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ACTS

OF THE

Second Annual Session

OF THE

One Hundred and Ninety-sixth Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-fifth Under the New Constitution



New Jersey State Library

1975



EXECUTIVE ORDERS

New Jersey State Library

(1505)



Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 16

WHEREAS, The Supreme Court of New Jersey has this day decided *American Federation of State, County and Local Employees No. 73, and New Jersey Civil Service Association and New Jersey Employees Association et als. v. State*; and

WHEREAS, Dr. Martin Luther King, Jr., devoted himself to fighting prejudice and oppression of blacks in this Nation; and

WHEREAS, This selfless commitment rallied blacks to join in a historic movement to secure the rights guaranteed every American by the Constitution of the United States of America; and

WHEREAS, The dramatic and courageous leadership of Dr. King in the cause of equality and justice earned the sympathy and support of Americans of all races, creeds and nationalities; and

WHEREAS, The tireless efforts of Dr. King helped create a new awareness and appreciation of the valuable contribution by black Americans in building this great Nation; and

WHEREAS, Dr. King, a man of perseverance, dignity and confidence, who helped instill a new sense of pride and purpose in blacks, received not only national but world recognition and was awarded not only honorary degrees but the Nobel Peace Prize in 1964; and

WHEREAS, We should use this occasion to honor the memory of Dr. King;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution, do hereby ORDER and DIRECT that:

Wednesday, January 15, 1975 (the birthday of Martin Luther King, Jr.) be declared an extra holiday for all State employees.

(1507)

EXECUTIVE ORDERS

Given, under my hand and seal, this 14th day
[SEAL] of January, in the year Our Lord, one thousand nine
hundred and seventy-five, and of the Independence of
the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 17

WHEREAS, The economic situation in New Jersey and in the nation
has given rise to fiscal crisis; and

WHEREAS, The State Treasurer has informed me that collections
from major revenue sources have fallen below the sums needed
to realize the amounts anticipated in the Annual Appropriations
Act, P. L. 1974, c. 58; and

WHEREAS, Article VIII, Section 2 of the State Constitution requires
the State of New Jersey to have a balanced budget; and

WHEREAS, Section 17 of P. L. 1944, c. 112 (C. 52:27B-26) authorizes
the State Treasurer to set aside a reserve out of each appropria-
tion so as to decrease State expenditures during any fiscal year;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of
New Jersey, do hereby ORDER and DIRECT that:

1. The State Treasurer and the Division of Budget and Account-
ing shall take appropriate action pursuant to Section 17 of P. L.
1944, c. 112 (C. 52:27B-26) to set aside reserves out of appropria-
tions made to the various State departments and agencies so as to
ensure that State expenditures do not during fiscal year 1974-1975
exceed State revenues.

2. All officials in State departments and agencies shall cooperate
with the Department of the Treasury and the Division of Budget

set aside in reserves, curtailed or eliminated.
and Accounting in identifying items of appropriation which may be

3. This Executive Order shall take effect immediately.

[SEAL] Given, under my hand and seal, this 15th day of
January in the year of Our Lord, one thousand nine
hundred and seventy-five, of the Independence of the
United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 18

WHEREAS, Closer coordination among various components of the
criminal justice system will improve the effectiveness and effi-
ciency of law enforcement; and

WHEREAS, A working relationship has developed among State law
enforcement agencies, Federal law enforcement agencies and the
Administrative Office of the Courts; and

WHEREAS, certain aspects of this relationship should be formalized
and further defined;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of
New Jersey, do hereby ORDER and DIRECT that:

1. A Governor's Law Enforcement Policy Council be and hereby
is established. The Council shall be composed of the Attorney
General, the United States Attorney, the Commissioner of Institu-
tions and Agencies, the Administrative Director of the Courts, the
Director of the Division of Criminal Justice, the Superintendent
of State Police, the Director of the State Law Enforcement Plan-
ning Agency, the Public Defender, and the Special Counsel to the
Governor, with the Governor as Chairman and the Attorney
General as Vice-Chairman.

2. The Council meet regularly to establish broad law enforcement priorities, policies and directions to be pursued voluntarily by various agencies and components of the criminal justice system, including policies and directions relating to the detection, apprehension, processing and rehabilitation of offenders.

3. The Council review and evaluate legislation affecting the criminal justice system and advise the Governor as to new initiatives and directions that should be pursued in order to improve law enforcement.

