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ACTS

OF THE

First Annual Session

OF THE

One Hundred and Ninety-sixth Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-fifth Under the New Constitution

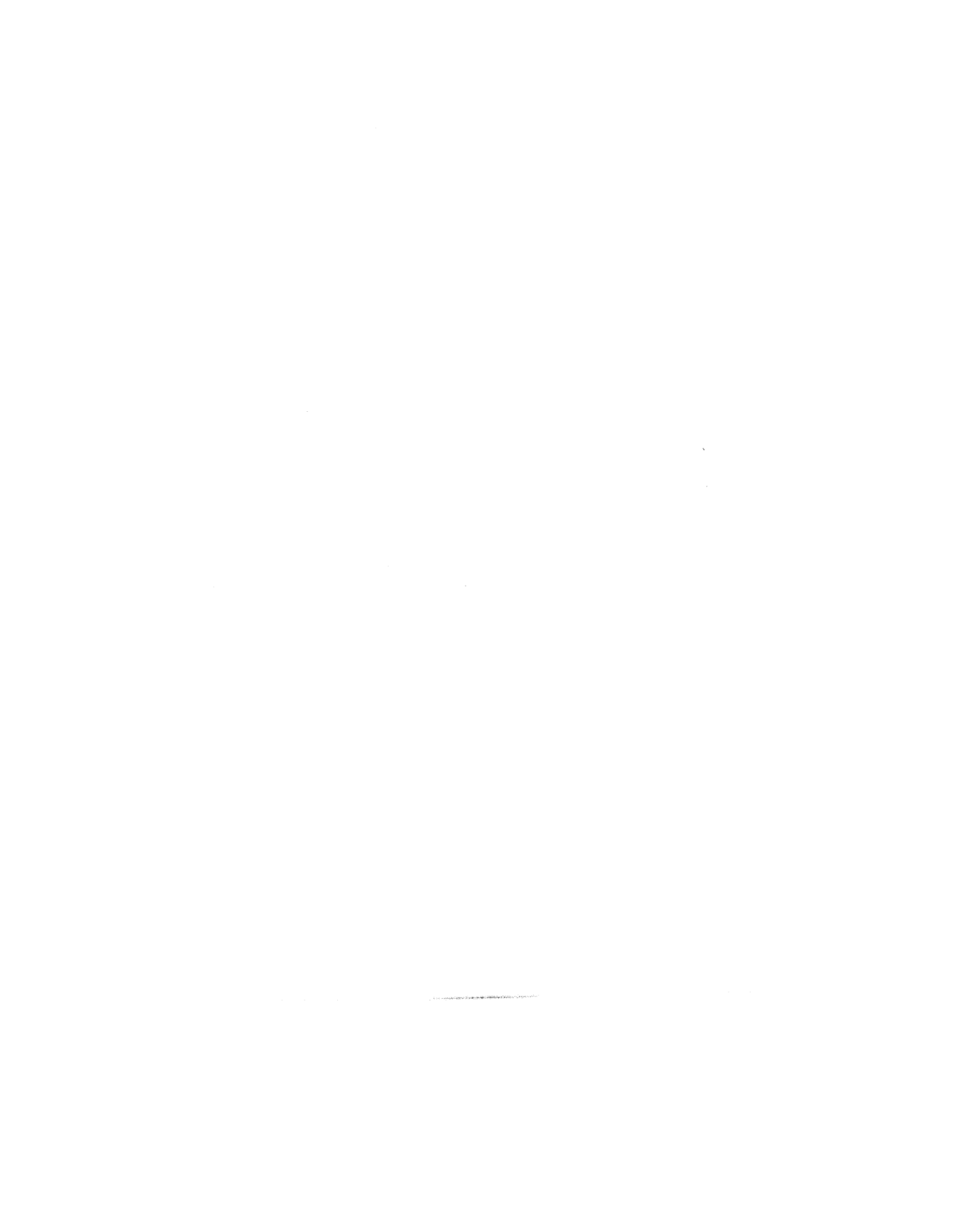


New Jersey State Library

1974

EXECUTIVE ORDERS

(749)



Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 1

WHEREAS, the Emergency Energy Fair Practices Act of 1974 (hereinafter "the Act") has been enacted in response to an urgent need for information with respect to the energy shortage of vital and essential fuel products within the State of New Jersey and to provide a fair and equitable distribution of energy sources and fuels within the State; and

