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SENATE, No. 982

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 10, 2000

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Exempts certain child care centers in public school buildings from radon testing and certain other requirements.

CURRENT VERSION OF TEXT

As introduced.



S982 LITTELL

2

1 AN ACT concerning certain child care centers, and amending
2 P.L.1997, c.44 and P.L.1983, c.492.

3

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

6

7 1. Section 1 of P.L.1997, c.44 (C.30:5B-5.2) is amended to read
8 as follows:

9 1. a. Within six months of the effective date of this act, the owner
10 of any building in which a child care center licensed pursuant to the
11 provisions of P.L.1983, c.492 (C.30:5B-1 et seq.) is located shall test
12 or cause to be tested the space in the building in which the child care
13 center is located for the presence of radon gas and radon progeny.
14 The test shall be conducted at least once every five years. If the
15 building has been tested less than five years prior to the effective date
16 of this act, then the test shall be performed within five years of that
17 test and once every five years thereafter.

18 b. The provisions of section 4 of P.L.1986, c.83 (C.26:2D-73) to
19 the contrary notwithstanding, any owner of a building who tests for
20 the presence of radon gas and radon progeny pursuant to this act or
21 who has performed the test within five years prior to the effective date
22 of this act shall post, within 30 days of the completion of the testing
23 procedures, or within 30 days of the effective date of this act if the test
24 has been performed prior thereto, the results of the test, and any
25 measures taken or proposed to mitigate the presence of radon gas or
26 radon progeny, at a location in the building which is readily visible to
27 persons having responsibility for any child that attends the child care
28 center.

29 c. The provisions of this act shall not apply to a child care center
30 operated by a non-profit organization in a public school building used
31 as a public school.

32 (cf: P.L.1997, c.44, s.1)

33

34 2. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read as
35 follows:

36 5. a. The department shall have responsibility and authority to
37 license and inspect child care centers. The commissioner shall
38 promulgate rules and regulations for the operation and maintenance of
39 child care centers which shall prescribe standards governing the safety
40 and adequacy of the physical plant or facilities; the education, health,
41 safety, general well-being and physical and intellectual development of
42 the children; the quality and quantity of food served; the number of
43 staff and the qualifications of each staff member; the implementation

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 of a developmentally appropriate program; the maintenance and
2 confidentiality of records and furnishing of required information; the
3 transportation of children; and the administration of the center. The
4 commissioner shall also promulgate rules and regulations for license
5 application, issuance, renewal, expiration, denial, suspension and
6 revocation. In developing, revising or amending such rules and
7 regulations, the commissioner shall consult with the Child Care
8 Advisory Council created pursuant to section 14 of P.L.1983, c.492
9 (C.30:5B-14), and with other appropriate administrative officers and
10 agencies, including the Departments of Health, Education, Labor,
11 Community Affairs and the Division of Motor Vehicles giving due
12 weight to their recommendations. The rules and regulations
13 promulgated pursuant to this act shall be adopted and amended in
14 accordance with the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.).

16 b. The department shall conduct an on site facility inspection and
17 shall evaluate the program of the child care center to determine
18 whether the center complies with the provisions of this act.

19 c. Any rule or regulation involving physical examination,
20 immunization or medical treatment shall include an appropriate
21 exemption for any child whose parent or parents object thereto on the
22 ground that it conflicts with the tenets and practice of a recognized
23 church or religious denomination of which the parent or child is an
24 adherent or member.

25 d. The department shall have the authority to inspect and examine
26 the physical plant or facilities of a child care center and to inspect all
27 documents, records, files or other data maintained pursuant to this act
28 during normal operating hours and without prior notice.

29 e. The department shall request the appropriate State and local fire,
30 health and building officials to conduct examinations and inspections
31 to determine compliance with State and local ordinances, codes and
32 regulations by a child care center. The inspections shall be conducted
33 and the results reported to the department within 60 days after the
34 request.

35 f. Nothing in this act shall be interpreted to permit the adoption of
36 any code or standard which exceeds the standards established pursuant
37 to the "State Uniform Construction Code Act," P.L.1975, c.217
38 (C.52:27D-119 et seq.).

39 g. Any rules and regulations adopted by the department pursuant
40 to this act prescribing standards governing the safety and adequacy of
41 the physical plant or facilities of child care centers shall not apply to
42 a child care center operated by a non-profit organization in a public
43 school building used as a public school.

