

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Committee Substitute for Senate Bill No. 336, Page 1, Page 1, in the Title, Line 3,  
2 by deleting "income tax withholding on tips" and inserting in lieu thereof "employee compensation";  
3 and  
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5 Further amend said bill, Section 143.191, Page 3, Line 71, by inserting the following after all of said  
6 line:  
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8 "290.230. 1. Not less than the prevailing hourly rate of wages for work of a similar character  
9 in the locality in which the work is performed, and not less than the prevailing hourly rate of wages  
10 for legal holiday and overtime work, shall be paid to all workmen employed by or on behalf of any  
11 public body engaged in the construction of public works, exclusive of maintenance work. Only such  
12 workmen as are directly employed by contractors or subcontractors in actual construction work on  
13 the site of the building or construction job shall be deemed to be employed upon public works. Any  
14 such workman who agrees in writing to volunteer his or her labor without pay shall not be deemed to  
15 be employed upon public works, and shall not be entitled to the prevailing hourly rate of wages. For  
16 the purposes of this section, the term "workman who agrees in writing to volunteer his or her labor  
17 without pay" shall mean a workman who volunteers his or her labor without any promise of benefit  
18 or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility  
19 and who is not performing community service pursuant to disposition of a criminal case against him,  
20 and is not otherwise employed for compensation at any time in the construction or maintenance work  
21 on the same public works for which the workman is a volunteer. Under no circumstances may an  
22 employer force, compel or otherwise intimidate an employee into performing work otherwise paid  
23 by a prevailing wage as a volunteer.

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

27 3. Any public body may opt out of the provisions of this section for the construction of  
28 public works for which the contract awarded is in the amount of seven hundred fifty thousand dollars  
29 or less."; and  
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31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

Action Taken \_\_\_\_\_ Date \_\_\_\_\_