

ACTS

OF THE

Second Annual Session

OF THE

One Hundred and Ninety-ninth Legislature

OF THE

STATE OF NEW JERSEY

AND

Twenty-eighth Under the New Constitution

CHAPTERS 289-571



New Jersey State Library

1981

EXECUTIVE ORDERS

(2381)

Executive Orders

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 103

WHEREAS, Executive Order No. 94 declared a state of emergency in certain communities of northeastern New Jersey as a response to unusually dry weather conditions in 1980; and

WHEREAS, Continued drought conditions in New Jersey have aggravated water shortages throughout the State; and

WHEREAS, The conservation measures imposed by Executive Orders No. 94, 96, and 97 have not reduced water consumption at a rate adequate to preserve dwindling water supplies in the State; and

WHEREAS, The continued drought emergency imposes significant and irreparable harm to the health, safety and welfare of the residents of this State, as well as to the industries located herein, and in order to prevent such harm, immediate action must be taken; and

WHEREAS, The Delaware River Basin is experiencing severe water shortages and the Delaware River Basin Commission has adopted a resolution requesting the Governors of the member states to implement a program to restrict the non-essential consumption of water supplies in the Basin; and

WHEREAS, On January 15, 1981 the Delaware River Basin Commission restricted the quantities of water which could be exported out of the Delaware River Basin, thereby affecting the availability of water supplies in certain areas outside of the Basin; and

WHEREAS, The management and control of the situation is beyond the capabilities of local authorities; and

WHEREAS, Drought conditions have continued and additional municipalities are now facing severe water shortages;

(2383)

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

1. I declare that a state of emergency exists in portions of the Delaware River Basin and its tributaries thereto, as described in Attachment A, attached hereto and made a part hereof, and in the Raritan River Basin, as described in Paragraph 4, and also described in Attachment A, by reason of the facts and circumstances set forth above.

2. I hereby prohibit the following uses of fresh water in the areas described in Attachment A:

- a. The watering of lawns.
- b. The non-commercial washing of automobiles.
- c. The washing of streets, driveways or sidewalks.
- d. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.
- e. The use of water for flushing sewers by municipalities or any public or private individual or entity except as deemed necessary and approved in the interest of public health or safety by the municipal health officials.
- f. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.
- g. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.
- h. The filling or refilling of private residential swimming pools.

I hereby amend previous Executive Orders affecting nonessential water use to conform with Paragraph 2 hereof.

3. Commercial and industrial users are directed to:

- a. Examine water needs to determine where non-potable water can be utilized in place of potable water for processing and other requirements and report such determinations to the Commissioner of Environmental Protection and aforementioned water companies.
- b. Reduce potable water usage insofar as possible without affecting employment levels.

4. The municipalities listed on Attachment A within the Raritan Basin are those municipalities, or portions thereof, served with water supplies from the Middlesex Water Company, the Elizabethtown Water Company, and the customers of the Trenton Water Company and the Water Facilities Operation Element, Division of Water Resources, Department of Environmental Protection.

5. The Commissioner of Environmental Protection shall have full authority, in consultation with the Board of Public Utilities, to adopt such rules, regulations, orders and directives as she shall deem necessary to effect the above listed restrictions or any other water conservation measures to restrict the use of non-essential water resources. The Commissioner may provide for such exemptions or exclusions from any rule, regulation, order or directive adopted, if she shall determine that there is not a need or a necessity for uniform application of such rule, regulation, order or directive.

6. The Commissioner of the Department of Environmental Protection is hereby authorized to take such emergency measures as may be necessary to reallocate waters in the region subject to law, to share equitably the water resources of the region. The Commissioner shall consult with the Water Policy and Supply Council of the Department but consultation shall not be required in any case where the Commissioner shall determine that the exigencies of time will not permit.

7. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate in all matters concerning this emergency.

8. All citizens in non-emergency areas are urged now to comply with water use restrictions imposed by the water companies servicing their area.

9. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action or taken pursuant to this shall be subject to the penalties provided by law under section 17 of P. L. 1942, c. 251 (C. App. A:9-49).

10. This Order shall remain in effect until terminated by action of the Governor.

EXECUTIVE ORDERS

11. This Order shall take effect immediately.

Given, under my hand and seal this 22nd day of
[SEAL] January, in the year of Our Lord, one thousand nine
hundred and eighty-one, and of the Independence of the
United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

Attachment A

New Jersey Municipalities within the Delaware River Basin

Burlington County

- | | |
|-------------------------|------------------------|
| Beverly City | Medford Township |
| Bordentown City | Medford Lakes Township |
| Bordentown Township | Moorestown Township |
| Burlington City | Mount Holly |
| Burlington Township | Mount Laurel Township |
| Chesterfield Township | New Hanover Township |
| Cinnaminson Township | North Hanover Township |
| Delanco Township | Palmyra Borough |
| Delran Township | Pemberton Borough |
| Eastampton Township | Pemberton Township |
| Edgewater Park Township | Riverside Township |
| Evesham Township | Riverton Borough |
| Fieldsboro Borough | Southampton Township |
| Florence Township | Springfield Township |
| Hainesport Township | Westampton Township |
| Lumberton Township | Willingboro |
| Mansfield Township | Wrightstown Borough |
| Maple Shade Township | |

Camden County

- | | |
|----------------------|----------------------|
| Audubon Borough | Berlin Township |
| Audubon Park Borough | Brooklawn Borough |
| Barrington Borough | Camden City |
| Bellmawr Borough | Cherry Hill Township |

Camden County (Cont.)

Clementon Borough	Merchantville Borough
Collingswood Borough	Mount Ephraim Borough
Gibbsboro Borough	Oaklyn Borough
Gloucester City	Pennsauken Township
Gloucester Township	Pine Hill
Haddon Township	Pine Valley
Haddonfield Borough	Runnemede Borough
Haddon Heights Borough	Somerdale Borough
Hi-Nella Borough	Stratford Borough
Laurel Springs Borough	Tavistock Borough
Lawnside Borough	Voorhees Township
Lindenwold Borough	Woodlynne Borough
Magnolia Borough	

Gloucester County

Deptford Township	South Harrison Township
East Greenwich Township	Swedesboro Borough
Glassboro Borough	Washington Township
Greenwich Township	Wenonah Borough
Harrison Township	West Deptford Township
Logan Township	Westville Borough
Mantua Township	Woodbury City
National Park Borough	Woodbury Heights
Paulsboro Borough	Woolwich Township
Pitman Borough	

Hunterdon County

Alexandria Township	Holland Township
Bethlehem Township	Kingwood Township
Bloomsbury Borough	Lambertville City
Delaware Township	Milford Borough
Franklin Township	Stockton Borough
Frenchtown Borough	West Amwell Township
Hampton Borough	

Mercer County*

Ewing Township	Lawrence Township
Hamilton Township	Pennington Borough
Hopewell Borough	Trenton City
Hopewell Township	Washington Township

* See also list of municipalities to be placed on ban because they are affected by Delaware River water use.