44 (cf: P.L.1992, c.95, s.3.

45

46 3. This act shall take effect immediately.

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4

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STATEMENT

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3 This bill would provide that the requirement to test a building in
4 which a child care center is located for radon, imposed pursuant to
5 P.L.1997, c.44, would not apply to a child care center operated by a
6 non-profit organization and located in a public school building used
7 as a public school. This bill would also exempt such child care centers
8 from any standards adopted by the Department of Human Services
9 concerning the physical plant or facilities of child care centers.

SENATE HEALTH COMMITTEE

STATEMENT TO

SENATE, No. 982

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 20, 2000

The Senate Health Committee reports favorably and with committee amendments Senate Bill No. 982.

As amended by committee, this bill would provide that the requirement to test a building in which a child care center is located for radon, established in 1997 pursuant to N.J.S.A.30:5B-5.2, would not apply to a child care center operated by a nonprofit organization and located in a public school building used as a public school, until September 1, 2001. Also, this bill exempts such child care centers from any standards adopted by the Department of Human Services concerning the physical plant or facilities of child care centers.

The committee amended the bill to provide nonprofit child care centers located in public school buildings additional time to meet the radon testing requirements of N.J.S.A.30:5B-5.2.

[First Reprint]

SENATE, No. 982

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 10, 2000

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

Assemblyman Gregg

SYNOPSIS

Exempts certain child care centers in public school buildings from radon testing and certain other requirements.

CURRENT VERSION OF TEXT

As reported by the Senate Health Committee on March 20, 2000, with amendments.



(Sponsorship Updated As Of: 6/27/2000)

1 AN ACT concerning certain child care centers, and amending
2 P.L.1997, c.44 and P.L.1983, c.492.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1997, c.44 (C.30:5B-5.2) is amended to read
8 as follows:

9 1. a. ¹**[Within]** Except as provided in subsection c. of this section,
10 within¹ six months of the effective date of this act, the owner of any
11 building in which a child care center licensed pursuant to the
12 provisions of P.L.1983, c.492 (C.30:5B-1 et seq.) is located shall test
13 or cause to be tested the space in the building in which the child care
14 center is located for the presence of radon gas and radon progeny.
15 The test shall be conducted at least once every five years. If the
16 building has been tested less than five years prior to the effective date
17 of this act, then the test shall be performed within five years of that
18 test and once every five years thereafter.

19 b. The provisions of section 4 of P.L.1986, c.83 (C.26:2D-73) to
20 the contrary notwithstanding, any owner of a building who tests for
21 the presence of radon gas and radon progeny pursuant to this act or
22 who has performed the test within five years prior to the effective date
23 of this act shall post, within 30 days of the completion of the testing
24 procedures, or within 30 days of the effective date of this act if the test
25 has been performed prior thereto, the results of the test, and any
26 measures taken or proposed to mitigate the presence of radon gas or
27 radon progeny, at a location in the building which is readily visible to
28 persons having responsibility for any child that attends the child care
29 center.

30 c. The provisions of ¹**[this act]** P.L.1977, c.44 (C.30:5B-5.2)¹
31 shall not apply to a child care center operated by a non-profit
32 organization in a public school building used as a public school ¹, until
33 September 1, 2001¹.

34 (cf: P.L.1997, c.44, s.1)

35
36 2. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read as
37 follows:

38 5. a. The department shall have responsibility and authority to
39 license and inspect child care centers. The commissioner shall
40 promulgate rules and regulations for the operation and maintenance of
41 child care centers which shall prescribe standards governing the safety

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted March 20, 2000.

1 and adequacy of the physical plant or facilities; the education, health,
2 safety, general well-being and physical and intellectual development of
3 the children; the quality and quantity of food served; the number of
4 staff and the qualifications of each staff member; the implementation
5 of a developmentally appropriate program; the maintenance and
6 confidentiality of records and furnishing of required information; the
7 transportation of children; and the administration of the center. The
8 commissioner shall also promulgate rules and regulations for license
9 application, issuance, renewal, expiration, denial, suspension and
10 revocation. In developing, revising or amending such rules and
11 regulations, the commissioner shall consult with the Child Care
12 Advisory Council created pursuant to section 14 of P.L.1983, c.492
13 (C.30:5B-14), and with other appropriate administrative officers and
14 agencies, including the Departments of Health, Education, Labor,
15 Community Affairs and the Division of Motor Vehicles giving due
16 weight to their recommendations. The rules and regulations
17 promulgated pursuant to this act shall be adopted and amended in
18 accordance with the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.).

