

ACTS
OF THE
Second Annual Session
OF THE
Two Hundred and Seventh Legislature
OF THE
STATE OF NEW JERSEY



1997

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EXECUTIVE ORDERS

(2311)

EXECUTIVE ORDER NO. 65

WHEREAS, On December 18, 1991, the United States Congress enacted P.L.102-240, entitled the "Intermodal Surface Transportation Efficiency Act of 1991" and added section 28 to the Federal Transit Act (codified at 49 U.S.C. s.1994) which required the Federal Transit Administration to issue regulations creating a State oversight program for rail fixed guideway systems; and

WHEREAS, On December 27, 1995, the Federal Transit Administration promulgated a final rule codified at 49 CFR Part 659, and entitled, Rail Fixed Guideway Systems; State Safety Oversight; Final Rule; and

WHEREAS, These federal regulations require each state having an operational fixed guideway system that is not regulated by the Federal Railroad Administration (FRA) to designate a State Oversight Agency to be responsible for overseeing the rail fixed guideway system's safety practices; and

WHEREAS, The designated State safety oversight agency must develop fixed guideway system safety oversight standards, investigate accidents and hazardous conditions, and conduct periodic safety audits; and

WHEREAS, The State safety oversight agency must make annual reports and certify compliance to the Federal Transit Administration (FTA) of the State's progress in safety oversight, or the State risks loss of up to 5 percent of a fiscal year's apportionment of federal funding under FTA's formula program for urbanized areas;

NOW, THEREFORE, I, Christine Todd Whitman, 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 New Jersey Department of Transportation (NJDOT) is hereby designated as the agency to carry out the provisions of the FTA's State Safety Oversight of Fixed Guideway Systems in the State of New Jersey. It is empowered to protect and promote the public health, safety

and welfare and is responsible for the oversight of Fixed Guideway Systems not regulated by the Federal Railroad Administration (FRA).

2. The NJDOT shall carry out its responsibilities as directed by and in compliance with 49 CFR Part 659, and shall promulgate Fixed Guideway Safety Standards for use by agencies in developing their safety programs.

3. The NJDOT is authorized to enter into such agreements and delegate its powers as necessary to effectuate the purposes of this Order.

4. Each light, heavy, rail rapid transit system, monorail, inclined plane, funicular, trolley, street car, or automated guideway (people mover) that is not regulated by the FRA and is operating within the State of New Jersey, or between the State of New Jersey and adjoining states, shall comply with the NJDOT Standards for Fixed Guideway Safety Oversight as established by the NJDOT and shall comply with all NJDOT rules, directives, and requirements issued pursuant thereto.

5. This Order shall take effect immediately.

Dated January 31, 1997.

EXECUTIVE ORDER NO. 66

WHEREAS, Reorganization Plan No. 001-1997 (hereinafter "the Plan") was submitted to the Senate and General Assembly on January 14, 1997; and

WHEREAS, Paragraph 1 of the Plan establishes within the Department of the Treasury a Division of Revenue; and

WHEREAS, Paragraph 2 of the Plan transfers the Bureau of Revenue of the Division of Financial Management and General Services in the Department of Environmental Protection to the Division of Revenue; and

WHEREAS, Paragraph 3 of the Plan transfers the Cash Control and Revenue Processing Units of the Bureau of Revenue Administration of the Division of Accounting and Auditing in the Department of Transportation to the Division of Revenue; and

WHEREAS, Paragraph 4 of the Plan transfers the Compliance Activity within the Division of Taxation in the Department of the Treasury to the Division of Revenue; and

WHEREAS, The Plan shall become effective in 60 days on March 15, 1997, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than March 15, 1997, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order; and

WHEREAS, The administrative burden on the Department of the Treasury and the Department of Environmental Protection in implementing paragraph 2 of the Plan and on the Department of the Treasury and the Department of Transportation in implementing paragraph 3 of the Plan will be greatly diminished by delaying the effective date of paragraphs 2 and 3 of the Plan until August 1, 1997; and

