

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 109

NJSA: 21:1B-12 to 21:1B-15

(Liquefied Petroleum Gas Education and Safety Board)

BILL NO: A1607 (Substituted for S640 1st Reprint of SCS)

SPONSOR(S): Corodemus

DATE INTRODUCED: February 10, 1998

COMMITTEE:

ASSEMBLY: Environment; Appropriations

SENATE: Environment; Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE:

ASSEMBLY: March 29, 1999

SENATE: February 25, 1999

DATE OF APPROVAL: May 14, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL Assembly Committee Substitute (3rd Reprint)
(Amendments during passage denoted by superscript numbers)

ACS for A1607

SPONSORS STATEMENT: *No*

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

February 26, 1998

March 30, 1998

SENATE: *Yes*

November 16, 1998

December 10, 1998

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

A1607

SPONSORS STATEMENT: *Yes* (Begins on page 8 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

SCS for S640

SPONSORS STATEMENT: *No*

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

November 16, 1998

Identical to Senate Statement of 11-16-98 for ACS for A1607

December 10, 1998

Identical to Senate Statement of 12-10-98 for ACS for A1607

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *Yes*

Identical to Legislative Fiscal Estimate for ACS for A1607

1st REPRINT (Final version): *Yes*

S640

SPONSORS STATEMENT: *Yes* (Begins on page 8 of original bill)

Bill and Sponsor's Statement identical to A1607

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *No*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 109, *approved May 14, 1999*
Assembly Committee Substitute (*Third Reprint*) for
Assembly, No. 1607

1 AN ACT concerning liquefied petroleum gases and amending and
2 supplementing chapter 1B of Title 21 of the Revised Statutes.

3

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

6

7 1. (New section) a. There is created within the Department of
8 ²**[Labor]Community Affairs**² the Liquefied Petroleum Gas Education
9 and Safety Board. This board shall be advisory in nature to the
10 Commissioner of ²**[Labor] Community Affairs**². The board shall be
11 composed of ¹**[11]** ³**[13¹]** ¹¹³ members: ¹**[two]** three¹
12 ³**[representatives of the department appointed by the Governor upon**
13 **recommendation by the Commissioner of ²**[Labor] Community****
14 **Affairs**²; one member of the general³ public ³members³ appointed by
15 the Governor on a nonpartisan basis ³, two of whom shall be
16 professional firefighters or other fire safety professionals³; one
17 representative from the environmental community and one
18 representative from a consumer group, appointed by the Governor;
19 five members who are representatives of the liquefied petroleum gas
20 industry appointed by the Governor upon recommendation by the
21 Board of Directors of the New Jersey Propane Gas Association; ³**and**³
22 one representative of a gas public utility involved in the storage and
23 distribution of liquefied petroleum gas, appointed by the Governor³ ¹**[**
24 and one representative of the Division of Fire Safety in the Department
25 of Community Affairs appointed by the Governor upon
26 recommendation by the Commissioner of Community Affairs³].
27 Members of the board who are representatives of the liquefied
28 petroleum gas industry ¹ and the gas public utility ¹ shall have been
29 legal residents of the State for at least the five years prior to their
30 appointment and have been actively engaged in the liquefied petroleum
31 gas industry for at least five years. Members of the board shall be
32 appointed within 90 days after the effective date of this act.

33 Of the members first appointed as ³**[representatives of the**
34 **Department of ²**[Labor] Community Affairs****², the first appointed]
35 public members, one³ shall serve for one year ³**[and the next**

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 Assembly AAP committee amendments adopted March 30, 1998.

² Senate SEN committee amendments adopted November 16, 1998.

³ Senate SBA committee amendments adopted December 10, 1998.

1 appointed] one³ shall serve for two years ³, and one shall serve for
2 three years³. ³【The member first appointed as a representative of the
3 Division of Fire Safety in the Department of Community Affairs shall
4 serve for two years.】³ Of the members representing the liquefied
5 petroleum gas industry, the first appointed shall serve for one year, the
6 next appointed shall serve for two years, and the remainder shall serve
7 for three years. The ³【member of the general public, the】³
8 representative from the environmental community, ¹the representative
9 of the gas public utility¹ and the representative from a consumer group
10 shall each serve for three years.

11 Upon expiration of the terms of the members first appointed, the
12 terms of all members shall be three years. Members may be
13 reappointed. Members shall serve until a replacement is appointed.
14 Vacancies shall be filled in the same manner as the original
15 appointment. In the case of a vacancy occurring otherwise than by
16 expiration of term, that vacancy shall be filled only for the unexpired
17 term.

18 b. The board shall elect a chairman and vice-chairman from among
19 its members at its first regular meeting each calendar year. All
20 meetings of the board shall be held on a prescribed date, at least
21 quarterly, and also at any time a majority of the board members
22 requests a meeting in writing to the board chairman. Any ²【six】³
23 ³【seven²】 six³ members shall constitute a quorum for the transaction
24 of business. The board may adopt bylaws governing its procedures
25 and method of operation.

26 c. The members of the board shall not receive compensation, but
27 may receive an allowance for travel expenses as determined by the
28 commissioner to the extent such funds are made available.

29

30 2. (New section) a. The Liquefied Petroleum Gas Education and
31 Safety Board is empowered to:

32 (1) recommend to the Commissioner of ²【Labor】 Community
33 Affairs² for proposal and adoption rules and regulations:

34 (a) setting forth minimum general standards for the design,
35 construction, location, installation, and operation of equipment for
36 storing and handling of liquefied petroleum gas, and

37 (b) governing liquefied petroleum gas distributors and installers
38 and the installation of liquefied petroleum gas systems, carburetion
39 systems and fueling systems;

40 (2) make recommendations to the Commissioner of ²【Labor】
41 Community Affairs² concerning:

42 (a) civil penalties for violation of any rule or order made under
43 chapter 1B of Title 21 of the Revised Statutes;

44 (b) the method and form of application for a liquefied petroleum
45 gas license or certification; the investigation of the experience,
46 reputation and background of applicants; the issuance, suspension,

1 revocation or denial of licenses; and the procedures for conducting
2 hearings in connection with the applications for, or revocation of,
3 licenses and certifications, including, but not limited to, compelling the
4 attendance of witnesses by subpoena, requiring the production of any
5 records or documents determined by it to be pertinent to the subject
6 matter of the hearing, and applying to the Superior Court for an order
7 citing any applicant or witness for contempt, and for failure to attend,
8 testify or produce required documents;

9 (c) procedures for the suspension or revocation of licenses or
10 certifications and the denial of license or certification renewals when
11 the applicant or licensee has been guilty of acts of conduct harmful to
12 either the safety or protection of the public;

13 (d) the content of and procedures for administering examinations
14 of every license applicant to determine the responsibility, ability,
15 knowledge, experience or other qualification of the applicant for a
16 license;

17 (e) competency testing for all employees and subcontractors of
18 licensees engaged in transporting or dispensing liquefied petroleum gas
19 or installing, servicing, or repairing a liquefied petroleum gas system,
20 fueling system or carburetion system, as set forth in this chapter;

21 (f) procedures for the granting of exemptions from department
22 rules and regulations to accommodate local needs as it determines to
23 be in the best interest of the safety of the public or the persons using
24 liquefied petroleum gas systems or services;

25 (g) the development of programs and projects, including
26 educational programs for public safety officials and consumers,
27 concerning safety and environmental advantages of liquefied petroleum
28 gas, and safety and educational programs for the public and for
29 industrial and emergency response personnel;

30 (h) procedures for entering into contracts or agreements to
31 implement the provisions of this act; and

32 (i) a schedule of the fees and charges to cover all costs of
33 administration of the provisions of this act as provided in this act.

34 b. (1) The board shall keep accurate records and minutes of all
35 meetings, which shall be open to public inspection at all reasonable
36 times, and keep a public record of all applications for licenses, and
37 licenses issued by it.

38 (2)The board shall periodically report to the Commissioner of
39 ²[Labor] Community Affairs² concerning its transactions and
40 recommendations and the Commissioner of ²[Labor] Community
41 Affairs² shall submit to the Governor a biennial report before
42 September 1 of each even numbered year, covering its transactions
43 during the biennium ending June 30 of that year, including a complete
44 statement of the receipts and expenditures of the board during that
45 period.

- 1 3. (New section) The board shall have no authority governing:
- 2 a. The production, refining or manufacture of liquefied petroleum
- 3 gas;
- 4 b. The storage, sale, or transportation of liquefied petroleum gas
- 5 by pipeline or railroad tank car by a pipeline company, producer,
- 6 refiner or manufacturer;
- 7 c. The equipment used by a pipeline company, producer, refiner
- 8 or manufacturer in a producing, refining or manufacturing process, or
- 9 in the storage, sale or transportation by pipeline or railroad tank car;
- 10 d. Any deliveries of liquefied petroleum gas to another person at
- 11 the place of production, refining, or manufacturing; ¹[or]¹
- 12 e. Regulations and requirements of liquefied petroleum gas
- 13 transporters as covered by the Code of Federal Regulations, Title 49,
- 14 as administered ¹[by the New Jersey Division of State Police]
- 15 pursuant to P.L.1983, c.401 (C.39:5B-25 et seq.); or
- 16 f. Those portions of the liquefied petroleum gas system operated
- 17 by a gas public utility that are under the regulation and requirements
- 18 of Title 49 of the Code of Federal Regulations, as administered by the
- 19 New Jersey Board of Public Utilities¹.
- 20
- 21 4. (New section) a. The board may recommend to the
- 22 Commissioner of ²[Labor] Community Affairs² the level of an
- 23 assessment to be levied on liquefied petroleum gas and the
- 24 commissioner shall determine the level and may levy the assessment.
- 25 The initial assessment shall be no greater than one-fifteenth of one cent
- 26 per gallon. Thereafter, annual assessments shall be sufficient to cover
- 27 the costs of the plans and programs developed by the board and
- 28 approved by the commissioner, and the cost of administering the
- 29 responsibilities of the department established pursuant to this act. The
- 30 assessment shall not exceed one-half cent per gallon of odorized
- 31 propane. The assessment may not be raised by more than one-tenth of
- 32 one cent per gallon annually.
- 33 The owner of liquefied petroleum gas immediately prior to
- 34 odorization shall be responsible for the payment of the assessment on
- 35 the volume of liquefied petroleum gas at the time of import or
- 36 odorization, whichever is earlier. ¹[Assessments shall be remitted to
- 37 the board on a monthly basis by the 25th day of the month following
- 38 the month of collection. Nonodorized propane shall not be subject to
- 39 assessment until odorized.]¹
- 40 The commissioner may by regulation establish an alternative means
- 41 for the department to collect the assessment if another means is found
- 42 to be more efficient and effective. The commissioner may by
- 43 regulation establish a late payment charge and rate of interest to be
- 44 imposed on any person who fails to remit to the department any
- 45 amount due.
- 46 b. Pending disbursement pursuant to a program, plan or project,

1 the ²**[commissioner]** State Treasurer² may invest funds collected
2 through assessments and any other funds received by the department,
3 only in obligations of the United States or any agency thereof, in
4 general obligations of any state or any political subdivision thereof, in
5 any interest-bearing account or certificate of deposit of a bank that is
6 a member of the Federal Reserve System, or in obligations fully
7 guaranteed as to principal and interest by the United States.

8 ¹**[No funds collected by the commissioner shall be used in any**
9 manner for influencing legislation or for campaign contributions,
10 except that the board may recommend to the commissioner changes in
11 this act or other statutes that would further the purposes of this act.]¹

12 c. There is established a "Liquefied Petroleum Gas Education and
13 Safety Board Fund" as a non-lapsing revolving fund within the
14 Department of ²**[Labor]** Community Affairs². All assessments, fees
15 and penalties collected by the department under this chapter shall be
16 deposited in the fund. The fund shall be administered by the
17 Commissioner of ²**[Labor]** Community Affairs² and shall be used
18 exclusively to defray all expenses incurred by the department in
19 operation of the board and the administration of the department's
20 responsibilities under this act.

