

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



2003

New Jersey State Library

EXECUTIVE ORDERS

(2073)

EXECUTIVE ORDER NO. 45

WHEREAS, The citizens and businesses of the State of New Jersey and the nation rely heavily on traditional energy generation sources, which can negatively impact our environment, health, economy and security; and

WHEREAS, Those traditional energy generation sources can cause pollution of our air and water; emit "greenhouse gases" that contribute to global warming and sea level rise; encourage reliance on large centralized power plants, making our energy resources more vulnerable to potential disruption; create dependency on foreign energy resources; and leave us vulnerable to potentially volatile energy prices; and

WHEREAS, Renewable energy sources offer an energy alternative that would lead to improved air and water environmental quality; decrease our dependence on foreign energy sources and susceptibility to potentially volatile traditional energy markets; decrease our reliance on centralized power plants; ease the strain on our energy infrastructure; offer opportunity for job creation and economic development by attracting these emerging industries to the State of New Jersey; and, when considering all costs to society, are less costly than traditional energy sources; and

WHEREAS, This Administration recognizes these benefits, and is dedicated to promoting the use and production of renewable energy; and

WHEREAS, Leaders in business, labor, academia, the energy industry, and environmental and consumer advocates voiced shared support for the promotion of renewable energy in New Jersey at the Governor's Energy Summit, which convened on December 11, 2002; and

WHEREAS, The "Electricity Discount and Energy Competition Act" ("EDECA"), specifically requires the New Jersey Board of Public Utilities ("BPU") to adopt renewable energy portfolio standards ("RPS") to ensure each electric power supplier and basic generation service provider supplies electricity from renewable energy sources in the electricity sold to retail customers; and

WHEREAS, The RPS play a significant role in helping the State achieve its goal of promoting renewable energy and must be examined closely to ensure that these requirements impact our State's energy market and consumption in an efficient and environmentally sound manner;

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 the Renewable Energy Task Force ("Task Force") to examine the Renewable Portfolio Standards (RPS) for Class I energy sources, which includes electric energy produced from solar technologies, photovoltaic technologies, wind energy, fuel cells, geothermal technologies, wave or tidal action, and methane gas from landfills or a biomass facility, provided that the biomass is cultivated and harvested in a sustainable manner.

2. The Task Force shall review the current regulatory framework that governs the RPS and recommend changes to that framework to better enable the BPU to implement RPS that reflect the changing goals and needs of the State.

3. The Task Force shall be chaired by the President of the BPU and composed of 16 members, appointed by the Governor, as follows:

- a) The Commissioner of the Department of Environmental Protection ("DEP"), or his designee(s);
- b) The Ratepayer Advocate, or her designee;
- c) Two representatives from public interest organizations;
- d) Two representatives from the utility industry;
- e) Three representatives from the renewable energy industry;
- f) Two representatives of wholesale energy providers; and
- g) Four national experts or academics in renewable energy sources or implementation of these technologies.

4. The Task Force shall:

- a) Examine whether the total annual percentages of Class I renewable energy that each electric power supplier and basic generation service provider must sell to retail customers in New Jersey, and included in the existing RPS, should be increased;
- b) Recommend the specific time period over which any incremental increase in the Class I renewable energy percentage requirements should take place and the phase-in schedule of any recommended increases;
- c) Recommend whether a required percentage of Class I renewable energy should come from specific technologies or fuels and, if so, identify amounts that should be required;

- d) Recommend whether any portion of the required percentage of Class I renewable energy should be required to come from generation sources located within the State of New Jersey;
- e) Recommend whether any portion of the required percentage of Class I renewable energy should come from new generation sources that have become available after a specific date and, if so, identify that date;
- f) Propose improvements in the measurement, tracking and verification systems for Class I renewable energy sources, including those for small distributed generation sources not connected to the transmission grid;
- g) Consider measures to assist electric power suppliers and basic generation service providers with compliance with RPS requirements;
- h) Provide a preliminary estimate of the possible cost and other impacts on the State's electricity consumers that may result from the Task Force's recommendations and proposals; and
- i) Examine other related issues.

5. The Task Force shall issue a report to the Governor by March 31, 2003, identifying specific recommendations on the aforementioned issues.

6. The Task Force is authorized to call upon any department, office, division and agency of State government to provide such data, information, material, personnel and assistance as deemed necessary to discharge its responsibilities under this Order. Each department, office, division and 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 information, personnel and assistance as is necessary to accomplish the purpose of this Order.

7. This Order shall take effect immediately.

Dated January 27, 2003.

EXECUTIVE ORDER NO. 46

WHEREAS, The use of video lotteries are being considered or have been implemented in other states; and

WHEREAS, Institution of a video lottery could have the potential for generating new State revenues; and

WHEREAS, A variety of legal, economic and policy issues would be associated with the institution of a video lottery system in New Jersey; and

WHEREAS, It is important that these issues be thoroughly reviewed in order to provide a sound basis for decision-making;

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 Video Lottery Study Commission ("Commission") to review the legal, policy and economic issues associated with the use of video lottery terminals in New Jersey.

2. The Commission shall consist of the Attorney General, a representative of the New Jersey Sports and Exposition Authority, a representative of the Casino Control Commission and five (5) distinguished citizens appointed by the Governor to serve as public members. The Governor shall designate the chairperson of the Commission.

3. The Commission shall report on its review and examination of video lottery issues within 90 days of the appointment of its members.

4. The Commission shall meet at the call of the chairperson. The Commission shall be staffed by the Department of the Treasury, but 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.

5. This Order shall take effect immediately.

Dated February 3, 2003.

EXECUTIVE ORDER NO. 47

WHEREAS, Executive Order No. 24 (2002) authorized the New Jersey Economic Development Authority (NJEDA) to establish a subsidiary corporation, with responsibility for the school construction program; and

WHEREAS, The NJEDA has created the Schools Corporation to oversee school facility projects; and

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

WHEREAS, In order for the Schools Corporation, its Board of Directors and its Chief Executive Officer to better monitor the implementation of the school facilities program, and to audit the expenditure of the substantial funding provided by the State for the program, it is advisable to amend the membership of the Board of Directors to add the Attorney General;

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. 24 (2002) shall remain in full force and effect except as modified herein.

2. Paragraph 1(a) of Executive Order No. 24 (2002) is hereby amended as follows:

The creation of a corporation Board of Directors consisting of the following members: the Attorney General; 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.

3. This Order shall take effect immediately.

Dated February 7, 2003.

EXECUTIVE ORDER NO. 48

WHEREAS, Beginning on February 16, 2003, severe weather conditions, including snow, winds and freezing temperatures have made State roadways hazardous to travel in parts of this State; and

WHEREAS, Snow accumulations make it difficult or impossible for citizens to obtain the necessities of life as well as essential services such as police, fire and first aid; and

WHEREAS, the 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 the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, 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 declare and proclaim that a State of Emergency presently exists in the State of New Jersey.

I hereby:

1. AUTHORIZE, in accordance with the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1), the Adjutant General to order to active duty such members of the New Jersey National Guard that, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare and to authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

2. EMPOWER, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A.App.A:9-33 et seq.) as supplemented and amended, the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any areas, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. AUTHORIZE the Attorney General, pursuant to the provisions of N.J.S.A.39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State or Interstate highway, and its access roads, including the right to detour, reroute or divert any or all traffic, and to prevent ingress or egress

from any area to which the declaration of emergency applies. I further authorize all law enforcement officers to enforce any such orders of the Superintendent of State Police within their respective municipalities.

4. AUTHORIZE the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

5. AUTHORIZE AND EMPOWER the State Director of Emergency Management to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure or vehicle during the course of this emergency.

6. RESERVE THE RIGHT, in accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

7. DIRECT that the heads of any agency or instrumentality of the State government with authority to promulgate rules may, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, waive, suspend or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

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

Dated February 16, 2003.

EXECUTIVE ORDER NO. 49

WHEREAS, Executive Order No. 48 (2003), declaring a state of emergency, was issued on February 16, 2003 because of severe weather conditions; and

WHEREAS, The severity of the conditions necessitating the declaration of a state of emergency has eased;

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 the state of emergency declared in Executive Order No. 48 is terminated effective at 12 noon on February 18, 2003.

Dated February 18, 2003.

EXECUTIVE ORDER NO. 50

WHEREAS, The President of the United States has authorized the Secretary of Defense to call up select members of the Reserve and National Guard to active duty in response to the continuing Global War on Terrorism, potential armed conflict with Iraq, and heightened tensions with North Korea; and

WHEREAS, The President of the United States has also authorized the Secretary of Homeland Security to similarly call up members of the Coast Guard Reserve; and

WHEREAS, Reserve and National Guard members who are activated during this crisis situation serve a vital national interest for which they deserve the full support of the citizens of this State; and

WHEREAS, The State of New Jersey recognizes that a strong, ready Reserve and National Guard are essential to the defense of this country and vital to this State in time of emergency or natural disaster; and

WHEREAS, The State of New Jersey encourages its employees to serve in the Reserve and National guard and recognizes the personal and economic sacrifices of its employees who are called to active duty during the Middle East crisis;

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. New Jersey State employees who are called to active duty in response to the continuing Global War on Terrorism, potential armed conflict with Iraq, and heightened tensions with North Korea shall be entitled upon termination of active duty to return to State employment with full seniority and benefits consistent with State and federal military reemployment and seniority rights.

2. During active duty for the duration of their activation, these State employees shall be entitled to receive a salary equal to the differential between the employee's State salary and the employee's military base pay, following the exhaustion of statutory entitlements to full pay.

3. These State employees shall be entitled to State employees health benefits, life insurance and pension coverage during active duty service for which they receive differential salary as prescribed in this order as if they were on paid leave of absence.

4. If a State employee's military base pay is greater than his or her State salary, such that he or she would not receive differential pay under paragraph 2 of this Order, that State employee shall, nonetheless, be entitled to State employee health benefits, life insurance and pension coverage during active duty service, with the State employee's contributory portion of those benefits and programs to be paid by the employee upon his or her return to State employment, after completion of active duty.

5. The Commissioner of Personnel shall implement this Executive Order and each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commissioner of Personnel and to make available to her such information, personnel and assistance as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Dated February 27, 2003.

