

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



2002

New Jersey State Library

EXECUTIVE ORDERS

(1161)

EXECUTIVE ORDER NO. 1

WHEREAS, The State of New Jersey has a compelling interest in awarding public works contracts so as to ensure the highest standards of quality and efficiency at the lowest responsible cost; and

WHEREAS, A project labor agreement, which is a form of pre-hire collective bargaining agreement covering all terms and conditions of a specific project, can ensure the highest standards of quality and efficiency at the lowest responsible cost on appropriate public works projects; and

WHEREAS, The State of New Jersey has a compelling interest that a highly skilled workforce be employed on public works projects to ensure lower costs over the lifetime of the completed project for repairs and maintenance; and

WHEREAS, Project labor agreements provide the State of New Jersey with a guarantee that public works projects will be completed with highly skilled workers; and

WHEREAS, Project labor agreements provide for peaceful, orderly and mutually binding procedures for resolving labor issues without labor disruption; and

WHEREAS, Project labor agreements allow public agencies to more accurately predict the actual cost of the public works project;

WHEREAS, The use of project labor agreements can be of specific benefit for complex construction projects of large scope such as the school construction projects that the State of New Jersey will imminently embark upon and that are the largest school construction projects in the history of New Jersey and that have been mandated by the Supreme Court of New Jersey; and

WHEREAS, The use of project labor agreements shall be considered on a project-by-project basis where such agreements benefit the interest of the State of New Jersey, from a cost, efficiency, quality, safety and/or timeliness standpoint;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby Order and Direct:

1. Executive Order No. 11 (Whitman) is hereby rescinded and is superseded by this Executive Order No. 1.

2. On a project-by-project basis, a State department, authority or instrumentality shall include a project labor agreement in a public works project where it has been determined that such agreement advances the State's interests of cost, efficiency, quality, safety, timeliness, skilled labor force, labor stability and the state's policy to advance minority- and women-owned businesses as set forth in Executive Order No. 84 (Florio).

3. Where it has been determined that a project labor agreement is appropriate for a particular public works project, a State department, authority or instrumentality responsible for implementing the project shall either (a) in good faith negotiate a project labor agreement, through the office of the Commissioner of Labor, with labor organizations engaged in the construction industry, or (b) condition the award of a project manager or general contractor upon a requirement that such manager or contractor negotiate in good faith a project labor agreement with labor organizations engaged in the construction industry and, if necessary, utilize the office of the Commissioner of Labor to reach such agreement.

4. Pursuant to this Order, any project labor agreement:

(a) shall set forth effective, immediate and mutually binding procedures for resolving jurisdictional, labor disputes, and grievances arising before the completion of work;

(b) shall contain guarantees against strikes, lockouts, or other similar actions.

(c) shall standardize the terms and conditions of employment of labor on the public works project.

(d) shall permit flexibility in work scheduling and shift hours and times.

(e) shall ensure a reliable source of skilled and experienced labor.

(f) shall further public policy objectives as to improved employment opportunities for minorities, women and the economically disadvantaged in the construction industry;

(g) shall permit contractors and subcontractors to retain a percentage of their current workforce in addition to labor referred through the signatory labor organizations;

(h) shall permit the selection of the lowest qualified bidder, without regard to union or non-union status at other construction sites, and

(i) shall be made binding on all contractors and subcontractors on the public works project through the inclusion of appropriate bid specifications in all relevant bid documents.

5. Any decision to use a project labor agreement in connection with a public works project by a State agency, authority or instrumentality shall be supported by a written, publicly disclosed finding by such agency, authority or instrumentality seeing forth the justification for use of the project labor agreement.

6. All State agencies, authorities and instrumentalities are hereby ordered to ensure that all public works projects are implemented in a manner consistent with the terms of this Order and are in full compliance with all statutes, regulations and executive orders, including Executive Order No. 84 (Florio).

7. This Order shall take effect immediately and is intended to have prospective effect only.

Dated January 17, 2002.

EXECUTIVE ORDER NO. 2

WHEREAS, The State is confronting a severe fiscal crisis caused by a pattern of profligate spending and irresponsible borrowing practices;

WHEREAS, These fiscal practices have been exacerbated by increasing statutory spending obligations and declining tax revenues;

WHEREAS, The State has heretofore failed, even in the face of mounting evidence that the State would confront tremendous and debilitating budget deficits in Fiscal Years 2003 and 2004, to implement timely remedial actions such as implementing significant budget freezes, cutting costs and ending unnecessary discretionary spending;

WHEREAS, The denial of the magnitude of the fiscal problems confronting the State and the consequent failure to take sufficient and timely corrective actions have placed the State in fiscal jeopardy, causing the leading rating agencies to downgrade New Jersey's creditworthiness;

WHEREAS, The unprecedented scope of the fiscal dilemma has impaired and will impair the ability of the State to provide necessary programs to its citizens;

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

WHEREAS, N.J. Const. (1947), Art. VIII, s.II, para.2, requires that State government expenditures do not exceed available State revenues;

WHEREAS, N.J.S.A. 52:27B-31 and -26 empower the Governor to prohibit the expenditures of existing or future appropriations, and to set aside necessary reserve funds, if necessary to avoid a budget deficit and to guard against extravagance, waste or fiscal mismanagement in the administration of any State appropriations; and

WHEREAS, The looming prospect of a projected \$2.4 Billion budget deficit in Fiscal Year 2003, and a projected \$5 Billion budget deficit in Fiscal Year 2004 requires swift corrective action predicated on a thorough understanding of the depth and scope of the State's fiscal circumstances;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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. There is hereby created a Budget Efficiency Savings Team Commission ("BEST" Commission).

2. The BEST Commission shall be composed of 30 members appointed by the Governor. The members of the Commission shall be selected from among individuals with substantial experience in the fields of business and finance. The chair shall be selected by the Governor, and the State Treasurer shall serve as an ex officio member of the Commission.

3. The BEST Commission shall immediately undertake a complete, comprehensive and thorough examination of all aspects of the State's spending practices to identify areas of waste, mismanagement, abuse, and unnecessary spending. It shall also develop recommendations to the Governor with respect to innovative solutions and corrective actions that

may be taken. For the purposes of this Executive Order, the State shall mean and include its independent commissions, boards and authorities.

4. The BEST Commission shall examine any area of spending or fiscal practice it deems appropriate, and its examination shall include but, not be limited to the following areas:

- a. Spending practices of the State;
- b. Borrowing and refinancing practices of the State;
- c. Employment practices of the State;
- d. An assessment of overlapping, duplicative or unnecessary programs;
- e. Existing or proposed capital projects;
- f. The potential for sales of surplus State property;
- g. An examination of whether direct State administrative obligations can be reduced or appropriately assigned to any specialized projects or programs they support;
- h. Existing or prospective lease obligations; and

5. The BEST Commission shall report periodically to the Governor, commencing no later than February 15, 2002, and provide him with recommendations as to how to reduce or eliminate wasteful, duplicative or unnecessary spending and as to those otherwise worthwhile programs supported by appropriations that may need to be deferred in whole or in part to achieve necessary savings. Upon completion of its work, the Commission will render a final report of its findings as it deems appropriate.

6. The BEST Commission recommendations shall further be designed to assist in the preparation of the State Budgets for Fiscal Years 2003 and later years, and to establish any factual or public policy foundation to support the issuance of any additional Executive Orders that may be required pursuant to N.J.S.A. 52:27B-31 and -26 to reduce or enjoin State government spending or future expenditures, or to provide for necessary reserve funds, to ensure a balanced budget and the delivery of critical State programs and assistance.

7. This Executive Order shall take effect immediately.

Dated January 17, 2002.

EXECUTIVE ORDER NO. 3

WHEREAS, The Legislature has found and declared in P.L.2001 c.246 that domestic preparedness is essential to preventing and responding to the threat of terrorist attack; and

WHEREAS, The World Trade Center and Pentagon attacks and other significant events, both domestic and foreign, have emphasized the State's compelling interest in developing and maintaining a precisely coordinated counter-terrorism and preparedness effort to enhance the public safety; and

WHEREAS, A uniform and cooperative Statewide response is required to effectively ensure domestic preparedness; and

WHEREAS, The effectiveness of law enforcement's counter-terrorism efforts will depend to a large degree on its regular compilation of intelligence information regarding terrorism activities; and

WHEREAS, A centralized office to coordinate the State's counter-terrorism and preparedness efforts is essential to provide for the public's safety and welfare;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Office of Counter-Terrorism (OCT) is created and empowered to administer, coordinate and lead New Jersey's counter-terrorism and preparedness efforts with the goals of identifying, deterring and detecting terrorist-related activities, consistent with the New Jersey Domestic Security Preparedness Act.

2. To ensure the effective deployment of criminal law enforcement resources and the appropriate use of law enforcement powers to counter the threat of terrorism, the OCT shall be organized as a separate office within the Department of Law and Public Safety, with all of the powers conferred by law to the Department, including the powers conferred by the Criminal Justice Act of 1970, P.L. 1970 c.74, as amended by P.L.1981 c.187, in addition to the powers and duties set forth below.

3. The OCT shall be led by an Assistant Attorney General for Counter-Terrorism, who will direct and supervise the work of the OCT, and who shall report directly to the Attorney General or his designee, and to the Governor or his designee, as appropriate.

4. The Assistant Attorney General for Counter-Terrorism and the OCT shall, with the approval of the Attorney General, and in consultation with the Department of Personnel and the Director of the Office of Management and Budget, utilize and employ all such personnel as are necessary to carry out the duties of OCT.

5. In regard to counter-terrorism activities, in order to secure the benefits of a uniform and efficient enforcement of the law and to protect the public safety, the Assistant Attorney General for Counter-Terrorism, through the OCT, shall coordinate the efforts of State and local law enforcement on behalf of the Attorney General, and shall serve as a liaison with federal authorities concerning counter-terrorism issues.

6. The OCT shall be authorized to call upon the expertise and assistance of all State departments, divisions and agencies in order to carry out its mission, and in particular, shall be authorized to call upon personnel of the Office of Information Technology in but not of the Department of the Treasury, the Computer and Technology Crimes and Money Laundering Units of the Division of Criminal Justice, and the High Tech Crime Unit within the Division of State Police for this purpose. Each department, division and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Attorney General and provide such assistance to the OCT as is necessary to accomplish the purpose of this Order.

7. To the extent not inconsistent with any other law, the OCT may, with the approval of the Attorney General, employ, consult and contract with private and public entities, and enter into such agreements with any public or private person or entity as is appropriate for the purposes of furthering the mission of the OCT, including but not limited to consulting with experts from any State college or university.

8. The OCT is authorized to draw on the assistance of any county or municipal governmental agency, or any independent authority, for the purposes of carrying out its duties and responsibilities under this Order.

9. In order to optimize the State's intelligence gathering and analysis capabilities regarding terrorist activities, the OCT shall develop and maintain a databank of information regarding terrorists and terrorist-related activities.

10. To compile such a databank, the OCT is empowered to access all appropriate information in the possession of State departments, divisions and agencies and State and local law enforcement agencies, including but not limited to individual and compiled criminal and intelligence case files and information obtained or maintained by the Division of State Police in the Department of Law and Public Safety.

11. The OCT also shall seek relevant counter-terrorism intelligence information from all other appropriate sources, including the private sector and private individuals, and shall develop appropriate cooperative relationships with private industry, utility companies and other entities which may be potential targets of terrorism.

12. All documents, materials and information pertaining to counter-terrorism investigation, intelligence, training and protocols created, compiled, obtained or maintained by the OCT 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.

13. To maximize State intelligence capabilities, the OCT shall develop and administer training programs for both law enforcement and non-law enforcement entities on counter-terrorism and intelligence gathering and analysis on a Statewide basis, and all State departments, divisions, facilities and agencies shall provide appropriate assistance to the OCT in regard to such training programs.

14. The OCT shall review all State legislation regarding counter-terrorism and report to the Attorney General and the Governor regarding such legislation, as appropriate, and further, shall review existing laws and recommend to the Attorney General and the Governor any appropriate modifications, amendments or initiatives to support or enhance the State's counter-terrorism and preparedness capabilities.

15. The OCT shall seek out and monitor federal and State grant programs regarding counter- terrorism; and further, shall identify and may participate in any appropriate federal or multi-State law enforcement programs and efforts that would support or compliment the OCT's efforts.

16. This ORDER shall take effect immediately.

Dated January 24, 2002.

EXECUTIVE ORDER NO. 4

WHEREAS, It is the law and policy of the State of New Jersey to promote smart growth and to reduce the negative effects of sprawl and disinvestments in older communities; and

WHEREAS, The State Legislature has declared that New Jersey requires sound and integrated Statewide planning and the coordination of Statewide planning with local and regional planning in order to conserve the State's natural resources, revitalize its urban centers, protect the quality of its environment, and provide needed housing and adequate public services at a reasonable cost while promoting beneficial economic growth, development and renewal; and

WHEREAS, Significant economies, efficiencies and savings in the development process would be realized by private sector enterprise and by public sector development agencies if the several levels of government would cooperate in the preparation of and adherence to sound and integrated plans; and

WHEREAS, It is in the public interest to encourage development, redevelopment and economic growth in locations that are well situated with respect to present or anticipated public services and facilities, giving appropriate priority to the redevelopment, repair, rehabilitation or replacement of existing facilities and to discourage development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future citizens of this State; and

WHEREAS, A sound and comprehensive planning process will facilitate the provision of equal social and economic opportunity so that all of New Jersey's citizens can benefit from growth, development and redevelopment; and

WHEREAS, The State Planning Commission is charged with overseeing a cooperative planning process that involves the State, county and local governments as well as other public and private sector

interests to enhance prudent and rational development, redevelopment and conservation policies and the formulation of sound and consistent regional plans and planning criteria and providing local governments in this State with the technical resources and guidance necessary to assist them in developing land use plans and procedures which are based on sound planning information and practice, and to facilitate the development of local plans which are consistent with State plans and programs; and

WHEREAS, The State Development and Redevelopment Plan, commonly known as the "State Plan," embodies the State's official land use and development policies, to guide public investment, infrastructure development, economic growth, urban revitalization, sound housing and transportation policy, agriculture promotion and preservation, energy policy, and preservation of natural, environmental, coastal, historic and cultural resources; and

WHEREAS, Despite these efforts, New Jersey still suffers the effects of poor land use planning and decision-making such as increased commuter times, loss of open space, loss of natural resources, declining property values in distressed areas, increasing property taxes, escalating State costs associated with aiding distressed municipalities and supporting sprawling development; and

WHEREAS, The principles of smart growth would focus new growth into redevelopment of our older urban and suburban areas, protect existing open space, conserve natural resources, increase transportation options and transit availability and reduce automobile traffic and dependency, stabilize property taxes, and provide affordable housing; and

WHEREAS, Plan endorsement -- meaning a process by which the State Planning Commission certifies consistency between municipal or regional planning and the State Plan - offers the potential of fostering municipal and regional implementation of the principles of smart growth; and

WHEREAS, Various State agencies, including independent authorities and bi-state agencies, have not maximized the potential of incorporating the fundamental elements of the State Plan and the general principles of smart growth into their functional plans or regulations;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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. To ensure that State agencies incorporate the principles of smart growth and the State Plan into their functional plans and regulations, there shall be created in the Office of the Governor a Smart Growth Policy Council.

2. The Council shall consist of the following: the Secretary of Agriculture; the President of the Board of Public Utilities; the Treasurer; the Chief Executive Officer of the Commerce and Economic Growth Commission; the Commissioners of the Departments of Community Affairs, Education, Environmental Protection, and Transportation; the Executive Directors of New Jersey Transit, and the Economic Development Authority, and the Chief of the Authorities Unit. The Council shall be chaired by a senior policy advisor from the Governor's staff. The chairperson shall be supported by appropriate planning staff as needed from the various executive departments.

3. The Council shall meet bi-monthly or as needed.

4. The Council shall have the following responsibilities, powers and duties:

a. Develop and implement inter- and intra-departmental procedures and programs to assure that State agency functional plans, programs, and projects are consistent with and serve to the principles of smart growth and implement the State Plan.

b. Recommend legislative and administrative changes to advance the principles of smart growth and the State Plan.

c. Ensure that State grants, incentives or other funding issued to promote economic activity or otherwise by any agency promote consistency with the principles of smart growth and the State Plan.

d. Ensure that State transportation and infrastructure spending and regulation are consistent with the principles of smart growth and the State Plan.

e. Ensure that school construction initiatives promote smart growth, open space, and revitalization of communities.

f. Coordinate and consolidate State redevelopment initiatives especially those involving Brownfields to reduce points of entry for municipalities and developers.

g. Provide an interdepartmental venue for resolution of conflicts regarding specific private and public sector projects that would either advance or undermine the implementation of the State Plan, and to expedite projects that would serve to implement the Plan.

h. Develop initiatives to assist local government and communities to achieve smart growth objectives.

i. Review water resource capacity in the State to reduce conflicts between development and the protection of water and natural resources.

7. In cases of Statewide significance involving the integrity of the State Plan and the goals of smart growth, the State Attorney General is hereby directed, in consultation with the Smart Growth Policy Council, to defend and/or intervene on behalf of municipalities, counties or regional planning entities that have adopted plans that have been endorsed by the State Planning Commission or that are consistent with major smart growth objectives.

8. Prior to the adoption, amendment or repeal of any rule adopted pursuant to Section 4(a) of the Administrative Procedure Act, each agency shall include a Smart Growth Impact Statement, which shall describe the impact of the proposed rule on the achievement of smart growth and implementation of the State Plan. The Smart Growth Policy Council shall also recommend guidelines for the State agencies to regularly review and consider the smart growth impacts of their major actions.

9. The agencies represented on the Council shall undertake a review of their respective spending programs and rules and regulations to ensure that their actions are consistent with the principles of smart growth and the State Plan and report to the Council on their findings.

10. This Executive Order shall take effect immediately.

Dated January 31, 2002.

EXECUTIVE ORDER NO. 5

WHEREAS, On September 11, 2001, terrorists killed and injured thousands of persons in an unprovoked attack against the United States;
and

WHEREAS, Hundreds of innocent New Jersey residents were among those killed in the attacks, and numerous New Jersey residents were among those injured; and

WHEREAS, The lives of thousands of New Jersey residents have been profoundly affected by these events, in countless ways, including effects to their social, emotional and economic well being; and

WHEREAS, On September 17, 2001, in response to the events of September 11, 2001, the State of New Jersey created the Office of Recovery and Victim Assistance, to be led by a Recovery Coordinator, pursuant to Executive Order No. 132 (2001), to administer and coordinate recovery and victim assistance efforts for New Jersey victims and their families; and

WHEREAS, To access recovery and relief services and assistance, victims and their families have at times faced significant administrative burdens, and continue to expend significant time and effort identifying and accessing the available assistance programs and services, as they strive to meet the needs of their families; and

WHEREAS, Many New Jersey residents impacted by the attacks will have a continuing need for assistance and services for the foreseeable future, and would benefit from a program that would provide a higher level of aid in accessing assistance and services and would simplify the process of accessing such aid; and

WHEREAS, the long-term recovery effort will continue to be complex in nature, will necessarily involve various governmental and private agencies, and will benefit from continued coordination through a single State agency, organized as a part of the Governor's office;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT that:

1. The Office of Recovery and Victim Assistance (Office) and the position of Recovery Coordinator, both created by Executive Order 132 (2001), are hereby continued, and the Recovery Coordinator is hereby charged with leading the Office as it implements long-term relief and assistance efforts;

2. The Office and the Recovery Coordinator are hereby authorized and empowered to create and manage, directly or through an agreement with a third-party, a Family Advocate Program, to provide more personalized assistance to families who lost loved ones (families) and other persons who were injured (injured persons) in the September 11th attacks. This program shall include, but not be limited to, the following features:

a. The program shall assist families and injured persons in identifying, applying for and receiving available services and assistance;

b. Family Advocates, who shall be assigned to work with specific families and persons, will act as the primary point of contact for families and injured persons to receive information and assistance in accessing available resources, including but not limited to, charitable and other funds, public and private programs, volunteer and fee-based services, such as legal, financial and mental health services, job training and skill enhancement programs;

c. For the convenience and accessibility of families and injured persons, Family Advocates shall be assigned, and shall operate, on a regional basis and have access to comprehensive and current sources of available assistance;

d. Family Advocates shall have the appropriate training, experience and personal qualities necessary to provide comprehensive and effective assistance, shall be knowledgeable regarding the array of available services and assistance, and shall be subject to appropriate performance standards and supervision.