WHEREAS, I conclude that an effective date later than March 15, 1997, for paragraphs 2 and 3 of the Plan is necessary for the orderly and effective implementation of paragraphs 2 and 3 of the Plan; and

WHEREAS, The administrative burden on the Division of Taxation in the Department of the Treasury will be greatly diminished by delaying the effective date of a portion of paragraph 4 of the Plan so that only the Telecollection Function of the Office Collections Branch within the Compliance Activity in the Division of Taxation is transferred when the Plan becomes effective on March 15, 1997, unless disapproved by each House of the Legislature as noted above; and

WHEREAS, I conclude that an effective date later than March 15, 1997, for the portion of paragraph 4 of the Plan concerning the Compliance Activity, other than the Telecollection Function, is necessary for the orderly and effective implementation of paragraph 4 of the Plan; and

WHEREAS, I have directed the Treasurer to prepare a report recommending the time at which the transfer of the balance of the Compliance

Activity within the Division of Taxation may take place without creating an administrative burden on the Division of Taxation;

NOW, THEREFORE, I, Christine Todd Whitman, 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:

1. Unless Reorganization Plan No. 001-1997 is disapproved by the Legislature by March 15, 1997, paragraphs 2 and 3 of Reorganization Plan No. 001-1997 shall be effective on August 1, 1997.

2. Unless Reorganization Plan No. 001-1997 is disapproved by the Legislature by March 15, 1997, paragraph 4 of Reorganization Plan No. 001-1997, other than as it applies to the Telecollection Function of the Office Collections Branch within the Compliance Activity in the Division of Taxation, shall be effective on such date as set by Executive Order, following the report and recommendation by the Treasurer as provided herein.

3. This Order shall take effect immediately.

Dated March 7, 1997.

EXECUTIVE ORDER NO. 67

WHEREAS, The Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., authorizes the Governor to designate areawide planning agencies for the purpose of developing, adopting, updating and amending areawide water quality management plans and where no such planning agencies are designated, authorizes the New Jersey Department of Environmental Protection (NJDEP) to take such actions; and

WHEREAS, The Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C.A. 1251 et seq., as amended, and the regulations promulgated pursuant thereunder by the United States Environmental Protection Agency (USEPA) require that the Governor of each State certify water quality management plans for submittal to the USEPA and designate management agencies to carry out such plans; and

WHEREAS, The NJDEP has served as the areawide planning agency for the Monmouth County Water Quality Management Plan in the absence of the designation of an areawide planning agency; and

WHEREAS, The Monmouth County Board of Chosen Freeholders on February 22, 1996 petitioned the Governor to designate the Board as the areawide planning agency for the Monmouth Water Quality Management Plan, and

WHEREAS, It is beneficial wherever possible to develop partnerships between the State of New Jersey, including the NJDEP, and the various counties through designation of the county board of chosen freeholders as the areawide planning agency; and

WHEREAS, The Monmouth County Board of Chosen Freeholders has shown exceptional leadership in its development of watershed-based environmental planning programs in cooperation with the municipalities of the county and many citizens, and has developed a strong, cooperative working relationship with the NJDEP;

NOW, THEREFORE, I, Christine Todd Whitman, 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 Monmouth County Board of Chosen Freeholders is designated as the areawide planning agency for the Monmouth County Water Quality Management Plan pursuant to the Water Quality Planning Act, N.J.S.A.58:11A-1 et seq.

2. The Department of Environmental Protection shall consult with the Monmouth County Board of Chosen Freeholders to effect an orderly and efficient transfer of the planning responsibility for the Monmouth County Water Quality Management Plan.

3. The Commissioner of Environmental Protection shall provide assistance to the Monmouth County Board of Chosen Freeholders as necessary and available regarding its new responsibilities as designated planning agency.

4. This Order shall take effect immediately.

Dated April 15, 1997.