EXECUTIVE ORDER NO. 51

WHEREAS, The lives of many New Jersey women are impacted by congenital bleeding disorders; and

WHEREAS, The failure to correctly diagnose congenital bleeding disorders in women impacts on their health and well-being and may lead to unnecessary hysterectomies and an increased risk from bleeding at the time of surgery; and

WHEREAS, There is a Statewide health need to ensure that women with congenital bleeding disorders are appropriately diagnosed and treated; and

WHEREAS, The women of New Jersey need to be made aware of the existing medical treatments for congenital bleeding disorders;

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 Task Force on Women and Bleeding Disorders ("Task Force"). The Task Force shall study the occurrence, methods and access to diagnosis and treatment options for women with congenital bleeding disorders and heighten awareness of this issue.
2. The Task Force shall consist of the following fifteen members:
 - a. The Commissioner of the Department of Health and Senior Services, or his designee, and the Commissioner of the Department of Human Services or her designee.
 - b. Thirteen public members appointed by the Governor, including one New Jersey licensed obstetrician/ gynecologist, two New Jersey licensed hematologists, one New Jersey licensed nurse, one representative from the Hemophilia Association of New Jersey, and at least three members who are women currently suffering a bleeding disorder or are advocates of such women. The Chair shall be appointed by the Governor from among the public members.
3. The Task Force shall:
 - a. Review current information and data describing the problem of undiagnosed bleeding disorders in women.
 - b. Define the need for appropriate testing and access to diagnosis and treatment options for women with bleeding disorders.
 - c. Make recommendations designed to address identified problems and concerns related to bleeding disorders including, but not limited to, education of targeting medical and consumer communities.

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

5. The Task Force shall report to the Governor, not later than one year after the date of its initial meeting, on the Task Force's progress and findings. The work of this Task Force shall be concluded upon completion of the report to the Governor and shall be dissolved thirty (30) days from the date of that report.

6. This Order shall take effect immediately.

Dated March 7, 2003.

EXECUTIVE ORDER NO. 52

WHEREAS, It appears imminent that the United States will become engaged in an armed conflict with the country of Iraq; and

WHEREAS, As a result, the Federal Department of Homeland Security has begun "Operation Liberty Shield," to increase security and readiness in the United States, and have asked the states to cooperate in this effort; and

WHEREAS, The United States Department of Homeland Security has raised the national terror threat level to "high alert"; signaling a high risk of a terrorist attack; and

WHEREAS, Since September 11th 2001, New Jersey law enforcement, National Guard and emergency management personnel have been engaged in an ongoing cooperative effort to vigilantly protect our State and its citizens from terrorism, with an appropriate emphasis on our State's critical transportation systems and infrastructure; and

WHEREAS, The National Guard's assistance is currently desirable to work in a cooperative operation with the New Jersey State Police, the Port Authority of New York and New Jersey as well as other law enforce-

ment agencies to secure key locations, such as New Jersey's airports, bridges and tunnels, from potential 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 by the Statutes of this State, do hereby ORDER and DIRECT:

1. In accordance with New Jersey Statutes 38A:2-1 et seq., I hereby authorize the Adjutant General of the New Jersey National Guard to order to active duty all such members of the New Jersey National Guard that, in his judgment, are necessary to protect airports, tunnels and bridges and to provide aid to any other locality where there is a threat or danger to the public health, safety and welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

2. This Executive Order shall take effect immediately.

Dated March 19, 2003.

EXECUTIVE ORDER NO. 53

WHEREAS, The people of the State of New Jersey rely upon the courageous men and women of the fire departments of this State to protect them from the pervasive danger presented by fire and other emergencies; and

WHEREAS, The State of New Jersey has a compelling interest in guaranteeing that the fire departments of the State, both career and volunteer, are adequately trained and equipped to respond to catastrophic damage and loss; and

WHEREAS, The terrorist attacks of September 11, 2001 have demonstrated the need for greater cooperation and superior channels of communication between municipal fire departments and State, county and federal agencies to ensure the ability of the State's fire departments to respond to a catastrophic event or terrorist attack; and

WHEREAS, The fire departments of this State could benefit from more efficient, more economical, and safety sensitive training; and

WHEREAS, The fire departments of the State of New Jersey could benefit from group purchasing;

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 Fire Service and Safety Task Force, hereinafter referred to as the Task Force.

2. The members of the Task Force shall consist of:

The Commissioner of the Department of Community Affairs, or her designee

- The Attorney General, or his designee
- The Director of the Division of Fire Safety
- The President of the Professional Firefighters Association of New Jersey, or his designee
- The President of the New Jersey Firemen's Benevolent Association, or his designee
- The President of the New Jersey Association of Fire Districts, or his designee
- The President of the New Jersey State Fire Chiefs Association, or his designee
- The President of the New Jersey State Association of County Fire Marshals, or his designee
- The President of the Professional Fire Chiefs Association, or his designee
- The President of the New Jersey State Firemen's Association, or his designee
- The President of the League of Municipalities, or his designee

3. The Chairperson of the Task Force shall be the Director of the Division of Fire Safety.

4. The purpose of the Task Force will be to examine how fire departments can foster greater cooperation and improve interdepartmental communication with the state, county and federal agencies in order to respond to a major disaster, to examine the current delivery of fire protection and the operational readiness of New Jersey's Fire Service, and to develop and recommend a Statewide plan to affect a more efficient, more economical, and safety sensitive operation.

5. Specifically, the Task Force will study the following aspects of fire department performance:

- Interdepartmental communication
- Major emergency response
- Training

6. The Task Force will consider making recommendations with regard to potential remedies, including:

- Interdepartmental training exercises to prepare for major emergency response
- Group purchasing
- Methods and technology to improve interdepartmental communication
- Departmental efficiency studies

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

Dated March 31, 2003.

EXECUTIVE ORDER NO. 54

WHEREAS, The President of the United States has authorized the Secretary of Defense to call up select members of the Reserve and National Guard to active duty in response to the continuing Global War on Terrorism, potential armed conflict with Iraq, and heightened tensions with North Korea; and

WHEREAS, The President of the United States has also authorized the Secretary of Homeland Security to similarly call up members of the Coast Guard Reserve; and

WHEREAS, New Jersey residents are among the Reserve and National Guard members who have been mobilized into active duty with the United States Armed Forces; and

WHEREAS, Reserve and National Guard members who are activated during this crisis are serving vital national and State interests for which they deserve the full support of the citizens of this State; and

WHEREAS, Many of the State's resident mobilized Reserve and National Guard members and their families will suffer short and long-term emotional, financial and physical hardships due to their service during Operation Iraqi Freedom; and

WHEREAS, It is fitting and proper that the State recognize the sacrifices made by its residents in the Reserve and National Guard and the debt owed to them and their 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. I will seek through legislation the provision of health benefits coverage for immediate family members of National Guard personnel called to State active duty that exceeds 30 days, in situations where Guard personnel lose their employment-related health benefits or where such personnel did not have employer-related health benefit coverage.

2. I will also seek legislation that will increase the pay of Guard members called to State active duty so that their salary approximates the federalized Guard pay.

3. I will urge the federal government to exempt from federal taxes housing and subsistence allowances for National Guard members called to State active duty, and I will pursue legislation that will exempt such allowances from New Jersey State taxes.

4. The Director of the Division of Motor Vehicles, in consultation with the Commissioner of Transportation, is hereby directed to timely extend the renewal date of drivers' licenses, vehicle registration and motor vehicle inspections for active duty military service personnel during their active service in the war on terrorism and Operation Iraqi Freedom.

5. New Jersey Transit Corporation is hereby directed to afford to all military personnel the Senior Citizen half-price discount on its trains and buses.

6. The New Jersey Higher Education Student Assistance Authority (HESAA) is directed to coordinate the creation of a scholarship fund for 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 or severely disabled in the War on Terrorism or in the war with Iraq. HESAA is authorized to solicit and accept contributions to the scholarship fund.

7. 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 2003 semester and subsequent semesters from dependent students as defined in paragraph 6 of this Order.

8. 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 2003 semester and subsequent semesters from dependent students 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.

9. 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 2003 semester and subsequent semesters.

10. HESAA shall work with the New Jersey Commission on Higher Education to develop a process to review such applications for reimbursement that are submitted by colleges and universities pursuant to this Order.

11. To ensure that members of the National Guard and Reserves are not precluded from applying or renewing applications for grant and scholarship programs administered by the HESAA, the Authority is directed to extend both the June 1 application deadline for previous Tuition Aid Grant recipients and the October 1 application deadline for first-time filers, for members of the National Guard and Reserves until 45 days after their return from active military service.

12. To facilitate the communication between activated troops and family members, the New Jersey public colleges and universities are urged to provide free Internet access and establish e-mail accounts at their institutions for family members to use to communicate with those loved ones.

13. Legislation will be pursued that provides for National Guard and Reserves members, who are called to active military service and therefore unable to complete a course of study at the New Jersey institution of higher education, to receive tuition refund or re-enrollment rights, upon their completion of military service. This will afford some measure of protection to those called for duty and enable them to continue their pursuit of a post-secondary education when they return to civilian life.

14. The Attorney General shall strictly enforce all laws to protect military personnel against discrimination related to housing, employment, education, public accommodations, and credit applications due to active duty service. The Attorney General, in coordination with the Adjutant General, will establish a telephone "hot line" to receive complaints of discrimination to ensure prompt investigation.

15. The Department of Banking and Insurance is directed to promulgate emergency regulations that will:

a) prohibit cancellations of professional liability insurance policies while the policyholder is on active duty;

b) suspend the policyholder's obligation to pay premiums during the term of his or her period of active duty; and

c) require renewal without lapse of policies that expire during active duty, if application to renew is made within 60 days of return from active duty.

16. I will propose legislation to permit military personnel called to active duty service in the war on terrorism or the war with Iraq to terminate a car lease without penalty.

17. The Department of Labor is hereby directed to work closely with its one-stop career centers across the State to insure that returning members of the National Guard are given immediate and thorough attention to their employment needs, and that such returning members shall have access to counselors whose specific duties include conducting seminars for employers and job search workshops for returning Guard members.

18. The New Jersey Department of Military and Veterans' Affairs is charged with the responsibility for the coordination of the provision of such entitlements and services offered by the State in support of its Mobilized Residents and their families.

