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**DEPT. OF PUBLIC ADVOCATE**

# **ACTS**

OF THE

**First Annual Session**

OF THE

**One Hundred and Ninety-seventh Legislature**

OF THE

**STATE OF NEW JERSEY**

AND

**Twenty-sixth Under the New Constitution**



**New Jersey State Library**

1976



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## EXECUTIVE ORDERS

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## Executive Orders

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

### EXECUTIVE ORDER No. 30

WHEREAS, There exists separate offices conducting press relations and publicity activities in each department of State government; and

WHEREAS, The functions performed by those separate offices are in many instances duplicative and the said separate offices, each with its own support staff and equipment, increase substantially the cost to the State for such services; and

WHEREAS, Fiscal constraints now require the achievement of economy in government at every level; and

WHEREAS, Consolidation of the press-related, public relations functions of the various departments of State government in a central Office of Public Communications will eliminate duplication and reduce costs substantially;

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:

1. The functions of all press and public relations services in the various departments of State government are hereby transferred and assigned to the Office of Public Communications in the Governor's Office under the direction of the Director of Public Information.

2. All appropriations and other moneys available and to become available to each department affected by this order for the functions hereby transferred shall be available to the Office of Public Communications.

3. Employees of the said departments engaged in the performance of the functions hereby transferred and necessary to the proper performance of duties assigned to the Office of Public Communications are assigned to the said office.

4. Appropriate action shall be taken to eliminate positions for press and public relations personnel not needed in the Office of Public Communications.

5. The Director of Public Information is authorized to organize the work of his office in such manner as he deems appropriate for the performance of the functions hereby transferred.

6. This order shall take effect February 1, 1976.

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

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

CHARLES C. CARELLA,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

### EXECUTIVE ORDER No. 31

WHEREAS, The economy of southern New Jersey is seriously depressed, with unemployment reaching extreme and extraordinary levels;

WHEREAS, This economic emergency may be partially alleviated by a lowering of fuel costs through the authorization of increased maximum sulfur content in fuel;

WHEREAS, An interim study of the ambient air quality in Salem county and portions of Cape May county indicates that such an increase is feasible for certain facilities without threatening the public health, safety or welfare; and

WHEREAS, Such study establishes that existing air quality standards can be met by changing the requirements for sulfur content in fuel;

Now, THEREFORE, I, Brendan T. Byrne, Governor of the State of New Jersey, hereby order and direct the Commissioner of Environmental Protection to implement less stringent sulfur-in-fuel requirements for sources in Salem county and such other counties where studies demonstrate a similar potential consistent with the public health, safety and welfare. These standards shall be adopted on an interim basis, until the detailed implementation plan analyses for the New Jersey Intrastate Air Quality Control Region and the Metropolitan Philadelphia Air Quality Control Region, which are now underway, can be completed.

Given, under my hand and seal this 12th day of  
[SEAL] March, in the year of our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundredth.

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 32

WHEREAS, Federal legislation popularly referred to as the Legal Services Corporation Act of 1974, hereinafter referred to as the Federal Act, provides for financial assistance for furnishing legal services to persons financially unable to afford legal services; and

WHEREAS, The Federal Act requires the Board of Directors of the Legal Services Corporation, established pursuant to the Federal Act, to request the Governor of each state to appoint a nine-member advisory council for such state, with said advisory council responsible for notifying the Federal Legal Services Corporation of apparent violations of the Federal Act and

applicable rules, regulations, and guidelines promulgated pursuant to Federal Act, and if a Governor fails to act within 90 days of the board's request, the board is authorized to appoint such a council; and

WHEREAS, It is in the interest of the citizens of the State of New Jersey for the Governor to appoint the members to the council which shall monitor the performance of legal services programs and the provision of legal services pursuant to the Federal Act;

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. There is hereby created a New Jersey Legal Services Advisory Council, hereinafter referred to as the "State Advisory Council."

2. (a) The State Advisory Council shall consist of nine members, to be appointed by the Governor, for terms of 1 year.

(b) Each member shall be eligible for annual reappointment, except that no member shall be appointed to serve for more than 3 consecutive years.

(c) A majority of the members shall be attorneys admitted to practice in the State; and, to the maximum extent possible, the remainder of the council shall be broadly representative of persons concerned with the delivery of quality legal services to the poor.

(d) Prior to the appointment to the State Advisory Council of members who are attorneys admitted to practice in the State, the Governor shall receive recommendations from the New Jersey State Bar Association.

(e) Sixty days prior to the expiration of a member's term, the Governor shall notify the State Bar Association and groups concerned with the delivery of quality legal services to the poor.

(f) The Governor shall appoint from among those named to the council a chairperson of the council, to serve as said chairperson at the pleasure of the Governor.

3. The State Advisory Council shall do all that is or may be required of it by the Federal Act and applicable rules, regulations, and guidelines promulgated pursuant to the Federal Act for monitoring and overseeing the provision of legal services assistance in the State and also shall perform any related functions



assigned to it by the Federal Legal Services Corporation or the State for assuring the delivery of quality legal services to persons unable to afford legal services.

4. The State Advisory Council shall meet within 30 days after the appointment by the Governor of members to the State Advisory Council, and at said meeting, the State Advisory Council shall establish such fair and reasonable procedures as it may deem necessary to carry out the purposes of the Federal Act and applicable rules, regulations, and guidelines promulgated pursuant to the Federal Act.

5. The State Advisory Council is hereby authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions pursuant to the Federal Act with said services obtained with funds or grants received pursuant to the Federal Act and from available State resources.

6. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,

Attest:

*Governor.*

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 33

WHEREAS, Section 2576 of Title 10 of the United States Code provides for sale by the U.S. Secretary of Defense to State and local law enforcement and firefighting agencies of certain surplus military equipment, including weapons, ammunition, gas masks and protective body armor; and

WHEREAS, Said section further provides for designation by the Governors of the several states of a state official to certify that requests for such purchases by such agencies within their state are necessary and suitable; and

WHEREAS, The Division of State Police is the agency within the State of New Jersey most familiar with the capabilities of the State and local law enforcement and firefighting agencies and the best qualified to determine their needs and the reasonableness of their requests for such surplus military equipment;

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 Superintendent of State Police in the Department of Law and Public Safety shall have the responsibility of reviewing applications for the purchase of surplus military equipment from the U.S. Secretary of Defense, pursuant to the provisions of Public Law 90-500, Section 2576 of Title 10, United States Code.

2. The Superintendent shall examine such applications to determine whether they comply with the form and procedure prescribed by the Secretary of Defense and shall certify to said secretary those applications which the superintendent determines so comply and are necessary and suitable for the operation of the agency making the request therefor.

3. The superintendent shall establish such rules and regulations as he deems appropriate to carry out the purpose of this Executive Order.

4. This Order shall take effect immediately.

Given, under my hand and seal this 26th day of  
[SEAL] March, in the year of Our Lord, one thousand nine hundred and seventy-six, of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:

JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 34

WHEREAS, It is essential that all persons supplying goods or services to the State of New Jersey, or performing contracts or otherwise executing public works with the assistance of and subject to the approval of the State, must meet a standard of responsibility which assures the State and its citizens that such persons will both compete and perform honestly in their dealings with the State and avoid secret or illicit dealing; and

WHEREAS, It is essential that such persons be fully informed of policies of the State in this regard, and be afforded procedural safeguards appropriate to circumstances which such policies may occasion; and

WHEREAS, The courts have affirmed the duty and obligation of State officials to develop and effectuate such policies; and

WHEREAS, It is essential that such policies be uniformly applied by the various agencies of the Executive Branch, and that uniform procedures be adopted to implement them;

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

1. Debarment, suspension and disqualification are measures which shall be invoked by the State to exclude or render ineligible certain persons from participation in contracts and subcontracts with the State, or in projects or contracts performed with the assistance of and subject to the approval of the State, on the basis of a lack of responsibility. These measures shall be used for the purpose of protecting the interests of the State and not for punishment. To assure the State the benefits to be derived from the full and free competition between and among such persons and to maximize the opportunity for honest competition and performance, these measures shall not be invoked for any time longer than deemed necessary to protect the interests of the State.

2. As used in this Order:

- (a) "Debarment" means an exclusion from State contracting, on the basis of a lack of responsibility evidenced by an offense, failure, or inadequacy of performance, for a reason-

able period of time commensurate with the seriousness of the offense, failure, or inadequacy of performance.

- (b) "Suspension" means an exclusion from State contracting for a temporary period of time, pending the completion of an investigation or legal proceedings.
- (c) "Disqualification" means a debarment or a suspension which denies or revokes a qualification to bid or otherwise engage in State contracting which has been granted or applied for pursuant to statute, or rules and regulations.
- (d) "State" means the State of New Jersey, or any of the departments or agencies in the Executive Branch of government with the lawful authority to engage in contracting.
- (e) "Person" means any natural person, company, firm, association, corporation, or other entity.
- (f) "State contracting" means any arrangement giving rise to an obligation to supply any thing to or perform any service for the State, other than by virtue of State employment, or to supply any thing to or perform any service for a private person where the State provides substantial financial assistance and retains the right to approve or disapprove the nature or quality of the goods or service or the persons who may supply or perform the same.
- (g) "Affiliates" means persons having an overt or covert relationship such that any one of them directly or indirectly controls or has the power to control another.

3. The executive head of each department or agency in the Executive Branch, with the lawful authority to engage in State contracting, shall, within 90 days of the date of this Order and in accordance with the provisions of the Administrative Procedures Act (P. L. 1968, c. 410, C. 52:14B-1 *et seq.*), promulgate rules and regulations governing the causes, conditions and procedures applicable to determinations of debarment, suspension and disqualification by that department or agency. Such rules and regulations shall to the extent consistent with existing law conform to the minimum standards hereinafter set forth, but need not be limited to such standards. In addition to any other filing required by law to be made, each executive head shall file with the Attorney General and the Treasurer a copy of such rules and regulations as may be promulgated.

4. Subject to the conditions hereinafter described, the rules and regulations referred to in Section 3 *supra*, shall authorize the

department or agency to debar a person in the public interest for any of the following causes:

- (a) Commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.
- (b) Violation of the Federal Organized Crime Control Act of 1970, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, perjury, false swearing, receiving stolen property, obstruction of justice, or any other offense indicating a lack of business integrity or honesty.
- (c) Violation of the Federal or State Antitrust Statutes, or of the Federal Anti-Kickback Act (18 U. S. C. 874, 40 U. S. C. 276 b, c).
- (d) Violations of any of the laws governing the conduct of elections of the State of New Jersey or of its political subdivisions.
- (e) Violation of the "Law Against Discrimination" (P. L. 1945, c. 169, C. 10:5-1 *et seq.*, as supplemented by P. L. 1975, c. 127), or of the act banning discrimination in public works employment (C. 10:2-1 *et seq.*) or of the Act prohibiting discrimination by industries engaged in defense work in the employment of persons therein C. 114, L. 1942, C. 10:1-10 *et seq.*).
- (f) Violations of any laws governing hours of labor, minimum wage standards, prevailing wage standards, discrimination in wages, or child labor.
- (g) Violations of any laws governing the conduct of occupations or professions or regulated industries.
- (h) Willful failure to perform in accordance with contract specifications or within contractual time limits.
- (i) A record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts, provided that such failure or unsatisfactory performance has occurred within a reasonable time preceding the determination to debar and was caused by acts within the control of the person debarred.
- (j) Violation of contractual or statutory provisions regulating contingent fees.
- (k) Any other cause affecting responsibility as a State contractor of such serious and compelling nature as may be

determined by the department or agency to warrant debarment, including such conduct as may be prescribed by the laws or contracts enumerated in this paragraph even if such conduct has not been or may not be prosecuted as violations of such laws or contracts.

