

SECOND REGULAR SESSION

SENATE BILL NO. 1204

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN AND LOUDON.

Read 1st time February 4, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4333S.011

AN ACT

To repeal section 290.305, RSMo, and to enact in lieu thereof one new section relating to the prevailing wage on public works.

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

Section A. Section 290.305, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.305, to read as follows:

290.305. 1. No person, firm or corporation shall violate the wage provisions of any contract contemplated in sections 290.210 to 290.340 or suffer or require any employee to work for less than the rate of wages so fixed, or violate any of the provisions contained in sections 290.210 to 290.340. Where workmen are employed and their rate of wages has been determined as provided in sections 290.210 to 290.340, no person, either for himself or any other person, shall request, demand or receive, either before or after such workman is engaged, that such workman pay back, return, donate, contribute, or give any part or all of said workman's wages, salary, or thing of value, to any person, upon the statement, representation, or understanding that failure to comply with such request or demand will prevent such workman from procuring or retaining employment, and no person shall, directly or indirectly, pay, request or authorize any other person to violate this section. This section does not apply to any agent or representative of a duly constituted labor organization acting in the collection of dues or assessments of such organization.

2. It shall be unlawful for any employer to submit a bid for or perform work on a construction project contemplated in sections 290.210 to 290.340 where such bid or work performance includes any wage subsidies or rebates from any employees or labor organizations on such project or any other project or from any third party, in whole or in part, to subsidize the employer's labor costs on the project.

3. Any employer performing work on a construction project contemplated in sections 290.210 to 290.340 shall certify that such employer is paying all covered

employees the prevailing rates specified for the project, without benefit of a wage subsidy or rebate from employees, labor organizations, or any other third party on the same or any other project.

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