

# 58:10-35.1 to 58:10-35.4 LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 1951      **CHAPTER:** 80

**NJSA:**      58:10-35.1 to 58:10-35.4      (An Act concerning the underground storage of natural or artificial gas or of petroleum products and their derivatives, prohibiting certain operations relating thereto, authorizing the Commissioner of the State Department of Conservation and Economic Development to prescribe rules and regulations and making violations misdemeanors.)

**BILL NO:** A699

**SPONSOR(S)**      Lawrence A. Cavinato

**DATE INTRODUCED:**      March 26, 1951

**COMMITTEE:**      **ASSEMBLY:**      Judiciary

**SENATE:**      ---

**AMENDED DURING PASSAGE:**      Yes

**DATE OF PASSAGE:**      **ASSEMBLY:**      April 30, 1951

**SENATE:**      May 4, 1951

**DATE OF APPROVAL:**      May 17, 1951

## FOLLOWING ARE ATTACHED IF AVAILABLE:

**FINAL TEXT OF BILL** ([Official Copy Reprint] Committee Substitute)      Yes

**A699**

**INTRODUCED BILL:**      Yes

(Note: No sponsor's statement on introduced bill)

**COMMITTEE STATEMENT:**      **ASSEMBLY:**      No

**SENATE:**      No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**      No

**LEGISLATIVE FISCAL ESTIMATE:**      No

**VETO MESSAGE:**      No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**      No

**REPORTS:**      No

**HEARINGS:**      No

**NEWSPAPER ARTICLES:**      No

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ASSEMBLY, No. 699

STATE OF NEW JERSEY

INTRODUCED MARCH 26, 1951

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the underground storage of natural or artificial gas or of petroleum products and their derivatives, prohibiting operations relating thereto and providing that violations shall be misdemeanors.

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

1 1. No person shall drill, bore, drive, dig, or otherwise conduct any opera-  
2 tion for the purpose of obtaining access to a pocket or other underground  
3 area or place for the purpose of storing natural or artificial gas or petroleum  
4 products and their derivatives.

1 2. Any person who shall violate the provisions of this act shall be guilty  
2 of a misdemeanor and this act shall be applicable to the continuation of any  
3 operation of drilling, boring, driving or digging heretofore commenced, as  
4 well as to any such operation hereafter commenced.

1 3. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 699

STATE OF NEW JERSEY

INTRODUCED MARCH 26, 1951

By Mr. CAVINATO

Referred to Committee on Judiciary

AN ACT concerning the underground storage of natural or artificial gas or of petroleum products and their derivatives, prohibiting operations relating thereto and providing that violations shall be misdemeanors.

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

1 1. No person shall drill, bore, drive, dig, or otherwise conduct any opera-  
2 tion for the purpose of obtaining access to a pocket or other underground  
3 area or place for the purpose of storing natural or artificial gas or petroleum  
4 products and their derivatives; *provided*, that nothing in this act shall be  
5 construed to apply to the installation or maintenances of underground tanks  
6 or vessels commonly used to store such products.

1 2. Any person who shall violate the provisions of this act shall be guilty  
2 of a misdemeanor and this act shall be applicable to the continuation of any  
3 operation of drilling, boring, driving or digging heretofore commenced, as  
4 well as to any such operation hereafter commenced.

1 3. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]  
COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 699**

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**STATE OF NEW JERSEY**

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ADOPTED APRIL 23, 1951

AN Act concerning the underground storage of natural or artificial gas or of petroleum products and their derivatives, prohibiting certain operations relating thereto, authorizing the Commissioner of the State Department of Conservation and Economic Development to prescribe rules and regulations and making violations misdemeanors.

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

1       1. No person shall drill, bore, drive, dig, or otherwise conduct any op-  
2 eration for the purpose of obtaining access to a pocket or other underground  
3 area or place for the purpose of storing natural or artificial gas or pe-  
4 troleum products and their derivatives, unless a permit for such operation,  
5 construction and storage shall be first obtained from the Commissioner of  
6 the Department of Conservation and Economic Development. Nothing in  
7 this act shall be construed to apply to the installation or maintenance of  
8 underground tanks or vessels commonly used to store such products.