- (1) Debarment by some other department or agency in the Executive Branch.
5. The rules and regulations concerning debarment required herein shall include in substance the following conditions:
  - (a) Debarment shall be made only upon approval of the executive head of the department or agency, except as otherwise provided by law.
  - (b) The existence of any of the causes set forth in paragraph 4 of this Order shall not necessarily require that a person be disbarred. In each instance, the decision to debar shall be made within the discretion of the head of the department or agency unless otherwise required by law, and shall be rendered in the best interests of the State.
  - (c) All mitigating factors shall be considered in determining the seriousness of the offense, failure or inadequacy of performance and in deciding whether debarment is warranted.
  - (d) The existence of a cause set forth in subparagraphs (a), (b), (c), (d), (e), (f), and (g) of paragraph 4 of this Order shall be established upon the rendering of a final judgment or conviction by a court of competent jurisdiction or by an administrative agency empowered to render such judgment. In the event an appeal taken from such judgment or conviction results in reversal thereof, the debarment shall be removed upon the request of the debarred person unless other cause for debarment exists.
  - (e) The existence of a cause set forth in subparagraphs (h), (i), (j), and (k) of paragraph 4 of this Order shall be established by evidence which the department or agency determines to be clear and convincing in nature.
  - (f) Debarment for the cause set forth in subparagraph (l) of paragraph 4 of this Order shall be proper provided that one of the causes set forth in subparagraph 4(a) through 4(k) was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

6. The rules and regulations concerning debarment required by this Order shall include in substance the following provisions regarding procedures, period of debarment and scope of debarment:

- (a) A department or agency seeking to debar a person or his affiliates shall furnish such party with a written notice: (i) stating that debarment is being considered, (ii) setting forth the reasons for the proposed debarment, and (iii) indicating that such party will be accorded an opportunity for a hearing if he so requests within a stated period of time. All such hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act. However, where one department or agency has imposed debarment upon a party, a second department or agency may also impose a similar debarment without according an opportunity for a hearing, provided that the second agency furnishes notice of the proposed similar debarment to that party, and accords that party an opportunity to present information in his behalf to explain why the proposed similar debarment should not be imposed in whole or in part.
- (b) Debarment shall be for a reasonable, definitely stated period of time which as a general rule shall not exceed 5 years. Debarment for an additional period shall be permitted provided that notice thereof is furnished and the party is accorded an opportunity to present information in his behalf to explain why the additional period of debarment should not be imposed.
- (c) Except as otherwise provided by law, a debarment may be removed or the period thereof may be reduced in the discretion of the debarring agency upon the submission of a good faith application under oath, supported by documentary evidence, setting forth substantial and appropriate grounds for the granting of relief, such as newly discovered material evidence, reversal of a conviction or judgment, actual change of ownership, management or control, or the elimination of the causes for which the debarment was imposed.
- (d) A debarment may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed

to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effected by him with the knowledge or approval of such person.

7. Subject to the conditions hereinafter described, the rules and regulations required by this Order shall authorize the department or agency to suspend a person in the public interest for any cause specified in paragraph 4 of this Order, or upon a reasonable suspicion that such cause exists.

8. The rules and regulations concerning suspension required by this Order shall include in substance the following conditions:

- (a) Suspension shall be imposed only upon approval of the executive head of the department or agency and upon approval of the Attorney General, except as otherwise provided by law.
- (b) The existence of any cause for suspension shall not require that a suspension be imposed, and a decision to suspend shall be made at the discretion of the executive head of the department and of the Attorney General, and shall be rendered in the best interests of the State.
- (c) Suspension shall not be based upon unsupported accusation, but upon adequate evidence that cause exists or upon evidence adequate to create a reasonable suspicion that cause exists.
- (d) In assessing whether adequate evidence exists, consideration shall be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, and to inferences which may properly be drawn from the existence or absence of affirmative facts.
- (e) Reasonable suspicion of the existence of a cause described in subparagraphs (a), (b), (c), (d), (e), (f), and (g) of paragraph 4 of this Order may be established by the rendering of a final judgment or conviction by a court or administrative agency of competent jurisdiction, by grand jury indictment, or by evidence that such violations of civil or criminal law did in fact occur.
- (f) A suspension invoked by an agency for any of the causes described in subparagraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l) of paragraph 4 of this Order may be the basis for the imposition of a concurrent suspen-



sion by another agency, which may impose such suspension without the approval of the Attorney General.

9. The rules and regulations concerning suspension required by this Order shall include in substance the following provisions regarding procedures, period of suspension and scope of suspension:

- (a) A department or agency may suspend a person or his affiliates, provided that within 10 days after the effective date of the suspension, the agency provides such party with a written notice: (i) stating that a suspension has been imposed and its effective date, (ii) setting forth the reasons for the suspension to the extent that the Attorney General determines that such reasons may be properly disclosed, (iii) stating that the suspension is for a temporary period pending the completion of an investigation and such legal proceedings as may ensue, and (iv) indicating that, if such legal proceedings are not commenced or the suspension removed within 60 days of the date of such notice, the party will be given either a statement of the reasons for the suspension and an opportunity for a hearing if he so requests, or a statement declining to give such reasons and setting forth the agency's position regarding the continuation of the suspension. Where a suspension by one agency has been the basis for suspension by another agency, the latter shall note that fact as a reason for its suspension.
- (b) A suspension shall not continue beyond 18 months from its effective date unless civil or criminal action regarding the alleged violation shall have been initiated within that period, or unless debarment action has been commenced. Whenever prosecution or debarment action has been initiated, the suspension may continue until the legal proceedings are completed.
- (c) A suspension may include all known affiliates of a person, provided that each decision to include an affiliate is made on a case by case basis after giving due regard to all relevant facts and circumstances. The offense, failure or inadequacy of performance of an individual may be imputed to a person with whom he is affiliated, where such conduct was accomplished within the course of his official duty or was effectuated by him with the knowledge or approval of such person.

