance, dis-  
4 ability and sickness insurance or accident insurance, for  
5 vacation and holiday pay, for defraying costs of apprentice-  
6 ship or other similar programs, or for other bona fide fringe  
7 benefits, but only where the contractor or subcontractor is  
8 not required by other federal, state, or local law to provide  
9 any of such benefits.

10 5. "Prevailing wage rates" means rates of wages for  
11 mechanics, and skilled and unskilled laborers, who perform  
12 work pursuant to a contract for a public improvement, as  
13 determined by the labor commissioner under section 91C.6.

14 Sec. 3. NEW SECTION. 91C.3 SPECIFICATIONS FOR CONTRACT.

15 All specifications for a contract for a public improvement  
16 costing in excess of two thousand dollars and a contract for a  
17 public improvement costing in excess of two thousand dollars  
18 shall contain provisions:

19 1. Requiring the contracting party to pay mechanics and  
20 skilled and unskilled laborers, whom it employs to perform  
21 work on the project under the contract for a public improve-  
22 ment, not less than the prevailing wage rate.

23 2. Requiring the contracting party to pay its mechanics  
24 and skilled and unskilled laborers not less often than once a  
25 week and without subsequent deduction or rebate on any ac-  
26 count, the full amounts accrued at the time of payment, com-  
27 puted at wage rates not less than the prevailing wage rates,  
28 regardless of any contractual relationship alleged to exist  
29 between the contracting party and its mechanics and skilled  
30 and unskilled laborers.

31 3. Requiring the contracting party to post the prevailing  
32 wage rates in a prominent and easily accessible place at the  
33 site of work under the contract for a public improvement.

34 4. Requiring the contracting party to maintain records of  
35 the wages paid to its mechanics and skilled and unskilled

1 laborers employed to perform work under the contract in the  
2 form determined necessary by the labor commissioner.

3 5. Permitting the governmental body to inspect the  
4 records, required to be maintained by the contracting party  
5 under this section, at all reasonable times and places upon  
6 demand by the governmental body.

7 6. a. Permitting the governmental body to withhold from  
8 the contracting party so much of accrued payments under the  
9 contract as the governmental body deems necessary to pay the  
10 mechanics and skilled and unskilled laborers employed by the  
11 contracting party to perform work under the contract the dif-  
12 ference between the prevailing wage rates and the wages re-  
13 ceived by them.

14 b. Allowing the governmental body, upon not less than  
15 seven days' written notice to the contracting party, to termi-  
16 nate the contract, if the governmental body determines the  
17 contracting party has failed or is failing to perform any of  
18 its duties under this section, and permitting the governmental  
19 body the right to institute an action in the district court  
20 for damages reasonably related to the termination of the  
21 contract.

22 Sec. 4. NEW SECTION. 91C.4 GOVERNMENTAL BODY'S DUTIES.

23 In addition to any other duties imposed and authority  
24 granted by law concerning the letting of a bid for, entering  
25 into, and performing a contract for a public improvement, a  
26 governmental body:

27 1. Shall ascertain the prevailing wage rates for inclusion  
28 in any contract for a public improvement.

29 2. Shall comply with section 91C.3 in the letting of bids  
30 for a contract for a public improvement.

31 3. Shall not enter into a contract for a public improve-  
32 ment which fails to contain the provisions set out in section  
33 91C.3.

34 4. Shall take all actions reasonably necessary to insure  
35 the contracting party is in compliance with the terms and

1 conditions of a contract for a public improvement, including  
2 inspecting the records maintained by the contracting party  
3 pursuant to sections 91C.3 and 91C.5 and investigating  
4 complaints by any person that the contracting party is not in  
5 compliance with the terms and conditions of the contract for a  
6 public improvement.

7 5. Shall not enter into a contract for a public improve-  
8 ment with a contracting party, which has been found to be in  
9 violation of a contract for a public improvement as determined  
10 by the labor commissioner and which has been prohibited from  
11 bidding for and accepting a contract for a public improvement  
12 by the labor commissioner under section 91C.6, subsection 8.

