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GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

DEIRDRE M. NAUGHTON, ESQ.
Director
Professional and Governmental Services

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New Law Advisory

Issued: April 15, 2020

To: Assignment Judges

Subject: L. 2020, c. 26 - Allows remote notarial acts during Public Health Emergency and State of Emergency declared by Governor in Executive Order 103 of 2020.

Enacted: April 14, 2020

Effective: April 14, 2020

Area of Law: Administrative

Contact: The Office of Professional and Governmental Services

On April 14, 2020, Governor Murphy signed A3903 into law as L. 2020, c. 26. The new law took effect immediately. A copy of the law and Executive Order 103 are attached and available on the Judiciary Infonet under Legal Reference/Legislation Affecting Courts. Below is a summary of the law.

The new law provides that notwithstanding the provisions of any law or regulation to the contrary, during the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020, a notary public appointed pursuant to the provisions of the "Notaries Public Act of 1979," N.J.S.A. 52:7-10 et seq., or otherwise qualified and commissioned as a notary public in this State or an officer authorized to take oaths, affirmations and affidavits under N.J.S.A. 41:2-1 or to take acknowledgements under N.J.S.A. 46:14-6.1 may perform notarial acts using communication technology for a remotely located individual if:

1. The notary public or officer:
   a. has personal knowledge of the identity of the individual;
   b. has "satisfactory evidence," as defined in the new law, of the identity of the remotely located individual by oath or affirmation from a credible witness; or
   c. has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of "identity proofing," as defined in the new law;
2. The notary public or officer is reasonably able to confirm that the record before the notary public or officer is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature. The

certificate required by N.J.S.A. 46:14-2.1(c) and name affixation required by N.J.S.A. 52:7-19 must indicate that the notarial act was performed using communication technology; and

3. The notary public or officer creates an audio-visual recording of the performance of the notarial act. The audio-visual recording created must be retained for a period of at least 10 years.

For a remotely located individual who is outside the United States, additional requirements apply:

1. The record (a) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or (b) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and
2. The act of making the statement or signing the record is not prohibited by the foreign state where the individual is located.

The officers authorized to take oaths, affirmations and affidavits under N.J.S.A. 41:2-1 are:

- The Chief Justice of the Supreme Court, any of the Justices of the Supreme Court, and Judges of Superior Court or other courts of this State;
- Municipal court judges;
- Clerks of all courts;
- Members of county boards of chosen freeholders and their clerks;
- Surrogates, registers of deeds and mortgages, county clerks and their deputies;
- Sheriffs;
- Mayors or aldermen of cities, towns or boroughs or commissioners of commission-governed municipalities;
- Municipal clerks;
- Members of the Legislature;
- Attorneys-at-law; and
- Certified court reporters, as defined in N.J.S.A. 45:15B-10.

The officers authorized to take acknowledgements under N.J.S.A. 46:14-6.1 are:

- Attorneys-at-law;
- Notaries public;
- Surrogates, registers of deeds and mortgages, county clerks and their deputies;
- Officers of the United States, of a state, territory or district of the United States, or of a foreign nation authorized at the time and place of the acknowledgment or proof by the laws of that jurisdiction to take acknowledgments or proofs;
- Foreign commissioners of deeds for New Jersey within the jurisdiction of the commission; and
- Foreign service or consular officers or other representatives of the United States to any foreign nation, within the territory of that nation.

During the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020, a remotely located individual may comply with the acknowledgement and proof requirements of N.J.S.A. 46:14-2.1(a) and (b) by using the above process. However, the new law does not apply to a record governed by:

1. the "Uniform Commercial Code," N.J.S.A. 12A:1-101 et seq., other than N.J.S.A. 12A:1-107, N.J.S.A. 12A:1-206, the provisions of the "Uniform Commercial Code – Sales," chapter 2 of Title 12, and the provisions of the "Uniform Commercial Code – Leases," chapter 2A of Title 12A; or
2. a statute, regulation or other rule of law governing adoption, divorce, or other matters of family law.

The State Treasurer may, in her discretion, adopt rules or append provisions to the manual distributed pursuant to N.J.S.A. 52:7-17 to implement the provisions of the new law. In doing so, she must consider the most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the recommendations of the National Association of Secretaries of State. Any rule adopted or provisions appended to the manual pursuant to this subsection shall be effective for a period not to exceed the duration of the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020.

