SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILLS NOS. 1729, 1621 & 1436

AN ACT

To repeal sections 290.095, 290.210, 290.220, 290.230,
290.240, 290.250, 290.262, 290.263, 290.265, 290.270,
290.290, 290.300, 290.305, 290.315, 290.320, 290.325,
290.330, and 630.546, RSMo, and to enact in lieu thereof twenty new sections relating to public contracts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Sections 290.095, 290.210, 290.220, 290.230,
290.240, 290.250, 290.262, 290.263, 290.265, 290.270, 290.290,
290.300, 290.305, 290.315, 290.320, 290.325, 290.330, and
630.546, RSMo, are repealed and twenty new sections enacted in lieu thereof, to be known as sections 290.095, 290.210, 290.220,
290.230, 290.235, 290.240, 290.250, 290.257, 290.262, 290.263,
290.265, 290.270, 290.290, 290.300, 290.305, 290.315, 290.320,
290.325, 290.330, and 630.546, to read as follows:

290.095. 1. No contractor or subcontractor may directly or indirectly receive a wage subsidy, bid supplement, or rebate for employment on a public works project if such wage subsidy, bid supplement, or rebate has the effect of reducing the wage rate paid by the employer on a given occupational title below the [prevailing] wage rate [as provided in section 290.262] required
to be paid for such project pursuant to sections 290.210 to 290.340.

2. In the event a wage subsidy, bid supplement, or rebate is lawfully provided or received under [subsections] subsection 1 [or 2] of this section, the entity receiving such subsidy, supplement, or rebate shall report the date and amount of such subsidy, supplement, or rebate to the public body within thirty days of receipt of payment. This disclosure report shall be a matter of public record under chapter 610.

3. Any employer in violation of this section shall owe to the public body double the dollar amount per hour that the wage subsidy, bid supplement, or rebate has reduced the wage rate paid by the employer below the [prevailing] wage rate [as provided in section 290.262] required to be paid for such project pursuant to sections 290.210 to 290.340 for each hour that work was performed. It shall be the duty of the department to calculate the dollar amount owed to the public body under this section.

290.210. As used in sections 290.210 to 290.340, unless the context indicates otherwise, the following terms shall mean:

(1) "Adjacent county", any Missouri county of the third or fourth classification having a boundary that, at any point, touches any boundary of the locality for which the wage rate is being determined;

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

[(3)] (2) "Construction" [includes] construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair;

[(4)] (3) "Department" [means] the department of labor and industrial relations;

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

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

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

[(8)] (7) "Prevailing hourly rate of wages" [means] or "prevailing wage rate", the wages paid generally, to workers engaged in work of a similar character in the locality in which the public works is being performed, [to workmen engaged in work of a similar character] including the basic hourly rate of pay and the amount of the rate of contributions irrevocably made to a fund, plan or program, and the amount of the rate of costs to the
contractor or subcontractor which may be reasonably anticipated in providing benefits to [workmen] workers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the workmen affected, for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship or other similar programs, or for other bona fide fringe benefits, but only where the contractor or subcontractor is not required by other federal or state law to provide any of the benefits; provided, that the obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the department, insofar as sections 290.210 to 290.340 are concerned, may be discharged by the making of payments in cash, by the making of irrevocable contributions by the assumption of an enforceable commitment to bear the costs of a plan or program as provided herein, or any combination thereof, where the aggregate of such payments, contributions and costs is not less than the rate of pay plus the other amounts as provided herein;

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

[(10) ] (8) "Public body" [means], the state of Missouri or
any officer, official, authority, board or commission of the
state, or other political subdivision thereof, or any institution
supported in whole or in part by public funds;
[(11)]
"Public works" means all fixed works
constructed for public use or benefit or paid for wholly or in
part out of public funds. It also includes any work done
directly by any public utility company when performed by it
pursuant to the order of the public service commission or other
public authority whether or not it be done under public
supervision or direction or paid for wholly or in part out of
public funds when let to contract by said utility. It does not
include any work done for or by any drainage or levee district;
[(12) "Workmen" means]
"Public works contracting minimum wage", the wage rate
determined by the department pursuant to section 290.257;
"Workers", laborers[, workmen] and mechanics.

