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RWH

P.L. 2019, CHAPTER 44, *approved March 18, 2019*

Senate, No. 2454

1 **AN ACT** concerning prevailing wage requirements for certain
2 fabrication and amending P.L.1963, c.150.

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

6
7 1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to
8 read as follows:

9 2. As used in this act:

10 (1) "Department" means the Department of Labor and
11 Workforce Development of the State of New Jersey.

12 (2) "Locality" means any political subdivision of the State,
13 combination of the same or parts thereof, or any geographical area
14 or areas classified, designated and fixed by the commissioner from
15 time to time, provided that in determining the "locality," the
16 commissioner shall be guided by the boundary lines of political
17 subdivisions or parts thereof, or by a consideration of the areas with
18 respect to which it has been the practice of employers of particular
19 crafts or trades to engage in collective bargaining with the
20 representatives of workers in such craft or trade.

21 (3) "Maintenance work" means the repair of existing facilities
22 when the size, type or extent of such facilities is not thereby
23 changed or increased. "Maintenance work" also means any work on
24 a maintenance-related project that exceeds the scope of work and
25 capabilities of in-house maintenance personnel, requires the
26 solicitation of bids, and has an aggregate value exceeding \$50,000.

27 (4) "Public body" means the State of New Jersey, any of its
28 political subdivisions, any authority created by the Legislature of
29 the State of New Jersey and any instrumentality or agency of the
30 State of New Jersey or of any of its political subdivisions.

31 (5) "Public work" means construction, reconstruction,
32 demolition, alteration, custom fabrication or repair work, or
33 maintenance work, including painting and decorating, done under
34 contract and paid for in whole or in part out of the funds of a public
35 body, except work performed under a rehabilitation program.
36 "Public work" shall also mean construction, reconstruction,
37 demolition, alteration, custom fabrication or repair work, done on
38 any property or premises, whether or not the work is paid for from
39 public funds, if, at the time of the entering into of the contract the
40 property or premises is owned by the public body or:

41 (a) Not less than 55% of the property or premises is leased by a
42 public body, or is subject to an agreement to be subsequently leased
43 by the public body; and

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.

1 (b) The portion of the property or premises that is leased or
2 subject to an agreement to be subsequently leased by the public
3 body measures more than 20,000 square feet.

4 (6) "Commissioner" means the Commissioner of Labor and
5 Workforce Development or his duly authorized representatives.

6 (7) "Workman" or "worker" includes laborer, mechanic, skilled
7 or semi-skilled, laborer and apprentices or helpers employed by any
8 contractor or subcontractor and engaged in the performance of
9 services directly upon a public work, regardless of whether their
10 work becomes a component part thereof, but does not include
11 material suppliers or their employees who do not perform services
12 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25
13 et seq.), contractors or subcontractors engaged in custom fabrication
14 shall not be regarded as material suppliers.

15 (8) "Work performed under a rehabilitation program" means
16 work arranged by and at a State institution primarily for teaching
17 and upgrading the skills and employment opportunities of the
18 inmates of such institutions.

19 (9) "Prevailing wage" means the wage rate paid by virtue of
20 collective bargaining agreements by employers employing a
21 majority of workers of that craft or trade subject to said collective
22 bargaining agreements, in the locality in which the public work is
23 done.

24 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
25 56.25 et seq.) and the rules and regulations issued hereunder.

26 (11) "Prevailing wage contract threshold amount" means:

27 (a) In the case of any public work paid for in whole or in part
28 out of the funds of a municipality in the State of New Jersey or
29 done on property or premises owned by a public body or leased or
30 to be leased by the municipality, the dollar amount established for
31 the then current calendar year by the commissioner through rules
32 and regulations promulgated pursuant to the "Administrative
33 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which
34 amount shall be equal to \$9,850 on July 1, 1994 and which amount
35 shall be adjusted on July 1 every five calendar years thereafter in
36 direct proportion to the rise or fall in the average of the Consumer
37 Price Indices for Urban Wage Earners and Clerical Workers for the
38 New York metropolitan and the Philadelphia metropolitan regions
39 as reported by the United States Department of Labor during the
40 last full calendar year preceding the date upon which the adjustment
41 is made; and

42 (b) In the case of any public work other than a public work
43 described in paragraph (a) of this subsection, an amount equal to
44 \$2,000.

