

ACTS
OF THE
First Annual Session
OF THE
Two Hundred and Fourteenth Legislature
OF THE
STATE OF NEW JERSEY



2010

New Jersey State Library

EXECUTIVE ORDERS

(1369)

EXECUTIVE ORDER NO. 1

WHEREAS, New Jersey's citizens, their government, and all persons doing business in this State have a mutual investment in the promulgation of administrative rules and regulations that are reasonable, comprehensible, consistent, predictable and responsive; and

WHEREAS, Among my priorities as Governor of the State of New Jersey and in furtherance of my constitutional authority to supervise the principal departments and agencies of State Government is the establishment of a new common sense approach to the promulgation and adoption of administrative rules and regulations under the direction of a "Red Tape Review Group" to be created in the Department of State under the direction of the Lieutenant Governor; and

WHEREAS, A preliminary review of rules and regulations has revealed that over 800 pages of proposed administrative rules are currently published in the New Jersey Register, and a review of those rules shows that approximately 154 rule proposals can be frozen without compromising the public health, safety or welfare and without prejudicing the rights of the people of the State of New Jersey; and

WHEREAS, In order to perform its function of reviewing proposed administrative rules over a period of 90 days, the Red Tape Review Group must be afforded a sufficient opportunity to examine proposed administrative rules and regulations prior to their adoption, and thereafter make recommendations on those contemplated rules that are unworkable, overly-proscriptive or ill-advised; and

WHEREAS, This review of proposed administrative rules is especially necessary in order to address the current economic and fiscal situation in New Jersey, and to ensure that the regulatory processes of State Government do not have the effect of preventing this State from attracting new business enterprises, constraining the growth and expansion of those businesses presently operating in this State, and most importantly, hindering the creation of jobs for New Jersey citizens at a time of unprecedented economic distress;

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. All proposed regulations and rules, except as herein provided, are hereby frozen and suspended for a period of 90 days commencing on the effective date of this Executive Order. A list of those proposed regulations and rules that are frozen is included in the attached Appendix A. The suspension of the proposed administrative regulations and rules shall be undertaken in a manner consistent with the rules for agency rulemaking and the procedures of the Office of Administrative Law.

2. With respect to any proposed administrative regulation or rule that may have been transmitted to the Office of Administrative Law, but has not been pub-

lished in the New Jersey Register, the head of the State agency proposing the regulation or rule shall withdraw the proposed regulation or rule in a manner consistent with the Rules for Agency Rulemaking and procedures of the Office of Administrative Law.

3. The provisions of Section 1 and Section 2 of this Executive Order shall not apply to any proposed administrative regulation if the failure to adopt same would:

Adversely impact public safety or security;

Adversely impact the public health;

Prejudice the State of New Jersey with respect to the receipt of monies from the federal government or the ability to obtain any certifications from the federal government;

Prevent the application of powers, functions and duties essential to the operations of the State agency in question; or

e. Adversely impact compliance with any judicial deadline.

4. A list of those proposed regulations and rules that pursuant to this Order are not frozen is included in the attached Appendix B.

5. The head of each State agency shall review the list of proposed administrative regulations and rules that are frozen and suspended pursuant to Section 1 of this Executive Order. No later than 10 days after the effective date of this Executive Order, the head of each State agency shall transmit to the Lieutenant Governor:

Notification of any proposed administrative regulation or rule that should be suspended in addition to the proposed administrative rules set forth in Section 1 of this Executive Order. The Lieutenant Governor may, following such notification, suspend the proposed administrative regulation and rule; and

Notification of any proposed administrative regulation or rule, the suspension or withdrawal of which would result in any of the conditions enumerated in Section 3 of this Executive Order. The Lieutenant Governor may, upon a finding that any of the conditions in Section 3 of this Executive Order have been met, rescind the suspension or withdrawal of the proposed administrative regulation or rule.

6. The expiration date of any administrative regulation or rule of any State agency that would otherwise expire between this date and April 18, 2010, is hereby extended until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

7. This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses or other actions or to any inaction of the governmental entity subject to it.

8. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 2

- WHEREAS, New Jersey enjoys enormously valuable assets that have historically been the source of growth, income and opportunity for the State's residents and businesses; and
- WHEREAS, New Jersey's enviable location and access via roads, rail, air and ports, educational resources, talent base and legacy of business leadership and invention have been and continue to be the essential ingredients of prosperity; and
- WHEREAS, New Jersey's ability to leverage these assets to produce growth and opportunity is being challenged by chronically high costs and regulatory burdens that have resulted in New Jersey's consistently low rankings nationally on regulatory burdens, costs-of-doing business and similar such economic measures making New Jersey the worst business climate in the nation; and
- WHEREAS, Although regulations for conducting business in New Jersey exist to promote the health, safety, and economic vitality of our citizens, these goals can only be achieved when the process by which those regulations are promulgated is transparent and accessible to persons outside of government, and when those regulations are crafted in such a manner so that they are understandable, consistent and predictable; and
- WHEREAS, New Jersey is committed to fostering the health, safety and economic welfare of its citizens by creating an environment that is an attractive venue for entities doing, or seeking to do, business in the State, by immediately setting course to evaluate the policies, practices, organizational structures and resources that advance or impair the State's competitiveness, including immediate, intermediate and long-term actions that will ensure that its regulations create an atmosphere in which businesses and individuals affected by those regulations are treated as partners in identifying and achieving regulatory goals; and
- WHEREAS, I am now establishing "Common Sense Principles" for State rules and regulations that will give this State the opportunity to energize and encourage a competitive economy to benefit businesses and ordinary citizens;

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 in this State, do hereby, ORDER AND DIRECT all agencies, boards, commissions, departments and authorities over which the Governor has the power to veto minutes (collectively "State agencies") to implement and adhere to the following Common Sense Principles:

1. For immediate relief from regulatory burdens, State agencies shall:
 - a. Engage in the "advance notice of rules" by soliciting the advice and views of knowledgeable persons from outside of New Jersey State government, including the private sector and academia, in advance of any rulemaking to provide valuable insights on the proposed rules, and to prevent unworkable, overly-proscriptive or ill-advised rules from being adopted.

b. Adopt the “time of decision” rule defined as the requirement that any permit or approval shall be governed by the administrative rules, regulations and standards in effect at the time an application is filed, so that all decisions relating to that project are subject to the regulations in effect at the time of application, except where otherwise specifically provided in State or federal law.

c. Adopt rules for “waivers” which recognize that rules can be conflicting or unduly burdensome and shall adopt regulations that allow for waivers from the strict compliance with agency regulations and such waivers shall not be inconsistent with the core missions of the agency. Each State agency shall prepare and publish on its website a policy describing the circumstances in which such waivers will be granted.

d. Employ the use of cost/benefit analyses, as well as scientific and economic research from other jurisdictions, including but not limited to the federal government when conducting an economic impact analysis on a proposed rule.

e. Detail and justify every instance where a proposed rule exceeds the requirements of federal law or regulation. State agencies shall, when promulgating proposed rules, not exceed the requirements of federal law except when required by State statute or in such circumstances where exceeding the requirements of federal law or regulation is necessary in order to achieve a New Jersey specific public policy goal.

f. Take action to cultivate an approach to regulations that values performance-based outcomes and compliance, over the punitive imposition of penalties for technical violations that do not result in negative impacts to the public health, safety or environment.

2. For intermediate relief from regulatory burdens, State agencies shall:

a. In the first 90 days of this administration and in coordination with the Red Tape Review Group’s efforts, identify those regulations and processes that impede responsible economic development as a result of: i) providing insufficient or contradictory guidance (inter and intra-agency) to applicants for permits, thus leading to delay or denial of the permit applications; or ii) exceed legislative intent or federal standards without well-documented cause, thus placing the state at a competitive disadvantage in attracting investment and jobs.

b. Within 180 days, redraft rules and processes identified in the subsection a. of this section to ensure that each rule and process is needed to implement the underlying statute and amend or rescind rules or processes that are unnecessary, ineffective, contradictory, redundant, inefficient, needlessly burdensome, that unnecessarily impede economic growth, or that have had unintended negative consequences.

c. Within 180 days, reduce or eliminate areas of regulation where federal regulation now adequately regulates the subject matter.

d. In this intermediate period, select for earlier review those rules or processes that, in the agency’s judgment, appear to be least consistent with developing and administering this Order.

3. For long-term relief from regulatory burdens, State agencies shall:

a. Draft all proposed rules and processes so that they promote transparency and predictability regarding regulatory activity, consistency of business regulation within the State, appropriate flexibility, and a reasonable balance between the underlying regulatory objectives and the burdens imposed by the regulatory activity.

b. Adopt federally promulgated rules as written, unless separate State rules are permitted and appropriate to achieve a New Jersey specific public policy goal.

c. Focus all proposed rules on achieving outcomes rather than on the process used to achieve compliance and be based on the best scientific and technical information that can be reasonably obtained and designed so that they can be applied consistently.

d. Draft all proposed rules so they impose the least burden and costs to business, including paperwork and other compliance costs, necessary to achieve the underlying regulatory objective.

e. When possible and appropriate, provide stakeholders with compliance education and the ability to make compliance inquiries without risk of enforcement. In cases of regulatory noncompliance, an agency's enforcement response should be proportional to the circumstances and should take into consideration whether the agency contributed to the noncompliance. Before undertaking enforcement activity, and absent exceptional circumstances, the agency shall discuss the regulatory violation with the noncompliant individual or business in order to explore the possibility of resolving the matter without enforcement proceedings.

f. Waive penalties, when appropriate, for first-time or isolated paperwork or procedural regulatory noncompliance.

g. Engage in continuous regulatory process improvement including, but not limited to, eliciting customer feedback regarding their administration of regulatory responsibilities. Further, agencies shall periodically evaluate their regulatory performance using measurable standards, data, or other objective criteria.

4. In order to promote a common sense approach to the administration of regulations that impact business in New Jersey, State agencies shall ensure that regulations shall be efficient, consistent across State agencies, accessible and transparent to all interested parties. Accordingly, I also hereby order the following:

a. Agencies should treat those affected by their rules and regulatory processes as customers and treat them consistently across regions, offices, and departments.

b. Agencies should coordinate with each other to combine and minimize regulatory filings and to minimize worksite interruptions necessary to regulatory activity.

c. Agencies should strive to reduce the processing time for regulatory approvals, permits, licenses, and other actions requiring agency response. Additionally, agencies should work cooperatively with applicants to expedite processing, when possible, and keep in mind business deadlines and other commercial demands.

d. Agencies should require submission of the minimum amount of information necessary to administer their rules. Agencies should avoid requiring submission of intellectual property or other confidential business information and should protect it if it needs to be submitted.

e. Agencies shall, to the maximum extent feasible, leverage information systems and other technologies to improve efficiency and processes.

5. Although this Order is directed to and binding upon all personnel in the cabinet agencies and boards and commissions, the director, administrator, or other head of each such entity shall be accountable for implementing this Executive Order to the extent applicable and practicable within that entity.

6. This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of the governmental entity subject to it.

7. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 3

WHEREAS, It is imperative that the hundreds of proposed and pending State rules and regulations, as well as the hundreds of operative Executive Orders by previous Governors, should be thoroughly reviewed, in a thoughtful, balanced and expeditious way in order to assess their potential or actual effects on New Jersey's economy, to determine whether their costs and other burdens on businesses, workers and local governments outweigh their intended benefits, and to provide a basis for recommendations to the Governor to withdraw or amend any proposed rules and regulations that unduly burden New Jersey's businesses, workers, and local governments; and

WHEREAS, This review should be conducted by a bipartisan group of persons, including representatives from both the Executive and Legislative Branches of State Government, who are devoted to the common goal of promptly addressing New Jersey's urgent economic crisis; and

WHEREAS, This review should be conducted with transparency, including an opportunity for members of the public to obtain information about the group's ongoing work and to communicate pertinent information and opinions in an appropriate and effective manner;

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. There is hereby created a Red Tape Review Group (or "Group"), which shall undertake a review of certain rules, regulations and processes that are a burden on New Jersey's economy. In addition, the Group shall comprehensively review all pending and proposed rules and regulations, as well as all operative Ex-

ecutive Orders from previous administrations, in order to assess their effects on New Jersey's economy and to determine whether their burdens on business and workers outweigh their intended benefits.

2. The Group shall provide a written report to the Governor, making detailed recommendations to rescind, repeal or amend any provisions that unduly burden business and workers within 90 days of the date of this Order.

3. The Red Tape Review Group shall be chaired by the Lieutenant Governor.

4. The Group shall consist of the Lieutenant Governor, the Chief Counsel to the Governor, or his designee, the Commissioner of the Department of Environmental Protection, or his designee, the Commissioner of the Department of Community Affairs, or his/her designee, the President of the Senate and the Speaker of the General Assembly, or their respective designees, the Senate Minority Leader and the General Assembly Minority Leader, or their respective designees. The Lieutenant Governor may, at her discretion, appoint additional persons to provide the Group with necessary and appropriate expertise and stakeholder representation.

5. The Chair shall have the discretion to make internal rules of procedure regarding the Group's governance and operations, including the number of Members sufficient to vote for its recommendations and the form of its reports.

6. All departments and agencies, and all authorities that are required to submit their minutes, resolutions or actions for gubernatorial approval or veto shall cooperate fully with the Group in the implementation of this Order, and shall promptly furnish the members of the panel with any and all information that they may from time to time request.

7. The Group is authorized to call upon any department, office, division or agency of this State to supply it with data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, officer, division or agency of the State is hereby required, to the extent not inconsistent with law, to cooperate with the panel and to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order.

8. The Group shall take care to solicit both written and oral comments from the public, including businesses, workers, professional, labor and community organizations, environmental and other affected persons or entities as the Group deems appropriate, and to consider the views expressed by those parties in any report.

9. This Order is not intended to, and does not, confer any legal rights upon any persons or entities regulated by any agency of the New Jersey State Government, and it shall not be used as a basis for legal challenges to statutes, regulations, or other actions or to any inaction of any governmental entity subject to it.

10. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 4

WHEREAS, The New Jersey State Government has for many years imposed an ever-increasing number of legal requirements on local governments, without regard to the costs such requirements impose on already-strained local budgets, and without providing additional funding to enable local governments to comply; and

WHEREAS, The New Jersey State Government has imposed such unfunded mandates in order to improperly transfer responsibility for providing certain services to local governments, in an effort to meet the State's balanced budget requirement; and

WHEREAS, New Jersey's local governments derive much of their funding from property taxation; and

WHEREAS, New Jersey's property taxes have increased disproportionately, and are now the highest in the Nation; and

WHEREAS, The current recession and ongoing economic crisis have had a negative impact on real estate values in New Jersey, yet most property taxes continue to be assessed based on a previously-inflated real estate market, thus compounding the tax burden borne by New Jersey residents; and

WHEREAS, Such unfunded mandates are generally prohibited by the New Jersey State Constitution and statute (N.J. Const. Art. VIII, § II, ¶ 5 and N.J. Stat. 52:13H-1 et seq.); and

WHEREAS, The Council on Local Mandates lacks the legal authority to review and take action on regulations that have not yet taken effect; and

WHEREAS, The Governor has the duty under the New Jersey Constitution to take care that the laws concerning unfunded mandates be faithfully executed;

WHEREAS, Responsible government dictates that the budgetary impact of any proposed regulation or rule be reviewed and evaluated in advance of adoption to determine the potential costs to, and administrative burdens on, local governments, including any anticipated effects on the level of local taxation;

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 in this State, do hereby, ORDER AND DIRECT all agencies, boards, commissions, departments and authorities over which the Governor has the power to veto minutes (collectively "State agencies") to implement and adhere to the following Common Sense Principles:

1. No State agency shall recommend, propose, publish or submit any regulation containing an unfunded mandate, as defined under New Jersey law (N.J. Stat. 52:13H-2), unless expressly authorized in writing by the Governor or the Lieutenant Governor.

2. Before recommending, proposing, publishing or submitting a regulation containing any mandate on local government, a State agency shall prepare a de-

tailed written report analyzing and evaluating the fiscal impact of such mandate on local government, quantifying the mandate's estimated cost to local government, comparing the costs to the benefits, and identifying sources of revenue to offset any such costs. The State agency shall also solicit information regarding the proposed mandate from potentially affected local governments, businesses, residents, and public stakeholders. The report shall summarize the information and opinions received, and indicate whether the agency revised the proposed mandate in response.

3. The report shall be submitted to the Lieutenant Governor and shall be made publicly available. Within thirty (30) days of receiving the report, the Lieutenant Governor, or her designee, shall communicate in writing to the State agency whether the proposed regulation would constitute an unfunded mandate under New Jersey law, and, if so, make recommendations for changes that would bring the proposal into compliance with the law. If the Lieutenant Governor deems the report insufficient to render a decision, she may request, and the State agency shall timely provide, additional information or analysis. The Lieutenant Governor may also request additional information or analysis from local government or from other interested persons.

4. If the proposed regulation is necessary to respond to emergent circumstances that threaten the public health, safety or welfare, the responsible agency head may suspend the reporting requirement, by written notice to the Lieutenant Governor. However, as soon as practicable after the emergency has been addressed, the Lieutenant Governor shall reinstate the reporting requirement by giving written notice to the responsible agency head, providing a specific deadline for the agency to comply.

5. This Order is not intended to, and does not, confer any legal rights upon local government or other persons or entities regulated by any agency of the New Jersey State Government, and it shall not be used as a basis for legal challenges to statutes, regulations, or other actions or to any inaction of any governmental entity subject to it.

6. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 5

WHEREAS, The fiscal well being of the State of New Jersey and the growth of economic opportunities for New Jersey citizens and New Jersey businesses are major priorities of this Administration; and

WHEREAS, It is in the best interest of the State of New Jersey that the Governor receive high-quality advice on an ongoing basis regarding State, regional, local and national economic conditions; and

WHEREAS, The establishment of a Governor's Council of Economic Advisors will provide an effective and efficient mechanism for the Governor to obtain advice on a broad range of economic matters;

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. There is hereby established a Governor's Council of Economic Advisors (or "Council") which shall report directly to the Governor.

2. Each member of the Council shall be appointed by and shall serve at the pleasure of the Governor.

3. The Council shall consist of a Chairperson, designated as such by the Governor, and four other members appointed by the Governor. Neither the Chair nor any member shall have a fixed term. The Chair shall establish such rules of operation as the Council may require.

4. The Council shall analyze and advise the Governor on issues related to the fiscal condition of the State of New Jersey.

5. The Council shall meet as requested by the Governor or by the Chairperson, but not less frequently than quarterly. All Department and Agency heads are directed to cooperate fully with the Council, including providing such information as the Council may determine will assist it in its duties.

6. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 6

WHEREAS, The Rules and Regulations governing the State of New Jersey require that certain individuals be designated by each State Department and Agency, as essential attendance employees in the event of a curtailment of State operations; and

WHEREAS, During prior curtailments of State operations, official monitors employed by the New Jersey Casino Control Commission were designated as non-essential employees, resulting in the closing of all New Jersey casinos and a loss of tax revenues to the State of New Jersey in excess of \$1 million per day during the period of curtailment; and

WHEREAS, This circumstance is not in the best interest of the citizens of the State of New Jersey;

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. Those monitors and other employees of the New Jersey Casino Control Commission whose attendance is required for New Jersey casinos to be permitted to operate are essential attendance employees within the meaning of Title 4A of the New Jersey Administrative Code and other applicable laws and regulations.