20 b. The department shall conduct an on site facility inspection and
21 shall evaluate the program of the child care center to determine
22 whether the center complies with the provisions of this act.

23 c. Any rule or regulation involving physical examination,
24 immunization or medical treatment shall include an appropriate
25 exemption for any child whose parent or parents object thereto on the
26 ground that it conflicts with the tenets and practice of a recognized
27 church or religious denomination of which the parent or child is an
28 adherent or member.

29 d. The department shall have the authority to inspect and examine
30 the physical plant or facilities of a child care center and to inspect all
31 documents, records, files or other data maintained pursuant to this act
32 during normal operating hours and without prior notice.

33 e. The department shall request the appropriate State and local fire,
34 health and building officials to conduct examinations and inspections
35 to determine compliance with State and local ordinances, codes and
36 regulations by a child care center. The inspections shall be conducted
37 and the results reported to the department within 60 days after the
38 request.

39 f. Nothing in this act shall be interpreted to permit the adoption of
40 any code or standard which exceeds the standards established pursuant
41 to the "State Uniform Construction Code Act," P.L.1975, c.217
42 (C.52:27D-119 et seq.).

43 g. Any rules and regulations adopted by the department pursuant
44 to this act prescribing standards governing the safety and adequacy of
45 the physical plant or facilities of child care centers shall not apply to
46 a child care center operated by a non-profit organization in a public

S982 [1R] LITTELL

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1 school building used as a public school.

2 (cf: P.L.1992, c.95, s.3.

3

4 3. This act shall take effect immediately.

STATEMENT TO
[First Reprint]
SENATE, No. 982

with Assembly Floor Amendments
(Proposed By Assemblyman GREGG)

ADOPTED: JUNE 26, 2000

The amendments require all public schools be tested for the presence of radon gas or radon progeny at least once every five years, except as may otherwise be provided by the superintendent of schools. However, in making such modifications to the requirement, the amendments require the Commissioner of Education to direct at least every public school used as a public school in which a child care center is operated by a non-profit organization is tested by the school in which the child care center is operated.

[Second Reprint]

SENATE, No. 982

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED FEBRUARY 10, 2000

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

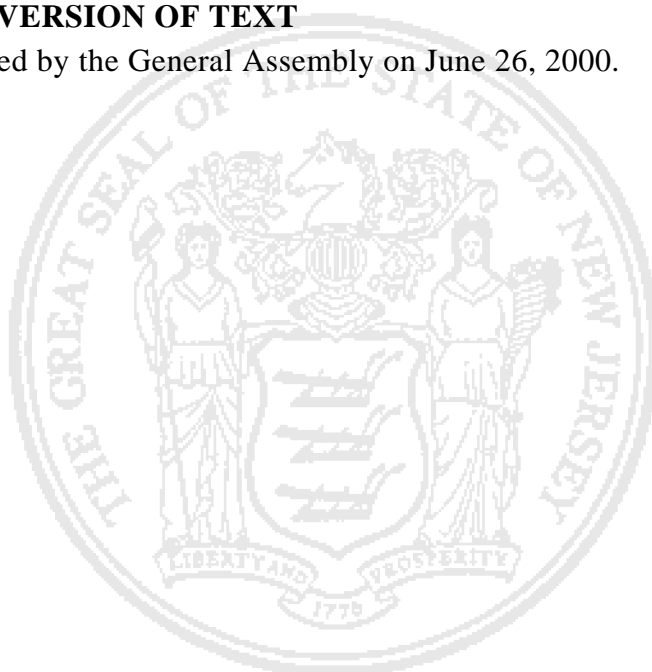
Assemblyman Gregg

SYNOPSIS

Exempts certain child care centers in public school buildings from radon testing and certain other requirements.

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 26, 2000.



