

# ACTS

OF THE

## **Second Annual Session**

OF THE

## **Two Hundred and Second Legislature**

OF THE

STATE OF NEW JERSEY

AND

## **Thirty-First Under the New Constitution**

CHAPTERS 201-460



1987

**New Jersey State Library**



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## EXECUTIVE ORDERS

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(2041)



## Executive Orders

## EXECUTIVE ORDER No. 157

WHEREAS, Severe weather conditions, including snow, heavy rains, winds, and high tides, have the potential for serious and substantial flooding, hazardous road conditions, and threaten life and property; and

WHEREAS, Wind-caused snowdrifts throughout the State make it difficult or impossible for citizens to obtain the necessities of life as well as essential services, such as fire, police and first aid; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State, and may become in other parts of the State, too large in scope to be handled in its entirety by the normal municipal operating services; and

WHEREAS, Also according to the most recent weather reports, travel conditions across the entire State are expected to worsen throughout the entire day and early evening; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (C. App. A:9-33 et seq.), and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a limited State of Emergency presently exists throughout this State.

In accordance with the Laws of 1942, Chapter 251, as supplemented and amended, I do hereby promulgate and declare the following regulations which shall be in addition to all other laws of the State of New Jersey, to be in effect across the entire State until such time as it is declared by me that an emergency no longer exists:

1. Non-essential vehicles are restricted and discouraged from using the State's highways.

2. The New Jersey State Police shall have the authority to remove all abandoned or parked vehicles from State highways, and to take all other actions necessary to secure the health, welfare and safety of the people of the State of New Jersey during this limited State of Emergency.

3. The New Jersey National Guard is activated to the extent necessary and shall work in cooperation with and shall perform such support missions as the Superintendent shall or will require to help ensure the preservation of the health, safety and welfare of the people of the State of New Jersey during this limited State of Emergency.

4. Citizens are encouraged to stay tuned to public broadcasting stations for further announcements relating to the storm emergency, should they be necessary.

Issued January 22, 1987.

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EXECUTIVE ORDER No. 158

WHEREAS, Executive Order No. 157, declaring a limited State of Emergency in the State of New Jersey, was issued on January 22, 1987 because of severe weather conditions; and

WHEREAS, The severity of the weather conditions necessitating the declaration of a State of Emergency has eased;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, announce that the State of Emergency is hereby terminated effective 9:10 a.m. on January 23, 1987, and I do hereby ORDER and DIRECT that Executive Order No. 157 and any regulations promulgated and adopted thereunder shall be null and void.

It is urged, however, that motorists continue to use discretion and caution in traveling, as the main roads, while clear, may be slippery.

I wish to express my gratitude to the people of New Jersey for the manner in which they cooperated during this limited State of Emergency, and to law enforcement and emergency response personnel for their untiring efforts.

Issued January 23, 1987.

## EXECUTIVE ORDER No. 159

WHEREAS, Severe weather conditions, including snow, heavy rains, winds, and high tides, have the potential for serious and substantial flooding, hazardous road conditions, and threaten life and property; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State, and may become in other parts of the State, too large in scope to be handled in its entirety by the normal municipal operating services; and

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

NOW, THEREFORE, I, Charles Hardwick, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a limited State of Emergency presently exists throughout this State.

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

In accordance with the Laws of 1942, Chapter 251 as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour,

reroute or divert any or all traffic and to prevent ingress or egress from any area that he, in his discretion, deems necessary for the protection of the health, safety, and welfare of the public.

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated, or maintained by the State of New Jersey to house and shelter persons who may need shelter during the course of this emergency.

This proclamation shall remain in effect until such time as it is determined by the Governor that an emergency no longer exists.

Issued January 26, 1987.

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EXECUTIVE ORDER No. 160

WHEREAS, Executive Order No. 159, declaring a limited State of Emergency in the State of New Jersey, was issued on January 26, 1987 because of severe weather conditions; and

WHEREAS, The severity of the weather conditions necessitating the declaration of a State of Emergency has eased;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, announce that the State of Emergency is hereby terminated effective 12:01 p.m. on January 27, 1987, and I do hereby ORDER and DIRECT that Executive Order No. 159 and any regulations promulgated and adopted thereunder shall be null and void.

It is urged, however, that motorists continue to use discretion and caution in traveling, as the main roads, while clear, may be slippery.

I wish to express my gratitude to the people of New Jersey for the manner in which they cooperated during this limited State of Emergency, and to law enforcement and emergency response personnel for their untiring efforts.

Issued January 27, 1987.

## EXECUTIVE ORDER No. 161

WHEREAS, On October 17, 1986, President Reagan approved the "Super Fund Amendments and Reauthorization Act of 1986" (the Act) which contains new provisions for emergency planning and community right to know; and

WHEREAS, Among these new provisions is one which requires that the Governor of each state appoint a State Emergency Response Commission within six months of the Act's effective date; and

WHEREAS, This Commission, within nine months of the Act's effective date, is required to designate emergency planning districts so as to facilitate preparation and implementation of emergency plans; and

WHEREAS, The Act specifically authorizes the Commission to designate existing political subdivisions as emergency planning districts; and

WHEREAS, To the extent practicable, the Commission must be comprised of individuals with technical expertise in the emergency response field; and

WHEREAS, The Governor is specifically authorized to designate as the State Emergency Response Commission an existing State-sponsored or appointed emergency response commission or organization; and

WHEREAS, The "Emergency Services Act of 1972" established the Governor's Advisory Council for Emergency Services, which is comprised of the Attorney General, the Adjutant General of the Department of Defense, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Transportation, and the President of the Board of Public Utilities; and

WHEREAS, The members of this Council, along with the Commissioner of the Department of Health and the Superintendent of the Division of State Police, who also serves as Director of the State Office of Emergency Management, have been determined to possess the necessary expertise to serve as members of the State Emergency Response Commission which must be established pursuant to the federal Act;

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

1. There is hereby created a State Emergency Response Commission for the State of New Jersey, hereinafter referred to as "the Commission."

2. The Commission shall consist of the present members of the Governor's Advisory Council for Emergency Services, the Commissioner of the Department of Health and the Superintendent of the Division of State Police, who is also the Director of the State Office of Emergency Management.

3. The Commission shall perform all duties and acts prescribed by the federal "Super Fund Amendments and Reauthorization Act of 1986."

4. In designating emergency planning districts, the Commission shall utilize existing political subdivisions consistent with the provisions of C. App. A:9-30 et seq.

5. The Office of Emergency Management within the Division of State Police shall serve as the primary agency for implementing the Act's Title III, Subtitle A requirements, while the Department of Environmental Protection shall serve as the primary agency for implementing the Act's Title III, Subtitle B requirements.

6. The Commission is authorized to accept such funds as may be made available to the Commission to carry out its responsibilities pursuant to the federal Act and this Executive Order.