13 6. Shall report to the labor commissioner, in a form and  
14 manner as the labor commissioner determines, the violation of  
15 any provision of this chapter by a contracting party which is  
16 a party to a contract for a public improvement with the  
17 governmental body.

18 7. May require the contracting party to post a bond as  
19 deemed necessary by the governmental body to provide for the  
20 payment of the prevailing wage rates.

21 8. May take any action to enforce the terms of the  
22 contract for a public improvement.

23 Sec. 5. NEW SECTION. 91C.5 DUTIES OF CONTRACTING PARTY.

24 A contracting party:

25 1. Shall, at the time of submitting a bid for a contract  
26 for a public improvement, state to the governmental body the  
27 identity of all other persons, partnerships, corporations or  
28 other entities to which it is subcontracting any portion of  
29 the work to be performed under a contract for a public  
30 improvement, and no work under a contract for a public im-  
31 provement shall be performed by any persons, partnerships,  
32 corporations or other entities other than those stated to the  
33 governmental body in the contracting party's bid proposal  
34 unless the contracting party obtains approval in writing from  
35 the governmental body and the labor commissioner to substitute

1 subcontractors. The governmental body and the labor  
2 commissioner shall not grant approval unless they have  
3 received at least seven days' notice of the request to  
4 substitute subcontractors stating the reason for the sub-  
5 stitution and the identity of the new subcontractor.

6 2. Shall comply with the terms of the contract for a  
7 public improvement required by section 91C.3.

8 3. Shall provide to the governmental body records showing  
9 payment of the prevailing wage rates to its mechanics and  
10 skilled and unskilled laborers under the contract for a public  
11 improvement in a form and manner as the labor commissioner  
12 shall determine.

13 4. Shall not attempt in any manner either directly or  
14 indirectly to avoid the requirements of this chapter.

15 Sec. 6. NEW SECTION. 91C.6 LABOR COMMISSIONER DUTIES.

16 The labor commissioner:

17 1. Shall by rule, at least annually, establish and deter-  
18 mine the wage rates for mechanics and skilled and unskilled  
19 laborers of the type customarily employed to perform work  
20 under a contract for a public improvement, which prevail in  
21 each county and city over twenty thousand in population in the  
22 state among workers performing work similar in character to  
23 that performed on projects under contracts for a public  
24 improvement. The wage rates so determined for each county and  
25 city by the labor commissioner shall be the prevailing wage  
26 rates for work to be performed by a contracting party under a  
27 contract for a public improvement within that county or city.

28 2. In establishing and determining the prevailing wage  
29 rates for each county and city, shall consider prevailing wage  
30 rate data established by the United States secretary of labor  
31 pursuant to 40 U.S.C. §§ 276a through 276a-7, wage rates for  
32 mechanics and skilled and unskilled laborers for work  
33 performed within the county or city provided for in bona fide  
34 collective bargaining agreements and any other reliable and  
35 relevant information concerning wages. If the labor

1 commissioner reasonably deems it necessary, the labor  
2 commissioner may conduct surveys within the county or city to  
3 acquire information regarding wages paid.

4 3. Shall annually publish all prevailing wage rates  
5 established and determined by the labor commissioner.

6 4. Upon request by a governmental body, shall determine  
7 the prevailing wage rates applicable to work to be performed  
8 pursuant to a contract for a public improvement. The labor  
9 commissioner shall provide by rule an expedited procedure for  
10 resolution of disputes concerning the applicable prevailing  
11 wage rate for work to be performed pursuant to a contract for  
12 a public improvement. Such a dispute is not a contested case  
13 under chapter 17A.

14 5. Shall by rule provide that if work pursuant to a  
15 contract for a public improvement is to be performed in more  
16 than a single county or a single city, the highest prevailing  
17 wage rates applicable shall apply to all work performed  
18 pursuant to the contract for a public improvement.