2. Within 15 days of this Order, the Casino Control Commission shall designate and identify those monitors employed by the Casino Control Commission and any other employee of the Casino Control Commission whose attendance is required in order for casinos to be permitted to operate in the State of New Jersey as essential attendance employees and shall comply with the requirements of New Jersey Statutes and Code with respect to such designation. This Order shall take effect immediately

3. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 7

WHEREAS, It is the clear and express intent of this Administration that all individuals who are elected to or otherwise hold public office shall adhere to the highest ethical standards; and

WHEREAS, Prior actions of the New Jersey Legislature and existing Executive Orders have imposed stringent requirements on those individuals who hold public positions; and

WHEREAS, Since 2004, there have been a series of legislative and executive actions which have imposed restrictions on the campaign contributions of those who contract with the State of New Jersey and other public entities, so as to avoid actual conflicts of interest or even the appearance of conflicts of interest in the public contracting process; and

WHEREAS, Even though these "pay-to-play" restrictions have had a positive impact on the public contracting process, they have not extended their reach to all "business entities" which contract with the State of New Jersey and other public entities; and

WHEREAS, Even though contributions in excess of the amount identified in legislation, Executive Orders, and regulations are restricted to many forms of political and campaign committees, these restrictions have not extended their reach to all such committees;

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. Prior Executive Orders implementing "pay-to-play" restrictions are hereby modified to include within the definition of the term "Business Entity" any Labor Union or Labor Organization which enters into contracts with the State of

New Jersey and its instrumentalities or with other New Jersey public entities. The reference in this Executive Order to "labor unions" and "labor organizations" shall include any political committee formed by any such labor union or labor organization, one of the purposes of which political committee is to make political contributions. All Department and Agency heads are directed to revise current regulations to be consistent with this change.

2. Prior Executive Orders implementing "pay-to-play" restrictions are hereby modified to include Legislative Leadership Committees within the list of committees and depositories as to which the contribution restrictions are applicable. All Department and Agency heads are directed to revise current regulations to be consistent with this change.

3. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 8

WHEREAS, New Jersey faces major fiscal challenges, including perilously low cash balances, declining revenue assumptions, the largest projected budget deficit per capita of any state, and one of the heaviest long term debt burdens in the country, with cumulative debt exceeding \$100 billion for bonded debt and unfunded pension and other post-employment benefits; and

WHEREAS, New Jersey has for too long engaged in a practice of disjointed financial reporting and inadequate fiscal transparency that has contributed to the failure to recognize the scope and severity of New Jersey's financial condition; and

WHEREAS, New Jersey has for too long reported public revenues in a fashion that makes it difficult for taxpayers, investors and policymakers to assess whether budgets are in balance and cash flow is sufficient to meet State government obligations; and

WHEREAS, Improved financial reporting, stronger cash management practices and multi-year forecasting of revenues and expenditures have been identified by bond rating agencies as among the factors by which states' financial conditions are evaluated; and

WHEREAS, Historically there has been no single source from which citizens can identify and evaluate revenues and expenditures of funds derived from State taxes, fees, and other revenues and debts of the State of New Jersey; compare the spending practices, tax policies and tax rates of similarly situated states, school districts and municipalities, and access public documents in electronic format; and

WHEREAS, Transparency in the government of the State of New Jersey, including fiscal transparency, is an important priority of this Administration;

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 Department of the Treasury shall publish quarterly reports on all State expenditures. Such reports shall specify the State's spending patterns, rates, and timing within the Fiscal Year, and also shall disclose actual or anticipated short-term borrowing necessitated by the timing of expenditures within the Fiscal Year, explaining the specific reasons therefore and detailing associated interest and borrowing costs.

2. The Department of the Treasury shall publish a monthly revenue report. Such report shall identify and explain, with respect to each revenue source, any significant variance between the actual amount received by the Treasury and the amount forecast in the State Budget. Such reports shall be published not later than the 10th business day of the next succeeding month, with the exception of June revenues, which may be reported later in July.

3. The annual State Budget presentation, the monthly revenue reports, and the quarterly spending reports shall include both "on budget" and "off budget" revenues and expenditures for all State agencies. Such presentation and reports shall also disclose and account for the spending of taxes, fees, tolls, and debt by independent State authorities in the same manner as "on budget" grants in aid such as municipal and school aid.

4. The Department of the Treasury is hereby directed to establish a statewide performance budgeting program for implementation during Fiscal 2011. Such program shall include, but not be limited to, a provision specifying that no existing program will be expanded or new program created unless it "sunssets" after its first four years and includes outcome-based performance objectives by which it can be measured.

5. The Department of the Treasury shall establish a new website which shall provide a central location for commonly-sought documents related to State finances. Four principles shall guide this website: (1) the information shall be easy to locate; (2) the data shall be user-friendly; (3) the data shall make meaningful comparisons, such as comparing the spending practices, tax policies and tax rates of similarly situated states, school districts and municipalities, and should include longitudinal comparisons; and (4) public documents shall be available electronically, thereby avoiding the cumbersome and costly Open Public Records Act process. In addition, the Website shall include: (1) all reports required to be published under this Executive Order; (2) disclosure of compensation paid to public employees of the State and independent State agencies, including the current contracts under which compensation is determined; (3) information related to debt, including amounts of bond debt or interest paid and sources of funds for bond issues; and (4) State liabilities for pension and post-retirement medical benefits.

6. There shall be established within the Department of the Treasury a citizen's commission to advise the Governor and the Treasurer on ways to improve and

expand public access to government documents and to create data that will enhance the public's understanding of government spending and program performance.

7. This is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses or other actions or to any inaction of the governmental entity subject to it.

8. This Order shall take effect immediately.

Dated January 20, 2010.

EXECUTIVE ORDER NO. 9

WHEREAS, United States Marine Sergeant Christopher R. Hrbek, was a true son of New Jersey, raised and educated in Westwood, New Jersey, where he served his community as a volunteer firefighter; and

WHEREAS, After graduating from Westwood High School, Sergeant Hrbek enlisted in the Marines and was assigned to the 3rd Battalion, 10th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force based at Camp Lejeune, North Carolina; and

WHEREAS, Sergeant Hrbek was a soldier of unusual dedication, whose service for this country brought him to Iraq three times, as well as to Greece, Jordan, and Afghanistan; and

WHEREAS, Sergeant Hrbek was an ambitious and courageous young man who loved his country and the military and who was slated to receive the Bronze Star for his actions in saving the life of a wounded fellow soldier; and

WHEREAS, Sergeant Hrbek tragically lost his life while heroically and selflessly serving his country in southern Afghanistan; and

WHEREAS, Sgt. Hrbek was a dedicated soldier as well as a loving husband, son, and brother, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Sergeant Hrbek's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, January 25, 2010, in recognition and mourning of a brave and loyal American hero, United States Marine Sergeant Christopher R. Hrbek.

2. This Order shall take effect immediately.

Dated January 21, 2010.

EXECUTIVE ORDER NO. 10

WHEREAS, United States Marine Lance Corporal Jeremy Kane graduated from Cherry Hill High School-East in 2006 and was pursuing a degree at Rutgers University in Camden, New Jersey; and

WHEREAS, Lance Corporal Kane enlisted in the Marines in September 2006 and was assigned to the 4th Light Armored Reconnaissance Battalion, 4th Marine Division, Marine Forces Reserve, based out of Camp Pendleton, California; and

WHEREAS, Lance Corporal Kane served his community as an outstanding role model and representative for military and veteran students at Rutgers University; and

WHEREAS, Lance Corporal Kane was an ambitious and courageous young man who loved his country and the military; and

WHEREAS, Lance Corporal Kane tragically lost his life while heroically and selflessly serving his country in the Helmand Province of Afghanistan; and

WHEREAS, Lance Corporal Kane was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Lance Corporal Kane's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, January 29, 2010, in recognition and mourning of a brave and loyal American hero, United States Marine Lance Corporal Jeremy Kane.

2. This Order shall take effect immediately.

Dated January 27, 2010.

EXECUTIVE ORDER NO. 11

WHEREAS, on March 3, 2009, Governor Jon S. Corzine signed Executive Order No. 133 creating the Governor's Commission on the Horse Racing Industry ("Governor's Commission"); and

WHEREAS, The mission of the Governor's Commission is to identify, assess, and recommend possible funding solutions for horse racing meets after 2010 and to propose long-term funding solutions that will promote the future and sustained viability of the horse racing industry in New Jersey in a written report to the Governor and Legislature by no later than July 1, 2010; and

WHEREAS, The State of New Jersey is home to a broad entertainment industry comprised of professional sports, entertainment, horse racing, hotel-casinos, and casino-industry venues, which provide New Jersey residents, as well as visitors to the State, with a vast array of convenient and appealing entertainment options; and

WHEREAS, A healthy and viable entertainment industry is crucial to the State's economy and provides funding for many essential programs that enhance the way of life of its citizens; and

WHEREAS, New Jersey's gaming, professional sports, and entertainment industries are confronting unprecedented financial and structural challenges that require immediate and decisive action to restore financial accountability for the benefit of New Jersey's taxpayers; and

WHEREAS, The issues currently under consideration by the Governor's Commission are a component of the full panoply of issues affecting the State's professional sports, entertainment, and gaming industries; and

WHEREAS, As Governor, I have the responsibility and the authority to ensure that State government and its various agencies and instrumentalities operate as efficiently and as effectively as possible;

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. There is hereby created a New Jersey Gaming, Sports, and Entertainment Advisory Commission, hereinafter referred to as the Advisory Commission.

2. The Advisory Commission shall consist of seven (7) members appointed by the Governor who shall serve at his pleasure. The Governor shall select a chairperson from among the members of the Advisory Commission. All members of the Advisory Commission shall serve without compensation. The Advisory Commission shall organize as soon as practicable after the appointment of its members.

3. The Advisory Commission is charged with developing recommendations for the Governor for a comprehensive, statewide approach regarding the issues and financial needs of New Jersey's gaming, professional sports, and entertainment industries and making proposals for the implementation of its recommendations. In developing its recommendations, the Advisory Commission shall carefully consider the State's long-term economic interests and this Administration's commitment to ensuring that the State's resources are managed responsibly for the benefit of the citizens of New Jersey. The Advisory Commission shall focus on a number

of critical issues, including: (a) addressing the ongoing financial viability of the New Jersey Sports and Exposition Authority; (b) advancing or resolving the stalled Xanadu project; (c) improving the competitiveness of the gaming industry in Atlantic City and promoting that City as a successful destination resort; (d) ensuring that horse racing becomes self-sustaining; (e) making sure that events at entertainment venues in New Jersey are appropriately scheduled, including the Izod Center and the Prudential Center, so as to ensure their financial success; and (f) such other matters as may be referred to the Advisory Commission by the Governor.

4. The Department of the Treasury shall provide staff support to the Advisory Commission. The Advisory Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Advisory Commission deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Commission within the limits of its statutory authority and to furnish the Advisory Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Advisory Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. In formulating its recommendations pursuant to this Order, the Advisory Commission shall elicit public input from individuals, organizations, community groups, and other interested parties.

6. The Advisory Commission may report to the Governor from time to time and shall issue a final report to the Governor setting forth the Advisory Commission's recommendations pursuant to this Order no later than June 30, 2010. The Advisory Commission shall expire upon the issuance of its final report.

7. The final report of the Advisory Commission shall be provided to the Legislature and shall be made available to the public.

8. Paragraph 4 of Executive Order No. 133 (2009) is hereby amended as follows: the Governor's Commission shall conclude its study of the horse racing industry and provide its report and recommendations to the Advisory Commission no later than April 1, 2010, at which point the Governor's Commission shall expire. The Advisory Commission shall consider the final report and recommendations of the Governor's Commission in connection with the formulation of its final report and recommendations to the Governor.

9. This Order shall take effect immediately.

Dated February 3, 2010.

EXECUTIVE ORDER NO. 12

WHEREAS, In Southern Burlington County N.A.A.C.P. v. Township of Mt. Laurel, 67 N.J. 151 (1975) ("Mt. Laurel I") and Southern Burlington County N.A.A.C.P.

v. Township of Mt. Laurel, 92 N.J. 158 (1983) (“Mt. Laurel II”), the Supreme Court of New Jersey identified a constitutional obligation on the part of municipalities to provide, by their land use regulations, for an appropriate choice of housing for all categories of people who may desire to live there, including an obligation to provide affordable housing to those of low and moderate income; and

WHEREAS, In the decades since the Supreme Court of New Jersey’s decisions in Mt. Laurel I and Mt. Laurel II, there have been extensive legislative and regulatory efforts undertaken to ensure compliance with the Supreme Court’s decisions and constant litigation concerning the scope and implementation of the Supreme Court’s decisions and the legislative and regulatory efforts undertaken to comply with those decisions; and

WHEREAS, Among the legislative efforts undertaken in response to the Mt. Laurel decisions was the enactment of the State Planning Act to create a State Planning Commission to adopt a State Development and Redevelopment Plan (“State Plan”) for, inter alia, growth, open space, agriculture and conservation, and to project the growth in employment, population, housing and land needs for development and redevelopment in New Jersey; and

WHEREAS, In addition to the State Planning Act, the Legislature also enacted the Fair Housing Act (“FHA”) to implement the constitutional obligation to provide affordable housing by creating the Council on Affordable Housing (“COAH”), and COAH has developed procedures and regulations in an effort to provide affordable housing in a manner that is consistent with the constitutional obligations identified in the Mt. Laurel decisions and the State Plan; and

WHEREAS, The burdensome procedures governing the provision of affordable housing in New Jersey for those with low and moderate income developed by COAH are excessively complex and unworkable, resulting in delays, inefficiencies, litigation and unreasonable costs to municipalities and the private sector without appreciable progress being made for our citizens; and

WHEREAS, At present, COAH’s long-delayed “Third Round” regulations that were originally due in 1999, adopted in 2004, delayed by litigation, and adopted in final form in 2008, are again being challenged before the Court; and

WHEREAS, The New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed, N.J.Const. (1947) Article V, Section 1, Paragraph 11; and

WHEREAS, As Governor, I am committed to ensuring compliance with constitutional requirements in a manner that is as efficient and effective as possible; and

WHEREAS, New thinking on statewide planning is necessary due to the failure of COAH to ensure that all constitutional obligations with respect to the provision of affordable housing are satisfied in a manner that is both fair and reasonable to the already burdened municipalities of our State; and

WHEREAS, The statutory and regulatory mechanisms currently in place have proven to be an unduly burdensome and wholly ineffective means of meeting these goals; and

WHEREAS, The Legislature is presently considering amendments to the FHA and related statutes, which amendments include the abolition of COAH, the elimination of “growth share” as a methodology to determine prospective need and the elimination of a municipality’s prior housing obligations;

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. There is hereby established a Housing Opportunity Task Force that shall undertake a review of the FHA, State Planning Act and the current and former COAH regulations and methodologies (the “Task Force”). The Task Force shall assess the effect of these laws, the degree of success in accomplishing the goals of meeting the constitutional obligations under the Mt. Laurel decisions consistent with sound planning and economic growth, and the continued existence of COAH.

2. The Task Force shall consist of 5 members appointed by the Governor who shall serve at his pleasure. The Governor shall select a chairperson from among the members of the Task Force. All members of the Task Force shall serve without compensation. The membership shall include individuals who have knowledge or expertise in the areas of affordable housing, economic development, land use planning, environmental protection and related issues.

3. The Task Force is charged with providing recommendations to the Governor and specifically shall consider the following, among other issues: (1) the best means for determining whether a municipality should have any further affordable housing obligation; (2) the regions that have been used by COAH for more than 20 years and whether they are still appropriate; (3) the means of incorporating workforce housing into the concept of affordable housing; (4) the diverse and significantly divergent State projections for housing and employment growth to determine the obligation for a variety and choice of housing, taking into consideration the need for open space preservation and environmental protection as elements of sound land use planning; (5) mechanisms that should be used to support the rehabilitation of deteriorating housing in the urban centers; (6) the means of developing economies, efficiencies, and savings in the development process; (7) ways to encourage rehabilitation as well as new development in meeting the need for affordable housing; (8) the appropriateness of methodologies that continue to include prior round need or include retroactive growth as part of a growth share approach; and (9) any other issue referred to the Task Force by the Governor.

4. The Task Force shall issue a report to the Governor and the Commissioner of the Department of Community Affairs with its recommendations within 90 days of the date of this Order. The Task Force shall expire upon the issuance of its final report. The final report of the Task Force shall be provided to the Legislature and shall be made available to the public.

5. For the next 90 days, COAH shall refrain from taking any further action to process applications for substantive certification or to take any other actions to im-

plement the Third Round regulations. The provisions of this Paragraph shall not apply to any action if the applicant, for good cause shown, requests action on a particular item and the Acting Commissioner determines that such action is required within the 90 day period to prevent the loss of affordable housing opportunities.

6. All State officials and agencies shall cooperate fully with the Task Force in the implementation of this Order, and shall promptly furnish the members of the Task Force with any and all information and assistance that they may from time to time request

7. This Order shall take effect immediately and shall remain in full force and effect until rescinded, modified, or supplemented by me.

Dated February 9, 2010.

EXECUTIVE ORDER NO. 13

WHEREAS, Beginning on February 5, 2010, the State of New Jersey was impacted by a severe winter storm that brought record snowfalls, high winds, freezing temperatures, and blizzard-like conditions to many counties in the State; and WHEREAS, The February 5, 2010 severe winter storm has caused widespread power outages to tens of thousands of homes, nursing homes, and businesses, requiring State and local governments to open shelters and assist in evacuations, as well as leaving roadways impassible and clogged with snow, and causing schools to close for days; and

WHEREAS, The aforementioned conditions have existed since February 5, 2010 and continue to exist in several counties, including the Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem; and

WHEREAS, The National Weather Service has issued a Winter Storm Warning for the entire State predicting rain, sleet, snow, and high winds beginning on Tuesday, February 9, 2010 and continuing; and

WHEREAS, This new severe winter storm is expected to produce another ten to eighteen inches of snow in addition to the snow already on the ground as a product of the February 5, 2010 storm, hampering efforts to restore power, remove snow, and return the State to normal operations; and

WHEREAS, The impending severe winter storm will exacerbate existing conditions, including power outages and sheltering operations, and will create additional problems for the State and local governments; and

WHEREAS, The aforesaid conditions constitute an imminent hazard that threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities or counties 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 by the normal local operating services; and

WHEREAS, 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, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, 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 hereby DECLARE and PROCLAIM that a State of Emergency has existed in the aforesaid counties since February 5, 2010, and continues to exist in those counties, and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower, in accordance with N.J.S.A. App.A:9-33 et seq., the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway or 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, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or Interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management 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.

5. I authorize and empower the State Director of Emergency Management to utilize all 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.

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 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. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. 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.

8. 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.

9. 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.

Dated February 9, 2010.

EXECUTIVE ORDER NO. 14

WHEREAS, The State of New Jersey ("State") is confronting an unprecedented financial crisis affecting all levels of government; and

WHEREAS, Actual and anticipated revenue collections by the State continue to fall far below the amounts estimated in the Fiscal Year 2010 Appropriations Act, P.L.2009, c.68; and

WHEREAS, The Acting State Treasurer estimates that the State expects to realize revenue shortfalls in its sales and corporate business taxes of approximately \$442 million and \$180 million, respectively; and

WHEREAS, The Acting State Treasurer further projects that realty transfer and insurance premium taxes are expected to be short by a combined \$200 million; and

WHEREAS, These newly identified tax shortfalls added to more than \$415 million in revenue shortfalls previously identified, create a projected aggregate net revenue shortfall of \$1.212 billion for Fiscal Year 2010, taking into account other appropriate revenue adjustments; and

WHEREAS, In addition to the expected annual revenue shortfall, the Acting State Treasurer has further revised the estimated July 1, 2009 beginning balance to \$613.8 million, representing a reduction of \$121 million from the original estimated beginning balance contained in the Fiscal Year 2010 Appropriations Act; and

WHEREAS, The combination of the aforementioned anticipated annual revenue shortfall and the revised beginning balance results in a total projected funding shortage for Fiscal Year 2010 of approximately \$1.333 billion; and

WHEREAS, The State further anticipates additional spending needs during Fiscal Year 2010 of \$872 million, including essential programs administered by the Department of Human Services and additional municipal aid; and

WHEREAS, The combined total estimated funding shortage and additional spending needs for Fiscal Year 2010 is projected to exceed \$2.2 billion; and

WHEREAS, The New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed, N.J.Const. (1947) Article V, Section 1, Paragraph 11, including ensuring compliance with the constitutional mandate that a balanced State budget be maintained, N.J.Const. (1947) Article VIII, Section 2, Paragraph 2; and

WHEREAS, The Governor is entrusted with the responsibility to protect the health, safety, and welfare of the people of this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergency affecting the State pursuant to the Disaster Control Act, N.J.S.A. App.A:9-30 et seq.; and

WHEREAS, During the course of a fiscal year, the Governor may take steps to freeze State spending if it appears that revenues have fallen below those originally anticipated by impounding certain funds pursuant to N.J.S.A. 52:27B-31 to ensure that appropriations are not used to support waste, mismanagement or extravagance in a time of severely diminished fiscal resources; and

WHEREAS, In order to protect against and meet emergencies that may arise during each fiscal year, the Director of the Division of Budget and Accounting ("Director") is authorized to freeze State spending by placing certain funds in reserve pursuant to N.J.S.A. 52:27B-26 to ensure that the State's budget remains balanced; and

WHEREAS, Failure to exercise these powers would result in the State lacking sufficient resources to provide essential State services and basic operations of State government for the balance of Fiscal Year 2010, causing devastating immediate impacts on the residents of the State; and

WHEREAS, In order to determine which items of spending should be reserved or impounded, the Director has conferred with the various departments of State government to identify items which can be reduced for Fiscal Year 2010; and

WHEREAS, Aid to school districts represents a significant part of the Fiscal Year 2010 budget, and because of the magnitude of the fiscal crisis and the fact that less than five months are left in the fiscal year to address it, it is necessary to freeze a portion of State school aid in order to address this fiscal emergency; and

WHEREAS, Many school districts currently have surplus monies in their budgets that are available but not budgeted that could be made available to support those districts' current expenses during the current period of fiscal emergency; and

WHEREAS, Given the dire position of the State's finances, it is necessary to freeze State aid payments to school districts that have available resources so that the

freeze can be implemented without affecting the ability of these districts to meet the educational obligations under the state constitution or placing a school district into deficit; and

WHEREAS, In the event that the State's financial condition deteriorates rather than improves during the remainder of the current fiscal year, I intend to aggressively utilize every authority at my disposal to ensure the maintenance of a balanced State budget;

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. A state of fiscal emergency exists in the State of New Jersey by reason of the facts and circumstances set forth above.