7. In carrying out its responsibilities pursuant to the federal Act and this Executive Order, the Commission is authorized to call upon any department, office, division or agency of the State to supply such data, reports or other information it deems necessary. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purpose of the federal Act and this Executive Order.

8. Nothing in this Executive Order shall restrict or otherwise limit the statutory duties, functions and powers of the Governor's Advisory Council for Emergency Services or the Right to Know Advisory Coun-

cil which was established pursuant to the "Worker and Community Right to Know Act of 1983."

9. To the extent possible, the Commission and the Right to Know Advisory Council shall coordinate their respective activities in carrying out any overlapping functions and duties.

10. This Order shall take effect immediately.

Issued February 13, 1987.

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EXECUTIVE ORDER No. 162

WHEREAS, The Tax Reform Act of 1986 (the Act) has been enacted into law; and

WHEREAS, The Act provides for a new type of tax credit that may be claimed by owners of residential rental projects providing low income housing; and

WHEREAS, The Act imposes the State Housing Credit Ceiling on the aggregate amount of tax credits which may be allocated during each calendar year to such low income projects within each state; and

WHEREAS, The Act provides for the allocation of the State Housing Credit Ceiling to the Housing Credit Agency of each state; and

WHEREAS, One or more agencies and authorities of the State of New Jersey may qualify as the aforementioned Housing Credit Agency; and

WHEREAS, The Governor is delegated the authority by the Act to direct the allocation of the State Housing Credit Ceiling to the state agency or authority deemed most appropriate to distribute such credit; and

WHEREAS, A specific designation of the agency to whom the State Housing Credit Ceiling should be allocated will avoid any subsequent ambiguity concerning this matter; and

WHEREAS, In order to assure the efficient and beneficial utilization of the aforesaid tax credit under the Act, the New Jersey Housing and Mortgage Finance Agency should be designated the Housing Credit Agency for the State of New Jersey and, as such,

should be allocated all of the State Housing Credit Ceiling for the State of New Jersey in each calendar year; and

WHEREAS, The New Jersey Housing and Mortgage Finance Agency, in consultation with the New Jersey Department of Community Affairs, will develop a system for the distribution of the State Housing Credit Ceiling that provides priority consideration for projects receiving funding from state housing programs;

NOW, THEREFORE, I, Thomas H. Kean, 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 all of the State Housing Credit Ceiling for the State of New Jersey, as determined in accordance with the Act, shall be allocated in each calendar year to the New Jersey Housing and Mortgage Finance Agency as the Housing Credit Agency for the State of New Jersey.

2. This Order shall become effective on its signing and shall remain in full force and effect until amended or rescinded by further Executive Order or statute.

Issued February 13, 1987.

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EXECUTIVE ORDER No. 163

WHEREAS, Executive Order No. 65 created the Liberty State Park Advisory Commission; and

WHEREAS, The development of Liberty State Park presents an opportunity for New Jersey to create a unique urban, environmental, recreational and commercial resource for the citizens of New Jersey and the Nation; and

WHEREAS, The development of Liberty State Park should include a forum for public participation; and

WHEREAS, The development of Liberty State Park is a vital resource to Jersey City; and

WHEREAS, It has been determined necessary, fitting and proper to increase the representation of Jersey City at this time;

NOW, THEREFORE, I, Thomas H. Kean, 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. Section 1 of Executive Order No. 65 is hereby amended as follows:

1. The commission known as the Liberty State Park Public Advisory Commission (hereinafter referred to as the "Commission") is hereby continued, to consist of 11 members to be appointed by and serve at the pleasure of the Governor. Of the 11 members, five shall be residents of counties in the State other than Hudson County, two shall be residents of Hudson County municipalities other than Jersey City, three shall be residents of Jersey City, and one shall be the mayor of Jersey City, ex officio. The terms of office will be for three years or until their successors are appointed. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties subject to the availability of funds therefor.

2. This Order shall take effect immediately.

Issued February 13, 1987.

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EXECUTIVE ORDER No. 164

WHEREAS, Severe weather conditions, including snow, heavy rains, winds, and high tides, have the potential for serious and substantial flooding, hazardous road conditions, and threaten life and property; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State, and may become, in other parts of the State, too large in scope to be handled in its entirety by the normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (C. App. A:9-33 et seq.) and Laws of 1979, Chapter 240 (C. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S. 38A:2-4)

and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, John F. Russo, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a limited State of Emergency presently exists throughout this State.

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

In accordance with the Laws of 1942, Chapter 251, as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area that he, in his discretion, deems necessary for the protection of the health, safety, and welfare of the public.

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated, or maintained by the State of New Jersey to house and shelter persons who may need shelter during the course of this emergency.

This proclamation shall remain in effect until such time as it is determined by the Governor that an emergency no longer exists.

Issued February 23, 1987.

## EXECUTIVE ORDER No. 165

WHEREAS, Executive Order No. 164 declaring a limited State of Emergency was issued on February 23, 1987 because of severe winter weather conditions; and

WHEREAS, The severity of the weather conditions necessitating the declaration of a limited State of Emergency has ceased;

NOW, THEREFORE, I, John F. Russo, Acting Governor of the State of New Jersey, announce that the limited State of Emergency is hereby terminated, effective 2:00 p.m., February 23, 1987.

I wish to express my appreciation to the people of New Jersey for the manner in which they cooperated during this emergency and to the Law Enforcement and other Emergency Response personnel of the State for their untiring efforts.

Issued February 23, 1987.

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EXECUTIVE ORDER No. 166

WHEREAS, The State of New Jersey has a firm commitment to providing the lowest possible electrical rates; and

WHEREAS, New Jersey's energy rates should be set at a level that will encourage to the greatest degree business activity in this State while at the same time ensure that all consumers of electricity in the State pay the lowest rates possible; and

WHEREAS, Market-based pricing methodology for calculating electrical rates is an alternate method of calculating an electrical consumer's rate; and

WHEREAS, Market-based pricing methodology would require that the costs of new construction that may be passed on to ratepayers take into account the economic value of the facility as well as other prudence factors; and

WHEREAS, By using market-based pricing methodology for setting rates the consumer would pay a value of service rate for electricity; and

WHEREAS, The market-based pricing methodology may prove to be an alternate rate calculating methodology that would result in

lower electrical rates to consumers in the State of New Jersey;  
and

WHEREAS, Market-based pricing may facilitate the determination of a more stable and accurate market value of power; and

WHEREAS, The determination of an accurate market value of power can provide a basis for uniform pricing of electricity; and

WHEREAS, Uniform pricing for producers of electricity will reward efficient production of that commodity; and

WHEREAS, In order to comprehensively review and investigate the use of market-based pricing for determining electrical rates;

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

1. There is hereby created a Task Force on Market-Based Pricing (hereinafter referred to as the Task Force).

2. The Task Force shall consist of the Chief of the Governor's Office of Policy and Planning, or his or her designee, who shall serve as chairperson; the President of the Board of Public Utilities, or his or her designee; the Commissioner of the Department of Commerce, or his or her designee; the Public Advocate, or his or her designee; one representative from each of the three New Jersey electric utilities; one representative of the cogeneration industry in the State of New Jersey; one representative of the overall business community in the State of New Jersey; one representative of a large industrial user of electrical power in the State of New Jersey; one representative of a recognized consumer association in the State of New Jersey; and two representatives from the general public.

