

ACTS
OF THE
First Annual Session
OF THE
Two Hundred and Sixth Legislature
OF THE
STATE OF NEW JERSEY
AND
Thirty-Sixth Under the New Constitution



1994

New Jersey State Library

EXECUTIVE ORDERS

(1387)

EXECUTIVE ORDER No. 1

WHEREAS, A strong, sound economy is essential to the well being and prosperity of the State of New Jersey; and

WHEREAS, State government has a responsibility to improve and maintain the State's economy; and

WHEREAS, A strategic and comprehensive economic master plan will assist State government in removing unnecessary barriers to economic growth and in efficiently allocating its finite resources toward projects with the most economic benefit for the State; and

WHEREAS, An Economic Master Plan Commission should be formed to create a Strategic Economic Master Plan for the State of New Jersey;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Economic Master Plan Commission, hereinafter referred to as the Commission.

2. The Commission shall consist of a chairperson and twelve (12) members appointed by the Governor, including the Secretary of State, and the Commissioners of the Departments of Commerce and Labor. The Commission shall also include representatives of the various sectors of the economy and geographic areas of New Jersey.

3. The Commission shall study economic conditions, together with existing statutes and regulations, which impact on the State's economic growth and prosperity. The Commission shall develop long- and short-range strategic recommendations for improving economic growth and prosperity in the form of a Strategic Economic Master Plan.

4. The Commission shall periodically report to the Governor and shall issue the Strategic Economic Master Plan by October 1, 1994.

5. The Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, officer, division or agency of the State is hereby required, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General, or her designee, shall act as legal counsel to the Commission.

6. This order shall effect immediately.

Issued January 18, 1994.

EXECUTIVE ORDER No. 2

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

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

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from having any interest or engaging in any activity that is in substantial conflict with the proper discharge of his or her duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair his or her objectivity or independence of judgment; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits a State officer or employee from acting in his or her official capacity in any matter where he or she has a direct or indirect personal financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment; and

WHEREAS, It has been previously recognized by the Executive Commission on Ethical Standards that members of the Executive Branch of State Government are often selected to act in policy making capacities because of the experience and expertise they have acquired in certain areas, but that such experience may cause these persons to have financial interests that would constitute an actual or potential conflict of interest or the appearance of such a conflict; and

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

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

WHEREAS, It is the duty of government officials to earn the trust and confidence of the people by avoiding even the appearance of impropriety; and

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

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

I. Personal Financial Disclosure

1. Every public employee and public officer as such terms are defined in Section 6 hereof shall file a sworn and duly notarized statement which is current as of five days prior to the date of filing. Each statement shall include the following information:

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

b. Any occupation, trade, business or profession engaged in by the public employee or public officer, his or her spouse, and dependent children that is subject to licensing or regulation by a State agency;

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

- (i) greater than \$1,000, but not more than \$5,000;
- (ii) greater than \$5,000, but not more than \$25,000;
- (iii) greater than \$25,000, but not more than \$50,000;
- (iv) greater than \$50,000, but not more than \$100,000;
- (v) greater than \$100,000, but not more than \$250,000;
- (vi) Greater than \$250,000.

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

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

- (i) less than \$10,000 and owed to a relative as defined in Section 6 hereof;
- (ii) less than \$1,000 and owed to any other person;
- (iii) loans secured by a personal motor vehicle, household furniture or appliances where the loan did not exceed the purchase price of the item and the outstanding balance did not exceed \$10,000 as of the close of the preceding calendar year; and
- (iv) revolving charge accounts where the outstanding liability does not exceed \$10,000 as of the close of the preceding calendar year;

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

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

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

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

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

g. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public employee or public officer, his or her spouse, and dependent children with any firm, corporation, association, partnership or business. If any firm, corporation, association, partnership or business does business with or is licensed, regulated or inspected by a State agency or does business with a casino license holder or applicant, the State agency, casino or applicant must be identified.

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

3. a. Within 120 days from the effective date of this Order, each public employee and public officer who has not already done so shall file the signed and notarized statement required herein with the Office of the Governor's Counsel and one copy bearing an original signature and notarization with the Executive Commission on Ethical Standards. In furtherance of its duties under the Conflicts of Interest Law, N.J.S.A.52:13D-12 et seq. and pursuant to this Executive Order, the Executive Commission on Ethical Standards shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such statement for filing, the Commission shall file and maintain a copy of it for public inspection and copying in accordance with the procedures set forth in N.J.S.A. 47:1A-1 et seq.;

b. Each prospective public employee and public officer shall, before assuming the office to which he or she has been appointed, satisfy the filing requirements of this Order, unless the Attorney General grants to such public employee or public officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be for more than 30 days each;

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter provided, however, that public employees and public officers who file statements on or after January 18, 1994 but prior to May 15, 1994 need not file an updated statement on May 15, 1994 so long as the person who submitted such statement is a public employee or public officer of this State as defined in Section 6 of this Order.

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

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

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

a. "Public employee" shall mean any person holding any of the following offices in the Executive Branch of State government, together with any offices added to such list by subsequent Executive order:

- (1) The Governor;
- (2) The head of each principal department;
- (3) The assistant or deputy heads of each principal department to include all assistant and deputy commissioners of such departments;
- (4) The head and assistant heads of a division of each principal department, or any person exercising substantially similar authority for any board or commission which is organized as in but not of a principal department or any independent authority;
- (5) The executive or administrative head and assistant heads of (i) any board or commission which is organized as in but not of a principal department or (ii) any independent authority;
- (6) The following members of the staff of the Office of the Governor:
 - (i) Chief of Staff;
 - (ii) Chief Counsel to the Governor;
 - (iii) Chief, Office of Policy and Planning;
 - (iv) Director of Communications;

(v) Executive Assistant to the Governor and any deputy or principal administrative assistant to any of the foregoing members of the staff of the Office of the Governor;

- (7) Members of the State Board of Agriculture;
- (8) Members of the State Board of Education;
- (9) Members of the Board of Higher Education;
- (10) Members of the State Parole Board; and
- (11) Presidents of the State colleges and universities.

b. "Public officer" shall mean:

(i) the members of the following boards, commissions, independent authorities and public corporations, together with any offices or bodies added to such list by subsequent Executive Order:

- (1) Agricultural Development Committee;
- (2) Atlantic City Convention Center Authority;
- (3) Capital City Redevelopment Corporation;
- (4) Casino Reinvestment Development Authority;
- (5) Council on Affordable Housing;
- (6) Education Facilities Authority;
- (7) Election Law Enforcement Commission;
- (8) Hackensack Meadowlands Development Commission;
- (9) Hazardous Waste Facilities Siting Commission;
- (10) Health Care Administration Board;
- (11) Health Care Facilities Financing Authority;
- (12) Hospital Rate Setting Commission;
- (13) Low-Level Radioactive Waste Disposal Facility Siting Board;
- (14) Merit System Board;
- (15) New Jersey Building Authority;
- (16) New Jersey Commission on Science and Technology
- (17) New Jersey Economic Development Authority;
- (18) New Jersey Expressway Authority;
- (19) New Jersey Highway Authority;
- (20) New Jersey Housing and Mortgage Financing Agency;
- (21) New Jersey Public Broadcasting Authority;
- (22) New Jersey Racing Commission;
- (23) New Jersey Sports and Exposition Authority;
- (24) New Jersey State Council on the Arts;
- (25) New Jersey Transit Corporation;
- (26) New Jersey Transportation Trust Fund Authority;
- (27) New Jersey Turnpike Authority;
- (28) New Jersey Urban Enterprise Zone Authority;
- (29) North Jersey District Water Supply Commission;
- (30) Passaic Valley Sewerage Commission;

- (31) Passaic Valley Water Commission;
- (32) Pinelands Commission;
- (33) Public Employment Relations Commission;
- (34) South Jersey Food Distribution Authority;
- (35) South Jersey Port Corporation;
- (36) South Jersey Transportation Authority;
- (37) State Athletic Control Board;
- (38) State Lottery Commission;
- (39) State Planning Commission;
- (40) Tidelands Resource Council;
- (41) Urban Development Corporation;
- (42) Wastewater Treatment Trust; and
- (43) Water Supply Authority.

(ii) individuals appointed as a New Jersey member to the following interstate agencies:

- (1) Atlantic States Marine Fisheries Commission;
- (2) The Delaware River and Bay Authority;
- (3) Delaware River Basin Commission;
- (4) Delaware River Joint Toll Bridge Commission;
- (5) Delaware River Port Authority;
- (6) Delaware Valley Regional Planning Commission;
- (7) Interstate Sanitation Commission;
- (8) Northeast Interstate Low-Level Radioactive Waste Commission;
- (9) Palisades Interstate Park Commission;
- (10) Port Authority of New York and New Jersey;
- (11) The Port Authority Trans Hudson Corporation;
- (12) South Jersey Port Corporation; and
- (13) Waterfront Commission of New York Harbor.

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

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

e. "Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-

grandfather, great-grandmother, brother, sister, nephew, niece, uncle or aunt. Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

7. Executive Order Nos. 1 and 9 of Governor James J. Florio and any subsequent Executive Orders issued in conjunction therewith are hereby rescinded, and any regulations adopted and promulgated thereunder are hereby null and void.

II. Blind Trusts

1. For those situations where a blind trust may be utilized by a regular State employee or his or her spouse or dependent children and approved by the Executive Commission on Ethical Standards such trust shall contain the following characteristics:

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

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

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

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

e. The trustee shall be required either to:

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

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

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

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

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

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

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

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

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

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

3. Executive Order No. 95 of Governor James J. Florio and any subsequent Executive Orders issued in conjunction therewith are hereby rescinded, and any regulations adopted and promulgated thereunder are hereby null and void.

III. Interests in Closely Held Corporations or Similar Entities

A. No regular State employee who is required by law or Executive Order to submit financial disclosure statements to the Executive Commission on Ethical Standards shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any federal, State, interstate or local government entity, except as provided in subsection 3 below.

1. Any such regular State employee who is employed as of the date of this Executive Order, and who who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any federal, State, interstate or local government entity, shall notify the Executive Commission on Ethical Standards as to his or her interest, and his or her spouse's interest, in such a business entity with 120 days of the effective date of this Order. The Executive Commission on Ethical Standards shall review this disclosure statement to determine whether the business entities in which the employee has an interest are engaged in government-related business within the meaning of this Executive Order, and whether the holdings are in compliance with the Conflicts of Interest Law, N.J.S.A. 52:13D-1 et. seq. and this Executive Order. No later than September 15, 1994, the Executive Commission on Ethical Standards shall notify the employee of its findings. The employee shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset, or to demonstrate to the Executive Commission on Ethical Standards that the business entity has ceased to do business with a government entity in a manner prohibited by this Executive Order.

