

52:27D-198.6

LEGISLATIVE HISTORY CHECKLIST  
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(Holiday vegetation)

NJSA: 52:27D-198.6

LAWS OF: 1997 CHAPTER: 428

BILL NO: A2588

SPONSOR(S): Carroll and Kelly

DATE INTRODUCED: January 12, 1996

COMMITTEE: ASSEMBLY: State Government

SENATE: State Government

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by  
First reprint enacted superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 19, 1996

SENATE: December 1, 1997

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: Yes

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

See newspaper clippings--attached:  
"Christmas displays," 1-13-98, Asbury Park Press.

KBP:pp

P.L. 1997, CHAPTER 428, *approved January 19, 1998*  
Assembly, No. 2588 (*First Reprint*)

1 AN ACT concerning the display of certain vegetation and  
2 supplementing the "Uniform Fire Safety Act," P.L.1983, c.383  
3 (C.52:27D-192 et seq.).  
4

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

8 1. Notwithstanding the provisions of any law, rule or regulation to  
9 the contrary, <sup>1</sup>**[**vegetation such as but not limited to straw, hay, vines,  
10 leaves, stalks, trees and moss,**]** trees and wreaths<sup>1</sup> used in holiday  
11 displays may be exhibited in <sup>1</sup>**[**commercial buildings and places of  
12 assembly used for religious purposes from Thanksgiving Day through  
13 New Year's Day**]** all buildings covered by the "Uniform Fire Safety  
14 Act," P.L.1983, c.383 (C.52:27D-192, et seq.) under the following  
15 conditions:

16 a. Natural cut trees shall be permitted in any building if the trees:

17 1) Are located in areas protected by an approved automatic  
18 sprinkler system, or

19 2) Meet the flame-retardant requirements of the "Uniform Fire  
20 Safety Act," P.L.1983, c.383 (C.52:27D-192, et seq.) provided that  
21 the trees are watered daily.

22 b. Living trees in a balled condition with their roots protected by  
23 an earth ball, maintained in a fresh condition and not allowed to  
24 become dry, shall be permitted in any building.

25 c. Holiday wreaths not in excess of 10 percent of the aggregate  
26 wall area of any room or space shall be permitted in any building.

27 d. The appropriate enforcing agency may limit the number of trees  
28 in any building.

29 e. Trees shall not be allowed to obstruct corridors, exits or other  
30 means of egress.

31 f. Open flames such as from candles, lanterns, kerosene heaters and  
32 gas-fired heaters shall not be located on or near trees or holiday

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:

<sup>1</sup> Assembly amendments adopted in accordance with Governor's recommendations  
January 12, 1998.

1 wreaths.

2 g. Nothing herein shall apply to, or be construed as extending the  
3 jurisdiction of, the "Uniform Safety Act," P.L.1983, c.383 (C.52:27D-  
4 192, et seq.) to residential buildings.<sup>1</sup>

5

6 2. This act shall take effect immediately.

7

8

9

10

11 Concerns display of holiday vegetation.

ASSEMBLY, No. 2588

STATE OF NEW JERSEY

INTRODUCED DECEMBER 12, 1996

By Assemblymen CARROLL and KELLY

1 AN ACT concerning the display of certain vegetation and  
2 supplementing the "Uniform Fire Safety Act," P.L.1983, c.383  
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10 leaves, stalks, trees and moss, used in holiday displays may be  
11 exhibited in commercial buildings and places of assembly used for  
12 religious purposes from Thanksgiving Day through New Year's Day.  
13

14 2. This act shall take effect immediately.  
15  
16

17 STATEMENT  
18

19 This bill permits vegetation used in holiday displays to be exhibited  
20 in commercial buildings and places of religious worship from  
21 Thanksgiving Day through New Year's Day. Current regulations  
22 adopted pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383  
23 (C. 52:27D-195 et seq.) prohibit such displays in places of assembly  
24 unless the material is noncombustible or flame-resistant. In other  
25 structures, such materials are prohibited for decorative purposes in  
26 such quantities as to constitute a fire hazard, unless the materials are  
27 flameproofed in an approved manner.  
28  
29  
30

31 \_\_\_\_\_  
32 Concerns display of holiday vegetation.

[Passed Both Houses]

[First Reprint]

ASSEMBLY, No. 2588

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**STATE OF NEW JERSEY**

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Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly amendments adopted in accordance with Governor's recommendations  
January 12, 1998.

