

ASSEMBLY, No. 4293

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED NOVEMBER 30, 2009

Sponsored by:

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Assemblywoman ELEASE EVANS

District 35 (Bergen and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

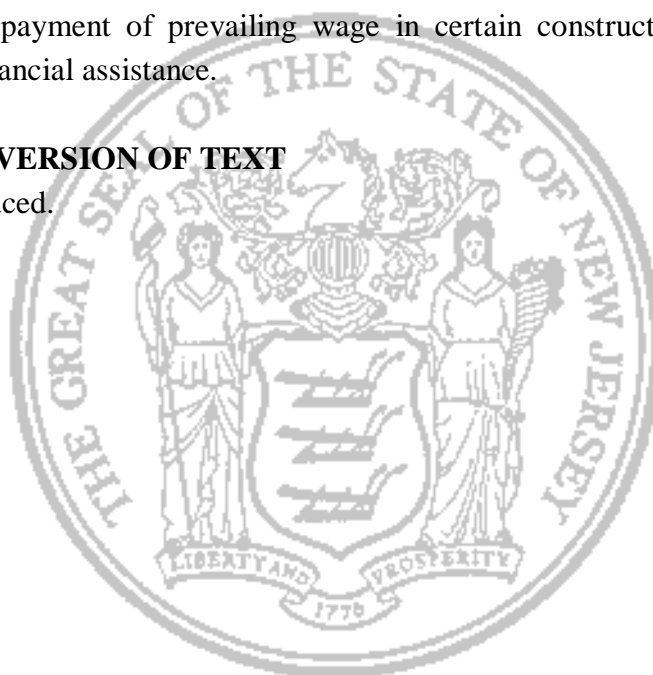
Assemblywoman Wagner, Senators Buono and Baroni

SYNOPSIS

Concerns payment of prevailing wage in certain construction undertaken with BPU financial assistance.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning the payment of prevailing wages in certain
2 construction undertaken with financial assistance from the Board
3 of Public Utilities and amending P.L.2009, c.89.

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

7
8 1. Section 1 of P.L.2009, c.89 (C.48:2-29.47) is amended to
9 read as follows:

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

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 stories or less.

2 For the purpose of implementing the provisions of this section,
3 the Commissioner of Labor and Workforce Development shall
4 exercise all powers and duties granted by P.L.1963, c.150 (C.34:11-
5 56.25 et seq.) regarding the payment of the prevailing wage, and
6 any worker employed in the performance of construction work
7 subject to this section, and the employer or any designated
8 representative of the worker, may exercise all rights granted to them
9 by that act.

10 (cf: P.L.2009, c.89, s.1)

11

12 2. This act shall take effect immediately.

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STATEMENT

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17 This bill amends P.L.2009, c.89 (C.48:2-29.47), the law which
18 requires that the prevailing wage be paid for all construction
19 undertaken in connection with financial assistance from the Board
20 of Public Utilities, to remove any reference to the adoption of rules
21 and regulations concerning that requirement. The bill thereby
22 affirms that it is the intent of the Legislature that the requirement of
23 that act that the prevailing wage be paid on board-assisted projects,
24 shall apply whether or not the board adopts rules and regulations
25 regarding that requirement.