10. The rules and regulations required by this Order shall contain such provisions as may be necessary to conform existing

practices and procedures under any relevant prequalification statutes to the procedures governing debarment and suspension required herein, to the extent that such existing practices and procedures may concern the disqualification of any person from State contracting.

11. The rules and regulations required by this Order shall provide that the exclusion from State contracting by virtue of debarment, suspension or disqualification shall extend to all State contracting and subcontracting within the control or jurisdiction of the department or agency which imposes the exclusion. However, when it is determined essential to the public interest by the head of the department or agency, and upon filing of a finding thereof with the Attorney General, an exception from total exclusion may be made with respect to a particular State contract.

12. Insofar as practicable, prior notice shall be given to the Attorney General and the Treasurer of any proposed debarment or suspension.

13. The Treasurer shall maintain a current list of the names of all persons suspended or debarred, the effective date and term if any thereof, and the agency or agencies which imposed same. Such list shall be available for public inspection.

14. Departments and agencies required by this Order to promulgate rules and regulations governing debarment and suspension are hereby authorized in connection with any proceeding thereunder to receive such information regarding the criminal conduct or criminal record of any person to the extent that such disclosure is deemed appropriate by the Attorney General, consistent with existing Federal and State law.

15. Nothing required by this Order shall be construed to limit the authority of any department or agency to refrain from contracting within the discretion allowed by law.

Given, under my hand and seal this 29th day of  
[SEAL] March, in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundredth.

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:  
JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 35

WHEREAS, There exists a serious shortage of adequate, safe and sanitary housing accommodations for many households at rents and prices they can reasonably afford, especially for low and moderate income households, newly formed households, senior citizens, and households with children; and

WHEREAS, It is the policy of the State of New Jersey, as reflected in numerous acts and programs, to alleviate this housing shortage; and it is the law of the State of New Jersey that each municipality, by its land-use regulations provide the opportunity for the development of an appropriate variety and choice of housing for all categories of people, consistent with its fair share of the need for housing in its region; and

WHEREAS, It is the policy of the State that local government should be the primary authority for planning and regulating land-use and housing and housing development; and that the State shall provide appropriate assistance to local governments so that municipalities can meet their obligation to provide an opportunity for the development of an appropriate variety and choice of housing for all categories of people, consistent with the municipality's fair share of the need for housing in its region; and

WHEREAS, The laws of the State of New Jersey (P. L. 1944, c. 85; P. L. 1961, c. 47; P. L. 1966, c. 293; P. L. 1967, c. 42) authorize the Division of State and Regional Planning to conduct comprehensive planning, to plan for housing needs, and to provide planning assistance to local governments; and

WHEREAS, Continuation of financial assistance by the Federal government to the State for comprehensive planning under section 701 of the Housing Act of 1954, as amended by the Housing and Community Development Act of 1974, is contingent upon the Division of State and Regional Planning carrying out an ongoing comprehensive planning process, including, as a minimum, preparation of a housing element and land-use element by August 22, 1977;

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 that:

1. The Director of the Division of State and Regional Planning, in accordance with the provisions of this Order, shall prepare State housing goals to guide municipalities in adjusting their municipal land use regulations in order to provide a reasonable opportunity for the development of an appropriate variety and choice of housing to meet the needs of the residents of New Jersey.

2. The director shall allocate housing goals pursuant to this Order, as expeditiously as feasible, but no later than 10 months from the date of this Order and no later than 2 years after each future decennial census. Periodically the director may reevaluate the adequacy of the current State housing survey and may make appropriate changes in housing goal allocations.

3. The director shall complete a housing needs study which takes into account:

- (a) The existence of physically substandard and overcrowded housing in the State;
- (b) The existence in the State of households paying a disproportionate share of income for housing; and
- (c) Other factors as may be necessary and appropriate.

4. All agencies of State government shall cooperate with the director and furnish such copies of any data, reports or records as may be required by the director to discharge the responsibilities under this Order and as may be available in accordance with applicable law and regulations.

5. The State housing need as determined by the housing needs study shall serve as the basis upon which the director shall formulate a "State Housing Goal" and allocate this goal to each county or group of counties. The formulation of the State housing goal, to the extent the director deems appropriate, shall take into account the capacity of the public and private sector to ameliorate the State housing need within a reasonable time period. The director also may announce the State housing goal in time stages.

6. a. The director, in allocating this goal to each county or group of counties, shall take into account the following:

- (1) The extent to which housing need exists in each county or group of counties.

- (2) The extent to which employment growth or decline has been experienced in each county or group of counties.
- (3) The extent to which the fiscal capacity to absorb the housing goal exists within each county or group of counties.
- (4) The extent to which appropriate sites to provide for the housing goal exist within each county or group of counties.
- (5) Other factors as may be necessary and appropriate.

b. Consistent with these standards, the director may suballocate the housing goal or goals of a county or group of counties to groups of contiguous municipalities comprising major geographic areas of a county or group of counties.

7. The housing goal allocated to each county shall specify a minimum number of housing units economically suitable for different segments of the population for which an adequate range of appropriate sites should be made available within the county. Appropriate sites include any land or residential structure that is suitable or amenable to providing a location for housing development, redevelopment, rehabilitation, or program of assistance for existing housing.