3. The responsibilities and functions of the Task Force shall be to investigate and study: (1) any problems that have resulted from traditional rate-setting methodology; (2) national trends in rate-setting decisions; (3) the various methods for introducing competitive forces in electricity production; (4) the effect of market pricing on supply, reliability and rates; (5) the need to reward producers who face special obligations; and (6) pricing techniques that allow for a greater shareholder risk and return.

4. Each department, office, division or agency of the State is authorized, to the extent not inconsistent with existing law, to coop-

erate with the Task Force and to render to it assistance to aid in the achievement of the goals set forth in this Executive Order.

5. The Task Force shall meet at least once a month, or more frequently as required, and shall immediately begin review of pertinent information in an effort to develop recommendations for a new electricity pricing system.

6. The Task Force shall render to the Governor a report of its findings and recommendations on or before October 31, 1987.

7. This Order shall take effect immediately.

Issued March 9, 1987.

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EXECUTIVE ORDER No. 167

WHEREAS, Various State-administered urban programs have been established over time for the purposes of improving the quality of life in the urban centers of the State and of expanding economic opportunities to all within our cities; and

WHEREAS, It is imperative that the effectiveness of these programs be reviewed periodically; and

WHEREAS, An entity consisting of policymaking members of the Executive Branch of State government should be created to monitor the progress of State administered urban programs and be authorized to recommend to the Governor the expansion, alteration, streamlining, consolidation or termination of any State-administered urban program;

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

1. There is hereby created the Urban Affairs Cabinet Council, hereinafter referred to as the "Council."

2. The Council shall consist of seven members, as follows: the Governor's Chief of Policy and Planning, the State Treasurer, the Commissioner of the Department of Community Affairs, the Commissioner of the Department of Commerce and Economic Development, the Commissioner of the Department of Labor, the Com-

missioner of the Department of Human Services and the Commissioner of the Department of Transportation. A member may designate an officer or employee of the member's department to represent the member at any meeting. A designee may vote and otherwise act on behalf of the member. The Governor's Chief of Policy and Planning shall chair the Council.

3. The Council shall monitor all existing State-administered urban programs that have been created pursuant to an act of the Legislature or by order of the Governor. The Council shall periodically report to the Governor its recommendations for improving the effectiveness of existing urban programs and for creating new urban programs administered, at least in part, by the State.

4. The Council shall meet at least quarterly.

5. The Governor's Office of Policy and Planning shall supply such personnel and other assistance to the Council as it may deem necessary to discharge its responsibilities under this Order. The Council is also authorized to call upon any department, office, division or agency of the Executive Branch of State government for data, reports and any other information, personnel or assistance, as appropriate.

6. This Order shall take effect immediately.

Issued March 11, 1987.

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#### EXECUTIVE ORDER No. 168

WHEREAS, Executive Order No. 17, signed by Governor Thomas H. Kean on October 5, 1982, created a New Jersey Advisory Council on Holocaust Education (Advisory Council) to assist and advise in the implementation of education programs on the Holocaust and genocide in the public schools; and

WHEREAS, Executive Order No. 17, as amended by Executive Order No. 87 signed by Governor Thomas H. Kean on November 28, 1984, required the Advisory Council to terminate upon the submission to the Governor of its final report no later than November 30, 1986; and

WHEREAS, The Advisory Council has submitted its final report to the Governor but has advised that further work is necessary; and

WHEREAS, The Advisory Council has provided valuable assistance to the public schools and this resource should continue to be available for public school districts which seek to enhance their curricula on the Holocaust and genocide in world history;

NOW, THEREFORE, I, Thomas H. Kean, 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. The New Jersey Advisory Council on Holocaust Education shall continue in existence through and including March 31, 1990.

2. The members of the Advisory Council whose terms expired on November 30, 1986 shall be eligible to be reappointed to the Advisory Council for successor terms which shall expire on March 31, 1990.

3. The Advisory Council shall be authorized to resurvey the extent and breadth of Holocaust and genocide education being incorporated into the curricula of the school systems of the State and, upon request, to assist the State Department of Education and local educational agencies in the development and implementation of Holocaust and genocide education programs. In furtherance of this responsibility, the Advisory Council shall be authorized to contact and collaborate with existing Holocaust and genocide public or private nonprofit resource organizations and may act as a liaison concerning Holocaust and genocide education to federal and State legislators.

4. Section 1 of Executive Order No. 17 is hereby amended to read as follows:

1. There is hereby created a New Jersey Advisory Council on Holocaust Education in the public schools (the Advisory Council). The Advisory Council shall be composed of a chairperson to be appointed by the Governor; the Commissioner of Education, ex officio; the Chancellor of Higher Education, ex officio and not more than 19 public members to be appointed by the Governor. The members shall serve without compensation.

5. Sections 2 through 6 of Executive Order No. 17, as amended by Executive Order No. 87, are to remain in effect as originally intended.

6. This Order shall take effect immediately.

Issued March 31, 1987.

## EXECUTIVE ORDER No. 169

WHEREAS, Severe weather conditions, including heavy rains, winds, and high tides, have created both flooding and the potential for serious and substantial flooding, hazardous road conditions, and threaten life and property; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State, and may become in other parts of the State, too large in scope to be handled in its entirety by the normal municipal operating services; and

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

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a limited State of Emergency presently exists in Bergen, Morris, Passaic, and Essex Counties as of April 5, 1987.

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

In accordance with the Laws of 1942, Chapter 251 as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour,

reroute or divert any or all traffic and to prevent ingress or egress from any area that he, in his discretion, deems necessary for the protection of the health, safety, and welfare of the public.

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated, or maintained by the State of New Jersey to house and shelter persons who may need shelter during the course of this emergency.

This proclamation shall remain in effect until such time as it is determined by the Governor that an emergency no longer exists.

Issued April 5, 1987.

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EXECUTIVE ORDER No. 170

WHEREAS, Executive Order No. 169 declaring a limited State of Emergency was issued on April 5, 1987 because of serious and substantial flooding conditions; and

WHEREAS, The severity of the weather conditions necessitating the declaration of a limited State of Emergency has ceased;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, announce that the limited State of Emergency is hereby terminated, effective 9:00 a.m., April 7, 1987.

