

# ACTS

OF THE

**One Hundred and Ninety-second Legislature**

OF THE

STATE OF NEW JERSEY

AND

**Twenty-first Under the New Constitution**



**New Jersey State Library**

1968



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EXECUTIVE ORDERS

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(1703)



## Executive Orders

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

### EXECUTIVE ORDER No. 39

WHEREAS, The Congress of the United States has provided for a coordinated National Highway Safety Program through financial assistance to the States to accelerate highway safety programs; and

WHEREAS, The State of New Jersey has long been committed to a policy of seeking ways of fostering and promoting highway safety; and

WHEREAS, Certain State departments have functions relating directly to highway safety as follows: Department of Education; Department of Health; Department of Transportation; Division of Motor Vehicles; Division of State Police; and

WHEREAS, The National Highway Safety Act of 1966, Public Law 89-564, makes it the responsibility of the Governor of the State to administer the Highway Safety Program;

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

1. The Assistant Commissioner of Transportation for Highways is hereby appointed as Governor's Representative to the National Highway Safety Bureau, he shall serve as chairman of a State Interdepartmental Highway Safety Program Committee, and he shall be responsible for the administration of the National High-

way Safety Act in the State of New Jersey. Within the limits of funds provided therefor, he shall establish and staff a Highway Safety Program Liaison Office with such personnel as may be necessary to carry out the purposes of this Order and the National Highway Safety Act of 1966.

2. There is hereby created an Interdepartmental Highway Safety Program Committee to be composed of the following: the Governor's Representative to the National Highway Safety Bureau, the Commissioner of Education, the Commissioner of Health, the Commissioner of Transportation, the Director of Motor Vehicles, the Superintendent of State Police or their designated representatives.

3. The Interdepartmental Highway Safety Program Committee shall develop over-all policy and guidance for a comprehensive New Jersey highway safety program in accordance with the Highway Safety Act of 1966 and shall coordinate the highway safety program in accordance with the Highway Safety Act of 1966 and shall coordinate the highway safety activities of State and local agencies.

Given, under my hand and seal this 15th day of  
[SEAL] March, in the year of Our Lord, one thousand nine hundred and sixty-eight, of the Independence of the United States, the one hundred and ninety-second.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

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

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 40

WHEREAS, Mental retardation is a complex health, education, social and economic problem which affects 180,000 New Jerseyans of all ages and their families; and

WHEREAS, The retarded person needs medical, educational, rehabilitative and social services of various specialized types at different stages of his life and according to the degree of handicap with which he is afflicted; and

WHEREAS, To meet these needs, avoid duplication, and deliver quality services, public and private agencies must work together in an effective, continuous and coordinated campaign against mental retardation; and

WHEREAS, The need for coordinated action and cooperative planning was strongly and urgently stressed in 1962 by the President's Panel on Mental Retardation in its *Program for National Action to Combat Mental Retardation* and subsequently by President John F. Kennedy in his special message to Congress on Mental Illness and Mental Retardation, by President Lyndon B. Johnson's Committee on Mental Retardation, and by numerous State associations for retarded children and other private and professional organizations; and

WHEREAS, *The New Jersey Comprehensive Plan to Combat Mental Retardation*, published in 1966 by the Interdepartmental Committee on Lifetime Disability in consultation with the Governor's Advisory Council on Lifetime Disability, stated as its first and key recommendation the establishment of a permanent advisory body in State Government to insure a continuing and coordinated attack on problems of retardation;

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

1. (a) There is hereby created within the Department of Institutions and Agencies the "New Jersey Mental Retardation Planning Board," which shall consist of 16 members, 10 of whom shall be public members appointed by the State Board of Control of the Department of Institutions and Agencies, and 6 of whom shall be designated from within each of the following Departments by the Commissioner of that Department: Community Affairs, Education, Health, Higher Education, Institutions and Agencies and Labor and Industry. The 10 public members of the Planning Board shall be appointed so that, at any time, the membership of the Board includes not less than 1 resident of each of the 4 regions identified in the New Jersey Comprehensive Plan to Combat

Mental Retardation. Each public member of the Board shall serve for a term of 3 years and until his successor is appointed and qualifies. Terms shall commence on July 1 and vacancies shall be filled for the unexpired term only.

(b) The present members of the Advisory Council on Construction of Mental Retardation Facilities organized by the State Board of Control pursuant to Public Law 88-164 (1963) are hereby continued as the first members of the New Jersey Mental Retardation Planning Board for the unexpired portion of their terms on said Advisory Council. The members of the Planning Board remaining to be appointed shall be appointed no later than July 1, 1968. The terms of service of the first full members of the Planning Board created hereby shall be staggered or otherwise arranged so that 4 of such members shall serve for terms expiring June 30, 1971, 3 of such members shall serve terms expiring June 30, 1970, and 3 of such members shall serve terms expiring June 30, 1969. Thereafter, public members of the Board shall serve terms as provided in subsection (a) of this section.

