

LEGISLATIVE HISTORY CHECKLIST
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(Bureau of Fire Safety--DCA)

NJSA: 33:1-10

LAWS OF: 1993 **CHAPTER:** 218

BILL NO: A1271

SPONSOR(S) Kelly and others

DATE INTRODUCED: April 30, 1992

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: ---

AMENDED DURING PASSAGE: No Assembly Committee Substitute
 for A1271/A1380 enacted

DATE OF PASSAGE: **ASSEMBLY:** May 20, 1993
SENATE: June 21, 1993

DATE OF APPROVAL: August 1, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

KBG:pp

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1271 and 1380

STATE OF NEW JERSEY

ADOPTED MARCH 22, 1993

Sponsored by Assemblymen KELLY, ZECKER, CATANIA
and Assemblywoman ANDERSON

1 AN ACT transferring the powers, functions and duties of the
2 bureau of fire safety in the Department of Community Affairs
3 to the Division of Fire Safety, amending the title of P.L.1983,
4 c.382, amending and supplementing the body of P.L.1983,
5 c.382, and amending PL.1989, c.42 and P.L.1991, c.433.
6

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

9 1. The title of P.L.1983, c.382 is amended to read as follows:

10 AN ACT establishing a [bureau of fire safety] Division of Fire
11 Safety and a fire safety commission in [and transferring the
12 Office of State Fire Marshal to] the [Division of Housing and
13 Urban Renewal in the] Department of Community Affairs,
14 transferring the Office of State Fire Marshal to the Division of
15 Fire Safety, and providing an appropriation therefor.

16 (cf: P.L.1983, c.382)

17 2. Section 1 of P.L.1983, c.382 (C.52:27D-25a) is amended to
18 read as follows:

19 1. As used in this act:

20 a. ["Bureau"] "Division" means the [bureau of fire safety]
21 Division of Fire Safety established by section 2 of this act.

22 b. "Commissioner" means the Commissioner of the
23 Department of Community Affairs.

24 c. "Department" means the Department of Community
25 Affairs.

26 d. "Commission" means the fire safety commission
27 established by section 5 of this act.

28 (cf: P.L.1983, c.382, s.1).

29 3. Section 2 of P.L.1983, c.382 (C.52:27D-25b) is amended to
30 read as follows:

31 2. There is established [in the Division of Housing and Urban
32 Renewal] in the Department of Community Affairs a [bureau of
33 fire safety] Division of Fire Safety. Within three months of the
34 effective date of this act, after reviewing the functions and
35 duties required of the [bureau] division by this act and
36 transferred to the [bureau] division by this act, the
37 commissioner shall prepare an organizational plan of the
38 [bureau] division.

39 (cf: P.L.1983, c.382, s.2).

40 4. Section 3 of P.L.1983, c.382 (C.52:27D-25c) is amended to
41 read as follows:

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 3. The [bureau] division shall be under the immediate
2 oversight of a [supervisor] director who shall administer and
3 enforce the provisions of this act, subject to the supervision and
4 control of the commissioner, and who shall perform other duties
5 as directed by the commissioner or as provided by law. The
6 [supervisor] director shall be appointed by the ¹[commissioner
7 subject to the provisions of Title 11 of the Revised Statutes]
8 Governor, with the advice and consent of the Senate, and shall
9 serve at the pleasure of the Governor. The fire safety
10 commission shall advise the commissioner on the qualifications
11 of the [supervisor] director.

12 (cf: P.L.1983, c.382, s.3).

