

[First Reprint]

SENATE, No. 3071

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED OCTOBER 15, 2018

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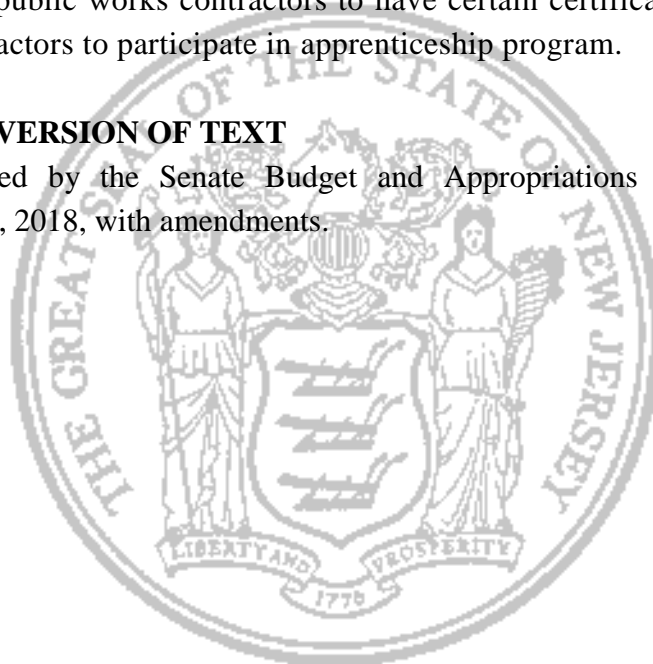
Senators Pennacchio, T.Kean, Oroho and A.R.Bucco

SYNOPSIS

Requires public works contractors to have certain certifications; requires certain contractors to participate in apprenticeship program.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 10, 2018, with amendments.



(Sponsorship Updated As Of: 12/18/2018)

1 AN ACT concerning public works contractors and amending
2 P.L.1999, c.238.

3

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

6

7 1. Section 3 of P.L.1999, c.238 (C.34:11-56.50) is amended to
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of Labor and
11 Workforce Development or his duly authorized representatives.

12 "Contractor" means a person, partnership, association, joint stock
13 company, trust, corporation, or other legal business entity or
14 successor thereof who enters into a contract which is subject to the
15 provisions of the "New Jersey Prevailing Wage Act," P.L.1963,
16 c.150 (C.34:11-56.25 et seq.), and includes any subcontractor or
17 lower tier subcontractor of a contractor as defined herein.

18 "Department" means the Department of Labor and Workforce
19 Development.

20 "Director" means the Director of the Division of Wage and Hour
21 Compliance in the Department of Labor and Workforce
22 Development.

23 "Worker" includes laborer, mechanic, skilled or semi-skilled
24 laborer and apprentices or helpers employed by any contractor or
25 subcontractor and engaged in the performance of services directly
26 upon a public work, who have completed or are actively
27 participating in a registered apprenticeship program, regardless of
28 whether their work becomes a component part thereof, but does not
29 include material suppliers or their employees who do not perform
30 services at the job site.

31 "Registered apprenticeship program" means an apprenticeship
32 program which is registered with and approved by the United States
33 Department of Labor and which provides each trainee with
34 combined classroom and on-the-job training in an occupation
35 recognized as an apprenticeable trade and meets the program
36 standards of enrollment and graduation under 29 C.F.R. s.29.6.
37 (cf: P.L.2007, c.67, s.2)

38

39 2. Section 5 of P.L.1999, c.238 (C.34:11-56.52) is amended to
40 read as follows:

41 5. a. A contractor shall register in writing with the department
42 on a form provided by the commissioner. The form shall require
43 the following information:

44 (1) The name, principal business address and telephone number
45 of the contractor;

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 SBA committee amendments adopted December 10, 2018.

- 1 (2) Whether the contractor is a corporation, partnership, sole
2 proprietorship, or other form of business entity;
- 3 (3) If the contractor's principal business address is not within the
4 State, the name and address of the contractor's custodian of records
5 and agent for service of process in this State;
- 6 (4) The name and address of each person with a financial
7 interest in the contractor and the percentage interest, except that if
8 the contractor is a publicly-traded corporation, the contractor shall
9 supply the names and addresses of the corporation's officers;
- 10 (5) The contractor's tax identification number and
11 unemployment insurance registration number; **[and]**
- 12 (6) A certification form provided by the commissioner, with
13 documentation satisfactory to the commissioner, that the contractor
14 has all valid and effective licenses, registrations or certificates
15 required by State law, including registrations or certifications
16 required to do business in the State of New Jersey, and ¹**[that its**
17 workers have completed or are actively participating] the
18 contractor, if directly employing craftworkers, participates¹ in a
19 registered apprenticeship program as defined in section 3 of
20 P.L.1999 c.238 (C.34:11-56.50)¹ for each craft they employ¹; and
- 21 (7) Any other relevant and appropriate information as
22 determined by the commissioner.
- 23 b. At the time of registration, and subsequently upon request,
24 the contractor shall submit to the commissioner documentation
25 demonstrating that the contractor has worker's compensation
26 insurance coverage for all workers as required by law.
27 (cf: P.L.1999, c.238, s.5)
- 28
- 29 3. This act shall take effect ¹**[immediately]** on the 90th day
30 next following the date of enactment¹.