(Sponsorship Updated As Of: 6/27/2000)

1 AN ACT concerning certain child care centers, and amending
2 P.L.1997, c.44 and P.L.1983, c.492.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1997, c.44 (C.30:5B-5.2) is amended to read
8 as follows:

9 1. a. ¹~~[Within]~~ Except as provided in subsection c. of this section,
10 within¹ six months of the effective date of this act, the owner of any
11 building in which a child care center licensed pursuant to the
12 provisions of P.L.1983, c.492 (C.30:5B-1 et seq.) is located shall test
13 or cause to be tested the space in the building in which the child care
14 center is located for the presence of radon gas and radon progeny.
15 The test shall be conducted at least once every five years. If the
16 building has been tested less than five years prior to the effective date
17 of this act, then the test shall be performed within five years of that
18 test and once every five years thereafter.

19 b. The provisions of section 4 of P.L.1986, c.83 (C.26:2D-73) to
20 the contrary notwithstanding, any owner of a building who tests for
21 the presence of radon gas and radon progeny pursuant to this act or
22 who has performed the test within five years prior to the effective date
23 of this act shall post, within 30 days of the completion of the testing
24 procedures, or within 30 days of the effective date of this act if the test
25 has been performed prior thereto, the results of the test, and any
26 measures taken or proposed to mitigate the presence of radon gas or
27 radon progeny, at a location in the building which is readily visible to
28 persons having responsibility for any child that attends the child care
29 center.

30 c. The provisions of ¹~~[this act]~~ P.L.1977, c.44 (C.30:5B-5.2)¹
31 shall not apply to a child care center operated by a non-profit
32 organization in a public school building used as a public school¹, until
33 September 1, 2001¹.

34 (cf: P.L.1997, c.44, s.1)

35
36 2. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read as
37 follows:

38 5. a. The department shall have responsibility and authority to
39 license and inspect child care centers. The commissioner shall
40 promulgate rules and regulations for the operation and maintenance of
41 child care centers which shall prescribe standards governing the safety

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted March 20, 2000.

² Assembly floor amendments adopted June 26, 2000.

1 and adequacy of the physical plant or facilities; the education, health,
2 safety, general well-being and physical and intellectual development of
3 the children; the quality and quantity of food served; the number of
4 staff and the qualifications of each staff member; the implementation
5 of a developmentally appropriate program; the maintenance and
6 confidentiality of records and furnishing of required information; the
7 transportation of children; and the administration of the center. The
8 commissioner shall also promulgate rules and regulations for license
9 application, issuance, renewal, expiration, denial, suspension and
10 revocation. In developing, revising or amending such rules and
11 regulations, the commissioner shall consult with the Child Care
12 Advisory Council created pursuant to section 14 of P.L.1983, c.492
13 (C.30:5B-14), and with other appropriate administrative officers and
14 agencies, including the Departments of Health, Education, Labor,
15 Community Affairs and the Division of Motor Vehicles giving due
16 weight to their recommendations. The rules and regulations
17 promulgated pursuant to this act shall be adopted and amended in
18 accordance with the "Administrative Procedure Act," P.L.1968, c.410
19 (C.52:14B-1 et seq.).

20 b. The department shall conduct an on site facility inspection and
21 shall evaluate the program of the child care center to determine
22 whether the center complies with the provisions of this act.

23 c. Any rule or regulation involving physical examination,
24 immunization or medical treatment shall include an appropriate
25 exemption for any child whose parent or parents object thereto on the
26 ground that it conflicts with the tenets and practice of a recognized
27 church or religious denomination of which the parent or child is an
28 adherent or member.

29 d. The department shall have the authority to inspect and examine
30 the physical plant or facilities of a child care center and to inspect all
31 documents, records, files or other data maintained pursuant to this act
32 during normal operating hours and without prior notice.

33 e. The department shall request the appropriate State and local fire,
34 health and building officials to conduct examinations and inspections
35 to determine compliance with State and local ordinances, codes and
36 regulations by a child care center. The inspections shall be conducted
37 and the results reported to the department within 60 days after the
38 request.

39 f. Nothing in this act shall be interpreted to permit the adoption of
40 any code or standard which exceeds the standards established pursuant
41 to the "State Uniform Construction Code Act," P.L.1975, c.217
42 (C.52:27D-119 et seq.).

43 g. Any rules and regulations adopted by the department pursuant
44 to this act prescribing standards governing the safety and adequacy of
45 the physical plant or facilities of child care centers shall not apply to
46 a child care center operated by a non-profit organization in a public

1 school building used as a public school.