21

22 5. Section 1 of P.L.1950, c.139 (C.21:1B-1) is amended to read
23 as follows:

24 1. As used in this chapter:

25 **[(a) The term "liquefied petroleum gas," as used in this act, shall**
26 mean and include any material which is composed predominantly of
27 any of the following hydrocarbons, or mixtures of the same: propane,
28 propylene, butanes (normal butane or isobutane), and butylenes.

29 (b) The term "bulk plant," as used in this act, shall mean and
30 include]

31 "Board" means the Liquefied Petroleum Gas Education and Safety
32 Board;

33 "Bulk plant" means intermediate establishments or points of
34 storage and distribution, as distinguished from terminals and refineries,
35 from which liquefied petroleum gas is distributed to retail dealers and
36 consumers **[.];**

37 "Commissioner" means the Commissioner of ²**[Labor]** Community
38 Affairs² ;

39 "Department" means the Department of ²**[Labor]** Community
40 Affairs² ; and

41 "Liquefied petroleum gas" means any material which is composed
42 predominantly of any of the following hydrocarbons, or mixtures of
43 the same: propane, propylene, butanes (normal butane or isobutane),
44 and butylenes.

45 (cf: P.L.1958, c.43, s.2)

1 6. Section 2 of P.L.1950, c.139 (C.21:1B-2) is amended to read
2 as follows:

3 2. (a) ~~【Except as provided in subparagraph (b) of this section,~~
4 ~~the】~~ ~~The Superintendent of State Police shall~~¹ ~~【make, promulgate and~~
5 ~~enforce】~~ coordinate the implementation and enforcement of¹
6 regulations ~~【setting forth minimum standards covering the design,~~
7 ~~construction, location, installation and operation of equipment for~~
8 ~~storing, handling, transporting by motor vehicle, tank truck and tank~~
9 ~~trailer, and utilizing liquefied petroleum gases and specifying the~~
10 ~~odorization of said gases and the degree thereof.】~~¹ adopted pursuant
11 to P.L.1983, c.401 (C.39:5B-25 et seq.)¹ concerning the transporting
12 of liquefied petroleum gases as required for compliance with the Code
13 of Federal Regulations, Title 49.

14 (b) The Commissioner of ~~2【Labor】~~ Community Affairs² ~~【and~~
15 ~~Industry】~~ shall make, promulgate and enforce regulations setting forth
16 minimum standards covering the design, construction, location,
17 installation and operation of equipment for storing, handling or
18 utilizing liquefied petroleum gases at public utility establishments
19 operated by public utilities as defined in section 48:2-13 of the Revised
20 Statutes and at marine terminals, pipeline terminals, refineries and
21 manufacturing establishments, which shall not be deemed to include
22 bulk plants, and specifying the odorization of said gases and the degree
23 thereof prior to sale by the manufacturer.

24 (c) All regulations promulgated under subsection (a) or (b) of this
25 section shall be adopted only after a public hearing thereon and shall
26 be such as are reasonably necessary for the protection of the health,
27 welfare and safety of all persons and shall be in substantial
28 conformity with the generally accepted and applicable standards
29 of safety concerning the same subject matter.

30 (cf: P.L.1958, c.43, s.3)

31

32 7. Section 3 of P.L.1950, c.139 (C.21:1B-3) is amended to read
33 as follows:

34 3. All equipment shall be installed and maintained in a safe
35 operating condition and in conformity with the rules and regulations
36 adopted under section 2 of this act; however, the inspection of
37 propane gas equipment installations inside of predominantly residential
38 buildings and those above ground installations which are on the
39 outside of predominantly residential buildings may be made and
40 approved or disapproved by the ~~【plumbing inspector】~~ Construction
41 Code official of the respective municipality pursuant to the standards
42 promulgated by the Commissioner of ~~【the Department of】~~² ~~【Labor】~~
43 Community Affairs² ~~【and Industry or the Superintendent of State~~
44 ~~Police, as the case may be】~~. For purposes of this act "predominantly
45 residential" means and includes buildings in which people reside or

1 dwell as distinguished from buildings which are used entirely for
2 commercial or business purposes. The term shall also include any
3 building having 51% or more of its total floor space devoted to
4 dwelling purposes.

5 (cf: P.L.1975, c.165, s.1)

6

7 8. Section 5 of P.L.1950, c.139 (C.21:1B-5) is amended to read
8 as follows:

9 5. It shall be unlawful for any person, firm, association, or
10 corporation, on and after the effective date of this act to violate any of
11 the provisions hereof or of the regulations made pursuant hereto. Any
12 person, firm, association, or corporation violating any of the
13 provisions of this act, or said regulations made hereunder shall be
14 liable to a penalty of not less than \$50.00 nor more than \$500.00 to be
15 collected in a summary proceeding in any municipal court or in the
16 Superior Court. Each day during which any violation of this act or of
17 said regulations continues shall constitute a separate and distinct
18 offense.

19 The Superintendent of State Police and the Commissioner of
20 ²**[Labor]Community Affairs²**, according to **[their respective]** the
21 jurisdiction granted under section 2 of P.L.1950, c.139 (C.21:1B-2),
22 are hereby authorized and empowered to compromise and settle any
23 claim for a penalty under this section in such amount, in the discretion
24 of the Superintendent of State Police and the Commissioner of
25 ²**[Labor]Community Affairs²**, respectively, as may appear appropriate
26 and equitable under all of the circumstances.

27 (cf: P.L.1991, c.91, s.265)

28

29 9. Section 6 of P.L.1950, c.139 (C.21:1B-6) is amended to read
30 as follows:

31 6. In addition to the penalties provided in section 5 of **[this act]**
32 P.L.1950, c.139 (C.21:1B-5), any person, firm or corporation who
33 shall violate or remain in violation of any of the provisions hereof, or
34 of any rule or regulation promulgated hereunder, may be directed and
35 ordered by the Superintendent of State Police or the Commissioner of
36 ²**[Labor] Community Affairs²** **[and Industry]**, according to their
37 respective jurisdiction under section 2 of P.L.1950, c.139 (C.21:1B-
38 2), by notice in writing setting forth the facts relating to such violation
39 to correct said violation. Such notice in writing shall be served
40 personally upon said person or mailed by registered or certified mail
41 to the principal office of said person, firm or corporation or if an
42 individual or individuals, to his or their residence. If such order is not
43 complied with and such violation not corrected within 20 days of the
44 date of service of said order, the Superintendent of State Police or
45 Commissioner of ²**[Labor] Community Affairs²** **[and Industry]**, as the
46 case may be, may institute an action in the Superior Court for

1 injunctive relief or an abatement. The court may proceed in the action
2 in a summary manner or otherwise, and shall make such determination
3 thereof as shall seem necessary and proper to correct the violation and
4 secure enforcement of said order of the Superintendent of State Police
5 or Commissioner of ²**[Labor]Community Affairs² [and Industry]**, as
6 the case may be. Every such order issued by the Superintendent of
7 State Police or Commissioner of ²**[Labor] Community Affairs² [and**
8 **Industry]** under the provisions of this section shall be prima facie
9 evidence of the truth of the matter and things therein set forth.
10 (cf: P.L.1958, c.43, s.6)

11

12 10. This act shall take effect immediately.

13

14

15

16

17 Establishes Liquefied Petroleum Gas Education and Safety Board.

ASSEMBLY ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 1607

STATE OF NEW JERSEY

DATED: FEBRUARY 26, 1998

The Assembly Environment Committee favorably reports the Assembly Committee Substitute for Assembly Bill No. 1607.

This committee substitute provides for the establishment of an 11-member Liquefied Petroleum Gas Safety and Education Board to advise and recommend to the Commissioner of Labor rules and regulations affecting the storage, handling and distribution of liquefied petroleum gas. The board also would advise the Commissioner of Labor concerning the establishment and enforcement of licensing standards for liquefied petroleum gas distributors and the development of programs to promote the safe use of liquefied petroleum gas.

Members of the board would be appointed by the Governor and would include two representatives of the Department of Labor, upon recommendation of the Commissioner of Labor; one representative of the Division of Fire Safety in the Department of Community Affairs, upon recommendation of the Commissioner of Community Affairs; one member of the general public; one representative from the environmental community; one representative from a consumer group; and five representatives of the liquefied petroleum gas industry, upon recommendation by the Board of Directors of the New Jersey Propane Gas Association. After initial appointments for staggered terms, members of the board would serve for three years.

The board would recommend to the Commissioner of Labor for proposal and adoption rules and regulations setting standards for the design, construction, location, installation, and operation of equipment for storing and handling of liquefied petroleum gas and governing liquefied petroleum gas distributors and installers. It would make recommendations concerning the method and form of application for a liquefied petroleum gas license and procedures for investigating applicants and issuing and revoking licenses. The board also would advise the Commissioner of Labor concerning the development of education programs for the liquefied petroleum gas industry, public safety officials and consumers concerning safety and environmental advantages of liquefied petroleum gas.

The board also would advise the Commissioner of Labor

concerning the levying of an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of the responsibilities of the Department of Labor under the act. The initial assessment would not exceed one-fifteenth of a cent per gallon, which may be raised by one-tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane.

The committee substitute also establishes a "Liquefied Petroleum Gas Education and Safety Board Fund" in the Department of Labor. This fund would be the repository of the gallonage assessment on liquefied petroleum gas and of fees and penalties collected pursuant to the regulation of liquefied petroleum gas.

Finally, the committee substitute makes technical corrections to the language in the original bill and clarifies that the Superintendent of State Police maintains any authority or jurisdiction concerning penalties and violations that may be required pursuant to State Police regulations concerning the transport of liquefied petroleum gases adopted for compliance with the Code of Federal Regulations, Title 49.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1607**

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 30, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1607 (ACS), with committee amendments.

Assembly Bill No. 1607 (ACS), as amended, provides for the establishment of a 13-member Liquefied Petroleum Gas Safety and Education Board to advise and recommend to the Commissioner of Labor rules and regulations affecting the storage, handling and distribution of liquefied petroleum gas. The board will also advise the commissioner concerning the establishment and enforcement of licensing standards for liquefied petroleum gas distributors and the development of programs to promote the safe use of liquefied petroleum gas.

The board will advise the commissioner concerning the levying of an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of the responsibilities of the Department of Labor under the act. The initial assessment will not exceed one-fifteenth of a cent per gallon, which may be raised by one-tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane. The assessments and any fees and penalties collected pursuant to the regulation of liquefied petroleum gas will be deposited in the "Liquefied Petroleum Gas Education and Safety Board Fund" in the Department of Labor.

The bill also clarifies that the Superintendent of State Police maintains any authority or jurisdiction coordinating the enforcement of penalties and violations that may be required pursuant to State Police regulations concerning the transport of liquefied petroleum gases adopted for compliance with the Code of Federal Regulations, Title 49.

FISCAL IMPACT:

Based on sales projections provided by the New Jersey Propane Gas Association, approximately 238.5 million gallons of propane will be sold in New Jersey in FY1999. The initial assessment of one-fifteenth of a cent per gallon would be expected to provide

approximately \$159,000 in the first year following enactment of the bill. Under the bill the assessment may be increased by one-tenth of a cent per gallon annually up to a maximum of one-half cent per gallon. This would allow estimated annual revenues of approximately \$238,500 per year up to a maximum of \$1,192,500. Anticipated revenue capacity is adequate to fund the department's liquefied petroleum gas inspection activities.

The Office of Legislative Services notes that the Governor's recommended FY1999 budget proposes shifting certain workplace safety programs, including liquefied petroleum gas inspection activities, to the Department of Community Affairs.

COMMITTEE AMENDMENTS:

The amendments increase the board from 11 to 13 members, adding a member from a gas public utility involved in the storage and distribution of liquefied petroleum gas and a member from the Department of Labor. The amendments exclude those portions of a liquefied petroleum gas system operated by a gas public utility that are under the regulation and requirements of Title 49 of the Code of Federal Regulations, as administered by the New Jersey Board of Public Utilities.

The amendments also make technical changes, including clarification of the rulemaking authority of the State Police under a coordinated regulatory system adopted in 1983 pursuant to federal law regarding the interstate transportation of hazardous substances.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1607**

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1998

The Senate Environment Committee favorably reports Assembly Bill No. 1607 (ACS) (1R) with committee amendments.