I wish to express my appreciation to the people of New Jersey for the manner in which they cooperated during this emergency and to the Law Enforcement and other Emergency Response personnel of the State for their untiring efforts.

Issued April 5, 1987.

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EXECUTIVE ORDER No. 171

WHEREAS, Executive Order No. 80, signed by Governor Kean on August 28, 1984, created an Executive Study Commission on Public Procurement Law (Commission) to study the efficiency, cost-effectiveness and responsiveness of the public procurement systems throughout the State; and

WHEREAS, Pursuant to Executive Order No. 130, the Commission, on December 31, 1986, is required to submit to the Governor a final report of its findings and recommendations, if any, on improving the public procurement systems in the State; and

WHEREAS, The Commission has determined that further work is necessary to complete its task of surveying and evaluating the myriad of Statewide procurement provisions;

NOW, THEREFORE, I, Thomas H. Kean, 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 Commission shall continue in existence until October 31, 1987.
2. The Commission shall submit its final recommendations to the Governor at that time, or as soon thereafter as practicable.
3. The current members of the Commission shall continue to serve in their present capacity until October 31, 1987.
4. This Order shall take effect immediately.

Issued May 8, 1987.

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EXECUTIVE ORDER No. 172

WHEREAS, The New Jersey Turnpike Authority was created by the New Jersey Turnpike Authority Act of 1948 (P.L. 1948, c. 454) as an autonomous instrumentality of the State exercising public and essential governmental functions in the construction, operation and maintenance of the revenue-financed facility known as the New Jersey Turnpike; and

WHEREAS, The New Jersey Highway Authority was created by the New Jersey Highway Authority Act (P.L. 1952, c. 16) as an autonomous instrumentality of the State exercising public and essential governmental functions in the construction, operation and maintenance of the revenue-financed facility known as the Garden State Parkway; and

WHEREAS, The New Jersey Expressway Authority was created by the New Jersey Expressway Authority Act (P.L. 1962, c. 10) as an autonomous instrumentality of the State exercising public and

essential governmental functions in the construction, operation and maintenance of the revenue-financed facility known as the Atlantic City Expressway; and

WHEREAS, The Governor is charged with the responsibility of safeguarding the public interest pursuant to the enabling legislation creating these Authorities which states that each Authority action shall not take effect until the Governor has reviewed and approved such proposed action; and

WHEREAS, The expansion of these highways and incidental subordinate operations may have impact upon important legitimate local interests which must be given due regard and fairly considered by those Authorities charged with the responsibility of effectuating the public objective in a reasonable fashion; and

WHEREAS, There exists the need to balance the best interests of the entire State, for which the concept of these transportation facilities was designed, with the concerns of those local governmental authorities and private individuals potentially impacted by a proposed project; and

WHEREAS, In recognition of the vital importance of public input to the implementation of transportation projects so as to identify community values and concerns with respect to the nature of the alternatives and the concerns and constraints that need to be accounted for in order to safeguard the public interest; and

WHEREAS, To assure that potential adverse effects and local concerns relating to any proposed project on these highways have been fully considered in the development of such project, and that the final decisions on the project are made in the best overall public interest; taking into consideration the need for fast, safe and efficient transportation and attendant services, and the cost of minimizing such adverse effects on communities and natural resources and the disruption of community cohesion and aesthetic values;

NOW, THEREFORE, I, Thomas H. Kean, 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. Within forty-five (45) days from the date of this Executive Order, the New Jersey Turnpike Authority, the New Jersey Highway Authority and the New Jersey Expressway Authority shall adopt, by

formal resolution of their Boards, a policy and implementing procedures to ensure the provision of comprehensive information as well as the opportunity for maximum public comment as part of the project development process for Authority highway projects.

2. The policy and procedures for public participation shall, at a minimum, provide mechanisms for:

a. Adequate public notice to advise of a proposed project that is not an emergency or routine maintenance project; and

b. A forum which permits the Authority to make a public presentation of its plans and which allows those affected to adequately voice their opinions, recommendations and suggestions in a timely manner; and

c. The Authority to evaluate and respond to all public comments as an integral part of the project development process.

Issued May 20, 1987.

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#### EXECUTIVE ORDER No. 173

WHEREAS, The incidence of child abuse in New Jersey is a critical public concern; and

WHEREAS, Child abuse affects not only children, but the family and community as well, and is a threat to the future productive capacity and enlightened citizenship of its victims; and

WHEREAS, By Executive Order No. 51 there was created a Governor's Task Force on Child Abuse (the "Task Force") with a mandate to serve until January 1, 1985; and

WHEREAS, Executive Order No. 110 reinstated the Task Force and changed its title to the Governor's Task Force on Child Abuse and Neglect; and

WHEREAS, The members of the Task Force have addressed with dedication the problem of child abuse and neglect within the State, initiated preventative programs, and endeavored to educate the public as to the serious social problem affecting the lives and well-being of the children of our State; and

WHEREAS, Executive Order No. 110 expired on January 1, 1987; and

WHEREAS, There continues to be a need for the Task Force to address the areas of community education and public awareness, community support and protection;

NOW, THEREFORE, I, Thomas H. Kean, 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 Governor's Task Force on Child Abuse and Neglect is hereby reinstated and shall continue in existence until December 31, 1989.

2. The powers and responsibilities of the Task Force pursuant to Executive Order No. 51 and Executive Order No. 110 are continued in full force and effect.

a. The Task Force shall consist of no more than 15 public members appointed by the Governor. The members shall be appointed from among persons representing prosecutors' offices, police departments, physicians, hospitals, schools, civic groups, public housing authorities, child advocacy organizations, public service agencies, and representatives from business and industry;

b. The Commissioners of the Departments of Human Services, Education, Health, Corrections, and Community Affairs; the Public Advocate; the Chief Justice of the New Jersey Supreme Court; the Attorney General and the Superintendent of the New Jersey State Police; or their designees, shall also serve on the Task Force;

c. Task Force vacancies shall be filled by appointment by the Governor for the remainder of the unexpired terms;

d. The Commissioner of the Department of Human Services or his designee shall serve as the Chairperson of the Task Force and the Governor shall designate the Co-Chairperson of the Task Force from among the public membership; and

e. The Task Force may further organize itself in any manner it deems appropriate and conduct business and enact bylaws as deemed necessary to carry forth the responsibilities of the Task Force.

