

HOUSE SUBSTITUTE AMENDMENT NO. \_\_\_\_\_

for

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 1198, Page 2, Section 290.210, Line 23,  
2 by inserting an opening bracket “[“ after the word “performed” on said Line; and

3  
4 FURTHER AMEND said bill, Section, and Page, Line 41, by deleting all of said Line and  
5 inserting in lieu thereof the following:

6 “costs is not less than the rate of pay plus the other amounts as provided herein]. The  
7 prevailing hourly rate of wages for all counties except for any county of the first classification  
8 with more than one hundred one thousand but fewer than one hundred fifteen thousand  
9 inhabitants, any county with a charter form of government and with more than two hundred  
10 thousand but fewer than three hundred fifty thousand inhabitants, any county of the second  
11 classification with more than fifty thousand but fewer than fifty-eight thousand inhabitants, any  
12 county with a charter form of government and with more than three hundred thousand but fewer  
13 than four hundred fifty thousand inhabitants, any county with a charter form of government and  
14 with more than nine hundred fifty thousand inhabitants, any county of the third classification  
15 without a township form of government and with more than twenty-nine thousand but fewer than  
16 thirty-three thousand inhabitants and with a city of the fourth classification with more than seven  
17 thousand but fewer than eight thousand inhabitants as the county seat, any county of the first  
18 classification with more than ninety-two thousand but fewer than one hundred one thousand  
19 inhabitants, any county of the first classification with more than two hundred thousand but fewer  
20 than two hundred sixty thousand inhabitants, any county with a charter form of government and  
21 with more than six hundred thousand but fewer than seven hundred thousand inhabitants, and any  
22 city not within a county shall be deemed:

23 (a) The median hourly wage estimate for the construction and extraction occupational code  
24 most closely resembling the occupational title as published in the latest United States Bureau of  
25 Labor Statistics by Metropolitan and Non-Metropolitan Area Occupational Employment Wage

1 Estimate; or

2 (b) If no such rate can be determined under paragraph (a) of this subdivision, the median  
3 hourly wage estimate for occupational code 47-0000 in the construction and extraction  
4 occupational code, published in the latest United States Bureau of Labor Statistics publication  
5 shall be the prevailing wage for such occupational title;”; and

6  
7 FURTHER AMEND said bill, Section 290.220, Pages 2-3, Lines 1-8, by deleting all of said  
8 Section from the bill; and

9  
10 FURTHER AMEND said Section, Page 3, Line 8, by inserting after all of said Section and Line  
11 the following:

12 “290.262. 1. (1)(a) Except as otherwise provided in section 290.260, for any county of  
13 the first classification with more than one hundred one thousand but fewer than one hundred  
14 fifteen thousand inhabitants, any county with a charter form of government and with more than  
15 two hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the  
16 second classification with more than fifty thousand but fewer than fifty-eight thousand  
17 inhabitants, any county with a charter form of government and with more than three hundred  
18 thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of  
19 government and with more than nine hundred fifty thousand inhabitants, any county of the third  
20 classification without a township form of government and with more than twenty-nine thousand  
21 but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with  
22 more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county  
23 of the first classification with more than ninety-two thousand but fewer than one hundred one  
24 thousand inhabitants, any county of the first classification with more than two hundred thousand  
25 but fewer than two hundred sixty thousand inhabitants, any county with a charter form of  
26 government and with more than six hundred thousand but fewer than seven hundred thousand  
27 inhabitants, and any city not within a county, the department shall annually investigate and  
28 determine the prevailing hourly rate of wages in each locality for each separate occupational title.

29 (b) A final determination applicable to every locality to be contained in an annual wage  
30 order shall be made annually on or before July first of each year and shall remain in effect until  
31 superseded by a new annual wage order or as otherwise provided in this section.

32 (c) In determining prevailing rates, for any county of the first classification with more  
33 than one hundred one thousand but fewer than one hundred fifteen thousand inhabitants, any  
34 county with a charter form of government and with more than two hundred thousand but fewer  
35 than three hundred fifty thousand inhabitants, any county of the second classification with more  
36 than fifty thousand but fewer than fifty-eight thousand inhabitants, any county with a charter form

1 of government and with more than three hundred thousand but fewer than four hundred fifty  
2 thousand inhabitants, any county with a charter form of government and with more than nine  
3 hundred fifty thousand inhabitants, any county of the third classification without a township form  
4 of government and with more than twenty-nine thousand but fewer than thirty-three thousand  
5 inhabitants and with a city of the fourth classification with more than seven thousand but fewer  
6 than eight thousand inhabitants as the county seat, any county of the first classification with more  
7 than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the  
8 first classification with more than two hundred thousand but fewer than two hundred sixty  
9 thousand inhabitants, any county with a charter form of government and with more than six  
10 hundred thousand but fewer than seven hundred thousand inhabitants, and any city not within a  
11 county, the department shall ascertain and consider the applicable wage rates established by  
12 collective bargaining agreements, if any, the applicable wage rates paid by members of a trade  
13 organization designated with a 501(c)(6) tax exempt status by the United States Internal Revenue  
14 Service, and the rates that are paid generally within [the locality] any county of the first  
15 classification with more than one hundred one thousand but fewer than one hundred fifteen  
16 thousand inhabitants, any county with a charter form of government and with more than two  
17 hundred thousand but fewer than three hundred fifty thousand inhabitants, any county of the  
18 second classification with more than fifty thousand but fewer than fifty-eight thousand  
19 inhabitants, any county with a charter form of government and with more than three hundred  
20 thousand but fewer than four hundred fifty thousand inhabitants, any county with a charter form of  
21 government and with more than nine hundred fifty thousand inhabitants, any county of the third  
22 classification without a township form of government and with more than twenty-nine thousand  
23 but fewer than thirty-three thousand inhabitants and with a city of the fourth classification with  
24 more than seven thousand but fewer than eight thousand inhabitants as the county seat, any county  
25 of the first classification with more than ninety-two thousand but fewer than one hundred one  
26 thousand inhabitants, any county of the first classification with more than two hundred thousand  
27 but fewer than two hundred sixty thousand inhabitants, any county with a charter form of  
28 government and with more than six hundred thousand but fewer than seven hundred thousand  
29 inhabitants, and any city not within a county, and shall, by March tenth of each year, make an  
30 initial determination for each occupational title within the locality[.];