19. Any New Jersey resident mobilized into Active Duty with the Armed Forces or Coast Guard of the United States by order of the President for Operation Iraqi Freedom will be considered eligible for those Veterans' Entitlements for which they are in all other aspects qualified.

20. All New Jersey Veterans' organizations and employers are encouraged to cooperate with the Department of Military and Veterans' Affairs and with their local communities to ensure that the State's active service members receive the support that they and their families deserve.

21. This Order shall take effect immediately.

Dated April 1, 2003.

EXECUTIVE ORDER NO. 55

WHEREAS, Corporal Michael E. Curtin, a lifelong resident of the State of New Jersey, graduated from Howell High School in 1998, where he played three years of varsity football; and

WHEREAS, Corporal Curtin enlisted in the United States Army in May, 2001, completed basic training at Fort Benning, Georgia and subsequently completed the Army's paratrooper training school; and

WHEREAS, Corporal Curtin served proudly as a member of the U.S. Army's elite 3rd Infantry Division based at Fort Stewart in Georgia, and was deployed to Kuwait in the service of his country in January 2003; and

WHEREAS, Corporal Curtin was a kind and courageous young man, known for his tremendous bravery, unwavering faith and a devout love for his family; and

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

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

NOW, THEREFORE, I, 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 on Friday, April 11, 2003, in recognition and mourning of Corporal Michael E. Curtin.

2. This Order shall take effect immediately.

Dated April 10, 2003.

EXECUTIVE ORDER NO. 56

WHEREAS, Current economic conditions pose new challenges and provide new opportunities to New Jersey's economy; and

WHEREAS, New Jersey must meet these challenges and opportunities by supporting the creation of high-quality jobs, particularly in fields related to research and development; and

WHEREAS, New Jersey has a world-class industrial base and academic research universities available to support new businesses in technology; and

WHEREAS, Relationships between industrial and academic research in the State must be strengthened to sustain New Jersey's economy; and

WHEREAS, Creating a platform for academic and research excellence at New Jersey's public universities in conjunction with the State's strong industrial research sector will attract and enhance Federal and private sector funding; and

WHEREAS, A comprehensive analysis of the available resources, coupled with the development of a Statewide business plan, will strengthen New Jersey's economy by promoting the resources upon which future businesses will grow; and

WHEREAS, Providing a strong foundation and mechanism for establishing new companies and strengthening the support structure for existing ones will stabilize New Jersey's economy through future technological changes;

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 Jobs, Growth and Economic Development, hereinafter referred to as the Commission.

2. The Commission shall consist of up to 45 members appointed by the Governor, including the Chief Executive Officer of the Commerce and Economic Growth Commission and the Commissioner of Labor. The members of the Commission shall be selected from among representatives of business and industry, the research and high-technology sectors, higher education, the financial industry sector; and persons familiar with these institutions as they relate directly to State Government. The Governor shall appoint the Co-Chairs of the Commission.

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

a. Develop a blueprint for New Jersey's economic growth, including the identification of opportunities for creating jobs for New Jersey's citizens, particularly in the area of research and development, in order to develop the high-technology sector and well-paid knowledge-based jobs for New Jerseyans.

b. Identify emerging technologies of strategic importance to New Jersey and resources to support these emerging technologies in collaboration with and for the benefit of both New Jersey's industrial and academic sectors in order to maximize the investment of research dollars in the State.

c. Identify workforce training needs of New Jersey's high-technology and industrial sector and develop strategies to foster and encourage better coordination and training strategies to meet the needs of industry and of New Jerseyans.

4. The Commission shall report directly to the Governor, outlining specific recommendations that address the charge and duty stated above with respect to a plan for strengthening the economy and the creation of high-quality jobs for the State of New Jersey.

5. The Commission is authorized to call upon any department, office or agency of State Government and any public institution of higher education 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 and public institution of higher education 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 April 15, 2003.

EXECUTIVE ORDER NO. 57

WHEREAS, Staff Sergeant Terry Hemingway, a longtime resident of the State of New Jersey, graduated from Trenton High School; and

WHEREAS, Staff Sergeant Hemingway subsequently enlisted in the United States Army, where he had a distinguished military career for more than nineteen years; and

WHEREAS, Staff Sergeant Hemingway served proudly as a member of the U.S. Army's 15th Infantry Regiment, Company C and was deployed to Iraq in the service of his country; and

WHEREAS, Staff Sergeant Hemingway was a courageous soldier, a loving husband and brother and a devoted father of three children; and

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

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

NOW, THEREFORE, I, 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 on Monday, April 21, 2003, in recognition and mourning of Staff Sergeant Terry Hemingway.
2. This Order shall take effect immediately.

Dated April 21, 2003.

EXECUTIVE ORDER NO. 58

WHEREAS, Police Officer Mary Ann Collura, a life-long resident of Fair Lawn, joined the Fair Lawn Police Department in January 1985; and

WHEREAS, Officer Collura served the Police Department and the people of Fair Lawn with exceptional courage and professionalism, genuine courtesy and abiding commitment to the finest law enforcement traditions; and

WHEREAS, Officer Collura proudly served the public as a police officer for eighteen years, a certified law enforcement training commission instructor, a member of the Bergen County Rapid Deployment Force, and was the first female officer appointed to the Department; and

WHEREAS, Officer Collura has made the ultimate sacrifice, giving her life in the line of duty to protect New Jersey's citizens; and

WHEREAS, Officer Collura's bravery and dedicated service make her a hero and a true role model for all Americans; and, therefore, it is appropriate and fitting for the State of New Jersey to mark her passing and to honor her 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 on Wednesday, April 23, 2003 in recognition and mourning of Fair Lawn Police Officer Mary Ann Collura.

2. This Order shall take effect immediately.

Dated April 23, 2003.

EXECUTIVE ORDER NO. 59

WHEREAS, Recent events have demonstrated that the siting and construction of billboards involves interaction with governmental agencies at several levels, and has the potential to confer substantial monetary benefits on owners and developers of billboards; and

WHEREAS, These events have raised questions as to the adequacy of the existing policies and practices of State departments, authorities and independent agencies in approving the siting, construction and leasing of billboards on public property; and

WHEREAS, It is essential that the existing processes for locating and constructing billboards on State property be thoroughly reviewed with an eye towards furthering public notice and input in the siting process and financial disclosure of the individuals and entities with an interest in billboard projects, and reducing or eliminating new billboard construction in New Jersey; and

WHEREAS, There is a compelling need to suspend the siting and construction of new billboards on State property until this comprehensive review is completed, in order to protect the public interest in the integrity in the award of public contracts for billboards, to ensure that any such contracts are reviewed in compliance with environmental requirements and benefits and to enhance the financial benefit to the State for any such contracts;

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. Effective immediately, there is imposed a 120-day moratorium on the approval of any permit application or contract for the design, construction or erection of any billboards on State-owned property or property owned by any State department, agency or independent authority.

2. Effective immediately, there is imposed a 120-day moratorium on the sale or lease by any State department, agency or independent authority of any existing billboards owned, operated or controlled by the State of New Jersey, any State department, agency or independent authority.

3. There is hereby created the Billboard Policy and Procedure Review Task Force (hereinafter "Task Force"). The Task Force shall consist of the Commissioner of Transportation, the Commissioner of Community Affairs, the Commissioner of Environmental Protection, the Chief of the Governor's Authorities Unit and five public members to be appointed by the Governor. The five public members shall have experience in land use issues, ethics law, environmental matters or public contracting and procurement procedures. The Governor shall appoint the Chair of the Task Force from among its members.

4. The Task Force shall undertake a comprehensive review of the existing procedures involved in the siting of billboards on public and private property, and the degree of involvement that State and local government agencies have in the siting and approval process. The Task Force shall also determine and catalog the existing policies and practices in place for all State departments, agencies and independent authorities regarding the sale, lease, development and erection of billboards in the State of New Jersey. The Task Force shall also evaluate the feasibility of reducing or eliminating new billboard construction in New Jersey.

5. The Task Force shall report its findings within 90 days of the effective date of this Order. The report of the Task Force shall detail the existing policies and practices in place, and shall contain detailed recommendations concerning how the process and procedures should be altered in order to ensure the integrity of the siting decisions and associated contracts. The goal of the Task Force shall be to recommend uniform policies and procedures to be put in place for the sale, lease or construction of any billboards in the State of New Jersey.

6. Specifically, these uniform policies and procedures shall include notice to local public entities for comment prior to the construction of new billboards, full financial disclosure of all persons or entities with any financial interest in the billboards, and the elimination of no-bid contracts.

7. The uniform policies and procedures should also require that notice and opportunity to comment at a public hearing be provided prior to the issuance of any permit for a billboard.

8. The Task Force shall also examine the present organizational structure that the State utilizes in regulating and approving the placement of billboards in New Jersey, and shall recommend whether the existing structure should be altered in order to better accomplish the goals of mitigating the impact of billboards on the environment and of fostering interaction with local zoning and planning agencies.

9. The Attorney General shall provide legal counsel to the Task Force. The Task Force may request assistance from any department, division, office, agency or authority of the State. Any department, division, office,

agency or authority of the State is hereby directed to cooperate with the Task Force and furnish it with information and personnel assistance to the extent necessary to achieve the goals of this Order.

10. This Order shall take effect immediately.

Dated May 12, 2003.

EXECUTIVE ORDER NO. 60

WHEREAS, Children are our society's most precious resource and must be valued as our greatest blessing; and

WHEREAS, The protection of children and the strengthening of families is an essential commitment of this Administration; and

WHEREAS, The protection of children and the delivery of critical services to children in need requires the attention and concerted focus of the highest levels of government; and

WHEREAS, The establishment of a Governor's Cabinet for Children will coordinate and marshal the resources of State government and non-governmental agencies and programs and provide a critical mechanism to ensure the delivery of the highest level of services to children;

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 Cabinet for Children.
2. The Governor's Cabinet for Children shall consist of twenty (20) members, including the Commissioner of Human Services, the Commissioner

of the Department of Education, the Commissioner of the Department of Health and Senior Services, the Commissioner of the Department of Community Affairs, the Attorney General, the Treasurer, the Public Defender, the Special Deputy Commissioner for Children's Services in the Department of Human Services, the Child Advocate and the Executive Director of the Juvenile Justice Commission. The Governor shall also appoint ten (10) public members with expertise and experience in the area of strengthening children and families. The Governor shall designate a chairperson and vice-chairperson from among the Children's Cabinet members.

