

[Second Reprint]
SENATE, No. 88

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Co-Sponsored by:

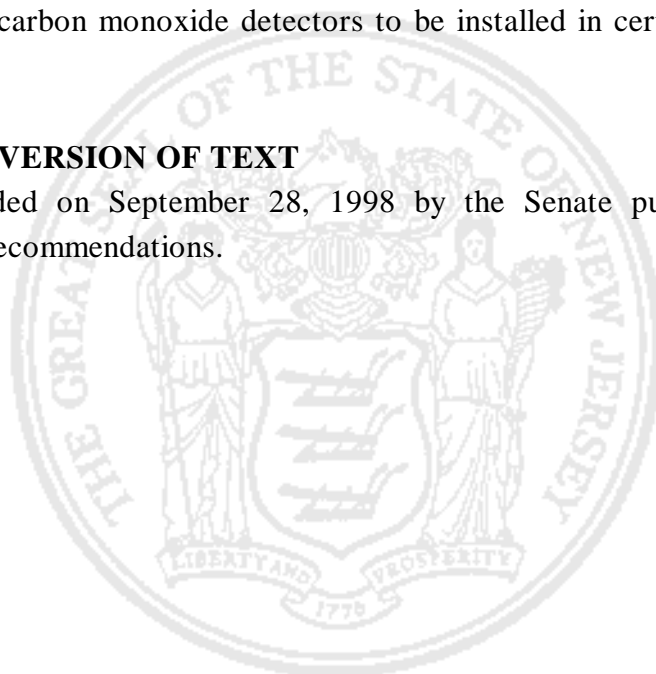
Assemblymen Biondi, Bateman, Assemblywomen Pou and Weinberg

SYNOPSIS

Requires carbon monoxide detectors to be installed in certain residential properties.

CURRENT VERSION OF TEXT

As amended on September 28, 1998 by the Senate pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 6/26/1998)

1 AN ACT concerning carbon monoxide detectors in residential
 2 structures and supplementing ²and amending² P.L.1975, c.217
 3 (C.52:27D-119 et seq.) ²and supplementing P.L.1967, c.76
 4 (C.55:13A-1 et seq.) and P.L.1979, c.496 (C.55:13B-1 et seq.)².

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

8
 9 1. (New section) a. In any case in which a change of occupancy
 10 of any dwelling unit ²in a building with fewer than three dwelling
 11 units² is subject to a municipal ordinance requiring the issuance of a
 12 certificate of occupancy, certificate of inspection or other documentary
 13 certification of compliance with laws and regulations relating to the
 14 safety, healthfulness and upkeep of the premises, no such certificate
 15 shall issue until the ²[municipal]² officer or agency responsible for its
 16 issuance has determined that ²:(1)² the ¹dwelling¹ unit is equipped
 17 with ²[a]one or more² carbon monoxide sensor ²[device] devices, or
 18 (2) that there is no potential carbon monoxide hazard in the dwelling
 19 unit. Any such determination shall be made in accordance with rules
 20 adopted by the Commissioner of Community Affairs² .

21 b. In the case of an initial occupancy or a change of occupancy of
 22 any dwelling unit ²in a building with fewer than three dwelling units²
 23 to which the provisions of subsection a. of this section do not apply,
 24 no owner shall sell, lease or otherwise permit occupancy for residential
 25 purposes of that dwelling unit without first obtaining from the relevant
 26 enforcing agency under ²[the "State Uniform Construction Code Act,"
 27 P.L.1975, c.217 (C.52:27D-119 et seq.) or]² the "Uniform Fire Safety
 28 Act," P.L.1983, c.383 (C.52:27D-192 et seq.) ²[, as appropriate,]² a
 29 certificate indicating ²:(1)² that the ¹dwelling¹ unit is equipped with
 30 ²[a] one or more² carbon monoxide sensor ²[device] devices, or (2)
 31 that there is no potential carbon monoxide hazard in the dwelling unit.
 32 Any such determination shall be made in accordance with rules
 33 adopted by the Commissioner of Community Affairs² .

34 c. The local governing body having jurisdiction over the enforcing
 35 agency or, where the Division of ²[Codes and Standards] Fire Safety²
 36 is the enforcing agency, the Commissioner of Community Affairs,
 37 ¹[shall] may¹ establish a fee which covers the cost of inspection and
 38 of issuance of the certificate ¹[unless] ; however, if¹ an inspection is
 39 being made and a certificate is being issued evidencing compliance
 40 with section 2 of P.L.1991, c.92 (C.52:27D-198.2), ¹[in which case]¹

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted February 26, 1998.

² Senate amendments adopted in accordance with Governor's recommendations September 28, 1998.

1 the fee authorized therein shall cover the costs of complying with this
2 section.

3 d. For the purposes of this section:

4 "Carbon monoxide sensor device" means a ¹~~device~~ carbon
5 monoxide alarm or detector¹ that bears the label of a nationally
6 recognized testing laboratory, ¹~~and~~¹ has been tested and listed as
7 complying with the ¹~~standard UL~~ most recent Underwriters
8 Laboratories standard¹ 2034 or its equivalent¹ [, and has been
9 approved by the Division of Codes and Standards after consultation
10 with the Division of Fire Safety]¹.

11 "Dwelling unit" means a structure, or a ²~~unit in~~ room or group of
12 rooms within² a structure, used or intended for use, in whole or in
13 part, for residential purposes ²~~but shall not include:~~ ².

14 ²~~(1) a dwelling unit that does not rely, in whole or in part, on the~~
15 ~~combustion of wood or fossil fuel for heat, cooking, ventilation or hot~~
16 ~~water, and is not sufficiently close to any ventilated source of carbon~~
17 ~~monoxide, as determined in accordance with rules adopted by the~~
18 ~~Department of Community Affairs, to receive carbon monoxide from~~
19 ~~that source; or~~

20 (2) a dwelling unit that (a) is heated by steam, hot water or electric
21 heat, and (b) is not connected by ductwork or ventilation shafts to any
22 room containing a wood or fossil fuel-burning boiler or heater, and (c)
23 is not sufficiently close to any ventilated source of carbon monoxide,
24 as determined in accordance with rules adopted by the Department of
25 Community Affairs, to receive carbon monoxide from that source.