31 (d) For the purposes of this chapter, the wage rates paid by members of a trade  
32 organization may be submitted by such trade organization and shall be considered in the  
33 aggregate. Any subsequent challenge to the wage rate as determined by the department based  
34 upon such data shall not require any member of such trade organization to appear or participate in  
35 any administrative action related thereto;

36 (2) (a) Except as otherwise provided in section 290.260, the prevailing hourly rate of

1 wages for all other counties shall be deemed:

2 a. The median hourly wage estimate for the construction and extraction occupational code  
3 most closely resembling the occupational title as published in the latest United States Bureau of  
4 Labor Statistics by Metropolitan and Non-Metropolitan Area Occupational Employment Wage  
5 Estimate; or

6 b. If no such rate can be determined under subparagraph a. of this paragraph (a) of  
7 subdivision (2), the median hourly wage estimate for occupational code 47-0000 in the  
8 construction and extraction occupational code, published in the latest United States Bureau of  
9 Labor Statistics publication shall be the prevailing wage for such occupational title;

10 (b) A final determination applicable to every locality to be contained in an annual wage  
11 order shall be made annually on or before July first of each year and shall remain in effect until  
12 superseded by a new annual wage order or as otherwise provided in this section;

13 (c) In determining prevailing rates, the department shall consider the applicable wage  
14 rates that are paid generally within the locality, and shall, by March tenth of each year, make an  
15 initial determination for each occupational title within the locality;

16 2. A certified copy of the initial determinations so made shall be filed immediately with  
17 the secretary of state and with the department in Jefferson City. Copies shall be supplied by the  
18 department to all persons requesting them within ten days after the filing.

19 3. At any time within thirty days after the certified copies of the determinations have been  
20 filed with the secretary of state and the department, any person who is affected thereby may object  
21 in writing to a determination or a part thereof that he deems objectionable by filing a written  
22 notice with the department, stating the specific grounds of the objection. If no objection is filed,  
23 the determination is final after thirty days.

24 4. After the receipt of the objection, the department shall set a date for a hearing on the  
25 objection. The date for the hearing shall be within sixty days of the receipt of the objection.  
26 Written notice of the time and place of the hearing shall be given to the objectors at least ten days  
27 prior to the date set for the hearing.

28 5. The department at its discretion may hear each written objection separately or  
29 consolidate for hearing any two or more written objections. At the hearing the department shall  
30 first introduce in evidence the investigation it instituted and the other facts which were considered  
31 at the time of the original determination which formed the basis for its determination. The  
32 department, or the objector, or any interested party, thereafter may introduce any evidence that is  
33 material to the issues.

34 6. Within twenty days of the conclusion of the hearing, the department shall rule on the  
35 written objection and make the final determination that it believes the evidence warrants.  
36 Immediately, the department shall file a certified copy of its final determination with the secretary

1 of state and with the department and shall serve a copy of the final determination on all parties to  
2 the proceedings by personal service or by registered mail.

3 7. This final decision of the department of the prevailing wages in the locality for each  
4 occupational title is subject to review in accordance with the provisions of chapter 536. Any  
5 person affected, whether or not the person participated in the proceedings resulting in the final  
6 determination, may have the decision of the department reviewed. The filing of the final  
7 determination with the secretary of state shall be considered a service of the final determination on  
8 persons not participating in the administrative proceedings resulting in the final determination.

9 8. At any time before trial any person affected by the final determination of the  
10 department may intervene in the proceedings to review under chapter 536 and be made a party to  
11 the proceedings.

12 9. Any annual wage order made for a particular occupational title in a locality may be  
13 altered once each year, as provided in this subsection. The prevailing wage for each such  
14 occupational title may be adjusted on the anniversary date of any collective bargaining agreement  
15 which covers all persons in that particular occupational title in the locality in accordance with any  
16 annual incremental wage increases set in the collective bargaining agreement. If the prevailing  
17 wage for an occupational title is adjusted pursuant to this subsection, the employee's  
18 representative or employer in regard to such collective bargaining agreement shall notify the  
19 department of this adjustment, including the effective date of the adjustment. The adjusted  
20 prevailing wage shall be in effect until the next final annual wage order is issued pursuant to this  
21 section. The wage rates for any particular job, contracted and commenced within sixty days of the  
22 contract date, which were set as a result of the annual or revised wage order, shall remain in effect  
23 for the duration of that particular job.

24 10. In addition to all other reporting requirements of sections 290.210 to 290.340, each  
25 public body which is awarding a contract for a public works project shall, prior to beginning of  
26 any work on such public works project, notify the department, on a form prescribed by the  
27 department, of the scope of the work to be done, the various types of craftsmen who will be  
28 needed on the project, and the date work will commence on the project.”; and

29  
30 FURTHER AMEND said bill, Section B, Page 3, Lines 1-5, by deleting all of said Section from  
31 the bill; and

32  
33 Further amend said bill by amending the title, enacting clause, and intersectional references  
34 accordingly.