By: Rodríguez, Garcia

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9       PERFORMING CONSTRUCTION WORK UNDER CONTRACTS WITH GOVER         10       ENTITIES. (a) In this section:         11       (1) "Advanced construction safety training"         12       construction and general industry safety training class appr         13       the federal Occupational Safety and Health Administration         14       at least 30 hours in duration.         15       (2)         16       agreement for the performance of general construction         17       governmental entity.         18       (3)         19       construction and general industry safety training class app         20       the federal Occupational Safety and Health Administration         21       agreement for the performance of general construction         22       the federal occupational safety training         23       "Construction safety training class app         24       the federal Occupational Safety and Health Administration         25       the federal Occupational Safety and Health Administration         26       the federal Occupational Safety and Health Administration         27       at least 10 hours in duration.	
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22 (4) "Contractor" means a person, firm, or corp	rporation
23 <u>contracting with a governmental entity for general construct</u>	ction.
24 (5) "Employee" means an individual paid	d by a

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contractor or subcontractor to perform general construction work or 1 2 services. 3 (6) "General construction" means: 4 (A) erecting or preparing to erect a structure, 5 including a building, bridge, roadway, public utility facility, or 6 related structure; 7 (B) remodeling, extending, repairing, or 8 demolishing a structure; or (C) otherwise improving real property or a 9 10 structure related to real property. 11 (7) "Governmental entity" means: 12 (A) this state; and (B) a political subdivision of this state, 13 including a municipality, county, public school district, or 14 15 special-purpose district or authority. 16 (8) "Subcontractor" means a person, firm, or 17 corporation contracting with a contractor for general 18 construction. (b) To the extent consistent with federal law, a 19 governmental entity that enters into a construction contract must 20 require that the contractor ensure that all employees working on 21 the general construction site that is the subject of the 22 23 construction contract have completed construction safety training. 24 Before an employee works on the general construction site, the contractor must receive and provide to the governmental entity a 25 26 certificate of training completion for the employee. 27 (c) To the extent consistent with federal law, a

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1 governmental entity that enters into a construction contract must require that the contractor ensure that at least one supervisor 2 3 working on the general construction site that is the subject of the construction contract has completed advanced construction safety 4 5 training. Before work begins on the general construction site, the contractor must receive from at least one supervisor a certificate 6 7 of training completion and provide the certificate to the 8 governmental entity. 9 (d) A governmental entity that enters into a construction 10 contract shall include in the contract notice and penalty provisions that: 11 12 (1) require the governmental entity to provide the contractor with written notice, hand delivered or by certified 13 14 mail, of a violation of Subsection (b) or (c) by the contractor; 15 (2) require the contractor to comply with Subsection (b) or (c), as applicable, by the 20th day after the date the 16 17 contractor receives any notice of noncompliance; (3) inform a contractor that the governmental entity 18 19 may impose an administrative penalty if the contractor fails to comply with Subsection (b) or (c), as applicable, after the 20th day 20 after the date the contractor receives any notice of noncompliance; 21 22 and 23 (4) explain that a penalty amount may be withheld from 24 a payment otherwise owed to the contractor under the construction 25 contract. 26 (e) The amount of a penalty imposed under Subsection (d)(3) is \$100 per day for each employee working in noncompliance. 27

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(f) Each governmental entity shall develop procedures for
 <u>the administration of this section.</u>

3 SECTION 2. Section 2252.902, Government Code, as added by 4 this Act, applies only to a contract for which the solicitation of 5 qualifications, proposals, or other similar expressions of 6 interest is published on or after September 1, 2017.

7 SECTION 3. This Act takes effect September 1, 2017.

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