

AUG 19 1993

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

CHAPTERS 321-528



1991

New Jersey State Library

EXECUTIVE ORDERS

(2803)

EXECUTIVE ORDER No. 24

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

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property and resources of the State; and

WHEREAS, Executive Order No. 226 of January 12, 1990 will expire on January 20, 1991; and

WHEREAS, The conditions specified in Executive Order No. 106 of June 19, 1981 continue to prevent a substantial likelihood of disaster;

NOW, THEREFORE, I, James J. Florio, 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; and No. 226 (Kean) of January 12, 1990 shall remain in effect until January 20, 1992 notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 18, 1991.

EXECUTIVE ORDER No. 25

WHEREAS, On January 16, 1991, the President of the United States launched a military attack against Iraq; and

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

WHEREAS, Reserve and National Guard members who are activated during this crisis 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 a time of emergency such as exists now; 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 Middle East crisis, and recognizes the sacrifices of their families;

NOW, THEREFORE, I, James J. Florio, 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 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 the Middle East crisis, 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 him such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Issued January 18, 1991.

EXECUTIVE ORDER No. 26

WHEREAS, Christopher J. Jackman first graced the State capital some 30 years ago as a staff member for the New Jersey Senate and General Assembly; and

WHEREAS, He rose from his staff position to be elected to the General Assembly in 1967, an office to which he was reelected seven times; and

WHEREAS, During his service in the General Assembly, his colleagues exhibited their respect and faith in his leadership by electing him their Majority Leader and Speaker; and

WHEREAS, After distinguished service in the General Assembly, Christopher J. Jackman was elected to serve in the New Jersey Senate in 1982 and reelected to a second term in 1989; and

WHEREAS, As a State legislator, Christopher J. Jackman was a tenacious proponent of the causes he espoused and a consistently strong voice for senior citizens and all the people he represented; and

WHEREAS, His good humor and inimitable style, which so often diffused difficult situations, brought diverse groups together and immeasurably improved the legislative process; and

WHEREAS, He brought the same vigor and commitment which he demonstrated as a legislator to his work in union affairs and in his community activities; and

WHEREAS, In spite of his significant stature among his colleagues and admirers, both in the Legislature and throughout the State, he was the embodiment of humility and sincerity, and a friend to all who had the privilege to know him; and

WHEREAS, His dedication to public and community service have never detracted from his devotion to his family and friends; and

WHEREAS, It is fitting and appropriate for the State of New Jersey to mark the passing of Christopher J. Jackman, an irreplaceable leader and public servant;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half mast at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Wednesday, January 30, 1991, through and including Friday, February 1, 1991 in recognition and mourning of the passing of a distinguished legislator and leader, Christopher J. Jackman.

2. This Order shall take effect immediately.

Issued January 29, 1991.

EXECUTIVE ORDER No. 27

WHEREAS, There continues to be an absence of a comprehensive, coordinated range of services for juveniles who become involved in the juvenile justice system; and

WHEREAS, The Department of Corrections, Division of Juvenile Services, has shown that alternative correctional programs for troubled youth are appropriate and cost-effective; and

WHEREAS, There continues to be a lack of sufficient alternatives to costly institutional care; and

WHEREAS, Substantial numbers of juveniles require timely prevention and intervention services; and

WHEREAS, It is essential that we avoid duplication and make the best possible use of public funds; and

WHEREAS, There are a number of separate departments and agencies involved in providing services to troubled youth; and

WHEREAS, Effective prevention and intervention services for youth at risk of involvement with the juvenile justice system will require cooperative and coordinated efforts of various departments of State, county and local governments as well as business, religious and community organizations; and

WHEREAS, The Attorney General has developed and released an Attorney General Directive to police and prosecutors on the handling of juvenile matters;

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

1. There is hereby created a Governor's Cabinet Action Group on Juvenile Justice (hereinafter referred to as the Action Group). The Action Group shall consist of the Attorney General, who shall serve as chairperson; the Commissioner of Education; the Commissioner of Health; the Commissioner of Human Services; the Commissioner of Corrections; the Commissioner of Labor, the

Commissioner of Community Affairs; and the Public Advocate. The Administrative Director of the Courts should be invited to participate in the activities of the Action Group.

2. The responsibilities and functions of the Action Group shall include:

a. Identifying, developing and implementing a range of services, both residential and non-residential, for juvenile justice system-involved youth so that more uniform, timely, cost-effective and appropriate alternatives to institutional care are made available to youth for whom institutional care is not warranted.

b. Consistent with the Code of Juvenile Justice, working cooperatively to expand the range of disposition options available to the Court, including the sharing of resources to allow for more appropriate intervention services at the local level.

c. Substantially increasing the availability of drug treatment services to juvenile justice system-involved youth and youth at risk of involvement with the juvenile justice system.

d. Developing formal interdepartmental policy and planning agreements in order to improve coordination and cooperation among State departments of government in the provision of services to youth at risk of involvement with the juvenile justice system. These agreements must include cross-training sessions including cultural and ethnic sensitivity training, the willingness to share State and federal resources, and a mechanism to share data and department policy decisions affecting juvenile justice system-involved youth.

e. Developing more efficient, cost-effective community-based prevention and intervention services to prevent youth from proceeding further into the juvenile justice system. This shall include expanded efforts to keep troubled youth within the educational system and an emphasis by each department of State government on the development of public/private partnerships in their service delivery systems for youth.

f. Reporting to the Governor on an ongoing basis as to issues, programs and the setting of budgetary and policy priorities.

3. The Action Group shall begin its efforts immediately. The Action Group shall work cooperatively with the Judiciary and Legislature and shall consult with the State Youth Services Commission, the Association for Children of N.J., the Governor's Committee on Children's Services Planning, the Governor's Juve-

nile Justice and Delinquency Prevention Advisory Committee, the Juvenile Delinquency Commission, the Governor's Council on Alcoholism and Drug Abuse, and any other agencies and organizations involved with policy and program issues for delinquent and pre-delinquent youth.

4. The Office of the Attorney General shall coordinate staffing needs of the Action Group. Each member of the Action Group shall assign a representative of his or her department to be designated as staff support to the Action Group. The Action Group is authorized to call upon any department or agency of State government to provide such information, resources or other assistance deemed necessary to discharge their responsibilities under this Executive Order.

5. This Order shall take effect immediately.

Issued March 11, 1991.

EXECUTIVE ORDER No. 28

WHEREAS, On September 25, 1990, the 101st Congress of the United States enacted amendments to the Carl D. Perkins Vocational Education Act of 1984, which amendments are referred to as the Carl D. Perkins Vocational and Applied Technology Education Act of 1990, Federal Public Law 101-392 (hereinafter referred to as the "Perkins Act"); and

WHEREAS, The public interest of citizens of the State of New Jersey requires that the State shall do all that is or may be required to secure for the State of New Jersey the benefits of federal appropriations under the Perkins Act for all purposes specified therein; and

WHEREAS, The Perkins Act requires that each state establish an advisory council on vocational education as a condition of the receipt of federal funds for vocational education programs; and

WHEREAS, New Jersey has previously complied with this federal requirement through the establishment of an advisory council by Executive Order No. 126 (Kean); and

WHEREAS, New Jersey has recently passed legislation permanently establishing the State Employment and Training Commission (hereinafter referred to as the "Commission") with a broad mandate to develop and assist in the implementation of a State employment and training policy that will create a coherent, integrated system of employment and training programs; and

WHEREAS, The implementation by the Commission of its responsibility for overall coordination of employment and training programs must include vocational education as a vital component of the State's employment and training policy; and

WHEREAS, Coordination and cooperation between the Commission and the State's federally-mandated advisory council on vocational education will strengthen the State's capacity to maintain a suitable climate for continued economic development by meeting the needs of industry for a workforce fully trained in modern and emerging technologies; and

WHEREAS, This coordination can best be achieved by reconstituting the advisory council and establishing procedures that will ensure an effective working relationship between the Commission and the advisory council;

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

1.a. There is hereby established the State Council on Vocational Education (hereinafter "the State Council") which shall be composed of 13 individuals appointed by the Governor and shall be broadly representative of citizens and groups within the State having an interest in vocational education as follows:

(1) Seven individuals who are representative of the private sector in the State.