3. The Governor's Cabinet for Children shall develop a strategic plan for strengthening children's and family services in New Jersey. The strategic plan shall identify policies and necessary mechanisms to coordinate the provision of services to children at risk of child abuse or neglect. The strategic plan shall specifically consider the roles of and the need for coordination among the full range of programs and services that address the needs of children, including child welfare agencies, the courts, law enforcement, schools, health programs, correctional agencies, local governments and community groups and organizations. The strategic plan shall constitute a comprehensive planning resource for all State and local agencies and programs, as well as non-governmental organizations.

4. The Governor's Cabinet for Children shall comprehensively examine on an ongoing basis the statutory mission of all State agencies with a focus on the protection of children and the strengthening of families and evaluate the delivery of services by these agencies.

5. The Governor's Cabinet for Children shall foster collaboration among all agencies of State government so that children are served by a system that achieves the highest standard of care and effectiveness, while comprehensively integrating and marshalling all available resources.

6. The Governor's Cabinet for Children shall annually make recommendations to the Governor and the Legislature for the provision of the highest level of services and programs to the children of this State.

7. The Governor's Cabinet for Children shall monitor and assist in the implementation of the Department of Human Services' Transformation Plan.

8. The Governor's Cabinet for Children is authorized to call upon any department, office, division or agency of State government and any public institution of higher education 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 directed to cooperate with the Governor's Cabinet for Children and to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order.

9. Members of the Governor's Cabinet for Children shall serve without compensation, except that they may receive per diem and travel expenses.

10. This Order shall take effect immediately.

Dated May 19, 2003.

EXECUTIVE ORDER NO. 61

WHEREAS, The State of New Jersey has a compelling interest in combating Human Immunodeficiency Virus ("HIV") and Acquired Immune Deficiency Syndrome ("AIDS") and related blood-borne pathogens; and

WHEREAS, New Jersey ranks fifth in the nation for the number of AIDS cases reported, has the highest proportion of women living with AIDS, and the third highest number of pediatric AIDS cases; and

WHEREAS, Younger men having sex with men and men having sex with men of color are at a particularly high risk for infection and minority men having sex with men now account for a majority of AIDS cases reported among men having sex with men; and

WHEREAS, African-Americans and Latinos are disproportionately impacted by the HIV/AIDS epidemic in this State; and

WHEREAS, Forty-six percent of all HIV cases in New Jersey are transmitted through injection drug use; and

WHEREAS, Young adults are the fastest growing group acquiring HIV and related blood-borne pathogens, statistically shown to have been acquired through injection drug use; and

WHEREAS, As of June 2002, the number of AIDS cases in the State totaled 43,051, indicating that the number of New Jersey residents living with AIDS has more than doubled in less than ten years;

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. 45 (Florio) creating the Governor's Advisory Council on AIDS and Executive Order No. 29 (Whitman) which continued the Governor's Advisory Council on AIDS are hereby rescinded and are superseded by this Executive Order.

2. There is hereby established the Governor's Advisory Council on HIV/AIDS and Related Blood-Borne Pathogens, herein referred to as "the Advisory Council."

3. The Advisory Council shall consist of the Commissioner of Health and Senior Services or his designee, the Commissioner of Corrections or his designee; the Commissioner of Human Services or his designee; the Commissioner of Banking and Insurance or his designee; the Attorney General or his designee; two members of the New Jersey Senate to be appointed by the Senate President; two members of the General Assembly to be appointed by the Speaker of the Assembly; and a minimum of twenty-five (25) public members appointed by the Governor. The public members shall include one physician practicing medicine in the public sector; one physician specializing in infectious diseases; one physician specializing in pediatric/adolescent HIV treatment; one nurse practicing in the public sector; one representative from the New Jersey Nurses Association or the Association of Nurses in AIDS Care; one representative of the New Jersey Women and AIDS Network or

a family planning program; one medical ethicist; one dentist; one pharmacist or representative of the New Jersey Pharmacists Association; four persons living with HIV; three representatives of AIDS services organizations; one attorney specializing in health care law; one representative of the New Jersey Lesbian and Gay Coalition; one representative from the Hispanic Director Association; one representative from the Black Ministers Council; one representative from the Hospital Association; one representative of the New Jersey Medical Society; one representative of a Drug Treatment Service Organization; four representatives from Title I and II Ryan White Service Areas, one representing the Grantee, City of Newark, one representing the Grantee, County of Hudson, and two representing other Title I or II areas from Planning Councils or Grantees. The public members shall serve at the pleasure of the Governor. All members shall serve without compensation.

4. The Governor shall select a Chairperson and Vice Chairperson from among the public members.

5. The charge of the Advisory Council shall be to:

a. Coordinate planning, policy development, data collection, resource allocation and Statewide service delivery activities as they relate to HIV/AIDS and other related blood-borne pathogens;

b. Recommend policy, legislation and other initiatives which will address the issues faced by the citizens of New Jersey living with HIV/AIDS and other related blood-borne pathogens; and

c. Educate the citizens of New Jersey as to the prevention and treatment of HIV/AIDS and other related blood-borne pathogens in attempt to decrease transmission of these diseases.

6. The Advisory Council shall meet no less than quarterly and report directly to the Governor, outlining its progress and advising the Governor of the Advisory Council's recommendations as they relate to the charge and duties set forth above. The Advisory Council shall issue a written report to the Governor within twenty-four months of its initial meeting.

7. The Advisory Council is authorized to call on 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, office, division or agency of this

State is hereby required, to the extent not inconsistent with law, to cooperate with The Advisory Council and to furnish it with such records, information, personnel and assistance as is necessary to accomplish the purposes of this Order.

8. This Order shall take effect immediately.

Dated May 27, 2003.

EXECUTIVE ORDER NO. 62

WHEREAS, The Cuban people have demonstrated a longing for freedom and democracy by expressing increasing and visible opposition to the communist regime in Cuba; and

WHEREAS, In light of this nation's commitment to the establishment of representative democracies and democratic institutions throughout the world, the Cuban-American community in New Jersey looks forward to the time when similar democratic reform may occur in Cuba; and

WHEREAS, The Cuban-American community in New Jersey awaits the day when the Cuban people are liberated from communist dictatorship, and the Cuban people are free to form a government that is democratic, respects human rights and provides due process of law to its citizens; and

WHEREAS, A liberated Cuba will enable the Cuban people to engage in economic, social, cultural and educational exchanges with the people of the United States, including the people of New Jersey; and

WHEREAS, A free and open exchange of ideas, people and goods will benefit the people of Cuba as well as the people of New Jersey; and

WHEREAS, New Jersey contains the second largest population of people of Cuban descent in the United States and should, therefore, study the immigration process and its possible impact on New Jersey and its population and develop appropriate procedures to respond to a potential influx of immigrants; and

WHEREAS, Executive Order Nos. 24 (Whitman) and 89 (Florio) directed the then-Department of Commerce and Economic Development to conduct a study to determine the likely social, economic and cultural consequences that would result from the liberation of the people of Cuba; and

WHEREAS, The liberation of the people of Cuba is becoming increasingly more imminent; and

WHEREAS, Executive Order Nos. 24 (Whitman) and 89 (Florio) should be reconstituted in recognition of the current situation in Cuba;

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. 24 (Whitman) is hereby superseded by this Order.
2. There is hereby established the Free Cuba Task Force ("Task Force"), within the Commerce and Economic Growth Commission.
3. The Task Force shall consist of nineteen members appointed by the Governor, including the Secretary and Chief Executive Officer of the Commerce and Economic Growth Commission. The Governor shall select the chair of the Task Force.
4. The Task Force shall conduct a study to determine the likely social, economic and cultural consequences that would result from the liberation of the people of Cuba. Specifically, the Task Force shall plan a strategy that will enable the State of New Jersey and the people of Cuba to take full

advantage of democratic reform in Cuba. The report shall delineate appropriate steps to be taken with respect to immigration issues which may impact on New Jersey as a result of these developments.

5. The Task Force shall coordinate its efforts with the Commerce and Economic Growth Commission and all State departments having relevant expertise or knowledge of such issues.

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

7. The Task Force shall report its findings within six months of the date of this Order and every six months thereafter.

8. This Order shall take effect immediately.

Dated June 18, 2003.

EXECUTIVE ORDER NO. 63

WHEREAS, Widespread power outages have occurred through out the United States and Canada including portions of the State of New Jersey;

WHEREAS, The power outages have caused rail, bus and other travelers to be stranded throughout the Northeastern United States and the State of New Jersey;

WHEREAS, The aforesaid circumstances constitute a disaster from a natural or unnatural cause which threatens and presently endangers the health, safety and resources of the residents of one or more municipalities or counties of this State; and which is in some parts of the State and

may become in other parts of the State too large in scope to be handled by the normal municipal operating services;

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions N.J.S.A. App. A: 9-33 et seq. and N.J.S.A. 38A:3-6.1 and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

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. In accordance with N.J.S.A.38A:2-4 and N.J.S.A. 38A:3-6.1, that the Adjutant General order to active duty such members of the New Jersey National Guard that, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare and to authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

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

3. In accordance with N.J.S.A. App.A:9-33 et seq. as supplemented and amended, that the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

4. In accordance with N.J.S.A. App. A:9-33 et seq. as supplemented and amended, that the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State or Interstate highway, and its access roads, including the right to detour, reroute or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies. I further authorize all law enforcement officers to enforce any such orders of the Attorney General and Superintendent of State Police within their respective municipalities.

5. The State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

6. The State Director of Emergency Management to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from their residences during the course of this emergency.

7. That the executive head of any agency or instrumentality of the State government with authority to promulgate rules may, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, waive, suspend or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

8. That in accordance with N.J.S.A. App. A:9-34, as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

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

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

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

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

Dated August 14, 2003.

EXECUTIVE ORDER NO. 64

WHEREAS, Executive Order No. 63 (2003), declaring a State of Emergency, was issued on August 14, 2003 because of widespread power outages; and

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

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 the State of Emergency declared in Executive Order No. 63 is terminated effective at 12 noon on August 15, 2003.

Dated August 15, 2003.

