

Senate Study Bill 3026

Bill Text

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1 1 Section 1. Section [12.72](#), subsection 1, Code Supplement
1 2 2001, is amended to read as follows:
1 3 1. A vision Iowa fund is created and established as a
1 4 separate and distinct fund in the state treasury. The moneys
1 5 in the fund are appropriated to the vision Iowa board for
1 6 purposes of the vision Iowa program established in section
1 7 15F.302. Moneys in the fund shall not be subject to
1 8 appropriation for any other purpose by the general assembly,
1 9 but shall be used only for the purposes of the vision Iowa
1 10 fund. The treasurer of state shall act as custodian of the
1 11 fund and disburse moneys contained in the fund as directed by
1 12 the vision Iowa board, including automatic disbursements of
1 13 funds received pursuant to the terms of bond indentures and
1 14 documents and security provisions to trustees. The fund shall
1 15 be administered by the vision Iowa board which shall make
1 16 expenditures from the fund consistent with the purposes of the
1 17 vision Iowa program without further appropriation. An
1 18 applicant under the vision Iowa program shall not receive more
1 19 than seventy-five million dollars in financial assistance from
1 20 the fund. Moneys in the fund shall be considered public funds
1 21 for purposes of compliance with the requirements of section
1 22 72.6.
1 23 Sec. 2. NEW SECTION. 72.6 PROJECT LABOR AGREEMENTS
1 24 PROHIBITED CIVIL REMEDIES.
1 25 1. DEFINITIONS. As used in this section, unless the
1 26 context otherwise requires:
1 27 a. "Public contracting entity" means a person that has
1 28 authority to enter into an agreement that expends public funds
1 29 relating to a public works project.
1 30 b. "Public works" means a public building or other public
1 31 construction work, including a public improvement as defined
1 32 in section 384.37.
1 33 c. "Public works project" includes the construction,
1 34 maintenance, or repair of a public works, or the manufacture
1 35 or procurement of products or services concerning a public
2 1 works, which is paid for in whole or in part by public funds.
2 2 2. PROHIBITED ACTIVITIES. A public contracting entity
2 3 shall not do any of the following relating to a public works
2 4 project:
2 5 a. Require that any person execute, adhere to, enforce, or
2 6 otherwise become a party to any agreement, including a project
2 7 labor agreement, collective bargaining agreement, prehire
2 8 agreement, or agreement with any labor organization, which
2 9 requires a person to do any of the following as a condition of
2 10 bidding, negotiating, being awarded, or performing work on a
2 11 public works project:
2 12 (1) Become a member of or affiliated with a labor
2 13 organization.
2 14 (2) Be required to be subjected to a referral screening
2 15 process through a labor organization.
2 16 (3) Pay dues or fees, including health, welfare or pension
2 17 fund dues or fees, to a labor organization.
2 18 b. Require that any person enter into any agreement with
2 19 any labor organization as a condition of bidding, negotiating,
2 20 being awarded, or performing work on a public works project.
2 21 c. Discriminate against any person for refusing or failing

2 22 to remain a party to any agreement otherwise prohibited by
2 23 this subsection or who brings a civil action to enforce this
2 24 section.

2 25 3. CIVIL REMEDIES. This section may be enforced through a
2 26 civil action. A public contracting entity who violates this
2 27 section or who aids in the violation of this section is liable
2 28 to an aggrieved person for damages, or any other equitable
2 29 relief, as the court deems appropriate. In addition, when a
2 30 public contracting entity commits, is committing, or proposes
2 31 to commit, an act in violation of this section, an injunction
2 32 may be granted through an action in district court to prohibit
2 33 the public contracting entity from continuing such acts. Any
2 34 aggrieved person, which shall include any taxpayer of this
2 35 state, has standing to bring a civil action to enforce this
3 1 section, including an action for injunctive relief, in the
3 2 district court for the county in which the aggrieved person is
3 3 a resident. A public contracting entity found to have
3 4 violated this section shall be required to pay the fees and
3 5 other expenses, as defined in section 625.28, relating to the
3 6 civil action to enforce this section.

3 7 Sec. 3. EFFECTIVE DATE. This Act, being deemed of
3 8 immediate importance, takes effect upon enactment.

3 9 EXPLANATION

3 10 This bill establishes a new Code section which prohibits a
3 11 public contracting entity from entering into certain labor-
3 12 related agreements for the purposes of a public works project.
3 13 The bill defines a public contracting entity as any person
3 14 that has the authority to enter into an agreement that expends
3 15 public funds relating to a public works project. A public
3 16 works project is defined as the construction, maintenance, or
3 17 repair of a public works, or the manufacture or procurement of
3 18 products or services concerning a public works which is paid
3 19 for, in whole or in part, by public funds. Public works is
3 20 defined as any public building, public construction work, or
3 21 public improvement.

3 22 The bill amends Code section 12.72 to provide that moneys
3 23 in the vision Iowa fund are considered public funds to which
3 24 new Code section 72.6 applies.

3 25 The bill creates new Code section 72.6 to prohibit a public
3 26 contracting entity from requiring any person to become a
3 27 member of a labor organization, to be required to use a
3 28 referral screening process through a labor organization, or to
3 29 pay dues or fees to a labor organization as a condition for
3 30 being eligible to be a party to or work on a public works
3 31 project. The bill prohibits a public contracting entity from
3 32 requiring a person to enter into any agreement with a labor
3 33 organization as a condition of being involved in a public
3 34 works project. The bill also prohibits a public contracting
3 35 entity from discriminating against any person for refusing or
4 1 failing to remain a party to any agreement prohibited by this
4 2 new Code section or for bringing a civil action to enforce
4 3 this new Code section.

4 4 The new Code section provides that the section can be
4 5 enforced through a civil action, including injunctive relief.
4 6 The bill provides that any aggrieved person, including any
4 7 taxpayer of the state, has standing to bring a civil action to
4 8 enforce the new Code section in the district court for the
4 9 county in which the aggrieved person is a resident. A public
4 10 contracting entity found to have violated this section shall
4 11 be required to pay attorney fees, expert witness expenses, and
4 12 court costs relating to the civil action.

4 13 The bill takes effect upon enactment.

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