

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



New Jersey State Library

1984

EXECUTIVE ORDERS

(1299)

Executive Orders

EXECUTIVE ORDER No. 59

WHEREAS, There is currently considerable public concern over exposure to asbestos in schools and other public buildings; and

WHEREAS, This State has been a national leader in investigation of hazards to the public health presented by asbestos exposure and in instituting asbestos hazard abatement measures; and

WHEREAS, The serious consequences of inhalation of airborne asbestos fibers for the health of asbestos workers and members of their households have been clearly established; and

WHEREAS, Levels of exposure to asbestos may be such as to constitute a hazard to health in non-occupational circumstances and such exposures require assessment and management in a reasonable and scientific manner; and

WHEREAS, The State's present position regarding asbestos and health must be clearly stated, and means must be established to identify future asbestos issues, to make recommendations for their resolution, and to coordinate the development and implementation of a State asbestos policy;

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

1. An Asbestos Policy Committee shall be established and shall:
 - a. Develop and recommend a State asbestos policy for implementation;
 - b. Receive and review reports of the operational activities of the departments;
 - c. Be a forum for the resolution of interdepartmental problems;

d. Review and distribute new scientific and management information; and

e. Evaluate and coordinate the distribution of information regarding the status of federal regulation.

2. Membership of the Asbestos Policy Committee shall be comprised of representatives of the Department of Health, the Department of Environmental Protection, the Department of Education, the Department of Higher Education, the Department of Labor, the Department of the Treasury, the Department of Commerce, the Department of Corrections, and the Office of the Attorney General. The department commissioners and the Attorney General shall designate the members from their respective agencies. Membership may be augmented by representatives of other departments when issues related to their jurisdictions are to be discussed. Other persons with appropriate interests and resources may be invited to serve by the Chairperson.

3. The Chairperson of the Asbestos Policy Committee shall be the Commissioner of Health, or his designee.

4. The Chairperson shall keep the Governor's Office informed about the proceedings of the Asbestos Policy Committee through regular reports to the Director of Policy and Planning.

5. This Order shall take effect immediately.

Issued January 20, 1984.

EXECUTIVE ORDER No. 60

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

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

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

WHEREAS, Executive Order No. 43 (Kean) of July 15, 1983 expires January 20, 1984; and

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

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

1. Executive Orders No. 106 (Byrne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, No. 1 (Kean) of January 20, 1982, No. 8 (Kean) of May 20, 1982, No. 27 (Kean) of January 10, 1983, and No. 43 (Kean) of July 15, 1983 shall remain in effect until July 20, 1984, notwithstanding any sections in them stating otherwise.

2. This order shall take effect immediately.

Issued January 20, 1984.

EXECUTIVE ORDER No. 61

WHEREAS, On March 14, 1983, I created by Executive Order No. 36 a Governor's Advisory Committee on Capital Expenditures for Health Care Facilities, a body consisting of the Commissioner of Health and various other concerned citizens with diversified backgrounds, to develop guidelines for the controlled growth of capital expenditures for health care facilities construction in New Jersey, and to make recommendations as to how these guidelines should be implemented within the State; and

WHEREAS, The amount of hospital debt financing has increased annually in New Jersey as it has throughout the country; and

WHEREAS, The impact of this heavy debt burden is reflected through increases in health care costs that are paid by the citizens of New Jersey; and

WHEREAS, It is imperative that New Jersey develop a policy that will promote effective yet affordable health care facilities in our State;

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

1. The Governor's Advisory Committee shall continue in existence until September of 1984.
2. The Committee shall submit a report to the Governor at the conclusion of its deliberations, specifying its findings and recommendations. The Committee shall expire upon the submission of the report.
3. This Order shall take effect immediately.

Issued February 29, 1984.

EXECUTIVE ORDER No. 62

WHEREAS, The Skylands Botanical Gardens, an area of approximately 80 acres located in the Skylands Section of Ringwood State Park, contain a unique collection of woody and herbaceous plants, flowers and shrubs; and

WHEREAS, The Skylands Botanical Gardens represent the finest collection of native and international plants, flowers and shrubs found in any State park or State-owned botanical area in New Jersey; and

WHEREAS, The Skylands Botanical Gardens are a major attraction to thousands of visitors to Ringwood State Park and hold a treasure of rare and exotic specimens for scores of plant collectors and botanists; and

WHEREAS, These gardens are integrated into a magnificent Tudor landscape of fountains, stone masonry, and the natural beauty of New Jersey's Ramapo Mountains; and

WHEREAS, Special emphasis placed upon these outstanding botanical gardens would serve to further enhance the image of New Jersey and would encourage the preservation, protection, documentation and display of the gardens as a symbol of our State's natural and man-made heritage;

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

1. The Skylands Botanical Gardens are designated as the New Jersey State Botanical Gardens.

2. The care, protection and future of this rich heritage, a task of concern and importance to the people of this State, is continued as a responsibility of the New Jersey State Park Service.

3. This Order shall take effect immediately.

Issued March 6, 1984.

EXECUTIVE ORDER No. 63

WHEREAS, One of my chief goals as Governor has been to foster greater participation by New Jersey's minority communities in the economic and political development of our State; and

WHEREAS, For too long the special needs of one of those minority communities—our Hispanic community—have gone unmet; and

WHEREAS, The Hispanic community is the fastest growing ethnic population not only in New Jersey, but across the nation; and

WHEREAS, We must encourage Hispanics to get more involved in New Jersey's government and political process while improving the economic standing of the Hispanic community; and

WHEREAS, I believe that it is time we recognize the importance of our Hispanic community and make more of an effort to meet its needs and foster its economic growth;

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

1. There is hereby created an Advisory Committee on Hispanic Affairs. It will be the purpose of this Committee to make recommendations to the Governor for encouraging the economic development of the Hispanic community, for involving more Hispanics in the political process, and for addressing special needs of Hispanics in New Jersey.

2. The Committee shall consist of no more than 20 public members appointed by the Governor. The Governor shall designate the chairperson of the Committee from among the members, who shall serve at the pleasure of the Governor. The Committee members shall choose a vice-chairperson from among their membership.

3. The Committee will be divided into four subcommittees: personnel, communications, issues and political action, each having the following responsibilities:

a. The personnel subcommittee will identify key departments which interact with Hispanics and work with government officials to explore ways to improve and expand services through greater participation of qualified Hispanics in policymaking positions.

b. The communications subcommittee will be responsible for establishing a communications network to increase communication between the Governor, members of his administration and the Hispanic community, by utilizing available resources more effectively.

c. The subcommittee on issues will identify and analyze important issues and recommend strategies for responding to them in ways that encourage and support the continued development of New Jersey's Hispanics.

d. The subcommittee on political action will develop ways to stress the necessity for Hispanics to become more involved in the political process.