EXECUTIVE ORDER NO. 68

WHEREAS, Sustainability is a concept which provides for economic growth without an adverse impact upon the environment; and

WHEREAS, Sustainable businesses provide a unique opportunity to marry economic development goals with environmental protection goals; and

WHEREAS, It is recognized that pursuing sustainability is a means to improve the quality of life for all New Jerseyans and should be embraced as an economic tool in this State; and

WHEREAS, Promoting this sector of the economy gives us a unique opportunity to create jobs while also advancing the State's environmental goals;

NOW, THEREFORE, I, Christine Todd Whitman, 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. There is hereby created the Office of Sustainability to be located in the Department of Commerce and Economic Development.

2. The Office of Sustainability shall assist in the development of sustainable businesses in New Jersey. Sustainable businesses are defined as those which: a) obtain their raw materials from sustainable sources; b) employ manufacturing processes which do not have a significant negative impact on the environment; and c) produce products which are environmentally benign or provide a solution to an environmental problem or problems.

3. The Office of Sustainability shall pursue three major objectives: a) materially promote sustainable business development in New Jersey; b) assist New Jersey's State government in providing institutional support for sustainable businesses; and c) assist State government in incorporating the elements of sustainability in its policies and programs.

4. Consistent with its objectives, the Office will: a) identify areas in the New Jersey economy which can benefit from sustainable business development; b) assist in the expansion of sustainable businesses currently located in New Jersey; c) assist in the conversion of existing traditional

businesses to sustainable practices; d) create new sustainable businesses in New Jersey; e) develop comprehensive public procurement policy recommendations and guidelines for the purchasing of sustainable products by government agencies; f) coordinate State agency activities to support sustainability; and g) seek the expertise of individuals and entities in the private sector to assist the Office in attaining its goals.

5. The Office is hereby authorized to appoint such staff as may be required to fulfill the mandates of this Order, subject to the provisions of Title 11A (Civil Service Act) of the New Jersey Statutes, other applicable statutes when relevant, and within the limits of the appropriations provided to the Office. Any persons appointed by this Office shall be designated employees of the Department of Commerce and Economic Development.

6. The Commissioner of the Department of Commerce and Economic Development shall provide necessary facilities for the operation of the Office.

7. The Office is authorized to call upon any department, office, division or agency of this State to supply it with data and other information or assistance as deemed necessary to discharge the duties of the Office under this Order.

8. Each agency of State government shall, to the degree possible, embrace sustainability as an operating principle. Sustainable activities, programs, and initiatives are those that enhance the health of the ecosystem and maintain or promote environmental protection.

9. Each department shall appoint a liaison to the Office. The liaison shall work with the Office and his or her department to promote sustainability as a working philosophy for that department.

10. A study to evaluate the sustainable business sector of the New Jersey economy shall be undertaken. The study shall evaluate State programs and policies and how they affect sustainable businesses, identify opportunities for the further development and growth of sustainable businesses, and make recommendations regarding how to target and assist sustainable businesses for the purpose of broadening this sector of the economy. Subject to available appropriations, the Office may engage an appropriate institute of higher education to conduct the study under the Office's direction.

11. Subject to an appropriation being made by the Legislature for this purpose, the New Jersey Economic Development Authority shall provide low- or no-interest loans to sustainable businesses. The Office of Sustainability will receive and evaluate loan applications; the Office will make loan recommendations to the Economic Development Authority based on the ability of the applicant's business to promote the goals of sustainability. Upon receipt of the recommendation, the Economic Development Authority will evaluate the financial health and viability of the sustainable business requesting funding, determine whether to approve the loan, and if approved, provide loan closing services.

12. The Department of Commerce and Economic Development and the New Jersey Economic Development Authority shall consult and promulgate rules and regulations necessary to effectuate the purposes of this Order.

13. This Order shall take effect immediately.

Dated April 22, 1997.