EXECUTIVE ORDER NO. 65

WHEREAS, Petty Officer First Class David M. Tapper, a lifelong resident of the State of New Jersey, graduated from Edgewood Regional High School in 1989; and

WHEREAS, Petty Officer First Class Tapper enlisted in the United States Navy upon graduation and subsequently completed the Navy's Basic Underwater Demolition/SEAL Training; and

WHEREAS, Petty Officer First Class Tapper served proudly as a U.S. Navy SEAL, where he had a distinguished military career for more than thirteen years and earned several honors including the Joint Service Commendation Medal, the Navy and Marine Corps Achievement Medal, and numerous Good Conduct Awards; and

WHEREAS, Petty Officer First Class Tapper was deployed to Afghanistan in the service of his country; and

WHEREAS, Petty Officer First Class Tapper was a courageous soldier, a loving husband and father of four children who was known for his tremendous bravery, unwavering faith and a devout love for his family; and

WHEREAS, Petty Officer First Class Tapper has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country; and

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

NOW, THEREFORE, I, 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 on Friday, August 29, 2003, in recognition and mourning of Petty Officer First Class David M. Tapper.

2. This Order shall take effect immediately.

Dated August 27, 2003.

EXECUTIVE ORDER NO. 66

WHEREAS, Executive Order No. 59 (2003) established the Billboard Policy and Procedure Review Task Force (hereinafter "Task Force"); and

WHEREAS, The Task Force was directed (1) to undertake a comprehensive review of the existing procedures involved in the siting of billboards on public and private property, and the degree of involvement that State and local government agencies have in the siting and approval process, (2) to catalog the existing policies and practices in place for all State departments, agencies and independent authorities regarding the sale, lease, development and erection of billboards in the State, (3) to make recommendations concerning how the process and procedures should be altered in order to insure the integrity of the siting decisions and associated contracts; and (4) to evaluate the feasibility of reducing new billboard construction in New Jersey; and

WHEREAS, Executive Order No. 59 imposed a 120-day moratorium on the approval of any permit application, contract, sale or lease for billboards on State-owned property or property of any State department, agency or independent authority; and

WHEREAS, The Task Force has completed its mission in a timely and exemplary fashion, and has transmitted its report containing recommendations for legislative and policy changes designed to achieve the goals of Executive Order No. 59, namely that higher, uniform standards be followed by State agencies in dealing with the billboard industry, and that local communities must be provided the opportunity for meaningful input regarding all billboards sited in their municipalities; and

WHEREAS, It will take time to convert these recommendations into proposed legislation and to achieve their enactment; and

WHEREAS, There remains a compelling need to continue the suspension of the siting and construction of new billboards on State property until the new legislative framework is put in place;

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 moratorium on the approval of any permit application or contract for the design, construction or erection of any new billboards on State-owned property or property owned by any State department, agency or independent authority established by Executive Order No. 59 is hereby continued until the current legislative session of the New Jersey Legislature is completed, so that the Legislature has an opportunity to enact appropriate legislation.

2. The New Jersey Department of Transportation and New Jersey Department of Environmental Protection are hereby directed to make recommendations on increasing the number of billboard-free roadways in scenic locations.

3. This Order shall take effect immediately.

Dated August 29, 2003.

EXECUTIVE ORDER NO. 67

WHEREAS, September 11, 2003 marks the second 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; and

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

WHEREAS, 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, 2003 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, 2003 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 who resided in the employee's household.

4. This Order shall take effect immediately.

Dated September 4, 2003.

EXECUTIVE ORDER NO. 68

WHEREAS, The National Weather Service has predicted Hurricane Isabel will make landfall on the eastern coast of the United States and will produce hurricane or tropical storm conditions in the State of New Jersey, including storm surge, heavy surf, rain, wind, flooding, power outages, downed trees, and is expected to affect traffic flow in areas of the State; and

WHEREAS, The aforesaid weather conditions constitute an imminent hazard which threatens and presently endangers the health, safety and resources of the residents of one or more municipalities or counties of this State; and which is in some parts of the State and may become in other parts of the State too large in scope to be handled by the normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A.App.A:9-33 et seq. and N.J.S.A.38A:3-6.1 and N.J.S.A.38A:2-4 and all amendments and sup-

plements 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 declare and proclaim that a State of Emergency presently exists in the State of New Jersey and do hereby ORDER and DIRECT:

1. In accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, that the Adjutant General order to active duty such members of the New Jersey National Guard that, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare and to authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

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

3. In accordance with N.J.S.A. App.A:9-33 et seq. as supplemented and amended, that the State Director of Emergency Management, who is the Superintendent of State Police, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

4. In accordance with N.J.S.A. App.A:9-33 et seq. as supplemented and amended, that the Attorney General, pursuant to the provisions of N.J.S.A.39:4-213, acting through the Superintendent of the Division of State Police, 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

gress from any area to which the declaration of emergency applies. I further authorize all law enforcement officers to enforce any such orders of the Attorney General and Superintendent of State Police within their respective municipalities.

5. The State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

6. The State Director of Emergency Management to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from their residences during the course of this emergency.

7. That the executive head of any agency or instrumentality of the State government with authority to promulgate rules may, for the duration of this Executive Order, subject to my prior approval and in consultation with the State Director of Emergency Management, waive, suspend or modify any existing rule the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A.App.A:9-45.

8. That in accordance with N.J.S.A.App.A:9-34 and N.J.S.A.App.A:9-51, as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

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

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

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

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

Dated September 18, 2003.

EXECUTIVE ORDER NO. 69

WHEREAS, Executive Order No. 68 (2003), declaring a State of Emergency, was issued on September 18, 2003, because of severe weather conditions expected to be caused by Hurricane Isabel; and

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

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 Emergency declared in Executive Order No. 68 is terminated effective at 6:00 PM on September 19, 2003, in every county in the State except for Atlantic County.

2. The State of Emergency declared in Executive Order No. 68 is terminated effective at 12:00 noon on September 20, 2003 in Atlantic County.

Dated September 19, 2003.

EXECUTIVE ORDER NO. 70

WHEREAS, The Highlands region is an area that extends from northwestern Connecticut across the lower Hudson River Valley and northern New Jersey into east central Pennsylvania and the New Jersey portion of the Highlands region is greater than 1,000 square miles, covering portions of 7 counties and 90 municipalities; and

WHEREAS, The Highlands region is designated as a Special Resource Area by the State Development and Redevelopment Plan (2001); and

WHEREAS, The Highlands region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the State's population, including communities beyond the Highlands region, from only 13 percent of the State's land area; and

WHEREAS, The Highlands region contains other exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds and plant and wildlife species habitats, contains sites of historic significance, and provides abundant recreational opportunities for the citizens of the State; and

WHEREAS, The approximately 110,000 acres of agricultural lands in active production in the Highlands region of New Jersey are important resources of the State that should be preserved; and

WHEREAS, The Highlands region provides a desirable quality of life where people live and work; and

WHEREAS, It is important to ensure the economic viability of communities throughout the Highlands region; and

WHEREAS, Since 1984, 65,000 acres - over 100 square miles - of the Highlands region have been lost to development, and sprawl and the pace of development in the region has dramatically increased with the rate of loss of forested lands and wetlands more than doubling since 1995; and

WHEREAS, The leadership of the New Jersey Congressional delegation to protect the Highlands region through the introduction of the Highlands Stewardship Act is to be commended; and

WHEREAS, Members of the public and local officials have been actively seeking the preservation of the Highlands region for decades, including the recent work of the "Five County Coalition;" and

WHEREAS, Maintaining the quality of life and preserving the natural resources of the Highlands region while providing for smart growth opportunities can be best accomplished through the development of a plan to encourage acquisition, regulation and regional planning;

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 Highlands Task Force (hereinafter the "Task Force").

2. The Task Force shall consist of:
 - The Commissioner of the Department of Environmental Protection;
 - The Commissioner of the Department of Community Affairs;
 - The Secretary of the Department of Agriculture;
 - The Commissioner of the Department of Transportation; and
 - The Chief Executive Officer and Secretary of the Commerce and Economic Growth Commission.

Additional members of the Task Force shall be appointed by the Governor as follows:

- 6 representatives of local officials;
- 4 representatives of statewide or regional environmental organizations;
- 2 representatives of the development/business community;
- 1 representative of the farming community; and
- 1 member of the general public.

3. The Co-Chairpersons of the Task Force shall be the Commissioners of the Department of Environmental Protection and the Department of Community Affairs.

4. The purpose of the Task Force shall be to make recommendations intended to preserve the natural resources of and enhance the quality of life in the Highlands region, including an examination of legislation, regulations, model local ordinances or other government action necessary to address, at a minimum, the following topics:

- Protection of water quality, drinking water supplies, wetlands, critical plant and wildlife species habitat, vegetated stream corridors, and contiguous forests;
- Identification of methods to protect and preserve open space and natural resources of the Highlands region;
- Identification of methods to enhance farmland preservation and support the agriculture industry in the Highlands region;
- Identification of methods to promote historic, cultural, scenic and recreational resource opportunities that preserve the natural features of the Highlands region; and

- Provision of smart growth opportunities, including economic development and redevelopment, in the Highlands region through regional planning, including coordination of transportation and infrastructure investments and administrative agency activities, consistent with State Development and Redevelopment Plan (2001).
5. The Task Force shall schedule public hearings to solicit input from the public and interested parties, including the "Five County Coalition."
 6. The Task Force shall submit a final report containing its findings and recommendations, including an implementation plan, to the Governor within 180 days of this Executive Order.
 7. 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, office, 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.
 8. This Order shall take effect immediately.

Dated September 19, 2003.