13 5. Section 4 of P.L.1983, c.382 (C.52:27D-25d) is amended to
14 read as follows:

15 4. In addition to any other powers and duties invested in it by
16 law or by the commissioner, the [bureau] division shall:

17 a. Provide staff support for the work of the fire safety
18 commission and its advisory councils;

19 b. Administer and enforce the "Uniform Fire Safety Act,"
20 established by P.L.1983, c.383 (C.52:27D-192 et seq.);

21 c. Implement training and education programs for the fire
22 service and the public;

23 d. Administer a fire incident reporting system;

24 e. Conduct research and master planning for fire safety; and

25 f. In conjunction with the Department of Labor and
26 Department of Health, conduct investigations of fire incidents
27 in which one or more firefighters suffer death or serious injury
28 and identify those measures which may be required to prevent
29 the future occurrence of deaths and serious injuries under
30 similar circumstances and, in furtherance of any such
31 investigation, the [bureau] division may issue and enforce
32 subpoenas to compel the testimony of any person who might
33 have knowledge of any relevant matters and the production of
34 any relevant documents. If any investigation conducted under
35 this subsection results in the discovery of any violation of the
36 provisions of the "Uniform Fire Safety Act," P.L.1983, c.383
37 (C.52:27D-192 et seq.), the [bureau] division, as an enforcing
38 agency, may issue a written notice or order pursuant to that
39 act. Any notice or order issued by the [Bureau] Division of Fire
40 Safety pursuant to this subsection may be enforced under
41 section 19 of P.L.1983, c.383 (C.52:27D-210) as a notice or
42 order of the commissioner.

43 (cf: P.L.1991, c.186, s.1)

44 6. Section 6 of P.L.1983, c.382 (C.52:27D-25f) is amended to
45 read as follows:

46 6. Pursuant to the "State Agency Transfer Act," P.L.1971,
47 c.375 (C.52:14D-1 et seq.), personnel assigned to the Office of
48 the State Fire Marshal in the Division of State Police in the
49 Department of Law and Public Safety, together with all of its
50 functions, powers and duties, are transferred to the [bureau of
51 fire safety] Division of Fire Safety established by section 2 of
52 this act [in the Division of Housing and Urban Renewal] in the
53 Department of Community Affairs. The Department of
54 Community Affairs shall reorganize the functions, duties and

1 titles of the personnel transferred.

2 (cf: P.L.1983, c.382, s.6).

3 7. Section 1 of P.L.1989, c.42 (C.52:27D-25d1) is amended to
4 read as follows:

5 1. The [bureau of fire safety] Division of Fire Safety in the
6 Department of Community Affairs, in consultation with the
7 Department of Education, shall maintain a system for gathering
8 data on all fires that occur in any public school building or on
9 public school property.

10 (cf: P.L.1989, c.42, s.1)

11 8. Section 3 of P.L.1989, c.42 (C.52:27D-25d2) is amended to
12 read as follows:

13 3. Annually the [bureau of fire safety] Division of Fire Safety
14 shall prepare a report summarizing the data collected on school
15 fires and provide the report to the Commissioner of Education.

16 (cf: P.L.1989, c.42, s.3)

17 9. Section 4 of P.L.1991, c.433 (C.52:27D-25d3) is amended
18 to read as follows:

19 4. a. In consultation with the Commissioner of Health and
20 the Superintendent of the Division of State Police in the
21 Department of Law and Public Safety, the [bureau of fire
22 safety] Division of Fire Safety in the Department of Community
23 Affairs shall establish and maintain a burn patient arson registry
24 which shall contain the information from reports submitted
25 pursuant to subsection b. of N.J.S.2C:58-8 and any other
26 information deemed necessary by the director of the [bureau]
27 division to assist in the prevention and prosecution of the crime
28 of arson and to provide an information source for arson research
29 and analysis.

30 b. The director of the [bureau of fire safety] Division of Fire
31 Safety in the Department of Community Affairs, the
32 Superintendent of the Division of State Police in the
33 Department of Law and Public Safety, the Commissioner of
34 Health, two physicians or surgeons specializing in burn injuries
35 from Saint Barnabas Burn Foundation appointed by the director
36 of the foundation, and two physicians or surgeons specializing in
37 burn injuries from the Burn Foundation of Philadelphia appointed
38 by the director of the foundation shall meet at least once during
39 every six month period. The group shall meet to discuss the
40 status and operation of the burn patient arson registry and the
41 quality of the information accumulated in the registry; assess
42 the level of compliance with subsection b. of N.J.S.2C:58-8;
43 identify additional factors for inclusion in paragraph (7) of
44 subsection b. of N.J.S.2C:58-8; and make recommendations for
45 change in the operation of the registry.

