

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

CHAPTERS 76-215



1992

New Jersey State Library

EXECUTIVE ORDERS

(1433)

EXECUTIVE ORDER No. 52

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. 24 of January 18, 1991 will expire on January 20, 1992; and

WHEREAS, The conditions specified in Executive Order No. 106 of June 19, 1981, continue to present 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; No. 226 (Kean) of January 12, 1990; and No. 24 (Florio) of January 18, 1991, shall remain in effect until January 20, 1993 notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 17, 1992.

EXECUTIVE ORDER No. 53

WHEREAS, Executive Order No. 51 created a Governor's Task Force on Child Abuse to (a) to study the problem of child abuse in New Jersey and make recommendations for corrective action, (b) educate the public about this problem and offer prevention strategies, (c) develop mechanisms to facilitate early detection of child abuse, furnish appropriate services to the victims of child abuse and their families, and foster cooperative working relationships between responsible agencies, and (d) provide other information on child abuse as the Governor may request; and

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

WHEREAS, The Governor's Task Force on Child Abuse was subsequently renamed the Governor's Task Force on Child Abuse and Neglect, was continued in existence for additional two year periods by Executive Orders No. 110, 173, and 217 and expired on December 31, 1991; and

WHEREAS, There continues to be a need for the Task Force to educate the community and make the public aware of this serious social problem, to prevent child abuse and neglect, to coordinate activities relating to child abuse and neglect, and to ensure community support for these child protection measures;

NOW, THEREFORE, I, 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 Task Force on Child Abuse and Neglect is continued in existence until December 31, 1993, retroactive to December 31, 1991.

2. Except as expressly provided herein, the powers and responsibilities of the Task Force pursuant to Executive Order No. 51, Executive Order No. 110, Executive Order No. 173 and Executive Order No. 217 are continued.

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

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

5. All other provisions of Executive Order No. 51, Executive Order No. 110, Executive Order 173 and Executive Order No. 217 shall remain in full force and effect without any modification.

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

Issued January 24, 1992.

EXECUTIVE ORDER No. 54

WHEREAS, The public interest of the citizens of the State of New Jersey would be enhanced by the development of strategies to increase economic growth and to create job opportunities; and

WHEREAS, The business community of New Jersey has expressed its interest in establishing a collaborative relationship with New Jersey State government to develop strategies to maximize the State's economic growth and create job opportunities for the citizens of New Jersey; and

WHEREAS, The goal of economic growth is critical for assuring all citizens of New Jersey the opportunity to achieve a high quality of life; and

WHEREAS, The development and coordination of economic growth policies necessitates consultation and collaboration among New Jersey State government, the private business sector and labor and education, among others; and

WHEREAS, It is declared to be the public policy of this State to encourage economic growth, to promote full employment, to encourage business development and expansion and to coordinate and utilize the State government's policies, plans, functions and resources;

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 New Jersey Council on Job Opportunities (hereinafter "the Council") which shall be composed of individuals appointed by the Governor and shall be representative of citizens and groups in the State having an interest in economic growth and the creation of job opportunities.

2. The Council shall make assessments of government policy and advise the Governor on economic policy matters including, but not limited to, the following areas: a) business retention and attraction; b) work force quality; c) government regulations; d) capital investment/infrastructure; d) international trade; e) financing strategies for economic development; f) small business initiatives; g) manufacturing; and h) high technology and research development.

3. Additionally, the Council shall:

- a. Evaluate the impact of international and federal economic policies in terms of their effect on the economy of the State;
- b. Evaluate the State's economic condition;
- c. Analyze and assess the impact of the State budget on the economy of the State;
- d. Recommend policies and programs to promote economic growth and job opportunities; and
- e. Gather and serve as a clearinghouse for timely and authoritative information concerning the economic growth and development of the State.

4. The Council shall be composed of 15 individuals appointed by the Governor who are representative of the State's business, education and labor communities and individuals who are knowledgeable in the field of economics. The Chair of the Council shall be designated by the Governor and shall serve at his pleasure.

5. The Council shall annually file a written report to the Governor and more frequently if so determined by the Governor or the Council.

6. Council members shall serve for three years, except that, of the initial members appointed pursuant to this Executive Order, five shall serve for terms of one year, five shall serve for terms of two years and five shall serve for terms of three years. Any individual appointed to fill an unexpired term shall serve for the unexpired portion of that term.

7. The Council shall coordinate its work with existing advisory groups including, but not limited to, the following: the State Employment and Training Commission, the Commission on Science and Technology, the State Planning Commission and the Transportation Executive Council.

8. The Council 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 Council and furnish it with such assistance as is necessary to accomplish the purpose of this Order. The Council may seek to recruit experts to serve on the staff on a loaned executive basis. These loaned executives may come from State government, the private sector, labor and education. The Attorney General shall act as legal counsel to the Council.

9. The Council is authorized to establish task forces or work-groups to address specific issues as they arise and develop policy recommendations pertaining to those issues.

10. This Order shall take effect immediately.

Issued February 6, 1992.

EXECUTIVE ORDER No. 55

WHEREAS, Executive Order No. 50, issued on January 4, 1992 declared a limited State of Emergency in Atlantic, Cape May, Monmouth, and Ocean Counties and Executive Order No. 51, issued on January 10, 1992, which memorialized the

verbal declaration of a Limited State of Emergency in Cumberland County on January 4, 1992, 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 endanger the health, safety or resources of residents on or before January 10, 1992;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, declare that the limited State of Emergency is hereby terminated effective 12:00 midnight on January 10, 1992 and that Executive Orders No. 50 and 51 are 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 February 7, 1992.

EXECUTIVE ORDER No. 56

WHEREAS, On July 23, 1982, Executive Order No. 11 created an Ethnic Advisory Council to advise the Governor regarding the needs of the ethnic communities in New Jersey; and

WHEREAS, The Council membership was subsequently increased by Executive Order No. 99 on May 7, 1985; and Executive Order No. 206 on April 25, 1989; and

WHEREAS, The continued influx of new ethnic groups into New Jersey has precipitated the need to increase our awareness, appreciation and understanding of each of these new ethnic groups; and

WHEREAS, Increasing the membership of the Ethnic Advisory Council to include representatives from these new groups will allow for a better understanding of their contributions and needs;

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. Section 2(a) and 2(b) of Executive Order 11 are hereby amended as follows:

“2(a). The Council shall consist of 46 members appointed by the Governor. At least 38 of these appointees shall be representatives of ethnic communities within the State of New Jersey. In selecting the Council membership, consideration shall be given to appointing as broad a representative sample as possible of New Jersey’s ethnic communities. All new members of the Ethnic Advisory Council who are appointed upon the effective date of this Order shall serve a full two-year term from the date of this Order.”

“2(b). The Commissioners of the Departments of Community Affairs and Education, the Secretary of State, the Chancellor of Higher Education, the Chairman of the State Council on the Arts, the Chairman of the New Jersey Historical Commission, the Director of the Division on Civil Rights, or their designees, and the Ethnic Community Liaison, appointed by the Governor shall serve on the Council in an ex-officio capacity.”

2. This Order shall take effect immediately.

Issued February 11, 1992.

EXECUTIVE ORDER No. 57

WHEREAS, Wayne Dumont, Jr., was born in Paterson on June 25, 1914 and was graduated from Montclair Academy, Lafayette College in Easton, Pennsylvania and the University of Pennsylvania Law School; and

WHEREAS, He played minor league baseball for the former St. Louis Browns and later moved to Phillipsburg in 1940 where he began practicing law; and

WHEREAS, He served for six years as commandant of the New Jersey Military Academy at Sea Girt after having volunteered in World War II and enlisted and was later commissioned in the infantry; and

WHEREAS, After 31 years of service he retired from the Army National Guard as a lieutenant colonel in 1974; and

WHEREAS, He first graced our State capitol in 1951 after being elected to represent Warren County as State Senator; and

WHEREAS, He was reelected to the Senate for three successive terms in 1955, 1959 and 1963, during which time he served as Senate Majority Leader, Senate President and Acting Governor; and

WHEREAS, After a two-year absence following an unsuccessful gubernatorial bid he returned to the Senate in 1967 where he remained until his retirement in July 1990; and

WHEREAS, He was responsible for sponsoring well over 500 bills during his legislative career including the State's first school aid bill and farmland preservation law; and

WHEREAS, He was respected and widely admired and well known for his independent thinking and courageous stands on issues; and

WHEREAS, He is considered to be our State's first "full-time legislator", working tirelessly for the people of New Jersey on issues ranging from the Environment to Education; and

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

WHEREAS, His son Wayne Hunt Dumont, carried on his father's tradition of distinguished public service by serving as United States Attorney for New Jersey from December 1981 to August 1985, and by presently serving as a member of the State Commission on Investigation; and

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

WHEREAS, It is fitting and appropriate for the State of New Jersey to mark the passing of Wayne Dumont, Jr., a great statesman and a public servant who always put New Jersey first;

NOW, THEREFORE, I, Jim Florio, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes, 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 Friday, March 20, 1992, through and including Sunday, March 22, 1992 in recognition and mourning of the passing of a distinguished legislator and leader, Wayne Dumont, Jr.

