

SENATE, No. 1611

STATE OF NEW JERSEY
221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator ANDREW ZWICKER

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Concerns radon testing in certain schools and institutions of higher education.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT concerning radon testing in certain schools and institutions
2 of higher education, supplementing Title 18A of the New Jersey
3 Statutes, and repealing N.J.S.18A:20-40.
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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
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8 1. a. Except as otherwise provided by subsection b. of this
9 section, every building used by a public school, private school, or
10 institution of higher education in the State shall be tested for the
11 presence of radon gas or radon progeny at least once every five
12 years. If a building used by a public school, private school, or
13 institution of higher education has been tested for radon gas or
14 radon progeny within the five-year period preceding the effective
15 date of this act, the test required by this subsection shall be
16 performed on the building within five years of that prior test and
17 once every five years thereafter. If a building used by a public
18 school, private school, or institution of higher education has not
19 been tested for radon gas or radon progeny within the five-year
20 period preceding the effective date of this act, the test required by
21 this subsection shall be performed on the building within 60 days
22 after the effective date of this act and once every five years
23 thereafter.

24 b. The Commissioner of Education or the Commissioner of
25 Higher Education, as appropriate, in consultation with the
26 Commissioner of Environmental Protection, shall determine the
27 extent of testing required pursuant to this section. The
28 superintendent of each school district in the State, the board of
29 trustees of a charter school, the principal or chief administrator of a
30 private school, or the chief administrator of the institution of higher
31 education, as applicable, in consultation with the Department of
32 Environmental Protection, shall identify the buildings to be tested,
33 the locations within each building to be tested, the method of
34 testing, and the procedures concerning notification and circulation
35 of the testing results.

36 c. As used in this section:

37 "Institution of higher education" means a qualified institution of
38 collegiate grade, located in this State, which is approved by any
39 regional accrediting association recognized by the National
40 Commission on Accrediting or approved by the Department of
41 Higher Education, or any county college or junior college licensed
42 or approved by the department, operated in accordance with rules
43 and regulations of the Board of Higher Education.

44 "Private school" means a school, under college grade, which
45 does not derive its support entirely or in part from public funds.

46 "Public school" means a school, under college grade, which
47 derives its support entirely or in part from public funds.

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1 2. Section 3 of P.L.2000, c.122 (C.18A:20-40) is repealed.

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3 3. This act shall take effect immediately.

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STATEMENT

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8 This bill would require radon gas or radon progeny testing in
9 buildings used by public schools, private schools, and institutions of
10 higher education at least once every five years. If such a building
11 has been tested for radon within the five-year period preceding the
12 bill's effective date, the test required under the bill would need to
13 be performed on such building within five years after that prior test
14 and once every five years thereafter. If a building has not been
15 tested for radon within the five-year period preceding the bill's
16 effective date, the test required by the bill is to be performed on the
17 building within 60 days after the bill's effective date and once every
18 five years thereafter.

19 The Commissioner of Education or Commissioner of Higher
20 Education, as appropriate, in consultation with the Commissioner of
21 Environmental Protection, would be required to determine the
22 extent of testing required by the bill, and the superintendent of each
23 school district in the State, the board of trustees of a charter school,
24 the principal or chief administrator of a private school, or the chief
25 administrator of the institution of higher education, as applicable, in
26 consultation with the Department of Environmental Protection,
27 would be required to identify the buildings to be tested, the
28 locations within each building to be tested, the method of testing,
29 and the procedures concerning notification and circulation of the
30 testing results.

31 This bill repeals an existing section of law that previously
32 required radon testing in public school buildings, but that was
33 deemed to be expired after a determination by the Council on Local
34 Mandates that it constituted an unfunded mandate. Because this
35 bill's radon testing requirements would be equally applicable to
36 similarly situated government and non-government entities, it
37 would not constitute an unfunded mandate.