8. The director, except as provided in section 9 of this Order, shall allocate each county housing goal among the municipalities in a county and each housing goal for a group of contiguous municipalities selected pursuant to subsection 6 b. of this Order among the municipalities within such a group. This allocation of a county housing goal among municipalities in a county or a group housing goal among the municipalities in a group of contiguous municipalities selected pursuant to subsection 6 b. of this Order shall take into account the following factors:

- (a) The existence at the municipal level of physically substandard and overcrowded housing.
- (b) The existence at the municipal level of households paying a disproportionate share of income for rent.
- (c) Past, present and anticipated employment growth and relative access to these employment opportunities by low and moderate income workers.
- (d) Relative availability of appropriate sites for housing on a municipal basis.
- (e) Relative capacity of municipalities to absorb additional housing units as measured by fiscal capacity.

- (f) Relative municipal shares of low and moderate income households, and anticipated change in such households.
- (g) Past, present and anticipated residential and nonresidential municipal growth patterns.
- (h) The existence of a county development plan as it relates to fair share housing needs in that county.
- (i) Other factors as may be necessary and appropriate.

9. The director may delegate to a county planning board the authority to allocate the county housing goal among the municipalities in the county and any housing goals for groups of contiguous municipalities selected pursuant to subsection 6 b. of this Order among the municipalities within such groups. Such county planning board allocation shall conform to the standards in section 8 of this Order and appropriate guidelines provided by the director. If a county planning board does not allocate the municipal housing goals in a reasonable period of time, as determined by the director and consistent with the time periods of section 2 of this Order, or if the director determines that the allocations do not conform to the standards in section 8 of this Order and the guidelines provided by the director; then the director, consistent with the standards of section 8, shall perform the housing goal allocation which had been delegated to the county planning board.

10. (a) The director may promulgate the allocations required pursuant to section 8 of this Order and may authorize a county planning board to promulgate allocations pursuant to section 9 of this Order in time stages which give a priority to the promulgation of allocations for developing municipalities.

(b) The director may promulgate the allocations required pursuant to section 8 of this Order and may authorize a county planning board to promulgate the allocations required pursuant to section 9 of this Order by initially promulgating collective allocations to small groups of contiguous municipalities which individually would receive relatively low allocations pursuant to section 8 of this Order.

11. The director shall provide opportunities for the public, other agencies of State government; and regional, county, and municipal planning agencies to comment on the determinations of housing need and the allocation of housing goals pursuant to this Order.

12. State officials administering State and Federal programs providing grant and loan aid and technical assistance to munici-

palties and counties for open space preservation, sewerage improvements, community development, local program management and comprehensive planning, housing development and demonstration projects, housing finance, interlocal services; and the construction, repair, and maintenance of municipal and county roads and bridges; local street lighting projects, and programs supporting public transportation shall, in accordance with existing law and for purposes of providing incentive aid consistent with the objectives of this Executive Order, give priority where appropriate to municipalities which are meeting or are in the process of meeting a fair share of low and moderate income housing needs. State officials participating in regional planning activities and regional clearinghouse review and comment decisions on municipal and county applications for Federal funding shall take into account whether a municipality or group of municipalities is meeting or in the process of meeting a fair share of low and moderate income housing. Any municipality in which a disproportionately large share of low and moderate income households resides and which is making an effort to improve housing conditions shall not be assigned a lower priority under the provisions of this section.

13. The director may establish procedures and guidelines for determining whether a municipality has reasonably accommodated its municipal housing goal, as determined pursuant to this Order, and may report periodically on the progress of municipalities in complying with their respective allocations.

14. The director of the Division of State and Regional Planning shall continue to prepare comprehensive housing and land-use plans for guiding development decisions in this State. This comprehensive planning activity, consistent with the fair share housing objectives of this Order, shall continue to be a part of the housing and land-use programs of this State.

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

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 36

WHEREAS, In Executive Order No. 9, dated October 2, 1974, I determined that centralized energy authority and planning can be best accomplished by the creation of a State Energy Office that reports to the President of the Board of Public Utility Commissioners; and

WHEREAS, In Executive Order No. 9, dated October 2, 1974, I also created a Cabinet Energy Committee to consider and review all energy-related decisions that are to be rendered by any member of the Executive Branch of State Government and designated the President of the Board of Public Utility Commissioners as a member of said committee; and

WHEREAS, The critical relationship between the Cabinet Energy Committee and the State Energy Office can be strengthened by designating the President of the Board of Public Utility Commissioners as the Vice Chairman of the Cabinet Energy Committee; and

WHEREAS, The present energy crisis continues to have a damaging impact on agriculture, one of the leading industries of this State; and

WHEREAS, The ability of the Cabinet Energy Committee to deal with energy-related issues in the agricultural area can be vastly improved by expanding its membership to include the Department of Agriculture; and

WHEREAS, The Departments of Law and Public Safety, Transportation, and Treasury have been lending valuable assistance to the committee and therefore should be now formally added to committee membership;

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. Executive Order No. 9, dated October 2, 1974, is supplemented to provide that the President of the Board of Public Utility Com-



missioners shall serve as Vice Chairman of the Cabinet Energy Committee;

2. Executive Order No. 9, dated October 2, 1974, is also supplemented to provide that the Attorney General, Commissioner of Transportation, Secretary of Agriculture, and the Treasurer shall serve as members of the Cabinet Energy Committee.

3. This Order shall take effect immediately.

Given, under my and seal this 8th day of  
[SEAL] April, in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundredth.

Attest: /s/ BRENDAN BYRNE,  
Governor.  
JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 37

WHEREAS, Many of New Jersey's citizens lack adequate opportunities to view, enjoy, study, or participate in theatrical performances, musical concerts, operas, dance and ballet recitals and other of the performing and creative arts; and

WHEREAS, New Jersey's facilities in the performing and creative arts need and deserve greater public support and encouragement in order to carry out more effectively programs of benefit to the people of this State; and

WHEREAS, New Jersey offers outstanding and unique human and natural resources for the development of a motion picture industry; and

WHEREAS, The development of a motion picture industry would contribute substantially to the economic and social wellbeing of the State; and

WHEREAS, The State requires expert guidance during this period of fiscal crisis in order to develop a viable State theater and motion picture industry;

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. There is hereby created a New Jersey Motion Picture and Theater Commission (hereafter referred to as commission);

2. The commission shall consist of a chairman and 20 additional members, all to be selected by and serve at the pleasure of the Governor;

3. The chairman shall preside over meetings of the commission and shall be empowered to delegate responsibilities among commission members in any manner which he deems essential to the carrying out of the commission's functions and responsibilities under this Order;

4. The commission shall examine areas and locations within the State that could be utilized for film making;

5. The commission shall examine proposals for expediting the granting of all necessary permits to parties interested in producing films in New Jersey;

6. The commission shall develop proposals for providing a skilled and efficient work force that would be readily available for any parties desiring to produce films in New Jersey;

7. The commission shall report concerning the feasibility of creating a New Jersey State Theater;

8. In order to carry out his responsibilities, the chairman is hereby authorized to appoint a full-time executive director and such other staff within the limits of funds set aside in the promotion account of the Department of Labor and Industry as ordered by the Director of the Division of Budget and Accounting;

9. The chairman is hereby authorized to call upon any department, office, commission or other agency of the State government for any necessary information, assistance, resources, or other form of cooperation;

10. The commission is hereby designated as the sole official agency of the State of New Jersey authorized to apply for, receive, disburse, and administer public or private grants of money for

the development of a motion picture industry and a State theater in New Jersey;

11. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 38

WHEREAS, Executive Order No. 30, dated January 14, 1976, centralized all press and public relations services of the various departments of State Government in the Office of Public Communications; and

WHEREAS, The responsibilities of the Office of Public Communications requires it to perform services for all State agencies; and

WHEREAS, There is housed within the Department of the Treasury several divisions whose primary function is also to service all other State departments; and

WHEREAS, The Office of the Governor has no fiscal unit to oversee the budget of the Office of Public Communications; and

WHEREAS, The Department of the Treasury presently assists the Office of the Governor in overseeing its budget;

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:

## EXECUTIVE ORDERS

1. The Office of Public Communications, referred to in Executive Order No. 30, dated January 14, 1976, is hereby transferred to the Department of the Treasury for budget purposes.

2. This Order shall take effect immediately.

Given, under my hand and seal this 29th day of  
[SEAL] April, in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundredth.

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 39

WHEREAS, An economically viable Trenton and Newark are imperative for conducting the business of State Government; and

WHEREAS, The continuing location of State Government operations in Trenton and Newark substantially contributes to the economic vitality of these cities;

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 Treasurer shall not permit any department of State Government to enter any lease for office space which would require the movement of any operations of said department outside Trenton or Newark.

2. The Governor may grant exceptions to this policy only where strict adherence would prevent a department of State Government from adequately performing its statutory responsibilities.

3. This Order shall take effect immediately.

Given, under my hand and seal this 24th day of  
[SEAL] May, in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundredth.

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 40

WHEREAS, The prevention and cure of cancer is a national goal of the highest priority;

WHEREAS, The human suffering and economic loss caused by cancer are of continuing concern to all Americans;

WHEREAS, The prevalence of certain types of cancer in areas of New Jersey exceeds that in other states of the nation;

WHEREAS, Scientific studies have indicated that environmental factors may be a significant contributing cause of certain types of cancer;

WHEREAS, Efforts of the State departments should be coordinated to develop the most effective and efficient plans and programs for the prevention, study and control of cancer;

WHEREAS, I have reviewed reports and recommendations submitted pursuant to my direction by the Commissioner of Health and the Commissioner of Environmental Protection concerning the implementation of new and improved plans and programs for the prevention, study and control of cancer;

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. A Cabinet Committee on Cancer Control ("the committee") is created consisting of the Governor, the Secretary of Agriculture, the Commissioner of Environmental Protection, the Commissioner of Health, the Chancellor of Higher Education and the Commissioner of Labor and Industry. The Governor shall serve as chairman of the committee.

2. The committee shall be charged with the following responsibilities relating to the prevention, study and control of cancer:

- (a) Coordination of State agency programs;
- (b) Review and development of new programs and procedures;
- (c) Review and analysis of pending legislative and administrative actions;
- (d) Recommendation of sources of Federal or other financial assistance and coordination of the preparation of applications for such funding; and
- (e) Communication to county and local agencies of the nature and availability of Federal and State programs and funding.

3. 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.

#### DEPARTMENT OF AGRICULTURE

4. The Department of Agriculture, in coordination with the committee and consistent with available resources, shall be charged with the following responsibilities:

- (a) Coordinate crop and animal feed sampling and analysis to determine the presence of carcinogens in human and animal food supplies; and
- (b) Cooperate in monitoring of cancer rates in rural communities and in livestock.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

5. The Department of Environmental Protection, in coordination with the committee and consistent with available resources, shall be charged with the following responsibilities:

- (a) Determine the presence and concentrations of carcinogenic substances in the environment;

(b) Provide aggregated samples of air, water and waste materials to qualified research institutions for the determination of carcinogenic, mutagenic, or other toxic potential;

(c) Inventory and monitor the production and transport of toxic substances and their waste products known or suspected of being carcinogenic;

(d) Monitor environmental conditions at areas determined to have either known or the potential for high cancer prevalence; and

(e) Establish standards to control the emission of known or potential carcinogenic substances into the environment.