26 ¹~~"Equipped" means centrally located outside of each separate~~
27 ~~sleeping area in the immediate vicinity of the bedrooms.~~¹

28 "Ventilated source of carbon monoxide" includes, but is not limited
29 to, non-electric space heaters, ¹~~fire places~~ fireplaces¹, wood burning
30 stoves and attached garages.]²

31 e. An owner who sells, leases or otherwise permits occupancy of
32 a dwelling unit without complying with the provisions of this section
33 shall be subject to a fine of not more than \$100, which may be
34 collected and enforced by the local enforcing agency by summary
35 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1
36 et seq.

37 ²~~f. This section shall be inoperative until such time as the~~
38 ~~Commissioner of Community Affairs determines that this section, or~~
39 ~~any part thereof, shall become operative consistent with section 5 of~~
40 ~~P.L. , c. (C.) (pending before the Legislature as this bill).~~²

41
42 ²~~2. (New section) Every unit of dwelling space in a hotel and~~
43 ~~multiple dwelling shall be equipped with one or more carbon monoxide~~
44 ~~sensor devices that bear the label of a nationally recognized testing~~
45 ~~laboratory and have been tested and listed as complying with the most~~

1 recent Underwriters Laboratories standard 2034, or its equivalent,
2 unless it is determined that no potential carbon monoxide hazard exists
3 for that unit. Any such installation or determination shall be made in
4 accordance with the rules promulgated by the Commissioner of
5 Community Affairs.²

6
7 ²3. (New section) Every unit of dwelling space in a rooming or
8 boarding house shall be equipped with one or more carbon monoxide
9 sensor devices that bear the label of a nationally recognized testing
10 laboratory and have been tested and listed as complying with the most
11 recent Underwriters Laboratories standard 2034, or its equivalent,
12 unless it is determined that no potential carbon monoxide hazard exists
13 for that unit. Any such installation or determination shall be made in
14 accordance with the rules promulgated by the Commissioner of
15 Community Affairs.²

16
17 ²4. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to
18 read as follows:

19 6. The commissioner shall have all the powers necessary or
20 convenient to effectuate the purposes of this act, including, but not
21 limited to, the following powers in addition to all others granted by
22 this act:

23 a. To adopt, amend and repeal, after consultation with the code
24 advisory board, rules: (1) relating to the administration and
25 enforcement of this act and (2) the qualifications or licensing, or both,
26 of all persons employed by enforcing agencies of the State to enforce
27 this act or the code, except that, plumbing inspectors shall be subject
28 to the rules adopted by the commissioner only insofar as such rules are
29 compatible with such rules and regulations, regarding health and
30 plumbing for public and private buildings, as may be promulgated by
31 the Public Health Council in accordance with Title 26 of the Revised
32 Statutes.

33 b. To enter into agreements with federal and State of New Jersey
34 agencies, after consultation with the code advisory board, to provide
35 insofar as practicable (1) single-agency review of construction plans
36 and inspection of construction and (2) intergovernmental acceptance
37 of such review and inspection to avoid unnecessary duplication of
38 effort and fees. The commissioner shall have the power to enter into
39 such agreements although the federal standards are not identical with
40 State standards; provided that the same basic objectives are met. The
41 commissioner shall have the power through such agreements to bind
42 the State of New Jersey and all governmental entities deriving
43 authority therefrom.

44 c. To take testimony and hold hearings relating to any aspect of or
45 matter relating to the administration or enforcement of this act,
46 including but not limited to prospective interpretation of the code so

1 as to resolve inconsistent or conflicting code interpretations, and, in
2 connection therewith, issue subpoena to compel the attendance of
3 witnesses and the production of evidence. The commissioner may
4 designate one or more hearing examiners to hold public hearings and
5 report on such hearings to the commissioner.

6 d. To encourage, support or conduct, after consultation with the
7 code advisory board, educational and training programs for employees,
8 agents and inspectors of enforcing agencies, either through the
9 Department of Community Affairs or in cooperation with other
10 departments of State government, enforcing agencies, educational
11 institutions, or associations of code officials.

12 e. To study the effect of this act and the code to ascertain their
13 effect upon the cost of building construction and maintenance, and the
14 effectiveness of their provisions for insuring the health, safety, and
15 welfare of the people of the State of New Jersey.

16 f. To make, establish and amend, after consultation with the code
17 advisory board, such rules as may be necessary, desirable or proper to
18 carry out his powers and duties under this act.

19 g. To adopt, amend, and repeal rules and regulations providing for
20 the charging of and setting the amount of fees for the following code
21 enforcement services, licenses or approvals performed or issued by the
22 department, pursuant to the "State Uniform Construction Code Act:"

23 (1) Plan review, construction permits, certificates of occupancy,
24 demolition permits, moving of building permits, elevator permits and
25 sign permits; and

26 (2) Review of applications for and the issuance of licenses certifying
27 an individual's qualifications to act as a construction code official,
28 subcode official or assistant under this act.

29 (3) (Deleted by amendment, P.L.1983, c.338).

30 h. To adopt, amend and repeal rules and regulations providing for
31 the charging of and setting the amount of construction permit
32 surcharge fees to be collected by the enforcing agency and remitted to
33 the department to support those activities which may be undertaken
34 with moneys credited to the Uniform Construction Code Revolving
35 Fund.

36 i. To adopt, amend and repeal rules and regulations providing for:
37 (1) Setting the amount of and the charging of fees to be paid to the
38 department by a private agency for the review of applications for and
39 the issuance of approvals authorizing a private agency to act as an
40 on-site inspection and plan review agency or an in-plant inspection
41 agency;

42 (2) The setting of the amounts of fees to be charged by a private
43 agency for inspection and plan review services; provided, however,
44 that such fees shall not be more than those adopted and charged by the
45 department when it serves as a local enforcement agency pursuant to
46 section 10 of P.L.1975, c.217 (C.52:27D-128); and

1 (3) The formulation of standards to be observed by a municipality
 2 in the evaluation of a proposal submitted by a private agency to
 3 provide inspection or plan review services within a municipality.

4 j. To enforce and administer the provisions of the "State Uniform
 5 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and
 6 the code promulgated thereunder, and to prosecute or cause to be
 7 prosecuted violators of the provisions of that act or the code
 8 promulgated thereunder in administrative hearings and in civil
 9 proceedings in State and local courts.

