

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 781,
2 Page 17, Section 536.031, Line 35, by inserting immediately after all of said line the following:

3
4 "[290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise:
5 (1) "Adjacent county", any Missouri county of the third or fourth classification having a
6 boundary that, at any point, touches any boundary of the locality for which the wage rate is being
7 determined;

8 (2) "Collective bargaining agreement" means any written agreement or understanding
9 between an employer or employer association and a labor organization or union which is the
10 exclusive bargaining representative of the employer's or employer association's employees pursuant
11 to the terms of the National Labor Relations Act and which agreement or understanding or
12 predecessor agreement or understanding has been used to determine an occupational title wage rate;

13 (3) "Construction" includes construction, reconstruction, improvement, enlargement,
14 alteration, painting and decorating, or major repair;

15 (4) "Department" means the department of labor and industrial relations;

16 (5) "Labor organization" or "union" means any entity which has been designated pursuant to
17 the terms of the National Labor Relations Act as the exclusive bargaining representative of
18 employees of employers engaged in the construction industry, which entity or affiliated entity has
19 ever had a collective bargaining agreement which determined an occupational title wage rate;

20 (6) "Locality" means the county where the physical work upon public works is performed;

21 (7) "Maintenance work" means the repair, but not the replacement, of existing facilities
22 when the size, type or extent of the existing facilities is not thereby changed or increased;

23 (8) "Prevailing hourly rate of wages" means the wages paid generally, in the locality in
24 which the public works is being performed, to workmen engaged in work of a similar character
25 including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made
26 to a fund, plan or program, and the amount of the rate of costs to the contractor or subcontractor
27 which may be reasonably anticipated in providing benefits to workmen and mechanics pursuant to
28 an enforceable commitment to carry out a financially responsible plan or program which was
29 communicated in writing to the workmen affected, for medical or hospital care, pensions on
30 retirement or death, compensation for injuries or illness resulting from occupational activity, or
31 insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and
32 sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of
33 apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the
34 contractor or subcontractor is not required by other federal or state law to provide any of the
35 benefits; provided, that the obligation of a contractor or subcontractor to make payment in
36 accordance with the prevailing wage determinations of the department, insofar as sections 290.210

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1 to 290.340 are concerned, may be discharged by the making of payments in cash, by the making of
2 irrevocable contributions by the assumption of an enforceable commitment to bear the costs of a
3 plan or program as provided herein, or any combination thereof, where the aggregate of such
4 payments, contributions and costs is not less than the rate of pay plus the other amounts as provided
5 herein;

6 (9) "Previous six annual wage order reporting periods" means the current annual wage order
7 reporting period under consideration for wage rate determinations and the five immediately
8 preceding annual wage order reporting periods;

9 (10) "Public body" means the state of Missouri or any officer, official, authority, board or
10 commission of the state, or other political subdivision thereof, or any institution supported in whole
11 or in part by public funds;

12 (11) "Public works" means all fixed works constructed for public use or benefit or paid for
13 wholly or in part out of public funds. It also includes any work done directly by any public utility
14 company when performed by it pursuant to the order of the public service commission or other
15 public authority whether or not it be done under public supervision or direction or paid for wholly
16 or in part out of public funds when let to contract by said utility. It does not include any work done
17 for or by any drainage or levee district;

18 (12) "Workmen" means laborers, workmen and mechanics.]

19 [290.220. It is hereby declared to be the policy of the state of Missouri that a wage of no
20 less than the prevailing hourly rate of wages for work of a similar character in the locality in which
21 the work is performed shall be paid to all workmen employed by or on behalf of any public body
22 engaged in public works exclusive of maintenance work.]

23 [290.230. 1. Not less than the prevailing hourly rate of wages for work of a similar
24 character in the locality in which the work is performed, and not less than the prevailing hourly rate
25 of wages for legal holiday and overtime work, shall be paid to all workmen employed by or on
26 behalf of any public body engaged in the construction of public works, exclusive of maintenance
27 work. Only such workmen as are directly employed by contractors or subcontractors in actual
28 construction work on the site of the building or construction job shall be deemed to be employed
29 upon public works. Any such workman who agrees in writing to volunteer his or her labor without
30 pay shall not be deemed to be employed upon public works, and shall not be entitled to the
31 prevailing hourly rate of wages. For the purposes of this section, the term "workman who agrees in
32 writing to volunteer his or her labor without pay" shall mean a workman who volunteers his or her
33 labor without any promise of benefit or remuneration for such voluntary activity, and who is not a
34 prisoner in any jail or prison facility and who is not performing community service pursuant to
35 disposition of a criminal case against him, and is not otherwise employed for compensation at any
36 time in the construction or maintenance work on the same public works for which the workman is a
37 volunteer. Under no circumstances may an employer force, compel or otherwise intimidate an
38 employee into performing work otherwise paid by a prevailing wage as a volunteer.