2. This Order shall take effect immediately.

Issued March 19, 1992.

EXECUTIVE ORDER No. 58

WHEREAS, Thomas Joseph Hanratty joined the New Jersey State Police on February 10, 1989, and was assigned to Troop B, northern New Jersey; and

WHEREAS, Through his all too brief assignment, he served with impeccable professionalism, genuine courtesy and abiding commitment to the finest traditions of the New Jersey State Police; and

WHEREAS, Trooper Thomas Joseph Hanratty served proudly as part of a long line of dedicated law enforcement officials; and

WHEREAS, Trooper Hanratty has made the ultimate sacrifice, giving his life in the line of duty and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

NOW, THEREFORE, I, 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 on Monday, April 6, 1992, in recognition and mourning of New Jersey State Trooper Thomas Joseph Hanratty, Badge 4971.

2. This Order shall take effect immediately.

Issued April 6, 1992.

EXECUTIVE ORDER No. 59

WHEREAS, The Federal Intermodal Surface Transportation Efficiency Act of 1991, Pub.L. No. 102-240, 105 Stat. 1914 (1991), acknowledges a 1987 authorization of improvements to Route 21, the Crooks Avenue interchange between Routes 46 and 20 and the Route 46 bridge over the Passaic River between Clifton and Elmwood Park ("Highway Project"); and

WHEREAS, The Intermodal Surface Transportation Efficiency Act authorizes the Governor of the State of New Jersey to carry out all of the responsibilities of the Secretary of the United States Department of Transportation pursuant to Title 23 of the United States Code, and all other provisions of law, with respect to the construction of the Highway Project; and

WHEREAS, In order to provide for expedited completion of the Highway Project, the Intermodal Surface Transportation Efficiency Act authorizes the Governor to waive any and all Federal requirements relating to the scheduling of activities associated with the Highway Project, including final design and right-of-way acquisition activities; and

WHEREAS, Title 27 of the New Jersey Statutes establishes the New Jersey Department of Transportation as the lead State agency with regard to all matters and things incident to the acquisition, improvement, betterment, construction, reconstruction, maintenance and repair of State highways;

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 Transportation is designated to act on behalf of the Governor and is hereby delegated the powers of the Governor in carrying out, in accordance with applicable law, all responsibilities of the Secretary of the United States Department of Transportation, pursuant to Title 23 of the United States Code, and all other provisions of law, with respect to the construction of the Highway Project.

2. The Commissioner is designated and delegated the authority to act on behalf of the Governor with respect to the waiver of any and all Federal requirements relating to the scheduling of activities associated with the Highway Project, including final design and right-of-way acquisition activities.

3. The Commissioner shall not delegate to any other person or entity the authority received from the Governor pursuant to paragraphs 1 and 2 of this Executive Order.

4. This Order shall take effect immediately.

Issued May 14, 1992.

EXECUTIVE ORDER No. 60

WHEREAS, N.J.S.A.48:12-109 et seq. authorizes certain officers and employees of the State of New Jersey to utilize rail service within the borders of the State, free of charge; and

WHEREAS, This statute, enacted in 1903, which is outdated and no longer necessary, should be repealed; and

WHEREAS, The number of railroad passes issued under the authority of this statute has been reduced over the past two years to approximately 234, a reduction from 433 in 1989; and

WHEREAS, Rail travel is a cost-effective and environmentally-sound mode of transportation for State officials to utilize while conducting official State business; and

WHEREAS, Unauthorized personnel of the State have used such rail passes without providing a detailed accounting for their usage; and

WHEREAS, The use of these rail passes should be curtailed and specific guidelines and provisions adopted to limit and monitor their use; and

WHEREAS, The use of these passes by members of the Executive Branch should be limited to transportation for purposes related strictly to State business; and

WHEREAS, This Executive Order is being executed as a part of continuing efforts to curtail inefficiencies in State government; and

WHEREAS, It is necessary during tough economic times to maximize New Jersey Transit's revenues to avoid any unnecessary costs being passed on to the commuting public; and

WHEREAS, Governor Thomas H. Kean, on January 19, 1983, signed Executive Order No. 31 (Kean) which directed that N.J.S.A.48:12-109 et seq. be construed so that no rail pass may be issued to any State officer or employee not specifically entitled to such a pass under this statute, but permitted personal commutation to and from work; and

WHEREAS, Executive Order No. 31 (Kean) also placed the responsibility for issuing rail passes with the Secretary of State without conferring upon him adequate authority to monitor and enforce this process;

NOW, THEREFORE, I, Jim 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:

1. The terms of N.J.S.A.48:12-109 et seq. shall continue to be strictly applied to ensure that no rail pass is issued to any person not specifically entitled to such a pass under the statute.

2. No Executive Branch officer or employee of the State of New Jersey shall be permitted to use such rail passes for personal commutation to and from work. The use of these rail passes shall be limited solely to purposes directly related to the conduct of official State business.

3. Rail passes shall no longer be individually assigned, but shall be issued to the various State Departments which are responsible for their use. The passes shall be held in the Office of the Commissioner/Secretary or their designees to be assigned on an as-needed basis. Each office shall maintain a log of the usage of these passes which shall include specific information to be set forth in a form determined by the Secretary of State.

4. The Secretary of State shall continue to have the responsibility of issuing rail passes, and shall also be responsible for overseeing the usage of the passes as well as promulgating guidelines in furtherance of the intentions of this Order.

5. The directives of this Order shall not apply to members of the Legislative or Judicial branches of State government who are statutorily entitled to rail passes. Also, this Order shall not apply to employees, their spouses and retirees of New Jersey Transit who have a right to these rail passes through their collective bargaining agreement under law.

6. Executive Order No. 31 of 1983 (Kean) is rescinded.

7. This Order shall take effect immediately.

Issued May 27, 1992.

EXECUTIVE ORDER No. 61

WHEREAS, The phenomenon of violence in society is of extreme concern to the people of this State; and

WHEREAS, Women are the majority of victims of certain categories of physical and psychological violence, such as domestic violence, sexual assault and sexual harassment; and

WHEREAS, New Jersey has been in the forefront of the legal and public policy response to violence against women, particularly by the State's adoption of a progressive domestic violence prevention law; and

WHEREAS, New Jersey seeks to continue improving its response to, and care of, victims of all crimes and especially victims of violence against women; and

WHEREAS, Society is acknowledging through recent laws and a change of societal attitudes that such categories of violence against women are not merely acts between individuals but are manifestations of a socialization process which promotes violence against women; and

WHEREAS, Society is increasingly aware of the wide extent of such acts of violence against women; and

WHEREAS, Violence against women is a component of other major social problems, such as rising health care costs, law enforcement costs, homelessness, substance abuse, child abuse and neglect, and other concerns; and

WHEREAS, A key component to addressing the problem of violence against women is a greatly increased prevention effort, involving public education, training of professionals, programs for offenders and victims, and other activities;

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 an Office on the Prevention of Violence Against Women (hereinafter "Office") in the Division on Women of the Department of Community Affairs.

2. This Office shall function in collaboration with the other State agencies and affiliate groups which are dealing with issues of violence against women.

3. The existing Domestic Violence Prevention Program within the Division on Women will continue to function as a component of the proposed Office.

4. The responsibilities and functions of the Office shall include, but not be limited to:

a. Research-based policy and program development leading to implementation of strategies to prevent violence against women and to explore violence prevention initiatives.

b. Development and implementation of training courses and public education initiatives, with particular focus on the socialization process which promotes violence against women.

c. Provision of staff and fiscal support to the statutorily established Advisory Council on Domestic Violence.

d. Reporting to the Governor on an ongoing basis with respect to issues, programs, and the setting of policy priorities regarding the prevention of violence against women.

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

6. The Office is authorized to establish task forces or workgroups to address specific issues as they arise and develop policy recommendations pertaining to those issues.

7. This Order shall take effect immediately.

Issued June 11, 1992.

