

By: Kolkhorst, et al.  
(Morrison)

S.B. No. 518

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain data collected by the Texas Workforce Commission to determine general prevailing wage rates for certain public work contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2258.022(a), Government Code, is amended to read as follows:

(a) For a contract for a public work awarded by a political subdivision of the state, the public body shall determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

(1) conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the political subdivision of the state in which the public work is to be performed; ~~or~~

(2) using the prevailing wage rate as determined by the United States Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 3141 ~~[276a]~~ et seq.), and its subsequent amendments; or

(3) if each county in which the public work is located has a population of less than one million, using the most recent data, as of the time when the political subdivision submitted the

1 public work for bids or requested proposals, compiled by the Texas  
2 Workforce Commission's Labor Market and Career Information  
3 Department, including occupational employment statistics wage data  
4 for:

5 (A) the local workforce development area or  
6 metropolitan statistical area relating to the locality in which the  
7 public work is performed; or

8 (B) the state, but only if there is no data  
9 available for the relevant local workforce development area or the  
10 metropolitan statistical area for the specific occupation, as  
11 classified by the United States Office of Management and Budget in  
12 the North American Industry Classification System, for which data  
13 is sought.

14 SECTION 2. The change in law made by this Act applies only  
15 to a public work contract entered into or renewed on or after the  
16 effective date of this Act.

17 SECTION 3. This Act takes effect September 1, 2021.