

48:2-29.47

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2009 **CHAPTER:** 89
NJSA: 48:2-29.47 (Concerns prevailing wage in construction projects connected with Board of Public Utilities financial assistance)
BILL NO: A3372 (Substituted for S2340)
SPONSOR(S) Barnes and others
DATE INTRODUCED: October 23, 2008
COMMITTEE: **ASSEMBLY:** Labor
 SENATE: ---
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** May 21, 2009
 SENATE: June 25, 2009
DATE OF APPROVAL: July 15, 2009

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First reprint enacted)

A3372

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** Yes
 SENATE: No

(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)

FLOOR AMENDMENT STATEMENT: No
LEGISLATIVE FISCAL ESTIMATE: No

S2340

SPONSOR'S STATEMENT: (Begins on page 3 of original bill) Yes
COMMITTEE STATEMENT: **ASSEMBLY:** No
 SENATE: Yes
FLOOR AMENDMENT STATEMENT: Yes 3-16-09
 5-21-09
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/IS 2/4/10

[First Reprint]

ASSEMBLY, No. 3372

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED OCTOBER 23, 2008

Sponsored by:

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

Assemblyman PATRICK J. DIEGNAN, JR.

District 18 (Middlesex)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblyman DeAngelo, Assemblywoman Greenstein, Assemblymen Albano, Vas, Wisniewski, Moriarty, Conners, Assemblywoman Wagner, Senators Sweeney, Buono, Weinberg, Baroni and Turner

SYNOPSIS

Concerns prevailing wage in construction projects connected with Board of Public Utilities financial assistance.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on May 11, 2009, with amendments.

(Sponsorship Updated As Of: 6/26/2009)

1 AN ACT concerning prevailing wage requirements for certain
2 construction contracts undertaken in connection with Board of
3 Public Utilities financial assistance and supplementing Title 48
4 of the Revised Statutes.

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

8
9 1. The Board of Public Utilities shall adopt rules and
10 regulations requiring that not less than the prevailing wage rate be
11 paid to workers employed in the performance of any construction
12 undertaken in connection with board financial assistance, or
13 undertaken to fulfill any condition of receiving board financial
14 assistance, including the performance of any contract to construct,
15 renovate or otherwise prepare a facility, the operations of which are
16 necessary for the receipt of board financial assistance¹, except that
17 the prevailing wage rate requirements of this section shall not apply
18 to any contract which is less than the prevailing wage contract
19 threshold amount for municipalities provided in paragraph (a) of
20 subsection (11) of section 2 of P.L.1963, c.150 (C.34:11-56.26)¹.
21 The prevailing wage rate shall be the rate determined by the
22 Commissioner of Labor and Workforce Development pursuant to
23 the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.). For the
24 purposes of this section, “board financial assistance” means any tax
25 exemption, abatement or other incentive or any rebate, credit, loan,
26 loan guarantee, expenditure, investment, grant, incentive, or other
27 financial assistance which is, in connection with construction,
28 approved, funded, authorized, administered or provided by the
29 board, whether the assistance is received before, during or after
30 completion of the construction, except that “board financial
31 assistance” does not include any rebate, credit, loan, loan guarantee,
32 expenditure, investment, grant, rental voucher, rental assistance, tax
33 exemption, tax abatement, tax incentive, or other financial
34 assistance from any source, if that assistance is provided directly to
35 a homeowner or tenant in connection with the homeowners’ or
36 tenant’s place of residence, including assistance for energy-related
37 and other improvements to the place of residence ¹or if that
38 assistance is provided for any new construction or weatherization of
39 a single family home, town home, or row home, or of any apartment
40 building, condominium building, or multi-family home of four
41 stories or less¹.

42 For the purpose of implementing the provisions of this section,
43 the Commissioner of Labor and Workforce Development shall
44 exercise all powers and duties granted by P.L.1963, c.150 (C.34:11-

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:

¹Assembly ALA committee amendments adopted May 11, 2009.

1 56.25 et seq.) regarding the payment of the prevailing wage, and
2 any worker employed in the performance of construction work
3 subject to this section, and the employer or any designated
4 representative of the worker, may exercise all rights granted to them
5 by that act.

6

7 2. This act shall take effect immediately.

1 SPONSOR'S STATEMENT

2

3 This bill requires the Board of Public Utilities to adopt
4 regulations providing that the prevailing wage rate determined by
5 the Commissioner of Labor and Workforce Development be paid to
6 workers employed in the performance of any construction
7 undertaken in connection with board financial assistance, or
8 undertaken to fulfill any condition of receiving board financial
9 assistance, including the performance of any contract to construct,
10 renovate or otherwise prepare a facility, the operations of which are
11 necessary for the receipt of board financial assistance.

12 The bill defines "board financial assistance" to mean any tax
13 exemption, abatement or other incentive or any rebate, credit, loan,
14 loan guarantee, expenditure, investment, grant, incentive, or other
15 financial assistance which is, in connection with construction,
16 approved, funded, authorized, administered or provided by the
17 board, whether the assistance is received before, during or after
18 completion of the construction, but excludes from the definition any
19 assistance provided directly to homeowners and tenants in
20 connection with their places of residence.

21 The bill authorizes the Commissioner of Labor and Workforce
22 Development to exercise all powers and duties granted by the
23 prevailing wage law regarding the payment of the prevailing wage,
24 and any worker employed in the performance of construction work
25 subject to the bill, and the employer or any designated
26 representative of the worker, to exercise all rights granted to them
27 by that act.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3372

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 11, 2009

The Assembly Labor Committee reports favorably, and with committee amendments, Assembly Bill No. 3372.

As amended by the committee, this bill requires the Board of Public Utilities to adopt regulations providing that the prevailing wage rate determined by the Commissioner of Labor and Workforce Development be paid to workers employed in the performance of any contract exceeding the prevailing wage contract threshold amount for municipalities, currently \$11,892, for construction undertaken in connection with board financial assistance, or undertaken to fulfill any condition of receiving board financial assistance, including any contract to construct, renovate or otherwise prepare a facility, the operations of which are necessary for the receipt of board financial assistance.

As amended, the bill defines "board financial assistance" to mean any tax exemption, abatement or other incentive or any rebate, credit, loan, loan guarantee, expenditure, investment, grant, incentive, or other financial assistance which is, in connection with construction, approved, funded, authorized, administered or provided by the board, whether the assistance is received before, during or after completion of the construction, except for assistance provided directly to a homeowner or tenant in connection with the homeowners' or tenant's place of residence or provided for any new construction or weatherization of a single family home, town home, or row home, or of any apartment building, condominium building, or multi-family home of four stories or less. The prevailing wage requirements of the bill do not apply to any construction undertaken by a utility or other business which does not receive assistance from the board in connection with the construction, even if the utility or other business is regulated by the board.

The bill authorizes the Commissioner of Labor and Workforce Development to exercise all powers and duties granted by the prevailing wage law, and authorizes any worker employed in the performance of construction work subject to the bill, and the employer or any designated representative of the worker, to exercise all rights granted to them by that act.

COMMITTEE AMENDMENTS

The amendments adopted by the committee exempt from the bill's prevailing wage requirements:

1. Any contract of an amount less than the prevailing wage contract threshold amount for contracts with municipalities, which is currently \$11,892; and

2. Any construction undertaken with board assistance provided for any new construction or weatherization of a single family home, town home, or row home, or of any apartment building, condominium building, or multi-family home of four stories or less.

S2340 SWEENEY, BUONO

1 SPONSOR'S STATEMENT

2

3 This bill requires the Board of Public Utilities to adopt
4 regulations providing that the prevailing wage rate determined by
5 the Commissioner of Labor and Workforce Development be paid to
6 workers employed in the performance of any construction
7 undertaken in connection with board financial assistance, or
8 undertaken to fulfill any condition of receiving board financial
9 assistance, including the performance of any contract to construct,
10 renovate or otherwise prepare a facility, the operations of which are
11 necessary for the receipt of board financial assistance.

12 The bill defines "board financial assistance" to mean any tax
13 exemption, abatement or other incentive or any rebate, credit, loan,
14 loan guarantee, expenditure, investment, grant, incentive, or other
15 financial assistance which is, in connection with construction,
16 approved, funded, authorized, administered or provided by the
17 board, whether the assistance is received before, during or after
18 completion of the construction, but excludes from the definition any
19 assistance provided directly to homeowners and tenants in
20 connection with their places of residence.

21 The bill authorizes the Commissioner of Labor and Workforce
22 Development to exercise all powers and duties granted by the
23 prevailing wage law, and any worker employed in the performance
24 of construction work subject to the bill, and the employer or any
25 designated representative of the worker, to exercise all rights
26 granted to them by that act.

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2340

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 2009

The Senate Labor Committee reports favorably Senate Bill No. 2340.

This bill requires the Board of Public Utilities to adopt regulations providing that the prevailing wage rate determined by the Commissioner of Labor and Workforce Development be paid to workers employed in the performance of any construction undertaken in connection with board financial assistance, or undertaken to fulfill any condition of receiving board financial assistance, including the performance of any contract to construct, renovate or otherwise prepare a facility, the operations of which are necessary for the receipt of board financial assistance.

The bill defines "board financial assistance" to mean any tax exemption, abatement or other incentive or any rebate, credit, loan, loan guarantee, expenditure, investment, grant, incentive, or other financial assistance which is, in connection with construction, approved, funded, authorized, administered or provided by the board, whether the assistance is received before, during or after completion of the construction, except for assistance provided directly to a homeowner or tenant in connection with the homeowners' or tenant's place of residence. The prevailing wage requirements of the bill do not apply to any construction undertaken by a utility or other business which does not receive assistance from the board in connection with the construction, even if the utility or other business is regulated by the board.

The bill authorizes the Commissioner of Labor and Workforce Development to exercise all powers and duties granted by the prevailing wage law, and any worker employed in the performance of construction work subject to the bill, and the employer or any designated representative of the worker, to exercise all rights granted to them by that act.

STATEMENT TO

SENATE, No. 2340

with Senate Floor Amendments
(Proposed by Senator SWEENEY)

ADOPTED: MARCH 16, 2009

These Senate amendments:

1. Exempt from the bill's prevailing wage requirements contracts which are of an amount less than the prevailing wage contract threshold amount, which is currently \$11,892 for contracts with municipalities and \$2,000 for all other public bodies; and
2. Exempt from prevailing wage requirements of the bill any board assistance provided for the weatherization of single family houses, apartment buildings of four stories or less, town or row houses, mobile home developments and multi-family houses.

STATEMENT TO
[First Reprint]
SENATE, No. 2340

with Senate Floor Amendments
(Proposed by Senator SWEENEY)

ADOPTED: MAY 21, 2009

These Senate amendments exempt from the bill's prevailing wage requirements:

1. Any contract of an amount less than the prevailing wage contract threshold amount for contracts with municipalities, which is currently \$11,892 per N.J.A.C.12:60-1.4; and
2. Any new construction or weatherization of a single family home, town home, or row home, or of any apartment building, condominium building, or multi-family home of four stories or less.