

SECOND REGULAR SESSION

SENATE BILL NO. 606

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4370S.03I

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Section A. Section 290.210, RSMo, is repealed and one new section
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, **for all counties with a charter form of**
14 **government**, construction, reconstruction, improvement, enlargement,
15 alteration, painting and decorating, or major repair. **For all other counties,**
16 **construction shall include construction, reconstruction, enlargement,**
17 **or painting and decorating and shall not include "maintenance work";**

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

19 (5) "Labor organization" or "union" means any entity which has been
20 designated pursuant to the terms of the National Labor Relations Act as the

21 exclusive bargaining representative of employees of employers engaged in the
22 construction industry, which entity or affiliated entity has ever had a collective
23 bargaining agreement which determined an occupational title wage rate;

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

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

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

57 combination thereof, where the aggregate of such payments, contributions and
58 costs is not less than the rate of pay plus the other amounts as provided herein;

59 (9) "Previous six annual wage order reporting periods" means the current
60 annual wage order reporting period under consideration for wage rate
61 determinations and the five immediately preceding annual wage order reporting
62 periods;

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

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

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

Bill ✓

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