WHEREAS, the Act authorizes the Governor to proclaim by Executive Order the existence of an energy emergency and to establish a State Energy Office and to appoint an Administrator of such office to carry out the provisions of the Act in addition to appointing an Executive Director and to fix their compensation, powers and 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. An energy emergency is hereby proclaimed to exist.
2. The State Energy Office is hereby created and shall be responsible directly to the Governor.
3. The positions of Administrator and Executive Director of the State Energy office are hereby established. Such positions shall be appointed by and serve at the will of the Governor. The Governor may appoint an Acting Administrator or Acting Executive Director who shall during the period of his respective office have all the powers, functions and duties of an Administrator or Executive Director. The Governor may also appoint an Energy Counsel to advise and provide legal counsel to both the Governor and the State Energy Office.

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

a. To carry out the purposes of the Act and applicable Federal Statutes and regulations.

b. To advise the Governor on energy issues and policies.

c. To coordinate with the State Energy Crisis Study Commission created by P. L. 1973, c. 184.

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.

5. The State Energy Office is hereby designated as the single State Agency in New Jersey to implement and coordinate the Federal Mandatory Allocation Program for petroleum products and other programs and regulations of the Federal Energy Office. Executive Order No. 55, dated November 2, 1973, is hereby superseded and rescinded, but all actions taken by the State Emergency and Energy Agency created thereunder shall remain in full force and effect until modified, amended or rescinded by the State Energy Office. The Administrator shall be authorized to utilize the existing resources and personnel of the State Emergency and Energy Agency.

6. The Executive Director shall perform such duties and responsibilities as may be assigned to him from time to time by the Administrator.

7. The Departments of Environmental Protection, Labor and Industry, Transportation and Public Utilities Commission shall provide such resources and personnel to assist the State Energy Office as may be required. The State Energy Office shall also be authorized to call upon any other office, department, commission or other agency of the State of New Jersey for any information, assistance and resources which are necessary to discharge the functions and responsibilities under this Order, the Act and applicable Federal Statutes and regulations.

8. Funds for the State Energy Office will be furnished from

existing departmental resources, emergency funds or additional appropriations as determined by the Legislature.

9. This Order shall take effect immediately.

Given, under my hand and seal this 5th day of
[SEAL] February, in the year of Our Lord, one thousand nine
hundred and seventy-four, of the Independence of the
United States, the one hundred and ninety-eighth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 2

WHEREAS, On February 4, 1974, the Emergency Energy Fair Practices Act of 1974 was enacted into law; and

WHEREAS, On February 5, 1974, pursuant to authority vested in me under said Act, I proclaimed that an energy emergency existed in the State of New Jersey and created the State Energy Office; and

WHEREAS, On February 5, 1974, I designated the State Energy Office as the single state agency in New Jersey to implement and coordinate the Federal Mandatory Allocation Program for petroleum products and other programs and regulations of the Federal Energy Office; and

WHEREAS, Since that date, it has been demonstrated that coordination with the Federal Energy Office can be improved if the State Emergency Fuel and Energy Agency, which was created pursuant to Executive Order No. 55, dated November 2, 1973, were recreated in modified form;

NOW, THEREFORE, I, Brendan T. 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 Section 5 of Executive Order 1 dated February 5,

1974 be rescinded and that the following amendment be inserted in its place:

1-5. 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 Office.

2. This Order shall take effect immediately.

Given, under my hand and seal, this 26th day of
[SEAL] February, in the year of Our Lord, one thousand nine hundred and seventy-four, of the Independence of the United States, the one hundred and ninety-eighth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 3

WHEREAS, The adequacy of water supply is of critical concern to this State and essential to the promotion of the public health, safety and welfare; and

WHEREAS, There is a continuing need for comprehensive and coordinated State action to assure that future water supply will be available to meet the needs of balanced State growth; and

WHEREAS, There is uncertainty concerning whether the existing and planned water supply facilities are sufficient to satisfy these demands; and

WHEREAS, The complexity and importance of these issues requires the creation of an Interdepartmental Committee on State Water

Supply Needs charged with the responsibility to evaluate the State's water supply system and make recommendations for its improvement;

Now, THEREFORE, I, Brendan T. 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. (a) There is hereby created an Interdepartmental Committee on State Water Supply Needs (hereinafter sometimes referred to as the "Committee").

(b) The Committee shall consist of the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Labor and Industry, the President of the Board of Public Utility Commissioners, the State Treasurer, or their respective designees, and such other officers or persons as the Governor may by further order direct.

