

ACTS
OF THE
One Hundred and Eighty-seventh Legislature
OF THE
STATE OF NEW JERSEY
AND
Sixteenth Under the New Constitution



New Jersey State Library

1963

EXECUTIVE ORDERS

(1145)

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 6

I, RICHARD J. HUGHES, Governor, order and direct that beginning Monday, June 17, 1963, and continuing through Friday, September 6, 1963, all State offices shall close one-half hour earlier than the regular closing hour.

[SEAL] Given under my hand and seal this 16th day of May, in the year of Our Lord one thousand nine hundred and sixty-three, and in the Independence of the United States, the one hundred and eighty-seventh.

RICHARD J. HUGHES,
Governor.

Attest:

LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 7

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 pro-

tection of the public interests, except as otherwise provided in said law; and

WHEREAS, Said law 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 law 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 Chapter 73, P. L. 1963, 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, It is in the public interest to exercise the authority granted to the Governor under the provisions of Chapter 73, P. L. 1963;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by Chapter 73, P. L. 1963, do hereby order and direct:

1. (a) The following State and local officials are hereby authorized and empowered to adopt and promulgate, from time to time, regulations setting forth which records under their jurisdiction 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:

- (1) The head or principal executive of each principal department of State government with respect to the records of his department and any agencies, authorities and commissions assigned or allocated to such department;
- (2) The Board of Chosen Freeholders in each of the counties of the State with respect to the records of the county and any agencies,

authorities and commissions created by said board;

- (3) The governing body in each of the municipalities of the State with respect to the records of the municipality and any agencies, authorities or commissions created by said governing body;
- (4) The county superintendent of schools in each of the counties of the State with respect to the records of his office and any schools and other institutions under his care and supervision; and
- (5) The superintendent of schools of any school district of the State with respect to the records of the school district and any schools or other institutions under the care and supervision of the school district.

(b) Any regulation adopted and promulgated pursuant to the provisions of this Executive Order shall be published at least once in a newspaper of general circulation in the State or in the applicable county, as the case may be, and a copy of any such regulation shall be placed on file in the Secretary of State's Office. No regulation shall be effective until it has been so published and filed.

2. All records, other than records which are the subject of a regulation adopted and promulgated pursuant to the provisions of section 2 hereof or otherwise excluded under and pursuant to the provisions of Chapter 73, P. L. 1963, which specifically are required by statute to be made, maintained or kept by any State or local governmental agency shall be public records, subject to inspection and examination and available for copying, pursuant to the provisions of Chapter 73, P. L. 1963. All other records of such State and local governmental agencies 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, but such records shall be subject to

such other provisions of law and regulations as shall be applicable thereto and this provision shall in no way be interpreted as to preclude the appropriate State or local officials from using or making available such records for any of the purposes for which such records are made, maintained or kept.

3. For the purpose of allowing the officers herein empowered to adopt and promulgate regulations the opportunity to take such action in an orderly manner, all records which are deemed to be public records, subject to inspection and examination and available for copying, under the provisions of section 2 of this Executive Order 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, until August 1, 1963.

4. This Executive Order shall take effect immediately.

[SEAL] Given, under my hand and seal this
21st day of June, in the year of Our
Lord, one thousand, nine hundred and
sixty-three, and of the Independence
of the United States, the one hundred
and eighty-eighth.

RICHARD J. HUGHES,
Governor.

Attest:

LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 8

WHEREAS, Executive Order No. 7 authorized certain State and local governmental officials to adopt

and promulgate regulations setting forth which records under their jurisdiction were not to be deemed public records, subject to inspection and examination and available for copying pursuant to the provisions of Chapter 73, P. L. 1963; and

WHEREAS, Said Executive Order provided that, for the purpose of allowing such officials the opportunity to adopt and promulgate regulations in an orderly manner, all records specified in section 2 of such Order which would otherwise be deemed to be public records under and pursuant to Chapter 73, P. L. 1963, should not be subject to inspection and examination and available for copying pursuant to said Chapter 73 only until August 1, 1963; and

WHEREAS, Despite such extension of time, numerous officials and members of the press and the general public have expressed concern over the difficulty of establishing which records are to be public records under the provisions of Chapter 73, P. L. 1963; and

WHEREAS, Only 12 municipalities and two departments of State Government have adopted regulations pursuant to the provisions of Executive Order No. 7 as of this date; and