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

3. The provisions of subsections III A1 and III A2 shall not apply to any purchase, sale, contract, or agreement with any government entity other than a State agency, which is made or awarded after public notice and competitive bidding as provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et seq., or such similar provisions contained in the public bidding laws or regulations applicable to any government entity in this State or any other jurisdiction, provided that any such purchase, sale, contract or agreement, including a change in orders and amendments thereto, shall receive the prior approval of the Exec-

utive Commission on Ethical Standards. The provisions of subsections III A1 and III A2 do apply where the purchase, sale, contract or agreement is authorized by any of the exceptions (e.g., professional or technical services, emergent matters, and unique compatibility) provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et seq., or such similar provisions contained in the public bidding laws or regulations of any other jurisdiction.

B. No regular State employee or special State officer who is required by law or Executive Order to submit a financial disclosure statement to the Executive Commission on Ethical Standards shall retain any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity unless the Executive Commission on Ethical Standards shall have first determined that the employee or officer may retain such an interest in such business entity.

1. Each regular State employee or special State officer who is employed or appointed as of the date of this Executive Order shall notify the Executive Commission on Ethical Standards as to his or her interest, and his or her spouse's interest, in any such business entity within 120 days of the effective date of this Order. The Executive Commission on Ethical Standards shall review the disclosure statement and shall determine whether the employee or officer may retain such interest in the business entity consistent with the standards set forth in the Conflicts of Interest Law, N.J.S.A. 52:13D-1, et seq. and this Executive Order. The Executive Commission on Ethical Standards shall notify the State employee or officer of its findings no later than September 15, 1994. The employee or officer shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset or to demonstrate that the business entity has ceased the business activity in question.

2. After the issuance of this Executive Order, no Sate agency shall employ or appoint any regular State employee or special State officer to a covered position if such person holds any interest in any closely-held corporation, partnership, sole proprietorship or similar business entity, unless the Executive Commission on Ethical Standards has reviewed such interest and determined that the employee or officer may retain such an interest. A person seeking such employment or appointment shall disclose to the Executive Commission on Ethical Standards his or her interest, and his or her spouse's interest, in any such business entity as soon as practicable, and the Executive Commission on Ethical Standards shall render a determination no later than 30

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

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

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

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

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

1. Divestiture must occur within the time periods prescribed above.
2. Ownership or control of the asset may not be transferred to a member of the regular State employee's or special State officer's immediate family.
3. The terms and conditions of any conveyance of ownership and control of the asset shall not contain any provision regarding the return of the asset to the regular State employee or special State officer subsequent to his or her State service.

G. For the purpose of Section II and Section III of this Order:

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

IV. Sanctions and Effective Date

- A. The failure of any employee or officer covered by Sections I, II and III of this Executive Order to comply with the provisions of this Executive Order shall constitute good cause for his or her removal from employment or office.
- B. This Executive Order shall take effect immediately.

Issued January 18, 1994.

EXECUTIVE ORDER No. 3

- WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and
- WHEREAS, As of December 1993 the total adult inmate population of State-sentenced prisoners was 23,133, including 3,629 State-sentenced inmates in county jails; and

WHEREAS, The State's adult and youth correctional institutions are currently operating at 133.5 percent of design capacity; and

WHEREAS, These conditions continue to endanger the safety, welfare, and resources of the residents of this State; and

WHEREAS, From June 1981, when Executive Order No. 106 (Byrne) was issued, until this month, the population of State-sentenced prisoners grew from 7,940 to 23,133, exceeding all predictions for inmate population growth and seriously and dangerously taxing all State correctional facilities; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property, and resources of the State and warrants a centralized management approach to inmate housing assignments; and

WHEREAS, Despite the construction of three prisons constructed since the issuance of Executive Order No. 106 (Byrne) and designed for 3,000 inmates and which now house 5,034 inmates at a construction cost of approximately \$150 million, expansions of all existing facilities, and the opening of a facility at Fort Dix under a lease agreement with the federal government, the prison population growth has consistently outstripped infrastructure expansion throughout the past decade, exacerbating crisis conditions; and

WHEREAS, Efforts are continuing to address the problem, including the planned construction of a new prison facility to be operational by the end of 1995; and

WHEREAS, Executive Order No. 80 (Florio) of January 15, 1993, will expire on January 20, 1994; and

WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster, and in fact have worsened since that time as the prison population has expanded exponentially; and

WHEREAS, The Supreme Court of New Jersey has determined that executive authority to address these emergency conditions under the Disaster Control Act expires on April 22, 1994;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 declare a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Order No. 106 (Byrne) of June 19, 1981; No. 108 (Byrne) of September 11, 1981; No. 1 (Kean) of January 20, 1982; No. 8 (Kean) of May 20, 1982; No. 27 (Kean) of January 10, 1983; No. 43 (Kean) of July 15, 1983; No. 60 (Kean) of January 20, 1984; No. 78 (Kean) of July 20, 1984; No. 89 (Kean) of January 18, 1985; No. 127 (Kean) of January 17, 1986; No. 155 (Kean) of January 12, 1987; No. 184 (Kean) of January 4, 1988; No. 202 (Kean) of January 26, 1989; No. 226 (Kean) of January 12, 1990; No. 24 (Florio) of January 18, 1991; No. 52 (Florio) of January 17, 1992, and No. 80 (Florio) of January 15, 1993, shall remain in effect until April 22, 1994, when Executive Order No. 80 (Florio) shall expire in accordance with the judicial order set forth by the New Jersey Supreme Court in County of Gloucester v. State of New Jersey (decided April 22, 1993), except that, so long as the foregoing Orders are in effect, the per diem rate established as a result of Executive Order No. 106 (Byrne) shall be increased as established in P.L.1993, c.155.

2. This Order shall take effect immediately.

Issued January 19, 1994.

EXECUTIVE ORDER No. 4

WHEREAS, A series of severe winter storms over the past several weeks consisting of snow accumulation, freezing rain, high winds and consistent freezing and sub-freezing temperatures have posed numerous risks and adverse life safety impacts upon the citizens of the State of New Jersey; and

WHEREAS, The extreme record cold temperatures, accompanied by severe wind chill factors and icy conditions have produced heavy residential and commercial usage of heat and electrical

utilities which have resulted in electrical brownouts, stoppages and other heating shortages throughout the State; and

WHEREAS, The Board of Regulatory Commissioners is currently monitoring the energy supply shortage through its Emergency Information Center in order to keep apprised of and disseminate to all relevant parties the most current information regarding the energy shortage; and

WHEREAS, Pursuant to law, the Acting Commissioner of the Department of Environmental Protection and Energy has made a finding that there exists an energy supply shortage of a dimension which endangers the public health, safety and welfare of all regions of the State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 as follows:

1. There is hereby declared a state of energy emergency for all heat and electrical utilities for the entire State.
2. All State agencies, boards, authorities and commissions shall immediately manage their facilities in such a manner as to reduce the use of electricity.
3. All local and county governmental entities are encouraged to reduce their electrical usage to only essential usage for the duration of this state of energy emergency.
4. All commercial, residential and industrial power consumers are encouraged to reduce their use of electricity during this state of energy emergency.
5. In order to facilitate the reduction of energy usage by all State agencies, boards, authorities and commissions, and in order to protect the safety of all State employees from hazard due to the severe ice and weather conditions, all non-essential State employees ("employees") are released from work today, January 19, 1994, pursuant to the following schedule:

A. Any employee whose normal work day ends at 4 p.m. may leave at 3 p.m.;

B. Any employee whose normal work day ends at 4:30 p.m. may leave at 3:30 p.m.; and

C. Any employee whose normal work day ends at 5 p.m. may leave at 4 p.m.

6. This state of energy emergency shall remain in effect until it is rescinded by issuance of a subsequent Executive Order declaring that the state of energy emergency has terminated.

7. This Order shall take effect immediately.

Issued January 19, 1994.

EXECUTIVE ORDER No. 5

WHEREAS, Due to the extreme cold temperatures, severe wind chill factors and icy conditions of recent weeks, heavy residential and commercial usage of heat and electrical utilities have resulted in electrical brownouts, stoppages and other heating shortages throughout the State; and

WHEREAS, The Acting Commissioner of the Department of Environmental Protection and Energy ("Acting Commissioner") has made a finding that there exists an energy supply shortage of a dimension which endangers the public health, safety and welfare of all regions of the State; and

WHEREAS, Based on the above finding by the Acting Commissioner, Executive Order No. 4 was issued on January 19, 1994 declaring a state of energy emergency for all heat and electrical utilities for the entire State, which Order is to remain in effect until it is rescinded by subsequent Executive Order; and

WHEREAS, The combination of improving weather conditions and compulsory and voluntary reductions in power usage by the citizens of the State has improved the energy supply; and

WHEREAS, The Acting Commissioner has made a finding that the energy supply shortage no longer exists;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 as follows:

1. The state of energy emergency for all heat and electrical utilities for the entire State declared in Executive Order No. 4 issued on January 19, 1994 is hereby terminated and Executive Order No. 4 is rescinded.

2. All energy consumers in the State are encouraged to continue efforts to conserve heat and electrical utilities for the duration of the extreme cold weather.

3. This Order shall take effect as of 11:59 p.m., January 21, 1994.

Issued January 21, 1994.

EXECUTIVE ORDER No. 6

WHEREAS, Executive Order No. 79 issued on January 12, 1993 and Executive Order No. 92 issued on May 4, 1993 established the policy of the State with regard to the issuing of bonds, notes and other instruments, and the awarding of underwriting, bond counsel, architectural, engineering and other professional contracts; and

WHEREAS, It was recognized that implementation of Executive Order Nos. 79 and 92 and the procedures set in place as a result thereof would need continuous monitoring in order to ensure the effectiveness and appropriateness of the policies adopted; and

WHEREAS, The policies and procedures established by Executive Order Nos. 79 and 92 have now been in place for a number of months; and

WHEREAS, It is important that an analysis of the effect of these policies and procedures be conducted by the Executive Branch, which is responsible for administering the procedures and monitoring the results thereof; and

WHEREAS, It is appropriate that the views of the public and of the affected issuers, service providers and professionals be solicited on the existing procedures; and

WHEREAS, It is also important to ensure that the methods used by the State for the issuance of bonds, notes or other instruments and the selection of all underwriters, financial advisors, bond counsel and providers of other professional services provide the highest degree of quality and performance and instill the greatest level of public trust while at the same time yielding the maximum cost savings for the citizens of this State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby **ORDER and DIRECT**:

1. There is hereby created an Advisory Panel on Government Contracting Procedures (hereinafter "Advisory Panel") to consist of: a) the Attorney General, b) the State Treasurer and c) the Chief Counsel to the Governor, who shall serve as chair.

2. The Advisory Panel shall make a comprehensive review of the existing procedures for: a) the issuance of bonds, notes or similar instruments; b) the selection of underwriters in connection with the issuance of bonds, notes or other instruments; c) the retention of attorneys or law firms in connection with the issuance of bonds, notes or other instruments; and d) the retention of any engineering, architectural or other professional firms.

3. The Advisory Panel shall report its findings within six months of the effective date of this Order with detailed recommendations as to whether the existing procedures should remain in place or be altered in order to better accomplish the goals of achieving the best economic results with the highest degree of quality from the various providers and integrity in the award of State contracts.