#### DEPARTMENT OF HEALTH

6. The Department of Health, in coordination with the committee and consistent with available resources, shall be charged with the following responsibilities:

(a) Maintain a registry showing the incidence of diagnosed cancer cases;

(b) Study and determine the type of persons, areas and periods subject to high rates of cancer incidence;

(c) Develop methods and educational programs for the prevention of cancer;

(d) Extend surveillance and other monitoring activities of workers and others subject to exposure to carcinogens;

(e) Coordinate and develop cancer treatment and rehabilitation activities and facilities; and

(f) Cooperate with Federal agencies to eliminate dangerous levels of carcinogens from food and drug products.

#### DEPARTMENT OF HIGHER EDUCATION

7. The Department of Higher Education, in coordination with the committee and consistent with available resources, shall be charged with the following responsibilities:

(a) Coordinate training and educational programs concerning the causes and prevention of cancer;

(b) Supervise continuing education and training programs of medical and allied professional manpower for cancer control, treatment and rehabilitation; and

(c) Determine the feasibility of expanded academic and research programs on the causes and prevention of cancer.

## DEPARTMENT OF LABOR AND INDUSTRY

8. The Department of Labor and Industry, in coordination with the committee and consistent with available resources, shall be charged with the following responsibilities:

- (a) Cooperate in the compilation of data concerning suspected carcinogenic substances in the occupational environment;
- (b) Assist in the identification of industries involved in the manufacture, production and transport of known or suspected carcinogenic substances; and
- (c) Recommend new industrial technology and processes to control emission of carcinogenic substances.

9. This Order shall take effect immediately.

Given, under my hand and seal this 26th day of  
[SEAL] May, in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundredth.

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:

JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 41

WHEREAS, The 93rd Congress of the United States has enacted, and on September 7, 1974, the President has signed into law, legislation popularly referred to as the "Juvenile Justice and Delinquency Prevention Act of 1974"; and

WHEREAS, Titles I and II of the "Juvenile Justice and Delinquency Prevention Act of 1974" authorize Congress to provide the necessary resources to make grants to the states to increase their capacity to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation and training services in the field of juvenile delinquency; and



WHEREAS, The public interest of the citizens of New Jersey requires that the State fully implement the provisions of the "Juvenile Justice and Delinquency Prevention Act of 1974" in order to develop a more responsive and effective juvenile justice system; and

WHEREAS, The "Juvenile Justice and Delinquency Prevention Act of 1974" requires that in order to receive grants a State must prepare a plan for carrying out the Act's purposes; and

WHEREAS, The "Juvenile Justice and Delinquency Prevention Act of 1974" requires that the State Law Enforcement Planning Agency, established by the State under section 203 of the Omnibus Crime Control and Safe Streets Act of 1968 and through Executive Order No. 45 on August 13, 1968, be designated the sole agency for supervising the preparation and administration of the plan; and

WHEREAS, The State Law Enforcement Planning Agency must have authority to implement such plan in conformity with the purposes of the "Juvenile Justice and Delinquency Prevention Act of 1974";

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 that:

1. The New Jersey State Law Enforcement Planning Agency is the sole agency for the supervision and implementation of the plan required by the "Juvenile Justice and Delinquency Prevention Act of 1974."

2. (a) The New Jersey State Law Enforcement Planning Agency is authorized to cause coordination among the various offices and agencies within the State which deliver services affecting juvenile justice and delinquency prevention, including but not limited to education, welfare and health services as well as corrections, courts and police.

- (b) The New Jersey State Law Enforcement Planning Agency is further authorized to initiate meetings, conferences and other means of communication with the said offices and agencies to identify possible duplications of effort and service gaps within the juvenile justice system, to determine methods for evaluating existing services, and to coordinate efforts to plan for and develop

programs which will make the juvenile justice system more effective.

3. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 24th day of June, in the year of Our Lord, one thousand nine hundred and seventy-six, of the Independence of the United States, the two hundredth.

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 42

WHEREAS, Public Law 94-103, the Developmentally Disabled Assistance and Bill of Rights Act of 1975, extends and revises Public Law 91-517, upon which several previous Executive Orders have been based; and

WHEREAS, Portions of Public Law 94-103 require changes in the composition of the Developmental Disabilities Council as organized under Executive Order No. 20 issued by Governor William T. Cahill on June 21, 1971, and revised by him in Executive Order No. 49 on July 18, 1973; and

WHEREAS, Public Law 94-103 authorizes Congress to provide Federal moneys to those states which adhere to the requirements of this act, including the appropriate organization of a State Planning Council; and

WHEREAS, Public Law 94-103 specifies that the membership of such council must include public members and representatives of principal State agencies concerned with services to persons with developmental disabilities; and

WHEREAS, Public Law 94-103 requires that all members of the council, including official State agency representatives, must be appointed by the Governor for terms which will ensure continuity of purpose and effectiveness of operation for the council.

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 that:

1. Executive Order No. 20 issued on June 21, 1971, and amended by Executive Order No. 49 on July 18, 1973, is further amended to designate the New Jersey State Developmental Disabilities Council as the State Planning Council in accordance with the requirements of Public Law 94-103.

2. The council is hereby expanded to consist of 30 members, an increase of five, who shall be appointed by the Governor of the State of New Jersey. Twelve of these members, an increase of two, shall be official representatives of the State agencies named below and shall serve at the pleasure of the Governor: Special Education; Vocational Rehabilitation; Residential Service for Mentally Retarded Persons; Health Services for Crippled Children and for Maternal and Child Health; Comprehensive Health Planning; Medical Assistance; Higher Education; Community Affairs; Youth and Family Services; Public Welfare; Mental Health Services; and the Public Advocate. Eighteen of these members, an increase of three, shall be public members.

3. Each public member shall serve for a term of 3 years and until his successor is appointed and qualified, except that the terms of those members next appointed or reappointed following the issuance of this Order shall be so staggered or otherwise arranged as to ensure that henceforth the terms of no more than six public members expire in any given year.

4. This Order shall take effect immediately.

Given, under my hand and seal this 19th day of  
[SEAL] July, in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundred and first.

