

HOUSE _____ AMENDMENT NO. _____

Offered By _____

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

"290.262. 1. Except as otherwise provided in section 290.260, the department shall annually investigate and determine the prevailing hourly rate of wages in each locality for each separate occupational title. Notwithstanding any other subsection of this section, the governing body of each county shall solicit from a minimum of three bondable, insured, and where applicable, licensed contractors or subcontractors hourly wage rates and fringe benefits paid by such contractors or subcontractors by occupational title in their respective county. The governing body of such county shall submit all wage rate and fringe benefit data received to the department for inclusion in its investigating and determination of the prevailing hourly rate of wages. The department shall then return the compiled information back to the governing body of each county for review prior to publishing the new prevailing wage rate. The rate shall be compiled using the mean of all numbers submitted. The governing body of each county shall approve the new rate before publishing and has the final decision. A final determination applicable to every locality to be contained in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section. In determining prevailing rates, the department shall [ascertain and] consider the applicable wage rates [established by collective bargaining agreements, if any, and the rates] that are paid generally within the locality, and shall, by March tenth of each year, make an initial determination for each occupational title within the locality.

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

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

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

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

11 6. Within twenty days of the conclusion of the hearing, the department shall rule on the
12 written objection and make the final determination that it believes the evidence warrants.
13 Immediately, the department shall file a certified copy of its final determination with the secretary
14 of state and with the department and shall serve a copy of the final determination on all parties to
15 the proceedings by personal service or by registered mail.

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

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

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

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

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7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.