

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



**2004**

**New Jersey State Library**



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# EXECUTIVE ORDERS

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(1671)



Storage of Hazardous Substance Act; and Brownfields and Contaminated Site Remediation Act.

6. This Order shall take effect immediately.

Dated November 5, 2004.

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**EXECUTIVE ORDER No. 1**

WHEREAS, Population growth, economic stresses, emergency and disaster needs, and other factors have increased the demand for community-based mental health services and hospital treatment throughout New Jersey; and

WHEREAS, These demands have placed undue stress and strain on community-based mental health services for New Jersey citizens, increased the number of persons seeking inpatient treatment in local community hospitals and at county-operated facilities, and increased the census at State adult psychiatric hospitals; and

WHEREAS, There is a need for greater access to safe and affordable housing, community-based mental health services, and supportive social services that has resulted in increased lengths of stay in hospital settings, utilization of substandard community housing and homelessness; and

WHEREAS, It is in the best interests of the citizens of this State to provide a comprehensive mental health services system so as to assure the availability of, and access to, treatment, rehabilitation, and supportive services necessary to assist persons with mental illness reach and maintain their highest level of functioning in the least restrictive setting;

NOW, THEREFORE, I, RICHARD J. CODEY, 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. There is hereby created a Governor's Task Force on Mental Health (hereinafter "Task Force") which shall (a) undertake a comprehensive review of New Jersey's mental health system, and (b) make recommenda-

tions to the Governor and the Legislature concerning legislative, regulatory and administrative changes that are needed to improve the delivery of and access to mental health services in New Jersey.

2. The Task Force shall consist of 11 voting members, including 10 public members appointed by the Governor to serve at his pleasure, and the Commissioner of Human Services, or his designee, ex-officio. The Governor shall designate a Chair and Vice-Chair from among the members of the Task Force. The public members may be professionals or advocates experienced in the field of mental health or related services.

3. The Task Force shall organize as soon as practicable after the appointment of its members. Vacancies on the Task Force shall be filled by appointment by the Governor. The members of the Task Force shall serve without compensation.

4. For the purpose of assisting it in meeting its responsibilities under this Executive Order, the Task Force shall (a) convene a Statewide Mental Health Summit; (b) hold at least three regional public hearings; and (c) form advisory committees that may include non-members of the Task Force.

5. The following State Departments or agencies are authorized and directed, to the extent consistent with law and within budgetary constraints, (a) to appoint a liaison to the Task Force, (b) to cooperate with the Task Force and (c) to furnish it with such information, personnel and assistance as are necessary to accomplish the purposes of this Order:

- NJ Department of Corrections
- NJ Department of Health & Senior Services
- NJ Department of Community Affairs
- NJ Department of Transportation
- NJ Department of Labor & Workforce Development
- NJ Department of Education
- NJ Department of Law & Public Safety
- NJ Department of the Treasury
- NJ State Parole Board

In addition, the Department of Human Services shall furnish the Task Force with such staff, office space and supplies as are necessary to accomplish the purposes of this Order.

6. The Task Force is charged with the responsibility for reviewing and evaluating the following:

- the current effectiveness of the mental health system in New Jersey;
- the availability, accessibility and gaps in the mental health services and insurance provided;
- mental health housing needs;
- employment, training and education needs;
- community support services and inpatient services;
- the current State hospital system, including capital needs; and
- ways to redirect more services to the community and to divert hospitalizations.

7. The Task Force shall develop specific recommendations concerning the following:

- increasing bed capacity at the State psychiatric facilities;
- a strategy that addresses housing and services for people with mental illness;
- enhancing and correcting the Residential Health Care Facilities/boarded homes/single room occupancy serving the mental health population. In this regard the Task Force should consider (a) increasing licensing monitoring by the Departments of Community Affairs and Health & Senior Services; (b) creating a fund for maintenance for owners under determined criteria; (c) expanding case management services for residents; (d) expanding training for operators in areas such as substance abuse, nutrition, first aid and the like; and (e) increasing the SSI State supplement for homes meeting an established standard;
- increasing the community capacity for behavioral health services, which will include, but not be limited to, mobile outreach services;
- diversionary programs, outpatient services and outreach to the criminal justice system;
- "Wellness and Recovery" services in the community and in the hospital setting; and
- parity for mental health services.

8. The Council may meet and hold hearings at such place or places as it shall designate and shall report its findings and recommendations to the Governor and the Legislature by March 31, 2005.

9. This Order shall take effect immediately.

Dated November 16, 2004.

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**EXECUTIVE ORDER No. 2**

WHEREAS, U.S. Army Reserve Major Charles Robert Soltes, was raised in Boonton Township and was graduated from Morris Catholic High School in 1986; and

WHEREAS, Major Soltes attended Norwich Military College in Northfield, Vermont, and, upon graduation, enrolled in the New England College of Optometry, where he met his wife Sally; and

WHEREAS, Major Soltes was a Major in the U.S. Army Reserve who proudly served as a preventive health specialist with the 426th Civil Affairs Battalion in Mosul, Iraq; and

WHEREAS, Major Soltes was a courageous soldier, and a loving husband, father, son and brother; and

WHEREAS, Major Soltes has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, Major Soltes' patriotism and dedicated service to his country make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 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 17, 2004, in recognition and mourning of U.S. Army Reserve Major Charles Robert Soltes.

2. This Order shall take effect immediately.

Dated November 17, 2004.

**EXECUTIVE ORDER No. 3**

WHEREAS, It is critical that all public officials earn and maintain the respect and confidence of the people they represent; and

WHEREAS, Those in government hold positions of public trust that require adherence to the highest ethical standards of honesty, integrity and impartiality; and

WHEREAS, All public servants must avoid conduct which violates their public trust or which creates a justifiable impression among the public that such trust is being violated; and

WHEREAS, It is a priority of my Administration to restore the public trust and public confidence in State government; and

WHEREAS, A necessary first step in this process is to reassess the effectiveness of the ethical standards and training that guide the conduct of State officers and employees within the Executive Branch of government and the independent State authorities; and

WHEREAS, While the Executive Commission on Ethical Standards has performed a valuable role in interpreting and providing guidance on existing State ethics laws, it is important that the State of New Jersey seek additional independent review and analysis of existing ethical laws and standards;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 New Jersey shall engage Special Counsel for Ethics Review and Compliance (hereinafter "Special Counsel"). The Special Counsel shall be appointed by and report directly to the Acting Governor.

2. Within 120 days from the date of this Order, the Special Counsel shall conduct an Ethics Compliance Audit to identify potential improvements in ethics laws, regulations, codes, training, compliance monitoring and enforcement. The Special Counsel shall report the results of the Ethics Compliance Audit to the Acting Governor.

3. Within 120 days from the date of this Order, the Special Counsel shall present to the Acting Governor a comprehensive Ethics Report on improvements to existing ethics laws, regulations and codes and a Compliance Plan that will mandate measures that the Office of the Governor and each Executive Branch agency and independent authority must adopt in order to improve and strengthen compliance with State ethics laws.

4. The Special Counsel shall, in conjunction with the Executive Commission on Ethical Standards, develop and implement a mandatory Ethics Training Program for Executive Branch officers and employees and for the independent authorities.

5. The Special Counsel shall review the requirements of Executive Order No. 10 (2002), the Code of Conduct for the Governor and the Code of Conduct for the staff of the Office of the Governor and shall recommend any appropriate changes to the Acting Governor.

6. This Order shall take effect immediately.

Dated November 17, 2004.

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**EXECUTIVE ORDER No. 4**

I, RICHARD J. CODEY, 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. November 26, 2004, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 26, 2004.

Dated November 17, 2004.

**EXECUTIVE ORDER No. 5**

WHEREAS, U.S. Army Specialist Bryan L. Freeman, Jr., graduated from Rancocas Valley Regional High School in 1991 and attended Rowan University and the College of New Jersey, before leaving school to enlist in the U.S. Army, where he served for four and a half years; and

WHEREAS, Specialist Freeman continued his college studies in the Army and eventually earned his Criminal Justice degree from Rowan University in 1997; and

WHEREAS, Specialist Freeman worked as a drug and alcohol counselor, before resigning to re-enlist in the U.S. Army Reserves in 2004, with the hope of eventually becoming a New Jersey State Trooper; and

WHEREAS, Specialist Freeman served proudly as a member of the 404th Civil Affairs Battalion of Fort Dix, and then with A Company of the 443rd Civil Affairs Battalion, U.S. Army Reserve, Warwick, Rhode Island and was deployed to Iraq in the service of his country; and

WHEREAS, Specialist Freeman was a courageous soldier and a loving son and brother; and

WHEREAS, Specialist Freeman has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, Specialist Freeman's patriotism and dedicated service to his country make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 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, November 19, 2004, in recognition and mourning of U.S. Army Specialist Bryan L. Freeman, Jr.

2. This Order shall take effect immediately.

Dated November 19, 2004.

**EXECUTIVE ORDER No. 6**

WHEREAS, U.S. Marine Corps Corporal Marc T. Ryan, a lifelong resident of the State of New Jersey, graduated from Gloucester City High School in 1998, where he was captain of the football team; and

WHEREAS, After attending Wesley College for two years, Corporal Ryan enlisted in the United States Marine Corps, following in the family tradition established by his father and grandfather; and

WHEREAS, Corporal Ryan served proudly as a member of the U.S. Marine Corps' 2nd Battalion, 5th Marine Regiment, 1st Marine Division, 1 Marine Expeditionary Force and was deployed to Afghanistan in the service of his country shortly after the September 2001 terrorist attacks; and

WHEREAS, Corporal Ryan subsequently was deployed to Iraq for two tours of duty before volunteering to return in September 2004 for a third tour of duty; and

WHEREAS, Corporal Ryan was a courageous soldier and a loving son and brother; and

WHEREAS, Corporal Ryan has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, Corporal Ryan's patriotism and dedicated service to his country makes him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 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 Tuesday, November 23, 2004, in recognition and mourning of U.S. Marine Corps Corporal Marc T. Ryan.

2. This Order shall take effect immediately.

Dated November 22, 2004.

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**EXECUTIVE ORDER No. 7**

WHEREAS, The State of New Jersey expends more than \$28 billion in taxpayer money each year, and agencies at other levels of government spend billions more; and

WHEREAS, It is fundamental that all government officials must be publicly accountable for such expenditures; and

WHEREAS, Promoting integrity in the administration and operations of government and improving public accountability will be cornerstones of my Administration; and

WHEREAS, One of the immediate remedial actions that can be taken to improve such accountability is to identify areas where State spending is wasteful or inefficient; and

WHEREAS, As Acting Governor, I have a 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; and

WHEREAS, N.J.S.A. 52:27B-31 and -26 empower the Governor to guard against extravagance, waste or fiscal mismanagement in the administration of any State appropriations; and

WHEREAS, It is critically important that public officers and employees, at all levels of government, discharge their duties and responsibilities in a lawful and ethical manner, while conserving the government's fiscal resources that have been entrusted to their care by the taxpayers; and

WHEREAS, There is a compelling need to centralize the responsibility for reviewing, auditing, evaluating and overseeing the expenditure of State funds by and the procurement process of all State departments and agencies, independent authorities, county and municipal governments,

boards of education, and private entities and individuals who receive State grant funds;

NOW, THEREFORE, I, RICHARD J. CODEY, 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. There is hereby created an Office of the Inspector General, which shall be headed by the Inspector General.

2. The Inspector General shall be appointed by and shall report directly to the Governor. The Inspector General shall serve for the term of the Governor, and until his successor is appointed and has qualified, unless a longer term of office is established by the Legislature. During said term of office, the Inspector general shall be removable by the Governor for cause.

3. The Inspector General shall be precluded from being a candidate for or holding elected office for a period of two years following that individual's service as Inspector General.

4. The Inspector General is authorized to establish a full-time program of audit, investigation and performance review designed to provide increased accountability, integrity and oversight of all recipients of State funds, including, but not limited to all State departments and agencies, independent authorities, county and municipal governments and boards of education. The Inspector General is granted all necessary powers to carry out this task, including the power to conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards relating to such investigations and audits in government environments.

5. The Inspector General is further authorized to investigate the performance of governmental officers, employees, appointees, functions and programs in order to promote efficiency, to identify cost savings, and to detect and prevent misconduct within the programs and operations of any governmental agency funded by or disbursing State funds.

6. The Inspector General shall establish the internal organization structure appropriate to carrying out the responsibilities and functions of the Office. The Inspector General shall have the power to appoint, employ,

promote and remove such assistants, employees and personnel as deemed necessary for the efficient and effective administration of the Office. Within budget limitations, the Inspector General may obtain the services of Certified Public Accountants, qualified management consultants and other professionals necessary to independently perform the functions of the Office.

7. The State Treasurer is hereby directed to identify, from among existing resources, sufficient funds necessary to properly staff and operate the Office of Inspector General and to make such funds available to the Inspector General.

8. The Inspector General is authorized to receive and investigate complaints concerning alleged fraud, waste, abuse or mismanagement of State funds. The Inspector General shall refer complaints alleging criminal conduct to the Attorney General or other appropriate prosecutorial authority. The Inspector General is further authorized to cooperate and conduct joint investigations with other oversight or law enforcement authorities.

9. The Inspector General shall report the findings of such audits or investigations performed by the Office and to issue recommendations for corrective or remedial action to the Governor and to the entity at issue. The Inspector General shall further monitor the implementation of those recommendations. The Inspector General may also refer matters for further civil, criminal and administrative action to the appropriate authorities.

10. The Inspector General shall provide periodic reports to the Governor and shall issue a public annual report to the Governor and the Legislature.

11. The Inspector General is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge the responsibilities under this Order. Each department, officer, division and agency of this State is required to cooperate with the Inspector General and to furnish the Office with assistance necessary to accomplish the purposes of this Order.

12. This Order shall take effect immediately.

Dated November 29, 2004.

**EXECUTIVE ORDER No. 8**

WHEREAS, U.S. Army Private First Class Stephen C. Benish, was born in Rahway and raised in Linden and Clark Township and was graduated from Arthur L. Johnson High School and the Union County Vocational-Technical High School in 2002; and

WHEREAS, PFC Benish enlisted in the U.S. Army shortly after graduation, with the eventual hope of fulfilling his life-long ambition to become a firefighter; and

WHEREAS, PFC Benish served proudly as a member of the U.S. Army's First Battalion 503rd Infantry Regiment, Second Brigade Combat Team, Second Infantry Division and was deployed to Iraq in the service of his country in August 2004; and

WHEREAS, PFC Benish was a courageous soldier, and a loving son and brother; and

WHEREAS, PFC Benish has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, PFC Benish's patriotism and dedicated service to his country make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 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, December 6, 2004, in recognition and mourning of U.S. Army Private First Class Stephen C. Benish.

2. This Order shall take effect immediately.

Dated December 6, 2004.

**EXECUTIVE ORDER No. 9**

WHEREAS, It is essential that the citizens of the State of New Jersey have trust in the processes by which their taxpayer dollars are spent; and

WHEREAS, It is in the public interest for the State to monitor closely the activities of governmental affairs representatives, legislative agents, lobbyists and consultants with respect to their roles in influencing governmental processes, including the solicitation and retention of bond underwriters by the State of New Jersey, its departments, agencies and independent authorities, in order to ensure the integrity of government; and

WHEREAS, It is essential that the public have confidence that the selection of bond underwriters by the State is based on merit and not on political connections or political contributions made by, or on behalf of, such underwriters; and

WHEREAS, It has been a practice of some bond underwriting firms in recent years to engage consultants, other than firm principals or registered lobbyists, to solicit underwriting business from the State of New Jersey; and

WHEREAS, In some cases, these consultants are politically active, and also may be engaged in soliciting and providing campaign contributions; and

WHEREAS, In some cases, these consultants may receive from the underwriters, as compensation for their activities, a commission based on a percentage of the fees paid by the State for underwriting services; and

WHEREAS, It is imperative that, as we embark on a new administration, every effort be made to remove both the actual and perceived influence of money on government; and

WHEREAS, Current statutory law already prohibits registered legislative agents from accepting contingency fees to influence legislation or regulation; and

WHEREAS, All of the sound policy reasons that support the current statutory prohibition against contingency fees to influence legislation or

regulation certainly apply with equal, if not greater, force with respect to the solicitation and retention of bond underwriting business by the State; and

WHEREAS, It has long been the public policy of this State to secure for taxpayers the benefits of competition, to promote the public good by ensuring the honesty and integrity of bidders for public contracts, and to guard against favoritism, improvidence, extravagance and corruption, or the appearance thereof, in order to benefit the taxpayers; and

WHEREAS, The Constitution of this State requires me, as Acting Governor, to manage the operations of State government effectively and fairly, to uphold the law to ensure public order and prosperity, and to confront and address impropriety, or the appearance thereof, in whatever form it may take; and

WHEREAS, It is appropriate that I, as Acting Governor, expand the stringent policies and procedures that already apply generally with respect to government contracts for services, materials, supplies and equipment, by imposing additional restrictions concerning bond underwriting services; and

WHEREAS, Imposing such additional restrictions will promote efficiency by relieving the underwriting firms of an unnecessary expense and, more importantly, will remove an opportunity for political or monetary interference with the fiduciary responsibilities of State government;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and Statutes of this State, do hereby ORDER and DIRECT:

1. In all cases where bond underwriting services are or may be required by the State of New Jersey or any of its departments, agencies or independent authorities, the affected department, agency or independent authority shall deal directly with the principals of the involved underwriting firms or their registered lobbyists. The affected department, agency or independent authority shall not discuss, negotiate, or otherwise interact with any third-party consultant, other than principals of underwriting firms and their registered lobbyists, with respect to the possible engagement of the firm to provide bond underwriting services.

2. Additionally, it shall be the policy of the State to require any bond underwriting firm seeking to provide underwriting services to provide a certification stating that the firm has not employed or retained, directly or indirectly, any consultant who will be paid on a contingency basis if the State engages the firm to provide such underwriting services. Every contract and bid application and specifications promulgated in connection therewith covered by this Order shall contain a provision describing the requirements of this Order and a statement that compliance with this Order shall be a material term and condition of said contract and/or bid application and binding upon the parties thereto upon the entry of all applicable contracts.

3. This Order shall not prohibit the awarding of a contract for underwriting services when a public exigency requires the immediate performance of such services as determined by the State Treasurer.

4. This Order shall take effect immediately.

Dated December 6, 2004.

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**EXECUTIVE ORDER No. 10**

WHEREAS, The rapid pace of change in both the increasingly interdependent global economy and the American workplace demands that students acquire far more rigorous mathematics skills; and

WHEREAS, Current data indicates that many children throughout the State of New Jersey are not acquiring the mathematics skills necessary to be successful in the future; and

WHEREAS, Results from the 2004 Statewide mathematics assessments at grades 4, 8 and 11 demonstrate that far too many students are not performing at the proficient level; and

WHEREAS, Results from the 2004 Special Review Assessment summer pilot project for students who did not pass the High School Proficiency Assessment during their junior year indicate that a short-term, intense math program may not provide students with the foundation they need to succeed at higher level math coursework; and

WHEREAS, There are too few qualified math teachers to fill existing vacancies throughout the State of New Jersey; and

WHEREAS, State teacher certification requirements now require standards based teacher preparation and current models for preparing math teachers need to be changed to reflect both the new certification rules and the needs of a complex global society; and

WHEREAS, The State of New Jersey has a compelling interest to take the necessary steps to address the problems of teacher shortages, teacher preparation and professional development and math achievement; and

WHEREAS, The State of New Jersey recognizes that efforts to improve math achievement must include a broad base of support from all stakeholders; and

WHEREAS, The State of New Jersey has a compelling interest to engage the talent and expertise of experts and practitioners throughout the State to help achieve these goals; and

WHEREAS, The State of New Jersey has a compelling interest to begin work immediately to prepare its children for success in the 21st century global economy;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 Commissioner of Education shall form a Mathematics Task Force, which will include representatives from the K-12, higher education, business, and foundation communities, and the Legislature.
2. The Mathematics Task Force shall be charged with developing a collaborative plan that addresses the following:
  - a. Improving the preparation of teachers in the mathematics content area.
  - b. Improving professional development for teachers in the mathematics content area.
  - c. Improving mathematics instruction for grades K to 12.

- d. Improving student achievement in mathematics for students in grades K to 12, including the gap in minority achievement.
  - e. Increasing recruitment and retention of mathematics teachers.
  - f. Aligning K-12 mathematics instruction with college admission.
3. The Task Force shall submit its report to the Governor no later than May 1, 2005.
  4. This Order shall take effect immediately.

Dated December 10, 2004.

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**EXECUTIVE ORDER No. 11**

WHEREAS, U.S. Army Specialist David Mahlenbrock, a resident of Maple Shade, graduated from Maple Shade High School in 2002, where he was a member of the football team and captain of the wrestling team; and

WHEREAS, Specialist Mahlenbrock enlisted in the U.S. Army shortly after graduation, and planned to make a career of his service in the Army; and

WHEREAS, Specialist Mahlenbrock served proudly as a member of the U.S. Army's 65th Engineer Battalion, 25th Infantry Division, and was deployed to Iraq in the service of his country in January 2004; and

WHEREAS, Specialist Mahlenbrock was a courageous soldier, and a loving husband, father, son and brother; and

WHEREAS, Specialist Mahlenbrock has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, Specialist Mahlenbrock's patriotism and dedicated service to his country make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 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, December 13, 2004, in recognition and mourning of U.S. Army Specialist David Mahlenbrock.

2. This Order shall take effect immediately.

Dated December 10, 2004.

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**EXECUTIVE ORDER No. 12**

WHEREAS, The marine and coastal environment is an important natural resource and the subject of a public trust administered by government for the benefit of all citizens; and

WHEREAS, The marine and coastal environment is also an important economic and recreational resource; and

WHEREAS, The protection of this resource is a primary responsibility of State government; and

WHEREAS, The protection of this resource requires adequate planning and regulation; and

WHEREAS, As part of a much-needed effort to reduce air pollution and other negative consequences of relying too heavily on fossil and nuclear fuels, the State of New Jersey has actively encouraged the use of renewable energy including solar and wind power; and

WHEREAS, There has been significant interest in the use of coastal waters for the development of wind turbine facilities; and

WHEREAS, The development of offshore wind turbine facilities has the potential to affect marine, recreational, avian and scenic resources and other offshore and onshore uses; and

WHEREAS, The State is committed to the use and production of electricity through renewable resources and through responsible planning and regulation; and

WHEREAS, The State has the authority to regulate activities occurring in the coastal zone, including its three nautical mile territorial sea, pursuant to the Submerged Lands Act of 1953, 43 U.S.C. 1301 et seq.; Coastal Area Facility Review Act, N.J.S.A. 13:19-1 et seq.; Waterfront Development Act, N.J.S.A. 12:5-3; Wetlands Act of 1970, N.J.S.A. 13:9A-1 et seq.; and State Tidelands law; and

WHEREAS, The State of New Jersey has Federal Consistency review authority pursuant to Section 307 of the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., for activities occurring in its coastal zone and in Federal waters where there is a reasonably foreseeable effect on the uses and resources of New Jersey's coastal zone; and

WHEREAS, Prior to the construction of any offshore wind turbine facilities, there is a vital need for the State of New Jersey to identify and weigh the costs and benefits of such development and to determine if building such facilities is appropriate; and

WHEREAS, There is a vital need for the State to develop policies governing the development of offshore wind turbine facilities, if these facilities are found to be appropriate and in the public interest;

NOW, THEREFORE, I, RICHARD J. CODEY, 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. There is hereby created a Blue Ribbon Panel on Development of Wind Turbine Facilities in Coastal Waters (hereinafter "Blue Ribbon Panel"), which shall consist of 9 members, including 6 public members appointed by the Governor from among persons representing environmental, academic, tourism and local government interests, and 3 ex officio voting members, the Commissioner of the Department of Environmental Protection, the President of the Board of Public Utilities and the Chief Executive Officer and Secretary of the Commerce and Economic Growth Commission. The ex officio members may appoint a designee to serve on the Panel in their absence.

2. The Governor shall appoint one of the 6 public members to serve as Chair of the Blue Ribbon Panel. The members of the Panel shall serve at the pleasure of the Governor and shall not receive compensation for their service on the Panel.

3. The Blue Ribbon Panel is charged with identifying and weighing the costs and benefits of developing offshore wind turbine facilities, and considering both economic and environmental costs and benefits. The Blue Ribbon Panel shall also consider the need for offshore wind turbines and a comparison to other electric power sources, including fossil, nuclear and renewable fuels as part of the State's long-term electricity needs. The Blue Ribbon Panel shall submit to the Governor, within 15 months, a report providing policy recommendations regarding the appropriateness of developing offshore wind turbine facilities.

4. Prior to the issuance of its report, the Blue Ribbon Panel shall hold at least three public hearings to solicit input from the public and may hold meetings with stakeholders as necessary.

5. The Board of Public Utilities shall not fund, and the DEP shall not approve, the development of wind turbine facilities or supporting infrastructure in coastal waters for 15 months during the deliberations of the Blue Ribbon Panel.

6. The Department of Environmental Protection, the Board of Public Utilities and the Commerce and Economic Growth Commission shall provide staff assistance to the Blue Ribbon Panel. The Panel is authorized to call upon any department, office, division or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division and agency of this State is required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order.

7. This Order shall take effect immediately.

Dated December 23, 2004.

**EXECUTIVE ORDER No. 13**

WHEREAS, The world's most powerful earthquake in over 40 years in the Indian Ocean and the resulting Tsunamis have resulted in the deaths of over 155,000 persons and massive destruction in South Asia; and

WHEREAS, The State of New Jersey recognizes the need to remember and honor the memory of the victims of this horrible tragedy;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 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 from Wednesday, January 5, 2005, through Friday, January 7, 2005 in recognition and mourning of the victims of the Tsunami disaster.

2. This Order shall take effect immediately.

Dated January 5, 2005.

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**EXECUTIVE ORDER No. 14**

WHEREAS, U.S. Marine Lance Corporal Brian P. Parrello, a resident of New Jersey, graduated from West Milford High School in 2003, where he was a member of the football and ice hockey teams; and

WHEREAS, Lance Corporal Parrello postponed attending college and pursuing his goal of becoming a history teacher in order to enlist in the U.S. Marine Corps; and

WHEREAS, Lance Corporal Parrello served proudly as a member of the 2nd Marine Division's II Marine Expeditionary Force, and was deployed to Iraq in the service of his country in September 2004; and

WHEREAS, Lance Corporal Parrello was a courageous soldier, and a loving son and brother; and

WHEREAS, Lance Corporal Parrello has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, Lance Corporal Parrello's patriotism and dedicated service to his country make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 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 Saturday, January 8, 2005 in recognition and mourning of U.S. Marine Lance Corporal Brian P. Parrello.

2. This Order shall take effect immediately.

Dated January 7, 2005.