19 6. Shall establish rules for the maintenance of wage  
20 records and the reports required by section 91C.3, subsection  
21 4, and section 91C.5, subsection 3. At a minimum, the records  
22 required by section 91C.3, subsection 4, shall contain the  
23 name, address and social security number of each mechanic and  
24 skilled and unskilled laborer, the number of hours worked each  
25 day and the gross wages paid each day. At a minimum, the  
26 reports required by section 91C.5, subsection 3, to be  
27 submitted to the governmental body shall contain the same  
28 information as contained in the records required under section  
29 91C.3, subsection 4, and shall be submitted at least once a  
30 week. The reports submitted to the governmental body as  
31 required by section 91C.5, subsection 3, are public records  
32 under chapter 22, and are not exempt under chapter 22.

33 7. May enter upon the premises of any work site where work  
34 is being performed pursuant to a contract for a public  
35 improvement at any reasonable time and may interview any

1 mechanic or skilled or unskilled laborer for the purposes of  
2 determining whether the contracting party is complying with  
3 this chapter. No worker shall be discharged or otherwise  
4 disciplined or discriminated against by the contracting party  
5 for providing information to the labor commissioner in such an  
6 interview. A worker subject to discharge or other discipline  
7 or otherwise discriminated against by the contracting party  
8 for providing information to the labor commissioner in an  
9 interview has a right of action in the district court for  
10 reinstatement, back pay and other equitable relief as  
11 appropriate.

12 8. Upon a finding by a governmental body, the labor  
13 commissioner, or a court that a contracting party has violated  
14 a provision of this chapter, may prohibit the contracting  
15 party from bidding for and accepting any contract for a public  
16 improvement for a period not to exceed five years from the  
17 date of the finding of a violation by the contracting party.  
18 In determining the length of time for which a contracting  
19 party has been prohibited from bidding for and accepting a  
20 contract for a public improvement, the labor commissioner  
21 shall consider the number of violations of this chapter by the  
22 contracting party, the amount of unpaid wages, if any, to  
23 employees of the contracting party, and whether the actions of  
24 the contracting party were willful or intentional. The labor  
25 commissioner shall maintain and publish, at least  
26 semiannually, a listing of all contracting parties found to  
27 have violated a provision of this chapter and the period of  
28 any prohibition against bidding for and accepting a contract  
29 for a public improvement imposed upon each contracting party.

30 9. Shall adopt rules pursuant to chapter 17A necessary to  
31 perform duties under this chapter.

32 Sec. 7. NEW SECTION. 91C.7 REMEDIES.

33 In addition to any remedies otherwise available under law,  
34 the following remedies for violation of any provisions of this  
35 chapter are available:

1 1. A mechanic or a skilled or unskilled laborer, who per-  
2 formed work pursuant to a contract for a public improvement  
3 but to whom the contracting party failed to pay the applicable  
4 prevailing wage rates may maintain an action in the district  
5 court to recover the difference between the applicable pre-  
6 vailing wage rates and the wages the worker received from the  
7 contracting party. Chapter 91A applies to the action, except  
8 that the labor commissioner may institute an action for the  
9 collection of unpaid wages on behalf of all employees affected  
10 by the actions of the same employer on the same project  
11 without the necessity of obtaining a wage assignment from any  
12 of the affected employees. The fact that the mechanic or  
13 skilled or unskilled laborer knowingly accepted payment of  
14 wages less than the applicable prevailing wage rate does not  
15 relieve the contracting party from liability unless the  
16 contracting party establishes that the mechanic or skilled or  
17 unskilled laborer knowingly accepted payment of wages less  
18 than the applicable prevailing wage rate as part of a willful  
19 and intentional plan, scheme, design or conspiracy to violate  
20 this chapter or any other provision of the Code.

21 2. The labor commissioner may maintain an action in dis-  
22 trict court against a contracting party for a knowing and in-  
23 tentional failure to pay the prevailing wage rates by the  
24 contracting party. The district court shall provide for a  
25 penalty against the contracting party of one hundred dollars  
26 per day for each day it finds the contracting party has failed  
27 to pay the required prevailing wage rates.

28 Sec. 8. NEW SECTION. 91C.8 PENALTY.

29 A willful or intentional violation of any provision of this  
30 chapter by a contracting party or its representative or by a  
31 representative or employee of a governmental body is a serious  
32 misdemeanor.

