

**ACTS**  
OF THE  
**First Annual Session**  
OF THE  
**One Hundred and Ninety-eighth Legislature**  
OF THE  
**STATE OF NEW JERSEY**  
AND  
**Twenty-seventh Under the New Constitution**



1978

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## EXECUTIVE ORDERS

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# Executive Orders

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 63

WHEREAS, The New Jersey Vocational Education Advisory Council was created on March 12, 1969 by Governor Richard J. Hughes, pursuant to the authority vested in him by the Constitution and by the Statutes of this State and as required by Federal Public Law 90-576; and

WHEREAS, The New Jersey Vocational Education Advisory Council was expanded to consist of 24 members on August 4, 1971 by Governor William T. Cahill, pursuant to the authority vested in him by the Constitution and by the statutes of this State; and

WHEREAS, The Council has proven to be invaluable in enabling the citizens of the State of New Jersey to receive the benefits of Federal appropriations under the Vocational Education Act; and

WHEREAS, Section 105 (a) of the new Federal Public Law 94-482 and its amendments requires additional representation on the Council of:

1. State correctional institutions,
2. State Manpower Services Council established pursuant to Section 107 of the Comprehensive Employment and Training Act of 1973, and
3. Women with background and experience in employment and training programs who are knowledgeable with respect to the special experiences and problems of sex discrimination in job training and employment and of sex stereotyping of vocational education, including women who are members of minority groups and who have, in addition to such backgrounds and experiences, special knowledge of the problems of discrimination in job training and employment against women who are members of such groups.

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

stitution and by the statutes of this State, do hereby ORDER and DIRECT that:

1. The New Jersey State Vocational Education Advisory Council be and hereby is expanded and shall now consist of 27 members, to be appointed by the Governor, for terms of three years, except that as to the members to be appointed to the newly created positions, one shall be appointed for a term of one year, one shall be for a term of two years, and one shall be for a term of three years.

2. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,

Attest:

*Governor.*

HENRY N. LUTHER, III,

*Executive Secretary to the Governor.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

#### EXECUTIVE ORDER No. 64

WHEREAS, Security services for buildings and grounds within the area known as the State Capitol Complex are now provided by the State Police, the State Capitol Police Force and a myriad of other State employees and private security guards; and

WHEREAS, With the enactment of Chapter 135 of the Laws of 1977, the State Capitol Police are now under the direction and supervision of the Superintendent of State Police; and

WHEREAS, The full cooperation of all agencies of State government is necessary in order to ensure that the best possible security system is provided to protect persons and property;

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. In addition to the State Capitol Police, all State employees employed as guards, watchmen, or in any other title related to

security matters within the State Capitol Complex, by any department or agency of State government, are hereby transferred to and shall hereafter be employees of the Division of State Police, and shall report to and be trained, directed and supervised by the Superintendent of State Police in the Department of Law and Public Safety.

2. At the discretion of the Superintendent of State Police, and subject to available appropriations, any contract security services now provided within the State Capitol Complex may be terminated as soon as practicable and may be replaced by State employees, to be employed by the Division of State Police, Department of Law and Public Safety.

3. The duties, responsibilities and assignments of such security personnel shall be established by the Superintendent of State Police with the approval of the Attorney General, subject to the availability of appropriations;

4. Unless specifically otherwise provided, all appropriations heretofore made to any State department or agency for salaries and related costs of such security personnel, and for contract security services, shall be transferred, in a debit and credit arrangement, to the Division of State Police in the Department of Law and Public Safety and shall continue to be used for the purposes for which originally appropriated.

5. Security services may be extended to facilities not now covered, at the discretion of the Superintendent of State Police, subject to the availability of appropriations.

6. For the purpose of this Executive Order, the State Capitol Complex shall include all buildings and grounds which are owned or leased by the State of New Jersey, and are located within the County of Mercer, and which are designated to be within the Complex by the Superintendent.

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 seventy-eight, and of the Independence of the United States, the two hundred and second.

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:

ROBERT E. MULCAHY, III,  
*Chief of Staff, Secretary.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 65

WHEREAS, The Executive Branch of State Government recognizes that the State of New Jersey is one of the most ethnically and culturally diverse States of the fifty United States; and

WHEREAS, New Jersey served as the gateway to the United States for many immigrant ethnic groups, which is of historical significance to the country because of the major role these groups played in the growth and development of the United States; and

WHEREAS, The State's ethnic communities are of historical significance to the State of New Jersey by virtue of the many contributions their members have made to the State's growth, development and governance, contributions which should be recorded and shared with all of the people of the State; and

WHEREAS, The wide variety of customs, languages and histories of these varied ethnic groups significantly enhances and enriches the quality of the State's social and cultural life; and

WHEREAS, The State has previously recognized and supported its ethnic communities through the New Jersey Bicentennial Ethnic Council, the re-opening of Ellis Island as a National Park and the beginning of the Liberty Park Complex, the Heritage Festivals held at the Garden State Arts Center, and the Intercultural Relations and Ethnic Studies Institute in the Rutgers University Graduate Department of Education; and

WHEREAS, Awareness, appreciation and understanding of these many ethnic groups would contribute to the quality of life in the State by affirming our unity within a framework of cultural diversity; and

WHEREAS, The ethnic communities in the State need still greater attention and support from the government of the State and should play a significant role in shaping the State's approach to their culture, history and needs.