4. The Council assist in coordinating the activities of the various agencies and components of the criminal justice system consistent with their individual jurisdictional responsibilities, so as to improve their effectiveness and efficiency.

5. This Executive Order take effect immediately.

Given, under my hand and seal, this 6th day of
[SEAL] February, in the year of Our Lord, one thousand nine hundred and seventy-five, of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 19

WHEREAS, The State of New Jersey desires to continue participation in the Federal-State program of vocational rehabilitation; and

WHEREAS, A state can receive Federal funds therefor if its vocational rehabilitation program plan of operations conforms to the Federal "Rehabilitation Act of 1973" (USPL 93-112; 29 U.S.C. 701 et seq.), and the regulations promulgated thereunder; and

WHEREAS, The Federal "Rehabilitation Act of 1973" and the regulations promulgated thereunder require a state participating in a Federal-State program for vocational rehabilitation to designate a sole state agency to administer its vocational rehabilitation program and to constitute the organizational unit therein primarily concerned with the program of vocational rehabilitation;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. That the Department of Labor and Industry is hereby designated as the sole State agency of this State to administer and supervise Vocational Rehabilitation Programs in this State for disabled persons (except the blind and visually impaired) and that the Division of Vocational Rehabilitation Services in the Department of Labor and Industry is hereby constituted as the organizational unit primarily concerned with the program of vocational rehabilitation of such disabled persons.

2. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal, this 2nd day of April, in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 20

WHEREAS, The State Commission of Investigation has been in operation for six years; and

WHEREAS, There has been considerable public debate and controversy over the effectiveness of the State Commission of Investigation;

EXECUTIVE ORDERS

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. That Joseph Weintraub, Nathan Jacobs and Edward Broderick are hereby appointed to serve as members of a "Governor's Committee to Evaluate the State Commission of Investigation", and that Joseph Weintraub shall serve as chairman.

2. That the Committee shall study and evaluate the statutory responsibilities and the performance of the State Commission of Investigation, and shall report its findings to the Attorney General and the Governor, together with any recommendations concerning statutory amendment or administrative modification.

3. That all departments and agencies of this State shall cooperate fully with the Committee, and shall make available to it upon request and in confidence any books, documents and records.

4. This Order shall take effect immediately.

Given, under my hand and seal, this 11th day of
[SEAL] April, in the year of Our Lord, one thousand nine
hundred and seventy-five, and of the Independence of
the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ DONALD LIAN,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 21

WHEREAS, The Waterfront Commission of New York Harbor was created by the State of New Jersey (P. L. 1953, c. 202) and New York (L. 1953, c. 882, c. 883) with the consent of Congress (67 Stat. 541, Act August 12, 1953, c. 407) to improve the conditions under which waterfront labor is employed within the Port of New York district, and

WHEREAS, That Commission consists of two members, one chosen by each State, each of whom shall receive compensation to be fixed by the Governor of each State, and

WHEREAS, The scope and the nature of the responsibilities assumed by each said commissioner require that his full time be devoted to that undertaking, and

WHEREAS, The Commission's annual budget is submitted to the Governor of each State who then has thirty days to disapprove or reduce any item thereof;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. That every commissioner of the said Waterfront Commission of New York Harbor, heretofore or hereafter chosen by the State of New Jersey, shall devote his entire time to the duties of the Commission and shall not engage in any gainful employment other than his official duties or responsibilities as a commissioner.

[SEAL] Given, under my hand and seal, this 8th day of May, in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 22

WHEREAS, On March 11, 1971, the Governor's State Committee on Children and Youth was created, composed of delegates to the decennial White House Conference on Children (1970) and Youth (1971), youth representatives, and concerned citizens, to implement the recommendations of those national conferences and

otherwise study and recommend what changes need to be made to improve the quality of services for the children and youth of the State, and

WHEREAS, On September 29, 1972, the Governor's State Committee on Children and Youth was continued until June 30, 1975;

WHEREAS, The coming together of these talented people has presented an excellent opportunity for focusing attention on the problems of children and youth in New Jersey; and

WHEREAS, Better communication and coordination of activities among public and private organizations serving children and youth has been established by this Committee;

NOW, THEREFORE, I Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's State Committee on Children and Youth, with a membership of not more than 50 persons, composed of delegates to the decennial White House Conferences, representatives of the Legislature, members of the various State agencies, organizations which have an ongoing concern for the problems of children and youth, and other concerned citizens, shall continue in existence until June 30, 1978.