3. The Governor's Task Force on Child Abuse and Neglect shall, with the assistance of local child services, health and educational agencies, the courts, business and labor unions, religious organizations, child advocacy groups, and State, county or municipal departments:

- a. Promote awareness of the extent of the problem of child abuse and neglect in New Jersey;
  - b. Mobilize citizens and community agencies in a strong, prevention-oriented, proactive effort to address child abuse and neglect;
  - c. Develop mechanisms to facilitate early detection and appropriate protective services to the victims of child abuse and neglect and their families, and foster cooperative working relationships between responsible agencies; and
  - d. Provide other information on child abuse and neglect as the Governor may request.
4. The Task Force shall meet formally at least quarterly during the life of the Task Force.
  5. The Task Force shall, in performing this duty, recognize existing mechanisms for planning and coordination of services to children at the State, county and local levels, including, but not limited to, the Youth Services Commission, the Human Services Advisory Council, the Governor's Committee on Children's Services Planning, Child Life Protection Committee, and Special County Commissions on Child Abuse and Missing Children.
  6. The Department of Human Services is authorized and directed, to the extent not inconsistent with the law, to cooperate with the Task Force and to furnish it with such staff, office space and supplies as necessary to accomplish the purpose of this Order.
  7. This Order shall take effect immediately.

Issued May 20, 1987.

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EXECUTIVE ORDER No. 174

WHEREAS, The Constitution of the United States is the cornerstone for the welfare, prosperity and liberties of the people of this State and of the nation; and

WHEREAS, New Jersey was one of the original states participating in the 1787 Constitutional Convention and was the third state to ratify the Constitution, doing so unanimously on December 18, 1787; and

WHEREAS, The citizens of New Jersey played a major role in the creation and ratification of the United States Constitution; and

WHEREAS, Celebration of the historical event of the Two Hundredth Anniversary of the 1787 Constitutional Convention will provide opportunities for the people of this State to express their loyalty to the principles embodied in the Constitution and reaffirm their allegiance to this State and to the nation; and

WHEREAS, On May 30, 1986, Executive Order No. 140 was issued creating the Constitutional Bicentennial Commission to plan, promote and coordinate the commemorative programs and activities celebrating the Two Hundredth Anniversary of the United States Constitution; and

WHEREAS, Executive Order No. 140 contained a typographical error which incorrectly identified the date of New Jersey's ratification of the Constitution as December 19, 1787 rather than December 18, 1787, and recommended that the Constitutional Bicentennial Commission plan a fitting commemorative observance on December 19, 1987; and

WHEREAS, It is necessary to amend Executive Order No. 140 to insure that the commemorative celebration will be held on December 18, 1987;

NOW, THEREFORE, I, Thomas H. Kean, 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. Paragraph 4d. of Executive Order No. 140 is amended to read as follows:

d. Plan a fitting observance on December 18, 1987 to commemorate the ratification of the United States Constitution by the State of New Jersey.

2. Executive Order No. 140 is to remain in full force and effect in all other respects.

3. This Order shall take effect immediately and shall expire on December 31, 1989.

Issued June 3, 1987.

## EXECUTIVE ORDER No. 175

- WHEREAS, There are approximately 300,000 acres of freshwater wetlands in New Jersey which are not currently subject to a comprehensive program of uniform State regulation; and
- WHEREAS, Freshwater wetlands play a vital and significant role in maintaining the quality of life through material contributions to the water quality of the State, its economy, food supply and fish and wildlife resources; and
- WHEREAS, Freshwater wetlands protect subsurface and potable drinking water supplies by facilitating the purification of surface and groundwater resources; and
- WHEREAS, Freshwater wetlands provide a natural means of flood control and storm damage protection through the absorption and storage of water during high runoff periods and through the reduction of flood crests, thereby protecting against the loss of life and property; and
- WHEREAS, Freshwater wetlands provide essential breeding, spawning, nesting and wintering habitats for a major portion of this State's fish and wildlife, including migrating birds, endangered species and commercially and recreationally important wildlife; and
- WHEREAS, Freshwater wetlands serve as a transition zone between dry land and water sources, thereby retarding soil erosion; and
- WHEREAS, Freshwater wetlands play a crucial role in maintaining critical base flow to surface waters through the gradual release of stored flood waters and groundwater, particularly during drought periods; and
- WHEREAS, Hundreds of thousands of acres of freshwater wetlands in New Jersey have been lost to development over the last several years; and
- WHEREAS, Such continuing random and scattered development and construction, if not controlled, poses a direct threat to the great variety of rare, threatened and endangered plant and wildlife in the wetlands; and
- WHEREAS, The present rapidly increasing volume of stormwater runoff associated with development and construction, if not controlled, poses a significant threat to the lives and property of

downstream residents and the integrity of the stream systems;  
and

WHEREAS, The degraded water quality resulting from such storm-water runoff, if not controlled, poses a direct threat to the viability of New Jersey's multimillion dollar agricultural industry; and

WHEREAS, There is an immediate need to take strong decisive action to strictly control development and construction in New Jersey's freshwater wetlands until sound wetlands protection legislation is enacted in this State; and

WHEREAS, The failure to place some immediate State controls on development and construction in New Jersey's freshwater wetlands will result in a serious adverse impact on this State's water quality, economy, food supply and fish and wildlife resources and will exacerbate this State's already serious flooding problem; and

WHEREAS, Development and construction in areas adjacent to freshwater wetlands (buffer areas) can adversely affect such wetlands through increased runoff, sedimentation and introduction of pollutants; and

WHEREAS, Such buffer areas which support stands of native vegetation perform ecological and physical functions such as the stabilization of soil and prevention of erosion, the filtration of suspended solids (silt) to prevent their deposition on wetlands, water turbidity control, and serve as ecotones supporting species diversity and use, and as wildlife movement corridors; and

WHEREAS, The regulation of development and construction in areas which serve as buffers for regulated areas is recognized as appropriate and necessary for the protection of coastal wetlands pursuant to N.J.A.C. 7:7E-3.26 and for the protection of the Pinelands pursuant to N.J.A.C. 7:50-6.14;

NOW, THEREFORE, I, Thomas H. Kean, 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. Until the enactment of State legislation which provides adequate protection for freshwater wetlands, or 18 months from the date of this Executive Order, whichever is earlier, State approvals related

to development and construction activities in this State's freshwater wetlands shall be processed in the following manner:

(a) No State department or agency shall take final action on any application for financial assistance or for a grant, permit, certificate, license or other approval, now pending or hereafter submitted, for any development or construction activities within those areas in New Jersey which are palustrine wetlands, including those areas which are designated as such by the United States Fish and Wildlife Service National Wetlands Inventory.

(b) Palustrine wetlands means and includes all non-tidal wetlands dominated by trees, scrubs, persistent emergents, emergent mosses or lichens and all such wetlands that occur in tidal areas where salinity due to ocean-derived salt is below five parts per thousand.

(c) This Executive Order shall not apply, however, to development or construction which is currently regulated pursuant to the Coastal Area Facilities Review Act (CAFRA), the Pinelands Comprehensive Management Plan and the Hackensack Meadowlands Development Commission Master Plan.