4. Each department, office, division or agency of the State is authorized and directed to cooperate with the Committee to the extent not inconsistent with law, to make available to them such professional, technical and administrative assistance and such

other information and resources as may be necessary for the Committee to carry out their assigned responsibilities.

5. The Committee shall render a report of its findings and recommendations to the Governor during the first week of September, 1984.

6. This Order shall take effect immediately.

Issued March 8, 1984.

EXECUTIVE ORDER No. 64

WHEREAS, Executive Order No. 38 created a Governor's Committee on the Office of Administrative Law; and

WHEREAS, The purpose of the Governor's Committee on the Office of Administrative Law is to undertake a comprehensive evaluation of the performance of the Office of Administrative Law with regard to how it meets its legislative mandates; and

WHEREAS, The proper adjudication by the Office of Administrative Law of many diverse issues of important consequence to members of the general public is of vital importance to the promotion of due process, the just conclusion of contested cases, and the general improvement in the quality of administrative justice in the State; and

WHEREAS, It is imperative that the Committee be given adequate time to thoroughly and completely perform its designated responsibilities;

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

1. Section 5 of Executive Order No. 38 is hereby amended as follows:

5. The Committee shall submit a report of its findings to the Governor on or before July 7, 1984, accompanying the report

with any recommendations it deems appropriate. The Committee may make interim reports concerning its study as it shall determine.

Issued March 22, 1984.

EXECUTIVE ORDER No. 65

WHEREAS, The development of Liberty State Park presents an opportunity for New Jersey to create a unique urban, environmental, recreational and commercial resource for the citizens of New Jersey and the nation; and

WHEREAS, The development of Liberty State Park should include a forum for public participation; and

WHEREAS, Executive Order No. 74 signed by Governor Brendan Byrne in 1979 provided for the establishment of the Liberty State Park Public Advisory Commission;

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

1. The commission known as the Liberty State Park Public Advisory Commission (hereinafter referred to as the "Commission") is hereby continued, to consist of 11 members to be appointed by and serve at the pleasure of the Governor. Of the 11 members, six shall be residents of counties in the State other than Hudson County, two shall be residents of Hudson County municipalities other than Jersey City, two shall be residents of Jersey City, and one shall be the mayor of Jersey City, ex officio. The terms of office will be for three years or until their successors are appointed. The members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their duties, subject to the availability of funds therefor.

2. The Governor shall designate a chairman and vice-chairman of the Commission from among the members of the Commission.

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

3. The Commission shall be empowered to:

a. Request from the Commissioner of Environmental Protection (hereinafter referred to as the "Commissioner") such information concerning Liberty State Park as it may deem necessary;

b. Consider any matter relating to Liberty State Park and advise the Commissioner thereon;

c. From time to time submit to the Commissioner any recommendations which it deems necessary for the proper development of Liberty State Park;

d. Make recommendations to the Commissioner concerning implementation of the Master Plan or subsequent plans;

e. Review and evaluate public and private proposals for facilities and programs in Liberty State Park to determine the consistency of such facilities and programs with such plans and to make recommendations thereon to the Commissioner.

4. (a) In order to carry out its functions, the Commission shall develop and implement a comprehensive public participation program which shall make available to public citizens significant and meaningful opportunity to make their views known on the development of Liberty State Park.

(b) As part of the public participation program, the Commission may conduct public meetings and hearings and may solicit information from, and consult with, relevant public and private agencies and groups, including county and local governing bodies, planning boards, environmental, business, housing and transportation groups. Notice of public hearings shall be given in such manner as the chairman may direct, to provide full opportunity for interested members of the public to be heard.

5. In carrying out its responsibilities under this Order, the Commission shall give due consideration to the local, State, regional and national significance of Liberty State Park.

6. The Department of Environmental Protection is authorized and directed, to the extent not inconsistent with law, to cooperate

with the Commission and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order.

7. Executive Order No. 74 signed by Governor Byrne on May 14, 1979 is hereby rescinded.

8. This Order shall take effect immediately.

Issued March 27, 1984.

EXECUTIVE ORDER No. 66

PROCLAMATION

WHEREAS, Severe weather conditions, including heavy rains, winds, high tides and snow, have created flooding, power outages, hazardous road conditions, and threatened homes and other structures; and

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

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, chapter 251 (C. App. A: 9-33 et seq.) and the Laws of 1979, chapter 240 (C. 38A:3-6.1) and N. J. S. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey, do DECLARE and PROCLAIM that a limited state of emergency has and presently exists in Monmouth, Atlantic, Ocean, Cape May, Burlington, Salem and Cumberland counties;

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

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

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated or maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from their residences during the course of this emergency.

FURTHERMORE, The Superintendent of the Division of State Police is hereby authorized to order the evacuation of all persons, except for those emergency and governmental personnel whose presence he deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

This proclamation shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Issued March 29, 1984.

EXECUTIVE ORDER No. 67

WHEREAS, Executive Order No. 66, declaring a limited state of emergency was issued on March 29, 1984 because of severe weather conditions; and

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

NOW, THEREFORE, I, Thomas H. Kean, Governor of the State of New Jersey, announce that the limited state of emergency is hereby terminated effective at 4 p.m. on March 30, 1984.

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

Issued March 30, 1984.

EXECUTIVE ORDER No. 68

WHEREAS, Severe weather conditions, including heavy rains, winds, and high tides, have created both flooding and the potential for serious and substantial flooding, hazardous road conditions, and threaten homes and other structures; and

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

WHEREAS, The Constitution and statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, chapter 251 (C. App. A: 9-33 et seq.), and the Laws of 1979, chapter 240 (C. 38A:3-6.1) and N. J. S. 38A:2-4, and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

THEREFORE, I, Irwin I. Kimmelman, Attorney General, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do DECLARE and PROCLAIM that a limited state of emergency presently exists in Bergen, Morris, Passaic, Somerset and Sussex counties.

1. In accordance with N. J. S. 38A:2-4 and the Laws of 1979, chapter 240 (C. 38A:3-6.1), I hereby authorize the Chief of Staff of the New Jersey National Guard to order to active duty such members of the New Jersey National Guard that, in his judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

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

The Superintendent of the Division of State Police is further authorized and empowered to utilize all facilities owned, rented, operated or maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from their residences during the course of this emergency.