(c) The Chairman of the Committee shall be the State Treasurer.

(d) The Chairman and the members of the Committee shall serve without compensation, but shall be entitled to reimbursement, within the limits of funds available therefor, for all necessary expenses incurred in the performance of their duties.

(e) The Committee shall meet at the call of the Chairman or of the Governor.

2. The duties of the Committee shall be:

(a) To conduct a thorough and comprehensive study of existing and planned water supply facilities and distribution systems, including the water distribution system for the Round Valley and Spruce Run Reservoir Project;

(b) To evaluate and assess the adequacy of the State's water supply facilities, distribution systems and policies to meet the needs of balanced State growth;

(c) To make recommendations which would discourage wasteful water use practices;

(d) To make recommendations including alternatives for financing, construction, operation and maintenance of water supply facilities and distribution systems designed to assure a continued adequate water supply to meet the needs of the State to the year 2000.

EXECUTIVE ORDERS

3. (a) The Committee is hereby authorized to call upon any department, office, division, bureau or agency of the State to supply such assistance, statistical data, material and other information or personnel as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division, bureau or agency of the State is hereby authorized and directed, to the extent not inconsistent with law, to cooperate with the Committee and to furnish to it such assistance, material and information as the Committee may request of it as necessary in the discharge of its responsibilities under this Order.

4. The Committee shall provide a report to the Governor on or before June 15, 1974 which shall include its recommendations for a complete system of water supply distribution for the Round Valley and Spruce Run Reservoir Project.

5. The Committee shall render to the Governor such interim reports as it may deem appropriate or as the Governor may request and, upon the completion of its work, which shall be completed on or before March 22, 1975, the Committee shall render a full report of its findings and recommendations.

6. This Order shall take effect immediately.

Given, under my hand and seal this 22nd day of
[SEAL] March, in the year of our Lord, one thousand nine
hundred and seventy-four, and of the Independence of
the United States, the one hundred and ninety-eighth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 4

I, Brendan T. 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:

Friday, July 5, 1974 (the day following Independence Day) be declared an extra holiday for State employees.

Given, under my hand and seal this 10th day of May,
[SEAL] in the year of our Lord, one thousand nine hundred and seventy-four, and of the Independence of the United States, the one hundred and ninety-eighth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 5

WHEREAS, On December 28, 1973, the United States Congress enacted P. L. 93-203, entitled the Comprehensive Employment and Training Act of 1973 (the "Act"), which established a nationwide program to provide job training and employment opportunities to economically disadvantaged, unemployed, underemployed persons; and

WHEREAS, The Act requires the Governor to appoint a State Manpower Services Council in accordance with the terms of the Act in order to become a Prime Sponsor and obtain the benefits of the Act for his State; and

WHEREAS, The Act establishes other and further requirements upon any State wishing to obtain its benefits;

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, and the provisions of the Act, do hereby ORDER and DIRECT that:

1. The State Manpower Services Council (the "Council"), is hereby created.
2. The Chairman of the Council shall be the Commissioner of Labor and Industry.
3. The members of the Council shall be appointed by the Governor in accordance with the requirements of the Act.

4. Pursuant to Title I, Section 107(a) (2) (B) of the Act, the Council shall be staffed and serviced by that group formerly known as the State Cooperative Area Manpower Planning System Secretariat and which shall be hereafter known as the State Manpower Services Council Staff (the "Staff").

5. The activities of the Staff shall be directed by the Chairman of the Council and shall conform to the requirements of the Act.

6. Pursuant to Title I, Section 106 of the Act, the State shall be divided into such sub-state planning districts as the Governor shall from time to time designate.

7. Pursuant to Title I, Section 104 of the Act, the State Prime Sponsor Planning Council (the "Planning Council") is hereby created. The Planning Council shall be responsible for directing manpower planning efforts of those counties for which the State acts as a Prime Sponsor.

8. The Chairman of the Planning Council shall be the Commissioner of Labor and Industry.

9. The members of the Planning Council shall be appointed by the Governor in accordance with the requirements of the Act.