10 k. To monitor the compliance of local enforcing agencies with the
 11 provisions of the "State Uniform Construction Code Act," P.L.1975,
 12 c.217 (C.52:27D-119 et seq.), to order corrective action as may be
 13 necessary where a local enforcing agency is found to be failing to carry
 14 out its responsibilities under that act, to supplant or replace the local
 15 enforcing agency for a specific project, and to order it dissolved and
 16 replaced by the department where the local enforcing agency
 17 repeatedly or habitually fails to enforce the provisions of the "State
 18 Uniform Construction Code Act."

19 l. To adopt, amend and repeal rules and regulations concerning the
 20 installation and maintenance of carbon monoxide sensors.²
 21 (cf: P.L.1993, c.47)

22
 23 ²5. (New section) a. During the first 18 months following the
 24 adoption of regulations pursuant to section 6 of P.L. , c. (C.)
 25 (pending before the Legislature as this bill), the Commissioner of
 26 Community Affairs shall conduct a study to determine the impact of
 27 sections 2 and 3 of P.L. , c. (C.) (pending before the Legislature
 28 as this bill) and issue a report pursuant to subsection b. of this section.
 29 The study shall consider public health needs, cost issues, the
 30 effectiveness of current technology and such other issues as the
 31 Commissioner deems appropriate to evaluate the effectiveness of
 32 carbon monoxide devices used in hotels, multiple dwellings, and
 33 rooming and boarding houses.

34 b. A report of the study's findings and determinations, including
 35 whether section 1 of P.L. , c. (C.) (pending before the
 36 Legislature as this bill), or any part thereof, shall become operative,
 37 shall be submitted to the Governor, President of the Senate and
 38 Speaker of the General Assembly upon the completion of the study
 39 and report period established in subsection a. of this section.

40 c. Upon submission of the report to the Governor and the
 41 Legislature, the Commissioner shall promulgate pursuant to the
 42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)
 43 the rules and regulations necessary to effectuate the determinations
 44 contained in the report.²

45
 46 ²[2.] ^{6.}² (New section) ¹[The] Within six months of the effective

1 date of P.L. , c. (C.)(pending before the Legislature as this bill),
2 the¹ Commissioner of Community Affairs shall promulgate pursuant
3 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1
4 et seq.) the rules and regulations necessary to effectuate²sections 2
5 and 3 of² ¹[this act] P.L. , c. (C.)(pending before the Legislature
6 as this bill) which shall substantially comport with National Fire
7 Protection Association 720, Recommended Practice for the
8 Installation of Household Carbon Monoxide (CO) Warning
9 Equipment¹.

10

11 ²[3.] 7.² This act shall take effect ²[on the first day of the sixth
12 month following enactment, except that section 2 shall take effect]²
13 immediately.

SENATE, No. 88

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

Senator SHIRLEY K. TURNER

District 15 (Mercer)

SYNOPSIS

Requires carbon monoxide detectors to be installed in certain residential properties.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/11/1998)

1 AN ACT concerning carbon monoxide detectors in residential
2 structures and supplementing P.L.1975, c.217. (C.52:27D-119 et
3 seq.).

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

7
8 1. a. In any case in which a change of occupancy of any dwelling
9 unit is subject to a municipal ordinance requiring the issuance of a
10 certificate of occupancy, certificate of inspection or other documentary
11 certification of compliance with laws and regulations relating to the
12 safety, healthfulness and upkeep of the premises, no such certificate
13 shall issue until the municipal officer or agency responsible for its
14 issuance has determined that the unit is equipped with a carbon
15 monoxide sensor device .

16 b. In the case of an initial occupancy or a change of occupancy of
17 any dwelling unit to which the provisions of subsection a. of this
18 section do not apply, no owner shall sell, lease or otherwise permit
19 occupancy for residential purposes of that dwelling unit without first
20 obtaining from the relevant enforcing agency under the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
22 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et
23 seq.), as appropriate, a certificate indicating that the unit is equipped
24 with a carbon monoxide sensor device.

25 c. The local governing body having jurisdiction over the enforcing
26 agency or, where the Division of Codes and Standards is the enforcing
27 agency, the Commissioner of Community Affairs, shall establish a fee
28 which covers the cost of inspection and of issuance of the certificate
29 unless an inspection is being made and a certificate is being issued
30 evidencing compliance with section 2 of P.L.1991, c.92 (C.52:27D-
31 198.2), in which case the fee authorized therein shall cover the costs
32 of complying with this section.

33 d. For the purposes of this section:

34 "Carbon monoxide sensor device" means a device that bears the
35 label of a nationally recognized testing laboratory, has been tested and
36 listed as complying with the standard UL 2034 or its equivalent, and
37 has been approved by the Division of Codes and Standards after
38 consultation with the Division of Fire Safety.

39 "Dwelling unit" means a structure, or a unit in a structure, used or
40 intended for use, in whole or in part, for residential purposes but shall
41 not include:

42 (1) a dwelling unit that does not rely, in whole or in part, on the
43 combustion of wood or fossil fuel for heat, cooking, ventilation or hot
44 water, and is not sufficiently close to any ventilated source of carbon
45 monoxide, as determined in accordance with rules adopted by the
46 Department of Community Affairs, to receive carbon monoxide from

1 that source; or

2 (2) a dwelling unit that (a) is heated by steam, hot water or electric
3 heat, and (b) is not connected by ductwork or ventilation shafts to any
4 room containing a wood or fossil fuel-burning boiler or heater, and (c)
5 is not sufficiently close to any ventilated source of carbon monoxide,
6 as determined in accordance with rules adopted by the Department of
7 Community Affairs, to receive carbon monoxide from that source.

8 "Ventilated source of carbon monoxide" includes, but is not limited
9 to, non-electric space heaters, fire places, wood burning stoves and
10 attached garages.

11 e. An owner who sells, leases or otherwise permits occupancy of
12 a dwelling unit without complying with the provisions of this section
13 shall be subject to a fine of not more than \$100, which may be
14 collected and enforced by the local enforcing agency by summary
15 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1
16 et seq.

17

18 2. The Commissioner of Community Affairs shall promulgate
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate
21 this act.

22

23 3. This act shall take effect on the first day of the sixth month
24 following enactment, except that section 2 shall take effect
25 immediately.

