



Utility & Transportation Contractors Association

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November 2011

LEGISLATIVE NEWS

ELECTION RECAP

With all 120 seats of the State Legislature up for grabs on November 8th, the election of 2011 turned out to be a far cry from the “change” election that some predicted, and will instead go down as one of the least competitive in recent memory. Whether you credit the freshly re-drawn legislative district map, designed largely to protect incumbents, or general voter apathy, many of the much hyped, too-close-to-call races failed to materialize.

When the dust finally settled and the polls closed, incumbents from around the state were all on their way towards a comfortable reelection. With the exception of District 1, which featured results that were much tighter than most had anticipated, the other so-called “competitive” districts of 2, 7, 14, and 38 were far less exciting and failed to deliver the coin-toss scenarios that pundits had scripted. As a result, the 215th Legislature will feature a party breakdown that is nearly identical to the 214th, with 24 Democrats and 16 Republicans in the Senate, which is exactly the same, and 48 Democrats and 32 Republicans in the Assembly, a pickup of one for the D’s.

Legislative leadership, however, will get a bit of a makeover. Remaining as Speaker, Sheila Oliver (D-34) recently secured the votes for another term and announced her new team. Ascending from his long-time chairmanship of the Budget Committee to become Majority Leader will be Lou Greenwald (D-6), replacing Joe Cryan (D-20) in the post. Assemblyman Vincent Prieto (D-32) will become Budget Chair, while State Party Chairman, and Assemblyman, John Wisniewski (D-19) will have expanded powers in his role as Deputy Speaker.

In the State Senate, Steve Sweeney (D-3) will remain as

Senate President but will be joined by a new Majority Leader in the form of Loretta Weinberg (D-37). Weinberg replaces Barbara Buono (D-18) in the position, while Paul Sarlo (D-36) retains the Budget Committee chairmanship. On the Republic side, Minority Leaders Kean (R-21) and DeCroce (R-26) will remain at the helms of their respective caucuses in the Senate and Assembly respectively.

UTCA'S SOIL TESTING BILL POISED FOR LAME DUCK ACTION

Legislation developed by UTCA’s Legislative Committee, requiring public owners to certify the condition of soil on local public construction projects, continues on its path towards enactment. After having passed the full General Assembly on a bipartisan basis, Senator Kip Bateman (R-16) followed that success by introducing the Senate version of the measure. Both are now pending committee consideration in the State Senate for the lame duck session.

Assembly Bill 3633, sponsored by Assemblywoman Mila Jasey (D-27) and Assemblyman John McKeon (D-27), was developed by UTCA to increase transparency and cut down on costly litigation on construction projects that require the excavation and off-site disposal of soil. While the material to be removed is not always contaminated, a public owner rarely provides much detail about the condition of the soil in the bid specifications. This information gap creates a huge problem for bidders. The bill stipulates that in cases where soil has to be removed from a site, the owner will be required to have it tested pre-bid, or provide an allowance for testing and an allowance for removal in the bid proposal, if found to be contaminated.

-OVER-

**ASSEMBLYMAN O'DONNELL TO SPONSOR
NEW UTCA LEGISLATION**

Another measure developed by UTCA's Legislative Committee, to prohibit public owners from requiring the submission of financial statements, will soon be introduced and sponsored by Assemblyman Jason O'Donnell (D-Bayonne). UTCA representatives met with the Assemblyman in his district office recently to explain the urgent need for this legislation.

Contractors are frequently required to submit financial statements in order to bid a project at the local level. There is nothing in the law that requires a local unit of government to make financial statements mandatory, but we have seen many public owners require them nonetheless, which has held up projects, led to bid challenges, and has become a nightmare for companies trying to bid public work.

Financial statements are unnecessary, onerous, and in no way business-friendly as they are costly and time consuming to generate, and deal with confidential information that could become public through the bidding process. A contractor must already go through a lengthy process to secure a bid bond for a project, and the financial capability that must be demonstrated in order to get a bond should be proof enough that the contractor can handle the work. This legislation will prohibit the requirement of financial statements in the bidding process.

**BIPARTISAN MEASURE INTRODUCED IN
CONGRESS TO SUPPORT WATER
INFRASTRUCTURE**

Association staff has reached out to the New Jersey congressional delegation in an effort to secure their support for, and co-sponsorship of, H.R. 3145 – the Water Quality Protection and Job Creation Act of 2011. Congressman LoBiondo wasted little time in signing on to the bill, and his quick action is very much appreciated by the industry. Several other key members of the delegation are expected to join him very soon in supporting this critical legislation.

This bipartisan legislation, sponsored by Congressmen Bishop (D-NY), Rahall (D-WV), Petri (R-WI), and LaTourette (R-OH), is designed to improve the nation's failing water infrastructure by providing \$13.8 billion in construction funding over five years through the State Revolving Fund program. The bill also provides for a Clean Water Trust Fund which will help leverage billions more to meet local water infrastructure needs around the country.

Our water infrastructure is crumbling, and New Jersey has a tremendous backlog of projects that are getting worse by the day. This funding would create immediate construction jobs and enhance the quality of life for every resident. Of particular significance, the bill is revenue neutral and does not add to the nation's debt.

UTCA PAC CLUB NEEDS YOUR SUPPORT!

UTCA continues to represent the utility and transportation construction industry vigorously before our governmental decision-makers. Over the past several years, the Association has been responsible for developing, drafting, and securing final passage of laws that have directly impacted our members. Each week, UTCA staff monitors thousands of existing and newly introduced legislative initiatives and energetically opposes any measure that would be harmful to our industry and your business.

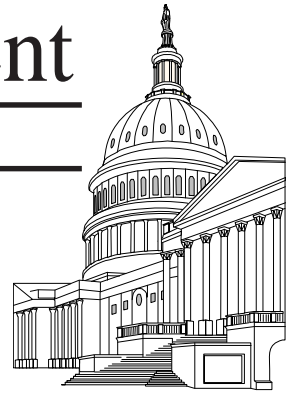
In this effort, Association staff conducts numerous meetings throughout the year with members of the Legislature, their staff, and representatives of the Administration. PAC Club funds allow UTCA representatives to attend legislative fundraisers and other special events which provide an opportunity to discuss industry issues with key leaders.

Whether your firm is large or small, UTCA's PAC Club program has a membership level designed to fit your financial capabilities. There are 8 different PAC Club memberships. UTCA urges you to please use the 2011 PAC Contribution Form that is attached and return it to the association office with your firm's financial support.

***Thank You To All
Constructors For Good Government
2011 Contributors***

Constructors For Good Government

Please Support Your Industry PAC



2011 Contribution Form

Contributions to Constructors For Good Government go a long way in our efforts to educate members of the Legislature and the Administration to the needs of construction. Please check the appropriate club membership for your firm. **Please remember that contributions to Constructors For Good Government are legally permissible under all State pay-to-play laws.**

Club Memberships:

President's Club - \$10,000 _____

Governor's Club - \$7,200 _____

Ambassador's Club - \$5,000 _____

Leadership Club - \$2,500 _____

Platinum Club - \$1,000 _____

Gold Club - \$500 _____

Silver Club - \$250 _____

Bronze Club - \$100 _____

COMPANY CHECKS ARE ACCEPTABLE

Enclosed is a contribution in the amount of \$ _____. **Checks should be made payable to *Constructors For Good Government*.**

FIRM

CONTACT NAME

ADDRESS

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Please return this form with your check (**payable to Constructors For Good Government**) to the UTCA office.

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