3. This proclamation shall remain in effect until such time as it is determined by the Governor that an emergency no longer exists.

Issued April 5, 1984.

EXECUTIVE ORDER No. 69

WHEREAS, The history of the people of Eastern Europe, of various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union is an integral part of our public school curriculum; and

WHEREAS, Representatives of the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union have indicated that their history as presented in public school curriculums is often inaccurate and misleading; and

WHEREAS, It is desirous and beneficial to educate our children about the true and accurate historical events concerning the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union; and

WHEREAS, A comprehensive study of the history of the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union, conducted by knowledgeable members of these ethnic groups, could ensure that this history is presented accurately in public school curriculums;

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

1. There is hereby created a Governor's Commission on Eastern European and Captive Nation History.

2. The Commission shall consist of no more than 20 members. The members of the Commission shall be the Commissioner of Education or his designee; the Director of the Office of Ethnic Affairs within the Department of State or his designee and 18 public members to be appointed by the Governor. The public members to be appointed shall be representatives of the various ethnic groups of Eastern Europe, nationalities existing within the Soviet Union, and other captive nations existing under the

oppression of the Soviet Union, as well as eminent historians and educators who have distinguished records of knowledge and involvement concerning the history and culture of their respective ethnic group.

3. The Governor shall designate a Chairperson and Vice Chairperson of the Commission from among the public members of the Commission. The Chairperson, Vice Chairperson and public members shall serve at the pleasure of the Governor.

4. Commission vacancies shall be filled by the Governor for the remainders of the unexpired terms.

5. It shall be the duty of the Governor's Commission on Eastern European and Captive Nation History to conduct a thorough study of public school curriculum, including textbooks and all other pertinent materials, dealing with the history of the people of Eastern Europe, various nationalities existing within the Soviet Union, and other captive nations existing under the oppression of the Soviet Union, and to examine such materials for veracity and historical accuracy. In the course of its study, the Commission shall determine whether the history of these people is fairly and accurately presented in our public schools and their curriculums.

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

7. The Commission shall submit a report of its findings to the Governor and to the State Board of Education on or before January 1, 1986, accompanying the report with any recommendations it deems appropriate. The Commission may issue interim reports concerning its study as it shall determine.

8. The report of the Commission shall be made available to all disseminators of educational materials.

9. This Order shall take effect immediately.

Issued April 10, 1984.

EXECUTIVE ORDER No. 70

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

WHEREAS, The purpose of this Committee is to develop a program to promote and encourage waterfront development along the Hudson River and to undertake various activities necessary to accomplish the goal of developing the Hudson River waterfront; and

WHEREAS, An increase in the public membership of this Committee will facilitate the Committee's work by allowing a broader range of interests to be represented on the Committee;

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

1. Section 1 of Executive Order No. 53 is hereby amended as follows:

1. There is hereby created a Hudson River Waterfront Development Committee composed of 12 members as follows:

a. The Director of the Governor's Office of Policy and Planning, who shall act as Chairman of the Committee;

b. The Commissioner of Transportation or his designee;

c. The Commissioner of Commerce and Economic Development or his designee;

d. The Commissioner of Environmental Protection or his designee;

e. A representative of the Port Authority of New York and New Jersey; and

f. Seven other members to be appointed by the Governor.

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

3. This order shall take effect immediately.

Issued April 25, 1984.

EXECUTIVE ORDER No. 71

WHEREAS, The protection, use and development of the resources of New Jersey's coastal zone is the subject of a public trust administered by government for the benefit of all the people of this State; and

WHEREAS, Government must not only regulate but must also provide an example for the wise and proper use of the coastal zone; and

WHEREAS, The design and location of State facilities may have a significant and lasting effect on the coastal zone; and

WHEREAS, The wise and proper use of the coastal zone will be fostered by the proper location and design of State facilities;

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

1. All departments and agencies of the State proposing to undertake the development of or construction on or adjacent to any navigable water or stream of this State, or in any wetlands regulated pursuant to the "Wetlands Act of 1970" (P. L. 1970, c. 272; C. 13:9A-1 et seq.), shall first comply with the requirements of R. S. 12:5-3 or C. 13:9A-1, as applicable, by obtaining a Waterfront Development or Wetlands permit from the Department of Environmental Protection.

2. Executive Order No. 53 of 1973 is hereby superseded to the extent that it is inconsistent with the provisions of this Order.

3. This Order shall not apply to projects now beyond the preliminary engineering stage, but shall otherwise take effect immediately.

Issued May 15, 1984.

EXECUTIVE ORDER No. 72

WHEREAS, The incidence of mental retardation is a critical public concern; and

WHEREAS, The President's Committee on Mental Retardation has identified mental retardation as America's number one health problem affecting children today; and

WHEREAS, The "Proposal for the Prevention of Mental Retardation in New Jersey," prepared by the New Jersey Association for Retarded Citizens in conjunction with the Department of Human Services, recommends a cabinet-level task force to address the issue of prevention;

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

1. There is hereby created in the Governor's Office a Governor's Council on the Prevention of Mental Retardation, which will serve until January 1, 1986.

a. The Council shall consist of no more than 25 public members appointed by the Governor. The members shall be appointed from among persons representing consumers, professionals in mental retardation, and persons representing the private sector.

b. The Commissioners of the Departments of Human Services, Education, Health, Environmental Protection and/or their designees, shall also serve on the council.

c. Council vacancies shall be filled by appointment by the Governor for the remainders of the unexpired terms.

d. The Governor shall designate the Chairperson of the Council from among the members of the Council, who shall serve at the pleasure of the Governor.

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

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

a. Study the issue of the prevention of mental retardation and draft a report, which shall be submitted to the Governor on or before June 30, 1985, which should include recommendations for action;

b. Mobilize citizens and community agencies in a strong, prevention-oriented, aggressive effort to address the issue of prevention;

c. Develop mechanisms to facilitate early detection;

d. Foster cooperative working relationships among responsible agencies; and

e. Provide other information on prevention as the Governor may request.

3. The Council, in performing its charge, shall consult with existing agencies for planning, coordination and delivery of prevention services to families at the State, county and local levels.

4. The Departments of Human Services, Education, Health, Environmental Protection are authorized and directed, to the extent consistent with the law, to cooperate with the Council and to furnish it with such staff, office space and supplies as necessary to accomplish the purposes of this Order.

5. This Order shall take effect immediately.

Issued May 24, 1984.