EXECUTIVE ORDER NO. 69

WHEREAS, Chapter 73, P.L. 1963, as amended, 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, Some limitation upon the right to examine and copy records provided by Chapter 73 is essential and not detrimental to the public interest as recognized by existing statutory and common law; and

WHEREAS, Disclosure of information must be consistent with existing statutory law regarding confidentiality in certain areas; 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(e) of Executive Order No. 9, issued by Governor Richard Hughes in 1963, and reaffirmed by Executive Order No. 123, issued by Governor Thomas H. Kean in 1983, states that 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 shall not be deemed to be public records subject to inspection and examination and available for copying pursuant to the provisions of Chapter 73; and

WHEREAS, The Attorney General has undertaken a complete review of this subject area, seeking input from prosecutors, police, representatives of the news media, and victims' rights organizations, and has recommended that certain aspects of the system be clarified;

NOW, THEREFORE, I, Christine Todd Whitman, 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. Executive Order No. 9 of Governor Richard J. Hughes and Executive Order No. 123 of Governor Thomas H. Kean are modified as hereinafter set forth, and any regulations adopted and promulgated under those prior Executive Orders shall be deemed null and void to the extent such regulations are inconsistent with the provisions of this Executive Order.

2. 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, as amended: fingerprint cards, plates and photographs and similar criminal investigation records that are required to be made, maintained or kept by any State or local governmental agency.

3. Notwithstanding the above section 2, the following information shall be available to the public within 24 hours, or sooner if practicable, of a request for such information:

(a) where a crime has been reported but no arrest yet made, information as to the type of crime, time, location and type of weapon, if any;

(b) if an arrest has been made, information as to the name, address and age of any victims, unless there has not been sufficient opportunity for notification of next of kin of any victims of injury and/or death to any such victim or where the release of the names of any victim would be contrary

to existing law or court rule. In deciding on the release of information as to the identity of a victim, the safety of the victim and the victim's family, and the integrity of any ongoing investigation, shall be considered;

(c) if an arrest has been made, information as to the defendant's name, age, residence, occupation, marital status and similar background information and the identity of the complaining party, unless the release of such information is contrary to existing law or court rule;

(d) information as to the text of any charges, such as the complaint, accusation and indictment, unless sealed by the court or unless the release of such information is contrary to existing law or court rule;

(e) information as to the identity of the investigating and arresting personnel and agency and the length of the investigation;

(f) information of the circumstances immediately surrounding the arrest, including but not limited to the time and place of the arrest, resistance, if any, pursuit, possession and nature and use of weapons and ammunition by the suspect and by the police; and

(g) information as to circumstances surrounding bail, whether it was posted and amount thereof.

The term "request" shall mean either a written or oral request; provided, however, that all requests are made with sufficient clarity so as to enable a reasonable person to understand the information that is being sought. The law enforcement official responding to oral requests should make best efforts to respond orally over the telephone; however, it shall not be unreasonable to require the requester to appear in person to receive the information. Unless the parties note otherwise, it shall be understood that there is no duty to release or obtain information that is not in the possession of the law enforcement agency at the time of request.

4. Notwithstanding any other provision of this Executive Order, where it shall appear that the information requested or to be examined will jeopardize the safety of any person or jeopardize any investigation in progress or may be otherwise inappropriate to release, such information may be withheld. This section is intended to be narrowly construed to prevent disclosure of information which would be truly harmful to a bona fide law enforcement purpose or public safety if released. It is also intended to prevent such release that would violate existing law regarding confidentiality in areas including, but not limited to, domestic violence and juveniles.

5. Each county prosecutor shall prepare a plan outlining the procedures for providing and/or disseminating the information required by this Executive Order and shall submit same to the Division of Criminal

Justice for its review and filing. Each prosecutor shall consult with the police departments within his or her county and to the extent possible, include within the prosecutor's plan the local procedures for responding to informational requests. The Division of State Police shall submit its plan to the Office of the Attorney General. Whenever any changes are made in any such plan, said changes shall immediately be forwarded to the appropriate county prosecutor and/or the Division of Criminal Justice or Office of the Attorney General for review and filing. In addition, each county prosecutor's office shall designate a person(s) who is(are) responsible for responding to requests for public information by the media on nights, weekends and holidays. The name of the person(s) so designated shall be available at the communication center in each county.

6. The Attorney General, as chief law enforcement officer of the State, or his designee, or where appropriate, the county prosecutor, as chief law enforcement officer of the county, shall promptly resolve all disputes as to whether or not the release of records would be "otherwise inappropriate" between the custodian of any records referred to herein and any person seeking access thereto or similar disputes. Where the Attorney General or the county prosecutor determines that the release of records would be "otherwise inappropriate," he or she shall issue a brief statement explaining the decision.