1     e. Trees shall not be allowed to obstruct corridors, exits or other  
2 means of egress.

3     f. Open flames such as from candles, lanterns, kerosene heaters and  
4 gas-fired heaters shall not be located on or near trees or holiday  
5 wreaths.

6     g. Nothing herein shall apply to, or be construed as extending the  
7 jurisdiction of, the "Uniform Safety Act," P.L.1983, c.383 (C.52:27D-  
8 192, et seq.) to residential buildings.<sup>1</sup>

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15     Concerns display of holiday vegetation.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2588**

**STATE OF NEW JERSEY**

DATED: DECEMBER 16, 1996

The Assembly State Government Committee reports favorably Assembly, No. 2588.

This bill permits vegetation used in holiday displays to be exhibited in commercial buildings and places of religious worship from Thanksgiving Day through New Year's Day. Current regulations adopted pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-195 et seq.) prohibit such displays in places of assembly unless the material is noncombustible or flame-resistant. In other structures, such materials are prohibited for decorative purposes in such quantities as to constitute a fire hazard, unless the materials are flameproofed in an approved manner.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2588**

**STATE OF NEW JERSEY**

DATED: AUGUST 25, 1997

The Senate State Government Committee reports without recommendation Assembly Bill No. 2588.

This bill permits vegetation used in holiday displays to be exhibited in commercial buildings and places of religious worship from Thanksgiving Day through New Year's Day. Current regulations adopted pursuant to the "Uniform Fire Safety Act," P.L.1983, c.383 (C.52:27D-195 et seq.) prohibit such displays in places of assembly unless the material is noncombustible or flame-resistant.

At present, flammable materials, such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery and plastic foam material, are prohibited for decorative purposes in such quantities as to constitute a fire hazard, unless the materials are flame proofed in an approved manner.

The Senate State Government Committee reports favorably Assembly Bill No.2588.

# ASBURY PARK PRESS

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Wildlife fell three votes short of passage in the Senate.

Another bill (A-3226) that would make New Jersey one of only four states allowing the harvesting of juvenile eels also died in the Senate when it was not posted for a vote. Recreational fishermen and environmentalists had opposed the bill.

## Firefighters pensions

A bill (S-1878) that allows counties and municipalities to provide retirement benefits for volunteer firefighters received its final legislative approval in the Assembly.

The 78-to-0 Assembly vote was greeted with cheers by dozens of Ocean County firefighters in the gallery.

George Convery, a member of the Board of Fire Commissioners for District 1 in Dover Township, said the benefit will help towns attract and keep volunteer firefighters.

Last month, Superior Court Judge Eugene D. Serpentelli ruled in a Dover Township case that providing such benefits for volunteer firefighters is illegal. The bill, if signed by Whitman, would overrule

the court.

## Christmas displays

Whitman persuaded the Legislature to change a bill that would have allowed the unrestricted use of Christmas trees and other forms of vegetation for holiday displays in commercial buildings and churches.

Under current fire code restrictions, live trees, dry vines, straw and other such types of vegetation must be noncombustible and meet flame-retardant requirements to be allowed in public buildings, gathering places and school buildings.

The bill (A-2588) as originally written would have lifted those restrictions on displays between Thanksgiving and New Year's Day. Instead, Whitman suggested and lawmakers agreed that the bill be narrowed to include only trees and wreaths, that it apply year-round, and should be applicable to any building covered by the Uniform Fire Safety Act.

□ Press staff writers Lisa L. Colangelo and Susan K. Livio contributed to this story.

# Bill to freeze property taxes for some OK'd

BY GREG TRETTON  
STATEHOUSE BUREAU

TRENTON — More than 30,000 low-income senior and disabled homeowners in Monmouth and Ocean counties will no longer have to worry about property tax increases.

Lawmakers last night agreed with Gov. Whitman's changes on a bill (A-3) to freeze property taxes for more than 200,000 seniors and disabled homeowners around the state. Whitman already has said she will sign the bill into law.

Supporters say the tax freeze will prevent some low-income seniors and disabled residents from losing their homes because of rising property taxes.

"It's not right that retirees who live on fixed incomes and struggle just to make ends meet are being forced to sell their homes because they cannot afford to pay their property taxes," said Assembly Speaker Jack Collins, R-Salem, the bill's primary sponsor.

Under the bill, a homeowner will qualify for the tax break if:

- The homeowner is at least 65 years old or disabled.
- The homeowner has owned the residence for at least three years.
- The homeowner has lived in New Jersey for 10 consecutive years.
- The homeowner's income does not exceed \$17,918 for an individual or \$21,970 for a household.
- The homeowner's property tax

bill has risen since last year.

