

52:27C-73.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2002 **CHAPTER:** 78

NJSA: 52:27C-73.1 (Payment of prevailing wage)

BILL NO: S575 (Substituted for A214)

SPONSOR(S): Codey and others

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** ----

SENATE: Labor

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 27, 2002

SENATE: March 25, 2002

DATE OF APPROVAL: September 5, 2002

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

S575

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

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A214

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

Bill and Sponsors Statement identical to AS575

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

[FLOOR AMENDMENT STATEMENTS:](#) [Yes](#)

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2002, CHAPTER 78, *approved September 5, 2002*
Senate, No. 575 (*First Reprint*)

1 **AN ACT** concerning construction contracts undertaken in connection
2 with financial assistance from the New Jersey Commerce and
3 Economic Growth Commission or the New Jersey Economic
4 Development Authority, amending P.L.1979, c.303 and
5 supplementing P.L.1998, c.44 (C.52:27C-61 et seq.).
6

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

9
10 1. Section 1 of P.L.1979, c.303 (C.34:1B-5.1) is amended to read
11 as follows:

12 1. The New Jersey Economic Development Authority shall adopt
13 rules and regulations requiring that not less than the prevailing wage
14 rate be paid to workers employed in the performance of any
15 construction **[contracts]** contract undertaken in connection with any
16 of its projects or school facilities projects or undertaken to fulfill any
17 condition of receiving authority financial assistance. The prevailing
18 wage rate shall be the rate determined by the Commissioner of Labor
19 pursuant to the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.).
20 For the purposes of this section, "authority financial assistance" means
21 any loan, loan guarantee, grant, incentive, tax exemption or other
22 financial assistance approved, funded, authorized, administered or
23 provided by the authority to any entity, including but not limited to, all
24 authority financial assistance received by the entity pursuant to
25 P.L.1996, c.26 (C.34:1B-124 et seq.) ¹that enables the entity to
26 engage in a construction contract, but this shall not be construed as
27 requiring the payment of the prevailing wage for construction
28 commencing more than two years after the assistance is received¹.
29 (cf: P.L.2000, c.72, s.47)
30

31 2. Section 2 of P.L.1979, c.303 (C.34:1B-5.2) is amended to read
32 as follows:

33 2. The rules and regulations adopted under section 1 of this act
34 shall provide for the proper and appropriate administration and
35 enforcement of such regulations **[**, and for the coverage and
36 exemptions, if any, of such rules and regulations, which the Authority
37 may determine are appropriate and consistent with its public purpose
38 and purpose of this act**]**.
39 (cf: P.L.1979, c.303, s.2)

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SLA committee amendments adopted March 14, 2002.

1 3. (New section) The commission shall adopt rules and regulations
2 requiring that not less than the prevailing wage rate be paid to workers
3 employed in the performance of any construction contract undertaken
4 in connection with commission financial assistance or undertaken to
5 fulfill any condition of receiving commission financial assistance. The
6 prevailing wage rate shall be the rate determined by the Commissioner
7 of Labor pursuant to the provisions of P.L.1963, c.150 (C.34:11-56.25
8 et seq.). For the purposes of this section, "commission financial
9 assistance" means any loan, loan guarantee, grant, incentive, tax
10 exemption or other financial assistance approved, funded, authorized,
11 administered or provided by the commission to any entity, including
12 but not limited to, all commission financial assistance received by the
13 entity pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.) ¹that enables
14 the entity to engage in a construction contract, but this shall not be
15 construed as requiring the payment of the prevailing wage for
16 construction commencing more than two years after the assistance is
17 received¹.

18

19 4. This act shall take effect immediately.

20

21

22

23

24 Requires payment of prevailing wages in construction related to
25 Commerce and Economic Growth Commission and EDA assistance.

SENATE, No. 575

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator RICHARD J. CODEY

District 27 (Essex)

Senator JOSEPH CONIGLIO

District 38 (Bergen)

SYNOPSIS

Requires payment of prevailing wages in construction related to Commerce and Economic Growth Commission and EDA assistance.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 1/16/2002)

S575 CODEY, CONIGLIO

2

1 AN ACT concerning construction contracts undertaken in connection
2 with financial assistance from the New Jersey Commerce and
3 Economic Growth Commission or the New Jersey Economic
4 Development Authority, amending P.L.1979, c.303 and
5 supplementing P.L.1998, c.44 (C.52:27C-61 et seq.).
6

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

9
10 1. Section 1 of P.L.1979, c.303 (C.34:1B-5.1) is amended to read
11 as follows:

12 1. The New Jersey Economic Development Authority shall adopt
13 rules and regulations requiring that not less than the prevailing wage
14 rate be paid to workers employed in the performance of any
15 construction ~~[contracts]~~ contract undertaken in connection with
16 Authority financial assistance or undertaken to fulfill any condition of
17 receiving Authority financial assistance. The prevailing wage rate shall
18 be the rate determined by the Commissioner of Labor ~~[and Industry]~~
19 pursuant to the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.).
20 For the purposes of this section, "Authority financial assistance" means
21 any loan, loan guarantee, grant, incentive, tax exemption or other
22 financial assistance approved, funded, authorized, administered or
23 provided by the Authority to any entity, including but not limited to,
24 all Authority financial assistance received by the entity pursuant to
25 P.L.1996, c.26 (C.34:1B-124 et seq.).