EXECUTIVE ORDERS

	Monmouth County
Allentown Borough	Upper Freehold Township
	Morris County†
Jefferson Township	Netcong Borough
Mount Arlington Borough	
	Ocean County
	Plumstead Township
	Sussex County
Andover Borough	Hopatecong Borough
Andover Township	Lafayette Township
Branchville Borough	Montague Township
Byram Township	Newton Town
Frankford Township	Sandyston Township
Fredon Township	Stanhope Borough
Green Township	Stillwater Township
Hampton Township	Walpack Township
	Warren County
Allamuchy Township	Knowlton Township
Alpha Borough	Liberty Township
Belvidere Town	Lopatcong
Blairstown Township	Mansfield Township
Franklin Township	Oxford Township
Frelinghuysen Township	Pahaquarry Township
Greenwich Township	Phillipsburg
Hackettstown	Pohatcong Township
Hardwick Township	Washington Borough
Harmony Township	Washington Township
Hope Township	White Township
Independence Township	
	Non-Essential Water Use Ban
	New Jersey Municipalities Affected by Delaware River Water Use
	Mercer County**
Princeton Borough	West Windsor Township
Princeton Township	

† Listed for information only. All municipalities in Morris County directly under the non-essential use ban as a result of Executive Order No. 98.

** See also list of municipalities to be placed on ban as a result of being located in the Delaware River Basin.

Middlesex County

Carteret	New Brunswick
Dunellen	North Brunswick
East Brunswick	Perth Amboy
Edison	Piscataway
Highland Park	Plainsboro
Metuchen	South Plainfield
Middlesex	Woodbridge
Milltown	

Somerset County

Bedminster	Millstone
Bound Brook	Montgomery
Branchburg	North Plainfield
Bridgewater	Raritan
Franklin	Rocky Hill
Green Brook	Somerville
Hillsborough	South Bound Brook
Manville	Watchung

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 104

WHEREAS, Executive Orders No. 94, 96, 97, 98 and 103 declared a state of emergency in certain communities of New Jersey as a response to unusually dry weather conditions in 1980; and

WHEREAS, Continued drought conditions in New Jersey have aggravated water shortages throughout the State and additional municipalities are now facing severe water shortages and must be placed under a Water Rationing Plan; and

WHEREAS, The conservation measures imposed by Executive Orders No. 94, 96, 97, 98 and 103 have not reduced water consumption at a rate adequate to preserve dwindling water supplies in the State; and

WHEREAS, The continued drought emergency presents the imminent threat of a disaster affecting the health, safety and welfare of the residents of this State, as well as to the industries located herein,

and in order to prevent such harm, immediate action must be taken; and

WHEREAS, The Delaware River Basin is experiencing severe water shortages and the Delaware River Basin Commission has adopted a resolution requesting the Governors of the member states to implement a program to restrict the nonessential consumption of water supplies in the Basin; and

WHEREAS, On January 15, 1981, the Delaware River Basin Commission restricted the quantities of water which could be exported out of the Delaware River Basin, thereby affecting the availability of water supplies in certain areas outside of the Basin; and

WHEREAS, As of this date major reservoirs in areas affected by this Order, excepting that of the Commonwealth Water Company (66%), have reached levels of only 22-28% of available capacity; and

WHEREAS, The management and control of the situation is beyond the capabilities of local authorities; and

WHEREAS, It is necessary for municipalities to activate local disaster control programs in order to plan for water system failure in the event drought conditions continue in the State, and that certain revisions in the Water Rationing Plan previously adopted are needed;

Now, THEREFORE, I Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare and reaffirm a state of emergency and ORDER and DIRECT as follows:

1. I declare that a state of emergency exists in the hereinafter designated municipalities in the portions of the Delaware River Basin and its tributaries thereto, the Passaic-Hackensack River Basin and the Raritan River Basin as described in Attachment A, by reason of the facts and circumstances set forth above.

2. I hereby prohibit the following uses of fresh water in the areas described in Attachment A:

- a. The watering of all plant growth except commercially-grown crops.

b. The washing of vehicles, except by businesses engaged exclusively in car washing (which shall be subject to the rationing plan).

c. The washing of streets, driveways, sidewalks or paved areas.

d. The serving of water in restaurants, clubs or eating places unless specifically requested by the individual.

e. The use of water for flushing sewers by municipalities or any public or private individual entity except as deemed necessary and approved in the interest of public health or safety by the municipal health officials.

f. The use of fire hydrants by fire companies for testing fire apparatus and for fire department drills except as deemed necessary in the interest of public safety and specifically approved by the municipal governing body.

g. The use of fire hydrants by municipal road departments, contractors and all others, except as necessary for fire fighting or protection purposes.

h. All outdoor recreational purposes.

i. Applications for hardship exemptions from the above prohibitions or any further prohibitions which may hereafter be added by the Drought Coordinator appointed pursuant to this Order may be submitted to the Emergency Task Force. Exemptions may be considered where no reasonable alternatives exist and where extraordinary hardship would otherwise result. However no exemption or class of exemption shall be permitted which will in any way interfere with the purposes of this Order. The applicant shall have the burden of demonstrating that an exemption should be granted.

3. Non-residential users within the geographical area described in Attachment B, with a rate of use of 250,000 gallons per day or more, are directed to:

a. Examine water needs to determine where conservation can be achieved and where non-potable water, well water and recycling systems can be used in place of existing water sources, and to report such determinations to the Drought Coordinator appointed pursuant hereto and the affected water purveyor within 20 days from the date hereof.

b. Submit to the Drought Coordinator within 20 days a report stating the measures which such user will be required to take in the event of an order requiring such user to cease operations on a partial or total basis, and setting forth the expected consequences to the public which might result from such a closure and the

possible alternative sources of supply of any products produced by the user or services provided by the user.

4. a. All users within the geographical area described in Attachment A shall repair leaks within their systems within 24 hours of notice thereof.

b. All purveyors within the area described in Attachment A shall repair all leaks as expeditiously as possible and shall immediately shut off all connections to abandoned buildings.

5. The Water Rationing Plan set forth in Attachment B hereto (hereinafter "Water Rationing Plan") shall apply within all those municipalities and portions of municipalities listed in said Attachment B. Attachment B is incorporated into and made a part of this Order.

6. All governmental water purveyors (e.g., municipal water departments, municipal utilities authorities, joint municipal commissions, etc.) serving one or more of the municipalities or portions of municipalities listed in Attachment B shall immediately take all actions within their statutory powers, including the adoption and issuance of ordinances, rules, regulations, rate schedules, and amendments thereto; inspection, enforcement and collection actions, and all other such actions as may be necessary to implement, administer and enforce the Water Rationing Plan, under the supervision of the Drought Coordinator appointed hereunder.

7. All such governmental water purveyors are further authorized to adopt and enforce supplements to said Water Rationing Plan, after written approval of the Drought Coordinator appointed hereunder, provided that such supplement will be possible under the Water Rationing Plan alone, and provided that such supplement will in no way interfere with the achievement of any of the purposes of this Order.