10. The Staff shall also service the Planning Council, and act at the direction of its Chairman.

11. This Order shall take effect immediately.

Given, under my hand and seal this 16th day of May,
[SEAL] in the year of our Lord, one thousand nine hundred and seventy-four, of the Independence of the United States, the one hundred and ninety-eighth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER NO. 6

WHEREAS, The travel regulations promulgated by the Governor on October 1, 1970, with amendments thereto, have been in effect with little or no change, and

WHEREAS, Circumstances have necessitated certain changes in the methods for handling the travel procedures of the State, and

WHEREAS, In the interest of proper and efficient operation, it is necessary that the regulations be rewritten and revised,

NOW, THEREFORE, I, Brendan T. 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 travel regulations promulgated October 1, 1970 and amendments thereto are rescinded as to all transactions occurring on and after August 1, 1974.

2. The regulations promulgated by the Department of the Treasury as of August 1, 1974 shall be the official State travel regulations and all requests for expenditures thereunder shall be made in accordance therewith. Said regulations shall be effective August 1, 1974 and the Director of the Division of Budget and Accounting in the Department of the Treasury is charged with the enforcement thereof.

3. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 10th day of July, in the year of Our Lord, one thousand nine hundred and seventy-four, 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.

EXECUTIVE ORDERS

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 7

WHEREAS, On April 29, 1971, Chapter 119, Laws of 1971 was enacted into law; and

WHEREAS, On October 31, 1972, Chapter 166, Laws of 1972 was enacted into law; and

WHEREAS, These laws authorize the Governor to proclaim the date of termination of the Vietnam Conflict;

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. That August 1, 1974 shall be the terminal date of the Vietnam Conflict for all matters where the authority for proclamation of the date of such termination is vested in the Governor of this State.

2. This order shall take effect immediately.

Given, under my hand and seal this 1st day of
[SEAL] August, in the year of Our Lord, one thousand nine hundred and seventy-four, 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. 8

WHEREAS, Several cities of this State have recently experienced citizen unrest; and

WHEREAS, The underlying causes of this unrest include the persistence of economic and social conditions which have a serious

impact on people living in the cities without adequate housing, jobs, educational opportunity, or health care; and

WHEREAS, Mayors and local government officials in the State are working to alleviate the variety of problems which affect their citizens, and there is a need for comprehensive and coordinated action on the part of the State to aid local government and improve the effectiveness of State urban programs;

NOW, THEREFORE, I, Brendan T. 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. (a) There is hereby established the Cabinet Committee on Urban Affairs (hereinafter referred to as the "Committee").

(b) The Committee shall be composed of the following: The Commissioner of the Department of the Public Advocate, who shall be Chairman; the Attorney General or a representative of the State Police designated by him; the Commissioner of the Department of Community Affairs; the Commissioner of the Department of Health; the Commissioner of the Department of Labor and Industry; the Commissioner of the Department of Education; the Chancellor of the Department of Higher Education; the State Treasurer; the Special Counsel to the Governor and such other persons as the Governor may from time to time direct.

2. The Committee shall advise and assist the Governor with respect to urban programs and shall perform such other duties as the Governor may from time to time prescribe. In addition to such duties, the Committee is directed to:

(a) Evaluate and appraise the effectiveness of State programs in urban areas;

(b) Assist the Governor in establishing priorities for State aid and assistance to urban areas, with special concern for the maintenance of local initiative and local decision making;

(c) Coordinate any required State response to situations involving urban unrest.

3. (a) A person designated by the Chairman shall serve as Secretary to the Committee. The Secretary shall perform such duties as the Chairman may from time to time direct with the assistance of such staff, clerical and professional, as may be required within the limits of available appropriations.

(b) Each State Department and agency shall furnish the Committee with such information and other assistance as it may require.

4. Nothing in this Order shall be construed as subjecting any Department, agency, or other instrumentality of the Executive Branch of the State or the head thereof, of any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head, or as abrogating, modifying or restricting any such function in any manner.

5. The Committee shall meet on the call of the Governor or the Chairman.

6. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 19th day of September, in the year of Our Lord, one thousand nine hundred and seventy-four, 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. 9

WHEREAS, The Emergency Energy Fair Practices Act of 1974 (hereafter "The Act") was enacted in response to an urgent need for information with respect to the energy shortage of vital and essential products within the State of New Jersey and to provide a fair and equitable distribution of energy sources and fuels within the State; and

WHEREAS, The Act authorizes the Governor to proclaim by Executive Order the existence of an energy emergency and to establish a State Energy Office; and

WHEREAS, Pursuant to Executive Order No. 1, dated February 5, 1974, and Executive Order No. 2, dated February 26, 1974, I proclaimed the existence of an energy emergency in New Jersey, established a State Energy Office, and charged it with the responsibility of preparing a report regarding the energy related problems of this State; and