(d) The Department of Environmental Protection shall determine whether a project for which an application has been submitted is subject to this Executive Order, and shall conduct such on-site inspections as necessary to make such determinations. These determinations shall constitute final agency action.

2. There is hereby established a Freshwater Wetlands Review Board ("the Review Board") which shall consist of the Commissioners of Environmental Protection, Commerce and Community Affairs or their designees.

3. This Review Board shall be empowered to exempt from the provisions of this Executive Order an application for financial assistance or for a grant, permit, certificate, license or other approval, now pending or hereafter submitted, for development or construction activities in a palustrine freshwater wetland if the applicant demonstrates to the Review Board that: 1) there exists a compelling public need for the development or construction activity, or 2) the denial of an exemption would result in extraordinary hardship, or 3) the development or construction activity for which an exemption is requested is consistent with the intent, goals and objectives of this Executive Order.

4. In no case shall the Review Board grant an exemption where the development or construction activity for which an exemption is requested could result in substantial impairment of a freshwater wetland.

5. If the Review Board exempts an application from the provisions of this Executive Order, that application shall be forwarded by the Review Board to the relevant State agency for review and handling by regular program staff.

6. A determination by the Review Board to grant or deny a request for an exemption from the provisions of this Executive Order shall constitute a final agency action.

7. Prior to making a final determination as to whether a request for an exemption shall be granted or denied, the Review Board may, in its discretion, refer the request to the Office of Administrative Law which shall, in such cases, conduct a hearing and issue findings, recommendations and conclusions for consideration by the Review Board.

8. The Review Board is authorized to call upon any department, office, division or agency of this State to supply data, program reports and other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Executive Order.

9. Each department, office, division or agency of this State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Review Board and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Executive Order.

10. The Department of Environmental Protection, within 30 days from the date of this Executive Order, is directed to formulate criteria 1) for determining the extent of adequate freshwater wetland buffer areas and 2) for regulating development and construction activities in freshwater wetland buffer areas.

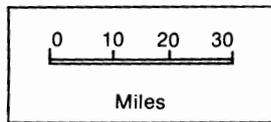
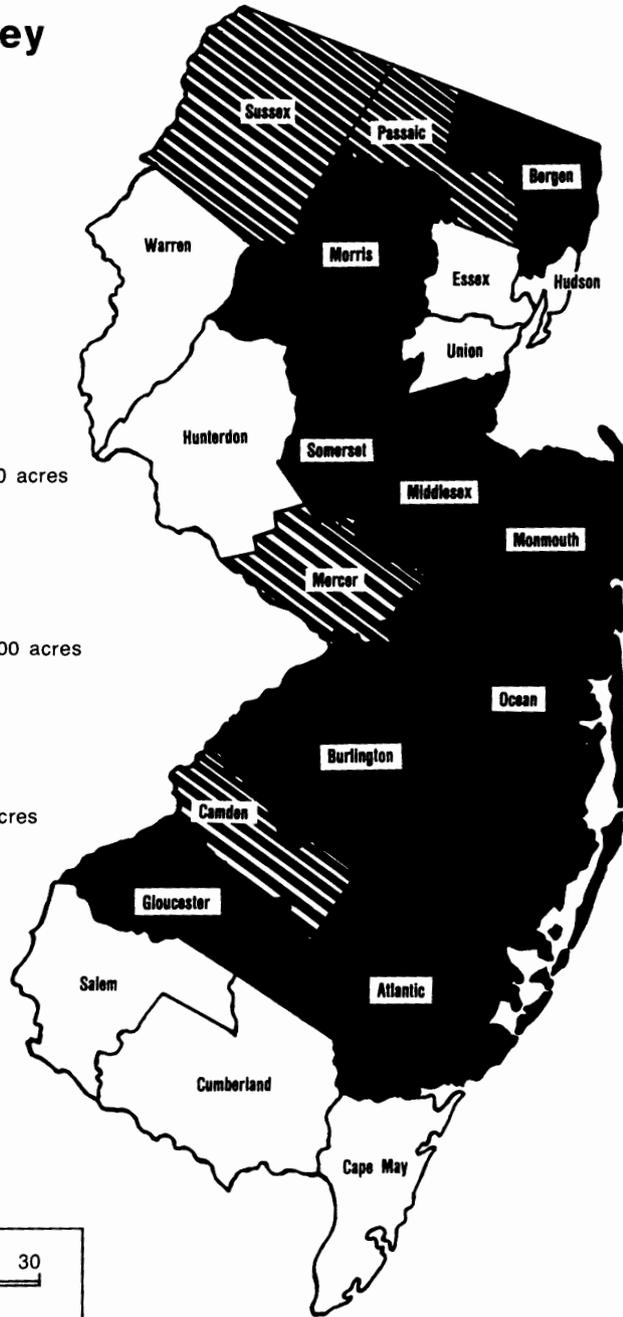
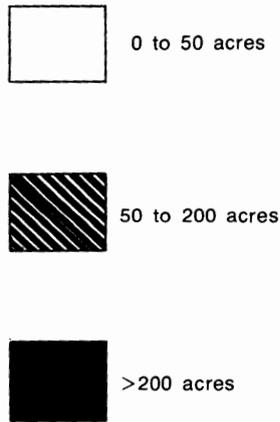
11. The Department of Environmental Protection is further directed, upon formulation of such criteria, to apply it, on a project specific basis, when deemed necessary and appropriate by the department.

12. All municipalities and counties in this State are requested and encouraged to make all of their actions consistent with the intent, goals and objectives of this Executive Order.

Issued June 8, 1987.

# New Jersey

## Potential Impacted Wetlands



**Wetlands Impacts In New Jersey**

	Acreage Within Pending Applications	Total Palustrine Wetlands Acreage
Atlantic	339	15,474
Bergen	213	7,749
Burlington	583	7,064
Camden	124	2,588
Cape May	11	40,323
Cumberland	5	92,881
Essex	14	1,974
Gloucester	636	5,826
Hudson	0	9,170
Hunterdon	1	4,629
Mercer	144	1,492
Middlesex	1,831	5,678
Monmouth	499	31,838
Morris	378	7,083
Ocean	307	50,800
Passaic	61	4,181
Salem	31	22,519
Somerset	285	524
Sussex	112	7,291
Union	11	1,198
Warren	13	2,667
State Total	<u>5,601</u>	<u>322,949</u>

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**EXECUTIVE ORDER No. 176**

WHEREAS, Executive Order No. 175, issued on June 8, 1987, declared a moratorium on the issuance of State grants, permits, certificates, licenses, applications for financial assistance, and other approvals for development and construction activities in this State's palustrine freshwater wetlands; and

WHEREAS, Executive Order No. 175 provided that this moratorium would remain effective until the enactment of State legislation which provides adequate protection for freshwater wetlands, or 18 months from June 8, 1987, whichever is earlier; and

WHEREAS, On July 1, 1987, I approved freshwater wetlands protection legislation which I have determined provides adequate protection for this State's freshwater wetlands;

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

1. Executive Order No. 175 is hereby terminated.
2. This Order shall take effect immediately.

Issued July 1, 1987.