26

27

28

STATEMENT

29

30 This bill requires carbon monoxide sensor devices in certain
31 dwelling units. It requires that no municipal certificate of occupancy,
32 in the case of a change of occupancy of a dwelling unit, shall be issued
33 until the local officer or agency has determined that a carbon
34 monoxide sensor device is located in the unit. The bill also requires
35 that in the case of an initial occupancy or change of occupancy where
36 no certificate of occupancy is required, the owner of a dwelling unit
37 shall not sell, lease or otherwise permit occupancy for residential
38 purposes in that dwelling unit without first obtaining from the relevant
39 enforcing agency under the "State Uniform Construction Code Act,"
40 P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety
41 Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating
42 that the unit is equipped with a carbon monoxide sensor device.

43 The enforcing agency is required by the bill to establish a fee to
44 cover the inspection cost and issuance of any required certification.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. No. 88

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Local Government and Housing committee reports favorably Senate Bill No. 88 (1R).

The bill would require the installation of a carbon monoxide sensor device upon a change of occupancy or the initial occupancy of certain dwelling units. The bill would apply to a dwelling unit unless it has no ventilated source of carbon monoxide.

The bill would effectively add the requirement that a dwelling unit must be equipped with a carbon monoxide sensor device as a condition prior to the issuance of a certificate of continued occupancy. In the case of the initial occupancy of a dwelling unit or the change of occupancy of a dwelling unit in a municipality that does not provide for a certificate of continued occupancy, the bill would prohibit the owner of a dwelling unit from selling, leasing or otherwise permitting occupancy for residential purposes in that dwelling unit without first obtaining from the relevant enforcing agency under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating that the unit is equipped with a carbon monoxide sensor device.

The bill would define "carbon monoxide sensor device" as a device that bears the label of a nationally recognized testing laboratory and has been tested and listed as complying with the standard UL 2034 or its equivalent.

The bill would provide the enforcing agency with the authority to establish a fee to cover the inspection cost and issuance of any required certification. The bill would establish a fine of no more than \$100 to be imposed upon an owner who fails to comply with the bill's provisions.

The bill also requires the Commissioner of Community Affairs to promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate the provisions of the bill, and requires that those regulations shall substantially comport with National Fire Protection Association

720, "Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment."

Senate Bill No. 88 (1R) is identical to the Assembly Committee Substitute for Assembly, Nos. 1684 and 1175, also reported by this committee on June 1, 1998.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 88

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1998

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 88.

This bill would require the installation of a carbon monoxide sensor device upon a change of occupancy or the initial occupancy of certain dwelling units. The bill would apply to a dwelling unit unless it has no ventilated source of carbon monoxide.

The bill would effectively add the requirement that a dwelling unit must be equipped with a carbon monoxide sensor device as a condition prior to the issuance of a certificate of continued occupancy. In the case of the initial occupancy of a dwelling unit or the change of occupancy of a dwelling unit in a municipality that does not provide for a certificate of continued occupancy, the bill would prohibit the owner of a dwelling unit from selling, leasing or otherwise permitting occupancy for residential purposes in that dwelling unit without first obtaining from the relevant enforcing agency under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating that the unit is equipped with a carbon monoxide sensor device.

The bill would define "carbon monoxide sensor device" as a device that bears the label of a nationally recognized testing laboratory, has been tested and listed as complying with the standard UL 2034 or its equivalent, and has been approved for usage in this State by the Department of Community Affairs

The bill would provide the enforcing agency with the authority to establish a fee to cover the inspection cost and issuance of any required certification. The bill would establish a fine of no more than \$100 to be imposed upon an owner who fails to comply with the bill's provisions.

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

STATEMENT TO

SENATE, No. 88

with Senate Floor Amendments
(Proposed By Senator PALAIA)

ADOPTED: FEBRUARY 26, 1998

These amendments would clarify the provisions of the bill in order to better articulate the sponsor's intentions and to incorporate the most recent developments in the field of carbon monoxide detectors.

The amendments recognize that there have been changes to the UL 2034 standard for carbon monoxide detectors since the standard was originally adopted. While older detector models are still satisfactory to alert occupants of the presence of carbon monoxide, older models have been criticized for sounding before potentially life-threatening levels of carbon monoxide are reached, thus causing what may be perceived as unnecessary responses by rescue teams. Revisions to the UL 2034 standard contain stricter standards that a detector must meet before it can sound. Reference to the most recent UL 2034 standard in this amendment is intended to protect occupants from carbon monoxide while reducing the number of false alarms.

The amendments also recognize the issuance of a "Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment" by the National Fire Protection Association, NFPA 720 and require DCA rules and regulations to be based thereon. The amendments clarify that carbon monoxide sensor devices are to be located outside of each separate sleeping area in the immediate vicinity of the bedrooms, as recommended by NFPA 720. The amendments also require DCA to promulgate rules and regulations within six months of the bill's effective date.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1684 and 1175

STATE OF NEW JERSEY

DATED: JUNE 1, 1998

The Assembly Local Government and Housing Committee reports favorably a Committee Substitute for Assembly Bill Nos. 1684 and 1175.

The Assembly Committee Substitute for Assembly, Nos. 1684 and 1175 would require the installation of a carbon monoxide sensor device upon a change of occupancy or the initial occupancy of certain dwelling units. The substitute would apply to a dwelling unit unless it has no ventilated source of carbon monoxide.

The substitute would effectively add the requirement that a dwelling unit must be equipped with a carbon monoxide sensor device as a condition prior to the issuance of a certificate of continued occupancy. In the case of the initial occupancy of a dwelling unit or the change of occupancy of a dwelling unit in a municipality that does not provide for a certificate of continued occupancy, the substitute would prohibit the owner of a dwelling unit from selling, leasing or otherwise permitting occupancy for residential purposes in that dwelling unit without first obtaining from the relevant enforcing agency under the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating that the unit is equipped with a carbon monoxide sensor device.

The substitute would define "carbon monoxide sensor device" as a device that bears the label of a nationally recognized testing laboratory and has been tested and listed as complying with the standard UL 2034 or its equivalent.

The substitute would provide the enforcing agency with the authority to establish a fee to cover the inspection cost and issuance of any required certification. The substitute would establish a fine of no more than \$100 to be imposed upon an owner who fails to comply with the substitute's provisions.