WHEREAS, The State Energy Office has forwarded me such a report and included within its recommendations the need for centralized authority and planning by the State in this area; and

WHEREAS, I have reviewed this report and determined that such centralized authority and planning can be best accomplished by an office reporting to the Public Utilities Commission;

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. The State Energy Office, created pursuant to Executive Order No. 1, dated February 5, 1974, and Executive Order No. 2, dated February 26, 1974, shall report to the Commissioners of the Public Utilities Commission;

2. The Public Utilities Commission, through the State Energy Office, shall be entitled to call to its assistance and avail itself of the services of any federal, State, county or municipal department, board, bureau, commission or agency as may be made available to it for purposes of assuring the fair and equitable distribution of available energy supplies.

3. A Cabinet Energy Committee (hereafter "the Committee") consisting of the Governor, the Administrator of the State Energy Office, and the heads of the Public Utilities Commission and the Departments of Community Affairs, Environmental Protection, and Labor and Industry is hereby created. The Governor shall serve as Chairman of the Committee and the Administrator of the State Energy Office shall serve as the Executive Director of the Committee.

4. The Committee shall be charged with the responsibility of considering and reviewing all energy-related decisions that are to be rendered by any member of the Executive Branch of State Government. Furthermore, the Committee shall be responsible for coordinating communication between the State Government and Federal and local governments.

EXECUTIVE ORDERS

5. In order to meet its responsibilities, the Committee shall be authorized to call upon any department, office, commission or other agency of the State for any necessary information, assistance and resources.

6. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 2nd day of October, in the year of Our Lord, one thousand nine hundred and seventy-four, 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. 10

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:

Friday, November 29, 1974 (the day following Thanksgiving Day) be declared an extra holiday for State employees.

[SEAL] Given, under my hand and seal this 12th day of November, in the year of our Lord, one thousand nine hundred and seventy-four, 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. 11

WHEREAS, Chapter 73, P. L. 1963, finds and declares it to be the public policy of this State that public records shall be readily accessible for examination by the citizens of this State for the protection of the public interest except as otherwise provided by said law; and

WHEREAS, Said Chapter 73 provides that all records which are required by law to be made, maintained or kept on file by State and local governmental agencies are to be deemed to be public records, subject to inspection and examination and available for copying, pursuant to said law; and

WHEREAS, Said Chapter 73 provides that records which would otherwise be deemed to be public records, subject to inspection and examination and available for copying, pursuant to the provisions of said law, may be excluded therefrom by Executive Order of the Governor or by any regulation promulgated under the authority of any Executive Order of the Governor; and

WHEREAS, Section 3(b) of Executive Order No. 9 issued by Governor Richard J. Hughes in 1963, states that "personnel and pension records which are required to be made, maintained or kept by any State or local governmental agency . . . shall not be deemed to be public records subject to inspection and examination and available for copying pursuant to the provisions of Chapter 73, P. L. 1963;" and

WHEREAS, Disclosure of the name, title and position of persons receiving pensions and of the type and amount of pension being received, is an insignificant invasion of privacy outweighed by the public's right to know who it is employing, what jobs they are filling and the identities of those receiving government pensions;

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. Section 3(b) of Executive Order No. 9 of Governor Richard J. Hughes is rescinded and any regulations adopted and promulgated thereunder shall be null and void.

2. Except as otherwise provided by law or when essential to the performance of official duties or when authorized by a person in interest, an instrumentality of government shall not disclose to anyone other than a person duly authorized by this State or the United States to inspect such information in connection with his official duties, personnel or pension records of an individual, except that the following shall be public:

a. An individual's name, title, position, salary, payroll record, length of service in the instrumentality of government and in the government, date of separation from government service and the reason therefor; and the amount and type of pension he is receiving;

b. Data contained in information which disclose conformity with specific experimental, educational or medical qualifications required for government employment or for receipt of a public pension, but in no event shall detailed medical or psychological information be released.