8. The Board of Public Utility Commissioners and the Department of Environmental Protection are directed to take such emergency and other measures, within their statutory power, as may be necessary to immediately authorize and direct the implementation, administration and enforcement of the Water Rationing Plan by all purveyors subject to their jurisdiction, in the area described in Attachment B, and to take all such other measures, consistent herewith, as may further the intent and purposes of this Order, after consultation with the Drought Coordinator.

9. All municipalities and counties wholly or partly within the areas described in Attachment B are hereby directed to allocate manpower and resources for the enforcement of the Water Rationing Plan and the prohibitions set forth in this Order, within their respective jurisdictions. Violations of such prohibitions and of the Water Rationing Plan, including failure to pay excess use charges or other charges imposed pursuant to the Plan, and refusal to permit access to purveyor personnel or otherwise to provide necessary billing information as required by the Water Rationing Plan, shall be prosecuted by municipal and county officials with information as to such violations. All such municipalities and counties shall submit a plan to the Emergency Task Force within 20 days, detailing what enforcement steps are being taken and what manpower has been allocated pursuant to this paragraph, and shall submit bi-weekly reports, commencing 15 days from the date hereof, setting forth the number of enforcement actions commenced and disposed of and the results thereof.

10. The governing body and chief executive of each municipality listed in Attachment B, and of each county wholly or partly within the area described in Attachment B, shall immediately take all steps necessary, including the activation of the local defense council, and direct local disaster control officers to take all steps necessary, to prepare for possible failure of water supply systems within their respective jurisdictions, and shall within 20 days submit to the Office of Emergency Management, Division of State Police, Department of Law and Public Safety, a detailed emergency plan setting forth the actions which will provide water supplies to its residents, how the municipality will provide water for firefighting purposes and health care facilities, and what steps will be taken in order to keep businesses operating wherever possible.

11. Pursuant to P. L. 1942, c. 251 (C. App. A:9-33 et seq.) and all amendments and supplements thereto, I hereby designate and appoint Paul H. Arbesman, Deputy Commissioner of the New Jersey Department of Environmental Protection, as Drought Coordinator for the State of New Jersey to supervise the administration and enforcement of the provisions of this Order in the areas of the State described in Attachments A and B. Further, I hereby delegate to the Drought Coordinator, pursuant to said laws, the power to adopt orders, rules and regulations for the purposes of implementing and enforcing the provisions of this Order; imposing further restrictions upon the non-essential use of water; requiring the

use of water conservation devices; making additions or modifications to the Water Rationing Plan; subjecting additional municipalities or purveyor service areas to the provisions of this Order and any orders, rules and regulations adopted by him; requiring purveyors to make or continue any water interconnections, and to develop, obtain or use any sources of water supply as may be designated by him; otherwise allocating or re-allocating water supplies in order that they may be shared equitably; ordering temporary, part-time or full-time closures of nonresidential users where necessary to avoid a system failure; and any other orders, rules or regulations consistent with the purposes of this Order; all as may be necessary or appropriate in order to effectuate the purposes of this Emergency Order. The Drought Coordinator may provide for such exemptions or exclusions from any such order, rule or regulation adopted pursuant hereto in any case where: a) extraordinary hardship would otherwise result; b) no reasonable alternative exists; and c) where such exemption, or class of exemptions, will not interfere with the achievement of the purposes of this Order. I hereby further delegate to the Drought Coordinator all powers and authority in sections 2 and 3 of P. L. 1942, c. 251 (C. App. A:9-34 and App. A:9-51) to utilize and employ all the available resources of State Government and of each and every political subdivision of this State, whether of men, properties or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to avoid or protect against the water supply emergency.

12. The Emergency Task Force, comprising the Commissioner of Environmental Protection as Chair, the President of the Board of Public Utilities, the Commissioner of Labor and Industry, the Commissioner of Health, the Commissioner of Community Affairs and the Attorney General or their designated representatives, established by Executive Order 98, is hereby continued and shall act under the supervision of, and shall report to, the Drought Coordinator.

13. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agency or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate in all matters concerning this emergency. No municipality, county or any other agency or political sub-

division of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order or any of the orders, rules or regulations adopted pursuant to this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

14. All citizens in non-emergency areas are urged to comply with water use restrictions imposed by the water companies servicing their area.

15. Any person who shall violate any of the provisions of this Order or any rules, regulations or orders issued pursuant hereto, or who shall impede or interfere with the implementation of this Order, or any rules, regulations or orders issued pursuant hereto, shall be subject to the penalties provided by law under section 17 of P. L. 1942, c. 251 (C. App. A :9-49), which may include imprisonment for a term not exceeding one year, or a fine not exceeding \$175.00, or both.

16. This Order shall remain in effect until terminated by action of the Governor.

17. Executive Orders No. 94, 96, 97, 98 and 103 are hereby merged into this Order, except as inconsistent herewith; however all charges due and owing pursuant to the Water Rationing Plan adopted pursuant to Executive Order 98 shall continue to be due and owing and may be collected as if imposed pursuant to this Order. Similarly, all money collected by purveyors pursuant to the Water Rationing Plan of Executive Order 98 shall be treated as if collected pursuant to this Order.

18. This Order shall take effect immediately and shall be posted by the municipal clerks of all affected municipalities in a public place with the municipal building, immediately upon receipt.

[SEAL] Given, under my hand and seal this 7th day of February, in the year of Our Lord, one thousand nine hundred and eight-one, and of the Independence of the United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ TIMOTHY L. CARDEN,
Cabinet Secretary.

EXECUTIVE ORDERS

EXECUTIVE ORDER No. 104

ATTACHMENT A

List of Municipalities Under
the Ban on Non-essential Water Use

Bergen County

All municipalities

Burlington County

Beverly City	Medford Township
Bordentown City	Medford Lakes Township
Bordentown Township	Moorestown Township
Burlington City	Mount Holly
Burlington Township	Mount Laurel Township
Chesterfield Township	New Hanover Township
Cinnaminson Township	North Hanover Township
Delanco Township	Palmyra Borough
Delran Township	Pemberton Borough
Eastampton Township	Pemberton Township
Edgewater Park Township	Riverside Township
Evesham Township	Riverton Borough
Fieldsboro Borough	Southampton Township
Florence Township	Springfield Township
Hainesport Township	Westampton Township
Lumberton Township	Willingboro
Mansfield Township	Wrightstown Borough
Maple Shade Township	

Camden County

Audubon Borough	Haddon Township
Audubon Park Borough	Haddonfield Borough
Barrington Borough	Haddon Heights Borough
Bellmawr Borough	Hi-Nella Borough
Berlin Township	Laurel Springs Borough
Brooklawn Borough	Lawnside Borough
Camden City	Lindenwold Borough
Cherry Hill Township	Magnolia Borough
Clementon Borough	Merchantville Borough
Collingswood Borough	Mount Ephraim Borough
Gibbsboro Borough	Oaklyn Borough
Gloucester City	Pennsauken Township
Gloucester Township	Pine Hill

Camden County (Cont.)