The substitute also requires the Commissioner of Community Affairs to promulgate pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations

necessary to effectuate the provisions of the substitute, and requires that those regulations shall substantially comport with National Fire Protection Association 720, "Recommended Practice for the Installation of Household Carbon Monoxide (CO) Warning Equipment."

The substitute bill is identical to Senate Bill No. 88 (1R), also reported by this committee on June 1, 1998.

ASSEMBLY, No. 1684

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 19, 1998

Sponsored by:

Assemblyman PETER J. BIONDI

District 16 (Morris and Somerset)

Assemblyman CHRISTOPHER "KIP" BATEMAN

District 16 (Morris and Somerset)

Co-Sponsored by:

Assemblywoman Weinberg

SYNOPSIS

Requires carbon monoxide detectors to be installed in certain residential properties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/17/1998)

1 AN ACT concerning carbon monoxide detectors in residential
2 structures and supplementing P.L.1975, c.217. (C.52:27D-119 et
3 seq.).

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

7
8 1. a. In any case in which a change of occupancy of any dwelling
9 unit is subject to a municipal ordinance requiring the issuance of a
10 certificate of occupancy, certificate of inspection or other documentary
11 certification of compliance with laws and regulations relating to the
12 safety, healthfulness and upkeep of the premises, no such certificate
13 shall issue until the municipal officer or agency responsible for its
14 issuance has determined that the unit is equipped with a carbon
15 monoxide sensor device .

16 b. In the case of an initial occupancy or a change of occupancy of
17 any dwelling unit to which the provisions of subsection a. of this
18 section do not apply, no owner shall sell, lease or otherwise permit
19 occupancy for residential purposes of that dwelling unit without first
20 obtaining from the relevant enforcing agency under the "State Uniform
21 Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) or
22 the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-192 et
23 seq.), as appropriate, a certificate indicating that the unit is equipped
24 with a carbon monoxide sensor device.

25 c. The local governing body having jurisdiction over the enforcing
26 agency or, where the Division of Codes and Standards is the enforcing
27 agency, the Commissioner of Community Affairs, shall establish a fee
28 which covers the cost of inspection and of issuance of the certificate
29 unless an inspection is being made and a certificate is being issued
30 evidencing compliance with section 2 of P.L.1991, c.92 (C.52:27D-
31 198.2), in which case the fee authorized therein shall cover the costs
32 of complying with this section.

33 d. For the purposes of this section:

34 "Carbon monoxide sensor device" means a device that bears the
35 label of a nationally recognized testing laboratory, has been tested and
36 listed as complying with the standard UL 2034 or its equivalent, and
37 has been approved by the Division of Codes and Standards after
38 consultation with the Division of Fire Safety.

39 "Dwelling unit" means a structure, or a unit in a structure, used or
40 intended for use, in whole or in part, for residential purposes but shall
41 not include:

42 (1) a dwelling unit that does not rely, in whole or in part, on the
43 combustion of wood or fossil fuel for heat, cooking, ventilation or hot
44 water, and is not sufficiently close to any ventilated source of carbon
45 monoxide, as determined in accordance with rules adopted by the
46 Department of Community Affairs, to receive carbon monoxide from

1 that source; or

2 (2) a dwelling unit that (a) is heated by steam, hot water or electric
3 heat, and (b) is not connected by ductwork or ventilation shafts to any
4 room containing a wood or fossil fuel-burning boiler or heater, and (c)
5 is not sufficiently close to any ventilated source of carbon monoxide,
6 as determined in accordance with rules adopted by the Department of
7 Community Affairs, to receive carbon monoxide from that source.

8 "Ventilated source of carbon monoxide" includes, but is not limited
9 to, non-electric space heaters, fire places, wood burning stoves and
10 attached garages.

11 e. An owner who sells, leases or otherwise permits occupancy of
12 a dwelling unit without complying with the provisions of this section
13 shall be subject to a fine of not more than \$100, which may be
14 collected and enforced by the local enforcing agency by summary
15 proceedings pursuant to "the penalty enforcement law," N.J.S.2A:58-1
16 et seq.

17

18 2. The Commissioner of Community Affairs shall promulgate
19 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
20 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate
21 this act.

22

23 3. This act shall take effect on the first day of the sixth month
24 following enactment, except that section 2 shall take effect
25 immediately.

26

27

28

STATEMENT

29

30 This bill requires carbon monoxide sensor devices in certain
31 dwelling units. It requires that no municipal certificate of occupancy,
32 in the case of a change of occupancy of a dwelling unit, shall be issued
33 until the local officer or agency has determined that a carbon
34 monoxide sensor device is located in the unit. The bill also requires
35 that in the case of an initial occupancy or change of occupancy where
36 no certificate of occupancy is required, the owner of a dwelling unit
37 shall not sell, lease or otherwise permit occupancy for residential
38 purposes in that dwelling unit without first obtaining from the relevant
39 enforcing agency under the "State Uniform Construction Code Act,"
40 P.L.1975, c.217 (C.52:27D-119 et seq.) or the "Uniform Fire Safety
41 Act," P.L.1983, c.383 (C.52:27D-192 et seq.) a certificate indicating
42 that the unit is equipped with a carbon monoxide sensor device.

43

44

The enforcing agency is required by the bill to establish a fee to
cover the inspection cost and issuance of any required certification.

ASSEMBLY, No. 1175

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblywoman NELLIE POU

District 35 (Passaic)

SYNOPSIS

Requires carbon monoxide detectors be installed in all residential properties.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1175 POU

2

1 **AN ACT** concerning carbon monoxide detectors in residential
2 structures and supplementing P.L.1975, c.217. (C.52:27D-119 et
3 seq.).

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

7
8 1. A dwelling unit in a structure used or intended for use for
9 residential purposes shall have a carbon monoxide sensor device
10 located inside the unit. The installation of battery operated carbon
11 monoxide sensor devices shall be accepted as meeting the
12 requirements of this section. The carbon monoxide sensor device shall
13 have been tested and listed by a product certification agency
14 recognized by the Division of Codes and Standards. This section shall
15 not be enforced except pursuant to sections 2 and 3 of this act.

