

By: Kolkhorst

S.B. No. 1203

A BILL TO BE ENTITLED

AN ACT

1
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) if each county in which the public work is located
23 has a population of less than one million, using the most recent
24 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, 2023.