As amended, Assembly Bill No. 1607 (ACS) (1R) provides for the establishment of a 13-member Liquefied Petroleum Gas Safety and Education Board to advise and recommend to the Commissioner of Community Affairs rules and regulations affecting the storage, handling and distribution of liquefied petroleum gas. The board will also advise the commissioner concerning the establishment and enforcement of licensing standards for liquefied petroleum gas distributors and the development of programs to promote the safe use of liquefied petroleum gas.

The board will advise the commissioner concerning the levying of an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of the responsibilities of the Department of Community Affairs under the act. The initial assessment will not exceed one-fifteenth of a cent per gallon, which may be raised by one-tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane. The assessments and any fees and penalties collected pursuant to the regulation of liquefied petroleum gas will be deposited in the "Liquefied Petroleum Gas Education and Safety Board Fund" in the Department of Community Affairs.

The bill also clarifies that the Superintendent of State Police maintains any authority or jurisdiction coordinating the enforcement of penalties and violations that may be required pursuant to State Police regulations concerning the transport of liquefied petroleum gases adopted for compliance with the Code of Federal Regulations, Title 49.

Based on sales projections provided by the New Jersey Propane Gas Association, approximately 238.5 million gallons of propane will

be sold in New Jersey in FY1999. The initial assessment of one-fifteenth of a cent per gallon would be expected to provide approximately \$159,000 in the first year following enactment of the bill. Under the bill the assessment may be increased by one-tenth of a cent per gallon annually up to a maximum of one-half cent per gallon. This would allow estimated annual revenues of approximately \$238,500 per year up to a maximum of \$1,192,500. Anticipated revenue capacity is adequate to fund the department's liquefied petroleum gas inspection activities.

On March 30, 1998, the Governor issued Reorganization Plan 002-1998 that among other things, transferred programs related to the storage of liquified petroleum gas for the Department of Labor to the Department of Community Affairs. The committee amendments would move the board to the Department of Community Affairs and would therefore have the Department of Community Affairs perform all functions under the bill rather than the Department of Labor. The amendments would also change the quorum from six to seven members.

As amended, this bill is identical to the committee substitute for Senate Bill No. 640.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1607**

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1998

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 1607 ACS (2R).

This bill, as amended, provides for the establishment in the Department of Community Affairs (DCA) of an 11-member Liquefied Petroleum Gas Education and Safety Board. The members of the board would be appointed by the Governor and would include: three members of the general public, two of whom must be professional firefighters or other fire safety professionals; one representative of the environmental community; one representative from a consumer group; five representatives of the liquefied petroleum gas ("LP gas") industry recommended by the directors of the New Jersey Propane Gas Association; and one representative of a gas public utility involved in LP gas storage and distribution.

The bill empowers the board to recommend to the Commissioner of Community Affairs rules and regulations affecting the storage, handling and distribution of LP gas and the installation of gas, carburetion, and fueling systems. The board would also advise the commissioner concerning the establishment and enforcement of licensing standards for LP gas distributors and equipment installers and the development of programs to promote the safe use of liquefied petroleum gas.

The bill authorizes the Commissioner of DCA to impose an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of DCA's responsibilities under the legislation. The board would recommend the level of that assessment; however, the initial assessment could not exceed one-fifteenth of a cent per gallon, and thereafter the assessment could be raised by no more than one-tenth of a cent per gallon annually up to a maximum of one-half cent per gallon of odorized

propane. The assessments and any fees and penalties collected pursuant to the regulation of LP gas will be deposited in a "Liquefied Petroleum Gas Education and Safety Board Fund" that the bill establishes in DCA.

The bill explicitly provides that the board shall have no authority governing the production, refining or manufacture of LP gas; its storage, sale or transportation by pipeline or railroad tank car; or any of various other "upstream" aspects of the LP gas industry. The bill also clarifies that the Superintendent of State Police shall maintain any authority or jurisdiction over coordination of the enforcement of penalties and violations that may be required pursuant to State Police regulations concerning the transport of LP gases adopted for compliance with the Code of Federal Regulations, Title 49.

On March 30, 1998, the Governor issued Reorganization Plan 002-1998 that, among other things, transferred programs related to the storage of liquefied petroleum gas from the Department of Labor to the Department of Community Affairs. The bill recognizes this agency transfer by placing the board in the Department of Community Affairs and by providing that DCA, rather than the Department of Labor, will perform all functions under the legislation.

As amended, this bill is identical to Senate Bill No. 640 (SCS) (1R).

COMMITTEE AMENDMENTS

Amendments to this bill revise the composition of the Liquefied Petroleum Gas Education and Safety Board's membership by eliminating from board membership three representatives of DCA and one representative of the Department's Division of Fire Safety, and adding instead two fire safety professionals, thus reducing the total membership of the Board from 13 to 11.

FISCAL IMPACT

Based on sales projections provided by the New Jersey Propane Gas Association, approximately 238.5 million gallons of propane will be sold in New Jersey in FY 1999. The initial assessment of one-fifteenth of a cent per gallon would be expected to provide approximately \$159,000 in the first year following enactment of the bill. Under the bill the assessment may be increased by one-tenth of a cent per gallon annually up to a maximum of one-half per gallon. This would allow estimated annual revenues of approximately \$238,500 per year up to a maximum of \$1,192,500. Anticipated revenue capacity is adequate to fund the department's liquefied petroleum gas inspection activities.

The Department of Community Affairs is currently responsible, pursuant to P.L.1950, c. 139 (C.21:1B-2), for inspection of liquefied petroleum gas facilities. As noted above, these responsibilities were shifted from the Department of Labor to DCA in FY 1999 by Executive Order. In its FY 1999 budget request the Department of

Labor noted that revenues anticipated from the per-gallon assessment established under this bill would be sufficient to offset the costs to the General Fund of the department's liquefied petroleum gas inspection activities. Therefore, the Office of Legislative Services anticipates that revenues collected will offset the cost of these inspection activities now that they have been shifted to the Department of Community Affairs.

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY COMMITTEE SUBSTITUTE FOR **ASSEMBLY, No. 1607**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: APRIL 20, 1998

The Assembly Committee Substitute for Assembly Bill No. 1607 of 1998 provides for the establishment of an 11-member Liquefied Petroleum Gas Safety and Education Board to advise and recommend to the Commissioner of Labor rules and regulations affecting the storage, handling, and distribution of liquefied petroleum gas. The board would advise the Commissioner of Labor concerning the establishment and enforcement of licensing standards for liquefied petroleum gas distributors and the development of programs to promote the safe use of liquefied petroleum gas.

In addition, the board would advise the commissioner concerning the levying of an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of the responsibilities of the Department of Labor under the bill. The initial assessment would not exceed one-fifteenth of one cent per gallon, and may be raised by one-tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane. A "Liquefied Petroleum Gas Education and Safety Board Fund" would serve as repository of this assessment and of fees and penalties collected pursuant to the regulation of liquefied petroleum gas.

The New Jersey Propane Gas Association (NJPGA) projects that approximately 238.5 million gallons of propane will be sold in New Jersey in FY 1999. The NJPGA notes that the number of gallons sold may be significantly higher if a cold winter occurs. Assessed at one-fifteenth of one cent per gallon, which is the initial maximum assessment allowed under this bill, the per gallon levy may be expected to provide approximately \$159,000 in the first year of enactment of this bill, based on the NJPGA figures.

However, under this bill, the assessment may be raised by one-tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane. Based on a static estimation of the number of gallons sold in future years (from the figures provided by NJPGA), this would allow an increase in the revenue assessed through the per-gallon levy of approximately \$238,500 per year, up to a maximum level of approximately \$1,192,500 per year under the one-half cent per

gallon maximum levy.

The department is currently responsible, pursuant to P.L.1950, c.139 (C.21:1B-2), for inspection of liquefied petroleum gas facilities through the Workplace Standards program. Currently, these inspection activities are funded by General Fund revenues. Revenues anticipated from the per-gallon assessment, established under this bill, would be sufficient to offset the costs to the General Fund of the department's liquefied petroleum gas inspection activities, as noted in the department's FY1999 budget request.

In addition, the OLS notes that the Governor's recommended FY 1999 Budget proposes shifting certain workplace safety programs to the Department of Community Affairs, including inspection activities related to liquefied petroleum gas.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

ASSEMBLY, No. 1607

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED FEBRUARY 10, 1998

Sponsored by:

Assemblyman STEVE CORODEMUS

District 11 (Monmouth)

SYNOPSIS

Establishes Liquefied Petroleum Gas Education and Safety Board.

CURRENT VERSION OF TEXT

As introduced.



A1607 CORODEMUS

2

1 AN ACT concerning liquefied petroleum gases and supplementing and
2 amending chapter 1B of Title 21 of the Revised Statutes.

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

6
7 1. (New section) a. There is created within the Department of
8 Labor the Liquefied Petroleum Gas Education and Safety Board. This
9 board shall be advisory in nature to the Commissioner of Labor. The
10 board shall be composed of 11 members: two representatives of the
11 department appointed by the Governor upon recommendation by the
12 Commissioner of Labor; one member of the general public appointed
13 by the Governor on a nonpartisan basis; one representative from the
14 environmental community and one representative from a consumer
15 group, appointed by the Governor; five members who are
16 representatives of the liquefied petroleum gas industry appointed by
17 the Governor upon recommendation by the Board of Directors of the
18 New Jersey Propane Gas Association; and one representative of the
19 Division of Fire Safety in the Department of Community Affairs
20 appointed by the Governor upon recommendation by the
21 Commissioner of Community Affairs. Members of the board who are
22 representatives of the liquefied petroleum gas industry shall have been
23 legal residents of the State for at least the five years prior to their
24 appointment and have been actively engaged in the liquefied petroleum
25 gas industry for at least five years. Members of the board shall be
26 appointed within 90 days after the effective date of this act.

27 Of the members first appointed by the Commissioner of Labor, the
28 first appointed shall serve for one year and the next appointed shall
29 serve for two years. The member appointed by the Commissioner of
30 Community Affairs shall serve for two years. Of the members
31 representing the liquefied petroleum gas industry, the first appointed
32 shall serve for one year, the next appointed shall serve for two years,
33 and the remainder shall serve for three years. The member of the
34 general public, the representative from the environmental community,
35 and the representative from a consumer group shall each serve for
36 three years.

37 Upon expiration of the terms of the members first appointed, the
38 terms of all members shall be three years. Members may be
39 reappointed. Members shall serve until a replacement is appointed.
40 Vacancies shall be filled in the same manner as the original
41 appointment. In the case of a vacancy occurring otherwise than by
42 expiration of term, that vacancy shall be filled only for the unexpired
43 term.

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

Matter underlined thus is new matter.

A1607 CORODEMUS

1 The board shall elect a chairman and vice-chairman from among its
2 members at its first regular meeting each calendar year. All meetings
3 of the board shall be held on a prescribed date, at least quarterly, and
4 also at any time a majority of the board members requests a meeting
5 in writing to the board chairman. Any six members shall constitute a
6 quorum for the transaction of business. The board may adopt bylaws
7 governing its procedures and method of operation.

8 The members of the board shall not receive compensation, but may
9 receive an allowance for travel expenses as determined by the
10 commissioner to the extent such funds are made available.

