

AMENDMENTS TO LB 208

Introduced by Government, Military and Veterans Affairs

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 52-118, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           52-118 (1) Except as provided in subsection (2) of this  
6 section, it shall be the duty of the State of Nebraska or any  
7 department or agency thereof, the county boards, the contracting  
8 board of all cities, villages, and school districts, all public  
9 boards empowered by law to enter into a contract for the erecting,  
10 furnishing, or repairing of any public building, bridge, highway,  
11 or other public structure or improvement, and any officer or  
12 officers so empowered by law to enter into such contract, to which  
13 the general provisions of the mechanics' lien laws do not apply  
14 and when the mechanics and laborers have no lien to secure the  
15 payment of their wages and suppliers who furnish material and  
16 who lease equipment for such work have no lien to secure payment  
17 therefor, to take from the person as defined in section 49-801  
18 to whom the contract is awarded a payment bond or bonds in a sum  
19 not less than the contract price with a corporate surety company  
20 and agent selected by such person, conditioned for the payment of  
21 all laborers and mechanics for labor that is performed and for the  
22 payment for material and equipment rental which is actually used  
23 or rented in the erecting, furnishing, or repairing of the public

1 structure or improvement or in performing the contract.

2 (2) The labor and material payment bond or bonds referred  
3 to in subsection (1) of this section shall not be required for  
4 (a) any project bid or proposed by the State of Nebraska or any  
5 department or agency thereof which has a total cost of fifteen  
6 thousand dollars or less or (b) any project bid or proposed by any  
7 county board, contracting board of any city, village, or school  
8 district, public board, or officer referred to in subsection (1) of  
9 this section which has a total cost of ~~five~~ ten thousand dollars  
10 or less unless the state, department, agency, board, or officer  
11 includes a bond requirement in the specifications for the project.

12 (3) The bond or bonds referred to in subsection (1) of  
13 this section shall be to, filed with, approved by, and safely kept  
14 by the State of Nebraska, department or agency thereof, officer  
15 or officers, or board awarding the contract. No contract referred  
16 to in subsection (1) of this section shall be entered into by  
17 the State of Nebraska, department or agency thereof, officer or  
18 officers, or board referred to in subsection (1) of this section  
19 until the bond or bonds referred to in subsection (1) of this  
20 section has been so made, filed, and approved.

21 (4) The bond or bonds referred to in subsection (1) of  
22 this section may be taken from the person to whom the contract  
23 is awarded by the owner and owner's representative jointly as  
24 determined by the owner. The corporate surety company referred to  
25 in subsection (1) of this section shall have a rating acceptable to  
26 the owner as the owner may require.

27 Sec. 2. Original section 52-118, Reissue Revised Statutes

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1 of Nebraska, is repealed.