3. This Executive Order shall take effect immediately.

Given, under my hand and seal this 15th day of
[SEAL] November, in the year of our Lord, one thousand nine
hundred and seventy-four, 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. 12

WHEREAS, The storm which occurred on December 1 to 3, 1974 was accompanied by extremely high winds and tides and caused substantial beach erosion, damage to ocean and bay front shore protection structures and destruction of dunes in Monmouth,

Ocean, Atlantic and Cape May Counties and resulted in severe flooding and property damage, both public and private; and

WHEREAS, The damage to the shore protection structures and destruction of dunes has created a continuing threat to property, both public and private, public health, safety and welfare; and

WHEREAS, This condition is of such severity and magnitude that effective response requires the full cooperation of all levels of government and of private agencies and citizens;

NOW, THEREFORE, I, Brendan T. Byrne, Governor of the State of New Jersey, by the 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. I declare that an emergency exists in Monmouth, Ocean, Atlantic and Cape May Counties as a result of the storm of December 1 to 3, 1974 and the damage to ocean and bay front shore protection structures and destruction of dunes.

2. The State Department of Environmental Protection and the Division of Civil Defense-Disaster Control, and other appropriate State agencies, shall cooperate to assure maximum assistance from the federal government to aid the affected area.

Given, under my hand and seal this 5th day of
[SEAL] December, in the year of our Lord, one thousand nine hundred and seventy-four, 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. 13

WHEREAS, The Emergency Energy Fair Practices Act of 1974, P. L. 1974, c. 2 & 6, was enacted in response to an urgent need for information with respect to the shortage of vital and essential energy and fuel supplies within the State of New Jersey and to

provide a fair and equitable distribution of energy sources and fuels within the State; and

WHEREAS, The Act authorizes the Governor to proclaim by Executive Order the existence of an energy emergency, establish a State Energy Office, set forth such rules and regulations as are necessary and proper to ensure the fair and equitable distribution of energy supplies and provide for the coordination and cooperation of all offices, agencies and personnel to assist in this emergency; and

WHEREAS, Pursuant to Executive Order No. 1, dated February 5, 1974, I proclaimed the existence of an energy emergency in New Jersey and created the State Energy Office; and

WHEREAS, I charged the Administrator of the State Energy Office with the responsibility of developing and monitoring a State energy conservation program;

NOW, THEREFORE, I, Brendan T. 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. The following energy conservation measures shall be instituted in all State-owned and State-leased buildings except as noted below:

(a) Thermostat control devices shall be set to maintain temperatures of 65°-68° F. during the working hours in the heating season;

(b) Thermostat control devices shall be set to maintain temperatures of not more than 55° F. during non-working hours in the heating season;

(c) Portable space heaters and threshold heaters used as supplementary heating sources are strictly prohibited;

(d) Window draperies and blinds shall be used to cut down heat losses by setting them to the closed position during nighttime hours and on cold, cloudy days, and setting them to the open position during periods of sunshine;

(e) Thermostat control devices for hot water shall be set to maintain a maximum temperature of no more than 110° F.;

(f) Steps shall be taken to eliminate heating in all unused and seldom used areas as stairwells;

(g) During working hours, overhead lighting shall be reduced to 50-foot candles at work station, 30-foot candles in work areas, and 10-foot candles (but at least one light) in non-working areas;

(h) Illumination levels at the center of corridor walking surfaces, and equidistant between two lighting fixtures, shall be maintained at 1-foot candle. Lights provided in tandem to guard against darkened stairways upon failure of a light, and emergency lights are exempted from this provision;

(i) Off-hour and exterior lighting except for essential safety and security purposes shall be eliminated;

(j) Lights in work areas shall be turned off when these areas are not in use such as during lunch hours;

(k) Portable electric fans are strictly prohibited;

(l) During the heating season, portable air conditioners shall not be used, and shall be unplugged and covered;

(m) Outside air intake shall be reduced to the greatest possible extent. Under most conditions, a 10 per cent outside air intake will be adequate for general office space.

2. The above listed regulations shall not apply to State owned or operated hospitals and medical buildings or to any other State owned or operated buildings, the energy conservation coordinator of which (as herein defined) demonstrates to the satisfaction of the Administrator of the State Energy Office the need for exemption from one or more of the above listed regulations.

3. The Administrator of the State Energy Office, when he deems it necessary, shall promulgate and adopt additional regulations for energy conservation within all State-owned and State-leased buildings.

4. Each department, agency and office of State Government shall appoint a representative as its energy conservation coordinator. Said energy conservation coordinators shall have the following responsibilities:

(a) Enforcement of the regulations adopted by the Governor and Administrator;

(b) Answering complaints and receiving suggestions; and

(c) Maintaining liaison with the State Energy Office.

5. In order to accurately assess the effectiveness of this energy conservation program, every energy conservation coordinator shall supply the State Energy Office with the following information:

(a) Historical electric and heating fuel use, on a monthly basis, from January 1972 to present;

(b) Continuing reports of electric and heating fuel use on a monthly basis; and

EXECUTIVE ORDERS

(c) Such other information as the Administrator of the State Energy Office may, from time to time, require.