11

12 2. (New section) a. The Liquefied Petroleum Gas Education and
13 Safety Board is empowered to:

14 (1) recommend to the Commissioner of Labor for proposal and
15 adoption rules and regulations:

16 (a) setting forth minimum general standards for the design,
17 construction, location, installation, and operation of equipment for
18 storing and handling of liquefied petroleum gas, and

19 (b) governing liquefied petroleum gas distributors and installers
20 and the installation of liquefied petroleum gas systems, carburetion
21 systems and fueling systems;

22 (2) make recommendations to the Commissioner of Labor
23 concerning:

24 (a) civil penalties for violation of any rule or order made under
25 chapter 1B of Title 21 of the Revised Statutes;

26 (b) the method and form of application for a liquefied petroleum
27 gas license or certification; the investigation of the experience,
28 reputation and background of applicants; the issuance, suspension,
29 revocation or denial of licenses; and the procedures for conducting
30 hearings in connection with the applications for, or revocation of,
31 licenses and certifications, including, but not limited to, compelling the
32 attendance of witnesses by subpoena, requiring the production of any
33 records or documents determined by it to be pertinent to the subject
34 matter of the hearing, and applying to the Superior Court for an order
35 citing any applicant or witness for contempt, and for failure to attend,
36 testify or produce required documents;

37 (c) procedures for the suspension or revocation of licenses or
38 certifications and the denial of license or certification renewals when
39 the applicant or licensee has been guilty of acts of conduct harmful to
40 either the safety or protection of the public;

41 (d) the content of and procedures for administering examinations
42 of every license applicant to determine the responsibility, ability,
43 knowledge, experience or other qualification of the applicant for a
44 license;

45 (e) competency testing for all employees and subcontractors of
46 licensees engaged in transporting or dispensing liquefied petroleum gas

A1607 CORODEMUS

- 1 or installing, servicing, or repairing a liquefied petroleum gas system,
2 fueling system or carburetion system, as set forth in this chapter;
- 3 (f) procedures for the granting of exemptions from department
4 rules and regulations to accommodate local needs as it determines to
5 be in the best interest of the safety of the public or the persons using
6 liquefied petroleum gas systems or services;
- 7 (g) the development of programs and projects, including
8 educational programs for public safety officials, and consumers
9 concerning safety and environmental advantages of liquefied petroleum
10 gas, and safety and educational programs for the public and for
11 industrial and emergency response personnel;
- 12 (h) procedures for entering into contracts or agreements to
13 implement the provisions of this act; and
- 14 (i) a schedule of the fees and charges to cover all costs of
15 administration of the provisions of this act as provided in this act.
- 16 b. (1) The board shall keep accurate records and minutes of all
17 meetings, which shall be open to public inspection at all reasonable
18 times, and keep a public record of all applications for licenses, and
19 licenses issued by it.
- 20 (2) The board shall periodically report to the Commissioner of
21 Labor concerning its transactions and recommendations and the
22 Commissioner of Labor shall submit to the Governor a biennial report
23 before September 1 of each even numbered year, covering its
24 transactions during the biennium ending June 30 of that year, including
25 a complete statement of the receipts and expenditures of the board
26 during that period.
- 27
- 28 3. (New section) The board shall have no authority governing:
- 29 (1) the production, refining or manufacture of liquefied petroleum
30 gas;
- 31 (2) the storage, sale, or transportation of liquefied petroleum gas
32 by pipeline or railroad tank car by a pipeline company, producer,
33 refiner or manufacturer;
- 34 (3) the equipment used by a pipeline company, producer, refiner or
35 manufacturer in a producing, refining or manufacturing process, or in
36 the storage, sale or transportation by pipeline or railroad tank car;
- 37 (4) any deliveries of liquefied petroleum gas to another person at
38 the place of production, refining, or manufacturing; or
- 39 (5) regulations and requirements of liquefied petroleum gas
40 transporters as covered by the Code of Federal Regulations, Title 49,
41 as administered by the New Jersey Division of State Police.
- 42
- 43 4. (New section) a. The board may recommend to the
44 Commissioner of Labor the level of an assessment to be levied on
45 liquefied petroleum gas and the commissioner shall determine the level
46 and may levy the assessment. The initial assessment shall be no

A1607 CORODEMUS

1 greater than one-fifteenth of one cent per gallon. Thereafter, annual
2 assessments shall be sufficient to cover the costs of the plans and
3 programs developed by the board and approved by the commissioner,
4 and the cost of administering the responsibilities of the department
5 established pursuant to this act. The assessment shall not exceed one-
6 half cent per gallon of odorized propane. The assessment may not be
7 raised by more than one-tenth of one cent per gallon annually.

8 The owner of liquefied petroleum gas immediately prior to
9 odorization shall be responsible for the payment of the assessment on
10 the volume of liquefied petroleum gas at the time of import or
11 odorization, whichever is earlier. Assessments shall be remitted to the
12 board on a monthly basis by the 25th day of the month following the
13 month of collection. Nonodorized propane shall not be subject to
14 assessment until odorized.

15 The commissioner may by regulation establish an alternative means
16 for the department to collect the assessment if another means is found
17 to be more efficient and effective. The commissioner may by
18 regulation establish a late payment charge and rate of interest to be
19 imposed on any person who fails to remit to the department any
20 amount due.

21 b. Pending disbursement pursuant to a program, plan or project,
22 the commissioner may invest funds collected through assessments and
23 any other funds received by the department, only in obligations of the
24 United States or any agency thereof, in general obligations of any state
25 or any political subdivision thereof, in any interest-bearing account or
26 certificate of deposit of a bank that is a member of the Federal Reserve
27 System, or in obligations fully guaranteed as to principal and interest
28 by the United States.

29 No funds collected by the commissioner shall be used in any manner
30 for influencing legislation or for campaign contributions, except that
31 the board may recommend to the commissioner changes in this act or
32 other statutes that would further the purposes of this act.

33 c. There is established a "Liquefied Petroleum Gas Education and
34 Safety Board Fund" as a non-lapsing revolving fund within the
35 Department of Labor. All assessment, fees and penalties collected by
36 the department under this chapter shall be deposited in the fund. The
37 fund shall be administered by the Commissioner of Labor and shall be
38 used exclusively to defray all expenses incurred by the department in
39 operation of the board and the administration of the department's
40 responsibilities under this act.

41

42 5. Section 1 of P.L.1950, c.139 (C.21:1B-1) is amended to read as
43 follows:

44 1. As used in this chapter:

45 [(a) The term "liquefied petroleum gas," as used in this act, shall
46 mean and include any material which is composed predominantly of

A1607 CORODEMUS

1 any of the following hydrocarbons, or mixtures of the same: propane,
2 propylene, butanes (normal butane or isobutane), and butylenes.

3 (b) The term "bulk plant," as used in this act, shall mean and
4 include]

5 "Board" means the Liquefied Petroleum Gas Education and Safety
6 Board;

7 "Bulk plant" means intermediate establishments or points of storage
8 and distribution, as distinguished from terminals and refineries, from
9 which liquefied petroleum gas is distributed to retail dealers and
10 consumers [.]];

11 "Commissioner" means the Commissioner of Labor;

12 "Department" means the Department of Labor;

13 and

14 "Liquefied petroleum gas" means any material which is composed
15 predominantly of any of the following hydrocarbons, or mixtures of
16 the same: propane, propylene, butanes (normal butane or isobutane),
17 and butylenes.

18 (cf: P.L.1958, c.43, s.2)

19

20 6. Section 2 of P.L.1950, c.139 (C.21:1B-2) is amended to read as
21 follows:

22 2. (a) [Except as provided in subparagraph (b) of this section,
23 the] The Superintendent of State Police shall make, promulgate and
24 enforce regulations [setting forth minimum standards covering the
25 design, construction, location, installation and operation of equipment
26 for storing, handling, transporting by motor vehicle, tank truck and
27 tank trailer, and utilizing liquefied petroleum gases and specifying the
28 odorization of said gases and the degree thereof.] concerning the
29 transporting of liquefied petroleum gases as required for compliance
30 with the Code of Federal Regulations, Title 49.

31 (b) The Commissioner of Labor [and Industry] shall make,
32 promulgate and enforce regulations setting forth minimum standards
33 covering the design, construction, location, installation and operation
34 of equipment for storing, handling or utilizing liquefied petroleum
35 gases at public utility establishments operated by public utilities as
36 defined in section 48:2-13 of the Revised Statutes and at marine
37 terminals, pipeline terminals, refineries and manufacturing
38 establishments, which shall not be deemed to include bulk plants, and
39 specifying the odorization of said gases and the degree thereof prior
40 to sale by the manufacturer.

41 (c) All regulations promulgated under subsection (a) or (b) of this
42 section shall be adopted only after a public hearing thereon and shall
43 be such as are reasonably necessary for the protection of the health,
44 welfare and safety of all persons and shall be in substantial
45 conformity with the generally accepted and applicable standards of

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1 safety concerning the same subject matter.

2 (cf: P.L.1958, c.43, s.3)

3

4 7. Section 3 of P.L.1950, c.139 (C.21:1B-3) is amended to read
5 as follows:

6 3. All equipment shall be installed and maintained in a safe
7 operating condition and in conformity with the rules and regulations
8 adopted under section 2 of this act; however, the inspection of
9 propane gas equipment installations inside of predominantly residential
10 buildings and those above ground installations which are on the
11 outside of predominantly residential buildings may be made and
12 approved or disapproved by the **[plumbing inspector]** Construction
13 Code official of the respective municipality pursuant to the standards
14 promulgated by the Commissioner of **[the Department of]** Labor **[and**
15 **Industry or the Superintendent of State Police, as the case may be]**.
16 For purposes of this act "predominantly residential" means and
17 includes buildings in which people reside or dwell as distinguished
18 from buildings which are used entirely for commercial or business
19 purposes. The term shall also include any building having 51% or
20 more of its total floor space devoted to dwelling purposes.

21 (cf: P.L.1975, c.165, s.1)

22

23 8. Section 5 of P.L.1950, c.139 (C.21:1B-5) is amended to read as
24 follows:

25 5. It shall be unlawful for any person, firm, association, or
26 corporation, on and after the effective date of this act to violate any of
27 the provisions hereof or of the regulations made pursuant hereto. Any
28 person, firm, association, or corporation violating any of the
29 provisions of this act, or said regulations made hereunder shall be
30 liable to a penalty of not less than \$50.00 nor more than \$500.00 to be
31 collected in a summary proceeding in any municipal court or in the
32 Superior Court. Each day during which any violation of this act or of
33 said regulations continues shall constitute a separate and distinct
34 offense.

35 The **[Superintendent of State Police and the]** Commissioner of
36 Labor, according to **[their respective]** the jurisdiction granted under
37 section 2, **[are]** is hereby authorized and empowered to compromise
38 and settle any claim for a penalty under this section in such amount, in
39 the discretion of the **[Superintendent of State Police and the]**
40 **Commissioner of Labor****[, respectively]**, as may appear appropriate
41 and equitable under all of the circumstances.

42 (cf: P.L.1991, c.91, s.265)

43

44 9. Section 6 of P.L.1950, c.139 (C.21:1B-6) is amended to read as
45 follows:

46 6. In addition to the penalties provided in section 5 of this act, any

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1 person, firm or corporation who shall violate or remain in violation of
2 any of the provisions hereof, or of any rule or regulation promulgated
3 hereunder, may be directed and ordered by the [Superintendent of
4 State Police or] Commissioner of Labor [and Industry, according to
5 their respective jurisdiction] under section 2, by notice in writing
6 setting forth the facts relating to such violation to correct said
7 violation. Such notice in writing shall be served personally upon said
8 person or mailed by registered or certified mail to the principal office
9 of said person, firm or corporation or if an individual or individuals,
10 to his or their residence. If such order is not complied with and such
11 violation not corrected within 20 days of the date of service of said
12 order, the [Superintendent of State Police or] Commissioner of Labor
13 [and Industry, as the case may be,] may institute an action in the
14 Superior Court for injunctive relief or an abatement. The court may
15 proceed in the action in a summary manner or otherwise, and shall
16 make such determination thereof as shall seem necessary and proper
17 to correct the violation and secure enforcement of said order of the
18 [Superintendent of State Police or] Commissioner of Labor [and
19 Industry, as the case may be]. Every such order issued by the
20 [Superintendent of State Police or] Commissioner of Labor [and
21 Industry] under the provisions of this section shall be prima facie
22 evidence of the truth of the matter and things therein set forth.

23 (cf: P.L.1958, c.43, s.6)

24

25 10. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill, would provide for the establishment of an 11-member
31 Liquefied Petroleum Gas Safety and Education Board to advise and
32 recommend to the Commissioner of Labor rules and regulations
33 affecting the storage, handling and distribution of liquefied petroleum
34 gas. The board also would advise the Commissioner of Labor
35 concerning the establishment and enforcement of licensing standards
36 for liquefied petroleum gas distributors and the development of
37 programs to promote the safe use of liquefied petroleum gas.