46 (cf: P.L.1991, c.433, s.4)

47 10. Section 5 of P.L.1991, c.433 (C.52:27D-25d4) is amended
48 to read as follows:

49 5. In accordance with the "Administrative Procedure Act,"
50 P.L.1968, c.410 (C.52:14B-1 et seq.) the Commissioner of the
51 Department of Community Affairs shall adopt rules and
52 regulations necessary to effectuate the purposes of this act
53 including, but not limited to, the transfer of information from
54 the 24-hour toll free arson hotline established and maintained

1 pursuant to section 6 of P.L.1991, c.433 (C.53:2-7), procedures
2 for the submission of reports required under subsection b. of
3 N.J.S.2C:58-8, the transmission of all reports to the [bureau of
4 fire safety] Division of Fire Safety in the Department of
5 Community Affairs, and procedures for notifying the
6 appropriate enforcement agency, if necessary, to facilitate an
7 arson investigation.

8 The form to be used for written reports submitted pursuant to
9 subsection b. of N.J.S.2C:58-8 shall be developed in consultation
10 with the Department of Health, the Superintendent of the
11 Division of State Police and the physicians or surgeons of Saint
12 Barnabas Burn Foundation and the Burn Foundation of
13 Philadelphia appointed for the purposes of subsection b. of
14 section 2 of P.L.1991, c.433 (C.2A:62A-18).
15 (cf: P.L.1991, c.433, s.5)

16 11. (New section) The bureau of fire safety in the Division of
17 Housing and Urban Renewal in the Department of Community
18 Affairs, together with its functions, powers and duties, is
19 transferred to the Division of Fire Safety in the Department of
20 Community Affairs. All references in any law, order, rule,
21 regulation, contract, document, judicial or administrative
22 proceeding, or otherwise, to the bureau of fire safety in the
23 Division of Housing and Urban Renewal in the Department of
24 Community Affairs, or the supervisor thereof, shall mean the
25 Division of Fire Safety in the Department of Community Affairs
26 or the director thereof. All transfers shall be made pursuant to
27 the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1
28 et seq.).

29 12. This act shall take effect immediately.
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31
32
33

34 Transforms bureau of fire safety into a division in DCA.

ASSEMBLY, No. 1271

STATE OF NEW JERSEY

INTRODUCED APRIL 30, 1992

By Assemblymen KELLY and ZECKER

1 AN ACT transferring the powers, functions and duties of the
2 bureau of fire safety in the Department of Community Affairs
3 to the Division of Fire Safety and amending the title and
4 amending and supplementing the body of P.L.1983, c.382.

5

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

8 1. The title of P.L.1983, c.382 is amended to read as follows:

9 AN ACT establishing a [bureau of fire safety] Division of Fire
10 Safety and a fire safety commission in [and transferring the
11 Office of State Fire Marshal to] the [Division of Housing and
12 Urban Renewal in the] Department of Community Affairs,
13 transferring the Office of State Fire Marshal to the Division of
14 Fire Safety, and providing an appropriation therefor.

15 (cf: P.L.1983, c.382)

16 2. Section 1 of P.L.1983, c.382 (C.52:27D-25a) is amended to
17 read as follows:

18 1. As used in this act:

19 a. ["Bureau"] "Division" means the [bureau of fire safety]
20 Division of Fire Safety established by section 2 of this act.

21 b. "Commissioner" means the Commissioner of the
22 Department of Community Affairs.

23 c. "Department" means the Department of Community
24 Affairs.

25 d. "Commission" means the fire safety commission
26 established by section 5 of this act.

27 (cf: P.L.1983, c.382, s.1).