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

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1. There is hereby created an Ethnic Advisory Council which shall advise the Governor and recommend programs and other efforts the State shall engage in regarding ethnic communities;

(a) The Council shall consist of 16 members appointed by the Governor at least 11 of whom shall be representatives of ethnic communities within the State of New Jersey. In selecting the Council membership, consideration should be given to appointing as broad a representative sample as possible of New Jersey's ethnic communities.

(b) The Commissioners of the Department of Community Affairs and Education, the Chancellor of Higher Education, the Chairman of the State Council on the Arts or their designees, and the Ethnic Community Liaison appointed by the Governor shall serve on the Council in an ex-officio capacity.

(c) All members of the Council shall be residents of the State, and shall be appointed for terms of 2 years, except that of the members initially appointed, 8 shall be appointed for a term of 1 year, and 8 for a term of 2 years. The term of each of the members first appointed shall be designated by the Governor at the time of appointment.

(d) Each Council member shall hold office for the term of the appointment and until a successor shall have been qualified and appointed. Members shall not serve more than two consecutive terms notwithstanding the fact that the initial term might be less than 2 years or for the completion of an unexpired term.

(e) Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(f) The Governor shall designate the Chairman of the Council from among the members of the Council. The Chairman shall serve at the pleasure of the Governor.

(g) The Council shall organize itself in any manner it deems appropriate and enact by-laws as deemed necessary to carry forth the responsibilities of the Council.

2. The Council shall meet formally at least four times a year at the call of the chairman. The Council shall report annually to the Governor as to the activities of the Council.

3. The Council may make recommendations to the Governor concerning ethnic studies programs offered in the State's public



schools, colleges, and the State University; the participation of ethnic organizations in providing community and social services; the promotion of ethnic and cultural events; the development of policies effecting ethnic neighborhoods; increasing knowledge and public awareness in ethnic history and culture; the participation of ethnic groups in governmental affairs; and such other matters as deemed appropriate to the purpose of this Executive Order.

4. Members of the Council are hereby charged with consulting with all segments of the State's ethnic communities to invite ideas and solicit suggestions in furtherance of this Executive Order.

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

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:

ROBERT E. MULCAHY, III,  
*Chief of Staff, Secretary.*

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STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

#### EXECUTIVE ORDER No. 66

WHEREAS, The objective of the State government should be to promulgate only necessary, adequate, reasonable, efficient, understandable and responsive administrative rules; and

WHEREAS, A "sunset" provision in administrative rules will assure complete and periodic review of administrative rules; and

WHEREAS, The implementation of the "sunset" concept was a recommendation of the Governor's Conference on Economic Priorities for Job Creation;

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

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1. Every administrative rule which is adopted pursuant to "The Administrative Procedure Act" (P. L. 1968, c. 410; N. J. S. 52:14B-1 et seq.) after the effective date of this Order shall contain a provision that the rule shall expire on a date not more than five years after the date of its adoption. Any existing administrative rule which is amended after the effective date of this Order shall also be amended to contain a provision that the rule shall expire on a date not more than five years thereafter.

2. The heads of all State departments and agencies shall initiate a thorough review of all existing chapters of administrative rules promulgated by their department or agency. A report on all rules which are not necessary, adequate, reasonable, efficient, understandable or responsive to the purposes for which they were promulgated shall be prepared and submitted to the Secretary of State and the Counsel to the Governor.

3. The provisions of this Order shall not apply to any administrative rule (1) adopted in compliance with Federal law or (2) with respect to which the Order's application would violate any State or Federal law. Such exempt regulations shall be reported to the Secretary of State and the Counsel to the Governor.