38 Members of the board would be appointed by the Governor and
39 would include two representatives of the Department of Labor, upon
40 recommendation of the Commissioner of Labor; one representative of
41 the Division of Fire Safety in the Department of Community Affairs,
42 upon recommendation of the Commissioner of Community Affairs;
43 one member of the general public; one representative from the
44 environmental community; one representative from a consumer group;
45 and five representatives of the liquefied petroleum gas industry, upon

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1 recommendation by the Board of Directors of the New Jersey Propane
2 Gas Association. After initial appointments for staggered terms,
3 members of the board would serve for three years.

4 The board would recommend to the Commissioner of Labor for
5 proposal and adoption rules and regulations setting standards for the
6 design, construction, location, installation, and operation of equipment
7 for storing and handling of liquefied petroleum gas and governing
8 liquefied petroleum gas distributors and installers. It would make
9 recommendations concerning the method and form of application for
10 a liquefied petroleum gas license and procedures for investigating
11 applicants and issuing and revoking licenses. The board also would
12 advise the Commissioner of Labor concerning the development of
13 education programs for the liquefied petroleum gas industry, public
14 safety officials and consumers concerning safety and environmental
15 advantages of liquefied petroleum gas.

16 The board also would advise the Commissioner of Labor
17 concerning the levying of an assessment on liquefied petroleum gas
18 sufficient to cover any costs associated with the board's activities and
19 the administration of the responsibilities of the Department of Labor
20 under the bill. The initial assessment would not exceed one-fifteenth
21 of a cent per gallon, which may be raised by one-tenth of a cent
22 annually up to a maximum of one-half cent per gallon of odorized
23 propane.

24 The bill, also establishes a "Liquefied Petroleum Gas Education and
25 Safety Board Fund" in the Department of Labor. This fund would be
26 the repository of the gallonage assessment on liquefied petroleum gas
27 and of fees and penalties collected pursuant to the regulation of
28 liquefied petroleum gas.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 640**

STATE OF NEW JERSEY

DATED: NOVEMBER 16, 1998

The Senate Environment Committee reports favorably a committee substitute for Senate Bill No. 640.

The committee substitute provides for the establishment of a 13-member Liquefied Petroleum Gas Safety and Education Board to advise and recommend to the Commissioner of Community Affairs rules and regulations affecting the storage, handling and distribution of liquefied petroleum gas. The board will also advise the commissioner concerning the establishment and enforcement of licensing standards for liquefied petroleum gas distributors and the development of programs to promote the safe use of liquefied petroleum gas.

The board will advise the commissioner concerning the levying of an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of the responsibilities of the Department of Community Affairs under the act. The initial assessment will not exceed one-fifteenth of a cent per gallon, which may be raised by one-tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane. The assessments and any fees and penalties collected pursuant to the regulation of liquefied petroleum gas will be deposited in the "Liquefied Petroleum Gas Education and Safety Board Fund" in the Department of Community Affairs.

The bill also clarifies that the Superintendent of State Police maintains any authority or jurisdiction coordinating the enforcement of penalties and violations that may be required pursuant to State Police regulations concerning the transport of liquefied petroleum gases adopted for compliance with the Code of Federal Regulations, Title 49.

Based on sales projections provided by the New Jersey Propane Gas Association, approximately 238.5 million gallons of propane will be sold in New Jersey in FY1999. The initial assessment of one-fifteenth of a cent per gallon would be expected to provide approximately \$159,000 in the first year following enactment of the bill. Under the bill the assessment may be increased by one-tenth of

a cent per gallon annually up to a maximum of one-half cent per gallon. This would allow estimated annual revenues of approximately \$238,500 per year up to a maximum of \$1,192,500. Anticipated revenue capacity is adequate to fund the department's liquefied petroleum gas inspection activities.

On March 30, 1998, the Governor issued Reorganization Plan 002-1998 that among other things, transferred programs related to the storage of liquified petroleum gas for the Department of Labor to the Department of Community Affairs. The committee substitute would move the board to the Department of Community Affairs and would therefore have the Department of Community Affairs perform all functions under the bill rather than the Department of Labor.

The committee substitute is identical to Assembly Bill No. 1607 (ACS) (1R) as amended by the committee.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 640**

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 10, 1998

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 640 (SCS).

This bill, as amended, provides for the establishment in the Department of Community Affairs (DCA) of an 11-member Liquefied Petroleum Gas Education and Safety Board. The members of the board would be appointed by the Governor and would include: three members of the general public, two of whom must be professional firefighters or other fire safety professionals; one representative of the environmental community; one representative from a consumer group; five representatives of the liquefied petroleum gas ("LP gas") industry recommended by the directors of the New Jersey Propane Gas Association; and one representative of a gas public utility involved in LP gas storage and distribution.

The bill empowers the board to recommend to the Commissioner of Community Affairs rules and regulations affecting the storage, handling and distribution of LP gas and the installation of gas, carburetion, and fueling systems. The board would also advise the commissioner concerning the establishment and enforcement of licensing standards for LP gas distributors and equipment installers and the development of programs to promote the safe use of liquefied petroleum gas.

The bill authorizes the Commissioner of DCA to impose an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of DCA's responsibilities under the legislation. The board would recommend the level of that assessment; however, the initial assessment could not exceed one-fifteenth of a cent per gallon, and thereafter the assessment could be raised by no more than one-tenth of a cent per gallon annually up to a maximum of one-half cent per gallon of odorized propane. The assessments and any fees and penalties collected pursuant to the regulation of LP gas will be deposited in a "Liquefied Petroleum Gas Education and Safety Board Fund" that the bill

establishes in DCA.

The bill explicitly provides that the board shall have no authority governing the production, refining or manufacture of LP gas; its storage, sale or transportation by pipeline or railroad tank car; or any of various other "upstream" aspects of the LP gas industry. The bill also clarifies that the Superintendent of State Police shall maintain any authority or jurisdiction over coordination of the enforcement of penalties and violations that may be required pursuant to State Police regulations concerning the transport of LP gases adopted for compliance with the Code of Federal Regulations, Title 49.

On March 30, 1998, the Governor issued Reorganization Plan 002-1998 that, among other things, transferred programs related to the storage of liquefied petroleum gas from the Department of Labor to the Department of Community Affairs. The bill recognizes this agency transfer by placing the board in the Department of Community Affairs and by providing that DCA, rather than the Department of Labor, will perform all functions under the legislation.

As amended, this bill is identical to Assembly Bill No. 1607 (ACS) (3R).

COMMITTEE AMENDMENTS:

Amendments to this bill revise the composition of the Liquefied Petroleum Gas Education and Safety Board's membership by eliminating from board membership three representatives of DCA and one representative of the Department's Division of Fire Safety, and adding instead two fire safety professionals, thus reducing the total membership of the Board from 13 to 11.

FISCAL IMPACT:

Based on sales projections provided by the New Jersey Propane Gas Association, approximately 238.5 million gallons of propane will be sold in New Jersey in FY 1999. The initial assessment of one-fifteenth of a cent per gallon would be expected to provide approximately \$159,000 in the first year following enactment of the bill. Under the bill the assessment may be increased by one-tenth of a cent per gallon annually up to a maximum of one-half per gallon. This would allow estimated annual revenues of approximately \$238,500 per year up to a maximum of \$1,192,500. Anticipated revenue capacity is adequate to fund the department's liquefied petroleum gas inspection activities.

The Department of Community Affairs is currently responsible, pursuant to P.L.1950, c.139 (C.21:1B-2), for inspection of liquefied petroleum gas facilities. As noted above, these responsibilities were shifted from the Department of Labor to DCA in FY 1999 by Executive Order. In its FY 1999 budget request the Department of Labor noted that revenues anticipated from the per-gallon assessment established under this bill would be sufficient to offset the costs to the

General Fund of the department's liquefied petroleum gas inspection activities. Therefore, the Office of Legislative Services anticipates that revenues collected will offset the cost of these inspection activities now that they have been shifted to the Department of Community Affairs.

LEGISLATIVE FISCAL ESTIMATE

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 640**

STATE OF NEW JERSEY

208th LEGISLATURE

DATED: JANUARY 11, 1999

The Senate Committee Substitute for Senate Bill No. 640 of 1998 provides for the establishment of a 13-member Liquefied Petroleum Gas Education and Safety Board to advise and recommend to the Commissioner of Community Affairs rules and regulations affecting the storage, handling, and distribution of liquefied petroleum gas. The board would also advise the Commissioner of Community Affairs concerning the establishment and enforcement of licensing standards for liquefied petroleum gas distributors and the development of programs to promote the safe use of liquefied petroleum gas.

In addition, the board would advise the commissioner concerning the levying of an assessment on liquefied petroleum gas sufficient to cover any costs associated with the board's activities and the administration of the responsibilities of the Department of Community Affairs under the bill. The initial assessment would not exceed one-fifteenth of one cent per gallon, and may be raised by one-tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane. A "Liquefied Petroleum Gas Education and Safety Board Fund" would serve as repository of this assessment and of fees and penalties collected pursuant to the regulation of liquefied petroleum gas.

The New Jersey Propane Gas Association (NJPGA) projects that approximately 238.5 million gallons of propane will be sold in New Jersey in FY 1999. The NJPGA notes that the number of gallons sold may be significantly higher if a relatively cold winter occurs. Assessed at one fifteenth of one cent per gallon, which is the initial maximum assessment allowed under this bill, the per gallon levy may be expected to provide approximately \$159,000 in the first year of enactment of this bill, based on the NJPGA figures.

However, under this bill, the assessment may be raised by one tenth of a cent annually up to a maximum of one-half cent per gallon of odorized propane. Based on a static estimation of the number of gallons sold in future years (from the figures provided by NJPGA), this would allow an increase in the revenue assessed through the per gallon

levy of approximately \$238,500 per year, up to a maximum level of approximately \$1,192,500 per year under the one-half cent per gallon maximum levy.

The department is currently responsible, pursuant to P.L.1950, c.139 (C.21:1B-2), for inspection of liquefied petroleum gas facilities. These responsibilities were shifted from the Department of Labor to the Department of Community Affairs in FY 1999. In its FY 1999 budget request, the Department of Labor noted that revenues anticipated from the per-gallon assessment established under this bill would be sufficient to offset the costs to the General Fund of the department's liquefied petroleum gas inspection activities. Therefore, the Office of Legislative Services anticipates that revenues collected will offset the cost of these inspection activities now that they have been shifted to the Department of Community Affairs.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 640

STATE OF NEW JERSEY
208th LEGISLATURE

ADOPTED NOVEMBER 16, 1998

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes Liquefied Petroleum Gas Education and Safety Board.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on December 10, 1998, with amendments.



1 AN ACT concerning liquefied petroleum gases and amending and
2 supplementing chapter 1B of Title 21 of the Revised Statutes.

3

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

6

7 1. (New section) a. There is created within the Department of
8 Community Affairs the Liquefied Petroleum Gas Education and Safety
9 Board. This board shall be advisory in nature to the Commissioner of
10 Community Affairs. The board shall be composed of ¹[13] 11¹
11 members: three ¹[representatives of the department appointed by the
12 Governor upon recommendation by the Commissioner of Community
13 Affairs; one member of the general] ¹public ¹members¹ appointed by
14 the Governor on a nonpartisan basis¹, two of whom shall be
15 professional firefighters or other fire safety professionals¹; one
16 representative from the environmental community and one
17 representative from a consumer group, appointed by the Governor;
18 five members who are representatives of the liquefied petroleum gas
19 industry appointed by the Governor upon recommendation by the
20 Board of Directors of the New Jersey Propane Gas Association; ¹and¹
21 one representative of a gas public utility involved in the storage and
22 distribution of liquefied petroleum gas, appointed by the Governor¹ ¹;
23 and one representative of the Division of Fire Safety in the Department
24 of Community Affairs appointed by the Governor upon
25 recommendation by the Commissioner of Community Affairs¹.
26 Members of the board who are representatives of the liquefied
27 petroleum gas industry and the gas public utility shall have been legal
28 residents of the State for at least the five years prior to their
29 appointment and have been actively engaged in the liquefied petroleum
30 gas industry for at least five years. Members of the board shall be
31 appointed within 90 days after the effective date of this act.