7. The terms of this Order shall be carried out in the spirit of Chapter 73, P.L.1963, as amended, and shall not relate to requests pursuant to Chapter 60, Section 4, of P.L.1994. It shall be carried out by keeping in mind the right of citizens to be aware of events occurring in their community.

8. This Order shall take effect immediately.

Dated May 15, 1997.

EXECUTIVE ORDER NO. 70

WHEREAS, On April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, the State of New Jersey entered into a Sister State Agreement with Israel (hereinafter referred to as "Agreement") as a symbol of the potential for cooperation that exists between our two states; and

WHEREAS, This Agreement calls for the development of trade and cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

WHEREAS, On May 31, 1989, the State of New Jersey established the New Jersey-Israel Commission (hereinafter referred to as "Commission") by Executive Order No. 208 (Kean) to enhance New Jersey's ability to implement the stated goals of this Agreement; and

WHEREAS, The Commission was continued by Executive Order Nos. 35 and 90 (Florio) through and including May 31, 1995; and

WHEREAS, The Commission was continued in 1995 by Executive Order No. 37 through and including May 31, 1997; and

WHEREAS, The Commission has effectively fostered a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey that should continue in order to further the goals of the Agreement;

NOW, THEREFORE, I, Christine Todd Whitman, 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 New Jersey-Israel Commission shall continue in existence through and including January 1, 2002.

2. All other provisions of Executive Order No. 208 (Kean), Executive Order Nos. 35 and 90 (Florio) and Executive Order No. 37 (Whitman) which are not inconsistent with the foregoing shall remain in full force and effect.

3. This Order shall take effect immediately.

Dated May 28, 1997.

EXECUTIVE ORDER NO. 71

WHEREAS, The Office of the Business Ombudsman was created to assist businesses in dealing efficiently with various State regulations

governing various commercial, industrial and residential projects or activities in this State; and

WHEREAS, The Office of the Business Ombudsman is presently located in the Department of State pursuant to Executive Order No. 15 (1994); and

WHEREAS, The Department of Commerce and Economic Development will, commencing on or about July 1, 1997, establish an Account Management System (hereinafter referred to as "AMS"); and

WHEREAS, The AMS is a proactive, integrated business retention and expansion strategy focused on providing professional, coordinated services to existing New Jersey businesses so that they remain competitive, and become more competitive, in their respective markets; and

WHEREAS, There is a need for a single point of operations to exclusively coordinate an efficient and timely process for submission, evaluation and resolution of applications for business permits, licenses, certificates and other approvals, and for the maintenance and attraction of business in New Jersey; and

WHEREAS, The establishment of the AMS dictates that the Office of the Business Ombudsman will more efficiently serve the business community if it is located in the Department of Commerce and Economic Development;

NOW, THEREFORE, I, Christine Todd Whitman, 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. Executive Order No. 15 is hereby rescinded effective July 1, 1997.

2. All functions of the Office of the Business Ombudsman previously established in the Department of State by Executive Order No. 15 shall be transferred to the Department of Commerce and Economic Development, and may be merged with departmental operations including the Account Management System, as deemed appropriate by the Commissioner of the Department of Commerce and Economic Development.

3. The Commissioner of the Department of Commerce and Economic Development, or his designee, shall replace the Secretary of State on the Cabinet Committee on Permit Coordination (hereinafter "Cabinet Committee"), which Cabinet Committee was reconstituted pursuant to Executive Order No. 100 (Kean). Moreover, the Commissioner, or his designee, shall replace the Secretary of State as Chairperson of the Cabinet Committee. The Commissioner shall appoint an Executive Director of the Cabinet Committee.

3. This Order shall take effect July 1, 1997.

Dated June 27, 1997.

