ASSEMBLY, No. 416

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman GREGORY P. MCGUCKIN
District 10 (Ocean)
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SYNOPSIS

Excludes certain public works contracts related to Hurricane Sandy recovery from prevailing wage requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 2/3/2020)

AN ACT excluding certain contracts from prevailing wage requirements and amending P.L.1963, c.150.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 3 of P.L.1963, c.150 (C.34:11-56.27) is amended to read as follows:

3. a. Every contract in excess of the prevailing wage contract threshold amount for any public work to which any public body is a party or for public work to be done on property or premises owned by a public body or leased or to be leased by a public body shall contain a provision stating the prevailing wage rate which can be paid (as shall be designated by the commissioner) to the workers employed in the performance of the contract and the contract shall contain a stipulation that such workers shall be paid not less than such prevailing wage rate. Such contract shall also contain a provision that in the event it is found that any worker, employed by the contractor or any subcontractor covered by said contract, has been paid a rate of wages less than the prevailing wage required to be paid by such contract, the public body, the lessee to whom the public body is leasing a property or premises or the lessor from whom the public body is leasing or will be leasing a property or premises may terminate the contractor's or subcontractor's right to proceed with the work, or such part of the work as to which there has been a failure to pay required wages and to prosecute the work to completion or otherwise. The contractor and his sureties shall be liable for any excess costs occasioned thereby to the public body, any lessee to whom the public body is leasing a property or premises or any lessor from whom the public body is leasing or will be leasing a property or premises.

b. No contract for any public work to recover or rebuild from the destruction, damage, or loss due to wind, flooding, or other storm conditions, attributable to Hurricane Sandy, or otherwise associated with the State of Emergency identified in Executive Order No. 104, of 2012, shall be subject to the requirements of P.L.1963, c.150 (C.34:11-56.25 et seq.), except that the provisions of this subsection b. shall not apply to any contract for public work if that application jeopardizes or results in the loss of any federal funding provided to any public body for recovery or rebuilding efforts.

(cf: P.L.2007, c.68, s.2)

2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

This bill exempts from the requirements of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), any contract for public work to recover or rebuild from the destruction, damage, or loss due to wind, flooding, or other storm conditions attributable to Hurricane Sandy, or otherwise associated with the State of Emergency identified in Governor Christie's Executive Order No. 104, of 2012. The bill also stipulates that this exemption will not apply if that exemption jeopardizes or results in the loss of any federal funding provided to any public body for recovery or rebuilding efforts.