32 Of the members first appointed as ¹[representatives of the
33 Department of Community Affairs, the first appointed] public
34 members, one¹ shall serve for one year ¹[and the next appointed],
35 one¹ shall serve for two years ¹, and one shall serve for three years¹.
36 ¹[The member first appointed as a representative of the Division of
37 Fire Safety in the Department of Community Affairs shall serve for
38 two years.]¹ Of the members representing the liquefied petroleum gas
39 industry, the first appointed shall serve for one year, the next
40 appointed shall serve for two years, and the remainder shall serve for
41 three years. The ¹[member of the general public, the]¹ representative
42 from the environmental community, the representative of the gas

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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 SBA committee amendments adopted December 10, 1998.

1 public utility and the representative from a consumer group shall each
2 serve for three years.

3 Upon expiration of the terms of the members first appointed, the
4 terms of all members shall be three years. Members may be
5 reappointed. Members shall serve until a replacement is appointed.
6 Vacancies shall be filled in the same manner as the original
7 appointment. In the case of a vacancy occurring otherwise than by
8 expiration of term, that vacancy shall be filled only for the unexpired
9 term.

10 b. The board shall elect a chairman and vice-chairman from among
11 its members at its first regular meeting each calendar year. All
12 meetings of the board shall be held on a prescribed date, at least
13 quarterly, and also at any time a majority of the board members
14 requests a meeting in writing to the board chairman. Any ¹[seven]
15 ~~six~~¹ members shall constitute a quorum for the transaction of business.
16 The board may adopt bylaws governing its procedures and method of
17 operation.

18 c. The members of the board shall not receive compensation, but
19 may receive an allowance for travel expenses as determined by the
20 commissioner to the extent such funds are made available.

21

22 2. (New section) a. The Liquefied Petroleum Gas Education and
23 Safety Board is empowered to:

24 (1) recommend to the Commissioner of Community Affairs for
25 proposal and adoption rules and regulations:

26 (a) setting forth minimum general standards for the design,
27 construction, location, installation, and operation of equipment for
28 storing and handling of liquefied petroleum gas, and

29 (b) governing liquefied petroleum gas distributors and installers and
30 the installation of liquefied petroleum gas systems, carburetion systems
31 and fueling systems;

32 (2) make recommendations to the Commissioner of Community
33 Affairs concerning:

34 (a) civil penalties for violation of any rule or order made under
35 chapter 1B of Title 21 of the Revised Statutes;

36 (b) the method and form of application for a liquefied petroleum gas
37 license or certification; the investigation of the experience, reputation
38 and background of applicants; the issuance, suspension, revocation or
39 denial of licenses; and the procedures for conducting hearings in
40 connection with the applications for, or revocation of, licenses and
41 certifications, including, but not limited to, compelling the attendance
42 of witnesses by subpoena, requiring the production of any records or
43 documents determined by it to be pertinent to the subject matter of the
44 hearing, and applying to the Superior Court for an order citing any
45 applicant or witness for contempt, and for failure to attend, testify or
46 produce required documents;

47 (c) procedures for the suspension or revocation of licenses or

1 certifications and the denial of license or certification renewals when
2 the applicant or licensee has been guilty of acts of conduct harmful to
3 either the safety or protection of the public;

4 (d) the content of and procedures for administering examinations of
5 every license applicant to determine the responsibility, ability,
6 knowledge, experience or other qualification of the applicant for a
7 license;

8 (e) competency testing for all employees and subcontractors of
9 licensees engaged in transporting or dispensing liquefied petroleum gas
10 or installing, servicing, or repairing a liquefied petroleum gas system,
11 fueling system or carburetion system, as set forth in this chapter;

12 (f) procedures for the granting of exemptions from department rules
13 and regulations to accommodate local needs as it determines to be in
14 the best interest of the safety of the public or the persons using
15 liquefied petroleum gas systems or services;

16 (g) the development of programs and projects, including educational
17 programs for public safety officials and consumers, concerning safety
18 and environmental advantages of liquefied petroleum gas, and safety
19 and educational programs for the public and for industrial and
20 emergency response personnel;

21 (h) procedures for entering into contracts or agreements to
22 implement the provisions of this act; and

23 (i) a schedule of the fees and charges to cover all costs of
24 administration of the provisions of this act as provided in this act.

25 b. (1) The board shall keep accurate records and minutes of all
26 meetings, which shall be open to public inspection at all reasonable
27 times, and keep a public record of all applications for licenses, and
28 licenses issued by it.

29 (2) The board shall periodically report to the Commissioner of
30 Community Affairs concerning its transactions and recommendations
31 and the Commissioner of Labor Community Affairs shall submit to the
32 Governor a biennial report before September 1 of each even numbered
33 year, covering its transactions during the biennium ending June 30 of
34 that year, including a complete statement of the receipts and
35 expenditures of the board during that period.

36

37 3. (New section) The board shall have no authority governing:

38 a. The production, refining or manufacture of liquefied petroleum
39 gas;

40 b. The storage, sale, or transportation of liquefied petroleum gas by
41 pipeline or railroad tank car by a pipeline company, producer, refiner
42 or manufacturer;

43 c. The equipment used by a pipeline company, producer, refiner or
44 manufacturer in a producing, refining or manufacturing process, or in
45 the storage, sale or transportation by pipeline or railroad tank car;

46 d. Any deliveries of liquefied petroleum gas to another person at the
47 place of production, refining, or manufacturing;

1 e. Regulations and requirements of liquefied petroleum gas
2 transporters as covered by the Code of Federal Regulations, Title 49,
3 as administered pursuant to P.L.1983, c.401 (C.39:5B-25 et seq.); or

4 f. Those portions of the liquefied petroleum gas system operated by
5 a gas public utility that are under the regulation and requirements of
6 Title 49 of the Code of Federal Regulations, as administered by the
7 New Jersey Board of Public Utilities.

8

9 4. (New section) a. The board may recommend to the
10 Commissioner of Community Affairs the level of an assessment to be
11 levied on liquefied petroleum gas and the commissioner shall
12 determine the level and may levy the assessment. The initial
13 assessment shall be no greater than one-fifteenth of one cent per
14 gallon. Thereafter, annual assessments shall be sufficient to cover the
15 costs of the plans and programs developed by the board and approved
16 by the commissioner, and the cost of administering the responsibilities
17 of the department established pursuant to this act. The assessment
18 shall not exceed one-half cent per gallon of odorized propane. The
19 assessment may not be raised by more than one-tenth of one cent per
20 gallon annually.

21 The owner of liquefied petroleum gas immediately prior to
22 odorization shall be responsible for the payment of the assessment on
23 the volume of liquefied petroleum gas at the time of import or
24 odorization, whichever is earlier.

25 The commissioner may by regulation establish an alternative means
26 for the department to collect the assessment if another means is found
27 to be more efficient and effective. The commissioner may by
28 regulation establish a late payment charge and rate of interest to be
29 imposed on any person who fails to remit to the department any
30 amount due.

31 b. Pending disbursement pursuant to a program, plan or project, the
32 State Treasurer may invest funds collected through assessments and
33 any other funds received by the department, only in obligations of the
34 United States or any agency thereof, in general obligations of any state
35 or any political subdivision thereof, in any interest-bearing account or
36 certificate of deposit of a bank that is a member of the Federal Reserve
37 System, or in obligations fully guaranteed as to principal and interest
38 by the United States.

39 c. There is established a "Liquefied Petroleum Gas Education and
40 Safety Board Fund" as a non-lapsing revolving fund within the
41 Department of Community Affairs. All assessments, fees and penalties
42 collected by the department under this chapter shall be deposited in the
43 fund. The fund shall be administered by the Commissioner of
44 Community Affairs and shall be used exclusively to defray all expenses
45 incurred by the department in operation of the board and the
46 administration of the department's responsibilities under this act.

1 5. Section 1 of P.L.1950, c.139 (C.21:1B-1) is amended to read as
2 follows:

3 1. As used in this chapter:

4 **[(a) The term "liquefied petroleum gas," as used in this act, shall**
5 **mean and include any material which is composed predominantly of**
6 **any of the following hydrocarbons, or mixtures of the same: propane,**
7 **propylene, butanes (normal butane or isobutane), and butylenes.**

8 **(b) The term "bulk plant," as used in this act, shall mean and**
9 **include]**

10 "Board" means the Liquefied Petroleum Gas Education and Safety
11 Board;

12 "Bulk plant" means intermediate establishments or points of storage
13 and distribution, as distinguished from terminals and refineries, from
14 which liquefied petroleum gas is distributed to retail dealers and
15 consumers [.];

16 "Commissioner" means the Commissioner of Community Affairs;

17 "Department" means the Department of Community Affairs; and

18 "Liquefied petroleum gas" means any material which is composed
19 predominantly of any of the following hydrocarbons, or mixtures of
20 the same: propane, propylene, butanes (normal butane or isobutane),
21 and butylenes.

22 (cf: P.L.1958, c.43, s.2)

23

24 6. Section 2 of P.L.1950, c.139 (C.21:1B-2) is amended to read as
25 follows:

26 2. (a) **[Except as provided in subparagraph (b) of this section, the]**
27 **The Superintendent of State Police shall****[make, promulgate and**
28 **enforce]** coordinate the implementation and enforcement of
29 regulations [setting forth minimum standards covering the design,
30 construction, location, installation and operation of equipment for
31 storing, handling, transporting by motor vehicle, tank truck and tank
32 trailer, and utilizing liquefied petroleum gases and specifying the
33 odorization of said gases and the degree thereof.] adopted pursuant
34 to P.L.1983, c.401 (C.39:5B-25 et seq.) concerning the transporting
35 of liquefied petroleum gases as required for compliance with the Code
36 of Federal Regulations, Title 49.

37 (b) The Commissioner of **[Labor and Industry]** Community Affairs
38 shall make, promulgate and enforce regulations setting forth minimum
39 standards covering the design, construction, location, installation and
40 operation of equipment for storing, handling or utilizing liquefied
41 petroleum gases at public utility establishments operated by public
42 utilities as defined in section 48:2-13 of the Revised Statutes and at
43 marine terminals, pipeline terminals, refineries and manufacturing
44 establishments, which shall not be deemed to include bulk plants, and
45 specifying the odorization of said gases and the degree thereof prior

1 to sale by the manufacturer.

2 (c) All regulations promulgated under subsection (a) or (b) of this
3 section shall be adopted only after a public hearing thereon and shall
4 be such as are reasonably necessary for the protection of the health,
5 welfare and safety of all persons and shall be in substantial
6 conformity with the generally accepted and applicable standards
7 of safety concerning the same subject matter.

8 (cf: P.L.1958, c.43, s.3)

9

10 7. Section 3 of P.L.1950, c.139 (C.21:1B-3) is amended to read as
11 follows:

12 3. All equipment shall be installed and maintained in a safe operating
13 condition and in conformity with the rules and regulations adopted
14 under section 2 of this act; however, the inspection of propane gas
15 equipment installations inside of predominantly residential buildings
16 and those above ground installations which are on the outside of
17 predominantly residential buildings may be made and approved or
18 disapproved by the **[plumbing inspector]** Construction Code official
19 of the respective municipality pursuant to the standards promulgated
20 by the Commissioner of **[the Department of Labor and Industry or the**
21 **Superintendent of State Police, as the case may be]** Community
22 Affairs. For purposes of this act "predominantly residential" means
23 and includes buildings in which people reside or dwell as distinguished
24 from buildings which are used entirely for commercial or business
25 purposes. The term shall also include any building having 51% or
26 more of its total floor space devoted to dwelling purposes.

27 (cf: P.L.1975, c.165, s.1)

28

29 8. Section 5 of P.L.1950, c.139 (C.21:1B-5) is amended to read as
30 follows:

31 5. It shall be unlawful for any person, firm, association, or
32 corporation, on and after the effective date of this act to violate any of
33 the provisions hereof or of the regulations made pursuant hereto. Any
34 person, firm, association, or corporation violating any of the
35 provisions of this act, or said regulations made hereunder shall be
36 liable to a penalty of not less than \$50.00 nor more than \$500.00 to be
37 collected in a summary proceeding in any municipal court or in the
38 Superior Court. Each day during which any violation of this act or of
39 said regulations continues shall constitute a separate and distinct
40 offense.

41 The Superintendent of State Police and the Commissioner of
42 **[Labor]** Community Affairs, according to **[their respective]** the
43 jurisdiction granted under section 2 of P.L.1950, c.139 (C.21:1B-2),
44 are hereby authorized and empowered to compromise and settle any
45 claim for a penalty under this section in such amount, in the discretion
46 of the Superintendent of State Police and the Commissioner of

1 **【Labor】Community Affairs** , respectively, as may appear appropriate
2 and equitable under all of the circumstances.
3 (cf: P.L.1991, c.91, s.265)

4
5 9. Section 6 of P.L.1950, c.139 (C.21:1B-6) is amended to read as
6 follows:

7 6. In addition to the penalties provided in section 5 of **【this act】**
8 P.L.1950, c.139 (C.21:1B-5), any person, firm or corporation who
9 shall violate or remain in violation of any of the provisions hereof, or
10 of any rule or regulation promulgated hereunder, may be directed and
11 ordered by the Superintendent of State Police or the Commissioner of
12 **【Labor and Industry】 Community Affairs**, according to their
13 respective jurisdiction under section 2 of P.L.1950, c.139 (C.21:1B-2),
14 by notice in writing setting forth the facts relating to such violation to
15 correct said violation. Such notice in writing shall be served
16 personally upon said person or mailed by registered or certified mail
17 to the principal office of said person, firm or corporation or if an
18 individual or individuals, to his or their residence. If such order is not
19 complied with and such violation not corrected within 20 days of the
20 date of service of said order, the Superintendent of State Police or
21 Commissioner of **【Labor and Industry】 Community Affairs**, as the
22 case may be, may institute an action in the Superior Court for
23 injunctive relief or an abatement. The court may proceed in the action
24 in a summary manner or otherwise, and shall make such determination
25 thereof as shall seem necessary and proper to correct the violation and
26 secure enforcement of said order of the Superintendent of State Police
27 or Commissioner of **【Labor and Industry】 Community Affairs**, as the
28 case may be. Every such order issued by the Superintendent of State
29 Police or Commissioner of **【Labor and Industry】 Community Affairs**
30 under the provisions of this section shall be prima facie evidence of the
31 truth of the matter and things therein set forth.

32 (cf: P.L.1958, c.43, s.6)

33

34 10. This act shall take effect immediately.

SENATE, No. 640

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED FEBRUARY 23, 1998

Sponsored by:

Senator PETER A. INVERSO

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes Liquefied Petroleum Gas Education and Safety Board.

CURRENT VERSION OF TEXT

As introduced.



S640 INVERSO

2

1 AN ACT concerning liquefied petroleum gases and supplementing and
2 amending chapter 1B of Title 21 of the Revised Statutes.

3

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

6

7 1. (New section) There is created within the Department of Labor
8 the Liquefied Petroleum Gas Education and Safety Board. This board
9 shall be advisory in nature to the Commissioner of Labor. The board
10 shall be composed of 11 members: two representatives of the
11 department appointed by the Governor upon recommendation by the
12 Commissioner of Labor; one member of the general public appointed
13 by the Governor on a nonpartisan basis; one representative from the
14 environmental community and one representative from a consumer
15 group, appointed by the Governor; five members who are
16 representatives of the liquefied petroleum gas industry appointed by
17 the Governor upon recommendation by the Board of Directors of the
18 New Jersey Propane Gas Association; and one representative of the
19 Division of Fire Safety in the Department of Community Affairs
20 appointed by the Governor upon recommendation by the
21 Commissioner of Community Affairs. Members of the board who are
22 representatives of the liquefied petroleum gas industry shall have been
23 legal residents of the State for at least the five years prior to their
24 appointment and have been actively engaged in the liquefied petroleum
25 gas industry for at least five years. Members of the board shall be
26 appointed within 90 days after the effective date of this act.

27 Of the members first appointed by the Commissioner of Labor, the
28 first appointed shall serve for one year and the next appointed shall
29 serve for two years. The member appointed by the Commissioner of
30 Community Affairs shall serve for two years. Of the members
31 representing the liquefied petroleum gas industry, the first appointed
32 shall serve for one year, the next appointed shall serve for two years,
33 and the remainder shall serve for three years. The member of the
34 general public, the representative from the environmental community,
35 and the representative from a consumer group shall each serve for
36 three years.

37 Upon expiration of the terms of the members first appointed, the
38 terms of all members shall be three years. Members may be
39 reappointed. Members shall serve until a replacement is appointed.
40 Vacancies shall be filled in the same manner as the original
41 appointment. In the case of a vacancy occurring otherwise than by
42 expiration of term, that vacancy shall be filled only for the unexpired
43 term.

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.

S640 INVERSO

1 The board shall elect a chairman and vice-chairman from among its
2 members at its first regular meeting each calendar year. All meetings
3 of the board shall be held on a prescribed date, at least quarterly, and
4 also at any time a majority of the board members requests a meeting
5 in writing to the board chairman. Any six members shall constitute a
6 quorum for the transaction of business. The board may adopt bylaws
7 governing its procedures and method of operation.

8 The members of the board shall not receive compensation, but may
9 receive an allowance for travel expenses as determined by the
10 commissioner to the extent such funds are made available.

11

12 2. (New section) a. The Liquefied Petroleum Gas Education and
13 Safety Board is empowered to:

14 (1) recommend to the Commissioner of Labor for proposal and
15 adoption rules and regulations:

16 (a) setting forth minimum general standards for the design,
17 construction, location, installation, and operation of equipment for
18 storing and handling of liquefied petroleum gas, and

19 (b) governing liquefied petroleum gas distributors and installers
20 and the installation of liquefied petroleum gas systems, carburetion
21 systems and fueling systems;

22 (2) make recommendations to the Commissioner of Labor
23 concerning:

24 (a) civil penalties for violation of any rule or order made under
25 chapter 1B of Title 21 of the Revised Statutes;

26 (b) the method and form of application for a liquefied petroleum
27 gas license or certification; the investigation of the experience,
28 reputation and background of applicants; the issuance, suspension,
29 revocation or denial of licenses; and the procedures for conducting
30 hearings in connection with the applications for, or revocation of,
31 licenses and certifications, including, but not limited to, compelling the
32 attendance of witnesses by subpoena, requiring the production of any
33 records or documents determined by it to be pertinent to the subject
34 matter of the hearing, and applying to the Superior Court for an order
35 citing any applicant or witness for contempt, and for failure to attend,
36 testify or produce required documents;

37 (c) procedures for the suspension or revocation of licenses or
38 certifications and the denial of license or certification renewals when
39 the applicant or licensee has been guilty of acts of conduct harmful to
40 either the safety or protection of the public;

41 (d) the content of and procedures for administering examinations
42 of every license applicant to determine the responsibility, ability,
43 knowledge, experience or other qualification of the applicant for a
44 license;

45 (e) competency testing for all employees and subcontractors of
46 licensees engaged in transporting or dispensing liquefied petroleum gas

S640 INVERSO

1 or installing, servicing, or repairing a liquefied petroleum gas system,
2 fueling system or carburetion system, as set forth in this chapter;

3 (f) procedures for the granting of exemptions from department
4 rules and regulations to accommodate local needs as it determines to
5 be in the best interest of the safety of the public or the persons using
6 liquefied petroleum gas systems or services;

7 (g) the development of programs and projects, including
8 educational programs for public safety officials, and consumers
9 concerning safety and environmental advantages of liquefied petroleum
10 gas, and safety and educational programs for the public and for
11 industrial and emergency response personnel;

12 (h) procedures for entering into contracts or agreements to
13 implement the provisions of this act; and

14 (i) a schedule of the fees and charges to cover all costs of
15 administration of the provisions of this act as provided in this act.

16 b. (1) The board shall keep accurate records and minutes of all
17 meetings, which shall be open to public inspection at all reasonable
18 times, and keep a public record of all applications for licenses, and
19 licenses issued by it.

20 (2) The board shall periodically report to the Commissioner of
21 Labor concerning its transactions and recommendations and the
22 Commissioner of Labor shall submit to the Governor a biennial report
23 before September 1 of each even numbered year, covering its
24 transactions during the biennium ending June 30 of that year, including
25 a complete statement of the receipts and expenditures of the board
26 during that period.

27
28 3. (New section) The board shall have no authority governing:

29 (1) the production, refining or manufacture of liquefied petroleum
30 gas;

31 (2) the storage, sale, or transportation of liquefied petroleum gas
32 by pipeline or railroad tank car by a pipeline company, producer,
33 refiner or manufacturer;

34 (3) the equipment used by a pipeline company, producer, refiner
35 or manufacturer in a producing, refining or manufacturing process, or
36 in the storage, sale or transportation by pipeline or railroad tank car;

37 (4) any deliveries of liquefied petroleum gas to another person at
38 the place of production, refining, or manufacturing; or

39 (5) regulations and requirements of liquefied petroleum gas
40 transporters as covered by the Code of Federal Regulations, Title 49,
41 as administered by the New Jersey Division of State Police.

42
43 4. (New section) a. The board may recommend to the
44 Commissioner of Labor the level of an assessment to be levied on
45 liquefied petroleum gas and the commissioner shall determine the level
46 and may levy the assessment. The initial assessment shall be no

1 greater than one-fifteenth of one cent per gallon. Thereafter, annual
2 assessments shall be sufficient to cover the costs of the plans and
3 programs developed by the board and approved by the commissioner,
4 and the cost of administering the responsibilities of the department
5 established pursuant to this act. The assessment shall not exceed one-
6 half cent per gallon of odorized propane. The assessment may not be
7 raised by more than one-tenth of one cent per gallon annually.

8 The owner of liquefied petroleum gas immediately prior to
9 odorization shall be responsible for the payment of the assessment on
10 the volume of liquefied petroleum gas at the time of import or
11 odorization, whichever is earlier. Assessments shall be remitted to the
12 board on a monthly basis by the 25th day of the month following the
13 month of collection. Nonodorized propane shall not be subject to
14 assessment until odorized.

15 The commissioner may by regulation establish an alternative means
16 for the department to collect the assessment if another means is found
17 to be more efficient and effective. The commissioner may by
18 regulation establish a late payment charge and rate of interest to be
19 imposed on any person who fails to remit to the department any
20 amount due.

21 b. Pending disbursement pursuant to a program, plan or project,
22 the commissioner may invest funds collected through assessments and
23 any other funds received by the department, only in obligations of the
24 United States or any agency thereof, in general obligations of any state
25 or any political subdivision thereof, in any interest-bearing account or
26 certificate of deposit of a bank that is a member of the Federal Reserve
27 System, or in obligations fully guaranteed as to principal and interest
28 by the United States.

29 No funds collected by the commissioner shall be used in any manner
30 for influencing legislation or for campaign contributions, except that
31 the board may recommend to the commissioner changes in this act or
32 other statutes that would further the purposes of this act.

33 c. There is established a "Liquefied Petroleum Gas Education and
34 Safety Board Fund" as a non-lapsing revolving fund within the
35 Department of Labor. All assessment, fees and penalties collected by
36 the department under this chapter shall be deposited in the fund. The
37 fund shall be administered by the Commissioner of Labor and shall be
38 used exclusively to defray all expenses incurred by the department in
39 operation of the board and the administration of the department's
40 responsibilities under this act.

41

42 5. Section 1 of P.L.1950, c.139 (C.21:1B-1) is amended to read as
43 follows:

44 1. As used in this chapter:

45 [(a) The term "liquefied petroleum gas," as used in this act, shall
46 mean and include any material which is composed predominantly of

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6

1 any of the following hydrocarbons, or mixtures of the same: propane,
2 propylene, butanes (normal butane or isobutane), and butylenes.

3 (b) The term "bulk plant," as used in this act, shall mean and
4 include]

5 "Board" means the Liquefied Petroleum Gas Education and Safety
6 Board;

7 "Bulk plant " means intermediate establishments or points of
8 storage and distribution, as distinguished from terminals and refineries,
9 from which liquefied petroleum gas is distributed to retail dealers and
10 consumers [.]];

11 "Commissioner" means the Commissioner of Labor;

12 "Department" means the Department of Labor;

13 and

14 "Liquefied petroleum gas" means any material which is composed
15 predominantly of any of the following hydrocarbons, or mixtures of
16 the same: propane, propylene, butanes (normal butane or isobutane),
17 and butylenes.