EXECUTIVE ORDER No. 62

WHEREAS, Global interdependence has created unprecedented economic competition on an international scale; and

WHEREAS, Success in the knowledge-driven economy of the 21st Century will be directly related to our investment in both human capital and research and development; and

WHEREAS, A strong and vital higher education system is a critical component of that investment, and a major factor affecting the competitiveness of the business sector; and

WHEREAS, The Board of Higher Education and the Chancellor of Higher Education have recognized this important relationship, and have instituted a strategic planning effort and other major initiatives to enhance the higher education system's contributions to the future of the State; and

WHEREAS, The quality of the higher education system, as well as the general welfare of New Jersey, will be strengthened by close collaboration between the leadership of our higher education and corporate communities; and

WHEREAS, No permanent Statewide organization exists to foster the regular exchange of ideas about issues of mutual concern or for joint policy and program development between these two communities; and

WHEREAS, The Governor, in consultation with the Chancellor, has proposed the establishment of a Business-Higher Education Forum to serve as a forum for such exchange and cooperative action;

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 a New Jersey Business-Higher Education Forum (hereinafter "the Forum") which shall be composed of individuals, appointed by the Governor, who are leaders of New Jersey's business and higher education communities. The Chair and Vice-Chair of the Forum shall be designated by the Governor from among the Forum's members.

2. The Forum is authorized to establish an Executive Committee and to organize itself in a manner to best carry out its responsibilities. The Forum is further authorized to establish such task forces or workgroups, as necessary, to address specific issues as they arise and to develop policy recommendations pertaining to those issues.

3. The Chancellor of Higher Education and the Commissioners of Commerce and Labor, together with the Chair of the State Board of Higher Education or a member of the State Board of Higher Education designated by the Chair, shall serve as ex-officio members of the Forum. The Chancellor of Higher Education shall also serve ex-officio on the Executive Committee of the Forum.

4. The Forum shall be in, but not of, the Department of Higher Education. The Department of Higher Education shall be responsible for providing staff, consultants and other resources.

5. The Forum shall advise the Governor, the Legislature, and the citizens of the State of New Jersey on:

- a. Issues relating to human capital, academic research and development, and technology transfer;
- b. Ways in which the higher education community can contribute to the economic growth, and to the quality of life, of the citizens of New Jersey.

6. The Forum shall also:

- a. Provide specific advice and support to the Board and Chancellor of Higher Education on higher education's strategic planning, funding and accountability efforts;
- b. Promote cooperative endeavors across the two sectors that benefit the economic and social welfare of the State;
- c. Examine such other issues that may arise that are of mutual concern and of serious importance to New Jersey's future and its citizens.

7. The Forum shall coordinate its work with existing policy-making groups including, but not limited to, the following: the State Employment and Training Commission, the Commission on Science and Technology, and the New Jersey Council on Job Opportunities.

8. The Forum 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 Forum and furnish it with such assistance as is necessary to accomplish the purpose of this Order. The Attorney General shall act as legal counsel to the Forum.

9. This Order shall take effect immediately.

Issued June 19, 1992.

EXECUTIVE ORDER No. 63

WHEREAS, The Governor's Task Force on Local Partnerships has examined the opportunities for, and problems with, local governments joining together to provide certain services; and

WHEREAS, The Task Force concluded that the joint delivery of government services offers opportunities to provide governmental services in a more efficient and cost effective manner; and

WHEREAS, The Task Force recommends that State government support and encourage local efforts to provide joint services by assisting local governments in establishing cooperative service initiatives; and

WHEREAS, There are various State agencies that work with local government on issues of mutual concern and a coordination of efforts is needed to ensure more effective responses to joint local services initiatives;

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 in, but not of, the Department of Community Affairs, a State Agency Coordinating Council on Local Partnerships (Council) which shall be composed of fifteen members including representatives of State agencies which have

substantial involvement with units of local government, local agencies, school districts and local authorities and representatives of municipalities and county governments.

2. The Commissioners of the Departments of Community Affairs, Environmental Protection and Energy, Health, Transportation, Personnel, Treasury, Education and the Office of State Planning shall each appoint a representative to the Council. The Attorney General shall appoint a representative from the Department of Law and Public Safety. The Governor shall appoint one additional State representative. The Governor shall also appoint five representatives of municipalities and county government. The Council may recommend to the Governor the addition of other State agency or local representatives. The chair and vice-chair of the Council shall be designated by the Governor from among the Council members.

3. The Council is established for the purpose of:

- a. Increasing responsiveness to initiatives for the provision of joint local services;
- b. Developing outreach to identify and publicize opportunities for the joint provision of local services;
- c. Creating a data base consisting of fiscal, economic, operational and other relevant data to be shared with local governments and to provide a basis for evaluating joint service opportunities;
- d. Compiling and maintaining an inventory of case studies on local partnerships which would serve as a basis for comparing the experience of local joint service arrangements in New Jersey and other states; and
- e. Providing other "clearinghouse" and reference services.

4. The Council shall extend technical assistance to units of local government on interlocal and regional concerns, including, but not limited to: local police services, local health services, county environmental health; public works; fire services; public education services; code enforcement; planning and land use; cooperative purchasing; joint insurance fund; and joint municipal courts.

5. The Council shall arrange for studies of regional approaches to the provision of joint services; develop guidelines for pilot projects as well as full implementation of interlocal services; and sponsor the development, through the State colleges, State universities and the private sector, of models for various local partnerships and privatization options.

6. The Council shall cooperate with Statewide local government organizations in conducting or sponsoring seminars and workshops on interlocal services and attendant concerns.

7. The Council shall evaluate requests for State funds, as are presently or in the future made available, to carry out the objectives of this Order, and recommend actions and priorities to the appropriate administrative agencies.

8. The Division of Local Government Services (Division) in the Department of Community Affairs shall request from all local governments, as part of the annual local budget process, a report on any joint service opportunities considered in the previous year and any prospects for the following year. The Division shall provide such report to the Council to serve as a basis for its outreach, research and follow-up activities.

9. The Council 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 Council 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 Council.

10. This Order shall take effect immediately.

Issued August 6, 1992.

EXECUTIVE ORDER No. 64

WHEREAS, Millicent H. Fenwick served the people of New Jersey as a member of Congress from 1974 until 1978, and as the United Nations Ambassador to the United Nations Food and Agricultural Organization until 1987, and as a member of the New Jersey General Assembly for two and one-half terms, and as the Director of the State's Division of Consumer Affairs; and

WHEREAS, During her years of public service she was a vigorous advocate for human rights which advocacy resulted in the formation of the Helsinki Commission to monitor compliance with the 1975 Helsinki accord on human rights; and indeed, for her work in this regard, people oppressed in the most remote regions of the world, who knew nothing of our distinguished colleague, owe her a debt of gratitude; and

WHEREAS, By her stature and presence she served as an example of the rightful and prominent role for women in the highest positions of public responsibility; and

WHEREAS, Her characteristic wit, keen intellect and abundant charm both disarmed her critics and enlightened all of those who had occasion to hear her calls for adherence to the highest ethical standards and concern for the environment; and

WHEREAS, In spite of her significant stature among her colleagues and admirers, both in the United States Congress, the General Assembly and the international community, she was the embodiment of sincerity, and a friend to all who had the privilege to know her; and

WHEREAS, Scarcely has there been a public figure whose unique mark will be so indelibly etched in the State's political landscape; and

WHEREAS, Sadly, the singular likes of Millicent Fenwick we shall not see again, it is fitting and appropriate for the State of New Jersey to mark and mourn her passing;

NOW, THEREFORE, I, Donald T. DiFrancesco, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-mast at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Wednesday, September 16, 1992, through and including Friday, September 18, 1992, in recognition and in mourning of the passing of a distinguished legislator and public servant.

2. This Order shall take effect immediately.

Issued September 16, 1992.

EXECUTIVE ORDER No. 65

WHEREAS, It is the policy of the State of New Jersey to operate government in the most efficient manner possible, and at the lowest possible cost to the taxpayer; and

WHEREAS, The government of the State of New Jersey currently occupies approximately 7.5 million square feet of rented space; and

WHEREAS, The Legislature has appropriated nearly \$178 million to pay for State leases in Fiscal Year 1993; and

WHEREAS, The State leasing program would be enhanced and improved by changes in the process of acquiring space for State employees; and

WHEREAS, Chief Counsel M. Robert DeCotiis and State Treasurer Sam Crane have submitted a report setting forth various findings and proposals regarding State leasing;

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 DECLARE, ORDER, and DIRECT as follows:

1. I hereby direct the Administrator of the General Services Administration in the Department of the Treasury forthwith to implement the proposals set forth in the Report on State Leasing prepared by the Office of Management and Budget.

2. I further direct the Administrator of the General Services Administration to determine which of these proposals, if any, require the enactment of legislation, and to so indicate to me by October 30, 1992.

3. More particularly, I hereby direct:

a. That, consistent with the recommendations in the Report on State Leasing, a Space Management and Planning Board be formed for the purpose of implementing State policy with respect to acquiring and managing office space and resolving impasses regarding office space. The Board shall be organized within the Department of the Treasury, and shall be comprised of the State Treasurer who shall serve as the Chairperson, the Director of

Budget and Accounting, the Administrator of the General Services Administration, the Executive Director of the State Building Authority, and an employee of a State department or agency designated by the State Treasurer who has expertise in State leasing.

b. As soon as practicable, the Office of Leasing Operations shall prepare a Master Plan setting forth a comprehensive description of all leased facilities currently occupied by State employees. In addition, the Master Plan shall set forth specific recommendations for reducing the overall cost of State space, with particular concern given to the potential for purchasing existing property or building new facilities. These recommendations shall be consistent with the State's policy of consolidating space in urban areas, and with the policy of providing space that is safe and appropriate for State employees.

c. The Administrator of the General Services Administration shall immediately adopt a procedure for submitting lease proposals to a modified competitive process, as described in the Report on State Leasing. This process should incorporate public solicitation of bids where appropriate, and the awarding of leases on the basis of objective criteria promulgated by the Office of Leasing Operations in cooperation with the Space Management and Planning Board.

d. I hereby direct the State Treasurer to conduct a pilot privatization program, in which the State shall contract on an experimental basis with private business entities to assist the State in carrying out its leasing obligations. In particular, this program may include the use of commercial real estate companies selected through a competitive process to assist the State in selecting sites and negotiating leases.

e. The Office of Leasing Operations shall improve its procedures for monitoring leased space. In particular, the Administrator of the General Services Administration, in cooperation with the Space Planning and Management Board, shall promulgate stricter monitoring guidelines, as indicated in the Report on State Leasing.

f. In addition, the Department of the Treasury shall devise a system of incentives to induce agencies to submit accurate and reliable space requests, as indicated in the Report on State Leasing.

g. The Department of the Treasury shall explore with the Legislature a process that would provide for the automatic approval of a lease when the Legislature fails to act upon a lease request within a specified period of time after it receives that request.

h. I further direct the Office of Leasing Operations to strengthen its disclosure requirements, consistent with the recommendations in the Report on State Leasing.

i. I further direct the Department of the Treasury to prepare a comprehensive proposal for improving the computer systems currently used in support of State leasing.

j. The Treasurer shall take all necessary and proper actions for implementing the proposals set forth in this Executive Order, as well as the other proposals submitted to me in the Report on State Leasing. The Treasurer shall provide me with a status report on or before December 15, 1992, indicating which of the proposals have been implemented, and, if any have not, what problems may exist and the proposals for resolution. On or before March 15, 1993, the Treasurer shall again provide me with a status report indicating which proposals have been implemented and, if any have not, what problems exist and what the proposals are for resolution. Thereafter, the Treasurer shall report to me on or before the 15th day of every month on the progress in implementing this Order and the proposals set forth in the report.

4. This Order shall take effect immediately.

Issued October 5, 1992.

EXECUTIVE ORDER No. 66

WHEREAS, The greatest challenge facing American government today is its ability to secure economic prosperity for all citizens; and

WHEREAS, Every American has a right to a job that rewards hard work with security, good wages, dignity, and self-respect; and

WHEREAS, The vitality of families depends upon the availability of jobs that offer them the means to purchase a home, to send children to college, to pay for medical bills, and to care for family members who are aged or sick; and

- WHEREAS, The economic means to enjoy a full and abundant life has been the heart of the American dream for over two centuries; and
- WHEREAS, Today New Jersey and the nation are currently experiencing a recession which has caused unemployment levels in our State to rise as high as nearly 10%, well above the national average -- a jobs drought that is totally unacceptable; and
- WHEREAS, Every public official, of whatever political affiliation, bears a solemn responsibility to address this problem in a spirit of cooperation and with the higher interests of our citizens in mind; and
- WHEREAS, The pain caused by workers idled by the economy to our society and its people demands attention without regard to partisan political advantage or posturing; and
- WHEREAS, The Legislative and Executive branches must work together to prepare and implement creative and innovative solutions to solve a problem that is not a Republican problem or a Democratic problem, but a New Jersey problem; and
- WHEREAS, Senate President Donald T. DiFrancesco and Speaker of the General Assembly Garabed "Chuck" Haytaian have joined with me in a spirit of openness and cooperation to attack this State's most serious economic problems - through the means of this Order and through legislation - so that together we can make a difference in the lives of each and every citizen of New Jersey; and
- WHEREAS, Government must seize upon this sense of cooperation and unity, and take every possible step in the coming year to infuse our economy with new jobs, and to provide our citizens with a renewed sense of hope; and
- WHEREAS, Government must provide aggressive leadership in attacking this recession through economic strategies that recognize the central importance of the private sector; and
- WHEREAS, It is the responsibility of the State and local governments to work cooperatively with our private sector to create economic growth, development, and real permanent jobs by cultivating creative partnerships between the private and public sectors in order to ensure that new businesses and emerging industries take root and prosper in this State; and

WHEREAS, New Jersey has adopted a variety of programs which are designed to promote economic growth through the investment of capital in infrastructure improvements; the provision of capital for new businesses and high technology industries; for the building of structures and other facilities designed to increase opportunities for employment in manufacturing, industrial, commercial, recreational, retail and service enterprises in the State; the making available of financial assistance to encourage new and varied enterprises to locate in the State and to assist existing enterprises to remain and to expand in the State thereby improving employment opportunities for our citizens; the provision of financial and other assistance to encourage the construction of an appropriate balance of housing, industrial and commercial facilities; and the provision of funding for cultural and historical projects and programs; and by reducing the size of State government; and

WHEREAS, New Jersey has invested billions of dollars assuring the presence of a well educated, well trained, and highly skilled labor force within our borders, including substantial investments in public education, higher education, and job training programs; and

WHEREAS, New Jersey has made strategic investments in our future by harnessing the enormous potential of the bond market with new capital programs through the joint efforts of the Executive Branch and the Legislature, enacting such bills as the Economic Recovery Fund Act, under which the New Venture Capital Fund, the Export Loan Program, and the Pooled Loan Program were created; and

WHEREAS, The New Jersey Legislature and I have taken other important steps toward creating jobs in the State, such as lifting the cap on the Transportation Trust Fund, enacting the Permit Extension Act and the New Skills Partnership Act; and

WHEREAS, Notwithstanding its substantial recent efforts to promote economic growth and prosperity for our citizens, New Jersey still lingers in the throes of a recession which has produced high unemployment within this State, thus adversely affecting the economy of the State and the prosperity, safety, health, and general welfare of its citizens and their standard of living; and

WHEREAS, It is therefore necessary to take further actions to provide for the revival of the State's economy and the creation of jobs in the immediate future to provide our citizens with immediate relief from the pain of unemployment; and

WHEREAS, Beyond the substantial resources it has already committed to combating the effects of the recession in this State and the promotion of economic growth and employment opportunities here, the State has only limited additional resources which can be dedicated to addressing the problems of this recession; and

WHEREAS, There is an urgent need for the State to do more now to encourage and promote immediate economic growth and reduce unemployment; and

WHEREAS, The action set forth in this Order is one more step of the many others the Legislature and I have taken, and which we will take in the months ahead, toward moving New Jersey's economy forward; and

WHEREAS, In addition to the principal departments and agencies of State government, a number of State authorities have been given substantial responsibility for the carrying out of New Jersey economic development programs which provide an enormous potential for investing millions of dollars in projects across this State that will boost our economy and provide thousands of jobs to our hard-working citizens; and

WHEREAS, New Jersey's authorities - such as the South Jersey Transportation Authority, the Hackensack Meadowlands Development Commission in the North, and the Casino Reinvestment Development Authority, the New Jersey Sports and Exposition Authority, and the Economic Development Authority all operating Statewide - act independently to invest millions of dollars in capital revenues in different parts of the State; and

WHEREAS, The State must better manage, coordinate, prioritize, direct, and target its existing resources in order to accomplish the goals of energizing our economy and creating jobs; and

WHEREAS, In order to stimulate our economy immediately, New Jersey should provide active and vigorous leadership to its authorities to ensure speedier investment and a more coordinated strategy for action to harness the collective financial power of these authorities; and

WHEREAS, In order to maximize the effectiveness of our existing resources, the Senate President, the Speaker and I have concluded that it is necessary for there to exist better management and control over these authorities to the end that they work together in a coordinated fashion to create more employment opportunities for this State's citizens in the immediate future; and

WHEREAS, It is also necessary that the principal departments of State government and their divisions and agencies, in carrying out their respective responsibilities under law, all coordinate their efforts and their activities with those of the authorities in order to ensure the accomplishment of this goal; and

WHEREAS, It is only by uniting our vast energies and resources in this State that we have a chance to restore the rising tide of opportunity that is the heart of the American promise and the hope of the middle class; and

WHEREAS, New Jersey should use every resource at its disposal to attack an unemployment problem that is simply unacceptable;

NOW, THEREFORE, I, James J. Florio, Governor of the State of New Jersey, together with Senate President Donald T. DiFrancesco and Speaker of the General Assembly Garabed "Chuck" Haytaian, by virtue of the authority vested in me by the Constitution and laws of the State of New Jersey, do hereby ORDER and DIRECT as follows:

1. For purposes of this Order authorities are defined as follows: the Atlantic City Convention Center Authority, the Casino Reinvestment Development Authority, the Delaware River and Bay Authority, the Delaware River Port Authority, the Development Authority for Small Business Minorities and Woman's Enterprise, the Economic Development Authority, the Educational Facilities Authority, the New Jersey Expressway Authority,

the Hackensack Meadowlands Development Commission, the Health Care Facilities Financing Authority, the New Jersey Highway Authority, the Housing and Mortgage Finance Agency, the New Jersey Transit Corporation, the Passaic Valley Sewerage Commission, the Port Authority of New York and New Jersey, the South Jersey Port Corporation, the South Jersey Transportation Authority, the Sports and Exposition Authority, the State Agriculture Development Committee, the New Jersey State Building Authority, the New Jersey Transportation Trust Fund Authority, the New Jersey Turnpike Authority, the Urban Development Corporation, the New Jersey Wastewater Treatment Trust, the New Jersey Water Supply Authority, and the Waterfront Commission of New York Harbor.

2. There is hereby created the position of Chief of Economic Recovery (hereinafter sometimes the "Chief"), who shall be empowered to act on my behalf to direct a comprehensive and aggressive effort involving every part of State government to stimulate New Jersey's economy, to promote economic growth, and to provide jobs to the citizens of this State. The Chief's primary responsibility shall be to direct, control, prioritize, and coordinate the work of the State authorities to the extent permitted by law. The Chief shall have cabinet status, shall be appointed by me in consultation with the Senate President and the Assembly Speaker, and shall serve at my pleasure during the duration of this Order.

3. The Chief of Economic Recovery shall be responsible for identifying all programs currently pending in any State authority, department or agency which would promote economic growth or create jobs, and shall take every necessary and proper action to ensure the immediate implementation of such programs. In order to assist the Chief, the authorities (or the department or agencies if so directed), in such format as determined by the Chief, shall forthwith identify all programs and projects currently pending before them, which have the potential to promote economic growth and create jobs in the immediate future and shall provide a listing of all such programs and projects. The Chief shall examine all such projects, and prioritize them in the order of their potential to immediately create jobs and promote economic growth. The authorities shall cooperate fully with the Chief in this evaluative process and shall take every necessary and proper action to ensure the immediate implementation of the programs and projects which are determined by the Chief to be priority

projects or programs. The authorities shall provide the Chief with any other such information requested by him. This process of evaluation and prioritization of projects and programs shall be a continuing process. The Chief shall meet periodically with the authorities to evaluate and prioritize new programs or projects, or review existing priorities as circumstances warrant.

4. The Chief shall regularly meet with all departments and agencies having responsibility for an economic development project of an authority, and shall expedite the resolution of any impediments to the immediate implementation of such projects. All departments and agencies are ordered to cooperate fully with the Chief in this respect.

5. The Chief is directed to identify unencumbered funds and other resources of the authorities (or departments or agencies) and to make recommendations as to how these resources can be pooled to further the purposes of this Order and to expedite the investment of such resources for appropriate purposes.

6. The Chief is authorized to provide assistance to private businesses and local and county government bodies in resolving matters that may prevent or delay speedy implementation of economic projects. The Chief shall also be responsible for forming partnerships with private investors and entrepreneurs for the purposes of providing the private sector with all appropriate assistance in promoting investment in New Jersey.

7. All authorities which by law are required to submit their minutes, resolutions, or actions to me for my approval or veto, shall henceforth simultaneously submit such minutes, resolutions, or actions to the Chief. The authorities shall fully cooperate with the Chief in his review of such items and shall promptly furnish him with any and all information which he may request in connection with his review thereof.

8. The Chief of Economic Recovery shall report and advise the Senate President, the Assembly Speaker and me in the exercise of my authority to approve or veto the minutes, resolutions or actions of the authorities so as to further the purposes of this Order.

9. I hereby direct all State departments, agencies and authorities to provide the Chief of Economic Recovery with the fullest

measure of cooperation in implementing this Order, and to make available to the Chief any and all resources as may be necessary in discharging the Chief's responsibilities. The Chief is empowered to draw upon the resources and personnel in the existing State departments, agencies, and authorities.

10. The Chief of Economic Recovery shall have access to all information within the possession of any department, agency or authority concerning economic development projects. This Order shall constitute his authorization to receive all such information, without the necessity of any further writing or directive from me.

11. The Chief of Economic Recovery shall report to the Senate President, the Assembly Speaker and me on a weekly basis, or more frequently as the need arises, to advise us on the progress achieved in carrying out this Order.

12. This Order shall take effect immediately and shall remain in effect for one year.

Issued October 19, 1992.

EXECUTIVE ORDER No. 67

WHEREAS, It is critical to initiate changes in our education system to assure that all New Jersey students are prepared for the next century; and

WHEREAS, In 1990 the President of the United States and the Governors of all fifty states endorsed six national education goals for the year 2000; and

WHEREAS, New Jersey added a seventh goal — expanding parental involvement in the schools; and

WHEREAS, The second annual report card issued by the New Jersey Department of Education assessing the State's progress toward meeting these goals has shown some advances but a need for further improvements; and

WHEREAS, It is imperative to have local communities involved in, and committed to, strategies for reaching these goals; and

WHEREAS, It is important to recognize the efforts of local communities by granting a State designation of New Jersey 2000 to communities who develop a plan to attain the seven educational goals; and

WHEREAS, A State advisory panel can assist in promoting State-wide education reform in New Jersey by advising the Governor on which communities to recommend for New Jersey 2000 designation and advising the Governor, the Legislature, and the Department of Education on issues regarding school reform in New Jersey;

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 New Jersey 2000 Advisory Committee which shall be composed of not more than 30 individuals, appointed by the Governor, who shall be representative of a broad cross-section of the citizens of New Jersey, including, but not limited to, education organizations, local school districts, the higher education community, business and civic leaders, parents and students. Two co-chairs of the Committee shall be designated by the Governor from among the Committee members.

2. It shall be the charge and duty of the New Jersey 2000 Advisory Committee to:

(a) Advise the Governor on which communities to recommend for New Jersey 2000 designation, based on a review of their plans according to the criteria specified below;

(b) Promote the concept of New Jersey 2000 and encourage communities to meet the criteria;

(c) Review the criteria for designation and make recommendations for any changes to that criteria;

(d) Advise the Governor, the Legislature and the Department of Education on how to best promote desired school reforms;

(e) Encourage an active dialogue at the State and local level about school reform in general, including the recommendations of the Quality Education Commission;

(f) Advise the Department of Education on the allocation of any federal funds that may be provided for the support of this initiative; and

(g) Advise the Department of Education on the development of the annual State report on our progress toward the national goals.

3. The committee shall review plans for New Jersey 2000 designation to see if the plans meet the following criteria:

A. Adoption of Goals

(1) The plan must identify who will be involved in the effort and show that those participating represent a sufficiently broad segment of the community including educators, parents, students, business and government leaders, social agencies, and others; and

(2) The plan must contain documentation of formal action by participants to adopt New Jersey 2000 goals and pledge support thereof.

B. Development of Strategy

(1) The plan must identify participants in implementation of strategy to attain the goals adopted by the community;

(2) The plan must contain documentation that participants assisted in developing the strategy; and

(3) The plan must include a strategy which meets the following conditions:

(i) identify planned activities in a concise and logical sequence;

(ii) Identify who is responsible for conducting activities;

(iii) include a timeline for the completion of planned activities; and

(iv) describe resources committed to completion of activities.

C. Development of Progress Report

(1) The plan must contain a format/outline which will be used to report progress toward accomplishing the seven goals and the various program initiatives identified in the community's strategy;

(2) The plan must identify who is responsible for preparation and distribution of the progress report; and

(3) The plan must describe how and when the progress report will be distributed.

D. Plan and Support School Reform

The community's strategy must include the following:

(1) Activities designed to accomplish each of the seven New Jersey 2000 goals; and

(2) Efforts directed toward accomplishment of one or more of the following school reform measures:

—Curriculum framework and standards;

—Preschool education;

—Integrated social services for students in K-12;

—Programs to ensure successful student outcomes for inner city students and those who are socially, economically, and emotionally disadvantaged;

—School-based management;

—Teacher in-service programs to increase teacher knowledge and skills in the areas of student learning and cognition, curriculum and assessment, and the influences of diversity in culture, communication, and learning style on teaching and learning;

—Changes in the school schedule to provide more time and greater flexibility for new and existing programs; and

—Integration of technology resources into educational programs.

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

5. Until such time as the members of the Committee are appointed, the Commissioner of Education shall review plans submitted for New Jersey 2000 designation based on the criteria set forth above and advise the Governor on which communities should receive that designation.

6. This Order shall take effect immediately.

Issued October 16, 1992.

EXECUTIVE ORDER No. 68

WHEREAS, On July 25, 1991, the Congress of the United States enacted Pub.L.102-73, referred to as the National Literacy Act of 1991, Federal Public Law (hereinafter the "NLA"); and

WHEREAS, The public interest of the 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 the benefits of federal appropriations under the Adult Education Act, Pub.L.102-73, as amended by the NLA for all purposes specified therein; and

WHEREAS, The NLA provides for the establishment of a State advisory council on adult education and literacy; and

WHEREAS, Coordination and cooperation between the various State agencies can be enhanced by a policy development and oversight body that is independent from the various State agencies and departments and the day-to-day operation of adult education and literacy programs; and

WHEREAS, Improving family literacy to enable parents to be effective first teachers and support their children's educational progress and achieving universal literacy by the year 2000 are national goals developed by the President and the Governors of the 50 states; and

WHEREAS, New Jersey has recently passed legislation permanently establishing the State Employment and Training Commission (hereinafter 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 adult education and literacy programs as a vital component of the State's employment and training policy; and

WHEREAS, Coordination and cooperation between the Commission and the State's advisory council on adult education and literacy 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 creating an advisory council and establishing procedures that will ensure an effective working relationship between the council and the Commission as well as with agencies and departments;

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 State Council on Adult Education and Literacy (hereinafter referred to as the State Council) which shall:

(a) meet with the State agencies responsible for adult education and literacy training during the planning year to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of individuals in the State;

(b) advise the Governor, the State Departments of Education and Higher Education, and other State agencies concerning:

(1) the development and implementation of measurable State literacy and adult education goals consistent with section 342(c)(2) of the Adult Education Act as amended, especially with respect to:

(i) improving levels of literacy in the State by ensuring that all appropriate State agencies have specific objectives and strategies for such goals in a comprehensive approach;

(ii) improving literacy programs in the State; and

(iii) fulfilling the long-term literacy goals of the State;

(2) the coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

(3) the improvement of the quality of literacy programs in the State by supporting the integration of services, staff training and technology-based learning and the integration of resources of literacy programs conducted by various agencies of State government; and

(4) the development of private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;

(c) review and comment on the plan submitted pursuant to section 356(h) of the Adult Education Act as amended and submit such comments to the U.S. Secretary of Education and the Commissioner of Education;

(d) measure progress on meeting the goals and objectives established pursuant to paragraph (b)(1) above;

(e) recommend model systems for implementing and coordinating State literacy programs for replication at the local level;

(f) develop reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs that are consistent with those proposed by the Federal Interagency Task Force on Literacy;

(1) approve the plan for program reviews and evaluations required in section 352 of the Adult Education Act, as amended,

and participate in the implementation and dissemination of such program reviews and evaluations;

(2) advise the Governor, the State Legislature, the State Employment and Training Commission, and the general public of the state of the findings of such program reviews and evaluations; and

(3) include its comments and recommendations in any report of such evaluations;

(g) promote family literacy by working with the Department of Education to develop programs to get parents involved in their children's education and opportunities for parents to receive literacy training at school sites;

(h) report to the Governor on the extent to which the individuals who are members of special populations are provided with equal access to quality adult education and literacy programs; and

(i) make recommendations to the Governor on ways to create greater incentives for joint planning and collaboration between the adult education system and the job training system at the State and local levels; and advise the Governor, the State Board of Education, the State Employment and Training Commission, the Commissioner of Education, and the Commissioner of Labor regarding such evaluation, findings and recommendations.

2. The chairpersons of the Commission and Council shall analyze and organize the current work and structure of their respective bodies to assist the activities and functions of the State Council and to facilitate a collaborative framework for addressing lifelong learning and workforce readiness issues.

3. The Council shall be composed of the Governor or his designee, representatives, appointed by the Governor, of the Department of Higher Education, Department of Education, Department of Human Services, Department of Commerce, Department of Labor, Department of Community Affairs, and the Department of Corrections and a minimum of 15 and maximum of 25 individuals appointed by the Governor who shall be broadly representative of citizens and groups within the State having an interest in adult education and literacy, including representatives from the following:

(a) public and private elementary, secondary and higher education;

(b) public and private sector employment;

(c) recognized State labor organizations;

(d) private literacy organizations, voluntary literacy organizations, and community-based literacy organizations in the State;

- (e) representatives of:
 - (1) the State job training agency;
 - (2) the State Library program;
 - (3) the economic development agency;
 - (4) teachers who have demonstrated outstanding results in teaching children or adults to read; and
 - (5) individuals who have participated in, and benefited from, adult education and literacy programs.

(f) In making appointments to the State Council, appropriate representation should be given to urban and rural areas, women, persons with disabilities and racial and ethnic minorities, and 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 State Employment and Training Commission and who possess the qualifications necessary to serve on the State Council.

(g) Members, other than State agency representatives, shall serve for terms of three years, except that, of the initial appointees pursuant to this Executive Order, one-third of the members shall serve for terms of one year; one-third of the members shall serve for terms of two years; and the remaining members shall serve for terms of three years. The term 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.

(h) Two co-chairs of the Council shall be designated by the Governor from among the Council's members.

4. The functions of the State Council shall be in accordance with Section 332 of the Adult Education Act, as amended by Pub.L.102-73 and consistent with P.L.1989, c.293 and the State Council shall be assigned in, but not of, the Department of Education.

5. The State Council is authorized to apply for and receive funds under the Adult Education Act 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 Adult Education Act (Pub.L.102-73) pursuant to section 331(c) and section 332(a)(2). The State Council is also authorized to apply for other funds to carry out its functions under this Executive Order.

6. The State Council shall meet as soon as practicable after certification has been accepted by the U.S. Secretary of Education. 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 adult and literacy education programs of the State. One number more than one-half of the members on the Council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the Governor, but a lesser number of members may constitute a quorum for other purposes.

7. This Order shall take effect immediately.

Issued October 29, 1992.

EXECUTIVE ORDER No. 69

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 27, 1992, 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 27, 1992.

Issued November 9, 1992.

EXECUTIVE ORDER No. 70

WHEREAS, This Administration is committed to improving the efficiency of its operations, eliminating duplication of functions and achieving cost savings wherever feasible; and

WHEREAS, The Commissioner of Personnel has the responsibility and authority, pursuant to N.J.S.A.11A:3-1, to establish and administer a State classification plan; and

WHEREAS, The Commissioner of Personnel has the authority, pursuant to N.J.S.A.11A:3-7, to establish and administer an equitable State employee compensation plan; and

WHEREAS, The Commissioner of Personnel, pursuant to N.J.S.A.11A:2-11, is vested with the authority to plan, evaluate, administer and implement personnel policies and programs in State government; to develop programs to improve the efficiency and effectiveness of the public service; to set standards and procedures for review and to render final administrative decisions on classification and salary appeals; to maintain a management information system; and to assist the Governor in general workforce planning and personnel matters; and

WHEREAS, These statutory provisions in the Civil Service Reform Act establish the Department of Personnel as the human resource agency which administers in a uniform fashion classification, compensation, workforce planning and related functions in the Executive Branch of State government; and

WHEREAS, There is a need to consolidate personnel functions where appropriate in human resource agency reporting to the Governor, in order to ensure the effective and efficient management of personnel policies and programs, and this is especially critical since the Fiscal Year 93 Appropriations Act reduced the availability of funds for human resource administration; and

WHEREAS, Such efforts shall promote savings for State government as well as greater efficiencies and coordination of personnel policies and procedures; and

WHEREAS, Pursuant to N.J.S.A.11A:11-2, the Commissioner of Personnel has the discretionary authority to direct the consolidation of personnel functions in the Executive Branch within the Department of Personnel; and

WHEREAS, The goals of Civil Service reform which began in 1986 need to be reaffirmed, especially in this economic climate, to continue to promote the goals of efficiency and economy; and

WHEREAS, Although the Department of Personnel has been empowered to act as the State department with principal oversight responsibility for classification and compensation matters, the heads of the principal departments are appointing authorities within the law and require sufficient authority over personnel matters to effectively manage their ongoing responsibilities to the public; and

WHEREAS, It is the public policy of this State, pursuant to N.J.S.A.11A:1-2, to provide public officials with appropriate appointment, supervisory and other personnel authority to execute properly their constitutional and statutory responsibilities; and

WHEREAS, The Commissioner of the Department of Personnel has a role to assist the various departments to help them meet their business needs;

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 shall develop a plan for the consolidation and coordination of personnel functions that balances the needs and benefits of central personnel administration and the management needs of the department and agency heads. The plan should address, but not be limited to, classification, compensation and workforce planning in the Executive Branch of State government, and provide for the transfer, if appropriate, to the Department of Personnel such employees, positions, funding, facilities, equipment, powers, duties and functions from throughout the Executive Branch as necessary to effectuate such consolidation and coordination.

2. The Commissioner shall submit no later than 60 days from the date of this Executive Order the consolidation plan to the Governor for review and approval. Upon the approval of the Governor, the Commissioner may, pursuant to the approved plan, direct the consolidation and coordination of personnel functions, including, but not limited to, classification, compensation and

workforce planning, in the Executive Branch and the transfer to the Department of Personnel, if appropriate, of such employees, positions, funding, facilities, equipment, powers, duties and functions to effectuate such consolidation and coordination. The Commissioner shall organize these functions in such units as the Commissioner determines are necessary for the efficient operation of the Department and to properly support the appointing authorities and all State employees in personnel matters.

3. The plan shall include a statement of the problems being addressed by the proposed consolidations and detail the proposed changes, the staffing needs, the division of duties between the operating departments and agencies and the Department of Personnel, and shall address the transfer of staff and resources to implement the plan.

4. The plan shall be developed in consultation with the affected department and agency heads.

5. Each department, division, or agency in the Executive Branch of State government shall cooperate fully with the Commissioner and make available to the Commissioner such information, personnel and assistance necessary to effectuate the purposes of this Order.

6. Within six months, the Commissioner shall submit to the Governor a report on the implementation of this Order after consultation with the Cabinet.

7. This Order shall take effect immediately.

Issued November 17, 1992.

EXECUTIVE ORDER No. 71

WHEREAS, Thousands of citizens of the State of New Jersey from every age group and from all walks of life volunteer countless hours of service in order to help others in their communities; and

WHEREAS, These volunteers work to build strong community organizations, to promote issues in the public interest and to help their fellow citizens in need; and

WHEREAS, Neighborhoods, towns, cities and the State benefit to a great extent from the contributions of individuals and groups volunteering their time and service; and

WHEREAS, Volunteerism promotes good citizenship and responsibility to the community; and

WHEREAS, State government can promote volunteerism and community service by providing leadership, coordination, and recognition; and

WHEREAS, The federal National and Community Service Act of 1990 encourages a concerned body of citizens to join and work together for the common good; and

WHEREAS, New Jersey seeks to involve all sectors of the State in cooperative community service efforts to help create "One New Jersey" by including students from kindergarten through college, participants in New Jersey Youth Corps, and schools and communities in the urban special needs districts; and

WHEREAS, Implementation and coordination of Statewide efforts to enhance volunteerism and service to the community, including those funded by the Commission on National and Community Service, can best be achieved by reconstituting and renaming the Governor's Advisory Committee on Public/Private Volunteer Partnerships to act as advisors to the Governor, the New Jersey Office of Volunteerism and the Department of Higher Education;

NOW, THEREFORE, I, Jim 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. The Governor's Advisory Committee on Public/Private Volunteer Partnerships shall be renamed the Governor's Advisory Council on Volunteerism and Community Service.

2. The Advisory Council shall be composed of not more than 42 individuals appointed by the Governor and shall be broadly representative of community service and shall reflect the ethnic and economic diversity of the State of New Jersey:

a. The Commissioners of the Departments of Community Affairs, Education, Human Services, Health and Labor, the Chancellor of Higher Education, the Attorney General, the Chairman of the State Employment and Training Commission, the Executive Director of the Administrative Office of the Courts, or their designees, shall serve on the Advisory Council as ex officio members.

b. One representative of a federal volunteer program shall serve on the Advisory Council as an ex officio member.

c. The public members shall consist of representatives from volunteer associations or organizations, youth-serving organizations, the nonprofit sector, business, and education, including students. The public members may also include representatives from organized labor, low-income groups, and/or persons who volunteer or are engaged in service to the community.

d. All members of the Advisory Council shall serve without compensation. Public members shall serve for terms of three years, except those public members of the Governor's Advisory Committee on Public/Private Volunteer Partnerships whose terms have not expired shall be reappointed to serve out the remainder of their terms as members of the Advisory Council. Appointments to currently vacant positions shall be made for terms of one, two or three years so that one third of the appointments to the Advisory Council are made each year.

e. Advisory Council vacancies shall be filled by the Governor for the remainder of the unexpired term.

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

4. The Advisory Council shall:

a. Encourage the expansion of volunteerism and community service in the State of New Jersey by advising and supporting the New Jersey Office of Volunteerism and the Department of Higher Education;

b. Identify and prioritize the important community needs and identify the resources to meet those needs through volunteerism and community service;

c. Recognize and reward successful examples of community partnerships, service projects, and volunteerism and to provide those models to other communities facing those challenges;

d. Involve New Jersey's youth, businesses, individuals and groups to work together to strengthen and meet the needs of New Jersey's communities;

e. Advise the Governor on volunteer, community service and service learning for youth issues.

5. The time, place, and manner of meeting, as well as Advisory Council operating procedures, shall be established by the Advisory 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 volunteerism and community service in the State.

6. The Advisory Council shall receive administrative support from the New Jersey Office of Volunteerism, but shall not obligate any funds of that office or of any other department, office, division or agency of the State.

7. The Department of Higher Education shall be considered the lead State agency in administering grants awarded through the Commission on National and Community Service.

8. This Order shall take effect immediately.

Issued November 20, 1992.

EXECUTIVE ORDER NO. 72

WHEREAS, Richard J. Hughes was the only Governor in New Jersey history to serve the people of his beloved State as both Chief Executive and Chief Justice of the State Supreme Court; and

WHEREAS, Governor Hughes devoted more than five decades of his life to public service; and

WHEREAS, He shepherded New Jersey safely through some of our most uncertain times and, through his deep commitment to justice and equality, helped to ennoble those times; and

WHEREAS, His skilled and gracious statesmanship, his integrity and his commitment to fiscal responsibility remain today a model and an inspiration for all in government; and

WHEREAS, He understood that the lasting greatness of any society is contained in the promise of its children, and that the most important task of government is to nurture that promise through education; and

WHEREAS, His singular vision and determined leadership enabled New Jersey to create a world-class system of universities, colleges and junior colleges in which we could nurture the creative genius of all our young people and continue New Jersey's proud tradition of generational progress; and

WHEREAS, His administration laid the foundation for a strong, modern transportation system that has enabled New Jersey to keep its economy moving for more than a generation; and

WHEREAS, He believed deeply that the strength of America lies in our diversity and that, as President Roosevelt said, we are all sons and daughters of immigrants, equally deserving of dignity and opportunity; and

WHEREAS, His belief in New Jersey's greatness and his ability to convince others of that greatness helped move New Jersey into the national spotlight as the site of the 1964 Democratic national convention and the 1967 summit meeting at Glassboro between President Lyndon Johnson and Soviet Premier Aleksei Kosygin; and

WHEREAS, His keen insight and devotion to justice, now inscribed in law, helped our State, and our nation, to move a little closer to the noble ideals on which we were founded; and

WHEREAS, As Chief Justice of the State's highest court, he was widely respected and admired for his leadership and courageous stands on such diverse issues as the sacred right of

each individual to live and die with dignity, the right of every child to receive a quality education, the right of those accused of crimes to receive a fair trial and the right of those convicted to receive fair and humane treatment; and

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

WHEREAS, His Irish wit, wise counsel and indomitable spirit were rare and precious resources that will be greatly missed in the halls of government and throughout our State; and

WHEREAS, It is fitting and appropriate for the State of New Jersey to mark the passing of Richard J. Hughes, a great statesman and public servant who always put New Jersey first;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Monday, December 7, 1992 and through and including Monday, December 21 in recognition and mourning of the passing of one of New Jersey's most distinguished sons, Richard J. Hughes.

2. This Order shall take effect immediately.

Issued December 7, 1992.

EXECUTIVE ORDER NO. 73

WHEREAS, Severe weather conditions of December 11, 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;

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 of the State of New Jersey do declare and proclaim that a limited State of Emergency has and presently exists in Atlantic, Burlington, Cape May, Cumberland, Middlesex, 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 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 December 11, 1992.

EXECUTIVE ORDER No. 74

WHEREAS, Severe weather conditions in the State of New Jersey led to the declaration of a limited State of Emergency in certain areas of the State, pursuant to Executive Order No. 73; and

WHEREAS, Conditions in other areas of the State have deteriorated and the conditions in Bergen, Hudson and Salem counties constitute a disaster from a natural cause and continue to pose a threat and endanger the health, safety or resources of the residents of one or more municipalities and counties of this State; and which is in some parts of the State, and threatens to become, too large in scope to be handled in its entirety by normal municipal or county operation services;

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 of the State of New Jersey do declare and proclaim that a limited State of Emergency exists in Bergen, Hudson and Salem counties.

Executive Order No. 73 is hereby extended to include Bergen, Hudson and Salem counties. This Order shall take effect immediately and shall remain in effect until such time as I determine that an emergency no longer exists.

Issued December 11, 1992.

EXECUTIVE ORDER No. 75

WHEREAS, Severe weather conditions in the State of New Jersey led to the declaration of a limited State of Emergency in certain areas of the State, pursuant to Executive Order Nos. 73 and 74; and

WHEREAS, Conditions in other areas of the State have deteriorated and the conditions in Camden, Essex, Gloucester, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union and Warren counties constitute a disaster from a natural cause and continue to pose a threat and endanger the health, safety or resources of the residents of one or more municipalities and counties of this State; and which is in some parts of the State, and threatens to become, too large in scope to be handled in its entirety by normal municipal or county operation services;

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 of the State of New Jersey do declare and proclaim that a limited State of Emergency exists in Camden, Essex, Gloucester, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union and Warren counties.

Executive Order Nos. 73 and 74 are hereby extended to include Camden, Essex, Gloucester, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union and Warren counties. This Order shall take effect immediately and shall remain in effect until such time as I determine that an emergency no longer exists.

Issued December 11, 1992.

EXECUTIVE ORDER No. 76

WHEREAS, Executive Order No. 73, issued on December 11, 1992, declared a limited State of Emergency in Atlantic, Burlington, Cape May, Cumberland, Middlesex, Monmouth and Ocean counties, and Executive Order No. 74, issued on December 11, 1992, extended the State of Emergency to Bergen, Hudson and Salem counties, and Executive Order No. 75, issued on December 11, 1992, extended the State of Emergency to Camden, Essex, Gloucester, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union and Warren counties, because of severe weather conditions which threatened the health, safety and resources of the residents of this State; and

WHEREAS, The immediate threat posed by the severe weather conditions of December 11, 1992 has passed and ceased to endanger the health, safety or resources of residents; and

WHEREAS, I wish to express my personal appreciation to the people of New Jersey for the manner in which they cooperated during this emergency and to the law enforcement, military and emergency response personnel of the State for their untiring 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 by the Statutes of this State, do hereby declare that the State of Emergency is hereby terminated effective at noon on December 22, 1992. Executive Order Nos. 73, 74 and 75 are rescinded.

This Order shall take effect immediately.

Issued December 22, 1992.

EXECUTIVE ORDER No. 77

WHEREAS, On October 29, 1992, I created by Executive Order No. 68, the State Council on Adult Education and Literacy, in order to help improve coordination and delivery of adult education and literacy programs across the State; and

WHEREAS, The interest expressed in response to this event has been extensive and from varied constituencies; and

WHEREAS, Broad representation of concerned parties to the Council membership is desirable and in the spirit of Executive Order No. 68;

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. Section 3 of Executive Order No. 68 is hereby amended as follows:

“The Council shall be composed of the Governor or his designee, representatives of the Department of Higher Education, Department of Education, Department of Human Services, Department of Commerce, Department of Labor, Department of Community Affairs, Department of Corrections, and public members to be appointed by the Governor and who shall be broadly representative of citizens and groups within the State having an interest in adult education and literacy.”

2. This Order shall take effect immediately.

Issued January 7, 1992.

EXECUTIVE ORDER No. 78

WHEREAS, The people of this State are entitled to a government in which every effort is made to eliminate both the actuality and the appearance of impropriety; and

WHEREAS, Concerns exist about the role of members of the Legislature in the process used for the leasing of real property by State agencies; and

WHEREAS, A prohibition against State agency leases involving members of the Legislature or members of their families will benefit both the members of the Legislature and the State agency officials responsible for leasing by providing a bright-line rule to guide their conduct;

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. As used in this Order, the following terms have the following meanings:

a. "State agency" means any of the principal departments in the Executive Branch of the State Government and any division, board, bureau, office, commission, or other instrumentality within, created by, or allocated to such department.

b. "Interest" means (1) the ownership or control of more than one percent of the profits or assets of a firm, association, or partnership, or more than one percent of the stock in a corporation for profit other than a professional service corporation organized under the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.); and (2) the holding of the status of shareholder, associate, partner, or professional employee of a professional service corporation or of any other firm, partnership or association that provides professional services regardless of the extent or amount of shareholder interest in the corporation or of the amount of the assets or profits of the firm, partnership or association owned or controlled.

c. "Member of the immediate family" of any person means the person's spouse, child, parent, or sibling residing in the same household.

2.a. Notwithstanding the provisions of sections 4 and 8 of P.L.1971, c.182 (C.52:13D-15 et al.) or any other law to the contrary and except as provided in subsection b. of this section, a State agency shall not lease or purchase real property, title to which is held, in whole or in part, by a member of the Legislature or a member of his or her immediate family, by any partnership, firm, or corporation in which the member has an interest, or by a trust of any nature into which a member has placed control of real property regardless of whether or not the member has retained control of the trust assets or has knowledge of the management of trust assets.

b. A State agency may acquire real property the acquisition of which is prohibited by subsection a. of this section only pursuant to the "Eminent Domain Act of 1971," P.L.1971, c.361 (C.20:3-1 et seq.).

3. This Order shall take effect immediately.

Issued January 12, 1993.

EXECUTIVE ORDER No. 79

WHEREAS, Regulation of the process of making or awarding public contracts should serve the purposes of preserving to the State all of the economic benefits of full and free competition and guarding against favoritism, improvidence, extravagance, or corruption; and

WHEREAS, The Legislature has established such regulation in the form of laws which provide that purchases, contracts, or agreements which are to be paid for out of State funds or other public funds should only be made or awarded after public advertisement for bids, unless the purchase, contract, or agreement is authorized by law to be made without such public advertisement; and

WHEREAS, The Legislature has determined that, even in cases where public advertising is not required, the process used to make or award the purchase, contract, or agreement should be one which promotes full and free competition whenever competition is practicable; and

WHEREAS, Through the enactment of P.L.1992, c.130, and the Issuance of Executive Order No. 65 (1992), provision has been made for the effective regulation of one type of agreement to which the general public advertising requirement does not apply -- State agency leases; and

WHEREAS, Further action is needed to assure the public that purchases, contracts, or agreements which are not required to be made or awarded after public advertisement of bids are nonetheless made or awarded pursuant to procedures that promote full and free competition whenever competition is practicable and that provide for disclosure and accountability;

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 State Treasurer shall establish, by regulation, procedures, which may be tailored to particular procurement needs, to require the use of a modified competitive process for purchases,

contracts, or agreements for which public advertising for bids is not required pursuant to the provisions of sections 4 and 5 of P.L.1954, c.48 (C.52:34-6 et seq.). These procedures shall apply to all principal departments and any entities allocated thereto by law, notwithstanding whether they are subject to P.L.1954, c.48 (C.52:34-6 et seq.) or other similar provisions contained in the laws or regulations applicable to such entities.

2. The procedures established pursuant to section 1 of this Executive Order shall include a requirement that the individual or entity making or awarding the purchase, contract, or agreement state in writing the reason why a particular vendor was selected over any other competing vendors.

3. This Order shall not apply to lease agreements that are subject to the provisions of P.L.1992, c.130, or Executive Order No. 65 (1992).

4. This Order shall take effect immediately.

Issued January 12, 1993.

