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SENATE FILE 2013

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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

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

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

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SF 2013

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. Requires that any person become a party to any
3 agreement, including a collective bargaining agreement, that
4 provides or allows for the financing, operation, or ownership
5 of an interest in a public works by a person, or an affiliate
6 of the person, as a condition of bidding, negotiating, being
7 awarded, or performing work on a public works project.

8 d. Discriminates against any person for refusing or
9 failing to remain a party to any agreement otherwise
10 prohibited by this subsection or who brings a civil action to
11 enforce this section.

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

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

30 EXPLANATION

31 This bill prohibits any disbursements of funds from the
32 vision Iowa fund to any public contracting entity that has
33 entered into certain labor-related agreements for the purposes
34 of a public works project.

35 The bill defines a public contracting entity as any person

1 that has the authority to enter into an agreement that expends
2 public funds relating to a public works project. A public
3 works project is defined as the construction, maintenance, or
4 repair of a public works, or the manufacture or procurement of
5 products or services concerning a public works which is paid
6 for, in whole or in part, by moneys from the vision Iowa fund.

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

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

33 The bill takes effect upon enactment.

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