3. In addition to the powers set out for the Office and the Coordinator in Executive Order 132 (2001), the Office and the Coordinator also are authorized and empowered:

a. To cooperate and coordinate with private and public agencies, as well as with not-for-profit corporations, and to enter into agreements with these entities for the purpose of furthering the mission of the Office as set forth in Executive Order No. 132 (2001), and herein, including but not limited to, cooperative relationships and agreements that simplify or streamline the application and qualification processes required for families and injured parties to receive available assistance and services;

b. To solicit, receive and accept appropriations from public sources for any recovery and victim assistance purpose which falls within the mission of the Office as set forth in Executive Order No. 132 (2001), and hereunder. The Office may not acquire, hold, receive or accept any moneys or other property, real or personal, tangible or intangible that will result in the incurring of any financial obligations on the part of the State that cannot

be supported entirely from the funds then available to or from the moneys then held by the Office.

c. To organize or participate in the organization of a not-for-profit corporation, organized under the laws of this State, which is exempt from federal taxation. It shall be the purpose and function of the corporation to further the mission of the Office as set forth in Executive Order No. 132 (2001), and herein, including but not limited to, operating and administering the Family Advocate Program, described herein, directly or through a third-party provider. Expenses incurred by the corporation shall be payable from the funds raised or held by it, and no liability or obligation, in tort or contract, shall be incurred by the State for the operation of the corporation, nor shall the corporation in any way be indemnified by the State. The corporation shall not be entitled to representation by the Attorney General, but shall be responsible for securing its own counsel when necessary.

The corporation established and organized under the provisions of this subsection shall be governed by a board of directors and administered by an executive director. Four State officers, appointed by the Governor, shall serve on the board *ex officio*. In addition to the *ex officio* members, the initial board shall consist of three public members appointed by the Governor. These initial public members shall serve for a term of one year.

In order to expedite the delivery of Family Advocate services to families and injured persons, the Governor shall appoint an interim chairperson and an interim executive director to serve until such time as the Board is able to deliberate and determine these issues. It shall be the responsibility of the initial board to determine the organization of the board thereafter, including the number of public board members, their terms, the manner in which they are selected, the selection of an executive director, and such other matters as the initial board shall deem appropriate. In determining the manner in which the public members are selected, the board shall provide that a majority of those members be selected from among persons recommended by the Governor. A public member may serve more than one term.

No member of the board shall engage or participate in any for-profit business transactions with the corporation.

d. To enter into agreements with any State, federal or local agency pursuant to the "Government Employee Interchange Act," P.L. 1967, c.77 (C.52:14-6.10 et seq.).

4. This Order shall take effect immediately.

Dated February 9, 2002.

EXECUTIVE ORDER NO. 6

WHEREAS, The State of New Jersey has a compelling interest to comply with the Supreme Court's decisions in *Abbott v. Burke* to ensure the constitutional guarantee of a "thorough and efficient" education to students in the Abbott districts; and

WHEREAS, The Abbott decisions direct implementation of comprehensive and far-reaching programs and reforms; and

WHEREAS, After many years of litigation necessitating Supreme Court intervention in issues of educational policy and delivery thereof, the State has determined that collaborative policy-making among stakeholders and interested parties is essential to effective Abbott implementation; and

WHEREAS, The provision of meaningful educational programs in our urban communities requires policy and operational articulation and coordination among various agencies; and

WHEREAS, The State of New Jersey has a compelling interest to provide effective and timely implementation of educational programs and reform in our urban districts in order to improve the quality of education and opportunity for children in those districts; and

WHEREAS, The State of New Jersey has a compelling interest to provide effective leadership and coordination among departments and agencies of the State and to collaborate with districts and schools to effectuate implementation of these programs and reforms; and

WHEREAS, The Supreme Court in *Abbott VI* (2000) has called for an end to "the adversarial relationship between the parties" and a "cooperative effort focused on the provision of high quality preschool" and other educational programs for the students in the Abbott districts; and

WHEREAS, The State of New Jersey has already begun a collaborative process of implementation of the Supreme Court's mandates and desires to continue and expand that course of action; and

WHEREAS, For more than two decades, the Education Law Center has adequately represented the interests of the Court-certified class of all public school students in the Abbott districts;

NOW, THEREFORE, I, JAMES E. McGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby Order and Direct:

1. Executive Order No. 113 (Whitman) is hereby rescinded and is superseded by this Executive Order.

2. There is hereby established The Abbott Implementation and Compliance Coordinating Council.

3. The Council shall consist of seven (7) members as follows:

- (a) The Commissioner of Education;
- (b) The Assistant Commissioner of Education for Abbott Programs;
- (c) The Commissioner of Human Services;
- (d) The Executive Director of the Economic Development Authority;
- (e) The Executive Director of the Commission on Higher Education;
- (f) The Attorney General or Director of the Division of Law in the Department of Law and Public Safety; and
- (g) The Executive Director of the Education Law Center.

The Governor's Special Counsel for Education shall serve as ex-officio non-voting member and chair of the Council.

4. The Council shall meet on a monthly basis beginning February, 2002. Each member is authorized to have in attendance at such meetings additional staff as may be necessary to inform the Council's discussions and actions.

5. The purposes of the Council shall be as follows:

- (a) To develop and recommend needed improvements, revisions, and modifications in State statutes, regulations, policies and procedures;
- (b) To assure full, effective and timely implementation of the Abbott programs and reforms on a sustained basis;
- (c) To assess ongoing implementation, and develop and recommend and implement adjustments and modifications as needed;
- (d) To assure effective State leadership and coordination among State departments and agencies, and integration of Abbott within new federal mandates;

(e) To develop and recommend State and district accountability measures to track progress in program implementation and student achievement; and

(f) To review current and future disputes and issues among the parties and to assure State compliance with Court mandates.

6. The areas and principal issues to be addressed by the Council are as follows:

- (a) Early Childhood Education;
- (b) Abbott early literacy;
- (c) Standards-based reform and whole school reform;
- (d) K-12 supplemental programs (i.e. social, health services);
- (e) School construction and rehabilitation;
- (f) Reform and phase-out of State operation of districts; and
- (g) Review of Abbott designation, including charter schools.

7. The Council shall establish issue priorities and will convene and supervise work groups and committees of stakeholders to address reform and improvement of Abbott implementation, as necessary.

8. The Council shall authorize ongoing evaluation of Abbott implementation and compliance and shall issue annual reports to the Governor, the Legislature, the Supreme Court and the public.

9. The Council shall also seek Court approval of adjustments and modifications of Court mandates as needed.

10. The Council is authorized to utilize the services of State departments and agencies as needed, as well as consultants and experts as deemed necessary to discharge its responsibilities under this Order.

11. This Order shall take effect immediately.

Dated February 19, 2002.

EXECUTIVE ORDER NO. 7

WHEREAS, The economic well-being of the State of New Jersey is inextricably linked to the quality of this State's education system; and

WHEREAS, The 21st century has transformed the State of New Jersey to an innovation and information State; and

WHEREAS, The State of New Jersey has a compelling interest to ensure that its students are well prepared to compete in a global economy; and

WHEREAS, The State of New Jersey has a compelling interest to ensure that its students are prepared to meet the needs of this State's employers; and

WHEREAS, The education of New Jersey's students must be viewed as a seamless web from preschool to college and beyond; and

WHEREAS, The State of New Jersey's current education system lacks sufficient coordination among various levels of education as well as with the business community; and

WHEREAS, The State of New Jersey has a compelling interest to provide for a coordinated effort among the leaders of the State's education systems and the business community; and

WHEREAS The Governor desires to provide the leadership necessary to insure coordination among all levels of education and the business community;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Education Cabinet.
2. The members of the Cabinet shall be as follows:
 - a. Governor James E. McGreevey
 - b. William Librera, Commissioner, New Jersey Department of Education
 - c. Susan Cole, President, Montclair State University
 - d. Carlos Hernandez, President, New Jersey City University
 - e. George A. Pruitt, President, Thomas Edison State College
 - f. Honorable Thomas Kean, former Governor and Drew University President
 - g. Dr. Zachary Yamba, President, Essex County Community College

- h. Phyllis Della Vecchia, President, Camden County Community College
- i. Larry Nespoli, President, New Jersey Council of County Colleges
- j. James E. Carnes, President and CEO, Sarnoff Corporation, and Co-chair of Prosperity New Jersey
- k. Reverend Dr. William Watley, Commerce Department
- l. Adam Pechter, Prosperity New Jersey
- m. Alfred Gamper, Rutgers University Board of Governors
- n. Lawrence Feinsod, Superintendent, Cranford Public Schools
- o. Lucille Davy, Special Counsel to the Governor for Education

3. The Governor's Education Cabinet shall meet quarterly beginning in April 2002.

4. The mission of the Education Cabinet shall be as follows:
- a. To ensure communication among and between all levels of State education policy-makers and leaders, and the business community.
 - b. To provide for coordinated efforts to address the State's economic priorities as they relate to education.
 - c. To advise the Governor on all matters related to the education of a 21st century workforce.

5. Members of the Cabinet are hereby authorized to call upon any department, office, or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Dated February 21, 2002.

EXECUTIVE ORDER NO. 8

WHEREAS, Current data clearly indicates that many children throughout the State of New Jersey, from the suburbs to the cities, are not successfully reaching acceptable literacy levels by the end of third grade; and

WHEREAS, Research clearly indicates that children who fail to reach literacy levels by the end of third grade will have greater difficulty learning in the years that follow and that few of them will ever reach their full potential as a result; and

WHEREAS, The State of New Jersey has a compelling interest to take the necessary steps to ensure that every third grader in New Jersey can read at or above grade level; and

WHEREAS, Although the State of New Jersey adopted Language Arts core curriculum content standards in 1996, the state failed to include any literacy standards prior to grade four; and

WHEREAS, Teachers and parents throughout this State need guidance as to the expectations for early literacy so that such expectations can be achieved; and

WHEREAS, The State of New Jersey has a compelling interest to provide such expectations through a series of early literacy frameworks and standards for teachers of preschool, kindergarten and first grade children and literacy standards for second and third grade students; and

WHEREAS, The State of New Jersey recognizes that literacy efforts must include a broad base of support particularly from parents and the community; and

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

WHEREAS, The federal government, under the recently enacted Elementary and Secondary Education Act, requires states to address the issue of early literacy; and

WHEREAS, The State of New Jersey has a compelling interest to begin work immediately on achieving the federal standards for literacy and to prepare its children for success in the 21st century.

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

1. The Commissioner of Education shall develop:
 - a. Frameworks, activities, good practices, and literacy standards for teachers of preschool, kindergarten, and grade 1 by September 1, 2002.
 - b. Literacy standards for students in grades 2, 3, and 4 by September 1, 2002.
 - c. Insure that schools establish literacy goals and include them in their annual reports to the State Department of Education.
2. The Commissioner of Education shall form an Early Literacy Task Force to be led by Dr. Dorothy Strickland of the Graduate School of Education, Rutgers University, and Robert Copeland, Superintendent of the Piscataway School District.
3. The Early Literacy Task Force shall be charged with the following:
 - a. Identify research-based programs, practices, methods and approaches that can be incorporated into a Statewide plan to improve early literacy by June 30, 2002.
 - b. Recommend ways to improve teacher professional development in the teaching of reading including implementation of reading coaches in elementary schools by June 30, 2002.
4. The Governor's Conference on Literacy shall be held on May 3, 2002, at which time representatives from every school district in the State will be invited to learn about the State's plans to improve early literacy, as well as the federal government requirements related to these efforts.
5. Dr. Dorothy Strickland shall work with the New Jersey Department of Education to facilitate efforts to meet the literacy requirements delineated in the federal Elementary and Secondary Education Act.
6. This Order shall take effect immediately.

Dated February 25, 2002.

EXECUTIVE ORDER NO. 9

WHEREAS, Parents, teachers, and leaders from business, faith-based and other community organizations in New Jersey all have an important role in ensuring that our children receive a quality education in an environment that is safe and conducive to learning; and

WHEREAS, Developing good character in our young people is essential to providing a safe and productive school environment; and

WHEREAS, The events of September 11th have heightened the sensitivity of our nation and our State, causing citizens to give greater consideration to common beliefs, character virtues, and service to others; and

WHEREAS, The State of New Jersey has a compelling interest to provide leadership for a Statewide effort on character education so that students throughout the State can be involved in programs that recognize our common values and help them to become good citizens; and

WHEREAS, The State of New Jersey has a compelling interest to help schools create classroom environments that promote effective learning and encourage students to respect one another; and

WHEREAS, The State of New Jersey has a compelling interest to help schools teach students the importance of good character traits such as integrity, fairness, respect, and citizenship; and

WHEREAS, The State of New Jersey has a compelling interest to teach students how to solve conflicts without resorting to intimidation or violence, and to avoid the dangers of drugs and alcohol; and

WHEREAS, Nationwide research demonstrates that successful character education programs are based on values determined by the local community and transmitted through incorporation into existing curriculum; and

WHEREAS, Research demonstrates that the provision of meaningful character education programs that incorporate common values, conflict resolution, and service to others can best be achieved by involving parents and communities in such efforts along with the school community; and

WHEREAS, The State of New Jersey has a compelling interest to gather information on best practices and principles that define good character education programs; and

WHEREAS, The State of New Jersey desires to build upon existing programs and efforts currently being undertaken by schools in this State.

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 New Jersey Character Education Commission.

2. The Commission shall be co-chaired by Father Edwin Leahy, Headmaster of St. Benedict's Preparatory School; Dr. Moses William Howard, Pastor of Bethany Baptist Church; Maud Dahme, President of the New Jersey State Board of Education; and Clarence Hoover, Superintendent of the Vineland Public Schools. Other members of the Commission shall be appointed by the Governor, with representation from faith-based organizations, community and service organizations, parents, and education leaders throughout the State.

3. The Commission shall begin meeting in March 2002 and shall report to the Governor on or before September 30, 2002.

4. The Commission shall review best practices for character education and shall set forth options for communities and school districts to undertake the development of community-based character education programs.

5. In its recommendations, the Commission shall consider programs that:

- a. Teach students the importance of character traits such as integrity, fairness, respect, responsibility, and citizenship
- b. Incorporate character education through the existing curriculum
- c. Create schools that are safe
- d. Create classroom environments that promote effective learning and encourage students to respect one another
- e. Teach students how to solve conflicts fairly and respectfully without resorting to intimidation or violence
- f. Develop leadership skills and offer students opportunities to serve others
- g. Engage parents and the entire community in cooperative efforts to build and model good character.

6. The Commission shall be staffed by personnel from the Department of Education.

7. The Commission 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 its responsibilities under this Order. Each department, officer, division and agency of this State is required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order.

8. The meetings of this Commission shall be publicly advertised throughout the State of New Jersey and shall be open to the public so as to allow for input from the community.

9. This Order shall take effect immediately.

Dated February 27, 2002.

EXECUTIVE ORDER NO. 10

WHEREAS, In our representative form of government, it is essential that the conduct of public officials earn the respect and confidence of the people; and

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

WHEREAS, Public officials must avoid conduct which is in violation of their public trust or which creates a justifiable impression among the public that such trust is being violated; and

WHEREAS, The Conflicts of Interest Law recognizes that it is desirable to establish meaningful ethical restrictions while accommodating the ability of State government to attract experienced, qualified persons to serve the State's citizens; and

WHEREAS, To ensure propriety and preserve public confidence, persons serving in government should have the benefit of specific standards

to guide their conduct and of some disciplinary mechanism to ensure the uniform maintenance of those standards amongst them; and

WHEREAS, It has been previously recognized by the Executive Commission on Ethical Standards ("Executive Commission") that to alleviate such a conflict, a blind trust may be utilized in certain circumstances to erect a barrier between State officers and employees and their investments so that such officers might be shielded from potential conflicts; and

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

WHEREAS, The public disclosure of personal financial interest of public officials will serve to maintain the public's faith and confidence in its government representatives and will guard against conduct violative of the public trust; and

WHEREAS, Limits on the outside income of Cabinet-level appointees can help instill confidence in government decision-making; and

WHEREAS, It is essential that State agencies regularly reassess the effectiveness of the ethical standards that guide the conduct of their employees and officers;

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

I. PERSONAL FINANCIAL DISCLOSURE

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

- a. The name and position of the public employee or public officer;
- b. Any occupation, trade, business, profession or employment engaged in by the public employee or public officer, his or her spouse, and dependent children;

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

- (1) greater than \$1,000 but not more than \$5,000;
- (2) greater than \$5,000 but not more than \$25,000;
- (3) greater than \$25,000 but not more than \$50,000;
- (4) greater than \$50,000 but not more than \$100,000;
- (5) greater than \$100,000 but not more than \$250,000;
- (6) greater than \$250,000.

The value of assets of (1) the dependent children of a public employee or (2) a public officer, his or her spouse and dependent children need not be disclosed unless specifically requested by the Governor or the Executive Commission.

d. A list of all liabilities of the public employee or public officer, his or her spouse, and dependent children, valued by category in the same manner as required by paragraph 1.c. above, except liabilities which are:

- (1) less than \$10,000 and owed to a relative as defined in section 6 hereof;
- (2) less than \$1,000 and owed to any other person;

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

(4) revolving charge accounts where the outstanding liability does not exceed \$10,000 as of the close of the preceding calendar year. The value of liabilities of the dependent children of a public employee or public officer need not be disclosed unless specifically requested by the Governor or the Executive Commission

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

f. A list of all sources of income of the public employee or public officer, his or her spouse, and dependent children, including all compensated employment of whatever nature, all directorships or other fiduciary positions for which compensation has or will be claimed, all capital gains including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honoraria, lecture fees and other miscellaneous sources of income including, but not limited to, interest, dividends, royalties and rents. Statements filed before July 1 of any year shall disclose sources of income for the preceding calendar year. Statements filed after July 1 of any year shall provide this information for the twelve-month period immediately preceding the filing date. The amounts of such income received shall be listed and valued by category in the same manner of assets as set forth in paragraph c(1) through c(6) above. The amount of income of (1) the dependent children of a public employee, or (2) a public officer, his or her spouse and dependent children need not be disclosed unless specifically requested by the Governor or the Executive Commission. Sources of income that are not required to be reported are:

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

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

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

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

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

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

3. a. Within 60 days from the effective date of this Order, each public employee and public officer who has not already done so shall file the signed and notarized statement required herein or other such authentication as the Executive Commission may require to facilitate electronic filing with the Executive Commission. In furtherance of its duties under the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and pursuant to this Executive Order, the Executive Commission shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such a statement for filing, the Commission shall file and maintain a copy of it for public inspection and copying in accordance with the procedures set forth in N.J.S.A. 47:1A-1 et seq.;

b. After the expiration of the initial 60-day period set forth in subsection I.3.a., each prospective public employee and public officer shall satisfy the filing requirements of this Order within 60 days of assuming office or commencing employment, unless the Executive Commission or its staff grants to such public employee or public officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be for more than 30 days each;

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter provided, however that public employees and public officers who file statements on or after January 15, 2002 but prior to May 15, 2002 need not file an updated statement on May 15, 2002.