(c) Any vacancy occurring in the membership of the Board shall be filled in the manner in which the original appointment was made. Any public member of the Board may be removed from the Board, for cause, by the State Board of Control of the Department of Institutions and Agencies and any member of the Board designated by the Commissioner of any Department may be removed, for cause, by said Commissioner.

(d) The members of the Board shall serve without compensation, but shall be entitled to reimbursement for any expenses reasonably incurred in the discharge of their duties.

2. It shall be the duty of the New Jersey Mental Retardation Planning Board to:

(a) foster cooperation and communication between and among State, county, municipal, voluntary and private agencies in the provision of services to the mentally retarded;

(b) study and review the nature and extent of State services for the mentally retarded, and to recommend program and construction priorities to assure that crucial and pressing problems of the mentally retarded receive proper and adequate attention;

(c) call to the attention of both private and public agencies within this State Federal programs in or related to mental retardation, in order to assure the most effective use of available Federal resources;

(d) study, review and comment upon plans and applications for the construction of mental retardation facilities submitted pursuant to Public Law 88-164 (1963) and to focus public attention on long-term capital and program needs and their related budgetary implications;

(e) encourage and support pertinent research efforts and preventive measures, stimulate planning at the community level, and to review laws and practices relating to the mentally retarded;

(f) propose training and scholarship programs to prepare professionals to work with the mentally retarded; and

(g) promote public awareness of the needs and problems of the mentally retarded.

3. (a) The New Jersey Mental Retardation Planning Board shall meet at the call of its chairman, but not less than 4 times per year, and shall report annually in writing to the Governor not later than January 1 of each year.

(b) Within the limits of appropriations made available to it, the Planning Board is hereby authorized to employ such staff as it may deem necessary to carry out the duties assigned to it.

(c) The Planning Board shall be entitled to call upon any department or agency of the State of New Jersey for such documents, materials and information as it may deem necessary, and shall be entitled to the cooperation of every department and agency of the State of New Jersey.

4. The Advisory Council on Construction of Mental Retardation Facilities, the Interdepartmental Committee on Lifetime Disability and the Governor's Advisory Council on Lifetime Disability are hereby abolished.

5. This Executive Order shall take effect immediately, provided that section 4 of this Executive Order shall not take effect until the members of the Planning Board have been appointed.

Given, under my hand and seal this 2nd day of May,  
[SEAL] in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-first.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

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

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 41

*TO: THE HEADS OF ALL STATE DEPARTMENTS,  
BUREAUS, DIVISIONS, ETC.*

I, RICHARD J. HUGHES, Governor, ORDER and DIRECT that beginning Monday, June 17, 1968, and continuing through Friday, September 6, 1968, all State offices shall close one-half hour earlier than the regular closing hour. Except as may be prescribed by Directive of the Department Head with respect to employees of the Department, this Order shall not apply to employees assigned to work a 40-hour week or those employees engaged in field operations requiring attendance beyond the hours prescribed above, maintenance workers paid on an hourly basis or employees required to work shift assignments.

[SEAL] Given, under my hand and seal this 11th day of June, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-second.

/s/ RICHARD J. HUGHES,  
Governor.

Attest:

/s/ LAWRENCE BILDER,  
Secretary to the Governor.

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 42

*TO: THE HEADS OF ALL STATE DEPARTMENTS,  
BUREAUS, DIVISIONS, ETC.*

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

1. Friday, July 5, 1968 (the day following Independence Day) be declared an extra holiday for State employees.

[SEAL] Given, under my hand and seal this 12th day of June, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-second.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

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

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 43

WHEREAS, Portions of the counties of Bergen, Essex, Middlesex, Morris, Passaic, Union and Somerset were severely struck by floods resulting in loss of life and causing millions of dollars of damage to property, both public and private; and

WHEREAS, A request has been made that the President of the United States declare that same area to be a disaster area within the meaning of Public Law 875, which request is presently under consideration; and

WHEREAS, The affected portions of these counties has been declared a disaster area by the Administrator of the Small Business Administration; and

WHEREAS, The rehabilitation of the affected area requires the full cooperation of government at all levels and of private agencies and citizens;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. The Commissioner of Conservation and Economic Development is hereby designated as the State coordinator of rehabilita-

tion efforts in the affected area and shall be empowered to take such lawful action as may be necessary to assist in the rehabilitation of the area and to maximize the extent of Federal participation in rehabilitation efforts.