Pine Valley	Tavistock Borough
Runnemede Borough	Voorhees Township
Somerdale Borough	Woodlynne Borough
Stratford Borough	

Essex County

All municipalities

Gloucester County

Deptford Township	South Harrison Township
East Greenwich Township	Swedesboro Borough
Glassboro Borough	Washington Township
Greenwich Township	Wenonah Borough
Harrison Township	West Deptford Township
Logan Township	Westville Borough
Mantua Township	Woodbury City
National Park Borough	Woodbury Heights
Paulsboro Borough	Woolwich Township
Pitman Borough	

Hudson County

All municipalities

Hunterdon County

Alexandria Township	Holland Township
Bethlehem Township	Kingwood Township
Bloomsbury Borough	Lambertville City
Delaware Township	Milford Borough
Franklin Township	Stockton Borough
Frenchtown Borough	West Amwell Township
Hampton Borough	

Mercer County

Ewing Township	Princeton Borough
Hamilton Township	Princeton Township
Hopewell Borough	Trenton City
Hopewell Township	Washington Township
Lawrence Township	West Windsor Township
Pennington Borough	

EXECUTIVE ORDERS

Middlesex County

Carteret	North Brunswick
Dunellen	Perth Amboy
East Brunswick	Piscataway
Edison	Plainsboro
Highland Park	Sayreville
Metuchen	South Amboy
Middlesex	South Plainfield
Milltown	South River
New Brunswick	Woodbridge

Monmouth County

Allentown Borough	Upper Freehold Township
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Morris County

All municipalities

Ocean County

Plumstead Township

Passaic County

All municipalities

Somerset County

All municipalities

Sussex County

Andover Borough	Hopatecong Borough
Andover Township	Lafayette Township
Branchville Borough	Montaque Township
Byram Township	Newton Town
Frankford Township	Sandyston Township
Fredon Township	Stanhope Borough
Green Township	Stillwater Township
Hampton Township	Walpack Township

Union County

All municipalities

Warren County

All municipalities

EXECUTIVE ORDER No. 104

ATTACHMENT B

State of New Jersey
Emergency Water Rationing Plan

This emergency Water Rationing Plan (hereinafter "Plan") is necessary at this time to conserve our remaining stored water supplies and to reduce the daily demands of the several water supply systems in the emergency area described herein in order to forestall the imminent disaster of water system failures due to the drastically insufficient rainfall being experienced in the State.

It is imperative that water customers within the emergency area achieve an immediate and further reduction in their water use in order to extend existing water supplies and, at the same time, assure that sufficient water is available to preserve the public health and sanitation, and provide fire protection service.

In response to this need, the following measures shall be implemented by each and every water customer and water user, regardless of whether residential, commercial, industrial, municipal, or other type of water customer, who is hereby mandated to achieve an additional, immediate 25% reduction in water usage and to sustain this level of reduced usage until further notice. Should drought conditions continue, further reductions in usage may be required including the shutdown of non-residential uses. It must be emphasized that the 25% usage reduction in the emergency area is a valid and attainable figure reflective of the conditions which currently exist.

The 25% level of reduction has been determined to be necessary after studying the reports of the available supplies and requirements of each purveyor in the emergency area. The Plan provides for a uniform reduction in water usage and for an equal sacrifice on the part of each water customer.

The success of this Plan depends upon the cooperation of all water customers in the emergency area. Although the Drought Coordinator appointed pursuant to Executive Order No. 104 will retain overall authority for the supervision and administration of the Plan, the primary monitoring and threshold enforcement function will be the responsibility of the individual purveyor and the municipal and county governments, as set forth in said Executive Order.

RESIDENTIAL SERVICES

To effectively monitor the residential conservation efforts, usage for this category is divided into per person and dwelling unit basis.

Each resident in the emergency area is assigned a fixed per person usage figure. Since several individuals usually reside in individually metered dwelling units (households), the number of permanent residents in each dwelling unit will determine the amount of water that each household will be allowed to use pursuant to the Plan. Each dwelling unit (household) shall be allocated 50 gallons per day for each resident of the household. Households with only one permanent resident will have a daily allowance of 65 gallons.

The individual water purveyors shall have the responsibility of determining the water allocation for each dwelling unit (household). This can be accomplished through the use of postcard census, bill analysis, spot checks, or other verification procedures. Each purveyor shall have the authority to alter its meter reading schedules to assure compliance.

Customers are required to provide purveyor personnel with access to read meters in order to properly establish allocations. In the event a customer does not allow purveyor personnel entry to read the meter, or to verify the number of household residents, the household allotment will be reduced to 65 gallons per day. Purveyors who have been unable to obtain access to read the meter shall provide immediate written notice to the customer requiring the customer either to read the meter and submit written certification of its accuracy to the purveyor within five (5) days or to contact the purveyor within five (5) days to make an appointment for purposes of meter reading. If there is no reply from the customer, or if the purveyor is thereafter denied entry to read the meter, or to verify the number of household residents, the purveyor is hereby authorized and directed to assess the customer a service charge which shall be at a minimum \$50.00 for each time that the purveyor is denied entry, and the customer shall be obliged to pay said service charge.

The owner of any building or complex with multiple dwellings without water meters for each dwelling unit shall be responsible for achieving a 25% reduction in water use and is hereby authorized and directed to take all actions necessary in order to achieve said reduction, including but not limited to the repair of all leaks, and the taking of measures to reduce pressure or reduce flow, whether

throughout the multiple dwelling, in portions thereof, or in individual fixtures, provided that such measures will not adversely affect the public health and safety. The owner shall advise the Emergency Task Force in writing of all steps taken pursuant hereto, and shall supplement such written report on a monthly basis. Upon receiving a written approval from the Emergency Task Force approving the steps taken by the owner, the owner may thereafter pass through to the residents of the individual dwelling units any excess use charge or service charge imposed pursuant to this Plan, notwithstanding any contrary provision in any lease or other contract, and no political subdivision of this State shall enact or enforce any ordinance, rule, regulation or order which shall prevent such pass through. Such owners of multiple dwellings shall be obliged to pay any such charges to the purveyor, and all occupants of the individual dwelling units shall be obliged to pay their pro rata share of said charges to the owner of the multiple dwelling. Charges passed through pursuant hereto shall be pro rated in proportion to the number of bedrooms in each building, complex, or unit thereof served by a water meter. The owner's permission to pass through charges pursuant hereto may be revoked upon written order of the Emergency Task Force upon a finding that the owner has failed to continue the measures required by this paragraph.

In order to assist residential customers in achieving their water allotment and in addition to the prohibitions on non-essential use, all residential water customers will be required to reduce their water use in every manner possible. Some examples are:

1. Locate and repair all leaks in faucets, toilets and water-using appliances.
2. Adjust all water-using appliances to use the minimum amount of water in order to achieve the appliance's purpose. Use automatic washing machines and dishwashers only with full loads. Preferably, wash dishes by hand.
3. Take shorter showers and shallower baths. Turn off shower while soaping; turn off faucet while brushing teeth, etc. Install flow restrictors in showerheads and faucets.
4. Reduce the number of toilet flushes by two person per day. Each flush uses about 5 gallons. Reduce water used per flush.
5. Use sink and tub stoppers to avoid wasting water.
6. Keep bottle of chilled drinking water in refrigerator.
7. Read the meter to determine the household's daily water use.

NONRESIDENTIAL CUSTOMERS

Nonresidential customers in the municipalities and portions of municipalities listed herein are hereby mandated to reduce their water usage by a minimum of 25%. This is consistent with the reduction goals imposed upon residential customers. Where a customer fails to provide access to meter readers, the purveyor shall set the allocation for such customers and such customer shall be subject to the \$50.00 service charge described above, if the purveyor is denied access.

In addition to the prohibitions on non-essential water usage, each nonresidential user shall take the following steps, when appropriate, to reduce usage levels:

1. Identify and repair all leaky fixtures and water-using equipment. Special attention is to be given to equipment connected directly to the water line, such as processing machines, steam-using machines, washing machines, water-cooled air conditioners and furnaces. Assure that the valves and solenoids which control water flows are shut off completely when the water-using cycle is not engaged.
2. Water-using equipment should be adjusted to use the minimum amount of water required to achieve its stated purpose.
3. Rinse cycles for laundry machines should be shortened as much as possible; lower water levels should be implemented wherever possible.
4. Temperature settings of hot water for showers should be set down at least 10 degrees to discourage lengthy shower taking.
5. Where plumbing fixtures can accommodate them, flow restricting or other water-saving devices should be installed.
6. Review usage patterns to see where other savings can be made.
7. Use nonpotable water for processing and cooling and other uses where possible.
8. Advise employees, students, patients, customers, etc., not to flush toilets after every use. Adjust float of tank-type toilets to reduce flushing volume; place flow restrictors in showerheads and faucets; close down automatic flushes overnight.
9. Adjust flushometers and automatic flushing valves to use as little water as possible or to cycle at greater intervals.

10. Encourage water-consciousness by placing water-saving posters and literature where employees, students, patients and customers, etc. will have access to them.

11. Customers should read water meters on a frequent basis to determine consumption patterns.

HARDSHIP EXEMPTION

Customers and water users affected by the above provisions may apply to the purveyor for a hardship exemption from this Plan. The purveyor shall conduct an investigation to determine what measures can be taken by the applicant to reduce water use, what alternatives may be available to the applicant, the extent of applicant's hardship and such other factors as may be relevant. The granting of exemptions may be considered where extraordinary hardship will otherwise result, where no reasonable alternatives exist, and where the granting of the exemption, or the class of exemptions, will not interfere with the purposes of this Plan. The applicant shall have the burden of demonstrating that an exemption should be granted.

Any customer denied an exemption by the purveyor may submit a copy of the denial, together with copies of all documents considered by the purveyor in connection with the exemption request, to the Emergency Task Force for administrative review and final decision.

GENERAL

Purveyors shall assess and collect an excess use charge on all customers computed as follows:

<i>Excess Usage</i>	<i>Charge for Excess</i>
First 300 cubic feet (2,250 gallons) or portion thereof	\$5.00 per 100 cubic feet or portion thereof
Each 100 cubic feet (750 gallons) or portion thereof thereafter	\$10.00 per 100 cubic feet or portion thereof

Any monies collected through excess use charges shall not be accounted for as income, but shall be placed in a reserve account for disposition as directed by the Drought Coordinator, in the discharge of duties and responsibilities under this Order.

In addition to the excess use charge, non-compliance with the rationing program will result in the following:

1. First excess usage—a warning issued to the customer by the purveyor.

2. Second excess usage—installation of a flow restrictor in the customer's service line by the purveyor for a 15-day period, thereafter to be removed only upon payment of the following fee:

<i>Meter Size</i>	<i>Fee</i>
5/8" to 1"	\$50.00
1 1/2" to 2"	\$75.00
3" or larger	Actual Cost

3. Third and subsequent excess usage—installation of a flow restrictor in the customer's service line for a period to be determined by the Drought Coordinator. Removal will require payment of a fee not to exceed \$500.00.

All persons, corporations, or other entities who fail to comply with any aspect of this Plan shall be subject to a fine of up to \$175.00 or imprisonment not exceeding a year or both as provided in section 17 of P. L. 1942, c. 251 (C. App. A:9-49).

EMERGENCY AREA

This Water Rationing Plan shall apply within all the municipalities and portions of municipalities included on the annexed list, and hereafter to such additional municipalities, or purveyor service areas, as may be designated by the Drought Coordinator.

Water Users in the Following Municipalities Who Are Served by Any of the Purveyors Listed Are Covered by the Rationing Program

COUNTY: Bergen

<u>Municipality</u>	<u>Purveyor</u>
All Municipalities	Allendale Water Department Elmwood Park Water Department Fair Lawn Water Department Garfield Water Department Hackensack Water Company Hawthorne Water Department Hohokus Water Department

COUNTY: Bergen (Cont.)

Purveyor

Lodi Water Department
 Lyndhurst Water Department
 Mahwah Water Department
 North Arlington Water
 Department
 Oakland Water Department
 Park Ridge Water Department
 Ramsey Water Department
 Ridgewood Water Department
 Saddle Brook Water Department
 Waldwick Water Department
 Wallington Water Department

COUNTY: Essex

Municipality

All Municipalities

Purveyor

Belleville Water Department
 Bloomfield Water Department
 Caldwell Water Department
 Cedar Grove Water Department
 Commonwealth Water Depart-
 ment
 East Orange Water Department
 Essex Fells Water Department
 Glen Ridge Water Department
 Jersey City Water Department
 Livingston Twp. Div. of Water
 Montclair Water Bureau
 Newark Water Department
 North Caldwell Water Depart-
 ment
 Nutley Water Department
 Orange Water Department
 Roseland Water Department
 South Orange Water Department
 Verona Municipal Utilities
 Authority
 West Caldwell Water Department

COUNTY: Hudson

<u>Municipality</u>	<u>Purveyor</u>
All Municipalities	Bayonne Water Department E. Newark Water Department Hackensack Water Company Harrison Water Department Hoboken Water Department Jersey City Water Department Kearny Water Department

COUNTY: Hunterdon

<u>Municipality</u>	<u>Purveyor</u>
Tewksbury Lambertville West Amwell	Elizabethtown Water Company Lambertville Water Company

COUNTY: Mercer

<u>Municipality</u>	<u>Purveyor</u>
Lawrence Twp. Princeton Borough Princeton Twp. West Windsor Twp.	Elizabethtown Water Company

COUNTY: Middlesex

<u>Municipality</u>	<u>Purveyor</u>
Carteret Borough Dunellen Borough East Brunswick Twp. Edison Twp. Highland Park Borough Metuchen Borough Middlesex Borough Milltown Borough New Brunswick City North Brunswick Twp. Perth Amboy City Piscataway Twp. Plainsboro Twp. South Plainfield Borough Woodbridge Twp.	East Brunswick Water Department Edison Township Water Department Elizabethtown Water Company Highland Park Water Department Middlesex Water Company Milltown Water Department New Brunswick Water Department North Brunswick Water Department Perth Amboy Water Department Woodbridge Township Water Department

COUNTY: Morris

<u>Municipality</u>	<u>Purveyor</u>
Butler	Butler Water Department
Chatham Borough	Chatham Water Department
Chatham Township	Commonwealth Water Company
Chester Township	Lincoln Park Water Department
Harding	Peapack-Gladstone Water
Kinnelon	Department
Lincoln Park	Pequannock Water Department
Passaic Township	Riverdale Water Department
Pequannock	
Riverdale	

COUNTY: Passaic

<u>Municipality</u>	<u>Purveyor</u>
Bloomingtondale	Butler Water Department
Clifton City	Commonwealth Water Company
Haledon	Haledon Water Department
Hawthorne	Hawthorne Water Department
Little Falls	Passaic Valley Water Commis-
North Haledon	sion
Passaic City	Pompton Lakes M.U.A.
Paterson	Totowa Water Department
Pompton Lakes	Wayne Twp. Division of Water
Prospect Park	West Paterson Water Depart-
Totowa	ment
Wayne	
West Milford	
West Paterson	

COUNTY: Somerset

<u>Municipality</u>	<u>Purveyor</u>
All Municipalities	Commonwealth Water Company
	Elizabethtown Water Company
	Franklin Twp. Department of
	Public Works
	Manville Water Department
	North Brunswick Water Depart-
	ment
	Peapack-Gladstone Water
	Department
	Rocky Hill Water Department

COUNTY: Union

Municipality

All Municipalities

Purveyor

City of Elizabeth Water Department

Commonwealth Water Company

Elizabethtown Water Company

Rahway Water Department

Winfield Mutual Housing Corporation

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 105

WHEREAS, It is the policy of the State of New Jersey to provide specialized transportation services for its elderly and handicapped persons in a coordinated and efficient manner; and

WHEREAS, Several State agencies, local agencies and private organizations are involved either in the distribution of funds or in the provision of specialized transportation programs for the elderly and handicapped; and

WHEREAS, Various State agencies have been working with the State's counties to establish a coordinated, consolidated, efficient transportation delivery system for elderly and handicapped persons; and

WHEREAS, The Task Force on Transportation Services for Elderly and Handicapped Citizens ("the Task Force") has completed a comprehensive review, identified programs and agencies involved in providing specialized transportation services and released its findings in a report entitled "Coordinating Specialized Transportation Services in New Jersey"; and

WHEREAS, In this report, the Task Force had identified certain actions which will aid in eliminating inefficient services and improving transportation for the elderly and handicapped;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitu-

tion and statutes of this State, do hereby ORDER and DIRECT that:

1. The New Jersey Department of Transportation be designated as the lead agency for coordinating specialized transportation services at the State level.

2. The New Jersey Department of Transportation establish an office for the coordination of specialized transportation services. This office shall:

a. Assist counties in the establishment of offices for countywide coordination and the investigation of funding sources for such offices;

b. Perform an inventory of State operated transportation programs and recommend means of coordinating services with local operations and public transportation services;

c. Review and approve county coordination plans for specialized transportation services beginning July 1, 1983;

d. Research the feasibility of developing a Statewide non-profit organization to purchase insurance for local non-profit transportation agencies;

e. Organize the Interdepartmental Advisory Group on the Coordination of Specialized Transportation Services (the Advisory Group);

f. Standardize State fiscal and program reporting requirements for local transportation agencies in consultation with the Advisory Group;

g. Undertake an in-depth study to streamline State and federal billing and accountability regulations for local operators with assistance from the Advisory Group;

h. Complete an inventory of mandated service priorities for programs administered by State agencies;

i. Issue a technical assistance guide for local operators on the implementation of service priorities; and

j. Research and develop sources of funding for local demonstration projects for the coordination of specialized transportation services.

3. There is hereby established an Interdepartmental Advisory Group on the Coordination of Specialized Transportation Services to ensure the continuation of interagency cooperation. The members of the Advisory Group shall be the Commissioners of the

Departments of Transportation, Agriculture, Community Affairs, Education, Health, Human Services, Insurance, Labor and Industry, Treasury and the Executive Director of the New Jersey Transit Corporation or their designated representatives, and such other persons as the Governor may designate. The Commissioner of the Department of Transportation shall serve as the Chairperson of the Advisory Group. The Advisory Group shall:

- a. Review and clarify State regulations on the use of vehicles purchased with State and federal funds;
- b. Review the use of passenger contributions and fares in light of federal and State regulations;
- c. Encourage the integration of specialized transportation services with public transit in rural areas;
- d. Develop an interdepartmental policy on service priorities for specialized transportation services;
- e. Identify sources of funding for specialized transportation demonstration projects and county coordination offices;
- f. Standardize State fiscal and program reporting requirements for local transportation agencies; and
- g. Streamline State and federal billing and accountability regulations for local operators.

4. a. The Advisory Group is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this Order.

b. All departments and agencies are authorized and directed, to the extent not inconsistent with law, to cooperate with the Advisory Group and to furnish it with such information, personnel and assistance necessary to accomplish the purposes of this Order.

5. All State agencies require that local agencies requesting funds for specialized transportation services demonstrate coordination efforts with other local agencies, providers of specialized transportation services and public transit services.

Effective July 1, 1983, State agencies responsible for the disbursement of funds for specialized transportation services shall require that local agencies requesting such funds demonstrate that they have been included in an approved County Coordination Plan for specialized transportation services. If a local agency was not

included in a coordination plan, it may still receive funding if the specialized transportation services have been certified by the county as being consistent with such plan, and the Department of Transportation concurs.

6. There is created an Interdepartmental Committee consisting of the Departments of Transportation and Education. The Committee shall perform an in-depth study of the broader use of school buses as a community resource and present their findings by January 1, 1982.

7. This Order shall take effect immediately.

Given, under my hand and seal this 3rd day of April,
[SEAL] in the year of Our Lord, one thousand nine hundred and eighty-one, and of the Independence of the United States, the two hundred and fifth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 106

WHEREAS, The State Prisons and other penal and correctional institutions of the New Jersey Department of Corrections are housing populations of inmates in excess of their capacities and are seriously overcrowded as a result of unusually large numbers of commitments to the State institutions and commitments for terms of years which are longer than heretofore imposed; and

WHEREAS, The Department is physically unable to accept from the Sheriffs of the various counties the custody of inmates sentenced to the custody of the Commissioner of the Department of Corrections, as mandated by N. J. S. 2C:43-10e.; and

WHEREAS, Many county penal institutions of the various counties are also presently overcrowded and are housing inmate populations in excess of their capacities while other county penal institutions have available space for additional inmates; and

WHEREAS, There is a need to efficiently allocate inmates of State and county penal and correctional institutions to those institutions having available space in order to alleviate overcrowding; and

WHEREAS, The New Jersey Correctional Master Plan recommends the coordination of resources for jail operation and services by the State, while the jails remain under local jurisdiction; and

WHEREAS, These unusual conditions endanger the safety, welfare and resources of the residents of this State, and threaten loss to and destruction of property, and are too large in scope to be handled in their entirety by regular operating services of either the counties or the New Jersey Department of Corrections;

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

1. I declare that a state of emergency exists in the various State and County penal and correctional facilities by reason of the facts and circumstances set forth above.

