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RWH 5/29/08

P.L. 2007, CHAPTER 245, *approved January 4, 2008*
Senate, No. 2247 (*Second Reprint*)

1 AN ACT concerning the payment of prevailing wages on certain
2 projects and amending P.L.1979, c.303.

3

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

6

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

9 1. The New Jersey Economic Development Authority shall
10 adopt rules and regulations requiring that not less than the
11 prevailing wage rate be paid to workers employed in the
12 performance of any construction contract ², including contracts for
13 millwork fabrication,² undertaken in connection with ¹authority
14 financial assistance or¹ any of its projects, those projects which it
15 undertakes pursuant to P.L.2002, c.43 (C.52:27BBB-1 et al.) ²[or
16 school facilities projects],² or undertaken to fulfill any condition of
17 receiving authority financial assistance, including the performance
18 of any contract to construct, renovate or otherwise prepare a facility
19 for operations which are necessary for the receipt of authority
20 financial assistance¹, unless the work performed under the contract
21 is performed on a facility owned by a landlord of the entity
22 receiving the assistance and less than 55% of the facility is leased
23 by the entity at the time of the contract and under any agreement to
24 subsequently lease the facility¹. The prevailing wage rate shall be
25 the rate determined by the Commissioner of Labor and Workforce
26 Development pursuant to the provisions of P.L.1963, c.150
27 (C.34:11-56.25 et seq.). For the purposes of this section, "authority
28 financial assistance" means any loan, loan guarantee, grant,
29 incentive, tax exemption or other financial assistance ¹that is¹
30 approved, funded, authorized, administered or provided by the
31 authority to any entity ¹and is provided before, during or after
32 completion of a project¹, including but not limited to, all authority
33 financial assistance received by the entity pursuant to the "Business
34 Employment Incentive Program Act," P.L.1996, c.26 (C.34:1B-124
35 et seq.) ¹[that is received before, during or after completion of a
36 project or]¹ that enables the entity to engage in a construction
37 contract, but this ¹section¹ shall not be construed as requiring the
38 payment of the prevailing wage for construction commencing more
39 than two years after ¹an entity has executed with the authority a
40 commitment letter regarding authority financial assistance and¹ the
41 ¹first payment or other provision of the¹ assistance is received.
42 (cf: P.L.2007, c.137, s.54)

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 December 4, 2006.

²Assembly ALA committee amendments adopted December 6, 2007.

1 2. This act shall take effect immediately.

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6 Requires Business Employment Incentive Program and other
7 program grant recipients to pay the prevailing wage on certain
8 public work projects.

SENATE, No. 2247

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED OCTOBER 16, 2006

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator JOSEPH CONIGLIO

District 38 (Bergen)

SYNOPSIS

Requires Business Employment Incentive Program and other program grant recipients to pay the prevailing wage on certain public work projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2006)

1 AN ACT concerning the payment of prevailing wages on certain
2 projects and amending P.L.1979, c.303.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
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7 1. Section 1 of P.L.1979, c.303 (C.34:1B-5.1) is amended to
8 read as follows:

9 1. The New Jersey Economic Development Authority shall
10 adopt rules and regulations requiring that not less than the
11 prevailing wage rate be paid to workers employed in the
12 performance of any construction contract undertaken in connection
13 with any of its projects, those projects which it undertakes pursuant
14 to P.L.2002, c.43 (C.52:27BBB-1 et al.) or school facilities projects
15 or undertaken to fulfill any condition of receiving authority
16 financial assistance, including the performance of any contract to
17 construct, renovate or otherwise prepare a facility for operations
18 which are necessary for the receipt of authority financial assistance.
19 The prevailing wage rate shall be the rate determined by the
20 Commissioner of Labor and Workforce Development pursuant to
21 the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.). For the
22 purposes of this section, "authority financial assistance" means any
23 loan, loan guarantee, grant, incentive, tax exemption or other
24 financial assistance approved, funded, authorized, administered or
25 provided by the authority to any entity, including but not limited to,
26 all authority financial assistance received by the entity pursuant to
27 the "Business Employment Incentive Program Act," P.L.1996, c.26
28 (C.34:1B-124 et seq.) that is received before, during or after
29 completion of a project or that enables the entity to engage in a
30 construction contract, but this shall not be construed as requiring
31 the payment of the prevailing wage for construction commencing
32 more than two years after the assistance is received.

