

P.L. 2009, CHAPTER 203, *approved January 14, 2010*  
Assembly, No. 4293

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.

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

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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

**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 assistance is provided for any new construction or weatherization of  
2 a single family home, town home, or row home, or of any apartment  
3 building, condominium building, or multi-family home of four  
4 stories or less.

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

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

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15 2. This act shall take effect immediately.

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STATEMENT

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

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