1       2. The said commissioner shall prescribe rules and regulations to effec-  
2 tuate the provisions of this act and any such permit may contain such re-  
3 strictions as the said commissioner shall determine to be necessary in the  
4 public interest to protect the waters of the State, including subsurface and  
5 percolating waters. Any person who shall violate the provisions of this act  
6 shall be guilty of a misdemeanor and the provisions of this act shall be  
7 enforceable by action or other proceeding in the Superior Court of New Jer-  
8 sey to obtain relief in the nature of injunctive relief, both restraining and

9 mandatory, and also by action or proceeding in said court in lieu of preroga-  
10 tive writ.

1 3. Every application for a permit shall be accompanied by not less than  
2 two copies of an accurate map prepared by a competent engineer or geolo-  
3 gist showing the location, extent and depth of the proposed storage place  
4 and of all wells drilled or proposed to be drilled to such storage place. A  
5 copy of the map shall be sent to the State Geologist and to the Water Policy  
6 and Supply Council and they shall, after consideration thereof, advise the  
7 Commissioner of the Department of Conservation and Economic Develop-  
8 ment in relation thereto, by a written report as to the presence or absence of  
9 danger of pollution, contamination, diversion or depletion of subsurface and  
10 percolating waters. The commissioner may take the testimony of such other  
11 persons as he may determine. The commissioner shall determine whether  
12 the granting of any such application would be likely to endanger the public  
13 safety, health and welfare, and, in accordance with his determination and  
14 subject to the provisions of this act, grant or deny the application.

1 4. The provisions of this act shall be applicable to any operation of drill-  
2 ing, boring, driving or digging heretofore commenced, as well as to any such  
3 operation hereafter commenced.

1 5. This act shall take effect immediately.

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Was taken up, and, on motion of Mrs. Savage, was read a third time by its title and passed by the following vote:

In the affirmative were—

Messrs. Artaserse, Casciano, Cavinato, Curtis, Dwyer, Field, Fowler, Freeman, Friedland, Glenn, Gray, Haines, C. W., Haines, M. D., Hauser, Hillery, Hoff, Jamieson, Job, Joya, Krawczyk, Kurtz, Little, Litvany, Loutrel, Mackey, Marggraff, Mills, Musto, Pike, Pilger, Riley, C. H., Russell, Salsburg, Savage, Schaeffer, Shannon, Shershin, Silver, Simmill, Smith, N. C., Stewart, Thomas, Thompson, Frank, Thompson, M. H. (Speaker), Tompkins, Tumulty, Wegner, Wilson—48.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Committee Substitute for Assembly Bill No. 699, entitled "An act concerning the underground storage of natural or artificial gas or of petroleum products and their derivatives, prohibiting certain operations relating thereto, authorizing the Commissioner of the State Department of Conservation and Economic Development to prescribe rules and regulations and making violations misdemeanors,"

Was taken up, and on motion of Mr. Cavinato, was read a third time by its title and passed by the following vote:

In the affirmative were—

Messrs. Artaserse, Casciano, Cavinato, Curtis, Dwyer, Field, Fowler, Freeman, Glenn, Haines, C. W., Haines, M. D., Hauser, Hillery, Hoff, Jamieson, Job, Jones, Krawczyk, Little, Litvany, Mackey, Marggraff, Mills, Musto, Neutze, Pike, Pilger, Russell, Salsburg, Savage, Schaeffer, Schuller, Shannon, Shershin, Silver, Simmill, Smith, N. C., Thomas, Thompson, Frank, Thompson, M. H. (Speaker), Tompkins, Tumulty, Wegner, Wilson—44.

In the negative was—

Mr. Loutrel—1.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Assembly Bill No. 70, entitled "An act concerning the enforcement and collection of other municipal liens and taxes," sections 54:5-86 of the Revised Statutes.

Was taken up, and, on motion of Mr. Cavinato, was read a third time by its title and passed by the following vote:

In the affirmative were—

Messrs. Artaserse, Casciano, Cavinato, Curtis, Dwyer, Field, Haines, C. W., Hoff, Jamieson, Job, Jones, Krawczyk, Little, Litvany, Mackey, Marggraff, Mills, Musto, Pike, Pilger, Riley, C. H., Russell, Salsburg, Savage, Schaeffer, Shannon, Shershin, Silver, Simmill, Smith, N. C., Stewart, Thomas, Thompson, Frank, Thompson, M. H. (Speaker), Tompkins, Tumulty, Wegner, Wilson—48.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Assembly Bill No. 70, entitled "An act concerning the public schools of this State," sections 54:5-86 of the Revised Statutes.

