

34:11-4.9

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2000 **CHAPTER:** 14
NJSA: 34:11-4.9 (Wages—reciprocal agreements)
BILL NO: S28 (Substituted for A555)
SPONSOR(S): Kavanaugh and McNamara
DATE INTRODUCED: Pre-filed
COMMITTEE: **ASSEMBLY:** Labor
 SENATE: Commerce
AMENDED DURING PASSAGE: No
DATE OF PASSAGE: **ASSEMBLY:** March 16, 2000
 SENATE: February 7, 2000
DATE OF APPROVAL: April 24, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

S28

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A555

SPONSORS STATEMENT: (Begins on page 3 of original bill) Yes

COMMITTEE STATEMENT: Bill and Sponsors Statement identical to S28

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

Identical to Assembly Statement for S28

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

SENATE, No. 28

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator WALTER J. KAVANAUGH

District 16 (Morris and Somerset)

Senator HENRY P. MCNAMARA

District 40 (Bergen and Passaic)

Co-Sponsored by:

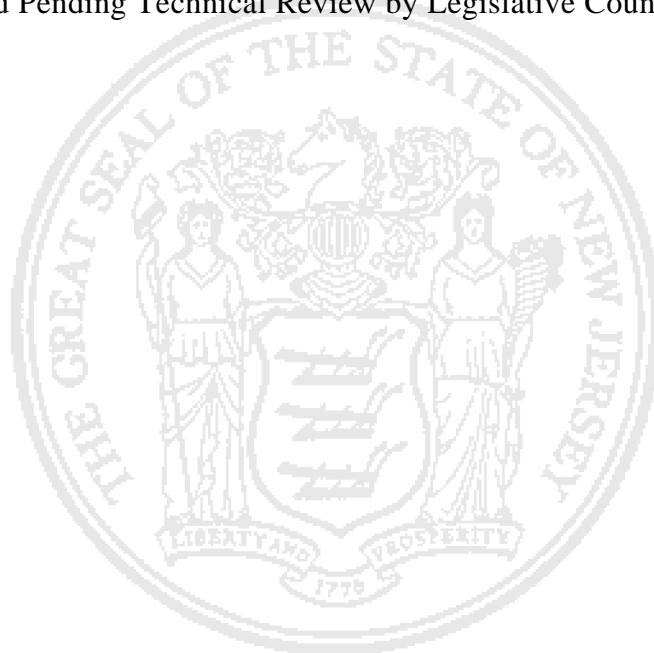
Senator Singer

SYNOPSIS

Authorizes reciprocal agreements with other states for wage collection.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning reciprocal agreements with other states for
2 collection of wages in those states and amending P.L.1965, c.173.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 9 of P.L.1965, c.173 (C.34:11-4.9) is amended to read
8 as follows:

9 9. a. The commissioner shall enforce and administer the provisions
10 of this act and the commissioner or his authorized representatives are
11 empowered to investigate charges of violations of this act.

12 b. The commissioner or his authorized representatives are
13 empowered to enter and inspect such places, question such employees
14 and investigate such facts, conditions or matters as they may deem
15 appropriate to determine whether any person has violated any
16 provision of this act or any rule or regulation issued hereunder or
17 which may aid in the enforcement of the provisions of this act.

18 c. The commissioner or his authorized representatives shall have
19 power to administer oaths and examine witnesses under oath, issue
20 subpoenas, compel the attendance of witnesses, and the production of
21 papers, books, accounts, records, payrolls, documents, and testimony,
22 and to take depositions and affidavits in any proceeding before the
23 commissioner.

24 d. If a person fails to comply with any subpoena lawfully issued, or
25 on the refusal of any witness to testify to any matter regarding which
26 he may be lawfully interrogated, it shall be the duty of the Superior
27 Court, on application by the commissioner, to compel obedience by
28 proceedings for contempt, as in the case of disobedience of the
29 requirements of a subpoena issued from such court or a refusal to
30 testify therein.

31 e. The commissioner is authorized to supervise the payment of
32 amounts due to employees pursuant to Article 1 of chapter 11 of Title
33 34 of the Revised Statutes, and the employer may be required to make
34 these payments to the commissioner to be held in a special account in
35 trust for the employees, and paid on order of the commissioner directly
36 to the employee or employees affected. The employer shall also pay
37 the commissioner an administrative fee equal to not less than 10% or
38 more than 25% of any payment made to the commissioner pursuant to
39 this section. The amount of the administrative fee shall be specified in
40 a schedule of fees to be promulgated by rule or regulation of the
41 commissioner in accordance with the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to
43 enforcement and administration costs of the Division of Workplace

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

Matter underlined thus is new matter.