39 2. When the hauling of materials or equipment includes some phase of construction other
40 than the mere transportation to the site of the construction, workmen engaged in this dual capacity
41 shall be deemed employed directly on public works.]

42 [290.240. 1. The department shall inquire diligently as to any violation of sections 290.210
43 to 290.340, shall institute actions for penalties herein prescribed, and shall enforce generally the
44 provisions of sections 290.210 to 290.340.

45 2. The department may establish rules and regulations for the purpose of carrying out the
46 provisions of sections 290.210 to 290.340.]

47 [290.250. 1. Every public body authorized to contract for or construct public works before
48 advertising for bids or undertaking such construction shall request the department to determine the

1 prevailing rates of wages for workmen for the class or type of work called for by the public works,
2 in the locality where the work is to be performed. The department shall determine the prevailing
3 hourly rate of wages in the locality in which the work is to be performed for each type of workman
4 required to execute the contemplated contract and such determination or schedule of the prevailing
5 hourly rate of wages shall be attached to and made a part of the specifications for the work. The
6 public body shall then specify in the resolution or ordinance and in the call for bids for the contract
7 what is the prevailing hourly rate of wages in the locality for each type of workman needed to
8 execute the contract and also the general prevailing rate for legal holiday and overtime work. It
9 shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor
10 under him to pay not less than the specified rates to all workmen employed by them in the execution
11 of the contract. The public body awarding the contract shall cause to be inserted in the contract a
12 stipulation to the effect that not less than the prevailing hourly rate of wages shall be paid to all
13 workmen performing work under the contract. The employer shall forfeit as a penalty to the state,
14 county, city and county, city, town, district or other political subdivision on whose behalf the
15 contract is made or awarded one hundred dollars for each workman employed, for each calendar
16 day, or portion thereof, such workman is paid less than the said stipulated rates for any work done
17 under said contract, by him or by any subcontractor under him, and the said public body awarding
18 the contract shall cause to be inserted in the contract a stipulation to this effect. It shall be the duty
19 of such public body awarding the contract, and its agents and officers, to take cognizance of all
20 complaints of all violations of the provisions of sections 290.210 to 290.340 committed in the
21 course of the execution of the contract, and, when making payments to the contractor becoming due
22 under said contract, to withhold and retain therefrom all sums and amounts due and owing as a
23 result of any violation of sections 290.210 to 290.340. It shall be lawful for any contractor to
24 withhold from any subcontractor under him sufficient sums to cover any penalties withheld from
25 him by the awarding body on account of said subcontractor's failure to comply with the terms of
26 sections 290.210 to 290.340, and if payment has already been made to him, the contractor may
27 recover from him the amount of the penalty in a suit at law.

28 2. In determining whether a violation of sections 290.210 to 290.340 has occurred, and
29 whether the penalty under subsection 1 of this section shall be imposed, it shall be the duty of the
30 department to investigate any claim of violation. Upon completing such investigation, the
31 department shall notify the employer of its findings. If the department concludes that a violation of
32 sections 290.210 to 290.340 has occurred and a penalty may be due, the department shall notify the
33 employer of such finding by providing a notice of penalty to the employer. Such penalty shall not
34 be due until forty-five days after the date of the notice of the penalty.

35 3. The employer shall have the right to dispute such notice of penalty in writing to the
36 department within forty-five days of the date of the notice. Upon receipt of this written notice of
37 dispute, the department shall notify the employer of the right to resolve such dispute through
38 arbitration. The state and the employer shall submit to an arbitration process to be established by
39 the department by rule, and in conformance with the guidelines and rules of the American
40 Arbitration Association or other arbitration process mutually agreed upon by the employer and the
41 state. If at any time prior to the department pursuing an enforcement action to enforce the monetary
42 penalty provisions of subsection 1 of this section against the employer, the employer pays the back
43 wages as determined by either the department or the arbitrator, the department shall be precluded
44 from initiating any enforcement action to impose the monetary penalty provisions of subsection 1 of
45 this section.