EXECUTIVE ORDER NO. 71

WHEREAS, N.J.S.A.52:32-17 et seq., formally known as the Set-Aside Act for Small Businesses, Female Businesses, and Minority Business (Set-Aside Act), was impacted by the Consent Decree in *GEOD v. State of New Jersey, et al.*, which, in part, permanently enjoins the State from setting aside contracts for bidding by only minority and women owned firms; and

WHEREAS, The Set-Aside Act recognizes the importance of small businesses to the economic health and well being of the State; and

WHEREAS, The State of New Jersey recognizes that small businesses provide it with a strong economic backbone and are vital in order for its economy to thrive; and

WHEREAS, new regulations were promulgated to conform the Set-Aside Act with the Consent Decree, and the new rules create bidding set-asides for small businesses only; and

WHEREAS, It is reasonable to anticipate that under the new regulations the number of small businesses eligible under the Set-Aside Act will increase because many of the firms formerly certified as minority and women owned businesses qualify and may now register as small businesses; and

WHEREAS, The Set-Aside Act directs that a fair proportion, but not less than 15%, of the State's total purchases and contracts for construction, property and services be placed with small businesses; and

WHEREAS, The increase in the number of small businesses eligible to participate in the small business set aside program warrants an increase in the percentage of contracts awarded to small businesses above the minimum level established in the Set-Aside Act to ensure that a fair proportion of the State's total purchases and contracts for construction, property and services is placed with small businesses;

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. Contracting agencies shall increase the percentage of State contracting dollars that shall be set-aside for small businesses, pursuant to N.J.S.A. 52:32-17 et seq., from the minimum percentage of 15% set by law up to 25% to ensure that a fair proportion of the State's total purchases and contracts for construction, property and services is placed with small business

concerns. Contracting agencies shall consult with the Commerce and Economic Growth Commission and the Department of the Treasury, as appropriate, regarding the allocation of the increased percentage among the categories of small businesses set by regulation.

2. Contracts awarded by contracting agencies under the Set-Aside Act shall comply with the statutory and regulatory requirements for the award of contacts to small businesses.

3. This Order shall take effect immediately.

Dated October 2, 2003.

EXECUTIVE ORDER NO. 72

WHEREAS, Second Lieutenant Richard Torres, a lifelong resident of the State of New Jersey, graduated from Passaic High School; and

WHEREAS, Lieutenant Torres enlisted in the United States Army after high school and subsequently joined the ROTC Program at Austin Peay State University, where he graduated with honors in May 2002; and

WHEREAS, Lieutenant Torres served proudly as a member of the U.S. Army's 1st Battalion, 32nd Infantry Regiment, 10th Mountain Division and was deployed to Iraq in the service of his country; and

WHEREAS, Lieutenant Torres was a courageous soldier, a dedicated officer, and a loving husband, son and brother; and

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

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

NOW, THEREFORE, I, 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 Wednesday, October 15, 2003, in recognition and mourning of Second Lieutenant Richard Torres.

2. This Order shall take effect immediately.

Dated October 14, 2003.

EXECUTIVE ORDER NO. 73

WHEREAS, Army Specialist Simeon Hunte, a lifelong resident of the State of New Jersey, graduated from Arts High School in Newark, and attended Montclair State University; and

WHEREAS, Specialist Hunte subsequently enlisted in the United States Army in 2001, with a plan to finance his dream of becoming a doctor; and

WHEREAS, Specialist Hunte served proudly as a member of the U.S. Army's 1st Armored Division, and was deployed to Iraq in the service of his country; and

WHEREAS, Specialist Hunte was a courageous soldier, a loving husband and a devoted father of two children; and

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

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

NOW, THEREFORE, I, 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 17, 2003, in recognition and mourning of Army Specialist Simeon Hunte.

2. This Order shall take effect immediately.

Dated October 16, 2003.

EXECUTIVE ORDER NO. 74

WHEREAS, John J. Fay, Jr. served honorably and with distinction during World War II onboard the U.S.S. Thorn, the U.S.S. Snap and with the U.S. Navy Underwater Demolition Team; and

WHEREAS, After his Naval Service, Jack Fay returned to civilian life to pursue a lifetime of distinguished public service in New Jersey; and

WHEREAS, For more than two decades, Jack Fay inspired high school students by teaching and instilling in them an appreciation for history, economics and public service; and

WHEREAS, Through his career, Jack has been a teacher and mentor to numerous young leaders of our State; and

WHEREAS, In every elected office he has held - as a Councilman in Woodbridge, as a Middlesex County Freeholder, as a member of the State Assembly and as a State Senator - Jack Fay has been a clarion voice rallying support and protection for people in need; and

WHEREAS, Jack Fay has provided visionary leadership as the Executive Director of the New Jersey Commission on Cancer Research and as a volunteer for the Center of Hope and Emmaus House; and

WHEREAS, For over four decades, Jack Fay's articulate advocacy for the rights of the elderly and veterans has been legendary; and

WHEREAS, In the 1970's and 1980's, Jack's leadership as Vice Chair of the Health and Institutions Committee helped to organize the first hearings at the State's psychiatric institutions; and

WHEREAS, Jack Fay was instrumental in securing the passage of legislation to protect the frail elderly in nursing homes, residential health care facilities, and boarding homes, and as a State Senator, was a leader in the movement for New Jersey to adopt the Bill of Rights for nursing home residents that gave residents a legal right of action for violation of any of their enumerated rights; and

WHEREAS, Jack Fay drafted and sponsored the legislation that created the Office of the Ombudsman for the Institutionalized Elderly - the strongest Ombudsman legislation in the nation; and

WHEREAS, In 1978, Governor Brendan T. Byrne appointed Jack Fay as the first Ombudsman for the Institutionalized Elderly, where he served

with extraordinary effectiveness to ensure the adequacy of care and the quality of life for our institutionalized elderly until 1985; and

WHEREAS, In 2002, the Community Health Law Project, a Statewide legal aid society dedicated to people with disabilities, presented Jack the Ann Klein Advocate Award for his many years of service fighting for the rights of nursing home residents; and

WHEREAS, Jack Fay's lifetime of selfless and distinguished service to New Jersey citizens warrants permanent recognition and appreciation; and

WHEREAS, The East Hall at Senator Garrett W. Hagedorn Psychiatric Hospital in Glen Gardner, Hunterdon County, is a stand-alone building housing a 100-bed unit serving geriatric/psychiatric residents, the very citizens Jack Fay worked so hard to protect and support;

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 East Hall at Senator Garrett W. Hagedorn Hospital is hereby renamed the "Senator John J. Fay, Jr. Hall."
2. This Order shall take effect immediately.

Issued October 18, 2003.

EXECUTIVE ORDER NO. 75

WHEREAS, The education of the State's children is critically important to the State's economy and future prosperity; and

WHEREAS, Despite a record budget deficit over the past 20 months, the State has provided an increase of \$277 million in education aid in the FY04 budget; and

WHEREAS, In times of fiscal crisis, it is imperative that the State invest its resources in programs that maximize educational achievement such as early literacy, high quality teaching, and modern school facilities; and

WHEREAS, The State has undertaken an \$8.6 billion school construction program that provides direct property relief to communities throughout the State; and

WHEREAS, It is important for the State and school districts to scrutinize spending and determine where savings can be achieved in order to preserve educational programs and to use State and local resources as wisely and efficiently as possible; and

WHEREAS, Several educational advocacy organizations, most notably led by the Garden State Coalition of Schools, have sought legislation to establish a commission that would study the effect of State mandates on school districts and where cost savings might be realized through flexibility or elimination of unnecessary or non-productive mandates; and

WHEREAS, The State should review education mandates to identify those that are unnecessary, duplicative, and/or those that impose additional cost burdens to school districts without providing real benefits so that education funds can be spent on programs that are most effective; and

WHEREAS, Legislation to establish an Education Mandate Review Study Commission was passed by the New Jersey State Senate on June 23, 2003, but did not come before the Assembly prior to adjournment in early July 2003; and

WHEREAS, It is important to study and review mandates at this time so that the State and local communities can work expeditiously to implement recommendations; and

WHEREAS, the State has a compelling interest to consider how mandates can be eliminated or altered so as to provide flexibility that will allow school districts to realize cost savings and improve educational services;

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 in the Department of Education the Education Mandate Review Study Commission.
2. The Commission shall consist of the Commissioner of Education, or his designee, and twelve public members appointed by the Governor. The Governor shall appoint the chair of the Commission.
3. The Commission shall identify and evaluate State statutory and regulatory requirements imposed upon school districts and make recommendations regarding those mandates that may be altered or eliminated to provide cost flexibility or cost savings to school districts.
4. The Commission shall hold public hearings in furtherance of its purpose to allow input from stakeholders.
5. The Commission is authorized to call upon any department, office, division or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division and agency of this State is required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order.
6. The Commission shall issue a report to the Governor no later than January 31, 2004.
7. Public members of the Commission shall serve without compensation.

8. This Order shall take effect immediately.

Issued October 22, 2003.

EXECUTIVE ORDER NO. 76

WHEREAS, Executive Order No. 40 (2002) established the Advisory Council Against Sexual Violence ("Council"), consisting of 25 members appointed by the Governor, including 10 State officials and 15 public members with specialized expertise; and

WHEREAS, Reaction to the Council has been extremely positive and numerous people have expressed interest in serving as public members of the Council; and

WHEREAS, The call for broader public participation on the Council should be accommodated;

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 Council's membership shall be expanded to 29 members by adding 4 additional public members appointed by the Governor.
2. Except as herein modified, all of the provisions of Executive Order No. 40 (2002) shall remain in full force and effect.
3. This Order shall take effect immediately.

Issued October 23, 2003.

EXECUTIVE ORDER NO. 77

WHEREAS, All public officials must adhere to the highest ethical standards; and

WHEREAS, A question was raised recently concerning whether the Governor's Office Code of Conduct applied to the Governor; and

WHEREAS, In light of that apparent uncertainty, I directed Counsel's Office to revise the Code of Conduct to apply it explicitly to the Governor; and

WHEREAS, In connection with that effort, this Office convened a distinguished bi-partisan Advisory Panel:

- John J. Degnan, former Chief Counsel to Governor Byrne and former Attorney General;
- Stewart G. Pollock, former Chief Counsel to Governor Byrne and retired Supreme Court Justice;
- W. Cary Edwards, former Chief Counsel to Governor Kean and former Attorney General;
- Michael R. Cole, former Chief Counsel to Governor Kean and former First Assistant Attorney General; and
- John J. Farmer, Jr., former Chief Counsel to Governor Whitman and former Attorney General

to provide guidance as to the most appropriate means of establishing an ethics Code of Conduct for the Governor; and

WHEREAS, The Advisory Panel unanimously recommended that a Code of Conduct be drafted specifically for the Governor; and

WHEREAS, The Advisory Panel has issued a Report explaining the basis for its recommendations; and

WHEREAS, The Advisory Panel has drafted a recommended Code of Conduct applicable to the position of Governor; and

WHEREAS, I have reviewed the Report from the Advisory Panel and the proposed Code of Conduct and have determined to adopt it with certain additional strictures;

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 Report of the Advisory Panel is hereby accepted.
2. The Code of Conduct for the Governor recommended by the Advisory Panel is hereby adopted and shall be applied to the position of Governor.
3. There is hereby created an Advisory Ethics Panel composed of two public members appointed by the Governor, in consultation with the Chair of the Executive Commission on Ethical Standards. In order to be appointed as a public member, an individual shall have served as either Chief Counsel to the Governor, as Attorney General, or as a Justice of the Supreme Court or a Judge of the Superior Court. The two public members shall be appointed for a term of three years, and shall hold office until their successors are appointed and have qualified. No more than one of the members shall be from the same political party as the Governor.
4. The Advisory Ethics Panel shall be available to advise the Governor regarding conflicts issues and application of the Governor's Code of Conduct.
5. The Governor's Chief Counsel or Ethics Liaison Officer shall seek the advice of the Advisory Ethics Panel when he has questions concerning the propriety of the Governor's conduct under the Code. When requested by the Chief Counsel or Ethics Liaison Officer, the Advisory Ethics Panel shall issue a written determination, which shall be made publicly available.