33 (cf: P.L.2002, c.78, s.1)

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35 2. This act shall take effect immediately.

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STATEMENT

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40 This bill confirms and reinforces the Legislature's intent, set
41 forth in the existing law, that any construction project which
42 receives financial assistance through the "Business Employment
43 Incentive Program" (BEIP), including the performance of any
44 contract to construct, renovate or otherwise prepare a facility for
45 operations as a condition of receiving financial assistance from the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

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S2247 SWEENEY, CONIGLIO

3

- 1 New Jersey Economic Development Authority, is required to pay
- 2 the prevailing wage.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2247

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Assembly Labor Committee reports favorably Assembly Bill No. 2247.

This bill confirms and reinforces the Legislature's intent, set forth in existing law, that the prevailing wage be paid to workers employed in the performance of any construction project of the New Jersey Economic Development Authority (EDA) or any construction project receiving EDA financial assistance or undertaken to fulfill any condition of receiving EDA financial assistance, including assistance from the "Business Employment Incentive Program" (BEIP). The bill states that the prevailing wage applies whether the assistance is provided before, during or after the completion of the construction project.

The bill also clarifies that the payment of the prevailing wage is not required for construction commencing more than two years after the recipient has executed a commitment letter with the EDA regarding the assistance and the first payment or other provision of the assistance is received.

Finally, the bill provides that the prevailing wage does not apply to EDA assistance if the work performed under a contract is performed on a facility owned by a landlord of the recipient of the assistance and less than 55% of the facility is leased by the recipient at the time of the contract and under any agreement to subsequently lease the facility.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2247

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2007

The Assembly Labor committee reports favorably and with committee amendments Senate Bill No. 2247 (1R).

This bill confirms and reinforces the Legislature's intent, set forth in existing law, that the prevailing wage be paid to workers employed in the performance of any construction project of the New Jersey Economic Development Authority (EDA) or any construction project receiving EDA financial assistance or undertaken to fulfill any condition of receiving EDA financial assistance, including assistance from the "Business Employment Incentive Program" (BEIP). The bill states that the prevailing wage applies whether the assistance is provided before, during or after the completion of the construction project.

The bill also clarifies that the payment of the prevailing wage is not required for construction commencing more than two years after the recipient has executed a commitment letter with the EDA regarding the assistance and the first payment or other provision of the assistance is received.

Finally, the bill provides that the prevailing wage does not apply to EDA assistance if the work performed under a contract is performed on a facility owned by a landlord of the recipient of the assistance and less than 55% of the facility is leased by the recipient at the time of the contract and under any agreement to subsequently lease the facility.

COMMITTEE AMENDMENTS

The committee adopted amendments to make the provisions of this bill apply to millwork fabrication. This makes this bill identical to Assembly Bill No. 4001 (1R).

SENATE LABOR COMMITTEE

STATEMENT TO

SENATE, No. 2247

STATE OF NEW JERSEY

DATED: NOVEMBER 13, 2006

The Senate Labor Committee reports favorably Senate Bill No. 2247.

This bill confirms and reinforces the Legislature's intent, set forth in the existing law, that any construction project which receives financial assistance through the "Business Employment Incentive Program" (BEIP), to construct, renovate or otherwise prepare a facility for operations as a condition of receiving financial assistance from the New Jersey Economic Development Authority, is required to pay the prevailing wage.

STATEMENT TO

SENATE, No. 2247

with Senate Floor Amendments
(Proposed By Senator SWEENEY)

ADOPTED: DECEMBER 4, 2006

These amendments clarify the intent of the bill and the current law that the requirement to pay the prevailing wage applies not only to all construction contracts undertaken in connection with Economic Development Authority projects, but also to all construction contracts undertaken in connection with New Jersey authority assistance, whether the assistance is provided before, during or after the completion of the project.

The amendments also clarify that the payment of the prevailing wage is not required for construction commencing more than two years after an entity has executed a commitment letter regarding such assistance with the authority and the first payment or other provision of assistance is received.

