

Substituted for by SF 2048  
3/13/02  
(P. 775)

1-29-02 Do Pass

JAN 18 2002

LABOR & INDUSTRIAL RELATIONS

HOUSE FILE 2091  
BY RANTS

**WITHDRAWN** 3/13/02

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act prohibiting disbursements of moneys from the vision Iowa  
2 fund to entities entering into certain labor-related  
3 agreements, and providing an effective date.

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

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HOUSE FILE 2091

H-8248

1 Amend House File 2091 as follows:

2 1. Page 1, line 1, by inserting before the word  
3 "VISION" the following: "NEW SECTION. 12.72A".

4 2. Page 2, by striking lines 16 through 18 and  
5 inserting the following: "this section, including an  
6 action for injunctive relief. A person found to have  
7 violated this".

By HORBACH of Tama

H-8248 FILED MARCH 12, 2002

*Adopted*  
3-13-02  
(P. 775)

HF 2091

1 Section 1. VISION IOWA FUND DISBURSEMENTS -- PROHIBITION.

2 1. DEFINITIONS. As used in this section, unless the  
3 context otherwise requires:

4 a. "Public contracting entity" means a person that has  
5 authority to enter into an agreement that expends public funds  
6 relating to a public works project.

7 b. "Public works" means a public building or other public  
8 construction work, including a public improvement as defined  
9 in section 384.37.

10 c. "Public works project" includes the construction,  
11 maintenance, or repair of a public works, or the manufacture  
12 or procurement of products or services concerning a public  
13 works, which is paid for in whole or in part by moneys from  
14 the vision Iowa fund created in section 12.72.

15 2. Notwithstanding any provision of the Code to the  
16 contrary, moneys shall not be disbursed from the vision Iowa  
17 fund created in section 12.72 to any public contracting entity  
18 for purposes of a public works project if the public  
19 contracting entity does any of the following relating to the  
20 public works project:

21 a. Requires that any person execute, adhere to, enforce,  
22 or otherwise become a party to any agreement, including a  
23 project labor agreement, collective bargaining agreement,  
24 prehire agreement, or agreement with any labor organization,  
25 which requires a person to do any of the following as a  
26 condition of bidding, negotiating, being awarded, or  
27 performing work on a public works project:

28 (1) Become a member of or affiliated with a labor  
29 organization.

30 (2) Be required to be subjected to a referral screening  
31 process through a labor organization.

32 (3) Pay dues or fees, including health, welfare or pension  
33 fund dues or fees, to a labor organization.

34 b. Requires that any person enter into any agreement with  
35 any labor organization as a condition of bidding, negotiating,

1 being awarded, or performing work on a public works project.

2 c. Discriminates against any person for refusing or  
3 failing to remain a party to any agreement otherwise  
4 prohibited by this subsection or who brings a civil action to  
5 enforce this section.

6 3. CIVIL REMEDIES. This section may be enforced through a  
7 civil action. A person who violates this section or who aids  
8 in the violation of this section is liable to an aggrieved  
9 person for damages, or any other equitable relief, as the  
10 court deems appropriate. In addition, when a person commits,  
11 is committing, or proposes to commit an act in violation of  
12 this section, an injunction may be granted through an action  
13 in district court to prohibit the person from continuing such  
14 acts. Any aggrieved person, which shall include any taxpayer  
15 of this state, has standing to bring a civil action to enforce  
16 this section, including an action for injunctive relief, in  
17 the district court for the county in which the aggrieved  
18 person is a resident. A person found to have violated this  
19 section shall be required to pay the fees and other expenses,  
20 as defined in section 625.28, relating to the civil action to  
21 enforce this section.

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

24 EXPLANATION

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

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

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

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

26 The bill takes effect upon enactment.

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