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

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

8. This Order shall take effect immediately.

Issued October 24, 2003.

EXECUTIVE ORDER NO. 78

WHEREAS, New Jersey has a diverse and active air transportation system, consisting of 3 commercial air carrier airports, 45 public use general aviation airports, 77 special and restricted use airports and 361 heliports; and

WHEREAS, The public use general aviation airports are a critical part of New Jersey's multimodal transportation and economic infrastructure, serving corporate, business, recreational and flight training activity; and

WHEREAS, New Jersey is home to over 15,000 FAA licensed aviators and 4,000 permanently based general aviation aircraft, 90% of which are based at 32 "core" general aviation airports in New Jersey; and

WHEREAS, The general aviation industry in New Jersey helps generate nearly \$4.6 billion in economic activity annually and provides the State's

workforce with approximately 70,000 jobs related to all aspects of civil aviation; and

WHEREAS, New Jersey's general aviation transportation infrastructure is critical for the continued support and growth of New Jersey-based corporate headquarters and plays a key role in the retention and attraction of major businesses and industrial firms to the State; and

WHEREAS, New Jersey has seen a decline in the number of its public use general aviation airports in the past few decades, shrinking from 82 in 1950 to only 45 such facilities in 2003; and

WHEREAS, The most recent public use general aviation airport built in New Jersey was in 1983 and since then 13 such facilities have closed; and

WHEREAS, New Jersey's system of public use general aviation airports is unique in that more than half of these airports are privately owned, as opposed to publicly owned, and are thus particularly vulnerable to sale to developers, closure and conversion to more profitable non-aviation uses; and

WHEREAS, The continued long-term loss of public use general aviation airports is the biggest single threat to the future viability of New Jersey's overall aviation system; and

WHEREAS, New Jersey is committed to both arresting the decline of its existing general aviation airport infrastructure and preserving and rehabilitating its core airport system, consistent with the principles of "Fix-it-First" and "Smart Growth";

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 General Aviation Review Commission ("Commission") to examine and evaluate the current status and future prospects of New Jersey's general aviation airport system.

2. The Commission shall be within the Department of Transportation and consist of seventeen (17) members whom shall include the following:

- a. Commissioner of the Department of Transportation, or his designee;
- b. Commissioner of the Department of Environmental Protection, or his designee;
- c. Commissioner of the Department of Community Affairs, or her designee;
- d. State Treasurer, or his designee;
- e. Director of the State Planning Commission, or his designee;

f. Twelve (12) public members, to be appointed by the Governor, nine (9) of whom shall include the following: a representative of the League of Municipalities, a member of the New Jersey Aviation Association, a licensed commercial pilot, a licensed recreational pilot, a regional transportation official, a person with knowledge of aviation security, an owner/manager of a general aviation airport, a flight school owner or faculty member, a person with expertise in land use matters. The remaining three (3) public members shall have a general interest and/or expertise in aviation matters.

3. The Governor shall appoint the Chair of the Commission from among its members. 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.

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

a. Inventory the State's existing public use general aviation airport facilities and identify the role each facility plays vis-à-vis its location within the State and the demands of its users;

b. Consider solutions and alternatives for the preservation of the existing public use general aviation airports, including but not limited to the public acquisition of privately owned airports and/or the purchase of airport development rights; and

c. Develop recommendations and strategies for the preservation and

rehabilitation of existing public use general aviation airports, consistent with the principles of "Fix-it-First" and "Smart Growth".

5. The Commission shall meet at the call of the Chair. The Commission is authorized to call to its assistance and avail itself of the resources of any State department, board, bureau, commission or agency, to carry out its responsibilities under this Order. Each department, board, bureau, commission or agency is hereby required to cooperate with the Commission and furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order.

6. The Commission shall issue a final report to the Governor containing its findings and recommendations, including any recommendations for legislation that it deems appropriate, not later than one year after the Commission organizes. The work of the Commission shall be concluded upon completion of the report to the Governor and shall be dissolved thirty days from the date of that report.

7. Members of the Commission shall serve without compensation and at the pleasure of the Governor.

8. This Order shall take effect immediately.

Issued October 24, 2003.

EXECUTIVE ORDER NO. 79

WHEREAS, Senator John J. Fay, Jr. dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Senator Fay served honorably as a member of the U.S. Navy; and

WHEREAS, Senator Fay inspired high school students as a teacher and a role-model for more than two decades; and

WHEREAS, Senator Fay held elected office as a Woodbridge Councilman, as a Middlesex County Freeholder, as a member of the General Assembly and as a State Senator; and

WHEREAS, Senator Fay served with distinction as the first Ombudsman for the Institutionalized Elderly; and

WHEREAS, Senator Fay was a person of extraordinary decency, courage and integrity, and an exceptional leader who served as a teacher, mentor, friend and Statesman to many individuals, including the Governor; and

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

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

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 Saturday, November 1, 2003, in recognition and mourning of the passing of Senator Fay.

2. This Order shall take effect immediately.

Issued October 31, 2003.

EXECUTIVE ORDER NO. 80

WHEREAS, Roy E. Prouty served as the Chief of Country Lakes Fire Company, a volunteer organization in Country Lakes, Pemberton Township; and

WHEREAS, Roy Prouty, in addition to being trained as a firefighter, was a certified medical technician, who responded to numerous fire and medical emergencies in his home community of Country Lakes; and

WHEREAS, Roy Prouty, through his volunteer service, selflessly shared his expertise, talent, time and energy with his community; and

WHEREAS, Roy Prouty was a courageous and dedicated firefighter and leader, as well as a loving husband and father of three children; and

WHEREAS, Roy Prouty lost his life in the line of duty, while attending to an injured victim, risking his own welfare to preserve that of others; and

WHEREAS, Roy Prouty's dedicated, selfless and courageous service to his community and to this State is exemplary and merits recognition; 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-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Monday, November 3, 2003, in recognition and mourning of Fire Chief Roy E. Prouty.

2. This Order shall take effect immediately.

Issued November 3, 2003.

EXECUTIVE ORDER NO. 81

WHEREAS, New Jersey's community colleges, the largest provider of higher education in the State, offer a wide range of high quality transfer and occupational programs plus technical training to large and small businesses throughout the State; and

WHEREAS, The State of New Jersey has a compelling interest in fully deploying community colleges to further the State's education, workforce, and economic development agenda; and

WHEREAS, The community colleges play a unique role in the State's higher education system, bridging the gap for students and workers who seek post-secondary education opportunities and training that is tailored to meet the needs of the State's businesses; and

WHEREAS, The Governor desires to provide the leadership necessary to establish a new partnership between the State of New Jersey and New Jersey's community colleges that will put the colleges squarely in support of important State priorities including five concrete goals for job growth over the next five years recently announced by the Governor.

NOW, THEREFORE, I, JAMES E. MC GREEVEY, 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 better achieve important State goals by actively utilizing community colleges in support of these goals, there is hereby established the New Jersey Community College Compact, a new Statewide partnership between the State of New Jersey and New Jersey's community colleges.

2. Consistent with relevant State statutes and regulations, community college representatives shall be appointed to State government organizations, including but not limited to:

- a. The Governor's Education Cabinet;
- b. The State Employment and Training Commission;

- c. The New Jersey Commerce and Economic Growth Commission;
- d. Prosperity New Jersey; and
- e. Other organizations where community college expertise will contribute to the advancement of important State goals.

3. The New Jersey Council of County Colleges shall make recommendations on the deployment of community colleges in support of Statewide education initiatives administered by the New Jersey Department of Education. The Department shall then actively work with community colleges on Statewide education initiatives, including but not limited

- a. teacher education programs in response to projected teacher shortages in the State;
- b. the 12th grade option program through which qualified high school students can enroll in community college courses; and
- c. successful career academies throughout the State.

4. The New Jersey Council of County Colleges shall make recommendations in the deployment of community colleges in support of Statewide workforce development initiatives administered by the New Jersey Department of Labor. The Department shall actively work with community colleges on Statewide workforce development initiatives, including but not limited to:

- a. customized training programs through the Workforce Development Partnership Program;
- b. workforce literacy programs through the Supplemental Workforce Fund for Basic Skills; and
- c. the Self-Employment Assistance Program.

5. The New Jersey Council of County Colleges shall make recommendations on the deployment of community colleges in support of Statewide economic development initiatives administered by the New Jersey Commerce and Economic Growth Commission. The Commission shall then actively work with community colleges on Statewide economic development initiatives, including but not limited to:

- a. business attraction and development programs;
- b. urban enterprise zones and related urban programs; and

c. small business development centers.

6. The New Jersey Council of County Colleges shall make recommendations on the deployment of community colleges in support of Statewide homeland security training initiatives administered by the New Jersey Office of the Attorney General. The Office of the Attorney General shall then actively work with community colleges on the New Jersey Community College Homeland Security Training Project that has been endorsed by the New Jersey League of Municipalities, the New Jersey Association of Counties, and the New Jersey General Assembly.

7. The New Jersey Economic Development Authority and other State agencies and departments of State government shall likewise consider ways that they can fully utilize community colleges in meeting their Statewide goals.

8. The State of New Jersey shall promote the NJ Transfer program on its website and in appropriate state publications. NJ Transfer is a web-based Statewide initiative to improve the transfer of community college students to four-year colleges and universities in New Jersey.