EXECUTIVE ORDER No. 73

WHEREAS, The New Jersey Pinelands, a million-acre expanse located in the midst of the country's most densely populated region, has been recognized as a national environmental treasure; and

WHEREAS, The Pinelands Protection Act was formulated in order to preserve and protect this environmentally sensitive region; and

WHEREAS, Pursuant to the Pinelands Protection Act, a Comprehensive Management Plan was adopted by the Pinelands Commission, which sets forth a strategy for protecting the unique natural qualities of the Pinelands; and

WHEREAS, The preservation and enhancement of agricultural land located within the Pinelands is an important element in the overall purpose and goals of the Pinelands Protection Act and the Comprehensive Management Plan; and

WHEREAS, In order to fully realize this element of the goals of the Pinelands Protection Act and Comprehensive Management Plan, the economic and fiscal impacts of the Pinelands Comprehensive Management Plan on farmland located within the Pinelands must be thoroughly evaluated;

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

1. There is hereby created a commission to be known as the Pinelands Agriculture Study Commission (hereinafter referred to as the "Commission").

2. The members of the Commission shall include the Secretary of Agriculture as Chairman, and eight other members to be appointed by the Governor.

3. The Commission shall conduct a comprehensive study of the economic effects of the Comprehensive Management Plan on farmers and the agricultural community of the Pinelands. More specifically, the Commission will address the following issues:

- a. The Comprehensive Management Plan's effect, both short and long-term, on farmland values and on farmers' ability to utilize their land as collateral for borrowing purposes.

- b. The effectiveness of the Pinelands Development Credit Program with respect to the usefulness of such credits and their value to farmers.

- c. The Comprehensive Management Plan's effect on the ability of Pinelands farmers to participate in the State Agriculture Retention and Development Program.

- d. The effects that development restrictions imposed pursuant to the Comprehensive Management Plan have had on the municipal tax liability of Pinelands farmers.

4. Upon the completion of its study and investigation, the Commission shall, as soon as practicable, render to the Governor a report of its findings and recommendations.

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

6. (a) In order to carry out its functions, the Commission is authorized to call upon any department, office, division or agency of the State to supply such data, reports, or other information it deems necessary.

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

7. This Order shall become effective immediately.

Issued June 15, 1984.

EXECUTIVE ORDER No. 74

WHEREAS, An estimated 400,000 New Jersey residents have diabetes mellitus, including 200,000 diabetics who are unaware of having the disease; and

WHEREAS, Diabetes mellitus is a frequently devastating condition affecting a growing number of residents of the State of New Jersey; and

WHEREAS, Diabetic complications such as blindness, cardiovascular problems, kidney disease, pregnancy complications, infant mortality, amputations, and nervous system disorders are increasing in New Jersey; and

WHEREAS, Persons with diabetes encounter discrimination in the work force and other social problems; and

WHEREAS, The estimated annual cost of health care per diabetic in New Jersey exceeds \$2,000; and

WHEREAS, Recent medical and technological progress will permit more efficient and economical delivery of health services to persons with diabetes; and

WHEREAS, The State of New Jersey currently expends substantial State finances and resources for the detection, care and education of diabetics;

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

1. There is hereby created a Governor's Advisory Commission on Diabetes within the Executive Branch of State government. It will be the purpose of this Commission to assess the incidence and prevalence of diabetes in New Jersey, assess the economic impact of diabetes, examine the effectiveness of health facilities providing treatment for this disease, assess the medical and social needs of the diabetic population in New Jersey, calculate the insurance requirements of diabetics in New Jersey, actively encourage cooperation among federal, State and local agencies, and recommend to the Governor appropriate programs and legislation to curb the adverse effects of diabetes mellitus.

2. The Commission shall consist of 22 members appointed by the Governor. The Governor shall designate the chairperson of this Commission from among the members, who shall serve at the pleasure of the Governor. The Commission shall include the following:

- a. A representative of the Governor's Office;
- b. The Commissioner of the Department of Health or his/her representative;
- c. The Commissioner of the Department of Human Services or his/her representative;
- d. The Commissioner of the Department of Insurance or his/her representative;
- e. The Commissioner of the Department of Labor or his/her representative;
- f. The Treasurer or his/her representative;
- g. Three physicians who specialize in diabetes;
- h. Two allied health professionals in the field of diabetes;

- i. An attorney experienced in legal matters related to diabetes;
- j. Ten (10) public members.

3. Each department, office, division or agency of State government is authorized and directed to cooperate with this Commission to the extent possible and to make available to them professional, technical and administrative assistance and such other information and resources as may be necessary for the Commission to carry out its designated responsibilities.

4. The Commission shall render a report of its findings and recommendations to the Governor during the first week of July, 1985.

5. Members of this Commission shall receive no compensation for their services except that such members may be reimbursed for actual travel and related expenses.

6. This Order shall take effect immediately.

Issued June 28, 1984.

EXECUTIVE ORDER No. 75

WHEREAS, The commercial fisheries industry has great potential for growth in New Jersey and is presently underdeveloped and underutilized; and

WHEREAS, It is in the interest of this State to stimulate potential growth in the commercial fisheries industry into a valuable, self-sustaining economic resource; and

WHEREAS, The development of the commercial fisheries industry requires cooperation and coordination with various existing State and federal management agencies and private industry, to insure that economic growth and development are maximized while insuring the protection and maintenance of this significant natural resource;

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

1. There is hereby established a New Jersey Fisheries Development Commission, which shall be comprised of the State Treasurer, Department of the Treasury, who shall be Chairman of the agency; Commissioner, Department of Environmental Protection; Commissioner, Department of Commerce and Economic Development; Secretary, Department of Agriculture; Director, Division of International Trade, Department of Commerce and Economic Development, and one representative appointed by the Governor from the commercial fishing industry, aquacultural interests, the commercial/recreational fishing industry, the recreational fishing community, and the banking community in the State.

2. The New Jersey Fisheries Development Commission shall have the following powers and duties in addition to others set forth herein:

a. To receive and evaluate financing proposals from the private sector for the development of commercial fisheries in the State;

b. To receive and evaluate infrastructure proposals from the public sector for the development of commercial fisheries in the State;

c. To provide consulting assistance to industry and local government concerning commercial fisheries industry development;

d. To recommend and coordinate development projects with industry and local governments;

e. To seek and evaluate additional funding sources for commercial fisheries development;

f. To conduct studies concerning commercial fisheries development;

g. To coordinate commercial fisheries development and management functions among the various agencies of State government;

h. To request cooperation and assistance from State agencies in the performance of its powers and duties set forth above;

i. To cooperate with regional and national commercial fisheries development efforts; and

j. To establish advisory committees.

