

SECOND REGULAR SESSION

SENATE BILL NO. 688

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4553S.011

AN ACT

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

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Section A. Section 290.210, RSMo, is repealed and one new section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
17 relations;

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

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

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

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

56 determinations and the five immediately preceding annual wage order reporting
57 periods;

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

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

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

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