33 Sec. 9. NEW SECTION. 91C.9 FEDERAL FUND PROJECTS.

34 This chapter does not apply to any contract for a public  
35 improvement which is funded in whole or in part by federal

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 funds and if 40 U.S.C. §§ 276a through 276a-7 apply to all  
2 portions of the work to be performed under the contract for a  
3 public improvement.

4

#### EXPLANATION

5 This bill incorporates some of the substantive provisions  
6 of the federal Davis-Bacon Act. Governmental bodies entering  
7 into contracts for public improvements over \$2,000 in cities  
8 and counties over 20,000 population are required to include in  
9 the contract provisions requiring the payment of "prevailing  
10 wages" to laborers and mechanics. The labor commissioner is  
11 to determine the prevailing wages based on projects of a  
12 similar character in the city or county in which the work is  
13 to be performed. The governmental body is allowed to withhold  
14 a portion of the contract payments to pay mechanics or  
15 laborers the difference between their wages and the prevailing  
16 wage if the contractor is paying less. Contracting parties  
17 are required to keep records of wages paid and allow  
18 inspection of the records by the governmental body or the  
19 department of labor. In addition the labor commissioner may  
20 enter the work site premises to interview any worker to  
21 determine compliance with this chapter. A mechanic or laborer  
22 may bring an action in district court for the difference  
23 between wages paid and the prevailing wage. The labor  
24 commissioner may also bring an action against a contractor who  
25 violates this chapter and the contractor may be penalized \$100  
26 for each day the contractor is in violation. In addition, any  
27 violation of this chapter is a serious misdemeanor.

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OFFICE OF THE GOVERNOR

STATE CAPITOL

DES MOINES, IOWA 50319

S.S. 281-5211

TERRY E. BRANSTAD  
GOVERNOR

May 20, 1985

The Honorable Mary Jane Odell  
Secretary of State  
State Capitol Building  
L O C A L

Dear Madam Secretary:

Senate File 385, an act to provide for payment of prevailing wage rates on public construction projects and to provide enforcement through the Labor Commissioner and providing penalties, is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

Senate File 385 would establish a new chapter in the Iowa Code known as the "Prevailing Wage Rate Act." The act requires governmental bodies entering into contracts for public improvements over \$2,000 in counties over 20,000 population to include in the contracts provisions requiring the payment of prevailing wages to laborers and mechanics. The Labor Commissioner is to determine the prevailing wages based on projects similar in character in the city or county in which the work is to be performed. The bill also provides for the enforcement of payment of prevailing wages by the Labor Commissioner and provides penalties for violation of the law.

I am sensitive to the concerns of the proponents of this bill regarding the economic hardships faced by many unemployed construction workers. I have listened to and have carefully considered their arguments for this bill. However, Iowa construction jobs can only be created within the fiscal constraints of the state budget.

Requiring the payment of a prevailing wage on public construction projects will substantially increase the cost of projects paid by state and local taxpayers. The fiscal note prepared by the Legislative Fiscal Bureau estimates that this bill would add over \$15 million to the cost of public projects. Several state agencies provided me with projected cost increases of between ten and twenty-five percent.

The Honorable Mary Jane Odell  
May 20, 1985  
Page 2

It would be inappropriate to implement a new prevailing wage law at a time when some state operating budgets have been frozen or cut in order to meet our constitutional responsibilities for a balanced budget.

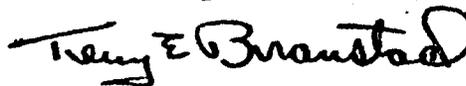
Senate File 385 would mandate expensive reporting procedures, increase administrative costs and generally complicate the completion of public construction projects. These requirements would impede efficient administration of construction contracts and place an additional burden on many small businesses including minority, and female contractors. The General Assembly failed to provide the necessary funding and staff which everyone acknowledges would be necessary to enforce this legislation.

I am not aware of any state which has placed these added financial and administrative burdens upon their taxpayers in recent years. In fact, since 1978, five states --- Alabama, Arizona, Florida, Idaho and Utah --- have repealed prevailing wage laws. Other states, including Colorado and New Hampshire are presently considering the repeal of similar laws. Now is not the time for Iowa to impose this additional burden on its taxpayers.