46 4. If the employer fails to pay all wages due as determined by the arbitrator within forty-
47 five days following the conclusion of the arbitration process, or if the employer fails to exercise the
48 right to seek arbitration, the department may then pursue an enforcement action to enforce the

1 monetary penalty provisions of subsection 1 of this section against the employer. If the court orders
2 payment of the penalties as prescribed in subsection 1 of this section, the department shall be
3 entitled to recover its actual cost of enforcement from such penalty amount.

4 5. Nothing in this section shall be interpreted as precluding an action for enforcement filed
5 by an aggrieved employee as otherwise provided in law.]

6 [290.260. 1. The department, as it deems necessary, shall from time to time investigate and
7 determine the prevailing hourly rate of wages for heavy and highway construction work in the
8 localities. In doing so, the department shall accept and consider information regarding local wage
9 rates that is submitted in either paper or electronic formats. A determination applicable to every
10 locality to be contained in a general wage order shall be made annually on or before July first of
11 each year for the Missouri state highways and transportation commission and shall remain in effect
12 until superseded by a new general wage order. In determining prevailing rates, the department shall
13 ascertain and consider the applicable wage rates established by collective bargaining agreements, if
14 any, and the rates that are paid generally within the locality.

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

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

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

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

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

36 7. This final decision of the department of the prevailing wages in the locality is subject to
37 review in accordance with the provisions of chapter 536. Any person affected, whether or not the
38 person participated in the proceedings resulting in the final determination, may have the decision of
39 the department reviewed. The filing of the final determination with the secretary of state shall be
40 considered a service of the final determination on persons not participating in the administrative
41 proceedings resulting in the final determination.

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

45 9. All proceedings in any court affecting a determination of the department under the
46 provisions of sections 290.210 to 290.340 shall have priority in hearing and determination over all
47 other civil proceedings pending in the court, except election contests.]

48 [290.262. 1. Except as otherwise provided in section 290.260, the department shall

1 annually determine the prevailing hourly rate of wages in each locality for each separate
2 occupational title. In doing so, the department shall accept and consider information regarding local
3 wage rates that is submitted in either paper or electronic formats. A final determination applicable
4 to every locality to be contained in an annual wage order shall be made annually on or before July
5 first of each year and shall remain in effect until superseded by a new annual wage order or as
6 otherwise provided in this section. The department shall, by March tenth of each year, make an
7 initial determination for each occupational title within the locality.

8 2. The prevailing wage rate for an occupational title in a locality shall, with the exception of
9 localities that are counties of the third and fourth classification and any county of the second
10 classification with more than fifty-eight thousand but fewer than sixty-five thousand inhabitants, be
11 the wage rate most commonly paid, as measured by the number of hours worked at each wage rate,
12 for that occupational title within that locality. In determining such prevailing wage rates, the
13 department shall ascertain and consider the applicable wage rates established by collective
14 bargaining agreements, if any, when no wages were reported.

15 3. With respect only to localities that are counties of the third and fourth classification and
16 any county of the second classification with more than fifty-eight thousand but fewer than sixty-five
17 thousand inhabitants, the prevailing wage rate for an occupational title within such locality shall be
18 determined in the following manner:

19 (1) The total number of hours worked that are not paid pursuant to a collective bargaining
20 agreement for the time period in that occupational title in the locality and the total number of hours
21 worked that are paid pursuant to a collective bargaining agreement for the time period in that
22 occupational title in the locality shall be considered;

23 (2) If the total number of hours that are not paid pursuant to a collective bargaining
24 agreement, in the aggregate, exceeds the total number of hours that are paid pursuant to such an
25 agreement, in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that
26 is not paid pursuant to a collective bargaining agreement as measured by the number of hours
27 worked at such rate for that occupational title within the locality;

28 (3) If the total number of hours that are paid pursuant to a collective bargaining agreement,
29 in the aggregate, exceeds the total number of hours that are not paid pursuant to such an agreement,
30 in the aggregate, then the prevailing wage rate shall be the rate most commonly paid that is paid
31 pursuant to a collective bargaining agreement as measured by the number of hours worked at such
32 rate for that occupational title within the locality;