45 (12) "Custom fabrication" means:

1 (a) the fabrication of plumbing, heating, cooling, ventilation or
2 exhaust duct systems, and mechanical insulation; or

3 (b) any other fabrication which is either of components or
4 structures pre-fabricated to specifications for a particular project of
5 public work or of other materials finished into components without
6 further modification for use in a project of public work or for use in
7 a type or classification of a project of public work.

8 (cf: P.L.2009, c.249, s.1)

9

10 2. This act shall take effect immediately.

11

12

13

STATEMENT

14

15 This bill provides that certain fabrications used in public works
16 projects are covered under the "New Jersey Prevailing Wage Act,"
17 P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for
18 coverage for custom fabrication which is either of components or
19 structures pre-fabricated to specifications for a particular project or
20 of other materials finished into components without further
21 modification for use in a project or type or classification of a
22 project. "Custom fabrication" is already subject to the requirements
23 of the prevailing wage law, which defines custom fabrication as
24 "the fabrication of plumbing, heating, cooling, ventilation or
25 exhaust duct systems, and mechanical insulation." The bill does not
26 affect the current coverage of custom fabrication by the prevailing
27 wage law.

28

29

30

31

32 Concerns prevailing wage requirements for certain fabrication.

SENATE, No. 2454

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED APRIL 5, 2018

Sponsored by:

Senator FRED H. MADDEN, JR.

District 4 (Camden and Gloucester)

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

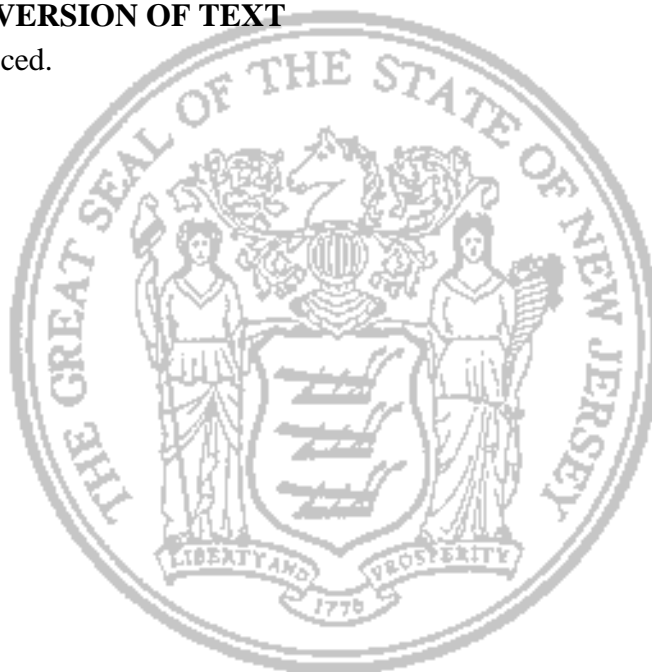
Assemblyman Egan

SYNOPSIS

Concerns prevailing wage requirements for certain fabrication.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/1/2019)

S2454 MADDEN

2

1 AN ACT concerning prevailing wage requirements for certain
2 fabrication and amending P.L.1963, c.150.

3

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

6

7 1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to
8 read as follows:

9 2. As used in this act:

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11 Workforce Development of the State of New Jersey.

12 (2) "Locality" means any political subdivision of the State,
13 combination of the same or parts thereof, or any geographical area
14 or areas classified, designated and fixed by the commissioner from
15 time to time, provided that in determining the "locality," the
16 commissioner shall be guided by the boundary lines of political
17 subdivisions or parts thereof, or by a consideration of the areas with
18 respect to which it has been the practice of employers of particular
19 crafts or trades to engage in collective bargaining with the
20 representatives of workers in such craft or trade.