(A) Five of these individuals shall be representative of business, industry, trade organizations and agriculture including:

(i) one member who is representative of small business concerns; and

(ii) one member who is a private sector member of the State Job Training Coordinating Council (established pursuant to section 122 of the Job Training Partnership Act referred to as the Commission in New Jersey) and

(B) Two of these individuals shall be representatives of labor organizations;

(2) Six individuals who are representative of secondary and post-secondary vocational institutions (equitably distributed among such institutions), career guidance and counseling organizations within the State, individuals who have special knowledge and qualifications with respect to the special educational and career development needs of special populations (including women, the disadvantaged, the handicapped, individuals with limited English proficiency, and minorities) and of whom one member shall be representative of special education and may include members of vocational student organizations and school board members.

b. In making appointments to the State Council, due consideration shall be given to those persons who serve on a private industry council under the Job Training Partnership Act or on State councils established under other related federal acts and to those persons who are members of the Commission and who possess the qualifications necessary to serve on the State Council.

c. Members shall serve for terms of three years, except that, of the initial appointees pursuant to this Executive Order, four shall serve for terms of one year, four shall serve for terms of two years and five shall serve for terms of three years. The terms of any member of the State Council who is also a member of the Commission shall be the same as his or her term on the Commission. Any individual appointed to fill an unexpired term shall serve for the unexpired portion of the term.

2. The functions of the State Council shall be in accordance with Section 12 of Public Law 101-392 and the State Council shall be assigned in, but not of, the Department of Labor.

3. The State Council shall:

(a) meet with the State Board of Education (hereinafter referred to as the State Board) or its representatives to advise on the development and make recommendations to the subsequent State Plan for Vocational Education. The State Council may submit a

statement to the Secretary of the United States Department of Education reviewing and commenting upon the State Vocational Education Plan. Such statement shall be sent to the Secretary with the State Plan.

(b) make recommendations to the State Board and make reports to the Governor, the business community and general public of the State, concerning:

(1) the State Vocational Education Plan;

(2) policies the State should pursue to strengthen vocational education (with particular attention to programs for the handicapped); and

(3) initiatives and methods the private sector could undertake to assist in the modernization of vocational education programs;

(c) analyze and report on the distribution of spending for vocational education in the State and on the availability of vocational education activities and services within the State;

(d) furnish consultation to the State Board on the establishment of evaluation criteria for vocational education programs within the State;

(e) submit recommendations to the State Board on the conduct of vocational education programs conducted in the State which emphasize the use of business concerns and labor organizations;

(f) assess the distribution of financial assistance furnished under Public Law 100-392, particularly with the analysis of the distribution of financial assistance between secondary vocational education programs and postsecondary vocational education programs;

(g) recommend procedures to the State Board to ensure and enhance the participation of the public in the provision of vocational education at the local level within the State, particularly the participation of local employers and local labor organizations;

(h) report to the State Board on the extent to which the individuals who are members of special populations are provided with equal access to quality vocational education programs;

(i) analyze and review corrections education programs; and

(j) (1) evaluate at least once every 2 years

(i) the extent to which vocational education, employment, and training programs in the State represent a consistent, integrated, and coordinated approach to meeting the economic needs of the State;

(ii) the vocational education program delivery system assisted under this Act, and the job training program delivery system assisted under the Job Training Partnership Act, in terms of such delivery systems' adequacy and effectiveness in achieving the purposes of each of the aforementioned Acts; and

(iii) make recommendations to the State board on the adequacy and effectiveness of the coordination that takes place between vocational education and the Job Training Partnership Act;

(2) comment on the adequacy or inadequacy of State action in implementing the State plan;

(3) make recommendations to the State board on ways to create greater incentives for joint planning and collaboration between the vocational education system and the job training system at the State and local levels; and

(4) advise the Governor, the State board, the State Employment and Training Commission, the Secretary, and the Secretary of Labor regarding such evaluation, findings, and recommendations.

4. The Chairperson of the Commission shall analyze and, to the extent required, reorganize the current work and structure of the Commission to assist the activities and functions of the State Council.

5. To the extent permitted by Federal law, members of the Commission not designated as State Council members may participate in the work of the State Council, may attend its meetings, may at the discretion of the chair of the State Council, enter into discussions on matters before the State Council, but may not vote on matters before the State Council.

6. The State Council is authorized to apply for and receive funds to obtain the services of such professional, technical and clerical personnel as may be necessary to enable it to carry out its functions under the Perkins Act and to contract for such services as may be necessary to enable the State Council to carry out its evaluation functions independent of programmatic and administrative control by other State boards, agencies and individuals.

7. The expenditure of the funds paid pursuant to the Perkins Act is to be determined solely by the State Council for carrying out its functions under the Federal Act, and may not be diverted or re-programmed for any other purpose by any State board, agency or individuals. The State Council shall designate an appropriate State agency or other public agency, eligible to receive funds under the Federal Act, to act as its fiscal agent for purposes of disbursement, accounting and auditing.

8. The State Council shall meet as soon as practicable after certification has been accepted by the Secretary of Education and shall select from among its membership a Chairperson who shall

be representative of the private sector. The time, place and manner of meeting, as well as State council operating procedures and staffing, shall be as provided by the rules of the State Council, except that such rules must provide for not less than one public meeting each year at which the public is given an opportunity to express views concerning the vocational education program of the State.

9. Executive Order No. 126 (Kean) is hereby rescinded.

10. This Order shall take effect immediately.

Issued March 15, 1991.