Finally, the amendments provide that the prevailing wage does not apply to authority assistance if the work performed under a contract is performed on a facility owned by a landlord of the entity receiving the assistance and less than 55% of the facility is leased by the entity at the time of the contract and under any agreement to subsequently lease the facility.

ASSEMBLY, No. 4001

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED FEBRUARY 22, 2007

Sponsored by:

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblyman JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NEIL M. COHEN

District 20 (Union)

SYNOPSIS

Requires Business Employment Incentive Program and other program grant recipients to pay the prevailing wage on certain public work projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/7/2007)

A4001 FISHER, EGAN

2

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2 projects and amending P.L.1979, c.303.

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12 performance of any construction contract undertaken in connection
13 with authority financial assistance or any of its projects, those
14 projects which it undertakes pursuant to P.L.2002, c.43
15 (C.52:27BBB-1 et al.) or school facilities projects or undertaken to
16 fulfill any condition of receiving authority financial assistance,
17 including the performance of any contract to construct, renovate or
18 otherwise prepare a facility for operations which are necessary for
19 the receipt of authority financial assistance, unless the work
20 performed under the contract is performed on a facility owned by a
21 landlord of the entity receiving the assistance and less than 55% of
22 the facility is leased by the entity at the time of the contract and
23 under any agreement to subsequently lease the facility. The
24 prevailing wage rate shall be the rate determined by the
25 Commissioner of Labor and Workforce Development pursuant to
26 the provisions of P.L.1963, c.150 (C.34:11-56.25 et seq.). For the
27 purposes of this section, "authority financial assistance" means any
28 loan, loan guarantee, grant, incentive, tax exemption or other
29 financial assistance that is approved, funded, authorized,
30 administered or provided by the authority to any entity and is
31 provided before, during or after completion of a project, including
32 but not limited to, all authority financial assistance received by the
33 entity pursuant to the "Business Employment Incentive Program
34 Act," P.L.1996, c.26 (C.34:1B-124 et seq.) that enables the entity to
35 engage in a construction contract, but this section shall not be
36 construed as requiring the payment of the prevailing wage for
37 construction commencing more than two years after an entity has
38 executed with the authority a commitment letter regarding authority
39 financial assistance and the first payment or other provision of the
40 assistance is received.

41 (cf: P.L.2002, c.78, s.1)

42

43 2. This act shall take effect immediately.

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STATEMENT

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This bill confirms and reinforces the Legislature’s intent, set forth in existing law, that the prevailing wage be paid to workers employed in the performance of any construction project of the New Jersey Economic Development Authority (EDA) or any construction project receiving EDA financial assistance or undertaken to fulfill any condition of receiving EDA financial assistance, including assistance from the “Business Employment Incentive Program” (BEIP). The bill states that the prevailing wage applies whether the assistance is provided before, during or after the completion of the construction project.

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ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY No. 4001

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Assembly Labor Committee reports favorably Assembly Bill No. 4001.

This bill confirms and reinforces the Legislature's intent, set forth in existing law, that the prevailing wage be paid to workers employed in the performance of any construction project of the New Jersey Economic Development Authority (EDA) or any construction project receiving EDA financial assistance or undertaken to fulfill any condition of receiving EDA financial assistance, including assistance from the "Business Employment Incentive Program" (BEIP). The bill states that the prevailing wage applies whether the assistance is provided before, during or after the completion of the construction project.

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ASSEMBLY LABOR COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4001

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2007

The Assembly Labor committee reports favorably and with committee amendments Assembly Bill No. 4001.

This bill confirms and reinforces the Legislature's intent, set forth in existing law, that the prevailing wage be paid to workers employed in the performance of any construction project of the New Jersey Economic Development Authority (EDA) or any construction project receiving EDA financial assistance or undertaken to fulfill any condition of receiving EDA financial assistance, including assistance from the "Business Employment Incentive Program" (BEIP). The bill states that the prevailing wage applies whether the assistance is provided before, during or after the completion of the construction project.

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COMMITTEE AMENDMENTS

The committee adopted amendments to make the provisions of this bill apply to millwork fabrication. This makes this bill identical to Senate Bill No. 2247(2R).