

By: Kolkhorst

S.B. No. 518

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the use of certain data collected by the Texas Workforce  
3 Commission to determine general prevailing wage rates for certain  
4 public work contracts.

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

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

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

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

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

22 (3) using data compiled by the Texas Workforce  
23 Commission's Labor Market and Career Information Department,  
24 including occupational employment statistics wage data for:

1           (A) the local workforce development area or  
2 metropolitan statistical area relating to the locality in which the  
3 public work is performed; or

4           (B) the state, but only if there is no data  
5 available for the relevant local workforce development area or the  
6 metropolitan statistical area for the specific occupation, as  
7 classified by the United States Bureau of Labor Statistics in the  
8 2018 Standard Occupational Classification system, for which data is  
9 sought.

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

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