21 (3) "Maintenance work" means the repair of existing facilities
22 when the size, type or extent of such facilities is not thereby
23 changed or increased. "Maintenance work" also means any work on
24 a maintenance-related project that exceeds the scope of work and
25 capabilities of in-house maintenance personnel, requires the
26 solicitation of bids, and has an aggregate value exceeding \$50,000.

27 (4) "Public body" means the State of New Jersey, any of its
28 political subdivisions, any authority created by the Legislature of
29 the State of New Jersey and any instrumentality or agency of the
30 State of New Jersey or of any of its political subdivisions.

31 (5) "Public work" means construction, reconstruction,
32 demolition, alteration, custom fabrication or repair work, or
33 maintenance work, including painting and decorating, done under
34 contract and paid for in whole or in part out of the funds of a public
35 body, except work performed under a rehabilitation program.
36 "Public work" shall also mean construction, reconstruction,
37 demolition, alteration, custom fabrication or repair work, done on
38 any property or premises, whether or not the work is paid for from
39 public funds, if, at the time of the entering into of the contract the
40 property or premises is owned by the public body or:

41 (a) Not less than 55% of the property or premises is leased by a
42 public body, or is subject to an agreement to be subsequently leased
43 by the public body; and

44 (b) The portion of the property or premises that is leased or
45 subject to an agreement to be subsequently leased by the public
46 body measures more than 20,000 square feet.

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.

S2454 MADDEN

1 (6) "Commissioner" means the Commissioner of Labor and
2 Workforce Development or his duly authorized representatives.

3 (7) "Workman" or "worker" includes laborer, mechanic, skilled
4 or semi-skilled, laborer and apprentices or helpers employed by any
5 contractor or subcontractor and engaged in the performance of
6 services directly upon a public work, regardless of whether their
7 work becomes a component part thereof, but does not include
8 material suppliers or their employees who do not perform services
9 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25
10 et seq.), contractors or subcontractors engaged in custom fabrication
11 shall not be regarded as material suppliers.

12 (8) "Work performed under a rehabilitation program" means
13 work arranged by and at a State institution primarily for teaching
14 and upgrading the skills and employment opportunities of the
15 inmates of such institutions.

16 (9) "Prevailing wage" means the wage rate paid by virtue of
17 collective bargaining agreements by employers employing a
18 majority of workers of that craft or trade subject to said collective
19 bargaining agreements, in the locality in which the public work is
20 done.

21 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
22 56.25 et seq.) and the rules and regulations issued hereunder.

23 (11) "Prevailing wage contract threshold amount" means:

24 (a) In the case of any public work paid for in whole or in part
25 out of the funds of a municipality in the State of New Jersey or
26 done on property or premises owned by a public body or leased or
27 to be leased by the municipality, the dollar amount established for
28 the then current calendar year by the commissioner through rules
29 and regulations promulgated pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which
31 amount shall be equal to \$9,850 on July 1, 1994 and which amount
32 shall be adjusted on July 1 every five calendar years thereafter in
33 direct proportion to the rise or fall in the average of the Consumer
34 Price Indices for Urban Wage Earners and Clerical Workers for the
35 New York metropolitan and the Philadelphia metropolitan regions
36 as reported by the United States Department of Labor during the
37 last full calendar year preceding the date upon which the adjustment
38 is made; and

39 (b) In the case of any public work other than a public work
40 described in paragraph (a) of this subsection, an amount equal to
41 \$2,000.

42 (12) "Custom fabrication" means:

43 (a) the fabrication of plumbing, heating, cooling, ventilation or
44 exhaust duct systems, and mechanical insulation; or

45 (b) any other fabrication which is either of components or
46 structures pre-fabricated to specifications for a particular project of

S2454 MADDEN

4

1 public work or of other materials finished into components without
2 further modification for use in a project of public work or for use in
3 a type or classification of a project of public work.