In summary, after careful study and review, it is my conclusion that Senate File 385 would substantially increase the costs of construction projects for taxpayers and increase regulatory burdens. If we are forced to pay more for each construction project, fewer state projects can be undertaken, and fewer jobs will be available.

For the reasons mentioned above, I hereby respectfully disapprove Senate File 385.

Sincerely,



Terry E. Branstad  
Governor

TEB/ps

cc: Secretary of the Senate  
Chief Clerk of the House

Vetoed

Senate File 385, p. 2

SENATE FILE 385

AN ACT

TO PROVIDE FOR PAYMENT OF PREVAILING WAGE RATES ON PUBLIC CONSTRUCTION PROJECTS AND TO PROVIDE ENFORCEMENT THROUGH THE LABOR COMMISSIONER AND PROVIDING PENALTIES.

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

Section 1. NEW SECTION. 91C.1 PREVAILING WAGE RATE ACT.

This chapter shall be known as the prevailing wage rate Act.

Sec. 2. NEW SECTION. 91C.2 DEFINITIONS.

As used in this chapter:

1. "Governmental body" means the state of Iowa, its agencies and departments, and the state board of regents.
2. "Contracting party" means all contractors which are parties to a contract for a public improvement and all subcontractors employed by contractors which are parties to a contract for a public improvement who perform work pursuant to a contract for a public improvement.
3. "Contract for a public improvement" means a contract for the construction, alteration, remodeling, or repair, including painting and decorating, of a public building or structure or other public improvement of any type located in whole or in part in a county over twenty thousand in population and to which a governmental body is a party. "Contract for a public improvement" does not mean fine arts projects as defined in section 304A.8.
4. "Wages" or "wage rates" means all of the following:
  - a. The basic hourly rate of pay.
  - b. The amount of:
    - (1) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program.

(2) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and mechanics affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal, state, or local law to provide any of such benefits.

5. "Prevailing wage rates" means rates of wages for mechanics, and skilled and unskilled laborers, who perform work pursuant to a contract for a public improvement, as determined by the labor commissioner under section 91C.6.

Sec. 3. NEW SECTION. 91C.3 SPECIFICATIONS FOR CONTRACT.

All specifications for a contract for a public improvement costing in excess of two thousand dollars and a contract for a public improvement costing in excess of two thousand dollars shall contain provisions:

1. Requiring the contracting party to pay mechanics and skilled and unskilled laborers, whom it employs to perform work on the project under the contract for a public improvement, not less than the prevailing wage rate.
2. Requiring the contracting party to pay its mechanics and skilled and unskilled laborers not less often than once a week and without subsequent deduction or rebate on any account, the full amounts accrued at the time of payment, computed at wage rates not less than the prevailing wage rates, regardless of any contractual relationship alleged to exist between the contracting party and its mechanics and skilled and unskilled laborers.

S.F. 385

3. Requiring the contracting party to post the prevailing wage rates in a prominent and easily accessible place at the site of work under the contract for a public improvement.

4. Requiring the contracting party to maintain records of the wages paid to its mechanics and skilled and unskilled laborers employed to perform work under the contract in the form determined necessary by the labor commissioner.

5. Permitting the governmental body to inspect the records, required to be maintained by the contracting party under this section, at all reasonable times and places upon demand by the governmental body.

6. a. Permitting the governmental body to withhold from the contracting party so much of accrued payments under the contract as the governmental body deems necessary to pay the mechanics and skilled and unskilled laborers employed by the contracting party to perform work under the contract the difference between the prevailing wage rates and the wages received by them.

b. Allowing the governmental body, upon not less than seven days' written notice to the contracting party, to terminate the contract, if the governmental body determines the contracting party has failed or is failing to perform any of its duties under this section, and permitting the governmental body the right to institute an action in the district court for damages reasonably related to the termination of the contract.

Sec. 4. NEW SECTION. 91C.4 GOVERNMENTAL BODY'S DUTIES.