4. The Governor may waive any requirement of this Order when he shall deem such waiver appropriate.

5. This Order shall take effect 30 days from the date hereof.

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

/s/ BRENDAN BYRNE,

*Governor.*

Attest:

ROBERT E. MULCAHY, III,  
*Chief of Staff, Secretary.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

## EXECUTIVE ORDER No. 67

WHEREAS, On March 11, 1971, the Governor's State Committee on Children and Youth was created, composed of delegates to the decennial White House Conference on Children (1970) and Youth (1971), youth representatives, and concerned citizens, to implement the recommendations of those national conferences and otherwise study and recommend what changes need to be made to improve the quality of services for the children and youth of the State; and

WHEREAS, By subsequent executive orders of September 29, 1972 and June 18, 1975, the Governor's State Committee on Children and Youth was continued until June 30, 1975 and June 30, 1978 respectively; and

WHEREAS, There continues the need to focus attention on the problems of New Jersey's children, youth and their families; and

WHEREAS, There continues the need to foster better communication and coordination of activities among the public agencies of the executive, legislative and judicial branches of government at the State, county and local level and among private agencies and organizations servicing children, youth and their families; and

WHEREAS, In my Annual Message of this year I called upon the Governor's State Committee on Children and Youth to review the operations of every public and private agency affecting our children so that all parents and their children may know where they may go to receive assistance; and

WHEREAS, I have indicated this is the first step we must take to deal with the overall problems of children in New Jersey; and

WHEREAS, The quality of family life is an integral and inseparable factor in the development and resolution of issues involving children and youth; and

WHEREAS, There is scheduled to occur in the year 1981 a White House Conference on Families;

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

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1. The Governor's State Committee on Children and Youth is hereby reestablished as the Governor's State Committee on Children, Youth and Families, with a membership of not more than 50 persons, composed of delegates to the decennial White House Conference, representatives of the Legislature, of the various State agencies and of organizations which have an ongoing concern for the problems of children, youth and their families.

2. a. The members and chairperson of the Governor's State Committee on Children and Youth as of June 30, 1978 shall continue as members and chairperson of the Governor's State Committee on Children, Youth and Families. Additional appointments shall be made by the chairperson of the committee subject to the approval of the Governor. The chairperson shall be appointed by the Governor and shall continue to serve at the pleasure of the Governor.

b. There shall be established a Resource Group to be composed of 24 members. Of these members, eleven ex officio members shall include the Commissioners of the Departments of Community Affairs, Corrections, Education, Health, Higher Education, Human Services, Labor and Industry, Law and Public Safety, the Public Advocate, and Treasury, and the Administrative Director of the Courts or their designees. The Governor shall appoint nine members, including a judge of the Juvenile and Domestic Relations Court, who shall be chosen in consultation with the Chief Justice; two county government officials; two municipal government officials; and four individuals representing private agencies and organizations serving the children, youth or families of this State. Two members shall be Senators, not of the same political party, as may be appointed by the Senate President. Two members shall be Assemblymen, not of the same political party, as may be appointed by the Assembly Speaker. Members of the committee may also serve as members of the Resource Subcommittee.

c. There shall be appointed by the chairperson a steering subcommittee of six members, with the chairperson of the committee serving as chairperson of the subcommittee. The steering subcommittee shall determine agendas for committee meetings, and shall implement decisions of the committee. Any action of the steering subcommittee may be overruled by a majority vote of the entire membership of the committee. No action of the steering subcommittee shall take effect until the first meeting of the entire committee following the steering subcommittee decision, unless

the entire committee by majority vote gives prior approval to a general course of action to be taken by the steering subcommittee.

3. a. The Division of Human Resources within the Department of Community Affairs shall provide staff to the State Committee which shall serve in consultation with the Division of Youth and Family Services in the Department of Human Services. One individual from the Division of Human Resources shall serve as secretary to the State Committee and as an ex officio member thereof.

b. All State departments and agencies which provide or have an effect on services to children, youth and their families shall submit reports and information upon the request of the State Committee.

4. a. The State Committee may hold hearings in the State in order to collect necessary information regarding children, youth and families.

b. The State Committee may appoint advisory committees to assist it in developing and exploring particular issues.

5. The committee shall perform the following functions:

a. Review the operations of all public and private agencies affecting children.

b. Develop and maintain an organizational plan to be used as a reference in determining the services available to children, youth and families from all public and private agencies and organizations so that parents, children, and other interested parties may have convenient access to these services and so that coordination among such agencies and organizations may be fostered.

c. Review and evaluate programs, services, legislation, and proposals for such programs, services and legislation affecting children, youth and families.

d. Review funding available and proposed for such programs, services, and legislation.

e. Recommend new programs, services and legislation as the committee may deem necessary.

f. Maintain contact with the White House Conference staff in Washington within the Administration for Children, Youth and Families, Department of Health, Education and Welfare, the National Council of State Committees for Children and Youth, the regional committee established at the decennial

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conferences; and should be considered by all other public and private agencies in this State as the official body appointed by the Governor to be responsible for State planning for the White House Conferences on Families and Children and Youth and for evaluating and recommending to the Office of the Governor any programs, legislation, and administrative changes through which the life of the State's children, youth and their families can be enhanced.

