

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 34, Page 1, in the title, Line 2, by inserting immediately after the word "to"
2 the following "maintenance, and ; and

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4 Further amend said Bill, Page 1, Section A, Line 2, by inserting immediately after said line the
5 following;

6 "290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise:

7 (1) "Construction" includes construction, reconstruction, [improvement,] enlargement,
8 [alteration,] painting and decorating done as part of any of the foregoing], or major repair].

9 Construction does not include maintenance work.

10 (2) "Department" means the department of labor and industrial relations.

11 (3) "Locality" means the county where the physical work upon public works is performed,
12 except that if there is not available in the county a sufficient number of competent skilled workmen
13 to construct the public works efficiently and properly, "locality" may include two or more counties
14 adjacent to the one in which the work or construction is to be performed and from which such
15 workers may be obtained in sufficient numbers to perform the work, and that, with respect to
16 contracts with the state highways and transportation commission, "locality" may be construed to
17 include two or more adjacent counties from which workmen may be accessible for work on such
18 construction.

19 (4) "Maintenance work" means the repair, but not the replacement, of existing facilities and
20 shall include repairs that restore existing facilities to a previous state or condition or improve the
21 utility or enhance the appearance of existing facilities provided that [when] the size, type or extent of
22 the existing facilities is not thereby changed or increased. Maintenance work shall not include major
23 repairs which shall be defined as any work that exceeds the replacement cost of existing facilities.

24 (5) "Prevailing hourly rate of wages" means the wages paid generally, in the locality in
25 which the public works is being performed, to workmen engaged in work of a similar character
26 including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made
27 by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan or program,
28 and the amount of the rate of costs to the contractor or subcontractor which may be reasonably
29 anticipated in providing benefits to workmen and mechanics pursuant to an enforceable commitment
30 to carry out a financially responsible plan or program which was communicated in writing to the
31 workmen affected, for medical or hospital care, pensions on retirement or death, compensation for
32 injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing,
33 for unemployment benefits, life insurance, disability and sickness insurance, accident insurance, for
34 vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for
35 other bona fide fringe benefits, but only where the contractor or subcontractor is not required by
36 other federal or state law to provide any of the benefits; provided, that the obligation of a contractor
37 or subcontractor to make payment in accordance with the prevailing wage determinations of the

Action Taken _____ Date _____

1 department, insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making
2 of payments in cash, by the making of irrevocable contributions to trustees or third persons as
3 provided herein, by the assumption of an enforceable commitment to bear the costs of a plan or
4 program as provided herein, or any combination thereof, where the aggregate of such payments,
5 contributions and costs is not less than the rate of pay plus the other amounts as provided herein.

6 (6) "Public body" means the state of Missouri or any officer, official, authority, board or
7 commission of the state, or other political subdivision thereof, or any institution supported in whole
8 or in part by public funds.

9 (7) "Public works" means all fixed works constructed for public use or benefit or paid for
10 wholly or in part out of public funds. It also includes any work done directly by any public utility
11 company when performed by it pursuant to the order of the public service commission or other
12 public authority whether or not it be done under public supervision or direction or paid for wholly or
13 in part out of public funds when let to contract by said utility. It does not include any work done for
14 or by any drainage or levee district.

15 (8) "Workmen" means laborers, workmen and mechanics."; and

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17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.