1 Standards in the Department of Labor.

2 f. The commissioner or his designee is authorized to enter into a
3 reciprocal agreement with the labor department or other corresponding
4 agency of any other state or with a person or body authorized to act
5 on behalf of that agency, for the collection of claims and judgments for
6 wages, administrative fees or penalties based on claims arising in each
7 others' states.

8 To the extent provided for by the laws of the other state or by any
9 reciprocal agreement entered into with an agency of the other state as
10 provided in this subsection, the commissioner or his designee may: (1)
11 maintain actions in the courts of the other state for the collection of
12 claims and judgments for wages, administrative fees and penalties; and
13 (2) assign the claims and judgments to the agency in the other state for
14 collection.

15 Upon the written consent of the agency in the other state, or the
16 person or body authorized to act on behalf of that agency, the
17 commissioner or his designee may maintain actions in the courts of this
18 State upon assigned claims and judgments for wages, administrative
19 fees and penalties arising in the other state in the same manner and to
20 the same extent that such actions by the commissioner or his designees
21 are authorized when arising in this State, but only if the other state
22 extends, by law or agreement, a like comity to cases arising in this
23 State.

24 (cf: P.L.1991, c.205, s.2)

25

26 2. This act shall take effect immediately.

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STATEMENT

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31 This bill authorizes the State Commissioner of Labor to enter into
32 reciprocal agreements with the labor department or other
33 corresponding agency of any state for the collection of claims and
34 judgments for wages, administrative fees or penalties based on claims
35 arising in each others' states.

36 To the extent provided for by the laws of the other state or by any
37 reciprocal agreement entered into with an agency of the other state as
38 provided in the bill, the commissioner or his designee may: maintain
39 actions in the courts of the other state for the collection of claims and
40 judgments arising in this State for wages, administrative fees and
41 penalties; and assign the claims and judgments to the agency in the
42 other state for collection.

43 Upon the written consent of the agency in the other state, the
44 commissioner may maintain actions in the courts of this State upon
45 assigned claims and judgments for wages, administrative fees and
46 penalties arising in the other state in the same manner and to the same

S28 KAVANAUGH, McNAMARA

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- 1 extent that such actions are authorized when arising in this State, but
- 2 only if the other state extends, by law or agreement, a like comity to
- 3 cases arising in this State.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 28

STATE OF NEW JERSEY

DATED: JANUARY 31, 2000

The Senate Commerce Committee reports favorably Senate Bill No. 28.

This bill authorizes the State Commissioner of Labor to enter into reciprocal agreements with the labor department or other corresponding agency of any state for the collection of claims and judgments for wages, administrative fees and penalties based on claims arising in each others' states.

To the extent provided for by the laws of the other state or by any reciprocal agreement entered into with an agency of the other state as provided in the bill, the commissioner or his designee may: maintain actions in the courts of the other state for the collection of claims and judgments arising in this State for wages, administrative fees and penalties; and assign the claims and judgments to the agency in the other state for collection.

Upon the written consent of the agency in the other state, the commissioner may maintain actions in the courts of this State upon assigned claims and judgments for wages, administrative fees and penalties arising in the other state in the same manner and to the same extent that such actions are authorized when arising in this State, but only if the other state extends, by law or agreement, a like comity to cases arising in this State.

This bill was pre-filed for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

SENATE, No. 28

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2000

The Assembly Labor Committee reports favorably Senate Bill No. 28.

This bill authorizes the State Commissioner of Labor to enter into reciprocal agreements with the labor department or other corresponding agency of any state for the collection of claims and judgments for wages, administrative fees and penalties based on claims arising in each others' states.

To the extent provided for by the laws of the other state or by any reciprocal agreement entered into with an agency of the other state as provided in the bill, the commissioner or his designee may: maintain actions in the courts of the other state for the collection of claims and judgments arising in this State for wages, administrative fees and penalties; and assign the claims and judgments to the agency in the other state for collection.

Upon the written consent of the agency in the other state, the commissioner may maintain actions in the courts of this State upon assigned claims and judgments for wages, administrative fees and penalties arising in the other state in the same manner and to the same extent that such actions are authorized when arising in this State, but only if the other state extends, by law or agreement, a like comity to cases arising in this State.