16
17 2. a. In any case where a change of occupancy of any dwelling unit
18 subject to the requirements of section 1 of this act is subject to a
19 municipal ordinance requiring the issuance of a certificate of
20 occupancy, certificate of inspection or other documentary certification
21 of compliance with laws and regulations relating to the safety,
22 healthfulness and upkeep of the premises, no such certificate shall
23 issue until the municipal officer or agency responsible for its issuance
24 has determined that the unit is equipped with a sensor device or
25 devices as required by section 1 of this act.

26 b. In the case of change of occupancy of any building subject to the
27 requirements of section 1 of this act to which the provisions of
28 subsection a. of this section do not apply, no owner shall sell, lease or
29 otherwise permit occupancy for residential purposes of that building
30 without first obtaining from the relevant enforcement agency under the
31 "State Uniform Construction Code Act," P.L.1975, c.217
32 (C.52:27D-119 et seq.) a certificate indicating compliance with the
33 requirements of this act. The local governing body having jurisdiction
34 over the enforcing agency or, where the Division of Codes and
35 Standards is the enforcing agency, the Commissioner of Community
36 Affairs, shall establish a fee which covers the cost of inspection and of
37 issuance of the certificate.

38
39 3. An owner who sells, leases, rents or otherwise permits to be
40 occupied for residential purposes any premises subject to the
41 provisions of this supplementary act when the premises do not comply
42 with the requirements of section 1 hereof, or without complying with
43 the inspection and certification requirements of section 2 hereof, shall
44 be subject to a fine of not more than \$100, which may be collected and
45 enforced by the local enforcing agency by summary proceedings
46 pursuant to "the penalty enforcement law," N.J.S.2A:58-1 et seq.

1 4. The Commissioner of Community Affairs shall promulgate
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate
4 this act.

5
6 5. This act shall take effect on the first day of the sixth month
7 following enactment, except that section 4 shall take effect
8 immediately.

9
10
11 STATEMENT
12

13 This bill would require the installation of carbon monoxide sensor
14 devices inside all structures used for residential purposes, including
15 multiple-family dwellings and single family homes. The devices would
16 be required to be of the type tested and listed by a product
17 certification agency recognized by the Department of Community
18 Affairs. Local code enforcement officials or the Department of
19 Community Affairs, when acting in that capacity, would be responsible
20 for certifying that the carbon monoxide sensor devices are installed
21 upon the issuance of a certificate of occupancy, certificate of
22 inspection or other documentary certification of compliance with laws
23 and regulations relating to safety, healthfulness and upkeep of the
24 premises. However, sensors would not be required in presently
25 occupied single family homes or units not classified as multiple
26 dwellings until a change in occupancy occurred. Failure to install the
27 device when required could result in the owner of the premises being
28 fined \$100.

29 Carbon monoxide is an odorless, colorless gas which is not detected
30 by most smoke alarms, and can occur from sources other than fires,
31 such as faulty heating devices. Recent reports of tragic deaths
32 involved with the presence of carbon monoxide suggest that lives
33 could have been saved had these devices been installed.

SENATE BILL NO. 88
(First Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 88 (First Reprint) with my recommendations for reconsideration.

A. SUMMARY OF THE BILL

This bill provides that a residential Certificate of Occupancy (“C.O.”), if required in a municipality, shall not be issued unless the residential dwelling unit is equipped with a carbon monoxide sensor device. The detector or alarm must bear the label of a nationally recognized testing laboratory and must have been tested and listed as complying with the most recent Underwriters Laboratory (“U.L.”) standard of 2034 or its equivalent. Likewise, in the case of an initial occupancy or change of occupancy where a C.O. is not required, the owner of that dwelling unit shall not sell, lease or otherwise permit occupancy for residential purposes without first obtaining a C.O. indicating that the unit is equipped with a carbon monoxide sensor device.

The Commissioner of the Department of Community Affairs (“DCA”) shall promulgate, within six months of the effective date of the bill, rules and regulations necessary to effectuate this Act.

B. RECOMMENDED ACTION

Although I commend the sponsors of this bill on their efforts to have our State be the first in the nation to mandate the installation of carbon monoxide detectors in all newly occupied residential units and those that have a change of occupancy, I believe that such a mandate is overbroad at the present time.

All property owners in our State have the right to purchase and install carbon monoxide detectors in their homes if they determine that current technology will better protect their health and safety. In order to protect our citizens who do not have the right to choose, I recommend that the bill be amended to provide that detectors be placed in multifamily structures, hotels and boarding homes according to the rules and regulations promulgated by the Commissioner of the Department of Community Affairs. Once this program is in place I am directing the Commissioner of the Department of Community Affairs to conduct a study to determine the impact of this mandate and decide, based on

public health needs, cost issues and the effectiveness of the technology, whether to expand this program to all residential dwellings.

Therefore, I herewith return Senate Bill No. 88 (First Reprint) and recommend that it be amended as follows:

- Page 2, Line 2: After “supplementing” insert “and amending”
- Page 2, Line 3: After “seq.” insert “and supplementing P.L.1967, c.76 (C.55:13A-1 et. seq.) and P.L.1979, c.496 (C.55:13B-1 et. seq.)”
- Page 2, Section 1, Line 9: After “unit” insert “in a building with fewer than three dwelling units”
- Page 2, Section 1, Line 13: Delete “municipal”
- Page 2, Section 1, Line 14: After “that” insert “:(1)”; after “with” delete “a”; insert “one or more”
- Page 2, Section 1, Line 15: Delete “device.” insert “devices, or (2) that there is no potential carbon monoxide hazard in the dwelling unit. Any such determination shall be made in accordance with rules adopted by the Commissioner of Community Affairs.”
- Page 2, Section 1, Line 17: After “unit” insert “in a building with fewer than three dwelling units”
- Page 2, Section 1, Line 20: Delete “the “State Uniform””
- Page 2, Section 1, Line 21: Delete in entirety.
- Page 2, Section 1, Line 23: Delete “, as appropriate,” after “indicating” insert “:(1)”
- Page 2, Section 1, Line 24: After “with” delete “a”; insert “one or more”; delete “device” insert “devices, or (2) that there is no potential carbon monoxide hazard in the dwelling unit. Any such determination shall be made in accordance with rules adopted by the Commissioner of Community Affairs”
- Page 2, Section 1, Line 26: Delete “Codes and Standards” insert “Fire Safety”
- Page 2, Section 1, Line 41: Delete “unit in” insert “room or group of rooms within”
- Page 3, Section 1, Lines 1-2: After “purposes” delete remainder of lines 1 and 2; insert “.”
- Page 3, Section 1, Lines 3-19: Delete in entirety
- Page 3, Section 1, Line 26: Insert “f. This section shall be inoperative until such time as the Commissioner of Community Affairs determines that this section, or any part

thereof, shall become operative consistent with section 5 of P.L. , c. (C.) (pending before the Legislature as this bill).