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

290.230. 1. (i) Except as otherwise provided in this
section, not less than the prevailing hourly rate of wages for
work of a similar character in the locality in which the work is
performed[, and not less than the prevailing hourly rate of wages
for legal holiday and overtime work,] or the public works
contracting minimum wage, whichever is applicable, shall be paid to all workers employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work.

(2) For all work performed on a Sunday or a holiday, not less than twice the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed or the public works contracting minimum wage, whichever is applicable, shall be paid to all workers employed by or on behalf of any public body engaged in the construction of public works, exclusive of maintenance work. For purposes of this subdivision, "holiday" shall include each of the following:

(a) January first;
(b) The last Monday in May;
(c) July fourth;
(d) The first Monday in September;
(e) November eleventh;
(f) The fourth Thursday in November; and
(g) December twenty-fifth.

If any holiday falls on a Sunday, the following Monday shall be considered a holiday.

(3) For all overtime work performed, not less than one and one half the prevailing hourly rate of wages for work of a similar character in the locality in which the work is performed or the public works contracting minimum wage, whichever is applicable, shall be paid to all workers employed by or on behalf of any public body engaged in the construction of public works,
exclusive of maintenance work or contractual obligation. For purposes of this subdivision, "overtime work" shall include work that exceeds ten hours in one day and work in excess of forty hours in one calendar week; and

(4) A thirty minute lunch period on each calendar day shall be allowed for each worker on a public works project, provided that such time shall not be considered as time worked.

2. Only workers that are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job shall be deemed to be employed upon public works.

3. Any worker who agrees in writing to volunteer his or her labor without pay shall not be deemed to be employed upon public works, and shall not be entitled to the [prevailing hourly rate of wages] wage rates required pursuant to sections 290.210 to 290.340. For the purposes of this section, the term "worker who agrees in writing to volunteer his or her labor without pay" shall mean a worker who volunteers his or her labor without any promise of benefit or remuneration for such voluntary activity, and who is not a prisoner in any jail or prison facility and who is not performing community service pursuant to disposition of a criminal case against him or her, and is not otherwise employed for compensation at any time in the construction or maintenance work on the same public works for which the worker is a volunteer. Under no circumstances may an employer or a public body force, compel or otherwise intimidate a worker into performing work otherwise paid [by] at a prevailing wage.
rate or at a public works contracting minimum wage rate as a volunteer.

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

5. (1) The provisions of sections 290.210 to 290.340 shall not apply to the construction of public works for which either the engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of seventy-five thousand dollars or less.

(2) The total project cost shall be based upon the entire project and not individual projects within a larger project.

(3) The total project cost shall include the value of work performed on the project by every person paid by a contractor or subcontractor for that person's work on the project. The total project cost shall additionally include all materials and supplies purchased for the project.

6. A public body shall not divide a project into multiple contracts for the purpose of lowering the total project cost below the threshold described in subsection 5 of this section.

7. For any public works project for which either the engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of seventy-five thousand dollars or less that becomes subject to a change order that increases the total project cost in excess of seventy-five thousand dollars, the provisions of sections 290.210 to 290.340 shall apply only to that portion of the project that was in
excess of seventy-five thousand dollars.

8. Notwithstanding any provision of law to the contrary, for the purposes of construction of public works for which either the engineer's estimate or the bid accepted by the public body for the total project cost is in the amount of ten thousand dollars or less for all occupational titles, public bodies shall be exempt from any law requiring the use of competitive bids.

290.235. 1. Employers may use entry-level workers and federally-registered apprentices for on-the-job training periods. The wage rate for on-the-job training workers shall be equal to fifty percent of the applicable wage rate for a journeyman worker under the appropriate occupational title for a specific locality.

2. The combined total of entry-level workers and federally-registered apprentices shall not exceed a one to one ratio with the number of journeyman workers in any occupational title on a public works project subject to sections 290.210 to 290.340.

