

FIRST REGULAR SESSION

# SENATE BILL NO. 29

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

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## AN ACT

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

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*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Section A. Section 290.210, RSMo, is repealed and one new section  
2 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  
2 indicates otherwise:

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

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

13 (3) "Construction" includes construction, reconstruction, [improvement,]  
14 enlargement, [alteration,] **or** painting and decorating[, or major repair] **and**  
15 **shall not include "maintenance work"**;

16 (4) "Department" means the department of labor and industrial relations;

17 (5) "Labor organization" or "union" means any entity which has been  
18 designated pursuant to the terms of the National Labor Relations Act as the  
19 exclusive bargaining representative of employees of employers engaged in the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 construction industry, which entity or affiliated entity has ever had a collective  
21 bargaining agreement which determined an occupational title wage rate;

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

24 (7) "Maintenance work" means the repair, but not the replacement, of  
25 existing facilities **and shall include repairs that restore existing facilities**  
26 **to a previous state or condition or improve the utility or enhance the**  
27 **appearance of existing facilities** when the size, type or extent of the existing  
28 facilities is not thereby changed or increased. **"Maintenance work" shall also**  
29 **include any improvement done that does not exceed the original cost**  
30 **of the facility;**

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

53 (9) "Previous six annual wage order reporting periods" means the current  
54 annual wage order reporting period under consideration for wage rate  
55 determinations and the five immediately preceding annual wage order reporting

56 periods;

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

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

67 (12) "Workmen" means laborers, workmen and mechanics.

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