3. The Commission is authorized to call upon any department, office, division or agency of the State to supply data, reports and other program information, personnel or materials deemed necessary to perform the Commission's responsibilities under this Order.

4. The Commission is authorized to solicit and receive funds from federal, State, and bistate agencies in furtherance of its purposes and to expend same in carrying out its duties pursuant to this Executive Order.

5. The Commission, within the limits of such funds made available to it pursuant to this Executive Order, may select and retain any agents, assistants and employees deemed necessary to enable it to carry out its duties and exercise its powers as set forth in this Executive Order.

6. Each department, office, division or agency of the State is authorized and directed, to the extent not inconsistent with law, to cooperate with the Commission and to furnish such information and assistance as it may find necessary in the discharge of the Commission's responsibilities under this Order.

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

This Order shall take effect immediately.

Issued June 28, 1984.

EXECUTIVE ORDER No. 76

WHEREAS, A work stoppage of employees of certain solid waste contractors has occurred which may substantially affect garbage hauling services in numerous municipalities and counties in New Jersey; and

WHEREAS, A potential public health threat may arise if adequate disposition of such waste is not made;

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

1. There is hereby created a Solid Waste Emergency Task Force for the purpose of coordinating State actions in response to this work stoppage.

2. The members of the Task Force shall be the Attorney General, the Commissioner of Environmental Protection, the Commissioner of Health, the Commissioner of Community Affairs, and the President of the Board of Public Utilities.

3. The Attorney General, as the chief official for public safety, shall take the appropriate action consistent with public health and safety.

4. The Commissioner of Health shall make an immediate survey of the potential health effects; the Departments of Health and Environmental Protection shall issue public advisories concerning steps to be taken; the Department of Environmental Protection and the Board of Public Utilities shall exercise their jurisdictions to deal with emergent health needs and the Department of Community Affairs shall mobilize an informational program to assist municipal agencies.

5. This Order shall take effect immediately.

Issued July 2, 1984.

EXECUTIVE ORDER No. 77

WHEREAS, On March 14, 1983, I created by Executive Order No. 35 a Governor's Committee on Children's Services Planning, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the area of children's services, to review the findings of the Commission on Children's Services and make recommendations to improve the quality of services for the children and youth of this State; and

WHEREAS, The coming together of these talented people has presented an excellent opportunity for focusing attention on the problems of children and youth in New Jersey; and

WHEREAS, Better communication and coordination of activities among public and private organizations serving children and youth have been established by this Committee; and

WHEREAS, Through the efforts and dedication of the Committee members, the Governor's Committee on Children's Services Planning has been successful in achieving its goals;

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

1. The Governor's Committee on Children's Services Planning shall continue in existence until September 30, 1984.

2. The Committee shall submit its final recommendations to the Governor for the improvement of current programs and the initiation of new programs for the children and youth of this State, on September 17, 1984.

3. The current members of this State Committee shall continue to serve in their capacity until September 30, 1984.

4. This Order shall take effect immediately.

Issued July 2, 1984.

EXECUTIVE ORDER No. 78

WHEREAS, The State prisons and other penal and correctional institutions of the New Jersey Department of Corrections continue to house populations of inmates in excess of their capacities and remain seriously overcrowded; and

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

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

WHEREAS, Executive Order No. 60 (Kean) of January 20, 1984 expires July 20, 1984; and

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

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

1. Executive Orders No. 106 (Byrne) of June 19, 1981, No. 108 (Byrne) of September 11, 1981, No. 1 (Kean) of January 20, 1982, No. 8 (Kean) of May 20, 1982, No. 27 (Kean) of January 10, 1983, No. 43 (Kean) of July 15, 1983, and No. 60 (Kean) of January 20, 1984 shall remain in effect until January 20, 1985, notwithstanding any sections in them stating otherwise.

2. This Order shall take effect immediately.

Issued July 20, 1984.

EXECUTIVE ORDER No. 79

WHEREAS, Executive Order No. 74 created a Governor's Advisory Commission on Diabetes, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the area of diabetes mellitus; and

WHEREAS, The purpose of this Commission was to assess the incidence and prevalence of diabetes in New Jersey and make recommendations to improve the quality of life for those individuals of this State who have diabetes mellitus; and

WHEREAS, The coming together of these talented people will present an excellent opportunity for focusing attention on the problems of individuals of this State who have diabetes mellitus; and

WHEREAS, An increase in the public membership will result in a broader range of knowledge and expertise being represented on the Commission;

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

1. Section 2 of Executive Order No. 74 is hereby amended as follows:

2. The Commission shall consist of 23 members appointed by the Governor. The Governor shall designate the chairperson of this Commission from among the members, who shall serve at the pleasure of the Governor.

2. This Order shall take effect immediately.

Issued August 3, 1984.

EXECUTIVE ORDER No. 80

WHEREAS, It is the public policy of this State to seek to improve public procurement and contracting functions and to ensure the most efficient spending of public funds; and

WHEREAS, There are numerous statutes and regulations related to public procurement, and each statute pertains to a different type of governmental unit purchase or element of the procurement process; and

WHEREAS, Some of these statutory and regulatory schemes may be confusing, inconsistent, excessively rigid or overly permissive, and may discourage potential bidders and providers from participating in the competitive bidding and negotiated contract process, thereby limiting the ability of public contracting agencies to make cost-effective decisions and depriving them from obtaining the best price and quality available; and

WHEREAS, Considerable controversy exists in the field of public procurement with respect to the degree of uniformity and centrality necessary or desirable to promote efficiency and to protect against abuses; and

WHEREAS, The Legislature has not addressed the public procurement systems throughout the State in a comprehensive fashion; and

WHEREAS, The various governmental units have developed substantial expertise in the procurement process which, together

with the expertise of non-governmental bodies, would prove useful in improving the public procurement systems; and

WHEREAS, It is in the public interest to study and evaluate the public procurement situation in this State under existing legislation and to consider proposals for reform;

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

1. There is hereby created the Executive Study Commission on Public Procurement Law, hereinafter referred to as the "Commission."

2. The Commission shall consist of 17 members, as follows: one member of the New Jersey State Bar Association, four members of trade organizations representing contractors and providers typically engaged in the public procurement process, three members of organizations representing local government interests, two representatives from the Department of the Treasury's General Services Administration, and one representative from each of the following: the Department of Community Affairs' Division of Local Government Services, the Department of Transportation's Bureau of Contract Administration, the New Jersey Interagency Coordinating Committee, the Office of the Attorney General, the Department of Education, the Department of Higher Education, and the Governor's Interagency Committee on Procurement.

