

SECOND REGULAR SESSION

HOUSE BILL NO. 2211

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), PAGE,
ROORDA AND DARROUGH (Co-sponsors).

Read 1st time February 19, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5044L.01I

AN ACT

To repeal section 290.210, RSMo, and to enact in lieu thereof four new sections relating to contracts.

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

Section A. Section 290.210, RSMo, is repealed and four new sections enacted in lieu thereof, to be known as sections 27.110, 37.850, 37.855, and 290.210, to read as follows:

27.110. 1. Notwithstanding any other provision of law, when a state agency enters into any contract or other written agreement or approve any letter for payment of money by the state, such agency shall forward a copy to the attorney general before entering into that contract, subcontract or other written agreement or approving letter of intent for review by the attorney general.

2. As used in this section "state agency" means a board, department, commission, authority, office, college or university of this state.

37.850. 1. Any state unit who currently performs state services may participate in the competitive bidding process when such services are opened for bids by private contractors.

2. For any work that is involved in the competitive bidding process, as described in subsection 1 of this section, the state unit whose work is being bid may build a "most efficient organization" that would compete with the bids of private contractors for

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.

7 **performance. The state unit shall be given a ten percent preference to reflect the lack of**
8 **transition costs, contract maintenance, and other costs associated with such contract.**

2 **37.855. For any contract bid submitted to the office of administration or any state**
3 **department, the prospective contractor is required to list all political contributions in the**
4 **last two years by any corporate officer, director, or executive employee of the contracting**
5 **company or by the corporation or company itself to any candidate for state office.**

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

2 (1) "Construction" includes construction, reconstruction, improvement, enlargement,
3 alteration, painting and decorating, or major repair.

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

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

13 (4) "Maintenance work" means the repair, but not the replacement, of existing facilities
14 when the size, type or extent of the existing facilities is not thereby changed or increased.

15 (5) "Prevailing hourly rate of wages" means the wages paid generally, in the locality in
16 which the public works is being performed, to workmen engaged in work of a similar character
17 including the basic hourly rate of pay and the amount of the rate of contributions irrevocably
18 made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan
19 or program, and the amount of the rate of costs to the contractor or subcontractor which may be
20 reasonably anticipated in providing benefits to workmen and mechanics pursuant to an
21 enforceable commitment to carry out a financially responsible plan or program which was
22 communicated in writing to the workmen affected, for medical or hospital care, pensions on
23 retirement or death, compensation for injuries or illness resulting from occupational activity, or
24 insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability
25 and sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of
26 apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where
27 the contractor or subcontractor is not required by other federal or state law to provide any of the
28 benefits; provided, that the obligation of a contractor or subcontractor to make payment in
29 accordance with the prevailing wage determinations of the department, insofar as sections
30 290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the

31 making of irrevocable contributions to trustees or third persons as provided herein, by the
32 assumption of an enforceable commitment to bear the costs of a plan or program as provided
33 herein, or any combination thereof, where the aggregate of such payments, contributions and
34 costs is not less than the rate of pay plus the other amounts as provided herein.

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

38 (7) "Public works" means all fixed works constructed for public use or benefit or paid
39 for wholly or in part out of public funds. **It shall include any projects that are done where**
40 **the corporation is getting a tax credit for such work.** It also includes any work done directly
41 by any public utility company when performed by it pursuant to the order of the public service
42 commission or other public authority whether or not it be done under public supervision or
43 direction or paid for wholly or in part out of public funds when let to contract by said utility. It
44 does not include any work done for or by any drainage or levee district.

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

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