In addition to any other duties imposed and authority granted by law concerning the letting of a bid for, entering into, and performing a contract for a public improvement, a governmental body:

1. Shall ascertain the prevailing wage rates for inclusion in any contract for a public improvement.

2. Shall comply with section 91C.3 in the letting of bids for a contract for a public improvement.

3. Shall not enter into a contract for a public improvement which fails to contain the provisions set out in section 91C.3.

4. Shall take all actions reasonably necessary to insure the contracting party is in compliance with the terms and conditions of a contract for a public improvement, including inspecting the records maintained by the contracting party pursuant to sections 91C.3 and 91C.5 and investigating complaints by any person that the contracting party is not in compliance with the terms and conditions of the contract for a public improvement.

5. Shall not enter into a contract for a public improvement with a contracting party, which has been found to be in violation of a contract for a public improvement as determined by the labor commissioner and which has been prohibited from bidding for and accepting a contract for a public improvement by the labor commissioner under section 91C.6, subsection 8.

6. Shall report to the labor commissioner, in a form and manner as the labor commissioner determines, the violation of any provision of this chapter by a contracting party which is a party to a contract for a public improvement with the governmental body.

7. May require the contracting party to post a bond as deemed necessary by the governmental body to provide for the payment of the prevailing wage rates.

8. May take any action to enforce the terms of the contract for a public improvement.

Sec. 5. NEW SECTION. 91C.5 DUTIES OF CONTRACTING PARTY.

A contracting party:

1. Shall, at the time of submitting a bid for a contract for a public improvement, state to the governmental body the identity of all other persons, partnerships, corporations or other entities to which it is subcontracting any portion of the work to be performed under a contract for a public improvement, and no work under a contract for a public im-

provement shall be performed by any persons, partnerships, corporations or other entities other than those stated to the governmental body in the contracting party's bid proposal unless the contracting party obtains approval in writing from the governmental body and the labor commissioner to substitute subcontractors. The governmental body and the labor commissioner shall not grant approval unless they have received at least one day's notice of the request to substitute subcontractors stating the reason for the substitution and the identity of the new subcontractor.

2. Shall comply with the terms of the contract for a public improvement required by section 91C.3.

3. Shall provide to the governmental body records showing payment of the prevailing wage rates to its mechanics and skilled and unskilled laborers under the contract for a public improvement in a form and manner as the labor commissioner shall determine.

4. Shall not attempt in any manner either directly or indirectly to avoid the requirements of this chapter.

Sec. 6. NEW SECTION. 91C.6 LABOR COMMISSIONER DUTIES.

The labor commissioner:

1. Shall by rule, at least annually, establish and determine the wage rates for mechanics and skilled and unskilled laborers of the type customarily employed to perform work under a contract for a public improvement, which prevail in each county over twenty thousand in population in the state among workers performing work similar in character to that performed on projects under contracts for a public improvement. The wage rates so determined for each county and city by the labor commissioner shall be the prevailing wage rates for work to be performed by a contracting party under a contract for a public improvement within that county.

2. In establishing and determining the prevailing wage rates for each county, shall consider prevailing wage rate data established by the United States secretary of labor

pursuant to 40 U.S.C. §§ 276a through 276a-7, wage rates for mechanics and skilled and unskilled laborers for work performed within the county provided for in bona fide collective bargaining agreements and any other reliable and relevant information concerning wages. If the labor commissioner reasonably deems it necessary, the labor commissioner may conduct surveys within the county to acquire information regarding wages paid.

3. Shall annually publish all prevailing wage rates established and determined by the labor commissioner.

4. Upon request by a governmental body, shall determine the prevailing wage rates applicable to work to be performed pursuant to a contract for a public improvement. Disputes concerning applicable prevailing wage rate for work to be performed pursuant to a contract for a public improvement shall be resolved through declaratory ruling procedures before the labor commissioner pursuant to section 17A.9.

5. Shall by rule provide that if work pursuant to a contract for a public improvement is to be performed in more than a single county, the highest prevailing wage rates applicable to any part of the work shall apply to all work performed pursuant to the contract for a public improvement.