28 3. Section 2 of P.L.1983, c.382 (C.52:27D-25b) is amended to
29 read as follows:

30 2. There is established [in the Division of Housing and Urban
31 Renewal] in the Department of Community Affairs a [bureau of
32 fire safety] Division of Fire Safety. Within three months of the
33 effective date of this act, after reviewing the functions and
34 duties required of the [bureau] division by this act and
35 transferred to the [bureau] division by this act, the
36 commissioner shall prepare an organizational plan of the
37 [bureau] division.

38 (cf: P.L.1983, c.382, s.2).

39 4. Section 3 of P.L.1983, c.382 (C.52:27D-25c) is amended to
40 read as follows:

41 3. The [bureau] division shall be under the immediate
42 oversight of a [supervisor] director who shall administer and
43 enforce the provisions of this act, subject to the supervision and

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 control of the commissioner, and who shall perform other duties
2 as directed by the commissioner or as provided by law. The
3 [supervisor] director shall be appointed by the commissioner
4 subject to the provisions of Title 11 of the Revised Statutes.
5 The fire safety commission shall advise the commissioner on the
6 qualifications of the [supervisor] director.

7 (cf: P.L.1983, c.382, s.3).

8 5. Section 4 of P.L.1983, c.382 (C.52:27D-25d) is amended to
9 read as follows:

10 4. In addition to any other powers and duties invested in it by
11 law or by the commissioner, the [bureau] division shall:

12 a. Provide staff support for the work of the fire safety
13 commission and its advisory councils;

14 b. Administer and enforce the "Uniform Fire Safety Act,"
15 established by P.L.1983, c.383 (C.52:27D-192 et seq.);

16 c. Implement training and education programs for the fire
17 service and the public;

18 d. Administer a fire incident reporting system;

19 e. Conduct research and master planning for fire safety; and

20 f. In conjunction with the Department of Labor and
21 Department of Health, conduct investigations of fire incidents
22 in which one or more firefighters suffer death or serious injury
23 and identify those measures which may be required to prevent
24 the future occurrence of deaths and serious injuries under
25 similar circumstances and, in furtherance of any such
26 investigation, the [bureau] division may issue and enforce
27 subpoenas to compel the testimony of any person who might
28 have knowledge of any relevant matters and the production of
29 any relevant documents. If any investigation conducted under
30 this subsection results in the discovery of any violation of the
31 provisions of the "Uniform Fire Safety Act," P.L.1983, c.383
32 (C.52:27D-192 et seq.), the [bureau] division, as an enforcing
33 agency, may issue a written notice or order pursuant to that
34 act. Any notice or order issued by the [Bureau] Division of Fire
35 Safety pursuant to this subsection may be enforced under
36 section 19 of P.L.1983, c.383 (C.52:27D-210) as a notice or
37 order of the commissioner.

38 (cf: P.L.1991, c.186, s.1)

39 6. Section 6 of P.L.1983, c.382 (C.52:27D-25f) is amended to
40 read as follows:

41 6. Pursuant to the "State Agency Transfer Act," P.L.1971,
42 c.375 (C.52:14D-1 et seq.), personnel assigned to the Office of
43 the State Fire Marshal in the Division of State Police in the
44 Department of Law and Public Safety, together with all of its
45 functions, powers and duties, are transferred to the [bureau of
46 fire safety] Division of Fire Safety established by section 2 of
47 this act [in the Division of Housing and Urban Renewal] in the
48 Department of Community Affairs. The Department of
49 Community Affairs shall reorganize the functions, duties and
50 titles of the personnel transferred.

51 (cf: P.L.1983, c.382, s.6).

52 7. Section 1 of P.L.1989, c.42 (C.52:27D-25d1) is amended to
53 read as follows:

54 1. The [bureau of fire safety] Division of Fire Safety in the

1 Department of Community Affairs, in consultation with the
2 Department of Education, shall maintain a system for gathering
3 data on all fires that occur in any public school building or on
4 public school property.