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

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

6. The Advisory Panel shall take care to solicit both written and oral comments from the public and the affected issuers, and service providers and professionals, and to consider the views expressed by those parties in its report.

7. This Order shall take effect immediately.

Issued January 27, 1994.

EXECUTIVE ORDER No. 7

WHEREAS, Lonnie and Sandy Lehrer, legal residents of the Borough of Haworth, in the County of Bergen, State of New Jersey (the "Owners"), are owners of a dog, also known as "Taro", which dog has been ordered destroyed pursuant to N.J.S.A. 4:19-17 to -37; and

WHEREAS, The above-cited statute provides for proceedings in the form of hearings to determine whether a dog meets certain criteria prior to it being destroyed; and

WHEREAS, The proceedings established by the above-cited statute are similar to those established by forfeiture statutes, which apply to personal property; and

WHEREAS, Domestic animals may be properly and appropriately characterized as personal property for purposes of forfeiture; and

WHEREAS, Article V of the Constitution of the State of New Jersey provides, among other things, that the Governor may remit forfeitures; and

WHEREAS, N.J.S.A.2A:167-5 provides that any person who has suffered a forfeiture may make application for the remission of such forfeiture, "which application the governor may grant by order signed by [her]"; and

WHEREAS, The Owners have made application to the Governor to remit the forfeiture of Taro and good cause has been shown to warrant the granting of such application;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 forfeiture of Taro, which would result if said dog were destroyed pursuant to N.J.S.A. 4:19-17 to -37, is hereby remitted so long as the Owners certify and agree to the following within 30 days of the date hereof: (a) that Taro has been physically removed outside of the borders of the State of New Jersey and shall so forever remain; (b) that the new owners shall have had no prior ownership interest, either actual or asserted, in Taro; and (c) that the present and new owners shall accept any and all liability of whatever nature in connection with the ownership of Taro and the dog's future acts, with no legal recourse whatsoever to the State of New Jersey, County of Bergen and Borough of Haworth and all officers, employees and agents of said State, County and Borough.

2. This Order shall take effect immediately.

Issued January 28, 1994.

EXECUTIVE ORDER No. 8

WHEREAS, Executive Order No. 1 (1994) established the New Jersey Economic Master Plan Commission ("Commission") consisting of a Chairperson and twelve (12) members appointed by the Governor, including the Secretary of State and the Commissioners of Commerce and Labor; and

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

WHEREAS, The call for broad public participation on the Commission should be accommodated;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 Commission's membership shall be expanded and shall consist of a Chairperson and eighteen (18) members appointed by the Governor, including the Secretary of State, the Commissioner of the Departments of Commerce and Labor and the Chief of Policy and Planning.

2. Except as herein modified all of the provisions of Executive Order No. 1 (1994) shall remain in full force and effect.

3. This Order shall take effect immediately.

Issued February 15, 1994.

EXECUTIVE ORDER No. 9

WHEREAS, Executive Order No. 2, issued on January 18, 1990, created the position of Environmental Prosecutor in the Department of Law and Public Safety; and

WHEREAS, The position of Environmental Prosecutor was created in an effort to coordinate enforcement policy and oversee the prosecution of enforcement actions in environmental matters; and

WHEREAS, The coordination and oversight activities carried out by the Environmental Prosecutor can be achieved economically through the effective use of existing personnel within the Department of Law and Public Safety; and

WHEREAS, The Attorney General is best qualified to delegate the functions, powers and personnel of the Environmental Prosecutor; and

WHEREAS, It is the goal of the State of New Jersey to deliver efficient and cost-effective administrative services;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 position of Environmental Prosecutor is hereby eliminated from the Department of Law and Public Safety.**
- 2. Executive Order No. 2 (Florio) is rescinded.**
- 3. The functions of the Environmental Prosecutor shall be reallocated within the Department of Law and Public Safety by the Attorney General in such a manner as she deems appropriate in order to maximize efficiency, service and cost-effectiveness.**
- 4. This Order shall take effect immediately.**

Issued March 15, 1994.

EXECUTIVE ORDER No. 10

WHEREAS, Juvenile crime and youth violence are major problems throughout New Jersey especially in our most populated urban centers; and

WHEREAS, New Jersey ranked 5th in the nation in the number of juvenile arrests and 4th in arrests made for serious violent crimes in 1992, with one in every five arrests being a juvenile arrest; and

WHEREAS, Juvenile arrests for murder, rape, robbery and aggravated assault have increased 34 percent since 1988 and juvenile drug arrests rose 7 percent in 1992; and

WHEREAS, Juvenile crime has become a leading cause of injury and death among young people, especially minority males in our urban centers; and

WHEREAS, Reorganization Plan No. 001 of 1993 and Executive Order No. 93 (Florio) created the Advisory Council on Juvenile Justice in the Department of Human Services to address select issues regarding the provision of services and, where appropriate, sanctions to juvenile delinquents and at-risk youths within the responsibility of that Department; and

WHEREAS, It has become increasingly clear that the problem of juvenile crime and youth violence must be addressed by all State departments involved with at-risk youth, as well as by local governments, and local agencies and service providers; and

WHEREAS, State departments, local governments and local agencies and service providers must work cooperatively to ensure the most timely, uniform and cost-effective provision of a full range of services and, where appropriate, sanctions for youth involved or at-risk of involvement in New Jersey's juvenile justice system;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 Advisory Council on Juvenile Justice is hereby reconstituted as set forth in this Order. The Advisory Council shall consist of no fewer than 21 or more than 26 members, and shall include:
 - a. The Attorney General, who shall serve as Chairperson;

- b. The Commissioner of Human Services, who shall serve as Vice-Chairperson;
- c. The Secretary of State;
- d. The Commissioner of Community Affairs;
- e. The Commissioner of Corrections;
- f. The Commissioner of Education;
- g. The Commissioner of Health;
- h. The Commissioner of Labor;
- i. The Public Defender;
- j. Between seven and twelve public members chosen by the Governor on the basis of their expertise and interest in making improvements to the juvenile justice system.

In addition, the Administrative Director of the Courts shall be invited to participate on the Advisory Council. Also, the President of the Senate and the Speaker of the Assembly shall each be asked to select two individuals chosen on the basis of their expertise and interest in making improvements to the juvenile justice system to serve as members of the Advisory Council.

- 2. The Advisory Council shall assist the Governor and the various State departments in order to:
 - a. Expand the range of diversion and disposition options available to law enforcement, county prosecutors, social service agencies and the courts, including the sharing of resources to allow for more appropriate intervention programs on the local level.
 - b. Develop a range of services and sanctions for committed youth, in particular those youth committed to secure youth facilities.
 - c. Develop a range of services and, where appropriate, sanctions for non-committed youth who are involved or at-risk of involvement in the juvenile justice system. Youth services shall include, but not be limited to, prevention, intervention, education, treatment and rehabilitation services.
 - d. Work with the county youth services commissions to fulfill their statutory responsibilities as outlined in P.L.1982, c.80, sec. 16, as amended (C. 2A:4A-91).
 - e. Expand, replicate and develop successful model programs that involve families, schools, law enforcement and other community organizations in the prevention of juvenile crime and youth violence, using available resources.
 - f. Improve record keeping and information sharing among State and local agencies involved with at-risk youth.

g. Develop job training and employment opportunities for at-risk youth.

h. Review, evaluate and coordinate allocations of State and federal funds to State departments, local governments and local agencies and service providers that provide services and, where appropriate, sanctions for youth involved in and at-risk of involvement in the juvenile justice system.

i. Examine State and local government systems for planning, coordinating, providing, and funding services and, where appropriate, sanctions for youth involved in and at-risk of involvement in the juvenile justice system.

j. Work cooperatively with any independent experts contracted to analyze New Jersey's juvenile justice system.

3. By June 30, 1994, the Advisory Council shall present to the Governor recommendations as to services and, where appropriate, sanctions for youth involved or at-risk of involvement in the juvenile justice system that can be expeditiously implemented using available resources.

4. By December 31, 1994, the Advisory Council shall provide the Governor and the Legislature with recommendations for the long-term improvement of New Jersey's juvenile justice system that shall include:

a. Recommendations as to the proper allocation of State, local, and federal funds to State departments, local governments and local agencies and service providers that provide services and, where appropriate, sanctions for youth involved or at-risk of involvement in the juvenile justice system.

b. Recommendations as to statutory, administrative, programmatic and structural changes that should be undertaken to ensure the most timely, uniform and cost-effective provision of services and, where appropriate, sanctions for youth involved in or at-risk of involvement in the juvenile justice system.

c. An evaluation, in conjunction with the Jamesburg Board of Trustees, of the operation of the New Jersey Training School for Boys and the Juvenile Medium Security Center during the term of management under Executive Order No. 93 (Florio) and recommendations for future management of these facilities.

d. An assessment and recommendations regarding the conclusions reached by any independent experts contracted to analyze New Jersey's juvenile justice system.

5. In performing its responsibilities, the Advisory Council shall, to the extent practicable, utilize existing data, reports, statistics, and other sources and materials -- national, State and local -- including, but not limited to:

- a. Juveniles in New Jersey Correctional Facilities, Community Mental Health Center, College of Medicine and Dentistry, Rutgers University, 1981;
- b. Beneath the Labels, Association for Children of New Jersey, 1981;
- c. A Call to Action Linking Policy with Need, the Governor's Committee on Children's Services Planning, 1985;
- d. New Jersey's Action Plan for Children, the Governor's Committee on Children's Services Planning, 1985;
- e. The Division of Criminal Justice's Juvenile Justice Action Plan, Draft Edition, 1988;
- f. The New Jersey Supreme Court's Final Report and Implementation Plan, 1989 Judicial Conference on Juveniles, Justice and the Courts;
- g. Report of the Governor's Juvenile Justice and Delinquency Prevention Advisory Committee. The Disproportionate Incarceration of Black and Hispanic Youth in New Jersey, 1990;
- h. A Report of the Governor's Juvenile Justice and Delinquency Prevention Advisory Committee. A Primary Prevention Plan for New Jersey. Towards a New Generation, 1990;
- i. Principles and Operating Procedures for the Family Division, Superior Court of New Jersey's Pathfinders Report, 1991;
- j. The Report of the Supreme Court Advisory Committee on the Family Division, 1992;
- k. The Association for Children of New Jersey's Report on the Establishment of an Office of Youth Services, 1992;
- l. The Report from the Cabinet Task Force on Children and Families. An Agenda for Children and Families, 1992;
- m. State and County Profiles of Child Well-Being. Kids County New Jersey, 1992;
- n. Publications and reports of the Juvenile Delinquency Commission especially its report, Profile 93;
- o. State of New Jersey Commission of Investigation, Criminal Street Gangs, 1993;
- p. The New Jersey Department of Education. Violence and Vandalism Prevention Task Force, 1994.

For this purpose, the Advisory Council shall collect from any State or local government or any other appropriate source data,

reports, statistics and other materials which are necessary to carry out its functions.

6. The Advisory Council on Juvenile Justice shall be in, but not of, the Department of Law and Public Safety.

7. The Office of the Attorney General shall coordinate staffing needs of the Advisory Council. Each Cabinet member of the Advisory Council shall assign a representative of her or his department to be designated as staff to the Advisory Council.

8. The Advisory Council is authorized to call upon any department or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Advisory Council and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

9. This Order shall take effect immediately.

Issued March 17, 1994.

EXECUTIVE ORDER No. 11

WHEREAS, Executive Order No. 99, issued on September 13, 1993, established as the policy of the State of New Jersey that public works projects implemented by any State department, authority, or instrumentality be subject to a project agreement whenever feasible and whenever such agreement substantially advances the interests of costs, efficiency, quality, safety and timeliness and the State's policy regarding women- and minority-owned businesses; and

WHEREAS, Executive Order No. 99 mandated every State department, authority, or instrumentality authorized to implement public works projects to do so, whenever possible, subject to a project agreement with the applicable building and con-

struction trade union or council in whose jurisdiction the work is to be performed; and

WHEREAS, The conditions specifying a particular labor force placed on the bidding and award of public works projects set forth in Executive Order No. 99 have raised questions regarding competitiveness and other issues associated with those projects; and

WHEREAS, New Jersey has a compelling interest in awarding public works contracts in such a manner as to yield the lowest reasonable costs and the highest standard of quality and efficiency on the job; and

WHEREAS, A properly evaluated and effected project agreement, when appropriate, can ensure that a public project is completed at the lowest reasonable cost in a timely manner without labor disruptions such as strikes, lockouts or slowdowns; and

WHEREAS, The benefits of any proposed project agreement must be carefully weighed with respect to the effect such an agreement would have on competitive bidding, project costs and the State's policy to advance women- and minority-owned businesses; and

WHEREAS, The use of project agreements may be considered on a project-by-project basis where such project agreements clearly benefit the interests of the State from a cost, efficiency, quality, safety and/or timeliness standpoint;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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. 99 (Florio) is hereby rescinded and is superseded by this Executive Order No. 11.

2. A State department, authority or instrumentality may include a project agreement in a public works project on a project-by-project basis where it has been determined that such project agreement will promote labor stability and advance the State's interests in cost, efficiency, quality, safety and/or timeliness.

3. This Order does not require the use of a project agreement or selection of any particular union, trade council or labor organization.

4. In accordance with this Order, any project agreement:

(a) shall contain guarantees against strikes, lockouts, slow-downs or other similar action;

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

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

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

6. All State agencies, authorities and instrumentalities are hereby ordered to ensure that all public works projects are implemented in a manner consistent with the terms of this Order and are in full compliance with all statutes, regulations and executive orders, including Executive Order No. 84 (Florio) regarding the implementation of set-aside goals for women- and minority-owned businesses.

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

Issued March 21, 1994.

EXECUTIVE ORDER No. 12

WHEREAS, A natural gas transmission pipeline located in the Township of Edison, County of Middlesex, exploded on or about midnight on March 24, 1994; and

WHEREAS, It has been reported that an approximately 150-foot fire stream erupted from the pipeline following the explosion

which caused the destruction of nine buildings in the Durham Woods Apartment Complex; and

WHEREAS, It has been reported that hundreds of residents residing in a one-quarter mile area of the scene were evacuated; and

WHEREAS, An investigation is underway to ascertain the cause of such explosion and the extent of fatalities and/or personal injury, if any, as well as additional property damage; and

WHEREAS, Until the results of said investigation are known, we must take every precaution to ensure that similar pipeline failures do not occur; and

WHEREAS, The conditions caused by the explosion and fire pose a threat and constitute a disaster which threatens and presently endangers the health, safety or resources of the residents of Edison Township, which threat and endangerment may be too large in scope to be handled in its entirety by the normal county and municipal operating services; and

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly, but not limited to, the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-33 et seq.) 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, CHRISTINE TODD WHITMAN, 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:

1. A State of Emergency has and presently exists in this State.
2. The Acting Superintendent of the Division of State Police shall provide State Troopers and other personnel assigned to the Division of State Police, in such numbers as he deems necessary to protect the health, safety and resources of the residents of the Township of Edison and the State of New Jersey.
3. The Superintendent of the Division of State Police is further authorized and empowered 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.

4. The Superintendent of the Division of State Police is hereby authorized to order the evacuation of all persons, except for those emergency and governmental personnel whose presence he deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

5. The Department heads of the various agencies of State Government who are called upon to provide assistance during this State of Emergency shall lend their assistance and take appropriate action to ensure the protection of the health, safety and resources of the residents of the Township of Edison and the State of New Jersey, due to this emergency.

6. Until the results of the investigation are known, all natural gas suppliers having gas transmission lines in this State shall reduce transmission pipeline pressure by five (5) percent of the Maximum Available Operating Pressure (MAOP) and coordinate said reduction with gas distribution entities to ensure the safety of all customers and continuity of service. The Commissioner of the Department of Environmental Protection and Energy and President of the Board of Regulatory Commissioners shall meet, as soon as practicable, with representatives of the affected natural gas suppliers and representatives of the gas utilities doing business in the State to obtain any recommendations for any adjustments or modifications deemed necessary to this Paragraph and to ensure its safe implementation.

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

Issued March 25, 1994.

EXECUTIVE ORDER No. 13

WHEREAS, A natural gas transmission pipeline located in the Township of Edison, County of Middlesex, exploded at or about midnight on March 24, 1994; and

WHEREAS, Conditions and issues related to the explosion required that I invoke the emergency powers vested in the Governor by the Constitution and Statutes of this State, including, but not limited to, the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-3 et seq.) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4); and

WHEREAS, I issued Executive Order No. 12 on March 25, 1994, declaring a state of emergency, which Order provided, among other things, that all natural gas suppliers reduce transmission pipeline pressure by five (5) percent of the Maximum Available Operating Pressure; and

WHEREAS, Such Order also provided that the Commissioner of the Department of Environmental Protection and Energy and President of the Board of Regulatory Commissioners should meet with representatives of the affected natural gas suppliers and representatives of the gas utilities to obtain their recommendations, which meeting was held on March 29, 1994 and included representatives of the Federal Energy Regulatory Commission and the U.S. Department of Transportation, Office of Pipeline Safety; and

WHEREAS, The State of New Jersey and the federal government have agreed to conduct a joint investigation of all interstate natural gas transmission pipelines operating in the State of New Jersey; and

WHEREAS, The parties have agreed to cooperate with future federal and State regulatory inspections, and the U.S. Department of Transportation, Office of Pipeline Safety has ordered a reduction of pipeline pressure in the vicinity of the explosion with respect to the line involved,

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 that prompted the issuance of Executive Order No. 12 having subsided, Executive Order No. 12 is hereby rescinded.

2. Nevertheless, the Acting Superintendent of the Division of State Police remains authorized and empowered to utilize all facilities owned, rented, operated, and maintained by the State of New Jersey to house and shelter persons who may need shelter as a consequence of the emergency.

3. The Acting Superintendent of the Division of State Police remains authorized to order the evacuation of all persons from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by the emergency.

4. The Department heads of the various agencies of State government who are called upon to provide assistance in the aftermath of the Edison explosion shall continue to lend assistance to ensure the protection of the health, safety, and resources of the residents of the Township of Edison and the State of New Jersey.

5. This Order shall take effect immediately.

Issued March 29, 1994.

EXECUTIVE ORDER No. 14

WHEREAS, The institutions of higher education are one of the most valuable and underutilized resources in the State; and

WHEREAS, The elimination of State oversight and its accompanying bureaucracy will serve to unleash the creativity and innovation of these institutions; and

WHEREAS, The Governor has proposed the elimination of the Department of Higher Education as of July 1, 1994 and the

shifting of its core functions to other areas of State government and to the institutions themselves; and

WHEREAS, Implementation of the proposal must provide that student aid programs be not only preserved but also strengthened and that the State continue to foster and encourage programs to promote diversity and accessibility; and

WHEREAS, Higher education must continue to be affordable for students; and

WHEREAS, Any legislation or executive order to accomplish these objectives should be proposed with the active participation of the entire higher education community;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 Advisory Panel on Higher Education Restructuring is hereby established as set forth in this Order. The Advisory Panel shall consist of fifteen (15) members as follows:

- a. Thirteen (13) members, including the chair and vice chair, appointed by the Governor, at least four of whom shall be presidents of higher education institutions in the State, and two of whom shall be members of the State Board of Higher Education;
- b. One (1) member appointed by the President of the Senate;
- c. One (1) member appointed by the Speaker of the General Assembly.

2. The Advisory Panel shall assist the Governor in proposing legislation to implement the restructuring of the system of higher education based upon the objectives set forth below.

3. The proposed legislation should address the following objectives:
 - a. Institutions of higher education must be given maximum autonomy with a minimum of bureaucratic controls in order to meet the specific needs of their students.
 - b. Higher education must be affordable and accessible.
 - c. Political influences must not intrude into the decision-making process.

- d. The system must avoid administrative overlap and duplication.
4. The proposed legislation should provide for the elimination of the Department of Higher Education with the core functions of the department being shifted to the appropriate entities, including but not limited to:
 - a. A coordinating council consisting of the presidents of each public or private institution of higher education, which council would be responsible for the coordination of programs among the various institutions; and
 - b. A commission for higher education, which commission would be responsible for long range planning for higher education.
5. The Advisory Panel shall present its recommendations on or before May 2, 1994.
6. The Advisory Panel is authorized to call upon any department, offices or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Advisory Panel and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.
7. This Order shall take effect immediately.

Issued March 30, 1994.

EXECUTIVE ORDER No. 15

WHEREAS, There has been a marked increase in the number and complexity of permits, licenses, certificates and other approvals that businesses and all other sectors of the economy must obtain from an increasing variety of State agencies to undertake various commercial, industrial, and residential projects or activities in the State; and

WHEREAS, This expanding maze of regulation has made the cost of doing business in the State higher than in other states in many instances; and

WHEREAS, The inefficiencies resulting from the excessive cost of regulation have impeded the overall development of the economy and the growth of the State's individual businesses; and

WHEREAS, Such inefficiencies have also discouraged the location of new businesses and the expansion of existing ones in the State; and

WHEREAS, The combined effects of the inefficiencies have adversely affected the business climate in the State; and

WHEREAS, It is possible to uphold existing standards for the public health, safety and welfare while at the same time expediting compliance with regulations; and

WHEREAS, State government must provide leadership in transforming the State business climate into one that is supportive of and open towards business; and

WHEREAS, There is a need for a single office to coordinate exclusively an efficient and timely process for submission, evaluation, and resolution of applications for business permits, licenses, certificates and other approvals;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby ORDER and DIRECT:

- 1. There is hereby created the Office of the Business Ombudsman (hereinafter "Office") to be located in the Department of State.**
- 2. The Secretary of State shall serve as the Business Ombudsman or appoint her designee to this position.**
- 3. The Business Ombudsman shall be empowered to lead the Office in its primary responsibility of directing a comprehensive effort to assist businesses in dealing efficiently with State regulations.**

4. Specifically, the Office shall function to provide guidance to persons who inquire about business permits, licenses, certificates and other business-related approvals. Any such similar functions of the Office of Business Advocacy in the Department of Commerce and Economic Development shall be transferred to the Office. The files, books and records of the Office of Business Advocacy that are relevant to its function of providing guidance to persons who inquire about business permits, licenses, certificates and other approvals shall be transferred from the Office of Business Advocacy to the Office.

5. Consistent with the consolidation of the aforementioned functions of the Office of Business Advocacy into the Office, the Secretary of State, or her designee, shall replace the Chief of the Office of Business Advocacy on the Cabinet Committee on Permit Coordination (hereinafter "Cabinet Committee"), which Cabinet Committee was reconstituted pursuant to Executive Order No. 100 of Governor Thomas H. Kean. Moreover, the Secretary of State, or her designee, shall replace the Commissioner of Commerce and Economic Development as Chairperson of the Cabinet Committee, and the Office shall assume the roles performed by the Office of Business Advocacy for the Cabinet Committee. The Secretary of State shall appoint an Executive Director of the Cabinet Committee.

6. All functions currently performed by the Office of Business Advocacy that do not relate to providing guidance to persons who inquire about business permits, licenses, certificates and other business-related approvals shall remain in said Office of Business Advocacy in the Department of Commerce and Economic Development.

7. The Office is hereby directed to provide guidance to persons who inquire about business permits, licenses, certificates and other approvals that are required to do business in this State.

8. The Business Ombudsman is hereby authorized to appoint and remove such staff as may be required to fulfill the mandates of this Order, subject to the provisions of Title 11A (Civil Service Act) of the Revised Statutes, when relevant, other applicable statutes, and the appropriations limit for the Office. Any persons appointed by the Business Ombudsman under this Order shall be designated employees of the Department of State.

9. The Business Ombudsman shall maintain the Office and such other quarters as deemed necessary to the proper functioning of the Office.

10. The Office is authorized to call upon any department, office, division or agency of this State to supply it with data and other information or assistance as deemed necessary to discharge the duties of the Office 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 Business Ombudsman and provide such information and assistance as is necessary to accomplish the purpose of this Order. Notwithstanding anything in this Order to the contrary, the Office shall not supplant the function of any department, office, division or agency of the State to review and approve any governmental permit, license, certificate or other approvals.

11. This Order shall take effect immediately.

Issued April 5, 1995.

EXECUTIVE ORDER No. 16

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain overcrowded; and

WHEREAS, As of March 1994 the total adult inmate population of State-sentenced prisoners was 23,608, including 4,020 State-sentenced inmates in county jails; and

WHEREAS, The State's adult and youth correctional institutions are currently operating at 134.3 percent of design capacity; and

WHEREAS, These conditions continue to endanger the safety, welfare, and resources of the residents of this State; and

- WHEREAS, From June 1981, when Executive Order No. 106 (Byrne) was issued under the authority of the Disaster Control Act, until this month, the population of State-sentenced prisoners grew from 7,940 to 23,608, exceeding all predictions for inmate population growth and taxing all State correctional facilities; and
- WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property, and resources of the State and warrants a centralized management approach to inmate housing assignments; and
- WHEREAS, Despite the construction of three prisons since the issuance of Executive Order No. 106 (Byrne), designed for 3,000 inmates and which now house 5,034 inmates at a construction cost of approximately \$150 million, expansions of all existing facilities, and the opening of a facility at Fort Dix under a lease agreement with the federal government, the prison population growth has consistently outstripped infrastructure expansion throughout the past decade, exacerbating crowding conditions; and
- WHEREAS, Efforts are continuing to address the problem, including the planned construction of a new prison facility to be operational by the end of 1995; and
- WHEREAS, The State continues to make a good faith effort to reduce the population of State-sentenced inmates housed in county facilities; and
- WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster, and in fact have worsened since that time as the prison population has expanded exponentially; and
- WHEREAS, The Supreme Court of New Jersey has determined that executive authority to address these emergency conditions under the Disaster Control Act expires on April 22, 1994; and
- WHEREAS, Executive Order No. 3 of January 19, 1994 was issued pursuant to the Disaster Control Act to address these emergency conditions and will expire on April 22, 1994; and
- WHEREAS, The State Legislature, by enactment of P.L.1994, c. 12, has declared a continuing state of emergency in the State
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prisons and other penal and correctional institutions of the New Jersey Department of Corrections; and

WHEREAS, The State Legislature, by enactment of P.L.1994, c. 12, has conferred upon the Governor the authority to issue executive orders pursuant to that act in order to address the effects of the continuing state of emergency declared therein;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 as follows:

1. I invoke such powers as are conferred upon me by P.L. 1994, c. 12 .
2. I hereby direct that the authority to designate the place of confinement of any State-sentenced inmate shall be exercised for the duration of this Order by the designee of the Governor to address the emergency conditions within the State prisons and other penal and correctional institutions of the New Jersey Department of Corrections.
3. I hereby designate the Commissioner of the New Jersey Department of Corrections (the "Commissioner") to effectuate the provisions of this Order.
4. The Commissioner may designate as a place of confinement any available, suitable, and appropriate institution or facility, whether owned by the State, a county, or any political subdivision of this State, or any other person, for the confinement of inmates confined or to be confined in the State and/or county penal or correctional institutions.
5. The Commissioner shall consult with the appropriate county officials prior to implementation of any substantial change in the population of State-sentenced inmates housed in that county.
6. The Commissioner shall have full authority to adopt such rules, regulations, orders and directives as he shall deem necessary to effectuate the provisions of this Order.

7. The Commissioner shall establish a per diem rate in accordance with existing law to compensate counties that house State-sentenced inmates.

8. This Order shall take effect immediately.

Issued April 4, 1994.

EXECUTIVE ORDER No. 17

WHEREAS, Saving tax dollars without compromising the availability and quality of State services is a cornerstone of this Administration; and

WHEREAS, State government must identify and pursue innovative methods of achieving these goals; and

WHEREAS, Privatization, through reliance on private enterprise, market forces and competition for providing public services, may be one alternative by which to save tax dollars and maintain, and possibly improve, State services; and

WHEREAS, A comprehensive study should be conducted to analyze the feasibility of prudent privatization of selected government services and evaluate the potential consequences of such privatization;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Advisory Commission on Privatization, hereinafter referred to as the Commission.

2. The Commission shall consist of a chairperson and four (4) other members appointed by the Governor.

3. The Commission shall: (1) conduct a review of existing feasibility studies and actual experiences of governments that have initiated privatization efforts; (2) evaluate the advantages and disadvantages associated with privatization generally; (3) conduct a feasibility study of New Jersey State government, including a cost-benefit and implementation analysis, to identify those areas where privatization would result in cost savings and quality improvements; and (4) propose appropriate and beneficial methods of implementing privatization in this State.

4. The Commission shall periodically report to the Governor and shall issue its recommendations in writing by December 31, 1994.

5. The Commission is authorized to call upon any department, office, division, or agency of this State to supply it with data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, officer, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General, or her designee, shall act as legal counsel to the Commission.

6. This Order shall take effect immediately.

Issued April 18, 1994.

EXECUTIVE ORDER No. 18

WHEREAS, On May 24, 1984 Executive Order No. 72 of Governor Kean created the Governor's Council on the Prevention of Mental Retardation; and

WHEREAS, The Council is composed of commissioners of various State departments and of concerned citizens who have had distinguished records in the area of mental retardation and developmental disabilities; and

WHEREAS, Public Law 1987, Chapter 5 (N.J.S.A. 30:1AA-10 to -19) was enacted on January 20, 1987 establishing a permanent

Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation was renamed the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities by Executive Order No. 178 of Governor Kean on July 30, 1987; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities was continued for one year by Executive Order No. 223 of Governor Kean and for three years by Executive Order No. 30 of Governor Florio; and

WHEREAS, Under N.J.S.A. 30:1AA-15, the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities serves as an Advisory Council to the Office for Prevention of Mental Retardation and Developmental Disabilities and to the Commissioner of the Department of Human Services; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities is an essential component of the Office for Prevention of Mental Retardation and Developmental Disabilities and should continue to serve as an Advisory Council; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities lapsed on December 31, 1993;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and Statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities is hereby continued as of December 31, 1993 and shall remain in existence until December 31, 1996.

a. The Council shall consist of no more than 25 public members appointed by the Governor. The members shall be appointed from among persons representing people with disabilities, professionals in mental retardation and developmental disabilities, and persons from the business and health communities.

b. The Secretary of State and the Commissioners from the Departments of Human Services, Health, Education, Environmental Protection and Energy, Community Affairs, and/or their designees, shall serve on the Council.

c. The public members shall continue to serve for staggered three-year terms. Council vacancies among the public members shall be filled by appointment by the Governor for the remainder of the unexpired term.

d. The Governor shall designate the chairperson of the Council from among members of the Council. The chairperson of the Council shall serve at the pleasure of the Governor.

e. The Council may further organize itself in any manner it deems appropriate and may enact by-laws it deems necessary to carry forth its responsibilities.

2. The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities shall:

a. Advise the Secretary of State and the Commissioners of the Departments of Human Services, Health, Education, Environmental Protection and Energy, Community Affairs, and the Office for Prevention of Mental Retardation and Developmental Disabilities in the Department of Human Services, regarding the priorities for prevention in the State;

b. Mobilize citizens and community agencies to support prevention-related activities;

c. Develop mechanisms to facilitate early detection;

d. Foster cooperative working relationships among responsible agencies; and

e. Provide other information on prevention as the Governor may request.

3. The Council, in performing its duties, shall consult with existing agencies for planning, coordination and delivery of prevention services to families at the State, county and local levels.

4. The Departments of State, Human Services, Health, Education, Environmental Protection and Energy, and Community Affairs are authorized and directed, to the extent consistent with law, to cooperate with the Council and to furnish it with such staff, office space and supplies as necessary to carry out its purpose under this Order.

5. The Council shall be responsible for serving as the Advisory Board to the New Jersey Disabilities Prevention Program, as funded through a cooperative agreement with the federal Centers for Disease Control and Prevention, and shall provide guidance to the Office for Prevention of Mental Retardation and Developmental Disabilities regarding the establishment, monitoring and evaluation of programs and surveillance systems for the prevention of disabilities.

6. This Order shall take effect immediately.

Issued May 2, 1994.

EXECUTIVE ORDER No. 19

WHEREAS, Executive Order No. 51 of Governor Kean created the Governor's Task Force on Child Abuse on November 16, 1983; and

WHEREAS, The Governor's Task Force on Child Abuse was to conclude its work by January 1, 1985; and

WHEREAS, On July 19, 1985 the Governor's Task Force on Child Abuse was subsequently renamed the Governor's Task Force on Child Abuse and Neglect pursuant to Executive Order No. 110 by Governor Kean; and

WHEREAS, The Governor's Task Force on Child Abuse and Neglect was continued by Executive Order Nos. 110, 173 and 217 of Governor Kean and by Executive Order No. 53 of Governor Florio until it expired on December 31, 1993; and

WHEREAS, The members of the Task Force have continued to address with dedication the problem of child abuse and neglect within the State; and

WHEREAS, There is still a need for the Task Force to educate the community and make the public aware of this serious social problem, to prevent child abuse and neglect, to coordinate

activities relating to child abuse and neglect, and to ensure community support for these child protection measures;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 Governor's Task Force on Child Abuse and Neglect is hereby continued as of December 31, 1993 and shall remain in existence until December 31, 1996.

