

_____ of _____

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

Further amend said bill, Page 3, Section 290.220, Line 8, by inserting after all of said line the following:

"290.262. 1. (1) Except as otherwise provided in section 290.260, for all first and second class counties, the department shall annually investigate and determine the prevailing hourly rate of wages in each locality for each separate occupational title. The prevailing hourly rate of wages for counties in the third and fourth classification shall be deemed:

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

6 (b) If no such rate can be determined under paragraph (a)
7 of this subdivision, the median hourly wage estimate for
8 occupational code 47-0000 in the construction and extraction
9 occupational code, published in the latest United States Bureau
10 of Labor Statistics publication shall be the prevailing wage for
11 such occupational title. A final determination applicable to
12 every locality to be contained in an annual wage order shall be
13 made annually on or before July first of each year and shall
14 remain in effect until superseded by a new annual wage order or
15 as otherwise provided in this section. In determining prevailing
16 rates, the department shall consider the applicable wage rates
17 that are paid generally within the locality, and shall, by March
18 tenth of each year, make an initial determination for each
19 occupational title within the locality.

20 (2) A final determination applicable to every locality to
21 be contained in an annual wage order shall be made annually on or
22 before July first of each year and shall remain in effect until
23 superseded by a new annual wage order or as otherwise provided in
24 this section. In determining prevailing rates, for counties in
25 the first and second classification, the department shall
26 ascertain and consider the applicable wage rates established by
27 collective bargaining agreements, if any, the applicable wage
28 rates paid by members of a trade organization designated with a
29 501(c)(6) tax exempt status by the United States Internal Revenue
30 Service, and the rates that are paid generally within the
31 counties of the first and second classification. For counties in
32 the third and fourth classification the prevailing hourly rate of
33 wages shall be deemed:

34 (a) The median hourly wage estimate for the construction
35 and extraction occupational code most closely resembling the
36 occupational title as published in the latest United States
37 Bureau of Labor Statistics by Metropolitan and Non-Metropolitan

1 Area Occupational Employment Wage Estimate; or

2 (b) If no such rate can be determined under paragraph (a)
3 of this subdivision, the median hourly wage estimate for
4 occupational code 47-0000 in the construction and extraction
5 occupational code, published in the latest United States Bureau
6 of Labor Statistics publication shall be the prevailing wage for
7 such occupational title. A final determination applicable to
8 every locality to be contained in an annual wage order shall be
9 made annually on or before July first of each year and shall
10 remain in effect until superseded by a new annual wage order or
11 as otherwise provided in this section. In determining prevailing
12 rates, the department shall consider the applicable wage rates
13 that are paid generally within the locality, and shall, by March
14 tenth of each year, make an initial determination for each
15 occupational title within the locality, and the department shall,
16 by March tenth of each year, make an initial determination for
17 each occupational title within the locality. For the purposes of
18 this chapter, the wage rates paid by members of a trade
19 organization may be submitted by such trade organization and
20 shall be considered in the aggregate. Any subsequent challenge
21 to the wage rate as determined by the department based upon such
22 data shall not require any member of such trade organization to
23 appear or participate in any administrative action related
24 thereto.

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

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

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

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

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

23 7. This final decision of the department of the prevailing
24 wages in the locality for each occupational title is subject to
25 review in accordance with the provisions of chapter 536. Any
26 person affected, whether or not the person participated in the
27 proceedings resulting in the final determination, may have the
28 decision of the department reviewed. The filing of the final
29 determination with the secretary of state shall be considered a
30 service of the final determination on persons not participating
31 in the administrative proceedings resulting in the final
32 determination.

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

37 9. Any annual wage order made for a particular occupational

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

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

25 Further amend said title, enacting clause and intersectional
26 references accordingly.