Qualified seniors and disabled homeowners will receive checks to cover property-tax increases above their 1997 bills. The money will come from the Casino Revenue Fund.

The freeze will save eligible taxpayers — and cost the state — about \$20 million next year, according to a legislative analysis. The cost will rise to about \$150 million a year in a decade.

Eligible recipients include mobile-home owners, who will be reimbursed for the part of their site fees that go toward property taxes. Also eligible will be retirement community residents with contracts requiring them to bear a share of property taxes on their units.

Supporters expected the bill to become law weeks ago. But it stalled when Sen. Gerald Cardinale, R-Bergen, tried to amend the bill to make more seniors eligible.

Under Cardinale's proposed amendment, the income thresholds to qualify for the freeze would have been higher in counties where average property taxes were higher than the state average in 1996. The threshold would have remained the same in counties where average property taxes were equal to or below the state average.

For example, the average 1996 property tax paid in Monmouth County was \$4,120 — about 7 percent above the state average, according to Cardinale's research.

ASSEMBLY BILL NO. 2588

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 2588 with my recommendations for reconsideration.

A. Summary of Bill

Under current law, the display of holiday vegetation is regulated. Specifically, the Uniform Fire Code ("the Code"), adopted pursuant to the Uniform Fire Safety Act, P.L. 1983, c.383 (C.52:27D-192 et seq.), permits the use of trees, leaves, dry vines, straw and other flammable materials in public buildings when those materials have been flameproofed in an approved manner. The Code also permits the decorative use of similar types of vegetation in places of assembly and education, providing they are noncombustible or meet flame retardant requirements. DCA has interpreted its regulations as permitting the use of living trees in a balled condition with their roots protected by an earth ball, if maintained in a fresh condition and not allowed to become dry.

This bill supplements the provisions of the Uniform Fire Safety Act by permitting the unrestricted use of vegetation such as straw, hay, vines, leaves, stalks, trees and moss in holiday displays that are exhibited in commercial buildings and in places of assembly that are used for religious purposes. The bill applies only to the period from Thanksgiving Day through New Year's Day.

B. Recommended Action

I acknowledge and support the efforts of the sponsors to facilitate the use of trees and other forms of vegetation in holiday displays in commercial buildings and in places of

assembly that are used for religious purposes. Nevertheless, I feel compelled to return this bill with my recommendations designed to balance society's desire for holiday displays and society's need for protection against potential fire hazards.

In accord with the intent of the sponsors of this bill, I recommend more specific, and therefore more informative, requirements about holiday displays, especially the use and placement of trees and wreaths. Such specificity would be helpful to those involved in creating and placing such displays. I further recommend that this more specific direction about what is and what is not permitted apply not only to displays in commercial buildings and in places of assembly that are used for religious purposes but for displays in all buildings covered by the Uniform Fire Safety Act. Finally, I recommend that this additional specificity apply not only during a particular holiday period but year-round.

Therefore, I herewith return Assembly Bill No. 2588 and recommend that it be amended as follows:

Page 1, Section 1, Lines 9-10:

After "contrary," delete "vegetation such as but not limited to straw, hay, vines, leaves, stalks, trees and moss," and insert "trees and wreaths"

Page 1, Section 1, Lines 11-12:

After "in" delete "commercial buildings and places of assembly used for religious purposes from Thanksgiving Day through New Year's Day" and insert "all buildings covered by the "Uniform Fire Safety Act," P.L. 1983, c. 383 (C.52:27D-192, et seq.) under the following conditions:

a. Natural cut trees shall be permitted in any building if the trees:

1) Are located in areas protected by an

STATE OF NEW JERSEY

EXECUTIVE DEPARTMENT

3

approved automatic  
sprinkler system, or

2) Meet the flame-  
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provided that the trees  
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c. Holiday wreaths not  
in excess of 10 percent  
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d. The appropriate  
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f. Open flames such as  
from candles, lanterns,  
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g. Nothing herein shall  
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as extending the  
jurisdiction of, the  
"Uniform Fire Safety Act,"  
P.L. 1983, c. 383  
(C.52:27D-192, et seq.)  
to residential  
buildings."

Respectfully,

/s/ Christine Todd Whitman

GOVERNOR

[seal]

Attest:

/s/ Michael P. Torpey

Chief Counsel to the Governor