2 (cf: P.L.1992, c.95, s.3.

3

4 ²3. (New section) a. Except as may be provided pursuant to
5 subsection b. of this section, every public school building used as a
6 public school in the State shall be tested for the presence of radon gas
7 or radon progeny at least once every five years. If the public school
8 has been tested less than five years prior to the effective date of this
9 act, then the test shall be performed within five years of that test and
10 once every five years thereafter.

11 b. The Commissioner of Education, in consultation with the
12 Department of Environmental Protection, shall determine the extent of
13 testing required and the locations for the testing, provided that at least
14 every public school building used as a public school in which a child
15 care center is operated by a non-profit organization is tested by the
16 school in which the child care center is operated for the presence of
17 radon gas or radon progeny at least once every five years. The
18 superintendent of each school district in the State, in consultation with
19 the Department of Environmental Protection and the principal of each
20 school to be tested, shall determine the buildings to be tested, the
21 locations within each building to be tested, the method of testing, and
22 the procedures concerning notification and circulation of the testing
23 results.²

24

25 ²[3.] 4.² This act shall take effect immediately.

P.L. 2000, CHAPTER 122, *approved September 14, 2000*
Senate, No. 982 (*Second Reprint*)

1 AN ACT concerning certain child care centers, and amending
2 P.L.1997, c.44 and P.L.1983, c.492.

3

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

6

7 1. Section 1 of P.L.1997, c.44 (C.30:5B-5.2) is amended to read
8 as follows:

9 1. a. ¹**[Within]** Except as provided in subsection c. of this section,
10 within¹ six months of the effective date of this act, the owner of any
11 building in which a child care center licensed pursuant to the
12 provisions of P.L.1983, c.492 (C.30:5B-1 et seq.) is located shall test
13 or cause to be tested the space in the building in which the child care
14 center is located for the presence of radon gas and radon progeny.
15 The test shall be conducted at least once every five years. If the
16 building has been tested less than five years prior to the effective date
17 of this act, then the test shall be performed within five years of that
18 test and once every five years thereafter.

19 b. The provisions of section 4 of P.L.1986, c.83 (C.26:2D-73) to
20 the contrary notwithstanding, any owner of a building who tests for
21 the presence of radon gas and radon progeny pursuant to this act or
22 who has performed the test within five years prior to the effective date
23 of this act shall post, within 30 days of the completion of the testing
24 procedures, or within 30 days of the effective date of this act if the test
25 has been performed prior thereto, the results of the test, and any
26 measures taken or proposed to mitigate the presence of radon gas or
27 radon progeny, at a location in the building which is readily visible to
28 persons having responsibility for any child that attends the child care
29 center.

30 c. The provisions of ¹**[this act]** P.L.1977, c.44 (C.30:5B-5.2)¹
31 shall not apply to a child care center operated by a non-profit
32 organization in a public school building used as a public school¹, until
33 September 1, 2001¹.

34 (cf: P.L.1997, c.44, s.1)

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHH committee amendments adopted March 20, 2000.

² Assembly floor amendments adopted June 26, 2000.

1 2. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read as
2 follows:

3 5. a. The department shall have responsibility and authority to
4 license and inspect child care centers. The commissioner shall
5 promulgate rules and regulations for the operation and maintenance of
6 child care centers which shall prescribe standards governing the safety
7 and adequacy of the physical plant or facilities; the education, health,
8 safety, general well-being and physical and intellectual development of
9 the children; the quality and quantity of food served; the number of
10 staff and the qualifications of each staff member; the implementation
11 of a developmentally appropriate program; the maintenance and
12 confidentiality of records and furnishing of required information; the
13 transportation of children; and the administration of the center. The
14 commissioner shall also promulgate rules and regulations for license
15 application, issuance, renewal, expiration, denial, suspension and
16 revocation. In developing, revising or amending such rules and
17 regulations, the commissioner shall consult with the Child Care
18 Advisory Council created pursuant to section 14 of P.L.1983, c.492
19 (C.30:5B-14), and with other appropriate administrative officers and
20 agencies, including the Departments of Health, Education, Labor,
21 Community Affairs and the Division of Motor Vehicles giving due
22 weight to their recommendations. The rules and regulations
23 promulgated pursuant to this act shall be adopted and amended in
24 accordance with the "Administrative Procedure Act," P.L.1968, c.410
25 (C.52:14B-1 et seq.).