SENATE, No. 28

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Senator WALTER J. KAVANAUGH

District 16 (Morris and Somerset)

Senator HENRY P. MCNAMARA

District 40 (Bergen and Passaic)

Co-Sponsored by:

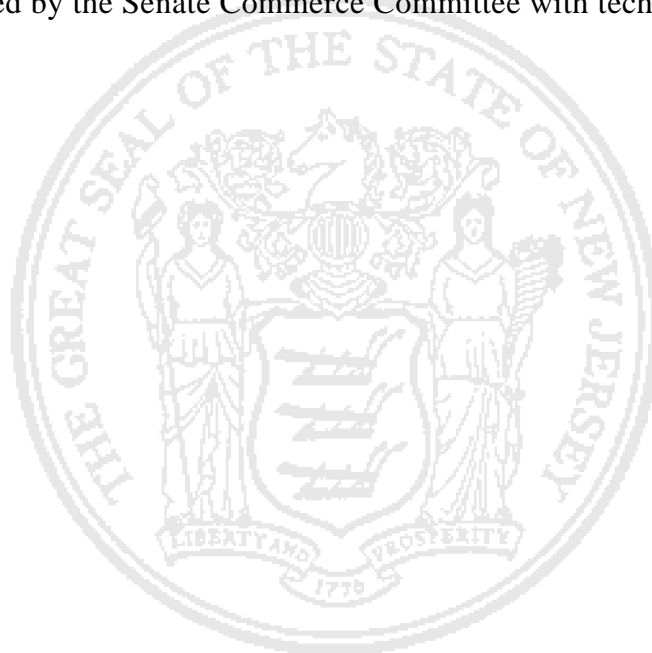
Senator Singer, Assemblymen LeFevre, Geist and Assemblywoman Heck

SYNOPSIS

Authorizes reciprocal agreements with other states for wage collection.

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee with technical review.



(Sponsorship Updated As Of: 3/17/2000)

1 AN ACT concerning reciprocal agreements with other states for
2 collection of wages in those states and amending P.L.1965, c.173.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 9 of P.L.1965, c.173 (C.34:11-4.9) is amended to read
8 as follows:

9 9. a. The commissioner shall enforce and administer the provisions
10 of this act and the commissioner or his authorized representatives are
11 empowered to investigate charges of violations of this act.

12 b. The commissioner or his authorized representatives are
13 empowered to enter and inspect such places, question such employees
14 and investigate such facts, conditions or matters as they may deem
15 appropriate to determine whether any person has violated any
16 provision of this act or any rule or regulation issued hereunder or
17 which may aid in the enforcement of the provisions of this act.

18 c. The commissioner or his authorized representatives shall have
19 power to administer oaths and examine witnesses under oath, issue
20 subpoenas, compel the attendance of witnesses, and the production of
21 papers, books, accounts, records, payrolls, documents, and testimony,
22 and to take depositions and affidavits in any proceeding before the
23 commissioner.

24 d. If a person fails to comply with any subpoena lawfully issued, or
25 on the refusal of any witness to testify to any matter regarding which
26 he may be lawfully interrogated, it shall be the duty of the Superior
27 Court, on application by the commissioner, to compel obedience by
28 proceedings for contempt, as in the case of disobedience of the
29 requirements of a subpoena issued from such court or a refusal to
30 testify therein.

31 e. The commissioner is authorized to supervise the payment of
32 amounts due to employees pursuant to Article 1 of chapter 11 of Title
33 34 of the Revised Statutes, and the employer may be required to make
34 these payments to the commissioner to be held in a special account in
35 trust for the employees, and paid on order of the commissioner directly
36 to the employee or employees affected. The employer shall also pay
37 the commissioner an administrative fee equal to not less than 10% or
38 more than 25% of any payment made to the commissioner pursuant to
39 this section. The amount of the administrative fee shall be specified in
40 a schedule of fees to be promulgated by rule or regulation of the
41 commissioner in accordance with the "Administrative Procedure Act,"
42 P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to
43 enforcement and administration costs of the Division of Workplace

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

Matter underlined thus is new matter.

1 Standards in the Department of Labor.

2 f. The commissioner or his designee is authorized to enter into a
3 reciprocal agreement with the labor department or other corresponding
4 agency of any other state or with a person or body authorized to act
5 on behalf of that agency, for the collection of claims and judgments for
6 wages, administrative fees or penalties based on claims arising in each
7 others' states.