2. Every unit of dwelling space in a hotel and multiple dwelling shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories standard 2034, or its equivalent, unless it is determined that no potential carbon monoxide hazard exists for that unit. Any such installation or determination shall be made in accordance with the rules promulgated by the Commissioner of Community Affairs.

3. Every unit of dwelling space in a rooming or boarding house shall be equipped with one or more carbon monoxide sensor devices that bear the label of a nationally recognized testing laboratory and have been tested and listed as complying with the most recent Underwriters Laboratories standard 2034, or its equivalent, unless it is determined that no potential carbon monoxide hazard exists for that unit. Any such installation or determination shall be made in accordance with the rules promulgated by the Commissioner of Community Affairs.

4. Section 6 of P.L.1975, c.217 (C.52:27D-124) is amended to read as follows:

The Commissioner shall have all the powers necessary or convenient to effectuate the purpose of this act, including, but not limited to the following powers in addition to all others granted by this act:

a. To adopt, amend and repeal, after consultation with the code advisory board, rules: (1) relating to the administration and enforcement of this act and (2) the qualifications or licensing, or both, of all persons employed by enforcing agencies of the State to enforce this act or the code, except that, plumbing inspectors shall be subject to the rules adopted by the Commissioner only insofar as such rules are compatible with such rules and regulations, regarding health and plumbing for public and private buildings, as may be promulgated by the Public Health Council in accordance with Title 26 of the Revised Statutes.

b. To enter into agreements with federal and State of New Jersey agencies, after consultation with the code advisory board, to provide insofar as practicable (1) single-agency review of construction plans and inspection of construction and (2) intergovernmental acceptance of such review and inspection to avoid unnecessary duplication of effort and fees. The Commissioner shall have the power to enter into such agreements although the federal standards are not identical with State standards; provided that the same basic objectives are met. The

Commissioner shall have the power through such agreements to bind the State of New Jersey and all governmental entities deriving authority therefrom.

c. To take testimony and hold hearings relating to any aspect of or matter relating to the administration or enforcement of this act, including but not limited to prospective interpretation of the code so as to resolve inconsistent or conflicting code interpretations, and, in connection therewith, issue subpoenas to compel the attendance of witnesses and the production of evidence. The Commissioner may designate one or more hearing examiners to hold public hearings and report on such hearings to the Commissioner.

d. To encourage, support or conduct, after consultation with the code advisory board, educational and training programs for employees, agents and inspectors of enforcing agencies, either through the Department of Community Affairs or in cooperation with other departments of State government, enforcing agencies, educational institutions, or associations of code officials.

e. To study the effect of this act and the code to ascertain their effect upon the cost of building construction and maintenance, and the effectiveness of their provisions for insuring the health, safety, and welfare of the people of the State of New Jersey.

f. To make, establish and amend, after consultation with the code advisory board, such rules as may be necessary, desirable or proper to carry out his powers and duties under this act.

g. To adopt, amend, and repeal rules and regulations providing for the charging of and setting the amount of fees for the following code enforcement services, licenses or approvals performed or issued by the department, pursuant to the "State Uniform Construction Code Act:"

(1) Plan review, construction permits, certificates of occupancy, demolition permits, moving of building permits, elevator permits and sign permits; and

(2) Review of applications for and the issuance of licenses certifying an individual's qualifications to act as a construction code official, subcode official or assistant under this act.

(3) (Deleted by amendment, P.L.1983, c.338).

To adopt, amend and repeal rules and regulations providing for the charging of and setting the amount of construction permit surcharge fees to be collected by the enforcing agency and remitted to the department to support those activities which may be undertaken with moneys credited to the Uniform Construction Code Revolving Fund.

To adopt, amend and repeal rules and regulations providing for:

Setting the amount of and the charging of fees to be paid to the department by a private agency for the review of applications for and the issuance of approvals authorizing a private agency to act as an on-site inspection and plan review agency or an in-plant inspection agency; The setting of the amounts of fees to be charged by a private agency for inspection and plan review services; provided, however, that such fees shall not be more than those adopted and charged by the department when it serves as a local enforcement agency pursuant to section 10 of P.L. 1975, c.217 (C.52:27D-128); and

The formulation of standards to be observed by a municipality in the evaluation of a proposal submitted by a private agency to provide inspection or plan review services within a municipality.

To enforce and administer the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and the code promulgated thereunder, and to prosecute or cause to be prosecuted violators of the provisions of that act or the code promulgated thereunder in administrative hearings and in civil proceedings in State and local courts.

To monitor the compliance of local enforcing agencies with the provisions of the "State Uniform Construction Code Act," P.L.1975, c.217 (C. 52:27D-119 et seq.), to order corrective action as may be necessary where a local enforcing agency is found to be failing to carry out its responsibilities under that act, to supplant or replace the local enforcing agency for a specific project, and to order it dissolved and replaced by the department where the local enforcing agency repeatedly or habitually fails to enforce the provisions of the "State Uniform Construction Code Act."

I. To adopt, amend and repeal rules and regulations concerning the installation and maintenance of carbon monoxide sensor devices in buildings and structures in which a potential hazard to human health and safety from carbon monoxide exists." (cf: P.L.1993, c.47)

5. a. During the first 18 months following the adoption of regulations pursuant to section 6 of P.L. , c. (C.) (pending before the Legislature as this bill), the Commissioner of Community Affairs shall conduct a study to determine the impact of sections 2 and 3 of P.L. , c. (C.) (pending before the Legislature as this bill) and issue a report pursuant to subsection b. of this section. The study shall consider public health needs, cost issues, the effectiveness of current technology and such other issues as the Commissioner deems appropriate to evaluate the effectiveness of

carbon monoxide devices used in hotels, multiple dwellings, and rooming and boarding houses.

b. A report of the study’s findings and determinations, including whether section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), or any part thereof, shall become operative, shall be submitted to the Governor, President of the Senate and Speaker of the General Assembly upon the completion of the study and report period established in subsection a. of this section.

c. Upon submission of the report to the Governor and the Legislature, the Commissioner shall promulgate pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) the rules and regulations necessary to effectuate the determinations contained in the report.”