2. All State officials and agencies shall cooperate fully with the Commissioner of Conservation and Economic Development.

3. To the extent that the full cooperation of any State agency is dependent upon a declaration of emergency by the Governor, this Executive Order shall be construed to constitute such a declaration of emergency.

Given, under my hand and seal this 12th day of  
[SEAL] June, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-second.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

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

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 44

WHEREAS, The New Jersey Department of Labor and Industry has continuing responsibilities in cooperating in the maintenance and operation of the Federal-State employment service and rehabilitation programs; and

WHEREAS, It appears that the Department of Community Affairs, presently administers a rural manpower development program for unemployed or underemployed disadvantaged people from rural areas; and

WHEREAS, In the interest of efficiency and economy, it appears desirable that the Department of Labor and Industry should ad-

minister a comprehensive program for unemployed and under-employed residents in the rural areas of this State:

Now, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. That all functions, powers, duties and appropriations in connection with the Rural Manpower Program within the Department of Community Affairs be and the same are hereby transferred to the Department of Labor and Industry.

2. That the Commissioner of Labor and Industry be responsible for this program and he is hereby directed to establish the necessary procedures for the implementation of this Order within the existing structure of the Department of Labor and Industry.

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

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

ALAN J. KARCHER,  
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 45

WHEREAS, The 90th Congress of the United States has enacted, and on June 19, 1968, the President has signed into law, legislation popularly referred to as the "Omnibus Crime Control and Safe Streets Act of 1968"; and

WHEREAS, Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" authorizes grants to the States for creation of comprehensive Statewide plans for improvement of law enforcement and the administration of criminal justice, and upon Federal approval of such plans authorizes implementation grants to carry out their provisions; and

WHEREAS, Modern, efficient, and fair law enforcement and criminal justice are of vital importance to the citizens of New Jersey; and

WHEREAS, The public interest of the citizens of New Jersey requires that the State fully implement the provisions of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" to strengthen local and State law enforcement procedures, facilities, personnel and techniques; and

WHEREAS, The "Omnibus Crime Control and Safe Streets Act of 1968" requires the Governor to designate a State agency having a specific composition of representatives empowered to apply for, receive, and administer Federal grants thereunder;

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

1. (a) There is hereby created the New Jersey State Law Enforcement Planning Agency, in the Executive Office of the Governor, and subject to the jurisdiction of the Governor.

(b) The New Jersey State Law Enforcement Planning Agency (hereinafter referred to as the "Agency") shall consist of two parts, to wit, a Governing Board, and a staff under the supervision of an Executive Director (who shall also be the Administrator).

(c) The Governing Board shall consist of members chosen by the Governor to be representative of the police, prosecutive, corrections, and court functions on the State level; the police, prosecutive, corrections, and general government functions on the local level; and the public other than law enforcement personnel. Members of the Board shall serve without compensation, but within the limits of funds available therefor, shall be entitled to reasonable reimbursement for all necessary expenses incurred in the discharge of their duties.

(d) The Attorney General of New Jersey shall be Chairman of the Governing Board.

2. (a) The Agency shall be responsible to the Governor for the implementation of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" in the State of New Jersey.

(b) The Agency shall, at regular intervals, inform the Governor and the Legislature in writing as to developments regarding im-

plementation of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" in the State of New Jersey.

(c) The Agency shall twice during each year summarize progress made in implementation of Title I of the "Omnibus Crime Control and Safe Streets Act of 1968" in a written progress report to the Governor, the Legislature, the Courts, and the chief executives of local government units within the State of New Jersey.

(d) The Governing Board shall maintain general oversight, review, evaluation, and approval of the law enforcement improvement activities of the Executive Director and staff pursuant to Title I of the "Omnibus Crime Control and Safe Streets Act of 1968," including development and revision of the State law enforcement plan, establishment of priorities for law enforcement improvement in the State, correlation with units of local government and law enforcement, and implementation of subgrants or allocations thereto.

(e) The Governor shall appoint the Executive Director, who shall serve at the pleasure of the Governor. Between meetings of the Governing Board, the Executive Director shall be available to the Governor for consultations or information relating to any matters concerning the work of the Agency.

(f) The Executive Director is hereby authorized, on behalf of the Agency, to call upon any department, office, division or agency of the State to supply such data, information, or assistance as shall be necessary to the discharge of the responsibilities of the Agency under this Order. Each department, office, division or agency of the State is hereby authorized and directed, to the extent not inconsistent with law, to provide such data, information or assistance to the Agency.