8 To the extent provided for by the laws of the other state or by any
9 reciprocal agreement entered into with an agency of the other state as
10 provided in this subsection, the commissioner or his designee may: (1)
11 maintain actions in the courts of the other state for the collection of
12 claims and judgments for wages, administrative fees and penalties; and
13 (2) assign the claims and judgments to the agency in the other state for
14 collection.

15 Upon the written consent of the agency in the other state, or the
16 person or body authorized to act on behalf of that agency, the
17 commissioner or his designee may maintain actions in the courts of this
18 State upon assigned claims and judgments for wages, administrative
19 fees and penalties arising in the other state in the same manner and to
20 the same extent that such actions by the commissioner or his designees
21 are authorized when arising in this State, but only if the other state
22 extends, by law or agreement, a like comity to cases arising in this
23 State.

24 (cf: P.L.1991, c.205, s.2)

25

26 2. This act shall take effect immediately.

P.L. 2000, CHAPTER 14, *approved April 24, 2000*

Senate, No. 28

1 **AN ACT** concerning reciprocal agreements with other states for
2 collection of wages in those states and amending P.L.1965, c.173.

3

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

6

7 1. Section 9 of P.L.1965, c.173 (C.34:11-4.9) is amended to read
8 as follows:

9 9. a. The commissioner shall enforce and administer the provisions
10 of this act and the commissioner or his authorized representatives are
11 empowered to investigate charges of violations of this act.

12 b. The commissioner or his authorized representatives are
13 empowered to enter and inspect such places, question such employees
14 and investigate such facts, conditions or matters as they may deem
15 appropriate to determine whether any person has violated any
16 provision of this act or any rule or regulation issued hereunder or
17 which may aid in the enforcement of the provisions of this act.

18 c. The commissioner or his authorized representatives shall have
19 power to administer oaths and examine witnesses under oath, issue
20 subpoenas, compel the attendance of witnesses, and the production of
21 papers, books, accounts, records, payrolls, documents, and testimony,
22 and to take depositions and affidavits in any proceeding before the
23 commissioner.

24 d. If a person fails to comply with any subpoena lawfully issued, or
25 on the refusal of any witness to testify to any matter regarding which
26 he may be lawfully interrogated, it shall be the duty of the Superior
27 Court, on application by the commissioner, to compel obedience by
28 proceedings for contempt, as in the case of disobedience of the
29 requirements of a subpoena issued from such court or a refusal to
30 testify therein.

31 e. The commissioner is authorized to supervise the payment of
32 amounts due to employees pursuant to Article 1 of chapter 11 of Title
33 34 of the Revised Statutes, and the employer may be required to make
34 these payments to the commissioner to be held in a special account in
35 trust for the employees, and paid on order of the commissioner directly
36 to the employee or employees affected. The employer shall also pay
37 the commissioner an administrative fee equal to not less than 10% or
38 more than 25% of any payment made to the commissioner pursuant to
39 this section. The amount of the administrative fee shall be specified in
40 a schedule of fees to be promulgated by rule or regulation of the
41 commissioner in accordance with the "Administrative Procedure Act,"

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

Matter underlined thus is new matter.

1 P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to
2 enforcement and administration costs of the Division of Workplace
3 Standards in the Department of Labor.

4 f. The commissioner or his designee is authorized to enter into a
5 reciprocal agreement with the labor department or other corresponding
6 agency of any other state or with a person or body authorized to act
7 on behalf of that agency, for the collection of claims and judgments for
8 wages, administrative fees or penalties based on claims arising in each
9 others' states.

10 To the extent provided for by the laws of the other state or by any
11 reciprocal agreement entered into with an agency of the other state as
12 provided in this subsection, the commissioner or his designee may: (1)
13 maintain actions in the courts of the other state for the collection of
14 claims and judgments for wages, administrative fees and penalties; and
15 (2) assign the claims and judgments to the agency in the other state for
16 collection.

17 Upon the written consent of the agency in the other state, or the
18 person or body authorized to act on behalf of that agency, the
19 commissioner or his designee may maintain actions in the courts of this
20 State upon assigned claims and judgments for wages, administrative
21 fees and penalties arising in the other state in the same manner and to
22 the same extent that such actions by the commissioner or his designees
23 are authorized when arising in this State, but only if the other state
24 extends, by law or agreement, a like comity to cases arising in this
25 State.

26 (cf: P.L.1991, c.205, s.2)

27

28 2. This act shall take effect immediately.

29

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31

32

33 Authorizes reciprocal agreements with other states for wage
34 collection.

CHAPTER 14

AN ACT concerning reciprocal agreements with other states for collection of wages in those states and amending P.L.1965, c.173.