18 (cf: P.L.1958, c.43, s.2)

19

20 6. Section 2 of P.L.1950, c.139 (C.21:1B-2) is amended to read as
21 follows:

22 2. (a) [Except as provided in subparagraph (b) of this section, the]
23 The Superintendent of State Police shall make, promulgate and
24 enforce regulations [setting forth minimum standards covering the
25 design, construction, location, installation and operation of equipment
26 for storing, handling, transporting by motor vehicle, tank truck and
27 tank trailer, and utilizing liquefied petroleum gases and specifying the
28 odorization of said gases and the degree thereof.] concerning the
29 transporting of liquefied petroleum gases as required for compliance
30 with the Code of Federal Regulations, Title 49.

31 (b) The Commissioner of Labor [and Industry] shall make,
32 promulgate and enforce regulations setting forth minimum standards
33 covering the design, construction, location, installation and operation
34 of equipment for storing, handling or utilizing liquefied petroleum
35 gases at public utility establishments operated by public utilities as
36 defined in section 48:2-13 of the Revised Statutes and at marine
37 terminals, pipeline terminals, refineries and manufacturing
38 establishments, which shall not be deemed to include bulk plants, and
39 specifying the odorization of said gases and the degree thereof prior
40 to sale by the manufacturer.

41 (c) All regulations promulgated under subsection (a) or (b) of this
42 section shall be adopted only after a public hearing thereon and shall
43 be such as are reasonably necessary for the protection of the health,
44 welfare and safety of all persons and shall be in substantial conformity

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1 with the generally accepted and applicable standards of safety
2 concerning the same subject matter.

3 (cf: P.L.1958, c.43, s.3)

4

5 7. Section 3 of P.L.1950, c.139 (C.21:1B-3) is amended to read
6 as follows:

7 3. All equipment shall be installed and maintained in a safe
8 operating condition and in conformity with the rules and regulations
9 adopted under section 2 of this act; however, the inspection of
10 propane gas equipment installations inside of predominantly residential
11 buildings and those above ground installations which are on the
12 outside of predominantly residential buildings may be made and
13 approved or disapproved by the **[plumbing inspector]** Construction
14 Code official of the respective municipality pursuant to the standards
15 promulgated by the Commissioner of **[the Department of]** Labor **[and**
16 **Industry or the Superintendent of State Police, as the case may be]**.
17 For purposes of this act "predominantly residential" means and
18 includes buildings in which people reside or dwell as distinguished
19 from buildings which are used entirely for commercial or business
20 purposes. The term shall also include any building having 51% or
21 more of its total floor space devoted to dwelling purposes.

22 (cf: P. L.1975, c.165, s.1)

23

24 8. Section 5 of P.L.1950, c.139 (C.21:1B-5) is amended to read as
25 follows:

26 5. It shall be unlawful for any person, firm, association, or
27 corporation, on and after the effective date of this act to violate any of
28 the provisions hereof or of the regulations made pursuant hereto. Any
29 person, firm, association, or corporation violating any of the
30 provisions of this act, or said regulations made hereunder shall be
31 liable to a penalty of not less than \$50.00 nor more than \$500.00 to be
32 collected in a summary proceeding in any municipal court or in the
33 Superior Court. Each day during which any violation of this act or of
34 said regulations continues shall constitute a separate and distinct
35 offense.

36 The **[Superintendent of State Police and the]** Commissioner of
37 Labor, according to **[their respective]** the jurisdiction granted under
38 section 2, **[are]** is hereby authorized and empowered to compromise
39 and settle any claim for a penalty under this section in such amount, in
40 the discretion of the **[Superintendent of State Police and the]**
41 **Commissioner of Labor**, **[, respectively]**, as may appear appropriate
42 and equitable under all of the circumstances.

43 (cf: P.L.1991, c.91, s.265)

44

45 9. Section 6 of P.L.1950, c.139 (C.21:1B-6) is amended to read as
46 follows:

1 6. In addition to the penalties provided in section 5 of this act, any
2 person, firm or corporation who shall violate or remain in violation of
3 any of the provisions hereof, or of any rule or regulation promulgated
4 hereunder, may be directed and ordered by the [Superintendent of
5 State Police or] Commissioner of Labor [and Industry, according to
6 their respective jurisdiction] under section 2, by notice in writing
7 setting forth the facts relating to such violation to correct said
8 violation. Such notice in writing shall be served personally upon said
9 person or mailed by registered or certified mail to the principal office
10 of said person, firm or corporation or if an individual or individuals,
11 to his or their residence. If such order is not complied with and such
12 violation not corrected within 20 days of the date of service of said
13 order, the [Superintendent of State Police or] Commissioner of Labor
14 [and Industry, as the case may be,] may institute an action in the
15 Superior Court for injunctive relief or an abatement. The court may
16 proceed in the action in a summary manner or otherwise, and shall
17 make such determination thereof as shall seem necessary and proper
18 to correct the violation and secure enforcement of said order of the
19 [Superintendent of State Police or] Commissioner of Labor [and
20 Industry, as the case may be]. Every such order issued by the
21 [Superintendent of State Police or] Commissioner of Labor [and
22 Industry] under the provisions of this section shall be prima facie
23 evidence of the truth of the matter and things therein set forth.
24 (cf: P.L.1958, c.43, s.6)

25

26 10. This act shall take effect immediately.

27

28

29

STATEMENT

30

31 This bill, would provide for the establishment of an 11-member
32 Liquefied Petroleum Gas Safety and Education Board to advise and
33 recommend to the Commissioner of Labor rules and regulations
34 affecting the storage, handling and distribution of liquefied petroleum
35 gas. The board also would advise the Commissioner of Labor
36 concerning the establishment and enforcement of licensing standards
37 for liquefied petroleum gas distributors and the development of
38 programs to promote the safe use of liquefied petroleum gas.

39 Members of the board would be appointed by the Governor and
40 would include two representatives of the Department of Labor, upon
41 recommendation of the Commissioner of Labor; one representative of
42 the Division of Fire Safety in the Department of Community Affairs,
43 upon recommendation of the Commissioner of Community Affairs;
44 one member of the general public; one representative from the
45 environmental community; one representative from a consumer group;

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1 and five representatives of the liquefied petroleum gas industry, upon
2 recommendation by the Board of Directors of the New Jersey Propane
3 Gas Association. After initial appointments for staggered terms,
4 members of the board would serve for three years.

5 The board would recommend to the Commissioner of Labor for
6 proposal and adoption rules and regulations setting standards for the
7 design, construction, location, installation, and operation of equipment
8 for storing and handling of liquefied petroleum gas and governing
9 liquefied petroleum gas distributors and installers. It would make
10 recommendations concerning the method and form of application for
11 a liquefied petroleum gas license and procedures for investigating
12 applicants and issuing and revoking licenses. The board also would
13 advise the Commissioner of Labor concerning the development of
14 education programs for the liquefied petroleum gas industry, public
15 safety officials and consumers concerning safety and environmental
16 advantages of liquefied petroleum gas.

17 The board also would advise the Commissioner of Labor
18 concerning the levying of an assessment on liquefied petroleum gas
19 sufficient to cover any costs associated with the board's activities and
20 the administration of the responsibilities of the Department of Labor
21 under the bill. The initial assessment would not exceed one-fifteenth
22 of a cent per gallon, which may be raised by one-tenth of a cent
23 annually up to a maximum of one-half cent per gallon of odorized
24 propane.

25 The bill, also establishes a "Liquefied Petroleum Gas Education and
26 Safety Board Fund" in the Department of Labor. This fund would be
27 the repository of the gallonage assessment on liquefied petroleum gas
28 and of fees and penalties collected pursuant to the regulation of
29 liquefied petroleum gas.

**GOVERNOR SIGNS LEGISLATION FOR BUSINESS CHILD CARE
INCENTIVE DEMONSTRATION PROGRAM**

Gov. Christie Whitman has signed **A-1323**, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and Neil M. Cohen (D-Union), and Senators Diane B. Allen (R-Burlington/Camden) and Louis F. Kosco (R-Bergen), which establishes a three-year Small-Medium Business Child Care Consortium Incentive Demonstration Program in conjunction with the Division of Family Development (DFD) in the Department of Human Services.

The bill is designed to benefit children and families in obtaining quality child care services, and to assist small and medium businesses in providing such services to the children of their employees.

"This legislation addresses a major need cited by many workers and their families - the need for adequate child care facilities," the Governor said.

"Through this legislation, we will be able to develop, implement and monitor demonstration programs to help those workers in need of quality care for their children and for the many small-to-mid-size companies that need, or desire, to start child care programs for their employees."

The program will involve businesses interested in establishing cooperative partnerships to develop child care centers, and require the director of the DFD, in consultation with the New Jersey Economic Development Authority (EDA), to designate three consortia for a three-year demonstration program. To implement the demonstration program, the EDA may make available up to \$300,000 in assistance to qualified consortia participating the program, which shall be funded by monies from any sources of funds or programs administered by the EDA that the EDA determines is necessary to effectively implement the program. No later than six months before the program's expiration, the director of the DFD, in consultation with the EDA, shall report to the Legislature and the Governor on the effectiveness of the program and present recommendations regarding the advisability and feasibility of expanding the program. The bill is part of a package of legislative initiatives resulting from a series of public hearings on child care issues which were held by the General Assembly Advisory Council on Women in 1996 and 1997. On May 6, 1999, the Governor signed a related bill, A-1669, which established the Neighborhood and Business Child Care Tax Incentive Program.

The Governor also signed the following pieces of legislation:

A-53, sponsored by Assembly Members Jack Collins (R-Salem/Cumberland/Gloucester) and Joseph V. Doria, Jr. (D-Hudson), and Senators Diane B. Allen (R-Burlington/Camden) and Senator Joseph F. Vitale (D-Middlesex), creates a State Council for Adult Literacy Education within the State Employment and Training Commission (SETC) in the Department of Labor. The purpose of the council will be to facilitate statewide and local policy development, planning and oversight in consultation with appropriate stake holders in the area of adult literacy education. The 27-member council will consist of the following ex-officio members: the commissioners of Labor, Human Services, Education, Community Affairs and Corrections, the secretary of the Commerce and Economic Growth Commission and the executive director of the SETC. Additionally, the council will include one member of the Senate appointed by the Senate President and one member of the Assembly appointed by the Speaker. The council also will include 17 public members as follows: five public members appointed by the Governor, including a member of a Workforce Investment Board literacy committee, a state or national adult education expert and three representatives of the business community; six members appointed by the President of the Senate, including a student or former student who received adult literacy services and a representative from each of the following: a county college, a four-year institution of higher education, the State Library or a local library, an adult education provider of basic adult education programs, general educational development programs or English as a second language program funded by the Department of Education, and a community-based organization which is an adult education provider. The council will also include six members appointed by the Speaker of the General Assembly, including a representative from each of the following: a vocational school providing adult academic education programs, a trade union, the New Jersey Network, the New Jersey Association of Lifelong Learning, the Literacy Volunteers of America and the New Jersey Education Association. Members of the council will serve without compensation and report annually to the Governor and the Legislature.

ACS for **A-1607**, sponsored by Assembly Member Steve Corodemus (R-Monmouth), and Senator Peter A. Inverso (R-Mercer/Middlesex), establishes an 11 member Liquefied Petroleum Gas Education and Safety board within the Department of Community Affairs (DCA) to give advice to the commissioner of the DCA concerning rules and regulations affecting the storage, handling and distribution of liquefied petroleum gas. The board will be appointed by the Governor and consist of: (1) three non partisan public members, two of whom shall be professional firefighters or other safety professionals; (2) one representative from the environmental community; (3) one representative from a consumer group; (4) five members of the liquefied petroleum gas industry all of whom must be recommended by the board of directors of the New Jersey Propane Gas Association; and (5) one representative of a gas public utility involved in the storage of liquefied petroleum gas.