(g) The Executive Director may attend Cabinet conferences at the pleasure of the Governor.

(h) The Agency shall, relative to the subject matter of this Order, have the power to promulgate all necessary rules, regulations, and guidelines for local law enforcement planning applications, and for the administration of grants to local law enforcement agencies.

3. The New Jersey Council Against Crime, created under Executive Order No. 37, January 4, 1968, shall act in an advisory, a consulting, and a fact-finding capacity to the Agency, and shall, immediately after each of the Agency's said progress reports, be consulted for the advice and sense of the broader community repre-

sented by the Council Against Crime as to the prospective work of the Agency during the next ensuing report period.

4. This Order shall take effect immediately.

[SEAL] Given, under my hand and seal this 13th day of August, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

ALAN J. KARCHER,  
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 46

WHEREAS, The Division of Purchase and Property in the Department of the Treasury is charged by law with responsibility for the maintenance, management and security of State-owned, leased or occupied buildings; and

WHEREAS, There has been established in the Department of Institutions and Agencies the Office of State Fire Marshal; and

WHEREAS, In the interest of economy and efficiency and safety, it appears desirable that the Department of the Treasury should undertake the responsibilities for fire prevention and safety in such buildings;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, do hereby ORDER and DIRECT:

1. The State Treasurer, acting under the authority of this Executive Order and the statutory powers conferred on him, shall establish in the Bureau of Special Services within the Division of Purchase and Property in the Department of the Treasury an Office of State Fire Marshal; shall assign to the Office such employees of the Department of the Treasury as may be appropriately

assigned thereto; and shall from time to time assign or appoint to the said Office such other employees as may be required.

2. The Office of State Fire Marshal shall supervise fire prevention and safety procedures in all State-owned, leased or occupied buildings and shall foster, promote and develop ways and means of protecting life and property therein.

3. All functions, powers, duties, personnel and appropriations in connection with the Office of State Fire Marshal in the Department of Institutions and Agencies shall be and the same are hereby transferred to the Department of the Treasury.

Given, under my hand and seal this 23rd day of  
[SEAL] September, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

ALAN J. KARCHER,  
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 47

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

1. Friday, November 29, 1968 (the day following Thanksgiving Day) be declared an extra holiday for State employees.

Given, under my hand and seal this 28th day of  
[SEAL] October, in the year of Our Lord, one thousand nine hundred and sixty-eight, and of the Independence of the United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

ALAN J. KARCHER,  
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 48

WHEREAS, Certain persons have suggested that investigative files in the possession of the New Jersey State Police should be made available for inspection contrary to long-standing and well-established policy against such inspection; and

WHEREAS, Recognition of the necessity for the protection of such files in the public interest is clearly established, having, inter alia, been set forth in Supreme Court Rule R.R. 3:5-11 (i), in view of the following objectives:

“protection of witnesses and others from physical harm, threats of harm, bribes, economic reprisals and other intimidation; maintenance of such secrecy regarding informants as is required for effective investigation of criminal activity; protection of confidential relationships and privileges recognized by law; and other relevant considerations”;

WHEREAS, I also deem it to be contrary to the public interest to permit an indiscriminate searching of these investigative files due to the probable adverse effect that such disclosure would have upon successful criminal prosecutions; because of the potential threat to the lives and physical well-being of witnesses, informants and undercover agents whose names are likely to appear in such investigative files; and further, because of the disastrous effect which such action would have on the cooperative information-sharing arrangements among law enforcement agencies, including the Federal Bureau of Investigation;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby issue the following Executive Order:

1. No person having custody of State Police investigative files shall turn over the same to any other person who is not a member of a duly recognized law enforcement agency unless ordered to do so by a court of competent jurisdiction or by the Governor of the State of New Jersey.

2. No person shall divulge the contents of those files to any other person who is not a member of a duly recognized law enforcement agency unless ordered to do so by a court of competent jurisdiction or by the Governor of the State of New Jersey, where the release of such information is likely to subject witnesses or other persons to physical harm, threats of harm, bribes, economic reprisals and other intimidation. No information shall be divulged where the maintenance of secrecy regarding informants is required for effective investigation of criminal activity or the protection of confidential relationships and privileges recognized by law.

Given, under my hand and seal this 18th day of  
[SEAL] December, in the year of Our Lord, one thousand nine  
hundred and sixty-eight, and of the Independence of the  
United States, the one hundred and ninety-third.

/s/ RICHARD J. HUGHES,  
*Governor.*

Attest:

ALAN J. KARCHER,  
*Acting Secretary to the Governor.*