Was taken up, and, on motion of Mr. Cavinato, was read a third time by its title and passed by the following vote:

In the affirmative were—

Messrs. Artaserse, Casciano, Cavinato, Curtis, Dwyer, Field, Haines, C. W., Hoff, Jamieson, Job, Jones, Krawczyk, Little, Litvany, Mackey, Marggraff, Mills, Musto, Pike, Pilger, Riley, C. H., Russell, Salsburg, Savage, Schaeffer, Shannon, Shershin, Silver, Simmill, Smith, N. C., Stewart, Thomas, Thompson, Frank, Thompson, M. H. (Speaker), Tompkins, Tumulty, Wegner, Wilson—48.

Mrs. Savage, was read by the following vote:

Cavinato, Curtis, Dwyer, Friedland, Glenn, Gray, M. D., Hauser, Hillery, Joya, Krawczyk, Kurtz, Mackey, Marggraff, Mills, Riley, C. H., Russell, Salsburg, Shannon, Shershin, Stewart, Thomas, Thompson, M. H. (Speaker), Wegner, Wilson—48.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Assembly Bill No. 699, entitled "An act concerning the enforcement and collection of liens for unpaid taxes and other municipal liens on real property, and amending section 54:5-86 of the Revised Statutes,"

Was taken up, and, on motion of Mr. Tumulty, was read a third time by its title and passed by the following vote:

In the affirmative were—  
Messrs. Artaserse, Brixie, Casciano, Cavinato, Curtis, Dwyer, Field, Fowler, Freeman, Glenn, Gray, Haines, C. W., Haines, M. D., Hauser, Hillery, Hoff, Jamieson, Job, Joya, Krawczyk, Kurtz, Little, Litvany, Loutrel, Mackey, Mills, Musto, Pilger, Riley, C. H., Russell, Saiber, Salsburg, Savage, Schaeffer, Schuler, Shannon, Shershin, Silver, Simmill, Smith, N. C., Snediker, Stewart, Thomas, Thompson, Frank, Thompson, M. H. (Speaker), Tumulty, Wegner, Wilson—48.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Assembly Bill No. 704, entitled "An act concerning the enforcement and collection of liens for unpaid taxes and other municipal liens on real property, and amending section 54:5-86 of the Revised Statutes,"

Was taken up, and, on motion of Mr. Tumulty, was read a third time by its title and passed by the following vote:

In the affirmative were—  
Messrs. Artaserse, Brixie, Casciano, Cavinato, Curtis, Dwyer, Field, Fowler, Freeman, Glenn, Gray, Haines, C. W., Haines, M. D., Hauser, Hillery, Hoff, Jamieson, Job, Joya, Krawczyk, Kurtz, Little, Litvany, Loutrel, Mackey, Mills, Musto, Pilger, Riley, C. H., Russell, Saiber, Salsburg, Savage, Schaeffer, Schuler, Shannon, Shershin, Silver, Simmill, Smith, N. C., Snediker, Stewart, Thomas, Thompson, Frank, Thompson, M. H. (Speaker), Tumulty, Wegner, Wilson—48.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Assembly Bill No. 706, entitled "An act relating to the public schools of this State, and amending section 18:14-12 of the Revised Statutes,"

Was taken up, and, on motion of Mrs. Dwyer, was read a third time by its title and passed by the following vote:

In the affirmative were—  
Messrs. Artaserse, Brixie, Casciano, Cavinato, Curtis, Dwyer, Field, Freeman, Friedland, Glenn, Gray, Haines, C. W., Haines, M. D., Hauser, Hillery, Hoff, Jamieson, Job, Jones, Joya, Krawczyk, Kurtz, Little, Litvany, Loutrel, Marggraff, Mills, Musto, Pilger, Riley, C. H., Russell, Saiber, Savage, Schaeffer, Schuler, Shannon, Silver,

Senate bill pass?" it

, Herbert, Hess, Hull,  
s, O'Mara, Sharp, Sum-  
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the President to carry  
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Governor by the hands  
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New Jersey, and New  
Pennsylvania in develop-  
reserving the water re-  
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ne.