6. The committee shall issue a report to the Governor in October and March of each year on the progress that has been made by public and private agencies over the past year and the committee shall make reports and recommendations to the Governor, to the Legislature, to government agencies, and private agencies and organizations for the improvement of current programs or the initiation of new programs for New Jersey's children, youth and their families.

7. The month of May shall be designated annually as a month for recognizing the children and youth of our State. The second week of May shall be designated as "A Week for Children and Youth," sponsored by the State Committee on Children, Youth, and Families; and I urge that it be set aside by all agencies in the State, both public and private, for activities focusing on the problems, concerns, and accomplishments of our children, youth and their families.

8. This order shall take effect immediately and shall terminate five years after date of enactment.

Given, under my hand and seal this 21st day of  
[SEAL] September, in the year of Our Lord, one thousand nine hundred and seventy-eight, of the Independence of the United States, the two hundred and third.

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:  
ROBERT E. MULCAHY, III,  
*Chief of Staff, Secretary.*

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 68

Provisions for the necessary and appropriate State coordination and participation with the Federal Insurance Administration under the National Flood Insurance Act of 1968, as amended, and rules and regulations promulgated thereunder.

WHEREAS, The State of New Jersey has extensive and continuing programs for the construction of buildings, roads and other facilities and annually acquires and disposes of lands in flood hazard areas, all of which activities significantly influence patterns of commercial, residential and industrial development; and

WHEREAS, The availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon State coordination of Federal, State and local aspects of flood plain (i.e. any land area susceptible to being inundated by water from any source), mudslide (i.e. mudflow) area and flood-related erosion area management activities in the State; and

WHEREAS, The participation by the State of New Jersey in a plan of self-insurance for State owned properties under Section 1925.1 et seq., Rules and Regulations of the Federal Insurance Administration, is conditioned upon the State's compliance with the minimum flood plain management criteria of the National Flood Insurance Program regulations; and

WHEREAS, The State of New Jersey has made provision for the self-insurance of State owned properties which complies with Section 1925.1 et seq., Rules and Regulations of the Federal Insurance Administration; and

WHEREAS, The Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of State and local communities to participate in the National Flood Insurance program and in a self-insurance program, which participation depends on State coordination and the designation of an agency in the State of New Jersey to be responsible for coordinating Federal, State and local aspects of flood plain, mudslide area

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and flood-related erosion area management activities in the State of 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 by the statutes of this State, do hereby ORDER and DIRECT:

Section 1. The Division of Water Resources in the State Department of Environmental Protection is hereby designated as the agency to implement Section 1910.12, Rules and Regulations of the Federal Insurance Administration, and to encourage a broad and unified effort to prevent the hazardous use and development of the State's flood plains, and in particular, to reduce the risk of flood losses in connection with State lands and installations and **State financed or supported improvements. Specifically:**

(1) Under the leadership and direction of the Division of Water Resources all State departments and agencies directly responsible for the construction of buildings, structures, roads or other facilities shall preclude the hazardous or unnecessary use of flood plains in connection with such facilities. In the event of construction or other development by any State department or agency in the flood plain, the flood plain management criteria set forth in Sections 1910.3, 1910.4 and 1910.5 of the National Flood Insurance Regulations shall be applicable. Compliance with these criteria does not excuse compliance with any other State laws or regulations.

(2) All State departments and agencies responsible for the administration of grant or loan programs involving the construction of buildings, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future State expenditures for flood protection and flood disaster relief, shall preclude the hazardous or unnecessary use of flood plains in such connection.

(3) All State departments and agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other public instrumentalities or private interests and in order to minimize future State expenditures for flood protection and flood disaster relief, shall attach appropriate restrictions with



respect to uses of the lands or properties for disposal. In carrying out the provisions of this paragraph, each State department and agency may make appropriate allowance for any estimated decrease in sales price resulting from the incorporation of use restrictions in the disposal documents.

(4) All State departments and agencies responsible for programs which affect land use planning, including State permit programs, shall take flood hazards into account when evaluating plans, and shall encourage land use appropriate to the degree of hazard involved.

Section 2. All State departments and agencies identified pursuant to Section 1, Subsection 2, herein, shall submit to the Division of Water Resources for review and approval all plans for the construction of buildings, structures, roads and other facilities.

Section 3. All State departments and agencies identified pursuant to Section 1, Subsection 3, herein, shall submit to the Division of Water Resources for review and approval all plat plans of State-owned lands or properties proposed for disposal.

Section 4. All State departments and agencies shall submit to the Division of Water Resources an inventory of all State-owned structures and their contents during the month of September of each year consistent with the requirements of Section 1925.11, Rules and Regulations of the Federal Insurance Administration.

Section 5. This Order will take effect immediately.

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

/s/ BRENDAN BYRNE,  
*Governor.*

Attest:

ROBERT E. MULCAHY, III,  
*Chief of Staff, Secretary.*