290.240. 1. The department shall inquire diligently [as to] complaints regarding any violation of sections 290.210 to 290.340, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of sections 290.210 to 290.340. Complaints regarding any violation of sections 290.210 to 290.340 shall be filed with the department. The following interested parties are the only parties allowed to file such complaints with the department:

(1) Any decision-making public servant for a public body for which a public works project is being performed, if the complaint is against the contractor or subcontractor for the project;
(2) Any contractor, if the complaint is against his or her subcontractor for work performed on behalf of a public body;

(3) Any subcontractor, if the complaint is against his or her contractor for work performed on behalf of a public body; and

(4) Any worker who alleges a violation of his or her rights under sections 290.210 to 290.340.

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

290.250. 1. Every public body authorized to contract for or construct public works before advertising for bids or undertaking such construction shall request the department to determine the [prevailing rates of wages for workmen for the class or type of work called for by the public works,] applicable wage rates in the locality where the work is to be performed. The department shall determine the [prevailing hourly rate of wages] applicable wage rates in the locality in which the work is to be performed [for each type of workman required to execute the contemplated contract and] as provided in section 290.257. Such determination or schedule of the [prevailing hourly rate of wages] wage rates shall be attached to and made a part of the specifications for the work. The public body shall then specify in the resolution or ordinance and in the call for bids for the contract [what is] the [prevailing hourly rate of wages] wage rates in the locality [for each type of workman] needed to execute the contract [and also the general prevailing rate for legal holiday and overtime work]. [It shall be mandatory upon] The contractor to whom the contract is awarded and [upon] any
subcontractor under [him to] the contractor shall pay not less than the specified wage rates to all [workmen] workers employed by them in the execution of the contract. The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the [prevailing hourly rate of wages] specified wage rates shall be paid to all [workmen] workers performing work under the contract. The [employer] contractor shall forfeit as a penalty to the [state, county, city and county, city, town, district or other political subdivision] public body on whose behalf the contract is made or awarded one hundred dollars for each [workman] worker employed, for each calendar day, or portion thereof, such [workman] worker is paid less than the [said stipulated] specified wage rates for any work done under [said] the contract, by [him] the contractor or by any subcontractor under [him] the contractor, and the [said] public body awarding the contract shall cause to be inserted in the contract a stipulation to this effect. [It shall be the duty of such] The public body awarding the contract, and its agents and officers, [to] shall take cognizance of all complaints of all violations of the provisions of sections 290.210 to 290.340 committed in the course of the execution of the contract, and, when making payments to the contractor becoming due under [said] the contract, [to] shall withhold and retain therefrom all sums and amounts due and owing as a result of any violation of sections 290.210 to 290.340. [It shall be lawful for] Any contractor [to] may withhold from any subcontractor [under him] sufficient sums to cover any penalties
withheld [from him] by the awarding public body on account of [said] the subcontractor's failure to comply with the terms of sections 290.210 to 290.340, and if payment has already been made [to him], the contractor may recover from [him] the subcontractor the amount of the penalty in a suit at law.

2. In determining whether a violation of sections 290.210 to 290.340 has occurred, and whether [the] a penalty [under subsection 1 of this section] shall be imposed pursuant to subsection 1 of this section, [it shall be the duty of] the department [to] shall investigate any [claim of violation] complaint made by an interested party listed under section 290.240. Upon completing such investigation, the department shall notify the employer of its findings. If the department concludes that a violation of sections 290.210 to 290.340 has occurred and a penalty may be due, the department shall notify the employer of such finding by providing a notice of penalty to the employer. Such penalty shall not be due until forty-five days after the date of the notice of the penalty.

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

4. If the employer fails to pay all wages due as determined by the arbitrator within forty-five days following the conclusion of the arbitration process, or if the employer fails to exercise the right to seek arbitration, the department may then pursue an enforcement action to enforce the monetary penalty provisions of subsection 1 of this section against the employer. If the court orders payment of the penalties as prescribed in subsection 1 of this section, the department shall be entitled to recover its actual cost of enforcement from such penalty amount.

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

290.257. 1. (1) In determining the prevailing wage rate, the department shall accept and consider information submitted in either paper or electronic format regarding local wage rates for construction projects that occurred during the year preceding the annual wage order to be issued, provided that information regarding local wage rates for entry-level workers and federally-registered apprentices shall not be considered.

(2) (a) The prevailing wage rate for each occupational title shall be equal to the weighted average wage for that occupational title.
(b) For purposes of this subdivision, the following terms shall mean:

a. "Reported wage sum", for each occupational title, the sum of every product of each reported wage rate, which shall include fringe benefits, multiplied by the total number of reportable hours at such wage rate; and

b. "Weighted average wage", the reported wage sum for each occupational title divided by the total number of reportable hours for that occupational title.

2. The department shall annually calculate the public works contracting minimum wage in each locality. The public works contracting minimum wage shall be equal to one hundred twenty percent of the average hourly wage in a particular locality, as determined by the Missouri economic research and information center within the department of economic development, or any successor agency.

3. A final determination of the prevailing hourly rate of wages and the public works contracting minimum wage applicable to every locality to be contained in an annual wage order shall be made annually on or before July 1, 2019, and July first of each year thereafter. The wage order shall remain in effect until superseded by a new annual wage order. The department shall, by March 10, 2019, and March tenth of each year thereafter, make an initial determination of the prevailing wage rate for each occupational title within the locality as well as an initial determination as to the public works contracting minimum wage. Objections may be filed as to any initial determination as provided in section 290.262.
4. (1) If the total number of reportable hours that are paid pursuant to a collective bargaining agreement and the total number of reportable hours that are not paid pursuant to a collective bargaining agreement equal or exceed, in the aggregate, one thousand hours for any particular occupational title within a locality, workers engaged in that occupational title in such locality shall be paid the prevailing wage rate determined by the department pursuant to this section.

(2) If the total number of reportable hours that are paid pursuant to a collective bargaining agreement and the total number of reportable hours that are not paid pursuant to a collective bargaining agreement do not equal or exceed, in the aggregate, one thousand hours for any particular occupational title within a locality, workers engaged in that occupational title in such locality shall be paid the public works contracting minimum wage.

5. For purposes of this section, the term "reportable hours" shall mean hours reported by a contractor for work performed under such contractor in a particular occupational title within a particular locality.

6. (1) The different types of occupational titles to which sections 290.210 to 290.340 shall apply shall be limited to, and shall include, all of the following:

(a) Asbestos worker;

(b) Boilermaker;

(c) Bricklayer;

(d) Carpenter, which shall include pile driver, millwright, lather, and linoleum layer;
(e) Cement mason, which shall include plasterer;
(f) Communications technician;
(g) Electrician;
(h) Elevator constructor;
(i) Glazier;
(j) Ironworker;
(k) General laborer, including first semi-skilled laborer and second semi-skilled laborer;
(l) Mason, which shall include marble mason, marble finisher, terrazzo worker, terrazzo finisher, tile setter, and tile finisher;
(m) Operating engineer, which shall include operating engineer group one, operating engineer group two, operating engineer group three, operating engineer group three-A, operating engineer group four, and operating engineer group five;
(n) Outside lineman, lineman operator, groundman, lineman tree trimmer, groundman tree trimmer, and any combination thereof;
(o) Painter;
(p) Plumber, which shall include pipe fitter;
(q) Roofer;
(r) Sheet metal worker;
(s) Sprinkler fitter; and
(t) Truck driver, which shall include truck control service driver, truck driver group one, truck driver group two, truck driver group three, and truck driver group four.

(2) Each occupational title listed in subdivision (1) of this subsection shall have the same meaning and description as
given to such occupational title in 8 CSR 30-3.060.

290.260. 1. [Except as otherwise provided in section 290.260, the department shall annually determine the prevailing hourly rate of wages in each locality for each separate occupational title. In doing so, the department shall accept and consider information regarding local wage rates that is submitted in either paper or electronic formats. 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. The department shall, by March tenth of each year, make an initial determination for each occupational title within the locality.

