

ACTS
OF THE
First Annual Session
OF THE
Two Hundredth Legislature
OF THE
STATE OF NEW JERSEY
AND
Twenty-ninth Under the New Constitution



New Jersey State Library

1982

EXECUTIVE ORDERS

Executive Orders

EXECUTIVE ORDER No. 1

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. 108 (Byrne) of September 11, 1981, expires on January 20, 1982; and

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

NOW, THEREFORE, I, Thomas H. Kean, 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 a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981, and No. 108 (Byrne) of September 11, 1981, shall remain in effect until May 20, 1982, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 20, 1982.

EXECUTIVE ORDER No. 2

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

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

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

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

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

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

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, do hereby ORDER and DIRECT that:

1. Every public officer as defined in section 7 hereof shall file a sworn and duly notarized statement which is current as of five days prior to the date of filing. Each statement shall include the following information:

- a. The name and position of the public officer;
- b. Any occupation, trade, business or profession engaged in by the public officer or by his or her spouse that is subject to licensing or regulation by a State agency;

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

- (i) Greater than \$1,000, but not more than \$10,000;
- (ii) Greater than \$10,000, but not more than \$50,000;
- (iii) Greater than \$50,000, but not more than \$100,000;
- (iv) Greater than \$100,000, but not more than \$250,000;
- (v) Greater than \$250,000;

d. A list of all liabilities of the public officer and of his or her spouse, valued by category in the same manner as assets, except liabilities which are less than \$10,000.00 and owed to a relative as defined in section 7 hereof, or less than \$2,000 and owed to any other person. For each liability so listed, the name of the creditor to whom such liability is owed shall be stated;

e. A list of all sources of income of the public officer and of his or her spouse for the 12 months immediately preceding the statement date, except for the 12 months immediately preceding the date

on which the public officer assumes the office to which he or she has been appointed, including all compensated employment of whatever nature, all directorships and other fiduciary positions for which compensation has or will be claimed, all capital gains, including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honoraria, lecture fees and other miscellaneous sources of income; except that the amounts of such income received or to be received need not be supplied unless specifically requested by the Governor, the Attorney General or the Executive Commission on Ethical Standards. Not required to be reported as a source of income are:

(1) Cash gifts in an aggregate amount of less than \$100 received during the preceding 12 months from a person;

(2) Noncash gifts with an aggregate fair market value of less than \$200 received during the preceding 12 months from a person; and

(3) Gifts with an aggregate cash or fair market of less than \$3,000 received during the preceding 12 months from a relative;

f. A list of any offices, trusteeships, directorships or positions of any nature, whether compensated or uncompensated, held by the public officer and by his or her spouse, with any firm, corporation, association, partnership or business that either does business with or is licensed, regulated or inspected by a State agency.

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

3. a. Within 60 days from the effective date of this Order, each public officer who has not already done so shall file the signed and notarized statement required herein with the Office of the Governor, the Executive Commission on Ethical Standards (two copies), and with the Attorney General. In furtherance of its duties under the "New Jersey Conflicts of Interest Law," P. L. 1971, c. 182 (C. 52:13D-12 et seq.), and pursuant to this Executive Order, the Executive Commission on Ethical Standards shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such statement, the commission shall file a copy of it with the Secre-

tary of State for public inspection and copying in accordance with the procedures set forth in P. L. 1963, c. 73 (C. 47:1A-1 et seq.);

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

c. Updated statements shall be filed one year after the submission of the original statement and every year thereafter so long as the person who submitted such statement is a public officer of this State, as defined in section 7 of this Order.

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

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

6. A public officer's willful failure to comply with this Order shall constitute cause for his or her removal from office by those having the power of removal.

7. For the purposes of this Order:

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

(1) The head of a principal department;

(2) The assistant or deputy heads of a principal department, to include all assistant and deputy commissioners of such department;

(3) The head and assistant heads of a division of a principal department;

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

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

d. "Relative" shall mean a son, daughter, grandson, granddaughter, father, mother, grandfather, grandmother, great-grandfather, great-grandmother, brother, sister, nephew, niece, uncle, or aunt. Relatives by adoption, half-blood, marriage or remarriage shall be treated as relatives of the whole kinship.

8. Executive Order No. 15 of Governor Brendan Byrne and any subsequent Executive Orders issued in conjunction therewith are rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

9. This Order shall be given effect retroactively to the 19th day of January, 1982.

Issued February 11, 1982.

EXECUTIVE ORDER No. 3

WHEREAS, According to the most recent weather reports, in hand as of 1:45 p.m. today, April 6, 1982, severe weather conditions, including snow and high winds have made State roadways hazardous to travel in certain counties in the northern part of the State, more particularly, the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren; and

WHEREAS, Also according to the most recent weather reports, travel conditions in such counties are expected to worsen throughout the day and early evening; and

WHEREAS, The storm poses a serious threat and danger to the health, safety and resources of the residents of such counties, who are compelled to travel and is too large in scope to be handled in its entirety by normal municipal operating services; and

WHEREAS, Pursuant to N. J. S. 18A:14-2, Statewide school board elections are required to be conducted on Tuesday, April 6, 1982; and

WHEREAS, The residents of such counties are presently faced with the choice of exercising their constitutional franchise, or endangering their health and safety; and

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, chapter 251 (C. App. A :9-30 et seq.) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a state of emergency exists in the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren.

FURTHERMORE, in accordance with the Laws of 1942, chapter 251, as supplemented and amended, I do hereby PROMULGATE and DECLARE that annual school board elections scheduled for Tuesday, April 6, 1982, in the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren shall be, and they are hereby, suspended until next Tuesday, April 13, 1982, at the same time, locations and under the same circumstances as though such elections were held on Tuesday, April 6, 1982.

FURTHERMORE, I ORDER and DIRECT that all voting machines in such counties being used in the school board elections be immediately impounded and sealed, that any votes already cast in such elections not be tallied until the close of polls on Tuesday, April 13, 1982, and that all voting registers, absentee ballots, and other voting related material be immediately impounded by those local officials responsible for said elections and remain impounded until the opening of the polls on Tuesday, April 13, 1982.

FURTHERMORE, in accordance with the Laws of 1942, chapter 251, as supplemented and amended, I do hereby PROMULGATE and DECLARE the following regulations, which shall be in addition to all other laws of the State of New Jersey, to be in effect in the affected counties until such time as it is declared by me that an emergency no longer exists:

1. All travel, other than that necessary to provide essential

services, whether public or private, is discouraged for the purpose of facilitating snow removal.

2. All businesses, including places of public entertainment, which do not perform essential services are requested to suspend operations.

3. Citizens are encouraged to stay tuned to public broadcast stations for further announcements relating to the storm emergency, should they be necessary.

Issued April 6, 1982.

EXECUTIVE ORDER No. 4

WHEREAS, Executive Order No. 3, declaring a state of emergency in several counties of this State, was issued on April 6, 1982, because of severe weather conditions; and

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

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, announce that the state of emergency is hereby terminated effective 1 p.m., April 7, 1982, and that those portions of my Executive Order dated April 6, 1982, suspending in the affected counties the annual school board elections and impounding and sealing the voting machines, securing election material, and precluding a tally of votes cast will continue to remain in effect. However, because of the incidence of school holidays, State holidays, and religious observances, the election is hereby further suspended until April 20, 1982, and the provisions of Executive Order No. 3 pertaining to the suspension are hereby also extended to April 20, 1982.

It is urged, however, that motorists continue to use discretion and caution in traveling, as the main roads, while clear, may be slippery.

I wish to express my gratitude to the people of New Jersey for the manner in which they cooperated during this emergency and to the law enforcement and emergency response personnel, school board and other officials for their untiring efforts.

Issued April 7, 1982.

EXECUTIVE ORDER No. 5

WHEREAS, Executive Orders No. 94, 96, 97, 98, 99, and 103 were signed by Governor Brendan Byrne in 1980 to declare a state of emergency in certain communities in New Jersey in response to unusually dry weather conditions; and

WHEREAS, Governor Brendan Byrne signed Executive Order No. 104 on February 7, 1981, which Executive Order merged Executive Orders No. 94, 96, 97, 98, and 103, in response to the worsening drought conditions; and

WHEREAS, Emergency Resolution No. 81-1, declaring an emergency concerning the water supplies of the Delaware River Basin, was signed in 1981 by the Governors of the member states of the Delaware River Basin Commission: New Jersey, Pennsylvania, New York and Delaware, in response to unusually dry weather conditions; and

WHEREAS, The water conservation measures and water rationing plan established by the above referenced Orders resulted in reduced water consumption at rates adequate to preserve the dwindling water supplies in the State; and

WHEREAS, The Legislature of the State of New Jersey appropriated emergency funds for the construction of water supply projects to improve the capability of interconnections and water supply delivery to the northeastern part of the State; and

WHEREAS, The emergency water supply projects resulted in greater capability by the State of New Jersey and water purveyors to deliver potable water supplies in the event of future water shortages or other emergency conditions requiring interconnection and cooperation by the major water purveyors in this State; and

WHEREAS, Recent rainfall patterns, coupled with the water conservation efforts of the residents and businesses of the State of New Jersey, resulted in improvements in reservoir levels such that the average reservoir levels now exceed 90 percent of capacity; and

WHEREAS, Due to the water conservation efforts of the residents and businesses of this State, and the actions of the Legislature of the State of New Jersey to provide funds for insuring the capability of interconnections and water supplies to the most

populated regions of this State, the recent water supply emergency can be considered over for the present; while noting, however, that the conditions which resulted in a water shortage of such severe proportions continue to exist with a number of the water purveyors and, as a result, there is a continued probability that below normal rainfall could result again in severe water supply shortages; and

WHEREAS, I am recommending that the Board of Public Utilities, pursuant to its authority to establish rates for water supplied by all water purveyors which are subject to the jurisdiction, regulation and control of the Board of Public Utilities, develop and adopt an emergency water rate schedule to be utilized by all applicable purveyors in the event of future water supply emergencies which are declared by the Governor of the State of New Jersey, which emergency water rate schedule should reflect the appropriate and necessary costs of water, given the scarcity of the resource and the need to curtail excessive water supply usage during a declared state of water supply emergency, and should also include consideration of the establishment of reserve accounts by the water purveyors in order to supply the necessary resources to deal with water shortage or emergency situations;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and the statutes of this State, do hereby ORDER and DIRECT as follows:

1. a. I hereby declare that a state of emergency no longer exists in the State of New Jersey, except in those municipalities within the Delaware River Basin north of the Salem-Gloucester County line.

b. I hereby further declare that the existing state of emergency in those municipalities within the Delaware River Basin as set forth above shall continue until terminated by resolution of the Delaware River Basin Commission.

2. a. I hereby declare that all uncollected excess water use surcharges imposed pursuant to Executive Orders No. 98 and 104, signed by Governor Byrne, are hereby rescinded. All such uncollected excess water use surcharges shall be deemed null and void.

b. I further order that the excess water use surcharges imposed under Executive Orders No. 98 and 104 be reimbursed in accordance

with the provisions of P. L. 1981, c. 540, section 2(c), by a Drought Coordinator appointed by the Commissioner of the Department of Environmental Protection.

3. a. I hereby direct that the Department of Environmental Protection and the Department of Community Affairs assist the Board of Public Utilities in developing a rate schedule for the retail costs of water supplies during future water emergencies which are declared by the Governor of the State of New Jersey, and which shall be utilized by all applicable water purveyors in the event of such a declared emergency.

b. The Department of Community Affairs, in consultation with the Department of Environmental Protection, shall take such steps as are within its statutory power to ensure that municipal purveyors are authorized to institute the above-mentioned emergency water rate schedule in the event that a water shortage emergency is declared in the future by the Governor of the State of New Jersey.

4. I further direct that, in the event of a future declaration of water shortage emergency, the rates established and collected pursuant to paragraph 3 above shall be the responsibility of the applicable purveyors to collect. Such sums as are collected pursuant to said rate schedule in excess of the amounts collected under normal water rates shall be deposited in an account established by the Department of Treasury for said purposes. This account shall be designated as the "Water Emergency Fund," and shall be disposed as directed by the State Treasurer, in consultation with the Commissioner of the Department of Environmental Protection, for the following purposes:

a. The promotion of water conservation, the purchase of water conservation devices for distribution to water users affected by the water supply emergency, and emergency projects;

b. Reimbursement, in whole or part, to water purveyors for reasonable expenses incurred in the administration and enforcement of the water supply rate program established pursuant to section 3 above; and

c. Reasonable administrative costs directly attributable to the water supply emergency incurred by the State in the discharge of duties and responsibilities under an Executive Order which declares a water supply emergency.

5. I direct that the Department of Environmental Protection, through its Office of Water Conservation, in cooperation with the

water purveyors, through their public relations offices or whatever other means are available, continue to undertake an effort to increase public awareness of the importance of conserving New Jersey's water supplies.

6. I hereby terminate the emergency rules and regulations adopted in response to Executive Order No. 104, and found at N. J. A. C. 7:1G-1 et seq.

7. This Order shall take effect immediately and shall be posted by the municipal clerks of all affected municipalities, in a public place within a municipal building, immediately upon receipt, and shall be sent to all affected water purveyors in the State.

Issued April 27, 1982.

EXECUTIVE ORDER No. 6

WHEREAS, Executive Order No. 3 creates an Interdepartmental Committee on State Water Supply, which Committee has completed its work; and

WHEREAS, Executive Order No. 8 establishes a Cabinet Committee on Urban Affairs, which Committee has completed its work; and

WHEREAS, Executive Order No. 12 declares a storm emergency in various counties on December 1-3, 1974, which emergency has now ceased; and

WHEREAS, Executive Order No. 13 imposes restrictions on State-owned or leased buildings during the energy crisis of 1974 and said immediate emergency has since passed; and

WHEREAS, Executive Order No. 20 establishes a Governor's Committee to Evaluate the State Commission of Investigation to conduct a one-time study and said study has been completed; and

WHEREAS, Executive Order No. 25 names a coordinating officer to respond to certain storm damage in 1975 and said duties have been completed; and

WHEREAS, Executive Order No. 26 names a coordinating officer to respond to the water crisis of 1975 and said emergency has since passed; and

WHEREAS, Executive Order No. 27 directs various Commissioners to cooperate in efforts to alleviate the water crisis of 1975 and said emergency has since passed; and

WHEREAS, Executive Order No. 58 creates a Commission on Professional Health Services, which Commission has issued its report and completed its function; and

WHEREAS, Executive Order No. 59 creates a Governor's Commission on Marine Fisheries, which Commission has since completed its work; and

WHEREAS, Executive Order No. 69 creates a Hudson River Waterfront Study and Planning Commission, which Commission has completed its work; and

WHEREAS, Executive Order No. 72 creates a Voter Registration Advisory Council, which Council has ceased to function and has been replaced by existing programs dedicated to increasing voter registration; and

WHEREAS, Executive Order No. 73 declares a state of emergency in April 1979, during a strike by unions dealing with removal and disposal of sludge, which strike has ended; and

WHEREAS, Executive Order No. 76 creates an Advisory Committee on Hazardous Waste, which has now completed its work; and

WHEREAS, Executive Order No. 81 establishes a Committee on the Garden State Race Track, which Committee has submitted its report and completed its work; and

WHEREAS, Executive Order No. 83 declares a state of emergency with regard to motor fuel, which crisis has since passed; and

WHEREAS, Executive Order No. 85 creates a New Jersey Council on Fitness, which Council has ceased to function and is being replaced; and

WHEREAS, Executive Orders No. 87, 88, 89, 90 and 92 declare a state of emergency in Elizabeth due to an explosion and fire at the Chemical Control Corporation in Elizabeth and said emergency has ceased; and

WHEREAS, Executive Orders No. 35 and 46 provide for development of a State housing goal and allocation plan, which is to be

periodically updated and said plan has proven to be inadequate to effectively meet the housing needs of the citizenry of New Jersey; and

WHEREAS, Each of the above Executive Orders No. 3, 8, 12, 13, 20, 25, 26, 27, 58, 59, 69, 72, 73, 76, 81, 83, 85, 87, 88, 89, 90 and 92 are no longer necessary due to the completion of the designated work or the expiration of the stated emergency; and

WHEREAS, Executive Orders No. 35 and 46 have proven inadequate and ineffective in meeting their stated goal;

Now, THEREFORE, I, Thomas H. Kean, 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: Executive Orders No. 3, 8, 12, 13, 20, 25, 26, 27, 58, 69, 72, 73, 76, 81, 83, 85, 87, 88, 89, 90, 35 and 46 of Governor Brendan Byrne are rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

Issued May 4, 1982.

EXECUTIVE ORDER No. 7

WHEREAS, Substantial portions of the annual budgets of the State and its political subdivisions consist of appropriations to fund the various retirement systems established by law for the benefit of public employees and their beneficiaries; and

WHEREAS, The State bears an especially large burden with respect to the funding of public employee pension liabilities, being responsible for employer pension contributions on behalf of approximately 87,500 State workers, 137,000 schoolteachers, 300 judges and many other active and retired public employees; and

WHEREAS, The State Treasurer has estimated that for fiscal year 1983 State contributions to the Teachers' Pension and Annuity Fund and the Public Employees' Retirement System alone, exclusive of payments to fund cost-of-living adjustments to retirees and beneficiaries under those retirement systems, will increase from fiscal year 1982 by approximately 21 percent, with a combined cost of \$294 million; and

WHEREAS, Forecasts for expenditures suggest regular increases of the same magnitude; and

WHEREAS, It is incumbent upon State and local governments to maintain the integrity of their pension funds;

NOW, THEREFORE, I, Thomas H. Kean, 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. There is hereby created a Pension Systems Review Commission to consist of 11 members. The members of the Commission shall be the Treasurer or his designee; a member of the State Investment Council, to be appointed by the Governor; two elected members of the boards of trustees of the State-administered retirement systems, to be appointed by the Governor; and three public members, to be appointed by the Governor; and four members of the Legislature, two appointed by the Speaker of the General Assembly, representing different political parties, and two appointed by the President of the Senate, representing different political parties. The Governor shall designate one of the three public members to be chairman of the commission. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. All members of the commission shall serve without compensation, except that the trustee members and public members shall be reimbursed for their expenses actually incurred in the performance of their duties, subject to the availability of funds.

2. The commission shall organize as soon as practicable following the appointment of its members. The commission shall select a vice-chairman from among its members and a secretary, who need not be a member of the commission.

3. It shall be the duty of the commission to study the financing, administration and operation, benefit structures, and investment policies of the State-administered public employee pension systems established under the laws of this State, together with any other matters relating thereto which the commission deems worthy of investigation. In the course of its study, the commission shall consider by what means, consistent with the secure provision of fair and adequate retirement and survivorship benefits to public employees and their beneficiaries, the cost of funding these benefits may best be managed.

4. The commission shall be entitled to incur any traveling and other miscellaneous expenses as it deems necessary in order to perform its duties and as may be within the limits of funds appropriated or otherwise made available to it for these purposes.

5. The Office of the Treasurer shall serve as staff to the commission and shall be responsible for coordinating the research and administrative endeavors of the commission. The commission shall be entitled to call to its assistance and avail itself of the services of any employees of any State, county or municipal department, board, bureau, commission or agency as it requires and as may be available to it for its purposes. The commission may make use of existing studies, surveys, plans, data or other materials in the possession of any agency of the State or of any political subdivision and such agencies are authorized to make the same available to the commission.

6. The officers and personnel of any agency of the State or of any political subdivision of the State may serve at the request of the commission upon any advisory committees which the commission may create, and those officers and personnel may serve upon the committees without forfeiture of office or employment and with no loss or diminution of the compensation, status, rights and privileges which they otherwise enjoy.

7. The commission may conduct public hearings in furtherance of its general purposes at any place or places it designates, and it may request the appearance at these hearings of officials of any State agency and solicit the testimony of interested groups and the general public.

8. The commission shall submit a report of its findings to the Governor and to the Legislature on or before December 1, 1983, accompanying the report with any recommendations and legislative proposals it deems appropriate. The commission may make interim reports concerning its study as it shall determine.

9. This Order shall take effect immediately.

Issued May 4, 1982.

EXECUTIVE ORDER No. 8

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. 1 (Kean) of January 20, 1982, expires May 20, 1982; and

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

NOW, THEREFORE, I, Thomas H. Kean, 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 a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, and No. 1 (Kean) of January 20, 1982, shall remain in effect until January 20, 1983, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued May 20, 1982.

EXECUTIVE ORDER No. 9

WHEREAS, Executive Order No. 7 addresses the seriousness of State and local governments' commitment to maintaining the integrity of their pension funds; and

WHEREAS, Certain technical legal objections have been raised with the manner of appointment of members to the Pension System Review Commission created pursuant to that Order; and

WHEREAS, Given the importance of allowing that Commission to be appointed and to commence its efforts promptly, further delay for technical reasons would not be in the public interest;

NOW, THEREFORE, I, Thomas H. Kean, 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. Executive Order No. 7 is hereby amended so that its section 1 shall now read as follows:

1. There is hereby created a Pension Systems Review Commission to consist of 11 members. The members of the Commission shall be the Treasurer or his designee; a member of the State Investment Council, to be appointed by the Governor; two elected members of the boards of trustees of the State-administered retirement systems, to be appointed by the Governor; and seven public members, to be appointed by the Governor, four of whom shall be members of the Legislature, two from the New Jersey General Assembly and two from the New Jersey State Senate. The Governor shall designate one of the three remaining public members to be chairman of the commission. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made. All members of the commission shall serve without compensation, except that the trustee members and public members shall be reimbursed for their expenses actually incurred in the performance of their duties, subject to the availability of funds.

2. Sections 2 through 9 of Executive Order No. 7 are to remain in effect as originally issued.

3. This Order shall take effect immediately.

Issued June 7, 1982.

EXECUTIVE ORDER No. 10

WHEREAS, There are positions in State government that become vacant through retirement each year; and

WHEREAS, Such vacancies should be reviewed to consider their continued need and proper classification; and

WHEREAS, Procedures should be established to effectuate such a review process;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. A Vacancy Review Board is hereby established to review the duties of and continued need for positions in the Executive Branch of State government that become vacant upon retirement, to determine whether these positions should be eliminated, continued, reclassified or transferred. The Board shall establish procedures necessary to implement this process. All departments of the Executive Branch shall fully cooperate with and provide information and documentation as required to the Board.

2. The Vacancy Review Board shall consist of the State Treasurer, President of the Civil Service Commission and a representative of the Governor's Office or their designees.

3. The Vacancy Review Board shall be located in the Department of Civil Service and that Department shall provide necessary personnel and assistance to the Board.

4. This Order shall take effect immediately.

Issued July 13, 1982.

EXECUTIVE ORDER No. 11

WHEREAS, Executive Order No. 65 fails to include a representative of the New Jersey Historical Commission, a commission which has contributed and continues to contribute greatly to the understanding and appreciation of ethnic and cultural groups in the State of New Jersey; and

WHEREAS, Executive Order No. 65 creates a 16-member Ethnic Advisory Council that could be made better equipped to serve the people of the State of New Jersey by a larger and broader-based membership; and

WHEREAS, The Executive Branch of State government recognizes that the State of New Jersey is one of the most ethnically and culturally diverse states of the 50 United States; and

WHEREAS, New Jersey served as the gateway to the United States for many immigrant ethnic groups, which is of historical significance to the country because of the major role these groups played in the growth and development of the United States; and

WHEREAS, The State's ethnic communities are of historical significance to the State of New Jersey by virtue of the many contributions their members have made to the State's growth, development and governance, contributions which should be recorded and shared with all of the people of the State; and

WHEREAS, The wide variety of customs, languages and histories of these varied ethnic groups significantly enhances and enriches the quality of the State's social and cultural life; and

WHEREAS, The State has previously recognized and supported its ethnic communities through the New Jersey Bicentennial Ethnic Council, the reopening of Ellis Island as a National Park and the beginning of the Liberty Park Complex, the Heritage Festivals held at the Garden State Arts Center, and the Inter-Cultural Relations and Ethnic Studies Institute in the Rutgers University Graduate Department of Education; and

WHEREAS, Awareness, appreciation and understanding of these many ethnic groups would contribute to the quality of life in the State by affirming our unity within a framework of cultural diversity; and

WHEREAS, The ethnic communities in the State need still greater attention and support from the government of the State and should play a significant role in shaping the State's approach to their culture, history and needs;

Now, THEREFORE, I, Thomas H. Kean, 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. Executive Order No. 65 of Governor Brendan Byrne is rescinded, and any regulations adopted and promulgated thereunder shall be null and void.

2. There is hereby created an Ethnic Advisory Council, which shall advise the Governor and recommend programs and other efforts the State shall engage in regarding ethnic communities:

(a) The Council shall be placed in the Office of Ethnic Affairs in the Department of State and shall consist of 19 members appointed by the Governor. At least 14 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 existing members of the Ethnic Advisory Council who have been appointed and are serving on the effective date of this Order shall serve a full two-year term from the date of this Order.

(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, or their designees, and the Ethnic Community Liaison, appointed by the Governor, shall serve on the Council in an ex officio capacity.

(c) All members of the Council shall be residents of the State, and shall be appointed for terms of two years, except that of the members initially appointed, eight shall be appointed for a term of one year, and eight for a term of two years. The term of each of the members first appointed shall be designated by the Governor at the time of appointment.

(d) Each Council member shall hold office for the term of the appointment and until a successor shall have been qualified and appointed. Members shall not serve more than two consecutive terms, notwithstanding the fact that the initial term might be less than two years or for the completion of an unexpired term.

(e) Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(f) The Governor shall designate the Chairman of the Council from among the members of the Council. The Chairman shall serve at the pleasure of the Governor.

(g) The Council shall organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

3. The Council shall meet formally at least four times a year at the call of the Chairman. The Council shall report annually to the Governor as to the activities of the Council.

4. The Council may make recommendations to the Governor concerning ethnic studies programs offered in the State's public schools, colleges, and the State University; the participation of ethnic organizations in providing community and social services; the promotion of ethnic and cultural events; the development of policies affecting ethnic neighborhoods; increasing knowledge and public awareness on ethnic history and culture; the participation of ethnic groups in governmental affairs; and such other matters as deemed appropriate to the purpose of this Executive Order.

5. Members of the Council are hereby charged with consulting with all segments of the State's ethnic communities to invite ideas and solicit suggestions in furtherance of this Executive Order.

6. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, if funds are available.

Issued July 23, 1982.

EXECUTIVE ORDER No. 12

WHEREAS, It is important to the future economic health of this State to attract new businesses and the concomitant jobs and income which benefit all of the citizens of the State; and

WHEREAS, An important part of this effort to attract new businesses will involve the State's ability to encourage and support the development of high technology industries and applied research in science and technology, and also will depend on the availability of workers in the State who are trained in the sciences and technology; and

WHEREAS, The State's ability to support the development of high technology industries and to ensure the availability of highly trained workers will depend on a cooperative effort by the State's industry, labor, institutions of higher education, and government;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a commission to be known as the Commission on Science and Technology (hereinafter referred to as the "Commission"). The members of the Commission shall include the following: six representatives from industry within the State; six representatives from the State's higher education community; the Commissioner of Commerce and Economic Development; the Chancellor of Higher Education; a representative of the Governor's office; two members of the Senate, who shall not be of the same political party, to be appointed by the Governor after consultation with the President of the Senate; two members of the General Assembly, who shall not be of the same political party, to be appointed by the Governor after consultation with the Speaker of the General Assembly; and one public member with a background in labor, to be appointed by the Governor. The Chairman shall be designated by the Governor. The members shall serve without compensation, but public members shall be reimbursed for necessary expenses incurred in the performance of their duties. In the absence of the Chairman, the Chancellor of Higher Education or the Commissioner of Commerce and Economic Development, who shall be designated as Vice-Chairmen of the Commission, shall have all the powers and duties of the Chairman.

2. The Chairman shall preside over the meetings and affairs of the Commission and shall create such subcommittees as he deems appropriate to carry out the functions of the Commission. The Chairman shall have such further powers and duties as may be conferred upon him by the Governor. In the absence of the Chairman, the Vice-Chairmen of the Commission shall have all the powers and duties of the Chairman or such powers as may be additionally conferred upon them by the Governor.

3. The Commission shall conduct a thorough study and make recommendations for actions to improve the scientific and technological research and instructional capabilities in the State, and shall determine the requirements of industry, labor, higher education and government in undertaking a joint effort to encourage the development of a high technology economy in the State. In making its recommendations, the Commission shall address the following considerations:

- (a) An analysis of research facility and equipment needs;
- (b) The identification of economic obstacles and incentives for high technology development;
- (c) An analysis of the engineering and computer science capabilities of the institutions of higher education in the State;

(d) The identification of those applications of research and development which will encourage new business activity and employment within the State;

(e) The feasibility of establishing selected industrial-academic "centers of excellence" in specific technical fields;

(f) The requirements for training a more technology-oriented work force at all levels of employment within the State;

(g) Specific actions for inducing high technology industry to establish and maintain research, development, and production operations in the State.

4. The Commission shall proceed promptly with its study and investigation and shall render as soon as practicable to the Governor and Legislature a report of its findings and recommendations, which shall include a plan for the development of a high technology economy in this State by industry, labor, higher education and government.

5. In order to carry out its functions, the Commission may conduct public meetings and hearings and solicit information from the public and any other source as it deems appropriate. If held, notice of public hearings shall be given in such manner as the Chairman may direct to provide an opportunity for interested members of the public to be heard.

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

(b) Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. The Departments of Higher Education, and Commerce and Economic Development, to the extent their budgets allow, shall pay the expenses of the Commission, and through those Departments, the Commission is authorized to purchase services and to contract with consultants for assistance not otherwise available from any department, office, division, or agency of the State, as necessary to accomplish the purposes of this Order.

8. This Order shall take effect immediately.

Issued July 23, 1982.

EXECUTIVE ORDER No. 13

WHEREAS, In the decades immediately following World War II, economic expansion created an abundance of resources to fund both the growth of public sector services and the growth of government; and

WHEREAS, The challenge which government must undertake in the 1980s is to balance the public sector demand for quality services with the public sector demand for less taxes;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There shall be a study and analysis of every department in State government, through a process which integrates the experience of State managers and private sector executives in order to ascertain the most efficient and economical manner to perform services by the State of New Jersey for its citizens.

2. This study and analysis will be undertaken on behalf of the Governor by a commission to be known as the Governor's Management Improvement Commission and will be under the direction and leadership of David R. Clare, Alfred E. Fasola, Robert R. Ferguson, Jr., Marie L. Garibaldi, Rocco J. Marano, Eugene J. McCaffrey and Gary S. Stein. This Commission may undertake this study and analysis through appropriate methods, such as the establishment of a nonprofit corporation which may select and retain any agents, assistants and consultants, and may utilize the services of such executives and experts from the private sector as it deems necessary.

3. The Commission is authorized to call upon any department, office, division or agency of the State to supply such statistical data, program reports, and other information or personnel and materials as it deems necessary to discharge its responsibilities under this Executive Order.

4. The Commission will render to the Governor such interim reports as it may deem appropriate or as the Governor may request and, upon the completion of its work, the Commission will render a full report of its findings and recommendations as it deems appropriate.

5. This Order shall take effect immediately.

Issued August 13, 1982.

EXECUTIVE ORDER No. 14

WHEREAS, The prevention and cure of cancer is a national goal of the highest priority;

WHEREAS, The human suffering and economic loss caused by cancer are of continuing concern to all Americans;

WHEREAS, The prevalence of certain types of cancer in areas of New Jersey exceeds that in other states of the nation;

WHEREAS, Several individuals prominent in the field of cancer research and treatment, including the president of the American Cancer Society, have agreed to volunteer their services for the benefit of New Jersey and its residents;

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

1. There is hereby created the Governor's Advisory Committee on Cancer, hereinafter referred to as the Committee.

2. The Committee shall consist of the Commissioner of Health, who shall serve as chairman of the Committee, and at least five public members to be appointed by the Governor, one of whom shall be chosen as co-chairman.

3. The Committee shall be charged with the following responsibilities relating to the prevention, study and control of cancer:

a. Recommend and advise the Governor on policy relating to cancer issues.

b. Review proposed legislation that would impact upon the treatment or prevention of cancer in the State of New Jersey.

c. Recommend legislation to the Governor.

d. Advise the Governor as to what measures need to be taken to coordinate State efforts concerning cancer research, treatment or prevention.

e. Advise the Executive Branch concerning its relationship with voluntary agencies and private sector entities involved in cancer-related activities.

f. Develop and distribute information concerning the treatment of specific forms of cancer.

4. The committee shall determine the frequency of its meetings, but in no case shall meet less than three times a year. Public

members shall receive reasonable reimbursement for expenses incurred as a result of their service on the committee.

5. This Order shall take effect immediately.

Issued August 18, 1982.

EXECUTIVE ORDER No. 15

WHEREAS, The State currently provides housing to over 1,300 State employees; and

WHEREAS, The administration of the employee housing program is decentralized and lacks a coordinated Statewide perspective; and

WHEREAS, The current rental rates charged do not reflect current fair market rates; and

WHEREAS, The State is losing a viable source of revenue by maintaining unreasonably low rentals as well as paying the utility and maintenance charges for all occupants;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. The Bureau of Real Property Management in the Department of Treasury (hereinafter the Bureau) shall administer, under the general supervision of the State Treasurer, all State-owned employee housing.

2. State employees shall pay the fair market value of the State-owned housing units which they occupy. Except as provided in paragraphs 5 and 6 of this Order, no State employee shall be granted a reduction of a rental rate due to mandatory occupancy, nor shall any State employee receive rent-free housing. Accordingly, the Bureau shall calculate the fair market rental value of all occupied State-owned employee housing. No sum less than that amount shall be provided by the chief examiner and secretary of Civil Service as rent. The Bureau shall annually review rental rates and shall increase or decrease them as need be according to the current fair market rates. The Consumer Price Index or HUD's section 8 housing rates may be utilized to develop these updates.

When determining fair market value, the Bureau shall take into account whether the housing is located on institutional grounds and shall adjust the rent accordingly.

3. All utility charges directly attributable to a State-owned employee housing unit shall be charged to the occupant, either separately, if it is feasible or practicable to do so, or by reflecting such charges in a fair market rental. All maintenance charges customarily paid by tenants shall be paid by occupants of State-owned housing.

4. The Bureau shall establish policies with regard to the respective landlord-tenant rights and responsibilities of the State and an occupant of State-owned employee housing and incorporate those policies into a standard form lease.

5. State housing occupied by the Commissioner of Corrections, the Chancellor of Higher Education, the Commissioner of Education, State college presidents and superintendents in State correctional facilities shall not be subject to paragraphs 2 and 3 of this Executive Order.

6. Upon the application of a cabinet officer, the State Treasurer may authorize reasonable exceptions or modifications from the requirements of paragraphs 2 and 3 for reasons which include, but are not limited to: (a) that residency in the State housing unit is a condition of employment; (b) that the unit is located on institutional grounds; and (c) that the fair market rental value of the housing is substantially disproportionate to the salary of the employee.

7. Departments which employ personnel occupying State-owned housing shall file with the Bureau a description of its policies with respect to eligibility standards for occupancy, selection procedures, occupancy as a condition of employment and continuation of housing use.

8. The Bureau shall identify any off-premises State-owned employee housing which is not essential for State operations. With the concurrence of the interested cabinet officer, steps shall be taken to commence the sale of the property in accordance with the procedures of the law.

9. The Bureau shall continue to maintain on an ongoing basis its current inventory of State-owned employee housing units, and the Bureau shall provide the Office of Management Services with

quarterly progress reports on housing sales and rental revisions for the first year and semi-annually thereafter.

10. The provisions of this Executive Order shall not apply to armories or other military facilities governed by N. J. S. 38A:12-5, nor to dormitories and other student housing currently administered by the trustees of the State colleges.

11. This Order shall take effect January 1, 1983.

Issued September 8, 1982.

EXECUTIVE ORDER No. 16

WHEREAS, The Declaration of Independence states that it is the natural right of a free people to govern themselves; and

WHEREAS, The 15th Amendment of the United States Constitution recognizes the right to vote as a paramount right; and

WHEREAS, Article 2, paragraph 3, of the New Jersey Constitution acknowledges the importance of voting by all competent citizens, 18 years of age and older; and

WHEREAS, The nation's voting-age population has grown larger and younger as the baby-boom generation becomes of voting age; and

WHEREAS, The U. S. Census Bureau predicts that two of every five persons of voting age will be 25 to 44 years old, and one in five will be under 25 years old; and

WHEREAS, The U. S. Census Bureau predicts that only 32.5 percent of the voting-age population will actually exercise their franchise in 1982, an all-time low in voter participation; and

WHEREAS, It is in the best interest of the people of New Jersey that as many people as possible participate in the process of government, and that voting is the fundamental means of participation;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created a Voter Registration Advisory Council, which shall advise the Governor and recommend programs and

other efforts the State shall engage in to increase State voter registration and participation.

a. The Council shall consist of 25 members appointed by the Governor for terms of three years; except that of the first 25 members, 13 shall be appointed for a term of three years, and 12 for a term of two years. The term of each of the members first appointed shall be designated by the Governor at the time of appointment.

b. The Secretary of State shall be appointed Chairman.

c. The Chairmen of the Republican and Democratic State Committees shall be appointed members of the Council.

d. The other 22 members shall be broadly representative of the citizens of the State and have a concern over the declining voter participation.

e. All members of the Council shall be residents of the State.

f. Each Council member shall hold office for the term of the appointment and until a successor shall have been qualified.

g. Council vacancies shall be filled by appointment of the Governor for the remainder of the unexpired term.

h. The Council shall organize itself pursuant to the terms of this Executive Order and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

2. The Council shall meet at the call of the Chairman, and shall report annually to the Governor on its activities.

3. The Council members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

4. The Council may make recommendations to the Governor concerning review of current voter-registration activities, implementation of new programs, promotional activities and other methods to reverse the declining rate of voter registration in the State of New Jersey.

5. This Order shall take effect immediately.

Issued September 16, 1982.

EXECUTIVE ORDER No. 17

WHEREAS, During the period 1933-1945, six million Jews and millions of other Europeans were murdered in Nazi concentration camps as part of a carefully orchestrated program of cultural, social and political genocide known as the Holocaust; and

WHEREAS, All people should remember the horrible atrocities committed at that time and other times in man's history in the name of bigotry and tyranny and, therefore, should continually rededicate themselves to the principles of human rights and equal protection under the laws of a democratic society; and

WHEREAS, It is desirable to educate our citizens about the events leading up to the Holocaust and about the organization and facilities that were created and used purposefully for the systematic destruction of human beings; and

WHEREAS, It is the policy of the State of New Jersey that Holocaust history is the proper concern of all people, particularly students enrolled in the high schools and colleges supported by the State of New Jersey; and

WHEREAS, The New Jersey Department of Education, in conjunction with the Anti-Defamation League of B'nai B'rith, the New Jersey Education Association, and the New Jersey Council for Social Studies, has developed a curriculum entitled "The Holocaust and Genocide: A Search for Conscience," said curriculum having been implemented into courses of study on a trial basis in Vineland and Teaneck and, subsequently, in other communities; and

WHEREAS, Programs, workshops, institutes, seminars, and other teacher-training activities for the study of the Holocaust have taken place during the past four years at various high schools and colleges in the State of New Jersey; and

WHEREAS, It is desirable to create a state-level, organized body which will cooperate with the Department of Education in the implementation of Holocaust education in the public schools;

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

1. There is hereby created a New Jersey Advisory Council on Holocaust Education in the public schools (the Advisory Council). The Advisory Council shall be composed of a Chairperson to be appointed by the Governor, the Commissioner of Education—ex officio, the Chancellor of Higher Education—ex officio, and such other persons as may be appointed by the Governor. The members shall serve without compensation.

2. The Advisory Council shall have the following responsibilities and duties:

a. To draw upon its collective knowledge and experience and provide assistance and advice to the Commissioner of Education with respect to the implementation of Holocaust education in the public schools of the State of New Jersey;

b. To meet with county and local school officials and other interested public and private organizations, in order to assist with the coordination or modification of existing or forthcoming courses of study dealing with the subject of the Holocaust;

c. To survey and inventory the extent of Holocaust education presently being taught in the school systems of the State and to inventory those Holocaust memorials, exhibits, and resources which could be incorporated in courses of study at various locations throughout the State;

d. To compile a roster of individual volunteers who are willing to share their knowledge and experience in classrooms, seminars, and workshops on the subject of the Holocaust. Said volunteers may be survivors of the Holocaust, liberators of concentration camps, scholars, clergymen, community relations professionals, and other persons who, by virtue of their experience or interest, have acquired personal or academic knowledge of the Holocaust and who are willing to share that knowledge with students and teachers;

e. To prepare a report for the Governor, regarding their findings and recommendations may facilitate the inclusion of the Holocaust in public education.

3. a. The Advisory Council is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and other information, personnel and assistance as it deems necessary to discharge its responsibilities under this Order.

b. All departments and agencies are authorized and directed, to the extent possible and not inconsistent with law, to cooperate with

the Advisory Council and to furnish it with such information, personnel, and assistance as may be necessary to accomplish the purposes of this Order.

4. The Advisory Council should meet at the call of the chairperson.

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

6. This Order shall take effect immediately.

Issued October 5, 1982.

EXECUTIVE ORDER No. 18

WHEREAS, The Power Authority of the State of New York owns and operates two hydroelectric power projects on the Niagara and Saint Lawrence Rivers; and

WHEREAS, Licenses issued by the United States Government require that a portion of each project's output be made available for use in neighboring states; and

WHEREAS, Existing contracts for the sale of such power expire on June 30, 1985; and

WHEREAS, The licenses require the Power Authority to negotiate for the sale of such power with a State-appointed bargaining agent, if one has been appointed; and

WHEREAS, Brendan T. Byrne, the then-Governor of the State of New Jersey, on November 17, 1981, signed Executive Order No. 112, which authorized the New Jersey Board of Public Utilities to act as the said bargaining agent for the State of New Jersey for the purchase of such power, but did not specifically authorize the Board to distribute such power to both municipal entities and investor-owned utilities;

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

1. The New Jersey Board of Public Utilities, Department of Energy, is designated as the bargaining agent for the State of New

Jersey for the purchase of power generated by the Power Authority of New York's hydroelectric projects on the Niagara and Saint Lawrence Rivers for the period after June 1985, and is authorized to allocate such power to all residential electric consumers, whether they be customers of investor or municipally-owned utilities, pursuant to such terms and conditions as the Power Authority of the State of New York shall deem appropriate.

2. The Board of Public Utilities is empowered to establish regulations and control of rates for such power.

3. Executive Order No. 112 of Governor Brendan T. Byrne is rescinded.

4. This Order shall take effect immediately.

Issued October 12, 1982.

EXECUTIVE ORDER No. 19

WHEREAS, The Executive Branch of State government recognizes that the State of New Jersey is rich in sports activities and facilities; and

WHEREAS, The lowered physical demands of our technological society may increase the risk of serious medical problems and may decrease the ability of persons to fully participate in the tasks and pleasures of life; and

WHEREAS, All New Jerseyans should be afforded the opportunity to develop to their fullest potential, and, in order to further this development, a planned regular program of physical activity will assist the individual in achieving and maintaining optimal health and vigor; and

WHEREAS, Government is and should be concerned with improving the health and well-being of the citizens it serves; and

WHEREAS, The federal government has enacted legislation which encourages the governor of the state to establish a Council on Physical Fitness;

Now, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Con-

stitution and statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created in the Governor's Office a Governor's Council on Physical Fitness:

(a) The Council shall consist of no more than 50 public members appointed by the Governor to serve for a term of four years, except that of the members initially appointed, one-third shall be appointed for a term of two years, one-third for a term of three years and one-third for a term of four years. Council membership shall be divided into four categories: general, consisting of committees responsible for Awards and Co-sponsorship, Finance, Program Development and Promotion; Blue Ribbon Committee, whose members shall help generate ideas and solicit funds for Council programs; Celebrity Committee, whose members shall make public appearances and help publicize fitness activities; and County Council Committee, whose members shall chair local county councils, which shall conduct the Council's activities on a local level. The members shall be appointed from among persons who have distinguished records in the area of physical fitness, sports, sports medicine, public health, athletic competition, education, labor, business, management or nutrition.

(b) The Commissioners of the Departments of Community Affairs, Environmental Protection, Health, Labor, Commerce, Education, the Chancellor of Higher Education, the Executive Director of New Jersey Sports and Exposition Authority, and the State Athletic Commissioner, or their designees, shall serve on the Council in an ex officio manner.

(c) Council vacancies shall be filled by appointment by the Governor for the remainder of the unexpired term.

(d) The Governor shall designate the Chairperson of the Council from among the members of the Council, who shall serve at the pleasure of the Governor. The Council members shall choose a Vice-Chairperson from among the members of the Council.

(e) The Council may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council.

2. The Council shall meet formally at least four times a year at the call of the Chairperson. The Council shall report annually to the Governor as to the activities of the Council.

3. The Governor's Council on Physical Fitness shall, with the assistance of local health and educational agencies, business, labor

unions, health action and advocacy groups, religious, fraternal, and social organizations, and community-based, multi-service recreational agencies:

(a) Promote physical fitness at the local level by coordinating county councils on physical fitness, and endorsing or co-sponsoring special events;

(b) Conduct health- and fitness-related workshops, clinics, conferences, and other special interest activities, and public information programs;

(c) Distribute information on health, physical fitness, sports for all, and Council activities through quarterly newsletters, media, speaking appearances, and special activities;

(d) Support special projects, demonstration programs, and stimulate research in the areas of health, physical fitness and sports;

(e) Assist business, industry and labor to organize fitness programs.

4. The Council shall plan and administer fund-raising programs and may solicit and accept donations to support physical fitness projects, research projects, and public information efforts to promote the development of physical fitness. Money raised by the Council shall be deposited into a special account established by the Department of Health.

5. The Department of Health is authorized and directed, to the extent not inconsistent with the law, to cooperate with the Council and to furnish it with such office space and supplies as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Issued October 27, 1982.

EXECUTIVE ORDER No. 20

WHEREAS, The Legislature is considering Senate Bill No. 1687, which authorizes the Port Authority of New York and New Jersey to initiate and participate in certain waterfront development projects in New Jersey; and

WHEREAS, The revitalization and economic development of under-utilized waterfront areas is essential to the future economic well-being of New Jersey; and

WHEREAS, It is desirable and appropriate that those waterfront areas be developed in a way which takes into account both local and regional needs, and which provides for a balance of commercial and residential facilities along the waterfront; and

WHEREAS, The Port Authority has previously been authorized, pursuant to P. L. 1978, c. 110 (C. 32:1-35.72 et seq.), to participate in certain other industrial development projects in New Jersey; and

WHEREAS, It is appropriate that the role of the Port Authority in these waterfront development and industrial development projects be clearly delineated and that the traditional role of the private sector in effectuating such development be preserved; and

WHEREAS, The Port Authority has written a letter to the Governor outlining the role it intends to play in any waterfront development project undertaken in New Jersey, pursuant to the aforementioned legislation;

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

1. There is hereby created a committee to be known as the Governor's Port Authority Development Advisory Committee (hereinafter referred to as the "Advisory Committee").

2. The members of the Advisory Committee shall include the following: a representative of organized labor in New Jersey, a representative of industrial/office park developers in New Jersey, and a representative of industrial realtors in New Jersey, all of whom shall be appointed by the Governor; the Commissioner of the Department of Environmental Protection; the Commissioner of the Department of Labor; the Commissioner of the Department of Commerce; the Chairman of the Economic Development Council or a representative designated by the Council; two members of the Senate, who shall not be of the same political party, to be appointed by the Governor, after consultation with the President of the Senate; and two members of the General Assembly, who shall not be of the same political party, to be appointed by the Governor, after consultation with the Speaker of the General Assembly. The Commissioner of the Department of Commerce shall serve as Chairman of the Advisory Committee. The members shall serve without compensation.

3. The Advisory Committee shall advise the Governor prior to the authorization of Port Authority participation in any waterfront development or industrial development project in New Jersey and shall make specific recommendations with respect to the following:

a. The feasibility and desirability of any waterfront development or industrial development project proposed by the Port Authority;

b. The intended role of the Port Authority concerning the financing, development or ownership of any waterfront development or industrial development project, and the extent to which the Port Authority has kept the commitments made to the Governor with respect to such waterfront projects in the aforementioned letter of intent;

c. The desirability of Port Authority participation in additional waterfront development or industrial development projects in New Jersey, other than those proposed by the Port Authority itself;

d. The extent to which New Jersey utilities should or should not be reimbursed by the Port Authority for the costs of the relocation of power lines, water mains and other facilities which is necessitated by any waterfront development or industrial development project undertaken by the Port Authority;

e. The impact on the New Jersey labor force of any waterfront development or industrial development project undertaken by the Port Authority.

4. The Advisory Committee shall meet from time to time and shall render advice to the Governor in the form of a written report of its findings and recommendations. The Advisory Committee shall conduct its affairs in a timely manner, recognizing the public purposes of the waterfront development and industrial development programs.

5. In order to carry out its functions, the Advisory Committee shall have access to the public agenda and minutes of any meeting of the Port Authority's Board of Commissioners, and shall be given such information by the Port Authority as deemed appropriate and necessary to carry out its responsibilities pursuant to this Order.

6. The Advisory Committee is authorized to call upon any department, office, division or agency of the State to supply such data, program reports, and any other information, personnel or assistance as it deems necessary 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 Advisory Committee to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. This Order shall take effect as of the date on which Senate Bill No. 1687 becomes effective.

Issued November 8, 1982.

EXECUTIVE ORDER No. 21

I, Thomas H. Kean, 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. November 26, 1982, 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, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternative 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 26, 1982.

Issued November 12, 1982.

EXECUTIVE ORDER No. 22

WHEREAS, Public Law 97-300, known as the Job Training Partnership Act (hereinafter referred to as the Act), establishing a nationwide job training system, has been enacted by the Congress of the United States and was signed by the President on October 13, 1982; and

WHEREAS, The Act places new and large responsibilities upon the State for the planning, administration, coordination and oversight of programs aimed at preparing persons to enter or return to productive employment; and

WHEREAS, The State is required to fulfill certain conditions in order to qualify for federal funds under the Act; and

WHEREAS, The Act replaces the Comprehensive Employment and Training Act (P. L. 93-203), under which the Commissioner of Labor, acting under the authority of Executive Order No. 5, dated May 16, 1974, has functioned on behalf of the Governor in applying for and administering funds coming to the Governor under that Act;

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and statutes of this State and the provisions of the Act, do hereby ORDER and DIRECT that:

1. The Commissioner of Labor (hereinafter referred to as the Commissioner) is designated to act on behalf of the Governor in the planning, administration, coordination and oversight of programs under the Act, and shall have sole authority to apply for federal funds under the Act.

2. The Commissioner shall assure that the State is in compliance with the provisions of the Act.

3. The Commissioner shall provide for corrective actions when necessary, shall exercise the authority of the Governor in resolving disputes, shall designate service delivery areas, shall establish planning and performance requirements, determine procedures for the awarding of incentive funds, and shall carry out such other responsibilities as specified or implied under the Act and its subsequent amendments.

4. A New Jersey State Job Training Coordinating Council is hereby created. Its membership shall be constituted in accordance with section 122 of the Act. Appointment of members and chairperson shall be made by the Governor in accordance with the requirements of the Act.

5. The Division of Employment Policy and Grants Administration in the Department of Labor will be responsible for Job Training Partnership Act planning, administration, coordination, and oversight and will serve as staff of the State Job Training Coordinating Council.

6. The Commissioner periodically shall consider the merits of consolidating other related Statewide advisory bodies created under other federal statutes and make recommendations to the Governor.

7. In accordance with section 125 of the Act, the State Occupational Information Coordinating Committee, created under the

Vocational Education Amendments of 1976, is hereby designated as the Statewide agency responsible for planning and oversight of a Statewide occupational information system. It shall be the sole State agency responsible for the coordination of occupational information. All departments and agencies of the State are directed to operate accordingly.

This Order supplements Executive Order No. 5, dated May 16, 1974, and is to take effect immediately.

Issued December 3, 1982.

EXECUTIVE ORDER No. 23

WHEREAS, I have been advised by the State Treasurer that both revenues on hand and revenues anticipated for the remainder of this fiscal year will be inadequate in amount to allow for expenditures authorized by the Fiscal 1983 Annual Appropriations Act, P. L. 1982, c. 49; and

WHEREAS, The Governor and the State Treasurer agreed in June 1982 upon the anticipated revenue figure to be included in the Fiscal 1983 Annual Appropriations Act, but due to a downturn in the national economy that figure is now less than the amount certified; and

WHEREAS, The State Treasurer, the Economic Policy Council, and the Office of Legislative Services have agreed that there is no present prospect of a sufficiently strong economic recovery before the end of this fiscal year; and

WHEREAS, It is my constitutional and statutory duty and responsibility as Chief Executive of this State, pursuant to Article VIII, Section 2, Paragraph 2, of the State Constitution, and section 17 of P. L. 1944, c. 112 (C. 52:27B-26), to make necessary spending cuts and establish necessary reserve accounts to insure that expenditures shall not exceed the amount of revenues on hand and to be anticipated during the remainder of this fiscal year and to insure that the State has a balanced budget at the end of this fiscal year;

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

1. That the State Treasurer and the Director of the Division of Budget and Accounting shall make spending reductions in the General Fund and the Property Tax Relief Fund in an amount not to exceed 3 percent of the aggregate total appropriation for Direct State Services, 3 percent of the aggregate total appropriation for State Aid, and 3 percent of the aggregate total appropriation for Capital Construction, as contained in the Fiscal Year 1983 Annual Appropriations Act.

2. That no reduction shall be made in any appropriation contained in the Fiscal Year 1983 Annual Appropriations Act for the payment of debt service on obligations of the State or other jurisdictions; no spending reductions shall be made in any employee benefits accounts, including pension benefits and Social Security; and no reductions shall be made in State aid payments which would provide aid to local governments for their calendar year 1982 budgets.

3. That the State Treasurer and the Director of the Division of Budget and Accounting shall take appropriate action to insure that \$50 million of the May 1983 payment for Revenue Sharing and Business Personal Property Tax replacement programs be deferred and held in escrow; this reserve shall be in addition to the immediate cuts authorized in paragraph 1.

4. This Executive Order shall take effect immediately.

Issued December 7, 1982.

EXECUTIVE ORDER No. 24

I, Thomas H. Kean, 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:

December 24, 1982 (the day preceding Christmas Day) shall have the effect of a Bank Holiday within the meaning and provisions of Section 36:1-1 of the Revised Statutes.

Issued December 10, 1982.

EXECUTIVE ORDER No. 25

WHEREAS, The State of New Jersey is one of the most heavily populated and trafficked states in the union by reason of its population density, tourist attractions and location; and

WHEREAS, The State has three well-maintained road systems that handle much of the longer-distance driving in the State, namely the New Jersey Turnpike, the Garden State Parkway and the New Jersey Expressway; and

WHEREAS, These three roads are operated by three separate authorities—the New Jersey Turnpike Authority, the New Jersey Highway Authority and the New Jersey Expressway Authority (hereinafter collectively referred to as the “Authorities”)—which are unrelated to one another and have their own staffs and administrative structures; and

WHEREAS, There is a great need to coordinate and integrate the activities of the Authorities with the State of New Jersey’s State Transportation Plan and overall transportation needs and goals, as well as to maximize operating efficiencies;

NOW, THEREFORE, I, Thomas H. Kean, 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. There is created a New Jersey Authorities Committee, composed of seven members as follows:

- a. The Commissioner of Transportation, who shall be the Chairman of the Committee; and

- b. The Treasurer, or his designee, who shall be the Vice-Chairman; and

- c. Five other members, appointed by the Governor, who are well-informed as to the needs of the State’s motorists and commuters.

2. The Committee shall make recommendations as to how the Authorities can utilize their resources more effectively to meet State and regional transportation needs.

3. The Committee shall further investigate to what extent enabling legislation and bond covenants of the Authorities have in any

way limited the Authorities' ability to be more actively involved in advancing the State's overall transportation goals and to make recommendations regarding legislative changes and other remedial action, if appropriate.

4. The Committee shall also determine what joint role the Authorities can play in the development of highway or transportation projects that may be of assistance to the State's citizens.

5. In order to effectuate the purpose of this Executive Order, the members of the Committee and advisors to the Committee shall have access to all necessary information, records and documents concerning the past, present and future operations of the Authorities. Members of the Authorities and the staff of the Authorities shall fully cooperate with the Committee in the performance of its duties.

6. The Committee shall consult with individuals in the private sector who are knowledgeable regarding financial, legal, transportation and institutional matters.

7. The Department of Transportation shall make available to the Committee such professional, technical and administrative assistance as may be necessary for the Committee to complete its work.

8. This Order shall take effect immediately.

Issued December 23, 1982.

EXECUTIVE ORDER No. 26

WHEREAS, Considerable controversy exists in the field of public employee labor relations with respect to the appropriate scope of negotiations, the identification of those issues which are properly subject to labor negotiations and binding arbitration and those issues which are considered management prerogatives and hence unnegotiable, and the extent to which there should be a category of issues which are permissive and may be negotiated at the discretion of the parties; and

WHEREAS, Existing statutory and administrative procedures available to resolve disputes in the area of public employee relations may be so time-consuming and expensive that the benefits of those procedures are thereby diluted; and

WHEREAS, My administration has introduced a series of bills designed to reform the current Civil Service system; and

WHEREAS, From time to time I am presented with legislation which would affect public employee-employer relations; and

WHEREAS, The State should have a coherent and comprehensive policy dealing with public employee relations to assure that public employees are treated fairly and uniformly, where appropriate, with recognition that differences among the types of public employees may on occasion generate rules and procedures peculiar to those groups;

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

1. There is hereby created a committee to be known as the Governor's Public Employment Advisory Committee (hereinafter referred to as the "Advisory Committee").

2. The Advisory Committee shall consist of 13 members, 10 of whom shall be representatives of public employees and public employers, who shall be appointed immediately by me, the Commissioners of the Departments of Civil Service and Labor, and a chairman, who shall be a recognized expert in the field of public employee labor relations, with a balanced union-management background, who shall also be appointed by me. I reserve the right to appoint additional members as appropriate; provided the additional members are equally representative of public employees and public employers. The members of the Advisory Committee shall serve without compensation.

3. The Advisory Committee shall study the following issues and make periodic reports to me on its findings and recommendations. In its deliberations, the Advisory Committee shall focus on those issues which have broad application to public employees. The Advisory Committee shall not reach conclusions on issues that apply only to a limited group of specialized public employees. For example, it would be inappropriate for this committee to issue findings and recommendations on issues which apply only to public employee relations in education, such as teacher tenure proceedings. In order to properly address those issues, other members of the education community, including the Chancellor of Higher Education and the Commissioner of Education, would have to participate

in the deliberations. With this limitation, the Advisory Committee shall consider the following issues:

a. The appropriate scope of negotiations in public sector collective bargaining, including consideration of binding arbitration, mandatory, permissive and nonnegotiable subjects, the procedures for resolving disputes regarding the scope of negotiations and the provisions of Assembly Bill No. 585 and any other legislation dealing with this issue.

b. The current procedures and provisions of the Civil Service law and, in particular, the civil service bills proposed by the Administration, and any other statutory and administrative procedures available to public employees and management to resolve labor disputes.

4. The Advisory Committee shall meet from time to time and shall render advice to the Governor in the form of written memoranda of findings and recommendations. The Advisory Committee shall conduct its affairs in a timely manner, recognizing the importance of these issues to public employees and government officials.

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

6. This Order shall take effect immediately and shall expire one year after its effective date.

Issued January 6, 1983.

EXECUTIVE ORDER No. 27

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. 8 (Kean) of May 20, 1982, expires January 20, 1983; and

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

NOW, THEREFORE, I, Thomas H. Kean, 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 a continuing state of emergency and ORDER and DIRECT as follows:

1. Executive Orders No. 106 (Byrne) of June 19, 1981; No. 108 (Byrne) of September 11, 1981; No. 1 (Kean) of January 20, 1982; and No. 8 (Kean) of May 20, 1982, shall remain in effect until July 20, 1983, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued January 10, 1983.