3. The Commission shall organize soon after the appointment of its members. A chairman shall be appointed by the Governor; a vice chairman shall be selected from among the members of the Commission. The members shall serve without compensation. In the absence of the chairman, the vice chairman shall have all the powers and duties of the chairman. The Commission shall meet periodically and conduct its affairs in a timely manner.

4. The Commission shall investigate problems with the public procurement procedures in New Jersey and shall recommend solutions to those problems. The Commission shall make informal progress reports and a final report to me on its findings and recommendations. In its deliberations, the Commission shall study the following issues:

a. Methods of improving the efficiency, cost-effectiveness and responsiveness of the public procurement systems throughout this State, including those involving the State, State agencies, school districts, counties, municipalities and other units of local government;

b. The particular difficulties that contractors, suppliers, and providers of professional and specialized services have in any phase of the public procurement process;

c. The concerns and interests of the governmental units involved in public procurement, considering any necessary differences between State, local, and independent units with respect to their procurement requirements and resources; and

d. The efficacy of existing statutory and regulatory provisions to determine which require reform and whether any reform would be most effectively implemented by amending existing legislation or by adopting a new State code.

In reaching its conclusions, the Commission shall evaluate relevant provisions of: existing New Jersey statutes, exemplary out-of-state procurement laws, federal procurement laws, the recommendations contained in the American Bar Association's Model Procurement Code, and any proposed legislation before this State's Legislature during the term of the Commission.

5. The Commission's recommendations shall indicate, in particular:

a. What changes, if any, in the public procurement laws are desirable;

b. What combination of uniformity and decentralization of public procurement laws will provide greater savings to governmental bodies while allowing for flexibility in satisfying their divergent needs;

c. Which types of public procurement, if any, should be centralized;

(In considering b. and c. above, the Commission may decide to treat *construction* separately from *purchasing*.)

d. Whether public procurement would be improved by establishing standardized training programs for procurement officers to qualify them as professionals;

e. Suggested methods for preventing abuse and waste, for ensuring competition in public bidding, and for improving the cost and quality of publicly purchased goods, services, and construction projects; and

f. What additional costs or what savings are likely to result from the Commission's recommendations.

6. The Commission is authorized to call upon any department, office, division or agency of the State to supply such data, program reports and any other information, personnel or assistance as it deems necessary to discharge its responsibilities under this Order. Each department, office, division or agency of the State is authorized, to the extent not inconsistent with law, to cooperate with the Commission to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order. The commission is also authorized to call upon any private entity or party willing to provide assistance on a pro bono basis.

7. This Order shall take effect immediately and shall expire 18 months after its effective date.

Issued August 28, 1984.

EXECUTIVE ORDER No. 81

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

WHEREAS, Executive Order No. 22, signed by Governor Thomas H. Kean on December 8, 1982, grants the Commissioner of Labor the authority to function on behalf of the Governor in applying for and administering funds coming to the Governor under the Act; and

WHEREAS, Section 125 of the Act requires the Governor to designate an organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system in order for the State to be eligible for federal financial assistance for State labor market information programs under this Act;

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

Constitution and statutes of this State and the provisions of the Act, do hereby ORDER and DIRECT:

1. Executive Order No. 22 is hereby amended to add section 8, which shall read as follows:

8. In accordance with section 125 of the Act, the Division of Planning and Research in the Department of Labor is hereby assigned the role of organizational unit to be responsible for oversight and management of New Jersey's management labor market information system.

2. Sections 1 through 7 of Executive Order No. 22 are to remain in effect as originally intended.

3. This Order shall take effect immediately.

Issued September 5, 1984.

EXECUTIVE ORDER No. 82

WHEREAS, Executive Order No. 19 created a Governor's Council on Physical Fitness, a body composed of commissioners of various State departments and concerned citizens who have distinguished records in the areas of physical fitness, sports medicine, sports, public health, athletic competition, education, labor, business, management and nutrition; and

WHEREAS, The purpose of this Council was to afford New Jerseyans the opportunity to develop to their fullest potential, through a planned regular program of physical activity which will assist the individual in achieving and maintaining optimal health and vigor; and

WHEREAS, The Council has become affiliated with the President's Council on Physical Fitness and Sports; and

WHEREAS, An increase in the public membership will result in a broader range of knowledge and expertise being represented on the Council;

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

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

1. Section 1 of Executive Order No. 19 is hereby amended as follows:

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

2. Section 1 (a) of Executive Order No. 19 is hereby amended as follows:

1. (a) The Council shall consist of no more than 60 public members appointed by the Governor to serve for a term of four years, except that of the members initially appointed, one-third shall be appointed for a term of two years, one-third for a term of three years and one-third for a term of four years.

3. This Order shall take effect immediately.

Issued September 24, 1984.

EXECUTIVE ORDER No. 83

WHEREAS, New Jersey was among the first states to honor Martin Luther King Jr. in the form of a State holiday; and

WHEREAS, Newark and Atlantic City are among the few cities nationally to observe Martin Luther King Jr.'s birthday; and

WHEREAS, All people should remember the humiliating effects of segregation in the South and unconstitutional treatment of black Americans before Martin Luther King's leadership; and

WHEREAS, Dr. King is the first black honored by establishing his birthday as a national holiday; and

WHEREAS, The spirit of Dr. King, a Nobel Peace Prize winner, is especially important at a time when international peace has become essential to the continued existence of civilization; and

WHEREAS, Dr. King's work transcended racial issues, calling attention to the need for economic reform potentially beneficial to the entire nation; and

WHEREAS, Outstanding political developments in the domestic history of 20th century America evolved out of the Civil Rights Movement of the 1960's; and

WHEREAS, 1986 is the first year Martin Luther King Jr.'s birthday will be recognized as a federal legal holiday;

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

1. There is hereby created a Martin Luther King Jr. Commemorative Commission, hereinafter referred to as the "Commission."

2. The Commission shall consist of 40 members to be appointed by the Governor:

a. A representative from the Martin Luther King Jr. Center for Nonviolent Social Change;

b. A representative of the Governor's Office;

c. Four members of the Legislature, two Senators and two Assemblypersons, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;

d. Thirty-four representatives of the various civic and social organizations, including the clergy, education, the business sector and the arts. The members shall represent all major geographical segments of the State. These members shall be committed to resolving conflict and to the humanitarian philosophy of Dr. King.

