

**ACTS**  
OF THE  
**First Annual Session**  
OF THE  
**Two Hundred and Eleventh Legislature**  
OF THE  
STATE OF NEW JERSEY



**2004**

**New Jersey State Library**



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## EXECUTIVE ORDERS

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(1671)



**EXECUTIVE ORDER No. 92**

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

WHEREAS, Executive Order No. 59 (2003) imposed a 120-day moratorium on the approval of any permit application, contract, sale or lease for billboards on State-owned property or property of any State department, agency or independent authority; and

WHEREAS, Executive Order No. 66 (2003) continued that moratorium until the end of the current Legislative Session of the New Jersey Legislature, to allow time to convert the recommendations of the Task Force into proposed legislation and to achieve their enactment; and

WHEREAS, The complexity involved in drafting the proposed legislation and the nature and schedule of the Legislature's Lame Duck Session did not allow for sufficient time to achieve the passage of the necessary legislation; and

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

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

1. The moratorium on the approval of any permit application or contract for the design, construction or erection of any new billboards on State-owned property or property owned by any State department, agency or independent authority established by Executive Order No. 59 (2003) and continued by Executive Order No. 66 (2003) is hereby continued until June 30, 2004, so that the 211th Legislature has an opportunity to enact appropriate legislation.

2. This Order shall take effect immediately.

Dated January 14, 2004.

**EXECUTIVE ORDER No. 93**

WHEREAS, Former Senator Thomas F. Connery, Jr., a devoted family man, received his law degree from Rutgers University in 1939; and

WHEREAS, From 1941 to 1946, Senator Connery served honorably as an agent and officer with the United States Naval Intelligence Service, later applying for sea duty and participating in the Normandy Invasion, and serving as a commanding officer at Okinawa at the end of World War II; and

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

WHEREAS, Senator Connery was elected to the New Jersey General Assembly in 1958, and to the State Senate in 1960; and

WHEREAS, Senator Connery also served as a Delegate to the New Jersey Constitutional Convention in 1966; and

WHEREAS, Senator Connery held several public offices, including serving as Chairman and Commissioner of the New Jersey Racing Commission, member of the Gloucester County Housing Authority, member of the New Jersey Law Enforcement Council, member of the New Jersey Off-Track Betting Commission, and Special and General Counsel for several governmental entities, including the Delaware River Port Authority and the Port Authority Transit Corporation; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday,

January 22, 2004 in recognition and mourning of the passing of Senator Connery.

2. This Order shall take effect immediately.

Dated January 21, 2004.

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**EXECUTIVE ORDER No. 94**

WHEREAS, Bertram T. Zimmerman III, joined the New Jersey State Police in March, 2001, and was assigned to Troop A, Tactical Patrol Unit; and

WHEREAS, Trooper Zimmerman served with exceptional courage and professionalism, genuine courtesy and abiding commitment to the finest traditions of the New Jersey State Police; and

WHEREAS, Trooper Zimmerman served proudly as part of the finest State Police force in the Nation; and

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

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

1. The flag of the United State of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours for one week, commencing Thursday, February 5, 2004, in recognition and mourning of New Jersey State Trooper Bertram T. Zimmerman III, Badge 5853.

2. This Order shall take effect immediately.

Dated February 5, 2004.

**EXECUTIVE ORDER No. 95**

WHEREAS, Army Second Lieutenant Seth J. Dvorin, a native of the State of New Jersey, graduated from South Brunswick High School in 1998 and Rutgers University in 2002; and

WHEREAS, Second Lieutenant Dvorin subsequently enlisted in the U.S. Army in 2002, where he completed Officer Candidate School, Airborne School and Air-Defense Artillery School; and

WHEREAS, Second Lieutenant Dvorin served proudly as a member of the U.S. Army Third Battalion, 62nd Air-Defense Artillery Regiment of the 10th Mountain Division, and was deployed to Iraq in the service of his country, where he was assigned to lead an Air-Defense Artillery Platoon; and

WHEREAS, Second Lieutenant Dvorin was a courageous soldier and a loving husband, son and brother; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, February 13, 2004, in recognition and mourning of Army Second Lieutenant Seth J. Dvorin.

2. This Order shall take effect immediately.

Dated February 11, 2004.

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**EXECUTIVE ORDER No. 96**

WHEREAS, The State of New Jersey is committed to ensuring that all of its citizens receive equal protection under the law; enjoy a healthy



environment; and given opportunities for consistent input into governmental decision-making; and

WHEREAS, New Jersey's communities of color and low-income communities have historically been located in areas of the State having a higher density of known contaminated sites as compared to other communities, with the accompanying potential for increased environmental and public health impacts; and

WHEREAS, Studies by the Centers for Disease Control and Prevention (CDC) and other federal agencies have documented that the prevalence of childhood asthma is increasing, and that this increase is linked in part to poor air quality, and that prevalence is far higher for Black and Latino/Hispanic communities; and

WHEREAS, The Federal government has underscored the importance of Environmental Justice in Executive Order 12898 and created the National Environmental Justice Advisory Council to integrate environmental justice into the Environmental Protection Agency's policies, programs, initiatives and activities; and

WHEREAS, The State of New Jersey is committed to ensuring that communities of color and low-income communities are afforded fair treatment and meaningful involvement in decision-making regardless of race, color, ethnicity, religion, income or education level; and

WHEREAS, The State of New Jersey is further committed to promoting the protection of human health and the environment, empowerment via public involvement, and the dissemination of relevant information to inform and educate, especially in people of color and low-income communities; and

WHEREAS, The State of New Jersey is committed to enabling our older urban and suburban centers to be made more attractive and vital, creating a broader range of choices and more livable communities for families and businesses in New Jersey, consistent with the State Development and Redevelopment Plan and principles of Smart Growth; and

WHEREAS, The cumulative impact of multiple sources of exposure to environmental hazards in low-income and people of color communities, and the roles of multiple agencies in addressing the causes and factors that compromise environmental health and quality of life in these communities require an interagency response; and

WHEREAS, The Department of Community Affairs (DCA), the Department of Environmental Protection (DEP), the Department of Health and Senior Services (DHSS), and the Department of Law and Public Safety (DL&PS) have entered into collaborative interagency work to address environmental health and quality of life issues in communities of color and low income, such as in the City of Camden and other urban, suburban, and rural communities;

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

1. All Executive Branch departments, agencies, boards, commissions and other bodies involved in decisions that may affect environmental quality and public health shall provide meaningful opportunities for involvement to all people regardless of race, color, ethnicity, religion, income, or education level. Programs and policies to protect and promote protection of human health and the environment shall be reviewed periodically to ensure that program implementation and dissemination of information meet the needs of low-income and communities of color, and seek to address disproportionate exposure to environmental hazards.
2. DEP and DHSS shall recognize the need to communicate significant public health and environmental information in languages other than English, by establishing Spanish-language websites.
3. The DEP will use available environmental and public health data to identify existing and proposed industrial and commercial facilities and areas in communities of color and low-income communities for which compliance, enforcement, remediation, siting and permitting strategies will be targeted to address impacts from these facilities.
4. Recognizing that there is greater reliance on subsistence fishing among communities of color and low-income communities, DEP, DHSS, and the Department of Agriculture, shall work together to develop and issue appropriately protective fish consumption advisories and provide effective risk communications, education programs and public information services with an objective of consistency with neighboring states, to the greatest extent possible.

5. Recognizing the significant health implications of fine particulate pollution, such as premature death and asthma, especially for urban communities, DEP and the Department of Transportation (DOT) shall develop a coordinated strategy for reducing the public's exposure to fine particulate pollution in affected communities, particularly from diesel emissions from stationary and mobile sources.

6. The Commissioner of DEP and Commissioner of DHSS, or their appointed designees, shall convene a multi-agency task force, to be named the Environmental Justice Task Force, which will include senior management designees, from the Office of Counsel to the Governor, the Attorney General's office, the Departments of Environmental Protection, Human Services, Community Affairs, Health and Senior Services, Agriculture, Transportation, and Education. The Task Force shall be an advisory body, the purpose of which is to make recommendations to State Agency heads regarding actions to be taken to address environmental justice issues consistent with agencies' existing statutory and regulatory authority. The Task Force is authorized to consult with, and expand its membership to, other State agencies as needed to address concerns raised in affected communities.

7. The Commissioner of DEP shall reconstitute the existing Environmental Justice Advisory Council to the DEP, whose mission shall be to make recommendations to the Commissioner and the Environmental Justice Task Force in fulfillment of this Executive Order. The Advisory Council shall consist of fifteen (15) individuals and shall meet quarterly. The Council shall annually select a Chairperson from its membership and shall have a minimum composition of one third membership from grassroots or faith-based community organizations with additional membership to include membership from the following communities: academic public health, Statewide environmental, civil rights and public health organizations; large and small business and industry; municipal and county officials, and organized labor.

8. Any community may file a petition with the Task Force that asserts that residents and workers in the community are subject to disproportionate adverse exposure to environmental health risks, or disproportionate adverse effects resulting from the implementation of laws affecting public health or the environment.

a. Petitions shall be signed by fifty (50) or more residents or workers, provided that at least twenty-five (25) are residents, in the affected community;

b. In consultation with the Environmental Justice Advisory Council, the Task Force shall identify a set of communities from the petitions filed, based on a selection criteria developed by the Task Force, including consideration of state agency resource constraints;

c. The Task Force shall meet directly with the selected communities to understand their concerns. If desired by any of the selected communities, the DEP and DHSS Commissioners shall establish a public meeting in which the Environmental Justice Task Force shall hear from the petitioners and evaluate the petitioners' claims. Where the petitioners assert claims that lie predominantly within the jurisdiction of an agency other than the Task Force Chair, the chair shall include a senior management representative from the relevant agency as a member of the Task Force;

d. The Task Force shall develop an Action Plan for each of the selected communities after consultation with the citizens, as well as local and county government as relevant, that will address environmental, social and economic factors that affect their health or environment. The Action Plan shall clearly delineate the steps that will be taken in each of the selected communities to reduce existing environmental burdens and avoid or reduce the imposition of additional environmental burdens through allocation of resources, exercise of regulatory discretion, and development of new standards and protections. The Action Plan, which shall be developed in consultation with the Environmental Justice Advisory Council, will specify community deliverables, a timeframe for implementation, and the justification and availability of financial and other resources to implement the Plan within the statutory and regulatory jurisdiction of the Departments of the State of New Jersey. The Task Force shall present the Action Plan to the relevant Departments, recommending its implementation;

e. The Task Force shall monitor the implementation of each Action Plan in the selected communities, and shall make recommendations to the Departments as necessary to facilitate implementation of the Action Plans. Departments shall implement the strategy to the fullest extent practicable in light of statutory and resource constraints;

f. As an integral part of each Action plan, DEP and DHSS shall jointly develop a strategy to identify and reduce the most significant environmental and public health risks facing each of the selected communities through chronic health disease surveillance, health monitoring, data gathering, community education and public participation;

g. The Task Force shall identify and make recommendations concerning legislative and regulatory changes appropriate to achieve the purposes of this Order as well as the purposes of any particular Action Plan; and

h. The Task Force shall prepare and publicly release a report concerning the status of the Action Plans within eighteen (18) months following the establishment of the Task Force.

9. All agencies will assist as appropriate in implementing this Order and achieving its purposes. The actions mandated as a result of this Executive Order shall be accomplished within the bounds of, and consistent with, the legislative purpose supporting the relevant agency's existing statutory and regulatory authority.

10. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order or any Action Plan developed pursuant to this Order; nor is this Order intended to diminish any existing legal rights or remedies.

11. This Executive Order shall take effect immediately and shall remain in effect for five years from its effective date.

Dated February 18, 2004.

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#### **EXECUTIVE ORDER No. 97**

WHEREAS, Harmful non-indigenous species of plants, animals, and other organisms, commonly referred to as invasive species, pose a threat to New Jersey's native vegetation and natural resources by invading healthy ecosystems where they displace, impair or destroy indigenous species and impair ecosystem function; and

WHEREAS, Invasive species threaten New Jersey's agricultural resources through loss of production and loss of product marketability; and

WHEREAS, Invasive species pose a threat to natural biodiversity, the integrity and function of natural ecosystems, and economic vitality in New Jersey and throughout the United States; and

WHEREAS, This national threat affects approximately 1,880 federally listed species; and

WHEREAS, It has been estimated that damages from non-indigenous species in the United States result in economic losses of \$123 billion annually; and

WHEREAS, Invasive species have been documented on lands managed by the Department of Environmental Protection's Division of Parks and Forestry and Division of Fish and Wildlife, including portions of the State's Natural Areas System, on agricultural lands and on other private lands; and

WHEREAS, The federal government has created a national Invasive Species Council and an Invasive Species Advisory Committee and has mandated the preparation of a National Invasive Species Management Plan to address the invasive species threat; and

WHEREAS, The Departments of Environmental Protection and Agriculture have taken steps to address the threat posed by invasive species, including the formation of study groups, the monitoring of invasive species, the development of agricultural invasive species management plans, along with eradication and biological control programs targeting selected invasive species and plant pests of foreign origin; and

WHEREAS, Despite these efforts, invasive species continue to be introduced into New Jersey; and

WHEREAS, The most efficient means of controlling invasive species is to prevent their entry into the State and to address an invasive species before the species becomes established; and

WHEREAS, It is necessary and appropriate for New Jersey to develop uniform policies and a coordinated response to the threat posed by invasive species to the State's native and agricultural vegetation, and to establish a source of advice to the Governor on this issue;

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

1. There is hereby established a New Jersey Invasive Species Council (Council).
2. The Council shall consist of:
  - The Commissioner of the Department of Environmental Protection or his designee;
  - The Secretary of the Department of Agriculture or his designee;

- The Commissioner of the Department of Transportation or his designee;
- The Secretary and Chief Executive Officer of the Commerce and Economic Growth Commission or his designee;

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

- Three representatives from conservation organizations;
- One representative from the agricultural sector;
- Two representatives of the nursery and landscape sector;
- One representative of the New Jersey Agricultural Invasive Species Council;
- One representative from academia;
- One or more representatives from the general public.