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EXECUTIVE ORDER No. 177

WHEREAS, In my 1986 and 1987 State-of-the-State Addresses, I challenged the University of Medicine and Dentistry to become one of the nation's top 25 academic health sciences centers; and

WHEREAS, It is the public policy of this State that the University of Medicine and Dentistry of New Jersey provide programs of medical and dental education in the most economical and efficient manner and with a high degree of self-government; and

WHEREAS, Like successful academic health sciences centers in other states, the University of Medicine and Dentistry of New Jersey must develop strong partnerships with other health care organizations, research institutions and private corporations in order to meet my challenge with limited resources in a competitive environment; and

WHEREAS, The laws governing the University's operations are not clear concerning the provision of corporate flexibility required for the University to fully and competitively participate in such partnerships; and

WHEREAS, A solution to this issue must be found if the University is to become one of the nation's top 25 academic health centers;

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

1. There is hereby created a Governor's Task Force on the Laws Governing the University of Medicine and Dentistry of New Jersey (hereinafter referred to as the "Task Force").

2. The Task Force shall consist of five members, as follows: the Chancellor of Higher Education, or his designee; the Attorney General, or his designee; one representative of the University of Medicine and Dentistry; one representative of the Governor's Office; and one public member who shall be appointed by the Governor and serve as Chairman of the Task Force. Members shall serve without compensation, but the public member may be reimbursed for necessary expenses incurred in the performance of his duties subject to the availability of funds.

3. The Task Force shall be charged with the following responsibilities:

a. Determine from the University the issues and problems which have arisen or may arise related to its ability to compete effectively in the current health care market;

b. Assess the laws governing the University's operations in light of the changing, competitive conditions in the health care industry and the University's current needs;

c. Determine the degree to which current laws permit the University the corporate flexibility required to participate as a full partner in joint ventures and/or other business opportunities which will enhance its competitive status and fulfill the goals I have set for it; and

d. Recommend changes in the University's enabling legislation and/or other statutes affecting the University which are required to resolve outstanding issues.

4. The Task Force shall meet as frequently as required to discharge its duties.

5. The Task Force shall issue a final report of its findings and recommendations to the Governor on or before December 31, 1987.

6. The University of Medicine and Dentistry shall supply such personnel and other assistance to the Task Force as it may deem necessary to discharge its responsibilities under this Order. The Task Force is also authorized to call upon any department, office, division or agency of the Executive Branch of State government for any other information, personnel or assistance as appropriate.

7. This Order shall take effect immediately and shall expire upon submission of the Task Force's final report to the Governor.

Issued July 9, 1987.

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EXECUTIVE ORDER No. 178

WHEREAS, On May 24, 1984, I created by Executive Order No. 72 a Governor's Council on the Prevention of Mental Retardation, a body composed of Commissioners of various State departments and concerned citizens who have distinguished records in the area of mental retardation and developmental disabilities; and

WHEREAS, The Council completed a study evaluating the services needed to prevent mental retardation and developmental disabilities and made recommendations in a report to the Administration; and

WHEREAS, As a result of that report, I signed into law on January 20, 1987 legislation (P.L. 1987, c. 5) establishing a permanent Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation should continue to serve as an advisory council to the Commissioner of the Department of Human Services and to the newly created Office for Prevention of Mental Retardation and Developmental Disabilities;

NOW, THEREFORE, I, Thomas H. Kean, 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 Governor's Council on the Prevention of Mental Retardation shall continue in existence until December 31, 1989, and shall be renamed the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities to more accurately reflect the Council's expanded scope of prevention activities.

a. The Council shall consist of no more than 25 public members appointed by the Governor. The members shall be appointed from among persons representing consumers, professionals in mental re-

tardation and developmental disabilities, and persons representing the private sector.

b. The Commissioners of the Departments of Human Services, Education, Health, Environmental Protection, and/or their designees, shall also serve on the Council.

c. Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired terms.

d. The Governor shall designate the Chairperson of the Council from among the members of the Council. The Chairperson of the Council shall serve at the pleasure of the Governor.

e. The Council may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

2. The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities shall:

a. Advise the Commissioner of the Department of Human Services and the Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services;

b. Mobilize citizens and community agencies to support prevention-related activities;

c. Develop mechanisms to facilitate early detection;

d. Foster cooperative working relationships among responsible agencies; and

e. Provide other information on prevention as the Governor may request.

3. The Council, in performing its charge, shall consult with existing agencies for planning, coordination and delivery of prevention services to families at the State, county and local levels.

4. The Departments of Human Services, Education, Health, and Environmental Protection are authorized and directed, to the extent consistent with the law, to cooperate with the Council and to furnish it with resources necessary to carry out its purposes under this Order.

5. This Order shall take effect immediately and shall expire on December 31, 1989.

Issued July 30, 1987.

## EXECUTIVE ORDER No. 179

WHEREAS, Nursing care represents an important link in the chain of health care services vital to the health and well-being of the citizens of this State; and

WHEREAS, Nurses belong to the single largest professional discipline within the medical care delivery system; and

WHEREAS, This State, as well as the rest of the nation, is experiencing an acute nursing shortage; and

WHEREAS, The crisis in nursing vacancies has now climbed to a 17 percent vacancy rate reported in New Jersey hospitals; and

WHEREAS, This crisis cuts broadly across the entire medical care delivery system including not only the acute care industry, but also the long-term care and home health care industries;

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

1. There is hereby created a Nursing Shortage Study Commission to evaluate the adequacy of the current and future supply of registered professional nurses and ancillary nursing personnel in New Jersey and to make recommendations to insure that the supply of registered professional nurses and ancillary nursing personnel will be consistent with the health care needs of the people of this State.

2. The Commission shall consist of 13 members, appointed by the Governor, as follows: (a) one member of the New Jersey Board of Nursing; (b) three registered professional nurses, including one representative from each of the following organizations: the New Jersey State Nurses Association, the New Jersey League for Nursing, and the Organization of Nurse Executives of New Jersey; and (c) nine public members including one representative from each of the following organizations: the New Jersey Hospital Association, the Home Health Agency Assembly of New Jersey, Inc., the New Jersey Association of Health Care Facilities, the New Jersey Hospice Organization, the New Jersey Association of Deans and Directors of Baccalaureate and Higher Degree Programs, the New Jersey Council of Chairpersons of Associate Degree Programs, the Association of Diploma Schools of Professional Nursing, the Licensed Practical Nurse Association of New Jersey and the New Jersey Association of Non-profit Homes for the Aging.

