

By: Brown of Brazos

H.B. No. 153

Substitute the following for H.B. No. 153:

By: Zedler

C.S.H.B. No. 153

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for construction contracts with governmental entities.

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

SECTION 1. Section 406.096(a), Labor Code, is amended to read as follows:

(a) Except as provided by Section 2252.904, Government Code, a [A] governmental entity that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project.

SECTION 2. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.904 to read as follows:

Sec. 2252.904. CERTAIN BUILDING AND CONSTRUCTION CONTRACTS. (a) Notwithstanding Section 406.096, Labor Code, a governmental entity subject to that section may allow a contractor or subcontractor to provide alternative benefits under the contract for injuries or death sustained by an employee in the course and scope of employment in at least the following amounts:

(1) \$400,000 for reasonable and necessary medical expenses related to the injury for at least 104 weeks after the date of the injury;

(2) for an accidental death or dismemberment:

1                   (A) \$250,000 for a fatal injury, payable to the  
2 employee's legal beneficiary, as defined by Section 401.011, Labor  
3 Code; and

4                   (B) \$100,000 for a dismemberment; and

5                   (3) weekly income benefits of at least 75 percent of  
6 the employee's preinjury average weekly wage, as determined by  
7 Chapter 408, Labor Code, for at least 104 weeks after the date of  
8 injury, but not exceeding \$750 each week.

9                   (b) This section applies only to a contractor or  
10 subcontractor that does not provide workers' compensation  
11 insurance coverage for the contractor's or subcontractor's  
12 employees on or before September 1, 2005.

13                   (c) This section expires September 1, 2007.

14                   SECTION 3. The change in law made by this Act applies only  
15 to a contract for building or construction between a governmental  
16 entity and a contractor that is entered into on or after the  
17 effective date of this Act. A contract entered into before the  
18 effective date of this Act is governed by the law in effect on the  
19 date the contract was entered into, and the former law is continued  
20 in effect for that purpose.

21                   SECTION 4. This Act takes effect September 1, 2005.