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end

P.L. 2022, CHAPTER 113, *approved September 22, 2022*
Senate, No. 1027 (*Second Reprint*)

1 AN ACT concerning duct work and amending P.L.1963, c.150.

2

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

5

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

8 2. As used in this act:

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

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

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

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

30 (5) "Public work" means construction, reconstruction,
31 demolition, alteration, custom fabrication¹, duct cleaning,¹ or
32 repair work, or maintenance work, including ¹**[duct cleaning]**¹
33 painting, and decorating, done under contract and paid for in whole
34 or in part out of the funds of a public body, except work performed
35 under a rehabilitation program. "Public work" shall also mean
36 construction, reconstruction, demolition, alteration, custom
37 fabrication ², duct cleaning,² or repair work, done on any property
38 or premises, whether or not the work is paid for from public funds,
39 if, at the time of the entering into of the contract the property or
40 premises is owned by the public body or

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted May 26, 2022.

²Assembly floor amendments adopted June 29, 2022.

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

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

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

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

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

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

27 (10) "Act" means the provisions of P.L.1963, c.150 (C.34:11-
28 56.25 et seq.) and the rules and regulations issued hereunder.

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

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

45 (b) In the case of any public work other than a public work
46 described in paragraph (a) of this subsection, an amount equal to
47 \$2,000.

48 (12) "Custom fabrication" means:

S1027 [2R]

3

1 (a) the fabrication of any of the following: plumbing, heating,
2 cooling, ventilation or exhaust duct systems, mechanical insulation,
3 or one or more signs in a project which cost a total of more than
4 \$30,000 and are part of a project upon completion; or
5 (b) any other fabrication which is either of components or
6 structures pre-fabricated to specifications for a particular project of
7 public work or of other materials finished into components without
8 further modification for use in a project of public work or for use in
9 a type or classification of a project of public work.
10 (cf: P.L.2021, c.253)

11

12 2. This act shall take effect immediately.

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16

17 Includes duct cleaning as public work subject to the prevailing
18 wage law.

SENATE, No. 1027

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED JANUARY 31, 2022

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

Senators Zwicker, Lagana and Pou

SYNOPSIS

Includes duct cleaning as maintenance work subject to the prevailing wage law.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/19/2022)

1 AN ACT concerning duct work and amending P.L.1963, c.150.

2

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

5

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

8 2. As used in this act:

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

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

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

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

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

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

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

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
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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 any of the following: plumbing, heating,
44 cooling, ventilation or exhaust duct systems, mechanical insulation,
45 or one or more signs in a project which cost a total of more than
46 \$30,000 and are part of a project upon completion; or

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

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.2021, c.253)

5

6 2. This act shall take effect immediately.

7

8

9

STATEMENT

10

11 This bill includes duct cleaning as maintenance work which is
12 subject to the provisions of the "New Jersey Prevailing Wage Act,"
13 P.L.1963, c.150 (C.34:11-56.25 et seq.).

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 1027

STATE OF NEW JERSEY

DATED: MAY 9, 2022

The Senate Labor Committee reports favorably, Senate Bill No. 1027.

This bill includes duct cleaning as maintenance work which is subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

STATEMENT TO
SENATE, No. 1027

with Senate Floor Amendments
(Proposed by Senator SINGLETON)

ADOPTED: MAY 26, 2022

These amendments clarify that the “duct cleaning” which the bill makes subject to prevailing wage requirements is not to be regarded as “maintenance work” for the purposes of the prevailing wage law.

STATEMENT TO
[First Reprint]
SENATE, No. 1027

with Assembly Floor Amendments
(Proposed by Assemblyman GREENWALD)

ADOPTED: JUNE 29, 2022

This floor amendment includes duct cleaning in the second sentence of the definition of “public work” to be consistent with the first sentence of the definition.

ASSEMBLY, No. 2208

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

SYNOPSIS

Includes duct cleaning as maintenance work subject to the prevailing wage law.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning duct work and amending P.L.1963, c.150.

2

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17 respect to which it has been the practice of employers of particular
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19 representatives of workers in such craft or trade

20 (3) "Maintenance work" means the repair of existing facilities
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23 a maintenance-related project that exceeds the scope of work and
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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.

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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.

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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
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29 and regulations promulgated pursuant to the "Administrative
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), which
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37 last full calendar year preceding the date upon which the adjustment
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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.

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44 cooling, ventilation or exhaust duct systems, mechanical insulation,
45 or one or more signs in a project which cost a total of more than
46 \$30,000 and are part of a project upon completion; or

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

A2208 GREENWALD

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. 2021, c.253)

5

6 2. This act shall take effect immediately.

7

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9

STATEMENT

10

11 This bill includes duct cleaning as maintenance work which is
12 subject to the provisions of the "New Jersey Prevailing Wage Act,"
13 P.L.1963, c.150 (C.34:11-56.25 et seq.)

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2208

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2022

The Assembly Labor Committee reports favorably and with committee amendments Assembly Bill No. 2208.

As amended, this bill includes duct cleaning as public work which is subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

COMMITTEE AMENDMENTS:

The committee amended the bill to clarify that the "duct cleaning" which the bill makes subject to prevailing wage requirements is not to be regarded as "maintenance work" for the purposes of the prevailing wage law.

ASSEMBLY STATE AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2208

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 9, 2022

The Assembly State and Local Government Committee reports favorably and with committee amendments Assembly Bill No. 2208 (1R).

As amended, this bill includes duct cleaning as maintenance work which is subject to the provisions of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.).

COMMITTEE AMENDMENTS:

The committee amended the bill to include duct cleaning in the second sentence of the definition of "public work" to be consistent with the first sentence of the definition.

Governor Murphy Takes Action on Legislation

09/22/2022

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

S-772/A-1929 (Pou, Pennacchio/Swain, Dancer, McKnight) - Directs Department of Agriculture to establish New Jersey Minority, Women, and Underserved Farmer Registry

S-1027/A-2208 (Singleton, Cruz-Perez/Greenwald, Verrelli, Sampson) - Includes duct cleaning as public work subject to the prevailing wage law

S-2253/A-3656 (Scutari, Pou/Stanley, McKnight, Benson) - Limits fees charged for copies of medical and billing records

The Governor vetoed the following bills:

S-757/S-2772 (Sarlo, Oroho/Freiman, Mukherji, Dancer) - CONDITIONAL - Authorizes special occasion events at certain commercial farms on preserved farmland, under certain conditions

[Copy of Statement](#)

SCS for S-2357/ACS for A-3830 (Madden, Lagana/Moriarty, Haider, Danielsen) - CONDITIONAL - Concerns timely payment of UI benefits

[Copy of Statement](#)

A-1474/S-511 (Lopez, Danielsen, Carter/Cryan) - CONDITIONAL - Provides certain protections and rights for temporary laborers.

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