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

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

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

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

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

(4) If no work within a particular occupational title has been performed in a locality at any wage rate, the prevailing wage rate for that occupational title in that locality shall be determined in the following manner:
(a) If wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods and the prevailing wage rate was determined by a collective bargaining agreement by hours worked pursuant to such agreement in the most recent annual wage order reporting period where such wages were reported, then the wage rate paid pursuant to the current collective bargaining agreement shall be the prevailing rate for that occupational title within the locality;

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

(c) If no wages were reported for an occupational title within a locality within the previous six annual wage order reporting periods, the department shall examine hours and wages reported in all adjacent Missouri counties during the same periods. The most recent reported wage rate in a given wage order period in the adjacent Missouri county with the most reported hours actually worked for that occupational title in the wage period during the previous six annual wage order reporting periods shall be used to determine the prevailing wage rate;

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

4. A certified copy of any initial wage determinations made pursuant to section 290.257 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.

[5.] 2. 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 or she 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.

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

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

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

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

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

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

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

290.263. The [hourly wages] wage rates required to be paid [as prescribed in section 290.250 to workmen] to workers upon public works pursuant to sections 290.210 to 290.340 shall not be less than the minimum wage specified under Section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.
290.265. A clearly legible statement of all [prevailing hourly] wage rates required to be paid to all [workmen] workers employed in order to execute the contract and employed on the construction of the public works shall be kept posted in a prominent and easily accessible place at the site thereof by each contractor and subcontractor engaged in the public works projects under [the provisions of this law] sections 290.210 to 290.340 and such notice shall remain posted during the full time that any such [workman] worker shall be employed on the public works.

290.270. The finding of the department ascertaining and declaring the prevailing hourly rate of wages and the public works contracting minimum wage shall be final for the locality, unless reviewed under the provisions of sections 290.210 to 290.340. Nothing in sections 290.210 to 290.340, however, shall be construed to prohibit the payment to any [workman] worker employed on any public work of more than the prevailing hourly rate of wages or the public works contracting minimum wage.

Nothing in sections 290.210 to 290.340 shall be construed to limit the hours of work which may be performed by any [workman] worker in any particular period of time.

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

2. Each contractor and subcontractor shall file with the
contracting public body upon completion of the public work and
prior to final payment therefor an affidavit stating that he or
she had fully complied with the provisions and requirements of
[this chapter] sections 290.210 to 290.340, and no public body
shall be authorized to make final payment until such affidavit is
filed therewith in proper form and order.

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

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

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

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

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

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

290.325. No public body, officer, official, member, agent or representative thereof authorized to contract for public works shall award a contract for the construction of such improvement or disburse any funds on account of the construction of such public improvement, unless such public body has first had the department determine the [prevailing] rates of wages [of workmen for the class of work called for by such public works] required to be paid in the locality where the work is to be performed and such determination has been made a part of the specifications and contract for such public works.

290.330. The department after investigation, upon complaint made by an interested party listed under section 290.240 or upon its own initiative, shall file with the secretary of state a list of the contractors and subcontractors who it finds have been prosecuted and convicted for violations of sections 290.210 to 290.340 and such contractor or subcontractor, or simulations thereof, shall be prohibited from contracting directly or indirectly with any public body for the construction of any public works or from performing any work on the same as a contractor or subcontractor for a period of one year from the date of the first conviction for such violation and for a period of three years from the date of each subsequent violation and conviction thereof. No public body shall award a contract for a public works to any contractor or subcontractor, or simulation thereof, during the time that its name appears on said list. The filing of the notice of conviction with the secretary of state shall be notice to all public bodies and their officers,
630.546. 1. The commissioner of administration is authorized to enter into a lease purchase agreement for the use of facilities to be constructed by a private developer on the grounds of the existing St. Louis state hospital for the use of the department of mental health, provided any facilities to be constructed shall contain provisions for a possible adaptive re-use of the present "dome" building.

2. The attorney general shall approve the instrument of conveyance as to form.

3. Not less than the [prevailing hourly] rate of wages required to be paid [generally in the locality in which the work is performed] pursuant to sections 290.210 to 290.340 shall be paid by contractors or subcontractors to employees or other workers when such contractors or subcontractors construct facilities for private developers on the grounds of the existing St. Louis state hospital for the use of the department of mental health. Such construction projects shall be considered public works and the determination of the [prevailing hourly] rate of wages for the locality shall be made in accordance with the provisions of sections 290.210 to 290.340.