

FIRST REGULAR SESSION

HOUSE BILL NO. 78

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

0385H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 290.230, RSMo, and to enact in lieu thereof one new section relating to prevailing wages for public works contracts.

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Section A. Section 290.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.230, to read as follows: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 a similar character in the locality in which the work is performed, and not less than the prevailing hourly rate of wages for legal holiday and overtime work, shall be paid to all workmen employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work. Only such workmen as are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works. Any such workman who agrees in writing to volunteer his or her labor without pay shall not be deemed to be employed upon public works, and shall not be entitled to the prevailing hourly rate of wages. For the purposes of this section, the term "workman who agrees in writing to volunteer his or her labor without pay" shall mean a workman who volunteers his or her labor without any promise of benefit or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility and who is not performing community service pursuant to disposition of a criminal case against him, and is not otherwise employed for compensation at any time in the construction or maintenance work on the same public works for which the workman is a volunteer. Under no circumstances may an employer force, compel or otherwise intimidate an employee into performing work otherwise paid by a prevailing wage as a volunteer.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

21 **3. Any public body may opt out of the provisions of this section for the construction**
22 **of public works for which the contract awarded is in the amount of seven hundred fifty**
23 **thousand dollars or less.**

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