26 b. The department shall conduct an on site facility inspection and
27 shall evaluate the program of the child care center to determine
28 whether the center complies with the provisions of this act.

29 c. Any rule or regulation involving physical examination,
30 immunization or medical treatment shall include an appropriate
31 exemption for any child whose parent or parents object thereto on the
32 ground that it conflicts with the tenets and practice of a recognized
33 church or religious denomination of which the parent or child is an
34 adherent or member.

35 d. The department shall have the authority to inspect and examine
36 the physical plant or facilities of a child care center and to inspect all
37 documents, records, files or other data maintained pursuant to this act
38 during normal operating hours and without prior notice.

39 e. The department shall request the appropriate State and local fire,
40 health and building officials to conduct examinations and inspections
41 to determine compliance with State and local ordinances, codes and
42 regulations by a child care center. The inspections shall be conducted
43 and the results reported to the department within 60 days after the
44 request.

45 f. Nothing in this act shall be interpreted to permit the adoption of
46 any code or standard which exceeds the standards established pursuant

1 to the "State Uniform Construction Code Act," P.L.1975, c.217
2 (C.52:27D-119 et seq.).

3 g. Any rules and regulations adopted by the department pursuant
4 to this act prescribing standards governing the safety and adequacy of
5 the physical plant or facilities of child care centers shall not apply to
6 a child care center operated by a non-profit organization in a public
7 school building used as a public school.

8 (cf: P.L.1992, c.95, s.3.

9

10 ²3. (New section) a. Except as may be provided pursuant to
11 subsection b. of this section, every public school building used as a
12 public school in the State shall be tested for the presence of radon gas
13 or radon progeny at least once every five years. If the public school
14 has been tested less than five years prior to the effective date of this
15 act, then the test shall be performed within five years of that test and
16 once every five years thereafter.

17 b. The Commissioner of Education, in consultation with the
18 Department of Environmental Protection, shall determine the extent of
19 testing required and the locations for the testing, provided that at least
20 every public school building used as a public school in which a child
21 care center is operated by a non-profit organization is tested by the
22 school in which the child care center is operated for the presence of
23 radon gas or radon progeny at least once every five years. The
24 superintendent of each school district in the State, in consultation with
25 the Department of Environmental Protection and the principal of each
26 school to be tested, shall determine the buildings to be tested, the
27 locations within each building to be tested, the method of testing, and
28 the procedures concerning notification and circulation of the testing
29 results.²

30

31 ²[3.] 4.² This act shall take effect immediately.

32

33

34

35

36 Exempts certain child care centers in public school buildings from
37 radon testing and certain other requirements.

CHAPTER 122

AN ACT concerning certain child care centers, and amending P.L.1997, c.44 and P.L.1983, c.492.

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

1. Section 1 of P.L.1997, c.44 (C.30:5B-5.2) is amended to read as follows:

C.30:5B-5.2 Radon testing in child care centers, requirements, exceptions.

1. a. Except as provided in subsection c. of this section, within six months of the effective date of this act, the owner of any building in which a child care center licensed pursuant to the provisions of P.L.1983, c.492 (C.30:5B-1 et seq.) is located shall test or cause to be tested the space in the building in which the child care center is located for the presence of radon gas and radon progeny. The test shall be conducted at least once every five years. If the building has been tested less than five years prior to the effective date of this act, then the test shall be performed within five years of that test and once every five years thereafter.

b. The provisions of section 4 of P.L.1986, c.83 (C.26:2D-73) to the contrary notwithstanding, any owner of a building who tests for the presence of radon gas and radon progeny pursuant to this act or who has performed the test within five years prior to the effective date of this act shall post, within 30 days of the completion of the testing procedures, or within 30 days of the effective date of this act if the test has been performed prior thereto, the results of the test, and any measures taken or proposed to mitigate the presence of radon gas or radon progeny, at a location in the building which is readily visible to persons having responsibility for any child that attends the child care center.

c. The provisions of P.L.1997, c.44 (C.30:5B-5.2) shall not apply to a child care center operated by a nonprofit organization in a public school building used as a public school, until September 1, 2001.

2. Section 5 of P.L.1983, c.492 (C.30:5B-5) is amended to read as follows:

C.30:5B-5 Rules, regulations.