2. The Task Force shall consist of no more than 15 public members appointed by the Governor. The Governor shall appoint the public members from among persons representing prosecutors' offices, police departments, physicians, hospitals, schools, civic groups, public housing authorities, child advocacy organizations, public service agencies, business and industry, and child or family social work organizations. The Governor may also appoint victims of child abuse or their families and county freeholders as public members.

The Commissioners of the Departments of Human Services, Education, Health, Corrections and Community Affairs; the Secretary of State; the Chief Justice of the New Jersey Supreme Court; the Attorney General and the Superintendent of the State Police; or their designees, shall also serve on the Task Force.

3. Task Force vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

4. The Task Force may solicit, receive, disburse and monitor grants and other funds available from any governmental, public, private, not-for-profit or for-profit source, including, but not limited to, funding available under any federal or State law, regulation or program.

5. All departments, agencies and divisions are authorized and directed, to the extent not inconsistent with law, to continue to cooperate with the Task Force.

6. The Department of Human Services is authorized and directed to continue to furnish the Task Force with such staff, office space and supplies as are necessary to accomplish the purpose of this Order.

7. All other provisions of Executive Order Nos. 51, 110, 173 and 217 of Governor Kean and Executive Order No. 53 of Governor Florio shall remain in full force and effect without any modification.

8. This Order shall take effect immediately.

Issued May 2, 1994.

EXECUTIVE ORDER NO. 20

WHEREAS, The National and Community Service Trust Act of 1993 (the Act) has been enacted to help States meet the human, educational, environmental and public safety needs of communities; and

WHEREAS, The Corporation on National and Community Service (Corporation) was established pursuant to the Act to engage Americans of diverse backgrounds, age groups and educational levels in service to the community and provide educational awards and/or living stipends to individuals who make a substantial sacrifice to community service; and

WHEREAS, There are thousands of New Jerseyans who donate thousands of hours as volunteers and perform community service, which promotes good citizenship and responsibility to the community; and

WHEREAS, These New Jersey volunteers may, through the structures and funding provided under the Act, better serve the needs of their community; and

WHEREAS, The State of New Jersey has received approval from the Corporation to establish a State commission as the entity which will be responsible for selecting AmeriCorps National Service Programs and to apply to receive funds for community-based Learn and Serve America programs; and

WHEREAS, The State Commission, together with the Corporation, will assist programs in recruiting participants, disseminating information about service opportunities, and providing technical assistance to communities organizing service programs; and

WHEREAS, The government of the State of New Jersey is in a position to promote volunteerism and community service by bringing together the State's leading volunteers and community service activists to provide leadership, guidance, and oversight of the State Commission; and

WHEREAS, It is the role of the State under the Act, to provide funding through the resources appropriated thereunder for the most innovative, constructive, and effective service programs in the State in order to build on existing infrastructures and carry out the statutory mandates necessary to receive funding from the Corporation; and

WHEREAS, Selection, coordination, and oversight of Statewide efforts to enhance volunteerism and service to the community, as called for by the Act, can best be achieved by the creation of a New Jersey State commission;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby ORDER and DIRECT:

- 1. There is hereby established the New Jersey Commission on National Service (Commission) to be located within the Department of Education. The Commission shall:**
 - a. Develop a three-year comprehensive State Plan which can be updated annually, and is developed through an open and inclusive process that ensures outreach to diverse community-based agencies.**
 - b. Develop a strategy for private sector development to aid the State in implementing national service throughout the State.**
 - c. Assist and coordinate with the State Department of Education in completing Learn and Serve America and AmeriCorps applications for grant funding.**
 - d. Provide funding, through the resources appropriated under the Act for programs that are within the guidelines established by the New Jersey State Plan.**
 - e. Monitor grant programs through on-site visits, and review of quarterly and annual programmatic reports so that the goals of the program and the Trust Act are fulfilled.**

f. Directly oversee grant programs that are funded by the Corporation and help them develop projects, training methods, and curriculum materials.

g. Establish a process for recruitment and placement for National Service participants and disseminate information about service programs.

h. Advise the Corporation, based upon State priorities, on which programs should receive funding under the Domestic Volunteer Service Act of 1973.

i. Make recommendations to the Corporation regarding funding for VISTA and Older American Volunteer programs within the State.

j. Coordinate and assist volunteer programs by working with other State governmental agencies.

k. Coordinate with State agencies such as the Governor's Office of Volunteerism, the Governor's Advisory Council on Community Service, the Academy for Community Service and Service Learning, and other agencies that have not been previously represented.

l. Provide technical assistance to enable applicants to plan and implement service programs.

m. Assist in the provision of health care and child care benefits as required in the AmeriCorps program.

n. Perform any other duties as required by federal law.

2. The New Jersey Commission on National Service shall be comprised of not fewer than fifteen nor more than twenty-five voting members, appointed by the Governor, and shall reflect the diversity of the State of New Jersey.

a. The members shall include:

1. An individual with expertise in educational, training and developmental needs of youth, particularly disadvantaged youth;

2. An individual with expertise in promoting the involvement of older adults in service and volunteerism as defined by the Domestic Volunteer Service Act of 1973;

3. A representative of community-based agencies or organizations within the State;

4. The Commissioner of Education or his designee;

5. A representative of local governments in the State;

6. A representative of local labor organizations in the State;

7. A representative of business;

8. Youth Service Program participants, including in-school, college-based, and out-of-school participants; and

9. A National Service participant.
 - b. The balance of the twenty-five voting members shall be representative of the following:
 1. Local education agencies;
 2. Out of school and "at risk" youth;
 3. Local higher education community;
 4. Native American tribes;
 5. Programs receiving assistance under the Domestic Volunteer Service Act;
 6. A local expert in the delivery of human service programs;
 7. A local expert in the delivery of public safety services;
 8. A local expert in the delivery of environmental services and/or programs;
 9. The chairperson of the Governor's Advisory Council on Community Service and Volunteerism;
 10. A member of the Governor's Youth Advisory Council; and
 11. Two members of the Legislature, no more than one of whom shall be of the same political party.
 - c. The voting members shall include youth representing the wide array of service programs throughout New Jersey and other private citizens and organizational representatives.
 - d. In addition to the twenty-five voting members, representatives engaged in or planning to implement service or service learning programs from the Governor's Office of Volunteerism, Department of Agriculture, Department of Commerce, Department of Community Affairs, Department of Corrections, Department of Environmental Protection and Energy, Department of Health, Department of Human Services, Department of Labor, Department of Law and Public Safety, Department of Transportation, Education Service Office of the New Jersey Army National Guard shall serve as ex-officio, non-voting members of the Commission.
 - e. Representatives shall be sought from the State Employment and Training Commission and the State Human Services Advisory Committee, and the Center for Non-Profits, in order to serve as ex-officio members.
 - f. A representative of the Corporation will sit on the State Commission as an ex-officio member and act as liaison between the Commission and the Corporation.
3. The selection process shall adhere to the following guidelines:
 - a. The process through which applicants to the State Commission are reviewed shall ensure diversity with respect to race,

ethnicity, age, gender, disability characteristics, and political affiliation to the maximum extent practicable.

b. The Governor's Appointments Office will assist in ensuring bipartisan representation, as no more than fifty percent of the voting members, plus one additional member, shall be from the same political party.

4. Members of the Commission shall:

a. Serve three-year terms, except for the terms of the members first appointed, who shall serve as follows: one-third shall serve for a term of one year, one-third shall serve for a term of two years and one-third for a term of three years.

b. Elect their own chair.

c. Not participate in grant decisions if they are, or were at any time in the previous year, an officer, director, trustee, full-time employee, or volunteer with a National service program.

d. Serve without compensation, except that members may receive per diem and travel expenses.

5. This Order shall take effect immediately.

Issued June 13, 1994.

EXECUTIVE ORDER NO. 21

WHEREAS, Promoting harmonious relations between the State and its employees while insuring the efficient and continuous delivery of public services is a goal of this Administration; and

WHEREAS, Collective negotiations between the State and its employees concerning the terms and conditions of employment can be improved by implementing a coordinated and integrated approach to human resource management; and

WHEREAS, Executive Order No. 3, issued on April 2, 1970, created the Governor's Employee Relations Policy Council to review and evaluate the policy of the State with respect to employee relations and recommend alternatives to facilitate cooperation between the State and its employees; and

WHEREAS, Executive Order No. 4, issued on April 2, 1970, created the Office of Employee Relations in, but not of, the Department of the Treasury to assist the Governor's Employee Relations Policy Council and conduct collective negotiations with employee organizations; and

WHEREAS, It is necessary to rescind Executive Orders No. 3 and No. 4 in order to reorganize these functions to maximize efficiency, service and cost-effectiveness;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of the State of New Jersey, do hereby ORDER and DIRECT:

1. Executive Order No. 3 (1970) is rescinded.
2. (a) There is hereby reconstituted the Governor's Employee Relations Policy Council.
(b) The Council shall consist of the Commissioner of the Department of Personnel as chairperson, the Commissioner of the Department of Labor, the Attorney General, the Chief Counsel to the Governor and the State Treasurer, or their designees. The members of the Council shall serve ex officio.
(c) The Council shall advise the Governor on employee relations policy, negotiation issues and strategies, contract acceptance, and related matters involving State employees. The Council shall serve, through counsel, as the Governor's agent in conducting collective negotiations with employee organizations.
(d) The Council shall meet at the request of the Governor or Chairperson. The Council shall render such reports to the Governor as the Council determines necessary or as the Governor directs.
3. The Council is authorized to hire such outside consultants as deemed necessary to fulfill its mandate pursuant to this Order.
4. (a) The Council is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.
(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to

cooperate with the Council and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

5. Pursuant to N.J.S.A. 52:17A-4 and 11, attorneys assigned by the Attorney General shall appear as the Council's representative before the New Jersey Public Employment Relations Commission and any other board, commission, court or agency in matters involving employee relations.

6. Executive Order No. 4 (1970) is rescinded.

7. There is hereby reconstituted the Office of Employee Relations within the Department of Personnel which shall be headed by an Assistant Commissioner for Employee Relations. The Assistant Commissioner for Employee Relations shall be appointed by the Commissioner of Personnel and shall serve at the pleasure of the Commissioner. The Assistant Commissioner for Employee Relations shall oversee the operations of the Office of Employee Relations.

8. The responsibilities of the Office of Employee Relations shall include, but not be limited to:

(a) administration and policy interpretation of labor agreements;

(b) coordinating data collection, information dissemination, reporting, liaison and training activities with other departments;

(c) providing support staff to the Governor's Employee Relations Policy Council; and

(d) offering recommendations to the Governor's Employee Relations Policy Council concerning employee relations and related matters involving State employees, and rendering such reports to the Council as the Council may direct or the Assistant Commissioner for Employee Relations determines.