6. Shall establish rules for the maintenance of wage records and the reports required by section 91C.3, subsection 4, and section 91C.5, subsection 3. At a minimum, the records required by section 91C.3, subsection 4, shall contain the name, address and social security number of each mechanic and skilled and unskilled laborer, the number of hours worked each day and the gross wages paid each day. At a minimum, the reports required by section 91C.5, subsection 3, to be submitted to the governmental body shall contain the same information as contained in the records required under section 91C.3, subsection 4, and shall be submitted at least once a week. The reports submitted to the governmental body as required by section 91C.5, subsection 3, are public records under chapter 22, and are not exempt under chapter 22.

7. May enter upon the premises of any work site where work is being performed pursuant to a contract for a public improvement at any reasonable time and may interview any mechanic or skilled or unskilled laborer for the purposes of determining whether the contracting party is complying with this chapter. No worker shall be discharged or otherwise disciplined or discriminated against by the contracting party for providing information to the labor commissioner in such an interview. A worker subject to discharge or other discipline or otherwise discriminated against by the contracting party for providing information to the labor commissioner in an interview has a right of action in the district court for reinstatement, back pay and other equitable relief as appropriate.

8. Upon a finding by a governmental body, the labor commissioner, or a court that a contracting party has violated a provision of this chapter, may prohibit the contracting party from bidding for and accepting any contract for a public improvement for a period not to exceed five years from the date of the finding of a violation by the contracting party. In determining the length of time for which a contracting party has been prohibited from bidding for and accepting a contract for a public improvement, the labor commissioner shall consider the number of violations of this chapter by the contracting party, the amount of unpaid wages, if any, to employees of the contracting party, and whether the actions of the contracting party were willful or intentional. The labor commissioner shall maintain and publish, at least semiannually, a listing of all contracting parties found to have violated a provision of this chapter and the period of any prohibition against bidding for and accepting a contract for a public improvement imposed upon each contracting party.

9. Shall adopt rules pursuant to chapter 17A necessary to perform duties under this chapter.

Sec. 7. NEW SECTION. 91C.7 REMEDIES.

In addition to any remedies otherwise available under law, the following remedies for violation of any provisions of this chapter are available:

1. A mechanic or a skilled or unskilled laborer, who performed work pursuant to a contract for a public improvement but to whom the contracting party failed to pay the applicable prevailing wage rates may maintain an action in the district court to recover the difference between the applicable prevailing wage rates and the wages the worker received from the contracting party. Chapter 91A applies to the action, except that the labor commissioner may institute an action for the collection of unpaid wages on behalf of all employees affected by the actions of the same employer on the same project without the necessity of obtaining a wage assignment from any of the affected employees. The fact that the mechanic or skilled or unskilled laborer knowingly accepted payment of wages less than the applicable prevailing wage rate does not relieve the contracting party from liability unless the contracting party establishes that the mechanic or skilled or unskilled laborer knowingly accepted payment of wages less than the applicable prevailing wage rate as part of a willful and intentional plan, scheme, design or conspiracy to violate this chapter or any other provision of the Code.

2. The labor commissioner may maintain an action in district court against a contracting party for a knowing and intentional failure to pay the prevailing wage rates by the contracting party. The district court shall provide for a penalty against the contracting party of one hundred dollars per day for each day it finds the contracting party has failed to pay the required prevailing wage rates.

Sec. 8. NEW SECTION. 91C.8 PENALTY.

A willful or intentional violation of any provision of this chapter by a contracting party or its representative or by a representative or employee of a governmental body is a serious misdemeanor.

Sec. 9. NEW SECTION. 91C.9 FEDERAL FUND PROJECTS.

This chapter does not apply to any contract for a public improvement which is funded in whole or in part by federal funds and if 40 U.S.C. §§ 276a through 276a-7 apply to all portions of the work to be performed under the contract for a public improvement.

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ROBERT T. ANDERSON  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 385, Seventy-first General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

*Voted*  
~~Approved~~ May 20, 1985

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TERRY E. BRANSTAD  
Governor

S.F. 385