

§§1-4
C.34:11-56.99
to 34:11-56.102
§5
Note

P.L. 2025, CHAPTER 335, *approved January 20, 2026*
Senate, No. 4928 (*Second Reprint*)

- 1 AN ACT concerning wages paid for certain data center construction
2 and supplementing P.L.1963, c.150 (C.34:11-56.25 et seq.).
3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6
7 1. As used in this act:
8 “Commissioner” means the Commissioner of Labor and
9 Workforce Development.
10 “Contractor” means any general contractor or subcontractor
11 performing work on a data center construction project.
12 “Data center construction project” means the construction,
13 reconstruction, demolition, alteration, custom fabrication, or repair
14 work, done on any property or premises in which the operations
15 consist primarily of using computer servers and related equipment and
16 support staff for the processing, storage, and distribution of electronic
17 data that ¹【:
18 (1) has an electrical capacity of 250 kilowatts or greater; or
19 (2)】¹ is designed to have an ¹【average】¹ electrical usage of ¹【500
20 kilowatt-hours or greater】 five megawatts or greater annually¹ after
21 construction.
22
23 2. Not less than the prevailing wage rate for a worker's craft or
24 trade, as determined by the Commissioner of Labor and Workforce
25 Development pursuant to P.L.1963, c.150 (C.34:11-56.25 et seq.),
26 shall be paid to a worker employed in the performance of any
27 construction undertaken in connection with a data center
28 construction project ¹【that has an electrical capacity of 250
29 kilowatts or greater, or】¹ that is designed to have an ¹【average
30 electrical】 annual¹ usage of ¹【500 kilowatt-hours】 five megawatts¹
31 or greater after construction.
32
33 3. a. A contractor shall not perform work on a data center
34 construction project unless 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 floor amendments adopted December 18, 2025.

²Assembly ACE committee amendments adopted January 5, 2026.

1 (1) is registered and in compliance with "The Public Works
2 Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et
3 seq.);

4 (2) has not been debarred by the Department of Labor and
5 Workforce Development from engaging in public works contracts
6 in the State;

7 (3) submits certified payroll records pursuant to section ¹[(7)] 5¹
8 of P.L.1963, c.150 ¹[(C.34:11-56.31)] C.34:11-56.29¹ ;

9 (4) ¹[(complies with Internal Revenue Service requirements for
10 classification of independent contractors;

11 (5)]¹ has a workers' compensation experience modifier rate of
12 0.95 or lower;

13 ¹[(6)] (5)¹ submits the Log of Work-Related Injuries and
14 Illnesses (OSHA Form 300) for the previous three years;

15 ¹[(7)] (6)¹ discloses all federal Occupational Safety and Health
16 Administration citations received in the previous 10 years; ¹and¹

17 ¹[(8)] (7)¹ provides evidence of a safety plan that is compliant
18 with the requirements established by the federal Occupational
19 Safety and Health Administration with relevant data which may
20 include, but is not limited to, a safety manual and records of
21 employee participation¹]; and

22 (9) provides references demonstrating the successful completion
23 of no less than 10 projects of similar scope and value¹.

24 ¹For the purposes of paragraphs (5) through (7) of this
25 subsection, the information required to be maintained and made
26 available shall also be made available upon request to the New
27 Jersey Department of Labor and Workforce Development.¹

28 b. (1) A contractor shall provide proof of workers'
29 compensation insurance; general liability insurance of not less than
30 \$2 million per occurrence; and owned and leased motor vehicle
31 insurance of not less than \$2 million per occurrence.

32 (2) A contractor shall not provide insurance coverage on behalf
33 of a subcontractor.

34 (3) A contractor shall provide a performance and payment bond
35 in accordance with N.J.S.2A:44-143 through N.J.S.2A:44-147 in an
36 amount not less than 150 percent of the value of the contract.

37 ¹For the purposes of paragraphs (1) through (3) of this
38 subsection, the information required to be maintained and made
39 available shall also be made available upon request to the New
40 Jersey Department of Labor and Workforce Development.¹

41 c. (1) A contractor shall be jointly and severally liable for any
42 wages, benefits, or other amounts owed to any worker not
43 appropriately paid by a subcontractor on the data center
44 construction project.

45 (2) ¹[(Any contractor performing work on a project shall have a
46 direct contractual relationship with the general contractor.

1 (3) No subcontractor of the third tier shall perform work on a
2 project.

3 (4) Temporary labor services shall not be utilized unless the
4 workers provided are verifiably enrolled in an apprenticeship
5 program registered by the Office of Apprenticeship of the United
6 States Department of Labor and meeting the standards established
7 by that office, or registered by a State apprenticeship agency
8 recognized by that office.

9 d. A contractor shall maintain daily sign-in sheets, which shall
10 be submitted to the awarding authority on a weekly basis and shall
11 include the following printed information:

12 (1) the worker's name;

13 (2) the name of the worker's contractor; and

14 (3) the worker's arrival time and time of departure.

15 e. (1) All workers employed on a data center construction
16 project shall complete general construction training meeting or
17 exceeding OSHA-10 standards.

18 (2) A contractor shall ensure that at least one onsite supervisor
19 or foreperson has completed construction training meeting or
20 exceeding OSHA-30 standards.

21 (3) For every 15 workers employed by a contractor on the
22 worksite, the contractor shall employ one additional
23 worker who has shall have completed construction training
24 meeting or exceeding OSHA-30 standards.

25 (4) Any worker operating heavy construction equipment or
26 power actuated tools shall provide proof of equipment-specific
27 training.

28 f. All workers employed on a data center construction project
29 shall undergo a criminal history record background check and
30 drug testing.

31 g. The commissioner shall adopt rules and regulations pursuant
32 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
33 1 et seq.) to carry out the purposes of this act.

34
35 4. A data center construction project designed to have an
36 average annual electrical usage of 2500 kilowatt-hours 25
37 megawatts or greater after construction shall may include a
38 project labor agreement with the local Building and Construction
39 Trades Council labor organizations with collective
40 bargaining agreements that are or were the basis for a determination of
41 the prevailing wage, where it shall be determined prior to the
42 commencement of the construction that the project advances the State
43 and local community interests on energy, efficiency, quality, safety,
44 timeliness, and a skilled labor force.

1 5. This act shall take effect on the first day of the third month
2 following enactment ²and shall apply only to data center construction
3 projects that commence on or after the effective date².

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8 Requires payment of prevailing wage for certain data center
9 construction.