2. The Office of Youth Services within the Department of Community Affairs, which has served as staff to the Committee shall continue to serve as staff to the State Committee in consultation with the Division of Youth and Family Services in the Department of Institutions and Agencies. The Director of the Office of Youth Services shall serve as secretary to the State Committee and as an ex-officio member thereof.

3. The current members of the Committee shall continue to serve in their capacity. Additional appointments shall be made by the Office of Youth Services, subject to my approval.

4. The Committee shall maintain contact with the White House Conference staff in Washington within the Office of Child Development, Department of Health, Education and Welfare, the National Council of State Committees on Children and Youth, the regional committees established at the decennial Conferences; and should be considered by all other public and private agencies in this State as an official body appointed by the Governor for evaluating and

recommending to my office and to others any programs, legislation, and administrative changes through which the life of the State's children and youth can be enhanced.

5. The Committee shall issue an annual report to the Governor on the progress that has been made by public and private agencies over the past year, and the State Committee shall make reports and recommendations to the Governor, other State agencies, and private organizations for the improvement of current programs or the initiation of new programs for the children and youth of the State.

6. The month of May shall be designated annually as a month for recognizing the children and youth of our State, and the second week of May shall be designated as "A Week for Children and Youth," sponsored by the State Committee on Children and Youth, and I urge that it be set aside by all agencies in the State, both public and private, for activities focusing on the problems, concerns, and accomplishments of our children and youth.

7. This order shall take effect immediately.

Given, under my hand and seal this 18th day of June
[SEAL] in the year of Our Lord, one thousand nine hundred and
seventy-five, of the Independence of the United States,
the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 23

WHEREAS, There remain only eight days before the end of this fiscal year; and

WHEREAS, An Appropriations Act must be adopted prior to July 1, 1975;

EXECUTIVE ORDERS

Now, THEREFORE, I Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The interests of the State of New Jersey require that the General Assembly convene on Sunday, June 22, 1975 because of the necessity to address the fiscal problems confronting this State.

Given, under my hand and seal this 22nd day of June
 [SEAL] in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
 EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 24

WHEREAS, There exists today severe shortages of energy in the State of New Jersey; and

WHEREAS, There is an urgent need for information with respect to the energy shortage of vital and essential fuel products within the State of New Jersey; and

WHEREAS, Information with respect to the availability of specific energy sources is needed to provide for a fair and equitable distribution of energy sources; and

WHEREAS, The development of an informed and comprehensive energy policy to deal with both the present and the future is dependent upon a detailed information base; and

WHEREAS, An office with centralized responsibility is needed to implement the aforementioned duties;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. A State Energy Office is hereby created in the Department of Public Utilities. This office shall report to the Board of Public Utility Commissioners.

2. The State Energy Office shall be headed by an Administrator designated by the Governor.

3. The Administrator shall have the following duties and responsibilities:

- a. To advise the Governor on all energy issues and policies.
- b. To carry out all energy related responsibilities assigned to the State Energy Office by the Cabinet Energy Committee created pursuant to Executive Order No. 9, dated October 2, 1974.
- c. To consult with the Legislature on all energy related issues and policies.
- d. To coordinate the State's energy policies with Federal, State and local governmental units.
- e. To develop and monitor a State energy conservation program.
- f. To encourage and assist positive fuel conservation action by government, business, industry and citizens of the State of New Jersey.

4. The State Office of Petroleum Allocation is hereby created within the Department of Defense, Division of Civil Defense—Disaster Control and is to function under the direction and control of the Administrator of the State Energy Office. The State Office of Petroleum Allocation is authorized to administer the State set-aside program, to provide assistance to all concerned parties in obtaining adjustments specified at 10 CFR 211.13 of the rules promulgated by the Federal Energy Office, and to exercise all other authorities given to a state office of petroleum allocation under rules or other orders issued by the Federal Energy Administration.

5. The Administrator, through the Board of Public Utility Commissioners, shall be entitled to call to his assistance and avail himself of the services of any federal, State, county or municipal department, board, bureau, commission, or agency for purposes of assuring the fair and equitable distribution of available energy supplies.

EXECUTIVE ORDERS

6. This Order shall take effect immediately. All prior Executive Orders, or parts thereof, inconsistent herewith are repealed.