9. The New Jersey Council of County Colleges shall prepare an annual report on the status of this new Community College Compact, including recommendations on how this partnership between the State of New Jersey and New Jersey's community colleges can be strengthened in future years.

10. This Order shall take effect immediately.

Issued November 4, 2003.

EXECUTIVE ORDER NO. 82

WHEREAS, Sergeant Joel Perez, a resident of the State of New Jersey, attended Barringer High School in Newark before returning to Puerto Rico and graduating from high school there; and

WHEREAS, Sergeant Perez subsequently returned to New Jersey and enlisted in the United States Army in 1998, where he became a highly decorated soldier; and

WHEREAS, Sergeant Perez served proudly as a member of the U.S. Army's 2nd Battalion, 5th Field Artillery Regiment, and was deployed to Iraq in the service of his country; and

WHEREAS, Sergeant Perez was a courageous soldier, a loving husband, son and brother and a devoted father; and

WHEREAS, Sergeant Perez has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country, and has been awarded the Bronze Star and Purple Heart posthumously; and

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

NOW, THEREFORE, I, 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, November 7, 2003, in recognition and mourning of Sergeant Joel Perez.

2. This Order shall take effect immediately.

Issued November 6, 2003.

EXECUTIVE ORDER NO. 83

WHEREAS, Executive Order No. 60 (2003) established the Governor's Cabinet for Children; and

WHEREAS, recent events have underscored the need to critically, thoroughly and immediately examine the structure and mechanisms employed by the State to protect and to provide critical services to our children in need; and

WHEREAS, the work of the Governor's Cabinet for Children in this area of paramount importance will be greatly enhanced by the addition of high-ranking members 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 by the Statutes of this State, do hereby ORDER and DIRECT:

1. The membership of the Governor's Cabinet for Children is expanded to twenty-two (22) members by adding the Chief of Management and Operations for the Governor's Office and the Chief Counsel to the Governor as members.
2. The Chief of Management and Operations is hereby designated as Chair of the Cabinet for Children.
3. Except as herein modified, all of the provisions of Executive Order No. 60 (2003) shall remain in full force and effect.
4. This Order shall take effect immediately.

Issued November 6, 2003.

EXECUTIVE ORDER NO. 84

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 28, 2003, 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 28, 2003.

Issued November 10, 2003.

EXECUTIVE ORDER NO. 85

WHEREAS, Army Specialist Ryan T. Baker, a resident of the State of New Jersey, graduated from Pemberton High School in 1997; and

WHEREAS, Specialist Baker subsequently enlisted in the United States Army; and

WHEREAS, Specialist Baker served proudly as a member of the U.S. Army's elite 101st Airborne Division, and was deployed to Iraq in the service of his country; and

WHEREAS, Specialist Baker was a courageous soldier, a loving son and a devoted father; and

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

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

NOW, THEREFORE, I, 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, November 20, 2003, in recognition and mourning of Army Specialist Ryan T. Baker.

2. This Order shall take effect immediately.

Issued November 19, 2003.

EXECUTIVE ORDER NO. 86

WHEREAS, Air Force Staff Sergeant Thomas A. Walkup, Jr., a resident of the State of New Jersey, graduated from Millville High School in 1996; and

WHEREAS, Staff Sergeant Walkup subsequently enlisted in the United States Air Force; and

WHEREAS, Staff Sergeant Walkup served proudly as a member of the U.S. Air Force, and was deployed to Afghanistan in the service of his country; and

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

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

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

NOW, THEREFORE, I, 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 Tuesday, December 2, 2003, in recognition and mourning of Air Force Staff Sergeant Thomas A. Walkup.

2. This Order shall take effect immediately.

Issued December 1, 2003.

EXECUTIVE ORDER NO. 87

WHEREAS, Air Force Major Steven Plumhoff, a native of the State of New Jersey, graduated from Somerville High School in 1988; and

WHEREAS, Major Plumhoff subsequently graduated from the U.S. Air Force Academy in 1992; and

WHEREAS, Major Plumhoff served proudly as a member of the U.S. Air Force 58th Special Operations Wing, and was deployed to Afghanistan in the service of his country; and

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

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

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

NOW, THEREFORE, I, 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 Wednesday, December 3, 2003, in recognition and mourning of Air Force Major Steven Plumhoff.

2. This Order shall take effect immediately.

Issued December 1, 2003.

EXECUTIVE ORDER NO. 88

WHEREAS, The President of the United States has authorized the Secretary of Defense to call up select members of the Reserve and National Guard to active duty in response to the continuing global war on terrorism, the armed conflict in Iraq, and heightened tensions in other areas; and

WHEREAS, The President of the United States has also authorized the Secretary of Homeland Security to similarly call up members of the Coast Guard Reserve; and

WHEREAS, Employees of the State of New Jersey are among the Reserve and National Guard members who have been mobilized into active duty with the United States Armed Forces; and

WHEREAS, Reserve and National Guard members who are activated during this crisis are serving vital national and State interests for which they deserve the full support of the State of New Jersey; and

WHEREAS, Many of the State employees who have been mobilized are serving on active duty for periods exceeding one year, and have been unable to utilize their entitlement for vacation leave provided to them by their State employer; and

WHEREAS, Existing State law, specifically N.J.S.A. 11A:6-2 limits the carry-over of vacation leave into the next succeeding year only, and such leave is forfeited if not used during that next succeeding year; and

WHEREAS, N.J.S.A.11A:6-2 allows vacation leave not taken by an employee because of duties directly related to a State of Emergency declared by the Governor to accumulate indefinitely until such leave is able to be utilized; and

WHEREAS, The State of New Jersey encourages its employees to serve in the Reserve and National Guard and recognizes their many personal and economic sacrifices made when called to active duty; and

WHEREAS, These employees deserve the full support of the State of New Jersey and should not be penalized by the loss of their accumulated vacation leave as a result of their service to our Country and our State; and

WHEREAS, Such service is directly connected to emergent circumstances within the State of New Jersey and throughout the world;

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. I hereby declare that those State employees who have been mobilized into active duty in response to the continuing global war on terrorism, armed conflict with Iraq, or other areas of heightened tension throughout the world, including the defense of our Homeland Security, are performing duties directly related to a State of Emergency, for the purposes set forth in N.J.S.A.11A:6-2.

2. Such State employees shall be permitted to accumulate vacation leave time that they are unable to utilize because of their mobilization into active duty, pursuant to a plan established by the Commissioner of Personnel, in consultation with affected State appointing authorities.

3. This Order shall take effect immediately.

Issued December 3, 2003.

EXECUTIVE ORDER NO. 89

WHEREAS, The holiday season brings an increased level of travel and number of riders on the trains throughout the metropolitan New York City region; and

WHEREAS, In light of the increased travel throughout the metropolitan New York City region, the New Jersey Transit Police and the New Jersey State Police have an increased presence on New Jersey Transit trains; and

WHEREAS, Today the United States Department of Homeland Security increased the National Homeland Security Advisory System to Orange which according to the Department of Homeland Security is declared when there is a high risk of terrorist attacks; and

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

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

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

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions N.J.S.A. App.A:9-33 et seq. and N.J.S.A. 38A:3-6.1 and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers; and

WHEREAS, Upon Declaration of Emergency, the Governor is empowered to request aid pursuant to the Emergency Management Assistance Compact, N.J.S.A.38A:20-5 and the Interstate Civil Defense and Disaster Compact, N.J.S.A.38A:20-3 and to grant powers of arrest and other powers to law enforcement officers from other States;

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. That in order to facilitate the security on the trains and throughout the State of New Jersey, a State of Emergency exists in the State of New Jersey.

2. In accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, that the Adjutant General order to active duty such members of the New Jersey National Guard that, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare and to authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

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

4. In accordance with the Emergency Management Assistance Compact, N.J.S.A.38A:20-5 and the Interstate Civil Defense and Disaster Compact, N.J.S.A.38A:20-3, that mutual aid is requested of New York State and New York City law enforcement officers, to provide enhanced security on trains exiting the State of New York are hereby granted all law enforcement powers while providing such enhanced security on the trains and in the train stations in the State of New Jersey, including the power of arrest. This Declaration is not intended to alter or amend any compacts, policies, legal authorization or opinions regarding law enforcement powers during hot pursuit.

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

6. That it shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies authorities

in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters concerning this state of emergency.

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.

Issued December 21, 2003.

EXECUTIVE ORDER NO. 90

WHEREAS, Army Specialist Marc Scott Seiden, a resident of the State of New Jersey, graduated from Hightstown High School in 1995; and

WHEREAS, Specialist Seiden subsequently enlisted in the U.S. Army in 2002, where he became an accomplished paratrooper; and

WHEREAS, Specialist Seiden served proudly as a member of the U.S. Army Second Battalion, 325th Airborne Regiment of the 82nd Airborne Division, and was deployed to Iraq in the service of his country; and

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

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

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

NOW, THEREFORE, I, 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 Wednesday, January 7, 2004, in recognition and mourning of Army Specialist Marc Scott Seiden.

2. This Order shall take effect immediately.

Issued January 6, 2004.

EXECUTIVE ORDER NO. 91

WHEREAS, Senator Laurence Weiss, a devoted family man, served honorably with the United States Army during World War II and the Korean War, and was awarded the Bronze and Silver Stars, the Purple Heart and the American, Asiatic and European Theater Ribbons; and

WHEREAS, Senator Weiss dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Senator Weiss held several public offices, including President of the Woodbridge Library Board and member of the Middlesex County Planning Board, prior to being elected to the New Jersey Senate; and

WHEREAS, Senator Weiss was elected to the New Jersey State Senate in 1977, where he served for 14 years; and

WHEREAS, Senator Weiss held numerous leadership positions including service as Chairman of the Senate Appropriations Committee for 11

years and Chairman of the Joint Appropriations Committee for 6 years;
and

WHEREAS, It is with deep sadness that we mourn the loss of Senator Weiss
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 Senator Weiss;

NOW, THEREFORE, I, JAMES E. McGREEVEY, Governor of the
State of New Jersey, by virtue of the authority vested in me by the Constitu-
tion 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, Janu-
ary 8, 2004 in recognition and mourning of the passing of Senator Weiss.
2. This Order shall take effect immediately.

Issued January 6, 2004.