33 (4) If no work within a particular occupational title has been performed in a locality at any
34 wage rate, the prevailing wage rate for that occupational title in that locality shall be determined in
35 the following manner:

36 (a) If wages were reported for an occupational title within a locality within the previous six
37 annual wage order reporting periods and the prevailing wage rate was determined by a collective
38 bargaining agreement by hours worked pursuant to such agreement in the most recent annual wage
39 order reporting period where such wages were reported, then the wage rate paid pursuant to the
40 current collective bargaining agreement shall be the prevailing rate for that occupational title within
41 the locality;

42 (b) If wages were reported for an occupational title within a locality within the previous six
43 annual wage order reporting periods and the prevailing wage rate was not determined by hours
44 worked pursuant to a collective bargaining agreement in the most recent annual wage order
45 reporting period where such wages were reported, then the wage rate paid in the most recent annual
46 wage order reporting period when such wages were reported shall be the prevailing wage rate for
47 that occupational title within the locality;

48 (c) If no wages were reported for an occupational title within a locality within the previous

1 six annual wage order reporting periods, the department shall examine hours and wages reported in
2 all adjacent Missouri counties during the same periods. The most recent reported wage rate in a
3 given wage order period in the adjacent Missouri county with the most reported hours actually
4 worked for that occupational title in the wage period during the previous six annual wage order
5 reporting periods shall be used to determine the prevailing wage rate;

6 (d) If no wages were reported for an occupational title within any adjacent Missouri county
7 within the previous six annual wage order reporting periods, then the rate paid pursuant to the
8 current collective bargaining agreement shall be the prevailing wage rate for that occupational title
9 within the locality.

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

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

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

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

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

32 9. This final decision of the department of the prevailing wages in the locality for each
33 occupational title is subject to review in accordance with the provisions of chapter 536. Any person
34 affected, whether or not the person participated in the proceedings resulting in the final
35 determination, may have the decision of the department reviewed. The filing of the final
36 determination with the secretary of state shall be considered a service of the final determination on
37 persons not participating in the administrative proceedings resulting in the final determination.

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

41 11. Any annual wage order made for a particular occupational title in a locality, that is based
42 on the number of hours worked under a collective bargaining agreement, may be altered once each
43 year, as provided in this subsection. The prevailing wage for each such occupational title may be
44 adjusted on the anniversary date of any collective bargaining agreement which covers all persons in
45 that particular occupational title in the locality in accordance with any annual incremental wage
46 increases set in the collective bargaining agreement. If the prevailing wage for an occupational title
47 is adjusted pursuant to this subsection, the employee's representative or employer in regard to such
48 collective bargaining agreement shall notify the department of this adjustment, including the

1 effective date of the adjustment. The adjusted prevailing wage shall be in effect until the next final
2 annual wage order is issued pursuant to this section. The wage rates for any particular job,
3 contracted and commenced within sixty days of the contract date, which were set as a result of the
4 annual or revised wage order, shall remain in effect for the duration of that particular job.

5 12. In addition to all other reporting requirements of sections 290.210 to 290.340, each
6 public body which is awarding a contract for a public works project shall, prior to beginning of any
7 work on such public works project, notify the department, on a form prescribed by the department,
8 of the scope of the work to be done, the various types of craftsmen who will be needed on the
9 project, and the date work will commence on the project.]

10 [290.263. The hourly wages to be paid as prescribed in section 290.250 to workmen upon
11 public works shall not be less than the minimum wage specified under Section 6(a)(1) of the Fair
12 Labor Standards Act of 1938, as amended.]

13 [290.265. A clearly legible statement of all prevailing hourly wage rates to be paid to all
14 workmen employed in order to execute the contract and employed on the construction of the public
15 works shall be kept posted in a prominent and easily accessible place at the site thereof by each
16 contractor and subcontractor engaged in the public works projects under the provisions of this law
17 and such notice shall remain posted during the full time that any such workman shall be employed
18 on the public works.]