6. This Executive Order shall take effect immediately.

Given, under my hand and seal this 12th day of
[SEAL] December, in the year of Our Lord, one thousand nine
hundred and seventy-four, 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. 14

WHEREAS, Equal employment opportunity regardless of race, color, religion, sex or national origin has been the law of this nation and of this State since passage of the federal Equal Employment Opportunity Act of 1972, and the New Jersey Law Against Discrimination; and

WHEREAS, Equal pay for equal work in governmental service has been guaranteed by the Fair Labor Standards Act amendments enacted in April of 1974; and

WHEREAS, Executive Order No. 21 issued June 24, 1965 by Governor Richard J. Hughes established this State's goal of eliminating discrimination in State employment, facilities and services; and

WHEREAS, The Executive Branch of State Government should employ both minorities and women at least in proportion to their population in the relevant surrounding Labor Market Area as defined by the Department of Labor and Industry, and should employ both minorities and women at all levels of responsibility;

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 proclaim that:

1. All departments and instrumentalities of the Executive Branch of State Government shall update and revise affirmative action plans previously submitted to the Department of Civil Service so as to rectify defects in them delineated by the Department of Civil Service, and so as to conform them to the goals established by Section 2 of this Executive Order. The Department of Civil Service shall make public the plans originally submitted, any defects delineated and the plans finally accepted.

2. The affirmative action goals for each department and instrumentality of the Executive Branch of State Government are that by December 31, 1975 each shall employ both minorities and women at least in proportion to their population in the relevant surrounding Labor Market Area, and at all levels of responsibility.

3. All departments and instrumentalities of the Executive Branch of State Government shall submit bi-monthly reports to the Department of Civil Service detailing progress in achieving the goals of their affirmative action plans. The Department of Civil Service shall make public the statistics contained in the bi-monthly reports.

4. The Department of Civil Service will, by increased recruitment efforts, ensure that the pool of applicants for all vacant provisional, temporary and permanent classified positions in all departments and instrumentalities of the Executive Branch of State Government includes both minorities and women.

5. The Department of Civil Service will also ensure that the pool of applicants for all vacant unclassified positions in all departments and instrumentalities of the Executive Branch of State Government includes both minorities and women.

6. All job titles and descriptions will be analyzed to determine whether or not the stated prerequisites are bona fide occupational qualifications. Any prerequisites which tend to exclude minorities or women, including test questions and height and weight criteria, will be eliminated if they are not bona fide occupational qualifications.

7. All minorities and women who inquire with or apply to any department or instrumentality of the Executive Branch of State Government for employment will be requested to file an application and to apply to take any test required for employment in the classified service regardless of whether vacancies exist at the time

of the application. These applications will be reviewed promptly, and if acceptable, held pending a vacancy if there is no outstanding active list of eligibles.

8. One person in each department or instrumentality of the Executive Branch of State Government will be assigned the responsibility for implementing this Executive Order.

9. There is hereby established an Affirmative Action Officer reporting directly to the Governor to review affirmative action plans submitted by the departments and instrumentalities of the Executive Branch of State Government; to review the recruitment efforts of the Department of Civil Service; to ensure that the goals for employment of both minorities and women in the Executive Branch of State Government at least in proportion to their population in the relevant surrounding Labor Market Area, and at all levels of responsibility are being pursued actively; and to ensure that departments and instrumentalities of the Executive Branch which attain the standards established by Section 2 of this Executive Order continue to pursue actively the goals of affirmative action in the employment of minorities and women.

10. This Executive Order shall take effect immediately.

Given, under my hand and seal this 23rd day of
[SEAL] December, in the year of Our Lord, one thousand nine
hundred and seventy-four, 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. 15

WHEREAS, In our representative form of government, it is essential that the conduct of public officials shall hold the respect and confidence of the people; and

WHEREAS, Those in government hold positions of public trust that require adherence to the highest standards of honesty, integrity and impartiality; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of his duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from acting in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment; and

WHEREAS, It is the duty of government officials to earn the trust and confidence of the people by avoiding even the appearance of impropriety; and

WHEREAS, The disclosure of personal interests of public officials will serve to restore the public's faith and confidence in its government representatives and will guard against conduct violative of the public trust;