WHEREAS, The New Jersey Press Association, a prime leader in the effort to achieve passage of Chapter 73, P. L. 1963, among others, has requested additional time so as to be afforded an opportunity to review and object to any exceptions to the public's right to inspect, examine and copy records that might be contemplated in regulations proposed to be adopted under the authority of Executive Order No. 7; and

WHEREAS, Similar requests for additional time have been received from numerous local government officials for the purpose of giving all interested parties an opportunity to review and discuss the application of Chapter 73, and to propose appropriate

regulations which may, under the provisions of Chapter 73, be promulgated pursuant to Executive Order No. 7; and

WHEREAS, It is my opinion that an additional period of time could be beneficially utilized to carefully scrutinize exceptions to the public's right to know which may be proposed and to fully consider the need to balance the right to know of the public in a democracy against the risk of unintentional harm or injustice to individuals that might be occasioned by full and indiscriminate exposure of certain records containing data of a sensitive or personal nature without regard to the motivation of those seeking to inspect or copy; and

WHEREAS, The public's right to examine and copy public records, which presently exists under the common law and by statute, remains inviolate even without the benefit of the provisions of Chapter 73, P. L. 1963;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by Chapter 73, P. L. 1963, do hereby order and direct:

1. All records which would otherwise be deemed to be public records, subject to inspection and examination and available for copying under the provisions of Chapter 73, P. L. 1963, shall not be deemed to be public records pursuant to said Chapter 73 until October 1, 1963.
2. No regulation heretofore or hereafter adopted and promulgated by any State or local official pursuant to the provisions of Executive Order No. 7, or any amendment or supplement thereto, shall be of any force and effect until October 1, 1963. The application and effect of any such regulation upon public records may be limited, at any time, by an executive statement, filed by the Governor with the Secretary of State's office, setting forth the nature and

extent of the limitations imposed upon such regulations. A copy of such executive statement shall be delivered in person or sent by certified or registered mail to the appropriate State or local official.

3. This Executive Order and Executive Order No. 7 shall in no way be interpreted to replace or affect the right that the general public has, by common law, judicial decision, statute or otherwise, to examine and copy public records and shall be limited in its application to the provisions of Chapter 73, P. L. 1963.
4. Any provisions of Executive Order No. 7 which are inconsistent herewith are hereby revoked and vacated.
5. This Executive Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 1st day of August in the year of Our Lord, one thousand, nine hundred and sixty-three, and of the Independence of the United States, the one hundred and eighty-eighth.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 9

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 in 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, Executive Orders Nos. 7 and 8 authorize certain State and local governmental officials to adopt and promulgate regulations specifying which public records under their jurisdiction are not to be subject to inspection and examination and available for copying pursuant to said Chapter 73; and

WHEREAS, As of this date, only 65 local governmental units have adopted and promulgated regulations under the authority conferred upon them by said Executive Orders; and

WHEREAS, Review and examination of these regulations demonstrates a lack of uniformity with respect to the treatment proposed to be accorded public records; and

WHEREAS, The public interest requires that the public records which are excluded from the application of Chapter 73 be excluded on a uniform and Statewide basis with full regard for the need to balance the right, in a democracy, of the public to

know, against the risk of unintentional harm or injustice to individuals that might be occasioned by indiscriminate exposure of certain records containing data of a sensitive or personal nature without regard to the motivation or justification of those seeking to inspect or copy records; and

WHEREAS, Chapter 73 represents a right supplemental to the existing right of the public to examine and copy public records, which right has been established under the common law and by statute and remains inviolate even without the benefit of the provisions of said Chapter 73; and

WHEREAS, Some limitation upon the otherwise unqualified and unrestricted right to examine and copy records provided by Chapter 73 is essential and not detrimental to the public interest since the existing common law and statutory right to examine records remains upon the satisfaction of the requirements imposed by such laws;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by Chapter 73, P. L. 1963, do hereby order and direct:

1. All records, other than records set forth in section 3 hereof or records the subject of a regulation adopted and promulgated pursuant to the provisions of section 2 hereof or otherwise excluded under and pursuant to the provisions of Chapter 73, P. L. 1963, which specifically are required by statute to be made, maintained or kept by any State or local governmental agency shall be public records, subject to inspection and examination and available for copying, pursuant to the provisions of Chapter 73, P. L. 1963. All other records of such State and local governmental agencies 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, but such records shall remain subject to such other provisions of law and regulations as shall be applicable

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thereto and this provision shall in no way be interpreted as to preclude the appropriate State or local officials from (i) using or making available such records for any of the purposes for which such records are made, maintained or kept or (ii) permitting any person who demonstrates a legitimate reason for wishing to do so to examine such records where such official shall find it is not contrary to the public interest or an undue interference with the operation of the office to permit such an examination.