19 [290.270. The finding of the department ascertaining and declaring the prevailing hourly
20 rate of wages shall be final for the locality, unless reviewed under the provisions of sections 290.210
21 to 290.340. Nothing in sections 290.210 to 290.340, however, shall be construed to prohibit the
22 payment to any workman employed on any public work of more than the prevailing rate of wages.
23 Nothing in sections 290.210 to 290.340 shall be construed to limit the hours of work which may be
24 performed by any workman in any particular period of time.]

25 [290.280. The authorized representative of the department may administer oaths, take or
26 cause to be taken the depositions of witnesses, and require by subpoena the attendance and
27 testimony of witnesses and the production of all books, records, and other evidence relative to any
28 matter under investigation or hearing. The subpoena shall be signed and issued by the department's
29 authorized representative. In case of failure of any person to comply with any subpoena lawfully
30 issued under this section, or on the refusal of any witness to produce evidence or to testify to any
31 matter regarding which he may be lawfully interrogated, the authorized representative of the
32 department may proceed to enforce obedience to the subpoenas in the manner provided by section
33 536.077 for administrative agencies. The authorized representative of the department shall have the
34 power to certify to official acts.]

35 [290.290. 1. The contractor and each subcontractor engaged in any construction of public
36 works shall keep full and accurate records clearly indicating the names, occupations and crafts of
37 every workman employed by them in connection with the public work together with an accurate
38 record of the number of hours worked by each workman and the actual wages paid therefor. The
39 payroll records required to be so kept shall be open to inspection by any authorized representative of
40 the contracting public body or of the department at any reasonable time and as often as may be
41 necessary and such records shall not be destroyed or removed from the state for the period of one
42 year following the completion of the public work in connection with which the records are made.

43 2. Each contractor and subcontractor shall file with the contracting public body upon
44 completion of the public work and prior to final payment therefor an affidavit stating that he had
45 fully complied with the provisions and requirements of this chapter, and no public body shall be
46 authorized to make final payment until such affidavit is filed therewith in proper form and order.

47 3. Each contractor and subcontractor engaged in any construction of public works shall have
48 its name, acceptable abbreviation or recognizable logo and the name of the city and state of the

1 mailing address of the principal office of the company, on each motor vehicle and motorized self-
2 propelled piece of equipment which is used in connection with such public works project during the
3 time the contractor or subcontractor is engaged on such project. The sign shall be legible from a
4 distance of twenty feet but the size of the lettering need not be larger than two inches. In cases
5 where equipment is leased or where affixing a legible sign to the equipment is impractical, the
6 contractor may place a temporary stationary sign, with the information required pursuant to this
7 subsection, at the main entrance of the construction project in place of affixing the required
8 information on the equipment so long as such sign is not in violation of any state or federal statute,
9 rule or regulation. Motor vehicles which are required to have similar information affixed thereto
10 pursuant to requirements of a regulatory agency of the state or federal government are exempt from
11 the provisions of this subsection.

12 4. The provisions of subsection 3 of this section shall not apply to construction of public
13 works for which the contract awarded is in the amount of two hundred fifty thousand dollars or
14 less.]

15 [290.300. Any workman employed by the contractor or by any subcontractor under the
16 contractor who shall be paid for his services in a sum less than the stipulated rates for work done
17 under the contract, shall have a right of action for double whatever difference there may be between
18 the amount so paid and the rates provided by the contract together with a reasonable attorney's fee to
19 be determined by the court, and an action brought to recover same shall be deemed to be a suit for
20 wages, and any and all judgments entered therein shall have the same force and effect as other
21 judgments for wages.]

22 [290.305. No person, firm or corporation shall violate the wage provisions of any contract
23 contemplated in sections 290.210 to 290.340 or suffer or require any employee to work for less than
24 the rate of wages so fixed, or violate any of the provisions contained in sections 290.210 to 290.340.
25 Where workmen are employed and their rate of wages has been determined as provided in sections
26 290.210 to 290.340, no person, either for himself or any other person, shall request, demand or
27 receive, either before or after such workman is engaged, that such workman pay back, return,
28 donate, contribute, or give any part or all of said workman's wages, salary, or thing of value, to any
29 person, upon the statement, representation, or understanding that failure to comply with such
30 request or demand will prevent such workman from procuring or retaining employment, and no
31 person shall, directly or indirectly, pay, request or authorize any other person to violate this section.
32 This section does not apply to any agent or representative of a duly constituted labor organization
33 acting in the collection of dues or assessments of such organization.]