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:

JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 43

WHEREAS, Executive Order No. 39, dated May 24, 1976, recognized that an economically viable Trenton and Newark are imperative for conducting the business of State Government; and

WHEREAS, Said Executive Order recognized that the continuing location of State Government operations in Trenton and Newark substantially contributes to the economic vitality of these cities; and

WHEREAS, An economically viable Camden and Paterson are also imperative for conducting the business of State Government; and

WHEREAS, The continuing location of State Government operations in Camden and Paterson substantially contributes to the economic vitality of these cities;

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 Treasurer shall not permit any department of State Government to enter any lease for office space which would require the movement of any operations of said department outside Camden, Newark, Paterson, or Trenton.

2. The Governor may grant exceptions to this policy only where strict adherence would prevent a department of State Government from adequately performing its statutory responsibilities.

3. Executive Order No. 39, dated May 24, 1976, is rescinded.

4. This Order shall take effect immediately.

Given, under my hand and seal this 27th day of  
[SEAL] September, in the year of Our Lord, one thousand nine hundred and seventy-six, of the Independence of the United States, the two hundred and first.

/s/ BRENDAN BYRNE,  
Governor.

Attest:

JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 44

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

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

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

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

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

Saturday, January 15, 1977 (the birthday of Martin Luther King, Jr.) be declared an extra holiday for all employees who work in the executive departments of State Government and who are paid from State funds, except where collective negotiations agreements, or collective negotiations history or administrative determinations indicate a contrary intention.

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

## EXECUTIVE ORDERS

hundred and seventy-six, of the Independence of the United States, the two hundred and first.

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:

JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 45

WHEREAS, It is necessary to determine whether November 26, 1976, the day following Thanksgiving will be a work day; and

WHEREAS, Christmas Day 1976, New Year's Day 1977, and Martin Luther King, Jr.'s Birthday 1977, all occur on a Saturday; and

WHEREAS, It is necessary to determine work schedules for the purpose of effective State operations;

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:

1. a. November 26, 1976, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Department of the State Government and who are paid from State funds, whose functions, in the opinion of their appointing authority, permit such absence.

b. An alternative day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 26, 1976.

2. a. For categories of employees who work in the Executive Branch of State Government and who are paid from State funds and whose regular work schedules may include Saturday, the celebration of Christmas Day 1976, New Year's Day 1977, and Dr. Martin Luther King Jr.'s Birthday 1977, shall be on their respective dates of occurrence.

b. For categories of employees who work in the Executive Branch of State Government and who are paid from State funds and whose regular work schedules do not include Saturdays, the celebration of Christmas Day 1976, New Year's Day 1977, and Dr. Martin Luther King, Jr.'s Birthday 1977 shall be on December 24, 1976, December 31, 1976, and January 14, 1977, the Friday preceding their respective dates of occurrence.

c. Employees shall be treated in accord with applicable regulations regarding requirements to work on holidays and holiday compensation.

d. No additional time off shall be authorized for the celebration of any of these holidays.

Given, under my hand and seal this 18th day of  
[SEAL] November, in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundred and first.

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 46

WHEREAS, The Division of State and Regional Planning has prepared preliminary housing allocation goals pursuant to Executive Order No. 35 (1976); and

WHEREAS, Housing allocation goals are related to current and ongoing efforts to revitalize the cities of New Jersey, preserve urban neighborhoods, provide for necessary redevelopment activities within more developed municipalities; and related to Statewide planning activities;

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 that:

## EXECUTIVE ORDERS

1. The Director of the Division of State and Regional Planning shall review and if necessary modify as may be appropriate the preliminary housing allocation goals prepared pursuant to Executive Order No. 35 (1976) to assure that they take into account current programs designed to revitalize the cities of New Jersey, including such programs as neighborhood preservation and urban economic development programs; redevelopment possibilities for the more developed municipalities of New Jersey; and Statewide planning objectives as encompassed by the comprehensive planning activities of the Division of State and Regional Planning; as well as the housing goal allocation criteria prescribed by Executive Order No. 35 (1976).

2. To enable the director to perform the review required by this Order, the period for the director to complete the initial final allocation of housing goals pursuant to Executive Order No. 35 (1976) as supplemented by this Order shall be extended to no later than 1 year from the date of this Order.

Given, under my hand and seal this 8th day of  
[SEAL] December in the year of Our Lord, one thousand nine  
hundred and seventy-six, of the Independence of the  
United States, the two hundred and first.

/s/ BRENDAN BYRNE,  
Governor.

Attest:

JOHN J. DEGNAN,  
*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 47

WHEREAS, There exists a substantial number of motor vehicles which are controlled and supervised by individual departments of State Government rather than the Central Motor Pool; and

WHEREAS, The services performed and the policies promulgated by the separate departments with respect to these vehicles are in many instances duplicative and contradictory; and



WHEREAS, The duplication of services with respect to these motor vehicles increases the cost to the State for such services; and

WHEREAS, Increased consolidation of the supervision, control and maintenance of State-owned motor vehicles will eliminate duplication, standardize policy, increase efficiency and substantially reduce costs; and

WHEREAS, Fiscal constraints now require the achievement of economy in government at every level; and

WHEREAS, Said Central Motor Pool has proven to be highly efficient in the operation, supervision and control of the State-operated vehicles assigned thereto;

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:

1. The Central Motor Pool within the Department of the Treasury shall assume management, control and regulatory supervision over all State motor vehicles. Excepted from this Order are those motor vehicles which are presently under the management and control of the Department of Transportation, the Department of Defense and the State Police.

2. This Order shall take effect immediately.

Given, under my hand and seal this 10th day of  
[SEAL] December, in the year of Our Lord, one thousand nine hundred and seventy-six, of the Independence of the United States, the two hundred and first.

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

JOHN J. DEGNAN,

*Executive Secretary to the Governor.*

