

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/House Bill No. 34, Page 1, Section 290.210, Line 19,

2 by striking the opening and closing brackets and all of the  
 3 underlined language on said line; and further amend said section,  
 4 page 2, lines 1-3, by striking all of the opening and closing  
 5 brackets and underlined words on said lines; and further amend  
 6 line 24 by striking the second opening bracket on said line; and  
 7 further amend line 26 by striking the closing bracket on said  
 8 line; and further amend lines 27-28 by striking all of said  
 9 lines, and further amend said section, page 3, lines 1-5 by  
 10 striking all of said lines; and further amend line 10, by  
 11 striking the opening bracket on said line; and further amend line  
 12 11, by striking the closing bracket on said line; and further  
 13 amend said section, page 4, line 2, by striking the opening  
 14 bracket on said line; and further amend line 3, by striking the  
 15 closing bracket on said line; and further amend lines 26-27, by  
 16 striking all of said lines; and further renumber the remaining  
 17 subdivision accordingly; and further amend line 28, by inserting  
 18 immediately after said line, the following:

19 "290.260. 1. The department, as it deems necessary, shall  
 20 from time to time investigate and determine the prevailing hourly  
 21 rate of wages for heavy and highway construction work in the

1       localities. In doing so, the department shall accept and  
2       consider information regarding local wage rates that is submitted  
3       in either paper or electronic formats. A determination  
4       applicable to every locality to be contained in a general wage  
5       order shall be made annually on or before July first of each year  
6       for the Missouri state highways and transportation commission and  
7       shall remain in effect until superseded by a new general wage  
8       order. In determining prevailing rates, the department shall  
9       ascertain and consider the applicable wage rates established by  
10      collective bargaining agreements, if any, and the rates that are  
11      paid generally within the locality.

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

17           3. At any time within thirty days after the certified  
18      copies of the determinations have been filed with the secretary  
19      of state and the department, any person who is affected thereby  
20      may object in writing to the determination or the part thereof  
21      that he deems objectionable by filing a written notice with the  
22      department, stating the specific grounds of the objection.

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

29           5. The department at its discretion may hear each written

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

8 6. Within twenty days of the conclusion of the hearing, the  
9 department must rule on the written objection and make the final  
10 determination that it believes the evidence warrants.

11 Immediately, the department shall file a certified copy of its  
12 final determination with the secretary of state and with the  
13 department and shall serve a copy of the final determination on  
14 all parties to the proceedings by personal service or by  
15 registered mail.

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

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

29 9. All proceedings in any court affecting a determination

1 of the department under the provisions of sections 290.210 to  
2 290.340 shall have priority in hearing and determination over all  
3 other civil proceedings pending in the court, except election  
4 contests."; and

5 Further amend the title and enacting clause accordingly.