Kindly advise appropriate staff of this new law. Please contact the Office of Professional and Governmental Services with any questions regarding Chapter 26.

Attachment
cc: Glenn A. Grant, J.A.D.
AOC Directors and Assistant Directors
TCAs
Presiding Judges of Civil, Criminal, Family, Municipal
Clerks of Court
statutetable.mbx@njcourts.gov

[First Reprint]

ASSEMBLY, No. 3903

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 23, 2020

Sponsored by:
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)
Assemblyman ERIC HOUGHTALING
District 11 (Monmouth)
Assemblywoman LISA SWAIN
District 38 (Bergen and Passaic)
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator VIN GOPAL
District 11 (Monmouth)
Senator TROY SINGLETON
District 7 (Burlington)
Senator DECLAN J. O'SCANLON, JR.
District 13 (Monmouth)

Co-Sponsored by:
Assemblymen Benson, Zwicker, Senators A.M.Bucco, Addiego, Bateman, Cardinale, Doherty, Pennacchio, Singer, Testa, Ruiz, Assemblywomen Pinkin, McKnight and Assemblyman Tully

SYNOPSIS

Allows remote notarial acts during Public Health Emergency and State of Emergency declared by Governor in Executive Order 103 of 2020.

CURRENT VERSION OF TEXT

As amended by the Senate on April 13, 2020.

(Sponsorship Updated As Of: 4/13/2020)

AN ACT concerning remote notarial acts [1], and other acts for executing and verifying certain documents, by notaries public and certain other authorized officials using communication technology[1] for the duration of the [1][Public Health Emergency] public health emergency[1] and [1][State] state[1] of [1][Emergency] emergency[1] declared by the Governor in Executive Order 103 of 2020.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. As used in this section:

"Communication technology" means an electronic device or process that:

(1) allows a notary public [1]or an officer authorized to take oaths, affirmations, and affidavits, or to take acknowledgements,[1] and a remotely located individual to communicate with each other simultaneously by sight and sound; and

(2) when necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing, or speech impairment.

"Foreign state" means a jurisdiction other than the United States, a state, or a federally recognized Indian tribe.

"Identity proofing" means a process or service by which a third person provides a notary public [1]or an officer authorized to take oaths, affirmations, and affidavits, or to take acknowledgements[1] with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

"Notarial act" means any official act performed by a notary public [1][under the laws of this State, which] appointed pursuant to the provisions of the "Notaries Public Act of 1979," P.L.1979, c.460 (C.52:7-10 et seq.), or otherwise qualified and commissioned as a notary public in this State, or performed by an officer authorized to take oaths, affirmations and affidavits under R.S.41:2-1 or to take acknowledgments under R.S.46:14-6.1. "Notarial act"[1] shall include the following [1][acts][1]: taking acknowledgments; administering oaths and affirmations; executing jurats or other verification; taking proofs of deed; and executing protests for non-payment.

"Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.

"Remotely located individual" means an individual who is not in the physical presence of a notary public [1], or an officer authorized to

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate floor amendments adopted April 13, 2020.

take oaths, affirmations, and affidavits, or to take acknowledgements,[1] performing a notarial act under subsection c. of this section.

"Satisfactory evidence" means a passport, driver's license, or government issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act; another form of government identification issued to an individual, which is current or expired not more than three years before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the notary public [1]or officer authorized to take oaths, affirmations, and affidavits, or authorized to take acknowledgements[1]; or a verification on oath or affirmation of a credible witness personally appearing before the notary public [1]or officer[1] and known to the notary public [1]or officer[1] or whom the notary public [1]or officer[1] can identify on the basis of a passport, driver's license, or government issued nondriver identification card, which is current or expired not more than three years before performance of the notarial act.

b. Notwithstanding the provisions of any law or regulation to the contrary, during the [1]**[**Public Health Emergency**]** public health emergency[1] and [1]**[**State**]** state[1] of [1]**[**Emergency**]** emergency[1] declared by the Governor in Executive Order 103 of 2020, a notary public appointed pursuant to the provisions of the "Notaries Public Act of 1979," P.L.1979, c. 460 (C.52:7-10 et seq.), or otherwise qualified and commissioned as a notary public in this State [1]or an officer authorized to take oaths, affirmations and affidavits under R.S.41:2-1 or to take acknowledgements under R.S.46:14-6.1[1] may perform notarial acts using communication technology for a remotely located individual if:

(1) the notary public [1]or officer[1]:

(a) has personal knowledge of the identity of the individual appearing before the notary public [1]or officer[1], which is based upon dealings with the individual sufficient to provide reasonable certainty that the individual has the identity claimed;

(b) has satisfactory evidence of the identity of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public [1]or officer[1] ; or

(c) has obtained satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing;

(2) the notary public [1]or officer[1] is reasonably able to confirm that a record before the notary public [1]or officer[1] is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature;

(3) the notary public [1]**[**,**]** or officer[1] or a person acting on [1]their[1] behalf [1]**[**of the notary public,**]**[1] creates an audio-visual recording of the performance of the notarial act; and

(4) for a remotely located individual who is located outside the United States:

(a) the record: (i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or (ii) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States; and

(b) the act of making the statement or signing the record is not prohibited by the foreign state in which the remotely located individual is located.

c. During the [1]**[**Public Health Emergency**]** public health emergency[1] and [1]**[**State**]** state[1] of [1]**[**Emergency**]** emergency[1] declared by the Governor in Executive Order 103 of 2020, a remotely located individual may comply with subsections a. and b. of R.S.46:14-2.1 by using communication technology to appear before a notary public [1]appointed pursuant to the provisions of the "Notaries Public Act of 1979," P.L.1979, c.460 (C.52:7-10 et seq.), or otherwise qualified and commissioned as a notary public in this State, or by using communication technology to appear before an officer authorized to take oaths, affirmations, and affidavits under R.S.41:2-1 or to take acknowledgments under R.S.46:14-6.1[1].

d. This section shall not apply to a record to the extent it is governed by:

(1) [1]**[**a law governing the creation and execution of wills or codicils;

(2)**]**[1] the [1]**[**Uniform Commercial Code**]** "Uniform Commercial Code," N.J.S.12A:1-101 et seq.,[1] other than [1]**[**Sections 1-107 and 1-206, Article 2 and Article 2A**]** N.J.S.12A:1-107, N.J.S.12A:1-206, the provisions of the "Uniform Commercial Code – Sales," chapter 2 of Title 12A of the New Jersey Statutes, and the provisions of the "Uniform Commercial Code – Leases," chapter 2A of Title 12A of the New Jersey Statutes[1]; or

[1]**[**(3)**]** (2)[1] a statute, regulation or other rule of law governing adoption, divorce or other matters of family law.

e. If a notarial act is performed under this section, the certificate required by subsection c. of R.S.46:14-2.1 and name affixation required by section 10 of P.L.1979, c.460 (C.52:7-19) shall indicate that the notarial act was performed using communication technology.

f. A notary public [1]appointed pursuant to the provisions of the "Notaries Public Act of 1979," P.L.1979, c.460 (C.52:7-10 et seq.), or otherwise qualified and commissioned as a notary public in this State, or an officer authorized to take oaths, affirmations and affidavits under R.S.41:2-1 or to take acknowledgments under R.S.46:14-6.1[1], a guardian, conservator, or agent of [1]**[**a notary public, or**]** such person or, if such person is deceased,[1] a personal

representative of [1]**[**a**]** the deceased [1]**[**notary public**]** person[1], shall retain the audio-visual recording created under paragraph (3) of subsection b. of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted pursuant to subsection g. of this section, the recording must be retained for a period of at least 10 years after the recording is made.

g. [1](1)[1] Notwithstanding the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to the contrary, the State Treasurer may, in her discretion, adopt rules or append provisions to the manual distributed pursuant to section 8 of P.L.1979, c.460 (C.52:7-17) as necessary to implement the provisions of this section, which rules or appended provisions may include the means of performing a notarial act involving a remotely located individual using communication technology; standards for communication technology and identity proofing; and standards for the retention of an audio-visual recording created under paragraph (3) of subsection b. of this section.

