

EXECUTIVE ORDER NO. 116

WHEREAS, beginning on October 28, 2012, and continuing through October 30, 2012, Hurricane Sandy struck the State of New Jersey with high winds and torrential rains; and

WHEREAS, Sandy produced unprecedented severe weather conditions, including enormous storm surges, devastating winds, and widespread flooding; and

WHEREAS, Sandy destroyed entire communities across New Jersey, and left much of the State inaccessible; and

WHEREAS, the damage caused from Sandy, including fallen trees, downed power lines, damage to roadways, and unprecedented disruptions in electrical service, produced dangerous conditions throughout the State that continue to jeopardize public safety; and

WHEREAS, the effects of Sandy, especially the widespread power outages, have disrupted the orderly sale of motor fuel, making it difficult for the State's citizens to access adequate motor fuel; and

WHEREAS, the orderly and measured sale of motor fuel is necessary to ensure that all citizens of New Jersey have a steady and reliable source of power for both transportation purposes and for the maintenance of essential services within their homes; and

WHEREAS, on November 2, 2012, pursuant to N.J.S.A. 52:27F-17 and due to the existence of an energy supply shortage of a dimension that endangers the public health, safety, and welfare of New Jerseyans, I declared a limited state of energy emergency in twelve counties with regard to motor fuel; and

WHEREAS, on October 27, 2012, in light of the dangers posed by Sandy, and pursuant to the authority provided under the Constitution and statutes of the State of New Jersey, particularly the provisions of 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, I declared a State of Emergency; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by Sandy; and

WHEREAS, the Federal Emergency Management Administration ("FEMA") and the State determined that it was necessary to increase the delivery of motor fuel to retail dealers and thereby mitigate the energy emergency in the State; and

WHEREAS, to facilitate the delivery of motor fuel to retail dealers in this time of emergency, FEMA and the State entered into an agreement pursuant to which FEMA, through the Defense Logistics Agency of the United States Department of Defense,

delivered motor fuel to retail dealers in the State in need of supply;

NOW, THEREFORE, I, CHRIS CHRISTIE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Director of the Division of Taxation, in the Department of the Treasury, is directed to take all appropriate actions to effectuate the fuel agreement between FEMA and the State, including, but not limited to:

a. Implementing the provisions of the fuel agreement between FEMA and the State;

b. Requiring retail motor fuel dealer participants to maintain all appropriate records and documentation with respect to the fuel agreement;

c. Ensuring that retail motor fuel dealer participants submit timely payment for all motor fuel received pursuant to the fuel agreement;

d. Preventing any retail motor fuel dealer participants from being unjustly enriched via participation in the fuel agreement; and

e. Taking any other appropriate actions to ensure the efficient and effective administration of the fuel agreement.

2. This Order shall take effect immediately.

GIVEN, under my hand and seal this
16th day of November,
Two Thousand and Twelve,
and of the Independence of
the United States, the Two
Hundred and Thirty-Seventh.

[seal]

/s/Chris Christie

Governor

Attest:

/s/Charles B. McKenna

Chief Counsel to the Governor