2. I invoke such emergency powers as are conferred upon me by the Laws of 1942, Chapter 251 (C. App. A :9-33 et seq.) and all amendments and supplements thereto.

3. I hereby direct that the authority to designate the place of confinement of all inmates confined in all State and/or County penal or correctional institutions shall be exercised for the duration of this Order by the designee of the Governor.

4. I hereby designate the Commissioner of the Department of Corrections to effectuate the provisions of this Order.

5. The Commissioner may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether owned by the State, a County, or any political subdivision of this State, or any other person, for the confinement of inmates confined in the State and/or County penal or correctional institutions.

6. When it appears to the satisfaction of the Commissioner that an inmate should be transferred to a penal or correctional institution or facility of the State or the various Counties more appropriate for his needs and welfare, or that of other inmates, or the security of the institution in which he has been confined, he shall

be authorized and empowered to designate the place of confinement to which the inmate shall be transferred.

7. This Order is intended to be temporary and to remain in effect only during the duration of the prison and jail overcrowding crisis.

8. I further order that the authority of the Commissioner to designate the place of confinement of any inmate may be exercised when deemed appropriate by the Commissioner regardless of whether said inmate has been sentenced or is being held in pretrial detention, except that only persons sentenced to a prison or committed to the custody of the Commissioner may be confined in a State Prison.

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

10. The Commissioner of Corrections shall develop an appropriate compensation program for the counties.

11. It shall be the duty of every person in this State or doing business in this State, and the members of the governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, fully to cooperate in all matters concerning this emergency.

12. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law under section 17 of P. L. 1942, c. 251 (C. App. A:9-49).

13. This Order shall remain in effect for a period of ninety days from the date of execution.

14. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 107

WHEREAS, The tragedy and suffering of thousands of foreign nationals from Cuba, Indochina, Haiti and other nations have forced them to flee their homelands; and

WHEREAS, Thousands of these refugees from Cuba, Indochina, Haiti and other nations have arrived in the United States; and

WHEREAS, It is estimated that thousands of these refugees have either settled or will settle in this State; and

WHEREAS, As Governor of this State and as a member of the United States Delegation to the United Nations Conference of Indochinese Relations in Geneva, I am deeply concerned about the plight of all displaced, persecuted peoples and strongly support assisting them during this difficult period of resettlement; and

WHEREAS, I have previously established separate Committee on Cuban Refugee Affairs and Indochinese Resettlement Committee; and

WHEREAS, It is essential that we coordinate the activities of public and private agencies providing services to refugees settling in New Jersey;

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

1. That the Committee on Cuban Refugee Affairs and the Indochinese Resettlement Committee be consolidated to form the Advisory Council on Refugee Affairs.

2. That the Advisory Council on Refugee Affairs represent the interests of all refugees.

3. That this Advisory Council on Refugee Affairs shall consist of the following members or their designees:

Nicholas V. Montalto, Director, International Institute of Jersey
City

Rev. Nicholas DiMarzio, Newark Archdiocese

Fr. Robert Vitello, Paterson Diocese

Doris Jankowicz, Director, Lutheran Social Services, Trenton
Dr. Seymour Siegel, Director, Jewish Family Services, Cherry Hill
Luu Phuong Nguyen, Brookdale Community College Learning Center
Enrique Arroyo, Director, Puerto Rican Congress of New Jersey, Trenton
Jerome Marc Audige, Director, Haitian-American Cultural Foundation, Newark
Israel Romero, Director, Cuban-Haitian Aid Center, Union City
Hon. Melvin Primas, Mayor, City of Camden
Hon. William Musto, Mayor, City of Union City
Hon. Patrick R. Fiorilli, Mayor, City of Vineland
Mike Fein, Metropolitan Jewish Federation
Barbara Sigmund, New Jersey Association of Counties
Jim Carroll, Heavy and General Laborers Locals 472 and 172, Newark
Counsel to the Governor (or designee), Chairperson
Ex officio:
Commissioner of the Department of Human Services (or designee)
Commissioner of the Department of Health (or designee)
Commissioner of the Department of Labor and Industry (or designee)
Commissioner of the Department of Community Affairs (or designee)
Commissioner of the Department of Education (or designee)
Chancellor of the Department of Higher Education (or designee)
Staff:
Jane Berger, Refugee Assistance Coordinator, Division of Youth and Family Services

4. The Council shall consolidate the orderly resettlement of newly arrived refugees.

5. The Council shall coordinate the activities of public and private agencies providing services to refugees settling in New Jersey.

6. The Council is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and other information, personnel or assistance as it deems necessary to discharge its responsibilities pursuant to this Order.

7. Each department, office, division and agency of the State is authorized and directed, to the extent possible and not inconsistent with law, to cooperate with the Committee and to furnish it with such information, personnel and assistance as may be necessary to accomplish the purposes of this Order.

8. The Council shall meet and consult with Federal, County and local government officials and other interested public and private organizations and persons to discuss the coordination of all resettlement efforts.

9. Executive Order No. 91 is hereby repealed.

10. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 108

WHEREAS, The conditions in our State Prisons and other penal and correctional institutions of the New Jersey Department of Corrections specified in Executive Order No. 106, signed June 19, 1981 continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, Executive Order No. 106 expires on September 16, 1981;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Order No. 106 shall remain in effect until January 20, 1982 notwithstanding any section in it stating otherwise.
2. This Order shall take effect immediately.

Given, under my hand and seal this 11th day of
[SEAL] September, in the year of Our Lord, one thousand nine
hundred and eighty-one, and of the Independence of the
United States, the two hundred and sixth.