3. The Commission shall organize as soon as practicable after the appointment of its members. The Governor shall designate the Chairperson of the Commission from among the members of the Commission who shall serve at the pleasure of the Governor. The Vice-Chairperson shall be selected by the Commission from among its members. Commission members shall serve without compensation.

4. The Commission may meet and hold hearings at such place or places as it shall designate and shall report its findings and recommendations to the Governor not more than 180 days following its organization.

5. The Departments of Human Services, Higher Education and Health are authorized and directed, to the extent consistent with the law, to cooperate with the Commission and supply such data, program reports and other information as may be requested by the Commission for its study. In addition, the Department of Health shall furnish the Commission with such staff, office space and supplies as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately and shall expire 12 months after its effective date.

Issued October 6, 1987.

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EXECUTIVE ORDER No. 180

WHEREAS, The State of New Jersey has been the site of numerous commemorative historical and cultural celebrations that have included: the Tall Ships of 1976, Liberation Monument, the Statue of Liberty Celebration, the Waterfront Marathon and the annual Ethnic Festival; and

WHEREAS, The State of New Jersey has made major contributions to the historical significance of this Great Nation through its strategic location, diversified geography, cultural sites and attractions; and

WHEREAS, Numerous major celebratory events are planned for the future that include local and Statewide celebrations of the United States Constitution, a celebration of the Colony of New Sweden, the National Governors' Conference, the Centennial of Ellis Island and others; and

WHEREAS, The provision and coordination of support services by the various State agencies is essential to the success of each of these official celebratory events;

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

1. There is hereby created the Special Events Coordinating Committee. The Committee shall consist of the Secretary of State or his/her designee; the Adjutant General of the Department of Defense or his/her designee; the Attorney General or his/her designee; the Commissioner of Environmental Protection or his/her designee; the Commissioner of Transportation or his/her designee; the Director of the Division of Travel and Tourism; and one representative of the Governor's Office. A chairperson is to be chosen from among the members of the Committee.

2. It shall be the responsibility and function of the Committee to coordinate the services to be provided by the various and necessary departments and agencies of State government to ensure the safe and orderly staging of special events in New Jersey.

3. Each department, office, division or agency of the State is authorized, to the extent not inconsistent with existing law, to cooperate with the Committee and to render to it assistance to aid in the achievement of the goals set forth in this Executive Order.

4. This Order shall take effect immediately.

Issued October 26, 1987.

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#### EXECUTIVE ORDER No. 181

I, Thomas H. Kean, 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. November 27, 1987, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal or other funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

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, 1987.

Issued November 13, 1987.

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EXECUTIVE ORDER No. 182

WHEREAS, Bicycling is a pollution free, healthful, energy-efficient means of transportation and recreation; and

WHEREAS, Bicycling is recognized by both the State and federal law and the policies and programs of federal, State and local transportation agencies as a legitimate mode of personal transportation; and

WHEREAS, According to the State Outdoor Recreation Plan, bicycling currently is and will continue to be the most popular form of outdoor recreation through the year 2000 when it is estimated that over 282 million recreational bicycle trips will be made annually; and

WHEREAS, New Jersey has a reputation nationwide as a prime area for bicycle touring, as exhibited by the thousands of people attracted to annual invitational rides; and

WHEREAS, There are over 20 bicycle clubs in the State which indicate the popularity of the sport; and

WHEREAS, It is in the public interest of the State of New Jersey to encourage residents to bicycle to save energy, improve the environment, improve public health and to establish facilities and regulations for the safety of participants therein; and

WHEREAS, It is in the economic interest of the State of New Jersey to encourage nonresidents to visit New Jersey for bicycling tours, races and other leisure activities;

NOW, THEREFORE, I, Thomas H. Kean, 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 Bicycle Advisory Council established by Executive Order No. 101 as amended by Executive Order No. 153 shall

continue in existence until January 1, 1990, to examine the status of bicycling in New Jersey and to provide advice on implementing the recommendations made in its report within the scope of current resources and priorities.

2. The Advisory Council shall continue to be comprised of the Commissioner of Transportation, the Chairman of the Board of New Jersey Transit, the Commissioner of Environmental Protection, the Director of the Division of Motor Vehicles, the Director of the Division of Travel and Tourism, the Commissioner of Education, the Commissioner of Community Affairs, or their designees, a representative of the Governor's Office and eight public members. The Commissioner of the Department of Transportation, or her designee, shall continue as chairperson and the Department of Transportation shall continue to serve as the lead agency.

3. This Order shall take effect immediately.

Issued November 19, 1987.

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#### EXECUTIVE ORDER No. 183

WHEREAS, It is the public policy of this State that the University of Medicine and Dentistry of New Jersey provide programs of medical and dental education in the most economical and efficient manner and with a high degree of self-government; and

WHEREAS, Like successful academic health sciences centers in other states, the University of Medicine and Dentistry of New Jersey must develop strong partnerships with other health care organizations, research institutions and private corporations in order to meet my challenge with limited resources in a competitive environment; and

WHEREAS, The laws governing the University's operations are not clear concerning the provision of corporate flexibility required for the University to fully and competitively participate in such partnerships; and

WHEREAS, Executive Order No. 177 created a Governor's Task Force on the Laws Governing the University of Medicine and Dentistry of New Jersey; and

WHEREAS, The original deadline for the submission of the Task Force's report does not allow sufficient time for the Task Force to complete its work;

NOW, THEREFORE, I, Thomas H. Kean, 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 Governor's Task Force on the Laws Governing the University of Medicine and Dentistry of New Jersey shall continue in existence until July 1, 1988.
2. The Task Force shall submit its final recommendations to the Governor at that time, or as soon thereafter as practicable.
3. This Order shall take effect immediately.

Issued November 30, 1987.

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EXECUTIVE ORDER No. 184

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

WHEREAS, These conditions continue to endanger the safety, welfare and resources of the residents of this State; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 155 of January 12, 1987 expires January 20, 1988; and

WHEREAS, The conditions specified in Executive Order No. 106 of June 19, 1981, continue to present a substantial likelihood of disaster;

NOW, THEREFORE, I, Thomas H. Kean, 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 (Byrne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, No. 1 (Kean) of January 20, 1982, No. 8 (Kean) of May 20, 1982, No. 27 (Kean) of January 10, 1983, No. 43 (Kean) of July 15, 1983, No. 60 (Kean) of January 20, 1984, No. 78 (Kean) of July 20, 1984, No. 89 (Kean) of January 18, 1985, No. 127 (Kean) of January 17, 1986, and No. 155 (Kean) of January 12, 1987 shall remain in effect until January 20, 1989, notwithstanding any sections in them stating otherwise.
  2. This Order shall take effect immediately.
- Issued January 4, 1988.