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

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

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

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

- (1) The Governor;
- (2) The head of each principal department;
- (3) The assistant or deputy heads of each principal department to include all assistant and deputy commissioners of such departments;
- (4) The head and the assistant heads of a division of each principal department, or any person exercising substantially similar authority for any board or commission which is organized as in but not of a principal department or any independent authority;
- (5) The executive or administrative head and assistant heads of
 - (i) any board or commission which is organized in but not of a principal department or
 - (ii) any independent authority;
- (6) The following members of the staff of the Office of the Governor:
 - (a) Chief of Staff;
 - (b) Chief of Management and Operations;
 - (c) Chief of Policy and Communications;
 - (d) Chief Counsel to the Governor;
 - (e) Director of Communications;
 - (f) Policy Counselor to the Governor;
 - (g) Any deputy or principal administrative assistant to any of the foregoing members of the staff of the Office of the Governor;
- (7) Members of the State Board of Agriculture;
- (8) Members of the State Board of Education;
- (9) Members of the State Board of Public Utilities;
- (10) Members of the State Parole Board; and
- (11) Presidents of the State Colleges and Universities.

b. "Public officer" shall mean:

- (1) the members of the following boards, commissions, independent authorities and public corporations, together with any other equivalent

offices or bodies and such other offices or bodies added to such list by subsequent determination of the Governor:

- (a) Agricultural Development Committee;
- (b) Atlantic City Convention Center Authority;
- (c) Capital City Redevelopment Corporation;
- (d) Casino Reinvestment Development Authority;
- (e) Council on Affordable Housing;
- (f) Education Facilities Authority;
- (g) Election Law Enforcement Commission;
- (h) Hazardous Waste Facilities Siting Commission;
- (i) Health Care Administration Board;
- (j) Health Care Facilities Financing Authority;
- (k) Low-Level Radioactive Waste Disposal Facility Siting Board;
- (l) Merit System Board;
- (m) New Jersey Building Authority;
- (n) New Jersey Commission on Science and Technology;
- (o) New Jersey Economic Development Authority;
- (p) New Jersey Highway Authority;
- (q) New Jersey Housing and Mortgage Financing Agency;
- (r) New Jersey Meadowlands Commission;
- (s) New Jersey Public Broadcasting Authority;
- (t) New Jersey Racing Commission;
- (u) New Jersey Sports and Exposition Authority;
- (v) New Jersey State Council on the Arts;
- (w) New Jersey Transit Corporation;
- (x) New Jersey Transportation Trust Fund Authority;
- (y) New Jersey Turnpike Authority;
- (z) New Jersey Urban Enterprise Zone Authority;
- (aa) North Jersey District Water Supply Commission;
- (bb) Passaic Valley Sewerage Commission;
- (cc) Passaic Valley Water Commission;
- (dd) Pinelands Commission;
- (ee) Public Employment Relations Commission;
- (ff) South Jersey Food Distribution Authority;
- (gg) South Jersey Port Corporation;
- (hh) South Jersey Transportation Authority;
- (ii) State Athletic Control Board;
- (jj) State Lottery Commission;
- (kk) State Planning Commission;
- (ll) Tidelands Resource Council;
- (mm) Urban Development Corporation;
- (nn) Wastewater Treatment Trust; and

- (oo) Water Supply Authority.
- (2) Individuals appointed as a New Jersey member to the following agencies:
 - (a) Atlantic States Marine Fisheries Commission;
 - (b) The Delaware River and Bay Authority;
 - (c) Delaware River Basin Commission;
 - (d) Delaware River Joint Toll Bridge Commission;
 - (e) Delaware River Port Authority;
 - (f) Delaware Valley Regional Planning Commission;
 - (g) Interstate Sanitation Commission;
 - (h) Northeast Interstate Low-Level Radioactive Waste Commission;
 - (i) Palisades Interstate Park Commission;
 - (j) Port Authority of New York and New Jersey;
 - (k) The Port Authority Trans Hudson Corporation; and
 - (l) Waterfront Commission of New York Harbor.
- c. "Government instrumentality" shall mean the Legislative, Judicial, and Executive Branches of State government including any office, department, division, bureau, board, commission, council, authority or agency therein and any county, municipality, district, public authority, public agency or other political subdivision or public body in the State;
- d. "State agency" shall mean any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission, or other instrumentality within or created by such department, and any independent State authority, commission, instrumentality or agency;
- e. "Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle or aunt. Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

7. Further, in order to promote the highest ethical standards and to assure the fullest attention to the responsibilities of high-government office, it is appropriate and desirable to place limits on the outside income of the Governor, Cabinet members and Cabinet-level appointees (hereinafter "Cabinet-level appointee").

8. For purposes of this Section, Cabinet-level appointees shall include: the Governor, the Adjutant General, the Secretary of Agriculture, the Attorney General, the Commissioner of Banking and Insurance, the Secretary and Chief Executive Officer of the Commerce and Economic Growth Commission, the Commissioner of Community Affairs, the Commissioner of Corrections, the Commissioner of Education, the

Commissioner of Environmental Protection, the Commissioner of Health and Senior Services, the Commissioner of Human Services, the Commissioner of Labor, the Commissioner of Personnel, the President of the State Board of Public Utilities, the Secretary of State, the Superintendent of State Police, the Commissioner of Transportation, the State Treasurer, those members of the Governor's staff set forth herein in Section I, 6.a.(6)(a) through (g), and such other positions as the Governor may from time-to-time direct.

9. No Cabinet-level appointee shall accept any compensation other than that paid to him by or reimbursed to the State for the performance of his official duties, including salary, honoraria, fees and such other forms of income. Receipt of all other income that is not connected with the performance of official duties by a Cabinet-level appointee is banned, except for investment income from stocks, mutual funds, bonds, bank accounts, notes, a beneficial interest in a trust; financial compensation received as a result of prior employment or contractual relationships; and income from the disposition or rental of real property. In order to receive such income listed above, a Cabinet-level appointee must first seek review and approval by the Executive Commission staff to ensure that the receipt of such income does not violate the Conflicts of Interest Law or any applicable code of ethics, and does not undermine the full and diligent performance of the Cabinet-level appointee's duties. All income received by Cabinet-level appointees must be disclosed on their Financial Disclosure Statements.

II. BLIND TRUSTS

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

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

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

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

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

e. The trustee shall be required either to:

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

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

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

g. A provision shall be included in the trust agreement prohibiting the trustee from investing the trust property in corporations or businesses which do a significant amount of business with the State of New Jersey or from knowingly making any investment in a corporation, business or venture over which the grantor has regulatory or supervisory authority by virtue of his or her official position;

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

i. The trustee shall be a commercial trustee and not a natural person;

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

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

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

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

III. INTERESTS IN CLOSELY-HELD CORPORATIONS OR SIMILAR ENTITIES

1. No regular State employee who is required by law or Executive Order to submit a Financial Disclosure Statement to the Executive Commission shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any federal, State, interstate or local government entity, except as provided in subsection 3 below.

a. Any such regular State employee who is employed as of the date of this Executive Order, and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any federal, State, interstate or local government entity, shall notify the Executive Commission as to his or her interest, and his or her spouse's interest, in such a business entity within 120 days of the effective date of this Order. The Executive Commission shall review this disclosure statement to determine whether the business entities in which the employee has an interest are engaged in government-related business within the meaning of this Executive Order, and whether the holdings are in compliance with the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et. seq. and this Executive Order. No later than 120 days from the Executive Commission's receipt of the Financial Disclosure Statement, the Executive Commission shall notify the employee of its findings. The employee shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset, except as may be further extended by the Executive Commission or to demonstrate to the Executive Commission that the business entity has ceased to do business with a government entity in a manner prohibited by this Executive Order.

b. After the issuance of this Executive Order, no State agency shall employ any person in a covered position who at the time of employment holds any interest in any closely held corporation, partnership, sole proprietorship or similar business entity doing business with any federal, State, interstate or local government entity, except as provided in subsection 3 below. No individual seeking employment in such a position shall divest a covered asset in a manner otherwise prohibited by this Executive Order for the purpose of satisfying the provisions of this Executive Order. Furthermore, no employee shall obtain any prohibited interest in a business entity during the employee's tenure.

c. The provisions of subsections III A1 and III A2 shall not apply to any purchase, sale, contract or agreement with any government entity other than a State agency, which is made or awarded after public notice and competitive bidding as provided by the Local Government Contracts Law,

N.J.S.A.40A:11-1 et. seq., or such similar provisions contained in the public bidding laws or regulations applicable to any government entity in this State or any other jurisdiction, provided that any such purchase, sale, contract or agreement, including a change in orders and amendments thereto, shall receive the prior approval of the Executive Commission. The provisions of subsections III A1 and III A2 do apply where the purchase, sale, contract or agreement is authorized by any of the exceptions (e.g., professional or technical services, emergent matters, and unique compatibility) provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et. seq., or such similar provisions contained in the public bidding laws or regulations of any other jurisdiction.

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

a. Each regular State employee or special State officer employed or appointed as of the date of this Executive Order shall notify the Executive Commission as to his or her interest, and his or her spouse's interest, in any such business entity within 120 days of the effective date of this Order. The Executive Commission shall review the disclosure statement and shall determine whether the employee or officer may retain such interest in the business entity consistent with the standards set forth in the Conflicts of Interest Law, N.J.S.A.52:13D-12 et. seq., and this Executive Order. The Executive Commission shall notify the State employee or officer of its findings no later than 120 days from the Executive Commission's receipt of the Financial Disclosure Statement. The employee or officer shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset or to demonstrate that the business entity has ceased the business activity in question.

b. After the issuance of this Executive Order, no State agency shall employ or appoint any regular State employee or special State officer to a covered position if such person holds any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity, unless the Executive Commission has reviewed such interest and determined that the employee or officer may retain such an interest. A person seeking such employment or appointment shall disclose to the Executive Commission his or her interest, and his or her spouse's interest, in any such business entity as soon as practicable, and the Executive Commission shall

render a determination no later than 30 days after receiving such a disclosure, or at its next regularly scheduled meeting. No individual seeking employment or appointment to such a position shall divest a covered asset in a manner otherwise prohibited by this Executive Order for the purpose of satisfying the provisions of the Executive Order.

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

4. Each regular State employee or special State officer shall amend his or her financial disclosure statement within 30 days of gaining knowledge of (a) his or her, or his or her spouse's acquisition of any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity; or (b) the commencement of any business activity covered by the provisions of this Executive Order and as determined by the Executive Commission, including, for example, a change in business plan authorizing business activity with a federal, State, interstate or local government entity, by a business in which the officer or employee or the employee's or officer's spouse has an interest covered by this Executive Order.

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

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

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

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

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

7. For the purpose of Section II and Section III of this Order:
- a. "Member of the immediate family" shall mean a spouse, child, parent or sibling residing in the same household.
 - b. "Asset" shall mean property of any kind, real and personal, tangible and intangible, having a value greater than \$1,000.
 - c. "Interest" in a closely-held corporation, partnership, sole proprietorship or similar business entity shall mean any ownership or control of any profits or assets of such a business entity.
 - d. "Doing business" with any federal, State or local government entity shall mean business or commercial transactions involving the sale, conveyance or rental of any goods or services, and shall not include such activities as compliance with regulatory procedures.
 - e. "Regular State employee" shall have the same meaning as "State officer or employee" as set forth at N.J.S.A.52:13D-13b, and "special State officer" shall have the same meaning as "Special State officer or employee" as set forth at N.J.S.A. 52:13D-13e.
 - f. "State agency" shall mean any of the principal departments of State government and any entity allocated therein in conformance with N.J. Const. (1947), Art. V, Sec. IV para. 1.

IV. CODES OF ETHICS REVIEW

1. In order to ensure that Codes of Ethics adopted pursuant to N.J.S.A.52:13D-23 fully conform to the most exacting ethical principles, each department, agency, board, bureau, commission, division or other instrumentality within a department of State government is hereby directed to undertake an immediate comprehensive review and thorough examination of their codes of ethics to ensure the strictest conformance with the Conflicts of Interest Law and this Executive Order and to report the findings of that review and to submit any revised codes of ethics to the Executive Commission within 120 days of this Order.

2. Thereafter, the staff of the Executive Commission shall require that newly-appointed officers and employees who are covered by this Executive Order attend a training session designed to educate them regarding the requirements of the Conflicts of Interest Law, any applicable code of ethics and this Executive Order. The Executive Commission staff shall also offer an annual training session to all officers and employees who are covered by this Executive Order.

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

all ethics liaison officers to ensure that the requirements of the Conflict of Interest Law and this Executive Order are being understood and followed.

V. SANCTIONS

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

VI. RECISSION

1. Executive Order No. 2 of Governor Christine Todd Whitman and any subsequent Executive Orders issued in conjunction therewith are hereby rescinded, and any regulations adopted and promulgated thereunder are hereby declared null and void.

VII. EFFECTIVE DATE

1. This Executive Order shall take effect immediately.

Dated February 28, 2002.

EXECUTIVE ORDER NO. 11

WHEREAS, New Jersey has suffered from unusually dry weather conditions since 1998 and precipitation throughout the State during the past twelve-month period has been among the lowest on record; and

WHEREAS, New Jersey has had to declare water supply emergencies as recently as 1999 and 1995 and the unusually dry weather conditions over these time periods highlight the importance of preserving and protecting the State's water resources to sustain our natural resources and economy; and

WHEREAS, New Jersey is divided into six drought regions, based on watershed location and other conditions relevant to water supply, as follows: Central Drought Region (Middlesex, Somerset and Union Counties, and parts of Hunterdon, Mercer and Morris Counties); Coastal North Drought Region (parts of Monmouth and Ocean Counties); Coastal South Drought Region (Atlantic, Cape May and Cumberland Counties, and parts of Burlington, Camden, Gloucester, Ocean and Salem Counties); Northeast Drought Region (Bergen, Passaic, Hudson and parts of Essex and Morris Counties);

New Jersey State Library

Northwest Drought Region (Sussex and Warren Counties, and part of Hunterdon County) and Southwest Drought Region (parts of Burlington, Camden, Gloucester, Mercer, Monmouth and Salem Counties); and

WHEREAS, On January 24, 2002, the New Jersey Department of Environmental Protection issued a drought warning for the Northeast, Northwest, Southwest, Coastal South and Coastal North Drought Regions, due to the precipitation deficit, record low ground water levels and stream flows, and depleted reservoir levels; and

WHEREAS, Voluntary efforts to curtail nonessential consumption of water resources and the transfer of water among the Northeast Drought Region reservoir systems have not succeeded in maintaining adequate storage levels of existing water supplies in that region; and

WHEREAS, The consumption of water in all of the drought regions of New Jersey must be managed and reduced in order to preserve an adequate and dependable supply of water for the State; and

WHEREAS, The Commissioner of the Department of Environmental Protection has found that there exists or impends a water supply shortage, resulting from the prolonged drought, of a dimension which endangers the public health, safety and welfare of the residents and industry of the State of New Jersey; and

WHEREAS, The full cooperation of every person in the affected regions, including every business, State agency and political subdivision, is urgently needed in order to avert more severe restrictions on water use; and

WHEREAS, It is essential that steps be taken immediately to ensure the maximum conservation of all water resources in the State and to provide for the equitable distribution of the existing water supply; and

WHEREAS, The Commissioner of the Department of Environmental Protection and the Drought Coordinator, with the assistance of the Water Emergency Task Force, have the authority pursuant to N.J.S.A. 58:1A-1 et seq. and N.J.A.C. 7:19-1 et seq., to adopt such rules, regulations, orders and directives as deemed necessary to help alleviate a water emergency;

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

1. A state of water emergency exists in each of the six drought regions by reason of the facts and circumstances set forth above.

2. I invoke such emergency powers as are conferred upon me by the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq., and the Disaster Control Act, N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto.

3. The Commissioner of the Department of Environmental Protection, the Water Emergency Task Force and the Drought Coordinator are directed pursuant to N.J.S.A. 58:1A-1 et seq. and N.J.A.C. 7:19-1 et seq., and other relevant authority, to take whatever steps are necessary and proper to alleviate the water emergency and to effectuate this Order, including the following:

- Identify and impose such water use restrictions and conservation measures to the extent deemed necessary for each specific drought region, taking into consideration region-specific hydrogeologic conditions, infrastructure characteristics, and other relevant factors.
- Identify and implement Statewide strategies for the use of alternate water supplies, including the restoration of surface and groundwater resources currently not available for potable use.
- Identify and implement measures to establish Statewide priorities for the distribution of any water supply so as to mitigate and prevent drought through protection of surface and groundwater resources, and other natural resources.
- Work with State departments and agencies to identify and implement water conservation measures in order to reduce the consumption of water at those departments and agencies.
- Develop appropriate processes to incorporate stakeholder input in order to identify the above Statewide measures and strategies.

4. It shall be the duty of every person in the State, including every business, State agency and political subdivision, to fully cooperate in all matters concerning this water emergency, and to comply with the mandatory restrictions on adjustable uses of water as defined in the Administrative Orders to be issued by the Commissioner of the Department of Environmental Protection.

5. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law under N.J.S.A. 58:1A-1 et seq., N.J.S.A. App. A:9- 49 et seq., and N.J.A.C. 7:19-1 et seq.

6. Furthermore, 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 in any way conflicts 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 any Administrative Order issued under authority of this Order by the Commissioner of the Department of Environmental Protection.

7. This Order shall take effect immediately and shall remain in effect until terminated by action of the Governor.

Dated March 4, 2002.

EXECUTIVE ORDER NO. 12

WHEREAS, On April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, the State of New Jersey entered into a Sister State Agreement with Israel (hereinafter referred to as "Agreement") as a symbol of the potential for cooperation that exists between our two states; and

WHEREAS, This agreement calls for the development of trade and cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

WHEREAS, On May 31, 1989, the State of New Jersey established the New Jersey-Israel Commission (hereinafter referred to as "Commission") by Executive Order No. 208 (Kean) to enhance New Jersey's ability to implement the stated goals of this Agreement; and

WHEREAS, The Commission was continued by Executive Orders Nos. 35 and 90 (Florio) through and including May 31, 1995; and

WHEREAS, The Commission was continued by Executive Orders Nos. 37 and 70 (Whitman) until it expired on January 1, 2002; and

WHEREAS, The Commission has effectively fostered a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey that should continue in order to further the goals of the Agreement;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 New Jersey-Israel Commission shall continue in existence through and including January 1, 2007.

2. The membership of the Commission shall be modified to consist of a minimum of fifteen (15) members and a maximum of one hundred twenty-five (125) members.

3. All other provisions of Executive Order No. 208 (Kean), Executive Orders Nos. 35 and 90 (Florio) and Executive Orders Nos. 37 and 70 (Whitman) which are not inconsistent with the foregoing, shall remain in full force and effect.

4. This Order shall take effect immediately and shall apply retroactively to January 1, 2002.

Dated March 5, 2002.

EXECUTIVE ORDER NO. 13

WHEREAS, Research clearly demonstrates that teacher quality is the single greatest factor affecting student achievement; and

WHEREAS, The State of New Jersey has a compelling interest to develop and support a high quality teaching force ; and

WHEREAS, Like the rest of the country, the State of New Jersey is experiencing a severe teacher shortage, particularly in certain subject matter areas such as mathematics, science, special education and world languages, which is expected to worsen during this decade; and

WHEREAS, The State of New Jersey has a compelling interest to attract capable people to the teaching profession particularly in areas of critical shortage; and

WHEREAS, The State of New Jersey has a compelling interest to identify best practices and innovative programs utilized by teachers in classrooms throughout the state; and

WHEREAS, Best practices and innovative programs that improve learning in the classroom should be recognized and celebrated; and

WHEREAS, The State of New Jersey has a compelling interest to end intellectual isolation among teachers by building communities of learners.

