HOUSE DOCKET, NO. 1398 FILED ON: 1/18/2017

HOUSE . . . . . No. 238

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle M. DuBois

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michelle M. DuBois	*10th Plymouth*	*1/18/2017*

HOUSE DOCKET, NO. 1398 FILED ON: 1/18/2017

HOUSE . . . . . No. 238

By Ms. DuBois of Brockton, a petition (accompanied by bill, House, No. 238) of Michelle M. DuBois for the establishment of a school carbon monoxide safety trust fund to be administered by the Commissioner of Elementary and Secondary Education . Education.

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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.

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

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

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

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

SECTION 3. Subsection (a) of section 17 of said chapter 70B, as so appearing, is hereby amended by adding the following sentence:- The report shall also include an assessment of carbon monoxide detection systems within each school building and each school's compliance with subsection (a½) of section 26F½ of chapter 148.

SECTION 4. Section 26F½ of said chapter 148, as appearing in the 2012 Official Edition,

is hereby amended by inserting after subsection (a) the following subsection:-

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

SECTION 5. The state board of building regulations and standards shall adopt as a minimum standard the 2015 International Building Code requirement to install carbon monoxide detection systems in all new or substantially rehabilitated school buildings that provide education for children in kindergarten through grade 12.

SECTION 6. Notwithstanding subsection (a½) of section 26F½ of chapter 148 of the General Laws, the board of fire prevention shall allow the temporary use of carbon monoxide alarms that are solely battery-powered or that are plug-in with battery back-up.

SECTION 7. Notwithstanding any general or special law to the contrary, not later than

January 1, 2018 and without further appropriation, the state comptroller shall transfer $7,500,000 from the General Fund to the School Carbon Monoxide Safety Trust Fund established in section 2LLLL of chapter 29 of the General Laws.

SECTION 8. Notwithstanding any general or special law to the contrary, not later than March 31, 2018, the department of elementary and secondary education, in consultation with the department of fire services and the Massachusetts School Building Authority, shall develop best practices that are commensurate with Section 915.2.3 of the 2015 International Building Code for the placement and installation of carbon monoxide detection systems in public school buildings as required by sections 2 and 5 of this act; provided, however, that the best practices shall prioritize student and staff safety as well as cost economy.

SECTION 9. Section 6 is hereby repealed.

SECTION 10. Section 9 shall take effect on January 1, 2023.

SECTION 11. Unless otherwise provided, this act shall take effect on January 1, 2018.