3. The Co-Chairpersons of the Council shall be the Commissioner of the Department of Environmental Protection and the Secretary of the Department of Agriculture, or their designees.

4. The Council shall request the participation of the United States Department of Agriculture, the United States Environmental Protection Agency and the United States Department of the Interior.

5. The Council shall develop a comprehensive New Jersey Invasive Species Management Plan to be submitted to the Governor no later than June 2005. The management plan shall include but not be limited to: a statement of policy and mission; definitions; findings concerning the current status of non-indigenous plant species in New Jersey and their impact on habitat, biota and natural ecosystems; identification of prevention methods and procedures for early detection and rapid response, and control measures; identification of restoration and research needs and pilot projects; establishment of information management, education and interpretation measures; and coordination among state agencies and adjacent states.

6. The Council shall undertake the following tasks and any other reasonable measures necessary to prevent the introduction of invasive species and to eliminate or minimize invasive species already established in the State. These tasks, as appropriate, may become components of the New Jersey Invasive Species Management Plan:

- a. Recommend measures necessary for the Departments and non-governmental organizations to cooperate with federal agencies and other states in complying with Executive Order 13112 and the National Invasive Species Management Plan;

- b. Identify research needs to better assess the sources, degree, distribution and threat posed by invasive species, and methods for preventing the introduction and control of invasive species;
  - c. Review ongoing invasive species control efforts being carried out by the Departments, and recommend new or revised measures to limit the introduction and effectuate the control of invasive species;
  - d. Produce educational materials for public distribution regarding the threats posed by invasive species, outlining measures to prevent the introduction of invasive species and to control invasive species, and encourage the use of local native genotypes propagated in New Jersey in landscaping and planting (including drought tolerant native plants);
  - e. Develop partnerships with federal, State and local government agencies and private organizations, including the horticultural industry, necessary to implement the policies and recommendations of the Council;
  - f. Identify funding sources for research, monitoring, control and outreach programs;
  - g. Plan, design and implement two invasive species eradication and native plant restoration pilot projects by June 2005.
  - h. Identify legislative or regulatory actions necessary to implement or further the policies and recommendations of the Council.
7. This order shall take effect immediately.

Dated February 27, 2004.

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**EXECUTIVE ORDER No. 98**

WHEREAS, One year ago, on March 19, 2003, the Iraq Conflict began, and violence in this area still continues; and

WHEREAS, In this conflict, hundreds of United States military personnel have made the ultimate sacrifice and died while serving their country; and

WHEREAS, New Jerseyans are among these casualties, and our State mourns their loss deeply; and



WHEREAS, Our armed forces, including members of the New Jersey Army and Air National Guard, continue to serve honorably and bravely in the Iraq conflict; and

WHEREAS, It is fitting and appropriate to honor those who were lost in Iraq as well as those who served and who currently serve our Country in this conflict;

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER AND DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on March 19, 2004, in recognition and mourning of those lost in the Iraq Conflict, and to honor those who served and those who continue to serve in the conflict.

2. This Order shall take effect immediately.

Dated March 17, 2004.

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**EXECUTIVE ORDER No. 99**

WHEREAS, James Dodridge, a resident of Old Bridge Township, joined the Old Bridge First Aid and Rescue Squad in 1993; and

WHEREAS, Mr. Dodridge served the First Aid and Rescue Squad and the People of Old Bridge as a volunteer Emergency Medical technician with exceptional courage, dedication and professionalism, genuine courtesy and abiding commitment to the finest humanitarian traditions; and

WHEREAS, Mr. Dodridge proudly served in the Squad for eleven years, in various capacities as the chaplain, engineer and crew chief in charge of a six-member unit; and

WHEREAS, Mr. Dodridge has made the ultimate sacrifice, giving his life in the line of duty to help New Jersey's citizens and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory.

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, March 20, 2004, in recognition and mourning of Old Bridge First Aid and Rescue Squad Crew Chief James Dodridge.
2. This Order shall take effect immediately.

Dated March 19, 2004.

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**EXECUTIVE ORDER No. 100**

WHEREAS, New Jersey is home to 1.4 million adults 60 years of age and older and a primary objective of this Administration is to promote the independence, dignity and lifestyle choice of these residents as they age; and

WHEREAS, New Jersey must prepare to meet the individual and societal needs of our growing older adult population and their families; and

WHEREAS, For too long, government has forced older adults to choose between going into a nursing home or giving up the government funds which pay for needed services, thus denying them the right to choose where they receive these services; and

WHEREAS, Caregiving by unpaid family or friends has become an important issue because so many New Jerseyans are finding themselves or will find themselves in the role of caregiver for a loved one - with almost 900,000 adults in this capacity today; and

WHEREAS, The Department of Health and Senior Services provides resources and oversight for Medicaid services and special programs, yet it can be easier for older adults to get financial help from the State if they go into a nursing home versus getting services through the following home and community services: the Community Care Program for the Elderly and Disabled, Medical Day Care, Assisted

Living, Adult Family Care, Caregiver Assistance Program, Home Care Expansion Program, Jersey Assistance for Community Caregiving; and

WHEREAS, Policy changes are now critical to support an expanding elderly population that desires to stay at home with supports versus going into a nursing home; and

WHEREAS, The Adult Family Care Program offers senior citizens in New Jersey who are no longer able to live alone the opportunity to move in and share the home of a trained and caring caretaker who provides needed assistance and supervision, often in their same neighborhood;

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

1. The Commissioner of the Department of Health and Senior Services, in consultation with the State Treasurer, shall prepare by December 1, 2004, an analysis and recommendations for developing a global long-term care budgeting process designed to provide the Department of Health and Senior Services with the authority and flexibility to move beneficiaries to the appropriate level of care based on their individual needs.

2. The Department of Health and Senior Services shall develop and launch, by the end of December 2004, the New Jersey Caring for Caregivers Initiative, which will bring essential services to family caregivers who make it possible for seniors to live in their homes. New Jersey Caring for Caregivers will enhance and prolong the ability of unpaid caregivers to continue to provide care for an elderly or adult disabled individual.

3. The Department of Health and Senior Services and the Department of Human Services shall identify specific gaps and requirements necessary to streamline the paperwork and fast track the process of obtaining Medicaid eligibility for home care options for those who qualify. The Plan, to be formulated by the end of December 2004, must address cutting the "red tape" so that seniors are not automatically directed to nursing homes because it takes too long to do the paperwork for home care options.

4. The Department of Health and Senior Services shall create an action plan by October 2004 that expands the Adult Family Care program in New Jersey.

5. The Department of Health and Senior Services shall develop a home and community health care "bill of rights" to support New Jersey's aging population by May 31, 2004.

6. This Order shall take effect immediately.

Dated March 23, 2004.

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**EXECUTIVE ORDER No. 101**

WHEREAS, Army Private First Class Bruce Miller, Jr., a resident of Orange, New Jersey, graduated from Teaneck Community School in 1999 and received a diploma from Orange High School; and

WHEREAS, Private First Class Miller subsequently enlisted in the U.S. Army in 2003, and hoped to study law after completing his Army enlistment tour; and

WHEREAS, Private First Class Miller served proudly as a member of the U.S. Army Second Infantry Battalion, 3rd Infantry Regiment, which is part of the Stryker Brigade and was deployed to Iraq in the service of his country, where he earned the Army Service Ribbon and the Global War on Terrorism Medal; and

WHEREAS, Private First Class Miller was a courageous soldier and a loving son and brother; and

WHEREAS, Private First Class Miller has made the ultimate sacrifice, giving his life while serving our country; and

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices,

agencies and instrumentalities during appropriate hours on Friday, April 2, 2004, in recognition and mourning of Army Private First Class Bruce Miller, Jr.

2. This Order shall take effect immediately.

Dated April 1, 2004.

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**EXECUTIVE ORDER No. 102**

WHEREAS, Army Specialist Adam D. Froehlich, a resident of Pine Hill, New Jersey, graduated from Overbrook High School in 2001, where he was a high school wrestler; and

WHEREAS, Army Specialist Froehlich subsequently enlisted in the U.S. Army in 2002, where he hoped to earn money for college and eventually teach physical education and history; and

WHEREAS, Army Specialist Froehlich served proudly as a member of the U.S. Army First Battalion, Sixth Field Artillery, and was deployed to Iraq in the service of his country; and

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

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, April

3, 2004, in recognition and mourning of Army Specialist Adam D. Froehlich.

2. This Order shall take effect immediately.

Dated April 1, 2004.

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**EXECUTIVE ORDER No. 103**

WHEREAS, U.S. Marine Lance Corporal Phillip E. Frank, a native of the State of New Jersey, graduated from Matawan Regional High School in 2002, before moving to Illinois; and

WHEREAS, Lance Corporal Frank subsequently enlisted in the U.S. Marines, in order to serve and defend his country; and

WHEREAS, Lance Corporal Frank served proudly as a member of the Second Battalion, 1st Marine Regiment, First Marine Division, First Marine Expeditionary Force, and was deployed to Iraq in the service of his country; and

WHEREAS, Lance Corporal Frank was a courageous soldier and a loving husband, son and brother; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, April 20, 2004, in recognition and mourning of U.S. Marine Lance Corporal Phillip E. Frank.

2. This Order shall take effect immediately.

Dated April 19, 2004.

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**EXECUTIVE ORDER No. 104**

WHEREAS, Assemblyman Thomas J. Shusted, a devoted family man, served honorably with the United States Army during World War II, graduated from LaSalle College in 1950 and from Rutgers Law School-Camden in 1953 and thereafter dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Assemblyman Shusted held several important public offices in the State of New Jersey, including serving as Camden County's first full-time Prosecutor, Camden County Counsel, Municipal Judge in Laurel Springs, a member of the State Commission of Investigation, and as a Camden County Freeholder for four years, including two years as Director; and

WHEREAS, Assemblyman Shusted was elected to the General Assembly in 1968, where he served until 1972, and returned to the Assembly from 1980 to 1991; and

WHEREAS, Assemblyman Shusted served as Chairman of the Assembly Judiciary Committee; and

WHEREAS, It is with deep sadness that we mourn the loss of Assemblyman Shusted and extend our sincerest sympathy to his family and friends; and

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Assemblyman Shusted;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday,

April 21, 2004 in recognition and mourning of the passing of Assemblyman Shusted.

2. This Order shall take effect immediately.

Dated April 19, 2004.

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**EXECUTIVE ORDER No. 105**

WHEREAS, Marine Lieutenant John Thomas "J.T." Wroblewski, a native of the State of New Jersey, graduated from Jefferson High School and Rutgers University; and

WHEREAS, Fulfilling a life-long interest in the military and in becoming a Marine, Lieutenant Wroblewski subsequently enlisted in the U.S. Marine Corps, where he completed Officer Candidate School; and

WHEREAS, Lieutenant Wroblewski served proudly as a member of the Second Battalion, Fourth Marine Regiment, First Marine Division, First Marine Expeditionary Force, and was deployed to Iraq in the service of his country; and

WHEREAS, Lieutenant Wroblewski was a courageous soldier and a loving husband, son and brother; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, April 23,



2004, in recognition and mourning of Marine Lieutenant John Thomas "J.T." Wroblewski.

2. This Order shall take effect immediately.

Dated April 19, 2004.