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER NO. 109

WHEREAS, The Public Records Act, Title 47 of the Revised Statutes, places responsibility for public records and microfilm programs with the State Records Committee and Bureau of Archives and History of the Division of State Library, Archives and History, in the Department of Education; and

WHEREAS, A central microfilm unit and records storage warehouse will provide the State with a more efficient and cost-effective method of microfilming and storing records; and

WHEREAS, The New Jersey Commission on Capital Budgeting and Planning accepted and approved the State Records Committee's report entitled "Modern State Records Management and Storage Space Requirements," which recommended the consolidation of warehouse and microfilm operations; and

WHEREAS, The State Records Committee in its report entitled "Consolidation of Microfilm Units and Warehouse Operations" recommended that the microfilm and warehouse operations within the various departments set forth therein be consolidated; and

WHEREAS, A modern Records Storage Center with centralized records storage and microfilm capabilities is under construction and will be operated by the Bureau of Archives and History;

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

1. That the Bureau of Archives and History shall operate the central microfilm facility for State agencies.

2. The Bureau of Archives and History shall have technical control over all microfilm units in State government.

3. The Bureau of Archives and History shall have authority to consolidate the following microfilm facilities. The following facilities are to be consolidated now:

- a. Department of Civil Service, Division of Examinations;
- b. Department of Defense;
- c. Department of Environmental Protection, Division of Water Resources;
- d. Department of Health, Division of Administration;
- e. Department of Higher Education;
- f. Department of Human Services, Division of Youth and Family Services;
- g. Department of Human Services, Division of Medical Assistance;
- h. Department of Human Services, Division of Public Welfare, Bureau of Management Services;
- i. Department of Human Services, Pharmaceutical Assistance to the Aged Program;
- j. Department of Law and Public Safety, Division of Motor Vehicles;
- k. Department of the Public Advocate;
- l. Department of State;
- m. Department of Transportation;
- n. Department of Treasury, Division of Pensions; and
- o. Other newly created microfilm units in the executive branch, except those in the Department of Treasury's Administration and Taxation divisions; the Department of Law and Public Safety's Gaming Enforcement, State Police, and Criminal Justice divisions; and the Economic Development Authority.

Such consolidation will include all personnel, equipment and supplies.

4. Semicurrent records (defined as records that are used infrequently, but still retain legal, fiscal or administrative value) currently stored in leased or State-owned facilities shall be trans-

ferred to the Records Storage Center after being placed on a records retention schedule as required by P. L. 1953, c. 410 (C. 47:3-15 et seq.) and N. J. A. C. 6:66. All employees currently working with semicurrent records will be transferred to the Bureau of Archives and History.

5. The State Treasurer may exempt any of the above facilities from this executive order or he may subject any other State facilities in the executive branch to this executive order if he determines that such action is in the financial interest of the State.

6. The Bureau of Archives and History may exempt all or a portion of the records of a facility (whether named in this order or by the State Treasurer) from the provisions of this executive order if the Bureau determines that its microfilming and warehousing procedures cannot adequately serve the facility's need for security, confidentiality, immediate access to or preservation of records.

7. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 110

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

WHEREAS, Said law provides that all records which are required by law to be made, maintained or kept on file by State and local

governmental agencies are to be deemed to be public records, subject to inspection and examination and available for copying, pursuant to said law; and

WHEREAS, Said law provides that records which would otherwise be deemed to be public records, subject to inspection and examination and available for copying, pursuant to the provisions of Chapter 73, P. L. 1963, may be excluded therefrom by Executive Order of the Governor or by any regulation promulgated under the authority of any Executive Order of the Governor; and

WHEREAS, Executive Order No. 48, issued by Governor Richard J. Hughes, excluded State Police investigative files from public scrutiny and prohibited the disclosure of the contents of such files unless ordered by a court of competent jurisdiction or by the Governor of the State of New Jersey; and

WHEREAS, Executive Order No. 9, issued by Governor Richard J. Hughes, provided that certain records including fingerprint cards, plates and photographs and other similar criminal investigation records should not be deemed public records subject to inspection; and

WHEREAS, The State Police are in custody of voluminous records and exhibits relating to the investigation of the kidnapping and death of the Lindbergh child which took place in 1932, and the apprehension of Bruno Hauptmann who was convicted and executed as the perpetrator of that crime in 1936; and

WHEREAS, For the past several years repeated requests have been made by legal scholars, historians, biographers, members of the news media, and other individuals for access to records relating to the investigation and trial which took place over 45 years ago; and

WHEREAS, The Lindbergh case was and continues to be of extraordinary interest to the legal community and the public at large;

NOW, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by Chapter 73, P. L. 1963, do hereby ORDER and DIRECT:

1. The Superintendent of the State Police to make the investigative files, records and exhibits within his custody relating to the investigation of the Lindbergh kidnapping available to the public, and subject to inspection and examination and available for copying 45 days from the promulgation of this order.

2. The Superintendent is empowered in accordance with the provisions of section 2 of P. L. 1963, c. 73 (C. 47:1A-2) to establish procedures to insure that there is no risk of damage or mutilation of such files, records and exhibits and to insure that public access and right to copy such files, records and exhibits shall be during regular business hours to the extent that such access is compatible with the economic and efficient operation of his division and the transaction of its public business and to provide and assure payment of such costs as permitted by law.

3. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 111

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

1. November 27, 1981, the day following Thanksgiving, shall be granted as a day off to employees who work in the executive departments of State government and who are paid from State funds, whose functions, in the opinion of their appointing authority, permit such absence.

EXECUTIVE ORDERS

2. An alternative day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 27, 1981.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 112

WHEREAS, The Power Authority of the State of New York owns and operates two hydroelectric power projects on the Niagara and Saint Lawrence Rivers; and

WHEREAS, Licenses issued by the United States Government require that a portion of each project's output be made available for use in neighboring states; and

WHEREAS, Existing contracts for the sale of such power expire on June 30, 1985; and

WHEREAS, The licenses require the Power Authority to negotiate for the sale of such power with a State-appointed bargaining agent if one has been appointed;

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

1. The New Jersey Board of Public Utilities, Department of Energy, is designated as the bargaining agent for the State of New Jersey for the purchase of power generated by the Power Authority of New York's hydroelectric projects on the Niagara and Saint Lawrence Rivers for the period after June 1985.

2. The Board of Public Utilities is empowered to establish regulations and control of rates for such power.
3. This Order shall take effect immediately.

Given, under my hand and seal this 17th day of
[SEAL] November, in the year of Our Lord, one thousand nine
hundred and eighty-one, and of the Independence of
the United States, the two hundred and sixth.

/s/ BRENDAN BYRNE,

Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 113

WHEREAS, On December 5, 1980 the federal government enacted the Mortgage Subsidy Bond Tax Act of 1980 which places a ceiling on the aggregate maximum principal amount of mortgage revenue bonds which may be issued in any calendar year by all issuing authorities in a state and which will be qualified for federal income tax exemption under Section 103A of the Internal Revenue Code of 1954; and

WHEREAS, A provision in Section 1102(a) of the Mortgage Subsidy Bond Tax Act of 1980 allocates half of the State's ceiling to the State's Housing Finance Agency, which in New Jersey is the New Jersey Mortgage Finance Agency; and

WHEREAS, A provision in Section 1102(a) of the Mortgage Subsidy Bond Act of 1980 gives the governor of a state the authority to proclaim a different formula for allocating the state ceiling among the governmental units in the state which have the authority to issue qualified mortgage bonds;

Now, THEREFORE, I, Brendan Byrne, Governor of the State of New Jersey, by virtue of the authority vested in me by the Mortgage Subsidy Bond Act of 1980 do hereby PROCLAIM, ORDER and DIRECT:

EXECUTIVE ORDERS

The entire State ceiling under the Mortgage Subsidy Bond Act of 1980 is hereby allocated to the New Jersey Mortgage Finance Agency.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

/s/ HAROLD L. HODES,
Chief of Staff, Secretary.