

# 34:11-56.26

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2009               **CHAPTER:** 249

**NJSA:** 34:11-56.26 (Extends prevailing wage requirements to certain maintenance-related projects)

**BILL NO:** A4268 (Substituted for S3095)

**SPONSOR(S)** Cryan and Others

**DATE INTRODUCED:** November 30, 2009

**COMMITTEE:**               **ASSEMBLY:** Labor

**SENATE:** Labor

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**           **ASSEMBLY:** December 7, 2009

**SENATE:** January 11, 2010

**DATE OF APPROVAL:** January 16, 2010

### FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** (Introduced version of bill enacted)

#### **A4268**

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill) Yes

**COMMITTEE STATEMENT:**                               **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### **S3095**

**SPONSOR'S STATEMENT:** (Begins on page 4 of introduced bill) Yes

**COMMITTEE STATEMENT:**                               **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

# ASSEMBLY, No. 4268

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblywoman LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Assemblyman Egan, Assemblywoman Wagner, Assemblyman DeAngelo,  
Senators Sweeney and Baroni**

**SYNOPSIS**

Extends prevailing wage requirements to certain maintenance-related projects.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning the prevailing wage with respect to certain  
2 maintenance-related projects 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 Workforce  
11 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 the fabrication of plumbing,  
46 heating, cooling, ventilation or exhaust duct systems, and  
47 mechanical insulation.

48 (cf: P.L.2007, c.68, s.1)

1       2. This act shall take effect immediately.

2

3

4

STATEMENT

5

6       This bill extends the scope of maintenance work which is subject  
7 to the prevailing wage requirements of the "New Jersey Prevailing  
8 Wage Act," P.L.1963, c.150 (C. 34:11-56.25 et seq.) to include any  
9 work on a maintenance-related project that exceeds the scope of  
10 work and capabilities of in-house maintenance personnel, requires  
11 the solicitation of bids, and has an aggregate value exceeding  
12 \$50,000. Currently, the scope of "maintenance work" subject to the  
13 prevailing wage requirements of that act is limited to the repair of  
14 existing facilities when the size, type or extent of such facilities is  
15 not thereby changed or increased.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4268**

**STATE OF NEW JERSEY**

DATED: NOVEMBER 30, 2009

The Assembly Labor Committee reports favorably Assembly Bill No. 4268.

This bill extends the scope of maintenance work which is subject to the prevailing wage requirements of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C. 34:11-56.25 et seq.) to include any work on a maintenance-related project that exceeds the scope of work and capabilities of in-house maintenance personnel, requires the solicitation of bids, and has an aggregate value exceeding \$50,000. Currently, the scope of "maintenance work" subject to the prevailing wage requirements of that act is limited to the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 4268

# STATE OF NEW JERSEY

DATED: DECEMBER 10, 2009

The Senate Labor Committee reports favorably Assembly Bill No. 4268.

This bill extends the scope of maintenance work which is subject to the prevailing wage requirements of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.) to include any work on a maintenance-related project that exceeds the scope of work and capabilities of in-house maintenance personnel, requires the solicitation of bids, and has an aggregate value exceeding \$50,000. Currently, the scope of "maintenance work" subject to the prevailing wage requirements of that act is limited to the repair of existing facilities when the size, type or extent of such facilities is not thereby changed or increased. The bill is designed, therefore, to apply to substantial maintenance projects which are beyond the capacity of in-house maintenance staff, requiring the bidding out of work, typically on a one-time or very infrequent basis, such as a major replacement of sewer pipes, but not something like the regular, ongoing maintenance of a housing complex provided assistance to attain affordable housing assistance. The provisions of the bill do not apply to any work which is not part of "public work" as defined by the "New Jersey Prevailing Wage Act," whether or not the wage rates required by that act apply to the work.

This bill is identical to Senate Bill No. 3095, also reported by the committee today.



# SENATE, No. 3095

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 23, 2009

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**Senator BILL BARONI**

**District 14 (Mercer and Middlesex)**

**SYNOPSIS**

Extends prevailing wage requirements to certain maintenance-related projects.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2010)**

S3095 SWEENEY, BARONI

2

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# SENATE LABOR COMMITTEE

## STATEMENT TO

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# STATE OF NEW JERSEY

DATED: DECEMBER 10, 2009

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