34 [290.315. All contractors and subcontractors required in sections 290.210 to 290.340 to pay
35 not less than the prevailing rate of wages shall make full payment of such wages in legal tender,
36 without any deduction for food, sleeping accommodations, transportation, use of small tools, or any
37 other thing of any kind or description. This section does not apply where the employer and
38 employee enter into an agreement in writing at the beginning of said term of employment covering
39 deductions for food, sleeping accommodations, or other similar items, provided such agreement is
40 submitted by the employer to the public body awarding the contract and the same is approved by
41 such public body as fair and reasonable.]

42 [290.320. No public body, officer, official, member, agent or representative authorized to
43 contract for public works shall fail, before advertising for bids or contracting for such construction,
44 to have the department determine the prevailing rates of wages of workmen for each class of work
45 called for by the public works in the locality where the work is to be performed as provided in
46 sections 290.210 to 290.340.]

47 [290.325. No public body, officer, official, member, agent or representative thereof
48 authorized to contract for public works shall award a contract for the construction of such

1 improvement or disburse any funds on account of the construction of such public improvement,
2 unless such public body has first had the department determine the prevailing rates of wages of
3 workmen for the class of work called for by such public works in the locality where the work is to
4 be performed and such determination has been made a part of the specifications and contract for
5 such public works.]

6 [290.330. The department after investigation, upon complaint or upon its own initiative,
7 shall file with the secretary of state a list of the contractors and subcontractors who it finds have
8 been prosecuted and convicted for violations of sections 290.210 to 290.340 and such contractor or
9 subcontractor, or simulations thereof, shall be prohibited from contracting directly or indirectly with
10 any public body for the construction of any public works or from performing any work on the same
11 as a contractor or subcontractor for a period of one year from the date of the first conviction for
12 such violation and for a period of three years from the date of each subsequent violation and
13 conviction thereof. No public body shall award a contract for a public works to any contractor or
14 subcontractor, or simulation thereof, during the time that its name appears on said list. The filing of
15 the notice of conviction with the secretary of state shall be notice to all public bodies and their
16 officers, officials, members, agents and representatives.]

17 [290.335. If it is found that a public body, contractor or subcontractor has not complied with
18 any of the terms of sections 290.210 to 290.340, the department shall give notice of the precise
19 violation in writing to such public body, contractor or subcontractor. Sufficient time may be
20 allowed for compliance therewith as the department deems necessary. After the expiration of the
21 time prescribed in said notice, the department may in writing inform the attorney general of the fact
22 that such notice has been given and that the public body, contractor or subcontractor or the
23 authorized representative or agent thereof to whom it was directed has not complied with such
24 notice. Upon receipt thereof, the attorney general shall at the earliest possible time bring suit in the
25 name of the state in the circuit court of the county in which such public body is located or where
26 any such contractor or subcontractor is engaged in any public works to enjoin the award of such
27 contract for a public works, or any further work or payments thereunder if the contract has been
28 awarded, until the requirements of such notice are fully complied with. The court may issue a
29 temporary restraining order with due notice to the defendant in such action. The plaintiff shall in
30 any such injunctive action post an adequate bond to be set by the circuit judge. Upon final hearing
31 thereof, if the court is satisfied that the requirements of the notice by the department to the
32 defendant were not unreasonable or arbitrary, it shall issue an order enjoining the awarding of such
33 contract for a public works, or any further work or payments thereunder if the contract has been
34 awarded, until the notice is fully complied with. Such injunction shall continue operative until the
35 court is satisfied that the requirements of such notice have been complied with and the court shall
36 have and exercise with respect to the enforcement of such injunctions all the power in it in other
37 similar cases. Both the plaintiff and defendant in such action have the same rights of appeal as are
38 provided by law in other injunction proceedings.]

39 [290.340. Any officer, official, member, agent or representative of any public body,
40 contractor or subcontractor who willfully violates and omits to comply with any of the provisions
41 and requirements of sections 290.210 to 290.340 shall be punished for each violation thereof by a
42 fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or by both
43 such fine and imprisonment. Each day such violation or omission continues shall constitute a
44 separate offense as contemplated by this section.]" ; and

45
46 Further amend said bill by amending the title, enacting clause, and intersectional references
47 accordingly.