

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1594

97TH GENERAL ASSEMBLY

Reported from the Committee on Small Business, Insurance and Industry, May 6, 2014, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

5421S.02C

AN ACT

To repeal section 290.230, RSMo, and to enact in lieu thereof one new section relating to volunteer labor on public works projects.

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

Section A. Section 290.230, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 290.230, to read as follows:

290.230. 1. Not less than the prevailing hourly rate of wages for work of
2 a similar character in the locality in which the work is performed, and not less
3 than the prevailing hourly rate of wages for legal holiday and overtime work,
4 shall be paid to all workmen employed by or on behalf of any public body engaged
5 in the construction of public works, exclusive of maintenance work. Only such
6 workmen as are directly employed by contractors or subcontractors in actual
7 construction work on the site of the building or construction job shall be deemed
8 to be employed upon public works. **Any such workman who agrees in
9 writing to volunteer his or her labor without pay shall not be deemed
10 to be employed upon public works, and shall not be entitled to the
11 prevailing hourly rate of wages. For the purposes of this section, the
12 term "workman who agrees in writing to volunteer his or her labor
13 without pay" shall mean a workman who volunteers his or her labor
14 without any promise of benefit or remuneration for such voluntary
15 activity, and who is not a prisoner in any jail or prison facility and who
16 is not performing community service pursuant to disposition of a
17 criminal case against him, and is not otherwise employed for
18 compensation at any time in the construction or maintenance work on
19 the same public works for which the workman is a volunteer. Under no
20 circumstances may an employer force, compel or otherwise intimidate**

21 **an employee into performing work otherwise paid by a prevailing wage**
22 **as a volunteer.**

23 2. When the hauling of materials or equipment includes some phase of
24 construction other than the mere transportation to the site of the construction,
25 workmen engaged in this dual capacity shall be deemed employed directly on
26 public works.

✓