

LEGISLATIVE BILL 539

Approved by the Governor May 4, 1993

Introduced by Bromm, 23; Janssen, 15; Landis, 46

AN ACT relating to highways and roads; to amend section 39-1349, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to interest on construction contracts; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-1349, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-1349. The department may let contracts for the construction, reconstruction, improvement, maintenance, or repair of roads; and bridges and their appurtenances to the lowest responsible bidders who have been qualified by the department; or may reject any or all bids and cause the work to be done as may be directed by the department. All ~~PROVIDED~~, all work which involves the use of federal and state funds shall be done through contract let by the department as provided for in section 39-1348. If the contractor has furnished the department all required records and reports, the department shall pay to the contractor interest at ~~the rate of twelve percent per annum~~ a rate three percentage points above the average annual Federal Reserve composite prime lending rate for the previous calendar year rounded to the nearest one-tenth of one percent on the amount retained and on the final payment due the contractor beginning sixty days after the work under the contract has been completed; as evidenced by the completion date established in the department's letter of tentative acceptance; or, ~~in the case where~~ when tentative acceptance has not been issued, ~~then~~ beginning sixty days after completion of the work; and running until the date when payment is tendered to the contractor.

When the department is required by the provisions of the acts of Congress and the rules and regulations made by an agent of the United States in pursuance of such acts; to predetermine minimum wages to be paid laborers and mechanics employed on highway construction, the Director-State Engineer shall cause minimum rates of wages for such laborers and mechanics to be predetermined and set forth in contracts for such construction. The ~~which~~ minimum rates shall be the scale of wages which the Director-State Engineer finds are paid and maintained by at least fifty percent of the contractors in performing highway work contracted with the department; unless the Director-State Engineer ~~shall further find~~ finds that such scale of wages so determined would unnecessarily increase the cost of such highway work to the state, in which event he or she shall reduce such determination to such scale of wages as he or she ~~shall find~~ finds is required to avoid such unnecessary increase

in the cost of such highway work.

Sec. 2. That original section 39-1349, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.