EXECUTIVE ORDER NO. 72

WHEREAS, The New Jersey Death Penalty Act was signed into law by then Governor Thomas H. Kean and became effective on August 6, 1982, fifteen years ago; and

WHEREAS, In the case of The State of New Jersey v. Thomas C. Ramseur, decided March 5, 1987, the New Jersey State Supreme Court found that capital punishment as set forth in the Death Penalty Act is constitutional; and

WHEREAS, Since the time that the Death Penalty Act became effective forty-six murderers have been sentenced to receive capital punishment; thirty have had their convictions and/or their death sentences overturned by the State courts; fourteen remain on death row at various stages of the appellate process; and two have died while on death row; and

WHEREAS, The State has yet to implement a sentence of capital punishment as imposed by the jury system under the Death Penalty Act;

NOW, THEREFORE, I, Christine Todd Whitman, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a commission to be known as the Study Commission on the Implementation of the Death Penalty (the "Commission") to examine the death penalty process in New Jersey.

2. The Commission shall identify areas in which the death penalty process in our State can be improved, and shall, where appropriate, make specific recommendations for change that would expedite the death penalty process while ensuring that the death penalty is administered in a just manner.

Among the issues that the Commission shall address are:

(a) Whether, and if so, in what manner, the appellate and post-conviction relief process can be streamlined;

(b) Whether, and if so, in what manner, the rules of evidence applicable to the death penalty phase of a capital trial should be modified;

(c) Whether a death penalty jury should be allowed to consider additional aggravating factors, such as whether the victim was physically or mentally impaired and whether the defendant has prior violent convictions other than murder. Under current law, a jury making a death penalty decision is not permitted to consider these factors; and

(d) Any other issues the Commission finds to be relevant to improving the death penalty process in our State.

3. The Commission shall consist of up to fifteen members including the Attorney General or his designee; the Public Defender or her designee; one Senator to be appointed by the Senate President; one Assembly member to be appointed by the Assembly Speaker; one public member to be appointed by the Senate President; one public member to be appointed by the Assembly Speaker; a county or assistant county prosecutor to be appointed by the Governor; a crime victims' advocate to be appointed by the Governor; a retired State judge to be appointed by the Governor; and up to six members of the public, also to be appointed by the Governor. The Governor shall designate a chair from among the members of the Commission. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to the availability of funds therefor.

4. The Commission shall organize and meet as soon as possible after the appointment of its members. The chair shall appoint a secretary who need not be a member of the Commission. Vacancies on the Commission shall be filled in the same manner as the original appointment.

5. The Commission is authorized to call upon any department, offices or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Commission and to respond to such requests for information, personnel and assistance as is necessary to accomplish the purposes of this Order.

6. The Commission shall file a report with the Governor and the Legislature with its recommendations within six months after the first meeting of the Commission.

7. This Order shall take effect immediately.

Dated August 6, 1997.

EXECUTIVE ORDER NO. 73

WHEREAS, Beginning on Wednesday morning, August 20, 1997 and continuing through August 21, 1997, torrential rains amounting to as much as 13.5 inches fell within the counties of Atlantic, Burlington, Cape May, Cumberland and Ocean; and

WHEREAS, This heavy precipitation resulted in severe flooding in these counties, causing several thousand homes and businesses to be flooded, seven bridges to be washed out, other bridges to be damaged, and the closing and washing out of roads throughout these areas; and

WHEREAS, Shelters were opened to care for residents displaced from their homes, and the client-residents of flooded healthcare facilities were moved to safety and cannot yet return; and

WHEREAS, Local rail and bus services were and continue to be disrupted and have not returned to normal operating conditions; and

WHEREAS, Atlantic City International Airport was closed due to flooding, has suffered damage to its electrical system, and has not returned to normal operating conditions; and

WHEREAS, Water control facilities were damaged, and waste and potable water treatment plants were flooded; and

WHEREAS, The circumstances above constitute a disaster from a natural cause which threatens and endangers the health, safety and resources of the residents of one or more municipalities or counties of this State, and, which is, in some parts of the State, too large in scope to be handled in its entirety by normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A.38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, Christine Todd Whitman, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey:

1. Do declare and proclaim that a State of Emergency has occurred and presently exists in the counties of Atlantic, Burlington, Cape May, Cumberland and Ocean.

