

HOUSEAMENDMENT NO. \_\_\_\_Offered byof

1 AMEND House Committee Substitute for House Bill No. 1198, Page 3,  
 2 Section 290.220, Line 8, by inserting after all of said line the  
 3 following:

4 "290.262. 1. Except as otherwise provided in section  
 5 290.260, the department shall annually investigate and determine  
 6 the prevailing hourly rate of wages in each locality for each  
 7 separate occupational title. Upon receipt of wage reports for a  
 8 given occupational title from at least three licensed contractors  
 9 or subcontractors, the governing body of each county shall submit  
 10 one hourly wage rate for that occupational title, which wage rate  
 11 shall be the average wage rate of all wage rates reported for the  
 12 occupational title. Notwithstanding any other statute, rule, or  
 13 regulation to the contrary, if the governing body of a county  
 14 does not receive at least three wage rate reports for an  
 15 occupational title, the county's prevailing hourly rate of wages  
 16 for that occupational title shall be the lesser of the lowest  
 17 prevailing hourly wage rate for that occupational title in any  
 18 adjoining county, or the federal Davis-Bacon Act general wage  
 19 determination for that occupational title. A final determination  
 20 applicable to every locality to be contained in an annual wage  
 21 order shall be made annually on or before July first of each year  
 22 and shall remain in effect until superseded by a new annual wage  
 23 order or as otherwise provided in this section. In determining  
 24 prevailing rates, the department shall [ascertain and] consider  
 25 the applicable wage rates [established by collective bargaining  
 26 agreements, if any, and the rates] that are paid generally within  
 27 the locality, and shall, by March tenth of each year, make an  
 28 initial determination for each occupational title within the

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1     locality.

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

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

14            4. After the receipt of the objection, the department shall  
15 set a date for a hearing on the objection. The date for the  
16 hearing shall be within sixty days of the receipt of the  
17 objection. Written notice of the time and place of the hearing  
18 shall be given to the objectors at least ten days prior to the  
19 date set for the hearing.

20            5. The department at its discretion may hear each written  
21 objection separately or consolidate for hearing any two or more  
22 written objections. At the hearing the department shall first  
23 introduce in evidence the investigation it instituted and the  
24 other facts which were considered at the time of the original  
25 determination which formed the basis for its determination. The  
26 department, or the objector, or any interested party, thereafter  
27 may introduce any evidence that is material to the issues.

28            6. Within twenty days of the conclusion of the hearing, the  
29 department shall rule on the written objection and make the final  
30 determination that it believes the evidence warrants.  
31 Immediately, the department shall file a certified copy of its  
32 final determination with the secretary of state and with the  
33 department and shall serve a copy of the final determination on  
34 all parties to the proceedings by personal service or by  
35 registered mail.

36            7. This final decision of the department of the prevailing  
37 wages in the locality for each occupational title is subject to

1 review in accordance with the provisions of chapter 536. Any  
2 person affected, whether or not the person participated in the  
3 proceedings resulting in the final determination, may have the  
4 decision of the department reviewed. The filing of the final  
5 determination with the secretary of state shall be considered a  
6 service of the final determination on persons not participating  
7 in the administrative proceedings resulting in the final  
8 determination.

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

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

31 10. In addition to all other reporting requirements of  
32 sections 290.210 to 290.340, each public body which is awarding a  
33 contract for a public works project shall, prior to beginning of  
34 any work on such public works project, notify the department, on  
35 a form prescribed by the department, of the scope of the work to  
36 be done, the various types of craftsmen who will be needed on the  
37 project, and the date work will commence on the project.

1        11. The department shall prepare a report containing all  
2 the data received by each county, and the applicable prevailing  
3 hourly wage rates."; and

4        Further amend said title, enacting clause and intersectional  
5 references accordingly.