5 (cf: P.L.1989, c.42, s.1)

6 8. Section 3 of P.L.1989, c.42 (C.52:27D-25d2) is amended to
7 read as follows:

8 3. Annually the [bureau of fire safety] Division of Fire Safety
9 shall prepare a report summarizing the data collected on school
10 fires and provide the report to the Commissioner of Education.

11 (cf: P.L.1989, c.42, s.3)

12 9. Section 4 of P.L.1991, c.433 (C.52:27D-25d3) is amended
13 to read as follows:

14 4. a. In consultation with the Commissioner of Health and
15 the Superintendent of the Division of State Police in the
16 Department of Law and Public Safety, the [bureau of fire
17 safety] Division of Fire Safety in the Department of Community
18 Affairs shall establish and maintain a burn patient arson registry
19 which shall contain the information from reports submitted
20 pursuant to subsection b. of N.J.S.2C:58-8 and any other
21 information deemed necessary by the director of the [bureau]
22 division to assist in the prevention and prosecution of the crime
23 of arson and to provide an information source for arson research
24 and analysis.

25 b. The director of the [bureau of fire safety] Division of Fire
26 Safety in the Department of Community Affairs, the
27 Superintendent of the Division of State Police in the
28 Department of Law and Public Safety, the Commissioner of
29 Health, two physicians or surgeons specializing in burn injuries
30 from Saint Barnabas Burn Foundation appointed by the director
31 of the foundation, and two physicians or surgeons specializing in
32 burn injuries from the Burn Foundation of Philadelphia appointed
33 by the director of the foundation shall meet at least once during
34 every six month period. The group shall meet to discuss the
35 status and operation of the burn patient arson registry and the
36 quality of the information accumulated in the registry; assess
37 the level of compliance with subsection b. of N.J.S.2C:58-8;
38 identify additional factors for inclusion in paragraph (7) of
39 subsection b. of N.J.S.2C:58-8; and make recommendations for
40 change in the operation of the registry.

41 (cf: P.L.1991, c.433, s.4)

42 10. Section 5 of P.L.1991, c.433 (C.52:27D-25d4) is amended
43 to read as follows:

44 5. In accordance with the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.) the Commissioner of the
46 Department of Community Affairs shall adopt rules and
47 regulations necessary to effectuate the purposes of this act
48 including, but not limited to, the transfer of information from
49 the 24-hour toll free arson hotline established and maintained
50 pursuant to section 6 of P.L.1991, c.433 (C.53:2-7), procedures
51 for the submission of reports required under subsection b. of
52 N.J.S.2C:58-8, the transmission of all reports to the [bureau of
53 fire safety] Division of Fire Safety in the Department of
54 Community Affairs, and procedures for notifying the

1 appropriate enforcement agency, if necessary, to facilitate an
2 arson investigation.

3 The form to be used for written reports submitted pursuant to
4 subsection b. of N.J.S.2C:58-8 shall be developed in consultation
5 with the Department of Health, the Superintendent of the
6 Division of State Police and the physicians or surgeons of Saint
7 Barnabas Burn Foundation and the Burn Foundation of
8 Philadelphia appointed for the purposes of subsection b. of
9 section 2 of P.L.1991, c.433 (C.2A:62A-18).

10 (cf: P.L.1991, c.433, s.4)

11 11. (New section) The bureau of fire safety in the Division of
12 Housing and Urban Renewal in the Department of Community
13 Affairs, together with its functions, powers and duties, is
14 transferred to the Division of Fire Safety in the Department of
15 Community Affairs. All references in any law, order, rule,
16 regulation, contract, document, judicial or administrative
17 proceeding, or otherwise, to the bureau of fire safety in the
18 Division of Housing and Urban Renewal in the Department of
19 Community Affairs, or the supervisor thereof, shall mean the
20 Division of Fire Safety in the Department of Community Affairs
21 or the director thereof. All transfers shall be made pursuant to
22 the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1
23 et seq.).