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Teacher Advisory Committee.
 2. The members of the Committee shall be as follows:
 - a. The current New Jersey Teacher-of-the-Year
 - b. The two immediate past New Jersey Teachers-of-the-Year
 - c. A representative from each of the following organizations, chosen by their respective organization:
 - i. New Jersey Education Association
 - ii. American Federation of Teachers
 - iii. New Jersey Association for Gifted Children
 - iv. Technology Educators of New Jersey
 - d. Twelve teachers to be selected by the Governor to include geographic, grade level, and subject matter diversity.
 3. The mission of the Committee shall be as follows:
 - a. To advise the Governor on the experiences of teachers in the classroom
 - b. To examine factors that attract bright students to the profession
 - c. To identify teachers that employ best practices and improve student achievement, and to propose ways to recognize and celebrate those accomplishments

d. To recommend ways to end intellectual isolation among teachers by building and supporting communities of learners

4. Teachers shall serve for a one-year term, beginning July 1 of each year, except that the first set of appointees shall serve from the date of this Order until June 30, 2003.

5. The Governor and Commissioner of Education shall serve as ex-officio members. The Committee shall be staffed by the Governor's Special Counsel for Education.

6. The Committee shall meet quarterly, beginning in March, 2002.

7. This Order shall take effect immediately.

Dated March 5, 2002.

EXECUTIVE ORDER NO. 14

WHEREAS, Our State institutions of medical and allied healthcare education are important assets to New Jersey and the nationwide medical and healthcare community; and

WHEREAS, These institutions of medical and allied healthcare education appear to be operating independently of one another and at variable levels of quality and competitiveness; and

WHEREAS, A comprehensive analysis of these institutions of medical and allied healthcare education is necessary in order to evaluate their current status and to formulate appropriate recommendations to enhance the quality of education, to increase their overall competitiveness as institutions of healthcare learning and to foster healthy synergy amongst these institutions;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Commission on Health Science, Education, and Training, hereinafter referred to as the Commission.

2. The Commission shall consist of up to fifteen (15) members appointed by the Governor, including the Commissioner of Health and Senior Services. The members of the Commission shall be selected from among representatives of the medical and allied healthcare industry; medical and allied healthcare educational institutions located both within this State and beyond; and persons familiar with the these institutions as they relate directly to State Government. The Governor shall appoint the Chair of the Commission.

3. It shall be the charge and duty of the Commission to accomplish the following:

a. Identify specific gaps and requirements necessary to enhance the overall quality and competitiveness of health education in the State of New Jersey including, but not limited to, health research, basic science and clinical education, and healthcare professional training; and

b. Review the existing nationally recognized medical and allied healthcare models and work to design a framework to help guide the relationship between the medical and allied healthcare educational institutions, hospitals, and healthcare agencies within the State of New Jersey; and

c. Determine the appropriate governance structure of the State institutions of medical and allied healthcare education; and

d. Determine any prospective institutional alliances and/or relationships between these schools.

4. The Commission shall report directly to the Governor, outlining specific recommendations that address the charge and duty stated above with respect to the quality of medical and allied healthcare education within the State of New Jersey.

5. The Commission 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 its responsibilities under this Order. Each department, office, division and agency of this State is hereby required to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

6. Members of the Commission shall serve without compensation, except that they may receive per diem and travel expenses.

7. This order shall take effect immediately.

Dated March 5, 2002.

EXECUTIVE ORDER NO. 15

WHEREAS, Three separate instrumentalities of the State of New Jersey currently operate the New Jersey Turnpike, Garden State Parkway and Atlantic City Expressway (collectively, the "authorities"); and

WHEREAS, In light of the State's severe fiscal crisis it has become necessary to examine the fiscal prudence of maintaining three separate instrumentalities to operate these toll roads; and

WHEREAS, These authorities are at present jointly acquiring and operating electronic toll collection systems and may in the future make other joint investments in intelligent transportation systems; and

WHEREAS, The authorities are confronting the need to implement state-of-the-art security systems made necessary by the threat of terrorist activities; and

WHEREAS, In light of the age and condition of the existing toll roads, the authorities are confronting the need to rehabilitate and/or modernize their facilities and roads consistent with the State's smart growth policies; and

WHEREAS, The authorities now have widely disparate available capital funds for these purposes; and

WHEREAS, There is a need for the authorities to engage in more coordinated planning in the allocation of their capital budgets; and

WHEREAS, It has become necessary to reassess the operational aspects of the authorities to optimize efficiency and capacity and to reduce duplication of effort; and

WHEREAS, In light of the State's serious fiscal crisis it has become necessary to reexamine whether the functions of these authorities to acquire, construct, administer, operate and maintain their respective toll roads are duplicative and can be consolidated to promote operational efficiency and economic savings;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Toll Road Consolidation Study Commission (the "Commission").

2. The Commission shall consider all issues related to the consolidation of the authorities including but not limited to (a) legal matters, including review of bond covenants and labor issues, (b) operational matters, (c) financial savings or costs, including an assessment of market conditions and whether they make consolidation a viable or costly option, and (d) the need for more coordinated planning in the allocation of the authorities' capital budgets.

3. The Commission shall consist of the following members appointed by the Governor:

- a. The chairpersons of each of the respective authorities;
- b. The executive directors of each of the respective authorities;
- c. At least one specialist in public finance matters;
- d. At least one specialist in public sector labor matters;
- e. One representative of a labor union from each of the three authorities;
- f. One toll payer of the State of New Jersey;
- g. One individual who commutes via bus or railroad;
- h. The Chief of the Governor's Office of Management and Operations or his designee;
- i. The Chief of the Governor's Authorities Unit or his designee; and
- j. The Commissioner of the State Department of Transportation or his designee.

4. The Chief of the Governor's Authorities Unit shall serve as chairperson of the Commission.

5. The Commission shall report its findings and recommendations concerning toll road consolidation to the Governor not later than August 1, 2002.

6. The members shall serve without compensation except for reimbursement of necessary expenses.

7. The Commission is authorized to engage the services of an independent management consulting firm if necessary for the purposes of conducting a management reorganization plan in order to clarify and detail

the business vision of the authorities and integrate management and reengineer operations of the authorities where necessary.

8. The Commission is authorized to utilize the services of each of the authorities, both internal staff as well as outside legal, engineering, financial and other professionals, including those professionals engaged pursuant to Paragraph 7 thereof, as necessary to complete its charge and related analyses. Any fees accrued by the Commission for these services shall be assumed by the authorities.

9. All State departments and agencies are hereby directed, to the extent not inconsistent with law and within budgetary constraints, to cooperate with the Commission to furnish it with such information, personnel, and assistance as are necessary to accomplish the purposes of this Order.

10. This Executive Order shall take effect immediately.

Dated March 26, 2002.

EXECUTIVE ORDER NO. 16

WHEREAS, On September 11, 2001, terrorists killed and injured thousands of persons in an unprovoked attack against the United States; and

WHEREAS, Many of these victims were New Jersey residents including several hundred who were parents of dependent children or who had spouses or other persons who relied on them for financial assistance or contributions to meet their daily needs; and

WHEREAS, Children and others who were dependent on the victims, who are college students, may be experiencing difficulties meeting their tuition expenses because of the sudden loss of their loved ones;

WHEREAS, In recognition of the need and desirability of providing scholarship funds to children and spouses of the victims, the World Trade Center Scholarship Act (P.L.2001, c.442) (hereinafter, Scholarship Act) was approved on January 11, 2002 to provide scholarships to children and spouses of the victims of the September 11, 2001 attacks, through the administration of a newly created

Board in the Higher Education Student Assistance Authority (HESAA);

WHEREAS, The implementation of the Scholarship Act requires the establishment of a Board, whose membership is to be chosen by the Governor and the Legislature, with the advice and consent of the Senate, and the establishment of guidelines for the program, is likely to take several months, despite best efforts;

WHEREAS, Although the Scholarship Act appropriated \$250,000 for implementation of the Scholarship program, current college students have not yet been able to receive tuition assistance through the scholarship program, because it has not yet been fully implemented;

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

1. That all State Colleges and Universities subject to N.J.S.A. 18A:64-1 et seq. and the New Jersey Institute of Technology shall hereby forego and desist collecting tuition and fees charged for the Fall 2001 semester and subsequent semesters, from students who are New Jersey residents, who demonstrate that their parent, spouse or another person on whom they relied for significant financial assistance or contribution to meet their daily needs (hereinafter, dependent student), was killed in the September 11, 2001 attacks;

2. That any junior or county college or independent four-year college or university that voluntarily foregoes or delays collection of tuition and fees for the Fall 2001 semester and subsequent semesters may submit to HESAA an application for reimbursement up to the amount currently charged for tuition and fees by any State college or university for a full-time student who is a New Jersey resident, or for actual tuition and fees charged, whichever is the lesser amount;

3. That all State Colleges and Universities subject to N.J.S.A. 18A:64-1 et seq., and the New Jersey Institute of Technology, may submit to the HESAA an application for reimbursement for tuition and fees incurred by any dependent student for the Fall 2001 semester and subsequent semesters;

4. That HESAA shall review such applications, and forward them to the Board of Trustees of the Scholarship Fund created pursuant to P.L.2001, c.442, which shall consider such applications for reimbursement in accordance with the provisions of that law and this Order; and

5. This Order shall take effect immediately, and shall remain in effect, unless rescinded, until such time as the scholarship program created pursuant to P.L.2001, c.442, is fully operational.

Dated April 9, 2002.

EXECUTIVE ORDER NO. 17

WHEREAS, The State of New Jersey is richly abundant with cultural and ethnic diversity, and the Hispanic community has played a very vital role in enhancing and contributing to that diversity; and

WHEREAS, There are currently more than 1.1 million New Jersey residents who identify themselves as Hispanic, and that New Jersey's Hispanic population represents 13.3% of its total population; and

WHEREAS, By 2015, the State's Hispanic population is projected to exceed 1.5 million or 17% of the State's projected total population, and will thus become the largest minority group in the State;

WHEREAS, New Jersey is committed to addressing the community, economic, social, health and educational needs that are particular to the Hispanic community; and

WHEREAS, Engaging in evaluation and analysis on these essential policy matters empowers the Hispanic community and its leaders to shape solutions that address the needs of all Hispanics in New Jersey;

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

1. There is hereby created a Governor's Hispanic Advisory Council for Policy Development, hereafter referred to as the Hispanic Advisory Council.

2. The Hispanic Advisory Council shall be comprised of no greater than 20 members to be appointed by the Governor who will serve at the pleasure of the Governor. These members shall represent the Latino members of his Cabinet and sub-Cabinet, and/or their designees, including the following: the Commissioner of Personnel, the Commissioner of Community Affairs, the Commissioner of Human Services, the Commissioner of Education, the Commissioner of Labor, the Commissioner of Health and Senior Services, the Commissioner of Corrections, the Director of the Division of State Police, and the Secretary of State. Additionally, the Governor shall appoint no fewer than seven public members from Hispanic organizations whose memberships represent the community Statewide.

3. The Chairperson of the Hispanic Advisory Council shall be selected by the Governor from among the membership of the Council. The Governor may also appoint an honorary chairperson.

4. The role of the Hispanic Advisory Council shall be to advise the Governor on substantive policy matters affecting the Hispanic community including, but not limited to, health, education, economic development, housing and urban revitalization, employment, and other public policy issues affecting Hispanics Statewide.

5. The Hispanic Advisory Council shall develop a working plan outlining its major policy concerns for action within 90 days of its first meeting. Beyond the first 90 days, the Hispanic Advisory Council shall meet periodically, but not less than quarterly, and report to the Governor no less than 45 days after each meeting on the status of the Hispanic Advisory Council's progress. The Hispanic Advisory Council shall additionally provide the Governor with information, analysis and recommendations for his consideration.

6. This Order shall take effect immediately.

Dated April 11, 2002.

EXECUTIVE ORDER NO. 18

WHEREAS, State and local governments issue certain vital records such as birth certificates, and counties also issue county identification cards (collectively, official identifying records); and

WHEREAS, Public and private enterprises at times may rely on such official identifying records to establish, support or confirm the bearer's identity; and

WHEREAS, Official identifying records may be presented to acquire other forms of personal identification, which may further support a bearer's claimed identity, or which may entitle the bearer to certain licenses, privileges and benefits, including but not limited to, access to travel, employment and certain secure locations; and

WHEREAS, The New Jersey Domestic Security Preparedness Task Force has supported measures to deter the misuse of vital records by establishing safeguards regarding the issuance of such records; and

WHEREAS, The misuse of official identifying records presents grave risks to the public by those seeking to perpetrate frauds and other crimes on our citizens, and, more critically, potentially by those within our borders who wish to endanger the safety and security of our State and our nation through terrorism;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, including but not limited to the Disaster Control Act of 1941, P.L.1941, c.393, as supplemented and amended, do hereby ORDER and DIRECT that:

1. Within 90 days of the date of this order, the Commissioner of the Department of Health and Senior Services (Commissioner) shall designate specifications for uniform forms for the issuance of all vital records, which shall be used by registrars beginning on a date established by the Commissioner.

2. The form designated for certified copies of vital records shall contain safety features for authentication purposes and to deter forgery, and shall be readily distinguishable from the form designated for certifications of vital records.

3. A State or local Registrar may issue a certified copy of a vital record only to persons who establish themselves as the subject of the vital record, the subject's parent, legal guardian or legal representative, spouse, child, grandchild or sibling, if of legal age, to a State or federal agency for

official purposes, pursuant to court order or under other emergent circumstances as determined by the Commissioner.

4. Certifications may be issued in other circumstances and shall state that they are for informational purposes only, and are not to be used for identification or legal purposes.

5. The Registrar must authenticate the identity of the requestor and his or her relationship with the subject of the vital record.

6. The Director of the Division of Alcoholic Beverage Control shall forthwith review the regulations regarding the issuance of county identifications, and shall propose any appropriate amendment that would deter the fraudulent or other improper use of such cards.

7. This Order shall take effect immediately and shall remain in effect, unless rescinded, until such time as the requirements set forth in numbered paragraph 1 through numbered paragraph 4 of this Executive Order are passed into law by the Legislature and approved by the Governor.

Dated April 24, 2002.

EXECUTIVE ORDER NO. 19

WHEREAS, The Division of Motor Vehicle Services (DMV) has responsibility for issuing and certifying motor vehicle driver's licenses, ensuring the proper registration of motor vehicles, as well as conducting safety and emissions inspections of motor vehicles; and

WHEREAS, DMV has over 15 million contacts a year with the public, more than any other State agency; and

WHEREAS, The public has a right to expect courteous, efficient and accessible service from government agencies; and

WHEREAS, Historically the privately operated local motor vehicle agencies have been plagued with long lines, poor customer service, and inadequate business practices that routinely cause network delays and failures of 2-4 hours; and

WHEREAS, DMV's vulnerable security systems and weak document control have placed our State and the Nation at risk by enabling persons to obtain and use fraudulent driver's licenses in furtherance of terrorist activities; and

WHEREAS, DMV's failed security systems are contributing to a growing national problem of identity theft that is costing New Jersey and the Nation millions of dollars each week; and

WHEREAS, In a time of rapidly changing information technology and Internet communications, DMV operates on a decades-old computer network with patchwork hardware, antiquated software and obsolete display terminals that lack processing abilities; and

WHEREAS, By January 1, 2003 DMV is required to implement the EPA-mandated On Board Diagnostic Auto Inspection System, as well as a State-mandated Digital Drivers License; and

WHEREAS, Previous DMV efforts to implement complex technological mandates have failed, due to bureaucratic mismanagement, inefficient planning and inadequate oversight, as characterized by the State Commission of Investigations;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a FIX DMV Commission, hereinafter referred to as the Commission.

2. The Commission shall be composed of 12 members, who shall include the Chief of the Governor's Office of Management and Operations, the Commissioner of the Department of Transportation, the Commissioner of the Department of Environmental Protection, the State Treasurer, the Commissioner of Banking and Insurance, the Commissioner of the Department of Personnel, the Director of the Division of Criminal Justice, the Assistant Attorney General in Charge of the Office for Counter-Terrorism, plus four members of the public, to be appointed by the Governor, who have experience with the Division of Motor Vehicle Services. The Governor shall appoint the Chair of the Commission.

3. The Commission shall form advisory groups and work with interested members of the public that include individuals and entities with experience in customer relations as well as constituent and customer groups who have regular contact with the Division of Motor Vehicle Services.

4. Within 120 days, the Commission shall conduct a comprehensive analysis of the Division and prepare a report with recommendations on restructuring and re-engineering the Division as an effective, modern, customer service oriented Division with the highest level of secure document processing and production.

5. The Commission 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 its responsibilities under this Order. Each department, officer, division and agency of this State is required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Dated April 25, 2002.

EXECUTIVE ORDER NO. 20

WHEREAS, The State of New Jersey has a compelling interest in guaranteeing that apparel acquired by the State of New Jersey is made in conditions that the State of New Jersey, its citizens, and its employees, can be proud of; and

WHEREAS, The apparel industry has a history of poor conditions for its workers; and

WHEREAS, The largest part of the apparel purchases of the State of New Jersey are for uniforms for New Jersey employees; and

WHEREAS, These uniforms are intended to project a positive image for the State, and pride in the job on the part of State employees; and

WHEREAS, The State of New Jersey has a compelling interest in ensuring that these uniforms are produced under excellent conditions in the United States of America;

NOW, THEREFORE, I, JAMES E. McGREEVEY, 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:
 - a. "Apparel" means any clothing, headwear, linens or fabric.
 - b. "Bidder" means any person making a bid with a public body to serve as a vendor to a public body.
 - c. "Public Body" means the State of New Jersey, any agency of the State or any authority created by the Legislature.
 - d. "Vendor" means any person or business selling or otherwise providing apparel to or for a public body, including the provision of apparel to a public body; or entering into a license agreement with a public body to produce or provide items of apparel bearing names, trademarks or images of, or related to, the public body.
 - e. "Apparel Contracts" shall include all purchases, rental or other acquisition of apparel products by the State of New Jersey, including authorizations by the State of New Jersey for vendors to sell apparel products through cash allowances or vouchers issued by the State of New Jersey, and license agreements with a public body.
 - f. "Apparel Production" shall include the cutting, manufacturing of apparel products performed by the vendor or by any sub-contractors, not including the production of supplies or sundries such as buttons, zippers, and thread.
2. When purchasing or otherwise obtaining apparel from a vendor, including approving a vendor for participation in allowance or voucher programs, a public body shall require that all apparel production be performed in the United States.
3. When purchasing or otherwise obtaining apparel from a vendor, including approving a vendor for participation in allowance or voucher programs, a public body shall require that all apparel production be performed in production facilities that meet the following requirements:
 - a. Vendors and their contractors and sub-contractors shall adopt a neutrality position with respect to attempts to organize by their employees, and agree to voluntarily recognize a union when a majority of workers have signed cards authorizing union representation.

b. Apparel production workers employed to fulfill an apparel contract will not be terminated except for just-cause and vendors and their contractors and sub-contractors shall provide a mechanism to resolve all disputes with apparel production workers.

c. Apparel Production workers employed to fulfill an apparel contract are provided a safe and healthy work environment, and a work environment free of discrimination on the basis of race, national origin, religion, sex and sexual preference.

d. Apparel contracts shall only be issued to contractors, and apparel production shall only be performed by contractors or sub-contractors, that do not have a pattern or practice of violation of legal employment protections not otherwise preempted, including laws and regulations governing wages and hours, discrimination, occupational safety and health.

e. Apparel contracts shall only be issued to contractors, and apparel production shall only be performed by contractors or sub-contractors, that provide non-poverty compensation at an hourly rate which at 40 hours of work a week for 50 weeks a year would be equal to but not less than the threshold family of three as published by the United States Department of Health and Human Services.

4. Information.

a. Every bidder for an apparel contract shall inform the contracting agency in writing of the following information, which shall be made available to the public as soon as possible, but in no case less than thirty (30) days before a decision is made to award an apparel contract to a vendor:

(1) Every location where apparel production is to take place, including any sub-contractor locations.

(2) The name, business address, and names of principal officers of each sub-contractor to be used for apparel production in fulfillment of an apparel contract.