3. The Governor shall select two public members to serve as co-chairpersons.

4. All members shall be appointed for a term of two years and shall serve without compensation. Commission vacancies shall be filled by the Governor for the remainders of the unexpired terms.

5. The Commission shall be charged with the following responsibilities:

a. Develop, coordinate and advise the Governor of Statewide activities in 1986 in honor of Martin Luther King Jr.'s birthday, which occurs on January 20, 1986;

b. Draw upon the members' resources and expertise in creating programs designed to educate the people of New Jersey about Martin Luther King Jr. and the Civil Rights Movement;

c. Meet with other interested parties willing to assist with the coordination of events and seek volunteers who are willing to donate their talents;

d. Receive donations, through fund-raising and contributions, from individuals and public and private organizations to assist the Commission in carrying out its responsibilities and to address the needs of the only living memorial, the Martin Luther King Jr. Center for Nonviolent Social Change.

6. All departments and agencies are authorized and directed, to the extent possible and not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel, and assistance as may be necessary to accomplish the purpose of this Order.

7. This Order shall take effect immediately.

Issued September 26, 1984.

EXECUTIVE ORDER No. 84

WHEREAS, New Jersey State Government has accelerated its actions in seeking improved methods of administration and promoting efficiency and economy in its operations; and

WHEREAS, The Legislature has passed and I have approved an appropriation designed to commence the consolidation of information processing in the Executive Branch, necessitating implementation as soon as practicable; and

WHEREAS, The coordination of information processing activities of all State Government agencies will effectuate the most practicable consolidation of data installations in a manner that will effectively service the needs of State Government; and

WHEREAS, The coordination of information processing activities of all State Government agencies will provide information processing guidance and systems development assistance to all agencies of State Government; and

WHEREAS, The coordination of information processing activities of all State Government agencies will result in the most effective and efficient use of the State's resources;

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

1. There shall be established within the Department of the Treasury an Office of Telecommunications and Information Systems (OTIS). In addition to the functions, powers and duties set forth herein, the Office of Telecommunications and Information Systems shall exercise the functions and perform the duties given to the State Treasurer pursuant to P. L. 1984, chapter 34, sections 9-13 (C. 52:18A-186 et seq.).

2. The Office of Telecommunications and Information Systems shall be responsible for establishing information processing policy; effecting the most practical consolidation of information processing facilities in a manner to most effectively serve the needs of State Government on a comprehensive basis; and coordinating the information processing activities of the Executive Branch of State Government.

3. The Office of Telecommunications and Information Systems shall consolidate the operational responsibilities of the existing data centers within the Departments of Human Services, Labor, Law and Public Safety, and Transportation along with their funding, personnel, equipment, powers, duties and functions. The Financial Management and Data Center located within the General Services Administration, Department of the Treasury, will not be transferred to the Office of Telecommunications and Information Systems at this time.

4. The State Treasurer shall prepare, for submission to the Legislature, an Executive Reorganization Plan, drafted in accordance with the "Executive Reorganization Act of 1969," P. L. 1969, c. 203 (C. 52:14C-1 et seq.), that will provide for the transfer of the Financial Management and Data Center from the General Services Administration, Department of the Treasury, to the Office of Telecommunications and Information Systems. The State Treasurer shall seek the assistance of the Office of the Governor and the Office of the Attorney General in drafting this plan.

5. The Office of Telecommunications and Information Systems shall establish a schedule for the orderly transfer of the remaining information processing personnel and equipment from throughout the Executive Branch of State Government to the Office of Telecommunications and Information Systems.

6. The Office of Telecommunications and Information Systems, with each State department or agency receiving federal funding for data processing programs, shall comply with all federal regulations pertaining to State Government Centralized Data Processing Facilities.

7. The Office of Telecommunications and Information Systems shall be coordinated by an administrator who shall be appointed by, and serve at the pleasure of, the State Treasurer.

8. The administrator, subject to the approval of the State Treasurer, shall organize the work in such units as is determined to be necessary for the effective and efficient operation of the Office of Telecommunications and Information Systems and shall assign such employees to those units as may be determined to be necessary for the performance of the functions assigned.

9. All agencies of State Government are directed to cooperate fully with the Office of Telecommunications and Information Systems and with each other to insure the effectiveness of information processing in State Government.

Issued October 17, 1984.

EXECUTIVE ORDER No. 85

WHEREAS, The Deficit Reduction Act of 1984 (the "Act") places a ceiling on the amount of private activity bonds that may be issued by each state; and

WHEREAS, The ceiling amount for the State of New Jersey (the "State ceiling amount") is approximately \$1,115,700,000 for calendar years 1984, 1985, and 1986, and \$743,800,000 thereafter; and

WHEREAS, The Act provides that the Governor may proclaim a formula for allocating the State ceiling amount among the

various issuing authorities in the State which is different from that imposed pursuant to the Act; and

WHEREAS, The amount of private activity bonds issued by the New Jersey Economic Development Authority (the "Authority") for calendar year 1983 was \$943,372,067 and it is presently estimated that this amount could be exceeded in 1984, as well as in future years; and

WHEREAS, Maintaining the allocation formula imposed pursuant to the Act could result in a major decrease in the activity of the Authority, a failure to utilize the entire State ceiling amount, and the use of the State ceiling amount in a manner inconsistent with the economic development objectives of the State; and

WHEREAS, The issuance of private activity bonds by the Authority has been an important economic development tool for the State of New Jersey; and

WHEREAS, It is in the best interests of the State to utilize the issuance of private activity bonds to the fullest extent permitted under the Act;

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

1. One hundred percent of the State ceiling amount for each calendar year is allocated to the Authority, except that portion of the State ceiling amount for 1984 which equals the amount of private activity bonds issued by issuing authorities other than the Authority from January 1, 1984 through the date 14 days subsequent to the date hereof and not otherwise exempted from the limitations imposed by the Act, which portion of the State ceiling amount for 1984 is hereby allocated to such issuing authorities, and except such portion of the State ceiling amount for any year which is reallocated as provided in section 4 hereof. Any public entity which has issued or will issue private activity bonds from January 1, 1984 through the date 14 days subsequent to the date hereof shall, within 21 days of the date hereof, notify

the Authority of the principal amount of bonds issued, the date on which they were issued and the use of the proceeds.