24 12. This act shall take effect immediately.

25

26

27 STATEMENT

28

29 Section 7 of the law that created the bureau of fire safety,
30 P.L.1983, c.382 (C.52:27D-25a et seq.), requires that within two
31 years of that act's effective date, the fire safety commission
32 consider whether the bureau should be raised to the status of a
33 division in the Department of Community Affairs.

34 On November 27, 1985, the fire safety commission adopted a
35 resolution recommending that the bureau be elevated to a
36 division. The resolution states that the bureau of fire safety's
37 broad range of statutory responsibilities and authority
38 necessitate a latitude of operation not commonly found in units
39 of State government below the level of division.

40 This bill carries out the fire safety commission's
41 recommendation and elevates the bureau of fire safety to the
42 status of a division in the Department of Community Affairs.

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Transforms bureau of fire safety into a division in DCA.

ASSEMBLY JUDICIARY, LAW AND
PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1271 and 1380

STATE OF NEW JERSEY

DATED: MARCH 22, 1993

The Assembly Judiciary, Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bills Nos. 1271 and 1380.

Section 7 of the law that created the bureau of fire safety, P.L.1983, c.382 (C.52:27D-25a et seq.), requires that within two years of that act's effective date, the fire safety commission consider whether the bureau should be raised to the status of a division in the Department of Community Affairs.

On November 27, 1985, the fire safety commission adopted a resolution recommending that the bureau be elevated to a division. The resolution states that the bureau of fire safety's broad range of statutory responsibilities and authority necessitate a latitude of operation not commonly found in units of State government below the level of division.

This substitute carries out the fire safety commission's recommendation and elevates the bureau of fire safety to the status of a division in the Department of Community Affairs.

References in the law to "bureau of fire safety" are changed to "Division of Fire Safety". There is a change in one section of the law being amended. Section 3 of P.L.1983, c.382 (C.52:27D-25c) (section 4 of the substitute) is changed to provide that the director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor. Current law provides for the supervisor of the bureau to be appointed by the commissioner.



OFFICE OF THE GOVERNOR NEWS RELEASE

**CN-001
Contact:**

Jon Shure, 609/538-1480
Audrey Kelly, 908/355-0214

TRENTON, N.J. 08625

Release:

Sunday
August 1, 1993

GOVERNOR SIGNS BILL CREATING DIVISION OF FIRE SAFETY

PRINCETON -- Governor Jim Florio today signed legislation creating a Division of Fire Safety within the state Department of Community Affairs, a long overdue change which he said gave firefighters new clout in state government.

"One of the things that gives firefighters their strength is their great history of tradition. Among the proudest of those traditions is their strong voice in their communities and in government. I want to make sure firefighters' voices continue to be heard above the dull roar of the bureaucracy. This long overdue bill will establish an independent Division of Fire Safety within state government," said Governor Florio, during a reception for firefighters at Drumthwacket, the official residence.

"This bill doesn't just give the firefighter's bureau a new name. It gives it a new clout," said the Governor.

The legislation elevates the current Bureau of Fire Safety to division status, following up on a long-delayed recommendation first issued by the state Fire Safety Commission in 1985. The bureau was created in 1983 under the Uniform Fire Safety Act which set a framework for the state's Uniform Fire Code, recognized as the nation's best fire code. In addition to enforcing the fire code, the bureau also created the most comprehensive training curriculum for firefighters and firefighter instructors in the nation.

"Firefighting is the most hazardous profession in America. We'll never make it risk free, but we can reduce the risk. Since 1989, we've seen firefighter injuries in New Jersey inch steadily down. A big part of the reason is because we've listened to firefighters' voices on important matters like training, protective equipment, better fire prevention efforts and tougher code enforcement," said Governor Florio. "The new *Division of Fire Safety* will enable us to hear better and do better."

A 1271/A 1380/ S656 was sponsored by Assemblypersons John Kelly and Frank Catania, and Senators Joseph Bubba and Leonard Connors.

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