4 (cf: P.L.2009, c.249, s.1)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill provides that certain fabrications used in public works
12 projects are covered under the "New Jersey Prevailing Wage Act,"
13 P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for
14 coverage for custom fabrication which is either of components or
15 structures pre-fabricated to specifications for a particular project or
16 of other materials finished into components without further
17 modification for use in a project or type or classification of a
18 project. "Custom fabrication" is already subject to the requirements
19 of the prevailing wage law, which defines custom fabrication as
20 "the fabrication of plumbing, heating, cooling, ventilation or
21 exhaust duct systems, and mechanical insulation." The bill does not
22 affect the current coverage of custom fabrication by the prevailing
23 wage law.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2454

STATE OF NEW JERSEY

DATED: MAY 10, 2018

The Senate Labor Committee reports favorably Senate Bill No. 2454.

This bill provides that certain fabrications used in public works projects are covered under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for coverage for custom fabrication which is either of components or structures pre-fabricated to specifications for a particular project or of other materials finished into components without further modification for use in a project or type or classification of a project. "Custom fabrication" is already subject to the requirements of the prevailing wage law, which defines custom fabrication as "the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation." The bill does not modify the current definition as it pertains to those systems or mechanical insulation.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2454

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 2018

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2454.

This bill provides that certain fabrications used in public works projects are covered under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for coverage for custom fabrication which is either of components or structures pre-fabricated to specifications for a particular project or of other materials finished into components without further modification for use in a project or type or classification of a project. "Custom fabrication" is already subject to the requirements of the prevailing wage law, which defines custom fabrication as "the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation." The bill does not affect the current coverage of custom fabrication by the prevailing wage law.

FISCAL IMPACT:

The Office of Legislative Services notes that the bill may result in a potential indeterminate annual State and local units expenditure increase due to the costs associated with custom fabrication used in public work that is subject to the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), other than plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation. The impact of the bill cost will depend upon the difference, if any, between the costs of contracts that are not subject to prevailing wage requirements and the costs of contracts that are subject to prevailing wage requirements.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2454
STATE OF NEW JERSEY
218th LEGISLATURE

DATED: OCTOBER 2, 2018

SUMMARY

- Synopsis:** Concerns prevailing wage requirements for certain fabrication.
- Type of Impact:** Indeterminate, potentially insignificant, increase in costs to the State and local units.
- Agencies Affected:** Local units and various State agencies.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost		Indeterminate	
Local Cost		Indeterminate	

- The Office of Legislative Services (OLS) notes that the enactment of the bill may result in an indeterminate, likely insignificant, increase in State and local units' expenditures associated with custom fabrication used in public work that is subject to prevailing wage requirements.
- The impact of the bill will depend upon the difference, if any, between the costs of contracts that are not subject to prevailing wage requirements and the costs of contracts that are subject to prevailing wage requirements.

BILL DESCRIPTION

This bill provides that certain fabrications used in public works projects are covered under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for coverage for custom fabrication which is either of components or structures pre-fabricated to specifications for a particular project or of other materials finished into components without further modification for use in a project or type or classification of a project. "Custom fabrication" is already subject to the requirements of the prevailing wage law, which defines custom fabrication as "the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation." The bill does not modify the current definition as it pertains to those systems or mechanical insulation.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS notes that the bill may result in a potential indeterminate annual State and local expenditure increase due to the costs associated with custom fabrication used in public work that is subject to the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), other than plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation.

The impact of the bill cost will depend upon the difference, if any, between the costs of contracts that are not subject to prevailing wage requirements and the costs of contracts that are subject to prevailing wage requirements. Generally, work under a contract subject to prevailing wage requirements are more costly, due to workers' higher wages, than work done under a contract that is not subject to prevailing wage requirements. The OLS does not have enough information on the type and number of custom fabrication that is covered under the bill.

Section: *Commerce, Labor and Industry*

Analyst: *Juan C. Rodriguez*
Associate Fiscal Analyst

Approved: *Frank W. Haines III*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2454

STATE OF NEW JERSEY

DATED: JANUARY 28, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2454.

This bill provides that certain fabrications used in public works projects are covered under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for coverage for custom fabrication which is either of components or structures pre-fabricated to specifications for a particular project or of other materials finished into components without further modification for use in a project or type or classification of a project.

"Custom fabrication" is already subject to the requirements of the prevailing wage law, which defines custom fabrication as "the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation." The bill does not affect the current coverage of custom fabrication by the prevailing wage law.

As reported, this bill is identical to Assembly Bill No. 3964, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the enactment of the bill may result in an indeterminate, likely insignificant, increase in State and local units' expenditures associated with custom fabrication used in public work that is subject to prevailing wage requirements.

The impact of the bill will depend upon the difference, if any, between the costs of contracts that are not subject to prevailing wage requirements and the costs of contracts that are subject to prevailing wage requirements.

ASSEMBLY, No. 3964

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 17, 2018

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Co-Sponsored by:

Assemblyman Egan

SYNOPSIS

Concerns prevailing wage requirements for certain fabrication.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/1/2019)

A3964 MURPHY, HOUGHTALING

2

1 AN ACT concerning prevailing wage requirements for certain
2 fabrication and amending P.L.1963, c.150.

3

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

6

7 1. Section 2 of P.L.1963, c.150 (C.34:11-56.26) is amended to
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9 2. As used in this act:

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11 Workforce Development of the State of New Jersey.

12 (2) "Locality" means any political subdivision of the State,
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14 or areas classified, designated and fixed by the commissioner from
15 time to time, provided that in determining the "locality," the
16 commissioner shall be guided by the boundary lines of political
17 subdivisions or parts thereof, or by a consideration of the areas with
18 respect to which it has been the practice of employers of particular
19 crafts or trades to engage in collective bargaining with the
20 representatives of workers in such craft or trade.

21 (3) "Maintenance work" means the repair of existing facilities
22 when the size, type or extent of such facilities is not thereby
23 changed or increased. "Maintenance work" also means any work on
24 a maintenance-related project that exceeds the scope of work and
25 capabilities of in-house maintenance personnel, requires the
26 solicitation of bids, and has an aggregate value exceeding \$50,000.

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28 political subdivisions, any authority created by the Legislature of
29 the State of New Jersey and any instrumentality or agency of the
30 State of New Jersey or of any of its political subdivisions.

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38 any property or premises, whether or not the work is paid for from
39 public funds, if, at the time of the entering into of the contract the
40 property or premises is owned by the public body or:

41 (a) Not less than 55% of the property or premises is leased by a
42 public body, or is subject to an agreement to be subsequently leased
43 by the public body; and

44 (b) The portion of the property or premises that is leased or
45 subject to an agreement to be subsequently leased by the public

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.

1 body measures more than 20,000 square feet.

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3 Workforce Development or his duly authorized representatives.

4 (7) "Workman" or "worker" includes laborer, mechanic, skilled
5 or semi-skilled, laborer and apprentices or helpers employed by any
6 contractor or subcontractor and engaged in the performance of
7 services directly upon a public work, regardless of whether their
8 work becomes a component part thereof, but does not include
9 material suppliers or their employees who do not perform services
10 at the job site. For the purpose of P.L.1963, c.150 (C.34:11-56.25
11 et seq.), contractors or subcontractors engaged in custom fabrication
12 shall not be regarded as material suppliers.

13 (8) "Work performed under a rehabilitation program" means
14 work arranged by and at a State institution primarily for teaching
15 and upgrading the skills and employment opportunities of the
16 inmates of such institutions.

17 (9) "Prevailing wage" means the wage rate paid by virtue of
18 collective bargaining agreements by employers employing a
19 majority of workers of that craft or trade subject to said collective
20 bargaining agreements, in the locality in which the public work is
21 done.

22 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
23 56.25 et seq.) and the rules and regulations issued hereunder.

24 (11) "Prevailing wage contract threshold amount" means:

25 (a) In the case of any public work paid for in whole or in part
26 out of the funds of a municipality in the State of New Jersey or
27 done on property or premises owned by a public body or leased or
28 to be leased by the municipality, the dollar amount established for
29 the then current calendar year by the commissioner through rules
30 and regulations promulgated pursuant to the "Administrative
31 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which
32 amount shall be equal to \$9,850 on July 1, 1994 and which amount
33 shall be adjusted on July 1 every five calendar years thereafter in
34 direct proportion to the rise or fall in the average of the Consumer
35 Price Indices for Urban Wage Earners and Clerical Workers for the
36 New York metropolitan and the Philadelphia metropolitan regions
37 as reported by the United States Department of Labor during the
38 last full calendar year preceding the date upon which the adjustment
39 is made; and

40 (b) In the case of any public work other than a public work
41 described in paragraph (a) of this subsection, an amount equal to
42 \$2,000.

43 (12) "Custom fabrication" means:

44 (a) the fabrication of plumbing, heating, cooling, ventilation or
45 exhaust duct systems, and mechanical insulation; or

46 (b) any other fabrication which is either of components or
47 structures pre-fabricated to specifications for a particular project of
48 public work or of other materials finished into components without

1 further modification for use in a project of public work or for use in
2 a type or classification of a project of public work.

3 (cf: P.L.2009, c.249, s.1)

4

5 2. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 This bill provides that certain fabrications used in public works
11 projects are covered under the "New Jersey Prevailing Wage Act,"
12 P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for
13 coverage for custom fabrication which is either of components or
14 structures pre-fabricated to specifications for a particular project or
15 of other materials finished into components without further
16 modification for use in a project or type or classification of a
17 project. "Custom fabrication" is already subject to the requirements
18 of the prevailing wage law, which defines custom fabrication as
19 "the fabrication of plumbing, heating, cooling, ventilation or
20 exhaust duct systems, and mechanical insulation." The bill does not
21 affect the current coverage of custom fabrication by the prevailing
22 wage law.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3964

STATE OF NEW JERSEY

DATED: SEPTEMBER 17, 2018

The Assembly Labor Committee reports favorably Assembly Bill No. 3964.

This bill provides that certain fabrications used in public works projects are covered under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for coverage for custom fabrication which is either of components or structures pre-fabricated to specifications for a particular project or of other materials finished into components without further modification for use in a project or type or classification of a project. "Custom fabrication" is already subject to the requirements of the prevailing wage law, which defines custom fabrication as "the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation." The bill does not affect the current coverage of custom fabrication by the prevailing wage law.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3964

STATE OF NEW JERSEY

DATED: JANUARY 28, 2019

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3964.

This bill provides that certain fabrications used in public works projects are covered under the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.). The bill provides for coverage for custom fabrication which is either of components or structures pre-fabricated to specifications for a particular project or of other materials finished into components without further modification for use in a project or type or classification of a project.

"Custom fabrication" is already subject to the requirements of the prevailing wage law, which defines custom fabrication as "the fabrication of plumbing, heating, cooling, ventilation or exhaust duct systems, and mechanical insulation." The bill does not affect the current coverage of custom fabrication by the prevailing wage law.

As reported, this bill is identical to Senate Bill No. 2454, as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that the enactment of the bill may result in an indeterminate, likely insignificant, increase in State and local units' expenditures associated with custom fabrication used in public work that is subject to prevailing wage requirements.

The impact of the bill will depend upon the difference, if any, between the costs of contracts that are not subject to prevailing wage requirements and the costs of contracts that are subject to prevailing wage requirements.



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Newark, N.J.

