

SECOND REGULAR SESSION

HOUSE BILL NO. 1493

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FRAKER (Sponsor) AND LANT (Co-sponsor).

5491L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 290.262, RSMo, and to enact in lieu thereof one new section relating to prevailing wages.

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

Section A. Section 290.262, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 290.262, to read as follows:

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. **Upon receipt of wage reports for a given occupational title from at least three licensed contractors or subcontractors, the governing body of each county shall submit one hourly wage rate for that occupational title, which wage rate shall be the average wage rate of all wage rates reported for the occupational title. Notwithstanding any other statute, rule, or regulation to the contrary, if the governing body of a county does not receive at least three wage rate reports for an occupational title, the county's prevailing hourly rate of wages for that occupational title shall be the lesser of the lowest prevailing hourly wage rate for that occupational title in any adjoining county, or the federal Davis-Bacon Act general wage determination for that occupational title.** 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in an annual wage order shall be made annually on or before July first of each year and shall remain in effect until superseded by a new annual wage order or as otherwise provided in this section.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.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

51 9. Any annual wage order made for a particular occupational title in a locality may be
52 altered once each year, as provided in this subsection. The prevailing wage for each such
53 occupational title may be adjusted on the anniversary date of any collective bargaining agreement

54 which covers all persons in that particular occupational title in the locality in accordance with
55 any annual incremental wage increases set in the collective bargaining agreement. If the
56 prevailing wage for an occupational title is adjusted pursuant to this subsection, the employee's
57 representative or employer in regard to such collective bargaining agreement shall notify the
58 department of this adjustment, including the effective date of the adjustment. The adjusted
59 prevailing wage shall be in effect until the next final annual wage order is issued pursuant to this
60 section. The wage rates for any particular job, contracted and commenced within sixty days of
61 the contract date, which were set as a result of the annual or revised wage order, shall remain in
62 effect for the duration of that particular job.

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

68 **11. The department shall prepare a report containing all the data received by each**
69 **county, and the applicable prevailing hourly wage rates.**

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