[1](2) Before adopting, amending, or repealing any such rule or appended provision pursuant to this subsection, the State Treasurer shall consider the most recent standards regarding the performance of a notarial act with respect to a remotely located individual promulgated by national standard-setting organizations such as the Mortgage Industry Standards Maintenance Organization and the recommendations of the National Association of Secretaries of State.

(3)[1] Any rule adopted or provisions appended to the manual pursuant to this subsection shall be effective for a period not to exceed the duration of the [1]**[**Public Health Emergency**]** public health emergency[1] and [1]**[**State**]** state[1] of [1]**[**Emergency**]** emergency[1] declared by the Governor in Executive Order 103 of 2020.

2. This act shall take immediately and shall expire upon rescission of Executive Order No. 103 of 2020 by the Governor.

EXECUTIVE ORDER NO. 103

WHEREAS, Coronavirus disease 2019 ("COVID-19") is a contagious, and at times fatal, respiratory disease caused by the SARS-CoV-2 virus; and

WHEREAS, COVID-19 is responsible for the 2019 novel coronavirus outbreak, which was first identified in Wuhan, the People's Republic of China in December 2019 and quickly spread to the Hubei Province and multiple other countries; and

WHEREAS, symptoms of the COVID-19 illness include fever, cough, and shortness of breath, which may appear in as few as two or as long as 14 days after exposure, and can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern," which means "an extraordinary event which is determined to constitute a public health risk to other States through the international spread of disease and to potentially require a coordinated international response," and thereafter raised its global risk assessment of COVID-19 from "high" to "very high"; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, as of March 9, 2020, according to the Centers for Disease Control and Prevention ("CDC"), there were more than 114,000 confirmed cases of COVID-19 worldwide, with over 4,000 of those cases having resulted in death; and

WHEREAS, as of March 9, 2020, there were more than 500 confirmed cases of COVID-19 in the United States, with 22 of those cases having resulted in death; and

WHEREAS, as of March 9, 2020, there were 11 presumed positive cases of COVID-19 in New Jersey, with 24 additional "Persons Under Investigation" spread across the counties of Bergen, Camden, Cumberland, Essex, Hunterdon, Middlesex, Monmouth, Passaic, Union, and Sussex; and

WHEREAS, as of March 9, 2020, there were 142 positive cases of COVID-19 in the State of New York and seven presumptive positive cases in the Commonwealth of Pennsylvania; and

WHEREAS, the CDC expects that additional cases of COVID-19 will be identified in the coming days, including more cases in the United States, and that person-to-person spread is likely to continue to occur; and

WHEREAS, if COVID-19 spreads in New Jersey at a rate comparable to the rate of spread in other affected areas, it will greatly strain the resources and capabilities of county and municipal governments, including public health agencies, that provide essential services for containing and mitigating the spread of contagious diseases, such as COVID-19, and the situation may become too large in scope to be handled in its entirety by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

WHEREAS, the spread of COVID-19 may make it difficult or impossible for citizens to obtain consumer goods and other necessities of life due to supply chain disruption and price increases, as well as hamper the delivery of essential services such as police, fire, and first aid; and

WHEREAS, the State's public bidding act, N.J.S.A. 52:34-6 et seq., provides a public exigency exemption, N.J.S.A. 52:34-10(b), that in the event of a threat to the life, health, or safety to the public, advertised bidding is not required to obtain those

goods and services necessary to address the public exigency where the Division of Purchase of Property provides preapproval in accordance with Treasury Circular 18-14-DPP; and

WHEREAS, in the event of a declared emergency pursuant to Treasury Circular 19-10-DPP, the threshold for delegated purchasing by individual State Departments is raised to $100,000 such that purchases at or below that amount do not require prior approval or action by DPP; and

WHEREAS, the spread of COVID-19 may disrupt the timely delivery of State contracted goods or services, the immediate delivery and fulfillment of which is necessary for the life, safety, or health of the public; and

WHEREAS, the State of New Jersey has been working closely with the CDC, local health departments, and healthcare facilities to monitor, plan for and mitigate the spread of COVID-19 within the State; and

WHEREAS, through Executive Order No. 102, which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health ("DOH"), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by COVID-19; and

WHEREAS, it is critical to prepare for and respond to suspected or confirmed COVID-19 cases in New Jersey, to implement appropriate measures to mitigate the spread of COVID-19, and to prepare in the event of an increasing number of individuals requiring medical care or hospitalization; and