EXECUTIVE ORDER No. 29

WHEREAS, The President of the United States issued an Executive Order on August 22, 1990 authorizing the call to active duty with the Armed Forces and Coast Guard of the United States of America selected New Jersey resident members of the reserves or the National Guard in support of Operation Desert Shield/Storm; and

WHEREAS, Executive Order Number 15 was signed into effect on September 13, 1990 directing that New Jersey State employees called to active duty during Operation Desert Shield would be entitled upon termination of such active duty to return to State employment with full seniority and benefits; would be entitled to receive a salary equal to the differential between the employee's State salary and the employee's military pay up to 180 days; and would be entitled to State employee health benefits, life insurance and pension coverage while receiving differential salary as if they were on a paid leave of absence; and

WHEREAS, Executive Order Number 25 was signed into effect on January 18, 1991 commensurate with the conversion of Operation Desert Shield to Desert Storm extending the provisions of Executive Order 15 to the duration of individual mobilization and deployment on active duty; and

WHEREAS, Emergency Rule N.J.A.C. 18:34-1.25 was adopted on January 31, 1991 certifying that an Imminent Peril exists

extending the time for filing individual and joint income tax returns and the payment of gross income tax for a period of combat service or hospitalization, plus 180 days without fine or penalty for mobilized New Jersey residents; and

WHEREAS, On February 9, 1991 the citizens of New Jersey reached out to their fellow citizens, families and neighbors called to duty in an expression of support and concern in an Interfaith Service held at the Trenton War Memorial; and

WHEREAS, These resident Reserve and National Guard members served their State and Nation with distinction without regard to personal and family hardship and sacrifice; and

WHEREAS, The State of New Jersey acknowledges the contributions to the peace and freedoms enjoyed by all its citizens made by these dedicated and loyal citizen-soldiers, -marines, -sailors, -airmen and -coast guardsmen; and

WHEREAS, It is realized that many of the State's resident Mobilized Reserve and National Guard members and their families will suffer short and long term emotional, financial and physical hardships due to their service during Operation Desert Shield/Storm; and

WHEREAS, It is only fitting and proper that the State recognize the sacrifices made by its resident Reserve and National Guard members and the debt owed to them; and

WHEREAS, The New Jersey Department of Military and Veterans' Affairs through its military and veteran activities has been coordinating, overseeing and assisting in the mobilization of National Guard units, as well as in programs to aid mobilized and deployed State residents and their families regardless of component and service; and

WHEREAS, The New Jersey Department of Military and Veterans' Affairs has an existing organization of Family Assistance Groups and coordinators as well as Veterans' Services Officers and Veterans' Programs which now are assisting mobilized residents and their families and are prepared to continue to do so upon their demobilization and return to civilian life;

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

1. Any New Jersey resident mobilized into Active Duty with the Armed Forces or Coast Guard of the United State by order of the President for Operation Desert Shield/Storm will be considered eligible for those Veterans' Entitlements for which they are in all other aspects qualified.

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

3. The Adjutant General of the New Jersey Department of Military and Veterans' Affairs will develop and establish the criteria for a New Jersey Operation Desert Shield/Storm Service Medal in order to appropriately recognize the sacrifices of New Jersey's resident Reserve and National Guard members and their service to State and Nation.

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

5. The Department of Military and Veterans' Affairs shall also serve as the coordinating agency for all inquiries made by military personnel, their families and the general public concerning available support services and entitlements.

6. Each city, municipality and county of the State is encouraged to render by ceremony a fitting tribute to the services of their respective citizens who were called to duty during Operation Desert Shield/Storm as they deem appropriate.

7. The Adjutant General of the New Jersey Department of Military and Veterans' Affairs 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 Adjutant General and to make available to him such information and assistance as may be necessary to accomplish the purposes of this Order.

8. This Executive Order shall take effect immediately.

Issued March 20, 1991.

EXECUTIVE ORDER No. 30

WHEREAS, On May 24, 1984, Executive Order No. 72 created a Governor's Council on the Prevention of Mental Retardation, a body composed of Commissioners of various State departments and of concerned citizens who have distinguished records in the area of mental retardation and developmental disabilities; and

WHEREAS, Public Law 1987, Chapter 5, 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 on July 30, 1987; and

WHEREAS, The Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities serves as an Advisory Council to the Office for the 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 the 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, 1990;

NOW, THEREFORE, I, James J. Florio, 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 re-established for a period of three years, expiring December 31, 1993.

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 Commissioners from the Departments of Human Services, Education, Health, Environmental Protection, the Public Advocate, Community Affairs, and/or their designees, shall serve on the Council.

c. The public members shall serve for a term of three years, except that of those first appointed, eight shall serve for a term of one year, eight shall serve for a term of two years and the remainder shall serve for a term of three years. 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 as deemed necessary to carry forth its responsibilities.

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

a. Advise the Commissioners of the Departments of Human Services, Health, Education, Environmental Protection, the Public Advocate, and 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 charges, 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 Human Services, Education, Health, Environmental Protection, the Public Advocate and Community Affairs are authorized and directed, to the extent consistent with the law, to cooperate with the Council and to furnish it with resources necessary to carry out its purpose under this Order.

5. This Order shall take effect immediately and shall expire on December 31, 1993.

Issued April 15, 1991.

EXECUTIVE ORDER No. 31

WHEREAS, The Polish Constitution was the first European constitution providing for freedom of citizenry and is patterned after the United States Constitution; and

WHEREAS, It is desirous and beneficial to educate ourselves and our children regarding Poland's struggle for freedom and autonomy from its foreign aggressors which culminated in the drafting of the Polish Constitution; and

WHEREAS, A comprehensive study of the Polish Constitution is necessary to ensure that the historical significance of the Polish Constitution is understood and appreciated; and

WHEREAS, May 3, 1991, marks the official day of celebration of the Bicentennial of the Polish Constitution;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's Study Group on the Bicentennial of the Polish Constitution.

2. The Study Group shall consist of no more than thirty members. The members of the Study Group shall include the Secretary of State or her designee; the Director of the Office of Ethnic Affairs within the Department of State or his designee; and twenty-eight public members to be appointed by the Governor. The public members to be appointed shall consist of representatives of the Polish leadership groups throughout the State as well as eminent historians and educators who have distinguished records of knowledge concerning the history of Poland and the Polish Constitution. The public members shall serve at the pleasure of the Governor. The members of the Study Group shall serve without compensation.

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

4. Study Group vacancies shall be filled by the Governor for the remainder of the unexpired term.

5. It shall be the duty of the Governor's Study Group on the Bicentennial of the Polish Constitution to conduct a thorough study of the Polish Constitution and to promote its historical significance.

6. The Study Group shall receive administrative staff support from the Office of the Secretary of State but shall not obligate any funds of that Office or of any other department, office, division or agency of the State.

7. The Study Group shall issue a report of its findings to the Governor on or before May 3, 1992, accompanying the report with any recommendations it deems appropriate. The Study Group may issue interim reports concerning its study as it shall determine.

8. This Order shall take effect immediately and shall terminate on May 4, 1992.

Issued May 6, 1991.

EXECUTIVE ORDER No. 32

WHEREAS, Executive Order No. 53 created the Hudson River Waterfront Development Committee; and

WHEREAS, The purpose of this Committee was to develop a program to promote and encourage waterfront development; and

WHEREAS, The designation of the Commissioner of Commerce and Economic Development as Chairperson of the Committee will aid in the direction of the Committee toward the purpose for which it was established;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vest in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. Section (1) of Executive Order No. 152 is hereby amended as follows:

“1. There is hereby created a Hudson River Waterfront Development Committee composed of thirteen (13) members as follows:

- a. The Chief of the Governor’s Office of Policy and Planning of his designee;
- b. The Commissioner of Transportation or his designee;
- c. The Commissioner of Commerce and Economic Development who shall act as Chairperson of the Committee;
- d. The Commissioner of Environmental Protection or his designee;
- e. The Commissioner of Community Affairs or his designee;
- f. A representative of the Port Authority of New York and New Jersey; and
- g. Seven other members to be appointed by the Governor.”

2. Sections 2 through 8 of Executive Order No. 53 are to remain in effect as originally issued.

3. This Order shall take effect immediately.

Issued May 23, 1991.

New Jersey State Library

EXECUTIVE ORDER No. 33

WHEREAS, State Government is entrusted with the responsibility to manage operations in a manner that carefully conserves taxpayer dollars; and

WHEREAS, By Executive Order No. 4, the State's car fleet has been reduced in furtherance of this responsibility to taxpayers; and

WHEREAS, The State must continue to provide a diverse fleet of vehicles, including certain passenger cars, police cars, vans, pick-up trucks, dump trucks as well as snow removal, landscape and heavy construction equipment to support necessary State services; and

WHEREAS, The cost of acquiring and maintaining the State's essential fleet of vehicles constitutes a public expense; and

WHEREAS, The assignment, use and maintenance of all State vehicles must be scrutinized to ensure that the fleet size is appropriate to meet legitimate program needs and that it is managed in the most cost efficient manner; and

WHEREAS, The Governor's Management Review Commission has undertaken an operational review of the maintenance and use of State vehicles and has found that the present decentralized fleet management practices have led to duplicative and inconsistent programs within the agencies that concurrently manage, maintain, and repair State vehicles; and

WHEREAS, The Governor's Management Review Commission has also suggested that 29 of the State's 71 existing vehicle maintenance facilities can accommodate the State's entire vehicle maintenance needs; and

WHEREAS, Increased consolidation of the supervision, control and maintenance of State-owned and leased vehicles will eliminate duplication, standardize policy, increase efficiency and substantially reduce costs; and

WHEREAS, The Governor's Management Review Commission has determined that the Central Motor Pool agency, within the Department of the Treasury, can efficiently manage, maintain, and repair the State vehicle fleet;

NOW, THEREFORE, I, James J. Florio, 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 the Treasury shall:
 - a) assume title of all State-owned vehicles, and management, control, and supervision of all State-owned and leased vehicles;
 - b) assume control and management over all State vehicle maintenance, fueling and repair facilities and, through the Central Motor Pool Agency, be responsible and accountable for managing all of those facilities as are determined to be necessary; and
 - c) implement the consolidation of the State vehicle maintenance and fueling facilities as outlined and recommended by the Governor's Management Review Commission.

For purposes of this Order, "vehicle" means any device which is required to be registered with or licensed by the Division of Motor Vehicles, except water craft.

2. In developing a plan to implement the consolidation of motor vehicle maintenance and fueling facilities, the Department of Treasury shall:

- a) consult with all affected State departments and agencies;
- b) thoroughly review the impact of the plan upon State personnel and, where possible, achieve reductions in personnel through attrition; and
- c) assure that the quality and reliability of public and life safety services provided to the citizens of the State are maintained or improved.

3. The State Treasurer shall issue guidelines and promulgate rules or regulations as may be necessary to assure the proper assignment, use and maintenance of State owned and leased vehicles.

4. The Department of the Treasury shall complete consolidation of the operation of motor vehicle maintenance and fueling facilities no later than 18 months from the effective date of this Order.

5. Each department, division, office or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with and assist the Department of the Treasury by making available the necessary information, personnel, and support required to carry out the designs of this Order.

6. This Order shall take effect immediately and shall supersede any prior Executive Order to the extent inconsistent with this Order.

Issued June 7, 1991.

EXECUTIVE ORDER No. 34

WHEREAS, The New Jersey Source Separation and Recycling Act, P.L.1987, c.102, mandates the recycling of solid waste materials for the purpose of reducing the amount of solid waste requiring disposal, conserving valuable resources and energy, and increasing the supply of reusable waste materials for New Jersey's industries; and

WHEREAS, State solid waste policy calls for the recycling of at least 60 percent of all solid waste generated in New Jersey within five years; and

WHEREAS, Attainment of a 60 percent Statewide solid waste recycling rate will depend on the support and cooperation of every sector of the State economy, including State agencies and instrumentalities; and

WHEREAS, State agencies and instrumentalities should serve as models for other public and private entities in the areas of source reduction and recycling so that the reduction of solid waste and recovery of reusable materials will be promoted to the greatest extent possible; and

WHEREAS, State agencies and instrumentalities generate a significant amount of recyclable waste material and have the potential to reduce that waste through source reduction and recycling efforts;

NOW, THEREFORE, I, James J. Florio, 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 that each State agency or instrumentality:

1. Appoint a recycling coordinator who will be responsible for coordinating the implementation of a Source Reduction and Recycling Program for waste materials generated by its agency.
2. Conduct a waste audit, with the assistance of the Department of Environmental Protection (DEP), for the purposes of identifying and implementing practices which can reduce the amount of solid waste generated, and increase the recycling rate

for the agency or instrumentality to at least 60 percent within five years of the effective date of this Order. Where an agency or instrumentality determines, based on its analyses, that a 60 percent recycling rate cannot be attained due to the unique nature of its waste stream and specific technical or economic constraints, the agency or instrumentality shall submit to the Governor's Office and the Department of Environmental Protection, written analyses that identify the technical or economic constraints preventing the attainment of the 60 percent recycling rate, and specify the maximum feasible recycling rate to be achieved by the agency or instrumentality within five years.

3. Develop and maintain programs to separate waste materials for recycling, and consider the inclusion, in these programs, of at least the following materials types: office paper, corrugated cardboard, newspaper, metal cans, glass bottles, and plastic beverage containers.

4. Where the agency or instrumentality generates scrap metal, motor oil, refrigerants, tires, automobile batteries, anti-freeze, X-rays, photographic film and chemicals, concrete, asphalt, yard waste or food waste, develop and maintain programs to separate these materials for recycling or, as appropriate, composting.

5. Where the agency or instrumentality has responsibility for maintaining public lands, comply with the Department of Environmental Protection's "Grass: Cut It and Leave It" policy.

6. Where the agency or instrumentality has responsibility for maintaining State recreational areas, provide separate receptacles for the disposition and collection of metal, glass and plastic containers and ensure that those materials are marketed for recycling.

7. Provide for two-sided printing of all publications, documents, and photocopying where feasible. Each office shall have at least one photocopying machine with two-sided features and the capability of utilizing recycled paper.

8. Where feasible, replace disposable products with reusable products, especially in those instances where a class of disposable products accounts for a significant proportion of the solid waste disposed of by the agency or instrumentality.

9. Submit an annual report to the Department of Environmental Protection on the tonnage of material recycled from its facilities by April 1 for the previous calendar year.

10. Submit tonnage information to the municipality in accordance with municipal requirements.

11. Provide for an education program for employees on the State's Source Reduction and Recycling Program.

I further direct that the Department of Environmental Protection:

1. Provide technical assistance to help State agency coordinators develop and implement the programs mandated by this Executive Order; and

2. Assist other agencies and instrumentalities in the development and implementation of educational programs; and

I direct that the Department of the Treasury:

1. Ensure that all solid waste contracts written for solid waste collection and disposal include provisions that reflect a reduction in waste generation rates achieved through source reduction and recycling, and provisions that ensure conformance to county and municipal recycling requirements.

2. Require contract vendors to provide tonnage and revenue reports to each agency on instrumentality.

3. Ensure that all contracts for leased and owned building under the jurisdiction of the Department of the Treasury provide for source separation and recycling programs.

4. Ensure that all janitorial contracts awarded by the State include recycling collection services, where feasible.

5. Establish a revolving fund, consisting of monies derived from the contracted sale of recyclable materials, to be used in supporting State agency recycling programs. It is further ordered that at least ten percent of the total fund be allocated to the Office of Recycling in the Department of Environmental Protection to support educational and technical assistance programs needed to develop and maintain State agency recycling programs. Any revenue derived from the sale

of recyclable materials sold as part of a training and education program for the rehabilitation of individuals at State institutions may be used to provide direct support for these programs.

6. This Order shall take effect immediately.

Issued June 13, 1991.

EXECUTIVE ORDER No. 35

WHEREAS, The New Jersey-Israel Commission (Commission) was created on May 31, 1989 by Executive Order No. 208 to enhance New Jersey's ability to implement the development of trade, capital investment and joint business ventures in addition to the development of cultural and educational exchanges between New Jersey and Israel as stated in the Sister State Agreement with Israel (Agreement); and

WHEREAS, The Commission expired on May 31, 1991; and

WHEREAS, The Commission has helped to foster a spirit of cooperation between the citizens of Israel and the citizens of New Jersey that should continue to be available in order to achieve the goals of the Agreement; and

WHEREAS, Modification of the membership of the Commission and its directives has been recommended;

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

1. The New Jersey-Israel Commission shall continue in existence through and including May 31, 1993.

2. The membership of the Commission shall be modified to consist of a minimum of fifteen members and a maximum of seventy-five members. These members of the Commission shall be appointed by the Governor. An additional eight members of the

Commission shall be State legislators, four of whom shall represent the General Assembly and four of whom shall represent the Senate. All legislative members shall be appointed by their respective legislative leadership.

3. The structure of the Commission shall consist of the following five subcommittees:

- a. Committee on Economic Development and International Trade;
- b. Committee on Research, Science and Technology;
- c. Committee on Education;
- d. Committee on Culture and Tourism; and
- e. Committee on Agriculture and Natural Resources.

Each subcommittee shall have as an ex-officio member, one State official who will be appointed by the Governor, to provide assistance when needed. The Commission shall also have an Executive Committee comprised of the two co-chairpersons of the Commission, the five chairpersons of the Commission's five subcommittees, and five at-large members, who shall all be designated by the Governor.

4. The Commission shall report directly to the Office of the Governor.

5. This Order shall take effect immediately.

Issued July 16, 1991.

EXECUTIVE ORDER No. 36

WHEREAS, Printing and copying services are necessary for State government to provide services and information to the citizens of the State; and

WHEREAS, The Governor's Management and Review Commission has undertaken an operational review of State print shops and printing operations and has found that present decentralized management practices have led to: an excessive number of print shops and copy centers; little coordination among departments; inconsistency in job pricing, State forms, and standards of performance; and an underutilization of personnel and equipment; and

WHEREAS, The majority of the State's 14 main print shops are located within one square mile of each other and provide decentralized services with little coordination between departments and agencies; and

WHEREAS, This current decentralization is inconsistent with Executive Order No. 13, effective January 23, 1964, and still in force, which created the Central Duplicating and Printing Control office to supervise, coordinate, and regulate all State printing; and

WHEREAS, The consolidation of print shops and centralized oversight of printing and photocopying operations will provide substantial savings and improve the efficiency of print shop and photocopying operations and the quality of those services;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the power vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Department of the Treasury shall establish a Printing Control Office to supervise, coordinate and control all printing done by the State of New Jersey in the State's own facilities or for the State of New Jersey in privately owned and operated facilities;

2. The Printing Control Office shall exercise the following powers and duties that are consistent with the intentions and recommendations of the Governor's Management and Review Commission:

- a. Consolidate State print shops and photocopying to improve or eliminate such facilities wherever possible to achieve maximum efficiency and economy;

- b. Periodically review photocopier placement and use in all State agencies, and exchange or eliminate photocopiers wherever possible to achieve maximum efficiency and economy;

- c. Annually review all print shops and photocopiers to assure that the most economical use is being made of State resources;

- d. Determine which printing jobs are to be done in State print shops or photocopier centers and which are to be done by private vendors;

- e. Review for approval all bid specifications for print jobs using current delegated purchasing authority procurement guidelines pursuant to P.L.1985, c.107, PC 23;

- f. Review for approval all departmental and agency requests for equipment for duplicating, printing, photocopying and graphics;
- g. Determine and control quality standards, performance measures, and pricing methodologies for all State print and photocopier shops;
- h. Provide technical assistance and guidance to print shops and all State personnel involved in the procurement of printing services.

3. Each department, division, office or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with and assist the Department of the Treasury by making available the necessary information, personnel and support required to carry out the designs of this Order.

4. This Order shall take effect immediately.

Issued July 17, 1991.

EXECUTIVE ORDER No. 37

WHEREAS, Severe weather conditions of July 13, 1991, including heavy rains, have caused flooding which resulted in the destruction of a traffic bridge on Route 9, a State highway in Lacey Township, County of Ocean; and

WHEREAS, This condition causes a continued impediment to the use of Route 9, a heavily trafficked State highway particularly during the summer and on weekends, and other major transportation routes and facilities in the area; and

WHEREAS, The management and control of the traffic emergency caused by the destruction of the bridge on this crucial portion of Route 9 is beyond the capability of local authorities; and

WHEREAS, The expeditious correction of this traffic emergency may require the assistance and resources of the State government and of each and every political subdivision of this State, whether of men, properties or instrumentalities, and may require the commandeering and utilization of any personal services and any privately owned property; and

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34, A:9-51) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers.

THEREFORE, I, James J. Florio, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a limited State of Emergency has and presently exists in Ocean County.

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

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251 as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area that he, in his discretion, deems necessary for the protection of the health, safety and welfare of the public.

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of men, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

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 July 19, 1991.

EXECUTIVE ORDER No. 38

WHEREAS, Reorganization Plan (No. 002-1991) is due to become effective on August 19, 1991 in order to enhance the coordination and integration of the State's utility, environmental and energy policies; and

WHEREAS, The provisions of this Plan with respect to the operations and organization of the Board of Regulatory Commissioners and the Department of Environmental Protection and Energy warrant further clarification and specificity; and

WHEREAS, Implementation of this Plan requires the coordinated efforts and assistance of other departments and agencies of the Executive Branch; and

WHEREAS, The prompt, efficient and effective implementation of the Plan is in the best interest of the State particularly during this difficult fiscal period;

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

1. All department and agencies of the Executive Branch shall --
 - a. Take all actions reasonably necessary and appropriate for the effective implementation of Reorganization Plan (No. 002-1991), and provide any assistance, as may be appropriate and requested by the Board of Regulatory Commissioners (the Board) or the Department of Environmental Protection and Energy (the Department), or both, to implement the provisions of the Plan.
 - b. Use the title "Board of Regulatory Commissioners" and "Department of Environmental Protection and Energy" when referring to the Board or the Department, as the case may be, in rules and regulations, orders, directives and other official correspondence, reports, documents and writings.
 - c. Use the title "Chairman" or "Chairwoman" as the case may be, when referring to the designated presiding officer of the Board.
2. The Board of Regulatory Commissioners and the Department of Environmental Protection and Energy shall --

a. Assume and fulfill the responsibilities assigned to each agency pursuant to the provisions of the Plan, under which the regulatory decision-making functions of the Board shall be independent of any supervision or control by the Department or the Commissioner or any officer or employee thereof or any other department or agency of the Executive Branch of State Government. The Board shall exercise these functions with respect to rates, mergers, acquisitions, certificates, and all other regulatory matters under the jurisdiction of the Board through the technical utility regulation units assigned to the Board, including Gas, Electric, Water and Sewer, and Telecommunications and Cable Television.

b. Enter into a protocol, which shall --

(1) Identify the duties and responsibilities of the personnel who shall perform the budgetary, fiscal, personnel and day-to-day administrative responsibilities of the Board and the Department jointly;

(2) Provide for the performance of these responsibilities and other staff support services, including but not limited to the services of the Office of the Economist, in a manner that ensures the Board's control over the information, analysis and research services needed by the Board to perform its regulatory functions under the Plan;

(3) Include a personnel allocation plan which identifies each position assigned to the Board as of August 19, 1991 and allocates each of these positions to one of the following categories:

Class I - Utility Ratemaking Positions

Class II - Support Positions

Class III - Consolidated Positions

Class I positions shall be designated as Board of Regulatory Commissioners positions, and shall remain under the direct control of the Board. Class I shall include all positions in the technical utility regulation units which have been assigned to the Board. All decisions concerning the assignment, hiring or termination of personnel in such positions shall reside solely with the Commissioners of the Board in accordance with uniform personnel policies and practices that shall be adopted by the Board pursuant to subsection b. of section 3 of this Order.

Class II positions shall be support positions which will be centralized within the Department under the control and supervision of the Commissioner, and shall include, but not be limited to, positions assigned to the Board of Public Utilities' Office of the Economist, Division of Audits, Office of Public Information and Bureau of Customer Assistance. These positions shall perform support staff functions that are consistent with their job title and

classification and in accordance with the provisions of the protocol; provided, however, that the Commissioner shall ensure that the services provided to the Board are adequate for the Board to carry out its lawful responsibilities in a timely manner.

Class III positions are consolidated positions and shall include but not be limited to positions assigned to the Board's Division of Administration, Division of Operations and Office of Employee Relations. Class III positions shall be assigned to the Department under the control and supervision of the Commissioner. These positions shall perform clerical and administrative support functions for both the Board and the Department in a manner that is consistent with the respective job title and classification and the protocol;

(4) Set forth procedures by which the Board shall receive services and information from the Department.

A copy of the written protocol developed pursuant to this section shall be forwarded for review to the Office of the Governor within 30 days of the effective date of this Order.

3. The Board of Regulatory Commissioners shall --

a. Make annual budget recommendations to the Governor for review and recommendation for approval in the same manner as all other proposed departmental budgets; and

b. Adopt personnel policies and practices governing the employment in Class I positions, provided that the employment policies and practices of the Board shall not be inconsistent with the employment policies and practices of the Department.

4. The Department of Personnel shall forthwith confer with the Department of Environmental Protection and Energy and the Chairman of the Board of Regulatory Commissioners and take appropriate actions to assure that job titles, classifications, assignments and other personnel-related actions are taken on an expedited basis in order to implement the objectives of the Plan.

5. The Department of the Treasury, General Services Administration, shall forthwith confer with the Department of Environmental Protection and Energy and the Chairman of the Board of Regulatory Commissioners to provide adequate office space for the Department and the Board, both in the City of Trenton and the City of Newark, in order to effectuate the objectives of the Plan. Additionally, the Office of General Services Administration shall allocate office resources as may be necessary to provide for the timely transfer of personnel, office equipment and

office furnishings among and between the various offices of the Department and the Board to implement the Plan.

6. The Department of the Treasury, Office of Management and Budget, shall forthwith confer with the Department of Environmental Protection and Energy and the Chairman of the Board of Regulatory Commissioners and take appropriate actions to assure that accounts, budget categories, classifications and other appropriate financial systems are established to effectuate the goals and provisions of the Plan.

7. This Order shall take effect on the effective date of Reorganization Plan (No. 002-1991).

Issued August 14, 1991.

EXECUTIVE ORDER No. 39

WHEREAS, The State of New Jersey is committed to assuring that all of its citizens receive equal protection under the law; and

WHEREAS, New Jersey has demonstrated this commitment through laws which protect citizens from discrimination on the basis of race, sex, creed, religious affiliation, national origin and other identifying characteristics; and

WHEREAS, These laws have yet to recognize a portion of the population that deserves equal protection under the law; and

WHEREAS, The time has come to correct this inequity and bridge this gap in our system of comprehensive civil rights protection;

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

1. All Executive Branch departments, agencies, boards, commissions and other bodies shall prohibit discrimination based on sexual orientation in any matter pertaining to employment by the State, including but not limited to, hiring, job appointment, promotion, tenure, recruitment and compensation.

2. No Executive Branch department, agency, board, commission or other body shall discriminate on the basis of sexual orientation against any person in the provision of any service or benefit by such department, agency, board, commission or other body.

3. The Attorney General is hereby directed to develop guidelines for implementation of this Order.

4. All Executive Branch departments, agencies, boards, commissions and other bodies are directed to cooperate fully with the Attorney General to effectuate this Executive Order and to provide the Attorney General with information, data and assistance upon request.

5. This Order shall take effect immediately.

Issued August 16, 1991.

EXECUTIVE ORDER No. 40

WHEREAS, Executive Order No. 213 (1989) established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts to investigate, research and report on the nature and scope of any discrimination in public works procurement and construction contracts awarded by the State and recommend remedies for any discrimination; and

WHEREAS, The mission of the Study Commission would also be aided by the inclusion of the Director of the Division on Civil Rights, Department of Law and Public Safety; and

WHEREAS, The final report of the Study Commission is now due on August 14, 1991 by virtue of Executive Order No. 16; and

WHEREAS, The Study Commission is continuing to investigate and research discrimination in public works procurement and construction contracts awarded by the State, but does not anticipate that it will complete its final report by August 14, 1991;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the power vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The membership of the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts is hereby expanded to include the Director of the Division on Civil Rights, Department of Law and Public Safety.

2. The Study Commission shall report its findings and recommendations concerning past and present discrimination practices in public works procurement and construction contracts no later than June 30, 1992.

3. Except as provided in sections 1 and 2 of this Executive Order, all other terms of Executive Order No. 213 (1989), as amended by Executive Orders No. 214 (1989), No. 5 (1990) and No. 16 (1990), shall remain in full force and effect.

4. This Order shall take effect immediately.

Issued August 16, 1991.

EXECUTIVE ORDER No. 41

WHEREAS, The Governor's Commission on Eastern European and Captive Nation History was created on April 10, 1984, by Executive Order No. 69, to conduct a thorough study of public school curricula, including textbooks and all other pertinent materials dealing with the history of the people of Eastern Europe and various nationalities existing within the Soviet Union, to examine such materials for veracity and historical accuracy, and to determine whether the history of these people was fairly and accurately presented in our State's schools; and

WHEREAS, The Commission was subsequently extended by Executive Order No. 122 to July 31, 1986, and Executive Order No. 156 to December 31, 1987; and

New Jersey State Library

WHEREAS, In July 1989 the Commission issued a report of its findings and recommendations, which makes clear that there is a need to extend the life of the Commission because further work is necessary in order to fully complete its tasks; and

WHEREAS, The political, social and economic conditions in Eastern Europe have changed significantly since the Commission issued its report;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby ORDER and DIRECT that:

1. There is hereby recreated a Governor's Commission on Eastern European and Captive Nation History which shall be named the Commission on Eastern European History.

2. The Commission shall consist of no more than twenty members. The members of the Commission shall be the Commissioner of Education or his designee; the Director of the Office of Ethnic Affairs within the Department of State or his designee; and 18 public members to be appointed by the Governor. The public members to be appointed shall be representatives of the various ethnic groups of Eastern Europe and of the nationalities existing within the Soviet Union, as well as historians and educators who have distinguished records of knowledge and involvement concerning the history and culture of Eastern Europe or of nationalities within the Soviet Union.

3. The Governor shall designate a chairperson and vice chairperson of the Commission from among the public members of the Commission. The chairperson, vice chairperson and public members shall serve at the pleasure of the Governor. Commission vacancies shall be filled by the Governor for the remainder of the unexpired term.

4. It shall be the duty of the Governor's Commission on Eastern European History to make recommendations as to the types of seminars that should be conducted for teachers to improve their knowledge about Eastern Europe; and to explore ways to develop alternative or supplementary teaching materials that will improve students' knowledge about Eastern Europe.

5. The Commission is authorized to call upon the Department of Education to supply such data, program reports, and other information as it deems necessary to discharge its responsibilities under this Order. The Department of Education is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purpose of this Order and the Commission.

6. The Commission shall submit a report of its findings and recommendations to the Governor and to the State Board of Education on or before August 22, 1993.

7. This Order shall take effect immediately and shall be in effect through August 22, 1993.

Issued August 23, 1991.

EXECUTIVE ORDER No. 42

WHEREAS, The New Jersey Governor's School Program (hereinafter referred to as the "Governor's School Program") has been a successful effort to help foster excellence in education for rising high school seniors during its nine years in existence; and

WHEREAS, The New Jersey Governor's School Board of Overseers (hereinafter referred to as the "Board") was created by Executive Order #129 on February 20th, 1986 to provide a central entity authorized to advise the Governor regarding the Governor's School Program, serve as the principal oversight body for the Governor's School Program and coordinate its activities, enhance the quality of the educational programs, supervise fund-raising and expansion plans, and monitor the Governor's Schools and their expenditures of funds; and

WHEREAS, The Board has been helpful in assuring the involvement of the State's Scholars from diverse geographic, economic, and social backgrounds;

NOW, THEREFORE, I, James J. Florio, 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 School Board of Overseers shall continue in existence concurrently with the operation of the Schools.

2. The Board shall be composed of: The Commissioner of Education, or his designee; The Chancellor of the Department of Higher Education, or his designee; a representative of the Governor's Office; the Presidents of the institutions of higher learning at which the Governor's Schools are located, and twenty one public members to be appointed by the Governor, who shall represent organizations and foundations committed to excellence in education, members of the private sector knowledgeable of the current academic needs of today's business market, and individuals who have personally demonstrated a willingness to provide future and present day scholars with an environment in which they may be intellectually challenged.

3. Four of the twenty-one public members shall be members of the New Jersey Legislature and shall be appointed as follows:

a. two members of the Senate, to be appointed by the Governor, each a member of a different political party, and who shall serve concurrently with their terms of office; and

b. two members of the General Assembly, to be appointed by the Governor, each a member of a different political party, and who shall serve concurrently with their terms of office.

4. In the case of the initial appointments of the remaining public members, six shall be for terms expiring one year from the date of appointment, six shall be for terms expiring two years from the date of appointment, and five shall be for terms expiring three years from the date of appointment. Thereafter, the terms of office of the remaining members shall be for three years. Each public member shall serve until a successor shall have been appointed and vacancies shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. Except as expressly provided herein, Executive Order #129 (Kean) shall remain in full force and effect.

6. This Order shall take effect immediately.

Issued September 26, 1991.

EXECUTIVE ORDER No. 43

WHEREAS, Property taxes doubled from 1980 to 1989; and

WHEREAS, The 1991 property tax relief program decreased or stabilized property taxes in most municipalities and counties; and

WHEREAS, Local governments still face pressure on their budgets; and

WHEREAS, There are numerous opportunities for cost savings by sharing local government services; and

WHEREAS, There exists an urgent need to improve efficiency in the providing of local government services in order that these services may continue without interruption or elimination; and

WHEREAS, Inter-local service agreements will serve to improve efficiency so as to ensure the continued vitality and viability of certain local government services;

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

1. There is hereby established the Governor's Task Force on Local Partnerships (hereinafter referred to as the Task Force) to identify ways in which more inter-local service agreements can occur in New Jersey to increase the efficiency and effectiveness of the delivery of certain local government services. The Task Force should consider services delivered by municipalities, counties, and regional authorities.

2. The Task Force shall consist of the Commissioner of the Department of Community Affairs; a member of the Governor's staff; a representative of the League of Municipalities; a representative of the New Jersey Association of Counties; representatives from the private sector; and representatives from the academic community.

3. The responsibilities, functions and objectives of the Task Force shall include:

a. Reviewing existing statutes dealing with inter-local service agreements.

- b. Reviewing current examples of shared local services.
 - c. Exploring any existing barriers to shared local services.
 - d. Researching legislation in other states which might serve as models for sharing local services.
 - e. Making recommendations for regulatory changes, legislation, or administrative actions.
4. The Governor shall appoint an executive director who will report to the Task Force and shall have access to the necessary staff in state government to complete his assignment.
5. The Task Force is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Task Force and furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order. The Attorney General shall act as legal counsel to the Task Force.
6. The Task Force shall periodically report to the Governor and shall submit its final report no later than June 30, 1992.
7. This Order shall take effect immediately.

Issued October 12, 1991.

EXECUTIVE ORDER No. 44

WHEREAS, Executive Order No. 137, issued in July 19, 1991, declared a limited State of Emergency in Ocean County in response to the impediment to the use of Route 9, a State highway in Lacey Township, caused by the destruction of a traffic bridge on a crucial portion of Route 9 due to severe weather conditions and substantial flooding; and

WHEREAS, The traffic bridge has been repaired and reopened with no load restrictions posted and its structural integrity has been restored;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, announce that the limited State of Emergency is hereby terminated and that Executive Order No. 37 is rescinded.

Issued October 16, 1991.

EXECUTIVE ORDER No. 45

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

WHEREAS, New Jersey ranks fifth in the nation with regard to the number of citizens infected with AIDS since 1981; and

WHEREAS, The number of AIDS cases has been steadily increasing and in November of 1990, New Jersey reported its ten-thousandth AIDS case; and

WHEREAS, As many as forty-thousand New Jerseyans may be infected with HIV; and

WHEREAS, The human suffering caused by AIDS is of continuing concern to all New Jerseyans; and

WHEREAS, New Jersey's AIDS/HIV effort needs to be better coordinated to deliver critical services efficiently and cost effectively to its citizens;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Governor's Advisory Council on AIDS, hereinafter referred to as the Advisory Council.
2. The Advisory Council shall consist of the Commissioner of Health or her designee; the Commissioner of Corrections or his designee;

nee; the Commissioner of Education or his designee; the Commissioner of Human Services or his designee; the Commissioner of Community Affairs or his designee; the Commissioner of Insurance or his designee; the Attorney General or his designee; the Public Advocate or his designee; the Chancellor of Higher Education or his designee; two members of the Senate to be appointed by the President thereof, no more than one of whom shall be from the same political party; two members of the General Assembly to be appointed by the Speaker thereof, no more than one of whom shall be from the same political party; and no more than thirty-five public members to be appointed by the Governor. The public members shall consist of educators, labor representatives, health care providers, advocates 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. Advisory Council vacancies shall be filled by the Governor for the remainder of the unexpired term.

5. It shall be the duty of the Governor's Advisory council to:

- a. Advise the Governor on policy relating to AIDS issues;
- b. Monitor the Department of Health's implementation of its plan to fight AIDS in the 1990's;
- c. Recommend legislation to the Governor;
- d. Advise the Governor as to what measures need to be taken to coordinate State efforts concerning AIDS research and treatment;
- e. Advise the executive branch concerning its relationship with voluntary agencies and private sector entities involved in AIDS-related activities, including funding sources for research; and
- f. Prepare an annual report for the Governor on or before June 1 of each year, regarding its findings, and any recommendations it deems appropriate.

6. The Advisory Council shall receive administrative staff support from the Department of Health, but shall not obligate any funds of that Department or of any other department, office, division or agency of the State.

7. This Order shall take effect immediately and shall terminate on June 2, 1994.

Issued October 24, 1991.

EXECUTIVE ORDER No. 46

WHEREAS, Severe weather conditions of October 30 and 31, 1991, including winds and high tides, have created flooding, hazardous road conditions, and threatened homes and other structures in the coastal areas of the State; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State and may become in other parts of the State too large in scope to be handled in its entirety by normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App: 9-30 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A. 38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A. 38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers.

THEREFORE, I, James J. Florio, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a limited State of emergency has and presently exists in Atlantic, Cape May, Monmouth and Ocean Counties.

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

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251 as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies

under his control, to determine the control and direction of the flow of such vehicular traffic on any State Highway, municipal or county road, including the right to detour, reroute or divert any or all traffic, and to suspend tolls on the Atlantic City Expressway, and to prevent ingress from any area that he, in his discretion, deems necessary for the protection of the health, safety and welfare of the public.

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.

FURTHERMORE, 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.

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of men, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

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 October 31, 1991.

EXECUTIVE ORDER No. 47

WHEREAS, The quality of New Jersey products and services are essential to New Jersey's success in today's highly competitive, global economy; and

WHEREAS, Quality initiatives in all aspects of work, from manufacturing to health services, education to government services cannot only improve the economy but can contribute significantly to the quality of life in New Jersey; and

WHEREAS, The value of quality improvement processes has been clearly and repeatedly demonstrated in both the public and private sectors; and

WHEREAS, These quality programs must be encouraged, shared and adapted wherever possible to improve New Jersey's competitive stance and quality of life; and

WHEREAS, The Malcolm Baldrige National Quality Award has demonstrated that an awards program can provide a valuable means of self-assessment as well as elevate quality standards on a national level; and

WHEREAS, The fundamental success of the Malcolm Baldrige National Quality Award is attributable to an active partnership between the public and private sectors;

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

1. The Commissioner of the Department of Commerce and Economic Development, or his designee, shall cooperate with Quality New Jersey Inc. in the development, administration and promotion of a New Jersey Quality Achievement Award.

2. The Commissioner of the Development of Commerce and Economic Development, in cooperation with Quality New Jersey and the Office of the Governor, shall assist in the recruitment of an Advisory Board to the New Jersey Quality Achievement Award which shall support and encourage all aspects of the award program.

3. The Commissioner of the Department of Commerce and Economic Development shall carry out the directives contained in this Order as long as the awards program remains in existence.

4. The Commissioner of the Department of Commerce and Economic Development 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 the Department of Commerce and Economic Development and to make available to him such information, personnel and assistance as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Issued November 14, 1991.

EXECUTIVE ORDER No. 48

WHEREAS, Executive Order No. 46, issued on October 31, 1991 declared a limited State of Emergency in Atlantic, Cape May, Monmouth, and Ocean Counties in response to a storm which caused severe weather conditions which threatened the health, safety and resources of residents; and

WHEREAS, The immediate threat posed by this storm has passed and ceased to endangered the health, safety or resources of residents;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, declare that the limited State of Emergency is hereby terminated and that Executive Order No. 46 is rescinded.

I wish to express my gratitude to the people of the affected areas for the manner in which they cooperated during the limited State of Emergency, and to law enforcement, military and emergency response personnel for their untiring efforts.

This Order shall take effect immediately.

Issued November 19, 1991.

EXECUTIVE ORDER No. 49

I, James J. Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT

1. November 29, 1991, 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 off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 29, 1991.

Issued November 26, 1991.

EXECUTIVE ORDER No. 50

WHEREAS, Severe weather conditions of January 3 and 4, 1992, including heavy rains, winds and high tides have created flooding, hazardous road conditions, and threatened homes and other structures in the coastal areas of the State; and

WHEREAS, These weather conditions pose a threat and constitute a disaster from a natural cause which threatens and presently does endanger the health, safety or resources of the residents of more than one municipality and county of this State; and which is in some parts of the State and may become in other parts of the State too large in scope to be handled in its entirety by the normal municipal operating services; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App.9-30 et seq.) and the Laws of 1979, Chapter 240 (N.J.S.A.38A:3-6.1) and the Laws of 1963, Chapter 109 (N.J.S.A.38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers.

THEREFORE, I, James, J. Florio, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a limited State of Emergency has and presently exists in Atlantic, Cape May, Monmouth and Ocean Counties.

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

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251, as supplemented and amended, I hereby empower the Superintendent of the Division of State Police, who is the State's Director of Emergency Management, through the police agencies under his control, to determine the control and direction of the flow of such vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area that, in his discretion, he deems necessary for the protection of the health, safety and welfare of the public.

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.

FURTHERMORE, 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 and welfare because of the conditions created by this emergency.

FURTHERMORE, in accordance with the Laws of 1942, Chapter 251, I reserve the right to utilize and employ all available resources of the State government and of each and every political

subdivision of the State, whether of men, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

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

Issued January 4, 1992.

EXECUTIVE ORDER No. 51

WHEREAS, Similar weather conditions to those in Atlantic, Cape May, Monmouth and Ocean Counties, which justified the declaration of a limited State of Emergency in Executive Order No. 50 also existed in Cumberland County on January 3 and 4, 1992; and

WHEREAS, Together with the conditions which existed in Atlantic, Cape May, Monmouth and Ocean Counties, the conditions in Cumberland County constituted a disaster from a natural cause and continued to pose a threat and endangered the health, safety or resources of the residents of one or more municipality and county of this State; and which was in some parts of the State, and threatened to become, too large in scope to be handled in its entirety by normal municipal operating services; and

WHEREAS, After consultation with and upon the recommendation of State Emergency Management Personnel, on January 4, 1992, I verbally declared that a Limited State of Emergency also existed in Cumberland County on January 3 and 4, 1992, and extended Executive Order No. 50 to encompass Cumberland County; and

WHEREAS, At the time of my verbal declaration of the Limited State of Emergency in Cumberland County, I was unavailable to execute a written Executive Order to extend to Cumberland County Executive Order No. 50, which I issued earlier on January 4, 1992;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people in the State of New Jersey, do declare and proclaim that the limited State of Emergency, which I verbally declared on January 4, 1992, extending Executive Order No. 50 to encompass Cumberland County, is hereby memorialized.

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

Issued January 10, 1992.