(3) An affidavit that each Apparel Production location meets the standards defined above.

b. Any changes to the reported information during the term of an apparel contract must be reported by the vendor to the public body. The public body shall report all information required under this section to the Apparel Procurement Board, and shall make such information available upon request to the public.

5. Apparel Procurement Board. The Apparel Procurement Board shall be established as follows:

a. The Apparel Procurement Board shall be composed of:

(1) three individuals representing uniformed unions of employees of the State, selected by the New Jersey State AFL-CIO;

(2) three individuals representing agencies that employ uniformed personnel, selected by the Governor; and

(3) one individual chosen by the Commissioner of Labor.

b. The Apparel Procurement Board shall have the power to receive complaints that any bidder or contractor is not in compliance with this Order, and recommend an investigation into the merits of such complaints.

c. The Apparel Procurement Board shall be administered by the Commissioner.

6. Violations. If the Commissioner of Labor determines that a vendor, sub-contractor or bidder has not complied with the terms of this Order, including any finding of failure to provide truthful information as required by this Order, the Commissioner of Labor may:

a. Terminate an existing apparel contract at the earliest feasible date.

b. Bar the vendor or bidder from receiving pending or subsequent apparel contracts, unless preempted by federal law.

7. Severability. If any section, subsection, sentence, clause, phrase or other portion of this Order is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

8. Every apparel contract and bid application shall contain a provision or provisions detailing the requirements of this Order, and compliance with this Order shall be made a binding part of all apparel contracts.

9. Waiver. Specific requirements of this Order may be waived if it is determined by the public body that there is no vendor able to meet those specific requirements. In such event, the public body shall take every reasonable measure to contract with a vendor who is able to satisfy most closely the requirements of this section.

10. This Executive Order shall take effect immediately.

Dated June 11, 2002.

EXECUTIVE ORDER NO. 21

WHEREAS, In January, 2002, the New Jersey Legislature enacted and Acting Governor DiFrancesco signed into law Chapter 404, P.L.2001, commonly known as the Open Public Records Act; and

WHEREAS, The Open Public Records Act contained substantial revisions to Chapter 73, P.L.1963, the New Jersey Right to Know Law that had governed the public's access to government records for almost 40 years; and

WHEREAS, The Legislature in enacting the Open Public Records Act reaffirmed it to be the public policy of this State that public records shall be readily accessible for examination by the citizens of this State, with certain exceptions for the protection of the public interest; and

WHEREAS, The Legislature further found and declared in the Open Public Records Act that a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy; and

WHEREAS, The Open Public Records Act provides that all government records shall be subject to public access unless exempt from such access by the provisions of the Act; any other statute; a resolution of either or both houses of the Legislature; a regulation promulgated under the authority of a statute or Executive Order of the Governor; an Executive Order of the Governor; the Rules of Court; or any federal law, federal regulation or federal order; and

WHEREAS, The Legislature has found and declared in Chapter 246, P.L.2001 that domestic preparedness is essential to preventing and responding to the threat of terrorist attack; and

WHEREAS, The World Trade Center and Pentagon attacks and other significant events, both domestic and foreign, and the ongoing threat to security of our citizens have emphasized this State's compelling interest in developing and maintaining a precisely coordinated counter-terrorism and preparedness effort to enhance the public's safety; and

WHEREAS, In furtherance of this goal the Legislature has created the Domestic Security Preparedness Task Force and Executive Order No. 3 has established the Office of Counter-Terrorism to coordinate the State's counter-terrorism and preparedness efforts to provide for the public's safety and welfare; and

WHEREAS, The right of public access to government records as provided in the Open Public Records Act must be balanced against the risk of disclosing information that would facilitate terrorist activity and balanced against a citizen's reasonable expectation of privacy; and

WHEREAS, The Open Public Records Act does not afford county and local governments with any means for exempting access to their records, even where the public interest or a citizen's reasonable expectation of privacy would clearly be harmed by disclosure of those records; and

WHEREAS, The Open Public Records Act takes effect on July 7, 2002, the 180th day after its enactment; and

WHEREAS, The enactment of the Open Public Records Act occurred one week before this Administration took office; and

WHEREAS, It was necessary for all State agencies to conduct a comprehensive review of all records maintained by that agency, and a thoughtful analysis of those records to determine which of those records should be exempted from disclosure in order to protect the public interest or a citizen's reasonable expectation of privacy; and

WHEREAS, That review and analysis was required to be performed during a time of shifting personnel and priorities and changing the way government does business with its citizens; and

WHEREAS, That process has been largely completed and the various agencies have identified those documents that should be exempted from public disclosure in order to protect the public interest or a citizen's reasonable expectation of privacy; and

WHEREAS, The proposed regulations of the various agencies specifying which records under their jurisdiction are not to be subject to public examination have been published in the New Jersey Register on July 1, 2002; and

WHEREAS, Due to the provisions of the Administrative Procedure Act and the implementing regulations adopted pursuant to that Act, the agencies' proposed rules will not be finalized until October 1, 2002 at the earliest; and

WHEREAS, It is essential to preserve the confidentiality of certain records maintained by the Office of the Governor, in order to protect the public interest;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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. At all levels of government - State, county, municipal and school district -- the following records shall not be deemed to be public records under the provisions of Chapter 404, P.L.2001, and Chapter 73, P.L. 1963, and thus shall not be subject to public inspection, copying or examination:

(a) Any government record where the inspection, examination or copying of that record would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.

(b) The Attorney General is hereby directed to promulgate, in consultation with the Domestic Security Preparedness Task Force, a regulation to govern the determination of which government records shall be deemed to be confidential pursuant to subsection (a).

(c) Public agencies are hereby directed to handle all government records requests in a manner consistent with the standard contained in subsection (a) of this Order, until the regulation is proposed by the Attorney General pursuant to subsection (b). Once the rule has been proposed, public agencies shall respond to records requests in a manner consistent with this Order and the proposed regulation. When that regulation is finally adopted, it shall govern all government record requests filed thereafter.

2. In addition to those records of the Office of the Governor that are exempted by the provisions of the Open Public Records Act, the following records maintained by the Office of the Governor, or any part thereof, shall not be deemed to be government records under the provisions of Chapter 404, P.L.2001, and Chapter 73, P.L.1963, and thus shall not be subject to public inspection, copying or examination:

(a) All records that, prior to the effective date of Chapter 404, P.L.2001, have been found by a court to be confidential, or have been found not to be public records.

(b) All records or portions of records, including electronic communications, that contain advisory, consultative or deliberative information or other records protected by a recognized privilege.

(c) Records containing information provided by a person outside the Office of the Governor who has or would have had a reasonable expectation of privacy in that information when it was provided to the Office of the Governor.

3. In order to effectuate the legislative directive that a public governmental agency has the responsibility and the obligation to safeguard from public access a citizen's personal information with which it has been entrusted, an individual's home address and home telephone number, as well as his or her social security number, shall not be disclosed by a public agency at any level of government to anyone other than a person duly authorized by this State or the United States, except as otherwise provided by law, when essential to the performance of official duties, or when authorized by a person in interest. Moreover, no public agency shall disclose the resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing, and thereafter in the case of unsuccessful candidates.

4. In light of the fact that State departments and agencies have proposed rules exempting certain government records from public disclosure, and these regulations have been published for public comment, but cannot be adopted prior to the effective date of the Open Public Records Act, State agencies are hereby directed to handle all government records requests in a manner consistent with the rules as they have been proposed and published, and the records exempted from disclosure by those proposed rules are exempt from disclosure by this Order. Once those regulations have been adopted, they shall govern all government records requests filed thereafter.

5. Executive Orders Nos. 9 (Hughes), 11 (Byrne), 79 (Byrne) and 69 (Whitman) are hereby continued to the extent that they are not inconsistent with this Executive Order.

6. This Executive Order shall take effect immediately.

Dated July 5, 2002.

EXECUTIVE ORDER NO. 22

- WHEREAS, Brendan T. Byrne distinguished his tenure during two terms as Governor of the State of New Jersey from 1974 through 1982 through bold leadership, political courage, keen vision and an unwavering commitment to the protection of New Jersey's natural resources in the face of debate and controversy; and
- WHEREAS, Governor Byrne's initiatives for the protection of New Jersey's natural resources included Executive Order 56 (1977) which created the Pinelands Review Committee and Executive Order 71 (1979) which created the Pinelands Planning Commission; and
- WHEREAS, Governor Byrne subsequently signed into law, amidst debate and controversy, the Pinelands Protection Act (L.1979, c.111, Sec.1, eff. June 28, 1979) which, in conjunction with federal legislation, established the New Jersey Pinelands and the 1 million acre Pinelands National Reserve (National Parks and Recreation Act of 1978, Pub.L. 95-625, Sec. 502); and
- WHEREAS, The New Jersey Pinelands and the Pinelands National Reserve, this country's first National Reserve, were created through the leadership of Governor Byrne to protect this area through land acquisition and land use controls developed through a cooperative program involving federal, state and local governments; and
- WHEREAS, The Pinelands Commission prepared a comprehensive management plan for the New Jersey Pinelands which adopted policies and regulations for land use management in coordination with local, state and federal programs and governments; and
- WHEREAS, Governor Byrne's bold steps of over two decades ago have served to protect and preserve the vast pine-oak forests, cedar swamps, and the extensive surface and ground water resources of New Jersey's Pinelands, which lie within the most densely populated state in the nation; and
- WHEREAS, New Jersey's Pinelands continue to provide a unique habitat for a wide diversity of rare, threatened and endangered plant and animal species and many other significant and unique natural, agricultural, scenic, cultural and recreational resources in an area

surrounded by burgeoning residential, commercial and industrial development; and

WHEREAS, The Pinelands National Reserve is recognized as the largest body of open space on the Mid-Atlantic seaboard between Richmond and Boston and has achieved worldwide recognition as a Biosphere Reserve by the U.S. Man and the Biosphere Program and the United Nations Educational, Scientific and Cultural Organization (UNESCO); and

WHEREAS, It is appropriate to recognize Governor Byrne as one of the major forces behind the permanent protection of New Jersey's Pinelands; and

WHEREAS, A fitting tribute to Governor Byrne's vision and commitment would be the designation of an area which exemplifies the natural resources which have been protected and preserved as the "Brendan T. Byrne State Forest"; and

WHEREAS, Lebanon State Forest, located in the center of New Jersey's Pinelands, comprises over 34,000 acres of forest, Atlantic white cedar swamps and iron-rich streams and recreational facilities which are exemplary of the many natural and recreational resources identified for protection and preservation;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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. Lebanon State Forest in its entirety shall henceforth be officially known, recognized and referred to as "Brendan T. Byrne State Forest."

2. The Department of Environmental Protection and the Department of Transportation shall implement this change in name in a manner best determined to notify the public of the designation of Brendan T. Byrne State Forest and shall take all reasonable efforts to include such designation in all literature, brochures, books, documents and maps to be published or distributed on or subsequent to the effective date of this Executive Order.

3. The Department of Transportation shall delineate the New Jersey Pinelands boundary on the New Jersey 2002 Transportation Map and all subsequent maps.

4. All State departments and agencies shall take actions consistent with the intent, goals and objectives of this Executive Order.

5. All municipalities and counties within the New Jersey Pinelands are requested and encouraged to take actions consistent with the intent, goals and objectives of this Executive Order.

6. This order shall take effect immediately.

Dated July 24, 2002.

EXECUTIVE ORDER NO. 23

WHEREAS, The State of New Jersey has an interest in the humane and proper treatment of animals; and

WHEREAS, The State of New Jersey has an interest in addressing the overpopulation of unwanted, abandoned and feral animals and in reducing the number of animals that are euthanized each year; and

WHEREAS, The State of New Jersey has an interest in preventing cruelty to animals and enforcing animal cruelty laws; and

WHEREAS, The State Commission of Investigation has found inadequacies with respect to the care and housing of unwanted and abandoned animals; and

WHEREAS, The State Commission of Investigation has found significant failures with respect to the enforcement of animal cruelty laws by the Societies for the Prevention of Cruelty to Animals in New Jersey; and

WHEREAS, The State of New Jersey has an interest in engaging the talents and expertise of capable individuals from throughout the State to address these important State interests;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Animal Welfare Task Force, herein referred to as the Task Force.

2. The Task Force shall consist no more than 30 members appointed by the Governor. The members shall be selected from among individuals with knowledge or experience in the areas of animal treatment, population control and animal welfare. The Governor shall select the Chair.

3. The Task Force shall do the following:

a. Examine the current laws concerning animal abuse and neglect, animal population control, and animal welfare.

b. Examine the manner in which the anti-cruelty laws are enforced throughout the State.

c. Examine the status of population control and the animal shelter systems in the State.

d. Recommend changes to the laws and regulations of this State so as to protect the State's animals from inhumane treatment, improve the enforcement of anti-cruelty laws, and address the problem of unwanted, abandoned and euthanized animals in the State.

4. The Task Force shall issue its report to the Governor, the Attorney General and the Commissioner of the Department of Health and Senior Services within 24 months of its initial meeting.

5. 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 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.

6. This Order shall take effect immediately.

Dated July 25, 2002.

EXECUTIVE ORDER NO. 24

WHEREAS, The Legislature in July 2000 enacted the "Educational Facilities Construction and Financing Act," P.L.2000, c.72 ("the Act") to address the inadequacies in the quality, utility and safety of

educational facilities throughout the State of New Jersey and to meet the constitutional requirement for a thorough and efficient system of free public schools; and

WHEREAS, The Act commits significant State and local resources to address the compelling, urgent need to construct new school facilities and rehabilitate existing school facilities; and

WHEREAS, The Act provides that the New Jersey Economic Development Authority ("NJEDA") is responsible for funding and undertaking the repair, renovation and construction of all the school facilities projects determined by the Commissioner of the Department of Education ("DOE") to meet the school facilities efficiency standards in the Abbott Districts and for undertaking construction of school facilities projects in the districts receiving over 55% in State aid for education and the "Level II" monitoring districts; and

WHEREAS, The Act also provides for State funding of a significant portion of the costs of school facilities projects in the districts receiving less than 55% State aid for education through grants administered by the NJEDA; and

WHEREAS, In the two years since adoption of the Act, the NJEDA has made progress in implementing the school construction program, through development of an infrastructure, policies, procedures and regulations, and the hiring of the staff and consultants required to implement a program of this complexity and magnitude; and

WHEREAS, Many projects have already been undertaken and completed throughout the State largely in the nature of repair of "health and safety conditions" but most new construction, renovation and addition projects remain to be done; and

WHEREAS, The State now enjoys a unique and timely opportunity to design and construct schools for the 21st century which will be adequate to serve the needs of children for years to come, will incorporate long life cycles and reduce operating costs; and

WHEREAS, The primary purpose of these new and renovated school facilities is to serve as places of learning for children, and as such should incorporate "high performance" design features that accommodate and enhance the learning process; and

WHEREAS, The Legislature provided in Section 2(d) of the Act that "design of school facilities should incorporate maximum operating efficiencies and new technologies to advance the energy efficiency of school facilities and the efficiency of other school building systems;" and

WHEREAS, School facilities are public buildings, and should be designed in a manner to provide maximum access and benefit to the residents of the communities where they are situated, in order to serve as centers of community; and

WHEREAS, Schools that are true centers of community must be sited and designed with the participation of the members of the community to be served by the school facility; and

WHEREAS, It is in the best interests of the people of New Jersey that school facilities developed under the Act shall be modern facilities of the 21st century, combining all of these features: the best possible learning environment, the most energy-efficient design, the most environmentally sustainable systems, and the highest community-relevance; and

WHEREAS, In February 2002 pursuant to Executive Order the Abbot Implementation and Compliance Coordinating Council was created to coordinate and direct State policy regarding education reform implementation and school facility construction in the Abbott districts; and

WHEREAS, The Abbott Implementation Council formed a facilities working group that included representation from school districts, community organizations, and the architectural and construction community to recommend improvements to the School Construction Program; and

WHEREAS, In order to accomplish the purposes of the Act, to begin implementation of the recommendations of the Abbott Facilities Work Group, and to ensure that schools are equipped for the 21st century, it is necessary now to focus, streamline and coordinate the activities of various State agencies involved in this monumental and most important effort;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 order to establish the school construction program as a separate activity of the NJEDA apart from its economic development mission and to provide for more focused attention, the NJEDA shall establish a subsidiary corporation, which will be responsible for the school facilities project. This shall include:

a. The creation of a corporation Board of Directors consisting of the following members: the Commissioner of Education; Commissioner of Labor; 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 two members of the public to be appointed by the Governor.

b. The Schools Corporation will be headed by a CEO to oversee the program, which individual will have experience in construction management commensurate with the task of overseeing a multi-billion dollar, long-term program.

2. The NJEDA and all school districts developing school facilities projects to be funded under the Act should attempt to incorporate community design features to maximize public access to the building and enhance the utility of the building to the needs of the community.

3. The NJEDA and all school districts developing school facilities projects to be funded under the Act are strongly encouraged to provide opportunity for the community at large to have meaningful participation in the site selection process for the school facilities projects, and in the design of school facilities.

4. All new school designs shall incorporate the guidelines developed by the United States Green Building Council known as "Leadership in Energy & Environmental Design ("LEED"), Version 2.0 to achieve maximum energy efficiency and environmental sustainability in the design of schools.

5. The DOE shall not approve any school facilities project for funding under the Act and the NJEDA shall not construct any project unless the project is designed using best design practices to create space that

enhances the learning process and accommodates modern teaching techniques.

6. In order to improve the delivery of early childhood services, the Commissioner of DOE should adopt regulations, which will establish facilities efficiency standards for early childhood education facilities and criteria for the use by districts of community providers.

7. The NJEDA should undertake actions to ensure that there is an adequate pool of qualified contractors and consultants to carry out the school facilities projects funded under the Act. The NJEDA should explore with other agencies, including the Department of Treasury, the feasibility of consolidating and integrating the current multiple systems for the classification and pre-qualification of consultants and contractors.

8. To facilitate and expedite the completion of school facilities projects, the NJEDA is hereby directed to take the following actions:

(a) Streamline the procurement process and make it more efficient through the use of term contracts where appropriate to provide for such things, as the (i) acquisition and installation of furniture, fixtures and equipment; (ii) acquisition of items requiring long-lead times such as boilers, chillers and windows; (iii) services related to land acquisition, and (iv) the ability to respond on an expedited basis to health and safety issues in school facilities.

(b) Examine and implement changes in the process for delegating school facilities projects under \$500,000 back to the districts pursuant to Section 13(a) of the Act and for funding grants to the under 55% districts pursuant to Section 15 of the Act so that these projects can be completed more rapidly while still maintaining moral and fiscal integrity.

9. The NJEDA 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 its responsibilities under this Order. Each department, officer, division and agency of this State is required to cooperate with the Authority and to furnish it with assistance necessary to accomplish the purposes of this Order. Furthermore, the DOE is directed to establish a satellite office at the NJEDA staffed by DOE personnel involved in the review and approval of school facilities projects to better coordinate and share information with the NJEDA.

10. This Order shall take effect immediately.

Dated July 29, 2002.