9. In addition thereto, the Commissioner of Personnel may transfer any and all functions currently performed within the Department of Personnel to the Office of Employee Relations as the Commissioner deems appropriate.

10. (a) All appropriations, personnel, records and property associated with the Office of Employee Relations shall be reallocated within the Department of Personnel in such a manner as the Com-

missioner of Personnel deems appropriate in order to maximize efficiency, service and cost-effectiveness.

(b) The treatment of current personnel in the Office of Employee Relations shall be consistent with the standards set forth in P.L. 1971, c. 375 (C.52:14D-1 et seq.), the "State Agency Transfer Act."

(c) Except as herein otherwise provided and in accordance with Title 11A, Civil Service, of the New Jersey Statutes, allocation of the Office of Employee Relations to the Department of Personnel shall not alter or change the term, tenure of office, rights, obligations, duties or responsibilities otherwise provided for the Office.

11. (a) The Office of Employee Relations is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Order.

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Office and to furnish it such information and assistance as it may find necessary in the discharge of its responsibilities under this Order.

12. This Order shall take effect immediately.

Issued July 14, 1994.

EXECUTIVE ORDER NO. 22

WHEREAS, Excessive and unnecessary State mandates force school districts to incur considerable costs which are not necessary to ensure educational opportunity, to safeguard the health and safety of pupils or to guarantee accountability; and

WHEREAS, Overly prescriptive rules and regulations may also inhibit the initiative of teachers and administrators and dilute accountability for local decision making; and

WHEREAS, The State Board of Education has demonstrated its leadership role in this area by initiating a comprehensive

study of unnecessary and overly prescriptive regulations pertaining to education; and

WHEREAS, These efforts of the State Board of Education should be encouraged and facilitated;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Department of Education (the Department) shall complete a comprehensive and thorough review of all current administrative regulations by December 31, 1995. All regulations which are not necessary or which promote inefficiency or are overly prescriptive shall be identified and referred to the State Board of Education for review, and, if warranted, further action.

2. In order to facilitate the Department's review of its regulatory code, the sunset provisions now in effect in each of the regulations of the Department are hereby extended, respectively, by eighteen (18) months from the date of this Order. During the period of review, all such regulations shall remain in full force and effect and may be modified or repealed at any time by the State Board of Education pursuant to the "Administrative Procedure Act."

3. The Department shall invite the input of the public and shall hold at least two public hearings in order to receive testimony concerning regulations of the Department.

4. This Order shall take effect immediately.

Issued August 25, 1994.

EXECUTIVE ORDER NO. 23

WHEREAS, The State of New Jersey borders many navigable waters of the United States, which contain valuable fisheries, wildlife and other natural resources and provide for the effective movement of commerce into and through the State; and

WHEREAS, In the past those navigable waters and their valuable natural resources have been damaged by oil spills; and

WHEREAS, The federal Oil Pollution Act of 1990 codified at 33 U.S.C.A. 2701 et seq. (Oil Pollution Act) established a means of compensating those parties damaged by oil spills in the navigable waters of the United States by creating a complementary scheme of federal, state and international laws; and

WHEREAS, The prompt and effective cleanup of oil spill incidents and the restoration of damaged natural resources is of vital importance and requires close cooperation between the State and other state and federal agencies; and

WHEREAS, The Oil Pollution Act specifically requires that the Governor of each State designate a State official who may act on behalf of the public as its trustee for natural resources; and

WHEREAS, The Commissioner of the New Jersey Department of Environmental Protection acts in a similar capacity under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and a variety of State laws and is thus the appropriate State official to serve as New Jersey's Natural Resource Trustee under the Oil Pollution Act;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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:

The Commissioner of the New Jersey Department of Environmental Protection is hereby designated ex-officio as the State's Natural Resource Trustee for the purposes outlined in Section 2706 (b)(3) of the Oil Pollution Act.

Issued September 15, 1994.

EXECUTIVE ORDER NO. 24

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 the liberation movements that have resulted in freedom for the people in the former Soviet Union and in Eastern Europe, 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 No. 89 (Florio) directed the 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 Executive Order No. 89

(Florio) should be reconstituted in recognition of the current situation in Cuba.

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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. 89 (Florio) is hereby superseded by this Order.

2. The New Jersey Department of Commerce and Economic Development shall create a Free Cuba Task Force ("Task Force"), which shall conduct a study to determine the likely economic, social, immigration and cultural consequences that would result from the liberation of the people of Cuba.

3. The Task Force shall prepare a plan to be presented in a report setting forth a strategy that will enable the State of New Jersey and the people of Cuba to participate, for mutual advantage, in the economic, social and cultural opportunities that would result from 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.

4. The Task Force shall, whenever necessary, coordinate this effort with any and all other State departments having relevant expertise or knowledge of such issues.

5. The Task Force shall consist of fifteen members appointed by the Governor, including the Commissioner of the Department of Commerce and Economic Development who shall serve as an ex officio member and shall chair the Task Force. In the Commissioner's absence, his designee shall serve as chairperson of the Task Force.

6. The Department of Commerce shall report its findings to me no later than six months following the date of this Order and every six months thereafter.

7. This Order shall take effect immediately.

Issued October 11, 1994.

EXECUTIVE ORDER NO. 25

I, CHRISTINE TODD WHITMAN, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. November 25, 1994, 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 25, 1994.

Issued October 20, 1994.

EXECUTIVE ORDER NO. 26

WHEREAS, The policies and procedures of the State with regard to the issuance of bonds, notes and other obligations (hereinafter "bonds") and the awarding of underwriting, bond counsel, architectural, engineering and other professional contracts were established by Executive Order No. 79 issued on January 12, 1993 and Executive Order No. 92 issued on May 4, 1993; and

WHEREAS, It was recognized that an analysis of the effect of these policies and procedures should be conducted by the Executive Branch after they had been in place for a number of months and that, in connection with such analysis, it was appropriate to solicit the views of the public and of the affected issuers, service providers and professionals; and

WHEREAS, Executive Order No. 6 issued on January 27, 1994 created an Advisory Panel on Government Contracting Procedures (hereinafter "Advisory Panel") and directed that the Advisory Panel make a comprehensive review of the existing procedures for: the issuance of bonds; the selection

of underwriters in connection with the issuance of bonds; the retention of attorneys or law firms in connection with the issuance of bonds; and the retention of any engineering, architectural or other professional firms; and

WHEREAS, The Advisory Panel was directed to report its findings and detailed recommendations as to whether the existing procedures should remain in place or be altered in order to better accomplish the goals of achieving the best economic results with the highest quality of service and integrity in the award of State contracts at the lowest cost; and

WHEREAS, The Advisory Panel has issued its report, dated July 29, 1994, which sets forth its recommendations with respect to the policies and procedures that were implemented in accordance with Executive Order Nos. 79 and 92; and

WHEREAS, The Advisory Panel has recommended modifications to the present procedures that will ensure that the citizens of the State are informed of specific criteria applied in the selection of the method of bond sale and the selection of professionals; and

WHEREAS, Implementation of the Advisory Panel's recommendations will help to ensure that the methods used by the State, its agencies and authorities for issuing bonds and awarding contracts for professional services will secure public confidence and result in the receipt of the highest quality service at the lowest prices;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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:

METHOD OF BOND SALE

1. The policy of the State generally requiring that all bonds of the State and its agencies and authorities (hereinafter "issuers" or "contracting entities") to be sold on a competitive basis is hereby continued. In certain circumstances, however, where it is determined that a negotiated sale would better serve the requirements of a particular financing, negotiated sales may be conducted, if otherwise permitted by law. The circumstances under which a negotiated bond sale shall be permitted shall include the following:

- a. Sale of complex or poor credits;

- b. Sale of a complex financing structure, including those transactions that involve the simultaneous sale of more than one series with each series structured differently;
- c. Volatile market conditions;
- d. Large issue size;
- e. Programs or financial techniques that are new to investors; and
- f. Variable rate transactions.

2. Where issuers engage in similar types of transactions on a somewhat regular basis, such issuers may make determinations with respect to the method of sale, consistent with section 1 of this Order, which will be utilized for two or more transactions, provided that the transactions are part of a larger bonding program of similarly secured financings. In this instance, issuers shall render public determinations with respect to these financing programs at least annually.

3. Any decision of an issuer regarding the method of sale for a bond issue shall be made by resolution which shall be available to the public. If the issuer is the Treasurer of New Jersey (the "Treasurer"), the Treasurer shall render a written determination which shall be available to the public. When an issuer determines that the sale of bonds should be negotiated with an underwriter based on the standards enumerated in section 1 of this Order, justification in support of such a decision should not be stated in general terms, but should be specific to the particular bond sale. Such findings shall be filed with the Treasurer within five (5) days of the decision.

SELECTION OF FINANCIAL ADVISORS, SENIOR MANAGERS AND CO-MANAGERS

4. Issuers whose bonds are secured by appropriations from the State's General Fund, the full faith and credit of the State or otherwise in whole or in part by State revenues, shall adhere to the following procedures and criteria in connection with the selection of financial advisors, senior managers and co-managers:

- a. A request for proposal and criteria for selection shall be developed by the issuer and the Treasurer for each financing. Criteria for such selection shall include, but not be limited to, the following:
 - 1) Quality of response regarding the proposed bond structure, credit, and/or marketing strategy;
 - 2) Sophisticated cash flow capabilities as required by a particular financing;
 - 3) Development of a new idea;

- 4) Demonstrated ability to distribute New Jersey securities;
 - 5) Quality of relevant service to the State in previous transactions;
 - 6) Experience with similar financings in which the firm and its proposed financing team participated;
 - 7) Proposed fees for the particular bond sale; and
 - 8) Sufficient capital to participate in underwriting the issue.
- b. The issuer shall provide particular consideration for firms with a presence in New Jersey and for minority-owned and women-owned firms.
- c. The issuer and the Treasurer shall select the financial advisor, senior manager and/or co-manager for the financing.
- d. The firm(s) solicited, the firm(s) selected and criteria applied in connection therewith shall be made available to the public.
- e. Such procedures may include a process whereby a group, or "pool," of financial advisors, senior managers and/or co-managers may be utilized for two or more transactions, provided that the transactions are part of a larger bonding program of similarly secured financings. Issuers may select from such pools without soliciting separate proposals provided the pools are established via procedures and criteria consistent with this Order.

5. Issuers, other than those referred to in section 4 of this Order, shall: (a) formulate procedures consistent with the above criteria for the selection of financial advisors, senior managers and/or co-managers; (b) select such financial advisors, senior managers and/or co-managers based on said procedures and criteria; and (c) make the selection, procedures and criteria available to the public. Such procedures shall provide for an open and competitive process. Information regarding the firm(s) solicited, the firm(s) selected and criteria applied shall also be made available to the public by issuers.

6. Issuers shall undertake the selection process outlined in section 4 of this Order except in those rare instances in which each of the following three criteria have been met:

- a. An innovative idea has been brought to the issuer;
- b. A request for proposal cannot be constructed without communicating the new idea; and
- c. The issue would not benefit from a competitive selection process.