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

1. Every public officer as defined in section 7 hereof shall file a sworn and duly notarized statement listing as of 5 days prior to the date of filing all the financial assets and liabilities, property and business interests and sources of income of such officer and those of his or her spouse. Each statement shall include the following information:

- a. The name and position of the public officer;
- b. Any occupation, trade, business or profession engaged in by the public officer or spouse that is subject to licensing or regulation by a State agency;
- c. A list of all assets, both tangible and intangible, in which a direct or indirect interest is held by the public officer or by his or her spouse, valued as of the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset. Where stocks and bonds are involved, there should be included the number of shares or bonds, the type and approximate value of such stocks,

and bonds and the name of the company or government agency issuing them; except that whenever such interest exists through ownership in a mutual fund or holding company, the stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such trust shall be listed only if the public officer has knowledge of what stocks and bonds are so held. Where more than 10% of the stock of a corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, size, general nature and acquisition date of any real property in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant on such property or that has before it an application, complaint or proceeding directly affecting such property;

d. A list of all liabilities of the public officer and of his or her spouse. This list shall include the name of the creditor, except when the liability is less than \$5,000 and owed to a natural person;

e. A list of all sources of income of the public officer and of his or her spouse for the twelve months immediately preceding the statement date, including all compensated employment of whatever nature, all directorships and other fiduciary positions for which compensation has or will be claimed, all contractual arrangements producing or expected to produce income, and all honorariums, lecture fees and other miscellaneous sources of income; except that the amounts of such income received or to be received need not be supplied unless specifically requested by the Governor, the Attorney General or the Executive Commission on Ethical Standards. Not required to be reported as a source of income are:

(1) Cash gifts in an aggregated amount of less than \$50 received during the preceding twelve months from a person;

(2) Non-cash gifts with an aggregated fair market value of under \$100 received during the preceding twelve months from a person; and

(3) Gifts with an aggregate cash or fair market value of under \$1,000 received during the preceding twelve months from a son, daughter, grandson, granddaughter, father, mother, grandfather,

grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle or aunt. Relatives by adoption, half-blood, marriage or re-marriage shall be treated as relatives of the whole kinship.

f. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public officer or by his or her spouse with any firm, corporation, association, partnership or business that either does business with or is licensed, regulated or inspected by a State agency.

2. Each statement shall contain a certification by the public officer that he has read the statement, that to the best of his knowledge and belief it is true, correct and complete and that he has not and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

3. a. Within forty-five days from the effective date of this Order, each public officer who has not already done so shall file the signed and notarized statement required herein with the Office of the Governor, the Executive Commission on Ethical Standards (2-copies), and with the Attorney General. In furtherance of its duties under the 1971 Conflicts of Interest Law, N. J. S. A. 52:13D-12 *et seq.*, and pursuant to this Executive Order, the Executive Commission on Ethical Standards shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of law. Upon approving such statement, the Commission shall file a copy of it with the Secretary of State for public inspection and copying in accordance with the procedures set forth in N. J. S. A. 47:1A-1 *et seq.*;

b. Each prospective public officer before assuming office shall satisfy the filing requirements of this Order, unless the Attorney General grants an extension of not more than 30 days after assuming such office;

c. Updated statements shall be filed one year after the submission of the original statement and every year thereafter so long as such person is a public officer of this State as defined in section 7 of this Order.

4. The Secretary of State shall keep the approved statements on file for so long as the person submitting such statement is a public officer of this State as defined in section 7 of this Order, and for at least 5 years thereafter.

5. The Executive Commission on Ethical Standards shall have the primary responsibility for assuring the proper administration and implementation of this Order and shall have the power to perform the acts necessary and convenient to this end, including, but not limited to, preparing and distributing forms to be utilized by public officers in complying with this Order.

6. A public officer's willful failure to comply with this Order shall constitute cause for his or her removal from office by those having the power of removal.

7. For the purposes of this Order:

a. "Public officer" shall mean any person holding any of the following offices in the Executive Branch of State Government, together with any offices added to such list by subsequent gubernatorial executive order:

- (1) The head of a principal department;
- (2) The assistant or deputy heads of a principal department to include all assistant and deputy commissioners of such department;
- (3) The head and assistant head of a division of a principal department;

b. "Government instrumentality" shall mean the Legislative, Judicial and Executive Branches of State Government, including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;

c. "State Agency" shall mean any of the principal departments in the Executive Branch of State Government, any division, board, bureau, office, commission or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;

8. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 7th day of January, 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.