2. Any public entity authorized under State law to issue private activity bonds (the "issuer") may apply to the Authority for a reallocation of a portion of the State ceiling amount. The application for such a reallocation shall contain the following information:

- a. The name of the issuer.
- b. The name, location and description of the project or purpose for which a reallocation is requested and the name and address of all initial owners or operators of the project.
- c. The date of adoption by the issuer of a bond resolution or earlier "similar official action" towards the issuance of bonds within the meaning of Treasury Regulations Section 1.103-8(a)(5) promulgated pursuant to section 103 of the Internal Revenue Code.
- d. The portion of the State ceiling amount that the issuer requests be reallocated for the project or purpose, and the amount of all outstanding private activity bonds issued by the issuer within the two years preceding the date of application by the issuer for a reallocation.
- e. The anticipated date on which private activity bonds are to be issued by the issuer.
- f. Such other information as may be requested by the Authority.

3. Within 40 days of receipt of the application, the Authority shall notify the issuer of the portion of the State ceiling amount reallocated to the issuer pursuant to section 4 hereof, which notification shall contain certification of no consideration for the reallocation in accordance with section 621 of the Act. Such reallocation shall cease to be effective if a substantial portion (as defined by the Authority) of the private activity bonds reallocated to the issuer are not issued (by delivery and payment) within 45 days of the date of notice of reallocation, unless an application for an extension of the reallocation is filed with the Authority no less than five days prior to the expiration of the initial 45-day period and is approved by the Executive Director of the Authority; provided, however, that in the event the reallocation expires, the issuer may resubmit its application for a reallocation. Notwithstanding the foregoing, (i) if the Authority reallocates a portion of the State ceiling amount to an issuer after November

15 of any calendar year, a substantial portion of such private activity bonds must be issued by the issuer within 30 days of the date of notice of reallocation, (ii) if the reallocation is made after December 1 of any calendar year, a substantial portion of such private activity bonds must be issued by the issuer within 15 days of the date of notice of reallocation, and (iii) if the reallocation requested by an issuer in any calendar year is for a "carryforward project" within the meaning of section 621 of the Act, such request shall be acted upon by the Authority in accordance with section 4 hereof and the rules and regulations promulgated by the Authority pursuant to section 6 hereof. On the date of issuance of private activity bonds pursuant to a reallocation by the Authority, the issuer shall give notice thereof to the Authority by telephone, which notice shall be confirmed by certified mail.

4. The Authority may reallocate to an issuer all or a part of the portion of the State ceiling amount requested by the issuer if the Authority determines that (i) the purposes for which the reallocation is requested are consistent with the economic development objectives of the State, as established by the Authority, and (ii) the requested reallocation, if it, together with other existing and anticipated reallocations for the calendar year and issuances or anticipated issuances by the Authority of private activity bonds for the calendar year will exceed the State ceiling amount for such year, should have priority over such other anticipated reallocations or issuances by the Authority because of the number of jobs to be created as a result of the project, the location of the project and the public importance or necessity of the project. All actions taken by the Authority regarding applications for reallocation shall be subject to the Governor's approval pursuant to section 4i. of P. L. 1974, chapter 80 (C. 34:1B-4i.).

5. The Authority shall, on January 1 of each calendar year, determine the State ceiling amount for that year and shall, during each calendar year, maintain accurate records regarding the issuance of private activity bonds in the State.

6. The Authority shall promulgate such rules and regulations as are necessary to carry out the provisions of this Executive Order, including procedures relating to the carryforward provisions of the Act.

7. The failure of any issuer to abide by the provisions of this Executive Order or any rules or regulations promulgated by the Authority pursuant to it may, at the discretion of the Authority, result in the forfeiture of future reallocations to the issuer.

8. This Order shall take effect immediately.

Issued October 22, 1984.

EXECUTIVE ORDER No. 86

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

1. November 23, 1984, 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 or other funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 23, 1984.

Issued November 13, 1984.

EXECUTIVE ORDER No. 87

WHEREAS, Executive Order No. 17, signed by Governor Thomas H. Kean on October 5, 1982, creates a New Jersey Advisory Council on Holocaust Education to advise and assist in the implementation of Holocaust education in the State schools; and

WHEREAS, The New Jersey Advisory Council on Holocaust Education is required under Executive Order No. 17 to prepare a report for the Governor regarding their findings and recommendations to facilitate the inclusion of the Holocaust in public education; and

WHEREAS, The New Jersey Advisory Council on Holocaust Education has submitted its report to the Governor but believes that further work is necessary in order to fully complete their task;

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

1. Section 2e of Executive Order No. 17 is hereby amended to read as follows:

e. To prepare reports for the Governor regarding its findings and recommendations to facilitate the inclusion of the Holocaust in public education. The Advisory Council shall submit its final report to the Governor no later than November 30, 1986, at which point the Advisory Council shall terminate.

2. Sections 1 through 2d and sections 3a through 6 of Executive Order No. 17 are to remain in effect as originally intended.

3. This Order shall take effect immediately.

Issued November 28, 1984.

EXECUTIVE ORDER No. 88

WHEREAS, It is necessary to confine in various penal and correctional facilities of this State persons charged or under sentence for serious crimes including murder and other violent acts; and

WHEREAS, Some such persons either may have, or it is reasonable to believe they have, a relationship to or membership in terrorist organizations or other similar groups committed to violence, murder or mayhem as a means to achieve their purposes; and

WHEREAS, Most of the State and county penal and correctional institutions cannot provide by reason of the physical structure of such institutions the degree of maximum security necessary to safeguard such persons and to guard against escape or a prison break perpetrated by other persons; and

WHEREAS, These conditions immediately endanger the safety and welfare of the residents of this State and threaten loss to and destruction of property and interfere with the due administration of justice and are too large in scope or unusual in type to be handled by the penal institutions of the several counties;

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

1. I declare that a state of emergency exists in various county penal and correctional facilities by reason of the facts and circumstances set forth above.

2. I invoke such emergency powers as are conferred upon me by the Laws of 1942, chapter 251 (C. App. A:9-33 et seq.) and all amendments and supplements thereto.

3. I hereby direct the Commissioner of Corrections to designate as a place of confinement any available suitable and appropriate institution or facility of the State, including the State Prison, or a county penal or correctional institution, in the event it is determined by him that a specific county correctional or penal facility is not suitable or adequate to properly secure any inmate under sentence or charged with any criminal offense.

4. The Commissioner of Corrections shall have full authority to adopt such rules, regulations, orders or directives as he shall deem necessary to effect the above provisions.

5. It shall be the duty of every official, agent or employee of every governmental body, agency and authority in this State of any nature whatsoever to fully cooperate in carrying out the provisions of this Order.

6. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law under section 17 of P. L. 1942, chapter 251 (C. App. A:9-49).

7. This Order shall take effect immediately.

Issued December 18, 1984.