

FIRST REGULAR SESSION

HOUSE BILL NO. 453

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRAKER (Sponsor), LANT, REDMON, HAMPTON,
FITZWATER, JONES (110), CROSS, RICHARDSON, DIEHL, DUGGER,
MESSENGER AND REIBOLDT (Co-sponsors).

1295H.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 wages on public works projects.

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Section A. Section 290.210, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.210, to read as follows: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

- (1) "Construction" [includes] **means new** construction, [reconstruction, improvement,] enlargement, [alteration, painting and decorating,] or major [repair.] **alteration;**
- (2) "Department" means the department of labor and industrial relations[.] ;
- (3) "Locality" means the county where the physical work upon public works is performed, except that if there is not available in the county a sufficient number of competent skilled workmen to construct the public works efficiently and properly, "locality" may include two or more counties adjacent to the one in which the work or construction is to be performed and from which such workers may be obtained in sufficient numbers to perform the work, and that, with respect to contracts with the state highways and transportation commission, "locality" may be construed to include two or more adjacent counties from which workmen may be accessible for work on such construction[.] ;
- (4) "Maintenance work" means the repair [, but not the replacement,] **or restoration of the material condition or operation, or the painting or repainting** of existing facilities when the size, type or extent of the existing facilities is not thereby changed or increased[.] ;

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.

16 **(5) "Major alteration" means an alteration or structural change to an existing**
17 **public facility in which the total overall project exceeds four hundred square feet and is**
18 **performed by other than full-time or part-time employees of a public body. Major**
19 **alteration also shall include any reconstruction, enlargement, alteration, resurfacing,**
20 **remodeling, or renovation that involves existing roads, streets, alleys, sewers, ditches, or**
21 **other projects associated with road and bridge construction;**

22 [(5)] **(6) "Prevailing hourly rate of wages" means the wages paid generally, in the locality**
23 **in which the public works is being performed, to workmen engaged in work of a similar**
24 **character including the basic hourly rate of pay and the amount of the rate of contributions**
25 **irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a**
26 **fund, plan or program, and the amount of the rate of costs to the contractor or subcontractor**
27 **which may be reasonably anticipated in providing benefits to workmen and mechanics pursuant**
28 **to an enforceable commitment to carry out a financially responsible plan or program which was**
29 **communicated in writing to the workmen affected, for medical or hospital care, pensions on**
30 **retirement or death, compensation for injuries or illness resulting from occupational activity, or**
31 **insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability**
32 **and sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of**
33 **apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where**
34 **the contractor or subcontractor is not required by other federal or state law to provide any of the**
35 **benefits; provided, that the obligation of a contractor or subcontractor to make payment in**
36 **accordance with the prevailing wage determinations of the department, insofar as sections**
37 **290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the**
38 **making of irrevocable contributions to trustees or third persons as provided herein, by the**
39 **assumption of an enforceable commitment to bear the costs of a plan or program as provided**
40 **herein, or any combination thereof, where the aggregate of such payments, contributions and**
41 **costs is not less than the rate of pay plus the other amounts as provided herein[.] ;**

42 [(6)] **(7) "Public body" means the state of Missouri or any officer, official, authority,**
43 **board or commission of the state, or other political subdivision thereof, or any institution**
44 **supported in whole or in part by public funds[.] ;**

45 [(7)] **(8) "Public works" means all fixed works constructed for public use or benefit or**
46 **paid for wholly or in part out of public funds. It also includes any work done directly by any**
47 **public utility company when performed by it pursuant to the order of the public service**
48 **commission or other public authority whether or not it be done under public supervision or**
49 **direction or paid for wholly or in part out of public funds when let to contract by said utility. It**
50 **does not include any work done for or by any drainage or levee district[.] ;**

51 [(8)] **(9) "Workmen" means laborers, workmen and mechanics.**

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