5. a. The department shall have responsibility and authority to license and inspect child care centers. The commissioner shall promulgate rules and regulations for the operation and maintenance of child care centers which shall prescribe standards governing the safety and adequacy of the physical plant or facilities; the education, health, safety, general well-being and physical and intellectual development of the children; the quality and quantity of food served; the number of staff and the qualifications of each staff member; the implementation of a developmentally appropriate program; the maintenance and confidentiality of records and furnishing of required information; the transportation of children; and the administration of the center. The commissioner shall also promulgate rules and regulations for license application, issuance, renewal, expiration, denial, suspension and revocation. In developing, revising or amending such rules and regulations, the commissioner shall consult with the Child Care Advisory Council created pursuant to section 14 of P.L.1983, c.492 (C.30:5B-14), and with other appropriate administrative officers and agencies, including the Departments of Health and Senior Services, Education, Labor, Community Affairs and the Division of Motor Vehicles giving due weight to their recommendations. The rules and regulations promulgated pursuant to this act shall be adopted and amended in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

b. The department shall conduct an on site facility inspection and shall evaluate the program of the child care center to determine whether the center complies with the provisions of this act.

c. Any rule or regulation involving physical examination, immunization or medical treatment shall include an appropriate exemption for any child whose parent or parents object thereto on the ground that it conflicts with the tenets and practice of a recognized church or religious denomination of which the parent or child is an adherent or member.

d. The department shall have the authority to inspect and examine the physical plant or facilities of a child care center and to inspect all documents, records, files or other data maintained pursuant to this act during normal operating hours and without prior notice.

e. The department shall request the appropriate State and local fire, health and building

officials to conduct examinations and inspections to determine compliance with State and local ordinances, codes and regulations by a child care center. The inspections shall be conducted and the results reported to the department within 60 days after the request.

f. Nothing in this act shall be interpreted to permit the adoption of any code or standard which exceeds the standards established pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.).

g. Any rules and regulations adopted by the department pursuant to this act prescribing standards governing the safety and adequacy of the physical plant or facilities of child care centers shall not apply to a child care center operated by a nonprofit organization in a public school building used as a public school.

C.18A:20-40 Testing for radon in public school building.

3. a. Except as may be provided pursuant to subsection b. of this section, every public school building used as a public school in the State shall be tested for the presence of radon gas or radon progeny at least once every five years. If the public school has been tested less than five years prior to the effective date of this act, then the test shall be performed within five years of that test and once every five years thereafter.

b. The Commissioner of Education, in consultation with the Department of Environmental Protection, shall determine the extent of testing required and the locations for the testing, provided that at least every public school building used as a public school in which a child care center is operated by a nonprofit organization is tested by the school in which the child care center is operated for the presence of radon gas or radon progeny at least once every five years. The superintendent of each school district in the State, in consultation with the Department of Environmental Protection and the principal of each school to be tested, shall determine the buildings to be tested, the locations within each building to be tested, the method of testing, and the procedures concerning notification and circulation of the testing results.

4. This act shall take effect immediately.

Approved September 14, 2000.

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Office of the Governor
NEWS RELEASE

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RELEASE: September 14, 2000

Governor Christie Whitman today signed the following legislation:

S-1302, sponsored by Senator Singer (R-Burlington/Monmouth/Ocean) and Assembly Members Malone (R-Burlington/Monmouth/Ocean) and Impreveduto (D-Bergen/Hudson), redirects money from one standardbred breeding fund to another standardbred account to encourage standardbred breeding in New Jersey.

S-982, sponsored by Senator Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Gregg (R-Sussex/ Hunterdon/Morris) and Wolfe (R-Monmouth/Ocean), requires each public school to test for the presence of radon gas every five years and temporarily exempts certain childcare centers in public school buildings from radon testing and certain other requirements through the end of the 2000-2001 school year.

S-786, sponsored by Senator Sinagra (R-Middlesex) and Assembly Members Bateman (R-Morris/Somerset) and Cohen (D-Union), requires managed care plans to contract with providers that meet certain standards when providing services for hemophiliacs.

S-421, sponsored by Senators Bucco (R-Morris) and Singer (R-Burlington/Monmouth/Ocean) and Assembly Member Merkt (R-Morris), makes certain amendments to the law establishing the comprehensive enforcement program.