

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

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

7. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 106

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. This Order shall take effect immediately.

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

/s/ BRENDAN BYRNE,
Governor.

Attest:

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