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**EXECUTIVE ORDER NO. 106**

WHEREAS, Military and Coast Guard installations, infrastructure, and personnel in the State of New Jersey make important contributions to national security and our State's economy; and

WHEREAS, The State of New Jersey welcomes Military and Coast Guard installations and has a long history of active support for its Military and Coast Guard installations, the individuals serving in those Services, their families, retirees and veterans; and

WHEREAS, New Jersey's public and private research universities, government agencies and private sector research industries are valuable assets providing the Military and the Coast Guard with access to leading edge technologies and skilled personnel that enhance their capability to accomplish missions more effectively and efficiently; and

WHEREAS, New Jersey has a highly educated work force with more engineers, scientists and technologists per capita than any of the other 49 States; and

WHEREAS, New Jersey is a national leader in research and development of electronics innovations and home to thousands of electronics and high technology companies; and

WHEREAS, New Jersey is a strategic location centrally located in the Boston to Washington Corridor with reliable mass transportation systems and Interstate Highways, sharing major Ports with Philadelphia and New York; and

WHEREAS, New Jersey is within close proximity to twenty five percent of the population of the United States; and

WHEREAS, Local officials, community organizations, the business community, and concerned individuals are committed not only to maintaining our military and Coast Guard installations but also to enhancing those installations to the benefit of our nation and State; and

WHEREAS, National security and the nation's economy would benefit from enhanced military and Coast Guard missions in New Jersey; and

WHEREAS, In order to maximize the effectiveness of Military and Coast Guard installations in New Jersey, it is necessary now to focus, streamline, and coordinate the activities of various State agencies involved in this vital and most important effort;

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

1. There is hereby established The Governor's Commission to Support and Enhance New Jersey's Military and Coast Guard Installations that shall have the following purposes:

a. To gather information about the status of ongoing initiatives of the U.S. Department of Defense, the Military Services, the U.S. Department of Homeland Security and other federal departments and agencies that could impact the State of New Jersey;

b. To communicate with Members of New Jersey's Congressional Delegation regarding efforts to support and enhance Military and Coast Guard installations in New Jersey;

c. To act as liaison between communities and businesses that can assist and support New Jersey's Military and Coast Guard installations;

d. To advise the Governor on proactive strategies that could assist the State in strengthening New Jersey's Military and Coast Guard installations;

e. To assist in the coordination of State responses to national security and homeland security challenges;

f. To promote partnerships between New Jersey Military and Coast Guard installations and educational institutions, research universities, state and local government, businesses, nonprofit organizations, and industries that could support and enhance military and Coast Guard operations;

g. To advise the Governor and Members of Congress regarding opportunities to enhance, expand, add or otherwise improve missions, programs, facilities, and operations on or affecting Military and Coast Guard installations in New Jersey;

h. To undertake other activities consistent with the purposes of this Executive Order.

2. The membership of the Commission shall consist of the following 25 members: The Secretary of Commerce, the Commissioners of the Departments of Community Affairs, Education, Health and Senior Services, and Transportation, ex-officio voting members, or their designees; one representative of the Governor's Executive Staff; and 19 public members appointed by the Governor, including at least one community representative for each of the major military installations in the State.

3. The Chair of the Commission shall be appointed by the Governor. The Commission shall meet at least quarterly and conduct itself pursuant to a set of operating principles approved by the full Commission. The Commission shall report quarterly to the Governor and shall expire December 31, 2005.

4. The Commission is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is required to cooperate with the Commission and to furnish it with assistance necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Dated May 3, 2004.

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#### **EXECUTIVE ORDER No. 107**

WHEREAS, Over twelve thousand citizens from New Jersey lost their lives fighting for their country during World War II, and countless others were wounded in or endured the hardships of the conflict; and

WHEREAS, It is proper that the citizens of this State honor the men and women who made sacrifices from New Jersey while serving in the Armed Forces of the United States and in the American Merchant Marine during World War II; and

WHEREAS, A State memorial is a fitting tribute and acknowledgment of the courage and patriotism displayed by our men and women in the military; and

WHEREAS, The memorial will stand as a timeless reminder of the heroism, spirit, sacrifice, patriotism and commitment of those who defended this country and of the moral strength and power of a free people who are united in a common and just cause; and

WHEREAS, Through the enactment of P.L.1999, Joint Resolution No. 14, the Legislature created a prior Commission known as the World War II Veterans' Memorial Advisory Commission, to make recommendations regarding the location and design of a World War II Memorial, but such Commission expired prior to the completion of its task;

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

1. There is hereby established in, but not of, the Department of Military and Veterans' Affairs the World War II Memorial Commission (hereinafter referred to as the Commission).

2. The Commission shall consist of up to twenty (20) members as follows:

a. Two ex-officio representatives of the Department of Military and Veterans' Affairs, including the Deputy Commissioner of Veterans' Affairs, and one ex-officio representative from the Attorney General's Office, all of whom shall serve as non-voting members: and

b. Up to seventeen (17) public members to be appointed the Governor. In appointing the public members to the Commission, the Governor shall select representatives of recognized veterans groups

c. The Governor shall appoint the Chair, Vice-Chair and Honorary Chair from among the public members of the Commission, and shall appoint one of the ex-officio non-voting representatives to serve as Secretary of the Commission.

d. The public members of the Commission shall serve without compensation, but may be reimbursed for necessary and reasonable expenses incurred in the performance of their duties.

e. The Department of Military and Veterans' Affairs shall provide a staff member to serve as a non-voting Recording Secretary for the Commission.

3. The Commission shall organize and meet as soon as practicable after the appointment of a majority of its members.
4. Utilizing, wherever appropriate, the work done by the prior WWII Veterans' Memorial Advisory Commission, the Commission shall :
  - a. Advise the Governor on a 'suitable memorial to the veterans of World War II.
  - b. Discuss and make recommendations as to the location for a memorial, the process for selecting the style, type or design for the memorial, and the appropriate method for financing the construction and maintenance of the memorial.
  - c. Formulate and recommend any legislation the Commission determines to be essential to the furtherance of the World War II Memorial.
5. The Commission shall establish a regular schedule of meetings and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be made within six months from the date of the first meeting.
6. The Commission is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is hereby required to cooperate with the Commission and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.
7. The Commission may solicit and accept donations or grants of money, property or personal services from any source and may distribute appropriations made by law.
8. This Order shall take effect immediately and expire thirty (30) days after the dedication of the World War II Memorial.

Dated May 4, 2004.

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**EXECUTIVE ORDER No. 108**

WHEREAS, Senator Sido L. Ridolfi, a devoted family man, graduated from Princeton University in 1936 and from Harvard Law School in

1939 and thereafter served honorably in the Armed Forces during World War II; and

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

WHEREAS, Senator Ridolfi held several important public offices in the State of New Jersey, including serving as Mercer County Sheriff and Trenton City Commissioner; and

WHEREAS, Senator Ridolfi was elected to the State Senate in 1952, where he served until 1970; and

WHEREAS, Senator Ridolfi served as both Majority and Minority Leader in the Senate, as Senate President in 1967, and as Acting Governor on two occasions during that year; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday, May 13, 2004 in recognition and mourning of the passing of Senator Ridolfi.

2. This Order shall take effect immediately.

Dated May 13, 2004.

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**EXECUTIVE ORDER No. 109**

WHEREAS, Senator Glenn D. Cunningham, a devoted family man, served honorably with the United States Marine Corps and dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Senator Cunningham was a member of the Jersey City Police Department for many years, rising from Patrolman to Captain over a career that commenced in 1967 through his retirement in 1991; and

WHEREAS, Senator Cunningham was appointed by President Bill Clinton to serve as U.S. Marshall for New Jersey for four years; and

WHEREAS, Senator Cunningham held several important elected offices in the City of Jersey City and in Hudson County, including Jersey City Council President, Hudson County Freeholder, Hudson County Director of Public Safety and Mayor of Jersey City; and

WHEREAS, Senator Cunningham was elected to the State Senate in November 2003, where he continued his service and contributions to the public with courage and determination; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, May 26, 2004 through the date of his burial in recognition and mourning of the passing of Senator Cunningham.

2. This Order shall take effect immediately.

Dated May 26, 2004.

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**EXECUTIVE ORDER No. 110**

WHEREAS, U.S. Army Specialist Philip I. Spakosky, a native of the State of New Jersey, graduated from Pemberton Township High School; and

WHEREAS, Army Specialist Spakosky subsequently enlisted in the U.S. Army in January 2002; and

WHEREAS, Army Specialist Spakosky served proudly as a member of the First Battalion, 37th Armor Regiment, First Armored Division, and was deployed to Iraq in the service of his country; and

WHEREAS, Army Specialist Spakosky was a courageous soldier and a loving husband, father, son and brother; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, June 2, 2004, in recognition and mourning of U.S. Army Specialist Philip I. Spakosky.

2. This Order shall take effect immediately.

Dated June 1, 2004.

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#### **EXECUTIVE ORDER No. 111**

WHEREAS, New Jersey, the most densely populated State in the nation, has an unmatched array of critical transportation, utility, petrochemical, pharmaceutical, manufacturing and entertainment infrastructure; and

WHEREAS, The State's industrial and civil infrastructure commingles with dense population centers and high traffic transportation corridors; and



WHEREAS, New Jersey functions as a global gateway for people and products with tens of millions of people passing through New Jersey on their way to global destinations and vast quantities of goods moving through the State to and from markets throughout the nation, Canada, Europe, Africa and the Far East; and

WHEREAS, A terrorist incident disrupting New Jersey's industrial and transportation infrastructure or critical utilities would severely affect both national and international economic stability as well as public safety and international travel resulting in the loss of billions of dollars to the world economy; and

WHEREAS, Numerous analyses have indicated that Port Newark-Port Elizabeth, the most active port on the eastern seaboard with plans to further increase throughput, is vulnerable to terrorist actions including attacks from weapons of mass destruction concealed in containers; and

WHEREAS, Safeguarding freight shipments will require a comprehensive array of integrated technologies ranging from radio frequency identification (RFID) tagging at the item level, through wireless container tracking, to advanced sensory technology for inspection; and

WHEREAS, Each day New Jersey's public transportation system including buses, light rail, passenger trains and ferries transports millions of people; and

WHEREAS, These transportation systems are likely targets for terrorist attacks and as such demand creative solutions to the challenge of safeguarding passengers; and

WHEREAS, The scale of response that is required to protect New Jersey and the nation against the threat of domestic terrorism will require all of the efficiencies and effectiveness of modern information, communications, materials technology and systems integration; and

WHEREAS, The challenge of utilizing science and technology to reduce New Jersey's and the nation's vulnerability to terrorist attacks is complex and demands expedited development, adaptation, modification, and merging of new and existing technologies; and

WHEREAS, New Jersey and the nation need an unbiased, expert and effective systematic process for testing and evaluating proposed technology-based solutions and approaches based on performance, not marketing or speculation, in order to select the most appropriate technology, process or approach from among the competing entities with a high degree of confidence as to effectiveness and interoperability; and

WHEREAS, At present there is no way to assure that individual pieces of technology purchased at municipal, county, State and federal levels will be able to be integrated to create a comprehensive web of protection; and

WHEREAS, New Jersey Institute of Technology is the State's Public Technological Research University and ranks among the top 10 nationally in research volume among universities of engineering and science; and

WHEREAS, New Jersey Institute of Technology (NJIT) has a proven record of State service, responding in an effective manner to public policy needs; and

WHEREAS, NJIT has demonstrated an ability to partner with all relevant entities, including other higher education institutions, State military bases, and State agencies, including the Domestic Security Preparedness Task Force for which NJIT chairs the Infrastructure Advisory Committee's College and University Research Facilities Sector; and

WHEREAS, NJIT has already executed working agreements with Picatinny Arsenal and Fort Monmouth, installations that I have previously designated as "New Jersey Centers for Homeland Defense Technologies and Security Readiness"; and

WHEREAS, NJIT is teaming with New Jersey City University to support first responder training as well as with the University of Medicine and Dentistry of New Jersey (UMDNJ) that is home to the Center for Biodefense, and Rutgers-Newark that hosts the Rutgers Center for the Study of Public Security, researching the areas of terrorism, policing, international crime, globalization, constitutional rights, law, environmental safety, business;

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

1. The Homeland Security Technology Systems Center is created at NJIT to work in collaboration with State government, serving as consultant for technology evaluation against objective performance standards and engaging in prototype deployment of integrated systems for testing, demonstration and training.

2. The Center will direct its activities toward the federally identified areas of Intelligence and Warning, Border and Transportation Security, Protecting Critical Infrastructure and Key Assets, Emergency Preparedness and Response, Defending against Catastrophic Threats and Domestic Counter-terrorism.

3. Working in collaboration with the State, and in coordination with the Office of the Attorney General and the Domestic Security Preparedness Task Force, the Center will:

a. Conduct real-world, in-use tests to find the best technology to protect critical State assets.

b. Evaluate and prototype commercial technology products against performance standards as advisors for State, county, municipal, federal and interstate agencies.

c. Formulate objective performance and interoperability standards consistent with long-range opportunities for technology development.

d. Develop comprehensive demonstration and training programs to ensure rapid uptake of systems technology by all relevant users.

e. Assemble teams to address specific technology development needs that are local to New Jersey and needs that may not receive adequate attention at a national level.

f. Foster collaboration, coordination and management of multi-organizational grant applications and partnerships involving technology development programs that engage State agencies, New Jersey colleges and universities, military installations and private sector firms.

g. Enter into Cooperative Research Agreements with interstate agencies, military installations including Fort Monmouth, Picatinny Arsenal, Lakehurst Naval Air Base, Fort Dix, McGuire Air Force Base and other federal installations as appropriate to share facilities, equipment, services, personnel resources and other cooperation in order to maximize

the effectiveness and timeliness of the evaluation of the effectiveness and efficiency of technologies and processes for domestic security.

4. The Center will have an Advisory Board of nine members including the Attorney General, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Health and Senior Services, the Commissioner of the Department of Transportation, the Adjutant General, the President of the Board of Public Utilities, the Director of the Office of Counter Terrorism, the Executive Director of the Commission on Science and Technology and the Executive Director of the Commission on Higher Education. The Chair shall be elected by the Board from among the members of the Board.

5. The Center is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, officer, division and agency of this State is required to cooperate with the Center and to furnish it with assistance necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Dated June 7, 2004.

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### **EXECUTIVE ORDER No. 112**

WHEREAS, Ronald W. Reagan served as the Governor of California and as the 40th President of the United States; and

WHEREAS, President Reagan's eternal optimism, strength, humility and humor provided inspiration to Americans during a difficult time in this country's history; and

WHEREAS, President Reagan made the world a better place with his leadership in the fall of Communism and the Berlin Wall; and

WHEREAS, President Reagan's patriotism, faith, courage and dignity are an enduring example for all citizens; and

WHEREAS, It is fitting and proper for the State of New Jersey to mourn the passing and honor the memory of President Reagan;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning Monday, June 7, 2004 and through and including Friday, June 11, 2004, in recognition and mourning of the passing of President Ronald W. Reagan.

2. This order shall take effect immediately.

Dated June 7, 2004.

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**EXECUTIVE ORDER No. 113**

WHEREAS, New Jersey Army National Guard Sergeant Frank T. Carvill, a resident of the State of New Jersey, joined the New Jersey Army National Guard in April 1984;

WHEREAS, Sergeant Carvill worked as a paralegal for the Port Authority of New York and New Jersey and had helped in the recovery efforts at Ground Zero following the terrorist attacks; and

WHEREAS, Sergeant Carvill served proudly as a member of the Third Battalion of the 112th Field Artillery, and was deployed to Iraq in the service of his country; and

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

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

WHEREAS, Sergeant Carvill's patriotism and dedicated service to his country make him a hero and a true role model for all Americans and,

therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, June 12, 2004, in recognition and mourning of New Jersey Army National Guard Sergeant Frank T. Carvill.

2. This Order shall take effect immediately.

Dated June 11, 2004.

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**EXECUTIVE ORDER No. 114**

WHEREAS, New Jersey Army National Guard Specialist Christopher Duffy, a resident of the State of New Jersey, enlisted in the New Jersey Army National Guard in September 2000; and

WHEREAS, Specialist Duffy served proudly as a member of the Third Battalion of the 112th Field Artillery; and

WHEREAS, Specialist Duffy was a youth basketball coach and fantasy baseball fanatic who married his wife in February 2004, a month before he was deployed to Iraq in the service of his country; and

WHEREAS, Specialist Duffy was a courageous soldier and a loving husband, father and son; and

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

WHEREAS, Specialist Duffy's patriotism and dedicated service to his country make him a hero and a true role model for all Americans and,

therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Sunday, June 13, 2004, in recognition and mourning of New Jersey Army National Guard Specialist Christopher Duffy.

2. This Order shall take effect immediately.

Dated June 11, 2004.

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**EXECUTIVE ORDER No. 115**

WHEREAS, New Jersey Army National Guard Sergeant Humberto F. Timoteo emigrated with his family from Portugal and grew up in the City of Newark, graduating from East Side High School;

WHEREAS, Sergeant Timoteo subsequently joined the U.S. Army in 1996 and enlisted in the New Jersey Army National Guard in November 2000; and

WHEREAS, Sergeant Timoteo served proudly as a member of the Third Battalion of the 112th Field Artillery, and was deployed to Iraq in the service of his country; and

WHEREAS, Sergeant Timoteo was a courageous soldier and a loving husband, father and son; and

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

WHEREAS, Sergeant Timoteo's patriotism and dedicated service to his

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Monday, June 14, 2004, in recognition and mourning of New Jersey Army National Guard Sergeant Humberto F. Timoteo.

2. This Order shall take effect immediately.

Dated June 11, 2004.

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**EXECUTIVE ORDER No. 116**

WHEREAS, New Jersey Army National Guard Specialist Ryan Doltz, a resident of the State of New Jersey, graduated from Dover High School, and was a dedicated member of the Mine Hill First Aid Squad; and

WHEREAS, Specialist Doltz joined the Virginia National Guard in 1998 while a student at the Virginia Military Institute, and subsequently enlisted in the New Jersey Army National Guard in 2003; and

WHEREAS, Specialist Doltz served proudly as a member of the Third Battalion of the 112th Field Artillery, and was deployed to Iraq in the service of his country; and

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

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



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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, June 16, 2004, in recognition and mourning of New Jersey Army National Guard Specialist Ryan Doltz.

2. This Order shall take effect immediately.

Dated June 15, 2004.

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**EXECUTIVE ORDER No. 117**

WHEREAS, In order to succeed, children can benefit from additional opportunities for learning and enrichment beyond that which can be provided during the regular school day; and

WHEREAS, Working parents need safe, affordable, and accessible child care options; and

WHEREAS, Research has shown that school-age children are at great risk during the after-school hours of between 2:30 p.m. and 6 p.m., in that children who spend these after-school hours unsupervised are at an increased risk for engaging in delinquency, substance abuse, and other destructive behaviors; and

WHEREAS, New Jersey After 3, Inc., a private, non-profit organization, has been established to develop, enhance, provide, and sustain a comprehensive system of quality after-school programs that promote the health, emotional, social, and intellectual development of New Jersey children during after-school hours; and

WHEREAS, New Jersey After 3, Inc. seeks to form a partnership with the State of New Jersey and the private sector to ensure the availability and accessibility of quality after-school programs in the State of New Jersey; and

WHEREAS, It is in the public interest for the State of New Jersey to cooperate with and assist New Jersey After 3, Inc. and non-profit entities with similar purposes in their efforts, the State of New Jersey seeks to cooperate with and assist New Jersey After 3, Inc. in its efforts to strengthen and expand quality after-school programs throughout the State of New Jersey; and

WHEREAS, The citizens of the State of New Jersey would benefit from an increase in, and the enhancement of, after-school programs in the State that provide safe places for children to spend their after-school hours while their parents are working, an opportunity for children to participate in activities that will enrich their educational experience and enhance their overall development, caring adults to nurture, mentor, and guide children, and a resource for children to obtain help in reviewing their class work and completing their homework, additional support and time to build their English skills, if they are English language learners, and increased access to libraries, art materials, musical instruments, science labs, and gyms;

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

1. There is created in, but not of, the Department of Education, the New Jersey After 3 Advisory Committee (the "Committee").

2. The Committee is charged to the extent permitted by law with cooperating with and assisting New Jersey After 3, Inc. in furthering its efforts to strengthen and expand quality after-school programs in New Jersey. The Committee shall also periodically advise the Governor of the progress made in strengthening and expanding quality after-school programs in New Jersey.

3. The Committee shall be composed of the following members, all of whom shall serve ex-officio:

- a. The Commissioner of Education, or a designee;

- b. The State Treasurer, or a designee;
  - c. The Commissioner of Human Services, or a designee;
  - d. The Counselor to the Governor, or a designee;
  - e. The Director of the Office of Program Support Services at the Department of Education;
  - f. The Attorney General, or a designee.
4. The Commissioner of Education shall serve as Chair of the Committee, and shall appoint a Vice-Chair from among the members of the Committee. The Chair may appoint a secretary who need not be a member of the Committee.
5. The Committee shall organize and meet as soon as possible after its formation and may hold joint meetings with New Jersey After 3, Inc.
6. The Committee is authorized to call upon any department, office, division or agency of this State to supply it with the data and other information, personnel or assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency is hereby directed, to the extent not inconsistent with the law, to furnish it with such information, personnel and assistance as are necessary to accomplish the purposes of this Order.
7. This Order shall take effect immediately.

Dated June 25, 2004.

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**EXECUTIVE ORDER No. 118**

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

WHEREAS, Executive Order No. 59 (2003) imposed a 120-day moratorium on the approval of any permit application, contract, sale or lease for billboards on State-owned property or property of any State department, agency or independent authority; and

WHEREAS, Executive Order No. 66 (2003) continued that moratorium until the end of the 2002-2003 legislative session of the New Jersey

Legislature, to allow time to convert the recommendations of the Task Force into proposed legislation and to achieve its enactment; and

WHEREAS, Executive Order No. 66 (2003) also directed the New Jersey Department of Transportation and New Jersey Department of Environmental Protection to jointly make recommendations on increasing the number of billboard-free roadways in scenic locations; and

WHEREAS, The moratorium on the approval of any permit application or contract for the design, construction or erection of any new billboards on State-owned property or property owned by any State department, agency or independent authority established by Executive Order No. 59 (2003) and continued by Executive Order No. 66 (2003) was continued until June 30, 2004 by Executive Order No. 92 (2004), to allow the 211th Legislature an opportunity to enact appropriate legislation and to allow the Departments of Transportation and Environmental Protection to complete their joint recommendations; and

WHEREAS, The Report of the New Jersey Departments of Transportation and Environmental Protection has been issued and contains recommendations that require regulatory action to designate specified areas as "scenic corridors" in an effort to reduce the impact of billboards on the aesthetic environment of our State within an appropriate timeframe; and

WHEREAS, There remains a compelling need to stop the siting and construction of new billboards in "scenic corridors" beyond June 30, 2004, while the regulatory process continues, as recommended by the New Jersey Department of Transportation and the New Jersey Department of Environmental Protection;

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

1. Effective immediately, for those roadway sections identified as "scenic corridors" in Table 1 of the June 21, 2004 report by the New Jersey Department of Transportation and the New Jersey Department of Environmental Protection, there is a moratorium on the approval of any permit application or contract for the design, construction or erection of any new billboards until such time as the Department of Transportation adopts

regulations to effectuate the recommendations issued in the report concerning these scenic corridors.

2. This Order shall take effect immediately.

Dated June 30, 2004.

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**EXECUTIVE ORDER No. 119**

WHEREAS, Sergeant Alan D. Sherman, a resident of the State of New Jersey, graduated from Ocean Township High School in 1986, where he was a member of the track team; and

WHEREAS, Sergeant Sherman enlisted in the United States Marine Reserves in 1994, fulfilling a lifelong dream of being a U.S. Marine; and

WHEREAS, Sergeant Sherman served proudly as a member of Bridge Company B of the 6th Engineer Support Battalion, and was deployed to Iraq in the service of his country in February 2004; and

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

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

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

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

1. The flag of the United States of America and the flag of the State of

New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Sunday, July 4, 2004 in recognition and mourning of U.S. Marine Sergeant Alan D. Sherman.

2. This Order shall take effect immediately.

Dated July 2, 2004.

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**EXECUTIVE ORDER No. 120**

WHEREAS, Assemblyman Ronald A. Dario, a devoted family man, dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Assemblyman Dario was an educator who served the students and residents of Hoboken and Union City as a teacher, principal and coach; and

WHEREAS, Assemblyman Dario held public office as a member of the Union City Commission, where he served as Recreation and Public Properties Commissioner; and

WHEREAS, Assemblyman Dario was elected to the General Assembly in 1985 and was a respected member of that House; and

WHEREAS, Assemblyman Dario sponsored legislation authorizing the State to take over failing school districts and legislation that prevented the warehousing of empty apartments by landlords during a Statewide wave of condominium conversions that saw tenants forced out of homes; and

WHEREAS, It is with deep sadness that we mourn the loss of Assemblyman Dario and extend our sincerest sympathy to his family and friends; and

WHEREAS, It is fitting and appropriate to honor the memory and the passing of Assemblyman Dario;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday, July 8, 2004 in recognition and mourning of the passing of Assemblyman Dario.

2. This Order shall take effect immediately.

Dated July 8, 2004.

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**EXECUTIVE ORDER No. 121**

WHEREAS, Localized heavy rainfall on July 12, 2004 has resulted in severe weather conditions, flooding and power outages, that now threaten homes, dams, bridges and other structures and the flow of traffic in areas of Burlington and Camden Counties in the State; and

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

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

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a State of Emergency presently exists in Burlington and Camden Counties and hereby ORDER and DIRECT:

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

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

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

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

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



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

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

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

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

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

11. In accordance with N.J.S.A.App.A:9-34, N.J.S.A.App.A:9-40.6 and 40A:14-156.4, that no municipality or public or semipublic agency send public works, fire, police, emergency medical or other personnel or equipment into any non-contiguous disaster-stricken municipality within

this State nor to any disaster-stricken municipality outside this State unless and until such aid has been directed by the county emergency management coordinator or his deputies in consultation with the State Director of Emergency Management.

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

Dated July 13, 2004.

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### **EXECUTIVE ORDER No. 122**

WHEREAS, Public authorities, agencies and commissions ("authorities") of the State of New Jersey oversee billions of dollars in public funds; and

WHEREAS, The independent auditing process is fundamental to the ability of those state authorities to oversee the public funds, to set appropriate financial policies, to ensure that management maintains effective internal controls and to ensure that financial statements are free from material misstatements; and

WHEREAS, Boards of directors, management, internal auditors, and independent auditors each have an important role in the authorities' financial reporting and audit processes; and

WHEREAS, Management is responsible for the financial reporting process and internal controls; and

WHEREAS, Internal auditors are responsible for assessing whether internal controls established by management are functioning and effective; and

WHEREAS, Independent auditors are responsible for publicly attesting to the fairness of financial statements, evaluating the effectiveness of internal controls and, through the issuance of management letters, making comments and recommendations which, when implemented, may improve the design or operation of internal control systems; and

WHEREAS, An audit committee is a fundamental component of an effective financial reporting and audit process, responsible for oversee-

ing the other participants in the process, for proactively ensuring the quality and integrity of the authority's financial reports, and for reporting any audit findings and recommendations to the board of directors for appropriate corrective action; and

WHEREAS, As Governor, I have a responsibility to manage the operations of State government and its various authorities efficiently and effectively to secure public confidence;

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

1. For the purpose of this Order, "audit" shall mean an examination of the financial statements of each Authority by a certified public accounting firm in compliance with the generally accepted government auditing standards (GAGAS), issued by the Comptroller General of the United States, as may be periodically revised, and in accordance with all applicable federal rules, regulations, and circulars. Furthermore, for purposes of this Order, "Board of Directors" or "Board" shall mean the governing body of an Authority, and "relative" shall mean a person's spouse, child, parent or sibling residing in the same household or a person's domestic partner as defined in P.L.2003, c.246 (N.J.S.A.26:8A-3).

2. The Board of Directors of each Authority shall create an Audit Committee of no less than three members to assist in the oversight of the financial reporting and audit processes of the Authority. At least two of the members shall be members of the Board. At no time shall a member of the Authority's staff be a member of the Audit Committee.

3. Each of the members of the Audit Committee shall be independent of the Authority. Independence of a member is satisfied only under the following circumstances:

a. the member has no financial relationship with the Authority, nor is the member a partner, shareholder or officer of an organization that has a financial relationship with the Authority;

b. neither the member nor any member's relative is an employee of the Authority;

c. neither the member nor any member's relative is currently employed by, or has in the past three years been affiliated with or employed by, a present or former auditor of the Authority;

d. neither the member nor any member's relative receives or has received in any of the past three years direct or indirect compensation from the Authority for consulting, legal or financial services, regardless of the amount received and regardless of whether it is or was paid to the member or to a firm with which the member or any member's relative was associated; and

e. the member is in compliance with all standards regarding independence of auditors as may appear in GAGAS or may be established by the United States General Accounting Office.

4. At least one of the Audit Committee members shall have accounting or related financial expertise. All of the members should have knowledge of the Authority's governmental functions, and sufficient time to accomplish the responsibilities of the Audit Committee. In the event the Board does not have sufficient members qualified or available to serve on the Audit Committee, or wishes to broaden the expertise on the Audit Committee, the Board may request that the State Treasurer recommend one or more qualified individuals to sit on the Committee.

5. The Audit Committee shall assist the Board in retaining an independent auditor to conduct an audit of the Authority's financial statements by making a recommendation to the Board after engaging in an auditor selection process described below. The auditor selection process shall be based upon public, competitive bidding principles and shall take place no less than once every five years. The Board shall award the contract based upon the Authority's governing statute and regulations.

6. In order to ensure the independence of the auditor selection process, the Audit Committee shall adhere to the following procedures when making a recommendation to the Board to award a contract to an auditor:

a. An evaluation committee shall be established by the Board to conduct the solicitation and evaluation of eligible auditors. The evaluation committee shall consist of no less than three Board members.

b. The evaluation committee shall be responsible for drafting requests for proposals (RFPs), soliciting responses to such RFPs, accepting and evaluating proposals, and providing a final written report to the Audit Committee. The evaluation committee may draw upon the expertise of the Division of Purchase and Property to assist it in the drafting of the RFP,

soliciting responses to the RFPs, and evaluating proposals. The role of staff of the Authority shall be limited to providing assistance with the RFP design.

c. The evaluation committee shall review all responses to RFPs for responsiveness and responsibility and shall evaluate such responses pursuant to criteria established by the Audit Committee, as described below, and shall rank the responses with respect to such criteria. The evaluation committee shall prepare a written report of such evaluation and shall forward the report to the Audit Committee.

d. Prior to the solicitation of the engagement of any auditor, the Audit Committee shall establish criteria for the selection of an auditor and may weigh the criteria established. The weighted criteria shall be used by the evaluation committee during the evaluation of proposals. In developing the criteria to be used by the evaluation committee, the Audit Committee shall include the following:

- i. proposed fee for services;
- ii. quality of response to RFP package;
- iii. demonstrated ability and qualifications to conduct governmental audits;
- iv. quality of relevant service to the governmental entities in previous transactions; and
- v. familiarity with federal laws, rules and regulations relevant to governmental audits.

e. Upon receipt of the evaluation committee's report, the Audit Committee shall review the report and determine whether to re-rank the responses based upon interviews. In such event, the Audit Committee shall interview the firms responding to the RFP and rank the candidates after such interviews based upon the established evaluation criteria.

f. The Audit Committee shall make a recommendation to the Board for award of an audit contract.

g. The Board of Directors shall review the recommendation and make an award to a firm.

h. The Audit Committee shall also issue a report to the State Treasurer within six months of making the recommendation to the Board that sets forth the steps taken to comply with these procedures for selection of an auditor.

7. The auditor selected shall report directly to the Audit Committee or the Board. At no time shall the auditor report to any staff member of the Authority.

8. At least twice each year, the Audit Committee shall hold a private meeting with the auditor. One of these meetings shall be held prior to commencement of the audit and the other upon issuance of the final audit report. If the Authority also has an internal auditor, the internal auditor shall meet with, and report to, the Audit Committee at least once a year. Additional meetings shall be held upon the request of an Audit Committee member, a Board member, or the auditor, and may include such staff members as the Audit Committee or Board determines necessary.

9. In carrying out its duties, the Audit Committee shall proactively assist the Board in overseeing: (i) the integrity and quality of the Authority's financial statements; (ii) the Authority's compliance with legal, regulatory, and ethical requirements; (iii) the auditor's performance and ability to perform; and (iv) the performance of the Authority's own internal audit and internal control functions. In addition, the Audit Committee shall:

- a. review and evaluate audit fees;
- b. where the Committee believes that the auditor's performance is not adequate in quality or independence, recommend such steps as may be necessary to elicit appropriate performance, including replacement of the auditor;
- c. review the annual management letter with the independent auditor;
- d. review and approve all engagements of the auditor with the Authority, including non-audit engagements, giving specific consideration to their effect on the independence of the auditor;
- e. at least once every three years, obtain and review a report of the independent auditor describing for the preceding year: (1) the independent auditor's internal quality control procedures; (2) any material issues raised by the most recent internal quality control peer review, or by reviews conducted by governmental or professional authorities; and (3) steps taken by the auditor to address such issues;
- f. regularly review with the independent auditor any audit problems, any risks of material statements due to fraud, difficulties with management's response (including restrictions or attempts to restrict the auditor's activities, restrictions on access to information, and significant disagreements with management) and responsibilities, budget and staffing of the Authority's internal audit and control functions;
- g. review the audited financial statements and interim statements and discuss them with management and internal auditors. These discussions should include a review of particularly sensitive accounting estimates, reserves and accruals, judgmental areas, audit adjustments (recorded or not)

and other such matters as the Audit Committee or independent auditor shall deem appropriate;

h. review internal control functions such as the planned scope of internal audit reviews; adequacy of staffing; actions to be taken as a result of internal audit findings; the adequacy of compliance with the Authority's Code of Ethics; the effectiveness of electronic data processing procedures and controls and related security programs; and

i. recommend policies with respect to risk assessment and risk management.

10. This Order shall apply to all State authorities, commissions, boards, and councils that utilize external auditors to assist them in overseeing public funds.

11. This Order shall take effect immediately, and shall supersede Executive Order No. 26 (Whitman) to the extent that the provisions of that Order governing the selection of accountants are inconsistent with this Order.

Dated July 23, 2004.

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### **EXECUTIVE ORDER No. 123**

WHEREAS, U.S. Marine Lance Corporal Vincent Sullivan, a native of the State of New Jersey, graduated from Chatham High School in 1999, where he was a member of the wrestling and track teams; and

WHEREAS, Lance Corporal Sullivan subsequently enlisted in the United States Marines following the September 11, 2001 terrorist attacks; and

WHEREAS, Lance Corporal Sullivan served proudly as a member of the U.S. Marines, and was deployed to Iraq in the service of his country in 2003; and

WHEREAS, Lance Corporal Sullivan returned home on leave and was married to his high school sweetheart Erika in December 2003, before being sent back to Iraq to help counter a growing insurgency; and

WHEREAS, Lance Corporal Sullivan was a courageous soldier, and a loving son, husband, and brother; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, August 3, 2004 in recognition and mourning of U.S. Marine Lance Corporal Vincent Sullivan.

2. This Order shall take effect immediately.

Dated August 3, 2004.

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**EXECUTIVE ORDER No. 124**

WHEREAS, Army Specialist Anthony J. Dixon, a resident of Lindenwold, New Jersey, graduated from Overbrook High School, where he was a high school wrestler; and

WHEREAS, Army Specialist Dixon subsequently enlisted in the U.S. Army in 2002, where he hoped to earn money for college and eventually work as a Secret Service agent or as a police officer; and

WHEREAS, Army Specialist Dixon served proudly as a member of the U.S. Army 1st Squadron, 4th Cavalry, 1st Infantry Division, and was deployed to Iraq in the service of his country; and

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



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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Monday, August 9, 2004, in recognition and mourning of Army Specialist Anthony J. Dixon.

2. This Order shall take effect immediately.

Dated August 8, 2004.

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#### EXECUTIVE ORDER No. 125

WHEREAS, U.S. Army Captain Michael Y. Tarlavsky, a resident of the State of New Jersey, graduated from Clifton High School, where he was captain of the high school swim team and attained the rank of Eagle Scout; and

WHEREAS, Captain Tarlavsky graduated from Rutgers University in 1996, earning a degree in Exercise Science while participating in the ROTC Program and serving with the National Guard to help pay for college; and

WHEREAS, Captain Tarlavsky subsequently enlisted in the U.S. Army, where he rose to become a Captain in the Special Forces; and

WHEREAS, Captain Tarlavsky served proudly as a member of the U.S. Army 1st Battalion, 5th Special Forces Group, and was deployed to Iraq in the service of his country; and

WHEREAS, Captain Tarlavsky was a courageous soldier and a loving son, husband and brother; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, August 24, 2004, in recognition and mourning of U.S. Army Captain Michael Y. Tarlavsky.

2. This Order shall take effect immediately.

Dated August 23, 2004.

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#### **EXECUTIVE ORDER No. 126**

WHEREAS, Former Senator and Assemblyman Thomas P. Foy, a devoted family man, graduated from Duke University and from Rutgers Law School-Camden and thereafter dedicated many years in public service to the people of the State of New Jersey; and

WHEREAS, Senator Foy held several important public offices in the State of New Jersey, including serving as a member of the Burlington Township Council; and

WHEREAS, Senator Foy was elected to the General Assembly in 1984, where he served until 1990, when he was appointed to the State Senate, where he served until January 1992; and

WHEREAS, Senator Foy also served as General Counsel for the State AFL-CIO and as Chairman of the State Democratic Leadership Council, and was active in numerous charities; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, September 8, 2004 in recognition and mourning of the passing of Senator Foy.

2. This Order shall take effect immediately.

Dated September 7, 2004.

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**EXECUTIVE ORDER No. 127**

WHEREAS, James D'heron, a loving husband and father and resident of the City of New Brunswick, joined the New Brunswick Fire Department in 1980, and rose through the ranks to become Deputy Fire Chief; and

WHEREAS, Deputy Chief D'heron served the Fire Department and the citizens of New Brunswick as a firefighter and officer with exceptional courage, dedication and professionalism, genuine courtesy and abiding commitment to the finest humanitarian traditions; and

WHEREAS, Deputy Chief D'heron proudly served in the Department for 24 years, and was cited three times for rescuing people from burning buildings; and

WHEREAS, Deputy Chief D'heron has made the ultimate sacrifice, giving his life in the line of duty to help New Jersey's citizens and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory.

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday, September 9, 2004, in recognition and mourning of Deputy Fire Chief James D'heron.

2. This Order shall take effect immediately.

Dated September 7, 2004.

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**EXECUTIVE ORDER No. 128**

WHEREAS, New Jersey's historic legacy of innovation and invention has resulted in an economy that is currently leading the nation out of recession and has contributed to its national reputation as the home of numerous advanced technology industries; and

WHEREAS, New Jersey must continue to meet the challenges and opportunities of the global marketplace by fostering the creation of high-quality jobs that will sustain a knowledge-based economy that thrives on innovation and entrepreneurship in order to bring advanced technologies to market; and

WHEREAS, New Jersey should capitalize on its competitive advantage through economic development initiatives that support the State's world-class academic research universities and science and technology industries; and

WHEREAS, Relationships between industrial and academic research in the

State must be strengthened to sustain New Jersey's economy and to propel it to an even higher level of performance; and

WHEREAS, the State of New Jersey and the New Jersey Economic Development Authority (hereinafter referred to as the EDA or the Authority) has supported research and development efforts of technology companies by developing financial assistance programs and laboratory space in commercialization centers underway in Newark, Camden, North/New Brunswick; and

WHEREAS, The EDA has the ability to acquire land and develop shared infrastructure that is specialized to the focus needs of later stage businesses such as pilot scale production centers; and

WHEREAS, The New Jersey Commission on Science and Technology's (hereinafter referred to as the Commission) mission is to promote further development of the State's academic research capabilities in fields of strategic importance to New Jersey's technology industry, to enhance the transfer of technology from the academic research environment to commercialization in the marketplace, and to encourage entrepreneurship and the establishment of new enterprises in science and new technology fields; and

WHEREAS, The New Jersey Life Sciences Cluster Initiative commissioned by Prosperity New Jersey, and conducted by Professor Michael E. Porter, to assess the current competitive position of New Jersey's life sciences clusters recommends that clusters will be enhanced by increased interaction by cluster participants in a concentrated geographic location; and

WHEREAS, In my 2004 State of the State Address, I proposed the creation of three Innovation Zones that will stimulate industry clusters around our public research universities; and

WHEREAS, The goal of the Innovation Zones is to attract high-technology businesses and research scientists to these defined areas, where proximity to universities and research hospitals will increase collaborative research effort between the academic communities and New Jersey's technology industry, resulting in business and job growth; and

WHEREAS, These Innovation Zones will serve to spur partnerships between our universities and our industries, and will encourage the more rapid transfer of discoveries from our laboratories to the marketplace; and

WHEREAS, The creation of the Innovation Zones will require the focusing of resources on geographic areas where research clusters presently exist, or have the potential to form because of the location of universities and/or research hospitals; and

WHEREAS, These geographic areas will also be made more attractive to businesses, entrepreneurs and researchers by the availability of alternative housing opportunities, access to public transportation and workforce development initiatives that provide customized training for all level of employees;

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

1. There are hereby created three Innovation Zones surrounding New Jersey's research universities, to be located in the City of Newark, the City of Camden, and the North Brunswick/New Brunswick area.
2. The Chief Executive Officer of the Authority shall recommend the precise geographic boundaries of the Innovative Zones to the EDA Board, which shall give its final approval to the geographic boundaries.
3. The EDA shall modify its existing programs to give bonuses or other enhanced incentives to businesses that locate in Innovation Zones. Programs to be utilized in this regard shall include BEIP, Seed Capital and Technology Funding programs, Springboard Fund, Technology Tax Certificate Transfer program and the new Garden State Life Sciences Venture Fund.
4. The Commission shall modify its programs to promote and support networks and collaboration between the local technology industry and university researchers in the Innovation Zones, to increase federal funding to universities in areas of strategic importance to New Jersey's technology

industry, to promote the transfer of technology and commercialization of new ideas in the Innovation Zones, and to further develop support for technology companies in the Innovation Zones by means including, but not limited to, incubation and grant writing assistance.

5. The EDA and the Commission shall work cooperatively with other State departments, agencies and authorities to explore and implement opportunities to direct resources to the Innovation Zones that may provide technology, financial and workforce development opportunities, infrastructure and housing. With the assistance of these partners, the EDA and Commission may recommend potential future Innovation Zones to enhance cluster-based economic development strategies anchored by public higher education research universities.

6. The EDA and the Commission are authorized to call upon any department, office or agency of State Government to provide such information, resources or other assistance deemed necessary to discharge its responsibilities under this Order. This will include, but not be limited to, the Department of the Treasury for assistance with the BEIP, Technology Tax Certificate Transfer program, and other programs; the Department of Labor and Workforce Development for assistance in developing workforce development strategies; the Departments of Transportation and NJ Transit for assistance in enhancing public transportation networks and infrastructure; the New Jersey Commerce and Economic Growth Commission to assist in business attraction efforts and the coordination of Urban Enterprise Zone programs; the Department of Community Affairs for assistance in expanding housing opportunities and advising on smart growth development strategies; and the Commission on Higher Education to facilitate and promote partnerships and programs to address workforce needs and enhance research and development. Each department, office, division and agency of this State is hereby required to cooperate with the Authority and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

7. An Advisory Committee consisting of local technology business leaders and representatives from the research community will be created in each Innovation Zone by the Authority and will meet quarterly to advise the EDA and the Commission with respect to the functioning of the Innovation Zones and the needs of the local technology industry.

8. This Order shall take effect immediately.

Dated September 8, 2004.

**EXECUTIVE ORDER No. 129**

WHEREAS, The State of New Jersey, with the fourth highest job growth rate in the United States over the last twelve months, is among the nation's leaders in economic recovery; and

WHEREAS, In order to continue this economic prosperity, the State of New Jersey supports every opportunity to attract and retain businesses, strengthen its workforce, and build vibrant cities; and

WHEREAS, The act of corporate off-shoring can result in the relocation of New Jersey jobs overseas; and

WHEREAS, New Jersey State departments and agencies (State contracting agencies) procure annually billions of dollars worth of goods and services, by contract, through public and private vendor corporations and businesses; and

WHEREAS, New Jersey State government awards contracts based on a determination of "best value," which includes an evaluation of price and may include other factors, including, but not limited to, environmental considerations, quality, and vendor performance; and

WHEREAS, The State of New Jersey should be aware of how and where State procurement tax dollars are spent;

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

1. Consistent with State law, the State contracting agencies shall develop policies and procedures to ensure that all vendors seeking to enter into any contract in which services are procured on behalf of the State of New Jersey must disclose:

a. The location by country where services under the contract will be performed; and

b. Any subcontracting of services under the contract and the location by country where any subcontracted services will be performed.

The State of New Jersey shall not award a contract to a vendor that does not provide all disclosures required above.



2. The State of New Jersey shall not award a contract to a vendor that submits a bid proposal to perform services, or have a subcontractor perform services, pursuant to the contract at a site outside the United States, unless one of the following conditions is met:

a. The vendor or its subcontractor provides a unique service, and no comparable domestically-provided service can adequately duplicate the unique features of the service provided by the vendor or its subcontractor; or

b. A significant and substantial economic cost factor exists such that a failure to use the vendor's or subcontractor's services would result in economic hardship to the State of New Jersey; or

c. The Treasurer determines that a failure to use the vendor's or subcontractor's services would be inconsistent with the public interest.

3. If, during the term of the contract, the contractor or subcontractor has declared that services will be performed in the United States and proceeds to shift services outside of the United States, the contractor shall be deemed in breach of contract, unless the State contracting agency shall first have determined in writing that extraordinary circumstances require the shift of services or that a failure to shift the services would result in economic hardship to the State of New Jersey.

4. In developing the policies and procedures directed under this Order, the State contracting agencies must consider the requirements of New Jersey's contracting laws, the best interests of the State of New Jersey and its citizens, as well as applicable federal and international requirements.

5. The provisions of this Order do not apply to contracts for academic instruction, educational or research services entered into by the State's public institutions of higher education.

6. If any section, subsection, sentence, clause, phrase or other portion of this Order is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

7. This Order shall take effect immediately.

Dated September 9, 2004.

**EXECUTIVE ORDER No. 130**

WHEREAS, Assault weapons like Uzis and AK-47s have no legitimate civilian uses and, instead, are used by drug dealers, gun-runners, and other violent criminals; and

WHEREAS, Recognizing that the easy availability of assault weapons would pose a serious threat to law enforcement and to the safety of the citizens of New Jersey, in 1990 New Jersey enacted the toughest and most comprehensive assault weapons ban in the United States; and

WHEREAS, The New Jersey assault weapons ban has proven to be highly effective and has served as a model for other states and for the federal government; and

WHEREAS, In 1994 a federal assault weapons ban was enacted that prohibited 19 specific types of assault weapons, including Uzis and AK-47s; and

WHEREAS, The federal assault weapons ban is set to expire on September 13, 2004, and there is no indication that the current Congress will move to reinstate the ban; and

WHEREAS, While assault weapons still will be banned in New Jersey under New Jersey's assault weapons ban, the expiration of the federal ban will mean that assault weapons will once again be readily available nearly everywhere in the United States because few states have their own laws banning such weapons; and

WHEREAS, Gun manufacturers can be expected to immediately begin marketing and selling assault weapons in states where they are not otherwise banned; and

WHEREAS, New Jersey law enforcement officials have expressed concern that assault weapons that will now be readily available in other states will end up in the hands of criminals on the streets of New Jersey;

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

1. The Attorney General shall promptly convene a task force, consisting of representatives from all of the relevant segments of the law enforcement community, including but not limited to the county prosecutors offices, the Division of Criminal Justice, the State Police, sheriff's departments, and county and local police departments, to provide assistance to the Attorney General in developing a plan to respond to the issues raised by the expiration of the federal assault weapons ban.

2. In developing the plan, the Attorney General, with the assistance of the task force, shall review New Jersey statutes and law enforcement regulations, guidance, and policies to determine whether any changes are necessary to address the increased threat to law enforcement and public safety created by the expiration of the federal assault weapons ban, and specifically the problem of assault weapons being purchased out-of-State and brought to New Jersey.

3. The plan also shall include recommendations to the Governor for any legislative changes that should be made, such as enhanced penalties or other measures directed against gun smuggling.

4. This Order shall take effect immediately.

Dated September 13, 2004.

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#### **EXECUTIVE ORDER No. 131**

WHEREAS, Hurricane Ivan has created severe weather conditions, including heavy rains, high winds, main stream river flooding, particularly along the Delaware river in the counties of Sussex, Warren, Hunterdon and Mercer, that now threatens homes and other structures and the flow of traffic in the northwestern areas of the State and may affect other counties as the runoff progresses; and

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

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

NOW, THEREFORE, I, JAMES E. MCGREEVEY, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey:

1. Do declare and proclaim that a State of Emergency exists in the northwestern area of the State of New Jersey and in the counties of Sussex, Warren, Hunterdon and Mercer, and may come to exist in other areas of the State.

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

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

4. Authorize the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any

area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

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

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

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

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

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

Dated September 18, 2004.

**EXECUTIVE ORDER No. 132**

WHEREAS, The New Jersey Commerce and Economic Growth Commission (Commission) coordinates economic development activities for the State with all related agencies and entities, including, but not limited to, the New Jersey Economic Development Authority, the New Jersey Commission on Science and Technology, the New Jersey Urban Enterprise Zone Authority, the Motion Picture and Television Development Commission, and the New Jersey Development Authority for Small Businesses, Minorities' and Women's Enterprises; and

WHEREAS, The role of the Commerce Commission, which includes assisting businesses and individuals for the economic growth and prosperity of our State, is vitally important; and

WHEREAS, There is a need to maintain strict internal controls and fiscal practices of the Commerce Commission and new procedures have been and are being implemented at the Commission to address these concerns; and

WHEREAS, As Governor, I have a responsibility to manage the operations of State government and its various agencies efficiently and effectively to ensure public confidence; and

WHEREAS, Executive Order No. 122, issued by me on July 23, 2004, requires certain governmental entities to develop audit committees to proactively ensure the quality and integrity of the financial operations of these entities;

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

1. The Commission shall expeditiously establish and fill the position of Chief Financial Officer (CFO), who shall report directly to the Commission's Secretary or her designee, and who shall be responsible for overseeing all budget, procurement, accounting, internal controls and fiscal administration functions of the Commission, and who shall approve all procurement activities of the Commission.

2. The budget and accounting activities of the Commerce Commission, including all Commission committees and units, shall be centralized and shall be supervised and under the immediate control and direction of the CFO.

3. The Commerce Commission shall expeditiously establish and fill the position of Controller, who shall report directly to the CFO, to assist in the development and implementation of internal controls of the Commission's accounting practices and activities, and supervise and monitor internal control procedures.

4. The Finance Committee of the Board of Directors shall review and approve all contracts to which the Commission is a party with a value over the public bidding threshold established by the Department of the Treasury.

5. The Audit Committee, established pursuant to the provisions of Executive Order 122, shall comply in all respects with the requirements of Executive Order 122, which are incorporated herein by reference, except that in addition to the requirements of that Order, the Committee shall undertake a comprehensive semi-annual internal review of the Commission's fiscal operations for the next three years with the assistance of a certified public accounting firm, qualified to conduct financial audits and make recommendations regarding procedures, which firm shall report directly to the Auditing Committee, not to the Commission staff.

6. The Commission's Board of Directors annually shall review and either approve, or modify or rescind in part or in whole, the Commission's policies and procedures, including therein procurement policies and procedures consistent with those prescribed by the Department of the Treasury, Division of Purchase and Property.

7. The Secretary shall disseminate the Sarbanes-Oxley Act, Executive Order No. 122 (2004) and this Executive Order, to the Commission's Board of Directors, which shall institute such measures as deemed necessary to implement the Executive Orders and the Act.

8. The Commission shall conduct annual procurement training for all Commission purchasing agents.

9. To ensure that Commission staff is fully cognizant of all Commission procedures and policies, the Commission shall annually disseminate said procedures and policies to all Commission staff.

10. The Secretary shall ensure that the percentage share of travel expenses that can be advanced to Commission staff for travel will be consistent with Treasury Circular Letter 04-05-OMB.

11. This Order shall take effect immediately.

Dated September 20, 2004.

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### EXECUTIVE ORDER No. 133

WHEREAS, Executive Order No. 131 (2004), declaring a State of Emergency, was issued on September 18, 2004; and

WHEREAS, It is necessary to amend Executive Order No. 131 to add a paragraph that was inadvertently omitted;

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

1. Executive Order No. 131 (2004) is amended to add the following paragraph:

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

2. This paragraph shall be retroactive to September 18, the date of the declaration of the Emergency.

Dated September 21, 2004.



**EXECUTIVE ORDER No. 134**

WHEREAS, In our representative form of government, it is essential that individuals who are elected to public office have the trust; respect and confidence of the citizenry; and

WHEREAS, All individuals, businesses, associations, and other persons have a right to participate fully in the political process of New Jersey, including making and soliciting contributions to candidates, political parties and holders of public office; and

WHEREAS, When a person or business interest makes or solicits major contributions to obtain a contract awarded by a government agency or independent authority, this constitutes a violation of the public's trust in government and raises legitimate public concerns about whether the contract has been awarded on the basis of merit; and

WHEREAS, The growing infusion of funds donated by business entities into the political process at all levels of government has generated widespread cynicism among the public that special interest groups are "buying" favors from elected officeholders; and

WHEREAS, For the purposes of protecting the integrity of government contractual decisions and of improving the public's confidence in government, it is a compelling interest of this State to prohibit awarding government contracts to business entities which are also contributors to candidates, political parties and the holders of public office (see, e.g., *McConnell v. Federal Election Commission*, 540 U.S. 93, 124 S. Ct. 619 (2003); and

WHEREAS, There exists the perception that campaign contributions are often made to a State or county political party committee by an individual or business seeking favor with State elected officials, with the understanding that the money given to such a committee will be transmitted to other committees in other parts of the State, or is otherwise intended to circumvent legal restrictions on the making of political contributions or gifts directly to elected State officials, thus again making elected State officials beholden to those contributors; and

WHEREAS, County political party committees, through their powers of endorsement, fundraising, ballot slogan or party line designation, and

other means, exert significant influence over the gubernatorial primary and general election process; and

WHEREAS, Although the right of individuals and businesses to make campaign contributions is unequivocal, that right may be limited, even abrogated, when such contributions promote the actuality or appearance of public corruption; and

WHEREAS, It is essential that the public have confidence that the selection of State contractors is based on merit and not on the political contributions made by such contractors and it is essential that the public have trust in the processes by which taxpayer dollars are spent; and

WHEREAS, It has long been the public policy of this State to secure for the taxpayers the benefits of competition, to promote the public good by promoting the honesty and integrity of bidders for public contracts and the system, and to guard against favoritism, improvidence, extravagance and corruption in order to benefit the taxpayers; and

WHEREAS, In the procurement process, our public policy grants to the State broad discretion, taking into consideration all factors, to award a contract to a bidder whose proposal will be most advantageous to the State (see, e.g., N.J.S.A. 52:34-12, 13; *Commercial Cleaning Corp v. Sullivan*, 47 N.J. 539 (1966)); and

WHEREAS, The Constitution of this State requires me, as Governor, to manage the operations of State government effectively and fairly, to uphold the law to ensure public order and prosperity, and to confront and uproot malfeasance in whatever form it may take; and

WHEREAS, As Governor, I must safeguard the integrity of State government procurement by imposing restrictions on State agencies and independent authorities to insulate the negotiation and award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof;

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

1. The State or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement or otherwise contract to procure from any business entity services or any material, supplies or equipment, or to acquire, sell, or lease any land or building, where the value of the transaction exceeds \$17,500, if that business entity has solicited or made any contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate or holder of the public office of Governor, or to any State or county political party committee: (i) within the eighteen months immediately preceding the commencement of negotiations for the contract or agreement; (ii) during the term of office of a Governor, in the case of contributions to a candidate committee and/or election fund of the holder of that office, or to any State or county political party committee of a political party nominating such Governor in the last gubernatorial election preceding the commencement of such term; or (iii) within the eighteen months immediately preceding the last day of the term of office of Governor, in which case such prohibition shall continue through the end of the next immediately following term of the office of Governor, in the case of contributions to a candidate committee and/or election fund of the holder of that office, or to any State or county political party committee of a political party nominating such Governor in the last gubernatorial election preceding the commencement of the latter term.

2. No business entity which agrees to any contract or agreement with the State or any department or agency thereof or its independent authorities either for the rendition of services or furnishing of any material, supplies or equipment or for the acquisition, sale, or lease of any land or building, if the value of the transaction exceeds \$17,500, shall knowingly solicit or make any contribution of money, or pledge of a contribution, including in-kind contributions, to a candidate committee and/or election fund of any candidate or holder of the public office of Governor or to any State or county political party committee prior to the completion of the contract or agreement.

3. For purposes of this Order, a "contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P. L. 1973, c. 83 (C.19:44A-1 et seq.) made on or after the effective date of this Order.

4. For purposes of this Order, a "business entity" means any natural or legal person, business corporation, professional services corporation,

limited liability company, partnership, limited partnership, business trust, association or any other legal commercial entity organized under the laws of this State or any other state or foreign jurisdiction. The definition of a business entity includes: (i) all principals who own or control more than 10 percent of the profits or assets of a business entity or 10 percent of the stock in the case of a business entity that is a corporation for profit, as appropriate; (ii) any subsidiaries directly or indirectly controlled by the business entity; (iii) any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and (iv) if a business entity is a natural person, that person's spouse or child, residing therewith, are also included within this definition.

5. Prior to awarding any contract or agreement to procure services or any material, supplies or equipment from, or for the acquisition, sale, or lease of any land or building from or to, any business entity, the State or any of its purchasing agents or agencies, as the case may be, shall require, as part of the procurement process, the business entity to report all contributions the business entity made during the preceding four years to any political organization organized under section 527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the meaning of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. Such reporting shall be made in a manner and form to be developed by the Office of the State Treasurer with the advice of the New Jersey Election Law Enforcement Commission, which agencies shall promulgate regulations to effect and implement this disclosure obligation. Such reports shall be subject to review by the Office of State Treasurer. If the State Treasurer determines that any such contribution, or any other act that would constitute a breach of contract pursuant to section 8 of this Order, poses a conflict of interest in the awarding of any contract or agreement, the State Treasurer shall disqualify such business entity from bidding on or being awarded such contract or agreement.

6. Prior to awarding any contract or agreement to procure services or any material, supplies or equipment from, or for the acquisition, sale, or lease of any land or building from or to, any business entity, the State or any of its purchasing agents or agencies or independent authorities, as the case may be, shall require the business entity to provide a written certification that it has not made a contribution that would bar the award of the contract pursuant to this Order. The business entity shall have a continuing duty to

report any contribution it makes during the term of the contract. Such reports shall be subject to review by the Office of State Treasurer. If the State Treasurer determines that any such contribution poses a conflict of interest, such contribution shall be deemed a material breach of such contract or agreement.

7. If a business entity inadvertently makes a contribution that would otherwise bar it from receiving a contract or makes a contribution during the term of a contract in violation of this Order, the entity may request a full reimbursement from the recipient and, if such reimbursement is received within 30 days after the date on which the contribution was made, the business entity would again be eligible to receive a contract or would no longer be in violation, as appropriate. It shall be presumed that contributions made within 60 days of a gubernatorial primary or general election were not made inadvertently.

8. It shall be a breach of the terms of the government contract for a business entity to: (i) make or solicit a contribution in violation of this Order; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of Governor, or to any State or county party committee; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this Order; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this Order; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this Order.

9. This Order shall not prohibit the awarding of a contract when the public exigency requires the immediate delivery of goods or performance of services as determined by the State Treasurer.

10. This Order shall apply to all State agencies including any of the principal departments in the Executive Branch, and any division, board, bureau, office, commission or other instrumentality within or created by

such department and any independent State authority, board, commission, instrumentality or agency.

11. Every contract and bid application and specifications promulgated in connection therewith covered by this Order shall contain a provision describing the requirements of this Order and a statement that compliance with this Order shall be a material term and condition of said contract and/or bid application and binding upon the parties thereto upon the entry of all applicable contracts.

12. To the extent any term contained herein requires interpretation or definition resort shall be made to the relevant definition of said term contained in the "New Jersey Campaign Contributions and Expenditures Reporting Act." P.L.1973, c.83 (C.19:44A-1 et seq.) which definition shall be dispositive.

13. This Order shall take effect October 15, 2004, and is intended to have prospective effect only. This Order shall not affect any solicitation or contribution of money, or pledge of contribution, including in-kind contributions to a candidate committee and/or election fund of any candidate or holder of the public office of Governor, or to any State or county political party committee, that occurs prior to the effective date of this Order. The provisions of this Order shall supersede all prior Orders the provisions of which are inconsistent with this Order.

Dated September 22, 2004.

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#### **EXECUTIVE ORDER No. 135**

WHEREAS, U.S. Army Specialist Yoe Manuel Aneiros, emigrated from Cuba to New Jersey and attended East Side High School in Newark; and

WHEREAS, Specialist Aneiros subsequently became a naturalized U.S. Citizen; and

WHEREAS, Specialist Aneiros enlisted in the U.S. Army in September 2002 where he hoped to earn money for college and eventually become a doctor; and

WHEREAS, Specialist Aneiros served proudly as a member of the U.S. Army 2nd Battalion, 70th Armor Regiment in the 3rd Brigade of the 1st Armored Division, and was deployed to Iraq in the service of his country; and

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

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, September 28, 2004, in recognition and mourning of U.S. Army Specialist Yoe Manuel Aneiros.

2. This Order shall take effect immediately.

Dated September 27, 2004.

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**EXECUTIVE ORDER No. 136**

WHEREAS, New Jersey is a state where independence, dignity and choice is fostered to support residents as they age; and

WHEREAS, New Jersey must prepare to meet the individual and societal needs of our adult population and their families as they grow older; and

WHEREAS, Government, for too long, has denied older adults the right to choose where they receive services if public sector funding is paying for the needed care; and

WHEREAS, Policy changes are essential to support an expanding elderly population that desires to stay at home with supports in the caring community of New Jersey versus going into a nursing home; and

WHEREAS, Caregiving by unpaid family or friends has become an important issue because so many New Jerseyans are finding themselves or will find themselves in the role of caregiver for a loved one; and

WHEREAS, The State of New Jersey must support innovative and cost-effective initiatives for services and programs that are responsive to the unique needs of a growing corps of volunteer caregivers and a diminishing workforce of paid caregivers; and

WHEREAS, The State of New Jersey encourages a society free of ageism and the stereotyping and discrimination against people because they are old, specifically by protecting older adults' right to work, a decent retirement, protective services when vulnerable and end-of-life care with dignity; and

WHEREAS, The State of New Jersey recognizes that older adults are respected members of the community and provide an invaluable resource of social, cultural, historic and spiritual enrichment and leadership; and

WHEREAS, In Executive Order No. 100 (2004), I called upon the Department of Health and Senior Services to develop a home and community health care "bill of rights" to support New Jersey's aging population;

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

1. The State of New Jersey hereby recognizes a Bill of Rights and Responsibilities to support the independence, dignity and choice of citizens



as they age. This Bill of Rights and Responsibilities safeguards the following:

- a. freedom, independence and individual initiative in planning and managing their own lives; and
- b. full participation in the planning and operation of community-based services and programs for their benefit; and
- c. access to viable, affordable and cost-effective services and programs that are molded by the principles of strengthening independence, affirming dignity and expanding choice; and
- d. the ability to remain in their communities and in their homes with the support of community-based, long-term care services; and
- e. a system where long-term care needs are met, regardless of income, in a culturally and linguistically sensitive way as they change over time; and
- f. access to public and private services, allowing aging in place where possible, and the ability to transition between the various forms of long-term care with minimal disruption and maximum attention to quality of life; and
- g. an opportunity to choose a healthy lifestyle, and be supported in this choice by effective, culturally appropriate programs designed to foster health and wellness without regard to economic status; and
- h. support for family members and other persons providing voluntary care, known as caregiving, to older individuals needing long-term care services; and
- i. a community where greater choice, control and flexibility are built into a progressive system of assistance for older and disabled individuals, families, friends and neighbors; and
- j. protection against abuse, neglect and exploitation in the community and in health care settings; and
- k. consumer empowerment to make informed quality of life decisions; and
- l. a long-term care system that is visible, trusted and easy to access for both information and assistance by all communities in New Jersey.

2. This Order shall take effect immediately.

Dated September 27, 2004.

**EXECUTIVE ORDER No. 137**

WHEREAS, Deavlin Walker, joined the New Jersey State Police in April 1981, after having served in the United States Air Force and as an officer with the Galloway Township Police Department; and

WHEREAS, Detective Sergeant First Class (DSFC) Walker rose through the ranks of the State Police, initially serving at various Troop A stations and the Narcotics Bureau-South, before his present assignment as a Zone Supervisor with the Auto Unit-South; and

WHEREAS, DSFC Walker was promoted in August 2004 to the rank of Detective Sergeant First Class; and

WHEREAS, DSFC Walker's service with the State Police was characterized by loyalty, fearless performance of duty and faithful and honorable devotion to the principles of the New Jersey State Police; and

WHEREAS, DSFC Walker served proudly as part of the finest State Police force in the Nation; and

WHEREAS, DSFC Walker expired at his residence on October 3, 2004 of natural causes and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities on Saturday, October 9, 2004, in recognition and mourning of Detective Sergeant First Class Deavlin Walker, Badge No. 3599.

2. This Order shall take effect immediately.

Dated October 7, 2004.

**EXECUTIVE ORDER No. 138**

WHEREAS, Pursuant to N.J.S.A. 18A:26-2, any person employed as a teaching staff member by a district board of education is required to hold a valid and appropriate teaching certificate; and

WHEREAS, School districts throughout the State of New Jersey hired qualified individuals for teaching staff positions for the 2004-05 school year with the expectation that such individuals would receive a certificate in a timely manner so as to allow them to satisfy the requirements of N.J.S.A. 18A:26-2; and

WHEREAS, The Department of Education began implementing a new computerized system for the processing of applications for teaching certificates in 2004, which has resulted in excessive and unreasonable delays in the processing of such applications, in some cases as much as nine months; and

WHEREAS, Approximately 1000 such applications have yet to be processed by the Department; and

WHEREAS, Individuals who have met all of New Jersey's requirements for a teaching certificate but who have not yet received documentation from the Department of Education because of the aforementioned delays and who are currently employed by school districts throughout the State for the 2004-05 school year are utilizing a county substitute credential pending receipt of a certificate; and

WHEREAS, Pursuant to N.J.A.C.6A:9-6.5, the holder of a county substitute credential may serve in a teaching position for no more than 20 consecutive days in the same position in one school district during the school year; and

WHEREAS, School districts are concerned about the disruption that will ensue in classrooms throughout the state if individuals who are qualified to receive a New Jersey teaching certificate but who have not yet received it due to circumstances beyond their control are forced to leave their teaching positions; and

WHEREAS, Such disruption in the assignment of instructors, instruction of students and the completion of curriculum will endanger the health,

safety and resources of the State, and is too large in scope to be handled effectively by the school districts of the State; and

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251 (N.J.S.A. App.A:9-33 et seq.) and all amendments and supplements thereto confer upon the Governor of the State of New Jersey certain emergency powers; and

WHEREAS, It is necessary to invoke those emergency powers under the circumstances outlined above in order to protect the health, safety and welfare of the children of the State of New Jersey;

NOW, THEREFORE, I, JAMES E. McGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE a State of Emergency and ORDER and DIRECT as follows:

1. I declare a State of Emergency exists in school districts throughout the State by reason of the facts and circumstances set forth above.

2. I invoke such emergency powers as are conferred upon me in accordance with N.J.S.A. App. A:9-33 et seq., and all supplements and amendments thereto.

3. Notwithstanding any other law or regulation to the contrary, school districts may allow teachers who had an application filed for a teaching certificate with the Department of Education as of August 1, 2004, as described above, to remain in the same position in the same school for an additional 30 school days, provided that the school district agrees to pay these individuals the agreed upon salary for teaching staff members retroactively to the beginning of the 2004-05 school year after they receive a New Jersey teaching certificate.

4. The Department of Education shall implement the following measures to ensure the timely processing of teaching certificate applications:

- a. All telephone lines designated by the Department for inquiries related to the status of teaching certificate applications shall be open and fully staffed between the hours of 4 PM and 8 PM, Monday through Friday.
- b. Mail containing applications for teaching certificates shall be

opened on the day in which it was received, and scanned into the Teacher Certification System no later than 48 hours thereafter.

c. Additional examiners shall be trained and shall supplement existing staff until the backlog in applications has been eliminated.

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

Dated October 12, 2004.

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### EXECUTIVE ORDER No. 139

WHEREAS, In New Jersey, infection by the human immunodeficiency virus (HIV) has resulted in 64,219 cumulative cases of HIV/AIDS as of June 30, 2004, and nearly 32,000 people have died of this disease in New Jersey alone since the beginning of this pandemic; and

WHEREAS, Approximately 51 percent of those cases can be attributed to injecting drug users, their partners or their children; and

WHEREAS, In comparison with other states in the nation, New Jersey has the highest rate of HIV infection among women, the third-highest pediatric HIV rate, the fifth-highest adult HIV rate and a rate of injection-related HIV infection that significantly exceeds the national average; and

WHEREAS, HIV has had an especially devastating impact on New Jersey's minority communities, in that (1) minorities account for 75 percent of the cumulative HIV/AIDS cases and the disparity is growing; (2) 86 percent of the children living with HIV/AIDS are minorities; and (3) women account for 35 percent of those persons living with the disease, and four of every five of those women are women of color; and

WHEREAS, Over 1 million people in the United States are frequent intravenous drug users at a cost to society in health care, lost productivity, accidents and crime that exceeds \$50 billion annually; and

WHEREAS, 61 percent of the State's pediatric HIV/AIDS cases can be attributed to needle sharing on the part of the child's mother or her partner; and

WHEREAS, Sterile syringe access programs are designed to prevent the spread of HIV, Hepatitis C and other blood-borne pathogens, and to provide a bridge to drug abuse treatment and other social services for drug users; and

WHEREAS, Sterile syringe access programs have been proven effective in reducing the spread of HIV, Hepatitis C and other blood-borne pathogens without increasing drug abuse or other adverse social impacts; and

WHEREAS, Scientific, medical and professional agencies and organizations that have studied the issue, including the federal Centers for Disease Control and Prevention, the American Medical Association, the American Public Health Association, the National Academy of Sciences, the National Institutes of Health, the American Academy of Pediatrics, and the United States Conference of Mayors, have found sterile syringe access programs to be effective in reducing the transmission of HIV; and

WHEREAS, New Jersey remains one of only two states nationwide that do not provide access to sterile syringes in order to prevent the spread of disease; and

WHEREAS, The lack of sterile syringe access programs in certain New Jersey municipalities creates a threat to the health, safety and welfare of New Jersey residents, one that is too large in scope and unusual in type to be handled by regular municipal operating services, and one that poses a compelling need to act to protect the public interest;

NOW, THEREFORE, I, JAMES E. McGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby DECLARE a State of Emergency and ORDER and DIRECT as follows:

1. A State of Emergency exists with regard to the transmission of HIV/AIDS through intravenous drug use.
2. I invoke such emergency powers as are conferred upon me by the Laws of 1942, c. 251 (N.J.S.A. App. A:9-30 et seq.) and all amendments and supplements thereto.

3. To combat this Emergency, the Commissioner of Health and Senior Services is authorized to adopt guidelines for the establishment of a sterile syringe access program to provide for the exchange of hypodermic syringes and needles in up to three municipalities in New Jersey that have a high prevalence of HIV/AIDS cases attributable to intravenous drug use. In order to establish a sterile syringe access program, the eligible municipality shall enact an ordinance of its governing body establishing or authorizing establishment of a sterile syringe access program at a fixed location or through a mobile access component. The municipality may operate the program directly or contract with a hospital, a health care facility, a federally qualified health center, a public health agency, a substance abuse treatment program, an AIDS service organization or another non-profit entity designated by the municipality.

4. The Commissioner of Health and Senior Services shall have the authority to review and approve the request of the eligible municipality to establish the sterile syringe access program, based on the proposal's compliance with existing health-related guidelines. The Commissioner shall ensure that the sterile syringe access program proposed by the municipality is linked, to the maximum extent practicable, to such health care facilities and programs capable of providing appropriate health care services, including mental health, dental care, substance abuse treatment, housing assistance, employment counseling and education counseling to participants in any such program.

5. The Commissioner of the Department of Health and Senior Services shall have full authority to adopt such rules, regulations, guidelines, orders and directives as he shall deem necessary to implement such programs.

6. It shall be the duty of every person in this State or doing business in this State, and the members of each and every governing body, and of each and every official, agent or employee of every political subdivision in this State and of each member of all other governmental bodies, agencies and authorities in this State, to cooperate fully in all matters concerning this Emergency.

7. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order, shall be subject to the penalties provided by law under N.J.S.A. App. A:9-49.

8. This Order shall take effect immediately and shall remain in effect until December 31, 2005.

Dated October 26, 2004.

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**EXECUTIVE ORDER No. 140**

WHEREAS, On July 9, 2004, legislation providing for the implementation of the State Development and Redevelopment Plan (March 1, 2001) (the "State Plan") through, inter alia, the establishment of a Smart Growth Ombudsman in the Department of Community Affairs ("DCA") and the creation of a Division of Smart Growth in each of the Departments of Environmental Protection ("DEP"), Transportation ("DOT") and DCA, as well as providing for the expediting of certain State permits in designated smart growth areas and other regulatory reforms, became law ("P.L.2004, c. 89") upon my signature; and

WHEREAS, New Jersey's Legislative and Executive branches of government have consistently sought to protect New Jersey's natural resources and the quality of life of its citizens from the effects of unrestrained and haphazard sprawl, while at the same time providing reasonable opportunities for growth, expansion, and development throughout the State, and have declared that New Jersey requires sound and integrated Statewide planning and coordination with interested parties at the local and regional levels; and

WHEREAS, The State Plan is currently the subject of a cross-acceptance process to better identify areas encompassing sensitive natural resources, including state and federally protected resources and species and wetlands; and

WHEREAS, The State of New Jersey is further committed to promoting the protection of human health and the environment, empowerment via public involvement, and the dissemination of relevant information to inform and educate; and

WHEREAS, The State has a paramount interest in protecting the integrity of government decisions, including the granting and denial of permits, and to ensure propriety, fairness and thoroughness in the decision-making process; and



WHEREAS, P.L.2004, c.89 requires DCA, DEP and DOT each to develop a program for the qualification and registration of professionals within 120 days of its enactment; and

WHEREAS, P.L.2004, c.89 authorizes DEP, DOT and DCA each to adopt rules and regulations in accordance with the New Jersey Administrative Procedure Act, P.L.1968, c. 410 (C. 52:14B-1 et seq.) (the "APA") to implement the requirements of P.L.2004, c. 89; and

WHEREAS, P.L.2004, c.89 expressly provides that its provisions should not "be construed or implemented in such a way as to modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program;" and

WHEREAS, The State of New Jersey presently receives considerable federal funding in grants and loans to implement federal laws and programs, and it is in the best interests of the State to ensure the continuation of this important partnership; and

WHEREAS, Representatives of the federal government have raised issues regarding the effects of P.L.2004, c.89 on federal programs; and

WHEREAS, It is imperative that DEP, DOT and DCA carefully develop rules to fully implement P.L.2004, c. 89 while simultaneously ensuring the continuation of all federal programs and financial arrangements, and the continuation of adequate opportunities for public notice and participation in the permitting process; and

WHEREAS, The pre-proposal process for administrative rulemaking pursuant to the APA has been used successfully by State agencies and the Office of Administrative Law in other contexts to ensure full public participation, thoroughness and due deliberation in rulemaking;

NOW, THEREFORE, I, JAMES E. McGREEVEY, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, hereby ORDER and DIRECT as follows:

1. Not later than November 8, 2004, the New Jersey Department of Environmental Protection, the Department of Transportation, and the

Department of Community Affairs shall file a notice of pre-proposal, in accordance with N.J.A.C. 1:30-5.3, with the Office of Administrative Law for publication in the New Jersey Register, pursuant to the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-4(e), in order to elicit the views of interested parties concerning rules for the program for qualification and registration of professionals and rules to implement the other provisions of P.L.2004, c. 89.

2. The public comment period on the pre-proposal shall be 90 days, and within 120 days of the close of the public comment period on the pre-proposal, the departments shall each file proposed rules governing the qualification and registration of professionals and proposed rules to implement the other provisions of P.L.2004, c. 89 with the Office of Administrative Law for public notice and comment pursuant to the APA.

3. Until such time as the rules described in the preceding paragraph are adopted in accordance with the APA, no expedited permit, permit-by-rule, or general permit under P.L.2004, c. 89 may be accepted for review by any division or department.

4. In setting standards for technical completeness of permit applications under P.L.2004, c.89, the departments shall include requirements for reasonable public notice and opportunities for public comment in order for a permit application to be eligible for processing under P.L.2004, c. 89.

5. In addition to the foregoing, with respect to the following programs, DEP shall conform implementation of the expedited permitting provisions of P.L.2004, c.89, to the extent those provisions are applicable, with the federal agencies' standards and protections to ensure that such regulations do not, directly or indirectly, modify any requirement of law that is necessary to retain federal delegation to, or assumption by, the State of the authority to implement a federal law or program: Coastal Permit Program Rules (including the Waterfront Development Act, Wetlands Act of 1970, Freshwater Wetlands Protection Act., Flood Hazard Area Control Act, Endangered Non-game Species Conservation Act); Freshwater Wetlands Protection Act; Toxic Catastrophe Prevention Act; Spill Compensation Control Act; Transportation of Hazardous Liquids Act; Industrial Establishments Act; New Jersey Environmental Infrastructure Trust Act; New Jersey Safe Drinking Water Act; New Jersey Water Pollution Control Act; Water Supply Bond Act; Wastewater Treatment Bond Act of 1985; Water Quality Management Planning Act; Industrial Site Recovery Act; Underground

Storage of Hazardous Substance Act; and Brownfields and Contaminated Site Remediation Act.

6. This Order shall take effect immediately.

Dated November 5, 2004.

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**EXECUTIVE ORDER No. 1**

WHEREAS, Population growth, economic stresses, emergency and disaster needs, and other factors have increased the demand for community-based mental health services and hospital treatment throughout New Jersey; and

WHEREAS, These demands have placed undue stress and strain on community-based mental health services for New Jersey citizens, increased the number of persons seeking inpatient treatment in local community hospitals and at county-operated facilities, and increased the census at State adult psychiatric hospitals; and

WHEREAS, There is a need for greater access to safe and affordable housing, community-based mental health services, and supportive social services that has resulted in increased lengths of stay in hospital settings, utilization of substandard community housing and homelessness; and

WHEREAS, It is in the best interests of the citizens of this State to provide a comprehensive mental health services system so as to assure the availability of, and access to, treatment, rehabilitation, and supportive services necessary to assist persons with mental illness reach and maintain their highest level of functioning in the least restrictive setting;

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

1. There is hereby created a Governor's Task Force on Mental Health (hereinafter "Task Force") which shall (a) undertake a comprehensive review of New Jersey's mental health system, and (b) make recommenda-