2. Authorize the Adjutant General, in accordance with the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1), to order to active duty such members of the New Jersey National Guard that, in the Adjutant General's judgment, are necessary to provide aid and recovery assistance to those localities where there is a threat or danger to the public health, safety and welfare and to authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

3. Empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute

or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

4. Authorize the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

5. Authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure or vehicle during the course of this emergency.

6. Reserve, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

7. Declare that this Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated August 22, 1997.

EXECUTIVE ORDER NO. 74

WHEREAS, Changes in federal law which occurred on August 22, 1996, have resulted in a large number of legal immigrant children and legal immigrants who are aged, blind or disabled, living in New Jersey prior to August 22, 1996, losing their access to federal food stamp assistance; and

WHEREAS, Federal law was subsequently amended on June 12, 1997, to allow states to retain, at their own expense, certain former aspects of this food stamp program; and

WHEREAS, The vast majority of these legal immigrants depend upon the food stamp assistance to feed themselves and their dependents; and

WHEREAS, The health and welfare of the approximately 10,000 households which include children and the aged, blind or disabled persons affected by the cessation of federal assistance will be detrimentally impacted; and

WHEREAS, The Department of Human Services' total budget for Fiscal Year 1998 contains funds in anticipation of changes in federal law and the loss of federal assistance for certain populations which could be made available to provide food stamp assistance to these legal immigrants; and

WHEREAS, It is my intention that the benefits should continue without disruption to assist the affected children and those recipients who are aged, blind or disabled and that this program be administered in an efficient and effective manner;

NOW, THEREFORE, I, Christine Todd Whitman, 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 Commissioner of the Department of Human Services shall take all necessary action to insure that those legal immigrant children and those legal immigrants who are aged, blind or disabled who were bona fide residents of New Jersey prior to August 22, 1996, and who have lost federal food stamp assistance as a result of the June 1997 changes in federal law, be granted State food stamp assistance for the duration of this Order.

2. Pursuant to Paragraph 11 of the General Provisions of the Fiscal Year 1998 Appropriations Act, the Commissioner, through the Office of Management and Budget, shall apply to the Joint Budget Oversight Committee for permission to specifically transfer the necessary funding to support this Order.

3. The Commissioner of the Department of Human Services shall have full authority to adopt such rules, regulations, orders and directives as he shall deem necessary to effect the above provisions.

4. This Order shall take effect immediately and shall remain in effect until June 30, 1998, unless superseding legislation is enacted sooner.

Dated August 26, 1997.

EXECUTIVE ORDER NO. 75

WHEREAS, In 1867, the New Jersey Training School for Boys in Monroe Township (the "Training School for Boys") was opened in an agricultural area of the State of New Jersey to provide a location for the rehabilitation of juvenile delinquents; and

WHEREAS, Since 1867, juvenile crime has greatly increased, at the same time becoming more serious and often more violent; and

WHEREAS, Since 1867, communities throughout the State of New Jersey, including the community surrounding the New Jersey Training School for Boys, have experienced population growth and development; and

WHEREAS, The State of New Jersey seeks to maintain secure juvenile facilities for the housing and care of juveniles committed to the custody of the Juvenile Justice Commission; and

WHEREAS, The State of New Jersey seeks to maintain the safety and security of its communities and neighborhoods;

NOW, THEREFORE, I, Christine Todd Whitman, 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 creation of the Advisory Committee to Study the Future of the New Jersey Training School for Boys in Monroe Township (the "Advisory Committee").

2. The Advisory Committee is charged with providing input to the Juvenile Justice Commission (the "Commission") during the Commission's study of the feasibility of closing the Training School for Boys, which study has been ordered by the Legislature pursuant to the Annual Appropriations Act, P.L.1997, c.131, page 140, lines 12 through 14. Among the issues the Advisory Committee shall address are: public

safety as it relates to security at the Training School for Boys; whether the current physical facility meets the needs of the Commission in the context of its responsibility for the custody and care of juveniles; the impact that closure of the facility would have upon the Commission in the context of its responsibility for the custody and care of juveniles; the cost effectiveness of closure, including a fiscal analysis of whether the current facility should be renovated and/or whether the State should undertake new construction elsewhere; and, if new construction is recommended, possible alternative locations.