2. (a) The head or principal executive of each principal department of State government, with respect to the records of his department and any agencies, authorities and commissions assigned or allocated to such department or under the supervision or regulation of such department, is hereby authorized and empowered to adopt and promulgate, from time to time, regulations setting forth which records under his jurisdiction 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.

(b) The text of any regulation adopted after October 1, 1963 pursuant to the provisions of this Executive Order shall be published at least 15 days prior to the proposed effective date of such regulation in at least 10 newspapers published in the State and a copy of any such regulation, with the approval of the Governor endorsed thereon, shall be placed on file in the Office of the Secretary of State. No such regulation shall be effective until it has been so published, approved and filed.

(c) Any regulation which has been heretofore adopted and promulgated by the head or principal executive of a principal department of the State Government pursuant to the provisions of Executive Orders Nos. 7 or 8 shall remain in force and effect until modified or rescinded in accordance with the provisions of this Executive Order.

(d) Any regulation which shall be adopted by the head or principal executive of a principal department of the State government on or before October

1, 1963 shall be fully effective, without the necessity of publication, if a copy of such regulation, with the approval of the Governor endorsed thereon, has been placed on file in the Office of the Secretary of State on or before October 1, 1963.

3. The following records 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:

(a) Questions on examinations required to be conducted by any State or local governmental agency;

(b) Personnel and pension records which are required to be made, maintained or kept by any State or local governmental agency;

(c) Records concerning morbidity, mortality and reportable diseases of named persons required to be made, maintained or kept by any State or local governmental agency;

(d) Records which are required to be made, maintained or kept by any State or local governmental agency which would disclose information concerning illegitimacy;

(e) Fingerprint cards, plates and photographs and other similar criminal investigation records which are required to be made, maintained or kept by any State or local governmental agency;

(f) Criminal records required to be made, maintained and kept pursuant to the provisions of R. S. 53:1-20.1 and R. S. 53:1-20.2;

(g) Personal property tax returns required to be filed under the provisions of Chapter 4 of Title 54 of the Revised Statutes; and

(h) Records relating to petitions for executive clemency.

4. This Executive Order shall in no way be interpreted to replace or affect the right that the general public has, by common law, judicial decision, statute or otherwise, to examine and copy public records and shall be limited in its application to the provisions of Chapter 73, P. L. 1963.

5. Executive Orders Nos. 7 and 8 are hereby rescinded and any regulations adopted and promul-

gated thereunder shall be null and void except to the extent provided in Section 2 of this Executive Order.

6. This section and Section 2 of this Executive Order shall take effect immediately and the remainder of the Executive Order shall take effect on October 1, 1963.

[SEAL] Given, under my hand and seal this 30th day of September in the year of Our Lord, one thousand, nine hundred and sixty-three, and in the Independence of the United States, the one hundred and eighty-eighth.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 10

I, RICHARD J. HUGHES, Governor, order and direct that Friday, November 29, 1963, (day after Thanksgiving Day), be declared an extra holiday for State employees.

[SEAL] Given under my hand and seal this 6th day of November, in the year of Our Lord one thousand nine hundred and sixty-three, and in the Independence of the United States, the one hundred and eighty-seventh.

RICHARD J. HUGHES,
Governor.

Attest:

LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 11

WHEREAS, the people of the United States and of all the World have suffered a grievous loss in the death of President John Fitzgerald Kennedy, and

WHEREAS, November 25, 1963 has been set as the day for the funeral of the late President, and

WHEREAS, it is fitting and proper that this day be set aside as a day of mourning and prayer in memory of this great man,

NOW, THEREFORE, I, RICHARD J. HUGHES, 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 Monday, November 25, 1963 shall be a day of mourning and prayer for our late President John Fitzgerald Kennedy and further Order and Direct that:

1. All State offices and buildings shall be closed to the transaction of the regular business of government on said date and only those State transactions or activities essential to the protection of the public safety, health or welfare shall be executed during said date.

2. The Commissioner of Education is hereby directed, pursuant to his authority to supervise the public schools, to inform local school authorities of this Executive Order and to request their full cooperation with the provisions hereof.