26 (cf: P.L.1979, c.303, s.1)
27

28 2. Section 2 of P.L.1979, c.303 (C.34:1B-5.2) is amended to read
29 as follows:

30 2. The rules and regulations adopted under section 1 of this act
31 shall provide for the proper and appropriate administration and
32 enforcement of such regulations ~~], and for the coverage and~~
33 exemptions, if any, of such rules and regulations, which the Authority
34 may determine are appropriate and consistent with its public purpose
35 and purpose of this act].

36 (cf: P.L.1979, c.303, s.2)
37

38 3. (New section) The commission shall adopt rules and regulations
39 requiring that not less than the prevailing wage rate be paid to workers
40 employed in the performance of any construction contract undertaken
41 in connection with commission financial assistance or undertaken to
42 fulfill any condition of receiving commission financial assistance. The
43 prevailing wage rate shall be the rate determined by the Commissioner

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 of Labor pursuant to the provisions of P.L.1963, c.150 (C.34:11-56.25
2 et seq.). For the purposes of this section, "commission financial
3 assistance" means any loan, loan guarantee, grant, incentive, tax
4 exemption or other financial assistance approved, funded, authorized,
5 administered or provided by the commission to any entity, including
6 but not limited to, all commission financial assistance received by the
7 entity pursuant to P.L.1996, c.25 (C.34:1B-112 et seq.).

8
9 4. This act shall take effect immediately.

10
11
12 STATEMENT

13
14 This bill requires the payment of prevailing wages in the
15 performance of all construction contracts which are undertaken in
16 connection with any financial assistance from the New Jersey
17 Commerce and Economic Growth Commission or the New Jersey
18 Economic Development Authority, or to fulfill conditions of receiving
19 the financial assistance, including loans, loan guarantees, grants,
20 incentives, tax exemptions or other financial assistance approved,
21 funded, authorized, administered or provided to any entity by the
22 commission or the authority. The bill also removes the authority's
23 power to make exemptions from prevailing wage requirements.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 575

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 14, 2002

The Senate Labor Committee reports favorably, and with committee amendments, Senate Bill No. 575.

This bill, as amended, requires the payment of prevailing wages in the performance of all construction contracts which are undertaken in connection with certain financial assistance from the New Jersey Commerce and Economic Growth Commission or the New Jersey Economic Development Authority, or to fulfill conditions of receiving the financial assistance, including loans, loan guarantees, grants, incentives, tax exemptions or other financial assistance approved, funded, authorized, administered or provided to any entity by the commission or the authority. The bill also removes the authority's power to make exemptions from prevailing wage requirements.

The committee amended the bill to restrict the prevailing wage requirement to financial assistance that enables an entity to engage in a construction contract commenced within two years of receiving the assistance.

This bill was pre-filed for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY, No. 214

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

**Assemblywoman ARLINE M. FRISCIA
District 19 (Middlesex)**

Co-Sponsored by:

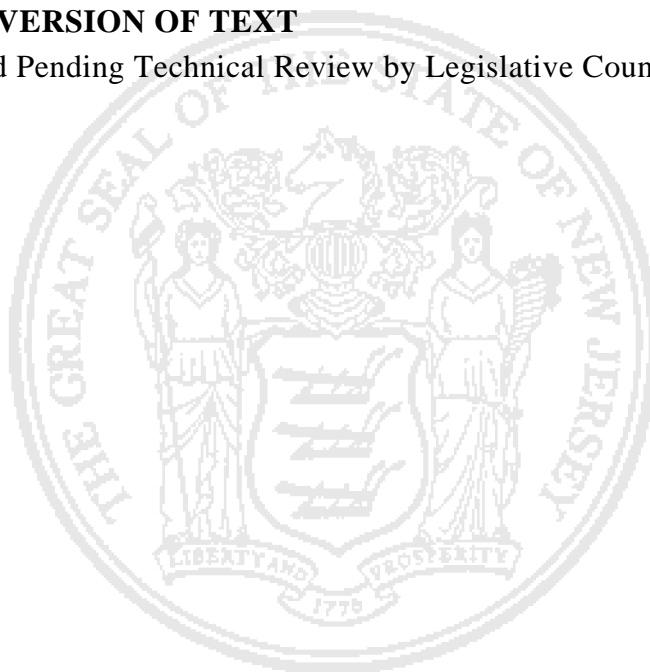
**Assemblymen Impreveduto, Payne, Conaway, Caraballo, Green, Roberts,
Assemblywoman Weinberg, Assemblymen Tucker, Wisniewski, Gusciora
and Ahearn**