3. The Advisory Committee shall conduct at least one public hearing in order to obtain the positions and viewpoints of the members of the community surrounding the Training School for Boys.

4. The Advisory Committee shall be composed of up to twelve members including the Attorney General or his designee; the Executive Director of the Commission or his designee; the State Treasurer or his designee; the Director of the Office of Management and Budget or her designee; the Superintendent of the Training School for Boys or her designee; a Senator to be appointed by the Senate President; an Assembly member to be appointed by the Assembly Speaker; a member of the Advisory Council to the Juvenile Justice Commission to be appointed by the Governor; a member from the Monroe Training School for Boys Citizens Review Board to be appointed by the Governor; and no more than three members of the public to be appointed by the Governor based upon professional experience and expertise in juvenile justice or upon demonstrated involvement in and concern for the local communities surrounding the Training School for Boys. The Governor shall designate a chair and vice-chair from among the members of the Advisory Committee. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to the availability of funds therefor.

5. The Advisory Committee shall organize and meet as soon as possible after the appointment of its members. The chair shall appoint a secretary who need not be a member of the Advisory Committee. Vacancies on the Advisory Committee shall be filled in the same manner as the original appointment.

6. All State departments and agencies are hereby directed, to the extent not inconsistent with law and within budget constraints, to cooperate with the Advisory Committee and to respond to requests for such information, personnel and assistance as are necessary to accomplish the purposes of this Order.

7. The Advisory Committee shall assist the Commission by providing recommendations in a timely fashion, in order to allow the Commission

to fully consider the Advisory Committee's views prior to presenting the Legislature with the Commission's findings and conclusions on the feasibility of closing the Training School for Boys. Pursuant to the Annual Appropriations Act, P.L.1997, c.131, page 140, lines 12 through 14, that presentation is to be completed no later than December 31, 1997. The Advisory Committee and the Commission are directed to coordinate their efforts to ensure compliance with this deadline.

8. This Order shall take effect immediately.

Dated September 29, 1997.

EXECUTIVE ORDER NO. 76

I, Christine Todd Whitman, 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. November 28, 1997, 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 or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 28, 1997.

Dated November 14, 1997.

EXECUTIVE ORDER NO. 77

WHEREAS, Torrential rains amounting to as much as 13.5 inches fell within the counties of Atlantic, Burlington, Cape May, Cumberland and Ocean, beginning on the morning of August 20, 1997 and continuing through August 21, 1997; and

WHEREAS, Conditions and issues related to the rainfall required that I invoke the emergency powers vested in the Governor by the Constitution and Statutes of this State, including, but not limited to, the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4); and

WHEREAS, I issued Executive Order No. 73 on August 22, 1997, declaring a State of Emergency, which Order provided, among other things, that members of the New Jersey National Guard be ordered to active duty to provide aid and recovery assistance to those localities where there was a threat to the public health, safety and welfare and authorized the employment of any supporting vehicles, equipment, communications or supplies as were necessary to support the members so ordered; and

WHEREAS, Shelters were opened to care for residents displaced from their homes, and the client-residents of flooded healthcare facilities were moved to safety;

NOW, THEREFORE, I, Christine Todd Whitman, 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 State of Emergency that prompted the issuance of Executive Order No. 73 having subsided, Executive Order No. 73 is hereby rescinded.
2. Nevertheless, the State Director of Emergency Management remains authorized and empowered to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need shelter as a consequence of the emergency.
3. The State Director of Emergency Management remains authorized to order the evacuation of all persons from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by the emergency.
4. The Department heads of the various agencies of State government who are called upon to provide assistance in the aftermath of the emergency shall continue to lend assistance to ensure the protection of the health, safety and resources of the residents of Atlantic, Burlington, Cape May, Cumberland and Ocean Counties and the State of New Jersey.
5. This Order shall take effect immediately.

Dated November 14, 1997.