EXECUTIVE ORDER NO. 25

WHEREAS, The Legislature passed and Governor Whitman signed into law the Electric Discount and Energy Competition Act ("EDECA") in February of 1999; and

WHEREAS, EDECA required the State's electric utilities to divest themselves of their electric generation assets and mandated a reduction in electricity rates for a period of four years which was to be justified by anticipated competition in the electricity marketplace; and

WHEREAS, EDECA authorizes utilities to recover from ratepayers the difference between the market cost of the electricity and the mandated rates, also known as "deferred balances," such recovery to occur after the mandated rate cuts expire; and

WHEREAS, The competition in the electricity marketplace anticipated under EDECA has, to a large degree, not occurred and the market cost of electricity has not declined below the mandated rates; and

WHEREAS, The Board of Public Utilities ("BPU") now projects that accumulated deferred balances in the State will total approximately \$1 billion dollars; and

WHEREAS, According to BPU projections the deferred balances will be unevenly distributed among the State's electric utilities, including: Jersey Central Power and Light with an estimated \$687 million in deferred balances, averaging approximately \$675 per ratepayer; Rockland Electric with an estimated \$119 million in deferred balances, averaging approximately \$1,700 per ratepayer; Connecticut with an estimated \$165 million in deferred balances, averaging approximately \$325 per ratepayer; and Public Service Electric and Gas Company which is not projected to have any deferred balances; and

WHEREAS, N.J.S.A.48:2-23 requires utilities to provide New Jersey consumers with safe, adequate and proper utility service at reasonable rates and there is a compelling State interest in maintaining affordable utility prices for New Jersey consumers; and

WHEREAS, EDECA mandates that BPU permit the recoupment of deferred balances sought by utility companies, which will likely result in rate increases for consumers in the upcoming years; and

WHEREAS, The utilities that incurred deferred balances will file for rate increases by August 30, 2002 to recover those balances beginning August 1, 2003, when the statutory period for the rate caps expires; and

WHEREAS, Senate Bill No. 869 would grant the BPU the express authority to allow utilities to securitize deferred balances by issuing long-term bonds and has been presented to me for signature into law; and

WHEREAS, Such bonds could extend the time period to up to 15 years for recovering deferred balances, thereby reducing the short term rate increases but increasing overall payments because of interest costs; and

WHEREAS, The BPU will in its review of deferred balance filings determine how best to balance and resolve the potential impact of increased rates on consumers with the need to ensure the fiscal integrity of electric utilities; and

WHEREAS, A Task Force will assist in examining the reasons why some of the State's electric utilities have accumulated large deferred balances and how these deferred balances should be addressed;

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

1. There is hereby created the "Deferred Balances Task Force."
2. The Task Force shall consist of eight (8) members including the Treasurer and the Deputy Treasurer of the State of New Jersey and six (6) public members appointed by the Governor. The public members shall

include members with training and expertise in a variety of areas, including the needs and interests of consumers, senior citizens and those living on fixed incomes, the generation of electrical power, the marketing of electrical power, the deregulation of formerly regulated markets and the management and operation of electric utilities.

3. The Task Force shall convene immediately and shall report to the Governor before the Legislature reconvenes in September. The report shall address the reasons why the deferred balances were accumulated, what mitigation steps utilities took to reduce deferred balances and how they ought to be addressed to best protect the interests of ratepayers, including an evaluation of the merits of securitizing deferred balances.

4. The Task Force may draw upon the services of State agencies as necessary to achieve its goal, and may consult with consumer groups, utility companies and energy suppliers, experts from the Board of Public Utilities and members of the public.

5. This order shall take effect immediately.

Dated August 12, 2002.

EXECUTIVE ORDER NO. 26

WHEREAS, The Open Public Records Act, Chapter 404, P.L.2001, became effective on July 8, 2002; and

WHEREAS, That Act authorizes the Governor to exempt certain government records from public access by Executive Order; and

WHEREAS, Pursuant to that authority, Executive Order No. 21 was issued on July 5, 2002; and

WHEREAS, Executive Order No. 21 exempted certain records of the Office of the Governor from public disclosure; and

WHEREAS, Executive Order No. 21 further exempted from disclosure home addresses and telephone numbers of individual citizens, as well as their social security numbers; and

WHEREAS, Since the issuance of Executive Order No. 21, this Administration has continued to engage in a constructive dialogue with representatives of the media and other advocates of open government concerning the proper implementation of the Open Public Records Act and Executive Order No. 21; and

WHEREAS, Discussions following the issuance of Executive Order No. 21 have demonstrated the need to clarify certain provisions of that Executive Order; and

WHEREAS, This Administration remains committed to open, accessible government, and to ensuring the successful implementation of the Open Public Records Act;

NOW, THEREFORE, I, JAMES E. McGREEVEY, 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. Paragraphs 2 and 3 of Executive Order No. 21 are hereby rescinded and replaced with the following paragraphs.

2. In addition to those records of the Office of the Governor that are exempted by the provisions of the Open Public Records Act, the following records maintained by the Office of the Governor, or part thereof, shall not be deemed to be government records under the provisions of Chapter 404, P.L. 2001, and Chapter 73, P.L. 1963, and thus shall not be subject to public inspection, copying or examination:

(a) Any record made, maintained, kept on file or received by the Office of the Governor in the course of its official business which is subject to an executive privilege or grant of confidentiality established or recognized by the Constitution of this State, statute, court rules or judicial case law.

(b) All portions of records, including electronic communications, that contain advisory, consultative or deliberative information or other records protected by a recognized privilege.

(c) All portions of records containing information provided by an identifiable natural person outside the Office of the Governor which contains information that the sender is not required by law to transmit and which would constitute a clearly unwarranted invasion of personal privacy if disclosed.

(d) If any of the foregoing records shall contain information not exempted by the provision of the Open Public Records Act or the preceding

subparagraphs (a), (b) or (c) hereof then, in such event, that portion of the record so exempt shall be deleted or excised and access to the remainder of the record shall be promptly permitted.

3. No public agency shall disclose the resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing. The resumes of successful candidates shall be disclosed once the successful candidate is hired. The resumes of unsuccessful candidates may be disclosed after the search has been concluded and the position has been filled, but only where the unsuccessful candidate has consented to such disclosure.

4. The following records shall not be considered to be government records subject to public access pursuant to N.J.S.A.47:1A-1 et seq., as amended and supplemented:

(a) Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments in accordance with the State Policy Prohibiting Discrimination, Harassment and Hostile Environments in the Workplace adopted by Executive Order No. 106 (Whitman 1999), whether open, closed or inactive.

(b) Information concerning individuals as follows:

(1) Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation;

(2) Information in a personal income or other tax return;

(3) Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed.

(c) Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing.

(d) Records of a department or agency in the possession of another department or agency when those records are made confidential by a regulation of that department or agency adopted pursuant to N.J.S.A.47:1A-1 et seq. and Executive Order No. 9 (Hughes 1963), or pursuant to another law authorizing the department or agency to make records confidential or exempt from disclosure.

(e) Records of a department or agency held by the Office of Information Technology (OIT) or the State Records Storage Center of the Division of Archives and Records Management (DARM) in the Department of State, or an offsite storage facility outside of the regular business office of the agency. Such records shall remain the legal property of the department or agency and be accessible for inspection or copying only through a

request to the proper custodian of the department or agency. In the event that records of a department or agency have been or shall be transferred to and accessioned by the State Archives in the Division of Archives and Records Management, all such records shall become the legal property of the State Archives, and requests for access to them shall be submitted directly to the State Archives.

5. The Privacy Study Commission created by Chapter 404, P.L. 2001, is hereby directed to promptly study the issue of whether and to what extent the home address and home telephone number of citizens should be made publicly available by public agencies and to report back to the Governor and the Legislature within six months.

6. The remaining provisions of Executive Order No. 21 are hereby continued to the extent that they are not inconsistent with this Executive Order.

7. This Executive Order shall take effect immediately.

Dated August 13, 2002.

EXECUTIVE ORDER NO. 27

WHEREAS, Severe weather conditions on August 2, 2002 caused torrential thunderstorms, hailstorms and strong damaging winds which produced severe flooding, multi-day power outages, and widespread damage to and destruction of buildings, roads, trees and crops in the State of New Jersey, in particular Monmouth County; and

WHEREAS, The State Emergency Operations Center, already activated for homeland security considerations, shifted its emphasis to response operations; and

WHEREAS, On August 3, 2002, the State Emergency Operations Plan was activated and a State Police Rapid Deployment Team from the New Jersey Office of Emergency Management was dispatched to Monmouth County; and

WHEREAS, 25 State Troopers and a command operations center bus were dispatched to assist Monmouth County authorities with manual traffic control throughout the County; and

WHEREAS, The State Department of Transportation provided regional assistance teams to provide electric signed and other traffic control devices; and

WHEREAS, The New Jersey Board of Public Utilities deployed its Emergency Coordinators to establish liaison with major power suppliers and assist with the reinforcement efforts from outside agencies; and

WHEREAS, The New Jersey Department of Environmental Protection Division of Solid Waste provided advisory assistance to Monmouth County Department of Public Works on the disposal of debris generated by the storm; and

WHEREAS, The New Jersey Department of Banking and Insurance sent field representatives to the affected areas of Monmouth County to advise citizens of their insurance options; and

WHEREAS, Comprehensive field surveys were performed by the Federal Emergency Management Agency in close coordination with the New Jersey Office of Emergency Management and other State agencies and these surveys have evaluated, quantified and verified the extent, magnitude and impact of these extraordinarily destructive weather events upon the affected county; and

WHEREAS, These weather events and the damage therefrom pose a continuous threat and constitute a disaster from a natural cause which threatens and endangers the health, safety and resources of the residents of Monmouth County, and these events have caused damage that is too large in scope to be handled in its entirety by normal municipal operating services; and

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A.App. A:9-33 et seq.) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, JAMES E. McGREEVEY, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do hereby ORDER and DIRECT:

1. A State of Emergency exists in the County of Monmouth and has existed since August 2, 2002.

2. The State Director of Emergency Management, in accordance with N.J.S.A.App. A:9-33 et seq. as supplemented and amended, and through the New Jersey Office of Emergency Management, shall coordinate the recovery effort from this natural disaster with all Federal, State, county and local government agencies, volunteer organizations and the private sector.

3. In accordance with N.J.S.A.App. A:9-33 et seq. as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and all available resources of each and every political subdivision within the County of Monmouth, whether persons, properties or instrumentalities, necessary to protect against this emergency.

4. This order shall take effect immediately, and it shall remain in effect until such time as I determine that an emergency no longer exists.

Dated August 14, 2002.

EXECUTIVE ORDER NO. 28

WHEREAS, On May 30, 2002, a commercial vehicle traveling along I-295 South struck the overpass for Creek Road over I-295 near milepost #26 in Bellmawr, Camden County, New Jersey near the border of Gloucester County; and

WHEREAS, The accident shattered the fascia beam and the fifth interior beam causing serious damage to and catastrophic failure of the overpass; and

WHEREAS, The overpass was found to be structurally unsound requiring closure of the both I-295 and Creek Road until temporary repairs could be made and replacement of a portion of the deck and structural members down to the abutments is required; and

WHEREAS, Traffic was and will periodically continue to be diverted from Creek Road and I-295 onto surrounding network roads, causing abnormally heavy traffic in those areas; and

WHEREAS, Damage to the overpass has been of such an extent that immediate repairs have been necessary. Such conditions constitute an emergency as is contemplated by the terms of Sections 125 and 120(e) of Title 23, U.S.C.; and

WHEREAS, The aforesaid circumstances constitute a hazard that has threatened and endangered and continues to threaten and endanger the health, safety and resources of the residents of one or more municipalities of this State; and which is 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 all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State including the provisions of N.J.S.A. Appendix A:9-33 et seq., in order to protect the health, safety and welfare of the people of the State of New Jersey, do hereby ORDER and DIRECT THAT:

1. A State of Emergency has existed since May 30, 2002 and presently exists in Camden and Gloucester Counties as a result of the aforementioned accident and consequent danger to life and damage to property including Federal-aid highways. The immediate repair and reconstruction of the damaged highways is vital to the security, well-being, and health of the citizens of the State of New Jersey; and the Federal Highway Administrator is hereby requested to concur in the declaration of this emergency; and

2. The State Director of Emergency Management, 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; and

3. In accordance with N.J.S.A.App. A:9-33 et seq. as supplemented and amended, the Attorney General, pursuant to the provisions of N.J.S.A.39:4-213 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, and further authorize all law enforcement; and

4. The Commissioner of Transportation to undertake immediately all acts necessary to accomplish, as expeditiously as possible, the restoration and repair of the damaged portion of Creek Road and I-295 and to take all necessary steps to obtain emergency repair funds available pursuant to 23 U.S.C. s.125 and any other applicable law; and

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

6. Pursuant to the 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.

7. 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 August 28, 2002.

EXECUTIVE ORDER NO. 29

WHEREAS, The terrible events of September 11, 2001 have had a profound impact on the lives of all Americans; and

WHEREAS, New Jersey was particularly affected by the attacks, with many residents suffering the loss of family members, loved ones, friends and neighbors; and

WHEREAS, At least 691 New Jersey residents were killed on September 11, 2001, a number that represents more than one-quarter of the total number of victims lost in these attacks; and

WHEREAS, The victims, who came from all walks of life, and possessed a myriad of talents, abilities and virtues, contributed to their communities and our State in countless ways, and we feel their loss deeply; and

WHEREAS, These fallen heroes deserve to be honored with a permanent memorial in their home State; and

WHEREAS, It is wholly appropriate that the wishes, thoughts and preferences of family members, loved ones, and survivors, be considered and incorporated in the design, planning and construction of a New Jersey September 11th memorial (Memorial) to the victims; and

WHEREAS, The "memorial walls," which include tributes to the victims composed by family members and loved ones at the New Jersey Family Assistance Center in Liberty State Park, are moving remembrances to those lost New Jersey residents that many family members wish to have preserved in a permanent display; and

WHEREAS, It is appropriate that the funds necessary to design, construct and maintain the aforementioned Memorial and the memorial walls should be identified, marshaled and maintained by a not-for-profit entity, and should include any available private and public funds or grants; and

WHEREAS, The New Jersey Family Advocate Management Corporation, a not-for-profit organization, which has been involved with September 11th issues in this State, and been instrumental in

providing relief to New Jersey victims and victim family members, is an appropriate vehicle to develop and maintain this fund;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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. There is hereby established a Family and Survivor Memorial Committee, who shall be selected from adult family member volunteers and other interested parties who lost loved ones or survived the September 11, 2001 attacks.

2. The work of the Committee shall be organized and coordinated by an Administrative Director, to be designated by the Office of Recovery and Victim Assistance. The Administrative Director shall, with the guidance of the Commission and the Office of Recovery and Victim Assistance, select the committee members. The Committee may elect by a majority vote a chairperson, recording secretary and any other officers it sees fit to lead the committee, subject to the Administrative Director's organization and coordination responsibilities.

3. The Committee shall review and develop suggestions, plans and designs, or a suitable Memorial and for the preservation of the memorial walls.

4. The Committee shall submit its findings and recommendations to the Memorial Commission established by Executive Order 134 (2001), which shall incorporate these findings into their report, as well as to the Office of Recovery and Victim Assistance, and the Governor's Office.

5. The Committee is hereby authorized to call on the Commission and the Family Advocate Management Corporation for assistance and resources, and with the approval of the Commission or the Administrative Director, to seek the assistance of any agency of State government or public or private entity to provide resources, information or other assistance or services deemed necessary to discharge its responsibilities under this Order.

6. The duties of the Office of Recovery and Victim Assistance shall be expanded to include the following:

a. To cooperate and coordinate with private and public agencies, as well as with the Family Advocate Management Corporation, or other not-for-profit corporations, and to enter into agreements with these entities

to further the purposes this Executive Order, and especially, to further the creation of an appropriate New Jersey September 11th Memorial and the preservation of the memorial walls; and

b. To coordinate and provide assistance in the development and management of a charitable fund within the Family Advocate Management Corporation, which fund shall be developed to provide the costs necessary to create the Memorial, and to preserve the memorial walls, including but not limited to costs for the solicitation, marshaling and accounting of private and public funds, costs for administrative and other services necessary for the selection, design, construction and maintenance of permanent memorial and the preservation and maintenance of the memorial walls.

7. This Order shall take effect immediately and to the extent it is inconsistent with the Executive Order 134 (2001) that order is hereby rescinded.

Dated August 28, 2002.

EXECUTIVE ORDER NO. 30

WHEREAS, September 11, 2002 marks the first anniversary of the terrorist attacks on New York, Washington and Pennsylvania; and

WHEREAS, On this date, remembrance ceremonies and other memorial events, both public and private, will be taking place;

WHEREAS, More than one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly seven hundred of our residents killed in the attacks; and

WHEREAS, The lives of hundreds of New Jersey families have been drastically affected, through the loss of a parent, spouse, child or other loved one; and

WHEREAS, It is fitting that this day be observed with appropriate solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER AND DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours on September 11, 2002 in recognition and mourning of all of those lost in the September 11th attacks, and particularly, those lost from our home State.

2. State employees who lost an immediate family member in the attacks on September 11, 2001 and who wish to take the day off from work on September 11, 2002 shall be granted a paid day off on that date, upon written notice to the agency or division at which they are employed.

3. Immediate family member for purposes of this ORDER means an employee's spouse, child, legal ward, foster child, grandchild, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law and other individuals residing in the employee's household.

4. This Order shall take effect immediately.

Dated August 28, 2002.

EXECUTIVE ORDER NO. 31

WHEREAS, Faith-based community organizations are among New Jersey's most valuable resources; and

WHEREAS, Faith-based community organizations play an indispensable role in meeting the fundamental needs of many New Jersey citizens; and

WHEREAS, The State must ensure that its efforts to assist faith-based programs are as strong, coordinated and effective as possible in light of current budgetary circumstances; and

WHEREAS, It is vital for the State to provide an effective mechanism for guaranteeing active participation by representatives of the faith-based community concerning the formulation and implementation of government programs to assist faith-based organizations; and

WHEREAS, The State will foster the growth of faith-based initiatives by integrating and coordinating its existing faith-based initiatives with the network of resources which are currently available within the Department of State; and

WHEREAS, It is also appropriate to create an advisory commission comprised of Cabinet officials, representatives of the faith-based community, as well as representatives of the business community, to provide recommendations for coordinating and maximizing the effectiveness of the State's efforts to foster faith-based programs and initiatives;

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

1. There is hereby established an Office of Faith-Based Initiatives in the Department of State.
2. The Office of Faith-Based Initiatives currently in the Department of Community Affairs is abolished and all of its functions, powers, duties and responsibilities, except as herein otherwise provided, are continued in the Office of Faith-Based Initiatives established under this Executive Order.
3. All appropriations and other moneys available and to become available to the Office of Faith-Based Initiatives abolished under this Executive Order are hereby continued in the Office of Faith-Based Initiatives established under this Executive Order, and shall be available for the objects and purposes for which appropriated, subject to any terms or conditions of such appropriations.
4. Employees of the Office of Faith-Based Initiatives abolished under this Executive Order shall become employees of the Office of Faith-Based Initiatives established under this Executive Order, and shall retain their present employment status under Title 11A and their collective negotiations status.
5. The transfer of personnel, appropriations, other funds, records, equipment and other property from the Department of Community Affairs to the Department of State shall be effectuated pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C. 52:14D-1 et seq.).

6. The Office of Faith-Based Initiatives established under this Executive Order shall be managed by a Director, who shall be appointed by, and serve at the pleasure of, the Secretary of State.

7. Additionally, there is hereby created an Advisory Commission on Faith-Based Initiatives.

8. The Advisory Commission on Faith-Based Initiatives shall be comprised of twenty-three (23) members to be appointed by the Governor as follows: the Commissioner of Community Affairs, or her designee; the Commissioner of Education, or his designee; the Commissioner of Human Services, or her designee; the Commissioner of Labor, or his designee; the Secretary of State, or her designee; the Secretary and CEO of Commerce, or his designee; the Commissioner of Corrections, or his designee; the Attorney General, or his designee; and fifteen (15) public members. The Governor shall appoint the Chair of the Commission.

9. The Director of the Office of Faith-Based Initiatives established under this Executive Order shall serve as Executive Director of the Advisory Commission on Faith-Based Initiatives.

10. The role of the Advisory Commission on Faith-Based Initiatives shall be to advise the Governor regarding matters affecting the public faith-based organizations including, but not limited to, making recommendations to the Governor concerning the future of existing State programs and initiatives.

11. The Advisory Commission on Faith-Based Initiatives shall report periodically to the Governor and provide him with information and recommendations for his consideration.