SELECTION OF BOND COUNSEL

7. Appointments of bond counsel shall generally be made on a competitive basis where price is a factor but not the sole factor.

The Attorney General of New Jersey (the "Attorney General") shall develop guidelines for the solicitation of such counsel. However, where unusual circumstances may require the appointment of bond counsel with a particular expertise, such as unique prior experience with a transaction, direct appointments shall be permitted.

8. When bond counsel appointments are made pursuant to N.J.S.A. 52:17A-13 or where the Attorney General acts as general counsel to an issuer, the Attorney General shall establish procedures for the appointment of bond counsel on a competitive basis and under criteria that place great weight on the bond counsel's qualifications and suitability for a particular transaction as well as the bond counsel's fee proposal.

- a. Such criteria shall include, but not be limited to, the following:
- 1) Experience of the bond counsel and the proposed team with similar transactions;
 - 2) Familiarity with the State laws relevant to the proposed bond issue;
 - 3) Proficiency with securities, tax and other laws relevant to the financing;
 - 4) Quality of proposed legal strategy with respect to specific questions posed in the request for proposal;
 - 5) Quality of past legal services rendered to the State and its authorities; and
 - 6) Fees.

b. Such procedures and criteria may include a process whereby a group, or "pool," of bond counsel firms may be appointed to serve as counsel to frequent bond issuers for a term not to exceed two years. Issuers may select from such pools without soliciting separate proposals for each bond issue, provided the pools are established via procedures and criteria consistent with this Order. This "pool" process shall, where appropriate, involve the establishment of a fee schedule for such transactions at the outset of the term.

c. Such procedures and criteria may include a process whereby bond counsel may be utilized for two or more transactions, provided that the transactions are part of a larger bonding program of similarly secured financings and further provided such procedures and criteria are consistent with this Order.

9. In cases where the Attorney General is not statutorily required to appoint bond counsel or does not serve as general counsel to an issuer, issuers are hereby directed to establish their

own competitive appointment processes based on the criteria enumerated in section 8 of this Order to ensure the selection of the most qualified firms at the lowest possible fees.

10. In establishing policies and procedures for the selection of bond counsel, issuers and the Attorney General shall provide particular consideration for New Jersey law firms and minority-owned and women-owned law firms.

11. The policies and procedures established by issuers with respect to the appointment of bond counsel, as well as procedures established by the Attorney General in accordance with N.J.S.A. 52:17A-13, shall be available to the public.

APPOINTMENT OF ARCHITECTS, ENGINEERS AND ACCOUNTANTS

12. The State and its contracting entities shall continue to utilize, to the fullest extent practicable, competitive practices for the selection of architects, engineers and accountants. Contracting entities shall establish their own procedures for competitive selection of architects, engineers and accountants. Such practices shall be aimed at the fundamental goals of ensuring that each contracting entity of the State will receive the best services at the lowest costs. Information regarding such procedures shall be made available to the public.

13. Any selection of architects, engineers and accountants shall include particular consideration for minority-owned and women-owned firms.

30-DAY REPORTS

14. Within 30 days of the closing of a bond issue, the allocation of bonds and fees received by each member of the underwriting syndicate and a breakout of the costs of issuance paid by the issuer shall be reported to the Treasurer and be publicly available.

ANNUAL DEBT MANAGEMENT PLAN

15. Each issuer shall annually, on or before January 31, render a debt management plan with respect to its bond financing programs to the Treasurer. This plan shall include information on the outstanding debt and debt service costs for the prior and current year and shall also describe the proposed bond issues for the year outlining the size and purpose of each transaction; the expected

sale date of the issue; the security and expected ratings for each transaction; the expected method of sale and the method of selecting financial professionals consistent with the terms of this Order.

APPLICATION AND EFFECTIVE DATE

16. This Order shall apply to the State, its agencies and all authorities that are required to submit their minutes, resolutions or actions for gubernatorial approval or veto. Additionally, the State's participation in all other financings shall, to the extent practicable, be conditioned on compliance with the procedures and criteria set forth herein. "State's participation" includes but is not limited to instances in which a financing: 1) is secured directly or indirectly by the moral obligation of the State; or 2) is secured or financed directly or indirectly by State appropriations; or 3) includes as part of an issuer's offering statement State financial information. The determination as to whether it is practicable to apply this Order to such financings shall be made concurrently by the Treasurer and Attorney General.

17. This Order shall take effect on January 1, 1995 (the "effective date") and shall supersede Executive Order No. 79 (Florio) and Executive Order No. 92 (Florio) as of that date; however, any agency and authority required to comply with the terms of this Order may do so prior to the effective date and in lieu of the terms of Executive Order Nos. 79 and 92, provided such agency or authority has adopted the procedures necessary to comply with all aspects of this Order.

SUBSEQUENT REVIEW

18. The Advisory Panel is hereby directed to reconvene and hold at least one public hearing on or about one year from this Order's effective date for the purpose of obtaining public testimony regarding the implementation of this Order. Thereafter, the Advisory Panel shall recommend modifications, if any, necessary to better achieve the objectives of this Order as expressed above.

Issued October 25, 1994.

EXECUTIVE ORDER NO. 27

WHEREAS, The federal government frequently regulates areas that are also subject to State regulation; and

WHEREAS, Differing State and federal policy goals and unique State prerogatives frequently result in different levels of regulation, different standards and different requirements being imposed by federal and State programs covering the same subject matter; and

WHEREAS, New Jersey must simultaneously move toward reducing redundant and unnecessary regulation that dulls the State's competitive advantage while being ever vigilant in the protection of the public's health, safety and welfare; and

WHEREAS, New Jersey's administrative agencies should consider applicable federal standards when adopting, readopting or amending regulations with analogous federal counterparts; and

WHEREAS, New Jersey's administrative agencies should analyze whether analogous federal standards sufficiently protect the health, safety and welfare of New Jersey citizens; and

WHEREAS, As part of the formal rule-making process, the public should be advised of the agencies' conclusions about whether analogous federal standards sufficiently protect the health, safety and welfare of New Jersey citizens.

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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. On or after the effective date of this Order, each administrative agency that adopts, readopts or amends any rule or regulation described in section 2 of this Order shall, in addition to all requirements imposed by existing law and regulation, include as part of the initial publication and all subsequent publications of such rule or regulation, a statement as to whether the rule or regulation in question contains any standards or requirements which exceed the standards or requirements imposed by federal law. Such statement shall include a discussion of the policy reasons and a cost-benefit analysis that supports the agency's decision to impose the standards or requirements and also supports the fact that the State standard or requirement to be imposed is achievable under current technology, notwithstanding the federal government's determination that lesser standards or requirements are appropriate.

2. This Order shall apply to any rule or regulation that is adopted, readopted or amended under the authority of or in order to implement, comply with or participate in any program established under federal law or under a State statute that incorporates or refers to federal law, federal standards or federal requirements.

3. The head of a State agency, upon submission by the agency of the required explanation or analysis of the rule or regulation subject to the provisions of this Order, shall certify in writing that the submission of the State agency permits the public to understand accurately and plainly the purposes and expected consequences of the adoption, readoption or amendment of the rule or regulation.

4. This Order shall take effect sixty (60) days from the date hereof.

Issued November 2, 1994.

EXECUTIVE ORDER NO. 28

WHEREAS, The President of the United States has authorized the peaceful deployment of United States military forces to Haiti as part of a multinational force, authorized by United Nations Security Council Resolution 940; and

WHEREAS, The President has authorized the deployment of United States military forces to the Middle East in an effort to prevent Iraq from invading Kuwait; and

WHEREAS, The President has authorized the Secretary of Defense to call up select members of the Reserve and National Guard to active duty, and has authorized the Secretary of Transportation to call up members of the Coast Guard Reserve, during the Haiti crisis and the Middle East crisis; and

WHEREAS, Reserve and National Guard members who are activated during these crises 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 times of emergency; and

WHEREAS, The State of New Jersey recognizes the personal and economic sacrifices of its employees serving in the Reserve and the National Guard who are called to active duty during the Haiti crisis and Middle East crisis.

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 during the Haiti crisis or the Middle East crisis 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 in these crises, 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 pay.

3. These State employees shall be entitled to State employee 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. 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 the Commissioner such information, personnel and assistance as necessary to accomplish the purposes of this Order.

This Order shall take effect immediately.

Issued November 16, 1994.

EXECUTIVE ORDER NO. 29

WHEREAS, Executive Order No. 45 of Governor Florio creating the Governor's Advisory Council on AIDS ("Advisory Council") expired on June 2, 1994; and

WHEREAS, The presence of Acquired Immune Deficiency Syndrome ("AIDS") and Human Immunodeficiency Virus ("HIV") continue to present a serious public health concern for the State of New Jersey; and

WHEREAS, New Jersey currently ranks fifth in the nation in the total number of its citizens infected with AIDS, third in the nation in pediatric cases of AIDS and first in the nation in the proportion of women with AIDS; and

WHEREAS, The number of AIDS cases in the State as of March 31, 1994 had grown to 20,942 cases, with 482 of those persons affected being children; and

WHEREAS, Combating the spread of AIDS and HIV must be considered a public health priority for the State;

NOW, THEREFORE, I, CHRISTINE TODD WHITMAN, 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 Advisory Council is hereby continued.**
- 2. The Advisory Council shall consist of the Commissioner of Health, the Commissioner of Corrections, the Commissioner of Education, the Commissioner of Human Services, the Commissioner of Community Affairs, the Commissioner of Insurance, the Attorney General and the Secretary of State or their designees; two members of the New Jersey Senate to be appointed by the Senate President, no more than one of whom shall be from the same political party; two members of the New Jersey General Assembly to be appointed by the Speaker of the Assembly, no more than one of whom shall be from the same political party; and no more than twenty-five public members to be appointed by the Governor. The public members shall consist of educators, representatives of the State's business community, labor representatives, health care and**

other service providers, representatives of the insurance industry, community leaders and persons who have tested HIV positive. The public members shall serve at the pleasure of the Governor. All members of the Advisory Council shall serve without compensation.

3. The Governor shall designate a Chairperson and Vice Chairperson from among the public members of the Advisory Council.

4. It shall be the duty of the Advisory Council to:

- a. advise the Governor on policy issues relating to AIDS;
- b. reassess the Department of Health's implementation of its plan to fight AIDS and HIV in the 1990's, and offer recommendations for updating the plan;
- c. recommend relevant legislation to the Governor;
- d. advise the Governor on the actions needed to coordinate State efforts concerning AIDS and HIV research, prevention and treatment;
- e. advise the Executive Branch concerning its relationship with voluntary agencies and private sector entities involved in AIDS and HIV-related activities; and
- f. prepare an annual report for the Governor on or before June 30 of each year summarizing its findings and providing any recommendations it deems appropriate.

5. The Advisory Council shall receive administrative staff support from the Department of Health.

6. This Order shall take effect immediately and shall apply retroactively to June 2, 1994.

Issued December 1, 1994.