3. All county and municipal officials are hereby requested to declare Monday, November 25, 1963 as a day of mourning in their respective communities and to close their local public offices to the transaction of the regular business of government on said date.

All citizens of the State are requested on this day of mourning and prayer to limit their business and commercial activities to the greatest extent possible.

Given under my hand and seal this
23rd day of November, in the year of
[SEAL] Our Lord, one thousand nine hundred
and sixty-three, and in the Independence
of the United States, the one hundred
and eighty-eighth.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 12

WHEREAS, Lyndon B. Johnson, President of the United States, has declared Monday, November 25, 1963 a day of prayer and mourning in memory of the late President John Fitzgerald Kennedy; and

WHEREAS, the Comptroller of the Currency of the United States, pursuant to the action of the President, has provided for the closing of all federally chartered banks on said date; and

WHEREAS, Executive Order No. 11 does not extend in its effect to State chartered banks and financial institutions; and

WHEREAS, it is fitting and proper that all financial institutions be closed on this day of prayer and mourning,

Now, THEREFORE, I, RICHARD J. HUGHES, 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. Monday, November 25, 1963 be a Bank Holiday within the meaning and provisions of Section 36:1-1 of the Revised Statutes.

Given under my hand and seal this 24th day of November, in the year of
[SEAL] Our Lord, one thousand nine hundred and sixty-three, and in the Independence of the United States, the one hundred and eighty-eighth.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 13

WHEREAS, in the continuing effort to achieve improved efficiency and economy in the operation of State government, the Treasury Department, under the direction of the Governor, has undertaken a comprehensive study of duplicating and printing by State agencies; and

WHEREAS, a report of this survey has indicated that substantial savings to the taxpayers can result from a revision of duplicating and printing operations through centralized control of such activity to reflect a more efficient balance between duplicating

and printing undertaken by State personnel and that contracted to private concerns, by better utilization of equipment and by improved allocation and scheduling of State duplicating and printing operations;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor 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:

1. The Department of the Treasury shall establish a Central Duplicating and Printing Control to supervise, coordinate and control all printing done by the State of New Jersey through its own facilities or for the State of New Jersey through the facilities of private firms.

2. The State Treasurer shall take charge of and head the unit to be known as Central Duplicating and Printing Control and shall:

- a. Use the facilities of the divisions, bureaus or other agencies within the Department of the Treasury to carry out the provisions of this Order and to perform such functions as may be necessary and proper to the implementation of this Order;

- b. Adopt, amend or repeal, and enforce, such rules and regulations as shall be necessary or desirable for the efficient and economical operation of Central Duplicating and Printing Control.

3. There is hereby established an Interdepartmental Committee on Duplicating and Printing Standards and Practices, composed of one representative from each of the several State departments appointed by the head or principal executive officer thereof. The Interdepartmental Committee shall advise and consult with the State Treasurer on the standards and regulations to be adopted under the authority herein granted. Before issuing any general regulations affecting the various departments, the State Treasurer shall consult with the Interdepartmental Committee.

4. All expenditures in connection with the maintenance and operation of Central Duplicating and Printing Control shall be supervised and controlled

by the Director of the Division of Budget and Accounting.

5. The Central Duplicating and Printing Control shall exercise the following powers and duties:

a. Determine and control quality standards, types of printing, and the maximum quantities to be printed in State duplicating and print shops;

b. Establish a uniform record system to be maintained by each State duplicating and print shop;

c. Undertake periodic reviews of all shops to assure that the most economical use is being made of the facilities;

d. Undertake cost studies of various categories of jobs in order to compare the cost of producing internally versus the cost of purchasing from commercial firms;

e. Determine which jobs are to be done in State duplicating or print shops and which jobs are to be bid by the Purchase Bureau;

f. Arrange to have duplicating or printing work produced in State duplicating or print shops for agencies which do not have their own shops;

g. Provide technical assistance and guidance to duplicating and print shops;

h. Review and make recommendations on all requests for duplicating or printing equipment before such requests are submitted as a budget item or cleared for purchase;

i. Undertake studies or make recommendations to the State Treasurer to consolidate, improve or eliminate duplicating or print shop facilities wherever possible to achieve maximum efficiency and economy.

Given, under my hand and seal this
[SEAL] 23rd day of January in the year of Our
Lord, one thousand nine hundred and
sixty-four, and of the Independence of
the United States, the one hundred and
eighty-eighth.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Acting Secretary to the Governor.