Governor Murphy Takes Action on Legislation

03/18/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law

AJR-149 (Schepisi, Jasey, Johnson/Pou, T. Kean) – Designates September of each year as “Brain Aneurysm Awareness Month” in New Jersey.

AJR-164 (Benson, Zwicker, Lampitt/Diegnan, T. Kean) – Establishes "New Jersey Advanced Autonomous Vehicle Task Force."

A-591 (Moriarty, Reynolds-Jackson, Jimenez/Pou, Cruz-Perez) – Prohibits discrimination against cash-paying consumers.

A-1400 (A.M. Bucco, Caputo, DeCroce, Johnson/A.R. Bucco, Gopal) – Revises law governing Class Three special law enforcement officer.

A-4073 (Holley, Carter, Kennedy, Quijano/Scutari, Cryan) – Designates portion of State Highway Route 27 in Union County as "Jerry Green Memorial Highway."

A-4177 (Pintor Marin, Mukherji, Downey/Singleton, Ruiz) – Allows county homelessness trust funds to be used for code blue emergency shelter services.

A-4701 (Spearman, Chiaravalloti, Mukherji, Quijano/Ruiz, Cunningham) – Requires DHS to establish electronic portal to promote surplus food donation collaboration among nonprofit organizations, gleaners, and food retailers.

A-4734 (Land, Taliaferro, Mukherji/Beach, C.A. Brown) – Appropriates \$1,190,349 from constitutionally dedicated CBT revenues to NJ Historic Trust for historic site management grants to certain historic preservation projects and associated administrative expenses.

S-121 (Weinberg, Gill/McKeon, Bramnick, Vainieri Huttle) – Bars provisions in employment contracts that waive rights or remedies; bars agreements that conceal details relating to discrimination claims.

S-641 (Beach, Bateman/Munoz, Thomson, Lampitt) – Upgrades penalty for failing to report act of sexual abuse against child.

S-746 (Diegnan, Cruz-Perez/Vainieri Huttle, Pinkin, Chiaravalloti) – Permits certain audiologists to dispense and fit hearing aids.

S-1073 (Smith, Bateman, Codey, Greenstein/McKeon, Pinkin, Tucker) – Authorizes municipalities, counties, and certain authorities to establish stormwater utilities.

S-1773 (Diegnan, Gopal/Calabrese, Chiaravalloti, Tully) – Requires display of identifying information on rear of school bus so public may report bus driver misconduct.

S-2454 (Madden/Murphy, Houghtaling, Downey) – Concerns prevailing wage requirements for certain fabrication.

S-2712 (Ruiz, Madden/Lampitt, Murphy) – Mandates certain training for DOE arbitrators.

S-2714 (Ruiz, Madden/Lampitt, Armato, Murphy) – Requires school districts to notify State Board of Examiners when teaching staff member fails to report child abuse for determination of revocation or suspension of certificate.

S-2715 (Madden, Ruiz/Lampitt, Reynolds-Jackson) – Requires Attorney General to develop protocol for retaining footage from school surveillance system.

S-2773 (Pou/Greenwald, Lopez, Vainieri Huttle) – Clarifies definition of health care service firms and homemaker-home health aides.

S-2922 (Vitale, O'Scanlon/Vainieri Huttle, DiMaso) – Revises standard for presence of medical examiner during removal of anatomical gift from decedent.

Governor Murphy also announced that he has conditionally vetoed the following bills:

A-4904 (Mukherji, Quijano, Mazzeo/Cryan, Sweeney) – Concerns property taxes due and owing on real property owned by certain federal employees or contractors under certain circumstances.

[Copy of Statement on A-4904](#)

S-2129 (Cruz-Perez, Turner/Wimberly, Armato, Lopez, Mazzeo) – Directs certain unclaimed electric and gas utility deposits in Unclaimed Utility Deposits Trust Fund and societal charge revenues be paid to Statewide nonprofit energy assistance organizations meeting certain eligibility criteria.

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