

Senate Study Bill 3025

Bill Text

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1 1 Section 1. VISION IOWA FUND DISBURSEMENTS PROHIBITION.
1 2 1. DEFINITIONS. As used in this section, unless the
1 3 context otherwise requires:
1 4 a. "Public contracting entity" means a person that has
1 5 authority to enter into an agreement that expends public funds
1 6 relating to a public works project.
1 7 b. "Public works" means a public building or other public
1 8 construction work, including a public improvement as defined
1 9 in section 384.37.
1 10 c. "Public works project" includes the construction,
1 11 maintenance, or repair of a public works, or the manufacture
1 12 or procurement of products or services concerning a public
1 13 works, which is paid for in whole or in part by moneys from
1 14 the vision Iowa fund created in section 12.72.
1 15 2. Notwithstanding any provision of the Code to the
1 16 contrary, moneys shall not be disbursed from the vision Iowa
1 17 fund created in section 12.72 to any public contracting entity
1 18 for purposes of a public works project if the public
1 19 contracting entity does any of the following relating to the
1 20 public works project:
1 21 a. Requires that any person execute, adhere to, enforce,
1 22 or otherwise become a party to any agreement, including a
1 23 project labor agreement, collective bargaining agreement,
1 24 prehire agreement, or agreement with any labor organization,
1 25 which requires a person to do any of the following as a
1 26 condition of bidding, negotiating, being awarded, or
1 27 performing work on a public works project:
1 28 (1) Become a member of or affiliated with a labor
1 29 organization.
1 30 (2) Be required to be subjected to a referral screening
1 31 process through a labor organization.
1 32 (3) Pay dues or fees, including health, welfare or pension
1 33 fund dues or fees, to a labor organization.
1 34 b. Requires that any person enter into any agreement with
1 35 any labor organization as a condition of bidding, negotiating,
2 1 being awarded, or performing work on a public works project.
2 2 c. Discriminates against any person for refusing or
2 3 failing to remain a party to any agreement otherwise
2 4 prohibited by this subsection or who brings a civil action to
2 5 enforce this section.
2 6 3. CIVIL REMEDIES. This section may be enforced through a
2 7 civil action. A person who violates this section or who aids
2 8 in the violation of this section is liable to an aggrieved
2 9 person for damages, or any other equitable relief, as the
2 10 court deems appropriate. In addition, when a person commits,
2 11 is committing, or proposes to commit an act in violation of
2 12 this section, an injunction may be granted through an action
2 13 in district court to prohibit the person from continuing such
2 14 acts. Any aggrieved person, which shall include any taxpayer
2 15 of this state, has standing to bring a civil action to enforce
2 16 this section, including an action for injunctive relief, in
2 17 the district court for the county in which the aggrieved
2 18 person is a resident. A person found to have violated this
2 19 section shall be required to pay the fees and other expenses,
2 20 as defined in section 625.28, relating to the civil action to
2 21 enforce this section.

2 22 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 23 immediate importance, takes effect upon enactment.

2 24 EXPLANATION

2 25 This bill prohibits any disbursements of funds from the
2 26 vision Iowa fund to any public contracting entity that has
2 27 entered into certain labor-related agreements for the purposes
2 28 of a public works project.

2 29 The bill defines a public contracting entity as any person
2 30 that has the authority to enter into an agreement that expends
2 31 public funds relating to a public works project. A public
2 32 works project is defined as the construction, maintenance, or
2 33 repair of a public works, or the manufacture or procurement of
2 34 products or services concerning a public works which is paid
2 35 for, in whole or in part, by moneys from the vision Iowa fund.

3 1 The bill prohibits the disbursement of moneys from the
3 2 vision Iowa fund to any public contracting entity that
3 3 requires any person to become a member of a labor
3 4 organization, to be required to use a referral screening
3 5 process through a labor organization, or to pay dues or fees
3 6 to a labor organization as a condition for being eligible to
3 7 be a party to or work on a public works project. The bill
3 8 also prohibits the disbursement of moneys from the vision Iowa
3 9 fund to a public contracting entity that requires a person to
3 10 enter into any agreement with a labor organization as a
3 11 condition of being involved in a public works project. The
3 12 bill also prohibits the disbursement of moneys from the vision
3 13 Iowa fund to any public contracting entity that discriminates
3 14 against any person for refusing or failing to remain a party
3 15 to any labor agreement as referenced in this bill or for
3 16 bringing a civil action to enforce this bill.

3 17 The new section provides that the section can be enforced
3 18 through a civil action, including injunctive relief. The bill
3 19 provides that any aggrieved person, including any taxpayer of
3 20 the state, has standing to bring a civil action to enforce the
3 21 new Code section in the district court for the county in which
3 22 the aggrieved person is a resident. A person found to have
3 23 violated this section shall be required to pay attorney fees,
3 24 expert witness expenses, and court costs relating to the civil
3 25 action.

3 26 The bill takes effect upon enactment.

3 27 LSB 5984XC 79

3 28 ec/sh/8