Page 3, Section 2, Line 27:

Delete “2” Insert “6”

Page 3, Section 2, Line 31:

After “effectuate” insert “sections 2 and 3 of”

Page 3, Section 3, Line 37:

Delete “3” insert “7”; delete “on the first day of the sixth month”

Page 3, Section 3, Line 38:

Delete in entirety

Respectfully,

Christine Todd Whitman
Governor

Attest:

John J. Farmer, Jr.
Chief Counsel to the Governor

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Jayne O'Connor
Wendi Patella
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RELEASE: February 8, 1999

Gov. Christie Whitman today signed the following legislation:

A-156, sponsored by Assembly Members Christopher "Kip" Bateman (R-Morris/Somerset) and Joseph V. Doria, Jr. (D-Hudson), classifies voluntary compliance reviews (self-audits) as privileged information which will not be available to third parties and which will be inadmissible in court proceedings. The bill intends to encourage depository institutions to initiate voluntary self-audits to identify and correct problems in their operations and procedures. The bill permits a court to order disclosure of the voluntary self-audits in an administrative civil action or criminal action.

A-1514, sponsored by Assembly Members Joseph R. Malone, 3d (R-Burlington/Monmouth/ Ocean) and Francis J. Blee (R-Atlantic), provides that future voluntary contributions to public-spirited causes allowable through state income tax forms will be accomplished by identifying a charitable cause in a generic check off box on the tax form. It requires that information relating to new charitable causes appear separate from the income tax forms as part of the general instruction booklet. The legislation does not affect charitable causes that currently have contribution check off boxes and information notices printed on the income tax forms.

A-843, sponsored by Assembly Members Anthony Impreveduto (D-Bergen/Hudson) and John Kelly (R-Bergen/Essex/Passaic) and Senators Jack Sinagra (R-Middlesex) and John A. Lynch (D-Middlesex/Somerset/Union), establishes a certification process for massage, bodywork, and somatic therapists. The legislation creates a Massage, Bodywork and Somatic Therapy Examining Committee, under the New Jersey Board of Nursing, to handle certifications. The certification is voluntary, but those who are not certified by the committee will be unable to use the title of "massage, bodywork and somatic therapist," or "registered massage, bodywork and somatic therapist," or "certified massage, bodywork and somatic therapist," or the abbreviations, "MBT," "RMBT," "CMBT," "COBT," or "CMT."

A-1134, sponsored by Assemblyman E. Scott Garrett (R-Sussex/Hunderdon/Morris), authorizes investment pools of property and casualty insurers and establishes criteria for these pools. The bill establishes requirements an investment pool must follow for an insurer to be allowed to invest in the pool and it specifies requirements for the managers of investment pools. More specifically, the bill requires a pooling agreement for each investment

pool to be in writing. In addition, an investment pool must be a business entity, and it subjects investment activities of the pool and transactions between pools and participants to be reported on the annual registration statement required by law. The bill also provides that the investment pools only invest in short term, high quality obligations, government money market funds, class one money market mutual funds or securities, and repurchase and reverse repurchase transactions. The bill is based upon a model formulated by the National Association of Insurance Commissioners.

S-88, sponsored by Senators Joseph A. Palaia (R-Monmouth) and Shirley K. Turner (D-Mercer) and Assembly Members Peter J. Biondi (R-Morris/Somerset), Christopher "Kip" Bateman (R-Morris/Somerset) and Nellie Pou (D-Passaic), authorizes the establishment of a pilot program for carbon monoxide sensor devices to be placed in multi-dwelling units, hotels and boarding homes. The Governor had recommended the pilot program when she conditionally vetoed an earlier version of the law on Sept. 17. The bill also requires the Department of Community Affairs (DCA) to conduct an 18-month study of the technology for sensors as applied to multiple dwelling units, hotels and boarding homes, which Governor Whitman had recommended in her conditional veto. Following the DCA study, the legislation requires DCA to submit to the Governor and Legislature a report regarding whether to expand this program to all residential dwellings. The Commissioner of DCA will have the authority to expand the pilot program, if warranted, without additional legislation.

S-891, sponsored by Senators Robert J. Martin (R-Essex/Morris/Passaic) and C. Louis Bassano (R-Essex/Union) and Assembly Members Sam Thompson (R-Middlesex/Monmouth) and Barbara Wright (R-Mercer/Middlesex), is part of a package of four bills that were recommended by the Governor's Task Force for the Review of the Treatment of the Criminally Insane. The bill is intended to ensure that mentally ill inmates receive mental health services while incarcerated. The bill requires courts to order treatment in jails or prisons for mentally ill defendants who are found competent to stand trial, but are in need of mental health services and do not require treatment in a psychiatric facility. These defendants are pre-trial detainees and as such, are housed in county facilities. The bill also requires the Department of Corrections (DOC) to provide mental health services to State-sentenced inmates who are mentally ill, but do not require institutional psychiatric treatment. Governor Whitman previously conditionally-vetoed an earlier version of the bill because it required the DOC to provide or arrange for mental health services in county facilities, duplicating services already provided by the counties. The bill requires the counties to provide or arrange for such mental health services when the defendant is housed in a county correctional facility. The bill also requires the DOC to reimburse the counties for the reasonable cost of the treatment, as recommended by the Governor in her conditional veto.

S-1119, sponsored by Senator Walter J. Kavanaugh (R-Morris) and Assembly Member Joel M. Weingarten (R-Essex/Union), allows charitable and civic

organizations that are licensed to conduct bingo games or raffles to hire approved personnel to run the bingo game or raffle. Currently, only members of the charitable organization may conduct the bingo or raffle. The hired personnel must be licensed by the Legalized Games of Chance Control Commission, which is required to promulgate regulations regarding the qualifications and compensation of hired employees.

S-613, sponsored by Senator Shirley K. Turner (D-Mercer) and Assembly Member Reed Gusciora (D-Mercer) redefines state policy regarding children in foster care. The bill requires that the health and safety of a child be the State's paramount concern in cases where a child is placed outside the home due to circumstances that endanger a child's life, and where a decision must be made on whether or not it is in the child's best interest to preserve the family unit.