[SEAL] Given, under my hand and seal this 30th day of June in the year of Our Lord, one thousand nine hundred and seventy-five, of the Independence of the United States, the one hundred and ninety-ninth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 25

WHEREAS, Many counties of this State have been severely struck by floods and storms resulting in substantial damage to property, both public and private, and with weather conditions continuing to pose grave risks of additional flood and storm damage;

WHEREAS, The prevention of additional damage and the rehabilitation of damaged areas require the full cooperation of government at all levels and of private agencies and citizens;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. The Acting Director of the Division of Civil Defense and Disaster Control is hereby designated as the State coordinating officer for prevention of damage and rehabilitation efforts in damaged areas and shall be empowered to take such lawful action as may be necessary to assist public officials and private persons in such areas and to maximize the extent of federal participation and assistance in such efforts.

2. All State officials and agencies shall cooperate fully with the Acting Director of the Division of Civil Defense and Disaster Control.

3. To the extent that the full cooperation of any State agency is dependent upon a declaration of emergency by the Governor, this Executive Order shall be construed to constitute such a declaration of emergency.

[SEAL] Given, under my hand and seal this 15th day of July, in the year of our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 26

WHEREAS, The water-filtration plant serving the City of Trenton and nearby communities has been substantially damaged, and water supplies in the area served by such plant have been severely restricted;

WHEREAS, The full cooperation of government at all levels and of private agencies and citizens is required to conserve water until normal water supplies are restored;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. A state of emergency exists in the City of Trenton and those adjacent communities served by the City's water filtration plant.

2. The Acting Director of Civil Defense and Disaster Control is hereby designated as the State coordinating officer to take such lawful action as may be necessary to assist public officials and private persons in the affected areas and to act as liaison with other Federal and State officials in providing appropriate relief;

EXECUTIVE ORDERS

3. All State agencies located within the affected area are directed to conserve water supplies, and to cooperate fully with directives of the Acting Director of Division of Civil Defense and Disaster Control.

[SEAL] Given, under my hand and seal this 2nd day of September in the year of our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 27

WHEREAS, The water filtration plant serving the City of Trenton and nearby communities has been substantially damaged, and water supplies in the area served by such plant have been severely restricted;

WHEREAS, The full cooperation of government at all levels and of private agencies and citizens is required to conserve water until normal water supplies are restored;

WHEREAS, Additional efforts besides those directed by Executive Order No. 26 are necessary to alleviate the aforementioned emergency;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. The Commissioner of Labor and Industry shall coordinate all efforts between government and the private sector to make available supplemental water supply and water transportation equipment that could be utilized to meet emergencies in the subject area;

2. The Board of Public Utility Commissioners and the Commissioner of Environmental Protection exercise their statutory authority to provide any available water supply that is required and could be utilized in the subject area; and

3. The Commissioner of Health exercise all her statutory responsibilities to protect the health of the subject area's residents during this time of emergency.

4. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 2nd day of September in the year of Our Lord, one thousand nine hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 28

I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State do hereby ORDER and DIRECT that:

1. November 28, 1975, the day following Thanksgiving, shall be granted as a day off to employees who work in the executive departments of State Government and who are paid from State funds, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternative day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 28, 1975.

[SEAL] Given, under my hand and seal this 18th day of November in the year of our Lord, one thousand nine

New Jersey State Library

EXECUTIVE ORDERS

hundred and seventy-five, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 29

WHEREAS, Dr. Martin Luther King, Jr., led a historic movement to secure the rights guaranteed every American by the Constitution of the United States of America; and

WHEREAS, The dramatic and courageous leadership of Dr. King in the cause of equality and justice has been an inspiration for Americans of all races, creeds, and nationalities; and

WHEREAS, I have continuously requested the Legislature of this State to recognize the accomplishments of this great American by declaring his birthday as a State holiday; and

WHEREAS, Notwithstanding the failure of the Legislature to do so, the Supreme Court of New Jersey, in *American Federation of State, County and Local Employees No. 73, and New Jersey Civil Service Association and New Jersey Employees Association, et als. v. State*, has recognized this State's collective negotiations commitment to certain State employees for recognizing the birthday of Dr. King as a holiday;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and because of the mandate of the Supreme Court in *American Federation of State, County and Local Employees No. 73, and New Jersey Civil Service Association and New Jersey Employees Association, et als. v. State*, do hereby Order and Direct that:

Thursday, January 15, 1976 (the birthday of Martin Luther King, Jr.) be declared an extra holiday for all employees who work

in the executive departments of State Government and who are paid from State funds.

[SEAL] Given, under my hand and seal this 9th day of January in the year of our Lord, one thousand nine hundred and seventy-six, and of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ CHARLES C. CARELLA,
Executive Secretary to the Governor.