SYNOPSIS

Requires payment of prevailing wages in construction related to DCED and EDA assistance.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2002)

A214 FRISCIA

2

1 AN ACT concerning construction contracts undertaken in connection
2 with financial assistance from the Department of Commerce and
3 Economic Development or the New Jersey Economic Development
4 Authority, amending P.L.1979, c.303 and supplementing P.L.1981,
5 c.122 (C.52:27H-1 et seq.).
6

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

9
10 1. Section 1 of P.L.1979, c.303 (C.34:1B-5.1) is amended to read
11 as follows:

12 1. The New Jersey Economic Development Authority shall adopt
13 rules and regulations requiring that not less than the prevailing wage
14 rate be paid to workers employed in the performance of any
15 construction ~~[contracts]~~ contract undertaken in connection with
16 Authority financial assistance or undertaken to fulfill any condition of
17 receiving Authority financial assistance. The prevailing wage rate shall
18 be the rate determined by the Commissioner of Labor ~~[and Industry]~~
19 pursuant to the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.).
20 For the purposes of this section, "Authority financial assistance" means
21 any loan, loan guarantee, grant, incentive, tax exemption or other
22 financial assistance approved, funded, authorized, administered or
23 provided by the Authority to any entity, including but not limited to,
24 all Authority financial assistance received by the entity pursuant to
25 P.L.1996, c.26 (C.34:1B-124 et seq.).

26 (cf: P.L.1979, c.303, s.1)

27

28 2. Section 2 of P.L.1979, c.303 (C.34:1B-5.2) is amended to read
29 as follows:

30 2. The rules and regulations adopted under section 1 of this act
31 shall provide for the proper and appropriate administration and
32 enforcement of such regulations[, and for the coverage and
33 exemptions, if any, of such rules and regulations, which the Authority
34 may determine are appropriate and consistent with its public purpose
35 and purpose of this act].

36 (cf: P.L.1979, c.303, s.2)

37

38 3. (New section) The commissioner shall adopt rules and
39 regulations requiring that not less than the prevailing wage rate be paid
40 to workers employed in the performance of any construction contract
41 undertaken in connection with department financial assistance or
42 undertaken to fulfill any condition of receiving department financial
43 assistance. The prevailing wage rate shall be the rate determined by

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 the Commissioner of Labor pursuant to the provisions of P.L.1963,
2 c.150 (C.34:11-56.25 et seq.). For the purposes of this section,
3 "department financial assistance" means any loan, loan guarantee,
4 grant, incentive, tax exemption or other financial assistance approved,
5 funded, authorized, administered or provided by the department to any
6 entity, including but not limited to, all department financial assistance
7 received by the entity pursuant to P.L.1996, c.25 (C.34:1B-112 et
8 seq.).

9
10 4. This act shall take effect immediately.

11

12

13 STATEMENT

14

15 This bill requires the payment of prevailing wages in the
16 performance of all construction contracts which is undertaken in
17 connection with any financial assistance from the Department of
18 Commerce and Economic Development or the New Jersey Economic
19 Development Authority or to fulfill conditions of receiving the
20 financial assistance, including loans, loan guarantees, grants,
21 incentives, tax exemptions or other financial assistance approved,
22 funded, authorized, administered or provided to any entity by the
23 department or the authority. The bill also removes the authority's
24 power to make exemptions from prevailing wage requirements.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 214

STATE OF NEW JERSEY

DATED: FEBRUARY 28, 2002

The Assembly Labor Committee reports favorably Assembly Bill No.214, with committee amendments.

This bill requires the payment of prevailing wages in the performance of all construction contracts which are undertaken in connection with any financial assistance from the Department of Commerce and Economic Development or the New Jersey Economic Development Authority or to fulfill conditions of receiving the financial assistance, including loans, loan guarantees, grants, incentives, tax exemptions or other financial assistance approved, funded, authorized, administered or provided to any entity by the department or the authority. The bill also removes the authority's power to make exemptions from prevailing wage requirements.

The committee amendments replace all references in the bill to the Department of Commerce and Economic Development with references to the New Jersey Commerce and Economic Growth Commission, the entity established as the successor to the department by P.L.1998, c.44.

This bill was pre-filed for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 214

with Assembly Floor Amendments
(Proposed By Assemblywoman FRISCIA)

ADOPTED: JUNE 24, 2002

These Assembly amendments provide that the bill's requirement that the prevailing wage be paid in connection with construction receiving financial assistance from the New Jersey Commerce and Economic Growth Commission or the New Jersey Economic Development Authority does not apply to any construction commencing more than two years after the assistance is received. As amended, the bill is identical to Senate Bill No. 575(1R).