

SECOND REGULAR SESSION

HOUSE BILL NO. 1880

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LANT.

5340H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 290.210, RSMo, and to enact in lieu thereof one new section relating to prevailing wage.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 290.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.210, to read as follows:

290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise, **the following terms mean:**

(1) "Adjacent county", any Missouri county of the third or fourth classification having a boundary that, at any point, touches any boundary of the locality for which the wage rate is being determined;

(2) "Collective bargaining agreement" [means] , any written agreement or understanding between an employer or employer association and a labor organization or union which is the exclusive bargaining representative of the employer's or employer association's employees pursuant to the terms of the National Labor Relations Act and which agreement or understanding or predecessor agreement or understanding has been used to determine an occupational title wage rate;

(3) "Construction" includes, **for all counties with a charter form of government,** construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair. **For all other counties, construction shall include construction, reconstruction, enlargement, or painting and decorating, and shall not include "maintenance work";**

(4) "Department" [means] , the department of labor and industrial relations;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (5) "Labor organization" or "union" [means] , any entity which has been designated
18 pursuant to the terms of the National Labor Relations Act as the exclusive bargaining
19 representative of employees of employers engaged in the construction industry, which entity or
20 affiliated entity has ever had a collective bargaining agreement which determined an
21 occupational title wage rate;

22 (6) "Locality" [means] , the county where the physical work upon public works is
23 performed;

24 (7) "Maintenance work" [means] , **for all counties with a charter form of government,**
25 the repair, but not the replacement, of existing facilities when the size, type or extent of the
26 existing facilities is not thereby changed or increased. **For all other counties, "maintenance**
27 **work" shall mean the repair, but not the replacement, of existing facilities** and shall include
28 repairs that restore existing facilities to a previous state or condition or improve the utility or
29 enhance the appearance of existing facilities provided that the size, type, or extent of the existing
30 facilities is not thereby changed or increased. For such counties, "maintenance work" shall
31 include any improvement done that does not exceed the original cost of the facility;

32 (8) "Prevailing hourly rate of wages" [means] , the wages paid generally, in the locality
33 in which the public works is being performed, to workmen engaged in work of a similar
34 character including the basic hourly rate of pay and the amount of the rate of contributions
35 irrevocably made to a fund, plan or program, and the amount of the rate of costs to the contractor
36 or subcontractor which may be reasonably anticipated in providing benefits to workmen and
37 mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or
38 program which was communicated in writing to the workmen affected, for medical or hospital
39 care, pensions on retirement or death, compensation for injuries or illness resulting from
40 occupational activity, or insurance to provide any of the foregoing, for unemployment benefits,
41 life insurance, disability and sickness insurance, accident insurance, for vacation and holiday pay,
42 for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe
43 benefits, but only where the contractor or subcontractor is not required by other federal or state
44 law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor
45 to make payment in accordance with the prevailing wage determinations of the department,
46 insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of
47 payments in cash, by the making of irrevocable contributions by the assumption of an
48 enforceable commitment to bear the costs of a plan or program as provided herein, or any
49 combination thereof, where the aggregate of such payments, contributions and costs is not less
50 than the rate of pay plus the other amounts as provided herein;

51 (9) "Previous six annual wage order reporting periods" [means] , the current annual wage
52 order reporting period under consideration for wage rate determinations and the five immediately
53 preceding annual wage order reporting periods;

54 (10) "Public body" [means] , the state of Missouri or any officer, official, authority,
55 board or commission of the state, or other political subdivision thereof, or any institution
56 supported in whole or in part by public funds;

57 (11) "Public works" [means] , all fixed works constructed for public use or benefit or
58 paid for wholly or in part out of public funds. It also includes any work done directly by any
59 public utility company when performed by it pursuant to the order of the public service
60 commission or other public authority whether or not it be done under public supervision or
61 direction or paid for wholly or in part out of public funds when let to contract by said utility. It
62 does not include any work done for or by any drainage or levee district;

63 (12) "Workmen" [means] , laborers, workmen and mechanics.

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