SENATE . . . . . No. 2215

The Commonwealth of Massachusetts

In the Year Two Thousand Fourteen

SENATE, Thursday, June 19, 2014

The committee on Ways and Means, to whom was referred the Senate Bill relative to the installation of approved smoke detectors in certain residential buildings and structures (Senate, No. 2157), reports, recommending that the same ought to pass with an amendment substituting a new draft entitled "An Act relative to the safety of schools, residences and public sssemblies" (Senate, No. 2215).

For the committee,
Stephen M. Brewer

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An Act relative to the safety of schools, residences and public assemblies.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 29 of the General Laws is hereby amended by inserting after section 2KKKK the following section:-

Section 2LLLL. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the School Carbon Monoxide Safety Trust Fund, to be expended without prior appropriation, by the department of elementary and secondary education. The fund shall be credited any revenue from appropriations or other monies authorized by the general court and specifically designated to be credited to the fund and any gifts, grants, private contributions, investment income earned on the assets of the fund and all other sources. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund. The commissioner of elementary and secondary education or a designee, in consultation with the department of fire safety, shall administer the fund and make expenditures from the fund in the form of grants to public school districts for the installation of carbon monoxide detection systems as required under subsection (a½) of section 26F½ of chapter 148 and regulations promulgated by the board of fire prevention.

15 (b) Prior to receiving any monies from the fund, a school district shall submit a carbon
16 monoxide detection system installation plan to the department of elementary and secondary
17 education and the department of fire safety. The plan shall include, but not be limited to: (i) the
18 method of installation of the carbon monoxide detection system for each school building in the
19 district; (ii) the status of carbon monoxide detection systems previously installed in school
20 buildings; and (iii) the cost, including labor costs, of installing carbon monoxide detection
21 systems. The department of elementary and secondary education, in conjunction with the
22 department of fire safety, shall: (A) review the plan and may request additional or supporting
23 information within 90 days of receipt of the plan; and (B) provide each school district 60 days to
24 submit any additional or supporting information requested. A plan shall be approved not later
25 than 180 days after receipt of the plan.

26 (c) Not later than April 1 of each year, the department of elementary and secondary
27 education, in conjunction with the department of fire safety, shall submit a report to the clerks of
28 the house of representatives and the senate and the chairs of the house and senate committees on
29 ways and means regarding the status of the fund including, but not limited to: (i) the amount of
30 money in the fund; and (ii) a list of school districts that were awarded grants and the amount of
31 the grants awarded.

32 SECTION 2. Subsection (a) of section 6 of chapter 70B of the General Laws, as
33 appearing in the 2012 Official Edition, is hereby amended by adding the following clause:-

34 (7) The school project includes a plan for the installation of a carbon monoxide detection
35 system as required under subsection (a½) of section 26F½ of chapter 148.

36 SECTION 3. Subsection (a) of section 17 of said chapter 70B, as so appearing, is hereby
37 amended by adding the following sentence:-

38 The report shall also include an assessment of carbon monoxide detection systems within
39 each school building and each school's compliance with subsection (a½) of section 26F½ of
40 chapter 148.

41 SECTION 4. Chapter 143 of the General Laws is hereby amended by inserting after
42 section 97A the following section:-

43 Section 97B. The board of building regulations and standards shall require the
44 installation of carbon monoxide detection systems in any new or substantially rehabilitated
45 building used as a restaurant which prepares and serves meals to the public and that: (i) contains
46 fossil-fuel burning equipment including, but not limited to, a furnace, boiler, water heater,
47 fireplace or any other apparatus, appliance or device that burns fossil fuel; or (ii) incorporates
48 enclosed parking within its structure. For the purposes of this paragraph, a building shall be
49 considered to be undergoing substantial rehabilitation when the permitted work exceeds 1/3 of
50 the current assessed value of the building or where the work affects more than 1/3 of the total
51 square footage of the building.

52 SECTION 5. Section 10A of chapter 148 of the General Laws, as appearing in the 2012
53 Official Edition, is hereby amended by striking out, in line 15, the figure "26F" and inserting in
54 place thereof the following figure:- 26D.

55 SECTION 6. Said chapter 148 is hereby amended by striking out section 26D, as so
56 appearing, and inserting in place thereof the following section:-

57 Section 26D. (a) Notwithstanding any general or special law to the contrary and without
58 regard to the date of construction, a seller shall, upon the sale or transfer of each single family or
59 2-family building or structure and each building or structure containing 3, 4 or 5 dwelling units
60 occupied in whole or in part for residential purposes, equip the building or structure with
61 approved smoke detectors under the rules and regulations of the board of fire prevention. The
62 head of the fire department shall inspect the building or structure at the time of sale or transfer
63 for compliance with this section. For the purposes of this section, a building or structure shall
64 not include a building or structure for which a certificate of occupancy has been issued within 5
65 years prior to the date of sale or transfer.

66 (b) The rules and regulations of the board of fire prevention established under this section
67 may require the upgrade, installation or replacement of smoke detector devices based upon
68 advances in smoke detection technology; provided, however, that, in any building or dwelling
69 unit constructed prior to January 1, 1975 which has not undergone an alteration or change of use
70 since January 1, 1975 that would require it to comply with the smoke detector provisions of the
71 state building code, the installation of approved monitored battery power smoke detectors shall
72 be allowed; and provided further, that the relocation or addition of any smoke detector device or
73 any power supply wire associated with the smoke detector device, if the device location or wire
74 location was installed under the requirements of the state building code in effect as of the date of
75 the installation, shall not be required.

76 For the purposes of this section, UL-listed devices shall be considered approved
77 monitored battery powered smoke detectors which is activated, at a minimum, by an operable
78 10-year, sealed battery power source or a comparable listed low voltage system; provided
79 however, that the board may approve other devices meeting similar standards.

80 (c) The head of the fire department shall enforce this section.

81 (d) Nothing in this section shall abrogate the authority of the state board of building
82 regulations and standards to regulate smoke detector requirements for the construction of new
83 buildings and for existing buildings undergoing repair, alteration, addition or change of use.

84 SECTION 7. Sections 26E and 26F of said chapter 148 are hereby repealed.

85 SECTION 8. Section 26F½ of said chapter 148, as appearing in the 2012 Official Edition,
86 is hereby amended by inserting after subsection (a) the following subsection:-

87 (a½) Each school building that provides public or private education for children in
88 kindergarten through grade 12 that: (1) contains fossil-fuel burning equipment including, but not
89 limited to, a furnace, boiler, water heater, fireplace or any other apparatus, appliance or device
90 that burns fossil fuel; or (2) incorporates enclosed parking within its structure shall install carbon
91 monoxide alarms under the regulations of the board of fire prevention.

92 SECTION 9. The state board of building regulations and standards shall adopt as a
93 minimum standard the 2015 International Building Code requirement to install carbon monoxide
94 detection systems in all new or substantially rehabilitated school buildings that provide education
95 for children in kindergarten through grade 12.

96 SECTION 10. Notwithstanding subsection (a½) of section 26F½ of chapter 148 of the
97 General Laws, the board of fire prevention shall allow the temporary use of battery-operated
98 carbon monoxide alarms.

99 SECTION 11. Notwithstanding any general or special law to the contrary, not later than
100 January 1, 2016 and without further appropriation, the state comptroller shall transfer $7,500,000

101 from the General Fund to the School Carbon Monoxide Safety Trust Fund established in section
102 2LLLL of chapter 29 of the General Laws.

103 SECTION 12. Notwithstanding any general or special law to the contrary, not later than
104 March 31, 2016, the department of elementary and secondary education, in consultation with the
105 department of fire safety and the Massachusetts School Building Authority, shall develop best
106 practices for the placement and installation of carbon monoxide detection systems in public
107 school buildings as required by sections 2 and 8 of this act; provided, however, that the best
108 practices shall prioritize student and staff safety as well as cost economy.

109 SECTION 13. Section 10 is hereby repealed.

110 SECTION 14. Section 13 shall take effect on January 1, 2021.

111 SECTION 15. Unless otherwise provided, this act shall take effect on January 1, 2016.