2. In light of these facts and circumstances, the Director is hereby ordered immediately to identify and place into reserve items of appropriation pursuant to N.J.S.A. 52:27B-26 in an amount sufficient to ensure that the State budget is in balance. The Director shall notify the Governor immediately of the list of items placed into reserve. In the event that during the remainder of Fiscal Year 2010, actual revenues collected are less than the revenues estimated on January 19, 2010, the Director shall take such further actions pursuant to N.J.S.A. 52:27B-26 to place into reserve additional items of appropriation so as to maintain a balanced budget. The Director shall report to the Governor any additional items of appropriation which are placed into reserve.

3. The Director is hereby ordered, in consultation with the Commissioner of the Department of Education ("Commissioner"), to determine the amount of State school aid that must be frozen in order to meet the fiscal emergency. The Director shall report to the Commissioner the amount of school aid to be reserved under the spending freeze required by this Order.

4. The Commissioner is hereby directed to review the budgets of all school districts and determine for each school district the amount of unanticipated surplus and reserve account monies ("Surplus") available but not budgeted in such school district that could be used to support the district's educational programs by being transferred to the current operating budget in the event of a withholding of State school aid.

5. The Commissioner, consistent with his constitutional responsibilities, shall allocate the amount of State school aid determined by the Director to be frozen among all the school districts so that the amount of State school aid frozen for each school district shall not exceed the Surplus for such school district or the amount of its remaining State school aid for Fiscal Year 2010. Upon such allocation, the Commissioner shall notify the Director of the amount determined for each school district, whereupon the Director shall place into reserve from State school aid for each school district the amount specified by the Commissioner.

6. The Commissioner, as necessary and appropriate, shall exercise his statutory and constitutional powers to authorize school districts, upon their request, to transfer Surplus to their current operating accounts to pay ongoing costs of operation.

7. The Acting State Treasurer, in consultation with the Acting Attorney General, is hereby directed to study and make any appropriate recommendations to the Governor considering the projected costs to the State and local entities associated with previously negotiated employee salary structures and, if appropriate, presenting proposed alternatives to achieve necessary cost savings in light of the current fiscal crisis.

8. The Acting State Treasurer, in consultation with the Director, is further directed to monitor the collection of revenues and expenditures and to report to the Governor on an ongoing basis so that adjustments, if any, can be made by placing in reserve or impounding items of appropriation in order to meet changing fiscal conditions.

9. All State officials and agencies shall cooperate fully in the implementation of this Order.

10. I have taken what I believe to be the least intrusive actions available to me in order to address this fiscal emergency; however, until such time as the current state of fiscal emergency is terminated, I reserve the right to take such additional actions, invoke such additional emergency powers, and issue such emergency orders or directives as may be necessary to meet the potentially devastating problems presented by this emergency, to protect the health, safety, and welfare of the people of this State, and to ensure the continued provision of essential State services.

11. This Order shall take effect immediately and shall remain in full force and effect until rescinded, modified, or supplemented by me in response to the ongoing fiscal emergency, or until such time as a General Appropriations Act for Fiscal Year 2011 is enacted.

Dated February 11, 2010.

EXECUTIVE ORDER NO. 15

WHEREAS, Ensuring fiscal responsibility is among my highest priorities as Governor of the State of New Jersey and is directly related to my obligation to supervise the principal departments and agencies of State Government; and

WHEREAS, In order to address the current economic and fiscal emergency in New Jersey at a time of unprecedented economic crisis, all spending by independent State Boards, Commissions, Authorities and Agencies (hereinafter referred to as "State Authorities") must be scrutinized more closely than ever before; and

WHEREAS, Those State Authorities have capital and operating budgets that collectively amount to billions of dollars of public funds annually, but operate without many of the safeguards applicable to other agencies of the Executive Branch of State government; and

WHEREAS, The State Authorities are part of the Executive Branch and thus are subject to the Governor's executive powers pursuant to Article V of the State Constitution; accordingly, it is especially vital in these times of unprecedented economic distress that these State Authorities employ the same safeguards that are standard practices in other parts of the Executive Branch; and

WHEREAS, The spending at certain State Authorities remains excessive and wasteful, necessitating my veto of agency actions that would have ratified or approved wasteful and extravagant spending; and

WHEREAS, A prime example of such wasteful and unnecessary spending is the practice of State Authorities hiring lobbyists and legislative agents at taxpayer and ratepayer expense to lobby the Executive Branch, the State Legislature, and the federal government; and

WHEREAS, The concept of one part of State Government hiring a lobbyist or legislative agent to enhance communications with another part of State Government is precisely the type of wasteful and extravagant use of taxpayer funds that has instilled and reinforced the public's mistrust as to the manner in which limited and precious State dollars are spent; and

WHEREAS, Recent news reports have documented instances of excessive and wasteful spending by State Authorities for out-of-state travel by Authority board members and employees; and

WHEREAS, Several employees of State Authorities have secured employment contracts with lucrative termination clauses (sometimes referred to as "golden parachutes") that are especially abusive of the public trust during this time of economic difficulty and recession;

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. No State Authority shall hire, enter into or renew any contract with any lobbyist or legislative agent, unless expressly authorized in writing in advance by the Governor's Office.

2. All existing contracts between State Authorities and lobbyists or legislative agents shall be terminated as soon as is legally permissible. If it is not possible to terminate said contract(s), all State Authorities are hereby prohibited from renewing such contracts upon expiration of the current contractual term(s).

3. All State Authority heads are directed immediately to identify all contracts between their State Authority and lobbyists or legislative agents and provide a list and a copy of such contracts to the Governor's Office for review not later than March 1, 2010.

4. No State Authority shall approve any travel by any employee or Authority Board member in excess of two-hundred and fifty dollars (\$250.00) paid out of Authority funds unless approval is obtained from the Governor's Office prior to such travel. Any approved travel must be directly related to the employee's or the Board

member's official State duties. Any travel costs in excess of the two-hundred and fifty dollar limit not approved as provided herein shall be borne by the employee or Board member personally and shall not be eligible for reimbursement.

5. No State Authority shall include any financial incentive relating to termination or separation from employment in employment contracts with its employees, unless expressly authorized in writing by the Governor's Office.

6. All existing contracts between State Authorities and employees that provide for financial compensation to the employee upon termination of the employment contract before the stated end date of said contract shall be terminated as soon as is legally permissible. If it is not possible to terminate said contract(s), all State Authorities are hereby prohibited from renewing same upon expiration of the contractual term.

7. All State Authority heads are directed immediately to identify all contracts between their Authority and its employees that contain provisions for financial compensation upon early termination or separation from employment and provide a list of same and a copy of such contracts to the Governor's Office for review not later than March 1, 2010.

8. The commissioner or head of each principal department in the Executive Branch (hereinafter referred to as "Cabinet Member") is hereby directed to identify the State Authorities established in or allocated to such department and to provide a recommendation to the Governor's Office not later than May 15, 2010, regarding whether each such State Authority should continue to exist or be eliminated. With regard to each such State Authority that is recommended to continue in existence, each Cabinet Member shall indicate his or her recommendation regarding whether the positions on each such State Authority should be compensated or not and whether reimbursement for expenses should be permitted. Any recommendation to provide compensation or reimbursement of expenses shall include a detailed explanation in support of such recommendation.

9. This Order shall take effect immediately.

Dated February 23, 2010.

EXECUTIVE ORDER NO. 16

WHEREAS, United States Army Sergeant Marcos Gorra, was born in Santiago de Cuba, Cuba, and came to the United States when he was seven years old; and
WHEREAS, After graduating from North Bergen High School, Sergeant Gorra enlisted in the Army and was assigned to the 82nd Airborne Division in February 2008 and then the 82nd Combat Aviation Brigade; and
WHEREAS, Sergeant Gorra served in Korea and at Fort Bragg, North Carolina, where he earned his paratrooper certification; and
WHEREAS, Sergeant Gorra was an ambitious and courageous young man who loved his country and the military and had plans to become a New Jersey State Trooper after serving in the Army; and

WHEREAS, Sergeant Gorra tragically lost his life while heroically and selflessly serving his country in southern Afghanistan; and

WHEREAS, Sergeant Gorra was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Gorra's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, March 5, 2010, in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Marcos Gorra.

2. This Order shall take effect immediately.

Dated March 3, 2010.

EXECUTIVE ORDER NO. 17

WHEREAS, The current fiscal emergency confronting the State of New Jersey ("State") requires that all areas of public expenditures be carefully scrutinized for waste, inefficiency, and where appropriate, savings that may be achieved through privatization; and

WHEREAS, All levels of government must commit themselves to fiscal reform and to furthering the economic well-being of the State's overburdened taxpayers; and

WHEREAS, It is imperative that delivery of programs and services throughout all levels of government be analyzed and re-evaluated to achieve the greatest measure of effectiveness and efficiency, while maintaining the highest quality of governmental services; and

WHEREAS, Efficient, cost-effective government will benefit and enhance the State's economy, restore depleted public confidence, and allow for the continued delivery of important programs; and

WHEREAS, The New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed, N.J.Const. (1947) Article V, Section 1, Paragraph 11, including ensuring compliance with the constitutional mandate that a balanced State budget be maintained, N.J.Const. (1947) Article VIII, Section 2, Paragraph 2; and

- WHEREAS, As Governor, I have the responsibility and the authority to ensure that State government and its various agencies and instrumentalities operate as efficiently and as effectively as possible; and
- WHEREAS, Numerous State executive branch agencies and independent authorities presently administer aid and grant programs that provide billions of dollars annually in funding to local governments and school districts; and
- WHEREAS, In light of the currently dire fiscal circumstances confronting the State, it is essential that all government operations in New Jersey, including executive branch agencies, State and local independent authorities, local and county governments, and school districts, be subjected to a fresh, candid, and independent examination that is focused on achieving significant efficiencies and cost-savings in the near term; and
- WHEREAS, Such a review should be conducted by individuals drawn from outside of government who possess the expertise, experience, and skills required to conduct a fair and independent evaluation of how privatization of certain functions currently being performed by government can most effectively meet the numerous competing demands placed on the State and local units; and
- WHEREAS, Based on my review of hundreds of options presented to me for potentially balancing the FY 2011 budget, it has become clear that widespread implementation of common-sense efficiencies in those areas of the budget where cuts are realistically achievable, such as personnel savings, has been hindered by legal impediments, many of which were needlessly self-imposed by the prior administration; and
- WHEREAS, For example, as part of a perceived budget solution, the previous administration agreed to an unreasonable "memorandum of agreement" ("MOA") that purports to prevent the State from taking common sense management approaches to achieve personnel efficiencies in the near term; and
- WHEREAS, In this regard, while a significant component of the annual appropriations act supports state employee salaries and benefits, the MOA further purports to limit the managerial flexibility of the State with respect to employee furloughs and layoffs and to penalize the State in the event that furloughs or layoffs are implemented in response to the current fiscal emergency; and
- WHEREAS, Delaying previously negotiated wage increases until after the end of the prior administration has resulted in the State having reduced flexibility to manage its workforce and effectively increased the costs that will be associated with achieving near-term savings by ensuring rounds of litigation in order to preserve basic managerial prerogatives with respect to the size and composition of the State workforce; and
- WHEREAS, Precisely at a time when the State most urgently needs flexibility to manage its wage and salary payments and the size of its workforce, the MOA needlessly purports to limit the State's ability to manage its escalating wage and salary costs, while simultaneously preventing meaningful managerial control of the State workforce;

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. There is hereby created a New Jersey Privatization Task Force, hereinafter referred to as the Task Force.

2. The Task Force shall consist of five (5) members appointed by the Governor who shall serve at his pleasure. The Governor shall select a chairperson from among the members of the Task Force. All members of the Task Force shall serve without compensation. The Task Force shall organize as soon as practicable after the appointment of its members.

3. The Task Force is charged with developing recommendations for the Governor for a comprehensive approach regarding the privatization of State and local services in light of the State's current fiscal condition. In developing its recommendations, the Task Force shall carefully consider the current fiscal emergency, the necessity of achieving reforms and savings in Fiscal Year 2011, the State's long-term economic interests, and this Administration's commitment to ensuring that the State's resources are managed responsibly for the benefit of the citizens of New Jersey. The Task Force shall focus on a number of critical issues, including: (a) which government functions are or may be appropriate for privatization; (b) current legal and practical impediments to privatization; (c) ensuring that the scope and quality of services is not inappropriately diminished; and (d) such other matters as may be referred to the Task Force by the Governor.

4. The Department of the Treasury shall provide staff support to the Task Force. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Task Force deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force within the limits of its statutory authority and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. In formulating its recommendations pursuant to this Order, the Task Force may elicit public input from individuals, organizations, community groups, and other interested parties.

6. The Task Force may report to the Governor from time to time and shall issue a final report to the Governor setting forth the Task Force's recommendations pursuant to this Order no later than May 31, 2010. The Task Force shall expire upon the issuance of its final report.

7. The final report of the Task Force shall be provided to the Legislature and shall be made available to the public.

8. This Order shall take effect immediately.

Dated March 11, 2010.

EXECUTIVE ORDER NO. 18

WHEREAS, Beginning on March 12, 2010 and continuing through the present time, severe weather conditions, including heavy rains, high winds, tidal and coastal flooding, main stream and river flooding, and progressing runoff have threatened to damage or destroy homes and other structures and to impede transportation and the flow of traffic throughout the State; and

WHEREAS, As a result of these weather conditions, more than 325,000 residents throughout the State of New Jersey have suffered power outages and more than 200,000 residents continue to endure power outages; and

WHEREAS, Major flooding is occurring on the Raritan and Passaic Rivers and continuing rain, saturated ground, and progressing runoff will worsen flooding conditions in the Raritan and Passaic River basins and in other rivers and streams throughout New Jersey; and

WHEREAS, The aforesaid weather and flood conditions make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire, and first aid; and

WHEREAS, The aforesaid weather and flood conditions constitute a disaster from a natural cause, which threatens and presently endangers the health, safety, and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, This situation is too large in scope to be handled 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 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, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, CHRIS CHRISTIE, 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 State of Emergency presently exists throughout the State of New Jersey; and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower, in accordance with N.J.S.A. App.A:9-33 et seq., the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway or 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, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or Interstate highway, and its access roads, including the right to detour, reroute, or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management 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.

5. I authorize and empower the State Director of Emergency Management to utilize all 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.

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 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. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. 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.

8. 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.

9. 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.

Dated March 14, 2010.

EXECUTIVE ORDER NO. 19

WHEREAS, Executive Order No. 103 (2008) included certain provisions concerning the annual State budget; and

WHEREAS, Executive Order No. 135 (2009) temporarily suspended the provisions of Executive Order No. 103 (2008); and

WHEREAS, As Governor, I have the responsibility to ensure a balanced budget, manage the operations of State government effectively and efficiently, and maintain necessary government programs and assistance to the public;

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. Executive Order No. 103 (2008) and Executive Order No. 135 (2009) are hereby rescinded.

2. This Order shall take effect immediately.

Dated March 15, 2010.

EXECUTIVE ORDER NO. 20

WHEREAS, Executive Order No. 12 (2010) established a Housing Opportunity Task Force that was charged with making recommendations to the Governor to reform the burdensome and unworkable procedures governing the provision of affordable housing in New Jersey (the "Task Force"); and

WHEREAS, The Task Force has completed its work and submitted its final report to the Governor and to the Commissioner of the Department of Community Affairs setting forth its recommendations; and

WHEREAS, The members of the Task Force should be commended for their hard work and dedicated service on behalf of the citizens of the State of New Jersey; and

WHEREAS, I will be reviewing the Task Force's final report and recommendations in furtherance of my commitment to reforming the unduly burdensome and unworkable procedures which currently govern affordable housing in New Jersey;

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. Executive Order No. 12 (2010) is hereby rescinded.
2. This Order shall take effect immediately.

Dated March 20, 2010.

EXECUTIVE ORDER NO. 21

WHEREAS, United States Congressman Robert Douglas “Bob” Franks was an extraordinary figure in the public life of New Jersey, for over three decades devotedly serving the people of this State as an esteemed member of the United States House of Representatives; a member of the New Jersey General Assembly; chairman of the New Jersey Republican State Committee; and President of the HealthCare Institute of New Jersey; and, as a result of his remarkable public service, today New Jersey is a better place because of him; and

WHEREAS, Congressman Franks was born in Hackensack, New Jersey, lived in Glen Rock, New Jersey, before moving to suburban Chicago, Illinois, and returning as a teenager to Union County, New Jersey, where he attended Summit High School; and

WHEREAS, Congressman Franks graduated from DePauw University in 1973 and from Southern Methodist University School of Law in 1976; and

WHEREAS, After completing law school, Congressman Franks returned home to New Jersey and helped found the Union County Young Republicans, and served as a key advisor to numerous candidates including Senator Ray Bateman in his 1977 gubernatorial campaign, Governor Thomas Kean in his 1981 gubernatorial election, and Congressmen Jim Courter and Dean Gallo in their respective campaigns; and

WHEREAS, In 1979, Congressman Franks was elected to serve in the New Jersey General Assembly and was subsequently re-elected for six terms, representing the 22nd legislative district, which covered Union and Somerset Counties; and

WHEREAS, Among Congressman Franks’ many accomplishments during his tenure in the New Jersey State Legislature, he sponsored the law creating the Transportation Trust Fund; and

WHEREAS, While serving in the General Assembly, Congressman Franks led the New Jersey Republican State Committee as its chairman from 1987 to 1989 and from 1990 to 1992, and also was elected by his Republican colleagues in the Assembly to serve as conference leader in both the 202nd and 203rd Legislatures; and

WHEREAS, In 1992, Congressman Franks was elected to the United States House of Representatives where he served for four terms until 2001, representing the

7th congressional district, which covered parts of Union, Somerset, Middlesex, and Essex Counties; and

WHEREAS, During his tenure in Congress, Congressman Franks served on the Budget Committee and Transportation & Infrastructure Committees, as well as serving as chairman of the Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation Subcommittee; and

WHEREAS, During his tenure in Congress, Congressman Franks was a founder and co-chairman of the Missing and Exploited Children's Caucus; and

WHEREAS, During his tenure in Congress, Congressman Franks was a strong voice for fiscal responsibility, child protection, and for improving New Jersey's infrastructure and transportation systems; and

WHEREAS, In 2000, Congressman Franks was the Republican nominee for the United States Senate; and

WHEREAS, In 2001, Congressman Franks was a candidate for the nomination for Governor of New Jersey; and

WHEREAS, In 2001, Congressman Franks was appointed President of the Health-Care Institute of New Jersey, located in Bridgewater, New Jersey, where he continued his strong involvement in public policy by advocating for advancing New Jersey's pharmaceutical and medical technology industry, reducing the cost of healthcare, and emphasizing job creation; and

WHEREAS, Congressman Franks was a man of all the people of New Jersey and was determined to do what he thought was right for the people of New Jersey, whether it was fighting for affordable health care, child protection, the advancement of medical technology and pharmaceutical research, fiscal responsibility, or mass transit; and

WHEREAS, Congressman Franks understood not just the art of politics but the science of policy-making and was able to bridge the partisan divide in order to achieve the common good; and

WHEREAS, Congressman Franks enjoyed universal respect and affection because of his passion, pragmatism, warm-heartedness, generosity, intellect, compassion, courage, optimism, and integrity; and

WHEREAS, It is because of Congressman Franks' energy, selflessness, and graciousness that his legacy is felt across this State by so many both inside and outside of the public arena; and

WHEREAS, Congressman Franks, who will be remembered as one of the most sincere and effective public servants in New Jersey's history, inspired countless individuals to serve this State and this Nation; and

WHEREAS, Through Congressman Franks' accomplishments in both the public and private sectors, he has made New Jersey and this Nation a better place; and

WHEREAS, It is with deep sadness that we mourn the loss of Congressman Bob Franks and extend our sincere sympathy to his wife, Fran, their three daughters, his mother, his entire family, his many friends, and his colleagues; and

WHEREAS, It is appropriate to honor the achievements, the memory, and the passing of Congressman Bob Franks;

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 Flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, April 16, 2010, in recognition and mourning of the passing of United States Congressman Bob Franks.
2. This Order shall take effect immediately.

Dated April 14, 2010.

EXECUTIVE ORDER NO. 22

WHEREAS, United States Army Corporal Michael D. Jankiewicz, graduated from Ramsey High School in 2006; and
WHEREAS, Corporal Jankiewicz was assigned to the 3rd Battalion, 75th Ranger Regiment, Fort Benning, GA; and
WHEREAS, Corporal Jankiewicz was an Army Ranger, a member of the military's elite rapid strike force that specializes in covert missions; and
WHEREAS, Corporal Jankiewicz was an ambitious and courageous young man who loved his country and the military; and
WHEREAS, Corporal Jankiewicz tragically lost his life when the CV-22 Osprey he was flying crashed in Zabul, Afghanistan; and
WHEREAS, Corporal Jankiewicz was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and
WHEREAS, Corporal Jankiewicz's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, April 19, 2010, in recognition and mourning of a brave and loyal American hero, United States Army Corporal Michael D. Jankiewicz.
2. This Order shall take effect immediately.

Dated April 15, 2010.

EXECUTIVE ORDER NO. 23

WHEREAS, The State of New Jersey recently experienced severe weather conditions causing damaging floods that continue to adversely affect residents and business owners in various locations in the State; and

WHEREAS, The Passaic River basin, which is an area where a number of large tributary rivers join the Passaic River situated in Passaic, Bergen, Morris and Essex Counties, was particularly hard hit by these damaging flood conditions; and

WHEREAS, New Jersey's Passaic River basin is known for chronic flooding problems during periods of heavy rainfall or snow-melt; and

WHEREAS, Many New Jersey citizens and businesses have been affected by this flooding problem and have suffered devastating losses over the years; and

WHEREAS, Severe flooding events in the Passaic River basin have resulted in loss of life and property, warranting eleven federal disaster declarations since 1903; and

WHEREAS, Approximately 20,000 homes and places of business as well as significant public infrastructure lie in the Passaic River floodplain; and

WHEREAS, The growth of residential, commercial, and industrial development in the last several decades has multiplied the threat of serious damage and loss of life from flooding in the Passaic River basin; and

WHEREAS, In other parts of the State, substantial progress has been made in addressing chronic flooding problems, such as in the Raritan River basin in Middlesex, Somerset and Union Counties, through the work of the United States Army Corps of Engineers and the Green Brook Flood Control Commission; and

WHEREAS, In contrast, the United States Army Corps of Engineers has been working on plans to reduce flooding in the Passaic River basin since 1936, but despite those efforts a comprehensive plan for the Passaic River basin has not yet been adopted; and

WHEREAS, While important steps have been taken on the local and regional levels to coordinate efforts to seek relief for flood prone communities, including but not limited to the efforts of the Passaic River Basin Flood Task Force, it is important for the State to provide ongoing leadership by creating an expert advisory commission led by the Commissioner of the Department of Environmental Protection to assist in planning measures to minimize flood impacts affecting residents and businesses, and to identify ways to minimize damage in the future; and

WHEREAS, As Governor, I am responsible for protecting the health, safety, and welfare of the people of this State, and also am entrusted with the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergency;

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. There is hereby created The Governor's Passaic River Basin Flood Advisory Commission ("Advisory Commission"). The Advisory Commission shall consist of seven (7) members as set forth in this paragraph. The Governor hereby appoints the Commissioner of the Department of Environmental Protection to serve as the chairperson of the Advisory Commission, and the Superintendent of the State Police or his designee to serve as a member of the Advisory Commission. The chairperson shall select the other members of the Advisory Commission, which shall be comprised of two (2) mayors who represent municipalities located in the Passaic River basin; one (1) state legislator who represents municipalities located in the Passaic River basin; and two (2) individuals with relevant expertise in the areas of engineering, flood mitigation, public planning, environmental protection, or related issues. All members of the Advisory Commission shall serve without compensation

2. The Advisory Commission shall be responsible for identifying both short-term and long-term recommendations to enhance flood mitigation efforts, emergency response planning, and streamlining requirements that impede post-flooding recovery. In reviewing the circumstances surrounding recent flooding in the Passaic River basin, the Advisory Commission shall identify ways to minimize damage in the future, thus minimizing flood impacts to residents and businesses. The Advisory Commission shall provide the State of New Jersey and local communities with an array of alternatives for flood damage reduction and environmental restoration. The Commission's charge shall include, but not be limited to, providing recommendations to the Governor regarding:

a. Expanding and expediting the buy-out of properties in the Passaic River floodway to reduce negative impacts to residents, focusing particularly on repetitive loss properties from flooding. This effort also shall include recommendations for strategically prioritizing acquisition and leveraging State Blue Acres and other funding with available federal dollars through the Federal Emergency Management Agency (FEMA) and the United States Army Corps of Engineers;

b. Identifying areas of acquisition for natural flood storage and possible creation or restoration of wetlands on both public and non-public lands;

c. Investigating the operations of the Pompton Lakes Dam flood gate project and any potential impacts to downstream communities and making recommendations for infrastructure improvements and/or operational enhancements;

d. Identifying acceptable and efficient methods to clear the river system of debris and sediments that reduce the natural capacity of the system to carry storm waters;

e. Conducting an across-the-board evaluation of existing state regulatory programs to identify needs for expedited emergency permitting and making recommendations for streamlining technical requirements, raising homes to above flood levels, interagency coordination and consistency, and financial assistance;

f. Reviewing the status and effectiveness of all county and local emergency response plans in cooperation with the New Jersey State Police Office of Emergency Management and the Department of Environmental Protection;

- g. Evaluating enhancements to the Passaic River Flood Warning System such as improving existing precipitation and stream gauge networks, and developing additional flood forecast points and flood inundation maps;
- h. Enhancing public involvement, information sharing and outreach for flood response;
- i. Reinvigorating the U.S. Army Corps of Engineers study and analysis of potential engineering projects or a series of projects for long-term flood damage reduction;
- j. Evaluating historical river characteristics to identify changes to the river system to better understand, predict, and respond to changes in flood patterns;
- k. Identifying methods, including Master Plan and zoning changes, for municipalities to phase-out or prevent future development in flood hazard areas; and
- l. Such other matters as may be referred to the Advisory Commission by the Governor.

3. The Department of Environmental Protection shall provide staff support to the Advisory Commission. The Advisory Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Advisory Commission deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Commission within the limits of its statutory authority and to furnish the Advisory Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

4. The Advisory Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission. This includes the existing Passaic River Basin Flood Task Force, members of the New Jersey congressional delegation, the Army Corps of Engineers and FEMA.

5. No later than December 31, 2010, the Advisory Commission shall submit to me its final Report that presents recommendations pursuant to the charge outlined above and on any other aspects of flood mitigation and emergency response planning identified by the Advisory Commission pursuant to this Order. The Report shall also present an initial implementation plan with identified schedules and milestone dates. The Advisory Commission shall expire within thirty (30) days of the issuance of its final report.

6. This Order shall take effect immediately.

Dated April 23, 2010.

EXECUTIVE ORDER NO. 24

WHEREAS, All members of this administration must adhere to the highest ethical standards and conduct themselves in a manner that enhances public trust in government; and

WHEREAS, All public officials must avoid conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, To further these goals persons serving in government should have the benefit of specific standards to guide their conduct; and

WHEREAS, Ethical standards should be applied consistently to similarly situated officials in order to promote respect for those standards and provide for their enforcement; and

WHEREAS, Public disclosure of personal financial interests of public officials serves to maintain the public's faith and confidence in its governmental representatives and guards against conduct violative of the public trust; and

WHEREAS, The current financial disclosure process must be reinforced and strengthened to ensure that financial disclosure requirements are applied to members of all State government boards, commissions, and other bodies that perform important governmental functions in areas such as regulation, policy-making, and the expenditure of public funds; and

WHEREAS, Prior executive orders regarding ethics have been codified into statutory law; and

WHEREAS, The State Ethics Commission ("Ethics Commission"), has previously recognized that to alleviate a potential conflict of interest, a blind trust may be utilized in certain circumstances to erect a barrier between State officers and employees and their investments, so that such officers might be shielded from potential conflicts; and

WHEREAS, A public official's interest in any closely-held corporation that does business with governmental entities can raise the appearance of a potential conflict of interest; and

WHEREAS, The positions of Governor and Lieutenant Governor exist to serve the people of New Jersey in a manner that fosters public respect, trust, and confidence, and the adoption of a Code of Conduct for the Governor and the Lieutenant Governor, which provides a clear standard of conduct, will promote public trust and confidence; and

WHEREAS, It is important that the Ethics Commission be given clear and direct authority to enforce the provisions of this Order;

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:

I. PERSONAL FINANCIAL DISCLOSURE

1. Every public employee and public officer, as such terms are defined in paragraph 6 of this section, shall file a sworn and duly notarized Financial Disclosure statement, or other such authentication as the Ethics Commission may require to facilitate electronic filing, which is current as of five days prior to the date of filing. Each statement shall include the following information:

- a. The name and position of the public employee or public officer;

b. Any occupation, trade, business, profession or employment engaged in by the public employee or public officer, his or her spouse or domestic partner, partner in a civil union and dependent children;

c. (1) A list of all assets having a value of more than \$1,000, both tangible and intangible, in which a direct or indirect interest is held (as of the statement date) by the public employee or public officer, his or her spouse or domestic partner, partner in a civil union and dependent children. Where stocks and bonds are involved, there shall be included the name of the company, mutual fund, holding company or government agency issuing them (whenever such interest exists through ownership in a mutual fund or holding company, the individual stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such trust shall be listed only if the public employee or public officer has knowledge of what stocks and bonds are held). Where more than 10 percent of the stock of the corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, general nature and acquisition date of any real property in New Jersey in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant of such property or that has before it an application, complaint or proceeding directly affecting such property.

(2) The value of assets of a public employee and his or her spouse, domestic partner, or partner in a civil union shall be listed according to the following value categories:

- (a) greater than \$1,000 but not more than \$5,000;
- (b) greater than \$5,000 but not more than \$25,000;
- (c) greater than \$25,000 but not more than \$50,000;
- (d) greater than \$50,000 but not more than \$100,000;
- (e) greater than \$100,000 but not more than \$250,000;
- (f) greater than \$250,000 but not more than \$500,000;
- (g) greater than \$500,000.

These assets shall be valued as of the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset.

(3) The value of assets of (a) the dependent children of a public employee or (b) a public officer, his or her spouse, domestic partner or partner in a civil union and dependent children need not be disclosed unless specifically requested by the Governor or the Ethics Commission.

d. (1) A list of all liabilities of the public employee or public officer, his or her spouse, domestic partner, or partner in a civil union and dependent children, except liabilities which are:

(a) less than \$10,000 and owed to a relative as defined in paragraph 6 of this section;

(b) less than \$1,000 and owed to any other person;

(c) loans secured by a personal motor vehicle, household furniture or appliances where the loan did not exceed the purchase price of the item and the outstanding balance did not exceed \$10,000 as of the close of the preceding calendar year; and

(d) revolving charge accounts where the outstanding liability does not exceed \$10,000 as of the close of the preceding calendar year.

(2) The value of liabilities shall be listed by category in the same manner as required by paragraph 1(c)(2) above. However, the value of the liability of a dependent child of a public employee or public officer need not be disclosed unless specifically requested by the Governor or the Ethics Commission.

e. A list of all liabilities otherwise subject to disclosure pursuant to paragraph (d) above of the public employee or public officer, his or her spouse or domestic partner, partner in a civil union and dependent children which have been forgiven by the creditor within 12 months of the statement date. For each such forgiven liability so listed, the name of the creditor to whom such a liability was owed shall be stated;

f. A list of all sources of income of the public employee or public officer, his or her spouse or domestic partner, partner in a civil union and dependent children, including all compensated employment of whatever nature, all directorships or other fiduciary positions for which compensation has or will be claimed, all capital gains including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honoraria, lecture fees, gifts and other gratuities (cash or non-cash), and other miscellaneous sources of income including, but not limited to, interest, dividends, royalties and rents. Statements filed before July 1 of any year shall disclose sources of income for the preceding calendar year. Statements filed after July 1 of any year shall provide this information for the twelve-month period immediately preceding the filing date. The amount of such income received shall be listed and valued by category in the same manner of assets as set forth in paragraph c(1) through c(3) above. However, the amount of income of (1) the dependent children of a public employee, or (2) a public officer, his or her spouse, domestic partner or partner in a civil union and dependent children need not be disclosed unless specifically requested by the Governor or the Ethics Commission. Sources of income that are not required to be reported are:

(1) cash gifts in an aggregated amount of less than \$100 received during the preceding twelve months from a person;

(2) non-cash gifts with an aggregated fair market value of less than \$200 received during the preceding twelve months from a person; and

(3) gifts with an aggregated cash or fair market value of less than \$3,000 received during the preceding twelve months from a relative as defined in paragraph 6 of this section.

g. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public employee or public

officer, his or her spouse or domestic partner, partner in a civil union and dependent children with any firm, corporation, association, partnership or business. If any firm, corporation, association, partnership or business does business with or is licensed, regulated or inspected by a State agency or does business with a casino license holder or applicant, the State agency, casino or applicant must be identified.

2. Each statement shall contain a certification by the public employee or public officer that he or she has read the statement, that to the best of his or her knowledge and belief it is true, correct and complete and that he or she has not transferred and will not transfer any asset, interest or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

3. a. Within 120 days from the effective date of this Order, each public employee and public officer who has not already done so shall file the signed and notarized statement required herein or other such authentication as the Ethics Commission may require to facilitate electronic filing with the Ethics Commission. In furtherance of its duties under the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and pursuant to this Executive Order, the Ethics Commission shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such a statement for filing, the Commission shall file and maintain a copy of it for public inspection and copying in accordance with the procedures set forth in N.J.S.A. 47:1A-1 et seq. and shall post the statement on its website pursuant to N.J.S.A. 52:13D-21(n);

b. Each person who becomes a public employee or public officer after the effective date of this Order shall satisfy the filing requirements of this Order within 120 days of assuming office or commencing employment, unless the Ethics Commission or its staff grants to such public employee or public officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be for more than 30 days each;

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter provided, however that public employees and public officers who file statements on or after January 19, 2010 but prior to May 15, 2010 need not file an updated statement on May 15, 2010.

4. The Ethics Commission shall keep the approved statements on file for so long as the person submitting such statements is a public employee or public officer of this State, and for five years thereafter.

5. The Ethics Commission shall have the primary responsibility for assuring the proper administration and implementation of this Order and shall have the power to perform acts necessary and convenient to this end, including, but not limited to, preparing and distributing forms and instructions to be utilized by public employees and public officers in complying with this Order.

6. Except as otherwise herein provided, for purposes of this section:

a. "Public employee" shall mean any person holding any of the following offices in the Executive Branch of the State Government, together with any equivalent offices added to such a list by subsequent written determination of the Governor with notice to the persons affected:

- (1) The Governor;
 - (2) The Lieutenant Governor;
 - (3) The head of each principal department;
 - (4) The chiefs of staff and assistant or deputy heads of each principal department to include all assistant and deputy commissioners of such departments;
 - (5) The head and the assistant heads of a division of each principal department, or any person exercising substantially similar authority for any board or commission which is organized as in but not of a principal department or any independent authority;
 - (6) The executive or administrative head and assistant heads of:
 - (i) any board or commission which is organized in but not of a principal department or
 - (ii) any independent authority;
 - (7) The following members of the staff of the Office of the Governor:
 - (i) Chief of Staff;
 - (ii) Chief Counsel to the Governor;
 - (iii) Director of Communications;
 - (iv) Deputy Chiefs of Staff;
 - (v) Deputy Chief Counsel;
 - (vi) Director of the Authorities Unit;
 - (vii) Appointments Counsel;
 - (viii) Director of Operations; and
 - (ix) Any deputy or principal administrative assistant to any of the foregoing members of the staff of the Office of the Governor;
 - (8) Chief Executive Officers and Deputy Chief Executive Officers of the psychiatric hospitals and developmental centers administered by the Department of Human Services;
 - (9) Members of the State Board of Agriculture;
 - (10) Members of the State Board of Education;
 - (11) Members of the State Board of Public Utilities;
 - (12) Members of the State Parole Board;
 - (13) Presidents of the State Colleges and Universities; and
 - (14) the State Comptroller
- b. "Public officer" shall mean:
- (1) the members of the following boards, commissions, independent authorities and public corporations, together with any other equivalent offices or bodies and such other offices or bodies added to such list by subsequent determination of the Governor:
 - (i) Agricultural Development Committee;
 - (ii) Atlantic City Convention Center Authority;
 - (iii) Capital City Redevelopment Corporation;
 - (iv) Casino Reinvestment Development Authority;
 - (v) Catastrophic Illness in Children Relief Fund;
 - (vi) Civil Service Commission;

- (vii) Commission on Higher Education;
- (viii) Commission on Spinal Cord Research;
- (ix) Council on Affordable Housing;
- (x) Development Authority for Small Business, Minorities and Women Enterprises;
- (xi) Educational Facilities Authority;
- (xii) Election Law Enforcement Commission;
- (xiii) Garden State Preservation Trust;
- (xiv) Government Records Council;
- (xv) Governor's Council on Alcoholism and Drug Abuse;
- (xvi) Health Care Administration Board;
- (xvii) Health Care Facilities Financing Authority;
- (xviii) Higher Education Student Assistance Authority;
- (xix) Highlands Water Protection and Planning Council;
- (xx) Individual Health Coverage Board;
- (xxi) Local Finance Board;
- (xxii) Motor Vehicle Commission;
- (xxiii) New Jersey Building Authority;
- (xxiv) New Jersey Commission on Brain Injury Research;
- (xxv) New Jersey Commission on Science and Technology;
- (xxvi) New Jersey Council on Developmental Disabilities;
- (xxvii) New Jersey Cultural Trust;
- (xxviii) New Jersey Economic Development Authority;
- (xxix) New Jersey Historic Trust Commission;
- (xxx) New Jersey Housing and Mortgage Financing Agency;
- (xxxi) New Jersey Marine Science Consortium;
- (xxxii) New Jersey Meadowlands Commission;
- (xxxiii) New Jersey Public Broadcasting Authority;
- (xxxiv) New Jersey Racing Commission;
- (xxxv) New Jersey Real Estate Commission;
- (xxxvi) New Jersey Redevelopment Authority;
- (xxxvii) New Jersey Sports and Exposition Authority;
- (xxxviii) New Jersey State Council on the Arts;
- (xxxix) New Jersey Technology Governing Board;
- (xl) New Jersey Transit Corporation;
- (xli) New Jersey Transportation Trust Fund Authority;
- (xlii) New Jersey Turnpike Authority;
- (xliii) New Jersey Urban Enterprise Zone Authority;
- (xliv) North Jersey District Water Supply Commission;
- (xlv) Office of Information Technology Governing Board;
- (xlvi) Passaic Valley Sewerage Commission;
- (xlvii) Passaic Valley Water Commission;
- (xlviii) Pinelands Commission;
- (xlix) Public Employment Relations Commission;

- (l) School Ethics Commission;
 - (li) Schools Construction Corporation;
 - (lii) Shell Fisheries Council;
 - (liii) Small Employer Health Benefits Program;
 - (liv) South Jersey Port Corporation;
 - (lv) South Jersey Transportation Authority;
 - (lvi) State Athletic Control Board;
 - (lvii) State Board of Mediation;
 - (lviii) State Economic Recovery Board for Camden;
 - (lix) State Ethics Commission;
 - (lx) State Investment Council
 - (lxi) State Lottery Commission;
 - (lxii) State Planning Commission;
 - (lxiii) Tidelands Resource Council;
 - (lxiv) Urban Development Corporation;
 - (lv) Wastewater Treatment Trust; and
 - (lvi) Water Supply Authority.
- (2) The members of the governing boards of State Colleges and Universities.
- (3) Individuals appointed as a New Jersey member to the following agencies:
- (i) Atlantic Interstate Low-Level Radioactive Waste Management Compact;
 - (ii) Atlantic States Marine Fisheries Commission;
 - (iii) Clean Ocean and Shore Trust Committee;
 - (iv) The Delaware River and Bay Authority;
 - (v) Delaware River Basin Commission;
 - (vi) Delaware River Joint Toll Bridge Commission;
 - (vii) Delaware River Port Authority;
 - (viii) Delaware Valley Regional Planning Commission;
 - (ix) Interstate Environmental Commission;
 - (x) Palisades Interstate Park Commission;
 - (xi) Port Authority of New York and New Jersey;
 - (xii) Waterfront and Airport Commission of New York and New Jersey.

c. "Government instrumentality" shall mean the Legislative, Judicial, and Executive Branches of State government including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;

d. "State agency" shall mean any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission, or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;

e. "Relative" shall mean a spouse, domestic partner, partner in a civil union, son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle or aunt.

Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

f. "Domestic partner" shall mean "domestic partner" as defined in P.L. 2003, c. 246 (N.J.S.A. 26:8A-3).

g. "Partner in a civil union" shall mean partner in a "civil union" as defined in P.L. 2006 c.103 (N.J.S.A. 37:1-29).

7. The Governor may from time to time direct that the prohibition on outside earned income applicable to the Governor, Cabinet members and Cabinet-level appointees defined as a "designated State officer" pursuant to N.J.S.A. 52:13D-24(d) also be applied to additional positions in the Office of the Governor.

II. BLIND TRUSTS

1. For those situations where a blind trust may be utilized by a public employee or public officer, his or her spouse or domestic partner, partner in a civil union or dependent children, and approved by the Ethics Commission, such trust shall contain the following characteristics:

a. The trust shall not contain investments or assets in which the holder's ownership right or interest is required to be recorded in a public office or those assets whose permanency makes transfer by the trustee improbable or impractical; these investments or assets would include, but not be limited to, businesses, real estate, security interests in personal property and mortgages;

b. The trust shall contain a clear statement of its purpose, namely, to remove from the grantor control and knowledge of investment of trust assets so that conflicts between grantor's responsibilities and duties as a public employee or public officer and his or her private business or financial interests will be eliminated;

c. The trust shall be irrevocable, and shall be terminated only upon the death of the public employee or public officer or upon termination of his or her status as a public employee or public officer whichever shall first occur;

d. The trustee shall be directed not to disclose to the grantor any information about any of the assets in the trust;

e. The trustee shall be required either to:

(1) prepare and file the grantor's personal income tax returns, withholding from distribution of the trust's net income amounts sufficient to pay the grantor's tax; and further to participate in the audit of the grantor's returns during the period of the trust with authority to compromise the grantor's tax liability; or

(2) submit to the grantor, for income tax purposes, a certification of income paid without identifying the assets producing such income;

f. Among its other powers, the trustee shall have authority to determine whether any of the assets originally transferred to the trustee are to be sold and, if so, when;

g. A provision shall be included in the trust agreement prohibiting the trustee from investing the trust property in corporations or businesses which do a significant amount of business with the State of New Jersey or from knowingly making

any investment in a corporation, business or venture over which the grantor has regulatory or supervisory authority by virtue of his or her official position;

h. The grantor shall retain no control over the trustee nor shall he or she be permitted to make any recommendations or suggestions as to the trust property;

i. The trustee may be a commercial trustee or a natural person;

j. The principal benefit to be retained by the grantor shall be the right to receive income from the assets transferred to the trust;

k. The trust shall not become effective until submitted and approved by the Ethics Commission; and

1. The trust agreement shall provide the trustee will give the Ethics Commission access to any records or information related to the trust which is necessary for the performance of the Commission's duties.

2. A copy of the executed blind trust agreement shall be filed with the Ethics Commission and with the head of the department in which the regular State employee holds his or her position. Attached to such copy shall be a brief statement outlining the business or financial interests from which the regular State employee seeks to remove himself or herself and the actual or potential conflicts of interest, or appearance of such conflicts, which he or she seeks to avoid by use of the trust agreement.

III. INTERESTS IN CLOSELY-HELD CORPORATIONS OR SIMILAR ENTITIES

1. a. No regular State employee who is required by law or Executive Order to submit a Financial Disclosure Statement to the Ethics Commission shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any New Jersey State, interstate or local government entity, except as provided in subparagraphs (b) and (c) below.

b. A person who, after this Order takes effect, becomes a regular State employee required by law or executive order to submit a Financial Disclosure Statement to the Ethics Commission and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any New Jersey State, interstate or local government entity, shall disclose such interest in the employee's Financial Disclosure Statement. The Ethics Commission shall review this disclosure statement to determine whether the business entities in which the employee has an interest are engaged in government-related business within the meaning of this Executive Order, and whether the holdings are in compliance with the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. and this Executive Order. No later than 120 days from the Ethics Commission's receipt of the Financial Disclosure Statement, the Ethics Commission shall notify the employee of its findings. The employee shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset, except as may be further extended by the Ethics Commission or to demonstrate to the Ethics Commis-

sion that the business entity has ceased to do business with a government entity in a manner prohibited by this Executive Order.

c. The provisions of subparagraphs (a) and (b) above shall not apply to any purchase, sale, contract or agreement with any government entity other than a State agency, which is made or awarded after public notice and competitive bidding as provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et. seq., or such similar provisions contained in other applicable public bidding laws or regulations, provided that any such purchase, sale, contract or agreement, including a change in orders and amendments thereto, shall receive the prior approval of the Ethics Commission. The provisions of subparagraphs (a) and (b) do apply where the purchase, sale, contract or agreement is authorized by any of the exceptions (e.g., professional or technical services, emergent matters, and unique compatibility) provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et seq., or such similar provisions contained in other applicable public bidding laws or regulations.

2. a. No regular State employee or special State officer who is required by law or Executive Order to submit Financial Disclosure Statements to the Ethics Commission shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity unless the Ethics Commission shall have first determined that the employee or officer may retain such an interest in such business entity.

b. A person who, after this Order takes effect, becomes a regular State employee or special State officer required by law or executive order to submit a Financial Disclosure Statement to the Ethics Commission and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity shall disclose such interest in the employee's or officer's Financial Disclosure Statement. The Ethics Commission shall review the disclosure statement and shall determine whether the employee or officer may retain such interest in the business entity consistent with the standards set forth in the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and this Executive Order. The Ethics Commission shall notify the State employee or officer of its findings no later than 120 days from the Ethics Commission's receipt of the Financial Disclosure Statement. The employee or officer shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset or to demonstrate that the business entity has ceased the business activity in question.

3. The Ethics Commission shall review all financial disclosure statements as they may from time to time be submitted by regular State employees and special State officers to determine whether the covered persons have obtained ownership or interest in any assets that give rise to a present or potential conflict of interest, or present or potential appearance of conflict of interest, within the meaning of this Executive Order.

4. Each regular State employee or special State officer shall amend his or her financial disclosure statement within 30 days of gaining knowledge of (a) his or her, or his or her spouse's acquisition of any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity; or (b) the commencement

of any business activity covered by the provisions of this Executive Order and as determined by the Ethics Commission, including, for example, a change in business plan authorizing business activity with a New Jersey State, interstate or local government entity, by a business in which the officer or employee or the employee's or officer's spouse has an interest covered by this Executive Order.

5. Any regular State employee or special State officer subject to this Executive Order who acquires an interest prohibited under this Executive Order by way of inheritance, bequest or similar circumstances beyond his or her control shall follow the procedures for disclosure and disposition set forth in paragraphs 1 and 2 of section III of this Executive Order.

6. All required divestitures shall be subject to the following conditions:

a. Divestiture must occur within the time periods prescribed above, unless otherwise extended by the Ethics Commission.

b. Ownership or control of the asset may not be transferred to a member of the regular State employee's or special State officer's immediate family.

c. The terms and conditions of any conveyance of ownership and control of the asset shall not contain any provision regarding the return of the asset to the regular State employee or special State officer subsequent to his or her State service.

7. For the purpose of section II and section III of this Order:

a. "Member of the immediate family" shall mean a spouse, domestic partner, partner in a civil union, child, parent or sibling residing in the same household.

b. "Asset" shall mean property of any kind, real and personal, tangible and intangible, having a value greater than \$1,000.

c. "Interest" in a closely-held corporation, partnership, sole proprietorship or similar business entity shall mean any ownership or control of any profits or assets of such a business entity.

d. "Doing business" with any New Jersey State, interstate or local government entity shall mean business or commercial transactions involving the sale, conveyance or rental of any goods or services, and shall not include such activities as compliance with regulatory procedures.

e. "Regular State employee" shall have the same meaning as "State officer or employee" as set forth at N.J.S.A. 52:13D-13b, and "special State officer" shall have the same meaning as "Special State officer or employee" as set forth at N.J.S.A. 52:13D-13e.

f. "State agency" shall mean any of the principal departments of State government and any entity allocated therein in conformance with N.J. Const. (1947), Art. V, Sec. IV, par. 1.

g. "Domestic partner" shall mean "domestic partner" as defined in P.L. 2003, c. 246 (N.J.S.A. 26:8A-3).

IV. CODE OF CONDUCT FOR THE GOVERNOR

1. The Code of Conduct for the Governor recommended by the Advisory Panel, as established by prior executive orders, is hereby continued and shall be

applied to the position of Governor and Lieutenant Governor. The Code of Conduct is set forth in Appendix A and incorporated herein.

2. There is hereby created an Advisory Ethics Panel composed of two public members appointed by the Governor, in consultation with the Chair of the Ethics Commission. In order to be appointed as a public member, an individual shall have served as either Chief Counsel to the Governor, as Attorney General, or as a Justice of the Supreme Court or a Judge of the Superior Court. The two public members shall be appointed for a term of three years, and shall hold office until their successors are appointed and have qualified. No more than one of the public members shall be from the same political party as the Governor.

3. The Advisory Ethics Panel shall be available to advise the Governor and the Lieutenant Governor regarding conflicts issues, application of the Governor's Code of Conduct, and any other related matters for which the Governor and the Lieutenant Governor requests advice.

4. The Governor and the Lieutenant Governor, the Governor's Chief Counsel or the Ethics Liaison Officer shall seek the advice of the Advisory Ethics Panel when there are questions concerning the propriety of the Governor's conduct under the Code. When requested by the Chief Counsel or Ethics Liaison Officer, the Advisory Ethics Panel shall issue a written determination, which shall be made publicly available.

5. The Governor and the Lieutenant Governor shall abide by the judgment of the Advisory Ethics Panel as to the propriety of his actions. In the event the Panel members cannot agree on the proper resolution of a particular issue presented to it, the Governor shall not engage in the proposed activity.

6. If a question is raised with regard to the propriety of the conduct of the Governor and the Lieutenant Governor, and the Advisory Ethics Panel was not consulted by the Chief Counsel or the Ethics Liaison Officer prior to the Governor or Lieutenant Governor engaging in such conduct, the Advisory Ethics Panel shall have the discretion to review the question and to issue a public determination. In such circumstances, if the Panel finds that the Governor's or the Lieutenant Governor's actions were in violation of the Code of Conduct for the Governor and the Lieutenant Governor, the Panel shall have the power to impose penalties, including monetary sanctions.

V. ENFORCEMENT AND SANCTIONS

1. The failure of any regular or special State employee or officer covered by this Executive Order to comply with the provisions of this Executive Order shall constitute good cause for his or her removal from employment or office.

2. The State Ethics Commission shall have the authority to enforce the terms of this Executive Order.

3. Every State department, board, commission, authority, agency and instrumentality shall appoint an individual to serve as an Ethics Liaison Officer. The Ethics Commission staff shall hold quarterly meetings with all ethics liaison officers to

ensure that the requirements of the Conflict of Interest Law and this Executive Order are being understood and followed.

VI. RESCISSION

The following Executive Order is hereby superseded and rescinded and any regulations adopted and promulgated thereunder are hereby declared null and void: Executive Order No. 1 (2006).

VII. EFFECTIVE DATE

This Executive Order shall take effect immediately.

Dated April 27, 2010.

EXECUTIVE ORDER NO. 25

WHEREAS, United States Army Sergeant Ronald Alan Kubik, graduated from Manasquan High School in 2006; and

WHEREAS, Sergeant Kubik was assigned to Company D, 3rd Battalion, 75th Ranger Regiment in October 2007 after completing Infantry One Station Unit Training, the Basic Airborne Course and the Ranger Indoctrination Program in Fort Benning, GA; and

WHEREAS, Sergeant Kubik was an Army Ranger, he served as an assistant machine gunner and team leader; and

WHEREAS, Sergeant Kubik was an ambitious and courageous young man who loved his country and the military; and

WHEREAS, Sergeant Kubik tragically lost his life in an engagement with an enemy force in Logar Province, Afghanistan; and

WHEREAS, Sergeant Kubik was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Kubik's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, April 29, 2010, in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Ronald Alan Kubik.

2. This Order shall take effect immediately.

Dated April 27, 2010.

EXECUTIVE ORDER NO. 26

WHEREAS, The State of New Jersey ("State") enjoys the benefits of 31 public and 32 independent institutions of higher education throughout the State providing a broad array of undergraduate and graduate programs to over 429,000 students; and

WHEREAS, Although many of the State's higher education institutions and their administrators, educators, and students have distinguished themselves through their achievements, the State's higher education system has not met its full potential or kept pace with the higher education systems in some other states; and

WHEREAS, The State's higher education institutions have been saddled with numerous regulations, many of which are regarded by education experts as outmoded, which have hampered the ability of the State's higher education institutions to serve the State's full education needs and have driven up both administrative costs and the cost of tuition; and

WHEREAS, The State's higher education institutions have been further challenged by the lack of State capital investment over the past twenty (20) years, which has caused the State's higher education institutions to borrow funds to meet their capital investment needs, making them among the most heavily debt-burdened education institutions in the nation; and

WHEREAS, As a result of these trends and practices over the past two decades, New Jersey's higher education institutions have failed to attract many of the State's best and brightest students as evidenced by the fact that New Jersey loses more of its students to out-of-state colleges and universities than any other state in the nation; and

WHEREAS, This administration believes that New Jersey's long-term economic prosperity is tied to a robust system of higher education, which requires, among other things, a plan for capital investment to support the institutions' ability to keep pace with the demands of the modern world and to attract external funding to the State; and

WHEREAS, This administration is committed to ensuring that New Jersey's institutions of higher education are operating at their maximum potential, making the most effective and efficient use of available resources; and

WHEREAS, In light of the current fiscal emergency, the challenges confronting the system of higher education in New Jersey, and the recently enacted statute creating the new position of Secretary of Higher Education, a Task Force on Higher Education is necessary to assist in identifying challenges faced by these institutions, as well as to offer recommendations to further the quality and success of these institutions and the overall system of higher education in this State; and

WHEREAS, At the same time the Task Force is studying the important issues facing the higher education system in the State, the administration will be seeking to bring immediate relief through legislation to empower the higher education institutions to better control their costs through collective bargaining, risk management and civil service reforms, which will ultimately drive down the cost of tuition;

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. There is hereby created a New Jersey Higher Education Task Force, hereinafter referred to as the "Task Force."

2. The Task Force shall consist of up to seven (7) members appointed by the Governor who shall serve at his pleasure. The Governor shall select a chairperson from among the members of the Task Force. The Task Force shall consist of individuals from both inside and outside government who have knowledge or expertise in the areas of higher education policy or administration, economic development, and related areas. All members of the Task Force shall serve without compensation. The Task Force shall organize as soon as practicable after the appointment of its members.

3. The Task Force is charged with developing recommendations for the Governor concerning the State's higher education system. In particular, the Task Force shall consider and make recommendations to improve the overall quality and effectiveness of the State's higher education system. In developing its recommendations, the Task Force shall specifically consider the following issues: (a) the appropriate governance structure of the State's higher education institutions and the inter-relationship between these institutions and the State government; (b) the effective use of "public-private partnerships" among the institutions; (c) the need for capital investment in the institutions, and mechanisms for securing capital; (d) the current mission statements of the State's higher education institutions, and whether the resources of the State's higher education institutions are being effectively utilized and promoted; (e) the relationship between the county colleges and other institutions of higher education; (f) the relationship between the higher education institutions and the State's workforce needs; (g) the accessibility and affordability of the State's institutions of higher education, including the availability of tuition assistance; (h) the methods for distributing direct State aid and other financial support for higher education; (i) the effects of State-imposed regulations and mandates on the State's institutions of higher education; (j) the methods currently utilized for training teachers in this State and the role of higher education institutions in this process; and (k) such other matters as may be referred to the Task Force by the Governor.

4. The Task Force shall also review the current bifurcated financial disclosure requirements in the higher education community wherein Presidents of the State Colleges and Universities file financial disclosure statements, while the members of

the governing boards of the State Colleges and Universities file separate conflict of interest forms. The Task Force shall provide recommendations about the appropriate level and content of financial disclosure. Given the Task Force's consideration of this issue, members of the governing boards of the State Colleges and Universities shall not be required to file financial disclosure statements pursuant Executive Order No. 24 in the 2010 calendar year, but still shall be required to file the conflict of interest forms with the State Ethics Commission.

5. The Governor's office shall provide staff support to the Task Force. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Task Force deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force within the limits of its statutory authority and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission, including but not limited to the Commission on Higher Education, the Committee Chairs and Members of the Senate and Assembly Education Committees of the State Legislature, and the leaders of the higher education institutions.

6. In formulating its recommendations pursuant to this Order, the Task Force may elicit public input from individuals, members of institutions of higher education, organizations, community groups, and other interested parties.

7. The Task Force may report to the Governor from time to time and shall issue a final report to the Governor setting forth the Task Force's recommendations pursuant to this Order no later than December 1, 2010. The Task Force shall expire upon the issuance of its final report.

8. The final report of the Task Force shall be provided to the Legislature and shall be made available to the public.

9. This Order shall take effect immediately.

Dated May 7, 2010.

EXECUTIVE ORDER NO. 27

WHEREAS, United States Army 1st Lieutenant Salvatore S. Corma, graduated from Saint Augustine Preparatory School in 2004; and

WHEREAS, 1st Lieutenant Corma graduated from the United States Military Academy at West Point in 2008; and

WHEREAS, 1st Lieutenant Corma was assigned to the 2nd Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division based in Fort Bragg, North Carolina; and

WHEREAS, 1st Lieutenant Corma was an ambitious and courageous young man who loved his country and the military; and
WHEREAS, 1st Lieutenant Corma tragically lost his life in Afghanistan during an insurgent attack; and
WHEREAS, 1st Lieutenant Corma was a dedicated soldier as well as a loving son, whose memory lives in the hearts of his family, friends, and fellow soldiers; and
WHEREAS, 1st Lieutenant Corma's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, May 11, 2010, in recognition and mourning of a brave and loyal American hero, United States Army 1st Lieutenant Salvatore S. Corma.

2. This Order shall take effect immediately.

Dated May 7, 2010.

EXECUTIVE ORDER NO. 28

WHEREAS, Frank J. "Pat" Dodd made a significant contribution to the State of New Jersey through his three decades of public service; and
WHEREAS, Senator Dodd served New Jersey as an Assemblyman, Senator, Senate President, Acting Governor, and Vice Chairman of the Casino Control Commission; and
WHEREAS, Senator Dodd was born in Orange Township, Essex County, and lived in Essex County for most of his career in state government before moving to Monmouth County; and
WHEREAS, Senator Dodd attended Upsala College and Seton Hall University, and also received an Honorary Law Degree from Seton Hall University; and
WHEREAS, Senator Dodd served in the New Jersey National Guard, attaining the rank of Sergeant; and
WHEREAS, Senator Dodd was elected to New Jersey's General Assembly, where he served from 1966 to 1970; and
WHEREAS, During his time in the Assembly, Senator Dodd served on the Labor Relations, Banking and Insurance, and Public Safety, Defense, and Veterans' Affairs Committees; and

WHEREAS, During Senator Dodd's tenure in the Assembly he was also a member of the State Tax Policy Commission, served as the first Chairman of the Governor's Youth Task Force, and served on the Consumer Fraud, Solid Waste Disposal, Welfare Study, and Clean Air Commissions; and

WHEREAS, Senator Dodd was subsequently elected to the New Jersey State Senate in 1972 and served in the Senate until 1982; and

WHEREAS, During his time in the Senate, Senator Dodd was elected as Senate President in 1974 and 1975, and in that capacity, also served as Acting Governor; and

WHEREAS, During his period of service in the Senate, Senator Dodd also served on the Agriculture and Environment Committee, the Law, Public Safety and Defense Committee, and the Revenue, Finance, and Appropriations Committee; and

WHEREAS, Senator Dodd served as Chairman of the Legislative Services Commission and as Chairman of the Senate Energy and Environment Committee; and

WHEREAS, during Senator Dodd's time in the Legislature he co-authored the New Jersey Casino Control Act; and

WHEREAS, Senator Dodd served as Chairman of the New Jersey Hazardous Waste Siting Commission; and

WHEREAS, In 1989 Senator Dodd was appointed to a five-year term on the New Jersey Casino Control Commission where he served as a Commissioner and Vice Chairman through 1993; and

WHEREAS, Outside of Senator Dodd's long career in state government he was a businessman in the hospitality industry, and served as a special envoy for the United States Department of State on various off shore and energy related issues; and

WHEREAS, Senator Dodd is remembered for his gregarious nature, optimism, humor, and ability to bring people together; and

WHEREAS, Senator Dodd was a trusted advisor, friend, and mentor to many people; and

WHEREAS, It is with deep sadness that we mourn the loss of Senator Dodd, and extend our sincere sympathy to his wife, sister, extended family, and friends; and

WHEREAS, In recognition of his achievements and service to New Jersey, it is fitting and appropriate to honor the memory and passing of Senator Frank J. "Pat" Dodd;

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 Flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, May 24, 2010, in recognition and mourning of the passing of Senator Dodd.

2. This Order shall take effect immediately.

Dated May, 21, 2010.

EXECUTIVE ORDER NO. 29

WHEREAS, United States Army Colonel John M. McHugh, born in West Caldwell, New Jersey, graduated from James Caldwell High School in 1982; and
WHEREAS, Colonel McHugh was a member of the graduating class of 1986, United States Military Academy at West Point;
WHEREAS, Colonel McHugh began his military career by attending the United States Army Aviation School at Fort Rucker, Alabama, where he graduated as a UH60 Blackhawk Helicopter pilot; and
WHEREAS, Colonel McHugh has received some of our nation's highest military honors, including the Legion of Merit Award, the Purple Heart, and two Bronze Stars; and
WHEREAS, Colonel McHugh was an ambitious and courageous man who loved his country and the military; and
WHEREAS, Colonel McHugh tragically lost his life in Kabul, Afghanistan when enemy forces attacked his convoy; and
WHEREAS, Colonel McHugh was a dedicated soldier as well as a loving son, husband, father, and grandfather whose memory lives in the hearts of his family, friends, and fellow soldiers; and
WHEREAS, Colonel McHugh's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, June 1, 2010, in recognition and mourning of a brave and loyal American hero, United States Army Colonel John M. McHugh.
2. This Order shall take effect immediately.

Dated May 26, 2010.

EXECUTIVE ORDER NO. 30

WHEREAS, Marc K. Castellano, joined the New Jersey State Police as a graduate of the 136th Class of the New Jersey State Police Academy on September 24, 2004, and was a member of Troop "C" Tactical Patrol Unit; and

WHEREAS, Trooper Castellano graduated from Jackson Memorial High School in 1998, then earned an Associate Degree from Ocean County College in 2000, a Bachelor of Science Degree from Rutgers University in 2003, and a Masters Degree from Fairleigh Dickinson University in 2010; and

WHEREAS, Trooper Castellano served with exceptional courage, professionalism, and commitment to the finest ideals and traditions of the New Jersey State Police; and

WHEREAS, Trooper Castellano served proudly as part of the finest State Police force in the Nation; and

WHEREAS, Trooper Castellano was a loving husband, father, son and brother, whose memory lives in the hearts of his family, friends, fellow members of the New Jersey State Police and all law enforcement officers; and

WHEREAS, Trooper Castellano has made the ultimate sacrifice, giving his life in the line of duty while protecting the citizens of the State of New Jersey and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory; and

WHEREAS, It is with deep sadness that we mourn the loss of Trooper Castellano, and extend our sincere sympathy to his wife, children, family, friends and fellow members of the New Jersey State Police;

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 flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours for one week, commencing Tuesday, June 8, 2010, in recognition and mourning of a brave and loyal hero, New Jersey State Trooper Marc K. Castellano, Badge 6397.
2. This Order shall take effect immediately.

Dated June 7, 2010.

EXECUTIVE ORDER NO. 31

WHEREAS, United States Army Specialist Stanley J. Sokolowski, III graduated from Ocean Township High School in 2002; and

WHEREAS, Specialist Sokolowski spent much of his time volunteering at fire companies and first aid squads throughout his community;

WHEREAS, Specialist Sokolowski was assigned to Special Troops Battalion, 1st Brigade, 1st Armored Division, Fort Bliss, Texas; and
WHEREAS, Specialist Sokolowski was an ambitious and courageous man who loved his country and the military; and
WHEREAS, Specialist Sokolowski died in Kirkuk, Iraq, during a time of war while serving as a member of the United States Army; and
WHEREAS, Specialist Sokolowski was a dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family, friends, and fellow soldiers; and
WHEREAS, Specialist Sokolowski's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, June 16, 2010, in recognition and mourning of a brave and loyal American hero, United States Army Specialist Stanley J. Sokolowski, III.
2. This Order shall take effect immediately.

Dated June, 7, 2010.

EXECUTIVE ORDER NO. 32

WHEREAS, The Governor has the constitutional responsibility to nominate judges subject to the advice and consent of the Senate; and
WHEREAS, Executive Order No. 36 (2006) formalized a long standing practice whereby the Governor seeks the independent and objective counsel of a group of former jurists and legal practitioners regarding the suitability of candidates under consideration for judicial appointment through the establishment of a Judicial Advisory Panel (sometimes referred to herein as "the Panel"); and
WHEREAS, The Governor places a high value on the input of the Judicial Advisory Panel in connection with his consideration of candidates for judicial appointments; and
WHEREAS, The Governor will continue to utilize the Judicial Advisory Panel as a component of his review process as he exercises his constitutional authority to nominate individuals to serve as judges;

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. Executive Order No. 36 (2006) sets forth the purpose and role that the Judicial Advisory Panel shall have in the Governor's process of evaluating judicial appointment candidates. Except as expressly modified herein, the Judicial Advisory Panel's work shall continue in accordance with the terms established by Executive Order 36 (2006) and long standing tradition.

2. Paragraph 8 of Executive Order No. 36 (2006), which sets forth the composition of the Judicial Advisory Panel, shall be superseded by this paragraph. The Judicial Advisory Panel will be comprised of seven (7) members. The Panel shall include no fewer than three (3) former judges. The Panel may include practicing attorneys who shall not otherwise serve concurrently as a member of the New Jersey State Bar Association's Judicial and Prosecutorial Appointments Committee. The Governor shall designate the Chair, who shall be responsible for the overall administration of the Panel's responsibilities and establishing its procedures for candidate evaluation.

3. All other provisions of Executive Order No. 36 (2006) not expressly modified herein shall remain in full force and effect.

4. This Order shall take effect immediately.

Dated June 9, 2010.

EXECUTIVE ORDER NO. 33

WHEREAS, There are currently twenty-one county prosecutor's offices in the State of New Jersey, each serving its specific county with its own dedicated offices and support infrastructure; and

WHEREAS, Declining revenues at the state and local levels have exacerbated the burden on county governments to provide for the funding of these offices; and

WHEREAS, Because of the separate structure and administration of the county prosecutor's offices under the current system, potential redundancies may exist in purchasing, administration positions, and special service units, and significant discrepancies may exist concerning caseloads and salaries paid to employees among the different county prosecutor's offices, leading to further inefficiency in the use of limited available resources; and

WHEREAS, As Governor, I have the responsibility and the authority to ensure that State government and its various agencies and instrumentalities operate as efficiently and as effectively as possible; and

WHEREAS, Consistent with that responsibility, it is appropriate to conduct a review of the current system governing the county prosecutor's offices to determine whether efficiencies, cost savings and a more equitable allocation of resources can be achieved;

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. There is hereby created a County Prosecutor Study Commission (“Study Commission”). The Study Commission shall consist of thirteen (13) members as set forth in this paragraph. The Governor hereby appoints the Attorney General to serve as the chairperson of the Study Commission. The Governor shall select the other twelve (12) members of the Study Commission, which shall be comprised of members of the law enforcement community, including but not limited to current or former county prosecutors and attorneys general; current or former county executives, freeholders or administrators; and the Treasurer or his designee. All members of the Study Commission shall serve without compensation.

2. The Study Commission shall be responsible for evaluating the current structure of the county prosecutor’s offices; determining the feasibility of the State taking over all or a portion of the county prosecutor’s offices; and other potential alternatives to address concerns about redundancies, inefficiencies, and inequities which may exist in the current system. In making its recommendations, the Study Commission shall carefully consider the State’s short-term and long-term economic interests. The Study Commission’s charge shall include, but not be limited to, making findings and providing recommendations to the Governor regarding:

a. The viability of a total or partial State takeover of the county prosecutor’s offices;

b. Potential areas of waste, redundancy and inefficiency in the county prosecutor’s offices;

c. Alternatives to a State takeover that can achieve cost savings and efficiencies, including but not limited to regional consolidation and shared services;

d. Current funding of county prosecutor’s offices and whether the current funding mechanisms are appropriate, including but not limited to the viability of the County Prosecutor Funding Initiative Pilot Program; and

e. Such other matters as may be referred to the Study Commission by the Governor.

3. The Department of Law and Public Safety shall provide staff support to the Study Commission. The Study Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance the Study Commission deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Study Commission within the limits of its statutory authority and to furnish the Study Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

4. The Study Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission, including but not limited to individuals who were involved in the State’s assumption of the costs

and administration of the judicial system, including but not limited to the development and implementation of the State Judicial Unification Act and the Judicial Employees Unification Act.

5. The Study Commission may report to the Governor from time to time and shall issue a final report to the Governor setting forth its recommendations pursuant to this Order no later December 15, 2010. The final report of the Study Commission shall be provided to the Legislature and shall be made available to the public. The Study Commission shall expire immediately upon issuance of its final report

6. This Order shall take effect immediately.

Dated July 16, 2010.

EXECUTIVE ORDER NO. 34

WHEREAS, On February 3, 2010, I signed Executive Order No. 11 (2010) establishing a New Jersey Gaming, Sports and Entertainment Advisory Commission, hereinafter referred to as the Commission, for the purpose of developing recommendations to implement a comprehensive, statewide approach concerning the issues and financial needs of the State's gaming, professional sports, and entertainment industries; and

WHEREAS, The Commission has diligently performed its assigned functions, focusing on its important mission and delivering its report and recommendations for my consideration; and

WHEREAS, Ensuring the health and viability of New Jersey's gaming, sports and entertainment sectors remains crucial to the State's economy and to enhancing the way of life of our citizens; and

WHEREAS, In light of the complexity of the issues considered by the Commission, the expertise possessed by the Commission, and the importance of its recommendations to the well-being of the State of New Jersey, it is appropriate for the Commission to remain in existence for an additional period of time to support implementation of those recommendations that I accept and any related matters;

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. Paragraph 6 of Executive Order No. 11 (2010) is amended to provide that the Commission shall not expire upon the issuance of its final report, but rather shall continue in existence until June 30, 2011, or such other date as I shall establish, in order to support the implementation of those recommendations of the Commission, and any related matters, that meet with my approval.

2. This Order shall take effect immediately.

Dated July 21, 2010.

EXECUTIVE ORDER NO. 35

WHEREAS, United States Marine Major James M. Weis was raised in Toms River, New Jersey and graduated from Rutgers University; and

WHEREAS, Major Weis joined the Marines in 1994 and was commissioned on March 23, 1996; and

WHEREAS, Major Weis was assigned to Marine Aircraft Group 39, 3rd Marine Aircraft Wing, I Marine Expeditionary Force, based out of Camp Pendleton, California; and

WHEREAS, Major Weis has received some of our nation's highest military honors, including a Meritorious Service Medal, two Air Medals for Individual Action, an Air Medal-Strike Flight, Navy and Marine Corps Commendation Medal, two Navy and Marine Corps Achievement Medals, and a Combat Action Ribbon; and

WHEREAS, Major Weis was an ambitious and courageous man who loved his country and the military; and

WHEREAS, Major Weis tragically lost his life while heroically and selflessly serving his country in Helmand Province, Afghanistan; and

WHEREAS, Major Weis was a dedicated soldier as well as a loving son, husband, and father, whose memory lives in the hearts of his family, friends, and fellow Marines; and

WHEREAS, Major Weis's patriotism and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, August 2, 2010 in recognition and mourning of a brave and loyal American hero, United States Marine Major James M. Weis.
2. This Order shall take effect immediately.

Dated July 29, 2010.

EXECUTIVE ORDER NO. 36

WHEREAS, United States Army Specialist Carlos Javier Negron Sr., graduated from Manuela Toro High School in Caguas, Puerto Rico in 1988, joined the U.S. Army and served for nine years before being honorably discharged and moving to Lakewood, New Jersey; and

WHEREAS, Specialist Negron returned to the U.S. Army in 2008 and was assigned to the 426th Forward Support Battalion, 1st Brigade Combat Team in Fort Campbell, Kentucky; and

WHEREAS, Specialist Negron and his unit were deployed to Afghanistan for Operation Enduring Freedom in 2010; and

WHEREAS, Specialist Negron has received some of our nation's highest military honors, including the Bronze Star Medal, the Purple Heart, the Army Achievement Medal, the National Defense Service Medal, the Afghanistan Campaign Medal with arrowhead, the Global War on Terrorism Service Medal, the Army Service Ribbon and the NATO Medal; and

WHEREAS, Specialist Negron was an ambitious and courageous man who loved his country and the military; and

WHEREAS, Specialist Negron tragically lost his life while heroically and selflessly serving his country in Konar Province, Afghanistan; and

WHEREAS, Specialist Negron was a dedicated soldier as well as a loving son, husband, and father whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Specialist Negron's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, August 25, 2010 in recognition and mourning of a brave and loyal American hero, United States Army Specialist Carlos Javier Negron, Sr.

2. This Order shall take effect immediately.

Dated August 23, 2010.

EXECUTIVE ORDER NO. 37

WHEREAS, United States Army Sergeant Jamal M. Rhett, graduated from Burlington County Institute of Technology in 2003 and attended Bloomfield College before enlisting in the Army; and

WHEREAS, Sergeant Rhett was a combat medic assigned to the 1st Battalion, 21st Infantry Regiment, 2nd Brigade Combat Team, 25th Infantry Division, in Schofield Barracks, Hawaii; and

WHEREAS, Sergeant Rhett and his unit were deployed to Iraq for Operation Enduring Freedom in 2010; and

WHEREAS, Sergeant Rhett has received some of our nation's highest military honors, including a Bronze Star Medal, Purple Heart Medal, Army Good Conduct Medal, National Defense Service Medal, Iraqi Campaign Medal with Bronze Star, Global War on Terrorism Service Medal, Army Service Ribbon, and a Combat Medic Badge; and

WHEREAS, Sergeant Rhett was an ambitious and courageous young man who loved his country and the military; and

WHEREAS, Sergeant Rhett tragically lost his life in Ba Qubah, Iraq during an insurgent attack; and

WHEREAS, Sergeant Rhett was a dedicated soldier as well as a loving son, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Rhett's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, September 3, 2010 in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Jamal M. Rhett.

2. This Order shall take effect immediately.

Dated September 1, 2010.

EXECUTIVE ORDER NO. 38

WHEREAS, United States Army Specialist Pedro A. Millet Meletiche, graduated from Thomas A. Edison Career and Technical Academy, a campus of Elizabeth High School in 2008; and

WHEREAS, Specialist Millet Meletiche was assigned to the 1st Battalion, 66th Armor Regiment, 1st Brigade Combat Team, 4th Infantry Division based in Fort Carson, Colorado; and

WHEREAS, Specialist Millet Meletiche and his unit were deployed to Afghanistan for Operation Enduring Freedom in 2010; and

WHEREAS, Specialist Millet Meletiche has received some of our nation's highest military honors, including a National Defense Service Medal and an Army Service Ribbon; and

WHEREAS, Specialist Millet Meletiche was an ambitious and courageous young man who loved his country and the military; and

WHEREAS, Specialist Millet Meletiche tragically lost his life in Arghandab River Valley, Afghanistan during an insurgent attack; and
WHEREAS, Specialist Millet Meletiche was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and
WHEREAS, Specialist Millet Meletiche's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, September 7, 2010 in recognition and mourning of a brave and loyal American hero, United States Army Specialist Pedro A. Millet Meletiche.
2. This Order shall take effect immediately.

Dated September 1, 2010.

EXECUTIVE ORDER NO. 39

WHEREAS, On September 11, 2001, unprecedented terrorist attacks were launched on New York, Washington and Pennsylvania; and
WHEREAS, More than one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly seven hundred of our residents killed in the attacks; and
WHEREAS, Many New Jerseyans, including thousands of police, fire, military, emergency and construction personnel responded to this tragedy; and
WHEREAS, Hundreds of New Jersey families have been drastically affected, through the loss of a parent, spouse, child or other loved one; and
WHEREAS, This tragic event will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; and
WHEREAS, It is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

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 flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours on September 11, 2010 in recognition and mourning of all of those lost in the September 11th attacks, and particularly, those lost from our home State.

2. This Order shall take effect immediately.

Dated September 9, 2010.

EXECUTIVE ORDER NO. 40

WHEREAS, It is my responsibility as Governor to supervise the principal departments and agencies comprising the Executive Branch of State Government, to monitor their effectiveness on an ongoing basis, and to streamline their structure whenever possible to improve efficiency and performance; and

WHEREAS, Taxpayers in the State of New Jersey currently support, directly and indirectly, the operations of numerous independent State boards, commissions, authorities, agencies, and other government instrumentalities (hereinafter referred to as "State Authorities"); and

WHEREAS, In recognition of the foregoing, earlier this year I issued Executive Order No. 15 (2010), paragraph 8 of which ordered the commissioners or heads of each principal department in the Executive Branch to identify the State Authorities established in or allocated to such department and to provide a recommendation to the Governor's Office regarding whether each such State Authority should continue to exist or be eliminated; and

WHEREAS, After a thorough review of those departmental recommendations, it has been determined that many State Authorities are functionally inactive, expired, or defunct, but nevertheless remain on the State records; and

WHEREAS, It also has been determined that other State Authorities are duplicative, ineffective, unnecessary, or otherwise have outlived their usefulness for achieving their original goals; and

WHEREAS, While many such inactive, expired, defunct, and/or unnecessary State Authorities were established by statute and therefore are not subject to unilateral repeal by the Governor, but rather require legislative action, a number of State Authorities were originally created or authorized by Executive Orders; and

WHEREAS, My administration is committed to undertaking a thorough, ongoing study of the current structure and operations of the Executive Branch of State Government and to work with the Legislature to enact appropriate legislation to repeal statutory authorization for unnecessary, duplicative, outdated, and/or defunct State Authorities; and

WHEREAS, It is appropriate for me to take executive action to rescind the portions of prior Executive Orders that originally authorized the establishment of certain

State Authorities, which have been identified and recommended as appropriate for elimination; and

WHEREAS, Many past Executive Orders expressly state or otherwise imply that the State Authorities created thereunder would automatically terminate following the issuance of an assigned report, study, or some similar work product, but others do not address these issues at all, potentially causing confusion or misunderstanding as to the continuing legal status of these entities, and it is therefore desirable to establish clearly and definitively the termination of executive authorization for certain State Authorities identified as appropriate for abolition;

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. (a). The following State Authorities, insofar as they were established under the authority of one or more Executive Orders, are hereby terminated and abolished and those Executive Orders, or parts thereof that authorized their creation and existence, are hereby rescinded:

(1) the 225th Anniversary of the American Revolution Celebration Commission established pursuant to, inter alia, Executive Order No. 116 (2000);

(2) the Advisory Committee on the Preservation and Use of Ellis Island established pursuant to, inter alia, Executive Orders No. 82 and No. 93 (1998);

(3) the Advisory Committee to Study the Future of the New Jersey Training School for Boys in Monroe Township established pursuant to, inter alia, Executive Order No. 75 (1997);

(4) the Advisory Council on Juvenile Justice established pursuant to, inter alia, Executive Order No. 10 (1994);

(5) the Advisory Council to Promote the Profession of Nursing in New Jersey established pursuant to, inter alia, Executive Orders No. 139 (2002), and Nos. 141 and 142 (2002);

(6) the Advisory Panel on Higher Education Restructuring established pursuant to, inter alia, Executive Order No. 14 (1994);

(7) the Advisory Panel on School Vouchers established pursuant to, inter alia, Executive Order No. 30 (1995);

(8) the New Jersey Character Education Commission established pursuant to, inter alia, Executive Order No. 9 (2002);

(9) the Benefits Review Task Force established pursuant to, inter alia, Executive Order No. 39 (2005);

(10) the Billboard Policy Procedure and Review Task Force established pursuant to, inter alia, Executive Order No. 59 (2003);

(11) the Blue Ribbon Panel on the Development of Wind Turbine Facilities in Coastal Waters established pursuant to, inter alia, Executive Order No. 12 (2004);

(12) the Budget Efficiency Savings Team Commission established pursuant to, inter alia, Executive Order No. 2 (2002);

- (13) the Commission on Rationalizing New Jersey's Health Care Resources established pursuant to, inter alia, Executive Order No. 39 (2006);
- (14) the Construction Trade Training Council established pursuant to, inter alia, Executive Order No. 123 (2001);
- (15) the Defense Conversion and Community Assistance Commission established pursuant to, inter alia, Executive Order No. 87 (1993);
- (16) the Deferred Balance Task Force – Board of Directors established pursuant to, inter alia, Executive Order No. 25 (2002);
- (17) the Delaware Bay Weakfish Action Commission established pursuant to, inter alia, Executive Order No. 20 (1990);
- (18) the Ellis Island New Jersey Restoration Advisory Committee established pursuant to, inter alia, Executive Order No. 111 (2000);
- (19) the Election Advisory Council established pursuant to, inter alia, Executive Order No. 143 (1986);
- (20) the Fix DMV Commission established pursuant to, inter alia, Executive Order No. 19 (2002);
- (21) the Governor's Youth Advisory Council established pursuant to, inter alia, Executive Orders No. 34 (1995), 79 (1998), and 107 (1999);
- (22) the Task Force for Farmland Assessment Program established pursuant to, inter alia, Executive Order No. 109 (1993);
- (23) the Renewable Energy Task Force established pursuant to, inter alia, Executive Order No. 45 (2003);
- (24) the Governor's Cabinet for Children established pursuant to, inter alia, Executive Orders No. 60 and No. 83 (2003);
- (25) the Governor's Commission on Eastern European History established pursuant to, inter alia, Executive Order No. 41 (1991);
- (26) the Education Mandate Review Study Commission established pursuant to, inter alia, Executive Order No. 75 (2003);
- (27) the Governor's Commission to Support and Enhance New Jersey's Military and Coast Guard Installations established pursuant to, inter alia, Executive Order No. 106 (2004);
- (28) the Governor's Committee on Children's Services Planning established pursuant to, inter alia, Executive Order No. 102 (1993);
- (29) the Governor's Committee on Welfare Reform established pursuant to, inter alia, Executive Order No. 101 (1993);
- (30) the Governor's Council on New Jersey Outdoors established pursuant to, inter alia, Executive Orders No. 138 (1986), No. 196 (1988), and No. 40 (1995);
- (31) the Governor's Hispanic Advisory Council for Policy Development established pursuant to, inter alia, Executive Order No. 17 (2002);
- (32) the Governor's School Board of Overseers established pursuant to, inter alia, Executive Orders No. 42 (1991) and No. 129 (1986);
- (33) the Blue Ribbon Transportation Committee established pursuant to, inter alia, Executive Order No. 43 (2003);

- (34) the Governor's Study Group on the Bicentennial of the Polish Constitution, Executive Order No. 31 (1991);
- (35) the Governor's Task Force on Mental Health established pursuant to, inter alia, Executive Order No. 1 (2004);
- (36) the Governor's Task Force on Public Health Emergency Planning established pursuant to, inter alia, Executive Order No. 140 (2002);
- (37) the Governor's Task Force on Steroid Use and Prevention established pursuant to, inter alia, Executive Order No. 46 (2005);
- (38) the Study Commission on Parole established pursuant to, inter alia, Executive Order No. 39 (1995);
- (39) the Governor's Teacher Advisory Committee established pursuant to, inter alia, Executive Order No. 13 (2002);
- (40) the Hudson River Waterfront Development Committee established pursuant to, inter alia, Executive Orders No. 53 (1983), No. 152 (1986), and No. 32 (1991);
- (41) the Invasive Species Council established pursuant to, inter alia, Executive Order No. 97 (2004);
- (42) the Lake Restoration & Management Advisory Task Force established pursuant to, inter alia, Executive Order No. 115 (2000);
- (43) the Landlord-Tenant Task Force established pursuant to, inter alia, Executive Orders No. 81 and No. 86 (1998);
- (44) the Legalized Gaming Policy Study Commission established pursuant to, inter alia, Executive Order No. 83 (1993);
- (45) the Liberty State Park Public Advisory Commission established pursuant to, inter alia, Executive Orders No. 74 (1979), No. 75 (1984), and No. 163 (1987);
- (46) the New Jersey Abraham Lincoln Bicentennial Commission established pursuant to, inter alia, Executive Order No. 125 (2008);
- (47) the New Jersey Advanced Technology Vehicle Task Force established pursuant to, inter alia, Executive Order No. 4 (1999);
- (48) the New Jersey Council on Access and Mobility established pursuant to, inter alia, Executive Order No. 87 (2007);
- (49) the New Jersey Council on Job Opportunities established pursuant to, inter alia, Executive Order No. 54 (1992);
- (50) the New Jersey Fisheries Development Commission established pursuant to, inter alia, Executive Order No. 75 (1984);
- (51) the Video Lottery Study Commission established pursuant to, inter alia, Executive Order No. 46 (2003);
- (52) the Task Force for the Review of the Treatment of the Criminally Insane established pursuant to, inter alia, Executive Order No. 58 (1996);
- (53) the New Jersey Character Education Commission established pursuant to, inter alia, Executive Order No. 9 (2002);
- (54) the Governor's Asian American Commission established pursuant to, inter alia, Executive Order No. 39 (2002);

(55) the Task Force on the Affordability and Accessibility of Health Care in New Jersey established pursuant to, inter alia, Executive Order No. 97 (1999);

(56) the State Council on Vocational Education established pursuant to, inter alia, Executive Order No. 28 (1991);

(57) the Study Commission on New Jersey's Non-Public Schools established pursuant to, inter alia, Executive Order No. 161 (2009);

(58) the New Jersey Geographic Information Council established pursuant to, inter alia, Executive Order No. 122 (2001);

(59) the Citizen's Committee on Permit Coordination established pursuant to, inter alia, Executive Orders No. 57 (1977) and No. 100 (1985); and

(60) the Toll Road Consolidation Commission established pursuant to, inter alia, Executive Order No. 15 (2002).

(b). All State records shall be amended to reflect the abolition of these State Authorities.

2. Except as otherwise specifically provided herein, nothing in this Order shall be construed to affect or rescind any portion of any Executive Order that does not authorize the creation or existence of a State Authority. Moreover, nothing in this Order is intended or shall be construed to affect any entity whose existence has been codified by statute.

3. This Order shall take effect immediately.

Dated September 9, 2010.

EXECUTIVE ORDER NO. 41

WHEREAS, Executive Order No. 3 (2010) created a Red Tape Review Group ("Review Group") to review pending and proposed rules, regulations, prior Executive Orders, and processes that are, or may be, unduly burdensome to the State's economy; and

WHEREAS, In furtherance of the Governor's Order, the Review Group studied hundreds of pages of proposed regulations and rules, and met publicly with stakeholders throughout the State regarding ways to improve New Jersey's regulatory system; and

WHEREAS, On April 19, 2010, after conducting a comprehensive review of all pending and proposed rules, regulations, and prior Executive Orders, the bipartisan Review Group completed its work and submitted its findings and recommendations to the Governor (the "Findings"); and

WHEREAS, The Findings recommended a series of executive policy changes and legislative proposals designed to improve administrative rulemaking by State agencies; and

WHEREAS, As part of Governor Christie's commitment to constantly improve the regulatory environment in this State, it is appropriate for a new Red Tape Review Commission ("Review Commission") to be formed in order to provide on-

going advice to the Governor on rules, regulations, Executive Orders, and other administrative processes that could hamper economic development in New Jersey; and

WHEREAS, Governor Christie recently took executive action to abolish several dozen boards, commissions, task forces, and other entities that were established to study important policies and to issue recommendations to the Governor, but which continued to exist following the completion of their assigned tasks, it is appropriate that the new Review Commission be subject to reauthorization after three (3) years to determine whether it remains necessary, or whether it should expire at that time and thereby not endure as an ongoing part of State Government;

NOW, THEREFORE, I, KIM GUADAGNO, Acting 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. A Red Tape Review Commission ("Review Commission") is hereby established. The Department of State shall provide support to the Review Commission from existing staff and resources.
2. The Review Commission's membership shall consist of up to nine (9) members to be appointed by the Governor. The members of the Review Commission shall serve without compensation and at the pleasure of the Governor.
3. The following officials shall serve on the Review Commission, ex officio:
 - a. The Lieutenant Governor, or her designee; and
 - b. Four (4) members from the New Jersey State Legislature consisting of two (2) members from the New Jersey Senate and two (2) members from the New Jersey General Assembly, with no more than two (2) of the Legislators from the same political party as the Governor.
4. The Review Commission shall also include up to four (4) public members with experience and expertise in the regulatory process.
5. Any vacancy occurring in the membership of the Review Commission shall be filled in the same manner as an original appointment and the vacancy is not to affect the power of the remaining members to execute the duties of the Review Commission. The Review Commission shall organize as soon as practicable after the appointment of its members.
6. The Lieutenant Governor, or her designee, shall serve as Chair of the Review Commission. The Review Commission shall have the discretion to make internal rules of procedure regarding the Review Commission's governance and operations, including the number of members sufficient to vote for its recommendations and the form of its reports.
7. The Review Commission shall:
 - a. review existing administrative rules and regulations to analyze their impact on job creation, economic growth, and investment in New Jersey;
 - b. solicit both written and oral comments from the public;

c. conduct at least three (3) public hearings each year, one each in the Southern, Central, and Northern regions of the State;

d. issue periodic written reports to the Governor, making detailed findings and recommendations that include an analysis of the following issues, among others: existing rules, regulations and legislation that are burdensome to the State's economy; ways to improve the regulatory processes of State government; and on other areas relevant to administrative procedural reforms. These reports shall also be posted on the New Jersey Department of State's web page.

8. The Review Commission is authorized to call upon any department, office, division, or agency of this State to supply it with information and assistance as the Review Commission deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Review Commission within the limits of its statutory authority and to furnish the Review Commission with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Review Commission is authorized to consult with experts or other knowledgeable or interested individuals in the public or private sector on any aspect of its mission.

9. This Order is not intended to, and shall not, confer any legal rights upon any persons or entities regulated by any agency of the New Jersey State Government, and it shall not be construed or in any way cited or used in support of or as a basis for any legal challenge, including, but not limited to, challenges to statutes, regulations, or other actions or to any inaction of any governmental entity subject to this Order.

10. Executive Order No. 3 (2010) which created a Red Tape Review Group is hereby rescinded.

11. This Order shall take effect immediately and shall expire on December 31, 2013.

Dated September 23, 2010.

EXECUTIVE ORDER NO. 42

WHEREAS, The State of New Jersey ("State") is committed to improving the quality of education for all New Jersey children; and

WHEREAS, Research has consistently shown that the single most important factor in a student's educational attainment is the quality of his or her teacher and school leader; and

WHEREAS, While there are many outstanding, hard-working and effective teachers and school leaders throughout the State, there are many who do not meet the same standards of excellence, and the current method for evaluating teacher and school leader performance has proven to be both inadequate and ineffective; and

WHEREAS, The lack of a more precise framework in which to properly and fully assess teacher and leader quality has resulted in an inability to effectively improve teacher and leader performance, reward excellence, or provide real accountability; and

WHEREAS, This Administration firmly believes that improving the methods of assessing the teachers and school leaders in this State will better equip school districts to improve their performance and, ultimately, the educational success of New Jersey students; and

WHEREAS, With a new statewide evaluation system, New Jersey will also be able to better address and improve school personnel policies concerning professional development, promotion, compensation, merit-based bonuses, tenure, and reductions in force and separations; and

WHEREAS, In order to improve the State's method of assessing its teachers and school leaders, and ensure that they are effectively educating our children, a Task Force composed of a broad range of education practitioners and experts should be established to explore evaluation models and recommend a statewide evaluation system that will inform decisions about various school personnel policies, including professional development, promotion, compensation, merit-based bonuses, tenure, and reductions in force and separations.

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. There is hereby created a New Jersey Educator Effectiveness Task Force for School and District-level education professionals, hereinafter referred to as the "Task Force."

2. The Task Force shall consist of up to nine (9) members appointed by the Governor who shall serve at his pleasure. The Governor shall select a chairperson from among the members of the Task Force. The Task Force shall consist of individuals who have practical experience, knowledge or expertise in the areas of education policy or administration. All members of the Task Force shall serve without compensation. The Task Force shall organize as soon as practicable after the appointment of its members.

3. The Task Force is charged with presenting recommendations to the Governor regarding how best to measure the effectiveness of teachers and school leaders, based on defined parameters. The effectiveness recommendations must include:

a. identified measures of student achievement - representing at least 50% of the teacher or school leader evaluation - which should be used for evaluating educator performance;

b. demonstrated practices of effective teachers and leaders, which should comprise the remaining basis for such evaluations; and

c. how these measures of effective practices should be weighted.

4. The Department shall provide staff support to the Task Force. The Task Force may consult with education stakeholders, practitioners, experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. The Task Force shall issue an initial report containing its recommended effectiveness evaluation framework to the Governor no later than March 1, 2011. Thereafter, the Task Force will continue to meet as needed to continue to review and revise, if necessary, the recommendations following the receipt of comments from the public, stakeholders and the State Board of Education, pursuant to a schedule to be developed by the Department. The Task Force shall expire upon the Governor's receipt of a report containing their final recommendations pursuant to this Executive Order.

6. The final report of the Task Force shall be provided to the Legislature and shall be made available to the public.

7. This Order shall take effect immediately.

Dated September 28, 2010.

EXECUTIVE ORDER NO. 43

WHEREAS, United States Navy Special Warfare Operator 3rd Class (SEAL)

Denis C. Miranda, graduated from Toms River High School East in 2003; and

WHEREAS, Petty Officer Miranda enlisted in the military in September 2003 and became a Navy SEAL in 2007; and

WHEREAS, Petty Officer Miranda attended Hospital Corpsman School, which trains medical caregivers, before entering the Naval Special Warfare Command in Hamptons Road, Virginia; and

WHEREAS, Petty Officer Miranda was assigned to an East Coast-based SEAL Team; and

WHEREAS, Petty Officer Miranda was an ambitious and courageous young man who loved his country and the military; and

WHEREAS, Petty Officer Miranda tragically lost his life in Zabul, Afghanistan, while supporting Operation Enduring Freedom; and

WHEREAS, Petty Officer Miranda was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Petty Officer Miranda's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, October 6, 2010 in recognition and mourning of a brave and loyal American hero, United States Navy Special Warfare Operator 3rd Class (SEAL) Denis C. Miranda.
2. This Order shall take effect immediately.

Dated October 1, 2010.

EXECUTIVE ORDER NO. 44

WHEREAS, Employees of the State, pursuant to Chapter 303 of the laws of 1968, may establish employee organizations for the purpose of representing their interests in collective negotiations with the State concerning the terms and conditions of their employment; and

WHEREAS, The State has an interest in promoting cooperative relationships between the State and its employees and ensuring the orderly and uninterrupted operation of State government; and

WHEREAS, It is a goal of this Administration that an efficient, effective and good faith process should exist for conducting collective negotiations and resolving disputes between the State and its employees; and

WHEREAS, In order to conduct collective negotiations and resolve disputes between the State and its employees efficiently, effectively and in good faith, it is imperative that the State have a well-coordinated and integrated approach to human resource management; and

WHEREAS, In order to allow the State to reorganize its structure to ensure that labor relations and collective negotiations are conducted efficiently, effectively and in good faith it is necessary to rescind Executive Order No. 21, issued on July 14, 1994, and Executive Order No. 33, issued on March 6, 1995;

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. Executive Order No. 21 (1994) and Executive Order No. 33 (1995) are hereby rescinded.
2. The Director and Deputy Director of the Governor's Office of Employee Relations shall be appointed by the Governor and shall hold office at the pleasure of the Governor.
3. The Director of the Governor's Office of Employee Relations shall report to the Governor through the Chief Counsel to the Governor.
4. Compensation for employees of the Office of Employee Relations shall be consistent with guidelines or regulations established by the Civil Service Commission.

5. The responsibilities of the Office of Employee Relations shall include, but not be limited to, the negotiation, administration and interpretation of collective negotiations agreements, and the management of disputes arising under collective negotiations agreements.

6. The Director of the Governor's Office of Employee Relations shall act as the Governor's agent in conducting collective negotiations with employee organizations and in appearing before the New Jersey Public Employment Relations Commission and any other court, board, commission or agency in matters regarding employee relations. The Director shall have such other and further powers and duties as may from time to time be conferred upon the Director by the Governor.

7. The Office of Employee Relations is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Office of Employee Relations and to furnish such information and assistance.

8. Pursuant to N.J.S.A. 52:17A-4 and 12, attorneys assigned by the Attorney General shall appear as the representative for the Office of Employee Relations before the New Jersey Public Employment Relations Commission and any other board, commission, court or agency in matters involving labor relations. Pursuant to N.J.S.A. 52:17A-13, the Office of Employee Relations is authorized to retain special labor counsel as deemed necessary to fulfill its mandate pursuant to this Order.

9. The Department of the Treasury shall continue to provide assistance to the Office of Employee Relations in meeting its administrative and personnel needs. The Treasurer shall continue to serve as the request officer for the Office.

10. This Order shall take effect immediately.

Dated October 8, 2010.

EXECUTIVE ORDER NO. 45

WHEREAS, W. Cary Edwards was an exceptional man with a tremendous capacity for life and people, a true leader, a fearless and accomplished attorney, trusted counselor, distinguished public servant, professor, mentor, and role model, as well as director of governmental, professional, and civic organizations, and a man deeply dedicated to his family and to serving others from all stations in life; and

WHEREAS, Mr. Edwards was born in Paterson and raised in Fair Lawn, New Jersey where his mother, Virginia Edwards, once served as mayor; and

WHEREAS, Mr. Edwards obtained his bachelor's degree in 1967 from Seton Hall University, graduated from the Seton Hall University School of Law in 1970 and was admitted to the New Jersey bar the same year; and

- WHEREAS, Mr. Edwards was the organizer and first chairman of the Seton Hall Law School government body, president of the Seton Hall chapter of the National Legal Fraternity, and served as an adjunct professor, assistant dean of students, and course author at Seton Hall until 1971; and
- WHEREAS, Mr. Edwards began his remarkable career of public service as an elected councilman and later as council president in Oakland, New Jersey in 1975; and
- WHEREAS, Beginning in 1977 he was elected to the New Jersey General Assembly in three elections, garnering in his last race the highest vote total ever recorded in an Assembly race, and was chosen to serve as assistant minority leader; and
- WHEREAS, In 1982, Mr. Edwards resigned from the Legislature when Governor Thomas H. Kean selected him to serve as Chief Counsel to the Governor, a position that he held with distinction for four years while supervising a staff of thirty five attorneys and providing advice to the Governor on all aspects of Executive Branch responsibilities, including legislative and policy initiatives, preparation of the annual State budget, and oversight of the independent State authorities; and
- WHEREAS, In 1986, Mr. Edwards was nominated by Governor Kean and confirmed by the Senate to be Attorney General of the State of New Jersey, where he served with distinction as the State's chief law enforcement officer until 1989; and
- WHEREAS, As Attorney General, Mr. Edwards worked closely with State, county, and federal law enforcement to develop and implement novel, community- and school-based strategies to address the demand for illegal drugs, while vigorously targeting drug traffickers; and
- WHEREAS, Attorney General Edwards also reformed and revamped the State's antiquated motor vehicle system; and
- WHEREAS, Attorney General Edwards also helped to develop, implement, and defend groundbreaking environmental legislation and pursued important legislative and administrative reforms to the State's law enforcement and criminal justice system; and
- WHEREAS, In addition to his many accomplishments as a public servant, Mr. Edwards was a well-respected attorney in private practice, a life member of the Board of Trustees of Monmouth University, lead director of the Board of Directors of South Jersey Industries, a charter member of the board of New Jersey Future, a visiting associate and former adjunct professor at Seton Hall University and the Eagleton Institute of Government, Public Policy and Politics, and a member of numerous other community and volunteer organizations, as well as a candidate for Governor and the recipient of numerous honorary Doctor of Laws degrees and over 150 public and private service awards; and
- WHEREAS, In 1997, Governor Christine T. Whitman appointed Mr. Edwards to be a commissioner of the State Commission of Investigation ("SCI"), an independent fact-finding agency whose mission is to expose organized crime, public

corruption, and waste and to recommend reforms for the benefit of New Jersey residents; and

WHEREAS, In 2004, Mr. Edwards was named chairman of the SCI by Acting Governor Richard J. Codey, and he tirelessly and ably served in that capacity as a proponent of good government since that time; and

WHEREAS, It is rare in public life to encounter a man of such achievement, talent, good humor, and passion who is respected by all, regardless of partisan identity; and

WHEREAS, Mr. Edwards' extraordinary life and accomplishments were characterized by integrity, candor, humility, bravery, and a sincere belief that government exists to serve the people; and

WHEREAS, Mr. Edwards' courage and dignity are an enduring example for all who aspire to public service; and

WHEREAS, Throughout his distinguished career, Mr. Edwards demonstrated an abiding love for and commitment to his family, particularly his wife of 41 years, Lynn, and their two daughters and five grandchildren; and

WHEREAS, It is with deep sadness that we mourn the loss of Mr. Edwards and extend our sincere sympathy to his family, his many friends and admirers, and his respectful colleagues; and

WHEREAS, It is fitting and appropriate to honor the memory and mourn the passing of Mr. Edwards;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, October 26, 2010 in recognition and mourning of the passing of W. Cary Edwards.
2. This Order shall take effect immediately.

Dated October 22, 2010.

EXECUTIVE ORDER NO. 46

WHEREAS, United States Marine Lance Corporal Francisco R. Jackson was born in the Dominican Republic and raised in Elizabeth, New Jersey; and

WHEREAS, Lance Corporal Jackson was assigned to the 1st Battalion, 11th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California; and

WHEREAS, Lance Corporal Jackson has received some of our nation's highest military honors, including the Purple Heart, Combat Action Ribbon, National

Defense Service Medal, Global War on Terrorism Service Medal, Sea Service Deployment Ribbon and Afghanistan Campaign Medal; and
WHEREAS, Lance Corporal Jackson was an ambitious and courageous young man who loved his country and the military; and
WHEREAS, Lance Corporal Jackson tragically lost his life while heroically and selflessly serving his country in Helmand province, Afghanistan; and
WHEREAS, Lance Corporal Jackson was a dedicated Marine as well as a loving husband, father, son, and brother whose memory lives in the hearts of his family and fellow Marines; and
WHEREAS, Lance Corporal Jackson's patriotism and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, November 3, 2010, in recognition and mourning of a brave and loyal American hero, United States Marine Lance Corporal Francisco R. Jackson.
2. This Order shall take effect immediately.

Dated October 28, 2010.

EXECUTIVE ORDER NO. 47

WHEREAS, New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1, et seq., provides that government records shall be readily accessible for inspection, examination, and copying by any citizen, with certain exceptions for the protection and preservation of the public interest; and
WHEREAS, The Open Public Records Act requires agencies to safeguard from public access a citizen's personal information whenever disclosure thereof would violate a reasonable expectation of privacy; and
WHEREAS, The Open Public Records Act sets forth certain exemptions of government records from public access, and specifies that exemptions may be established by any other statute, by resolution of either or both houses of the Legislature, by regulation promulgated under the authority of any statute or Executive Order of the Governor, by Executive Order of the Governor, by Rules of Court, or by any federal law, federal regulation, or federal order; and

WHEREAS, Upon the enactment of the Open Public Records Act in 2002, in anticipation of the Act's effective date of July 7, 2002, the State agencies conducted a review of their government records and identified those that should be exempted from public disclosure in order to protect the public interest or to protect citizens' reasonable expectations of privacy; and

WHEREAS, The State agencies published proposed regulations in the New Jersey Register dated July 1, 2002, to establish exemptions from public access to their records in order to protect the public interest or to protect citizens' reasonable expectations of privacy; and

WHEREAS, Executive Order No. 21 (2002) directed that the records covered by the exemptions proposed in the July 1, 2002, the Register would be exempt from public access until the proposed regulations were adopted; and

WHEREAS, Executive Order No. 26 (2002) modified Executive Order No. 21 (2002) for the purpose of redefining some of the exemptions that had been proposed by the agencies on July 1, 2002; and

WHEREAS, Thereafter, the State agencies did not proceed with promulgating as regulations the proposed exemptions published in the July 1, 2002 Register based on their understanding that exemptions had been put into effect by the provisions of Executive Order Nos. 21 and 26 (2002); and

WHEREAS, Certain rulings of the Superior Court of New Jersey, Law Division, and the Government Records Council subsequently upheld the ability of State agencies to apply the exemptions that were put into effect by virtue of Executive Order Nos. 21 and 26 (2002); and

WHEREAS, On June 5, 2010, the Appellate Division of the Superior Court of New Jersey issued an opinion, Slaughter v. Government Records Council, 413 N.J. Super. 544 (App Div. 2010), which reversed a decision of the Government Records Council and held that one of these exemptions, which had been consistently applied since 2002 by the Department of Law and Public Safety for the reasons expressed above, was not effective because it had never been formally promulgated as a regulation under the provisions of the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1; and

WHEREAS, The court held further that the Department of Law and Public Safety should have the opportunity to determine whether to adopt the exemption as a regulation under the Administrative Procedure Act; and

WHEREAS, To afford the Department of Law and Public Safety such an opportunity, the court delayed the effectiveness of its decision until November 5, 2010 and permitted the department to continue to apply the exemption up to that date; and

WHEREAS, In accordance with the Slaughter opinion, the State agencies conducted a review of their exemptions and the Departments of Law and Public Safety, Corrections, Military and Veterans Affairs, Environmental Protection, and Community Affairs determined to propose these exemptions for adoption as regulations; and

WHEREAS, The rule proposals of these agencies have been submitted to the Office of Administrative Law for publication in accordance with the Administrative Procedure Act; and

WHEREAS, Because of the requirements of the formal rulemaking process, these proposals cannot be finalized prior to the deadline of November 5, 2010 established by the court in Slaughter; and

WHEREAS, It is in the public interest that these exemptions do not lose their force and effect during the pendency of the rulemaking process;

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 exemptions from public access that have been proposed by the Departments of Law and Public Safety, Corrections, Military and Veterans Affairs, Environmental Protection, and Community Affairs, set forth in Appendix A attached hereto, shall be and shall remain in full force and effect pending their adoption as final rules pursuant to the provisions of the Administrative Procedure Act.

2. Any provision of Executive Order No. 21 (2002) and Executive Order No. 26 (2002) that applies to any exemption initially proposed by an agency in the July 1, 2002 a New Jersey Register, is hereby rescinded.

3. This Order shall take effect immediately and shall expire on November 15, 2011.

Dated November 3, 2010.

EXECUTIVE ORDER NO. 48

WHEREAS, United States Army Sergeant Michael D. Kirspel, graduated from Hopatcong High School in 2006; and

WHEREAS, Sergeant Kirspel was assigned to the 3rd Battalion, 6th Field Artillery (Strike), 1st Brigade Combat Team, 10th Mountain Division, Fort Drum, NY; and

WHEREAS, Sergeant Kirspel has received some of our nation's highest military honors, including the Army Commendation Medal with Valor, the National Defense Service Medal, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the NATO Medal, the Global War on Terrorism Service Medal, the Army Achievement Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Combat Action Badge, the Marksmanship Qualification Badge and the Driver Mechanic Badge; and

WHEREAS, Sergeant Kirspel was an ambitious and courageous young man who loved his country and the military; and

WHEREAS, Sergeant Kirspel tragically lost his life while heroically and selflessly serving his country near the village of Khwaja Kinti, Afghanistan; and

WHEREAS, Sergeant Kirspel was a dedicated soldier as well as a loving son and brother whose memory lives in the hearts of his family and fellow soldiers; and WHEREAS, Sergeant Kirspel's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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 flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, November 12, 2010, in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Michael D. Kirspel, Jr.

2. This Order shall take effect immediately.

Dated November 9, 2010.

EXECUTIVE ORDER NO. 49

WHEREAS, The National Weather Service has issued a Blizzard Warning for the entire State of New Jersey predicting heavy snow, high winds, tidal and coastal flooding and blizzard conditions beginning on December 26, 2010 and continuing; and

WHEREAS, This severe winter storm is expected to produce from eight to twenty inches of snow through the State, with forecasts of significantly higher snowfall accumulations in some localities, high winds with gusts of 35 to 45 miles per hour, tidal and coastal flooding, blizzard conditions and snow drifts which will impede transportation and the flow of traffic throughout the State; and

WHEREAS, This severe winter storm is expected to cause widespread power outages to tens of thousands of homes, nursing homes and business, requiring State and local government to open shelters and assist in evacuations, as well as leaving roadways impassable and clogged with snow; and

WHEREAS, The impending severe winter storm and flood conditions will make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire and first aid; and

WHEREAS, The aforesaid weather and flood conditions constitute an imminent hazard that threatens and endangers the health, safety and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, This situation may become too large in scope to be handled by the normal county and local operating services in some parts of the State; and

WHEREAS, 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, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, STEPHEN M. SWEENEY, 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 State of Emergency presently exists throughout the State of New Jersey; and I hereby ORDER and DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan that he deems necessary to further safeguard the public security, health, and welfare, and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations, and the private sector.

2. I authorize and empower, in accordance with N.J.S.A. App.A:9-33 et seq., the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway or 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, in the State Director's discretion, is deemed necessary for the protection of the health, safety, and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A.394-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, municipal, county, or interstate highway, and its access roads, including the right to detour, reroute or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management 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.

5. I authorize and empower the State Director of Emergency Management to utilize all 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 the emergency.

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 the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Adminis-

trative Procedure Act or any law to the contrary for the duration of this Executive Order, subject to the prior approval of the Governor or Acting Governor and in consultation with the State Director of Emergency Management. Any such waiver, modification, or suspension shall be promulgated in accordance with N.J.S.A. App.A:9-45.

7. 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.

8. 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.

9. This Order shall take effect immediately and shall remain in effect until such time as it is determined by the Governor or Acting Governor that an emergency no longer exists.

Dated December 26, 2010.

EXECUTIVE ORDER NO. 50

WHEREAS, Executive Order No. 49 (2010), declaring a State of Emergency, was issued on December 26, 2010 because of a severe weather storm that produced heavy snowfall, high winds, blizzard conditions and snow drifts which endangered the health, safety and resources of the residents of the State of New Jersey and impeded transportation and the flow of traffic throughout the State; and WHEREAS, The severity of the conditions necessitating the declaration of a State of Emergency has now eased, although the recovery from the effects of this severe winter storm will take some time, and the emergency powers granted by a State of Emergency are no longer necessary;

NOW, THEREFORE, I, STEPHEN M. SWEENEY, Acting 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 State of Emergency declared in Executive Order No. 49 (2010) is terminated effective immediately.

Dated December 27, 2010.

EXECUTIVE ORDER NO. 51

WHEREAS, a robust healthcare and medical education system is vital to the well-being of New Jersey residents and the State's economic prosperity; and

WHEREAS, the University of Medicine and Dentistry of New Jersey ("UMDNJ") is the nation's largest public health sciences university, consisting of eight schools; and

WHEREAS, as a public medical school, UMDNJ provides a broad variety of services in the State, ranging from the provision of education and training of physicians and other healthcare professionals, to the delivery of medical care to patients; and

WHEREAS, UMDNJ is one of the ten largest employers in New Jersey; and

WHEREAS, while UMDNJ offers expansive services throughout the State and plays a significant role in the State's economy, it has also had a challenging history which has contributed to a perception that the school does not function as efficiently as it could, and is in need of continued reform; and

WHEREAS, unlike the vast majority of medical schools in most other states which are affiliated with a research university, UMDNJ is a free-standing institution and has no affiliation with a research university; and

WHEREAS, the Higher Education Task Force ("Task Force") was established in May 2010 to study important issues facing the higher education system in New Jersey, and to provide recommendations to the Governor concerning the higher education system; and

WHEREAS, while the Task Force was not tasked specifically with the review of medical education in New Jersey, its report noted the importance of addressing medical education in New Jersey and the issues surrounding UMDNJ; and

WHEREAS, the Task Force concluded in its report that medical education in New Jersey is vital to the future educational, economic, and healthcare needs of New Jersey; and

WHEREAS, while recognizing the size and complexities of UMDNJ and its various financial, personnel, logistic and accreditation issues, the Task Force recommended partial changes to the structure of UMDNJ and further recommended the creation of an expert panel to address these issues;

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. There is hereby established the University of Medicine and Dentistry of New Jersey Advisory Committee, hereinafter referred to as the "Committee."
2. The Committee shall consist of up to five (5) members to be appointed by the Governor. These members shall include individuals from both inside and outside government who have knowledge or expertise in the areas of (a) administration,

(b) public health, (c) medical, dental, nursing, or biomedical science education, and/or (d) related areas or subject matters. All members of the Committee shall serve without compensation. The Committee shall organize as soon as practicable after the appointment of its members.

3. The Committee is charged with examining the delivery of graduate medical education in the State and developing recommendations for the Governor concerning this issue. The Committee shall review the recommendations made by the Higher Education Task Force concerning graduate medical education and UMDNJ. The Committee shall also examine and provide recommendations concerning the following issues: (a) whether Robert Wood Johnson Medical School and the School of Public Health should be merged with Rutgers University's New Brunswick-Piscataway campuses; (b) whether UMDNJ's Newark-based schools should be merged with any of the senior public higher education institutions in Newark; (c) whether UMDNJ's South Jersey-based schools should be merged with any of the senior public higher education institutions in South Jersey; (d) the role and mission of University Hospital; (e) whether NJIT should start its own medical school; (f) how graduate medical education should be delivered in South Jersey; (g) whether the various public nursing schools should merge; and (h) such other matters as may be referred to the Committee by the Governor.

4. The Governor's office shall provide staff support to the Committee. The Committee shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available as the Committee deems necessary to discharge its duties under this Order. Each department, office, division, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Committee within the limits of its statutory authority and to furnish the Committee with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Committee may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

5. In formulating its recommendations pursuant to this Order, the Committee may elicit public input from individuals, members of UMDNJ and other medical and healthcare institutions, organizations, and other interested parties.

6. The Committee may report to the Governor from time to time and shall issue a final report to the Governor setting forth the Committee's recommendations pursuant to this Order no later than September 1, 2011. The Committee shall expire upon the issuance of its final report.

7. The final report of the Committee shall be provided to the legislature and shall be made available to the public.

8. This Order shall take effect immediately.

Dated January 4, 2011.

EXECUTIVE ORDER NO. 52

WHEREAS, while it is of paramount importance in New Jersey ("State") to support strong autonomous institutions of higher education, it is also essential to maintain appropriate State oversight and coordination in order to ensure that the State's higher educational needs are being met and the taxpayers' investment in these institutions are being protected; and

WHEREAS, this Administration is committed to improving the current system of higher education in New Jersey, as well as its statewide coordinating structure; and

WHEREAS, to this end, the Higher Education Task Force ("Task Force") was established by Executive Order No. 26 on May 7, 2010 to assist in identifying challenges facing New Jersey's institutions of higher education and to offer recommendations to the Governor to further the quality and success of these institutions and the overall system of higher education in the State; and

WHEREAS, the Task Force issued a report which, among other things, recommended the reformation of New Jersey's statewide coordinating structure for higher education by eliminating the Commission on Higher Education and replacing it with a Secretary of Higher Education and a new advisory Governor's Higher Education Council; and

WHEREAS, this Administration concurs with the findings of the Task Force that New Jersey needs to reform its statewide coordinating structure for higher education.

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. There is hereby created the Governor's Higher Education Council, hereinafter referred to as the "Council."
2. The Council shall consist of five (5) members appointed by the Governor who shall serve at his pleasure. All members of the Council shall serve without compensation and shall organize as soon as practicable after the appointment of its members. The Governor will appoint its members to 5-year staggered terms. A vacancy occurring among any of the members, other than by expiration of term, shall be filled for the balance of the unexpired term only and in the same manner as the original appointment. A member may serve until a successor is appointed. The Governor will designate the Chair and Vice-Chair, and membership to the Council shall include individuals of high distinction with significant experience and knowledge in the area of higher education. The Council should meet not less than quarterly.
3. The Governor's Higher Education Council shall: (a) serve as an advisory body to the Governor on higher education issues; (b) make recommendations to the Governor on higher education initiatives of statewide significance; and (c) provide

advice to the Secretary of Higher Education ("Secretary") and assist the Secretary in carrying out his or her duties. The Council may be tasked with other duties as requested by the Governor.

4. The Council shall be authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Council within the limits of its statutory authority and to furnish The Council with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

This Order shall take effect immediately.

5. This Order shall take effect immediately.

Dated January 4, 2011.