Senate bill pass?" it

In the affirmative were—

Messrs. Bodine, Cafero, Clapp, Farley, Hand, Hannold,  
Hess, Hull, Littell (President), Mathis, O'Mara,  
Summerill, Van Alstyne, Wallace, Young—15.

In the negative were—

Messrs. Davis, Kafes—2.

The Secretary was directed by the President to carry  
said bill to the House of Assembly and inform that body  
that the Senate has passed the same.

Assembly Bill No. 647, entitled "An act concerning the  
Board of Public Utility Commissioners, amending section  
48:2-3 of the Revised Statutes and supplementing chapter  
two of Title 48,"

Was taken up and read a third time.

Upon the question, "Shall this Assembly bill pass?" it  
was decided as follows:

In the affirmative were—

Messrs. Bodine, Clapp, Farley, Hand, Hess, Littell (Presi-  
dent), Mathis, O'Mara, Summerill, Van Alstyne,  
Wallace, Young—12.

In the negative were—

Messrs. Davis, Kafes, Meyner, Vogel—4.

The Secretary was directed by the President to carry  
said bill to the House of Assembly and inform that body  
that the Senate has passed the same, without amendment.

Committee Substitute for Assembly Bill No. 699, entitled  
"An act concerning the underground storage of natural or  
artificial gas or of petroleum products and their deriva-  
tives, prohibiting certain operations relating thereto, au-  
thorizing the Commissioner of the State Department of  
Conservation and Economic Development to prescribe rules  
and regulations and making violations misdemeanors,"

Was taken up and read a third time.

Upon the question, "Shall this Assembly bill pass?" it  
was decided as follows:



Upon the question, "Shall this Senate bill pass?" it was decided as follows:

In the affirmative were—

Messrs. Bodine, Farley, Hannold, Herbert, Hess, Hull, Littell (President), Mathis, O'Mara, Sharp, Summerill, Van Alstyne, Wallace—13.

In the negative were—

Messrs. Clapp, Davis, Hand, Meyner—4.

The Secretary was directed by the President to carry said bill to the House of Assembly and inform that body that the Senate has passed the same, without amendment.

A message was received from the Governor by the hands of his Secretary, consisting of four communications, "Endorsed Nominations."

Senate Bill No. 135, entitled "An act providing for joint action by the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania in developing, utilizing, controlling, and conserving the water resources of the Delaware river basin in order to assure an adequate water supply; authorizing the Governor, for these purposes, to enter into a compact on behalf of the State of New Jersey with the States of Delaware and New York and the Commonwealth of Pennsylvania and to apply on behalf of the State of New Jersey to the Congress of the United States for its consent thereto; creating the Delaware River Basin Water Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of bonds; providing for the appointment of the State of New Jersey members of the said commission; approving an integrated water project; requiring the commission to prepare and report plans and specifications for specific projects; and requiring certain prior approvals by the Legislatures of the compacting States,"

With Assembly amendments.

Was taken up and read a third time.

Upon the question, "Shall this Senate bill pass?" it was decided as follows:

In the affirmative were—  
Messrs. Bodine, Cafiero,  
Hess, Hull, Littell,  
Summerill, Van

In the negative were—  
Messrs. Davis, Kafes—2.

The Secretary was directed to carry said bill to the House of Assembly and inform that the Senate has passed the same, without amendment.

Assembly Bill No. 647, Board of Public Utility (Title 48:2-3 of the Revised Statutes, two of Title 48,"

Was taken up and read a second time.

Upon the question, "Shall this bill pass?" it was decided as follows:

In the affirmative were—  
Messrs. Bodine, Clapp, Farley (President), Mathis, O'Mara, Sharp, Summerill, Van Alstyne, Wallace, Young—13.

In the negative were—  
Messrs. Davis, Kafes, Meyner—4.

The Secretary was directed to carry said bill to the House of Assembly and inform that the Senate has passed the same, without amendment.

Committee Substitute for Senate Bill No. 135, "An act concerning the use of artificial gas or of petroleum products, prohibiting certain uses, and authorizing the Commission on Conservation and Economic Development to make rules and regulations and make recommendations thereon,"

Was taken up and read a second time.

Upon the question, "Shall this bill pass?" it was decided as follows: