

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



**2006**

**New Jersey State Library**



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# EXECUTIVE ORDERS

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(1057)



**EXECUTIVE ORDER No. 1**

WHEREAS, I am committed to establishing an administration that adheres to the highest ethical standards and enhances public trust in government; and

WHEREAS, Public officials must avoid conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, Persons serving in government should have the benefit of specific standards to guide their conduct; and

WHEREAS, Ethical standards should be applied consistently to similarly situated officials in order to promote respect for those standards and provide for their enforcement; and

WHEREAS, Public disclosure of the personal financial interests of public officials serves to maintain the public's faith and confidence in its governmental representatives and guards against conduct violative of the public trust; and

WHEREAS, The current financial disclosure process must be strengthened to ensure that financial disclosure requirements are applied to members of all State government boards, commissions, and other bodies that perform important governmental functions in areas such as regulation, policy-making, and the expenditure of public funds; and

WHEREAS, Over the course of many years, various executive orders have been issued, and consolidation of the prior orders into a comprehensive order will improve compliance and enhance enforcement; and

WHEREAS, It is not necessary to include in this order provisions of prior executive orders regarding ethics which have been codified into statutory law; and

WHEREAS, The ethics standards for New Jersey state government should be updated to reflect the existence of New Jersey domestic partnerships as authorized in the Domestic Partnership Act (P.L. 2003, c. 246); and

WHEREAS, The Executive Commission on Ethical Standards, which has been reconstituted and renamed the State Ethics Commission (“Ethics Commission”), has previously recognized that to alleviate a potential conflict of interest, a blind trust may be utilized in certain circumstances to erect a barrier between State officers and employees and their investments, so that such officers might be shielded from potential conflicts; and

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

WHEREAS, The position of Governor exists to serve the people of New Jersey in a manner that fosters public respect, trust, and confidence, and the adoption of a Code of Conduct for the Governor, which provides a clear standard of conduct, will promote public trust and confidence; and

WHEREAS, It is important that the Ethics Commission be given clear and direct authority to enforce the provisions of this Order;

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

I. PERSONAL FINANCIAL DISCLOSURE

1. Every public employee and public officer, as such terms are defined in paragraph 6 of this section, shall file a sworn and duly notarized Financial Disclosure statement, or other such authentication as the Ethics Commission may require to facilitate electronic filing, which is current as of five days prior to the date of filing. Each statement shall include the following information:

- a. The name and position of the public employee or public officer;
- b. Any occupation, trade, business, profession or employment engaged in by the public employee or public officer, his or her spouse or domestic partner, and dependent children;
- c. (1) A list of all assets having a value of more than \$1,000, both tangible and intangible, in which a direct or indirect interest is held (as of the statement date) by the public employee or public officer, his or her spouse or domestic partner, and dependent children. Where stocks and bonds are involved, there shall be included the name of the company, mutual fund, holding company or government agency issuing them

(whenever such interest exists through ownership in a mutual fund or holding company, the individual stocks held by such mutual fund or holding company need not be listed; whenever such interest exists through a beneficial interest in a trust, the stocks and bonds held in such trust shall be listed only if the public employee or public officer has knowledge of what stocks and bonds are held). Where more than 10 percent of the stock of the corporation is held, the percentage of ownership shall be stated. The list shall include any direct or indirect interest, whether vested or contingent, in any contract made or executed by a government instrumentality. In the case of real estate interests, there shall be given the location, size, general nature and acquisition date of any real property in New Jersey in which any direct, indirect, vested or contingent interest is held, together with the names of all individuals or entities who share a direct or indirect interest therein and the name of any government instrumentality that is a tenant of such property or that has before it an application, complaint or proceeding directly affecting such property.

(2) The value of assets of a public employee and his or her spouse or domestic partner shall be listed according to the following value categories:

- (1) greater than \$1,000 but not more than \$5,000;
- (2) greater than \$5,000 but not more than \$25,000;
- (3) greater than \$25,000 but not more than \$50,000;
- (4) greater than \$50,000 but not more than \$100,000;
- (5) greater than \$100,000 but not more than \$250,000;
- (6) greater than \$250,000 but not more than \$500,000;
- (7) greater than \$500,000.

These assets shall be valued as of the statement date; provided, however, that when the value cannot be determined as of that date, a separate valuation date shall be specified for the particular asset.

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

d. (1) A list of all liabilities of the public employee or public officer, his or her spouse or domestic partner, and dependent children, except liabilities which are:

- (a) less than \$10,000 and owed to a relative as defined in paragraph 6 of this section;
- (b) less than \$1,000 and owed to any other person;
- (c) loans secured by a personal motor vehicle, household furniture or appliances where the loan did not exceed the purchase price of the item and

the outstanding balance did not exceed \$10,000 as of the close of the preceding calendar year; and

(d) revolving charge accounts where the outstanding liability does not exceed \$10,000 as of the close of the preceding calendar year.

(2) The value of liabilities shall be listed by category in the same manner as required by paragraph 1(c)(2) above. However, the value of liability of the dependent children of a public employee or public officer need not be disclosed unless specifically requested by the Governor or the Ethics Commission.

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

f. A list of all sources of income of the public employee or public officer, his or her spouse or domestic partner, and dependent children, including all compensated employment of whatever nature, all directorships or other fiduciary positions for which compensation has or will be claimed, all capital gains including a description of the individual sources of such gains, all contractual arrangements producing or expected to produce income, and all honoraria, lecture fees, gifts and other gratuities (cash or non-cash), and other miscellaneous sources of income including, but not limited to, interest, dividends, royalties and rents. Statements filed before July 1 of any year shall disclose sources of income for the preceding calendar year. Statements filed after July 1 of any year shall provide this information for the twelve-month period immediately preceding the filing date. The amount of such income received shall be listed and valued by category in the same manner of assets as set forth in paragraph c(1) through c(6) above. However, the amount of income of (1) the dependent children of public employee, or (2) a public officer, his or her spouse or domestic partner and dependent children need not be disclosed unless specifically requested by the Governor or the Ethics Commission. Sources of income that are not required to be reported are:

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

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

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

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

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

3. a. Within 120 days from the effective date of this Order, each public employee and public officer who has not already done so shall file the signed and notarized statement required herein or other such authentication as the Ethics Commission may require to facilitate electronic filing with the Ethics Commission. In furtherance of its duties under the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and pursuant to this Executive Order, the Ethics Commission shall review each statement to determine its conformity with the provisions of this Order and other applicable provisions of the law. Upon approving such a statement for filing, the Commission shall file and maintain a copy of it for public inspection and copying in accordance with the procedures set forth in N.J.S.A. 47:1A-1 et seq. and shall post the statement on its website pursuant to N.J.S.A. 52:13D-21(n);

b. Each person who becomes a public employee or public officer after the effective date of this Order shall satisfy the filing requirements of this Order within 120 days of assuming office or commencing employment, unless the Ethics Commission or its staff grants to such public employee or public officer an extension from the filing deadline. Such an extension shall not be granted more than twice and shall not be for more than 30 days each;

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter

provided, however that public employees and public officers who file statements on or after January 17, 2006 but prior to May 15, 2006 need not file an updated statement on May 15, 2006.

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

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

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

a. "Public employee" shall mean any person holding any of the following offices in the Executive Branch of the State Government, together with any equivalent offices added to such a list by subsequent written determination of the Governor with notice to the persons affected:

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

- (vii) Director of the Authorities Unit;
  - (viii) Any deputy or principal administrative assistant to any of the foregoing members of the staff of the Office of the Governor;
  - (7) Members of the State Board of Agriculture;
  - (8) Members of the State Board of Education;
  - (9) Members of the State Board of Public Utilities;
  - (10) Members of the State Parole Board; and
  - (11) Presidents of the State Colleges and Universities.
- b. "Public officer" shall mean:
- (i) the members of the following boards, commissions, independent authorities and public corporations, together with any other equivalent offices or bodies and such other offices or bodies added to such list by subsequent determination of the Governor:
    - (1) Agricultural Development Committee;
    - (2) Atlantic City Convention Center Authority;
    - (3) Capital City Redevelopment Corporation;
    - (4) Casino Reinvestment Development Authority;
    - (5) Catastrophic Illness in Children Relief Fund;
    - (6) Commerce and Economic Growth Commission;
    - (7) Commission on Higher Education;
    - (8) Commission on Spinal Cord Research;
    - (9) Council on Affordable Housing;
    - (10) Development Authority for Small Business, Minorities and Women Enterprises;
    - (11) Educational Facilities Authority;
    - (12) Election Law Enforcement Commission;
    - (13) Garden State Preservation Trust;
    - (14) Government Records Council;
    - (15) Governor's Council on Alcoholism and Drug Abuse;
    - (16) Health Care Administration Board;
    - (17) Health Care Facilities Financing Authority;
    - (18) Higher Education Student Assistance Authority;
    - (19) Highlands Water Protection and Planning Council;
    - (20) Individual Health Coverage Board;
    - (21) Local Finance Board;
    - (22) Merit System Board;
    - (23) Motor Vehicle Commission;
    - (24) New Jersey Building Authority;
    - (25) New Jersey Commission on Brain Injury Research;
    - (26) New Jersey Commission on Science and Technology;

- (27) New Jersey Council on Developmental Disabilities;
- (28) New Jersey Cultural Trust;
- (29) New Jersey Economic Development Authority;
- (30) New Jersey Historic Trust Commission;
- (31) New Jersey Housing and Mortgage Financing Agency;
- (32) New Jersey Meadowlands Commission;
- (33) New Jersey Public Broadcasting Authority;
- (34) New Jersey Racing Commission;
- (35) New Jersey Real Estate Commission;
- (36) New Jersey Redevelopment Authority;
- (37) New Jersey Sports and Exposition Authority;
- (38) New Jersey State Council on the Arts;
- (39) New Jersey Transit Corporation;
- (40) New Jersey Transportation Trust Fund Authority;
- (41) New Jersey Turnpike Authority;
- (42) New Jersey Urban Enterprise Zone Authority;
- (43) North Jersey District Water Supply Commission;
- (44) North Jersey Transportation Planning Authority;
- (45) Office of Information Technology Governing Board;
- (46) Passaic Valley Sewerage Commission;
- (47) Passaic Valley Water Commission;
- (48) Pinelands Commission;
- (49) Public Employment Relations Commission;
- (50) School Ethics Commission;
- (51) Schools Construction Corporation;
- (52) Shell Fisheries Council;
- (53) Small Employer Health Benefits Program;
- (54) South Jersey Port Corporation;
- (55) South Jersey Transportation Authority;
- (56) South Jersey Transportation Planning Organization;
- (57) State Athletic Control Board;
- (58) State Board of Mediation;
- (59) State Economic Recovery Board for Camden;
- (60) State Ethics Commission;
- (61) State Lottery Commission;
- (62) State Planning Commission;
- (63) Tidelands Resource Council;
- (64) Urban Development Corporation;
- (65) Wastewater Treatment Trust; and
- (66) Water Supply Authority.

(ii) The members of the governing boards of State Colleges and Universities.

(iii) Individuals appointed as a New Jersey member to the following agencies:

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

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

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

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

f. "Domestic partner" shall mean "domestic partner" as defined in P.L. 2003, c. 246 (N.J.S.A. 26:8A-3).

7. The Governor may from time to time direct that the prohibition on outside earned income applicable to the Governor, Cabinet members and Cabinet-level appointees pursuant to N.J.S.A. 52:13D-24(d) also be applied to additional positions in the Office of the Governor.

## II. BLIND TRUSTS

1. For those situations where a blind trust may be utilized by a public employee or public officer, his or her spouse or domestic partner or dependent children, and approved by the Ethics Commission, such trust shall contain the following characteristics:

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

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

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

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

e. The trustee shall be required either to:

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

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

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

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

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

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

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

k. The trust shall not become effective until submitted and approved by the Ethics Commission; and

l. The trust agreement shall provide the trustee will give the Ethics Commission access to any records or information related to the trust which is necessary for the performance of the Commission's duties.

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

### III. INTERESTS IN CLOSELY-HELD CORPORATIONS OR SIMILAR ENTITIES

1. a. No regular State employee who is required by law or Executive Order to submit a Financial Disclosure Statement to the Ethics Commission shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any New Jersey State, interstate or local government entity, except as provided in subparagraphs (b) and (c) below.

b. A person who, after this Order takes effect, becomes a regular State employee required by law or Executive Order to submit a Financial Disclosure Statement to the Ethics Commission and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any New Jersey State, interstate or local government entity, shall disclose such interest in the employee's Financial Disclosure Statement. The Ethics Commission shall review this disclosure statement to determine whether the business entities in which the employee has an interest are engaged in government-related business within the meaning of this Executive Order, and whether the holdings are in compliance with the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. and this Executive Order. No later than 120 days from the Ethics

Commission's receipt of the Financial Disclosure Statement, the Ethics Commission shall notify the employee of its findings. The employee shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset, except as may be further extended by the Ethics Commission or to demonstrate to the Ethics Commission that the business entity has ceased to do business with a government entity in a manner prohibited by this Executive Order.

c. The provisions of subparagraphs (a) and (b) above shall not apply to any purchase, sale, contract or agreement with any government entity other than a State agency, which is made or awarded after public notice and competitive bidding as provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et. seq., or such similar provisions contained in other applicable public bidding laws or regulations, provided that any such purchase, sale, contract or agreement, including a change in orders and amendments thereto, shall receive the prior approval of the Ethics Commission. The provisions of subparagraphs (a) and (b) do apply where the purchase, sale, contract or agreement is authorized by any of the exceptions (e.g., professional or technical services, emergent matters, and unique compatibility) provided by the Local Government Contracts Law, N.J.S.A. 40A:11-1 et seq., or such similar provisions contained in other applicable public bidding laws or regulations.

2. a. No regular State employee or special State officer who is required by law or Executive Order to submit Financial Disclosure Statements to the Ethics Commission shall be permitted to retain any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity unless the Ethics Commission shall have first determined that the employee or officer may retain such an interest in such business entity.

b. A person who, after this Order takes effect, becomes a regular State employee or special State officer required by law or Executive Order to submit a Financial Disclosure Statement to the Ethics Commission and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity shall disclose such interest in the employee's or officer's Financial Disclosure Statement. The Ethics Commission shall review the disclosure statement and shall determine whether the employee or officer may retain such interest in the business entity consistent with the standards set forth in the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., and this Executive Order. The Ethics Commission shall notify the State employee or officer of its findings no later than 120 days from the Ethics Commission's receipt of the Financial

Disclosure Statement. The employee or officer shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset or to demonstrate that the business entity has ceased the business activity in question.

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

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

5. Any regular State employee or special State officer subject to this Executive Order who acquires an interest prohibited under this Executive Order by way of inheritance, bequest or similar circumstances beyond his or her control shall follow the procedures for disclosure and disposition set forth in paragraphs 1 and 2 of section III of this Executive Order.

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

a. Divestiture must occur within the time periods prescribed above, unless otherwise extended by the Ethics Commission.

b. Ownership or control of the asset may not be transferred to a member of the regular State employee's or special State officer's immediate family.

c. The terms and conditions of any conveyance of ownership and control of the asset shall not contain any provision regarding the return of the asset to the regular State employee or special State officer subsequent to his or her State service.

7. For the purpose of section II and section III of this Order:

a. "Member of the immediate family" shall mean a spouse, domestic partner, child, parent or sibling residing in the same household.

b. "Asset" shall mean property of any kind, real and personal, tangible and intangible, having a value greater than \$1,000.

c. "Interest" in a closely-held corporation, partnership, sole proprietorship or similar business entity shall mean any ownership or control of any profits or assets of such a business entity.

d. "Doing business" with any New Jersey State, interstate or local government entity shall mean business or commercial transactions involving the sale, conveyance or rental of any goods or services, and shall not include such activities as compliance with regulatory procedures.

e. "Regular State employee" shall have the same meaning as "State officer or employee" as set forth at N.J.S.A. 52:13D-13b, and "special State officer" shall have the same meaning as "Special State officer or employee" as set forth at N.J.S.A. 52:13D-13e.

f. "State agency" shall mean any of the principal departments of State government and any entity allocated therein in conformance with N.J. Const. (1947), Art. V, Sec. IV, par. 1.

g. "Domestic partner" shall mean "domestic partner" as defined in P.L. 2003, c. 246 (N.J.S.A. 26:8A-3).

#### IV. CODE OF CONDUCT FOR THE GOVERNOR

1. The Code of Conduct for the Governor recommended by the Advisory Panel, as set forth in Executive Order No. 77 (2003) and adopted pursuant to that executive order, is hereby continued and shall be applied to the position of Governor. The Code of Conduct is set forth in Appendix A and incorporated herein.

2. There is hereby created an Advisory Ethics Panel composed of two public members appointed by the Governor, in consultation with the Chair of the Ethics Commission. In order to be appointed as a public member, an individual shall have served as either Chief Counsel to the Governor, as Attorney General, or as a Justice of the Supreme Court or a Judge of the Superior Court. The two public members shall be appointed for a term of three years, and shall hold office until their successors are appointed and have qualified. No more than one of the members shall be from the same political party as the Governor.

3. The Advisory Ethics Panel shall be available to advise the Governor regarding conflicts issues, application of the Governor's Code of Conduct, and related matters.

4. The Governor, the Governor's Chief Counsel or the Ethics Liaison Officer shall seek the advice of the Advisory Ethics Panel when there are questions concerning the propriety of the Governor's conduct under the Code. When requested by the Chief Counsel or Ethics Liaison Officer, the Advisory Ethics Panel shall issue a written determination, which shall be made publicly available.

5. The Governor shall abide by the judgment of the Advisory Ethics Panel as to the propriety of his actions. In the event the Panel members cannot agree on the proper resolution of a particular issue presented to it, the Governor shall not engage in the proposed activity.

6. If a question is raised with regard to the propriety of the conduct of the Governor, and the Advisory Ethics Panel was not consulted by the Chief Counsel or the Ethics Liaison Officer prior to the Governor engaging in such conduct, the Advisory Ethics Panel shall have the discretion to review the question and to issue a public determination. In such circumstances, if the Panel finds that the Governor's actions were in violation of the Code of Conduct for the Governor, the Panel shall have the power to impose penalties, including monetary sanctions.

#### V. ENFORCEMENT AND SANCTIONS

1. The failure of any regular or special State employee or officer covered by this Executive Order to comply with the provisions of this Executive Order shall constitute good cause for his or her removal from employment or office.

2. The State Ethics Commission shall have the authority to enforce the terms of this Executive Order.

3. Every State department, board, commission, authority, agency and instrumentality shall appoint an individual to serve as an ethics liaison officer. The Ethics Commission staff shall hold quarterly meetings with all ethics liaison officers to ensure that the requirements of the Conflict of Interest Law and this Executive Order are being understood and followed.

## VI. RESCISSION

1. The following Executive Orders are hereby rescinded and any regulations adopted and promulgated thereunder are hereby declared null and void: Executive Order No. 10 (2003), Executive Order No. 77 (2003) and Executive Order No. 36 (2005).

## VII. EFFECTIVE DATE

1. This Executive Order shall take effect immediately.

Dated January 17, 2006.

## APPENDIX A CODE OF CONDUCT FOR THE GOVERNOR

### I. PURPOSE

The Governor hereby adopts this Code to ensure public trust and confidence by providing a clear standard of conduct for the Governor.

### II. STATEMENT OF POLICY

The position of Governor exists to serve the public in a manner that fosters the respect, trust, and confidence of the public.

This Code of Conduct prohibits conflicts that are substantial and material or that may bring the Governor into disrepute. This Code is not intended to be applied in a vacuum. To that end, it attempts to balance public perception with the practical realities of the position of Governor. This Code attempts to set a high standard of ethical behavior and provide clear-cut guidelines that accommodate the unique role of Governor as the head of State government, State's leading advocate, and head of a political party.

In any instance in which the Governor is not certain what the standard of conduct should be, he should consult the Advisory Ethics Panel, as established hereunder, as well as such members of his staff as he deems appropriate.

### III. CODE OF CONDUCT

#### A. SOLICITATION AND RECEIPT OF GIFTS AND OTHER ITEMS

1. Except as otherwise provided herein or unless offered to the general public, the Governor shall not solicit, receive, or agree to receive, directly or indirectly, any compensation, reward, gift, favor, service, outside employment, offer of outside employment, preferential loans, services at

preferential rates, discounts, gratuities, meals, lodging, travel expenses or anything of monetary value intended to influence him in the conduct of his public duties.

2. The Governor may accept gifts, favors, services, gratuities, meals, lodging or travel expenses from relatives or personal friends that are paid for with personal funds.

3. The Governor may accept gifts, favors, services, gratuities, meals, lodging or travel expenses that are paid for by a State Committee of a political party or similar entity.

4. The Governor may accept and personally retain a gift of minimal value tendered and received as a souvenir or mark of courtesy.

5. A tangible gift of greater than minimal value is deemed to have been accepted on behalf of the State of New Jersey and, on acceptance, shall become the property of the State of New Jersey. The Governor may retain such gifts during the period of his incumbency. At the conclusion of the Governor's final term, such gifts shall be delivered to the State Museum, for appropriate disposition. Alternatively, the Governor may purchase any or all such gifts at fair market value.

6. For the purposes of this section, minimal value is deemed to be \$285, to be adjusted in accordance with the Federal Gift and Decorations Act.

#### B. ATTENDANCE AT EVENTS AND FUNCTIONS

1. The Governor may attend any function and accept food and beverages and related privileges if his attendance at the event furthers a public purpose.

2. The Governor may attend any event or function as official business if the Governor's attendance is paid for by the State.

3. The Governor may attend an event or function paid for by a State Committee or other similar entity.

4. The Governor may attend events or functions other than events or functions open to the general public. Examples of such events or functions

include a conference, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social or business function.

5. The Governor may attend any event or function paid for with personal funds.

#### C. ADVOCACY / ENDORSEMENTS

The Governor is permitted to advocate the interests of public and private groups other than the State if doing so promotes a legitimate public purpose.

#### D. TRAVEL AND LODGING

1. State payment of travel, including actual transportation and related lodging and subsistence, that is reasonably related to a governmental purpose is permissible. Any private reimbursement of such expenses, unless otherwise exempted herein, shall be made to the State.

2. With the approval of the Ethics Liaison Officer, the Governor may accept reimbursement of actual expenses for travel, lodging and meals in connection with private speeches or published works on matters within the scope of the Governor's official duties, for which reimbursement is not sought or received from the State.

3. The Governor may accept travel and related expenses provided by a government, a governmental agency, a foreign government, a governmental authority, a bona fide public or private educational institution, a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, or by a person outside the United States which substantially satisfies the requirements for tax-exempt status under Section 501(c)(3) of the Internal Revenue Code.

4. For purposes of this section, a gift of travel does not include travel that is paid from campaign funds, or that is an in-kind political contribution.

#### E. DE FACTO HEAD OF POLITICAL PARTY

The Governor's status as de facto head of his political party is intertwined with his public responsibilities as Head of the State government. The Governor may act in a partisan political role, identify himself as Governor in that capacity, endorse political candidates, attend

political events and raise and accept political contributions in accordance with governing campaign contribution laws.

#### F. CONFLICTS AND APPEARANCES OF CONFLICTS

1. The Governor shall not engage in conduct that constitutes a conflict of interest. A conflict of interest is defined as use by the Governor of the authority of his office or of any confidential information received through his holding public office for the private pecuniary benefit of himself, a member of his immediate family, or a business in which he or a member of his immediate family has a financial interest. For purposes of this section, a "financial interest" means (a) the ownership or control of more than 10% of the profits or assets of a firm, association, or partnership, or more than 10% of the stock in a corporation for profit other than a professional service corporation organized under the "Professional Service Corporation Act," P.L.1969, c.232 (C.14A:17-1 et seq.); or (b) the ownership or control of more than 1% of the profits of a firm, association, or partnership, or more than 1% of the stock in any corporation, which is the holder of, or an applicant for, a casino license or in any holding or intermediary company with respect thereto, as defined by the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.). "Conflict" does not include:

- a. an action having a de minimis economic impact, or
- b. an action that affects to the same degree the Governor and members of the general public, or
- c. a circumstance where the Governor's action may impact the Governor or members of his immediate family in a manner different in degree than members of the general public where the action reasonably cannot be avoided under the doctrine of necessity, and where the action is preceded by public disclosure of the interrelationship of the proposed action and the personal interest of the Governor or his immediate family. Examples of such actions include instances where by operation of state or federal law, only the Governor can act, such as approval or disapproval of legislative enactments, nominations or appointments of State officers, or declaration of emergencies.

2. The Governor shall not solicit or accept anything of monetary value, including a gift, loan, political contribution, reward, or promise of future employment based on any understanding of the Governor that the vote, official action, or judgment of the Governor would be influenced thereby.

3. The Governor shall not have any direct or indirect interest, financial or otherwise, or engage in any business or transaction or professional activity that is in substantial conflict with the proper discharge of the Governor's duties in the public interest.

4. The Governor shall not act in his official capacity in any matter wherein he has a direct or indirect personal financial interest that might reasonably be expected to impair his objectivity or independence of judgment except as herein provided.

5. The Governor shall not either personally or through any person or entity undertake or execute any contract, agreement, sale or purchase valued at \$25.00 or more with any State agency, except as otherwise provided in the Conflicts of Interest Law and approved by the Advisory Ethics Panel.

6. The Governor shall not undertake any outside employment; or any service, whether compensated or not, which might reasonably be expected to impair his objectivity and independence of judgment in the exercise of his official duties.

7. The Governor shall not accept any personal gift, favor, service or other thing of value under circumstances from which the Governor knows or has reason to believe that such personal gift, favor, service or other thing of value is offered with the intent to unduly influence him in the performance of his public duties or under circumstances from which it might be reasonably inferred that such gift, service or other thing of value was given or offered for the purpose of influencing the employee in the discharge of the employee's official duties.

8. The Governor shall not knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public having knowledge of his official duties that he may be engaged in conduct inconsistent with this Code.

#### G. USE OF STATE INFORMATION, PROPERTY AND FUNDS, AND TITLE

1. Consistent with the other provisions of this Code, the Governor shall use the information, property and funds under his or her official

control in accordance with prescribed procedures and not for personal gain or benefit.

2. Consistent with the other provisions of this Code, the Governor shall not use or disclose information not generally available to members of the public, which information he obtains during the course of his official duties, other than such use or disclosure connected with the Governor's official duties.

3. In recognition of the nature of the Office of Governor, the Governor generally shall not be restricted in the use of his official title, except that the Governor shall not use his official title for personal financial gain.

#### H. SPECIAL CASINO, FINANCIAL DISCLOSURE AND RELATED CONSIDERATIONS

1. The Governor is subject to the statutory provisions concerning contemporaneous and post-State employment restrictions regarding casinos. The proscription is contained in N.J.S.A. 52:13D-17.2.

2. If the Legislature repeals or suspends N.J.S.A. 52:13D-17.2, in whole or in part, the companion sections of this Code shall, to the same extent, be deemed repealed or suspended and of no effect.

3. The Governor shall be subject to the Financial Disclosure requirements established by Executive Order.

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#### **EXECUTIVE ORDER No. 2**

WHEREAS, Coretta Scott King spent a full and productive life as a wife, mother, musician, author and leader for fundamental social change on behalf of the poor and disenfranchised; and

WHEREAS, New Jersey, the country and the world are better today because of her commitment to social justice and non-violence; and

WHEREAS, Coretta Scott King grew up in Perry County, Alabama, and was the first African American scholarship student to major in education at Antioch College in Ohio; and

WHEREAS, She met and married Dr. Martin Luther King, Jr., while studying music as a scholarship student in Boston; and

WHEREAS, As the young wife of a minister, she lived at the center of historic social change throughout this country; and

WHEREAS, With her husband, she was a leader in the non-violent civil rights movement; and

WHEREAS, Following Dr. King's assassination in 1968, she became an international leader in her own right, advocating for peace, justice and equality, while continuing to raise four young children; and

WHEREAS, As a board member of the National Organization of Women and the Southern Christian Leadership Conference, she advanced human rights both at home and abroad; and

WHEREAS, She struggled against apartheid in South Africa, against poverty in South America and against AIDS and gun violence in this country; and

WHEREAS, She led the effort to designate a national holiday in memory of her husband Dr. Martin Luther King, Jr., and to establish the Martin Luther King, Jr. Center for Nonviolent Social Change in Atlanta, Georgia; and

WHEREAS, Those efforts will help make the King family's legacy of courage, non-violence and sense of justice endure long after her passing; and

WHEREAS, Her leadership in support of civil rights, employment opportunity and equality has been a strong and steady beacon for non-violent social change throughout the world; and

WHEREAS, It is with great sadness that we celebrate the life of Coretta Scott King, mourn her passing and extend our sincere sympathy to her family and friends; and

WHEREAS, It is fitting and proper to honor the memory and the passing of Coretta Scott King;

NOW, THEREFORE, I, JON S. CORZINE, 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 3, 2006, in recognition and mourning of the passing of Coretta Scott King.
2. This Order shall take effect immediately.

Dated February 1, 2006.

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**EXECUTIVE ORDER No. 3**

WHEREAS, Ensuring the provision of quality educational facilities to all New Jersey school children is a fundamental constitutional obligation of the State; and

WHEREAS, The New Jersey Supreme Court has articulated the urgent necessity for the State to provide for the construction, modernization and repair of educational facilities in the Abbott Districts; and

WHEREAS, The New Jersey Legislature has enacted the Educational Facilities Construction and Financing Act, P.L. 2000, c.72 ("the Act"), to address inadequacies in the quality, safety and utility of educational facilities throughout the State; and

WHEREAS, Executive Order No. 24 (2002) directed the New Jersey Economic Development Authority ("EDA") to establish a subsidiary corporation to carry out the statutory obligations of the EDA under the Act for funding and undertaking the repair, renovation, and construction of all school facility projects determined by the Commissioner of Education to meet the school facilities efficiency standards in the Abbott Districts and for undertaking construction of school facilities projects in districts receiving over 55 percent in State aid for education and the "Level II" monitoring districts; and

WHEREAS, Pursuant to Executive Order No. 24 (2002), the EDA established the entity now known as the Schools Construction Corporation; and

WHEREAS, Implementation of the School Construction Program has been the subject of evaluation and criticism by the Office of the Inspector General and others in government and by the media and the community at large; and

WHEREAS, Specific weaknesses have been identified in, and specific criticisms have been directed to, the areas of the management of design and construction activity and financial controls; and

WHEREAS, The effectiveness of the School Construction Program will be enhanced by (1) increased activity and leadership by the Department of Education in establishing criteria for, and in the evaluation of, the Long Range Facility Plans; and (2) more effective and focused prioritization and accountability by local school districts in the program; and

WHEREAS, The effectiveness of the School Construction Program also will be enhanced by the active involvement of the Board of Directors of the Schools Construction Corporation with its full complement of public members and with leadership by a chairperson who has significant experience and expertise in financial and operational management and oversight; and

WHEREAS, While reforms have been initiated by the Schools Construction Corporation in the areas of fiscal and operations management, further reforms are needed to assure the public that strict controls are in place and that funds for school construction are being spent consistently with legal requirements and in accordance with educational priorities; and

WHEREAS, It is imperative that, while we immediately implement necessary measures to improve the School Construction Program, we also consider and evaluate all options for a new structure for the Program to ensure that it efficiently delivers the schools our children need at the best price through time; and

WHEREAS, An effective and successful evaluation and transition plan will require collaboration among a number of State agencies while

significant reforms and improvements are initiated at those agencies;  
and

WHEREAS, This reform and improvement process will be enhanced by the designation, on a temporary basis, of an official who will report directly to the Governor and who will be principally responsible for ensuring interaction and collaboration among these agencies; and

WHEREAS, The establishment of an Interagency Working Group charged with specific tasks and with initial reporting dates will further enhance the reform and improvement process; and

WHEREAS, The Interagency Working Group will benefit from input from an advisory panel of representatives from the community;

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

1. The position of Special Counsel to the Governor for School Construction ("Special Counsel") is hereby created. The Special Counsel shall be appointed by, serve at the pleasure of, and report to the Governor. During the period of appointment the Special Counsel shall also serve as a Special Assistant Attorney General and shall, in consultation with the Attorney General, have access to the support and resources of the Department of Law and Public Safety, including without limitation such clerical and support staff as may be necessary to discharge the responsibilities under this Executive Order.

2. The Special Counsel 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 the responsibilities under this Executive Order. Each department, office, division, and agency of State government is required to cooperate with the Special Counsel and to furnish the Special Counsel with assistance necessary to accomplish the purpose of this Executive Order.

3. The Special Counsel shall serve as the Governor's representative in all matters pertaining to the management and operations of the Schools Construction Corporation and shall serve on the Corporation's Board of

Directors in the position designated in Executive Order No. 24 (2002) for a member of the Governor's Executive Staff.

4. The Board of Directors of the Schools Construction Corporation, with assistance from the Interagency Working Group on School Construction created herein, shall immediately commence a broad-based search for a permanent chief executive officer.

5. There is hereby formed an Interagency Working Group on School Construction (the "Interagency Working Group") that shall be comprised of the Special Counsel, the Acting Commissioner (or Commissioner) of Education, the Chairperson of the Schools Construction Corporation, and the Acting Treasurer (or Treasurer). The Special Counsel shall serve as the chairperson of the Interagency Working Group. The Interagency Working Group is hereby authorized and directed to review the entire School Construction Program and the laws, regulations, and policies governing educational facilities and to develop recommendations for reform, including recommended statutory and regulatory initiatives, to be presented to the Governor. In addition to any other topics that the Interagency Working Group may consider, specific recommendations are to be developed addressing the reorganization of the Schools Construction Corporation, considering such options as creating a new educational facilities authority in the Department of Education or the Department of the Treasury, or by enhancing the capabilities of the New Jersey Building Authority.

6. The Interagency Working Group is further authorized and directed to develop recommendations for consideration by the Schools Construction Corporation and the Acting Commissioner of Education to provide immediate improvements in the operation and management of the School Construction Program so as to establish an effective program to design and build schools in collaboration with local school boards and communities. Topics for consideration should include, but not be limited to:

a. The implementation of a process by which the educational priorities articulated by the New Jersey Supreme Court in its Abbott decisions and reflected in the Act shall be realized in the review and approval of Abbott District Long Range Facility Plans ("Plans") and project proposals, to include, if necessary, revision to Facility Efficiency Standards.

b. The implementation of a process where approved Plans shall (i) reflect priorities established by local school districts with respect to the

construction of schools based on health, safety, and the ability to provide an adequate working environment, and (ii) pertain to the approval of facility projects that can be reasonably accommodated within the five-year period covered by the Plans.

7. The Interagency Working Group shall provide the Governor with an initial written report of its findings and recommendations on or before March 15, 2006.

8. To assist the Interagency Working Group in fulfilling its mission, there is hereby created a Citizens Advisory Panel, which will consist of one public member appointed by the Governor upon the recommendation of the President of the Senate, one public member appointed by the Governor upon the recommendation of the Speaker of the Assembly, and three public members appointed by the Governor.

9. The Interagency Working Group shall regularly consult with the Citizens Advisory Panel to keep the Panel informed and to solicit the Panel's input.

10. The Attorney General is hereby directed to provide such assistance to the Schools Construction Corporation as may be necessary to immediately review the adequacy of contracts entered into by the Corporation and to commence legal proceedings to recover monies disbursed due to design errors, overcharging for work completed, or other causes for which the Corporation has a right to seek recovery.

11. The Acting Commissioner of Education is hereby directed to institute such organizational changes as are required to ensure coordination of school construction activities with other Abbott initiatives and to enhance (i) the management and active participation of the Department of Education in the School Construction Program for all matters regarding educational policy, (ii) the development and application of educational facilities standards, and (iii) priority-setting by and among local school districts.

12. This Order shall take effect immediately.

Dated February 7, 2006.

**EXECUTIVE ORDER No. 4**

WHEREAS, Matthew J. Melchionda, a loving husband, son and brother, and a resident of White House Station, joined the Watchung Borough Police Department in December, 1999 after graduating first in his class from the Somerset County Police Academy; and

WHEREAS, Officer Melchionda graduated from Hunterdon Central High School, Rutgers University and pursued post graduate education, recently being awarded a Masters Degree in Public Administration from Centenary College; and

WHEREAS, Officer Melchionda served the Police Department and the citizens of Watchung Borough with exceptional courage, dedication and professionalism, genuine courtesy and abiding commitment to the finest law enforcement traditions; and

WHEREAS, Officer Melchionda proudly served in the Watchung Borough Police Department for 6 years, personifying his own family's commitment to the finest traditions and principles of law enforcement, and received many commendations and accolades for excellent police work during his tour of duty; and

WHEREAS, Officer Melchionda investigated cases with great diligence, regardless of the grade of the offense, always recognizing the impact any crime can have on its victims; and

WHEREAS, Officer Melchionda resolutely volunteered for duty and always acted with great care and respect for the safety of the public; and

WHEREAS, Officer Melchionda 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, to remember his family and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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, March 16, 2006, in recognition and mourning of Watchung Borough Police Officer Matthew J. Melchionda.

2. This Order shall take effect immediately.

Dated March 14, 2006.

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**EXECUTIVE ORDER No. 5**

WHEREAS, Protecting the citizens and the critical assets of the State of New Jersey is the top priority for the State of New Jersey and its Governor; and

WHEREAS, We have entered into a new threat era with acts of terrorism, natural disasters, catastrophic events, and pandemics that require a new operational, all-hazard paradigm and approach to homeland security and emergency preparedness; and

WHEREAS, The Legislature recognized in the New Jersey Domestic Security Preparedness Act, P.L. 2001, c.246, that the threat of a terrorist attack presents a serious and continuing danger to the residents of New Jersey; and

WHEREAS, A uniform and cooperative statewide response is required to effectively ensure homeland security and emergency preparedness; and

WHEREAS, The creation of an Office of Homeland Security and Preparedness and the appointment by the Governor of a cabinet-level Director to advise the Governor and to coordinate emergency response efforts across all levels of government, law enforcement, emergency management, non-profit organizations, agencies, authorities, other jurisdictions, and the private sector will greatly enhance the safety, security, and preparedness of New Jersey; and

WHEREAS, The appointment of a Director of Homeland Security and Preparedness who has complete responsibility for overseeing, planning,

and distributing state and federal funding for homeland security and emergency preparedness solely on the basis of risk, threat, and vulnerability, will eliminate duplication, ensure the most effective use of limited resources, and guarantee that funds are used for appropriate and necessary purposes; and

WHEREAS, Greater security and preparedness will be achieved by having the Director of Homeland Security and Preparedness serve as Chair of the Domestic Security Preparedness Task Force; and

WHEREAS, The State's counter-terrorism efforts will be enhanced greatly by placing the Office of Counter-Terrorism under the direction and supervision of the Director of Homeland Security and Preparedness and by coordinating the efforts of the Director's Office with other law enforcement entities throughout the State; and

WHEREAS, The State and the Governor must undertake all appropriate efforts to guarantee the safety of the people of New Jersey while protecting and respecting the privacy and civil liberties of individuals throughout the State;

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

1. There is hereby created the Office of Homeland Security and Preparedness (the "Office"), which is empowered to administer, coordinate, lead, and supervise New Jersey's counter-terrorism and preparedness efforts. The goal of this Office shall be to coordinate emergency response efforts across all levels of government, law enforcement, emergency management, non-profit organizations, other jurisdictions, and the private sector, to protect the people of New Jersey.

2. The Office shall be led by a Director, who shall report directly to the Governor and shall be a cabinet-level official.

3. The Director of the Office of Homeland Security and Preparedness shall be the Homeland Security and Preparedness Advisor for the Governor and the State of New Jersey.

4. The Director, in consultation with the Department of Personnel and the Director of the Office of Management and Budget, shall utilize and employ all such personnel as are necessary to carry out the duties of the Office.

5. The Office of Homeland Security and Preparedness shall be in, but not of, the Department of Law and Public Safety.

6. The Director shall serve as the State's liaison with federal law enforcement authorities and with other states on counter-terrorism and emergency preparedness issues.

7. The Director and the Office shall be authorized to call upon the expertise and assistance of all State departments, divisions, and agencies to carry out their mission, including but not limited to: the Department of Law and Public Safety (including the Office of the Attorney General, the Division of State Police and the Office of Emergency Management), the Department of Transportation, the Department of Health and Senior Services, the Department of Human Services, the Board of Public Utilities, the Department of Environmental Protection, the Department of Agriculture, the Department of Labor and Workforce Development, the Department of Military and Veterans' Affairs, the Department of Community Affairs, and the Department of the Treasury.

8. Each State department and agency shall be required, to the extent not inconsistent with law, to cooperate with the Office.

9. The Office may, to the extent not inconsistent with any other law, employ, consult, and contract with private and public entities, and enter into such agreements with public and private individuals or entities as necessary to further the mission of the Office or of other offices and units that fall under the Director's supervision.

10. The Director shall be responsible for planning, overseeing, and distributing discretionary state and federal homeland security and preparedness funding. The Office shall be designated as the State Administrative Agency for all federal homeland security and preparedness funding as of May 1, 2006.

11. The Director shall establish clear, transparent guidelines for the allocation of discretionary funding and shall distribute all funding based upon risk, threat, and vulnerability.

12. The Office shall be authorized to draw on the assistance of any county or municipal governmental agency, or any independent state authority, for the purposes of carrying out its duties and responsibilities.

13. The Office shall identify and participate in appropriate federal or multi-state law enforcement programs and efforts that support or complement its counter-terrorism and preparedness efforts.

14. The Office shall review all proposed State legislation regarding counter-terrorism and preparedness and shall report to the Governor's Office about such proposed legislation through the Office of the Chief Counsel. The Office shall also review existing legislation and may recommend modifications, amendments, or initiatives to support or enhance the State's homeland security and preparedness capabilities.

15. The Domestic Security Preparedness Task Force, which is in, but not of, the Department of Law and Public Safety, shall be a part of the Office of Homeland Security and Preparedness. All staff, funding, and other resources associated with the Domestic Security Preparedness Task Force shall be a part of the Office.

16. The Director shall chair and shall personally attend all meetings of the Domestic Security Preparedness Task Force, absent unavoidable conflicts.

17. The Director shall be responsible for ensuring that the State has a comprehensive emergency plan that is disseminated and fully understood by all relevant parties in the State.

18. The Director shall conduct regular exercises, tabletops, and simulations to assess and prepare responses to all hazards.

19. The State Police shall continue to operate the Office of Emergency Management; however, the Superintendent of the State Police shall provide dual reporting to the Attorney General and to the Director of the Office of Homeland Security and Preparedness on matters related to homeland security, preparedness, and the Office of Emergency Management.

20. The Office of Counter-Terrorism shall be a part of the Office. A Deputy Director of Homeland Security and Preparedness shall be responsible for counter-terrorism and intelligence and shall have as his or her mission: (1) intelligence gathering, analysis, and sharing; (2) training of law enforcement and other individuals tasked with homeland security and emergency preparedness responsibilities; and (3) infrastructure protection.

21. The Office shall conduct law enforcement investigations in conjunction with the FBI Joint Terrorism Task Force, the State Police, the Division of Criminal Justice in the Office of the Attorney General, and other law enforcement agencies specifically designated by the Director.

22. All law enforcement investigations shall be under the supervision of the Division of Criminal Justice in the Office of the Attorney General. Regular status reports on such investigations shall be provided to both the Director and to the Attorney General.

23. The Office shall have all powers conferred by law to the Department of Law and Public Safety, including the powers conferred by the Criminal Justice Act of 1970, P.L.1970, c.74, as amended by P.L.1981, c.187. To the extent that the Office utilizes powers conferred under this Act, there shall be dual reporting to the Director and the Attorney General.

24. The Office shall be the central State agency responsible for gathering and disseminating intelligence and information relating to counter-terrorism to local, county, state, and federal law enforcement entities and other agencies. The Office shall coordinate the gathering and dissemination of this information with the State Police.

25. The Office shall develop and maintain a databank of information regarding homeland security and preparedness in coordination with the State Police. To accomplish this goal, the Office is authorized to access all appropriate information in the possession of State departments, divisions, and agencies and local, county, and State law enforcement agencies, including but not limited to all criminal, intelligence, and investigative case files and information.

26. The Office shall be permitted to seek and obtain relevant counter-terrorism intelligence information from other appropriate sources, including private industry, public utilities, and other entities.

27. The Office shall be the central state agency responsible for developing and administering training programs for law enforcement personnel and other individuals on counter-terrorism and intelligence gathering, analysis, and sharing. All State departments, divisions, facilities, and agencies shall provide appropriate assistance in regard to such training programs.

28. All documents, materials, and information pertaining to counter-terrorism investigation, intelligence, training, and protocols created, compiled, obtained or maintained by the Office shall be deemed confidential, non-public and not subject to the Open Public Records Act, P.L. 1963, c.73, as amended and supplemented.

29. The Director, the Office, and all other State departments, agencies, and units shall respect and protect the privacy and civil liberties of individuals while undertaking all appropriate efforts to guarantee the safety of the people of New Jersey.

30. The Public Advocate of the State of New Jersey shall appoint a public ombudsman within the Public Advocate's Office to address civil liberties issues related to homeland security and preparedness.

31. Executive Order Number 33 (2002) and Executive Order Number 57 (2005) are hereby rescinded.

Dated March 16, 2006.

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**EXECUTIVE ORDER No. 6**

WHEREAS, U.S. Army Specialist First Class Carlos Gonzalez, was born in Passaic, New Jersey and attended Passaic Public School until the age of 11; and

WHEREAS, SPC Gonzalez subsequently enlisted in the U.S. Army in May 2005; and

WHEREAS, SPC Gonzalez served proudly as a member of the U.S. Army's 501st Special Troop Battalion, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, Kentucky, and served in

Iraq in the service of his country from September 2005; and

WHEREAS, SPC Gonzalez was a courageous soldier, a devoted husband, a loving father of an eighteen month old daughter, a proud son, and a caring brother; and

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

WHEREAS, SPC Gonzales has been recommended for some of our nation's highest military honors, including the Bronze Star, the Purple Heart, an Iraqi Campaign Medal, the Good Conduct Medal and the Global War on Terrorism Medal; and

WHEREAS, SPC Gonzalez's patriotism and dedicated service to his country and to his fellow soldiers 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, to remember his family as they mourn their loss and for the State where he was born and where he will be interred to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, March 25, 2006, in recognition of the life and in mourning of the passing of U.S. Army SPC Carlos Gonzalez.

2. This Order shall take effect immediately.

Dated March 23, 2006

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**EXECUTIVE ORDER No. 7**

WHEREAS, The New Jersey Legislature enacted the Educational Facilities Construction and Financing Act, P.L. 2000, c.72 ("the Act"), to address

inadequacies in the quality, safety and utility of educational facilities throughout the State; and

WHEREAS, Executive Order No. 24 (2002) directed the New Jersey Economic Development Authority (“EDA”) to establish a subsidiary corporation to carry out the statutory obligations of the EDA under the Act; and

WHEREAS, Pursuant to Executive Order No. 24 (2002), the EDA established the entity now known as the Schools Construction Corporation (“SCC”); and

WHEREAS, The composition of the Board of Directors of the SCC was delineated in Executive Order No. 24 (2002); and

WHEREAS, The Attorney General was added to the Board of the SCC pursuant to Executive Order No. 47 (2002); and

WHEREAS, Executive Order No. 3 (2006) created an Interagency Working Group to review the entire School Construction Program and the laws, regulations, and policies governing educational facilities, as well as the reorganization of the SCC; and

WHEREAS, Executive Order No. 3 (2006) also directed the Attorney General to “provide such assistance to the Schools Construction Corporation as may be necessary to immediately review the adequacy of contracts entered into by the Corporation and to commence legal proceedings to recover monies disbursed due to design errors, overcharging for work completed, or other causes for which the Corporation has a right to seek recovery”; and

WHEREAS, The Attorney General is engaged in the review directed by Executive Order No. 3; and

WHEREAS, It is critical that the Attorney General be independent from the governance of the SCC so as to allow the Attorney General to properly oversee and investigate any possible claims or actions by or against the SCC;

NOW, THEREFORE, I, JON S. CORZINE, 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. Paragraph 1(a) of Executive Order No. 24 (2002), as amended, is hereby amended to replace the Attorney General as a member of the Board of Directors of the Schools Construction Corporation with a member of the Governor's Executive Staff who has law enforcement and/or prosecutorial experience.

2. Executive Order No. 47 (2002) is hereby rescinded.

3. This Order shall take effect immediately.

Dated March 24, 2006.

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**EXECUTIVE ORDER No. 8**

WHEREAS, U.S. Army Captain John F. Dugan, Jr. of Roselle, New Jersey, graduated from Roselle Catholic High School in 1965 and attended Union County College for two years; and

WHEREAS, Captain Dugan subsequently enlisted in the U.S. Army and enrolled in Officer Candidate School; and

WHEREAS, Captain Dugan served an initial tour of duty in Vietnam as a forward observer and was awarded the Bronze Star and Purple Heart; and

WHEREAS, Captain Dugan then graduated from flight school and was redeployed for his second tour of duty as a helicopter pilot in Company B, 101st Aviation Battalion, 101st Airborne Division in 1970; and

WHEREAS, On March 20, 1971, Captain Dugan volunteered, along with fellow soldiers, for an exceptionally dangerous assignment, the helicopter rescue of a unit of South Vietnamese Rangers under fire in a remote area of Laos, knowing that a previous rescue attempt had failed as a result of heavy enemy fire; and

WHEREAS, Captain Dugan made the ultimate sacrifice, on behalf of his country, giving his life in the line of duty while attempting to save allied soldiers; and

WHEREAS, Captain Dugan was awarded the Silver Star for his acts of heroism; and

WHEREAS, Captain Dugan was a committed and professional soldier and a loving son and brother, whose memory lives in the hearts of his family; and

WHEREAS, Captain Dugan's remains have only been recently identified and are only now being returned to his family; and

WHEREAS, Captain Dugan's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, April 12, 2006, in recognition and mourning of U.S. Army Captain John F. Dugan, Jr. of Roselle, New Jersey.

2. This Order shall take effect immediately.

Dated April 6, 2006.

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**EXECUTIVE ORDER No. 9**

WHEREAS, The State of New Jersey is confronting a multi-billion dollar structural budget deficit; and

WHEREAS, All levels of government play a vital role in the economic life of New Jersey; and

WHEREAS, It is imperative that services and programs throughout government be reevaluated and re-engineered in order to marshal and conserve all available resources, achieve the greatest measure of effectiveness, efficiency and cost-savings, and deliver the highest quality of governmental services; and

WHEREAS, Cost-effective and functionally efficient government will benefit and enhance the State's economy, restore public confidence and allow for the continued delivery of vital programs; and

WHEREAS, As Governor, I have the responsibility and the authority to ensure that State government and its various agencies and instrumentalities operate as efficiently and as effectively as possible; and

WHEREAS, Numerous State executive branch agencies and independent authorities administer aid and grant programs that provide billions of dollars in funding to county and local governments and school districts; and

WHEREAS, As Governor I have the obligation to ensure that the county and local governments and school districts that receive these State funds operate as efficiently and as effectively as possible; and

WHEREAS, It is essential that all government operations in New Jersey, including executive branch agencies, state and local independent authorities, local and county governments, and school districts, be subjected to a comprehensive, unsparing and searching examination; and

WHEREAS, Such a review can ably be conducted by individuals drawn from a wide variety of walks of life, who possess the expertise, experience and skills to evaluate how government can most effectively meet the numerous demands placed on it;

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

1. There is hereby established the New Jersey Commission on Government Efficiency and Reform pursuant to Art. V, Sec. IV, par. 1 of the New Jersey Constitution.

2. The Commission shall evaluate the budget, structure and organization of government in New Jersey, including State agencies, instrumentalities and independent authorities, local and county government and school districts, and advise the Governor on governmental restructuring, effectiveness, best practices, efficiencies, cost-saving measures, and how best to achieve economies of scale in the delivery of services and programs, at the lowest possible cost, consistent with mission and quality.

3. In its evaluation and examination of any aspect of government in New Jersey or its current structure, the Commission shall identify any measures that will bring enhanced economy, efficiency and accountability to government operations, including, but not limited to:

- a. the organization, operation and performance of State agencies, instrumentalities and authorities;
- b. the organization and delivery of effective and efficient services across all levels of governments;
- c. the need for and benefits of regionalization or consolidation of local and county governments, publicly funded school programs and school districts and the services they provide;
- d. the organization and administration of New Jersey's public workforce;
- e. the operations of the Office of Information Technology and the procurement, provision, maintenance, and supervision of information technology by State government;
- f. the accessibility, design and efficiency of higher education in New Jersey;
- g. the organization of the Department of Human Services, in light of its complex roles, functions and emerging responsibilities; and
- h. any other matter related to the organization, structure and administration of government that is likely to deliver better and higher levels of service at the lowest possible cost.

4. The Commission shall be composed of 13 individuals with expertise in government, business, labor and education who will be appointed by and serve at the pleasure of the Governor. The Chair of the

Commission shall be designated by the Governor and shall serve as Chair at his pleasure. The Governor shall also appoint, in the same manner, additional members with expertise and experience in government, higher education, labor and the private sector, as needed, to sub-groups, which will focus in depth on any of the above-listed items or related matters, as requested by the Commission, and will report back to the Commission as required.

5. The Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or other assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. The Commission shall deliver an initial report to the Governor within three months of its first meeting. Additional reports shall be delivered on an ongoing basis in the course of the Commission's work.

7. This Order shall take effect immediately.

Dated April 7, 2006.

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**EXECUTIVE ORDER No. 10**

WHEREAS, Firefighter Kevin Apuzzio was born in Elizabeth, New Jersey, and attended Union Catholic High School in Scotch Plains, New Jersey, where he served as a peer leader, led the Big Brothers/Big Sisters Program, became an Emergency Medical Technician and at the age of 16 volunteered to serve with the Union Emergency Medical Unit; and

WHEREAS, Firefighter Apuzzio attended the Livingston College of Rutgers University as a criminal justice major, where he joined the Rutgers Emergency Medical Services Department, and also served as a

volunteer firefighter with the East Franklin Township Volunteer Fire Company since August 2003, and

WHEREAS, On the morning of April 11, 2006 in the Township of East Franklin in Somerset County, Firefighter Apuzzio, at the age of 21, made the ultimate sacrifice, giving his life while leading a crew of four firefighters into a burning single-family dwelling to rescue an elderly woman who was trapped inside, and

WHEREAS, Kevin Apuzzio's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was born and raised to recognize his remarkable commitment to the welfare of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, April 18, 2006, in recognition of the life and in mourning of the passing of Firefighter Kevin Apuzzio.

2. This Order shall take effect immediately.

Dated April 13, 2006.

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**EXECUTIVE ORDER No. 11**

WHEREAS, New Jersey is a national leader in promoting energy efficiency, renewable energy, and environmental protection and is dedicated to reducing energy usage, which decreases emissions of greenhouse gasses and improves the health and welfare of the State's citizens; and

WHEREAS, Increasing greenhouse gas emissions have been documented to result in global warming that is causing a rise in sea level, which in turn will affect the natural resources of the 127 miles of New Jersey's coast and negatively impact billions of dollars of existing infrastructure; and

WHEREAS, New Jersey State government controls hundreds of buildings throughout the State and spends nearly \$128 million annually on energy for its various facilities; and

WHEREAS, Establishing the position of Director of Energy Savings within the Department of the Treasury will assist in reducing the State's energy expenses and benefit the environment; and

WHEREAS, Reducing energy usage through energy efficiency and increased use of renewable energy will improve the State's economy by exerting downward pressure on natural gas prices and otherwise lowering the cost of energy, creating local jobs, and stemming the flow of energy dollars to out-of-State entities; and

WHEREAS, Energy savings and environmental protection gains can be achieved through changes in the purchasing patterns of State government, which wields considerable purchasing power; and

WHEREAS, The increased purchase of energy efficient, less toxic, and recycled products and services by State government is considered one of the best ways to bolster these markets, as well as the economic viability of New Jersey; and

WHEREAS, State government should assume a leadership role in promoting the efficient use of energy and natural resources in the interest of long-term protection and enhancement of our State's natural beauty;

NOW, THEREFORE, I, JON S. CORZINE, 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 within the Department of the Treasury the position of Director of Energy Savings. The Director of Energy Savings

shall be appointed by the Governor and shall report to the Treasurer.

2. The Director of Energy Savings shall be responsible for implementing a program to increase energy efficiency, reduce energy usage, and improve the procurement of energy for all State facilities. Specifically, the Director of Energy Savings shall:

a. Oversee energy audits to be conducted at State buildings, centers, and facilities and subsequent implementation of the recommendations contained in the audits in the most cost-effective manner available. These audits shall, at a minimum, analyze energy efficiencies and the feasibility of installing on-site renewable energy systems that can be cost-effectively implemented with a 10-year payback period;

b. Provide an annual report to the Governor outlining the environmental results and cost savings to the State;

c. Take the action necessary to enable the State to partake in the bulk purchase and energy contract program to maximize the State's purchasing power;

d. Assist in implementing the procurement practices set forth in this Order;

e. Work with the Economic Development Authority, the Office of Economic Growth, the Commission on Science and Technology, and the Board of Public Utilities to develop a plan for promoting economic development around renewable energy and advanced energy technologies;

f. Coordinate with the agencies that own, lease, occupy or maintain State buildings to implement immediate energy efficiency practices;

g. Evaluate and determine whether the State should participate in the Board of Public Utilities' Clean Power Choice program; and

h. Review the current State vehicle fleet, within the context of current federal and State standards, to determine whether more fuel efficient vehicles may be purchased.

3. All State departments, authorities and instrumentalities with purchasing or procurement authority (hereinafter, "State agencies") shall select ENERGY STAR energy-efficient products when acquiring new energy-using products or replacing existing equipment. The Director of the Division of Purchase and Property in the Department of the Treasury (hereinafter, the "Division of Purchase and Property") shall issue standards and guidelines to implement this requirement. For products that do not have ENERGY STAR labels, State agencies shall follow guidelines established by the New Jersey Clean Energy Program.

4. Each State agency shall appoint or reappoint, within 30 days of the effective date of this Order, a coordinator from the agency procurement staff who will be responsible for coordinating with the Director of Energy Savings and the Division of Purchase and Property for the procurement by the State agency of energy, energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain mercury, lead, or other persistent bioaccumulative toxics (PBTs), and other products manufactured through environmentally sustainable methods. The coordinator's responsibility is to ensure agency compliance with the provisions of this Order. Those State agencies with independent procurement authority shall consult with the Division of Purchase and Property as well as the Director of Energy Savings in accordance with the requirements of this Order to ensure Statewide adherence hereto.

5. a. For the purposes of this section, "competitive" means of comparable quality and available at a price no more than 15% above the price arrived at through competitive bid, and "Addendum" means the Addendum to this Order which is incorporated herein by reference.

b. Each State agency shall, when purchasing products in the product categories set forth in the Addendum, purchase the recycled products listed in the Addendum, provided the recycled products are competitive. In connection with such purchases, consideration shall be given to recycled products containing the highest percentage of post-consumer waste material.

c. Each State agency shall print all publications and documents, including those publications and documents printed under the supervision of the State agency, on recycled paper, unless the State agency cannot procure a sufficient quantity of competitive recycled paper. The phrase "printed on recycled paper," "recycled paper" or words or symbols to that effect should be imprinted on the publication or document.

d. State agencies shall make best efforts to use both sides of the paper stock (i.e., two-sided or duplex copies) when producing or copying documents.

e. In all product procurements, State agencies shall make best efforts to purchase low toxicity products, PBT-free or reduced-PBT products, and other products manufactured through environmentally sustainable methods. In cases where a PBT-free alternative is not available, the State agency shall include specifications to encourage product manufacturers to take back and recycle used PBT-containing products.

6. In creating any new specification, and prior to the renewal of any expired specification, each State agency shall revise or eliminate any standards or provisions unrelated to performance that present barriers to the purchase of recycled products (e.g., unnecessary brightness standards or their equivalents for paper and paper products shall be lowered to remove any impediments that these standards may pose to the purchase of recycled paper or recycled paper products), energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods.

7. The Director of the Division of Purchase and Property shall have the authority to extend any existing contracts under their current terms when the Director determines such extension to be in the best interests of the State.

8. Each State agency shall submit an annual report to the Division of Purchase and Property by August 31 of each year that details the types, volume and dollar amounts of recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods purchased during the previous fiscal year. This report shall be submitted either electronically or on paper in accordance with subsections (c) and (d) of section 5 of this Order.

9. State agencies shall transition to energy efficient products and equipment, renewable energy products, recycled products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods as soon as possible but in a manner that avoids wasting of existing inventories and allows the phase-out of products inconsistent with this Order.

10. The Office of Clean Energy in the Board of Public Utilities and the Department of Environmental Protection shall provide technical assistance to the Director of Energy Savings, State agency coordinators, and the Division of Purchase and Property in support of implementation of this Order and shall promote innovative research and development to identify new recycled products, energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain

PBTs, and other products manufactured through environmentally sustainable methods to be purchased by State agencies.

11. This Order shall not apply whenever inclusion in a contract of a provision or provisions of this Order would violate the terms, conditions, or limitations of any grant, funding or financial assistance from the federal government or any agency thereof.

Dated April 22, 2006.

#### **Addendum**

Construction Products – Unless otherwise noted, in accordance with United States Environmental Protection Agency's (hereinafter "USEPA") Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Asphalt pavement or asphalt pavement patching materials made with recycled asphalt shingles – New Jersey Department of Transportation (hereinafter "NJDOT") specification

Building insulation products

Carpet

Carpet cushion

Cement and concrete

Consolidated and reprocessed latex paint

Floor tiles

Flowable fill

Glassphalt – NJDOT specification

Laminated paperboard

Patio blocks

Railroad grade crossing surfaces

Reclaimed asphalt pavement (RAP) - NJDOT specification

Recycled concrete aggregate (RCA) - NJDOT specification

Recycled plastic lumber – American Society for Testing and Materials specification

Rubber modified asphalt

Shower and restroom dividers/partitions

Structural fiberboard

Landscaping Products – Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

Garden and soaker hoses

- Hydraulic mulch

- Lawn and garden edging

- Mulch, compost and other soil amendments made from municipal solid waste, sludge, yard waste, food waste, clean wood scrap and other organic materials – NJDEP solid waste and recycling rules

- Plastic lumber landscaping timbers and posts

- Nonpaper Office Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Binders, clipboards, file folders, clip portfolios, and presentation folders

- Office recycling containers

- Office waste receptacles

- Plastic desktop accessories

- Plastic envelopes

- Plastic trash bags

- Printer ribbons

- Toner cartridges

- Soy-based inks

- Paper and Paper Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Commercial/industrial sanitary tissue products

- Miscellaneous papers

- Newsprint

- Paperboard and packaging products

- Printing and writing papers

- Park and Recreation Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Park benches and picnic tables

- Plastic fencing

- Playground equipment

- Playground surfaces

- Running tracks

- Transportation Products – Unless otherwise noted, in accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Channelizers

- Delineators – NJDOT specification

- Flexible delineators
- Parking stops
- Traffic barricades
- Traffic cones – NJDOT specification

Miscellaneous Products - In accordance with USEPA's Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Awards and plaques
- Industrial drums
- Manual-grade strapping
- Mats
- Pallets
- Signage
- Sorbents

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**EXECUTIVE ORDER No. 12**

WHEREAS, United States Marine Corps Sergeant Matthew J. Fenton was born in Englewood, New Jersey, raised in Little Ferry, New Jersey, and graduated from Ridgefield Park High School; and

WHEREAS, Sergeant Fenton enlisted in the U.S. Marine Corps following his graduation from high school, attaining his goal of becoming a United States Marine; and

WHEREAS, Sergeant Fenton proudly served in duty stations around the world and volunteered to serve in Iraq; and

WHEREAS, Sergeant Fenton served with honor and distinction as a member of the Marine Forces Reserve's Inspector and Instructor Staff, 1st Battalion, 25th Marine Regiment, 4th Marine Division, based in Fort Devens, Massachusetts; and

WHEREAS, Sergeant Fenton was a courageous Marine who loved his family, friends, and community; and

WHEREAS, Sergeant Fenton was, in turn, loved by his family, friends and neighbors who take great pride in his commitment, heroism, and

achievements; and

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

WHEREAS, Sergeant Fenton has been awarded some of our nation's highest military honors; and

WHEREAS, Sergeant Fenton's patriotism and dedicated service to his country and to his fellow soldiers 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, the state where he was born and raised, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, May 13, 2006, in recognition of the life and in mourning of the passing of U.S. Marine Corps Sergeant Matthew J. Fenton.

2. This Order shall take effect immediately.

Dated May 11, 2006.

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**EXECUTIVE ORDER No. 13**

WHEREAS, United States Army Captain Douglas R. Wight, Jr. of Westfield, New Jersey, graduated from Westfield High School, attended Rutgers University and graduated from Columbia University; and

WHEREAS, Captain Wight subsequently joined the United States Army Air Corps; and

WHEREAS, Captain Wight served in a perilous assignment, flying aircraft over the Himalayas as part of a critical air bridge supplying American and allied forces in China; and

WHEREAS, Losses of allied aircraft involved in this effort, known as the "Hump," reached 50 percent because of the extreme conditions and dangers encountered by these brave crews; and

WHEREAS, Captain Wight's plane, a C-46, with three other crew members on board, departed Kunming, China, on March 27, 1944, enroute to Sookerating, India; and

WHEREAS, Captain Wight's plane never reached its destination, and the wreckage of his aircraft was only discovered 60 years later on Meiduobai Mountain in Tibet; and

WHEREAS, Captain Wight made the ultimate sacrifice, on behalf of his country, taking unimaginable risks and giving his life in the line of duty; and

WHEREAS, Captain Wight was a committed and professional pilot and a loving son and brother, whose memory lives in the hearts of his family and friends; and

WHEREAS, Captain Wight's remains have only been recently identified and are only now being returned to his family; and

WHEREAS, Captain Wight's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, May 17,

2006, in recognition and mourning of U.S. Army Captain Douglas R. Wight of Westfield, New Jersey.

2. This Order shall take effect immediately.

Dated May 11, 2006.

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**EXECUTIVE ORDER No. 14**

WHEREAS, This Administration is fully committed to establishing and maintaining the highest ethical standards in the conduct of State business; and

WHEREAS, State employees, government officials and members of public bodies must at all times be accountable to the people of the State; and

WHEREAS, Public service must never be used for private gain; and

WHEREAS, Members of the governing boards of State institutions of higher education in New Jersey are responsible for the expenditure of substantial amounts of public dollars and must be fully cognizant of the Conflicts of Interest Law and the need to avoid even the appearance of impropriety; and

WHEREAS, Members of State university and college governing boards volunteer time and energy as a commitment to public service; and

WHEREAS, Current financial disclosure forms applicable to members of State university and college governing boards do not detail or identify with sufficient precision the conflicts of interest that all board members must avoid; and

WHEREAS, Multiple existing Executive Orders apply to members of State university and college governing boards and require disclosure forms that differ both in form and content; and

WHEREAS, An Advisory Group on Ethics Issues, consisting of former Governors Brendan Byrne and Thomas Kean, retired Supreme Court Justice Stewart Pollock, former Attorney General John Degnan, and

Princeton University President Shirley Tilghman, Ph.D., has reviewed and identified concerns regarding the current system and recommended various changes to the Governor; and

WHEREAS, A new and stricter conflicts of interest form will provide for clearer public accountability by requiring governing board members both to identify specifically potential conflicts of interest and to swear under the penalties of perjury that they are not engaged in a practice that constitutes a conflict of interest; and

WHEREAS, Requiring members of State university and college governing boards to complete and swear to the accuracy of a detailed and focused conflicts of interest form will enhance the State Ethics Commission's ability to review information and enforce the Conflicts of Interest Law;

NOW, THEREFORE, I, JON S. CORZINE, 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. No member of a governing board of a State university or college ("board member") or board member's spouse, domestic partner, or child, parent, or sibling residing in the same household shall do business with the institution that the board member governs. For the purposes of this Order, the term "do business with" shall mean providing or receiving any goods or services or otherwise engaging in a transaction involving the exchange of anything of value.

2. No board member or board member's spouse, domestic partner, or child, parent, or sibling residing in the same household shall be employed by or derive or receive compensation from any firm, association, or partnership that does business with the institution that the board member governs.

3. No board member shall own or control more than one percent of the profits or assets of a firm, association, or partnership that does business with the institution that the board member governs.

4. The prohibitions in paragraphs 1, 2, and 3 shall also apply to shareholders, associates, or professional employees of a professional service corporation with which the board member is associated or otherwise

affiliated regardless of the extent or amount of the board member's shareholder interest in such a corporation.

5. The State Ethics Commission ("Commission") is hereby authorized to grant an exception from the terms of paragraphs 2, 3, and 4 of this Order if, in the judgment of the executive director, the entity that is doing business with the institution is doing so pursuant to a contract awarded in accordance with the competitive bidding laws applicable to that institution or the public interest requires that an exception be made.

6. The Commission shall promulgate a conflict of interest form designed to identify and avoid conflicts of interest involving board members. Each form shall be as complete and detailed as necessary in the judgment of the State Ethics Commission to fully disclose all conflicts of interest or potential conflicts of interest.

7. Every board member shall file on an annual basis the conflicts of interest form on or before May 15, except that the 2006 filing must be made on or before July 1, 2006. Board members who are newly named to a board subsequent to the effective date of this Order shall file a conflicts of interest form no later than 120 days from their assumption of office.

8. Each conflict of interest form shall contain a sworn certification, under penalty of perjury, by the board member that he or she has read the statement, that to the best of his or her knowledge and belief it is true, correct, and complete, and that he or she has not transferred and will not transfer any asset, interest, or property for the purpose of concealing it from disclosure while retaining an equitable interest therein.

9. All State universities and colleges shall complete a list of all vendors and companies that do business with, or provide services to, their respective institutions ("vendor lists"). The institutions shall submit vendor lists to the Commission and to all individual board members no later than February 15 of each calendar year. Lists shall be provided this year no later than May 15, 2006.

10. The Commission shall use these vendor lists to evaluate conflicts of interest on an ongoing basis. In addition, individual board members shall use these lists to identify and avoid conflicts and to prepare their conflicts of interest form.

11. All State universities and colleges shall be required to update these vendor lists on a quarterly basis (namely, May 15, August 15, and November 15), and provide copies to the Commission and individual board members. The institutions shall also provide newly appointed board members with vendor lists when they join the governing board.

12. Periodic updating of vendor lists will enable board members to comply with their continuing obligation to identify and avoid conflicts of interest. Within 30 days of the receipt of a quarterly update, board members shall report any potential new conflicts to the Commission.

13. Each governing board of a State university or college shall incorporate the provisions of this Order into its code of ethics.

14. The Commission shall have the authority to enforce the terms of this Order.

15. In addition to all other civil and criminal penalties provided by law, a board member found by the Commission to have violated the provisions of paragraph 1, 2, 3, or 4 of this Order shall be fined not less than \$500 nor more than \$10,000 and may be suspended from office by order of the Commission for a period of not in excess of one year.

16. The failure of any board member to comply with the provisions of this Order shall constitute good cause for the appointing authority to remove the board member from office. If the Commission finds that the conduct of the board member constitutes a continuous and willful disregard of the provisions of the Order, the Commission may order the board member removed from office and may further bar the board member from holding any public office or employment in the State for a period not exceeding five years from the date on which the Commission made its finding.

17. For failure to file a conflicts of interest form, the Commission shall impose a civil penalty of \$50 for each day of the violation, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law of 1999," P.L. 1999, c.274 (C.2A:58-10 et seq.).

18. Executive Order No. 65 (2005) is hereby rescinded and Executive Order No. 1 (2006) is hereby amended by deleting paragraph 6(b)(ii) of section I thereof.

19. This Order shall take effect immediately.

Dated May 12, 2006.

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**EXECUTIVE ORDER No. 15**

WHEREAS, United States Army Staff Sergeant Christian Longsworth was raised in Newark, New Jersey, attended St. Joseph's Elementary School and Essex Catholic High School in East Orange, and graduated from Westside High School in Newark; and

WHEREAS, Staff Sergeant Longsworth enlisted in the United States Army soon after his graduation from high school and served with the 31st Infantry Regiment at Fort Drum, New York; and

WHEREAS, Staff Sergeant Longsworth proudly became a member of the Training Cadre for the elite 6th Ranger Training Battalion at Elgin Air Force Base, Florida, before volunteering and qualifying for duty in the Special Forces; and

WHEREAS, Staff Sergeant Longsworth was deployed to Afghanistan, in March 2006, where he served with the 3rd Battalion, 7th Special Forces Group; and

WHEREAS, Staff Sergeant Longsworth served with honor and distinction as a member of the elite United States Army Rangers, achieved the highest level of professional military service as a member of the Special Forces, and has been awarded some of our nation's highest commendations for combat service; and

WHEREAS, Staff Sergeant Longsworth was a courageous soldier who loved his parents, daughter, brother, friends, and community; and

WHEREAS, Staff Sergeant Longsworth was, in turn, loved by his parents, daughter, brother, friends and neighbors who take great pride in his

commitment, heroism, and achievements; and

WHEREAS, Staff Sergeant Longsworth has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country in Oruzgan Province, Afghanistan, during combat operations; and

WHEREAS, Staff Sergeant Longsworth's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on May 31, 2006, in recognition of the life and in mourning of the passing of United States Army Staff Sergeant Christian Longsworth.

2. This Order shall take effect immediately.

Dated May 30, 2006.

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**EXECUTIVE ORDER No. 16**

WHEREAS, Severe weather conditions, including heavy rains, high winds, main stream and river flooding, and progressing runoff, now threaten homes and other structures and the flow of traffic throughout the State; and

WHEREAS, These weather conditions make it difficult or impossible for citizens to obtain the necessities of life, as well as essential services such as police, fire and first aid; and

WHEREAS, These weather conditions constitute a disaster from a natural cause, which threatens and presently endangers the health, safety and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, This situation is too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; 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, JON S. CORZINE, 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 throughout the State of New Jersey; and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operation plans as necessary.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. A:9-33 et seq. as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of 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. I authorize and empower 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. I authorize and empower 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. I 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. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to 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, for the duration of this Executive Order, and subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, 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.

8. In accordance with N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, as supplemented and amended, 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 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 that 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 or the orders of the State Director of Emergency Management.

10. It shall be the duty of the members of the governing body, and each and every officer, agent and employee of every political subdivision of this State and of each member of all other governmental bodies, agencies and authorities of any nature whatever, to fully cooperate with the State Director of Emergency Management in all matters during this emergency.

11. I authorize and empower the State Director of Emergency Management, pursuant to N.J.S.A. App. A:9-37 and N.J.S.A. App. A:9-48 and in accordance with N.J.S.A. App. A:9-36, to require any public official, citizen or resident of this State, or any firm, partnership, or corporation, incorporated or doing business in this State, to furnish any information deemed reasonably necessary by the Director to carry out the purposes of this Order.

12. The cooperation of every person or entity in this State or doing business in this State in all matters concerning this state of emergency is requested.

13. 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, or to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies, in consultation with the State Director of Emergency Management.

14. 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 June 28, 2006.

**EXECUTIVE ORDER No. 17**

WHEREAS, Article VIII, Section 2, Paragraph 2 of the New Jersey Constitution prohibits the withdrawal of any funds from the State Treasury except for “appropriations made by law”; and

WHEREAS, Article VIII, Section 2, Paragraph 2 of the New Jersey Constitution requires that all monies for the support of State government and for all other State purposes, as far as can be ascertained or reasonably foreseen, shall be provided for in a single General Appropriations Law covering one and the same fiscal year; and

WHEREAS, Consistent with the provisions of N.J.S.A. 52:27B-20, as amended, I presented my Fiscal Year 2007 budget message to a joint session of the New Jersey Legislature on March 21, 2006, detailing my requests for appropriations and recommendations for certain spending reductions, program eliminations, efficiencies, and revenue-raising measures intended to balance the State budget in a responsible manner and to put New Jersey on a path to long-term fiscal stability; and

WHEREAS, The authority of the General Appropriations Law for Fiscal Year 2006 expired on July 1, 2006; and

WHEREAS, Despite significant good-faith efforts to comply with the Legislature’s constitutional responsibilities concerning the State budget, no General Appropriations Law was enacted before Fiscal Year 2007 commenced on July 1, 2006; and

WHEREAS, It is not known when a General Appropriations Law will be enacted for Fiscal Year 2007; and

WHEREAS, The legislative prerogative over appropriations must be respected and preserved; and

WHEREAS, The New Jersey State Constitution requires the Governor to take care that the laws of this State be faithfully executed, N.J.Const. (1947) Article V, Section 1, Paragraph 11; and

WHEREAS, The Governor of the State of New Jersey is entrusted with the responsibility to protect the health, safety, and welfare of the people of

this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergency affecting the State; and

WHEREAS, In order to protect the health, safety, and welfare of the people of this State, it is necessary that the State continue to provide essential services without interruption and effectuate the cessation of services that are not essential in a safe, effective, and orderly manner; and

WHEREAS, Unlike the budgeting processes established under federal law and under the constitutions and statutes of many states, New Jersey's constitutionally mandated budget system does not provide for partial or interim budgets, temporary spending authorizations, continuing resolutions, or other devices pursuant to which the State might lawfully continue its operations in the absence of a unitary annual General Appropriations Law; and

WHEREAS, The Constitution and the health, safety, and welfare of the people of New Jersey require that a State budget be adopted; and

WHEREAS, The disruption of essential State services caused by the absence of a General Appropriations Law for Fiscal Year 2007 will result in significant and irreparable harm to the health, safety, and welfare of the people of the State; and

WHEREAS, Certain State employees must remain available in order to deliver services essential to the health, safety, and welfare of the people of the State and to protect against damage to and destruction of property; and

WHEREAS, Certain essential services and functions can continue only if the State is able to obligate funds for those essential services and functions; and

WHEREAS, The health, safety, and welfare of the people of the State clearly require that measures be taken immediately to cope with the damaging conditions that would imminently arise in the absence of legal authorization to incur such obligations; and

WHEREAS, Protecting the people and the critical assets of the State of New Jersey is the highest priority for the State of New Jersey and its Governor; and

WHEREAS, The management and control of the affairs of the State are beyond the capabilities of local authorities; 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., as amended and supplemented, confer certain emergency powers upon the Governor of the State of New Jersey;

NOW, THEREFORE, I, JON S. CORZINE, 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, including the provisions of N.J.S.A. App. A:9-33 et seq., do hereby DECLARE, ORDER, and DIRECT:

1. A state of emergency exists in the State of New Jersey by reason of the facts and circumstances set forth above.

2. I invoke the emergency powers conferred upon me by N.J.S.A. App. A:9-33 et seq., and all amendments and supplements thereto, and such other powers as may be conferred upon me by the Constitution and the Statutes of the State of New Jersey.

3. Until such time as there is enacted a General Appropriations Law for Fiscal Year 2007, I reserve the right to take such actions and issue such orders or directives as may be necessary to meet the various problems presented by this emergency, to protect the health, safety, and welfare of the people of this State, and to ensure the continued provision of essential State services. The exercise of these emergency powers shall, when required, be subject to future payment of the reasonable value of goods and services, subject to appropriation, and as provided by law.

4. Services and functions of State government directly related to the preservation and protection of human life and safety; the protection of property, including State property; the adoption of the State General Appropriations Law; and such functions of the Judicial Branch as determined by the Chief Justice, shall be deemed essential and shall continue without interruption during the period in which there is no General

Appropriations Law for Fiscal Year 2007. More specifically, but not by way of limitation, the following services and functions of State government are hereby deemed essential:

- a. Activities required to protect life, health, safety, and property;
- b. Care of all prisoners, patients, and other residents in the care or custody of the State at correctional facilities, developmental centers, juvenile detention centers, veterans' homes, psychiatric hospitals, and State-operated residential facilities;
- c. Activities essential to ensure continued public health and safety, including, but not limited to, disease prevention and control, health maintenance, and the safe use of food, drugs, and hazardous materials;
  - Protection of State lands, buildings, equipment, and other property owned, leased, or operated by the State;
  - Child welfare involving the Office of Children's Services;
- d. Continuation of transportation safety functions and the protection of transport property;
- e. Environmental emergency response and enforcement;
- f. Activities necessary to preserve and protect the State's financial assets and resources;
  - Emergency and disaster response activities;
  - Services to process payments that can be made without a General Appropriations Law;
  - Information technology, accounting, and payroll services necessary to support essential functions as described in this Order;
  - Court-mandated activities and appearances, as required; and
  - Supervisory and oversight functions necessary to ensure the provision of essential services as described in this Order.

5. The head of each department or agency shall designate those employees whose services are considered essential to the health, safety, and welfare of the people of New Jersey in accordance with criteria provided by the Office of the Governor. Employees so designated shall report to work and perform such duties and responsibilities as the respective department or agency heads shall direct. In addition, such other activities and personnel as the Governor may determine to be essential to the health, safety, and welfare of the people of New Jersey are deemed essential for purposes of this Order.

6. The State Treasurer shall take all actions necessary to prevent the State from defaulting on any of its general obligation bonds, including the

payment of principal and interest with funds in the State Treasury, and shall take all actions that are essential to protect the State's funds and investments.

7. In accordance with N.J.S.A. 38A:2-4 and N.J.S.A. 38A:3-6.1, I hereby authorize the Adjutant General to order to active duty such members of the New Jersey National Guard who are necessary to assist the State in providing essential services during the present state of emergency. The Adjutant General may authorize the use of any supporting vehicles, equipment, communications, or supplies as may be necessary to support the members so ordered.

8. It is ordered that the statutory and regulatory provisions governing layoffs in State government, N.J.S.A. 11A:8-1 et seq. and N.J.A.C. 4A:8-1 et seq., are hereby suspended and of no force or effect while this Order is in effect.

9. All employees whose services are not deemed essential pursuant to this Order shall be deemed furloughed pursuant to N.J.S.A. 11A:6-1.1 and shall be governed by the rules implementing that program, except as may be prohibited by law. The provisions of this paragraph shall apply to any such employees who are necessary to implement the orderly shut down of programs and functions as provided in paragraph 16 of this Order upon the completion of such shut down, as determined and documented by the head of the department or agency.

10. The State Treasurer and the Director of the Office of Management and Budget are hereby authorized to obligate funds for the purpose of paying employees who have been designated as essential pursuant to this Order or who are necessary to implement the orderly shut down of programs and functions as provided in paragraph 16 of this Order. However, no such funds shall be disbursed except as provided by law.

11. The State Treasurer is directed to continue to make payments where such payments are required by federal law.

12. The time within which any action must be taken by a member of the public or by any State officer or agency including, but not limited to, rejection, approval, or modification of initial decisions pursuant to N.J.S.A. 52:14B-10 and approval or denial of filings or other applications pursuant to Titles 17 and 17B of the Revised Statutes, in connection with the filing

of any document or the transaction of any business by or with the State or its agencies, departments, divisions, commissions, or boards shall be tolled by each day on which State offices are closed for regular business. The foregoing shall not apply to: 1) the payment of any fees or taxes due and owing to the State; or 2) payments to the State under any contractual agreements.

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

14. All State officials and agencies shall cooperate fully in the implementation of this Order.

15. 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.

16. Each department head and the head of each agency allocated to but independent of a department affected by the failure to enact a General Appropriations Law for Fiscal Year 2007 is directed to begin immediately an orderly shut down of all services and functions funded through the General Appropriations Law and not deemed essential under this Order.

17. The executive head of any agency or instrumentality of the State government with authority to promulgate rules may, for the duration of this Order, and subject to prior approval of, 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 health, safety, or 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.

18. This Order shall remain in effect until such time as a General Appropriations Law is enacted for Fiscal Year 2007.

19. This Order shall take effect immediately.

Dated July 1, 2006.

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**EXECUTIVE ORDER No. 18**

WHEREAS, On July 1, 2006, I signed Executive Order No. 17 declaring, inter alia, that a state of emergency exists in the State of New Jersey because of the absence of a General Appropriations Law for Fiscal Year 2007. The Order provided for the continuation of State services and functions that are essential to the health, safety, and welfare of the people of New Jersey, and established a framework for effectuating the orderly cessation of services and functions that are not essential; and

WHEREAS, It is not known when a General Appropriations Law will be enacted for Fiscal Year 2007; and

WHEREAS, Article V, Section I, Paragraph 12 and Article IV, Section I, Paragraph 4 of the New Jersey Constitution authorize the Governor to convene the Legislature in Special Sessions whenever in the Governor's opinion the public interest shall require; and

WHEREAS, Article V, Section I, Paragraph 12 of the New Jersey Constitution requires the Governor to communicate to the Legislature, by message at the opening of each regular session and at such other times as the Governor may deem necessary, the condition of the State and to recommend such measures as the Governor may deem desirable; and

WHEREAS, The Constitution and the health, safety, and welfare of the people of New Jersey require that a State budget be adopted; and

WHEREAS, It is imperative that a General Appropriations Law for Fiscal Year 2007 be passed by the Legislature and enacted into law as soon as possible in order to minimize, to the extent possible, the damaging consequences of the current situation, as detailed in Executive Order No. 17;

NOW, THEREFORE, I, JON S. CORZINE, 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 declarations, orders, and directives set forth in Executive Order No. 17 are incorporated herein by reference and shall continue in full force and effect.

2. Pursuant to the provisions of Article V, Section I, Paragraph 12 and Article IV, Section I, Paragraph 4 of the New Jersey Constitution, it is my opinion that the public interest requires the Legislature to convene in order to fulfill its constitutional duty to pass a balanced General Appropriations Law for Fiscal Year 2007 and to consider legislation that is related to the State budget. I hereby call the Legislature to Special Sessions and direct that they convene commencing at 9:00 a.m. on July 4, 2006, and continuing for each day thereafter until a General Appropriations Law for Fiscal Year 2007 is enacted.

3. Pursuant to Article V, Section I, Paragraph 12 of the New Jersey Constitution, I deem it necessary to communicate to the Legislature by message to be delivered at the opening of the Special Sessions at 9:00 a.m. on July 4, 2006, and at such times thereafter as I may determine to be necessary or desirable.

4. This Order shall remain in effect until such time as a General Appropriations Law is enacted for Fiscal Year 2007.

5. This Order shall take effect immediately.

Dated July 3, 2006.

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**EXECUTIVE ORDER No. 19**

WHEREAS, On July 1, 2006, a General Appropriations Law for Fiscal Year 2007 had not been enacted; and

WHEREAS, On July 1, 2006, I signed Executive Order No. 17 declaring, inter alia, that a state of emergency exists in the State of New Jersey because of the absence of a General Appropriations Law for Fiscal Year

2007. The Order provided for the continuation of State functions and services that are essential to the health, safety, and welfare of the people of New Jersey and established a framework for effectuating the orderly cessation of functions and services that were not deemed essential; and

WHEREAS, Executive Order No. 17 remains in effect until such time as a General Appropriations Law is enacted for Fiscal Year 2007; and

WHEREAS, The cessation of non-essential functions and services has continued for eight days and caused great disruption to the general public and the economy of this State; resulted in the closing of many vital State enterprises including all casinos, race tracks, the State lottery, State parks and beaches, motor vehicle offices, camps for children with disabilities, permitting and inspection operations required for the conduct of business, and virtually all State highway construction projects; and caused the loss of significant revenues to private businesses and the State; and

WHEREAS, An agreement has been reached as to the content of a General Appropriations Law for Fiscal Year 2007 that provides for predictable, reliable, and recurring revenues to match expenditures, and a bill incorporating that agreement has passed both houses of the Legislature; and

WHEREAS, It will require additional time for the bill to be reviewed and signed into law; and

WHEREAS, Under the present unique circumstances, it is in the best interests of the people of the State, and would further the protection of the health, safety, and welfare of the people of the State, to begin the orderly resumption of State government functions and services so that the government will be prepared to resume all functions and services immediately upon the signing of a General Appropriations Law for Fiscal Year 2007;

NOW, THEREFORE, I, JON S. CORZINE, 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, ORDER, and DIRECT:

1. Paragraphs 8, 9, and 16 of Executive Order No. 17 are hereby rescinded.

2. Every department head and the head of every agency allocated to but independent of a department affected by the failure to enact a General Appropriations Law for Fiscal Year 2007 is directed to begin immediately an orderly resumption of all functions and services funded through the General Appropriations Law and not deemed essential under Executive Order No. 17, in order that the government will be prepared to resume all functions and services immediately upon the signing of a General Appropriations Law for Fiscal Year 2007.

3. The State Treasurer and the Director of the Office of Management and Budget are hereby authorized to obligate funds for the purpose of paying for the resumption of these functions and services, but in the absence of a signed General Appropriations Law for Fiscal Year 2007 in accordance with Article VIII, Section II, Paragraph 2 of the New Jersey Constitution, no funds shall be disbursed except as provided by law.

4. All State officials and agencies shall cooperate fully in the implementation of this Order.

5. This Order shall take effect immediately.

Dated July 8, 2006.

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#### **EXECUTIVE ORDER No. 20**

WHEREAS, Executive Order No. 16 (2006), declaring a State of Emergency, was issued on June 28, 2006, because of severe weather conditions, including heavy rains, main stream and river flooding and progressing runoff that threatened and damaged homes and other structures and the flow of traffic throughout the State; and

WHEREAS, The severity of the conditions necessitating the declaration of a State of Emergency has now eased, although the recovery from these floods will take some time; and

WHEREAS, In consideration of these factors, the emergency powers granted by a State of Emergency are no longer necessary;

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

1. The State of Emergency declared in Executive Order No. 16 (2006) is terminated effective immediately.

Dated July 10, 2006.

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**EXECUTIVE ORDER No. 21**

WHEREAS, United States Air Force Airman Carl Jerome Ware, Jr. was born in Smyrna, Delaware, where he was subsequently raised before moving to Glassboro, New Jersey, with his family; and

WHEREAS, Airman Ware enlisted in the United States Air Force in 2004 after graduating from high school in 2002; and

WHEREAS, Airman Ware proudly served in the United States Air Force and was assigned to the 15th Airlift Wing, Hickam Air Force Base, Hawaii; and

WHEREAS, Airman Ware was subsequently deployed to Camp Bucca, Iraq in 2006, with the Air Force's 886th Expeditionary Security Forces Squadron; and

WHEREAS, Airman Ware served his country with honor and distinction; and

WHEREAS, Airman Ware was a committed airman who loved his family, parents, wife, daughter, brothers, friends, and community; and

WHEREAS, Airman Ware was, in turn, loved by his wife, his daughter, his parents, his brothers, and his many friends and neighbors who take great pride in his commitment, professionalism, and achievements; and

WHEREAS, Airman Ware has made the ultimate sacrifice, giving his life in the line of duty while serving our country in Iraq; and

WHEREAS, Airman Ware's patriotism and dedicated service to his country and to his fellow airmen make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, July 12, 2006, in recognition of the life and in mourning of the passing of United States Air Force Airman Carl Jerome Ware, Jr.

2. This Order shall take effect immediately.

Dated July 10, 2006.

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**EXECUTIVE ORDER No. 22**

WHEREAS, United States Army Staff Sergeant Robert Joseph Chiomento II of Pennsville, New Jersey, and Fort Polk, Louisiana, was raised on military bases in the United States and Germany before moving to Fort Dix, New Jersey, with his family; and

WHEREAS, Staff Sergeant Chiomento graduated from Pemberton Township High School in 1990 and then enlisted in the United States Army in 1991; and

WHEREAS, Staff Sergeant Chiomento proudly served in the United States Army as the son of a career soldier; and

WHEREAS, Staff Sergeant Chiomento was subsequently deployed to Afghanistan in 2006, after volunteering for a combat assignment with the Army's elite 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division; and

WHEREAS, Staff Sergeant Chiomento gave his life in the line of duty while on combat patrol near Khwaya Ahmad, Afghanistan; and

WHEREAS, Staff Sergeant Chiomento served his country with honor and distinction and has received and has been recommended for some of our nation's highest military honors; and

WHEREAS, Staff Sergeant Chiomento was a committed soldier who loved his family, parents, wife, daughters, friends, and community; and

WHEREAS, Staff Sergeant Chiomento was, in turn, loved by his wife, his daughters, his parents, and his many friends and neighbors who take great pride in his commitment, professionalism, and achievements; and

WHEREAS, Staff Sergeant Chiomento has made the ultimate sacrifice, giving his life in the line of duty while serving our country in Afghanistan; and

WHEREAS, Staff Sergeant Chiomento's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, August 1, 2006, in recognition of the life and in mourning of the passing of United States Army Staff Sergeant Robert Joseph Chiomento.

2. This Order shall take effect immediately.

Dated July 31, 2006.

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**EXECUTIVE ORDER No. 23**

WHEREAS, Family child care providers in the State of New Jersey, as defined by N.J.S.A. 30:5B-18, provide an invaluable and essential service to working parents and guardians by providing a healthy, safe and productive environment for their children while they are engaged in work and training opportunities; and

WHEREAS, The State of New Jersey appreciates the importance of these services and recognizes the need to continue and improve both the quality of care and the living and working conditions of the providers; and

WHEREAS, The State of New Jersey, through the Department of Human Services, is vested with the regulatory authority, including but not limited to the establishment of reimbursement rates, and the administrative oversight responsibility for the operation of family child care homes; and

WHEREAS, To ensure quality standards of care, it is in the public interest for New Jersey to maintain a child care delivery system that encourages the recruitment and retention of quality family child care providers to deliver these vital services; and

WHEREAS, A majority of New Jersey's registered and approved family child care providers have authorized either the American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) or the Communications Workers of America, AFL-CIO (CWA) to be their exclusive representative through individually-signed authorizations, not more than twelve (12) months old; and

WHEREAS, AFSCME and CWA have formed the Child Care Workers Union (CCWU) for the purpose of jointly representing family child care providers; and

WHEREAS, The State Board of Mediation has certified CCWU as having presented to the Board of Mediation authorization cards representing a majority of family child care providers;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey Department of Human Services (DHS) or his/her designee, or if applicable the Commissioner of the Department of Children and Families or his/her designee, on behalf of the State of New Jersey, shall meet in good faith with the CCWU, as the recognized exclusive majority representative of all registered and approved family child care providers, for the purpose of entering into a written agreement regarding reimbursement rates, payment procedures, benefits, health and safety conditions and any other matters that would improve recruitment and retention of qualified family child care providers and the quality of the programs they provide, subject to the provisions of paragraph 6 below. Nothing in this Order shall require that an agreement be reached on any particular matter provided the parties act in good faith.

2. When an agreement is reached pursuant to paragraph 1 above, it shall be embodied in writing and shall be binding upon the State of New Jersey. Any agreement that requires rule making or statutory changes will be contingent upon the successful completion of such regulatory or legislative action. If any provisions of the agreement require legislative action, or require the appropriation of funds to be effective, the parties will jointly seek the enactment of such legislative action. If any provisions of the agreement require the adoption or modification of rules and regulations of any department or agency of State government to be effective, the department or agency shall seek the adoption or modification of such rules or regulations through appropriate regulatory action.

3. In affording family child care providers the right to act through an exclusive majority representative and seek an agreement with the State per the terms of this Order, the State intends that the "State Action" exemption to federal antitrust laws be fully available to the State, family child care providers and their exclusive representative and that exempt conduct shall be actively supervised by the Department of Human Services, or if applicable the Department of Children and Families.

4. Nothing in this Order is intended to give to family child care providers, or imply that family child care providers have, any right to engage in a strike or collective cessation of the delivery of child care services.

5. The agreement entered into between CCWU and the Commissioner may provide for the payment of union dues and representation fees.

6. Nothing in this Order shall be construed to grant family child care providers status as State employees for any purposes, including, but not limited to, the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.), the New Jersey Temporary Disability Benefits Law (N.J.S.A. 43:21-25 et seq.), the New Jersey Unemployment Compensation Law (N.J.S.A. 43:21-1 et seq.), and the New Jersey Workers Compensation Law (N.J.S.A. 34:15-1 et seq.). Although family child care providers are not State employees, the subjects to be included in an agreement shall be consistent with those areas that are considered negotiable pursuant to the New Jersey Employer-Employee Relations Act (N.J.S.A. 34:13A-1 et seq.).

7. Nothing in this Order shall be construed to interfere with the rights of parents or guardians to choose family child care providers.

8. No action may be taken under this Order that would derogate from the status, functions or authority of the Department of Human Services in its capacity as Lead Agency pursuant to the State Plan for Child Care Development Services filed by the Commissioner of Human Services with the U.S. Secretary of Health and Human Services.

9. Should any part of this Order be declared to be invalid or unenforceable, or should the enforcement of or compliance with any part of this Order be suspended, restrained or barred, by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

10. This Order shall take effect immediately.

Dated August 2, 2006.

**EXECUTIVE ORDER No. 24**

WHEREAS, In response to a recent shooting incident in Bergen County, State officials met with representatives of the Ramapough Lenape Nation who identified areas of concern that warrant further examination; and

WHEREAS, It is imperative that all citizens be treated fairly and have equal opportunity and access to State government and services, and that the rights of all citizens be protected; and

WHEREAS, In light of concerns highlighted by representatives of the Ramapough Lenape Nation in this regard, it is important to engage in a thorough examination of certain aspects of the current status of the Ramapough Lenape Nation as well as the greater Native American community in New Jersey; and

WHEREAS, This examination is an important component in ensuring that the rights of New Jersey citizens of the Native American community are protected; and

WHEREAS, An examination of the areas of education, employment, civil rights, fair housing, environmental protection, health care, infrastructure, and equal opportunity for Native Americans shall be the primary focus of this review; and

WHEREAS, A study of this nature will benefit from the input of individuals drawn from a wide variety of walks of life who possess the expertise, experience, cultural sensitivity, and skills necessary to evaluate the status of the Native American community in New Jersey as described herein;

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

1. There is hereby established the New Jersey Committee on Native American Community Affairs, pursuant to Art. V, Sec. IV, par. 1 of the New Jersey Constitution.

2. This Committee shall evaluate the current social and economic condition of Native Americans in New Jersey, namely civil rights issues and the community's access to education, fair housing, infrastructure, employment, and health care.

3. In the execution of its duties to undertake this study, the Committee shall:

a. Conduct public hearings and take testimony from community groups and others regarding the concerns and grievances of the Native American community;

b. Identify those areas requiring further study and investigation based upon the testimony provided during the hearings; and

c. Issue a report to the Governor detailing the hearings, the Committee's findings, and its recommendations of ways the State may assist in furthering fair treatment and equal opportunity to the Native American community.

4. The Committee shall be composed of six (6) individuals with expertise in the following areas: civil rights, health, the environment, tribal affairs, housing, labor, education, and law enforcement. In addition, the Secretary of State or her designee and the Chair of the New Jersey Commission on American Indian Affairs or his designee shall serve as non-voting, ex-officio members of the Committee.

5. All members of the Committee shall be appointed by the Governor and shall serve at his pleasure. The Governor shall select a chair who will serve at the Governor's pleasure.

6. The Committee 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 Committee and to furnish it with such information, personnel and assistance as is necessary to accomplish the purposes of this Order.

In particular, the Office of the Governor, the Department of Community Affairs, the Department of Environmental Protection, the Department of Education, the Department of Health and Senior Services, the Department of Law and Public Safety, and the New Jersey Commission

on American Indian Affairs shall be available to the Committee upon request.

7. The Committee shall organize and meet as soon as practicable after the appointment of a majority of its members.

8. The Committee may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

9. The Committee shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be submitted within six months from the date of the first meeting and a final report as soon as practicable thereafter.

10. The Committee shall expire 30 days from the issuance of its final report and recommendations to the Governor.

11. This Order shall take effect immediately.

Dated August 4, 2006.

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**EXECUTIVE ORDER No. 25**

WHEREAS, Cable television is an important service upon which millions in our State rely for entertainment and information; and

WHEREAS, Competition among providers of cable television service has been shown to enhance the quality of, and reduce the price for, such service; and

WHEREAS, Today, the prospects for meaningful competition for the delivery of cable television service to consumers have been greatly improved through the emergence of new technologies and the development of a dynamic marketplace for cable television service; and

WHEREAS, New Jersey law governing the regulation of cable television service has not substantially changed since the enactment in 1972 of the New Jersey Cable Television Act, N.J.S.A. 48:5A-1 et seq. (the "Act"); and

WHEREAS, In order for New Jersey residents to enjoy the benefits of enhanced competition in an expeditious manner, substantial changes in the Act are necessary to make New Jersey's system of cable television regulation more flexible and adaptable to rapidly evolving technologies and market conditions; and

WHEREAS, The Legislature has passed, and I have signed into law, Assembly Committee Substitute for Assembly Bill No. 804 (2006) ("A-804"), legislation that makes these substantial changes and will accelerate the introduction of meaningful competition into the New Jersey cable television market through the issuance of "system-wide franchises"; and

WHEREAS, This Administration is committed to ensuring that all of New Jersey's communities receive the benefits of meaningful cable television competition as quickly as possible; and

WHEREAS, Verizon New Jersey Inc., which is the regulated local telephone service provider for millions of New Jersey residents, has committed to seeking a system-wide franchise and to investing more than \$1.5 billion over the next three years to build a fiber-optic system that, within three years, is expected to be capable of providing cable competition to more than 3.5 million New Jersey residents. Further, Verizon also has indicated that, because of the density and other unique aspects of the New Jersey market, Verizon's long-range goal is to upgrade its network with fiber technology in wire centers throughout the State if consumers respond to its new video and data services as it anticipates; and

WHEREAS, In adopting A-804, the Legislature concluded that relying on a balance of market forces and legislative mandates is the best approach to achieve the goal of ensuring that all of New Jersey's communities receive the benefits of meaningful cable television competition as quickly as possible, and I concur with that conclusion; and

WHEREAS, The legislative mandates include so-called "build-out" requirements set forth in section 20(a) of A-804 as well as an explicit statutory prohibition against red-lining; and

WHEREAS, Section 20(a)(2) of A-804 describes the circumstances under which a system-wide franchisee will not be required to provide service to multiple-dwelling units (“MDUs”); and

WHEREAS, Concerned citizens and various organizations have raised concerns that I share about the potential negative impact of those provisions on those who reside in apartment buildings and other MDUs; and

WHEREAS, Section 20(b) of A-804 provides an enforcement mechanism to ensure that system-wide franchisees abide by the build-out requirements of section 20(a); and

WHEREAS, The effectiveness of this enforcement mechanism would be enhanced through strong and appropriate regulations and active monitoring by the Public Advocate; and

WHEREAS, The Act grants to the Director of the Office of Cable Television within the Board of Public Utilities (“BPU”) the authority, subject to BPU approval, to promulgate regulations to implement the Act; and

WHEREAS, The Public Advocate is responsible for a broad range of consumer-protection and advocacy functions, including but not limited to promoting the public interest with respect to the provision of cable television and related services;

NOW, THEREFORE, I, JON S. CORZINE, 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. In addition to all other regulations necessary or appropriate to implement A-804, the Director shall, with BPU approval, promulgate regulations providing guidance concerning the meaning of the terms that appear in Section 20(a)(2) of A-804, including the following: “claimed exclusive arrangements”; “standard technical solutions”; “commercially reasonable terms and conditions”; “after good faith negotiation”; and “reasonable terms and conditions.”

2. The Director shall, with BPU approval, promulgate regulations requiring that, whenever a system-wide franchisee invokes an exception to the provision of service to a multiple-dwelling unit ("MDU") as set forth in section 20(a)(2)(a), (b) or (c) of A-804, the franchisee must promptly provide written notice of such invocation to both the BPU and the Public Advocate. Such written notice shall describe both the fact that an exception is being invoked as well as a thorough description of the reason or reasons supporting such invocation.

3. The Public Advocate shall monitor the activities of system-wide franchisees and bring appropriate enforcement actions, pursuant to section 20(b) of A-804 or otherwise, to protect the rights of residents of MDUs and all citizens and ensure that they receive appropriate coverage and service.

4. This Order shall take effect immediately.

Dated August 4, 2006.

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**EXECUTIVE ORDER No. 26**

WHEREAS, Police Detective Kieran T. Shields was raised in Orange, New Jersey, attended Arts High School in Newark, and graduated from Essex County Community College; and

WHEREAS, Officer Shields, a loving husband and the devoted father of three young children, fulfilled his dream to serve the public and to follow in his father's footsteps by joining the Orange Police Department, and after serving for four years was promoted on January 1, 2005, to the rank of detective, having distinguished himself in December 2004 by rescuing a five-year-old girl who was the subject of an Amber Alert; and

WHEREAS, In the late evening hours of August 7, 2006, in the City of Orange in Essex County, Police Detective Shields, at the age of thirty-two, made the ultimate sacrifice, giving his life while responding to reports of gunfire and while attempting to locate and apprehend an armed suspect; and

WHEREAS, Detective Shields' selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was raised and where he served so proudly as a peace officer to recognize his remarkable commitment to the welfare and safety of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

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. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on Saturday, August 12, 2006, in recognition of the life and in mourning of the passing of Police Detective Kieran T. Shields.

2. This Order shall take effect immediately.

Dated August 11, 2006.

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**EXECUTIVE ORDER No. 27**

WHEREAS, Executive Order No. 94 (1993) established the State Interagency Coordinating Council (hereinafter Council) to aid in the cooperation and coordination between various State agencies in providing early intervention services for infants and toddlers with disabilities and their families, and to qualify for Federal funds; and

WHEREAS, The Council consists of twenty-five (25) members appointed by the Governor; and

WHEREAS, The Congress of the United States has removed the minimum and maximum membership requirements of the Council, pursuant to P.L. 105-17; and

WHEREAS, The Congress of the United States has expanded the composition of the Council by six (6) categories of membership, pursuant to P.L. 105-17 and P.L. 108-446; and

WHEREAS, The membership of the Council would be enhanced by adding six (6) categories of membership to include members of agencies that possess expertise with the issues to be addressed by the Council;

NOW, THEREFORE, I, JON S. CORZINE, 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 Council established by Executive Order No. 94 (1993) is hereby continued.

2. Paragraph 2 of Executive Order No. 94 (1993) is hereby amended to read as follows: "The Council shall be composed of individuals appointed by the Governor who shall be broadly representative of the population of the State."

3. The composition of the Council shall be expanded to include the following categories of membership:

- a. At least one member from the agency responsible for the State Medicaid program;
- b. At least one member from a Head Start agency or program in the State;
- c. At least one member from the State agency responsible for child care;
- d. At least one member designated by the Office of Coordinator for Education of Homeless Children and Youths;
- e. At least one member from the State child welfare agency responsible for foster care; and
- f. At least one member from the State agency responsible for children's mental health.

4. The Governor may appoint other members as provided under federal law.

5. One member may fulfill the membership requirement of more than one category of membership as long as that member is qualified for each

category of membership and there is no conflict of interest, but no parent may be appointed to serve on the Council while employed at an agency that provides early intervention services.

6. Except as herein modified, all of the provisions of Executive Order No. 94 (1993) shall remain in full force and effect.

7. This Order shall take effect immediately.

Dated August 17, 2006.

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**EXECUTIVE ORDER No. 28**

WHEREAS, United States Army Specialist Hai Ming Hsia was raised in New York City, and his wife currently lives in Newark, New Jersey; and

WHEREAS, Specialist Hsia enlisted in the United States Army in 2002; and

WHEREAS, Specialist Hsia proudly served in the United States Army; and

WHEREAS, While serving with the Army's 6th Infantry Regiment, 1st Armored Division, in Baumholder, Germany, Specialist Hsia was deployed to Iraq in 2005 for a second tour of duty in that combat theater; and

WHEREAS, Specialist Hsia gave his life in the line of duty during combat operations in Ramadi, Iraq; and

WHEREAS, Specialist Hsia served his country with honor and distinction and has been recommended for some of our nation's highest military honors; and

WHEREAS, Specialist Hsia was a committed soldier who loved his family, parents, wife, son, friends and neighbors who take great pride in his commitment, professionalism, and achievements; and

WHEREAS, Specialist Hsia has made the ultimate sacrifice, giving his life in the line of duty while serving our country in Iraq; and

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

WHEREAS, It is appropriate and fitting for the State of New Jersey to mark his passing, remember his family, including his wife who resides in New Jersey, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, August 23, 2006, in recognition of the life and in mourning of the passing of United States Army Specialist Hai Ming Hsia.

2. This Order shall take effect immediately.

Dated August 17, 2006.

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#### EXECUTIVE ORDER No. 29

WHEREAS, On December 30, 1999, the State of New Jersey and the United States Department of Justice entered into a consent decree concerning the practice of racial profiling by the New Jersey State Police. The consent decree embraced many of the recommendations previously made by the State Police Review Team, which had found that the problem of racial profiling on portions of the New Jersey Turnpike was "real, not imagined"; and

WHEREAS, Compliance with the consent decree has been overseen by a team of independent monitors who were appointed by and who answer directly to the United States District Court for the District of New Jersey; and

WHEREAS, On June 27, 2006, the independent federal monitors issued a report to the United States District Court, finding that the New Jersey State Police have achieved 100% compliance with all of the

requirements in the consent decree and have gone beyond the requirements of the consent decree. The federal monitors concluded that there has been no indication of racial profiling in State Police traffic stops, and the monitors lauded the progress that has been made in implementing systemic reforms, crediting the State Police supervisory and management review process; and

WHEREAS, In July 2005, based on the documented success of the New Jersey State Police in addressing the racial profiling issue, and with the intention of having State Police policies and procedures serve as a model for all law enforcement agencies, the Attorney General issued a law enforcement directive defining and prohibiting the practice of “racially influenced policing,” and directing that this nondiscrimination policy apply to all law enforcement agencies and departments throughout the State of New Jersey; and

WHEREAS, The independent monitors have determined that the State Police have been in compliance with the requirements of the consent decree for more than the two years necessary to authorize the termination of the consent decree, and the United States Department of Justice has sought the State’s concurrence in filing a joint motion to terminate the consent decree in recognition of the commitment and achievement of the men and women of the New Jersey State Police; and

WHEREAS, It is appropriate to take actions to ensure that the commitment by the State Police to nondiscriminatory policing that has been recognized by the independent monitors and the Civil Rights Division of the United States Department of Justice is permanently institutionalized and continues as part of the agency’s culture of professionalism and public service; and

WHEREAS, In evaluating whether to terminate the consent decree, it is appropriate to solicit input from New Jersey citizens, and especially representatives from the minority communities most directly affected by the practice of racial profiling, to ensure public confidence that racial profiling will not be practiced or tolerated in the future;

NOW, THEREFORE, I, JON S. CORZINE, 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 an Advisory Committee on Police Standards.

2. The Advisory Committee shall recommend to the Governor whether and under what circumstances the State of New Jersey should join with the United States Department of Justice in filing a motion to the United States District Court to terminate the consent decree.

3. The Advisory Committee shall make recommendations on how to ensure that the practice of racial profiling is not engaged in or tolerated in the future in the event that the consent decree is terminated by the United States District Court. The Advisory Committee shall consider, for example, whether it would be appropriate to retain outside auditors or consultants to continue to independently examine State Police data and mobile video recordings of motor vehicle stops, employing a review methodology similar to the one presently used by the independent federal monitors who have acted under the auspices of the United States District Court.

4. The Advisory Committee shall provide recommendations to the Attorney General and the Governor on how the programs developed by the New Jersey State Police can assist other law enforcement agencies throughout the State in preventing all forms of racial profiling.

5. The Advisory Committee shall conduct one or more public hearings in order to provide an opportunity for the federal monitors, representatives of the New Jersey State Police, New Jersey citizens and others to provide relevant testimony. The Advisory Committee shall also provide the means for citizens and others to submit comments by mail and by the internet.

6. The Advisory Committee shall be comprised of twenty- one (21) members who will be appointed by and serve at the pleasure of the Governor. Membership of the Committee shall include the Attorney General. The remaining members shall be appointed by the Governor based on their experience and expertise in matters concerning law, criminal justice, and the principles of equal protection and non-discrimination in the enforcement of the laws.

7. The Governor shall appoint the Chair of the Advisory Committee. Vacancies on the Advisory Committee shall be filled in the same manner as the original appointment.

8. The Advisory Committee shall organize and meet as soon as possible after the appointment of its members. The Advisory Committee shall complete its work and issue a final report by December 31, 2006. Any reports of the Advisory Committee shall be provided to the Legislature and shall be made available to the public.

9. The Advisory Committee is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or other assistance available to such agency as the Advisory Committee deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Committee and to furnish the Advisory Committee with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Advisory Committee may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

10. Pending receipt by the Governor of the final report required to be submitted by the Advisory Committee pursuant to section 8 of this Order, the State of New Jersey shall not join in a motion to terminate the consent decree between the United States of America and the State of New Jersey regarding the New Jersey State Police.

11. Unless otherwise directed by Order of the Governor, the New Jersey State Police shall continue to collect data and operate the Management Awareness Personnel Performance System as it presently exists, and no changes shall be made to data collection procedures or to the Management Awareness Personnel Performance System except as may be expressly authorized by the Governor based upon the recommendations of the Attorney General. In addition, unless otherwise directed by Order of the Governor, the Office of State Police Affairs in the Office of the Attorney General shall remain in operation and shall monitor all matters relating to the policies and procedures presently set forth in the consent decree.

12. This Order shall take effect immediately.

Dated August 23, 2006.

**EXECUTIVE ORDER No. 30**

WHEREAS, Economic growth and the creation of high-quality jobs is essential to the continued well-being and prosperity of the State of New Jersey; and

WHEREAS, Sustaining New Jersey's position as one of the nation's most prosperous states and most vital centers of innovation demands proactive leadership in increasingly competitive times; and

WHEREAS, The State's economic development strategy has become fragmented without a clear delineation of functions in developing and implementing strategic economic growth policies for New Jersey; and

WHEREAS, There exists a need to prioritize the State's focus on economic development and job growth; and

WHEREAS, There is a need for more centralized economic planning and policies; and

WHEREAS, Through many of its departments, agencies, and independent authorities the State has made and stands prepared to make strategic investments in New Jersey's economy by improving and maintaining key infrastructure assets; and

WHEREAS, Numerous State departments, agencies, and independent authorities engage in economic development financing and provide both incentives and technical assistance to businesses in New Jersey; and

WHEREAS, There exists a need to more closely coordinate and maximize the efficiency of programs for economic growth and related infrastructure improvements and maintenance, and such coordination should occur from within the Office of the Governor; and

WHEREAS, At the outset of this administration I created an Office of Economic Growth within the Governor's Office for the purpose of addressing the above-stated needs; and

WHEREAS, The work of the Office of Economic Growth would be enhanced through the creation of an advisory body whose membership

would be drawn principally from a broad cross-section of the private sector;

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

1. There is hereby established the New Jersey Economic Growth Council (the "Council"), an advisory group consisting of not more than 50 public members representing the private sector. The following public officials also shall serve on the Council, ex officio: the Chief of the Office of Economic Growth; the Deputy Chief of the Office of Economic Growth; and the Chair of the New Jersey Economic Development Authority. The Chief of the Office of Economic Growth shall serve as chair of the Council.

2. The public members of the Council shall be appointed by the Governor to one-year terms, and the Governor may re-appoint a public member to additional one-year terms. Public members of the Council shall serve without compensation.

3. The New Jersey Economic Growth Council shall assist the Office of Economic Growth with respect to the development and implementation of statewide economic development policies.

4. This Order shall take effect immediately.

Dated September 7, 2006.

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**EXECUTIVE ORDER No. 31**

WHEREAS, On September 11, 2001 unprecedented terrorist attacks were launched on New York, Washington and Pennsylvania; and

WHEREAS, More than one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly seven hundred of our residents killed in the attacks; and

WHEREAS, Many New Jerseyans, including thousands of police, fire, military, emergency and construction personnel responded to this tragedy; and

WHEREAS, Hundreds of New Jersey families have been drastically affected, through the loss of a parent, spouse, child or other loved one; and

WHEREAS, This tragic event will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; and

WHEREAS, It is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, JON S. CORZINE, 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, instrumentalities and all public buildings during appropriate hours on September 11, 2006 in recognition and mourning of all of those lost in the September 11th attacks, and particularly, those lost from our home State.

2. This Order shall take effect immediately.

Dated September 7, 2006.

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**EXECUTIVE ORDER No. 32**

WHEREAS, Firefighter Vincent Neglia was raised in North Bergen, New Jersey, and graduated from North Bergen High School; and

WHEREAS, Vincent Neglia served for 23 years as a firefighter, 18 of them with the North Hudson Regional Fire and Rescue Agency, and in 2001 assisted with ground zero recovery efforts following the terrorist attack on September 11 of that year; and

WHEREAS, On the morning of September 9, 2006, in Union City, Hudson County, Firefighter Neglia, at the age of 45, made the ultimate sacrifice, giving his life while racing into a burning apartment building to search

for victims after having been advised that there were persons still inside the inferno; and

WHEREAS, Vincent Neglia's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was raised to recognize his remarkable bravery and commitment to the welfare of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey will be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, September 14, 2006, in recognition of the life and in mourning of the passing of Firefighter Vincent Neglia.

2. This Order shall take effect immediately.

Dated September 13, 2006.

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**EXECUTIVE ORDER No. 33**

WHEREAS, United States Marine Corps Private First Class Vincent M. Frassetto was born in Westwood, New Jersey, raised in Toms River, New Jersey, and graduated in 2003 from Toms River High School North; and

WHEREAS, Private First Class Frassetto was a former member of Cub Scout Pack 92, a communicant of St. Luke's Roman Catholic Church, Toms River, and played for the Toms River High School North football team, sporting jersey No. 90; and

WHEREAS, Private First Class Frassetto volunteered for enlistment in the United States Marine Corps following his graduation from high school, attaining his goal of becoming a United States Marine; and

WHEREAS, Private First Class Frassetto went to boot camp at Parris Island, South Carolina, attended Military Occupational Specialty School at Ft. Sill, Oklahoma, and was then stationed at Camp Lejeune, North Carolina, where he volunteered to serve in Iraq; and

WHEREAS, Private First Class Frassetto served with honor and distinction as member of the 1st Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina; and

WHEREAS, Private First Class Frassetto was deployed to Iraq in August, 2006; and

WHEREAS, Private First Class Frassetto has been awarded the Purple Heart for wounds that he received while in action in Iraq; and

WHEREAS, Private First Class Frassetto was a courageous Marine who loved his parents, brother, sisters, friends, teammates, and community; and

WHEREAS, Private First Class Frassetto was, in turn, loved by his parents, brother, sisters, friends, teammates, and neighbors who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Private First Class Frassetto has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country in Al Anbar Province, Iraq, during combat operations; and

WHEREAS, Private First Class Frassetto's patriotism and dedicated service to his country and to his fellow Marines make him a hero and a true role model for all Americans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey, the state where he was born, raised, and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, September 15, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Private First Class Vincent M. Frassetto.

2. This Order shall take effect immediately.

Dated September 14, 2006.

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**EXECUTIVE ORDER No. 34**

WHEREAS, New Jersey maintains a diverse business community that includes many thousands of small businesses, which generate substantial economic activity and provide numerous employment opportunities throughout the State; and

WHEREAS, Small businesses that employ less than 100 people each account for nearly half of all jobs in the State; and

WHEREAS, The State's economic strength and vitality are inextricably linked to the continued growth and success of small and emerging business enterprises; and

WHEREAS, Minority- and women-owned businesses comprise a significant percentage of the State's small businesses; and

WHEREAS, New Jersey's diverse population is an invaluable asset to the State and its business community; and

WHEREAS, Each year the State enters into billions of dollars worth of contracts to obtain construction and construction-related services, as well as other goods and services needed by State departments and agencies; and

WHEREAS, It is a priority of my administration to take all necessary remedial steps to overcome the factors that have operated to prevent or inhibit participation by minority- and women-owned business enterprises in the procurement opportunities offered by the State, and to

ensure that State government renews its commitment to the utilization of minority- and women-owned business enterprises in its procurement practices through increased outreach, enhanced transparency, and effective monitoring of the progress made in this regard; and

WHEREAS, The State has previously taken steps intended to identify, quantify, and remedy racial and gender disparities resulting from its procurement practices; and

WHEREAS, In 1984, the State adopted the New Jersey Set-Aside Act, N.J.S.A. 52:32-17 et seq. (the "Set-Aside Act"), in an effort to address historic discrimination based upon race and gender in the State's procurement practices; and

WHEREAS, In 1989, the Supreme Court of the United States concluded, in the case of *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), that a race-based set-aside program established by a local government entity was unconstitutional under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution because it was not justified by a compelling interest and narrowly tailored to accomplish a remedial purpose; and

WHEREAS, The Supreme Court in *Croson* indicated that government set-aside programs based on racial classifications must adhere to strict constitutional standards, including that such programs or policies must be justified based on strong evidence of actual discrimination carried out by the governmental entity and that the program or policy must be narrowly tailored to remedy the discrimination; and

WHEREAS, In order to comply with the constitutional requirements outlined in the *Croson* decision, Governors Kean, Florio, Whitman, McGreevey, and Codey took various steps to evaluate past and present discrimination in the State's procurement practices, beginning with Governor Thomas H. Kean's issuance of Executive Order No. 213 (1989) establishing the "Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts" (the "Commission"); and

WHEREAS, The Commission issued its report in 1993, which contained evidence of widespread discrimination against firms owned and

operated by minorities and women and indicated that these firms experience pervasive exclusion from the public contracting process; and

WHEREAS, In light of the Commission's findings, Governor James J. Florio issued Executive Order No. 84 (1993) establishing a set-aside program mandating that minority- and women-owned firms be awarded specific percentages of public contracts, and Governor Christine T. Whitman thereafter issued Executive Order No. 112 (2000), which established the "Governor's Study Commission on Discrimination in State Employment and Contracting" (the "Study Commission") and charged that Study Commission with the task of examining the nature and scope of any past or present discrimination in State employment and procurement practices; and

WHEREAS, The Study Commission, later renamed the "Disparity Study Commission," continued its investigative work through the administrations of Governors James E. McGreevey and Richard J. Codey; and

WHEREAS, In 2003, the Set-Aside Act was permanently enjoined by a Consent Decree entered by the federal district court in the matter of GEOD v. State of New Jersey, Civil Action No. 01-2656 (SRC) (D.N.J.) (the "Consent Decree") and following entry of the Consent Decree, Governor McGreevey issued Executive Order No. 71 (2003) eliminating set-aside goals for minority- and women-owned businesses and instead instituting a race- and gender-neutral small business set-aside program; and

WHEREAS, In 2005, the Disparity Study Commission issued its reports, the "Disparity Study of Procurement in Professional Services, Other Services and Goods and Commodities Report" and the "Construction Services Disparity Report" (the "Disparity Studies"), finding significant disparities between firms ready, willing, and able to do business with the State and those firms actually awarded contracts to provide goods and services to State departments, agencies, authorities, colleges, and universities; and

WHEREAS, The results of the Disparity Studies clearly demonstrate the necessity of immediate action to promote more inclusive purchasing and procurement processes;

NOW, THEREFORE, I, JON S. CORZINE, 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 within the Office of Economic Growth, which was created at the outset of this administration to oversee job creation and business expansion activities in the State of New Jersey, a Division of Minority and Women Business Development (the "Division"). The purpose of the Division shall be to administer and monitor policies, practices, and programs that will further the State's efforts to ensure equal opportunity for minority- and women-owned business enterprises ("M/WBEs") to participate in State purchasing and procurement processes.

2. A Director, who shall report to the Chief of the Office of Economic Growth and the State Treasurer, or their designees, shall lead the Division. The Director also shall have the title of Advisor to the Governor.

3. The Governor shall appoint the Director of the Division. The Director may, in consultation with the Department of Personnel and the Director of the Office of Management and Budget in the Department of the Treasury, utilize any available persons or resources needed to carry out the duties of the Division as set forth in this Order.

4. The Director shall be responsible for administering and monitoring programs to increase the participation of minorities and women in State purchasing and procurement processes in an effort to remedy the significant disparities identified in the Disparity Studies. Specifically, the Director shall:

a. Develop M/WBE utilization goals, initially basing those goals on data contained in the Disparity Studies and thereafter periodically updating those goals based on subsequent studies, findings, recommendations, or other information as approved by the Division, and develop M/WBE policies and programs aimed at meeting those goals through race- and gender-neutral means;

b. Track and monitor, in coordination with the Division of Purchase and Property in the Department of the Treasury and the State departments, agencies, authorities, colleges, and universities, all of the State's procurement practices, including but not limited to the share of contracting dollars paid to M/WBEs through formal bidding processes, pursuant to

delegated purchasing authority, and under cooperative purchasing agreements;

c. Establish standards and procedures that State departments, agencies, authorities, colleges, and universities shall use in developing annual procurement opportunity plans, which shall incorporate appropriate M/WBE utilization goals;

d. Obtain quarterly reports from each State department, agency, authority, college, and university relating to their purchasing and procurement activities;

e. Create and maintain an electronic M/WBE supplier database and ensure that listings of qualified M/WBEs are provided to the appropriate State entities as procurement opportunities arise; and

f. Provide an annual report to the Governor, the Legislature, and the public concerning the purchasing and procurement activities of the State departments, agencies, authorities, colleges, and universities.

5. The Director of the Division, or a designee, may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of the Division's mission.

6. Each State department, agency, authority, college, and university shall designate, within thirty (30) days of the issuance of this Order, an M/WBE liaison, who shall have direct, independent access to his or her Commissioner, Secretary, department head, or similar cabinet-level official concerning M/WBE program matters, including but not limited to coordination with the Director as required pursuant to this Order.

7. Furthermore, there is hereby established a Minority and Women's Business Development Advisory Council (the "Council"). The Council shall be comprised of individuals representing varying racial, ethnic, and socio-economic backgrounds who have experience in business, State procurement and contracting processes, legal affairs concerning equal opportunity in public contracting, or other areas relevant to the activities of the Council.

8. No Council member shall actively seek to secure a State contract or other agreement to provide goods or services to the State on behalf of any entity or organization of any kind in which the member has any personal or pecuniary interest.

9. The Council shall consist of thirteen (13) voting members as follows:

- a. The Chief of the Office of Economic Growth, or a designee, who shall serve ex officio;
- b. The State Treasurer, or a designee, who shall serve ex officio;
- c. The Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, or a designee, who shall serve ex officio;
- d. Ten (10) public members, appointed by the Governor, two of whom shall be based upon the recommendation of the President of the Senate, provided that no more than one of whom shall be of the same political party, and two of whom shall be appointed based upon the recommendation of the Speaker of the General Assembly, provided that no more than one of whom shall be of the same political party.

10. The public members of the Council shall serve voluntarily and for terms of two years and until such time as a successor is appointed and qualified, except that of those members first appointed, five (5) shall be appointed for a term of two (2) years and five (5) shall be appointed for a term of one (1) year. Any vacancy caused by reason other than expiration of a member's term shall be filled in the same manner as the original appointment for the unexpired term only.

11. The Governor shall designate a Chairperson who will preside over all meetings of the Council. A Vice-Chairperson may be selected by a majority vote of the Council.

12. The Council shall be provided with Executive Branch representatives who shall assist with administrative support and other necessary functions in order to carry out the duties of the Council.

13. The Council shall advise the Director and the Division on all matters referred to it by the Director, or a designee, and may make recommendations to the Director on other relevant policy and implementation matters as the Council deems appropriate.

14. As part of its duties under this Order, the Council may review the State's current procurement and contracting practices and make recommendations for the improvement thereof. The Council may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

15. Each State department, agency, authority, college, and university is hereby directed, to the extent not inconsistent with law, to work cooperatively with the Division in order to increase participation by M/WBEs in the procurement opportunities offered by the State. The Division is authorized to call upon any State department, agency, authority, college, or university to provide such information, personnel, resources, or other assistance available to such agency as the Director deems necessary to discharge the responsibilities of the Division under this Order. Each State department, agency, authority, college, and university is hereby required, to the extent not inconsistent with law, to cooperate fully with the Division and to furnish the Division with such information and assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

16. This Order shall take effect immediately.

Dated September 15, 2006.

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**EXECUTIVE ORDER No. 35**

WHEREAS, Executive Order No. 129 (1986) established the New Jersey Governor's School Board of Overseers (Governor's Board) to advise the Governor regarding the Governor's School Program (Program), oversee the Program, coordinate its activities, enhance its educational programs, supervise fundraising, and monitor its expenditure of funds; and

WHEREAS, Executive Order No. 42 (1991) continued the mission of the Governor's Board and Program but reconstituted the membership of the Governor's Board to include more members, including cabinet officials; and

WHEREAS, The Governor's School Program identifies high school students with high scholastic promise and matches them with intensive summer programs at New Jersey institutions of higher education where they are challenged to grow and learn in a focused, college-level, academic environment; and

WHEREAS, I fully support the continuation of this worthy program; and

WHEREAS, Significant recurring shortfalls in State revenue have required the Program to become self-sustaining, operating without the benefit of State funding; and

WHEREAS, The change from a State funded entity to one that will be self-funded requires that the Program be placed within an agency that will best enhance the Governor's Board's capacity to raise funds; and

WHEREAS, The Governor's Board must have the capacity not only to explore new funding options but also to ensure that the Program's student body reflects New Jersey's diversity;

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

1. The Governor's School Board of Overseers established pursuant to Executive Order No. 129 (1986) and Executive Order No. 42 (1991) shall continue to perform the duties and functions of the prior Board of Overseers, as modified by this Order. The Governor's Board, as previously constituted, is hereby abolished and its membership is reconstituted pursuant to paragraph 4.

2. The Governor's School Program shall be located in the Commission on Higher Education. The Governor's Board shall have general supervisory authority over the conduct of the Program, including fundraising and the recruiting of students to reflect New Jersey's diversity. The Governor's Board shall work closely with the Executive Director of the Commission on Higher Education, the Commissioner of the Department of Education and each host institution to ensure the Program continues to attain the highest academic standards.

3. The Governor's Board shall be authorized to call upon any department, office, division or agency of this State to supply it with any information, personnel or other assistance available to such agency as is necessary to assist the Governor's School Program and the Governor's School Board under this Order and its predecessor Orders. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Governor's School Program and the Governor's School Board within the limits of its

statutory authority and to furnish them with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Governor's School Program, the Governor's School Board of Overseers and the Commission on Higher Education may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of their missions pursuant to this Order.

4. The Governor's Board shall be composed of: The Executive Director of the Commission on Higher Education, or his or her designee; the Commissioner of Education, or his or her designee; a representative of the Governor's Office; and 10 public members to be appointed by the Governor, with expertise and knowledge of the Program, education, fundraising and recruiting, including, to the extent possible, past participants in the Governor's School Program. Of the 10 public members, one each shall be appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly. Three non-voting members shall also be appointed by the Governor on a revolving basis from among the executive directors of individual Governor's School programs. In the case of the initial appointments of the public members, the two members appointed respectively pursuant to the recommendations of the Senate President and the Assembly Speaker shall each serve for terms expiring two years from the date of appointment, four public members shall serve for terms expiring three years from the date of appointment and four public members shall serve for terms expiring four years from the date of appointment. Of the the three non-voting executive director members, each shall serve for a term expiring two years from the date of appointment. The Governor shall select the Chair from among the members, and the members shall elect by majority vote a vice-chair. All vacancies shall be filled in the same manner as the original appointments but for the unexpired term only.

5. Except as expressly provided herein, Executive Order No. 129 (1986) and Executive Order No. 42 (1991) shall remain in full force and effect.

6. This Order shall take effect immediately.

Dated September 22, 2006.

**EXECUTIVE ORDER No. 36**

WHEREAS, The fair and impartial administration of justice lies at the cornerstone of our system of government; and

WHEREAS, The citizens of New Jersey rightly insist on maintaining a standard of excellence for those entrusted to administer our courts; and

WHEREAS, The Governor has the authority and obligation to nominate highly qualified individuals to serve as judges in our courts; and

WHEREAS, By longstanding tradition, Senators have recommended judicial candidates to the Governor for vacant restricted seats; and

WHEREAS, The Governor nominates judges subject to the advice and consent of the Senate; and

WHEREAS, It is vitally important that the people be served by judges of the highest legal and ethical caliber;

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

1. A Judicial Advisory Panel is hereby established, whose mission will be to review the background and abilities of potential nominees to the judiciary. This Panel will meet periodically to consider the qualifications of attorneys for nomination to the Superior Court.

2. The Office of Chief Counsel will supply the Panel with a copy of the Confidential Judicial Questionnaire completed by each potential nominee. This questionnaire may be circulated only among the Panel's members and may be used only for purposes of the Panel's work pursuant to this Order.

3. The Panel will establish internal procedures for reviewing potential nominees in order to ensure consistency and fairness in the review process.

4. Upon completion of the review of a particular candidate, the Panel will submit a written evaluation to the Governor through the Office of Chief

Counsel. The evaluations shall constitute advisory, consultative and deliberative materials for the Governor's review. In order to encourage complete candor in evaluating potential judicial candidates, these evaluations will remain confidential with the Governor and Counsel's Office. Confidential Judicial Questionnaires submitted by judicial candidates, written evaluations prepared by the Panel, and related documents shall be deemed to be confidential, non-public, and not subject to the Open Public Records Act, P.L. 1963, c. 73, as amended and supplemented.

5. The Governor will rely heavily on the Panel's evaluations in deciding whether to nominate an individual to the court.

6. In the event the Governor decides to proceed with a particular candidate, the Governor will then forward the prospective nominee's name to the State Bar Association for an independent, subsequent review. The Governor will likewise rely heavily on the State Bar's recommendation in deciding whether to submit an individual's nomination to the Senate for its advice and consent.

7. Consistent with Article VI, Section VI, Par. 1, of the New Jersey State Constitution, the Governor retains sole authority to determine whom to nominate to all judicial positions.

8. The Judicial Advisory Panel will be comprised of up to seven (7) members. The Panel shall include five (5) or more retired judges. The Panel may also include up to two (2) members of the public who are either non-lawyers or non-practicing lawyers. (Practicing attorneys participate in the review conducted by the State Bar Association; as a result, they are not being asked to serve on this Panel.)

9. Members of the Panel shall serve for a term of five (5) years.

10. This Order shall take effect immediately.

Dated September 22, 2006.

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**EXECUTIVE ORDER No. 37**

WHEREAS, The residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, There are numerous independent and quasi-independent governmental entities in this State commonly referred to as State authorities; and

WHEREAS, Those State authorities have capital and operating budgets cumulatively amounting to billions of dollars, but operate outside of the standard structure of the executive branch of State government; and

WHEREAS, Though operating outside the standard structure of the executive branch of State government, the State authorities are a part of the executive branch and thus are subject to the Governor's executive powers pursuant to Article V of the New Jersey Constitution; and

WHEREAS, Greater coordination of the actions of the State authorities is necessary to ensure that State economic policy is implemented in a uniform and consistent manner, designed to achieve maximum gains in areas such as economic growth and job creation; and

WHEREAS, While strides have been made recently concerning ethics and governance reform at the State authorities, additional measures are needed to make authority operations more efficient, to bring greater transparency to the actions of the authorities, to provide greater clarity concerning the responsibilities of authority board members, and to ensure consistent adherence to appropriate financial controls; and

WHEREAS, It is imperative that when the State authorities award contracts to vendors, such contracts are awarded in a manner that is fair, transparent, and designed to ensure that the authorities are obtaining quality products and services at the best possible value; and

WHEREAS, Awarding a contract to the lowest responsible bidder is, in many circumstances, the method of awarding contracts that produces the best economic results; and

WHEREAS, In other circumstances, including procurement of professional services for sophisticated or complex transactions, price is a factor, but is not always the only factor, that should be considered in determining what firm should be awarded a contract; and

WHEREAS, It is nonetheless vital that all contracts be awarded based on price and quality factors, as opposed to favoritism or other impermissible considerations; and

WHEREAS, Further guidance in this area would help to ensure that those goals are reached; and

WHEREAS, Ultimately, maximization of the potential of the State's authorities is dependent upon qualified, talented, and honest men and women agreeing to serve on authority boards and in authority management positions, and further steps must be taken to recruit such individuals;

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

1. The Governor's Office shall conduct periodic policy coordination meetings with the executive directors and chairs of the State authorities. At those meetings, the Office of Economic Growth shall present the State's economic growth strategies and goals to the State authorities. The State authorities are hereby directed to incorporate those strategies and goals into their capital plan development processes. The authorities shall submit their proposed capital plans to the Office of Economic Growth and the Governor's Authorities Unit for review and discussion. Those presentations shall include specific information as to how the authority's capital plan and other expenditures reflect the State's economic growth strategies.

2. On an annual basis, each State authority shall prepare a comprehensive report concerning the authority's operations. The report shall set forth the significant actions of the authority from the previous year, including a discussion of the degree of success the authority had in promoting the State's economic growth strategies and other policies. In addition, the report shall include authority financial statements and identify internal financial controls at the authority that govern expenditures, financial reporting, procurement, and other financial matters and transactions. The report shall contain a certification by the appropriate senior staff member(s) that during the preceding year the authority has, to the best of their knowledge, followed all of the authority's standards, procedures, and internal controls, or, where such certification is not

warranted, shall set forth the manner in which such controls were not followed and a description of the corrective action to be taken by the authority. Following approval of the report by the board of directors, a copy of the report shall be submitted to the Governor's Authorities Unit and posted on the authority's web-site.

3. The Governor's Authorities Unit shall continue its ongoing monitoring and oversight of the State authorities, and shall continue to review minutes of authority proceedings for the purpose of recommending gubernatorial veto or approval of those minutes.

4. The boards of directors at the State authorities shall have the following responsibilities, among others, which are designed to ensure that each authority operates in an efficient, transparent, and ethical manner:

a. Exercise direct oversight over the chief executive officer, chief financial officer, and other senior management at the authority;

b. Ensure that appropriate financial controls are in place at the authority and that an audit committee has been appropriately impaneled to the extent required by Executive Order No. 122 (2004);

c. Maintain procurement policies and procedures that are consistent with the provisions of this Order and statutory law concerning competitive bidding;

d. Ensure compliance with all legislation that prohibits the awarding of contracts to businesses that have made disqualifying political contributions;

e. Establish policies concerning personnel matters, such as job qualifications, hiring practices, and compensation;

f. Establish all policies necessary to implement provisions of governing ethics laws, including but not limited to Executive Order No. 36 (2005) and Executive Order No. 41 (2005);

g. Require authority management to post notice of authority board meetings and agendas and a copy of meeting minutes on the authority's web-site; and

h. Disclose, on an annual basis, any outside business dealings that board members, their employers, or their immediate family members have had with the authority during the previous year, and require senior authority staff to do the same. The disclosures shall be made via certifications submitted by individual board members and senior staff to the board.

5. All procurement contracts to be awarded by State authorities are to be advertised in a way designed to ensure that potentially interested, qualified firms receive appropriate notice of the proposed contract and a fair opportunity to seek it. Each State authority shall promulgate standing procedures for the public advertising of such contracts, which typically would be expected to include advertisement in appropriate publications and on the authority's web-site.

6. The State's Office of Information Technology is hereby directed to develop and establish a single web-site to serve as an additional location at which all State authority procurement contracts shall be posted. Once the web-site is operational, each State authority shall post all proposed procurement contracts on this site. The Office of Information Technology shall develop procedures to facilitate such postings.

7. All procurement contracts are to be awarded by State authorities in accordance with pre-set, transparent procedures established by each authority and reviewed by the Governor's Authorities Unit. For every contract to be awarded, a description of the contract to be awarded as well as any project specifications and related information shall be made available in writing to interested parties. All proposals, bids, or other responses to an advertised contract shall be submitted in written or electronic form and, in cases where the contract is to be awarded to the low bidder, shall be sealed until opened with all other bids.

8. The State authorities may hold pre-bid conferences with interested parties to explain project specifications, to explain the factors on the basis of which the contract will be awarded, and/or to answer any questions. The location, time, and other information concerning the pre-bid conference shall be set forth with the advertised contract or otherwise appropriately advertised prior to the due date for responses.

9. Absent exceptional circumstances, contracts for the purchase of materials, products, supplies, and non-professional services shall be awarded to the lowest responsible bidder that submits a responsive bid. Where a State authority proposes to award such a contract to someone other than the low bidder, it must explain the exceptional circumstances justifying such a decision in the proposed resolution awarding the contract. Where, however, statutory law requires a state authority to award particular

types of contracts to the lowest responsible bidder without exception, that law shall continue to apply.

10. The State authorities may award contracts for professional services or technical services on the basis of multiple factors as opposed to simply on the basis of cost. Each authority shall establish a fair and transparent process for awarding such contracts, including setting forth in writing the scoring factors and scoring procedures to be used. The Governor's Authorities Unit shall provide each State authority with sample numerical, quantitative scoring techniques that can be used to evaluate proposals. The scoring system may not be designed to improperly steer a contract or contracts to a particular firm or set of firms. Similarly, project specifications shall not be drafted in such a way as to steer a contract to a particular firm or set of firms. Each State authority shall review its ongoing and open-ended professional services contracts and establish a timetable for periodic advertising and re-evaluation of those contracts in accordance with the terms of this Order.

11. Factors that State authorities may use as a part of this scoring process include but are not limited to the following:

- a. The background, qualifications, skills, and experience of the firm and its staff;
- b. The firm's degree of expertise concerning the area at issue;
- c. The rate or price to be charged by the firm;
- d. The authority's prior experiences with the firm;
- e. The firm's familiarity with the work, requirements, and systems of the State authority;
- f. The firm's proposed approach to the issues raised in the project description or specifications;
- g. The firm's capacity to meet the requirements of the project at issue;
- h. The firm's references;
- i. Interviews with prospective firms; and
- j. Geographical location of the firm's offices.

12. In accordance with State policy, and particularly Executive Order No. 34 (2006), the procurement process shall include efforts to ensure equal opportunity for minority-owned, women-owned, and small business enterprises.

13. Prior to the receipt of any proposals or qualifications concerning a professional service or technical services contract, the State authority shall establish an appropriately qualified Evaluation Committee to review and score the proposals submitted. The authority shall screen the members of the committee for conflicts of interest and for the appearance of such a conflict. Similarly, members of the authority's board of directors shall not participate, either directly or indirectly, in the procurement process where such a member has a conflict of interest or there is an appearance of such a conflict.

14. The analysis of relevant factors that leads the State authority to award the contract to a particular firm shall be memorialized, in summary form, in the proposed resolution awarding the contract.

15. For professional services rendered in connection with bond sales, related financial instruments, and litigation matters, where similar services are expected to be required on numerous occasions over a period of time, the procedures and criteria set forth herein may be used to create a prequalified group or "pool" of potential contract partners for a term not to exceed two years. The establishment of such a pool may not be used to circumvent a genuine competitive process that ensures that quality service is being obtained at the best possible value. The request for proposals/qualifications or similar document advertising the formation of the pool shall make clear the basis on which individual firms will be selected from the pool to perform particular services. That selection may be based, for example, on the price to be charged by the pool member on the particular transaction and the relative strengths of each pool member in view of the particular transaction, through a process of alternating firms, or other justifiable approaches.

16. The above provisions concerning public advertisement and competitive processes shall not apply in the following limited circumstances:

a. Where the contract price is below the bid threshold set forth by the State Treasurer pursuant to N.J.S.A. ss.52:34-7(b), unless other State law sets forth a lower bid threshold in a particular case, in which case the lower threshold shall apply. An authority may not divide a contract into multiple proposed contracts in order to take advantage of this exception and must, if invoking this exception, certify that it has not done so and must maintain a record of that certification. Although this exception permits a State

authority to avoid the formal procedures promulgated in accordance with this Order, it is expected that each State authority will advertise and employ a competitive process of some type even for small-dollar contracts to the extent it is feasible and economical to do so. That less-formal process may include obtaining telephonic quotations or obtaining written quotations following more limited advertising. The process used shall be memorialized in the certification referred to above.

b. In cases of unforeseen life, safety, or health emergencies where the public exigency requires that services or products be purchased immediately, as demonstrated by the memorialized concurrence of three authority officials who have been pre-designated to make such determinations. This exception is a limited one; the State authorities shall make efforts to contract in advance to deal with the types of emergencies that typically arise. In addition, the emergency contract must be limited to purchasing those services or products necessary to mitigate the emergency situation.

c. Sole-source awards made when there is only one vendor capable or available to provide the goods or services. Sole-source procurements should be used only in exceptional circumstances and only when necessary. When an authority invokes this exception, the designated authority officer shall write and sign a memorandum of sole-source justification.

d. Contracts with the federal or any state government or any agency or political subdivision thereof.

e. Where a firm has brought an innovative idea to the authority, a request for proposals cannot be constructed without communicating the new idea, and the procurement would not benefit from a competitive selection process.

f. Where State or federal statutory law requires a different process than that set forth herein.

g. Where the authority has received authorization from the Governor's Authorities Unit.

17. Where one of the above exceptions is invoked, the proposed resolution concerning the contract shall set forth the justification for invoking the exception and the authority's executive director shall certify that circumstances warrant application of the exception.

18. Senior management at each authority shall annually review authority operations with the specific goal of identifying waste and

inefficiencies, and take appropriate remedial steps that shall be reported to the Governor's Authorities Unit.

19. This Order shall apply to all State authorities, namely, all independent State authorities, any board, commission, or agency that is organized in but not of a principal department of State government, and all State authorities that are required to submit their minutes, resolutions, or actions for gubernatorial approval or veto.

20. In view of this Order, the Office of the Attorney General of New Jersey shall conduct a review of the procedures that that office uses in instances when it has a role in the appointment of counsel for the State's authorities.

21. Nothing in this Order is intended to affect the prescribed method of bond sales set forth in Executive Order No. 26 (1994).

22. State authorities shall continue to comply with the audit requirements of Executive Order No. 122 (2004). Aside from this paragraph, nothing in this Order is intended to affect the provisions of Executive Order No. 122. However, that Order is hereby amended to add the following requirements:

- a. The required audit shall be conducted annually;
- b. The audit shall be submitted to the board of directors for its review and, if accepted, approval;
- c. The audit shall be accompanied by a written certification from both the chief executive officer and the chief financial officer that the financial information provided to the auditor in connection with the audit is, to the best of their knowledge, accurate and that such information, to the best of their knowledge, fairly represents the financial condition and operational results of the authority for the year in question; and
- d. The final, approved audit shall be posted on the authority's website and submitted to the State Treasurer and the Governor's Authorities Unit.

23. It is the policy of this administration to seek candidates for membership on State authority boards from all sectors, including academia, business, and labor. All interested New Jersey residents are invited to send their qualifications to the Governor's Appointments Office, 125 West State Street, Trenton, NJ 08625, for inclusion in the "Talent Bank" being

compiled by that office. That office shall continue to seek out qualified, experienced, and honest individuals interested in serving their State in this capacity, while carefully screening applicants for any actual, perceived, or potential conflicts of interest.

24. This Order shall take effect 60 days from the date of its execution, although State authorities are instructed to begin complying immediately with the terms of this Order to the extent possible.

Dated September 26, 2006.

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**EXECUTIVE ORDER No. 38**

WHEREAS, United States Marine Corps Lance Corporal Christopher B. Cosgrove, III, of Cedar Knolls, New Jersey, graduated in 2001 from Whippany Park High School, where he played football and lacrosse, and graduated from Monmouth University in 2005 with a degree in History; and

WHEREAS, Lance Corporal Cosgrove volunteered for enlistment in the United States Marine Corps and received basic training at Parris Island, South Carolina, attaining his long-standing goal of becoming a United States Marine; and

WHEREAS, Lance Corporal Cosgrove served with honor and distinction as a member of the United States Marine Corps "G" Company, 2nd Battalion, 25th Marine Regiment, 4th Marine Division; and

WHEREAS, Lance Corporal Cosgrove was based at Picatinny Arsenal, Dover, New Jersey, prior to deployment to Iraq in 2006; and

WHEREAS, Lance Corporal Cosgrove was killed in action while conducting combat operations against enemy forces in Al Anbar Province, Iraq; and

WHEREAS, Lance Corporal Cosgrove has received some of our nation's highest military honors, including the Sea Service Deployment Ribbon, the Iraqi Campaign Medal, the National Defense Service Medal, and the Purple Heart; and

WHEREAS, Lance Corporal Cosgrove was a courageous Marine who loved his parents, brothers, grandparents, friends, teammates, and community; and

WHEREAS, Lance Corporal Cosgrove was, in turn, loved by his parents, brothers, grandparents, friends, teammates, and neighbors who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Lance Corporal Cosgrove has made the ultimate sacrifice, giving his life in the line of duty while fighting for our country in Al Anbar Province, Iraq; and

WHEREAS, Lance Corporal Cosgrove's patriotism and dedicated service to his country and to his fellow Marines make him a hero and a true role model for all Americans; and

WHEREAS, it is appropriate and fitting for the State of New Jersey, the state where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, October 11, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Lance Corporal Christopher B. Cosgrove, III.

2. This Order shall take effect immediately.

Dated October 6, 2006.

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**EXECUTIVE ORDER No. 39**

WHEREAS, The 1999-2000 Advisory Commission on Hospitals identified excess hospital capacity as a major cause of the general financial

distress that characterized New Jersey's general acute care hospitals at that time; and

WHEREAS, There has been no comprehensive evaluation of the financial condition of New Jersey's general acute care hospitals since the report of the 1999-2000 Advisory Commission on Hospitals; and

WHEREAS, Since 1999, 10 general acute care hospitals have permanently closed in New Jersey, reducing the number of such hospitals to 80; and

WHEREAS, Despite this reduction in excess hospital capacity, in 2004 New Jersey's general acute care hospitals had a median operating margin slightly above one percent, and an average operating margin of 0.4 percent, well below the national average of 4.04 percent and the Northeast region average of 2.86 percent; and

WHEREAS, In 2004, 45 percent of New Jersey's general acute care hospitals operated with a negative margin; and

WHEREAS, In 2006, one general hospital closed, two general hospitals filed for bankruptcy, and one general hospital was authorized to convert to a municipal hospital authority; and

WHEREAS, General acute care hospitals remain, despite technical advances that have shortened the length of in-patient stays and moved many services to an outpatient setting, crucial links in New Jersey's overall continuum of health care services; and

WHEREAS, All general acute care hospitals provide a wide range of health care services to New Jersey's residents that are not available from any other source; and

WHEREAS, There has been no comprehensive State planning in more than a decade to assure an ongoing appropriate correlation between hospital capacity and demand for hospital services Statewide; and

WHEREAS, Government and industry have a compelling interest in supporting a structured, rational assessment of in-patient capacity and primary care outcomes in order to support continued access to care and to promote better health outcomes; and

WHEREAS, The hospital industry is the fifth largest industry in the State, providing nearly 150,000 jobs; and

WHEREAS, Health care workers play a crucial role in ensuring access to quality health care, and government and industry have a mutual interest in promoting and supporting an adequate and stable health care workforce; and

WHEREAS, There is a need to develop, for the benefit of the residents of New Jersey, a comprehensive Health Care Resource Allocation Plan to promote the rational use of public and private health care resources and services; and

WHEREAS, Given the State's significant financial investment in existing general acute care hospitals, there is a need for greater accountability regarding resource allocation; and

WHEREAS, Given the financial distress many New Jersey hospitals face and the limited State funds available to assist hospitals, there is a need to examine whether closure is appropriate for any struggling, non-essential hospital, and whether those underutilized hospital assets can be redeployed for other health care or otherwise appropriate purposes as well; and

WHEREAS, There is no formal State policy to ensure that general acute care hospitals that are essential for access to health care, especially for low-income and medically underserved communities, will continue to operate in a fiscally sound and effective manner;

NOW, THEREFORE, I, JON S. CORZINE, 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 Commission on Rationalizing New Jersey's Health Care Resources ("Commission").

2. All members of the Commission shall be appointed by the Governor and shall serve at his pleasure. The Governor shall also select the chair of the Commission. All members of the Commission shall serve without compensation.

3. There shall be 11 members appointed to the Commission. The members shall be broadly representative of the health care industry with a specific emphasis on general acute care hospitals in New Jersey.

4. The Commission shall organize as soon as practicable after the appointment of a majority of its members.

5. The Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and any other information, personnel or other assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission. In particular, the Health Care Facilities Financing Authority shall assist the Commission in accomplishing the purposes of this Order.

6. The Commission shall perform the following tasks:

a. Assess the financial and operating condition of New Jersey's general acute care hospitals by benchmarking them against national performance levels; compare the performance of New Jersey's general acute care hospitals to the performance of general acute care hospitals in a group of similar states; compare the array of programs and services offered by a hospital with the core mission of that hospital and the existing availability of those services at other hospitals within their region; and evaluate the effectiveness of established programs in meeting their intended objectives;

b. Analyze the characteristics of New Jersey's most financially distressed hospitals to identify common factors contributing to their distress including the availability of alternative sources of care such as federally qualified health centers and other ambulatory care providers;

c. Determine appropriate geographical regions throughout New Jersey for provision of access to medical care for the residents of New Jersey, including those who are low-income and medically underserved, and assess the current and projected future demand for physician, hospital, federally qualified health center and other ambulatory care providers in each such region and compare that future demand with existing capacity;

d. Develop criteria for the identification of essential general acute care hospitals in New Jersey and use the criteria developed to determine

whether a financially distressed hospital at risk of closing is essential to maintaining access to health care for the residents of New Jersey;

e. Make recommendations for the development of State policy to support essential general acute care hospitals that are financially distressed including the development of performance and operational benchmarks for such hospitals;

f. Make recommendations on the effectiveness of current State policy concerning assistance to financially distressed hospitals that are non-essential and that seek to close but require debt relief or other assistance to enable them to do so, and make recommendations on ways to improve State policy to facilitate such closures;

g. Evaluate appropriate alternative uses to which such facilities might be put, including but not limited to, their potential redeployment as federally qualified health centers, other ambulatory care providers, physician offices and treatment facilities;

h. Develop and publish a State Health Care Resource Allocation Plan to promote the rational use of public and private health care resources, labor, and technology and to serve as the basis for reviewing and approving the development and/or redeployment of health care assets and services around the State;

i. Review existing Certificate of Need statutes and regulations to ensure consistency with the State Health Care Resource Allocation Plan and recommend amendments and/or revisions to achieve that objective if necessary;

j. Make recommendations to strengthen State oversight and ensure greater accountability of State resources; and

k. Issue a written report of its findings and recommendations no later than June 1, 2007, to the Governor, the Senate President, the Senate Minority Leader, the Assembly Speaker, and the Assembly Minority Leader.

7. The Governor at his discretion may reconvene the Commission every three years to reevaluate and update the State Health Care Resource Allocation Plan. The Department of Health and Senior Services shall, in the interim periods, continue to collect necessary data for the Commission to review if it is reconvened.

8. This Order shall take effect immediately.

Dated October 12, 2006.

**EXECUTIVE ORDER No. 40**

WHEREAS, United States Marine Corps Private First Class Donald S. Brown, of Succasunna, New Jersey, was raised in Succasunna and graduated from Roxbury High School, where he excelled in football and track; and

WHEREAS, Pfc. Brown volunteered for enlistment in the United States Marine Corps and received basic training at the Corps Recruit Depot, Parris Island, South Carolina, attaining his long-standing goal of becoming a United States Marine; and

WHEREAS, Pfc. Brown served with honor and distinction as a member of the United States Marine Corps, 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, and Kaneohe Bay, Hawaii; and

WHEREAS, Pfc. Brown was killed in action while conducting combat operations against enemy forces in Al Anbar Province, Iraq; and

WHEREAS, Pfc. Brown was a courageous Marine who loved his parents, siblings, fiancée, friends, teammates, classmates and neighbors; and

WHEREAS, Pfc. Brown was, in turn, loved by his parents, siblings, fiancée, friends, teammates, classmates and neighbors who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Pfc. Brown has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country as a Marine Corps rifleman in Al Anbar Province, Iraq; and

WHEREAS, Pfc. Brown has been awarded some of our nation's highest military commendations and honors, including the Purple Heart, the National Defense Service Medal, the Iraq Campaign Medal and the Global War on Terrorism Service Medal; and

WHEREAS, Pfc. Brown's patriotism and dedicated service to his country and to his fellow Marines make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family and fiancée as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, November 2, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Private First Class Donald S. Brown.

2. This Order shall take effect immediately.

Dated October 31, 2006.

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**EXECUTIVE ORDER No. 41**

WHEREAS, New Jersey governors traditionally have issued Executive Orders granting the day after Thanksgiving as a day off for employees in the Executive Departments of State government; and

WHEREAS, I firmly believe that, as a matter of sound practice, days off should not be granted in this manner but should be either negotiated or statutorily authorized; and

WHEREAS, Because the granting of a day off on the day after Thanksgiving has been a longstanding practice such that employees may have made plans based on the expectation that such a day off would be granted this year, that practice will not be changed for this year; and

WHEREAS, In the future I will not continue the practice of granting the day after Thanksgiving as a day off by Executive Order, and the

determination of whether employees are able to treat the day after Thanksgiving as a paid day off will be made based on collective negotiations or statutory authorization;

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

1. November 24, 2006, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 24, 2006.

Dated November 17, 2006.

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**EXECUTIVE ORDER No. 42**

WHEREAS, Executive Order No. 87 (1998) established the Office of Information Technology (OIT); and

WHEREAS, The New Jersey Commission on Government Efficiency and Reform, established by Executive Order No. 9 on April 7, 2006, released a progress report on July 25, 2006, discussing the need to overhaul OIT; and

WHEREAS, There is a critical need to reinforce OIT's role with a new structure and mission to keep up with modern demands, improve services, and reduce costs; and

WHEREAS, The State must develop a comprehensive business plan and the technical architecture necessary to upgrade and renovate its aging portfolio of administrative systems; and

WHEREAS, The State must coordinate and integrate information technology planning, budgeting, and spending throughout the executive branch of State government to advance cost savings and consistent operating efficiencies; and

WHEREAS, Information technology plays an integral role in promoting a robust economy and a sustainable workforce in the State; and

WHEREAS, Information technology provides a powerful tool to reengineer government services and operations to meet citizen and business expectations; and

WHEREAS, There is a current lack of accountability, control, monitoring, and oversight of State department and agency information technology projects;

NOW, THEREFORE, I, JON S. CORZINE, 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 State of New Jersey Technology Governing Board (Governing Board). This Board shall be responsible for setting the overall direction, standards, and priorities for the information technology community in the executive branch of State government and for reviewing and approving the annual budget request of the Office of Information Technology (OIT). Also, all requests from departments and agencies for new information technology spending shall first be submitted to and approved by the Governing Board before submission to the Office of Management and Budget.

2. The Governing Board shall be chaired by an individual who shall be appointed by and serve at the pleasure of the Governor and shall possess the management experience and technology background to govern a complex technology landscape. The Governing Board shall meet quarterly, or more frequently, as directed by the Chair.

3. The Governing Board shall consist of the Chair and eight (8) other members, as follows:

- a. The Chief Technology Officer;
- b. The State Treasurer;

c. Three executive branch commissioners, who shall be appointed by and serve at the pleasure of the Governor; and

d. Three public members, who shall be appointed by and serve at the pleasure of the Governor. Public members shall possess both business and technology expertise. Public members shall not receive compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their official duties. Public members shall be considered "public officers" for purposes of Section I of Executive Order No. 1 (2006).

4. There is hereby established the position of Chief Technology Officer for the State of New Jersey (CTO). The CTO shall be appointed by and serve at the pleasure of the Governor and shall have overall responsibility and authority for all information technology operations in the executive branch of State government, including agency technology operations.

5. The Office of Information Technology (OIT) shall be directed by the CTO and shall be responsible for the provision and maintenance of the information technology infrastructure of the executive branch of State government, regardless of where it currently exists, and all ancillary components, including those of State departments and agencies. Also, OIT shall provide staff support to the Governing Board. OIT will remain in, but not of, the Department of the Treasury.

6. There is hereby established the position of Deputy Chief Technology Officer. Each Deputy CTO shall be appointed by and serve at the pleasure of the CTO, and the CTO may appoint up to six (6) Deputy CTOs. Each Deputy CTO shall be responsible for information technology planning, coordination, budgeting, technical architecture, and management and oversight of large information technology initiatives, in a single area of interest as determined by the Chair of the Governing Board and the CTO.

7. The CTO shall draft and establish Service Level Agreements with each department. The purpose of these agreements will be to set and manage expectations and the levels of service response among OIT, the Deputy CTOs, and the individual department or agency operations. The agreements should also establish priorities and allocate the resources necessary to achieve such priorities.

8. There is hereby established a Project Review Board (PRB), which shall report directly to the Governing Board. The PRB shall be comprised of between three (3) and five (5) executive branch officials selected by the Chair of the Governing Board, with the approval of the Governor, and shall be responsible for the review, approval, and monitoring of large executive branch information technology projects. The Governing Board shall determine the threshold for projects that would trigger the involvement of the PRB.

9. The Governing Board shall work with the CTO to review the results of the Statewide IT Assessment Study that has been conducted by OIT to identify recommendations for efficiencies and improvements and to develop a proposal for the restructuring and consolidation of information technology functions, including staff currently supporting those functions.

10. All executive branch departments and agencies are directed to cooperate fully with the Governing Board, CTO, and OIT in implementing the provisions of this Order, particularly the provisions of Paragraph 4 regarding the CTO's overall responsibility and authority for all information technology operations in the executive branch of State government.

11. The CTO may enter into agreements, in accordance and consistent with applicable law, regulations, and/or existing contracts, with private and public entities or individuals so as to effectuate the purposes of this Order.

12. Effective immediately, a moratorium on executive branch information technology expenditures is hereby imposed to enable the CTO and the Governing Board to develop a consolidation proposal pursuant to Paragraph 9 of this Order as well as to provide the Governing Board an opportunity to identify information technology priorities for the State as provided for in Paragraph 1 of this Order. The CTO and the Director of the Office of Management and Budget shall, within 30 days of the date of this Order, jointly develop and issue a circular letter setting forth details of the moratorium and an exception process.

13. The CTO shall issue a report annually to the Governor and the Legislature regarding State executive branch information technology operations and the activities of OIT.

14. The Office of Information Technology Governing Board created by Executive Order No. 87 (1998) is hereby abolished. The position of Chief Technology Officer created by Executive Order No. 87 (1998) is hereby abolished. Any other provisions of Executive Order No. 84 (1984) and Executive Order No. 87 (1998) that are inconsistent with the provisions of this Order are hereby rescinded.

15. This Order shall take effect immediately.

Dated November 20, 2006.

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**EXECUTIVE ORDER No. 43**

WHEREAS, United States Army Specialist Eric Rivera, of Atlantic City, New Jersey, was raised in Atlantic City and graduated from Atlantic City High School in 2003; and

WHEREAS, Specialist Rivera joined the Army shortly after graduation, serving with honor and distinction as a member of Bravo Company, 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, based in Schweinfurt, Germany; and

WHEREAS, Specialist Rivera was killed while his platoon was conducting combat operations in an area west of Ramadi, Iraq; and

WHEREAS, Specialist Rivera was a courageous soldier who loved his parents, family, neighbors, and fellow soldiers; and

WHEREAS, Specialist Rivera was, in turn, loved by his parents, family, neighbors, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Specialist Rivera has been recommended for some of our nation's highest military honors; and

WHEREAS, Specialist Rivera has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

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

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 1, 2006, in recognition of the life and in mourning of the passing of United States Army Specialist Eric Rivera.

2. This Order shall take effect immediately.

Dated November 22, 2006.

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**EXECUTIVE ORDER No. 44**

WHEREAS, United States Marine Corps Lance Corporal Michael A. Schwarz, of Carlstadt, New Jersey, was raised in Carlstadt and graduated from Henry P. Becton Regional High School in 2004; and

WHEREAS, Lance Corporal Schwarz was an active contributor to his community, volunteering his time and service as a member of the Carlstadt Volunteer Fire Department and the Wallington Emergency Squad; and

WHEREAS, Lance Corporal Schwarz volunteered to join the Marine Corps following his graduation from Becton Regional High School, fulfilling a lifelong dream; and

WHEREAS, Lance Corporal Schwarz served with honor and distinction as a member of Company A, 1st Battalion, 6th Marine Regiment, 2nd

Marine Division, II Marine Expeditionary Force, based at Camp Lejeune, North Carolina; and

WHEREAS, Lance Corporal Schwarz was killed in action while conducting a dismounted combat patrol against enemy forces in the city of Ar Ramadi, Al Anbar Province, Iraq; and

WHEREAS, Lance Corporal Schwarz was a courageous Marine who loved his parents, brother, family, fellow volunteers, community, and fellow Marines; and

WHEREAS, Lance Corporal Schwarz was, in turn, loved by his parents, brother, family, fellow volunteers, community, and fellow Marines, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Lance Corporal Schwarz has received some of our nation's highest military honors, including the Purple Heart, the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the Sea Service Deployment Ribbon, the Iraqi Campaign Ribbon, and the Global War on Terrorism Service Medal; and

WHEREAS, Lance Corporal Schwarz has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, Lance Corporal Schwarz's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 8,

2006, in recognition of the life and in mourning of the passing of United States Marine Corps Lance Corporal Michael A. Schwarz.

2. This Order shall take effect immediately.

Dated December 6, 2006.

**EXECUTIVE ORDER No. 45**

WHEREAS, Pursuant to Executive Order No. 107 (2004), a World War II Memorial Commission (“Commission”) was established in, but not of, the Department of Military and Veterans’ Affairs to continue the work of the World War II Veterans’ Memorial Advisory Commission, formed pursuant to P.L. 1999, Joint Resolution No. 14, which was to make recommendations regarding the location and design of New Jersey’s World War II Memorial; and

WHEREAS, The Legislature authorized the Commission and the Adjutant General to raise funds for this project; and

WHEREAS, The Commission continues to develop this Memorial and raise funds; and

WHEREAS, The men and women who served our nation during World War II displayed courage and dedication to the highest principles and goals, and a memorial honoring these men and women is a worthy tribute and an acknowledgement of their sacrifices and bravery; and

WHEREAS, World War II veterans endured great risks, hardships, and deprivations while defending our country; and

WHEREAS, We must act now to complete the World War II Memorial so that veterans of that conflict may see this dream realized in their lifetime; and

WHEREAS, This Administration is dedicated to the World War II Memorial becoming a reality as quickly as possible; and

WHEREAS, The Commission, in its current form, has 17 members, all of whom are representatives of recognized veterans’ groups; and

WHEREAS, Expanding the Commission's membership will assist in expediting the fundraising, planning, and construction process;

NOW, THEREFORE, I, JON S. CORZINE, 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 World War II Memorial Commission shall continue in, but not of, the Department of Military and Veterans' Affairs in accordance with Executive Order No. 107 (2004).

2. The number of public members of the Commission is hereby increased from a maximum of seventeen (17) members to a maximum of twenty-seven (27) members.

3. Any additional public members appointed by the Governor pursuant to this Order shall have expertise regarding the military, fundraising, planning, and/or construction and need not represent recognized veterans groups. Any such additional public members shall be eligible for appointment by the Governor as Chair, Vice-Chair, or Honorary Chair, as provided in Executive Order No. 107 (2004).

4. In addition to the ex-officio nonvoting members of the Commission identified in section 2(a) of Executive Order No. 107 (2004), the Secretary of State shall also serve as an ex-officio nonvoting member of the Commission.

5. All other provisions of Executive Order No. 107 (2004) which are not inconsistent with the foregoing shall remain in full force and effect.

6. This Order shall take effect immediately.

Dated December 8, 2006.

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**EXECUTIVE ORDER No. 46**

WHEREAS, United States Army Private First Class Joe L. Baines, of Newark, New Jersey, was raised in Newark and attended Louise A. Spencer School in Newark; and

WHEREAS, Private First Class Baines volunteered to join the Army immediately following his graduation from high school in 2005 and received basic and advanced training at Fort Benning, Georgia; and

WHEREAS, Private First Class Baines served with honor and distinction as an infantryman in 1st Squadron, 7th Cavalry Regiment, 1st Brigade, 1st Cavalry Division, based at Fort Hood, Texas; and

WHEREAS, Private First Class Baines was killed in action while conducting combat operations against enemy forces in the city of Taji, Iraq; and

WHEREAS, Private First Class Baines was a courageous soldier who loved his parents, brothers, sister, family, friends, and fellow soldiers; and

WHEREAS, Private First Class Baines was, in turn, loved by his parents, brothers, sister, family, friends, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Private First Class Baines has received some of our nation's highest military honors, including the Army Services Ribbon, the Global War on Terrorism Service Medal, the Iraq Campaign Medal, the National Defense Service Medal, and the Overseas Service Ribbon; and

WHEREAS, Private First Class Baines has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, Private First Class Baines's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans; and

WHEREAS, It is appropriate and fitting for the State of New Jersey, the State where he was raised and educated, to mark his passing, remember his family as they mourn their loss, and honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, December 26, 2006, in recognition of the life and in mourning of the passing of United States Army Private First Class Joe L. Baines.

2. This Order shall take effect immediately.

Dated December 22, 2006.

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**EXECUTIVE ORDER No. 47**

WHEREAS, Gerald R. Ford, the 38th President of the United States, served as a Lieutenant Commander in the United States Navy during World War II, was elected to the United States Congress in 1948 and served as the Minority Leader in the House of Representatives before his selection as Vice President of the United States and his subsequent elevation to the Presidency in 1974; and

WHEREAS, President Ford's distinguished career as a public servant was marked by integrity, candor, humility and decency; and

WHEREAS, His service to his country during a difficult time in this country's history provided a steady hand and help to uphold the principle of the rule of law; and

WHEREAS, President Ford strove to make the world a better place through his leadership and compassion; and

WHEREAS, President Ford'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 Ford;

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. 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 for a period of 30 days from the day of his death in recognition and mourning of the passing of President Gerald R. Ford.

2. This Order shall take effect immediately.

Dated December 27, 2006.

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**EXECUTIVE ORDER No. 48**

WHEREAS, U.S. Army Private First Class Eric R. Wilkus, of Hamilton, New Jersey, an emergency medical technician and a member of the White Horse Volunteer Fire Company, graduated from Hamilton High School West in 2004, where he was a member of the Hornet Band; and

WHEREAS, Private First Class Wilkus loved his country and subsequently enlisted in the U.S. Army; and

WHEREAS, Private First Class Wilkus served proudly in the 57th Military Police Company, 8th Military Police Brigade, Schofield Barracks, Hawaii; and

WHEREAS, Private First Class Wilkus made the ultimate sacrifice, on behalf of his country, when he died on December 25, 2006, as a result of injuries suffered in the line of duty while serving in the United States Army in Iraq; and

WHEREAS, Private First Class Wilkus was a committed and professional soldier and a loving son and brother, whose memory lives in the hearts of his family; and

WHEREAS, Private First Class Wilkus's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, 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 New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on January 5, 2007, in recognition and mourning of U.S. Army Private First Class Eric R. Wilkus of Hamilton, New Jersey.

2. This Order shall take effect immediately.

Dated January 2, 2007.

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**EXECUTIVE ORDER No. 49**

WHEREAS, On April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, the State of New Jersey entered into a Sister State Agreement with Israel (hereinafter referred to as "Agreement") as a symbol of the potential for cooperation that exists between our two states; and

WHEREAS, The Agreement calls for the development of trade and cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

WHEREAS, On May 31, 1989, the State of New Jersey established the New Jersey-Israel Commission (hereinafter referred to as "Commission") by Executive Order No. 208 (1989) to enhance New Jersey's ability to implement the stated goals of the Agreement; and

WHEREAS, The Commission was continued by Executive Order No. 35 (1991) and Executive Order No. 90 (1993) through and including May 31, 1995; and

WHEREAS, The Commission was continued by Executive Order No. 37 (1995) and Executive Order No. 70 (1997) until it expired on January 1, 2002; and

WHEREAS, The Commission was extended and continued by Executive Order No. 12 (2002) through and including January 1, 2007; and

WHEREAS, The Commission has effectively fostered a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey that should continue in order to further the goals of the Agreement;

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

1. The New Jersey-Israel Commission is hereby extended and shall continue in existence through and including January 1, 2012.

2. The membership of the Commission shall be modified to consist of a minimum of fifteen (15) members and a maximum of one hundred (100) members. The members of the Commission shall be appointed by the Governor. This shall include eight members who shall be State legislators, four of whom shall represent the Assembly, no more than two of whom shall be members of the same political party, and four of whom shall represent the Senate, no more than two of whom shall be members of the same political party. All legislative members shall be appointed by the Governor upon the recommendation of the Speaker of the Assembly and the President of the Senate respectively.

3. The membership of the members of the New Jersey-Israel Commission who were serving as of January 1, 2007 shall be considered to have ceased as of that date. However, any former member shall be eligible for appointment pursuant to this Order.

4. The Governor shall designate a chair and/or co-chairpersons of the Commission from among the members. The chair and/or co-chairpersons shall serve as such at the pleasure of the Governor.

5. All other provisions of Executive Order No. 208 (1989), Executive Order No. 35 (1991), Executive Order No. 90 (1993), Executive Order No. 37 (1995), Executive Order No. 70 (1997), and Executive Order No. 12 (2002) which are not inconsistent with this Order shall remain in full force and effect.

6. This Order shall take effect immediately.

Dated January 2, 2007.

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**EXECUTIVE ORDER No. 50**

WHEREAS, Economic growth and the creation of high-quality jobs are essential to the continued well-being and prosperity of the State of New Jersey; and

WHEREAS, Sustaining New Jersey's position as one of the nation's most prosperous states and most vital centers of innovation demands proactive leadership in increasingly competitive times; and

WHEREAS, Since the beginning of this administration, the Office of Economic Growth, operating as a unit within the Governor's Office, has been working to develop and implement Statewide economic development policies, including developing the recently announced "Economic Growth Strategy for New Jersey 2007" (Economic Growth Strategy); and

WHEREAS, Steps toward implementation of the Economic Growth Strategy already have been taken through the creation of the New Jersey Economic Growth Council and the Action Council on the Economy; and

WHEREAS, Further implementation of the Economic Growth Strategy would be enhanced by making the Office of Economic Growth a permanent part of the executive branch of State government through allocation to a principal department; and

WHEREAS, Such allocation will better enable the Office of Economic Growth to work cooperatively with other agencies through formal arrangements that will help ensure successful implementation of the Economic Growth Strategy;

NOW, THEREFORE, I, JON S. CORZINE, 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 Office of Economic Growth, which currently operates as a unit within the Governor's Office, and its functions, powers, duties and personnel are hereby continued and allocated to the Department of the Treasury. Notwithstanding this allocation the Office shall be in but not of the Department and shall be independent of any supervision and control by the Department or any officer thereof. The Office of Economic Growth shall assist in and oversee the implementation of the State's Economic Growth Strategy and shall coordinate the State's economic development efforts across all sectors and departments.

2. The Office of Economic Growth shall be headed by a Chief of Economic Growth who shall be a cabinet-level official appointed by, reporting to, and serving at the pleasure of the Governor.

3. The Office of Economic Growth shall be authorized to call upon the expertise and assistance of all State departments, divisions, authorities, and agencies to carry out its mission, including but not limited to the New Jersey Economic Development Authority, the Commerce, Economic Growth and Tourism Commission, and the Department of the Treasury.

4. Each State department, division, authority, and agency shall be required, to the extent not inconsistent with law, to cooperate with the Office of Economic Growth.

5. The Office of Economic Growth may, consistent with law, consult and contract with private and public entities and enter into such agreements with public and private individuals or entities as necessary to further the mission of the Office of Economic Growth. In addition, the Chief and Deputy Chief of the Office of Economic Growth each are hereby authorized, consistent with law, to enter into letters of intent in furtherance of the mission of the Office of Economic Growth.

6. This Order shall take effect immediately.

Dated January 5, 2007.