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

1. Section 9 of P.L.1965, c.173 (C.34:11-4.9) is amended to read as follows:

C.34:11-4.9 Duties of commissioner.

9. a. The commissioner shall enforce and administer the provisions of this act and the commissioner or his authorized representatives are empowered to investigate charges of violations of this act.

b. The commissioner or his authorized representatives are empowered to enter and inspect such places, question such employees and investigate such facts, conditions or matters as they may deem appropriate to determine whether any person has violated any provision of this act or any rule or regulation issued hereunder or which may aid in the enforcement of the provisions of this act.

c. The commissioner or his authorized representatives shall have power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, and the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any proceeding before the commissioner.

d. If a person fails to comply with any subpoena lawfully issued, or on the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, it shall be the duty of the Superior Court, on application by the commissioner, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

e. The commissioner is authorized to supervise the payment of amounts due to employees pursuant to Article 1 of chapter 11 of Title 34 of the Revised Statutes, and the employer may be required to make these payments to the commissioner to be held in a special account in trust for the employees, and paid on order of the commissioner directly to the employee or employees affected. The employer shall also pay the commissioner an administrative fee equal to not less than 10% or more than 25% of any payment made to the commissioner pursuant to this section. The amount of the administrative fee shall be specified in a schedule of fees to be promulgated by rule or regulation of the commissioner in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.). The fee shall be applied to enforcement and administration costs of the Division of Workplace Standards in the Department of Labor.

f. The commissioner or his designee is authorized to enter into a reciprocal agreement with the labor department or other corresponding agency of any other state or with a person or body authorized to act on behalf of that agency, for the collection of claims and judgments for wages, administrative fees or penalties based on claims arising in each others' states.

To the extent provided for by the laws of the other state or by any reciprocal agreement entered into with an agency of the other state as provided in this subsection, the commissioner or his designee may: (1) maintain actions in the courts of the other state for the collection of claims and judgments for wages, administrative fees and penalties; and (2) assign the claims and judgments to the agency in the other state for collection.

Upon the written consent of the agency in the other state, or the person or body authorized to act on behalf of that agency, the commissioner or his designee may maintain actions in the courts of this State upon assigned claims and judgments for wages, administrative fees and penalties arising in the other state in the same manner and to the same extent that such actions by the commissioner or his designees are authorized when arising in this State, but only if the other state extends, by law or agreement, a like comity to cases arising in this State.

2. This act shall take effect immediately.

Approved April 24, 2000.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: April 24, 2000

Gov. Christie Whitman today signed the following pieces of legislation:

A-1654, amends previous law by adding additional offenses that disqualify a person from obtaining courtesy, personalized or special organization license plates. The bill also eases the restrictions on obtaining personalized or special organization license plates. Under previous law, a person who has been convicted of death by auto, drunk driving or reckless driving was prohibited from obtaining courtesy, personalized or special organization license plates, regardless of when the person was convicted of the offense. The legislation supplements previous law by adding two disqualifying offenses: (1) a conviction for refusing to take a breathalyzer test; and (2) a conviction for an offense in another jurisdiction that is substantially similar in nature to drunk driving, reckless driving or refusing to take a breathalyzer test.

The bill eases the restrictions on the issuance of personalized and special organization license plates by allowing a person who has been convicted of drunk driving, reckless driving, refusing to take a breathalyzer test or a substantially similar offense in another jurisdiction to obtain such a license plate if the conviction occurred more than ten years ago. Under previous law, the restriction carried a lifetime disqualification. The bill does not ease the lifetime disqualification accorded a death by auto conviction.

The legislation was sponsored by Assembly Members Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and John C. Gibson (R-Cape May/Atlantic/Cumberland) and Senators James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Donald T. DiFrancesco (R-Middlesex/Morris/Somerset/Union).

S-28, amends previous law and authorizes the Commissioner of Labor to enter into reciprocal agreements with the labor departments or corresponding agencies of other states to collect claims, judgments for outstanding wages, or other administrative fees and penalties due under wage and hour laws. Such agreements will allow the Commissioner to bring lawsuits in the courts of other states and assign the collection of claims and judgements to appropriate agencies in other states. Similarly, other states that have entered into reciprocal agreements could file lawsuits and seek collection in New Jersey.

The legislation was sponsored by Senators Walter J. Kavanaugh (R-Morris/Somerset) and Henry P. McNamara (R-Bergen/Passaic) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and George F. Geist (R-Camden/Gloucester).