12. All agencies of State government are directed to cooperate fully with the Office of Faith-Based Initiatives and the Advisory Commission on Faith-Based Initiatives, both established under this Executive Order, to promote and coordinate appropriate programs and initiatives.

13. This Order shall take effect immediately.

Dated September 11, 2002.

EXECUTIVE ORDER NO. 32

WHEREAS, The Water Supply Management Act, N.J.S.A.58:1A-1 et seq., vests the Governor with significant authority to address water supply emergencies in the State; and

WHEREAS, The State has a statutory obligation to manage its water resources efficiently and effectively as public assets of the State held in trust for its citizens to ensure their health, safety and welfare; and

WHEREAS, It is a fundamental obligation of government to ensure a safe and adequate supply of drinking water; and

WHEREAS, The State is now in the seventh month of a water emergency declared in Executive Order No. 11, dated March 4, 2002, which water emergency period is part of a larger sustained period in which 35 of the last 49 months have experienced below normal rainfall, with 8 of the last 12 months being significantly below normal, including several periods that have been the driest in recorded New Jersey meteorological history; and

WHEREAS, The current pace of development in the Pinelands Regional Growth Areas in Atlantic County threatens to create seriously adverse ecological and water supply consequences to the Kirkwood-Cohansey aquifer system; and such consequences could result prior to the completion of the long-term study of the ability of the aquifer to meet the water supply needs of the Pinelands area currently being performed pursuant to P.L.2001, Chapter 165; and

WHEREAS, The water purveyor for the Townships of Egg Harbor and Galloway has exceeded its permitted water allocation and will be unable to supply water for additional growth in the Regional Growth Areas unless additional water can be allocated; and

WHEREAS, The Township of Hamilton is currently operating within its permitted water allocation limits, but with current rates of development, is likely to face serious water supply shortfalls unless additional capacity can be allocated; and

WHEREAS, A range of regulatory programs may be encouraging development expectations and private investments in the Townships of Egg

Harbor, Galloway and Hamilton that may worsen the ecological and water supply impacts which may, in turn, exacerbate the current water emergency or may cause other water emergencies in the future;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Environmental Protection, in consultation with the Department of Community Affairs, the Pinelands Commission, Rutgers University, the State Climatologist, the United States Geological Survey, Atlantic County and any other entity which may provide expertise deemed necessary by the Commissioner of DEP shall, within one year of the effective date of this Order, assess the adequacy of the water supply in relation to approved and anticipated growth in Egg Harbor, Galloway and Hamilton Townships.

2. The Department of Environmental Protection, consistent with the Water Emergency Orders previously issued, shall hold in abeyance, during the duration of the water emergency currently in effect, all decisions on any new or modified water allocation permits or water use registrations for water supply under N.J.A.C. 7:19 in Egg Harbor, Galloway and Hamilton Townships.

3. During the state of water emergency, pursuant to N.J.S.A.58:1A-4(d), I hereby suspend the applicability of any laws, rules or regulations pertaining to the Department of Environmental Protection, to the extent they would prevent the implementation of Department of Environmental Protection Administrative Order No. 2002-22, a copy of which is attached hereto.

4. For the duration of the water emergency currently in effect, the Water Emergency Task Force, established pursuant to N.J.A.C.7:19-12, shall consider and make recommendations to the Commissioner regarding any applications for hardship exemption from Section 2 above and from Department of Environmental Protection Administrative Order No. 2002-22, based upon the Hardship Exemption Procedures set forth in N.J.A.C. 7:19-16.

5. This Executive Order shall take effect immediately.

Dated September 22, 2002.

EXECUTIVE ORDER NO. 33

WHEREAS, The Legislature has found and declared in P.L.2001 c.246 the threat of terrorist attack presents a serious and continuing danger, to the residents of the State of New Jersey; and

WHEREAS, The World Trade Center and Pentagon attacks and other significant events, both domestic and foreign, have emphasized the State's compelling interest in developing and maintaining a precisely coordinated counter-terrorism and preparedness effort to enhance the public safety; and

WHEREAS, A uniform and cooperative Statewide response is required to effectively ensure domestic preparedness; and

WHEREAS, The effectiveness of law enforcement's counter-terrorism efforts will depend to a large degree on its regular compilation of intelligence information regarding terrorism activities; and

WHEREAS, A centralized office to coordinate the State's counter-terrorism and preparedness efforts is essential to provide for the public's safety and welfare;

NOW, THEREFORE, I, James E. McGreevey, 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 Office of Counter-Terrorism (OCT) is created and empowered to administer, coordinate and lead New Jersey's counter-terrorism and preparedness efforts with the goals of identifying, deterring and detecting terrorist-related activities, consistent with the New Jersey Domestic Security Preparedness Act.

2. To counter the threat of terrorism, the OCT shall be organized as a separate office within the Department of Law and Public Safety, with all of the powers conferred by law to the Department, subject to approval by the Attorney General, including the powers conferred by the Criminal Justice Act of 1970, P.L.1970 c.74, as amended by P.L.1981 c.187, in addition to the powers and duties set forth below.

3. The OCT shall be led by a Director of Counter-Terrorism, who will direct and supervise the work of the OCT, and who shall report directly

to the Attorney General or his designee, and, at the direction of the Governor, to the Governor or his designee, as appropriate.

4. The Director for Counter-Terrorism and the OCT shall, with the approval of the Attorney General, and in consultation with the Department of Personnel and the Director of the Office of Management and Budget, utilize and employ all such personnel as are necessary to carry out the duties of OCT.

5. To protect the public from terrorist acts, the OCT shall gather and disseminate intelligence for the State and local law enforcement entities and shall coordinate the counter-terrorism efforts of State and local law enforcement agencies under the direction and on behalf of the Attorney General, and shall serve as a liaison with federal authorities concerning counter-terrorism issues.

6. The OCT shall be authorized to call upon the expertise and assistance of all State departments, divisions and agencies in order to carry out its mission, and in particular, shall be authorized to call upon personnel of the Office of Information Technology in but not of the Department of the Treasury, the Computer and Technology Crimes and Money Laundering Units of the Division of Criminal Justice, and the High Tech Crime Unit within the Division of State Police for this purpose. Each department, division and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Attorney General and provide such assistance to the OCT as is necessary to accomplish the purpose of this Order.

7. To the extent not inconsistent with any other law, the OCT may, with the approval of the Attorney General, employ, consult and contract with private and public entities, and enter into such agreements with any public or private person or entity as is appropriate for the purposes of furthering the mission of the OCT, including but not limited to consulting with experts from any State college or university.

8. The OCT is authorized to draw on the assistance of any county or municipal governmental agency, or any independent authority, for the purposes of carrying out its duties and responsibilities under this Order.

9. In order to optimize the State's intelligence gathering and analysis capabilities regarding terrorist activities, the OCT shall develop and

maintain a databank of information regarding terrorists and terrorist-related activities.

10. To compile such a databank, the OCT is empowered to access all appropriate information in the possession of State departments, divisions and agencies and State and local law enforcement agencies, including but not limited to individual and compiled criminal and intelligence case files and information obtained or maintained by the Division of State Police in the Department of Law and Public Safety.

11. The OCT also shall seek relevant counter-terrorism intelligence information from all other appropriate sources, including the private sector and private individuals, and shall develop appropriate cooperative relationships with private industry, utility companies and other entities that may be potential targets of terrorism.

12. All documents, materials and information pertaining to counter-terrorism investigation, intelligence, training and protocols created, compiled, obtained or maintained by the OCT 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.

13. To maximize State intelligence capabilities, the OCT shall develop and administer training programs for both law enforcement and non-law enforcement entities on counter-terrorism and intelligence gathering and analysis on a Statewide basis, and all State departments, divisions, facilities and agencies shall provide appropriate assistance to the OCT in regard to such training programs.

14. The OCT shall review all State legislation regarding counter-terrorism and report to the Attorney General and the Governor regarding such legislation, as appropriate, and further, shall review existing laws and recommend to the Attorney General and the Governor any appropriate modifications, amendments or initiatives to support or enhance the State's counter-terrorism and preparedness capabilities.

15. The OCT shall seek out and monitor federal and State grant programs regarding counter-terrorism; and further, shall identify and may participate in any appropriate federal or multi-State law enforcement programs and efforts that would support or compliment the OCT's efforts.

16. Executive Order Number 3 is hereby rescinded.

17. This ORDER shall take effect immediately.

Dated October 3, 2002.

EXECUTIVE ORDER NO. 34

WHEREAS, Assemblyman Tom Smith, a devoted family man, served honorably with the United States Army during World War II, and dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Assemblyman Smith held several important public offices in the City of Asbury Park, including Police Chief for 11 of his 38 years on the City's police force, Councilmember for four years and Mayor of Asbury Park for four years; and

WHEREAS, Assemblyman Smith was elected to the General Assembly in 1992 as the first African American from Monmouth County to win a State legislative seat; and

WHEREAS, Assemblyman Smith held numerous leadership positions including service as Deputy Speaker from 1998 to 2001 and was the senior member of the State Legislature; and

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

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Assemblyman Smith;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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, October 17, 2002 in recognition and mourning of the passing of Assemblyman Smith.

2. This Order shall take effect immediately.

Dated October 16, 2002.

EXECUTIVE ORDER NO. 35

WHEREAS, Assemblyman Melvin Cottrell, a devoted family man, dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Assemblyman Cottrell served the residents of Ocean County as Assistant Superintendent of Public Property; and

WHEREAS, Assemblyman Cottrell held public office in Jackson Township from 1986 to 1991 as a member of the Township Committee, and served as Mayor during 1988 and 1989; and

WHEREAS, Assemblyman Cottrell was elected to the General Assembly in 1992 and was a respected member of that House, where he served on the Family Women and Children's Services and as a former Chair of the Senior Issues Committees; and

WHEREAS, Assemblyman Cottrell sponsored laws amending the State's murder statute to permit the display of a murder victim's photograph at the sentencing phase of a murder trial and amending the Consumer Fraud Act to impose stronger penalties against those who defraud senior citizens; and

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

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Assemblyman Cottrell;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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, October 18, 2002 in recognition and mourning of the passing of Assemblyman Cottrell.

2. This Order shall take effect immediately.

Dated October 16, 2002.

EXECUTIVE ORDER NO. 36

WHEREAS, The New Jersey Division of Youth and Family Services in the Department of Human Services will undergo federal review of its agency under the Children and Family Services Review ("CFSR") conducted by the United States Department of Health and Human Services, Administration for Children and Families, beginning with a self assessment in 2003 and an onsite review in or about March 2004; and

WHEREAS, The CFSR monitors and evaluates the State's child and family services, including protective services, family preservation and support, foster care, independent living and adoption services; and

WHEREAS, The New Jersey Division of Youth and Family Services is establishing a steering committee for the participation of external stakeholders as required by the United States Department of Health and Human Services, Administration for Children and Families, and has commenced the preparation for the CFSR; and

WHEREAS, A portion of the CFSR will monitor and evaluate systematic factors, such as service array accessibility to such circumstances as domestic violence and substance abuse; and

WHEREAS, There exists involvement of all branches of government and multiple levels within these branches of government in circumstances such as domestic violence and substance abuse; and

WHEREAS, September is Substance Abuse Awareness Month and October is Domestic Violence Awareness Month; and

WHEREAS, The Governor has expressed his strong support of the improvement of services for New Jersey's children and families; and

WHEREAS, The Governor has expressed his commitment to partner with other branches of government to work collaboratively to improve the services New Jersey provides to its citizens; and

WHEREAS, The Legislature has expressed a desire to partner with the Department of Human Services to conduct its own review of the interplay between domestic violence and the welfare of children and families and the interplay between substance abuse and the welfare of children and families;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 may jointly conduct hearings with the Legislature where joint invitations are sent to interested parties for participation in two hearings; one involving the interplay between domestic violence and the welfare of children and families, the other involving the interplay between substance abuse and the welfare of children and families.

2. The Commissioner, in cooperation with the Legislature, may establish two separate work groups, one for domestic violence and one for substance abuse, the membership of which shall be comprised of persons jointly recommended, representatives of various branches of government, various State departments, community providers, advocacy groups, and interested parties, provided that at least two persons from the existing steering committee formed by the Division of Youth and Family Services under the CFSR, shall be a member of each work group to facilitate shared ideas, to avoid duplication and to promote cooperative endeavors for the common goal.

3. Within one year, the work groups shall present a joint report to the Commissioner and the Legislature in open session, focusing on how the various branches and levels of government, the various State departments, the multitude of community partners, advocacy groups and interested parties can be instrumental in the Division of Youth and Family Services better serving the interests of children and families through implementation of initiatives regarding issues of domestic violence and substance abuse, across

systems in a collaborative fashion. The report shall include, but not be limited to, recommendations regarding modifications of existing policies/procedures and legislation/regulations, as well as interdepartmental and advocacy group partnerships, as may be applicable.

4. This Order shall take effect immediately.

Dated October 23, 2002.

EXECUTIVE ORDER NO. 37

I, JAMES E. MCGREEVEY, 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 29, 2002, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 29, 2002.

Dated October 23, 2002.

EXECUTIVE ORDER NO. 38

WHEREAS, We are faced with a challenge of accommodating continued growth in New Jersey while ensuring that the State's citizens retain a quality of life that is not diminished by congestion and sprawl; and

WHEREAS, We will only succeed in this planning effort if we adhere to smart growth principles - in particular, we must stop subsidizing sprawl, focus on redevelopment and push for smarter regulations; and

WHEREAS, The redevelopment of designated smart growth areas complements important public policy goals of revitalizing the State's urban,

suburban and rural centers and preventing endless sprawl, while avoiding the degradation of natural and agricultural resources, the impairment of environmental quality, increases in local property taxes, and the overburdening of local transportation systems and other infrastructure; and

WHEREAS, Various State agencies have important roles to play in the redevelopment of localities that should be redeveloped because of their proximity to existing public services and infrastructure; and

WHEREAS, Coordination among these agencies and the targeted utilization of available State resources are critical to ensuring smart growth and the conservation of undeveloped regions of the State;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Housing and Mortgage Finance Agency is hereby directed to develop and implement a self-sufficient homebuyer's incentive program for first-time purchasers of homes in areas designated for smart growth.

2. In order to encourage redevelopment, the Economic Development Authority (EDA) shall make short-term loans available to developers to offset pre-development funding gaps and funding requirements for brownfields remediation. These loans shall be made at such rates and upon such terms as the EDA Board of Directors deems appropriate.

3. The Commerce and Economic Growth Commission (Commerce Commission) shall continue to act as a single point of entry for businesses and developers seeking to locate or expand in New Jersey. The Commerce Commission shall continue to provide financial incentives and/or information, consistent with its current programmatic responsibilities, to existing or prospective businesses or developers concerning available incentives for business expansion, relocation or related development projects.

4. In consultation with the Commerce Commission, the Office of Smart Growth within the Department of Community Affairs (DCA) shall establish a reasonable priority of projects and recommend investments through a "super-incentives" approach that targets existing resources for projects in areas designated for smart growth. This initiative shall coordinate, in a unified approach, all of the programs currently administered by

relevant state agencies. DCA shall identify a set of permissive criteria that will provide participating, qualifying municipalities priority consideration under this unified approach.

5. Relevant State agencies and the Office of Administrative Law shall develop and implement a system that will give priority to applications and appeals involving development and redevelopment in areas designated for smart growth.

6. DCA shall prioritize existing resources in order to enhance technical support to municipal zoning and planning boards that commit to smart growth principles.

7. DCA shall ensure timely inspections on a Statewide basis and implement a pilot program providing for immediate DCA inspection of projects in areas designated for smart growth whenever local code officers fail to meet the standards of timeliness set in the Uniform Construction Code.

8. DEP, in consultation with interested State agencies, municipal governments, and affected constituents, shall initiate a comprehensive program of regulatory reforms that will increase the predictability of regulatory outcomes, facilitate smart growth, strengthen regulatory protection of public health, safety and significant environmental resources, and integrate the assumptions and planning of other agencies. DEP shall closely coordinate this effort with the Office of Smart Growth.

9. DEP shall establish a mechanism, including appropriate safeguards, allowing the use of pre-qualified consultants to perform scientific and other professional reviews required of developers in order to expedite project review and implementation for brownfields redevelopment and in other smart growth areas as determined in coordination with the Office of Smart Growth.

10. DEP shall develop and implement a program utilizing mitigation fees, accounts and other market approaches that will expedite the restoration of environmentally impacted properties, facilitate regulatory review, reduce uncertainty and promote cost-effective and environmentally sound approaches to smart growth.

11. The Environmental Infrastructure Trust, under the direction of the DEP Commissioner, shall establish and implement a program to reduce

infrastructure finance costs in designated smart growth areas I coordination with the Office of Smart Growth.

12. In selected redevelopment areas (Asbury Park and Camden have been identified to date), DCA is hereby directed, in cooperation with municipalities, to develop a model approach that allows DCA to (a) serve as a point of contact for all permit applications to State agencies, track permit applications and expedite approval; (b) act as liaison between developer and State agencies granting approvals and provide the developer with status reports on the progress of State agency approvals; (c) assist in identifying features of the project that will require State agency approvals; (d) investigate areas where projects may require special consideration under State rules and assist in offering possible solutions; (e) review plans and specifications for compliance with the Uniform Construction Code; (f) issue building permits (verifying that all prior approvals have been granted) and (g) perform all necessary inspections under the Uniform Construction Code.

13. The Department of Transportation (DOT), together with appropriate independent and bi-state authorities, shall coordinate and consult regarding the planning and implementation of transportation infrastructure. DOT shall develop a Statewide master capital plan encompassing input from all transportation authorities.

14. DOT shall work with the DEP and all other State agencies, as required, to implement a permit coordination program to expedite capital transportation projects in designated smart growth areas.

15. DOT shall review the processing of permit applications, including highway access permit applications, and target resources to such applications that are located in areas designated for smart growth.

16. DOT is directed to work with New Jersey Transit and other transportation entities throughout the State to develop and maintain a master list of park-and-ride lots, including their parking capacity, at mass transit facilities and transportation centers in order to identify the capacity needs related thereto and to implement in its upcoming annual Transportation Capital Program a demonstrable commitment toward solving the parking capacity needs at the State's mass transit facilities.

17. This Order shall take effect immediately.

Dated October 24, 2002.

EXECUTIVE ORDER NO. 39

WHEREAS, The Asian American community represents a large segment of the population of the State of New Jersey and contributes significantly to the economic well being and cultural richness of this State; and

WHEREAS, Asian Americans are one of the fastest growing racial groups in New Jersey and the United States; and

WHEREAS, New Jersey is committed to understanding the community, economic, social, health and educational needs and issues that are important to the Asian American population in this State;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created the Governor's Asian American Commission, hereinafter referred to as "the Commission".

2. The Commission shall be comprised of no greater than forty-five (45) members to be appointed by the Governor and to serve at the pleasure of the Governor. The Secretary of State, or her designee, shall be a member. The balance of the members shall represent a cross-section of the Asian American population in this State. All public members shall be appointed for a term of two (2) years and shall serve without compensation.

3. The Chair of the Commission shall be selected by the Governor from among the membership.

4. It shall be the charge and duty of the Commission to accomplish the following:

a. Develop and coordinate Statewide programs, recognizing the continuing contributions of Asian Americans in New Jersey;

b. Draw upon the membership's shared knowledge and expertise in creating activities designed to better educate all citizens of New Jersey as to Asian American issues and culture and to promote the spirit of Mahatma Gandhi and Dr. Martin Luther King, Jr. by celebrating the religious, ethnic and racial diversity within this State; and

c. Develop policies to improve the community, economic, social well-being, health and educational needs important to Asian American communities in New Jersey; and

d. Increase awareness among Asian Americans as to governmental affairs and community and social service resources that may benefit Asian American individuals and communities as a whole.

5. The Commission shall meet no less than quarterly and shall report directly to the Governor, outlining its progress and advising the Governor of the Commission's recommendations, as they relate to the charge and duties set forth above.

6. This Order shall take effect immediately.

Dated October 25, 2002.

EXECUTIVE ORDER NO. 40

WHEREAS, Females and males of all ages, racial, cultural and economic backgrounds are victims of sexual violence, which includes rape, incest, unwanted sexual contact, sexual harassment, prostitution or exposure to pornography and voyeurism; and

WHEREAS, 1 in 4 women and 1 in 6 men in the United States have experienced rape or attempted rape at some time in their lives; and

WHEREAS, Women who are sexually assaulted as children and adolescents are at greater risk of being sexually assaulted as adults; women who were raped before the age of 18 are twice as likely to be raped as an adult; and

WHEREAS, In the United States, violence against women is predominately intimate partner violence; 76 percent of women who have been raped or physically assaulted since the age of 18 are assaulted by a current or former husband, cohabitating partner or date; and

WHEREAS, In New Jersey, 1 in 10 victims report their assault to law enforcement, and a total of 1,277 rapes were reported in 2001; and

WHEREAS, In New Jersey, over 18,000 victims and family members received services in 2000 from New Jersey's 21 county rape care programs; and

WHEREAS, A function of the Office on the Prevention of the Violence Against Women (the Office) in the Division on Women within the Department of Community Affairs is to implement strategies to prevent violence against women and to explore prevention initiatives;

NOW, THEREFORE, I, James E. McGreevey, 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 Advisory Council Against Sexual Violence within the Office on the Prevention of Violence Against Women in the Division on Women within the Department of Community Affairs. The Council shall review and recommend policies, procedures, protocols, training and standards relating to sexual violence and recommend solutions in the prevention of sexual violence.

2. The Council shall consist of the following 25 members:

a. The Commissioner of the Department of Community Affairs, the Director of the Division on Women in the Department of Community Affairs, the Commissioner of the Department of Health and Senior Services, the Commissioner of the Department of Education, the Attorney General, Director of the Administrative Office of the Courts with the approval of the Chief Justice, Superintendent of the State Police, the Chief of the Office of Victim-Witness Advocacy, the Supervisor of the Office on the Prevention of Violence against Women, the Coordinator of State Rape Care Program, or their designees.

b. 15 public members appointed by the Governor shall include the following representatives: a county assistant prosecutor, assigned to prosecute sexual assault cases, a licensed social worker or licensed clinical social worker with demonstrated expertise in the field of sexual violence, a law enforcement representative with experience in sexual violence, a representative from the New Jersey Hospital Association, a representative of the New Jersey State Nurses Association, a Sexual Assault Nurse Examiner, a survivor of sexual violence, a representative from a New Jersey college or university, a representative from the Violent Crime Compensation Board, a representative with expertise in child sexual abuse and treatment, a representative of the New Jersey Coalition for Battered

Women, and four representatives of the New Jersey Coalition Against Sexual Assault.

c. The Chairperson of the Advisory Council on Sexual Violence shall be selected by the Governor from among the membership of the Council.

3. The Advisory Council Against Sexual Violence shall:

a. Review the effectiveness of the current protocols, standards and practices for the examination and treatment of victims of sexual violence and attempted sexual assault and review the implementation of the protocols, standards and practices.

b. Develop specific protocols, standards and practices and recommendations to provide for an ongoing review and improvement of services for victims of sexual violence.

c. Study the needs, priorities, programs and policies relating to sexual violence throughout the State.

d. Monitor the effectiveness of the laws concerning sexual violence and make recommendations for their improvement.

e. Review proposed legislation governing sexual violence and make recommendations to the Governor and the Legislature.

f. Ensure that service providers and citizens are aware of the needs of victims and services available to victims of sexual violence and make recommendations for community education and training programs.

4. The Advisory Council Against Sexual Violence shall report its progress to the Governor within one year of the effective date of this order, and thereafter, on a regular basis as determined by the Council.

5. On the effective date of this order, all of the records and files of the Sexual Assault Protocol Council shall be transferred to the Advisory Council Against Sexual Violence.

6. This order shall take effect immediately.

Dated November 22, 2002.

EXECUTIVE ORDER NO. 41

WHEREAS, Christopher S. Scales joined the New Jersey State Police in May, 1987, and was assigned to Troop D, New Jersey Turnpike Tactical Patrol Unit; and

WHEREAS, Trooper Scales served with exceptional courage and professionalism, genuine courtesy and abiding commitment to the finest traditions of the New Jersey State Police; and

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

WHEREAS, Trooper Scales has made the ultimate sacrifice, giving his life in the line of duty while protecting New Jersey 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, JAMES E. MCGREEVEY, 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 mast at all State departments, offices, agencies and instrumentalities during appropriate hours for one week, commencing Wednesday, December 4, 2002, in recognition and mourning of New Jersey State Trooper Christopher S. Scales, Badge 5475.

2. This Order shall take effect immediately.

Dated December 5, 2002.

EXECUTIVE ORDER NO. 42

WHEREAS, Executive Order No. 14 created the Commission on Health Science, Education and Training, hereinafter referred to as the Commission, to examine ways to enhance the overall quality of medical and health education in New Jersey, and to increase the State institutions' national competitiveness; and

WHEREAS, The Commission examined a range of possible solutions, and steps that could be taken to create a comprehensive university system that promotes excellence in all schools and disciplines including medical and health education and attracts top students,

distinguished faculty, and significant research funding from public and private sources; and

WHEREAS, On October 14, 2002, the Commission issued its Report recommending that the current institutional structure be re-aligned by restructuring Rutgers, the State University of New Jersey (Rutgers), the University of Medicine and Dentistry (UMDNJ) and the New Jersey Institute of Technology (NJIT) into a single, research university system with three distinct, university campuses in North, Central and South Jersey; and

WHEREAS, The Commission's Report has been reviewed by and discussed with various leaders of the State's higher education community and the administration and faculty of the public research institutions, and its recommendations and vision have merit; and

WHEREAS, The vision of academic excellence in New Jersey's public research universities and its higher education system is worthy of implementation;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Review, Planning and Implementation Steering Committee, hereinafter referred to as the Steering Committee.

2. The Steering Committee shall consist of twenty-one (21) members appointed by the Governor. The Steering Committee will be supported by three University Committees, several Issues Working Groups, and Advisory Groups. The Steering Committee shall be chaired by Dr. P. Roy Vagelos. Members of the Steering Committee will include the Commissioner of the Department of Health and Senior Services, the Chairs of the Boards of Trustees of Rutgers, UMDNJ and NJIT; the Chair of the Board of Governors of Rutgers; and the Presidents of Rutgers and NJIT, and the Executive Vice President of Academic Affairs of UMDNJ. The remaining members will be selected from among representatives of higher education, research foundations, business and industry, the Governor's Education Cabinet, and the community.

3. The Steering Committee is authorized on behalf of the Governor to examine the rules, procedures and practices of the public research

universities in order to recommend in what respect such rules, procedures and practices may be altered or improved with a view toward carrying out the purpose of this Order.

4. The charge of the Steering Committee shall be to:

a. Review the impact of the Commission's recommendations on the three institutions and to create a comprehensive plan for the restructuring;

b. Facilitate the collection from the three public research universities of information pertaining to the restructuring;

c. Examine, and advise the Governor through the Chair of the Steering Committee concerning the prioritization of the implementation of specific strategies to restructure the three public research universities;

d. Within thirty (30) days of the first meeting of the Steering Committee, outline a proposed work plan for the preparation of an assessment and implementation plan;

e. Recognizing that the actual restructuring will likely be a multi-year effort, deliver an assessment and implementation interim report to the Governor that includes, for the various stages of implementation, the actions required, a timeline for those actions, specific milestones and responsibilities.

5. The Chair of the Steering Committee is hereby empowered to organize its work and committee structure as he deems it necessary including but not limited to:

a. Establishing an Executive Advisory Committee consisting of academic experts, community members, constituents and other stakeholders who will provide their unique perspectives to the Steering Committee and appointing its chair(s).

b. Establishing sub-committees to address specific issues that have strategic and system-wide implications. Such sub-committees may be charged with developing proposals on topics including but not be limited to: academic affairs, health affairs, faculty, students, finance/accounting, operations, accreditation, human resources, physical plant, community relations, alumni affairs, information technology/communications. Each sub-committee shall be chaired by a designee of the Committee and may also include representatives from outside the public research universities with relevant expertise.

6. Upon the request of the Chair of the Steering Committee, acting directly or through his staff, the Administration of the three public research universities shall provide the Steering Committee with such information as the Steering Committee may need for the purpose of carrying out its charge.

7. The Steering Committee is authorized to call upon any department, office, agency, authority, instrumentality or institution of State Government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division, agency, authority, instrumentality and institution of this State is hereby required to cooperate with the Steering Committee and its staff and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

8. Members of the Steering Committee shall serve without compensation, except that they may receive per diem and travel expenses.

9. This Order shall take effect immediately.

Dated December 10, 2002.

EXECUTIVE ORDER NO. 43

WHEREAS, A vital transportation system in New Jersey is essential for the health and well being of our communities, our working families, and our economy; and

WHEREAS, New Jersey is already the most densely populated state in the country and its population is expected to grow by 1 million people by the year 2020; and

WHEREAS, New Jersey's highway and bridge system is overburdened and in need of repair; and

WHEREAS, New Jersey's public transportation system is over capacity and suffering from ten years of deferred maintenance; and

WHEREAS, The aging transportation infrastructure in New Jersey poses a significant and ongoing safety and security concern; and

WHEREAS, New Jersey drivers waste 261 million hours sitting in traffic, costing each New Jersey driver nearly \$1,300 per year, negatively impacting our quality of life and losing valuable time that could be better spent with our families; and

WHEREAS, Improving the transportation system to meet the needs of the 21st century is an important goal of this Administration, especially as it relates to reducing congestion, enhancing safety, and improving the quality of life for all working families in New Jersey; and

WHEREAS, The needs of New Jersey's transportation system outweigh the resources available; and

WHEREAS, In this time of limited resources it is important to identify and prioritize transportation needs and allocate available resources by incorporating the principles of "Fix it First" and "Smart Growth"; and

WHEREAS, A "Fix it First" strategy will focus our efforts on improving aging bridges and rehabilitating highways, rail and aviation systems first, instead of pursuing an expansion policy; and

WHEREAS, Smart growth principles will focus and direct transportation investments into the redevelopment of our older urban and suburban areas, protect existing open space, conserve natural resources, increase transportation options and transit availability, reduce automobile traffic and dependency, stabilize property taxes, and provide affordable housing; and

WHEREAS, The Transportation Equity Act for the 21st Century is a vital funding mechanism for the Department of Transportation to address the transportation system needs in New Jersey; and

WHEREAS, The United States Congress is scheduled to reauthorize the Transportation Equity Act for the 21st Century in 2003; and

WHEREAS, The Transportation Trust Fund was created in July 1984 to provide a stable and predictable funding source for state and local transportation capital improvements in New Jersey; and

WHEREAS, Of the 36,000 miles of roadway in New Jersey, 32,000 miles are controlled by county and municipal governments whose responsibility it is to maintain the quality of this local infrastructure; and

WHEREAS, The Local Aid programs funded through the Transportation Trust Fund were created to provide counties and municipalities the

tools and resources needed to maintain and operate these local roadways, which account for nearly 90% of New Jersey's roadways; and

WHEREAS, The Transportation Trust Fund must be renewed by July of 2004; and

WHEREAS, The current and future transportation needs of New Jersey are greater than the resources provided by the Transportation Trust Fund and the Transportation Equity Act for the 21st Century;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 Blue Ribbon Transportation Commission ("Commission") to examine and make recommendations on the pressing transportation issues facing New Jersey over the next ten years. The Commission shall also identify the means necessary to address these pressing transportation issues and recommendations for their consideration during the upcoming renewal of the Transportation Trust Fund. The Commission shall issue a final report containing its findings and recommendations, including any recommendations for legislation that it deems appropriate, within one year after the Commission organizes.

2. The Commission shall consist of seven (7) public members appointed by the Governor, and the Commissioner of the New Jersey Department of Transportation (DOT), ex officio. The Commissioner of DOT shall serve as Chair of the Commission. The public members shall include representatives of the business, labor and environmental communities, as well as individuals with expertise in New Jersey transportation issues. The Commission shall organize as soon as may be practicable after the appointment of its members. The members shall appoint a secretary, who need not be a member of the Commission.

3. The Commission shall meet at the call of the chairperson. The Commission shall be entitled to call to its assistance and avail itself of the services of the employees of any State department, board, bureau, commission or agency, as it may require and as may be available for its purposes, and to employ stenographic and clerical assistance and incur traveling and other miscellaneous expenses as may be necessary in order to perform its

duties, within the limits of funds appropriated or otherwise made available to it for its purposes.

4. DOT shall work closely with the New Jersey congressional delegation and with other similarly situated states to establish funding priorities and develop a strategy to maximize the State's share of federal resources. This strategy shall consider proposals to provide DOT with the flexibility to ensure the expedited and efficient completion of transportation infrastructure improvements.

5. DOT, New Jersey Transit (NJT), the New Jersey Turnpike Authority (NJTA), the New Jersey Parkway Authority (NJPA) and the South Jersey Transportation Authority (SJTA) shall implement:

a. An expedited project delivery pipeline initiative, that will shave 1 to 4 years off the time to deliver a typical project, reduce project cost and increase the total number of projects that can be advanced in a year. This initiative will replace the "one-size-fits-all" schedule historically used by State agencies, whether projects are minor or major in nature. This improved project delivery process will accelerate the amount of work contracted by State agencies, create jobs and ensure that State agencies spend the maximum possible on transportation improvements; and

b. A highway safety initiative designed to reduce accidents on our highways through improved infrastructure, driver education, and traffic safety compliance enforcement; and

c. A Statewide rail plan designed to increase the efficiency of freight movement and thereby reduce the number of trucks on our highways; and

d. An improved access permit process that will expedite regulatory review and incorporate the principles of Smart Growth, when allowing access to New Jersey highways. This new process will curtail sprawl by directing development in growth areas, such as urban and older suburban corridors, and prevent it in environmentally sensitive and overdeveloped areas; and

e. An information and signage program that will convey clear, concise, consistent, and "smart" information to the motoring public. This initiative will consist of a Pilot Program to identify the resources necessary for Statewide implementation. DOT, NJT, NJTA, NJHA and SJTA will immediately begin to take steps to implement this Pilot Program and report to the Governor's Office on its progress in sixty days. The Pilot Program will fix confusing directional signs and implement technology to provide real-time traffic information. The Pilot Program will also reduce red tape by transferring traffic engineering decision-making from the State to local

6. DOT, NJT, NJTA, NJHA and SJTA, in conjunction with the Smart Growth Policy Council, shall develop plans that are consistent with New Jersey's smart growth policies and that promote and encourage the use of public transportation.

7. DOT, NJT, NJTA, NJHA and SJTA shall include in their capital investment strategy a process that will expedite projects determined to advance the principles of "Fix It First" and "Smart Growth." These projects shall receive priority treatment. Such projects shall include, but not be limited to, preserving and rehabilitating bridges and roadways, increasing capacity for all modes of public transportation, eliminating bottlenecks, preserving and rehabilitating airports, improving rail freight services, improving ferry services, enhancing safety, and making our communities more livable.

8. The Port Authority of New York and New Jersey, the Delaware River Bay Authority, the Delaware River Joint Toll Bridge Commission and the Delaware River Port Authority shall consider incorporating, on a priority basis, policies consistent with "Smart Growth" and "Fix It First" principles, with respect to New Jersey projects. In addition, these bi-state authorities shall consider the following measures:

- a. implementing an expedited project delivery pipeline initiative to reduce project costs and increase the number of projects that can be advanced in a year;
- b. coordinating their efforts, where appropriate, with the development of a Statewide rail plan;
- c. implementing highway safety initiatives;
- d. improving their access permits process to allow expedited regulatory review, while incorporating smart growth principles;
- e. implementing information and signage programs to convey accurate and appropriate information to the motoring public; and
- f. supporting and contributing to the expanded Park and Ride initiative.

9. This Order shall take effect immediately.

Dated January 7, 2003.

EXECUTIVE ORDER NO. 44

WHEREAS, A state of water supply emergency was declared in 1995, 1999 and 2002; and

WHEREAS, New Jersey has suffered from unusually dry weather conditions since 1998, with precipitation throughout the State during 2000 and 2001 among the lowest on record; and

WHEREAS, New Jersey is divided in six drought regions, based on watershed location and other conditions relevant to water supply, as follows: Central Drought Region (Middlesex, Somerset and Union Counties, and parts of Hunterdon, Mercer and Morris Counties); Coastal South Drought Region (Atlantic, Cape May and Cumberland counties, and parts of Burlington, Camden, Gloucester, Ocean and Salem counties); Northeast Drought Region (Bergen, Passaic, Hudson and parts of Essex and Morris counties); Northwest Drought Region (Sussex and Warren counties, and part of Hunterdon County) and Southwest Drought Region (parts of Burlington, Camden, Gloucester, Mercer, Monmouth and Salem counties); and

WHEREAS, On January 24, 2002, the New Jersey Department of Environmental Protection issued a drought warning for the Northeast, Northwest, Southwest, Coastal South and Coastal North Drought Regions, due to the precipitation deficit, record low ground water levels and stream flows, and depleted reservoir levels; and

WHEREAS, Executive Order No. 11 was issued on March 4, 2002, for the purpose of declaring a state of water emergency due to drought conditions throughout New Jersey, characterized by a protracted period of dry weather conditions and significantly depleted surface and ground water levels, including unprecedented low stream flows across the State; and

WHEREAS, Coordinated water management measures exercised by water suppliers, citizens, businesses and institutions, municipalities, counties, and the State, including water conservation efforts and voluntary and mandatory water use restrictions, effectively curtailed water use demands and allowed for the preservation of available supplies; and

WHEREAS, Coordinated water management measures exercised by water suppliers, citizens, businesses and institutions, municipalities, counties, and the State, including water conservation efforts and voluntary and mandatory water use restrictions, effectively curtailed water use demands and allowed for the preservation of available supplies; and

WHEREAS, Abundant rainfall across the State this fall and early winter contributed significantly toward eradication of the precipitation deficit, restoration of stream flows, and replenishment of water supply storage in critical northeastern New Jersey reservoirs; and

WHEREAS, Concerns regarding long-term climatic trends suggest that considerable attention must still be devoted to the stabilization of available water supplies through efficient management and prudent use of the resource; and

WHEREAS, It is appropriate and necessary to remain vigilant by continuing voluntary water conservation practices that are beneficial and essential to the preservation of available water supplies;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, 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 water emergency declared by Executive Order No. 11 is hereby terminated in all six New Jersey drought regions based upon the facts and circumstances set forth above.
2. The Department shall strictly enforce the terms and conditions of all water allocation permits and water registrations.
3. With respect to the Atlantic County Townships of Egg Harbor, Galloway, and Hamilton, the Commissioner is to continue to exercise the authority and discretion granted to him by statute and regulation to ensure that new development and new water connections can be supported by the water supply on a sustained yield basis.
4. With respect to the Townships of Egg Harbor, Galloway, and Hamilton, and other growth receiving areas under the Pinelands Comprehensive Management Plan, the Commissioner shall coordinate with affected mayors and with the Chairman and Members of the Pinelands Commission

in developing a long-term strategy to address growth management needs in the area.

5. With respect to Statewide water supply challenges, the Commissioner is directed to develop and implement a short-term and long-term strategy to strengthen protection of New Jersey's water supply, and to reduce the frequency and severity of drought emergencies affecting our communities.

6. All persons are encouraged to use water wisely and to comply fully with any water use measures imposed by applicable municipalities and counties, or water suppliers servicing their areas.

7. This Order shall take effect immediately.

Issued January 8, 2003.