WHEREAS, the State of New Jersey also acts as an employer with tens of thousands of employees, and the spread of COVID-19 requires preparedness for staffing shortages and flexibility in work rules to ensure that its employees can fully comply with all

medically appropriate measures while also ensuring the continuous delivery of State services performed by Executive branch agencies; and

WHEREAS, the continuous delivery of services at the county and municipal level performed by those governments and their employees is also essential; and

WHEREAS, the spread of COVID-19 within New Jersey constitutes an imminent public health hazard that threatens and presently endangers the health, safety, and welfare of the residents of one or more municipalities or counties of the State; and

WHEREAS, it is necessary and appropriate to take action against this public health hazard to protect and maintain the health, safety, and welfare of New Jersey residents and visitors; and

WHEREAS, the facts as set forth above and consultation with the Commissioner of DOH confirms that there exists a public health emergency in the State; and

WHEREAS, New Jersey's Consumer Fraud Act, N.J.S.A. 56:8-107 et seq., prohibits excessive price increases during a declared state of emergency, or for 30 days after the termination of the state of emergency; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. 26:13-1 et seq., N.J.S.A. App. A: 9-33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 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, PHILIP D. MURPHY, 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 Public Health Emergency and State of Emergency exist in the State of New Jersey, and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in conjunction with the Commissioner of DOH, to take any such emergency measures as the State Director may determine necessary, including the implementation of the State Emergency Operations Plan and directing the activation of county and municipal emergency operations plans, in order to fully and adequately protect the health, safety and welfare of the citizens of the State of New Jersey from any actual or potential threat or danger that may exist from the possible exposure to COVID-19. The State Director of Emergency Management, in conjunction with the Commissioner of DOH, is authorized to coordinate the relief effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. The State Director of Emergency Management, in conjunction with the Commissioner of DOH, shall also supervise and coordinate all activities of all State, regional and local political bodies and agencies in order to ensure the most effective and expeditious implementation of this order, and, to this end, may call upon all such agencies and political subdivisions for any assistance necessary.

3. Given the concurrent invocation of both a State of Emergency pursuant to N.J.S.A. App.A.:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq., I reserve the right as specifically contemplated by N.J.S.A. 26:13-3 to exercise the authority and powers specific to the Emergency Health Powers Act as I deem necessary and appropriate to ensure the public health for New Jersey's residents.

4. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee, or agent 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, to cooperate fully with the State Director of Emergency Management and the Commissioner of DOH in all matters concerning this state of emergency.

5. The Coronavirus Task Force established under Executive Order No. 102 is continued with the Commissioner of DOH as the chair, and shall provide assistance on the State's efforts preparing for and responding to the public health hazard posed by COVID-19.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend, or modify any existing rule, where the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management and the Commissioner of DOH. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. All State agencies, and specifically the Departments of Banking and Insurance, Health, Human Services, Education, and the Civil Service Commission are authorized to take appropriate steps to address the public health hazard of COVID-19, including increasing access and eliminating barriers to medical care, protecting the health and well-being of students, and protecting the health and well-being of State, county, and municipal employees while ensuring the continuous delivery of State, county, and municipal services.

8. I authorize and empower the State Director of Emergency Management, in conjunction with the Commissioner of DOH, to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety, or welfare because of the conditions created by this emergency.

9. I authorize and empower the State Director of Emergency Management, in conjunction with the Commissioner of DOH, to utilize all property, equipment, and facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure, or vehicle during the course of this emergency.

10. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, to order to active duty such members of the New Jersey National Guard who, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety, and welfare and to authorize the employment of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

11. In accordance with the N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties, or instrumentalities, and to commandeer and utilize any personal services and any privately-owned property necessary to protect against this emergency.

12. In accordance with N.J.S.A. App. A:9 40, no municipality, county, or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance, or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

13. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6, and N.J.S.A. 40A:14-156.4, no municipality or public or semipublic agency shall send public works, fire, police, emergency medical, or other personnel or equipment into any non-contiguous impacted municipality within this State, nor to any impacted municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies in consultation with the State Director of Emergency Management in conjunction with the Commissioner of DOH.

14. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

GIVEN, under my hand and seal this 9th day of March, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor