

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



2005

New Jersey State Library

EXECUTIVE ORDERS

(2593)

EXECUTIVE ORDER No. 15

WHEREAS, Beginning on January 22, 2005, severe weather conditions, including snow, wind and freezing temperatures have made roadways hazardous to travel throughout the State; and

WHEREAS, Snow accumulations 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 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 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 municipal 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. and 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, RICHARD J. CODEY, 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. 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 that, 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.

2. Authorize and empower the State Director of Emergency Management to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operations plans as necessary.

3. Authorize and empower the State Director of Emergency Management who is the Superintendent of State Police, in accordance with N.J.S.A. App. A:9-33 et seq. as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State or interstate highway, 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.

4. Authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A.39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State 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. I further authorize all law enforcement officers to enforce any such orders of the Attorney General or Superintendent of State Police within their respective municipalities.

5. 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.

6. 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 their residences during the course of this emergency.

7. Authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, 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. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A.App.A:9-45.

8. In accordance with N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, as supplemented and amended, 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. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

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

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

12. 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 January 22, 2005.

EXECUTIVE ORDER No. 16

WHEREAS, Executive Order No. 15 (2005), declaring a State of Emergency, was issued on January 22, 2005, because of severe weather conditions, including snow, wind and freezing temperatures that made roadways hazardous to travel throughout the State; and

WHEREAS, The severity of the conditions necessitating the declaration of a State of Emergency have now eased;

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 Emergency declared in Executive Order No. 15 is terminated effective immediately.

Dated January 24, 2005.

EXECUTIVE ORDER No. 17

WHEREAS, Army National Guard Specialist Alain Kamolvathin, was raised in Hardwick and Blairstown and graduated from North Warren Regional High School; and

WHEREAS, Specialist Kamolvathin enlisted in the New Jersey National Guard and, following the death of their parents, dreamed of buying a house for himself and his sister, Sidney; and

WHEREAS, Specialist Kamolvathin subsequently transferred to the New York National Guard, where he proudly served as a Scout for the First Battalion 69th Infantry Regiment, and was awarded a Purple Heart; and

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

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

WHEREAS, Specialist Kamolvathin'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 Thursday, January 27, 2005, in recognition and mourning of Army National Guard Specialist Alain Kamolvathin.

2. This Order shall take effect immediately.

Dated January 25, 2005.

EXECUTIVE ORDER No. 18

WHEREAS, Executive Order No. 134 ("E.O. 134") was issued on September 22, 2004 for the purpose of protecting the integrity of the State's public contracting process by ensuring that decisions regarding the award of State contracts are based upon merit and are not influenced, in appearance or actuality, by political contributions to a candidate for or holder of the public Office of Governor, or any State or county political party committee; and

WHEREAS, E.O. 134 prohibits the award of any State contract in excess of \$17,500 to any firm making a reportable contribution during certain specified time periods to a candidate committee or an election fund of any candidate for Governor or the current holder of the Office of Governor, or any State or county political party committee; and

WHEREAS, E.O. 134 further requires that, effective October 15, 2004, firms seeking State contracts must report all contributions made during the preceding four years to any political organization organized under section 527 of the Internal Revenue Code that also meets the definition

of a continuing political committee, within the meaning of N.J.S.A.19:44A-3(n) and N.J.A.C.19:25-1.7, and permits the State Treasurer to disqualify a firm from bidding on or receiving a contract if the Treasurer determines that such contributions constitute a conflict of interest; and

WHEREAS, By banning the practice of pay-to-play as described above, E.O. 134 clearly advances the best interests of the citizens and taxpayers of the State of New Jersey by ensuring that decisions regarding the award of State contracts are based upon merit and are not influenced, in appearance or actuality, by contributions to a candidate for or holder of the public office of Governor, or to any State or county political party committee; and

WHEREAS, E.O. 134, by its terms, applies to all State contracts above the \$17,500 threshold established therein and does not expressly distinguish between State-funded contracts and those contracts that may be funded, in whole or in part, with funds received from other sources; and

WHEREAS, The New Jersey Department of Transportation ("DOT") annually receives approximately \$750 to \$800 million from the Federal Highway Administration ("FHWA") for the design, construction and maintenance of highways in New Jersey and, pursuant to federal law, 23 U.S.C.s. 112 et seq., and its implementing regulations, the FHWA must approve the plans, specifications and method of procurement for DOT contracts that are federally funded; and

WHEREAS, Beginning in October 2004, the DOT communicated on several occasions with the FHWA concerning whether the inclusion of E.O. 134's requirements in federally funded highway contracts would have any effect on federal highway funding; and

WHEREAS, The FHWA recently has taken the position that despite its beneficial public purpose, E.O. 134 as applied to federally funded highway contracts allegedly poses a threat to competition and would violate federal law, asserting in a January 6, 2005 letter from the FHWA Division Administrator to the DOT Commissioner that "Executive Order #134 conflicts with Federal regulations and may not be included in Federal-aid contracts" and "[u]nless this provision is removed from Federal projects, we cannot authorize Federal funds;" and

WHEREAS, The DOT has not received FHWA authorization on any new federally funded highway construction project since December 2004, and at this time 19 projects totaling approximately \$250 million are being held up for lack of federal funding because the contracts for those projects contain language implementing the requirements of E.O. 134; and

WHEREAS, The FHWA's position not only denies the DOT the ability to undertake important construction projects that are necessary to protect the safety and well-being of New Jersey's citizens and the citizens of other states who are traveling by motor vehicle in New Jersey, but also has an economic impact due to job loss associated with projects that cannot proceed without federal funds; and

WHEREAS, The State of New Jersey initiated litigation intended to protect the State's interests by challenging the FHWA's determination that E.O. 134 is in conflict with federal law, and requesting declaratory and injunctive relief preventing the FHWA from withholding federal highway funds; and

WHEREAS, As part of the litigation, the State sought a temporary restraining order to compel the FHWA to release federal highway funds during the pendency of the litigation; and

WHEREAS, A federal district court has denied the State's request for a restraining order, with the effect that the FHWA will be able to continue withholding those essential transportation funds from the State while the litigation proceeds; and

WHEREAS, The Constitution of this State requires me, as Acting Governor, to manage the operations of State government effectively and fairly, consistent with the laws as interpreted by the courts; and

WHEREAS, The State of New Jersey intends to pursue its available legal remedies; however, pursuit of those remedies will likely take several months, and the citizens of this State cannot continue to be harmed by the federal withholding of critically needed transportation funds in the interim;

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. The provisions of E.O. 134 shall not apply to DOT contracts that are funded, in whole or in part, by the FHWA.
2. Except as herein modified, all of the provisions of E.O. 134 shall remain in full force and effect.
3. This Order shall take effect immediately and shall be effective until such time as the State obtains the relief sought in the pending litigation captioned, State of New Jersey v. Norman Y. Mineta, et al.

Dated January 26, 2005.

EXECUTIVE ORDER No. 19

WHEREAS, United States Marine Corps Corporal Sean P. Kelly, a resident of New Jersey, graduated from Pitman High School in 2000, where he was a member of the varsity football and wrestling teams; and

WHEREAS, Corporal Kelly enlisted in the U.S. Marines Corps shortly after graduation, following in the family tradition established by his father, grandfather and older brother and planned to make a career of his service in the Marine Corps; and

WHEREAS, Corporal Kelly proudly served as a member of the U.S. Marine Corps' 1st Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, and was deployed to Iraq in the service of his country in October 2004; and

WHEREAS, Corporal Kelly was a courageous Marine, and a loving son, brother and husband; and

WHEREAS, Corporal Kelly has made the ultimate sacrifice, giving his life in the line of duty while serving our Nation; and

WHEREAS, Corporal Kelly'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 Thursday, February 3, 2005, in recognition and mourning of United States Marine Corps Corporal Sean P. Kelly.

2. This Order shall take effect immediately.

Dated February 2, 2005.

EXECUTIVE ORDER NO. 20

WHEREAS, New Jersey, the most densely populated State in the nation, has an unmatched array of critical transportation, utility, petrochemical, pharmaceutical, manufacturing and entertainment infrastructure; and

WHEREAS, The State's industrial and civil infrastructure commingles with dense population centers and high traffic transportation corridors; and

WHEREAS, New Jersey functions as a global transportation and commercial gateway with tens of millions of people passing through New Jersey on their way to destinations around the world and vast quantities of goods moving through the State to and from markets throughout the nation, Canada, Europe, Africa and the Far East; and

WHEREAS, Numerous analyses have indicated that Port Newark-Port Elizabeth, which is the most active port on the eastern seaboard and which has plans to further increase its cargo capacity throughput, is vulnerable to terrorist actions including attacks from weapons of mass destruction concealed in containers; and

WHEREAS, Each day New Jersey's public roads and transportation systems, including buses, light rail, passenger airlines, trains and ferries, enable millions of people to gain access to all parts of the State and neighboring states; and

WHEREAS, This transportation infrastructure and these systems are likely targets for terrorist attacks and, as such, the State must devise and implement measures to meet the challenge of safeguarding and avoiding disruption to those who could be affected by such an attack; and

WHEREAS, A terrorist incident disrupting New Jersey's industrial and transportation infrastructure or critical utilities would severely affect both national and international economic stability as well as public safety and international travel resulting in the loss of billions of dollars to the world economy; and

WHEREAS, The federal, State and local efforts to develop comprehensive training, education, exercise and research and development programs to protect against chemical, biological, radiological, nuclear and explosive (CBRNE) threats have been robust but divergent; and

WHEREAS, Safeguarding the State's populace and critical infrastructure requires a continuous, comprehensive and intensive training, education, exercise and research effort to protect against CBRNE threats; and

WHEREAS, The scale of response that is required to protect New Jersey and the nation against the threat of domestic terrorism require the consolidation and coordination to the extent possible of efficient and effective training, education, exercises, research and development; and

WHEREAS, To best utilize the disparate expertise in the areas of training, education, exercise and research and development throughout the State, it is necessary to aggregate to the greatest extent possible the functions that will be relied upon prepare for and to respond to the CBRNE threats; and

WHEREAS, New Jersey would benefit substantially from an objective expert and efficient process to conduct training, education, exercises, research and development related to the CBRNE threats; and

WHEREAS, At present there is no single entity designated to support the State's efforts to protect against CBRNE threats by way of continuous, comprehensive training, education, exercises, research and development; and

WHEREAS, The New Jersey Medical Emergency Disaster Preparedness and Response Expert Panel (MEDPREP), under the direction and leadership of the New Jersey Department of Health and Senior Services, recently recognized the need for, and endorsed the concept of creating, an "all hazards" simulation training facility for public health, law enforcement and environmental protection emergency response personnel, and emergency medical practitioners and clinicians; and

WHEREAS, The University of Medicine and Dentistry of New Jersey (UMDNJ) currently staffs and operates the Center for BioDefense; and

WHEREAS, UMDNJ is the State's public biological and health-related research university, which includes the Center for BioDefense, the School of Public Health and its federally funded Academic Center for Public Health Preparedness, the Environmental and Occupational Health Sciences Institute in partnership with Rutgers, The State University, and the New Jersey Preparedness Training Consortium; and

WHEREAS, The UMDNJ Center for BioDefense has a lead role in the Northeast Biodefense Center (NBC), a consortium of basic and applied research and public health organizations selected by the National Institute for Allergy and Infectious Diseases as one of eight Regional Centers of Excellence for Biodefense and Emerging Infectious Diseases Research; and

WHEREAS, The NBC's primary mission is to provide regional and national practical solutions to the public health threats emanating from both bioterrorism and emerging infectious diseases; and

WHEREAS, UMDNJ has been awarded nearly \$21 million from the National Institutes of Health to build a new 13,000 square foot regional biocontainment laboratory;

WHEREAS, UMDNJ has a proven record of State service, responding in an effective manner to a wide variety of public needs; and

WHEREAS, Chapter 3 of the Laws of 2005 tasked the Department of Environmental Protection, with the concurrence of the Department of Health and Senior Services and the Homeland Security Branch in the Division of State Police, with development of a comprehensive plan for the standardization and coordination of county hazardous material response programs; and

WHEREAS, UMDNJ has demonstrated an ability to partner with the full range of relevant entities, including other higher education institutions, State military bases, and State agencies, including the Domestic Security Preparedness Task Force; and

WHEREAS, UMDNJ has an established close working relationship with Picatinny Arsenal and Fort Monmouth, installations that have previously been designated as "New Jersey Centers for Homeland Defense Technologies and Security Readiness"; and

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 that:

1. The New Jersey CBRNE Training and Research Center at UMDNJ (the "Center") shall be created within UMDNJ to work in collaboration with State government and thereby serve as the facilitator in bringing together the vast array of expertise that exists in New Jersey and throughout the country in the areas of training, education, exercises, research and development relating to CBRNE threats.

2. Working in collaboration with the State including those State agencies tasked with the development of standardized hazardous material response programs; in coordination with those already existing CBRNE training, education and research programs; in compliance with the security strategy developed by the Domestic Security Preparedness Task Force (Task Force); and with oversight and guidance from the Task Force through the Center Advisory Group (CAG), the Center will, among other activities:

- Establish at least one state-of-the-art center to provide CBRNE focused training, education and exercises to first responders, as that term is defined by the National Incident Management System (NIMS);

- Establish at least one state-of-the-art center to provide CBRNE focused training, education and exercises to security advisors;
- Provide and/or facilitate CBRNE focused training, education and exercises;
- Develop training, education and exercise curricula and perform research and development based on identified threats and associated risks and impact to public health and safety;
- Provide a delivery platform for first responder and security advisor training as approved by the Office of Domestic Preparedness, Department of Homeland Security (ODP);
- Take all necessary steps to become a member of the ODP National Domestic Preparedness Training Consortium;
- Endeavor to establish a comprehensive world class "all hazards" preparedness training, education and exercises facilities, coupled with state-of-the-art advanced level preparedness programs;
- Provide opportunities for educators, researchers, and other professionals to provide and investigate critical information and technical aspects of state-of-the-art advancements, as well as new applications for existing technologies relating to the CBRNE threats;
- Provide a venue and resources for CBRNE focused basic and applied research directed by the United States Departments of Health and Human Services, Homeland Security and Defense;
- Address CBRNE specific needs which are local to New Jersey as well as CBRNE needs that may not receive adequate attention at a national level;
- Seek and foster collaboration, coordination and more effective management of a single organization or multi-organizational grant application(s) regarding CBRNE focused training, education, exercises, research and development programs that engage federal, state and local agencies, New Jersey colleges and universities and private sector firms;
- Seek and foster collaboration and coordination with the recently assigned Civil Support Team (Heavy) assigned to the Department of Military and Veterans' Affairs;
- Seek and foster collaboration, coordination and more effective management of a single organization or multi-organizational grant application(s) regarding CBRNE focused training, education, exercises, research and development programs that engage federal, state and local agencies, New Jersey colleges and universities and private sector firms;
- Enter into cooperative agreements with federal, state and local agencies, New Jersey colleges and universities, and private sector firms regarding

CBRNE focused training, education and exercises, research and development programs;

- Enter into cooperative agreements with military installations such as Fort Monmouth, Picatinny Arsenal, Lakehurst Naval Air Base, Fort Dix, McGuire Air Force Base related to CBRNE focused training, education, exercises, research and development programs; and
- Identify opportunities, and make recommendations, to maximize efficiencies through relocation and alignment of CBRNE focused training, education and exercise programs, and research expertise, capabilities and facilities.

3. The Center will have an Center Advisory Group (CAG) comprised of representatives from the Attorney General's Office, the Department of Environmental Protection, the Department of Health and Senior Services, the Department of Agriculture, the Department of Military and Veterans' Affairs, the Department of Community Affairs, the Superintendent of State Police, and the Office of Counter Terrorism. The Chair shall be elected by the Group from among the members of the Group. The CAG, as a representative body of the Task Force, shall provide oversight and guidance to the Center including, but not limited to, the continuing viability of the Center.

4. UMDNJ will be responsible for developing and maintaining, and have full control of an appropriate governance, oversight, management and operational structure for the Center with advice and direction from the CAG.

5. This Order shall take effect immediately.

Dated February 3, 2005.

EXECUTIVE ORDER No. 21

WHEREAS, United States Marine Corps Lance Corporal Harry Swain IV, a resident of New Jersey, graduated from Millville Senior High School in 2001; and

WHEREAS, Lance Corporal Swain enlisted in the U.S. Marine Corps shortly after graduation, passing up a college scholarship to fulfill his

long-time goal of entering military service, with the hope of eventually becoming a member of the FBI's Hostage Rescue Team; and

WHEREAS, Lance Corporal Swain proudly served as a member of the U.S. Marine Corps' Alpha Company, 1st Battalion, Second Marines, and was deployed to Iraq in the service of his country for two tours of duty, where he received the Presidential Unit Citation for his performance in battle; and

WHEREAS, Lance Corporal Swain was a courageous Marine, and a loving son and brother; and

WHEREAS, Lance Corporal Swain has made the ultimate sacrifice, giving his life in the line of duty while serving our nation; and

WHEREAS, Lance Corporal Swain'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 Wednesday, February 9, 2005, in recognition and mourning of United States Marine Corps Lance Corporal Harry Swain IV.

2. This Order shall take effect immediately.

Dated February 8, 2005.

EXECUTIVE ORDER No. 22

WHEREAS, United States Army Sergeant Stephen Sherman, a resident of New Jersey, graduated from High Technology High School in Lincroft in 1996; and

WHEREAS, Sergeant Sherman graduated from the University of Oregon in 2001 with a degree in Business Administration before enlisting in the U.S. Army in April 2003, where he was trained as a Chemical Operations Specialist and served as a nuclear, biological, chemical, non-commissioned officer, directing other soldiers in the use of detection and decontamination equipment; and

WHEREAS, Sergeant Sherman proudly served as a member of the U.S. Army's 1st Battalion, 5th Infantry Regiment, 25th Infantry Division (Stryker Brigade Combat Team), and was deployed to Iraq in the service of his country; and

WHEREAS, Sergeant Sherman was a courageous soldier, and a loving son and brother; and

WHEREAS, Sergeant Sherman has made the ultimate sacrifice, giving his life in the line of duty while serving our nation; and

WHEREAS, Sergeant Sherman'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 Friday, February 11, 2005, in recognition and mourning of United States Army Sergeant Stephen Sherman.

2. This Order shall take effect immediately.

Dated February 10, 2005.

EXECUTIVE ORDER No. 23

WHEREAS, Senator Joseph Suliga, Jr. spent his entire adult life committed to public service and New Jersey is a better place today because of that commitment; and

WHEREAS, Senator Suliga started his career in elected office at age 19 as the youngest person ever elected to the Linden Board of Education; and

WHEREAS, Senator Suliga graduated from Kean University and subsequently earned Masters degrees from Kean and Rutgers universities; and

WHEREAS, Senator Suliga subsequently served as a Councilman in Linden, as a Union County Freeholder, as a member of the General Assembly and as a State Senator; and

WHEREAS, Senator Suliga was a thoughtful and respected legislator, sponsoring legislation compelling insurance coverage for mammograms for women over 35, co-chairing the Senate Environmental Committee and serving as the second ranking Democrat on the Appropriations Committee; and

WHEREAS, Senator Suliga most recently was serving as chief financial officer for the City of Linden, and was known as a man who valued his faith, his family and friendship; and

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

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Senator Suliga;

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 Wednesday,

February 23, 2005, in recognition and mourning of the passing of Senator Suliga.

2. This Order shall take effect immediately.

Dated February 22, 2005.

EXECUTIVE ORDER No. 24

WHEREAS, United States Army Private First Class Min Soo Choi, a resident of New Jersey, graduated from Pascack Valley High School in Hillsdale in 2003, where he was a member of the varsity golf team; and

WHEREAS, PFC Choi completed a semester at John Jay College before enlisting in the U.S. Army in the summer of 2004, with the goal of becoming a United States citizen and an FBI agent; and

WHEREAS, PFC Choi proudly served as a member of the U.S. Army's 3rd Infantry Divisions 6th Squadron, 8th Cavalry, and was deployed to Iraq in the service of his country; and

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

WHEREAS, PFC Choi has made the ultimate sacrifice, giving his life in the line of duty while serving our nation; and

WHEREAS, PFC Choi'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 Sunday, March 6, 2005, in

recognition and mourning of United States Army Private First Class Min Soo Choi.

2. This Order shall take effect immediately.

Dated March 4, 2005.

EXECUTIVE ORDER No. 25

WHEREAS, Thomas John McMeekin Jr., a loving husband, father, son and brother, and a lifelong resident of the City of Atlantic City, joined the Atlantic City Police Department in October 2000, and graduated from the Police Academy first in his class academically; and

WHEREAS, Officer McMeekin served the Police Department and the citizens of Atlantic City with exceptional courage, dedication and professionalism, genuine courtesy and abiding commitment to the finest law enforcement traditions; and

WHEREAS, Officer McMeekin proudly served in the Department for 5 years, and received several commendations for excellent police work during his tour of duty; and

WHEREAS, Officer McMeekin has made the ultimate sacrifice, giving his life in the line of duty to help New Jersey's citizens 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, March 8, 2005, in recognition and mourning of Atlantic City Police Officer Thomas John McMeekin, Jr.

2. This Order shall take effect immediately.

Dated March 7, 2005.

EXECUTIVE ORDER No. 26

WHEREAS, United States Army Captain Sean Grimes, the beloved son of Mary Grimes of Dover, New Jersey, and Donald P. Grimes of Southfield, Michigan, graduated from Michigan State University, with a B.S. degree in nursing; and

WHEREAS, Captain Grimes enlisted in the U.S. Army in 1997 and served as a physicians assistant and an Army nurse; and

WHEREAS, Captain Grimes graduated from the Army's Air Assault Course and from the Army's Airborne School; and

WHEREAS, Captain Grimes proudly served as a member of the U.S. Army's 1st Infantry Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, and was deployed to Iraq in the service of his country; and

WHEREAS, Captain Grimes was a courageous soldier, and a loving son and brother; and

WHEREAS, Captain Grimes has made the ultimate sacrifice, giving his life in the line of duty while serving our nation, and has been awarded the Purple Heart, the Bronze Star, and the Combat Medic Badge posthumously; and

WHEREAS, Captain Grimes' 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 Tuesday, March 15, 2005, in recognition and mourning of United States Army Captain Sean Grimes.

2. This Order shall take effect immediately.

Dated March 14, 2005.

EXECUTIVE ORDER No. 27

WHEREAS, New Jersey National Guard Sergeant William D. Blahut, Jr., was born and raised in Whitehouse Station, New Jersey, and graduated from North Hunterdon High School in 1981; and

WHEREAS, Sergeant Blahut enlisted in the New Jersey National Guard in March 2000; and

WHEREAS, Sergeant Blahut proudly served as a member of the National Guard's Company B, 50th Main Support Battalion, based in Dover, New Jersey, and was deployed in support of Operation Iraqi Freedom in the service of his country in February 2004, where he was assigned to the 1452nd Transportation Company and where he received the Bronze Star; and

WHEREAS, Sergeant Blahut was a courageous soldier, and a loving son and brother; and

WHEREAS, While in Iraq, Sergeant Blahut became ill and was returned to this country, where he was diagnosed with brain cancer, which ultimately took his life; and

WHEREAS, Sergeant Blahut'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 Friday, March 18, 2005, in

recognition and mourning of New Jersey National Guard Sergeant William D. Blahut, Jr.

2. This Order shall take effect immediately.

Dated March 18, 2005.

EXECUTIVE ORDER No. 28

WHEREAS, Beginning on April 2, 2005, severe weather conditions, including heavy rains, high winds, main stream and river flooding, and progressing runoff now threatens homes and other structures and the flow of traffic throughout the State; and

WHEREAS, The aforesaid weather 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 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 which is in some parts of this State and may become in other parts of the State too large in scope to be handled by the normal county and municipal 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, RICHARD J. CODEY, 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. Authorize and empower the State Director of Emergency Management to implement the State Emergency Operations Plan and to direct the

activation of county and municipal emergency operation plans as necessary.

2. Authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. A:9-33 et seq. as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway, 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. Authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A.39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State 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. I further authorize all law enforcement officers to enforce any such orders of the Attorney General and the Superintendent of State Police, within their respective municipalities.

4. 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. 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. Authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, 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. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. 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 that, 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 N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, as supplemented and amended, 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. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order or the orders of the State Director of Emergency Management.

10. It shall be the duty of the members of the governing body and each and every officer, agent and employee of every political subdivision of this State and of each member of all other governmental bodies, agencies and authorities of any nature whatsoever fully co-operate with the State Director of Emergency Management in all matters during this emergency.

11. Authorize and empower the State Director of Emergency Management, pursuant to N.J.S.A. App.A:9-37 and N.J.S.A. App. A:9-48 and in accordance with N.J.S.A. App. A:9-36, to require any public official, citizen or resident of this State or any firm, partnership, or corporation, incorporated or doing business in this State, to furnish any information deemed reasonably necessary by the Director to carry out the purposes of this Order.

12. The cooperation of every person or entity in this State or doing business in this State in all matters concerning this state of emergency is requested.

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

14. This Order shall take effect as of 9:15 a.m. on April 3, 2005 and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Dated April 3, 2005.

EXECUTIVE ORDER No. 29

WHEREAS, His Holiness Pope John Paul II was one of the greatest leaders of our time, or of any other time in history; and

WHEREAS, The death of Pope John Paul II is a loss not just for the Catholic Church, but for all people of the world; and

WHEREAS, For a quarter century, Pope John Paul II was the rock of the Catholic Church, and his influence extended beyond the Church into international affairs; and

WHEREAS, Pope John Paul II was concerned with the greater good for all people and was a leading champion of human rights and an ardent advocate for peace; and

WHEREAS, This State, this nation and the world are better for having been blessed with the leadership of Pope John Paul II; and

WHEREAS, It is fitting and proper for the State of New Jersey to mourn the passing and honor the memory of Pope John Paul II;

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 beginning Monday, April 4, 2005, and through and including Friday, April 8, 2005, in recognition and mourning of the passing of Pope John Paul II.

2. This Order shall take effect immediately.

Dated April 4, 2005.

EXECUTIVE ORDER No. 30

WHEREAS, Executive Order No. 28 (2005), declaring a State of Emergency, was issued on April 3, 2005, because of severe weather conditions, including heavy rains, high winds, main stream and river flooding and progressing runoff that threatened homes and other structures and the flow of traffic throughout the State; and

WHEREAS, The severity of the conditions necessitating the declaration of a State of Emergency have now eased;

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 Emergency declared in Executive Order No. 28 is terminated effective immediately.

Dated April 15, 2005.

EXECUTIVE ORDER No. 31

WHEREAS, New Jersey is home to 1.4 million adults 60 years of age who deserve the right to independence, dignity and choice as they grow older; and

WHEREAS, The citizens of New Jersey are entitled to a long-term care system where they can make their own long-term care decisions; and

WHEREAS, The State of New Jersey must support a long-term care reform agenda to ensure a more equitable distribution of funding between home- and community-based services and institutionalization; and

WHEREAS, The State of New Jersey is currently in the second year of a three-year federally funded Aging and Disability Resource Connection initiative, which is being implemented on a pilot basis in Atlantic and Warren counties; and

WHEREAS, The State of New Jersey, through its Aging and Disability Resource Connection initiative, is implementing a clinical assessment tool and fast track eligibility process in a test environment in Atlantic and Warren counties; and

WHEREAS, The clinical assessment tool shall be linked to levels of care, which will then generate a service care plan as well as identify funds to support an individual's choice for long-term care services;

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 Department of Health and Senior Services shall begin a process in State Fiscal Year 2006 to develop and implement a pilot global budget long-term care program. The new long-term care system for older adults shall have improved access and consumer-directed care across all settings and an array of home- and community-based services from which to choose.

2. The Department of Health and Senior Services, in partnership with the Department of Human Services, shall develop a pilot fast track eligibility program with presumptive eligibility in Warren and Atlantic Counties.

3. This Order shall take effect immediately.

Dated April 21, 2005.

EXECUTIVE ORDER No. 32

WHEREAS, Executive Order No. 7 (2004) created an Office of the Inspector General and authorized that Office to, among other things, investigate the performance of governmental programs in order to promote efficiency, to identify cost savings, and to detect and prevent misconduct within programs and operations of any governmental agency funded by or disbursing State funds; and

WHEREAS, The Inspector General, during the course of her review of the New Jersey Schools Construction Corporation (SCC), has issued an Initial Report of Findings dated April 21, 2005, that contains a series of recommended changes; and

WHEREAS, The Inspector General recommends that the Board of Directors of the SCC be strengthened and made more independent by the appointment of two additional public members with financial management background and no personal or professional interests in either the education community or the construction community; and

WHEREAS, The composition of the Board of Directors of the SCC was delineated in Executive Order No. 24 (2002) and Executive Order No. 47 (2003); and

WHEREAS, There is a compelling need to quickly implement the Inspector General's recommended changes so that the construction of schools can continue in an efficient, non-wasteful manner;

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. Paragraph 1(a) of Executive Order No. 24 (2002), previously amended by Executive Order No. 47 (2003), is hereby further amended to read as follows:

"The creation of a corporation Board of Directors consisting of the following members: the Attorney General; Commissioner of Education; Commissioner of Labor and Workforce Development; Commissioner of Community Affairs; State Treasurer; CEO/Secretary of Commerce and Economic Growth Commission; Executive Director of EDA; Member of the Governor's Executive Staff; three public members of the EDA Board of Directors selected by the Governor; and four members of the public to be appointed by the Governor. At least two of the four public members shall have financial management background and no personal or professional interest in either the education community or the construction industry."

2. The SCC shall establish the Office of Chief Financial Officer (CFO). The CFO shall be responsible for implementing adequate internal financial controls and shall report directly to the Chief Executive Officer and the Audit Committee of the SCCs Board of Directors.

3. The SCC is hereby directed to submit a plan to the Board of Directors within 14 days to implement the remaining recommendations contained within the Office of the Inspector General's Initial Report of Findings dated April 21, 2005.

4. Executive Order No. 24 (2002) and Executive Order No. 47 (2003) shall remain in full force and effect except as modified herein.

5. This Order shall take effect immediately.

Dated April 26, 2005.

EXECUTIVE ORDER No. 33

WHEREAS, In July 2002 the State Commission of Investigation ("SCI") launched a formal investigation into reported abuses in new-home construction and inspection; and

WHEREAS, Over the course of its nearly three-year inquiry into these complaints, the SCI conducted hundreds of field interviews; examined thousands of pages of documentary evidence; took sworn testimony from scores of witnesses; performed sophisticated accounting analyses; and held five days of hearings to present its findings to the public; and

WHEREAS, The SCI completed its investigation in March 2005 with the issuance of comprehensive report detailing the findings of the inquiry and proposing recommendations for reform; and

WHEREAS, The SCI report revealed examples of shoddy and deficient construction practices, lax regulatory oversight and poor remediation options for homebuyers; and

WHEREAS, The Department of Community Affairs ("DCA") has assisted the SCI in its investigation; and

WHEREAS, In response to the SCI investigation, the SCI and DCA have recommended a series of reforms designed to bolster oversight of the home construction industry, strengthen the inspection and enforcement process, and safeguard the interests of the home-buying public; and

WHEREAS, It is appropriate and just that this Office do everything in its power to protect the home-buying public and to restore consumer confidence in those charged with regulating the home construction industry;

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 Department of Community Affairs ("DCA") to create a home-buyers web site containing information on registered builders including claims adjudicated against them, industry standard guides, housing codes, inspection information, and homebuyers' warranty rights.

2. The DCA to publish and distribute to every new homeowner, within four months of the closing date, a booklet that explains their warranty rights and how they can protect them by filing timely claims.

3. That the current multi-step arbitration process be eliminated and replaced with a single arbitration hearing, which should focus on repair of the defects rather than monetary settlement. The method-of-repair standard should be the repair necessary to restore the home to "as new" condition and place the residence in compliance with applicable codes and industry standards.

4. That DCA oversight of the arbitration process in New Jersey be strengthened to include: reviewing of arbitrator qualifications; requiring that all arbitrators who handle major structural or fire safety defect claims be licensed as architects or professional engineers, specifically qualified in residential construction technology; and ensuring that arbitrators and arbitration services performing in New Jersey are in full compliance with disclosure requirements of New Jersey's arbitration law.

5. That private warranty plans be required to actively eliminate conflicts of interest of arbitrators through a rigorous plan-administered economic disclosure and disqualification procedure, with copies of documents pertaining to this process forwarded to DCA with certification by the warranty plan as to due diligence.

6. That DCA review any cases of homeowner dissatisfaction with the warranty process.

7. That warranty plans provide DCA with records of all complaints, beyond mere numerical reporting.

8. That DCA promulgate a strict code of ethics for all State, county, and municipal building inspectors and construction code officials.

9. That given the critical importance of proper structural framing in new homes, the DCA adopt code provisions that require home builders to certify compliance with the Department's framing checklist.

10. That the Department of Community Affairs establish a system of engineering inspections to be executed under municipal auspices, but paid for by builder fees, where code violations are found in a new home that has received a certificate of occupancy.

11. This Order shall take effect immediately.

Dated May 9, 2005.

EXECUTIVE ORDER No. 34

WHEREAS, Congressman Peter W. Rodino, Jr., the son of Italian immigrants, was born and raised in the City of Newark; and

WHEREAS, Congressman Rodino worked his way through law school at night, earning his degree from Rutgers Law School in Newark in 1937; and

WHEREAS, Congressman Rodino enlisted in the United States Army in March 1941, served honorably during World War II as a captain with the First Armored Division in North Africa and in Italy, and was awarded a Bronze Star, a War Cross and Knight Order of the Crown of Italy; and

WHEREAS, Congressman Rodino was elected to Congress in 1948, and served with distinction for a period of 40 years; and

WHEREAS, Congressman Rodino became a champion of civil rights legislation, and helped guide the landmark Civil Rights Act of 1964 through its complicated approval process; and

WHEREAS, Congressman Rodino served as Chairman of the Judiciary Committee from 1973 to 1989, and was instrumental in securing legislation on immigration reform, antitrust reform, fair housing laws and equal rights for women; and

WHEREAS, In 1974, Congressman Rodino guided the Judiciary Committee through the impeachment proceedings against President Nixon with extraordinary skill and a spirit of fundamental fairness and bipartisanship; and

WHEREAS, After his service in Congress, Congressman Rodino continued to teach and mentor lawyers and students at Seton Hall Law School; and

WHEREAS, 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 beginning Tuesday, May 10, 2005 through Monday, May 16, 2005, in recognition and mourning of the passing of Congressman Peter W. Rodino, Jr.

2. This Order shall take effect immediately.

Dated May 10, 2005.

EXECUTIVE ORDER No. 35

WHEREAS, James Michael Ratcliffe joined the Metuchen Fire Department in 1965; and

WHEREAS, Mr. Ratcliffe served the Fire Department and the people of Metuchen with exceptional courage, dedication and professionalism, genuine courtesy and abiding commitment to the finest humanitarian traditions; and

WHEREAS, Mr. Ratcliffe proudly served in the Fire Department for forty years, in various capacities as a Firefighter, Lieutenant, Captain, Assistant Chief, Department Chief and most recently Department Safety Officer; and

WHEREAS, Mr. Ratcliffe has made the ultimate sacrifice, giving his life in the line of duty to help New Jersey's citizens 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, May 10, 2005, in recognition and mourning of James Michael Ratcliffe, the former Chief and current Safety Officer of the Metuchen Fire Department.

2. This Order shall take effect immediately.

Dated May 10, 2005.

EXECUTIVE ORDER No. 36

WHEREAS, In the words of President John F. Kennedy, "[n]o responsibility of government is more fundamental than the responsibility for maintaining the highest standards of ethical behavior by those who conduct the public business. This principle must be followed not only in reality, but in appearance. For the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter"; and

WHEREAS, I have made it a cornerstone of my administration to transform the ethical culture in State government, with the hope of forging a renewed partnership among government, its employees, and the people of this State; and

WHEREAS, To help realize this goal, I appointed Special Counsel for Ethics Review to assess the efficacy of the States existing ethical standards, to conduct an extensive audit of Executive Branch ethics training programs, and to identify areas within the existing ethics rules that require reform and improvement; and

WHEREAS, After completing their review and analysis, Special Counsel issued a series of sweeping recommendations designed to clarify and unify the States ethics codes, promote transparency in government processes, bolster ethics training programs, enhance government accountability to the public, and toughen penalties for ethics violations; and

WHEREAS, As concrete steps toward achieving these ends, Special Counsel urged the implementation of three new ethics guidelines: The Uniform Ethics Code, the Plain Language Ethics Guide, and the Business Ethics Guide; recommended that the Executive Commission

on Ethical Standards establish a confidential toll-free hotline for the receipt of ethics complaints; proposed that the Executive Commission post financial disclosure forms in an on-line searchable database; and urged the Executive Director of the Executive Commission on Ethical Standards to meet with every new member of the Governor's Cabinet shortly after they take office, and thereafter to meet with the entire Cabinet on an annual basis to address ethics-related issues; and

WHEREAS, The Uniform Ethics Code distills the otherwise disparate Executive Branch ethics strictures into a single ethics code, providing uniform standards of conduct applicable to all Executive Branch employees; and

WHEREAS, The Plain Language Ethics Guide explains clearly and succinctly to all Executive Branch employees the ethical standards that must be met by every State employee; and

WHEREAS, The Business Ethics Guide makes clear the ethical standards required of third parties conducting business with the State; and

WHEREAS, The confidential, toll-free reporting hotline allows both State employees and members of the public to lodge ethics complaints, obtain information, and voice ethics-related concerns; and

WHEREAS, Posting financial disclosure forms on the internet provides the public with ready access to the assets, holdings, and other financial interests of public employees; and

WHEREAS, The State of New Jersey has a compelling interest in ensuring that Executive Branch employees understand and appreciate their ethical duties and responsibilities; and

WHEREAS, Those who have a business relationship with a governmental agency must be fully educated regarding their ethical obligations to the public; and

WHEREAS, It is important that Executive Branch business be conducted in the most transparent manner possible, so that citizens have full information about efforts directed at influencing Executive Branch policies and procurement; and

WHEREAS, We must always remember that government officers are at all times accountable to the people of this State and that public service should never be used for private gain;

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 Executive Commission on Ethical Standards shall promulgate a Uniform Ethics Code.
2. All Executive Branch departments, agencies, and authorities shall conform their individual ethics codes to the Uniform Ethics Code.
3. Every Executive Branch department, agency, and authority shall disseminate the Plain Language Ethics Guide to their employees and shall require said employees to certify that they have received, reviewed, and understood the ethical strictures set forth therein.
4. The Treasury Department's Division of Purchase and Property shall post the Business Ethics Guide on its website and to require any potential vendor with the State to certify compliance with said guide before submission of a bid.
5. The Executive Commission on Ethical Standards shall establish a new, toll-free, confidential reporting hotline for the receipt of ethics complaints.
6. The Executive Commission on Ethical Standards shall post the financial disclosure forms of public employees and officers, filed pursuant to Executive Order No. 10 (2002), on a web-based searchable database, beginning with the forms filed in 2005.
7. The Executive Director of the Executive Commission on Ethical Standards shall appear before the Governor's Cabinet on an annual basis to provide a refresher course on the ethics rules and to address ethics-related issues.

8. The Executive Director of the Executive Commission on Ethical Standards shall brief every new Cabinet member on their ethical responsibilities not later than 30 days after they assume office.

9. This Order shall take effect immediately.

Dated May 10, 2005.

EXECUTIVE ORDER No. 37

WHEREAS, United States Marine Corps Staff Sgt. Anthony L. Goodwin, a former resident of Westampton Township, New Jersey, attended Rancocas Valley High School, and subsequently graduated from high school in Texas; and

WHEREAS, Staff Sgt. Goodwin enlisted in the U.S. Army in 1989, served in Operation Desert Shield and Operation Desert Storm, and thereafter became a trainer and instructor for the Marine Corps; and

WHEREAS, Staff Sgt. Goodwin served proudly as a member of the U.S. Marine Corps 1st Battalion, 2nd Marine Division as a platoon sergeant, and was deployed to Iraq with the II Marine Expeditionary Force for Operation Iraqi Freedom; and

WHEREAS, Staff Sgt. Goodwin was moved to the 2nd Marine Regimental Training Center to serve as the chief instructor for the regiment, and was redeployed to Iraq in February 2005 in the service of his country; and

WHEREAS, Staff Sgt. Goodwin was a courageous soldier who received more than two dozen medals and commendations in the Marine Corps and a loving husband, father, son and brother; and

WHEREAS, Staff Sgt. Goodwin has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

WHEREAS, Staff Sgt. Goodwin'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 Tuesday, May 17, 2005, in recognition and mourning of U.S. Marine Corps Staff Sgt. Anthony L. Goodwin.

2. This Order shall take effect immediately.

Dated May 16, 2005.

EXECUTIVE ORDER No. 38

WHEREAS, United States Marine Corps Major John Charles Spahr, a native of Cherry Hill, New Jersey, attended Saint Joseph's Preparatory School in Philadelphia, where he played football, baseball and basketball, rowed for the Schools Crew Team, was voted Best All-Around Athlete and graduated in 1981; and

WHEREAS, Major Spahr attended the University of Delaware, where he earned a Bachelor's Degree in Physical Education and a Master's Degree in Exercise Physiology and was a member of the football team; and

WHEREAS, Major Spahr subsequently enlisted in the U.S. Marine Corps, where he completed his officer training in 1989 and thereafter attended the U.S. Navy's "Top Gun" Fighter Weapons School in 1996; and

WHEREAS, Major Spahr later served as an instructor pilot at the "Top Gun" School and was embarked aboard the aircraft carrier U.S.S. Constellation when the Iraq war began in March 2003; and

WHEREAS, Major Spahr served proudly as Executive Officer of Marine Fighter Attack Squadron 323 in the Persian Gulf aboard the carrier U.S.S. Carl Vinson; and

WHEREAS, Major Spahr was a courageous pilot who had recently been named for a promotion to Lieutenant Colonel and was a loving father, son and brother; and

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

WHEREAS, Major Spahr'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 Wednesday, May 18, 2005, in recognition and mourning of United States Marine Corps Major John Charles Spahr.

2. This Order shall take effect immediately.

Dated May 17, 2005.

EXECUTIVE ORDER No. 39

WHEREAS, A contributing factor to the recent budget shortfall has been a \$1.4 billion increase in mandatory funding needs, including nearly a \$1 billion increase in employee benefits; and

WHEREAS, Continuing increases in employee benefits costs contribute to the structural deficit that New Jersey faces every year; and

WHEREAS, Over the last four years growth in benefits has helped drive budget spending increases; and

WHEREAS, The total cost of health care benefits for current State employees has risen by 50 percent over the last four years; the total cost of health care benefits for retired State and college employees has more than doubled; and the total cost of health benefits provided free of charge to retired teachers and other school personnel has doubled; and

WHEREAS, Employee benefit costs are projected to be 14 percent of the State's overall FY 2006 Budget as compared to 8.8 percent four years ago, and by the year 2010, it is projected that benefit costs will constitute 20 percent of the State budget; and

WHEREAS, Controlling growth in employee benefit programs cannot occur overnight, but it is critical that the process to review and recommend ways in which the costs of health benefits and pensions for public employees can be managed begin now, while still maintaining fair benefits for those employees;

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 established a Benefits Review Task Force (hereinafter "Task Force"). The Task Force shall consist of eight members, including the State Treasurer, the Commissioner of Labor and Workforce Development, and six public members appointed by the Governor. The public members shall be selected from among individuals with knowledge or experience in the areas of employee benefits, pensions, management, finance or economics in the academic, corporate or government setting. The Governor shall appoint the Chair of the Task Force.

2. The Task Force shall (1) examine the current laws, regulations, procedures and agreements governing the provision of employee benefits to State and local government workers, (2) analyze the current and future costs of the benefits, (3) compare the level of benefits provided to government employees in this State to the benefits provided to other workers, and (4) recommend changes to the laws, regulations, procedures and agreements designed to control the costs of such benefits to the State's taxpayers, while ensuring the State's public employees a fair and equitable benefit system.

3. The Task Force shall issue its report to the Governor within six months of the effective date of this Executive Order.

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

5. This Order shall take effect immediately.

Dated May 25, 2005.

EXECUTIVE ORDER No. 40

WHEREAS, Executive Order No. 1 (2004) created a Governor's Task Force on Mental Health (hereinafter the "Task Force") to undertake a comprehensive review of New Jersey's mental health system, and to make recommendations 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; and

WHEREAS, On March 31, 2005, the Task Force issued its Final Report that identified priority recommendations to achieve immediate relief for an overburdened and under-funded infrastructure and that provided a blueprint for developing quality, consumer and family directed care and systems while including longer-term recommendations; and

WHEREAS, Certain of the Task Force's recommendations require legislative action while others can be implemented more quickly through administrative direction; and

WHEREAS, Some of the recommendations have already been pursued, including the filing and subsequent adoption of Reorganization Plan 002-2005, moving the responsibility for monitoring and inspecting residential health care facilities from the Department of Health and

Senior Services to the Department of Community Affairs, and the inclusion in the FY 2006 budget proposal of an additional \$40 million to recast the State's mental health system to provide services that are comprehensive, accessible and consumer-driven; and

WHEREAS, It is critical that the State of New Jersey and its governmental agencies foster the movement of New Jersey's mental health system away from a status quo characterized by stigma and isolation, towards a Treatment, Wellness and Recovery model, in as expeditious a manner as possible;

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. Utilizing existing resources, the Department of Human Services shall expand its existing 800-number and shall establish a Statewide information and referral system.

2. The Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency shall review their existing regulations, policies and enabling legislation specific to housing for special needs individuals and shall promulgate new or revised rules and recommend such legislative amendments as are necessary to foster the process of creating the 10,000 housing opportunities envisioned in the Task Force report. These recommendations shall include allowing access to new housing in the community, prioritizing rental assistance for people with disabilities, and changes to Council on Affordable Housing regulations.

3. The Department of Human Services shall take all necessary action to ensure that County Mental Health Boards operate consistent with the provisions of N.J.A.C. 10:37-1 et seq., in regard to all of the Boards' duties for both the adult and children's mental health system, especially in regard to local planning and monitoring.

4. The Commissioner of Human Services shall take the necessary steps to elevate the position of Director, Division of Mental Health Services to a Special Assistant Commissioner for Mental Health Services, reporting directly to the Commissioner of Human Services. This action will elevate the profile of mental health within New Jersey State government.

5. The State shall clearly outline the requirements for protecting privacy in compliance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). Where consistent with federal requirements, the State shall streamline the process of obtaining consent from individuals to share essential information, gain access to services, transfer essential information for the provision of high-quality of care and enroll or verify enrollment in necessary entitlement programs. The State shall further distribute that information to consumers, family members and providers. The Department of Human Services is directed to work with the Community Health Law Project to develop, print and distribute a user-friendly pamphlet explaining these requirements.

6. This Order shall take effect immediately.

Dated June 2, 2005.

EXECUTIVE ORDER No. 41

WHEREAS, There are numerous entities in State government that are not directly controlled through the normal administrative infrastructure, including many authorities, commissions, boards and agencies; and

WHEREAS, Executive Order No. 10 (2002) mandates that members of certain boards, commissions, independent authorities and public corporations, as well as the executive or administrative head and assistant heads of such boards, commissions or independent authorities file annual financial disclosure statements; and

WHEREAS, Executive Order No. 122 (2004) directs that all public authorities, agencies and commissions create an audit committee to assist in the oversight of the financial reporting and audit processes of that entity, and that such audit committee follow certain specified procedures in carrying out its duties; and

WHEREAS, Executive Order No. 134 (2004) requires that the State of New Jersey and all of its agencies and independent authorities implement procedures designed to limit or ban campaign contributions by vendors doing business with the State or its authorities; and

WHEREAS, The public deserves to know that each and every entity associated with State government, directly or indirectly, functions with proper internal accounting controls and independent Board oversight so that taxpayer dollars or user fees are properly recorded, managed and disbursed; and

WHEREAS, The ethics reforms heretofore advanced by this administration should apply not only to the direct operations of State government but to each and every entity connected to the State of New Jersey by virtue of its financial or operational relationship to the State;

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. For the purpose of this Order, "authority" shall mean any board, commission or agency which is organized in but not of a principal department of State government and any independent authority. Furthermore, for the purpose of this Order, "Executive Director" shall mean the Executive or Administrative Head of an authority.

2. The Governor's Authorities Unit, in conjunction with the Executive Commission on Ethical Standards and the Inspector General, shall hold several training sessions for members of all State authorities in government ethics and, where appropriate, proper fiscal practices, including specific training in the requirements of the Federal Sarbanes Oxley Act, as related to their duties as authority members. Such training will include the responsibility of authority members in the employment of authority staff, oversight of procurement and fiscal operations and approval of contracts. As of January 1, 2006 and annually thereafter, the Executive Director of each authority shall certify in writing to the Director of the Governor's Authorities Unit that each member of the authority has completed such training. Such training will be updated annually at the direction of the Director of the Governor's Authorities Unit to include such Federal mandates as directed by Congress and such State mandates as directed by the Office of the Inspector General.

3. The Inspector General shall assess the internal controls that are in place at every authority and make recommendations concerning what

uniform practices and procedures should be established for all State authorities.

4. Within 30 days, the Director of the Governor's Authorities Unit shall provide recommendations concerning whether there are any authorities, boards, commissions or agencies that are not presently covered by the provisions of Executive Order Nos. 10, 122, 134 or this Executive Order, but should be included within its scope. The Director shall further review whether any Executive Director of an authority also serves as a member of the authority, and recommend whether legislative or regulatory changes are necessary to eliminate this service in dual capacities.

5. Within 30 days of the date of this Executive Order and annually as of May 15 thereafter, the Executive Director of an authority shall certify in writing to the Director of the Governor's Authorities Unit that all authority members have met the requirements of Executive Order No. 10.

6. Within 45 days of the date of this Executive Order and annually as of January 1 thereafter, each Executive Director shall certify in writing to the Director of the Governor's Authorities Unit that the authority has met the requirements of Executive Order No. 122, which includes the requirement that every authority covered by that Executive Order have an Audit Committee that serves independently of the management of the authority in soliciting, procuring and overseeing the function of the independent auditor and ensuring that the relationship with such auditor is the function of the Board and not the management of the authority.

7. Within 60 days of this Executive Order and annually as of January 1 thereafter, each Executive Director shall certify in writing to the Director of the Governor's Authorities Unit that the authority has met the requirements of Executive Order No. 134, which includes the requirement that every authority comply with procedures designed to limit or ban campaign contributions by vendors doing business with the State or the authority.

8. The failure of any authority member, officer or employee to comply with the provisions of this Executive Order shall constitute good cause for his or her removal from office or employment.

9. This Order shall take effect immediately.

Dated June 15, 2005.

EXECUTIVE ORDER No. 42

WHEREAS, United States Army Captain Charles D. Robinson, a former resident of Haddon Heights, New Jersey, was commissioned in the Army after he graduated from Cedarville College in 1998; and

WHEREAS, Captain Robinson served proudly as a member of the First Battalion, 7th Special Forces Group, and was deployed to Afghanistan in January 2005; and

WHEREAS, Captain Robinson was a courageous soldier and a loving husband and son; and

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

WHEREAS, Captain Robinson'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 Tuesday, July 5, 2005, in recognition and mourning of United States Army Captain Charles D. Robinson.

2. This Order shall take effect immediately.

Dated June 30, 2005.

EXECUTIVE ORDER No. 43

WHEREAS, Terrorists have used improvised explosive devices to attack trains in London, England, and while there is no specific threat to the

New Jersey metropolitan area, an enhanced law enforcement presence on trains entering and leaving New York City and New York State is appropriate; and

WHEREAS, The New Jersey State Police on New Jersey Transit trains are required by law to exit the trains at the last stop in New Jersey while New York City and New York State law enforcement officers are required to exit trains at the last stop in New York; and

WHEREAS, The provisions of the Interstate Civil Defense and Disaster Compact permit the States of New Jersey and New York to extend the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services; and

WHEREAS, The State of New York has entered an executive order extending law enforcement powers to New Jersey law enforcement officers accompanying trains into New York City; 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. and 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; and

WHEREAS, The Governor is empowered to request aid pursuant to the Interstate Civil Defense and Disaster Compact, N.J.S.A. 38A:20-3 and to grant powers of arrest and other powers to law enforcement officers from other states;

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. That in order to facilitate the security on the trains and throughout the State of New Jersey, in accordance with the Interstate Civil Defense and Disaster Compact, N.J.S.A. 38A:20-3, that mutual aid is requested of New York State and New York City law enforcement officers, to provide enhanced security on trains exiting and returning to the State of New York, and such officers are hereby granted all law enforcement powers while

providing enhanced security on the trains and in the train stations in the State of New Jersey, including the power of arrest. This Declaration is not intended to alter or amend any compacts, policies, legal authorization or opinions regarding law enforcement powers during hot pursuit.

2. That the State Director of Emergency Management implement the State Emergency Operations Plan and direct the activation of county and municipal emergency operations plans as necessary to implement this order.

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

4. That it shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies, authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this Order.

5. In accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, that the Adjutant General order to active duty such members of the New Jersey National Guard that, 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.

6. This Order shall take effect immediately and shall remain in effect until such time as it is rescinded by me.

Dated July 7, 2005.

EXECUTIVE ORDER No. 44

WHEREAS, Terrorists have used improvised explosive devices to attack trains in London, England, and as a precautionary measure, the United

States Coast Guard has raised the Maritime Security or MARSEC level for all ferries carrying 150 passengers or more; and

WHEREAS, While there is no specific threat to the New Jersey metropolitan area, an enhanced law enforcement presence on all forms of mass transportation, including ferries entering and leaving New York City and New York State is appropriate; and

WHEREAS, The New Jersey State Police and local police, when riding a commuter ferry between New Jersey and New York, do not have law enforcement authority once the ferry crosses the jurisdictional boundary from New Jersey to New York; and

WHEREAS, The New Jersey and New York City law enforcement officers, when riding a commuter ferry between New York and New Jersey, do not have law enforcement authority once the ferry crosses over jurisdictional boundary from New York and New Jersey; and

WHEREAS, The provisions of the Interstate Civil Defense and Disaster Compact permit the States of New Jersey and New York to extend the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services; and

WHEREAS, The State of New York is about to or has entered an executive order extending law enforcement powers to New Jersey law enforcement officers riding ferries into New York City; 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. and 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; and

WHEREAS, The Governor is empowered to request aid pursuant to the Interstate Civil Defense and Disaster Compact, N.J.S.A. 38A:20-3 and to grant powers of arrest and other powers to law enforcement officers from other States;

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. That in order to facilitate the security on the ferries and throughout the State of New Jersey, in accordance with the Interstate Civil Defense and Disaster Compact, N.J.S.A. 38A:20-3, that mutual aid is requested of New York State and New York City law enforcement officers, to provide enhanced security on ferries exiting and returning to the State of New York, and such officers are hereby granted all law enforcement powers while providing enhanced security on the ferries and in the customary points of embarkation and debarkation for such vessels in the State of New Jersey, including the power of arrest. This Order is not intended to alter or amend any compacts, policies, legal authorization or opinions regarding law enforcement powers during hot pursuit.

2. That the State Director of Emergency Management implement the State Emergency Operations Plan and direct the activation of county and municipal emergency operations plans as necessary to implement this order.

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

4. That it shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this Order.

5. In accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, that the Adjutant General order to active duty such members of the New Jersey National Guard that, 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.

6. This Order shall take effect immediately.

Dated July 10, 2005.

EXECUTIVE ORDER No. 45

WHEREAS, On July 9, 2004, legislation providing for the implementation of the State Development and Redevelopment Plan (March 1, 2001) through, inter alia, the establishment of a Smart Growth Ombudsman in the Department of Community Affairs ("DCA") and the creation of a Division of Smart Growth in each of the Departments of Environmental Protection ("DEP"), Transportation ("DOT") and DCA, as well as providing for the expediting of certain State permits in designated smart growth areas and other regulatory reforms, was signed into law as P.L.2004, c.89; and

WHEREAS, P.L.2004, c.89 required DCA, DEP and DOT each to develop a program for the qualification and registration of professionals within 120 days of its enactment; and

WHEREAS, A primary purpose of P.L.2004, c.89 was to provide a comprehensive and transparent permitting system with expedited timetables in smart growth areas; and

WHEREAS, P.L.2004, c.89 authorized DEP, DOT and DCA each to adopt rules and regulations in accordance with the New Jersey Administrative Procedure Act, P.L.1968, c.410 (C.52:14B-1 et seq.) (APA) to implement the requirements of P.L.2004, c.89; and

WHEREAS, In order to effectuate the purposes of P.L.2004, c.89, a large number of separate rulemaking proposals must be adopted by the affected departments, requiring a high level of coordination among those departments, their Directors of Smart Growth, the Smart Growth Ombudsman, and interested members of the public; and

WHEREAS, P.L.2004, c.89 expressly provided that its provisions should not "be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program"; and

WHEREAS, The State of New Jersey presently receives considerable federal funding in grants and loans to implement federal laws and programs, and it is in the best interests of the State to ensure the continuation of this important partnership; and

WHEREAS, Representatives of the federal government have raised concerns regarding the effects of P.L.2004, c.89 on federal programs; and

WHEREAS, It is imperative that DEP, DOT and DCA carefully develop rules to fully implement P.L.2004, c.89 while simultaneously ensuring the continuation of all federal programs and financial arrangements, and the continuation of adequate opportunities for public notice and participation in the permitting process; and

WHEREAS, In recognition of these facts, former Governor McGreevey issued Executive Order No. 140 (2004), requiring the affected departments to utilize the pre-proposal process for administrative rulemaking pursuant to the APA to ensure full public participation, thoroughness and due deliberation in rulemaking; and

WHEREAS, The pre-proposal process resulted in the submission of several comments that raised legitimate issues warranting careful deliberation by the State departments before they engage in formal rulemaking; and

WHEREAS, Executive Order No. 140 (2004) further directed the DEP to consider measures for conforming implementation of P.L.2004, c.89 with applicable federal standards and protections to ensure that the proposed State regulations do not, directly or indirectly, modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program, including the Coastal Permit Program Rules (including the Waterfront Development Act, Wetlands Act of 1970, Freshwater Wetlands Protection Act, Flood Hazard Area Control Act, Endangered Non-game Species Conservation Act); Freshwater Wetlands Protection Act; Toxic Catastrophe Prevention Act; Spill Compensation Control Act; Transportation of Hazardous Liquids Act; Industrial Establishments Act; New Jersey Environmental Infrastructure Trust Act; New Jersey Safe Drinking Water Act; New Jersey Water Pollution Control Act; Water Supply Bond Act; Wastewater Treatment Bond Act of

1985; Water Quality Management Planning Act; Industrial Site Recovery Act; Underground Storage of Hazardous Substance Act; and Brownfields and Contaminated Site Remediation Act; and

WHEREAS, Outstanding legal issues remain concerning the impact, if any, of DEP's potential regulatory actions to implement P.L.2004, c.89 upon federally delegated programs;

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, hereby ORDER and DIRECT as follows:

1. Until such time as the federal government and the DEP reach agreement concerning the impact, if any, of DEP's proposed rules implementing P.L.2004, c.89 upon the ability of DEP to administer the federal programs described above, no expedited permit, permit-by-rule, or general permit under P.L.2004, c.89 may be accepted for review by any State department or division.

2. In recognition of the supremacy of federal law, once agreement is reached between the federal government and the affected departments, DEP, DOT and DCA shall conform their proposed rules implementing the expedited permitting provisions of P.L.2004, c.89, to the extent those provisions are applicable, with the federal agencies' standards and protections to ensure that such regulations do not, directly or indirectly, modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program. Thereafter, each affected department shall provide for pre-publication review of the proposed final regulations by interested parties as permitted by the Administrative Procedure Act, N.J.S.A. 52:14B-4(e).

3. To ensure further consistency and coordination in the implementation process, in addition to the foregoing, no proposed rule for the implementation of P.L.2004, c.89 shall be published by any department until such time as all rules necessary and desirable for the implementation of P.L.2004, c.89 are approved and reviewed as described above, at which time all departments shall submit all such rules for simultaneous publication.

4. This Order shall take effect immediately.

Dated July 12, 2005.

EXECUTIVE ORDER No. 46

WHEREAS, According to a study conducted by the Center for Disease Control, steroid use among teens has more than doubled over the last decade, with an especially alarming increase among teenage girls; and

WHEREAS, Research has shown that the use of steroids and other performance enhancers has profoundly harmful effects on the physical and mental health of teens; and

WHEREAS, The documented health risks of steroid use include, among others, the increased chance of suffering heart attack or stroke; of developing liver and other cancers; and of triggering mood and hormonal imbalances; and

WHEREAS, The State of New Jersey must take immediate steps to assess and combat this problem before it becomes a public health crisis;

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 established the Governor's Task Force on Steroid Use and Prevention (hereinafter "The Task Force"). The Task Force shall be composed of the Commissioners of Education and Health and Senior Services and 16 public members, drawn from the fields of education, science, athletics, law, and journalism, who have expertise and experience in assessing and tackling teen steroid use.

2. The Governor shall appoint the Chair of the Task Force. The members of the Task Force shall serve at the pleasure of the Governor and shall not receive compensation for their service on the Task Force.

3. The Task Force shall be responsible for:
 - (1) holding public hearings and a summit to gather information on the physical and psychological effects of steroid use on teenagers;
 - (2) determining the extent of the problem among high school student-athletes in New Jersey;
 - (3) ascertaining the feasibility and prudence of steroid testing;

- (4) developing a Statewide steroid education program to be taught in our schools;
- (5) determining the most appropriate academic setting, such as physical education or health class, in which to implement said educational program;
- (6) examining the effects and prevalence of other performance enhancers, such as nutritional supplements, and determining whether to include information on them in the proposed educational program;
- (7) crafting a comprehensive policy on steroid use and prevention, to be introduced throughout New Jersey schools.

4. By December 1, 2005, the Task Force shall present to the Acting Governor a comprehensive report setting forth its findings and recommendations for addressing the problem of teen steroid use.

5. In addition, a Summit on Steroid Use and Prevention for State high school athletic directors and other school administrators shall be convened this winter. The Summit will serve to educate school personnel about the issue of teen steroid use and about concrete steps they can take to eliminate the problem in their individual schools.

6. This Order shall take effect immediately.

Dated July 19, 2005.

EXECUTIVE ORDER No. 47

WHEREAS, Brigadier General Steven L. Bell, a devoted family man, served honorably from 1969 to 1971 in the United States Army Reserve; and

WHEREAS, Brigadier General Bell enlisted in the New Jersey Army National Guard in 1971 and was commissioned as a Second Lieutenant in 1973; and

WHEREAS, Brigadier General Bell graduated from the United States Army War College in 2001 with a Master of Strategic Studies degree; and

WHEREAS, Brigadier General Bell's noteworthy military career included assignment as the Chief of Staff, STARC; Chief, Military Support

Division; Commander, 42nd DISCOM and Commander, 205th Forward Support Battalion; and

WHEREAS, Following a successful career with the Internal Revenue Service, Brigadier General Bell was employed by the Department of Military and Veterans' Affairs as the Deputy Executive Director of Homeland Security; and

WHEREAS, Brigadier General Bell last served the New Jersey National Guard as the Assistant Adjutant General and was recently awarded the Legion of Merit; and

WHEREAS, It is with deep sadness that we mourn the loss of Brigadier General Bell and extend our sincerest sympathy to his family and friends;

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, August 5, 2005 in recognition and mourning of the passing of Brigadier General Steven L. Bell.

2. This Order shall take effect immediately.

Dated August 4, 2005.

EXECUTIVE ORDER No. 48

WHEREAS, New Jersey was the crossroads of the American Revolution, both because of its location along the primary north/south land route within the American colonies, and because it was situated between the British headquarters in New York City and the Continental Congress in Philadelphia; and

WHEREAS, New Jersey's location between the warring parties was such that from the Battle of Bunker Hill in 1775 until the formal British surrender in 1783, continuous civil war took place on New Jersey soil between individuals and communities loyal to the Crown and those seeking independence for the American colonies; with the result that nowhere in the 13 colonies was the cost to the civilian population greater; nowhere was the suffering of the troops greater; nowhere was the price of liberty more dear than in New Jersey; and

WHEREAS, Military action in New Jersey between 1775 and 1783 included five major campaigns: the American retreat from New York; the Ten Crucial Days (Crossing of the Delaware and Battles of Trenton and Princeton) of 1776 and 1777; the defense of the Delaware and capture of Philadelphia; the British retreat from Philadelphia and the Battle of Monmouth; and the closing battle in New Jersey at Springfield; and some 291 lesser-known battles and encounters, including Tory and militia raids, strikes by privateers from the protection of rivers and bays, and ambushes from woodland or mountain hideaways; which were important to the outcome of the American Revolution, and thereby to the history of the United States; and

WHEREAS, The Continental Army spent winters in the rural Morristown and Middlebrook areas, while the British Army made winter encampments in New Jersey cities; and the farms, mines, and mills located in New Jersey supplied both armies as they fought their way back and forth across the State; and

WHEREAS, General George Washington spent almost half the period of the American Revolution commanding troops of the Continental Army in New Jersey; and

WHEREAS, The National Register of Historic Places lists more than 250 buildings and sites in the State of New Jersey that are associated with the period of the American Revolution; while portions of the New Jersey landscape important to the strategies of the British and Continental armies, including waterways, mountains, farms, wetlands, villages, and roadways:

- A. Retain the integrity of the period of the American Revolution; and
- B. Offer outstanding opportunities for conservation, education and recreation; and

New Jersey State Library

WHEREAS, Because of the important role that New Jersey played in the successful outcome of the American Revolution, there is a State interest in developing a regional framework to assist local and county governments, organizations, and private citizens in:

- A. Preserving and protecting cultural, historic, and natural resources of the period; and
- B. Bringing recognition to those resources for the educational and recreational benefit of the present and future generations of citizens of the State and the United States; and

WHEREAS, Pursuant to FY2000 Congressional direction recommended by Reps. Rodney Frelinghuysen and Rush Holt, the United States Department of the Interior's National Park Service conducted a special resource and feasibility study in the State of New Jersey, publishing its findings in August, 2002, in a draft report entitled "Crossroads of the American Revolution: Special Resource Study, National Heritage Area Feasibility Study and Environmental Assessment"; and

WHEREAS, The National Park Service concluded that nationally distinctive cultural, historic, and natural resources in the State of New Jersey meet the criteria necessary for federal designation, and that establishment of a Crossroads of the American Revolution National Heritage Area is suitable and feasible; and

WHEREAS, The National Park Service's Crossroads of the American Revolution study names the Crossroads of the American Revolution Association, Inc., as the management entity for the National Heritage Area, noting that the Association is a nonprofit corporation whose board of directors is designed to represent the widest variety of interests and locations within the proposed National Heritage Area, which may include local government, business, education, historians, historic preservation, open space and natural resource protection, sports persons, tourism and recreation; and that its mission is to foster the conservation, preservation and interpretation of New Jersey's American Revolutionary heritage in ways that enhance public understanding about the people, places and events that transformed the course of American history; and

WHEREAS, In October, 2002, after considering the public comment received, the Northeast Region of the National Park Service published a Public Comment Document, in which the "Preferred Boundary

Proposal" option (often referred to as the "red boundary" option for the color of the proposed National Heritage Area in the attached map depicting this option) was selected for the delineation of the Crossroads of the American Revolution National Heritage Area; the recommended area would include all or part of fourteen counties in central New Jersey, stretching from the Delaware River to the Atlantic Ocean, and from Gloucester County in the south-central part of the State almost to the New York border in Bergen County; and

WHEREAS, In late 2002, the Secretary of the Interior certified to Congress that the Crossroads of the American Revolution met all National Park Service criteria as a National Heritage Area; and Senators Jon Corzine and Frank Lautenberg plan to introduce a bill in the Senate and Reps. Rodney Frelinghuysen and Rush Holt have introduced a parallel bill in the House of Representatives which would establish in New Jersey the "Crossroads of the American Revolution National Heritage Area" and would provide funding for developing a plan which will focus attention on the area's distinctive natural and cultural resources and promote the partnerships required for their protection;

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 is hereby declared to be the "Crossroads of the American Revolution," and a Crossroads of the American Revolution State Heritage Area is hereby designated, with the lands and waters within the "red boundary" set forth in the "Preferred Boundary Proposal" map (attached) comprising the area of this State Heritage Area; encompassing resources in 213 municipalities and all or portions of 14 counties in central New Jersey, with branches to the north and south connecting the area to New York and Pennsylvania.

2. This Executive Order shall serve as a preparatory and facilitating step toward securing Congressional designation of the Crossroads of the American Revolution National Heritage Area in concert with recommendations of the United States Department of the Interior, National Park Service and with provisions of the pending federal legislation.

3. All departments, officers, divisions and agencies of the State are hereby directed to cooperate as much as practically feasible with the nonprofit Crossroads of the American Revolution Association, Inc., as well as any other nonprofit groups dedicated to the conservation, preservation and interpretation of New Jersey's Revolutionary War heritage in this Heritage Area, to further their goals, as appropriate within the limits of statutory authority and appropriations.

Dated August 5, 2005.

EXECUTIVE ORDER No. 49

WHEREAS, The State Records Committee has the statutory responsibility to promulgate standards, schedules, and regulations for creation, retention, and final disposition of public records of State agencies in the State of New Jersey; and

WHEREAS, The State Records Committee seeks to foster integrity, economy, efficiency, and effectiveness in the management of the public records of State agencies in New Jersey; and

WHEREAS, Improved management of the public records will enhance State agencies' promptness and accuracy in responding to public requests for access to records under the provisions of the Open Public Records Act; and

WHEREAS, Electronic and digital technologies are rapidly transforming practices for managing State agencies' public records; and

WHEREAS, Many State agencies' records retention schedules may mandate lengthy or permanent retention of records that are no longer needed for the legal, fiscal, administrative, or historical purposes of the State, or for protection of the rights, privileges, and property of the public; and

WHEREAS, The storage of State agencies' records in State-owned and leased warehouses or commercial facilities may include obsolete public records, which drains scarce public resources; and

WHEREAS, The Division of Archives and Records Management in the Department of State is mandated by law to classify public records and assess retention requirements in cooperation with State agencies, and to propose appropriate retention schedules to the State Records Committee for adoption;

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 Division of Archives and Records Management (DARM), in coordination with the State Records Committee (SRC), shall undertake and direct a global review of State agency records retention schedules, practices and procedures in partnership with all agencies in the Executive Branch of State government.
2. The purpose of this coordinated program is to:
 - a. identify State records now scheduled for lengthy or permanent retention that are no longer needed for the legal, fiscal, administrative or historical purposes of the State or for the protection of the civil rights, privileges and property of the general public;
 - b. present adjusted records retention schedules to the SRC for adoption; and
 - c. institute Statewide requirements for timely disposition of obsolete records.
3. As part of this coordinated program, the SRS and DARM are empowered to:
 - a. require adjustments in State agency records retention schedules; and
 - b. enforce disposition of State records whose legal retention periods have expired.
4. All State agencies that use off-site facilities, whether State owned or leased, or that contract with commercial vendors for the storage of records, are directed to seek review and approval from DARM prior to applying to the Department of the Treasury for issuance or renewal of such contracts.
5. The Department of the Treasury's Purchase Bureau and the Office of Information Technology are directed to consult with DARM when

reviewing requests for hard copy and electronic records storage and conversion services contracts and records-related technology purchases.

6. All State agencies are directed to certify the imaging systems that are currently in use in their agencies.

7. The SRC and DARM may request assistance from any department, division, office or agency of the State. Any department, division, office or agency of the State is hereby required to cooperate with the SRC and DARM and furnish it with information and personnel assistance to the extent necessary to achieve the goals of this Order.

8. This Order shall take effect immediately.

Dated August 5, 2005.

EXECUTIVE ORDER No. 50

WHEREAS, The President of the United States, in Homeland Security Directive No. 5 (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent, nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic security incidents, regardless of cause, size or complexity; and

WHEREAS, The collective input and guidance from all federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, It is necessary and desirable that all federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, To facilitate the most efficient and effective incident management system, it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational

structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and implementing comprehensive resource management and designated incident facilities during domestic security emergencies or disasters; and

WHEREAS, The NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and State agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, The Incident Command System (ICS) components of NIMS are already an integral part of various incident management activities currently being undertaken throughout the State, including current emergency management training programs; and

WHEREAS, The National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized ICS; and

WHEREAS, As used herein, the term "first responder" has the same meaning as used in HSPD-8 and applies regardless of whether the first responder is paid or volunteer; and

WHEREAS, HSPD-8 has defined first responders to include those individuals who, in the early stages of an incident, are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in Section 2 of the Homeland Security Act of 2002 (6 U.S.C. s.101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators, who provide immediate support services during prevention, response, and recovery operations; and

WHEREAS, The federal Homeland Security Act of 2002 provides that the term "emergency response providers" includes federal, state, and local emergency public safety, law enforcement, emergency response, emergency medical, including hospital emergency, and related personnel, agencies, and authorities; and

WHEREAS, The NIMS ICS is based upon the National Wildfire Coordinating Group curriculum, the same Incident Command System that is currently used by the fire service and emergency management in New Jersey, as well as the New Jersey State Police;

NOW, THEREFORE, I, Richard J. Codey, Acting Governor of the State of New Jersey, by the virtue of the authority vested in me by the Constitution and Laws of the State of New Jersey do hereby ORDER and DIRECT:

1. There is established an incident management system in New Jersey which shall be the National Incident Management System (NIMS). The NIMS shall be the State standard for incident management and it shall be used for all emergency incidents in this State. All State departments and agencies, within 60 days of this Order, and thereafter from time to time as may be appropriate to maintain compliance with federal requirements, shall issue such directives, administrative orders and regulations as may be necessary to ensure the use of the NIMS on all incidents by all first responders within their subject areas of responsibility, including those first responders at the departmental, agency, county and local levels.

2. All first responders shall complete the NIMS Awareness Course: National Incident Management System (NIMS), An Introduction, and all State department and agency heads, as well as their senior staff and other staff members with emergency response responsibility, also shall complete the NIMS course.

3. All responses conducted pursuant to the State Emergency Operations Plan (EOP), or any county or municipal EOP, shall be conducted in accordance with the NIMS. All State departments and agencies shall incorporate the NIMS into existing training programs and exercises, wherever appropriate. All first responders shall annually participate in multi-discipline exercises and drills that utilize the NIMS. The Domestic Security Preparedness Task Force shall coordinate existing learning management and tracking systems to track incident management and other NIMS training, and the Division of Fire Safety in the Department of Community Affairs, the State Forest Fire Service and the State Office of Emergency Management shall expand their existing Memorandum of Agreement to include all departments and agencies with responsibility for the implementation of the NIMS in the development of equivalent, uniform training standards and programs.

4. The State Office of Emergency Management shall work with the Emergency Support Function lead agencies to develop a strategy to train: (a) all entry level first responders, including firefighters, police officers, emergency medical services providers, public works on-scene personnel, public health on-scene personnel and other emergency responders, and other emergency personnel that require an introduction to the basic components of the ICS, to the ICS-100: Introduction to ICS level, prior to December 31, 2005; (b) all first line supervisors, single resource leaders, lead dispatchers, field supervisors, company officers and entry level positions (trainees) on Incident Management Teams and other emergency personnel that require a higher level of ICS training to the ICS-200: Basic ICS Basic level, prior to December 31, 2006; (c) all middle management, strike team leaders, task force leaders, unit leaders, division/group supervisors, branch directors and Multi-Agency Coordination System/Emergency Operations Center staff to the ICS-300: Intermediate ICS level, prior to December 31, 2007; and (d) all command and general staff, agency administrators and department heads with on-scene incident management responsibilities, emergency managers, areas commander and Multi-Agency Coordination System/Emergency Operations Center managers to the ICS-400: Advanced ICS level, prior to December 31, 2007. The State Office of Emergency Management also shall work with the Emergency Support Function lead agencies to develop a strategy to provide to elected officials, senior executive, senior managers and agency administrators with policy responsibilities, but without specific ICS or Multi-Agency Coordination System function/roles or responsibilities the ICS-402: ICS Summary for Executives course.

5. All county and municipal OEMs shall incorporate the NIMS into the county or municipal EOP during the next update pursuant to N.J.S.A. App. A:9-43.2, and the State Office of Emergency Management shall promote intrastate mutual aid agreements whenever feasible.

6. The Attorney General, as State Administrative Agency (SAA) for the Department of Homeland Security grants, and the Commissioner of Health and Senior Services, as SAA for Health and Human Services and Centers for Disease Control grants, and any other designated SAA shall assure that federal Fiscal Year 2005, 2006 and 2007 grants support the above objectives, and the Attorney General and Commissioner and any other designated SAA shall report their progress on these issues to the Domestic Security Preparedness Task Force on a regular basis.

7. Beginning on January 1, 2006, all State departments and agencies shall condition award of all preparedness grants upon compliance with federal requirements for the NIMS.

8. The Attorney General shall ascertain such other steps as may be required to assure that the State of New Jersey is in compliance with the Department of Homeland Security's evolving requirements for the NIMS and shall work through the Domestic Security Preparedness Task Force to implement such measures.

9. This Order shall take effect immediately.

Dated August 5, 2005.

EXECUTIVE ORDER No. 51

WHEREAS, In August 2004, the Legislature enacted P.L. 2004, c.121, known as the "New Jersey Fair and Clean Elections Pilot Project"; and

WHEREAS, That Act was designed to strengthen public confidence in New Jersey's democratic processes and institutions by establishing a Clean Elections Pilot Project to provide selected candidates for the offices of Member of the General Assembly with equal resources with which to communicate with voters; and

WHEREAS, That Act further provided that the participants in the New Jersey Fair and Clean Elections Pilot Project would be selected by the Chairs of the State political parties whose candidate for Office of the Governor received the largest number and second largest number of votes in the most recent gubernatorial election, each from among one of three specified legislative districts; and

WHEREAS, Those districts have been selected by the respective Chairs of the eligible political parties; and

WHEREAS, In order to be certified as a New Jersey Fair and Clean Elections candidate under the Act, the participating candidates must obtain a specified number of contributions in certain amounts within a certain timeframe; and

WHEREAS, The Election Law Enforcement Commission (ELEC) recently amended its implementing regulations to increase the public's ability to contribute to participating candidates in the Pilot Project by using electronic transfers from a checking account or a debit card and contributing through accessing a website; and

WHEREAS, The established deadline for making such qualifying contributions is currently due to expire on September 7, 2005, and it is apparent that most of the participating candidates will not receive sufficient qualifying contributions prior to the current deadline; and

WHEREAS, Without an extension of the deadline, the New Jersey Fair and Clean Elections Pilot Project will most likely not occur, in contravention of the clear legislative intent underlying P.L. 2004, c.121; and

WHEREAS, Following public hearings by the bi-partisan New Jersey Citizens' Clean Elections Commission that is monitoring this issue, the Chair of the Commission endorses an extension of the deadline for making qualifying contributions to participating candidates; and

WHEREAS, The Legislature is not in Session and cannot rectify this anomaly by extending the deadline statutorily; and

WHEREAS, The public interest clearly warrants an extension of the deadline to allow a brief period of time for the improvements recently made by ELEC to work and to allow the participating candidates to reach the number of contributions required in order to qualify under the Pilot Project;

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 qualifying period for participating candidates in the New Jersey Fair and Clean Elections Pilot Project to receive qualifying contributions is extended to September 21, 2005, the 48th day prior to the 2005 General Election.

2. This Order shall take effect immediately.

Dated August 31, 2005.

EXECUTIVE ORDER No. 52

WHEREAS, The recent advance of Hurricane Katrina across the Gulf of Mexico and its landfall along Gulf Shores have caused numerous tornadoes, high winds, extreme tidal surges, extremely heavy thunderstorms, torrential rains, and flooding across many areas within the states of Florida Alabama, Mississippi, and Louisiana; and

WHEREAS, This severe natural disaster has already resulted in extensive human and economic damage across the States which surround the Gulf of Mexico; and

WHEREAS, The destructive conditions and damages caused by Hurricane Katrina are continuing across increasing areas of the southern United States; and

WHEREAS, These extreme conditions, and the resulting destruction of property, interruption of essential human services, and continuing dangers to and loss of human life, now require and will continue to require a massive public and private response to provide immediate, emergency assistance and continuing emergency relief to individual persons, businesses, and federal, state and local governmental units in need of transportation for food, supplies, tools, equipment, medicine, health care, law enforcement, security services, public utility services, sanitation and waste disposal, cleanup of debris, property restoration and reconstruction, and other necessities, which threatens to overload the available transportation systems to, from, and within these affected states; and

WHEREAS, The President of the United States of America has recognized the existence of an emergency within the meaning of Section 390.23 of Title 49, Code of Federal Regulations, resulting from these severe weather conditions, which poses a threat to the public safety and health of persons residing within these affected states; and

WHEREAS, The safety and welfare of the inhabitants of the affected states and the public interest clearly require that operators of commercial motor carriers upon the public highways within New Jersey, who are rendering assistance to the emergency efforts be exempted from certain regulatory requirements while they are engaged in disaster relief efforts;

NOW, THEREFORE, I, ALBIO SIRES, 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. Acknowledging the existence of a regional State of Emergency, the commercial motor vehicle regulatory requirements regarding the purchase of trip permits for registration and fuel for commercial motor carriers engaged in interstate disaster relief efforts in Alabama, Florida, Louisiana or Mississippi, shall be waived.

2. The effective date of this Executive Order shall begin on September 2, 2005, and shall continue in effect until the expiration date as set forth in the National Declaration of Emergency issued by the President of the United States of America, and the expiration dates of any emergency declarations issued by the Governors of the states of Florida, Mississippi, Alabama, and Louisiana, or October 3, 2005, whichever earlier occurs.

3. This Order shall be forwarded to the Chief Administrator of the Motor Vehicle Commission, who shall cause the provisions of this Order to be implemented.

Dated September 2, 2005.

EXECUTIVE ORDER No. 53

WHEREAS, The President of the United States has declared that the states of Louisiana and Mississippi are disaster areas as a result of the destruction and loss of life suffered from the impact of Hurricane Katrina; and

WHEREAS, The states of Louisiana and Mississippi along with the State of New Jersey are members of the Emergency Management Assistance Compact (EMAC) (N.J.S.A. 38A:20-4) which requires New Jersey to provide assistance to any other Compact member who has suffered a disaster and requests such aid; and

WHEREAS, The states of Louisiana and Mississippi have declared that Emergencies exist and have requested aid from New Jersey under the provisions of EMAC; and

WHEREAS, In order to respond to such requests it may be necessary to employ the resources of State, county and local government and the private sector; and

WHEREAS, The aforesaid circumstances may result in the uncoordinated deployment of emergency personnel and delivery of emergency resources and may endanger the health, safety and resources of the citizens of New Jersey by dangerously depleting the supply of essential materials and 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. and 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, ALBIO SIRE, 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 for the specific purpose of activating the Emergency Management Assistance Compact to coordinate multi-state mutual aid to the states of Louisiana and Mississippi and do hereby ORDER and DIRECT:

1. The State Director of Emergency Management shall implement the State Emergency Operations Plan and shall direct the activation of county and municipal emergency operations plans as necessary to identify resources that are available for response to EMAC requests as authorized by and coordinated through the State Director of Emergency Management.

2. In accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, 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 provide a full, prompt and effective utilization of resources to respond to requests from disaster-stricken states.

3. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every

official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters.

4. Pursuant to the Laws of 1942, Chapter 251, as supplemented and amended (N.J.S.A. App. A:9-40), no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

5. In accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, 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 provide a full, prompt and effective utilization of resources to respond to requests from disaster-stricken States to protect against this emergency.

6. All persons participating in a response authorized by the State Director of Emergency Management to an EMAC request shall be considered State emergency forces for the purposes of EMAC.

7. Pursuant to the Laws of 1942, Chapter 251, as supplemented and amended (N.J.S.A. App. A:9-40), no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

8. 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 September 3, 2005.

EXECUTIVE ORDER No. 54

WHEREAS, The Honorable William H. Rehnquist served this Nation with distinction as an associate justice of the United States Supreme Court, and for the past nineteen years as Chief Justice of the United States; and

WHEREAS, Consistent with Title 4 of the United States Code, the President of the United States of America has directed that the flag of the United States of America be flown at half staff in honor of Chief Justice Rehnquist for ten days from the day of his death; and

WHEREAS, It is fitting and proper for the State of New Jersey to mourn the passing and honor the memory of Chief Justice Rehnquist;

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 beginning Tuesday, September 6, 2005 and through and including Tuesday, September 13, 2005, in recognition and mourning of the passing of Chief Justice William H. Rehnquist.

2. This Order shall take effect immediately.

Dated September 6, 2005.

EXECUTIVE ORDER No. 55

WHEREAS, Hurricane Katrina's rampage has caused catastrophic damage, claiming hundreds if not thousands of lives and ravaging property in Louisiana, Mississippi and Alabama; and

WHEREAS, The President of the United States has directed that the flag of the United States shall be flown at half-staff on all federal buildings and grounds as a mark of respect for the victims of Hurricane Katrina; and

WHEREAS, The State of New Jersey similarly 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 the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours through and including Tuesday, September 20, 2005, in recognition and mourning of the victims of the Hurricane Katrina disaster.

2. This Order shall take effect immediately.

Dated September 6, 2005.

EXECUTIVE ORDER No. 56

WHEREAS, The State of New Jersey is committed to the prevention of gang activities and violence and to eradicating gangs from its communities; and

WHEREAS, On June 29, 2005 I signed into law legislation that created the Gang Land Security Task Force ("Task Force"), P.L. 2005, c.107; and

WHEREAS, The Task Force is charged with examining the activities of adult and youth gangs in the State and their effect on the State's communities; researching the conditions that foster the formation and operation of gangs; analyzing methods for the prevention of their formation and continuation; and evaluating the need for an office of gang land security within the Department of Law and Public Safety for ongoing review of these issues; and

WHEREAS, The Task Force will issue a report to the Governor and Legislature within 120 days of its organization, which report shall outline methods for the prevention of new gangs and elimination of existing gangs; intelligence gathering concerning gangs' activities; and the reintegration of gang members into society; and

WHEREAS, The Task Force will be comprised of individuals from throughout the State who possess expertise relevant to this analysis; and

WHEREAS, It is essential that the Task Force members have the benefit of all available experts, resources and information as they conduct their analysis;

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 established an Advisory Committee to the Gang Land Security Task Force (hereinafter the Advisory Committee). The Advisory Committee shall be composed of the Commissioner of the Department of Labor and Workforce Development, or his designee, and four members appointed by the Governor as follows:
 - a. Two local police directors with experience in combatting gang activities;
 - b. A representative of the New Jersey State League of Municipalities, recommended by the League's Executive Director; and
 - c. A mayor of an urban municipality, with experience in combating gang activities. The mayor appointed by the Governor may name a designee to participate on the Advisory Committee in the mayor's absence.
2. The members of the Advisory Committee shall serve at the pleasure of the Governor and shall not receive compensation for their service on the Advisory Committee.
3. The Advisory Committee shall work in close conjunction with the Gang Land Security Task Force, and shall lend its expertise in providing the Task Force with the Committee's thoughts and recommendations as requested by the Task Force.
4. The Advisory Committee is authorized to call upon any department, office, division or agency of this State to supply it with records and other information, personnel or assistance that it deems necessary to discharge its duties under this Order. Each department, officer, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Advisory Committee and to furnish it with such records, information, personnel and assistance as is necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Dated October 4, 2005.

EXECUTIVE ORDER No. 57

WHEREAS, Executive Order No. 33 (2002) created the Office of Counter-Terrorism (OCT) and empowered it to administer, coordinate and lead New Jersey's counter-terrorism and preparedness efforts; and

WHEREAS, Executive Order No. 33 (2002) organized OCT as a separate Office within the Department of Law and Public Safety, with all of the powers conferred by law to the Department of Law and Public Safety, subject to approval by the Attorney General; and

WHEREAS, Executive Order No. 33 (2002) directed that the OCT shall be led by a Director of Counter-Terrorism, who shall direct and supervise the work of the OCT, and who shall report directly to the Attorney General and, at the direction of the Governor, to the Governor, as appropriate; and

WHEREAS, In order to protect the public from terrorist acts, Executive Order No. 33 (2002) directed OCT to gather and disseminate intelligence for State and local law enforcement entities and to coordinate the counter-terrorism efforts of those entities, under the direction of the Attorney General, and to serve as a liaison with federal authorities concerning counter-terrorism issues; and

WHEREAS, In order to optimize the State's intelligence gathering and analysis capabilities regarding terrorist activities, Executive Order No. 33 (2002) directed OCT to develop and maintain a databank of information regarding terrorist and terrorist-related activities; and

WHEREAS, Legislation has been introduced which would establish OCT in, but not of, the Department of Law and Public Safety, and which would mandate that the Director of OCT report to the Attorney General only on matters relating to the enforcement and prosecution of criminal business in the State and would require the Director of OCT to report to the Governor on all matters relating to Homeland Security; and

WHEREAS, Recent events have demonstrated that the current organizational structure whereby OCT relies upon the Department of Law and Public Safety and the Division of State Police for personnel and budgetary assistance may be adversely affecting the important work of OCT and may be contrary to 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. The Division of State Police is hereby directed to assign 10 Division members to work directly with the Office of Counter-Terrorism until further Order of the Governor.

2. The Department of the Treasury is hereby directed to assume responsibility for all budgetary matters involving the Office of Counter-Terrorism.

3. The Department of Personnel is hereby directed to assume responsibility for the processing of all personnel matters involving the Office of Counter-Terrorism.

4. The Office of Counter-Terrorism is hereby authorized to hire up to 15 investigators or other necessary personnel to enable the Office to perform its critical responsibilities.

5. The Department of Law and Public Safety and the Division of State Police are hereby directed to cooperate with the Office of Counter-Terrorism, the Department of the Treasury and the Department of Personnel in effectuating the provisions of this Order, including making available all funding appropriated to or available for the use of OCT.

6. The Director of OCT shall provide the Governor and the Attorney General with a monthly report detailing the status of pending investigations and other important activities of the Office. This report shall be deemed to be confidential, non-public and not subject to the Open Public Records Act, P.L. 1963, c.73, as amended and supplemented.

7. Mindful of their paramount responsibility to ensure the safety of the citizens of New Jersey, the Department of Law and Public Safety, the Division of State Police and the Office of Counter-Terrorism shall ensure

that all necessary and appropriate information concerning terrorist threats and activities is shared with each other and with all appropriate federal, State and local law enforcement authorities.

8. This Order shall take effect immediately.

Dated October 4, 2005.

EXECUTIVE ORDER No. 58

WHEREAS, Executive Order No. 1 (2004) created a Governor's Task Force on Mental Health (hereinafter the "Task Force") to undertake a comprehensive review of New Jersey's mental health system, and to make recommendations 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; and

WHEREAS, Executive Order No. 40 (2005) directed the implementation of certain of the Task Force's recommendations, and other recommendations have been implemented through the FY 2006 Appropriations Act, as well as the filing and subsequent adoption of Reorganization Plan 002-2005; and

WHEREAS, Legislative proposals implementing other Task Force recommendations are currently being considered by the Legislature; and

WHEREAS, Because of the importance of the mental health issue, it remains a top priority of this Administration, and much more needs to be done to address this public health issue; and

WHEREAS, The stigma of mental illness is the primary barrier to the achievement of wellness and recovery and full social integration; and

WHEREAS, For New Jersey to reduce the burden of mental illness, the stigma of such illness must no longer be tolerated; and

WHEREAS, Combating stigma must be a top priority in our effort to create a better mental health system in New Jersey;

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 established in the Department of Human Services a Governor's Council on Mental Health Stigma (hereinafter "Council"). The Council 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 Council. The Council may include representatives of mental health service consumers and family members, mental health and health professionals, media, government, business, law enforcement and education. The members of the Council shall serve without compensation.

2. The Council shall develop a master plan organizing the activities of the State aimed at increasing awareness and understanding of mental disorders and overcoming the stigma associated with mental illness, via the coordinated efforts of new and existing initiatives with activities throughout the State aimed at increasing awareness and understanding of mental disorders and overcoming the stigma associated with them.

3. The Council is further authorized to perform the following functions:

- a. Develop and maintain a mental health stigma website and telephone hotline;
- b. Educate the public and the media about the evils of mental health stigma, utilizing such methods as educating volunteers, hosting community forums, maintaining a speakers bureau, distributing informative material, including public service announcements, pamphlets and the like, raising awareness in the workplace and supporting media watch groups that focus on mental health stigma issues;
- c. Performing advocacy services and outreach to local organizations, senior citizens, pre- and post-natal and other specialty groups;
- d. Developing resources to combat the "not-in-my-backyard" syndrome;
- e. Promoting peer support groups;
- f. Improving training by including appropriate information about mental illness to primary care physicians, judicial/law enforcement organizations, emergency medical technician staff and clergy;
- g. Promoting targeted research and evaluating anti-stigma efforts.

4. The Council shall consult with psychiatrists, psychologists, nurses and other professionals on a regular basis during the course of its work.

5. The Council is authorized to hire a full-time Executive Director, utilizing the funds appropriated to the Council.

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

7. This Order shall take effect immediately.

Dated October 7, 2005.

EXECUTIVE ORDER No. 59

WHEREAS, Beginning on October 7, 2005, severe weather conditions, including heavy rains, high winds, main stream and river flooding, and progressing runoff now threatens homes and other structures and the flow of traffic throughout the State; and

WHEREAS, The aforesaid weather 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 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 which is in some parts of this State and may become in other parts of the State too large in scope to be handled by the normal county and municipal 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, RICHARD J. CODEY, 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. The State Director of Emergency Management to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operation plans as necessary.

2. The State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. A:9-33 et seq. as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway, 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. The Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State 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. I further authorize all law enforcement officers to enforce any such orders of the Attorney General and the Superintendent of State Police, within their respective municipalities.

4. 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. 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. The executive head of any agency or instrumentality of the State government with authority to promulgate rules to, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, 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. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. 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 that, 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 N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, as supplemented and amended, 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. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order or the orders of the State Director of Emergency Management.

10. That it shall be the duty of the members of the governing body and each and every officer, agent and employee of every political subdivision of this State and of each member of all other governmental bodies, agencies

and authorities of any nature whatsoever fully co-operate with the State Director of Emergency Management in all matters during this emergency.

11. The State Director of Emergency Management, pursuant to N.J.S.A. App.A:9-37 and N.J.S.A. App. A:9-48 and in accordance with N.J.S.A. App. A:9-36, to require any public official, citizen or resident of this State or any firm, partnership, or corporation, incorporated or doing business in this State, to furnish any information deemed reasonably necessary by the Director to carry out the purposes of this Order.

12. The cooperation of every person or entity in this State or doing business in this State in all matters concerning this state of emergency is requested.

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

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

Dated October 14, 2005.

EXECUTIVE ORDER No. 60

WHEREAS, Executive Order No. 59 (2005), declaring a State of Emergency, was issued on October 14, 2005, because of severe flooding caused by rains beginning on October 7, 2005 and continuing until October 14, 2005; and

WHEREAS, The severity of the conditions necessitating the declaration of a State of Emergency has eased;

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 Emergency declared in Executive Order No. 59 is terminated effective at 8:00 p.m. on October 15, 2005.

Dated October 15, 2005.

EXECUTIVE ORDER No. 61

WHEREAS, In recent years, scientists have discovered that placental and umbilical cord blood holds enormous promise in its ability to provide a rich supply of stem cells for new treatments for many diseases, conditions and injuries, including stroke, spinal cord injury, diabetes, heart disease, HIV/AIDS, multiple sclerosis, organ and nerve regeneration, Parkinson's disease, Alzheimer's disease and lupus; and

WHEREAS, Umbilical cord and placental stem cells can be isolated from placentas and umbilical cords that would normally be discarded and destroyed after a healthy birth; and

WHEREAS, Many women are not aware of their option to donate placental or umbilical cord blood, and consequently the blood is often discarded as medical waste after childbirth; and

WHEREAS, There are an estimated 4 million births annually in the United States and 115,000 births in the State of New Jersey; and

WHEREAS, There are a limited number of cord blood banks in the nation and creating a bank of placental and umbilical cord blood will greatly increase the available donor pool for currently available life-saving transplantation procedures; and

WHEREAS, The need for women from all racial and ethnic groups to donate their baby's cord blood is particularly urgent with respect to racial and ethnic minorities, who face a greater challenge in finding a donor match for currently available transplantation procedures to alleviate diseases such as leukemia and sickle cell anemia; and

WHEREAS, It is the policy of this State, as established by P.L.2003, c.203, that stem cell research shall be conducted ethically and in accordance with the highest scientific standard shall be permitted; to this end, the State has become a leader by investing in stem cell research; and

WHEREAS, Medical research advances that lead to better treatments of diseases and ultimately cures will help reduce long-term health care costs on New Jersey taxpayers; and

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 Health and Senior Services shall develop educational materials for health care professionals to inform them of the value of placental and umbilical cord blood donation.
2. The Commissioner of Health and Senior Services, in consultation with the New Jersey Coriell Institute for Medical Research and the Elie Katz Umbilical Cord Blood Program at Community Blood Services, the State's non-profit cord blood banks and participants in the National Marrow Donor Program, shall establish two pilot programs, one each in Northern and Southern New Jersey, for the purpose of allowing consenting expectant mothers, delivering in qualified hospital facilities, to donate placental and umbilical cord blood following childbirth.
3. The Commissioner of Health and Senior Services shall develop a plan to make placental and umbilical cord blood units widely available for the purpose of stem cell research in the State.
4. The Commissioner of Health and Senior Services shall seek funding for cord blood banking and research from various funding sources, including state, federal and public/private partnerships, and nothing in this Order shall be construed to preempt those efforts.
5. This Order shall take effect immediately.

Dated October 18, 2005.

EXECUTIVE ORDER No. 62

WHEREAS, Assemblyman Donald K. Tucker, a devoted family man, spent his entire adult life committed to public service and New Jersey is a better place today because of that commitment; and

WHEREAS, Assemblyman Tucker grew up in Newark and graduated from Central High School in Newark, received a degree in Urban Planning from Goddard College in Vermont and served in the United States Air Force from 1955 to 1959; and

WHEREAS, Following his discharge from the Air Force, Assemblyman Tucker returned to Newark and became involved in the Essex County Chapter of the Congress of Racial Equality; and

WHEREAS, Assemblyman Tucker traveled to Mississippi to assist with the Civil Rights Movement; and

WHEREAS, Upon returning to Newark, Assemblyman Tucker founded the Newark Tenants' Council and was instrumental in the effort to desegregate Newark's public housing projects; and

WHEREAS, Assemblyman Tucker was elected in 1974 and served 31 continuous years as a Councilman-at-Large in Newark, and was Council President in the 1990s; and

WHEREAS, Assemblyman Tucker served in the Assembly since 1998, and in 2002, was named Speaker Pro Tempore, the third highest leadership position in the Assembly; and

WHEREAS, Assemblyman Tucker also served as Chair of the New Jersey Black Issues Convention, and formerly served on the Executive Board of the National League of Cities and as President of the National Black Caucus of Local Elected Officials; and

WHEREAS, It is with deep sadness that we mourn the loss of Assemblyman Tucker and extend our sincerest sympathy to his family and friends; and

WHEREAS, It is fitting and proper to honor the memory and the passing of Assemblyman Tucker;

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 Wednesday, October 26, 2005, in recognition and mourning of the passing of Assemblyman Tucker.

2. This Order shall take effect immediately.

Dated October 25, 2005.

EXECUTIVE ORDER No. 63

WHEREAS, Rosa Parks became a true American hero and changed the course of history in 1955 when she remained seated on that bus in Montgomery, Alabama; and

WHEREAS, Rosa Parks' courageous actions led to a court ruling desegregating public transportation in Montgomery; and

WHEREAS, Rosa Parks, in her quiet and powerful way, stood up for equality and became known as the "mother of the civil rights movement"; and

WHEREAS, Rosa Parks, through her commitment to nonviolence, inspired a nation and helped all Americans realize the promise of freedom; and

WHEREAS, Rosa Parks was a person of extraordinary decency, courage and integrity, and an exceptional citizen who has been recognized for her resolve against injustice; and

WHEREAS, It is with deep sadness that we mourn the loss of Rosa Parks and extend our sincere sympathy to her family and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Rosa Parks;

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 1, 2005, in recognition and mourning of the passing of Rosa Parks.

2. This Order shall take effect immediately.

Dated October 31, 2005.

EXECUTIVE ORDER No. 64

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 25, 2005, 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, preclude such absence on November 25, 2005.

Dated November 7, 2005.

EXECUTIVE ORDER No. 65

WHEREAS, In the words of President John F. Kennedy, "[n]o responsibility of government is more fundamental than the responsibility for maintaining the highest standards of ethical behavior by those who conduct the public business.... This principle must be followed not only

in reality, but in appearance. For the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter"; and

WHEREAS, I have made it a cornerstone of my administration to transform the ethical culture in State government, with the hope of forging a renewed partnership among government, its employees, and the people of this State; and

WHEREAS, Recent events have compellingly demonstrated that our public institutions of higher education and the members of the governing boards of those institutions must conduct business in the most transparent manner possible, to ensure that the citizens of New Jersey have complete confidence in the operation of those institutions and in the persons who are governing them; and

WHEREAS, We must always remember that government officials are at all times accountable to the people of this State and that public service should never be used for private gain; and

WHEREAS, As a result, the leaders of our public institutions of higher education must constantly be mindful of the need to avoid even the appearance of impropriety in the performance of their public duties;

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. No President or member of a governing board of a State University, State College or County College, nor any member of the immediate family of such official, shall do business, directly or indirectly, with the institution that they govern or by which they are employed. For purposes of this Order, "member of the immediate family" shall mean the official's spouse, child, parent or sibling residing in the same household.

2. The prohibitions in paragraph 1 shall also apply to any firm, association or partnership by which the President or member of the governing board is employed, from which the President or member receives compensation, or of which the President or member owns or controls more than one percent of the profits or assets of that firm, association or

partnership. Such prohibitions shall also apply to shareholders, associates or professional employees of a professional service corporation regardless of the extent or amount of their shareholder interest in such a corporation.

3. Any President or member of a governing board of a State University, State College or County College who is currently involved in a business relationship that is prohibited by this Order shall be given 30 days to terminate the prohibited business relationship or to resign from public office. Failure to comply with the terms of this Order shall constitute good cause for the removal from employment or office of the President or member of a governing board.

4. The Executive Director of the Executive Commission on Ethical Standards is hereby authorized to grant an exception from the terms of this Order if, in the judgment of the Executive Director, the entity that employs, provides compensation or is owned in part by the Board member is one with which the State University, State College or County College may contract pursuant to N.J.S.A. 52:13D-19 and N.J.S.A. 52:34-10, or where the public interest requires that an exception be made.

5. Each governing board of a State University, State College or County College shall incorporate the provisions of this Order into its Code of Ethics.

6. This Order shall take effect immediately.

Dated November 15, 2005.

EXECUTIVE ORDER No. 66

WHEREAS, U.S. Army Captain James M. Gurbisz, grew up in Eatontown and graduated from Monmouth Regional High School in 1998, where he was captain of the football team, played varsity baseball and served as student council president while earning a 4.5 grade point average; and

WHEREAS, Fulfilling a lifelong interest in the military, Captain Gurbisz was a 2002 honors graduate of the U.S. Military Academy at West Point with a degree in Mechanical Engineering; and

WHEREAS, Captain Gurbisz served proudly as a platoon leader of the U.S. Army's 26th Forward Support Battalion, 2nd Brigade, 3rd Infantry Division, and was deployed to Iraq in the service of his country in January 2004; and

WHEREAS, Captain Gurbisz was a courageous soldier, and a loving husband, son and brother; and

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

WHEREAS, Captain Gurbisz'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, November 19, 2005, in recognition and mourning of U.S. Army Captain James M. Gurbisz.

2. This Order shall take effect immediately.

Dated November 17, 2005.

EXECUTIVE ORDER No. 67

WHEREAS, It has been a priority of my Administration to restore the traditional role of government by helping those citizens who need it the most; and

WHEREAS, It is critical that the State of New Jersey and its governmental agencies focus upon the ability of individuals with special needs to be gainfully employed; and

WHEREAS, The State of New Jersey is in a unique position to expand employment opportunities for special needs individuals by targeting a small percentage of its immense purchasing power to the statutorily created agency responsible for assisting the productive employment of special needs individuals;

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. In furtherance of the goals of the Rehabilitation Facilities Set Aside Act, N.J.S.A. 30:6-23 et seq., and the implementing regulations set forth in N.J.A.C. 10:99-1.1 et seq., all State and local government purchasers of goods and services shall heighten their efforts to assist the productive employment of special needs individuals.

2. Every State department, agency, authority and instrumentality that is authorized to purchase goods and services shall forthwith make a good faith effort to purchase three percent of such goods and services from the Central Non-Profit Agency, which has been established to fulfill the aims of the Rehabilitation Facility Set Aside Act.

3. All political subdivisions of the State and local government entities, including counties, municipalities, school districts, quasi-State agencies, State and county colleges, volunteer fire departments, volunteer first aid and rescue squads, public authorities, commissions and independent institutions of higher learning, that are authorized to make purchases as provided in the Cooperative Purchase Program statute, N.J.S.A. 52:25-16.1 and N.J.S.A. 40A:11-12, as well as all agencies, commissions, boards and other entities that are authorized to make joint purchases with the Director of the Division of Purchase and Property as provided in N.J.S.A. 52:27B-56.1 shall also make a good faith effort to purchase three percent of its goods and services from the Central Non-Profit Agency.

4. The State Treasurer shall take the necessary steps to coordinate the implementation of the terms of this Executive Order. The Treasurer 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 his responsibilities under this Order. Each department, office, division and agency of this State is required to cooperate with

the Treasurer and to furnish him with assistance necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Dated November 21, 2005.

EXECUTIVE ORDER No. 68

WHEREAS, Executive Order No. 65 (2005) established clear ethics guidelines designed to eliminate conflicts of interest for leaders of New Jersey's public colleges and universities; and

WHEREAS, Executive Order No. 65 prohibited the heads of New Jersey's public colleges and universities, or members of their immediate families, from doing business, directly or indirectly, with the institution that they govern or by which they are employed; and

WHEREAS, Executive Order No. 65 gave the college Presidents or Board members 30 days to terminate any prohibited business relationships or to resign from public office, unless otherwise exempted by the Executive Director of the Executive Commission on Ethical Standards; and

WHEREAS, There is a need for additional time to allow affected Presidents or Board members to address issues arising from existing business relationships or to discuss those relationships with the Executive Director;

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. Any President or member of a governing Board of a State University, State College or County College who is currently involved in a business relationship that is prohibited by Executive Order No. 65 shall be given until January 1, 2006 to terminate the prohibited business relationship or to resign from public office.

2. The remaining provisions of Executive Order No. 65 are hereby continued.

3. This Order shall take effect immediately.

Dated November 23, 2005.

EXECUTIVE ORDER No. 69

WHEREAS, U.S. Army First Lieutenant Dennis W. Zilinski II grew up in Middletown and graduated from Christian Brothers Academy in 2000, where he was captain of the swimming team and earned Asbury Park Press All-Shore recognition as a swimmer; and

WHEREAS, First Lieutenant Zilinski was a 2004 honors graduate of the U.S. Military Academy at West Point, where he captained the swim team and received an award for being the graduating senior who exhibited qualities of leadership and sportsmanship; and

WHEREAS, First Lieutenant Zilinski served proudly as a member of the U.S. Army's 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, Kentucky, and was deployed to Iraq in the service of his country; and

WHEREAS, First Lieutenant Zilinski was a courageous soldier, and a loving fiancé, son and brother; and

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

WHEREAS, First Lieutenant Zilinski'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 Wednesday, November 30, 2005, in recognition and mourning of U.S. Army First Lieutenant Dennis W. Zilinski II.

2. This Order shall take effect immediately.

Dated November 29, 2005.

EXECUTIVE ORDER No. 70

WHEREAS, U.S. Army Staff Sergeant Edward Karolasz, a resident of Kearny, graduated from Kearny High School in 1999; and

WHEREAS, Staff Sergeant Karolasz subsequently enlisted in the U.S. Army; and

WHEREAS, Staff Sergeant Karolasz served proudly as a member of the U.S. Army's 1st Battalion, 187th Infantry Regiment, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, Kentucky, and initially served in Iraq in the service of his country from 2002 through 2003; and

WHEREAS, Staff Sergeant Karolasz was redeployed to Iraq in September 2005 for his second tour of duty; and

WHEREAS, Staff Sergeant Karolasz was a courageous soldier, and a loving son and brother; and

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

WHEREAS, Staff Sergeant Karolasz'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, December 3, 2005, in recognition and mourning of U.S. Army Staff Sergeant Edward Karolasz.

2. This Order shall take effect immediately.

Dated December 1, 2005.

EXECUTIVE ORDER No. 71

WHEREAS, U.S. Army Sergeant Clarence L. Floyd, Jr., whose parents reside in Newark, New Jersey, earned his high school diploma while serving as a member of the Job Corps, where he assisted in relief operations in North Carolina, following Hurricane Floyd in 1999; and

WHEREAS, Sergeant Floyd, a father of five, enlisted in the U.S. Army in October 2003, hoping to be better able to provide for his family; and

WHEREAS, Sergeant Floyd served proudly as a cannon crew member of the U.S. Army's 1st Battalion, 320th Field Artillery Regiment, 2nd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, Kentucky, and was deployed to Iraq in September 2005 in the service of his country; and

WHEREAS, Sergeant Floyd was a courageous soldier and a loving husband, father and son; and

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

WHEREAS, Sergeant Floyd'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 19, 2005, in recognition and mourning of U.S. Army sergeant Clarence L. Floyd, Jr.

2. This Order shall take effect immediately.

Dated December 16, 2005.

EXECUTIVE ORDER No. 72

WHEREAS, Executive Order No. 46 (2005) established the Governor's Task Force on Steroid Use and Prevention (hereinafter the Task Force) to assess and recommend measures to combat the growing problem surrounding the use of steroid and other performance enhancers by high school student-athletes in New Jersey; and

WHEREAS, The Task Force has provided a comprehensive report setting forth its findings and recommendations for addressing the problem of teen steroid use; and

WHEREAS, A number of those recommendations require legislative action, while others can be implemented more quickly through administrative direction; and

WHEREAS, The State of New Jersey must take immediate steps to begin to combat this problem before it becomes a public health crisis;

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 Department of Education is hereby directed to work in conjunction with the New Jersey State Interscholastic Athletic Association (NJSIAA) to develop and implement a program of random testing for steroids of teams and individuals qualifying for championship games. This program shall commence with the 2006-2007 school year.

2. The Department of Health and Senior Services shall develop and implement as soon as possible a program to randomly test dietary supplement products for sale in New Jersey to detect steroid contamination.

3. The Department of Education shall take all necessary steps to ensure that steroid education is incorporated into programs currently being utilized in New Jersey schools, such as the Drug Abuse Resistance Education (DARE) Program. DARE steroid education shall be introduced at the fifth grade level.

4. The Department of Education shall take all necessary steps to ensure that each school district within New Jersey utilizes programs such as the Athletes Training and Learning to Avoid Steroids (ATLAS) and the Athletes Targeting Healthy Exercise and Nutrition Alternatives (ATHENA), models of steroid prevention for high school students.

5. The Department of Education, in conjunction with the Department of Health and Senior Services, shall take all necessary steps to integrate information on steroids, including prevention strategies, strength-building alternatives and the understanding of health food labels, into the health and physical education curricula at the 7th and 8th grade levels.

6. The Department of Education, in conjunction with the Department of Health and Senior Services, shall take all necessary steps to develop a curriculum on steroids for high school health and physical education teachers to incorporate into their classroom instruction.

7. The Department of Education, in conjunction with the Athletic Trainers Society of New Jersey, shall develop a downloadable presentation that certified athletic trainers can use to educate parent groups and students in a classroom setting.

8. The Department of Education shall develop a training program for high school science teachers, student assistant coordinators and school nurses on the harmful effects of steroids and performance enhancers.

9. The Department of Education, in conjunction with the NJSIAA, shall develop a mandatory steroids and nutritional supplements training program for all high school and middle school coaches. Such program shall include workshops and expert speakers.

10. The Department of Education shall take all reasonable steps to encourage school districts to organize school assembly programs on steroid prevention.

11. The Governor's Council on Alcoholism and Drug Abuse, in conjunction with the Partnership for a Drug Free New Jersey, shall develop posters and anti-steroid advertisements as well as Public Service Announcements (PSAs) highlighting the dangers of steroid use, steroid precursors and nutritional supplements. Such posters shall be displayed in school locker rooms, weight rooms, athletic training facilities and at all State tournament games and championships.

12. The Governor's Council on Alcoholism and Drug Abuse, in conjunction with the NJSIAA, shall provide anti-steroid ads in all school sports programs and as public service announcements at all State tournament games. The resources of the Partnership for a Drug Free New Jersey should be made available for this purpose.

13. The NJSIAA is strongly urged to incorporate steroid, steroid precursors and nutritional supplement education, as well as alternatives to strength gains, into the coaches' education program.

14. The NJSIAA is strongly urged to conduct semi-annual or annual workshops for coaches and athletic directors in identifying the components of steroid use/abuse and prevention strategies.

15. The NJSIAA is strongly urged to provide speakers on steroid prevention strategies at all coaches' workshops for all sports, particularly for those sports whose athletes are at high risk, such as football and wrestling.

16. The steroid education programs and materials developed by all State entities and by the NJSIAA pursuant to this Order shall be made available to volunteer youth league coaches in New Jersey.

17. There is hereby established a "Steroids Awareness Week," to be held the last full week in October each year. The Departments of Education and Health and Senior Services shall collaborate in organizing appropriate educational and other programs to be held during this week.

18. The Departments of Education and Health and Senior Services, in conjunction with the NJSIAA, shall provide the Governor and the Legisla-

ture with a comprehensive report concerning the implementation of this Order within a year of the effective date of this Order.

19. This Order shall take effect immediately.

Dated December 20, 2005.

EXECUTIVE ORDER No. 73

WHEREAS, Executive Order No. 56 (2005) created an Advisory Committee to the Gang Land Security Task Force (hereinafter the Advisory Committee), designed to work in close conjunction with the Gang Land Security Task Force (hereinafter Task Force); and

WHEREAS, Executive Order No. 56 recognized that it is essential that the Task Force members have the benefit of all available experts, resources and information as they perform their statutory duties; and

WHEREAS, The work of the Task Force and the current Advisory Committee will be greatly enhanced by appointing additional public members to the Advisory Committee;

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 membership of the Advisory Committee established by Executive Order No. 56 is expanded to include four public members appointed by the Governor.

2. Except as herein modified, all of the provisions of Executive Order No. 56 shall remain in full force and effect.

3. This Order shall take effect immediately.

Dated December 21, 2005.

EXECUTIVE ORDER No. 74

WHEREAS, Executive Order No. 29 (2002) established a Family and Survivor Memorial Committee (Committee) to review and develop suggestions, plans and designs for a suitable September 11th Memorial (Memorial) to honor the victims of the terrible events of September 11, 2001; and

WHEREAS, Executive Order No. 29 mandated that the Committee work in conjunction with the New Jersey Family Advocate Management Corporation (NJFAM), a not-for-profit organization instrumental in providing relief to New Jersey September 11th victims and victim family members, and with the Office of Recovery and Victim Assistance in the development and management of a charitable fund to defray the costs to create and preserve the Memorial; and

WHEREAS, Executive Order No. 29 recognized that NJFAM was the appropriate vehicle to develop and maintain this fund; and

WHEREAS, The construction of the Memorial is proceeding, and the Port Authority has committed a large sum of money to build and maintain the Memorial; and

WHEREAS, Only a few hundred dollars remain in the fund maintained by NJFAM, and NJFAM is scheduled to cease active operations on December 30, 2005;

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. NJFAM is hereby authorized to transfer the funds currently held in its account to the New Jersey Department of the Treasury, which shall provide for appropriate disposition of such funds in a manner consistent with paragraph 2 of the General Provisions of the FY'06 Appropriations Act, with the intent of the donors and with the distribution of related funds currently held by the Department.

2. This Order shall take effect immediately.

Dated December 29, 2005.

EXECUTIVE ORDER No. 75

WHEREAS, Senior Corrections Officer Wayne Clark, a loving father and brother, and a career law enforcement officer, joined the New Jersey Department of Corrections in March 1983, after serving in Southeast Asia with the United States Air Force and as a patrol officer in Cinnaminson Township; and

WHEREAS, SCO Clark proudly served the Department in various assignments at New Jersey State Prison, the Vroom Readjustment Unit and at Riverfront State Prison with exceptional courage, dedication and professionalism, genuine courtesy and abiding commitment to the finest law enforcement traditions; and

WHEREAS, SCO Clark was a member of the Riverfront State Prison honor guard, was cited as officer of the year on three occasions, and received numerous citations for meritorious service; and

WHEREAS, SCO Clark served as a mentor to newly-hired officers, and made a positive impact on the lives of uniformed and non-uniformed staff; and

WHEREAS, SCO Clark passed away while on duty, 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, 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 Thursday, January 12, 2006, in recognition and mourning of Senior Corrections Officer Wayne Clark.

2. This Order shall take effect immediately.

Dated January 11, 2006.

EXECUTIVE ORDER No. 76

WHEREAS, It has been a priority of my Administration to protect the environment and the health and safety of workers and citizens of New Jersey; and

WHEREAS, Cleaning products are necessary for maintaining sanitary conditions in State facilities; and

WHEREAS, Chemicals contained in certain cleaning products can be released into the environment during normal use; and

WHEREAS, Utilizing less hazardous cleaning products in our State facilities and workplaces, and implementing measures to reduce exposure to those products, can minimize harmful impacts to office and custodial workers, as well as improve air quality and reduce water and air pollution;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 State departments, authorities and instrumentalities with purchasing responsibility shall procure and use cleaning products having properties that minimize potential impacts to human health and the environment, consistent with maintaining the effectiveness of these products for the protection of the public health and safety.

2. The Department of the Treasury, in consultation with the Department of Health and Senior Services and the Department of Environmental Protection, shall establish guidelines or regulations to provide guidance to covered State entities in connection with the implementation of this Order.

3. The Department of the Treasury shall provide the Governor and the Legislature with a report assessing the effectiveness of and compliance with this Order within one year of the effective date of this Order.

4. County and municipal governments and school districts that are not expressly subject to the requirements of this Order are encouraged to review their purchasing and use of cleaning products and are urged to comply with the provisions of this Order where deemed appropriate.

5. Wherever feasible, State entities covered by this Order shall transition to environmentally and health-friendly cleaning products as soon as possible in a manner that avoids wasting of existing inventories, accommodates establishment of supply chains for new products, enables the training of personnel in appropriate work practices, and allows the phase-out of products and practices inconsistent with this Order. Additionally, new purchasing contracts for the purchase of such products or cleaning services shall include an appropriate requirement consistent with this Order and the guidelines provided by the Department of the Treasury.

6. This Order shall take effect immediately.

Dated January 12, 2006.

EXECUTIVE ORDER No. 77

WHEREAS, It has been the priority of my Administration to restore the traditional role of government by helping those citizens who need it the most; and

WHEREAS, Throughout my years of public service and my tenure as Governor, I have strived to better the lives of those persons with mental illness and to improve New Jersey's mental health system; and

WHEREAS, Working cooperatively with many dedicated non-profit providers, the State of New Jersey, through its Department of Human Services, has made great strides in caring for those citizens in need of assistance; and

WHEREAS, Despite those accomplishments, there remains much to be done by the State in fostering improvements to our current system and in assisting the non-profit contractual providers in developing sufficient reserves or working capital to assist them in such endeavors as upgrading or replacing infrastructure, or defraying short-term liabilities;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 Human Services (the Department) shall develop a pilot program of Operational Incentives for its Division of Mental Health Services (DMHS) contracts.

2. This Operational Incentives Pilot Program shall apply to all DMHS non-profit, non-hospital and non-governmental agencies with cost reimbursement contracts. Fixed price and fixed rate contracts shall not be included in this pilot program, nor are contracts with hospital-based or governmental organizations.

3. The Department shall establish this pilot program that will allow the contract provider to earn an Operational Incentive when the provider's final contract expenditure report indicates that a net contract surplus exists. Providers should be allowed to retain 100 percent of the current contracts' net savings identified from contract deficiencies. The Department shall establish reasonable restrictions and limits on the earned incentives, including an annual cap and a provision that federal funds cannot be included in the Operational Incentive.

4. The Operational Incentive shall be utilized by the provider agencies as a savings reserve, available to meet cash flow needs as working capital and for assisting the provider agency in meeting its mission. The guidelines adopted by the Department shall prohibit providers from utilizing the Operational Incentive funds to expand programming that would require ongoing funding, thereby creating obligations for future budget cycles. The guidelines shall also prohibit providers from utilizing Operational Incentive funds for executive management staff bonuses.

5. The guidelines adopted by the Department shall further provide that, upon termination of the contractual relationship with DMHS, or upon dissolution of the provider's corporate entity, the provider shall refund to DMHS all remaining funds in the Operational Incentives reserve account.

6. The Department may expand the pilot program established by this Order to include providers under contract with the Department's Division of Developmental Disabilities, or any of the other Divisions within the Department.

7. This Order shall take effect immediately, and shall be retroactive to DMHS contracts entered into on or after July 1, 2005.

Dated January 13, 2006.

EXECUTIVE ORDER No. 78

WHEREAS, It has been the priority of my Administration to restore the traditional role of government by helping those citizens who need it the most; and

WHEREAS, Throughout my years of public service and my tenure as Governor, I have strived to better the lives of those persons with mental illness and to improve New Jersey's mental health system; and

WHEREAS, Consumers, family members, mental health providers and public health practitioners endorse a recovery-oriented mental health system which enables persons suffering from mental illness to live, work, learn and participate fully in their communities; and

WHEREAS, The recovery process enables a person to re-establish a sense of integrity and purpose and to live a satisfying, hopeful and contributory life, within the limitations of the illness; and

WHEREAS, The wellness process is a conscious, deliberate and ongoing process in which a person becomes aware of and makes choices towards a more satisfying lifestyle; and

WHEREAS, The public mental health system must continue to move from an institutional system of care to a community system of care based upon the principles of wellness and recovery;

NOW, THEREFORE, I, RICHARD J. CODEY, 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 financing of the State of New Jersey's mental health system should be changed to promote state-of-the-art treatment alternatives. These alternatives would include, but not be limited to, permanent supportive housing, supportive employment, in-home services and consumer self-help.

2. The Department of Human Services (the Department) shall commence an immediate review of currently licensed partial-care and partial-hospitalization programs to determine the appropriateness of utilizing and funding, where appropriate, recovery-based programming and services. The Department shall also commence an immediate review of its

existing regulations dealing with mental health services and programs for adults and children, with an eye towards revising those rules to allow for the shift to a system based on wellness and recovery. This shift should include staff training, mission, vision, treatment and recovery modalities, contracting and funding.

3. The Department shall examine whether the State Medicaid Plan should adopt the Medicaid Rehabilitation Option, which would allow greater flexibility than currently exists to bill for non-facility-based services such as outreach, peer services, family education, supportive housing services, case management and social and recreational activities. This Option would provide more flexibility to meet consumers' needs by allowing services to be community-based rather than clinic-based, and would better maximize federal dollars, resulting in more financial resources.

4. The Department of Labor and Workforce Development and the Department of Human Services shall develop a cooperative training series for individuals with mental illness, family members and providers, in order to increase awareness and utilization of the Ticket to Work Program, to ensure that New Jersey is maximizing the benefits of this federal program and resources for individuals with mental illness and other disabilities.

5. New Jersey should continue and expand its emphasis on evidence-based and/or promising practices, such as physical wellness and recovery programs now offered at the University of Medicine and Dentistry's Centers for Excellence.

6. Performance and outcome measures are essential to the evaluation of treatment and value. The Division of Mental Health Services should move away from its current funding paradigm, which is historical in nature, to one that pays for services based upon quality performance and measurable outcomes.

7. This Order shall take effect immediately.

Dated January 13, 2006.

EXECUTIVE ORDER No. 79

WHEREAS, It has been the priority of my Administration to restore the traditional role of government by helping those citizens who need it the most; and

WHEREAS, Throughout my years of public service and my tenure as Governor, I have strived to better the lives of those persons with mental illness and to improve New Jersey's mental health system; and

WHEREAS, The care and treatment of children with emotional disturbances or mental illnesses is of particularly great concern and must be a top priority;

NOW, THEREFORE, I, RICHARD J. CODEY, 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. I urge my successor as Governor to reconstitute, strengthen and expand the Governor's Cabinet for Children created by Executive Order No. 60 (2003) and Executive Order No. 83 (2003). Specifically, I would recommend that membership of the Children's Cabinet be expanded to include two members of the Task Force on Mental Health, a minimum of two pediatricians, and a minimum of two child psychiatrists and child psychologists. I would further recommend that the Commissioner of Human Services be designated by the Governor as a Co-Chair and that a second Co-Chair be designated from among the members who are professionals in the community.

2. The Department of Human Services shall take all necessary steps to strengthen its prevention and early intervention programs. Service delivery should occur at sites such as preschools and pediatric health care clinics where children and families already access other services. The Department shall take steps to ensure that personnel who interact with children in preschools, schools, health care facilities and juvenile justice agencies receive ongoing training on how to identify and respond to early childhood development issues and risk factors.

3. The Department shall examine how screening of young children for development and mental health issues can be implemented on a Statewide basis, and how follow-up assessments and linkage to services can be made

available to all who need them. The Department shall launch a public awareness campaign to alert educators, parents, pediatricians and the general public to early intervention issues such as positive parenting skills, identifying at-risk children, available resources and how to access those resources.

4. This Order shall take effect immediately.

Dated January 13, 2006.