

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

CHAPTERS 171-386



1993

New Jersey State Library

EXECUTIVE ORDERS

(2077)

EXECUTIVE ORDER No.80

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, As of January, 1993 the total adult inmate population of State-sentenced prisoners was 22,277, including 2,896 State-sentenced inmates in county jails; and

WHEREAS, The State's adult and youth correctional institutions are currently operating at 131 percent of design capacity; and

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

WHEREAS, From June, 1981, when Executive Order No. 106 (Byrne) was issued, until this month, the population of State-sentenced prisoners grew from 7,940 to 22,277, far exceeding all predictions for inmate population growth and seriously and dangerously taxing all State correctional facilities; and

WHEREAS, The scope of this crisis prevents local governments from safeguarding the people, property, and resources of the State and mandates a centralized management approach to inmate housing assignments; and

WHEREAS, Despite the construction of three new prisons designed for 3,000 inmates which now house 4,897 inmates at a construction cost of approximately \$150 million, expansions of all existing facilities, and the opening of a new facility at Fort Dix under a lease agreement with the federal government that has been extended through the end of 1993, the prison population growth has consistently outstripped infrastructure expansion throughout the past decade, exacerbating crisis conditions; and

WHEREAS, Efforts are continuing to address the problem, including the planned construction of a new prison facility to be operational by the end of 1995; and

WHEREAS, The Sentencing Policy Study Commission was recently created by statute to review the State's sentencing laws and policies, and the Commission's work may have a significant impact on future prison population; and

WHEREAS, Executive Order No. 52 (Florio) of January 17, 1992, will expire on January 20, 1993; and

WHEREAS, The conditions specified in Executive Order No. 106 (Byrne) of June 19, 1981, continue to present a substantial likelihood of disaster, and in fact have worsened since that time as the prison population has expanded exponentially; and

WHEREAS, Despite the severity of the crisis in the prison population of this State, the Appellate Division of the Superior Court has determined that executive authority to address these emergency conditions under the Civil Defense and Disaster Control Act expires on April 29, 1993; and

WHEREAS, The determination of the Appellate Division is currently on appeal before the New Jersey Supreme Court;

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

1. Executive Order No. 106 (Byrne) of June 19, 1981; No. 108 (Byrne) of September 11, 1981; No. 1 (Kean) of January 20, 1982; No. 8 (Kean) of May 20, 1982; No. 27 (Kean) of January 10, 1983; No. 43 (Kean) of July 15, 1983; No. 60 (Kean) of January 20, 1984; No. 78 (Kean) of July 20, 1984; No. 89 (Kean) of January 18, 1985; No. 127 (Kean) of January 17, 1986; No. 155 (Kean) of January 12, 1987; No. 184 (Kean) of January 4, 1988; No. 202 (Kean) of January 26, 1989; No. 226 (Kean) of January 12, 1990; No. 24 (Florio) of January 18, 1991; and No. 52 (Florio) of January 17, 1992, shall remain in effect until January 20, 1994, notwithstanding any sections in them stating otherwise, subject to the terms of any judicial order setting an earlier expiration date.

2. This Order shall take effect immediately.

Issued January 15, 1993.

EXECUTIVE ORDER No. 81

WHEREAS, Associate Justice Thurgood Marshall devoted his long and distinguished life to advancing the cause of equality and justice in the United States; and

WHEREAS, Justice Marshall, born the son of a Pullman waiter, rose from the ranks of systematic racial segregation and legalized discrimination to become one of the greatest civil rights leaders in our history; and

WHEREAS, While serving as Chief Counsel to the National Association for the Advancement of Colored People, Justice Marshall masterminded the legal strategy that resulted in the dismantling of racial segregation throughout American society; and

WHEREAS, This strategy culminated in the landmark case of Brown v. Board of Education, in which Justice Marshall argued that segregated schools were inherently unequal, and therefore in violation of the equal protection clause of the Fourteenth Amendment to the U.S. Constitution; and

WHEREAS, The Supreme Court accepted Justice Marshall's arguments, and held that racial segregation by the government is constitutionally intolerable; and

WHEREAS, The Supreme Court's holding in Brown v. Board of Education resulted in the profound transformation of American legal, social, and political life; and

WHEREAS, After Justice Marshall's achievements at the NAACP, President Lyndon Johnson appointed him to be the first African-American Solicitor General; and

WHEREAS, In 1967, President Johnson appointed Justice Marshall to become the first African-American Associate Justice of the Supreme Court; and

WHEREAS, Justice Marshall served for 24 distinguished years on the nation's highest Court, and in that time demonstrated a deep and unswerving dedication to the motto inscribed above the entrance to the Supreme Court building: "Equal justice under law"; and

WHEREAS, In his 24 years on the Supreme Court, Justice Marshall's wisdom and sensitivity breathed the spirit of fairness and compassion into every area of the law; and

WHEREAS, In marking the passing of this national hero, we should renew our pledge to eradicate discrimination from every sphere of society, and deepen our commitment to building a society that treats every human being with equal respect and dignity, regardless of race, ethnicity, gender, or income; and

WHEREAS, It is entirely fitting and proper for the State of New Jersey to mourn the passing, and honor the memory of Thurgood Marshall, and to rededicate ourselves to the just and moral principles to which he devoted his life;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Monday, February 1, 1993 and through and including Wednesday, February 3, 1993 in recognition and mourning of the passing of Associate Justice Thurgood Marshall.

2. This Order shall take effect immediately,

Issued January 29, 1993.

EXECUTIVE ORDER No. 82

WHEREAS, The 1.1 million acre Highlands region, stretching from the Delaware River to the Hudson River and encompassing lands of New York and New Jersey, is an area of significant natural beauty containing numerous cultural and historic sites and possessing substantial recreational opportunities; and

- WHEREAS, Federal, State, county and local governments in both New Jersey and New York own approximately 148,800 acres in this region, managing them as parks, preserves, water supply areas, historic sites and open space; and
- WHEREAS, The State Development and Redevelopment Plan notes that the Highlands is one of but a few of the natural assets of the Garden State that translates into vast recreational and economic opportunity for today's and tomorrow's New Jerseyans; and
- WHEREAS, Land preservation efforts in the Highlands Region should link the parks, historic sites, wetlands, wildlife habitats, streams, rivers, reservoirs, watersheds, trails, scenic and natural lands and other protected areas unique to the region between the Delaware and Hudson Rivers for the enjoyment of future generations; and
- WHEREAS, Greenways provide a means for forging this link by creating unbroken corridors of forests, streams, lakes, reservoirs, rivers and public trust lands which protect valuable wetlands, scenic and recreation areas and wildlife habitats, shape community development and enhance community pride and beauty; and
- WHEREAS, In 1987, the President's Commission on American Outdoors called for a network of greenways across the United States to facilitate the preservation of natural resources for recreational and open space purposes; and
- WHEREAS, The Governor's Council on New Jersey Outdoors recommended in its 1991 Annual Report that there should be federal and State assistance in establishing greenway projects; and
- WHEREAS, Both the Skylands Greenway Task Force and the U.S. Forest Service Highlands Study recognized the continued threats of uncontrolled suburbanization and urbanization on the natural resources of the region and recommended protection and conservation of the region's important water and contiguous forest resources; and
- WHEREAS, The Skylands Greenway Task Force recommends the creation of a Skylands Greenway Council and the U.S. Forest Service Highlands Regional Study recommends a continuing entity to implement conservation and preservation strategies; and

WHEREAS, The recent federal appropriation for the Highlands Region, under the Forest Legacy Program, requires public participation in conservation and preservation recommendations; and

WHEREAS, It is in the interest of New Jersey to create an Advisory Group, including public members, to coordinate land preservation and conservation efforts and provide advice and recommendations to the appropriate State and federal agencies involved in the Highlands Region;

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

1. The creation of a Highlands Trust Advisory Board (hereinafter referred to as the "Board") which shall be advisory to the Commissioner of the Department of Environmental Protection and Energy. The responsibilities of the Board shall include, but not be limited to, providing recommendations on lands most suitable for preservation and conservation in the Highlands region. Preservation and conservation shall include natural and historic resources, as well as greenways, defined as a network of protected linkages of natural, cultural and recreational resources planned in such a way as to enhance the local economy. In making its recommendations, the Board should also examine ongoing efforts to identify and inventory natural habitat areas, greenway corridors, cultural resources, historic resources, scenic roads and landscapes. Additionally, recommendations should reflect comprehensive planning and coordination of land preservation and conservation efforts and most efficient use of resources of public and private agencies in the Highlands Region.

The Board should encourage consideration of the natural and recreational resources at the earliest stages of land use planning and promote cooperation between the community, and State and local reviewing agencies.

The Board should coordinate its activities and recommendations with due regard to the State's Forest Legacy Program.

The Board may examine and refine preservation strategies that were recommended in the Skylands Greenway Task Force Report and Highlands Regional Study and make appropriate recommendations.

2. The Board shall be constituted as follows:

- a. The Commissioner of the New Jersey Department of Environmental Protection and Energy, or the Commissioner's designee.
- b. A representative from the North Jersey District Water Supply Commission.
- c. A representative from the Newark Watershed Conservation and Development Corporation.
- d. One representative from each of the following private non-profit land holding conservation groups in the Highlands Region: The Nature Conservancy, Trust for Public Land, New Jersey Conservation Foundation, Morris Parks and Land Conservancy, Hunterdon Heritage Conservancy, and New Jersey Audubon Society.
- e. The Board shall invite representatives, one each from counties comprising the Highlands region, specifically, Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren, each to be chosen by the respective Board of Chosen Freeholders of counties which choose to participate in Advisory Board activities.
- f. The Board may also invite the participation of the Commissioner of the New York Department of Environmental Conservation and/or of the New York State Office of Parks, Recreation and Historic Preservation, or their designees, as well as representatives from New York's Orange and Rockland Counties, the United States Forest Service, National Park Service, United States Fish and Wildlife Service, United States Soil Conservation Service and other interested groups.

3. The geographical boundaries of the region to be studied by the Board shall coincide with those boundaries identified in the U.S. Forest Service Highlands Regional Study. The New Jersey boundaries include, in part or whole, 83 townships in Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren counties.

4. The New Jersey Department of Environmental Protection and Energy is authorized and directed, to the extent not inconsistent with law, to cooperate with the Board and to furnish it with such information, personnel and assistance as necessary to accomplish the purposes of this Order. The Board may also call upon other State agencies, including the State Planning Commission and Office of State Planning, to provide any information deemed necessary, including statistical and planning data.

5. This Order shall take effect immediately.

Issued February 25, 1993.

EXECUTIVE ORDER No. 83

WHEREAS, Revenues from legalized gaming are used by the State and by many private nonprofit organizations to fund a broad range of services and programs for the citizens of New Jersey; and

WHEREAS, The demand for services and programs currently funded by legalized gaming revenues is likely to continue to increase; and

WHEREAS, The dependence of certain State-funded programs on revenues from legalized gaming raises practical and policy considerations that should be examined periodically on a comprehensive basis to assure that the development of legalized gaming results from conscious policy choices rather than perceived financial necessity; and

WHEREAS, Legalized gaming has produced and continues to produce significant benefits for New Jersey's citizens; and

WHEREAS, There are also social and other costs associated with legalized gaming; and

WHEREAS, New Jersey currently sanctions a variety of types of legalized gaming; and

WHEREAS, The initiation of or changes to a specific type of legalized gaming may affect other types of legalized gaming; and

WHEREAS, The use of legalized gaming to produce public revenues is becoming more prevalent in other jurisdictions; and

WHEREAS, The existence and possible expansion of legalized gaming in other jurisdictions will have an effect on legalized gaming in New Jersey; and

WHEREAS, There is a need to study the policies of this State with regard to legalized gaming in order to ensure that the various factors cited above are given proper consideration in the development of legalized gaming policies for the future;

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

1. There is hereby created a Legalized Gaming Policy Study Commission, hereinafter referred to as the Commission.

2. The Commission shall consist of 13 members appointed as follows: four public members appointed by the Governor; one member of the Casino Control Commission appointed by the Governor; two members of the Senate (no more than one of whom shall be of the same political party) and one public member appointed by the President of the Senate; two members of the General Assembly (no more than one of whom shall be of the same political party) and one public member appointed by the Speaker of the General Assembly; the Attorney General or his designee; and the Treasurer or his designee. The Chair and Vice Chair of the Commission shall be appointed by the Governor. All members of the Commission shall serve without compensation.

3. The Commission shall study the policies of this State with regard to legalized gaming and shall make recommendations to help ensure that the various factors cited in the Preamble of this Executive Order, and any other factors deemed relevant by the Commission, are given proper consideration in the development of legalized gaming policies for the future. The Commission shall issue its report and recommendations no later than December 31, 1993.

4. The Commission shall receive staff support from the Department of the Treasury and the Department of Law and Public Safety.

5. This Order shall take effect immediately and shall terminate upon the issuance by the Commission of its report and recommendations.

Issued March 5, 1993.

EXECUTIVE ORDER No.84

WHEREAS, Our nation is deeply committed to the universal principle of equality for all, a principle that is forever fixed in our fundamental law through the equal protection clause of the Fourteenth Amendment to the United States Constitution; and

WHEREAS, Since the time of the Civil War, our nation's history has been characterized by a long and difficult struggle to provide every citizen with equal rights under the law; and

WHEREAS, We are still engaged in an historic endeavor to cleanse our social, political, and economic life of invidious discrimination against racial and ethnic minorities, and against women; and

WHEREAS, Our government cannot tolerate discrimination against African-Americans, who continue to suffer from the legacy of racism in America; against women, who have still not been fully admitted to the table of equality; and against ethnic minorities, such as Latinos and Asian-Americans, who also confront barriers of discrimination throughout this society; and

WHEREAS, Our government bears a solemn responsibility to carry out the vision of equality and justice that has long nourished the righteous efforts of the civil rights movement; and

WHEREAS, The civil rights movement in the United States has transformed our legal and political system from one that embraced segregation and other forms of overt discrimination to one that now recognizes the right of every citizen to equal respect and concern; and

WHEREAS, Nevertheless, our society continues to be marred by economic inequalities among our citizens — inequalities that represent the direct and intolerable legacy of this nation's discriminatory past; and

WHEREAS, We owe an abiding obligation to the great civil rights leaders in our history, such as Dr. Martin Luther King, Cesar Chavez, Susan B. Anthony, and Supreme Court Justice Thurgood Marshall, to give the fullest measure of our efforts to eradicate the economic consequences of racial, ethnic, and gender discrimination; and

WHEREAS, We can best achieve the ideal of equal economic opportunity for all not by increasing our reliance on social welfare programs of the past, but by advancing new policies that promote economic self-reliance and entrepreneurial self-sufficiency; and

WHEREAS, In 1985, this State adopted with widespread support an innovative set-aside policy that guaranteed businesses owned by racial and ethnic minorities, and businesses owned by women an opportunity to obtain a fair portion of public contracts; and

WHEREAS, New Jersey's set-aside program not only redressed historic discrimination in the marketplace, but also advanced the critical interest of providing historically disadvantaged groups with the means and the experience to compete fairly in the economic setting; and

WHEREAS, In the 1989 case of City of Richmond v. Croson, the United States Supreme Court invalidated a City of Richmond set-aside program on the grounds that the city had failed to meet strict standards of constitutional scrutiny, which require that such policies be justified on the basis of evidence of actual discrimination, and that such policies be narrowly tailored to remedy such discrimination; and

WHEREAS, After Croson the set-aside program in New Jersey was suspended; and

WHEREAS, On August 14, 1989, in response to the Croson case, Governor Thomas H. Kean issued Executive Order No. 213, which established the Governor's Study Commission on Discrimination in Public Works Procurement and Construction Contracts (hereinafter the "Study Commission"); and

WHEREAS, The Executive Order directed the Study Commission to "investigate the nature and scope of any discriminatory practices" that exist in the awarding of construction and procurement contracts by the State of New Jersey, to "prepare an analysis of this information in order to develop probative evidence of any prior or present discrimination" in the awarding of such contracts, and to "identify and evaluate remedies for these practices consistent with guidelines established by the Supreme Court in Croson"; and

WHEREAS, The Study Commission, which has been continued throughout this Administration, has worked diligently since its formation to fulfill its mandate, and has presented me with its final report, complete with extensive findings and comprehensive proposals; and

WHEREAS, The Study Commission's report is based upon a thorough statistical analysis comparing the volume of contract dollars awarded by State agencies to firms owned and operated by minorities and women to the numbers of such firms that are qualified and available to provide goods and services to the State; and

WHEREAS, The Study Commission's report also contains extensive anecdotal and historical evidence revealing widespread discrimination in the marketplace, with which the State passively participates; and

WHEREAS, This compelling statistical and anecdotal evidence establishes a convincing case that firms owned and operated by racial and ethnic minorities, as well as firms owned and operated by women, experience widespread exclusion from the contracting process; and

WHEREAS, I have been advised by the Attorney General that the evidence set forth in the Study Commission's final report supplies a constitutionally permissible basis for establishing a set-aside policy under the strict scrutiny standards enunciated in the Croson case; and

WHEREAS, Government must take every necessary and practicable step toward eradicating racial, ethnic, and gender discrimination from our society;

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

1. Pursuant to the Set-Aside Act for Small Businesses, Female Businesses, and Minority Businesses, N.J.S.A.52:32-17 et seq., the New Jersey Sports and Exhibition Authority Law, N.J.S.A.5:10-1 et seq., the Casino Control Act, N.J.S.A.5:12-1 et seq., the New Jersey Wastewater Treatment Trust Act, N.J.S.A.58:11B-1 et seq., the New Jersey Urban Development Corporation Act, N.J.S.A.55:19-1 et seq., the New Jersey Local Development Financing Fund Act, N.J.S.A.34:1B-36, and the New Jersey Transportation Trust Fund Authority Act of 1984, N.J.S.A.27:1B-1 et seq., every agency, department, and instru-

mentality of the State of New Jersey that is authorized to award procurement or construction contracts shall forthwith adopt a set-aside policy in accordance with the foregoing statutory provisions and with this Executive Order.

2. In particular, every such State contracting agency shall adopt a set-aside program that requires the agency to make a good faith effort to award 7% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by African-Americans, Latinos, and Asian-Americans, and 3% of public procurement and construction contracts and subcontracts to qualified businesses owned and operated by women.

3. These numerical goals shall be pursued to the fullest degree consistent with practicality, and only insofar as to advance the State's interest in awarding contracts to firms with the necessary qualifications, regardless of race, ethnicity or gender. Furthermore, any set-aside program established as directed by this Order shall specifically authorize the department or agency administering the set-aside program to award contracts regardless of race, ethnicity, or gender, notwithstanding the numerical goals set forth above, whenever qualified minority- or women-owned businesses are unavailable to perform the services or supply the goods sought.

4. Any set-aside program established pursuant to this Order is remedial in nature and in purpose, and therefore shall be in effect with respect to each affected group only until such time as the discriminatory conditions that form the basis of the set-aside program are eradicated.

Issued March 5, 1993.

EXECUTIVE ORDER No. 85

WHEREAS, Severe weather conditions of March 13, 1993, including snow, heavy rains, winds and high tides have created flooding, hazardous road conditions, and threatened homes and other structures throughout the State; and

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

WHEREAS, The Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, c.251 (N.J.S.A.App.A:9-30 et seq.) and the Laws of 1979, c.240 (N.J.S.A.38A:3-6.1) and the Laws of 1963, c.109 (N.J.S.A.38A:2-4) and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a limited State of Emergency has and presently exists throughout the State since 10:30 a.m. on Saturday, March 13, 1993.

1. In accordance with the Laws of 1963, c.109 (N.J.S.A.38A:2-4), I hereby authorize the Adjutant General of the New Jersey National Guard to order to active duty such members of the New Jersey National Guard that, in his judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare. He may authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

2. In accordance with the Laws of 1942, c.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.

3. The Superintendent of the Division of State Police is further authorized and empowered to restrict vehicles from using the State highways and to remove all abandoned or parked vehicles from State highways and take all other actions necessary to secure the health, welfare and safety of the people during this limited State of Emergency.

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

5. 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.

6. In accordance with the Laws of 1942, c.251, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of men, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

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

Issued March 15, 1993.

EXECUTIVE ORDER No. 86

WHEREAS, Executive Order No. 85 declared a State of Emergency effective March 13, 1993 because of severe weather conditions which threatened the health, safety and resources of the residents of this State; and

WHEREAS, The immediate threat posed by the severe weather conditions of March 13, 1993 and since have passed and ceased to endanger the health, safety or resources of residents; and

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

NOW, THEREFORE, I, JAMES J. FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby declare that the State of Emergency is hereby terminated effective at 5 p.m. on March 15, 1993.

This Order shall take effect immediately.

Issued March 15, 1993.

EXECUTIVE ORDER No. 87

WHEREAS, The respective branches of the military have proposed to the federal Defense Base Closure and Realignment Commission certain base closings and realignments throughout the nation; and

WHEREAS, Three major defense facilities in New Jersey have been proposed for closure or realignment: Fort Monmouth, Monmouth County; McGuire Air Force Base, Burlington County; and the Naval Air Warfare Center, Mercer County; and

WHEREAS, These base closing and realignments, and the general reduction in federal spending for national defense purposes, will have a significant impact upon defense firms, communities and workers, thus affecting the economy of the State and the prosperity, safety, health and general welfare of our citizens and their standard of living; and

WHEREAS, There is a need for the State to take immediate action to prepare for and address the economic repercussions that may befall the State as a result of the Commission's recommendations; and

WHEREAS, An assessment must be made as to the potential impact of declining defense expenditures on the State's economy; and

WHEREAS, There is a need for identify and evaluate all federal and State programs that may be of assistance to defense firms, communities and other businesses interested in conversion or joint use; and

WHEREAS, New State initiatives must be developed and the activities of existing programs and personnel must be coordinated in order to meet the specific needs of businesses, communities and workers; and

WHEREAS, The State must develop and implement a comprehensive plan to ensure New Jersey's continued economic growth;

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

1. There is hereby created the "Defense Conversion and Community Assistance Commission" (hereinafter "Commission").

2. The Commission shall consist of a minimum of 25 members and a maximum of 50 members. The public members of the Commission shall be appointed by the Governor who shall include representatives from, but not be limited to, contracting firms, organized labor, academia, banking and financial institutions, air freight and air transport associations and community leaders. This Commission shall also include as ex officio members the Commissioners of the Departments of Commerce and Economic Development, Labor, Transportation, Environmental Protection and Energy, and Banking; the Adjutant General of the Department of Military and Veterans' Affairs; the Executive Director of the Economic Development Authority; and the Chairs of the Commission on Science and Technology and the Commission on Employment and Training; or their designees. Furthermore, there shall be two members who shall be representatives from the United States Congress. An additional four members of the Com-

mission shall be State legislators, two of whom shall be appointed from the Senate and be appointed by the Senate President (no more than one of whom shall be of the same political party), and two of whom shall be appointed from the General Assembly and be appointed by the Speaker (no more than one of whom shall be of the same political party). The Chair and Vice-Chair of the Commission shall be designated from among the members by the Governor. All members shall serve without compensation.

3. The Commission shall study the economic impact of the defense base closings and federal defense spending reduction upon defense firms, communities, local businesses and workers and make recommendations to ensure that the various factors cited in the preamble of this Executive Order, and other factors deemed relevant by the Commission, are given proper consideration.

4. The Commission shall coordinate for the State of New Jersey the receipt and distribution of all funds to be used to implement those programs that have been recommended by the Commission to mitigate the impact of defense base closure and realignment, defense industry conversion and community and worker assistance, unless otherwise specified by law.

5. Subject to the approval of the Governor, the Commission may prepare and approve a budget to be funded through available federal and State funds to conduct forums, to reimburse members of the Commission for reasonable and necessary expenses for attending Commission meetings and performing Commission duties, and to obtain the services of such professional, technical, and clerical personnel as may be necessary to carry out its functions.

6. 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 assistance it deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Commission and furnish it with such information, personnel and assistance as is necessary to accomplish the purpose of this Order.

7. This Order shall take effect immediately.

Issued March 29, 1993.

EXECUTIVE ORDER No. 88

WHEREAS, In recognition of our recent celebration of Women's History Month, it is appropriate for the State of New Jersey to redouble its efforts to advance the cause of equality for all women; and

WHEREAS, All women enjoy a fundamental right to be treated with equal respect and dignity; and

WHEREAS, Sexual harassment of any kind is totally repugnant to basic principles of equality; and

WHEREAS, The threat of sexual harassment in the workplace continues to hinder the progress of women in professional life; and

WHEREAS, Women have the right to be totally free from unwanted sexual advances and other forms of sexual harassment that create an intolerable and offensive atmosphere in the workplace; and

WHEREAS, This State must take every necessary and appropriate step toward eradicating sexual harassment and gender discrimination from the workplace; and

WHEREAS, The New Jersey Department of Personnel currently operates a successful training program through its Human Resource Development Institute that is designed to educate State employees on this important topic; and

WHEREAS, The State should ensure that all governmental entities adopt effective policies to eradicate sexual harassment from the workplace;

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

1. The Commissioner of Personnel shall conduct a comprehensive review of the State's current policies, practices, and procedures for eradicating sexual harassment from the government workplace. The Commissioner of Personnel, working in cooperation with the Personnel Advisory Board, shall examine current policies, practices, and procedures, including N.J.A.C.

4A:7-1.2 et seq., to determine how these practices and procedures can be made more effective and sensitive to the needs of victims of sexual harassment. The Commissioner of Personnel shall submit a final report to me no later than ninety (90) days after the date of this Executive Order.

2. The final report shall set forth findings and recommendations, and shall address all relevant issues including: (a) What are the current practices and procedures employed by the nineteen principal State departments as well as State authorities and colleges?; (b) Do these practices and procedures respond adequately to the needs of victims of sexual harassment?; (c) Do these practices and procedures provide adequate sanctions for those who are found to have committed acts of sexual harassment?; (d) Are these practices and procedures uniform throughout all units of State government?; and (e) Are State employees adequately advised of the nature of sexual harassment and the remedies that exist?

3. Concurrent with the preparation of this report, all State agencies, departments, authorities, and instrumentalities shall develop a plan for providing anti-sexual harassment training programs or seminars for employees and/or for management and administrative personnel. In particular, the nineteen principal State departments shall make available to employees the anti-sexual harassment program as administered through the Human Resources Development Institute in the Department of Personnel.

4. This Order shall not be construed to apply to local, county, or municipal governments.

5. This Order shall take effect immediately.

Issued April 4, 1993.

EXECUTIVE ORDER No. 89

WHEREAS, The Cuban people have demonstrated a great longing for freedom and democracy, and have expressed increasing opposition to the Castro regime; and

WHEREAS, The Cuban people have recently risked their lives by organizing democratic activities on the island and by undertaking dangerous and courageous flights for freedom to the United States and other countries; and

WHEREAS, In light of the recent upheavals in the former Soviet Union and in Eastern Europe, the Cuban-American community in New Jersey eagerly awaits the time when similar movements for democratic reform gather strength and momentum in Cuba; and

WHEREAS, The Cuban-American community in New Jersey ardently looks forward to the inevitable day when the Cuban people are forever liberated from communist dictatorship, and the Cuban people are free to form a government that is democratic, respects human rights, and honors the rule of law; and

WHEREAS, A liberated Cuba will enable the Cuban people to engage in social, cultural, and economic exchanges with the people of the United States, including the citizens of New Jersey; and

WHEREAS, A free and open exchange of ideas, people, and goods will greatly benefit the people of Cuba as well as the people of the United States; and

WHEREAS, New Jersey should prepare to take full advantage of these inevitable developments in Cuba; and

WHEREAS, It is appropriate and necessary to undertake a thorough review of the possible impact that these profound social and political changes will have on the State of New Jersey and its residents;

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

1. In light of the enormous potential for democratic change in Cuba, the New Jersey Department of Commerce and Economic Development shall conduct a study to determine the likely social, economic, and cultural consequences that would result from the liberation of the people of Cuba. In particular, the Department of

Commerce shall prepare a plan setting forth a strategy that will enable the State of New Jersey to take full advantage of the social, cultural, and economic opportunities that would result from democratic reform in Cuba.

2. The Department of Commerce shall whenever necessary coordinate this effort with any and all other State departments having relevant expertise or knowledge of such issues.

3. The Department of Commerce shall report its findings to me no later than one year following the date of this Order.

4. This Order shall take effect immediately.

Issued April 15, 1993.

EXECUTIVE ORDER No. 90

WHEREAS, The New Jersey-Israel Commission (Commission) was created on May 31, 1989 by Executive Order No. 208 to enhance New Jersey's ability to implement the development of trade, capital investment and joint business ventures in addition to the development of cultural and educational exchanges between New Jersey and Israel as stated in the Sister State Agreement with Israel (Agreement); and

WHEREAS, The Commission originally was scheduled to expire on May 31, 1991; and

WHEREAS, The Commission was extended pursuant to Executive Order No. 35 dated July 16, 1991, which in part authorized the continuance of the Commission through and including May 31, 1993; and

WHEREAS, The Commission has helped to foster a spirit of cooperation between the citizens of Israel and the citizens of New Jersey that should continue to be available in order to achieve the goals of the Agreement;

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

1. The New Jersey-Israel Commission shall continue in existence through and including May 31, 1995.
2. All other provisions of Executive Order No. 35 which are not inconsistent with the foregoing shall remain in full force and effect.
3. This Order shall take effect immediately.

Issued April 29, 1993.

EXECUTIVE ORDER No. 91

WHEREAS, The procurement of products manufactured or produced from a percentage of recycled materials is acknowledged as the keystone of a successful recycling program; and

WHEREAS, Purchases by federal, state and local governments account for nearly 20 percent of the Gross Domestic Product of the United States; and

WHEREAS, Government procurement of recycled products can exert economic leverage to make recycled products more competitive with products manufactured from virgin materials and move recycled products into the marketplace; and

WHEREAS, Government procurement of recycled products can persuade manufacturers to develop greater production capacity, invest in research on recycled products and introduce new recycling technologies; and

WHEREAS, State laws require and provide economic incentives for the purchase of recycled products by State agencies; and

WHEREAS, State law and policy mandate the recycling of 60 percent of the solid waste stream, thereby reducing the amount of solid waste requiring disposal, conserving valuable resources and energy, and increasing the supply of reusable materials for New Jersey's industries; and

WHEREAS, Local governments and private firms across New Jersey, in response to State law and policy, each year collect greater volumes of recyclable materials to be returned to the economic mainstream through remanufacturing and other recycling techniques; and

WHEREAS, Executive Order No. 34 (1991) requires State agencies to serve as models for public and private entities in source reduction and recycling, and these State agencies should also serve as models to promote the expanded procurement of recycled products by public and private entities;

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

1. That each State agency and instrumentality shall implement the following mandates:

A. Appoint, 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 Division of Purchase and Property in the Department of the Treasury (hereinafter "Division of Purchase and Property") and the Division of Solid Waste Management in the Department of Environmental Protection and Energy (hereinafter "Division of Solid Waste Management") for the procurement of recycled products by the agency or instrumentality. The coordinator's responsibility is to ensure agency compliance with the purchasing goals of this Order.

B. Require the purchase of recycled paper and paper products of comparable quality with virgin products, with consideration given to recycled paper and paper products containing the highest percentage of post-consumer waste paper material, when such purchase is competitive as defined below. In the event that this requirement is impossible to meet due to mill or vendor supplies of paper and paper products containing recycled secondary and post-consumer content, each State agency or instrumentality shall meet, at minimum, the following purchasing schedule:

(1) Effective immediately, not less than 55 percent of the total dollar amount of paper and paper products purchased by any State agency or instrumentality shall be made from recycled paper or paper products, having a total weight consisting of not less than 50 percent secondary

waste paper material and with not less than 10 percent of its total weight consisting of post-consumer waste paper materials;

(2) On and after July 1, 1993, not less than 60 percent of the total dollar amount of paper and paper products purchased by the State shall be made from recycled paper or paper products having a total weight consisting of not less than 50 percent secondary waste paper material and with not less than 15 percent of its total weight consisting of post-consumer waste paper materials;

(3) On and after January 1, 1995, not less than 65 percent of the total dollar amount of paper and paper products purchased by the State shall be made from recycled paper or recycled paper products having a total weight consisting of not less than 50 percent secondary waste paper material and with not less than 25 percent of its total weight consisting of post-consumer waste paper material; except that high grade office paper, fine paper, bond paper, offset paper, xerographic paper, mimeo paper and duplicator paper shall be made from recycled paper having a total weight consisting of not less than 50 percent secondary waste paper material and with not less than 15 percent of its total weight consisting of post-consumer waste paper material.

Except as otherwise provided by law, the Division of Purchase and Property, in consultation with the Division of Solid Waste Management, shall have discretion and authority to modify the procurement rate guidelines established in B.(1) above.

For the purposes of purchasing recycled paper and paper products, "competitive" means a price no more than 10 percent above the price of items which are manufactured or produced from virgin paper products, except that the director, upon consultation with the department, may make contracts available for recycled paper or recycled paper products at a price no more than 15 percent above the price of virgin paper products whenever the director determines that a 15 percent price preference is in the best interest of the State.

C. Print all publications and documents, including those publications and documents printed under the supervision of a State agency or instrumentality, on recycled paper where adequate supplies are available and the purchase of recycled paper is competitive as defined in this Order. The phrase "printed on recycled paper," "recycled paper" or words or symbols to that effect should be imprinted on the publication or document.

D. Review and modify all bid and product specifications, in consultation with the Division of Purchase and Property, to

ensure that such specifications do not discriminate, without a sound technical or economic basis, against the purchase or use of paper or nonpaper recycled products, but encourage the maximum purchase of products made from recycled materials, (e.g. where feasible, brightness standards or their equivalents for paper or paper products shall be lowered or eliminated to remove any impediments which these standards may pose to the purchase of recycled paper or paper products).

E. Review and develop specifications for paper and nonpaper finished products, purchased by the agency or instrumentality, which are composed primarily of a single material, such as metal, glass, or plastic, to give priority to those single-material products containing recycled, post-consumer metal, glass, plastic or other recycled materials, and meet any procurement rate guidelines set for specific product or material classes by the Division of Purchase and Property, in consultation with the Division of Solid Waste Management.

F. Utilize, where technically feasible, competitively priced (as defined below) and environmentally sound, compost, mulch and other soil amendments made from municipal solid waste, sludge, yard waste, clean wood waste, and other organic materials, in descending order of priority, where the agency or instrumentality is responsible for the maintenance of public lands, engages in landscaping activities or performs construction activities at State facilities or projects. The compost derived from these listed organic waste materials shall be used in lieu of any chemical fertilizer or soil amendment.

G. Purchase re-refined motor oil, when competitively priced as defined below, for use in automobiles or other vehicles maintained by the agency or instrumentality according to the following schedule:

(1) By December 31, 1993, not less than 5 percent of the total dollar amount expended for the purchase of motor oil shall be for the purchase of re-refined motor oil;

(2) By December 31, 1994, not less than 10 percent of the total dollar amount expended for the purchase of motor oil shall be for the purchase of re-refined motor oil;

(3) By December 31, 1995, not less than 15 percent of the total dollar amount expended for the purchase of motor oil shall be for the purchase of re-refined motor oil;

(4) By December 31, 1996, not less than 20 percent of the total dollar amount expended for the purchase of motor oil shall be for the purchase of re-refined motor oil.

Re-refined motor oil is defined as oil from which the physical and chemical contaminants acquired through previous use have been removed through a refining process.

H. Purchase, when competitively priced as defined below, retreaded, remolded or remanufactured vehicle tires for automobiles or other vehicles, excluding law enforcement vehicles, according to the following schedule:

(1) By December 31, 1993, not less than 5 percent of the total dollar amount expended for the purchase of tires shall be for the purchase of retreaded, remolded or remanufactured tires;

(2) By December 31, 1994, not less than 10 percent of the total dollar amount expended for the purchase of tires shall be for the purchase of retreaded, remolded or remanufactured tires;

(3) By December 31, 1995, not less than 15 percent of the total dollar amount expended for the purchase of tires shall be for the purchase of retreaded, remolded or remanufactured tires;

(4) By December 31, 1996, not less than 20 percent of the total dollar amount expended for the purchase of tires shall be for the purchase of retreaded, remolded or remanufactured tires;

(5) By December 31, 1997, not less than 25 percent of the total dollar amount expended for the purchase of tires shall be for the purchase of retreaded, remolded or remanufactured tires.

I. Purchase the following nonpaper finished recycled materials or products in lieu of manufactured or virgin materials whenever these materials or products are competitively priced, as defined below, with comparable products manufactured or produced from virgin materials:

(1) recycled concrete aggregate and recycled asphalt pavement;

(2) glassphalt (recycled glass);

(3) asphalt pavement or asphalt pavement patching material made with recycled asphalt shingles;

(4) asphalt containing recycled fly ash from coal;

(5) recycled plastic lumber, snow fencing, fencing or sign posts.

For the purposes of purchasing the recycled nonpaper finished products referenced immediately above, "competitive" or "competitively priced" shall mean a price no more than 10 percent above the price of comparable products or materials manufactured or produced from virgin materials. Any agency shall have the authority to reject a competitively priced bid for a recycled nonpaper finished product if that agency makes a determination that the price offered for the recycled nonpaper finished product or material is not accurately reflective of general market conditions

for the product or material, based on the agency's past procurement experiences, current market analysis or information gained from other comparable jurisdictions.

As an alternative to the above, within the State agency bidding procedures as established by law and the preferential pricing structure contained in this Order, any agency may offer rebates to vendors for the use of recycled nonpaper finished products or materials in the supplying of any nonpaper finished product or material.

Except as otherwise provided by State agency bidding procedures established by law, any agency may, upon consultation with the Division of Solid Waste Management, make contracts (other than State term contracts) available for recycled nonpaper finished products or materials at a price no more than 15 percent above the price of comparable virgin products or materials, whenever the agency determines that a 15 percent price preference is in the best interests of the State.

For the purposes of this Order, "nonpaper finished products" shall mean all nonpaper products and materials purchased by any agency or instrumentality. For the purposes of purchasing nonpaper finished products, "post consumer material" shall include any finished product generated by a business or consumer which has served its intended end use, and which has been separated from solid waste for the purposes of collection, recycling and disposition, but shall not include waste material generated after the completion of a manufacturing process.

Where technically feasible, competitively priced and environmentally sound, each agency shall purchase nonpaper finished products containing the highest percentage of post-consumer material.

J. Require that appliances and cooling and air conditioning systems containing refrigerants (CFCs and HCFCs) be appropriately handled by purchasing and using refrigerant recovery equipment or contracting with a vendor to recover the refrigerants prior to recycling the appliance, pursuant to Section 5.1 of New Jersey's Recycling Regulations, N.J.A.C. 17:26A-1.1 et seq. and Section 608 of the federal Clean Air Act Amendments.

K. Report semi-annually by January 1 and July 1, in writing to the Division of Solid Waste Management on the types, volume and dollar amounts of recycled paper and nonpaper finished products purchased, exclusive of State term contracts. This reporting requirement shall not apply to term contracts and Purchase Bureau line-item purchases.

L. Require government contractors and grantees, where permissible by law, to conform to the recycled paper and nonpaper finished products procurement guidelines set forth in this Order. As appropriate, these requirements shall be applied to contractors and grantees in procuring products or materials to perform contractual services for the State agency or instrumentality, providing a work product for the State agency or instrumentality, or conducting work funded by a grant from the State agency or instrumentality.

As needed to monitor conformance to these requirements, contractors and grantees may be further required to report to the State agency or instrumentality the types, quantities and total dollar amounts of recycled paper and nonpaper finished products purchased by the contractor or grantee in connection with government-funded work.

2. I further direct that the Division of Purchase and Property in the Department of the Treasury shall:

A. Ensure that all bid specifications define competitive pricing for recycled products as defined in State law and this Order.

B. Give priority consideration to the procurement of products which contain the highest percentage of post-consumer waste material.

C. Require vendors, where appropriate, to supply a manufacturer's certification that states the percentage of post-consumer waste material contained in the recycled product and, in the case of recycled paper products, states the percentage of secondary waste paper material content.

D. Identify and review, in consultation with the Division of Solid Waste Management in the Department of Environmental Protection and Energy, bid specifications adopted by other State agencies and instrumentalities that may discriminate, without a sound technical or economic basis, against the purchase or use of recycled products and materials and advise these State agencies or instrumentalities on modifications to the specifications that are necessary to promote the purchase or use of recycled products and comply with this Order.

E. Purchase photocopy machinery, including warranties, which do not restrict the use of recycled xerographic paper, and that provide for effective duplex copying.

F. Ensure that janitorial service contracts include a provision that such services supply recycled paper products for use in State-owned or leased buildings.

G. Review and revise State bid specifications, contracts and procedures in order to provide information to identify those contracts and commodities which constitute recycled products or contain recycled materials, and the quantities ordered and dollar amounts expended for those products.

H. Report semi-annually to the Division of Solid Waste Management in the Department of Environmental Protection and Energy on the types, volumes and dollar amounts of recycled product purchases covered by term contracts, Purchase Bureau line-item purchases, and direct purchases.

3. I further direct that the Department of Transportation shall:

A. Continue to serve as the lead agency in the development of specifications for the use of recycled materials in roadway construction and maintenance as identified in this Order.

B. Achieve a minimum utilization rate for asphalt pavement containing recycled rubber, as a percentage of the total tons of asphalt pavement used in roadway construction, resurfacing or maintenance, including those utilization rates required pursuant to the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), as follows, whenever such utilization is competitively priced as defined above:

- (1) A minimum of 5 percent by December 31, 1994;
- (2) A minimum of 10 percent by December 31, 1995;
- (3) A minimum of 15 percent by December 31, 1996;
- (4) A minimum of 20 percent by December 31, 1997;
- (5) A minimum of 25 percent by December 31, 1998;
- (6) A minimum of 30 percent by December 31, 1999;
- (7) A minimum of 35 percent by December 31, 2000;
- (8) A minimum of 40 percent by December 31, 2001.

If the Department of Transportation, in consultation with the Division of Solid Waste Management, determines that meeting any of the above-identified utilization rates is not feasible, the Department of Transportation shall submit to the Governor's Office, within 90 days of each annual utilization rate identified above, a written analysis that identifies the technical, economic or environmental constraints that preclude such use, and describe any steps that may be taken to eliminate these constraints. Such analyses, if any, shall not relieve the Department of Transportation of its responsibilities for attaining any other annual utilization rate listed.

4. I further direct that the Department of Community Affairs shall:

A. Review existing construction specifications contained in the New Jersey Uniform Construction Code and revise any specifications that discriminate, without a sound technical or economic basis, against the use of recycled products or materials for building construction. This shall be carried out within one year of the effective date of this Order and in consultation with the Division of Solid Waste Management in the Department of Environmental Protection and Energy.

B. Review and revise all regulations, in consultation with the Division of Solid Waste Management, to include the provision that permits for all construction-related activities shall indicate the markets for the disposition of all recyclable materials generated from the permitted activities, and shall require the maximum practical use of recycling alternatives available in conformance with N.J.S.A.52:27D et seq., P.L.1975, Chapter 217, New Jersey Uniform Construction Code, N.J.A.C. 5:23.

5. I further direct that the Division of Solid Waste Management in the Department of Environmental Protection and Energy shall:

A. Provide technical assistance to State agency coordinators to develop and implement the programs mandated by this Executive Order, in consultation with the Division of Purchase and Property in the Department of the Treasury.

B. Assist other agencies and instrumentalities in the development and implementation of educational programs for the procurement of recycled products in consultation with the Division of Purchase and Property.

C. Promote innovative research and development to identify new recycled products to be purchased by State agencies and instrumentalities.

6. This Order shall take effect immediately.

Issued May 3, 1993.

EXECUTIVE ORDER No. 92

WHEREAS, The citizens of New Jersey are entitled to a government that earns their trust and inspires their confidence; and

WHEREAS, Nowhere is the question of public trust and confidence more important than in the area of government contracting; and

WHEREAS, Our government should award contracts in a manner that not only guarantees the best price for the taxpayers, but also ensures scrupulous adherence to ethical principles; and

WHEREAS, Competitive bidding is the only method of awarding contracts that consistently produces the best economic results and the highest degree of integrity; and

WHEREAS, The public contracting process must be competitive on the merits, open to public scrutiny, and effective at producing the highest quality at the lowest cost; and

WHEREAS, Although current law requires the State to award most contracts on the basis of competitive bidding, a number of legal exceptions exist that may undermine the public's confidence in the contracting system; and

WHEREAS, We must take every opportunity to supplement our State's bidding laws by adopting procedures guaranteeing that all contracts are awarded on the basis solely of price and quality; and

WHEREAS, These exceptions to the bidding process — such as bond underwriting, bond counsel, architects and other professional services — ought to be subjected to the disciplining force of competition; and

WHEREAS, For these reasons, on January 12, 1993, I issued Executive Order No. 79 directing the State Treasurer to adopt procedures for imposing competitive bidding requirements on these areas of exception under current law; and

WHEREAS, I have received a report from the State Treasurer which recommends a series of positive changes to the way our government awards contracts in areas that are currently exempted from competitive bidding; and

WHEREAS, These proposals, for the first time, would require each and every State government entity, including all State authorities, to award underwriting and bond counsel contracts on the basis of open and public competition; and

WHEREAS, These proposals, for the first time, would require each and every State government entity, including all State authorities, to award architectural, engineering, and other professional contracts on the basis of open and public competition; and

WHEREAS, Consistent with the letter and spirit of Executive Order No. 79 (1993), these proposals would put procedures into place that significantly exceed the threshold requirements of the State's current bidding laws, as set forth in P.L. 1954, c. 48 (C.52:34-6 et seq.); and

WHEREAS, These proposals represent a creative solution to the problem of imposing standardized, competitive procedures on all of State government while also allowing sufficient flexibility to accommodate the unique needs of the many different functions of government; and

WHEREAS, By implementing these proposals immediately, we can take yet another step forward in our steady attempts to reform government — an effort that has included requiring greater reliance on market competition for awarding State leases, as implemented through Executive Order No. 65 (1992);

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

1. It is hereby the policy of the State of New Jersey that all bonds, notes, or similar instruments shall be issued on the basis of competitive bidding, in accordance with the procedures set forth in the State Treasurer's report to me dated May 3, 1993. In particular, these procedures shall establish a presumption that, for any and all issuances of bonds, notes, or other instruments, the issuing department, authority, or instrumentality shall select a qualified underwriter on the basis solely of price, as determined by sealed bids submitted after public notification. In addition, this procedure shall be consistent with Executive Order No. 84 implementing the State's minority and women set-aside program. Under extraordinary circumstances and only for good cause shown, the State Treasurer may approve written requests to issue bonds, notes, or other instruments on the basis of a negotiated sale, but only upon a prior written and publicly disclosed finding by the State Treasurer setting forth in detail the justification for granting such approval.

2. Furthermore, it is hereby the policy of the State of New Jersey that any contract or retainer agreement with an attorney or law firm in connection with a particular issuance of bonds, notes, or other instruments, shall be awarded on the basis of open and fair competition, in accordance with the procedures set forth in the State Treasurer's report to me dated May 3, 1993. In particular, the State Treasurer shall establish procedures, applicable to all departments and authorities, for selecting bond counsel through a process of pre-qualification and sealed bidding. The pre-qualification process shall guarantee that law firms or attorneys serving as bond counsel possess the necessary professional expertise, credentials, and resources to undertake the proposed contract.

3. It is hereby the policy of the State of New Jersey that any contracts or agreements with any engineering, architectural, or similar professional firm shall be awarded on the basis of open and fair competition, in accordance with the procedures set forth in the State Treasurer's report to me dated May 3, 1993. In particular, the State Treasurer shall establish procedures, applicable to all departments and authorities, for selecting qualified engineering, architectural, and other professional services through a process of sealed bidding or fee competition.

4. All authorities which are by law required to submit their minutes, resolutions, or actions to me for my approval or veto shall fully cooperate with the State Treasurer in the implementation of this Order, and shall promptly furnish him with any and all information which he may from time to time request.

5. The State Treasurer shall continuously monitor the implementation of this Order, and shall take care to solicit the views of the public and of the affected issuers. The Treasurer shall incorporate the views expressed by the public and the affected issuers insofar as such views are consistent with the letter and spirit of this Order.

Issued May 4, 1993.

EXECUTIVE ORDER No. 93

WHEREAS, Reorganization Plan No. 001 (1993) (hereinafter "the Plan") was submitted to the Senate and General Assembly on March 22, 1993; and

WHEREAS, Review of the Plan by the Legislature has produced certain comments and suggestions concerning any immediate or future implementation of the proposed transfer under the Plan from the Department of Corrections to the Department of Human Services of the New Jersey Training School for Boys and the Juvenile Medium Security Center and has also produced comments and suggestions for joint management of the aforesaid facilities by the aforesaid Departments, at least for a trial period; and

WHEREAS, I concur with those comments and suggestions and wish, by this Executive Order, to set them forth explicitly and to direct that they be pursued and executed should the Plan become effective.

NOW THEREFORE, I, JIM FLORIO, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution of the State do hereby ORDER and DIRECT that, should the Plan become effective, the following shall become operational and shall both modify the Plan and its implementation:

1. Transfer under the Plan from the Department of Corrections to the Department of Human Services (hereinafter "DOC" and "DHS" respectively) of the New Jersey Training School for Boys and the Juvenile Medium Security Center (hereinafter "Jamesburg" and "Bordentown," respectively and "the facilities" collectively) shall not be implemented unless and until such a transfer is approved and further directed by either (1) legislation enacted by the Legislature and signed by the Governor or (2) a further Executive Order of the Governor approved by concurrent resolution of both houses of the Legislature or (3) a further Reorganization Plan submitted to the Legislature by the Governor and not disapproved by the Legislature.

2. (A) Unless and until transfer is implemented pursuant to Paragraph 1 hereof, Jamesburg and Bordentown shall be managed and administered as follows:

- (1) DOC shall be responsible for the day to day operation and management of the facilities and shall, through Corrections Officers and other DOC personnel, provide security for and at the facilities.

- (2) DOC shall continue to administer and provide the educational, remedial and/or rehabilitative programs which it presently

offers inmates at the facilities. DHS may supplement these programs by administering and providing other educational, remedial and/or rehabilitative programs for inmates at the facilities subject to and consistent with security and facility operational requirements and procedures established by DOC.

(3)DOC shall have the authority and responsibility to transfer inmates presenting security or disciplinary problems from the facilities to other secure juvenile or adult institutions. Aside from such security or disciplinary problems at the facilities, DHS shall have the authority and responsibility for the assignment of inmates to the facilities and/or the reassignment of inmates from the facilities to other institutions or facilities operated by the Division of Juvenile Services.

(4)DOC and DHS shall jointly be responsible for planning and overseeing any capital improvements (including security) at, and rehabilitation of, the facilities.

In this connection, I hereby further direct the Commissioners of DOC and DHS: to formulate and implement a plan for the physical rehabilitation of Jamesburg and for enhanced security there; and to take forthwith any and all immediate steps which may be necessary to ensure adequate security is in place at Jamesburg and to improve inmate living conditions.

(B)The Commissioners of DOC and DHS shall, by Memorandum or Memoranda of Understanding, develop and define operating procedures which will permit implementation of the directives contained in 2(A)(1), (2) and (3), above.

3. Furnishings, equipment, capital, personnel (including, without limitation, administrative and support staff) and other resources necessary to accomplish the arrangement and directives set forth in paragraph 2, above, shall be allocated between DOC and DHS as the Commissioners of DOC and DHS shall specify and agree by Memorandum of Understanding. The three (3) month time period within which employees are to make a choice of Department pursuant to Paragraph (A)(1)(J) of the Plan shall not begin to run for any employee remaining with DOC pursuant to said Memorandum of Understanding unless and until a transfer of facilities is accomplished pursuant to Paragraph 1 hereof.

4. Within three (3) months after the expiration of period one (1) year from and after the effective date of the Plan, the Jamesburg Board of Trustees and the Advisory Council on Juvenile

Justice created pursuant to the Plan shall, after consultation with the Commissioners of DOC and DHS, file a joint or several Report with the Legislature and with the Governor commenting upon and evaluating the operation of the facilities during the year of management hereunder and making recommendations for future management of the facilities.

5. This Order shall take effect immediately.

Issued May 7, 1993.

EXECUTIVE ORDER No. 94

WHEREAS, The Congress of the United States has found that there is a substantial need for enhanced and improved coordinated services to infants and toddlers with disabilities and has, pursuant to Pub.L.99-457, adopted a policy to provide financial assistance to states for developing and implementing a state-wide program to provide early intervention services for infants and toddlers with disabilities and their families; and

WHEREAS, The public interest of the citizens of the State of New Jersey requires that the State shall do all that is or may be required to secure for the State the benefits of federal appropriations for early intervention services under Pub.L.101-476, as amended; and

WHEREAS, The Act requires the establishment of a State Interagency Coordinating Council in order to qualify for federal funds; and

WHEREAS, Coordination and cooperation between the various State agencies can be enhanced by an advisory body that has representatives from the State agencies, providers, the Legislature and parents of children with disabilities; and

WHEREAS, Pursuant to L.1992, c.155, the Department of Health has been designated as the lead agency effective July 1, 1993;

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

1. There is hereby established the State Interagency Coordinating Council (hereinafter referred to as the State Council), which shall:

a. Advise and assist the designated lead agency for early intervention services for infants and toddlers with disabilities and their families in the performance of its responsibilities, particularly the identification of the sources of fiscal and other support for services for early intervention programs, assignment of financial responsibility to the appropriate agency, and the promotion of the interagency agreements;

b. Advise and assist the lead agency in the preparation of applications and amendments thereto;

c. Prepare and submit an annual report to the Governor and to the U.S. Secretary of Education on the status of early intervention programs for infants and toddlers with disabilities and their families operated within the State;

d. Advise and assist the Department of Education regarding the transition of toddlers with disabilities to preschool services to the extent such services are appropriate;

e. Advise and assist the lead agency in the development and implementation of the policies that constituted the Statewide system;

f. Assist the lead agency in achieving the full participation, coordination, and cooperation of all appropriate public agencies in the State;

g. Assist the lead agency in the effective implementation of the Statewide system by establishing a process that includes:

1) seeking information from service providers, service coordinators, parents, and others about any federal, State, or local policies that impede timely service delivery;

2) taking steps to ensure that any policy problems that impede timely service delivery are resolved; and

3) to the extent appropriate, assist the lead agency in the resolution of disputes.

2. The Council shall be composed of a minimum of fifteen, and maximum of twenty-five individuals appointed by the Governor who shall be broadly representative of the population of the State. These appointments shall ensure that:

a. At least 20 percent of the members are parents, including minority parents, of infants or toddlers with disabilities or children

with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities. At least one such member shall be a parent of an infant or toddler with a disability or a child with a disability aged six or younger.

b. At least 20 percent of the members are public or private providers of early intervention services.

c. At least one member is from the State Legislature.

d. At least one member is involved in personnel preparation.

e. At least one member is from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and has sufficient authority to engage in policy planning and implementation on behalf of such agencies.

f. At least one member is from the State educational agency responsible for preschool services to children with disabilities and has sufficient authority to engage in policy planning and implementation on behalf of such agency.

g. At least one member is from the agency responsible for the State governance of insurance, especially in the area of health insurance.

3. The Governor shall designate a member of the Council to serve as the chair and vice-chair of the Council. Any member of the Council who is a representative of the designated lead agency for early intervention services shall serve as a non-voting member and may not serve as the chairperson of the Council.

4. The Council shall meet at least quarterly and in such places as it deems necessary. The meetings shall be publicly announced, and to the extent appropriate, open and accessible to the general public. Interpreters for persons who are deaf and other necessary services must be provided at Council meetings, both for Council members and participants. The Council may use federal funds made available to it to provide these services.

5. The State Council may draw upon the assistance of the employees of the Department of Health, Department of Education, Department of Human Services and of any other department, organization or agency of the State which may be available to it for these purposes.

6. Subject to the availability of appropriations, the State Council may adopt a budget and expend funds as permitted by federal law.

7. No member of the Council shall cast a vote on any matter which would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.

8. Except as provided by federal law, Council members shall serve without compensation.

9. This Order shall take effect immediately.

Issued May 21, 1993.

EXECUTIVE ORDER No. 95

WHEREAS, Since 1974 the New Jersey Executive Commission on Ethical Standards has had definitive rules for the establishment of blind trusts by State officers and employees; and

WHEREAS, Executive Order No. 1 (January 18, 1990) and Executive Order No. 9 (April 18, 1990) established strict financial disclosure requirements for public officers and employees of the State of New Jersey; and

WHEREAS, There is a need to continually evaluate existing standards in order to make them more responsive to the citizens we represent; and

WHEREAS, The highest possible level of disclosure is necessary in order to maintain the public's faith that their government is acting in the best interest of the citizenry; and

WHEREAS, Such disclosure should allow the public to have knowledge of the assets and holdings of public officers and employees; and

WHEREAS, Ownership in any closely held corporation that does business with government entities can raise the appearance of a potential conflict of interest;

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

I. Trusts

A. Blind trusts shall be eliminated in favor of full disclosure of assets by any regular State officer or employee (hereinafter "employee") or any special State officer or employee (hereinafter "officer"), see "Definitions," section V, *infra*, who is required by law or executive order to submit a financial disclosure statement to the Executive Commission on Ethical Standards.

B. After the date of this Order, no employee or officer who is required by law or executive order to submit financial disclosure statements to the Executive Commission on Ethical Standards ("Commission") shall maintain a blind trust. Furthermore, no such employee or officer shall establish a blind trust during that person's tenure.

C. The Commission shall immediately commence the process of terminating blind trusts held by any such employee or officer who is employed as of the date of this Order.

D. Any covered employee or officer who is employed as of the date of this Order shall forthwith notify the Commission as to the existence of a blind trust and the identity and address of the trustee. No later than June 30, 1993, the trustee shall advise the Commission of any and all assets held in such trust. The Commission shall review the assets and shall determine whether any such assets must be divested, consistent with the standards set forth in this Order. The Commission shall notify the trustee of its findings no later than August 15, 1993. The Commission shall afford the trustee 120 days after the date of notification to effectuate the orderly disposition of any such asset.

II. Interests in Closely Held Corporations or Similar Entities

A. No employee of a State agency who is required by law or executive order to submit financial disclosure statements to the Commission shall be permitted to retain any interest in any closely held corporation, partnership, sole proprietorship, or similar business entity doing business with any federal, state, interstate, or local government entity, except as provided in subsection 3 below.

1. Any such employee who is employed as of the date of this Order, and who retains any interest in any closely held corporation, partnership, sole proprietorship, or similar business entity

doing business with any federal, state, interstate, or local government entity, shall notify the Commission as to his or her interest, and his or her spouse's interest, in such a business entity no later than June 30, 1993. The 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 Order, and whether the holdings are in compliance with the Conflicts of Interest Law and this Order. No later than August 15, 1993, the 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, or to demonstrate to the Commission that the business entity has ceased to do business with a government entity in a manner prohibited by this Order.

2. After the issuance of this Order, no State agency shall employ any person in a covered position who at the time of employment holds any interest in any closely held corporation, partnership, sole proprietorship, or similar business entity doing business with any federal, state, interstate, or local government entity, except as provided in subsection 3 below. No individual seeking employment in such a position shall divest a covered asset in a manner otherwise prohibited by this Order for the purpose of satisfying the provisions of this Order. Furthermore, no covered employee shall obtain any prohibited interest in a business entity during the employee's tenure.

3. The provisions of this subsection 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 the public bidding laws or regulations applicable to any government entity in this State or any other jurisdiction, provided that any such purchase, contract, agreement, or sale, including a change in orders and amendments thereto, shall receive the prior approval of the Commission. The provisions 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 the public bidding laws or regulations of any other jurisdiction.

B. No employee or officer who is required by law or executive order to submit a financial disclosure statement to the Commission shall retain any interest in any closely held corporation, partnership, sole proprietorship, or similar business entity unless the Commission shall have first determined that the employee or officer may retain such an interest in such business entity.

1. Each covered employee or officer who is employed or appointed as of the date of this Order shall notify the Commission as to his or her interest, and his or her spouse's interest, in any such business entity no later than June 30, 1993. The 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 and this Order. The Commission shall notify the employee or officer of its findings no later than August 15, 1993. 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.

2. After the issuance of this Order, no State agency shall employ or appoint any employee or officer to a covered position if such person holds any interest in any closely held corporation, partnership, sole proprietorship, or similar business entity, unless the Commission has reviewed such interest and determined that the employee or officer may retain such an interest. A person seeking such employment or appointment shall disclose to the Commission his or her interest, and his or her spouse's interest, in any such business entity as soon as practicable, and the Commission shall render a determination no later than thirty days after receiving such disclosure, or at its next regularly scheduled meeting. No individual seeking employment or appointment to such a position shall divest a covered asset in a manner otherwise prohibited by this Order for the purpose of satisfying the provisions of this Order.

III. Ongoing Review by the Commission

A. The Commission shall review all financial disclosure statements as they may from time to time be submitted by covered employees and 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 a present or potential appearance of a conflict of interest, within the meaning of this Order.

B. Each covered employee or officer shall amend his or her financial disclosure statement within thirty 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 Order and as determined by the Commission, including, for example, a change in business plan authorizing business activity with a federal, state, interstate, or local government entity, by a business in which the employee or the employee's spouse has an interest covered by this Order.

C. Any employee or officer subject to this Order who acquires an interest prohibited under this Order by way of inheritance, bequest, or similar circumstance beyond his or her control shall follow the procedures for disclosure and disposition set forth in Section II of this Order.

IV. Limitations on Divestiture

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

1. Divestiture must occur within the time periods prescribed above.
2. Ownership or control of the asset may not be transferred to a member of the employee's or officer's immediate family (see "Definitions," section V, *infra*).
3. The terms and conditions of any conveyance of ownership and control of the asset shall not contain any provisions regarding the return of the asset to the employee or officer subsequent to his or her State service.

V. Definitions

A. For the purpose of this Order:

1. "Member of the immediate family" shall mean a spouse, child, parent, or sibling residing in the same household.
2. "Asset" shall mean property of any kind, real and personal, tangible and intangible, having a value greater than \$1,000.
3. "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 business entity.
4. "Doing business" with any federal, state, 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.
5. "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.

6. “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, §IV, para. 1.

VI. Sanctions and Effective Date

A. The failure of an employee or officer to comply with the provisions of this Order shall constitute good cause for his or her removal from employment or office.

B. This Order shall take effect immediately.

Issued June 10, 1993.

EXECUTIVE ORDER No. 96

WHEREAS, Mildred Barry Garvin zealously served the citizens of Essex County as the first African American on the East Orange Board of Education, rising to be president of that body; and

WHEREAS, She was also the first African American to serve on the East Orange Public Library’s Board of Directors, holding the post of Secretary/Treasurer; and

WHEREAS, She moved on to serve in the General Assembly from 1967-77, chairing the Education Committee; and

WHEREAS, Her commitment to education remained steadfast throughout her career serving Rutgers University as Director of Special Projects and Internships in the Department of Public Administration; and

WHEREAS, She received numerous awards, citations, and testimonials honoring her entrepreneurial spirit and dedication, including the State Family Planning Legislator’s Recognition Award in 1985, the Mary Senatore Award from the Essex County Federation of Democratic Women, the Community Service Award from the Oranges and Maplewood Branch of the NAACP, and an Exemplary State Officials Award from the Morris County Chapter of the Association of Black Educators; and

WHEREAS, Her inspiring career was crowned in 1991 when she was sworn in as President of the NAACP of the Oranges and Maplewood; and

WHEREAS, It is fitting and appropriate for the State of New Jersey to mark the passing of Mildred Barry Garvin, a standard bearer and public servant;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Tuesday, June 15, 1993, through and including Wednesday, June 16, 1993 in recognition and mourning of the passing of a distinguished legislator and New Jersey citizen, Mildred Barry Garvin.

2. This Order shall take effect immediately.

Issued June 15, 1993.

EXECUTIVE ORDER No. 97

WHEREAS, One of the most important objectives of government is to promote public confidence in its integrity and effectiveness; and

WHEREAS, To that end, we must examine the regulatory process to ensure that it is efficient, sensible, and open to the greatest possible degree of public participation; and

WHEREAS, When a regulatory system works well, it provides government with an invaluable opportunity to engage in a meaningful and productive dialogue with the people, and should create a partnership between the government and its citizens; and

WHEREAS, We must guarantee the people of this State greater access to, and greater participation in the rulemaking process; and

WHEREAS, We must work harder to create a regulatory system that carries out the mandates of the law more effectively and at the same time reduces delay and minimizes burdens for our citizens; and

WHEREAS, We must be willing to continually improve the regulatory system, to ensure that it promotes economic development in this State; and

WHEREAS, It is always appropriate to consider revisions to the system, in order to guarantee a system that adapts to changing times and modern challenges; and

WHEREAS, Improvements to the regulatory system should not be accomplished by adding new layers of bureaucracy or increasing the size of government; and

WHEREAS, In 1978, Governor Brendan Byrne issued Executive Order No. 66, which required all future regulations to expire no later than five years after adoption; and

WHEREAS, Although this action has worked well to improve the regulatory environment in New Jersey, we must continue to build upon these improvements and consider new actions to carry out the goals articulated in Executive Order No. 66;

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

1. I hereby direct my Chief Counsel to conduct a comprehensive review of the State's regulatory system, and to present me with recommendations for improvement no later than October 1, 1993. He shall be authorized to provide interim reports.

2. In preparing these recommendations, the Chief Counsel shall convene an Advisory Panel, composed of members to be designated by him, but which shall, at a minimum, be composed of representatives of the private sector, members of the Legislature, other Cabinet Members, and the Director of the Office of Administrative Law. In addition, the Chief Counsel shall consult with the Governor's Management Review Commission as he may deem appropriate. The Chief

Counsel shall serve as the Chairman of this Advisory Panel, and shall meet with the Panel in a time and manner he deems most appropriate.

3. The Chief Counsel, in consultation with the Advisory Panel, shall prepare a final report setting forth recommendations for improving the State's regulatory system in a manner designed to maximize efficiency, eliminate duplicative and inconsistent regulations, and provide the greatest degree of effective public participation in the rulemaking process. In particular, the Chief Counsel shall consider the following issues, as well as others he deems relevant:

a. The Chief Counsel shall consider appropriate mechanisms for maximizing public access and participation in the rulemaking process, including:

- (1) mandating public hearings under certain circumstances;
- (2) improving current provisions allowing members of the public to initiate proceedings for the promulgation, repeal or modification of regulations;
- (3) providing opportunities prior to formal proposal for members of the public to comment on regulatory issues; and
- (4) improving the current notice requirements for proposed rules to ensure that interested members of the public are made aware of rule proposals.

b. The Chief Counsel shall consider the feasibility of instituting a process of ongoing review of all regulations to eliminate outdated, unnecessary, or duplicative regulations.

c. The Chief Counsel shall examine ways to ensure that rule-making proposals provide full and fair disclosure which can be easily understood by members of the public.

d. The Chief Counsel shall evaluate procedures for expediting the rulemaking process where appropriate.

e. The Chief Counsel shall examine the scope and effectiveness of Executive Order No. 66 (Byrne) to determine if the sunset requirements set forth therein should be revised or expanded.

f. The Chief Counsel shall review the designation and role of Administrative Practice Officers and make recommendations for changes that would enhance the regulatory process.

g. The Chief Counsel shall make recommendations on how the Office of Administrative Law can most efficiently and effectively review regulations submitted to it for publication.

4. In a manner to be determined by the Chief Counsel, every State department, authority, or instrumentality with rulemaking authority

shall forthwith commence a review of the regulatory process in its current form within that department, authority, or instrumentality, and shall recommend changes to the regulatory process.

5. Every State department, authority, and instrumentality of the State of New Jersey shall provide the Chief Counsel and the Advisory Panel with all assistance and cooperation in the implementation of this Order.

6. This Order shall take effect immediately.

Issued August 2, 1993.

EXECUTIVE ORDER No. 98

WHEREAS, Francisco Baez, a 29-year old resident of Landisville, was tragically killed in a traffic accident on August 10, 1993; and

WHEREAS, Mr. Baez has been a dedicated employee of the Department of Transportation since 1984; and

WHEREAS, It is proper and fitting for the State of New Jersey to honor the memory of Mr. Baez, and to convey our deepest condolences to his family on this tragic occasion;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Thursday, August 12, 1993 and through and including Friday, August 13, 1993 in recognition and mourning of the passing of Francisco Baez.

2. This order shall take effect immediately.

Issued August 11, 1993.

EXECUTIVE ORDER No. 99

WHEREAS, The United States Supreme Court recently held in the Boston Harbor case that state and local governments are permitted under the National Labor Relations Act to enforce project agreements when the government contracting unit acts as a market participant; and

WHEREAS, The Supreme Court commented in that case that the use of project agreements “exemplifies” the purposes of the National Labor Relations Act; and

WHEREAS, New Jersey has a compelling interest in carrying out public works projects at the lowest reasonable cost and the highest degree of quality; and

WHEREAS, New Jersey must ensure that labor disputes are resolved without the disruptions of strikes, lockouts, or slowdowns; and

WHEREAS, Project agreements provide legally enforceable guarantees that projects will be carried out in an orderly and timely manner, without strikes, lockouts, or slowdowns; and

WHEREAS, Project agreements also provide for peaceful, orderly, and mutually binding procedures for resolving labor issues; and

WHEREAS, The State also has a compelling interest in guaranteeing that public works projects meet the highest standards of safety and quality; and

WHEREAS, A highly skilled workforce ensures lower costs over the lifetime of the completed project for repairs and maintenance; and

WHEREAS, Project agreements provide the State with a guarantee that public works projects will be completed with highly skilled workers; and

WHEREAS, Project agreements allow public agencies to more accurately predict the actual cost of the project; and

WHEREAS, Project agreements facilitate integrated work schedules among different trades on a project site; and

WHEREAS, Project agreements also promote harmonious and productive work environments; and

WHEREAS, New Jersey can best accomplish these goals by encouraging agreements between contractors and subcontractors who perform work on State public works projects and the appropriate building and construction trade unions concerning important issues of employment, such as work hours, starting times, overtime rates, and procedures for resolving disputes; and

WHEREAS, Project agreements, therefore, advance the interests of efficiency, quality, and timeliness;

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

1. It is hereby the policy of the State of New Jersey that public works projects implemented by any State department, authority, or instrumentality be subject to a project agreement whenever feasible and whenever such agreement substantially advances the interests of costs, efficiency, quality, safety, timeliness and the State's policy regarding minority- and women-owned businesses as set forth in Executive Order No. 84.

2. Every State department, authority, or instrumentality authorized to implement a public works project shall ensure that public works projects, whenever possible, be implemented subject to a project agreement with the applicable building and construction trade union in whose jurisdiction the work is to be performed.

3. In accordance with this Order, a State department, authority, or instrumentality responsible for implementing a public works project shall either (a) in good faith negotiate a project agreement directly with the applicable building and construction trade union or council in whose jurisdiction the project is to be performed, or (b) condition the award of a contract with a project manager or general contractor upon an agreement by the project manager or general contractor to in good faith negotiate a project agreement with the applicable building and construction trade union or council in whose jurisdiction the project is to be performed.

4. Any project agreement reached pursuant to this Order:
- (a) shall advance the interests of the State of New Jersey including the interests in cost, efficiency, quality, timeliness, and safety;
 - (b) shall contain guarantees against strikes, lock-outs, or other similar actions;
 - (c) shall set forth effective, immediate, and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work; and
 - (d) shall be made binding on all contractors and subcontractors on the public works project through the inclusion of appropriate bid specifications in all relevant bid documents.

5. In addition, any project agreement made pursuant to this Order shall fully conform to any and all statutes, regulations, and executive orders, including Executive Order No. 84, regarding the implementation of set-aside goals for women- and minority-owned businesses. Moreover, the obligation to comply with Executive Order No. 84 shall be expressly provided in the project agreement.

6. This Order shall take effect immediately and be implemented as soon as practicable in consideration and application of the criteria and policies declared herein.

Issued September 13, 1993.

EXECUTIVE ORDER No. 100

WHEREAS, It is fitting and appropriate to honor the memory and mourn the passing of Senator John E. Dimon; and

WHEREAS, Born in Roebling, New Jersey in 1916, Senator Dimon devoted his life to serving his community, his State, and his country; and

WHEREAS, Enlisting in the U.S. Army in 1940, Senator Dimon served his country with honor and distinction during the duration of this nation's involvement in World War II; and

WHEREAS, After the War, Senator Dimon devoted his legal career to public service, serving as Special Assistant Attorney General, Burlington County Public Guardian for Incompetent Veterans, and a member of the Burlington County Bridge Commission; and

WHEREAS, Senator Dimon also served as a highly distinguished member of the New Jersey Racing Commission; and

WHEREAS, As a member of the Racing Commission, Senator Dimon demonstrated a total commitment to the preservation and advancement of the racing industry in New Jersey; and

WHEREAS, In 1991, Senator Dimon joined the New Jersey State Senate, in which he served with great ability and commitment; and

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Tuesday, September 21, 1993 and through and including Friday, September 24, 1993 in recognition and mourning of the passing of Senator John E. Dimon.

2. This Order shall take effect immediately.

Issued September 21, 1993.

EXECUTIVE ORDER No. 101

WHEREAS, On January 21, 1992 the State of New Jersey passed the most comprehensive welfare reform legislation in the history of the State called the Family Development Program (N.J.S.A.44:10-19 et seq.) which serves as a model for reform of the welfare system nationwide; and

WHEREAS, The Family Development Program was first initiated as a pilot program in three pilot counties: Camden, Essex and Hudson; and

WHEREAS, On July 1, 1993 the Family Development Program was expanded to include Passaic, Union, Mercer, Cumberland and Atlantic counties; and

WHEREAS, Full State implementation of the Family Development Program should be realized by Fiscal Year 1995; and

WHEREAS, The problems of long-term and intergenerational welfare dependency have resulted in a continuation of poverty and lack of opportunity for welfare recipients to become economically self-sufficient; and

WHEREAS, A comprehensive approach is needed to remedy these complex problems; and

WHEREAS, The Family Development Program is based on the principles that education is the key to self-sufficiency and that all able-bodied welfare recipients should have the same opportunities and responsibilities to become economically self-sufficient as anyone else in our society; and

WHEREAS, This program greatly expands current education, training and employment activities for welfare recipients and moves beyond the federal Jobs Opportunities and Basic Skills (JOBS) legislation by setting a new direction of individual responsibility, family stability, and self-sufficiency; and

WHEREAS, The Family Development Program provides a full range of services to comprehensively meet the recipients' needs, including case management, enhanced job training and education, job search assistance, extended Medicaid coverage, child care services and other supportive services; and

WHEREAS, The success of the Family Development Program is dependent upon the level of support that the Division of Family Development in the Department of Human Services receives from other State agencies in the implementation and institutionalization of change in the delivery of services at the local level; and

WHEREAS, Empowering families under the Family Development Program requires a new paradigm in deployment of resources from a wide range of governmental departments and agencies at the federal, State, county and local levels; and

WHEREAS, Coordination and collaboration across multiple service delivery systems is inherently difficult, requiring a serious and sustained commitment of senior agency leadership; and

WHEREAS, Limited budgetary resources and multiple funding streams, including those of a categorical nature, create barriers in accessing essential services and therefore require innovative and creative strategies for program coordination; and

WHEREAS, The future expansion of the Family Development Program from three pilot counties to Statewide implementation will require greatly enhanced communication and coordination of agencies at the State, county, and local levels;

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

1. There is hereby established a Governor's Committee on Welfare Reform (hereinafter referred to as "the Committee").

2. The Committee shall:

a. within 90 days of the date of this Executive Order, develop a plan to coordinate and direct State resources and the efforts of each State department toward efficiently achieving the welfare reforms of the Family Development Program;

b. within 90 days of the date of this Executive Order, complete an action plan to reflect the manner in which appropriate State resources and efforts from the State Departments of Education, Labor, Health, Community Affairs, Commerce, Environmental Protection and Energy, Transportation, and Higher Education shall be directed toward the Statewide implementation of the welfare reform initiative;

c. within 12 months from the date of this Executive Order, report back to the Legislature and to the Governor on the progress of implementation of its plan, which shall coincide with N.J.S.A. 44:10-32, which requires an annual report to the Governor and

Legislature on the Family Development Act, due July 1, 1995 and annually thereafter;

- d. advise the Governor on the plan to direct and coordinate the resources and efforts of agencies at the State, county, and local levels;
- e. assess the delivery of services provided by the Family Development Program to families and individuals receiving welfare benefits in order to identify emergent needs and recommend ways to improve the quality and efficiency of these services;
- f. reasonably carry out all other duties as necessary to ensure the successful implementation of the Family Development Program; and
- g. provide other information as the Governor may request.

3. The composition of the Committee shall consist of no more than twenty members appointed by the Governor. The Committee shall include the Commissioners of the following State departments: Community Affairs, Commerce, Education, Environmental Protection and Energy, Health, Human Services, Labor and Higher Education. In the event a Commissioner is unable to attend a Committee meeting, the Commissioner shall send a designee empowered to make policy decisions and decisions regarding the use of that department's resources to ensure the successful implementation of the Family Development Program.

4. The Committee shall also be comprised of at least one (1) Aid to Families with Dependent Children (AFDC) recipient who is currently receiving services from the Family Development Program. The Committee shall also consist of at least one (1) General Assistance (GA) recipient who is currently receiving services from the Family Development Program.

5. The Committee shall also be comprised of three (3) directors of Family Development Centers (one each from the northern, central and southern regions of the State). The three directors shall be selected by the Commissioner of Human Services to serve on the Committee. The three directors shall serve as ex officio, nonvoting members.

6. The Committee may also be comprised of:
- (a.) other representatives from the Family Development Centers;
 - (b.) advocates of and for individuals receiving services through the Family Development Program;
 - (c.) representatives from private sector businesses;

(d.) representatives from providers and organizations that provide services to individuals participating in the Family Development Program; and

(e.) other appropriate individuals.

7. Committee members shall serve for terms of two (2) years. Committee vacancies from among the members shall be filled by appointment by the Governor for the remainder of the unexpired term. No member of the Committee can serve more than one (1) consecutive full term. Any vacancy occurring in the membership of the Committee is to be filled in the same manner as an original appointment and the vacancy is not to affect the power of the remaining members to execute the duties of the Committee.

8. The Governor shall designate the Commissioner of the Department of Human Services to serve as the Chairperson of the Committee and the Commissioner of the Department of Education to serve as the Vice Chairperson of the Committee.

9. The Committee shall further organize itself and set its own schedule for meetings as it deems necessary to complete its work.

10. The Committee is authorized to hold such hearings and forums as the Committee may determine to be necessary to carry out the duties of the Council.

11. In performing its work, the Committee shall work with other existing agencies, bodies, and providers in the State designed to plan, coordinate and deliver services to individuals participating in the Family Development Program. The Committee may also draw upon the assistance of any department, organization or agency of the State which may be made available to it for these purposes.

12. This Order shall take effect immediately.

Issued September 24, 1993.

EXECUTIVE ORDER No. 102

WHEREAS, On March 14, 1983, the Governor's Committee on Children's Services Planning was created by Executive Order No. 35 (Kean) in order to make recommendations to improve the quality of services for the children and youth of this State; and

WHEREAS, In January 1993, I created a Cabinet Task Force on Children and Families in order to promote interagency coordination in the development of children's policy; and

WHEREAS, The composition and work of the Governor's Committee on Children's Services Planning should be adjusted to better coordinate its functions with those of the Cabinet Task Force on Children and Families in order to further promote interagency coordination in the development of children's policy and systemic initiatives that would more effectively and efficiently serve youth and their families; and

WHEREAS, With its revised membership and charge, the Governor's Committee on Children's Services Planning should become an even more valuable source of public input and should be able to contribute more effectively toward interagency coordination in promoting the healthy development of our children;

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

1. Executive Order No. 35 (Kean) is hereby rescinded.
2. There is hereby established the Governor's Committee on Children's Services Planning (hereinafter referred to as the Committee), which shall:
 - a. Annually, on or before September 1, submit formal recommendations to the Cabinet Task Force on Children and Families (hereinafter referred to as the Cabinet Task Force), and the Governor regarding priorities for the State budget for the next fiscal year.
 - b. Advise the Governor, the Cabinet Task Force and FamilyNet on the coordination of children's services.
 - c. Research successful strategies to promote the healthy development of our children and share its findings with the Cabinet Task Force and the Governor.
 - d. Assess the delivery of services to children and families in the State in order to identify emergent needs and recommend ways to improve the quality and efficiency of these services.
 - e. Issue an annual report on the condition of children in New Jersey.
 - f. Provide other information on children's services as the Governor may request.

3. The Committee shall be composed of twenty-five individuals appointed by the Governor from among persons who have distinguished records in serving youth and their families and who represent a broad range of community institutions and services.

a. Members shall serve for terms of four years, except that, of the initial appointees pursuant to this Executive Order, six of the members shall serve for terms of one year; six of the members shall serve for terms of two years; six of the members shall serve for terms of three years; and the remaining members shall serve for terms of four years.

b. Any individual appointed to fill an unexpired term shall serve for the unexpired portion of the term.

4. The Governor shall designate two members of the Committee to serve as co-chairs. The Committee may further organize itself in any manner it deems appropriate and enact by-laws as deemed necessary to carry forth the responsibilities of the Committee.

5. The Committee shall set its own schedule for meetings as it deems necessary to complete its work but shall meet with the chair of the Cabinet Task Force at least once a year and shall meet with the members of FamilyNet at least four times a year.

6. In performing its work, the Committee shall work with other existing bodies in the State designed to coordinate children's policy, including but not limited to the Cabinet Task Force and FamilyNet. The Committee may draw upon the assistance of any department, agency or instrumentality of the State which may be made available to it for these purposes.

7. This Order shall take effect immediately.

Issued September 24, 1993.

EXECUTIVE ORDER No. 103

WHEREAS, Pursuant to the Rehabilitation Act of 1973, as amended by the Rehabilitation Amendments of 1992 (hereinafter referred to as the "Amendments of 1992"), enacted on October 29, 1992, and known as Pub.L.102-569, the State of New Jersey is mandated to establish a State Rehabilitation Advisory Council (hereinafter referred to as "the Council") composed of concerned citizens with disabilities; and

WHEREAS, Pursuant to the Rehabilitation Act of 1973 as amended by the Amendments of 1992, the Council is to be consumer-controlled so as to provide individuals with disabilities a stronger and more substantive role in shaping the programs and services established to support their employment goals and aspirations; and

WHEREAS, Pursuant to the Rehabilitation Act as amended by the Amendments of 1992, the Council must be in place in order for the State of New Jersey to receive federal funds under Title I, Section 105(a), Parts B and C of Pub.L.102-569, for the Vocational Rehabilitation, Client Assistance, and Expansion Programs; and

WHEREAS, Pursuant to the Rehabilitation Act of 1973 as amended by the Amendments of 1992, the State of New Jersey shall establish the New Jersey Commission for the Blind and Visually Impaired Rehabilitation Advisory Council to carry out the duties set forth in Title I, Part A, Sections 101(a)(36) and 105 of Pub.L.102-569;

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

1. The New Jersey Statewide Consumer Advisory Board of the Commission for the Blind and Visually Impaired is hereby reconstituted and redennominated the New Jersey Commission for the Blind and Visually Impaired Rehabilitation Advisory Council (hereinafter referred to as "the Advisory Council").

2. Pursuant to Title I, Part A, sections 101(a)(36) and 105 of Pub.L.102-569, the reconstituted and redennominated Advisory Council shall be established as a separate entity apart from any State agency. The Advisory Council shall be established as a separate entity in, but not of, the New Jersey Department of Human Services.

3. The New Jersey Commission for the Blind and Visually Impaired shall be the designated State unit in New Jersey providing services to persons who are blind and visually impaired.

4. The Council shall consist of no more than 15 voting members appointed by the Governor. The composition of the Council shall reflect a majority of qualified persons with disabilities representing the interests of New Jersey's cross-disability population. All members, including those from the business, disability and advocacy communities, shall have knowledge of vocational rehabilitation concepts, programs, policies, and services.

5. The Director of the Commission for the Blind and Visually Impaired (hereinafter referred to as "CBVI") and two vocational rehabilitation counselors shall serve as ex-officio, nonvoting members on the Advisory Council.

6. The Advisory Council shall consist of:

- a. at least one representative from the Statewide Independent Living Council;
- b. at least one representative from a parent training and information center established under the Individuals with Disabilities Act, Title I, Section 631 of Pub.L.101-476;
- c. a representative from the Client Assistance Program;
- d. at least one representative of a community rehabilitation program service provider;
- e. four representatives of the business, industry, and labor sectors;
- f. at least one representative of a disability advocacy group representing individuals who are blind or visually impaired;
- g. at least one parent(s), relative(s), guardian(s), or authorized representatives of individuals with disabilities who have difficulty in representing themselves or are unable to do so due to their disabilities; and
- h. at least one current or former applicant for, or recipient of CBVI vocational rehabilitation services.

7. The Advisory Council members shall serve for terms of three (3) years, except for those first appointed, five shall serve for a term of one (1) year, five shall serve for a term of two (2) years, and the remainder shall serve for a term of three (3) years. Council vacancies from among the members shall be filled by appointment by the Governor for the remainder of the unexpired term. No member of the Advisory Council can serve more than two (2) consecutive full terms. Any vacancy occurring in the membership of the Council is to be filled in the same manner as an original appointment and the vacancy is not to affect the power

of the remaining members to execute the duties of the Advisory Council. The Advisory Council shall designate a member of the Council to serve as chairperson.

8. The Advisory Council shall:

a. review, analyze, and advise the CBVI regarding the performance of its responsibilities under Title I, Part A, Section 105(c) of Pub.L.102-569;

b. advise the CBVI on the development and implementation of the State plan for vocational rehabilitation services, the strategic plan and amendments to the plans, reports, needs assessments, and evaluations required by Title I, Part A, Section 101 of Pub.L. 102-569 and Part C, Section 121 of Pub.L.102-569;

c. conduct a review and analysis of the CBVI's overall effectiveness;

d. conduct a review of consumer satisfaction with:

(1) performance of functions by the CBVI and other public and private entities responsible for providing services to individuals with disabilities; and

(2) vocational rehabilitation services provided to individuals with disabilities by the CBVI and other public and private entities pursuant to the Rehabilitation Act of 1973 or through public or private sources.

e. prepare and submit an annual report to the Governor, the Commissioner of the Department of Human Services, the Executive Director of the CBVI, and the Commissioner of the Rehabilitation Services Administration on the status of vocational rehabilitation programs operated within the State, and make such report available to the public;

f. coordinate planning and training with other councils within the State, including the New Jersey Independent Living Council, the State Developmental Disabilities Planning Council, and the State Mental Health Planning Council;

g. provide for the coordination and the establishment of working relationships between the CBVI and the New Jersey Independent Living Council and Centers for Independent Living within the State;

h. supervise and evaluate staff and other personnel as may be necessary to carry out the functions of the Council; and

i. carry out all other duties set forth in Title I, Section 105 of Pub.L.102-569.

9. The Advisory Council shall further organize itself and set its own schedule for meetings as it deems necessary to complete its work.

10. The Advisory Council shall convene at least four (4) meetings a year. The Advisory Council is authorized to hold such hearings and forums as the Advisory Council may determine to be necessary to carry out the duties of the Advisory Council. Pursuant to Title I, Section 105(f) of Pub.L.102-569, public meetings are to be announced and open and accessible to the general public.

11. In performing its duties, the Advisory Council may consult with existing bodies in the State designed to plan, coordinate and deliver vocational rehabilitation services to persons with disabilities and their families at the State, county, and local levels. The Advisory Council may draw upon the assistance of any department, organization or agency of the State which may be available to it for these purposes.

12. Pursuant to Title I, Section 105(e) of Pub.L.102-569, no member of the Advisory Council may vote on any matter that would provide direct financial benefit to the member thereby creating a conflict of interest or otherwise give the appearance of a conflict of interest.

13. This Order shall take effect immediately.

Issued September 28, 1993.

EXECUTIVE ORDER No. 104

WHEREAS, The dwindling availability of natural marine animals for food is a consequence of modern harvesting technologies, pollution and disease, and dietary shifts toward non-meat protein foods has placed added focus and value on marine-harvested products; and

WHEREAS, The proximity to markets, the demand for healthful food products, available natural resources, adequate financing and educational resources provided by Rutgers, The State University, have been essential ingredients for the growth of agriculture in New Jersey; and

WHEREAS, These are equally important for the growth of aquaculture, which is the planting, nurturing, and harvesting of aquatic organisms; and

WHEREAS, The State of New Jersey has been committed, through programs such as "Jersey Fresh" and the FARMS Commission, to strengthening, expanding and diversifying agricultural activities in the State, and support for aquacultural development is integral to this mission; and

WHEREAS, The rapid and orderly expansion of aquaculture is constrained by a number of factors, including: lack of domestic broodstock; poor understanding of nutrition and diets of culturable species; need for improvement in fish health management; poor knowledge of water quality criteria in culture systems; a need for education, information, and technology transfer efforts, and; a need to understand markets and marketing barriers for aquaculture and other barriers faced by the aquaculture industry. These include the need to balance the interests and requirements of recreation, commercial, and aquacultural industries, legal and regulatory constraints, and difficulty in locating venture capital for the expansion of aquaculture; and

WHEREAS, The Fisheries and Aquaculture Technology Extension Center, sponsored by the Governor's New Jersey Commission on Science and Technology and housed at Rutgers, has access to expertise in aquaculture and fisheries, and its mission is to foster the orderly development of these industries;

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

1. There is hereby established an Aquaculture Development Task Force to be organized by the Fisheries and Aquaculture Technology Extension Center, which shall provide or assemble the technical expertise necessary to draft the State Aquaculture Development Plan. The Task Force membership shall include the Secretary of Agriculture and the Commissioners of the Departments of Environmental Protection and Energy, Commerce and Economic Development, and Health, or their designees. The Task

Force shall be co-chaired by the Secretary of Agriculture and a person with expertise in the commercial fisheries and aquaculture business, to be selected by the members of the Task Force. The Task Force shall be housed at the Fisheries and Aquaculture Technology Extension Center.

2. The Task Force shall design the State Aquaculture Development Plan to provide for and encourage the development and subsequent expansion of an economically viable aquaculture industry while ensuring the integrity and protection of the natural/wild stocks and their habitat. The Fisheries and Aquaculture Technology Extension Center shall support the Task Force in developing the design of the State Aquaculture Development Plan.

3. The State Aquaculture Development Plan shall be designed to: stimulate private investment in the development and expansion of commercial aquaculture; evaluate job opportunities for individuals displaced from the fishing and shellfishing industries in the areas of research and development, and in new skilled jobs for technically trained aquaculturists; ensure coordination among State agencies to promote the goals of this Executive Order; enhance business diversity opportunities for New Jersey farmers and commercial fisherman, other interested entrepreneurs, and the fish and shellfish processing, marketing, and distribution industries; and develop mechanisms to ensure for the citizens of New Jersey and the Mid-Atlantic region a consistent supply of quality aquacultured products, such as a diversity of finfish, e.g. hybrid striped bass, and specialty varieties of bivalve shellfish products.

4. The State Aquaculture Development Plan should address the issues of water withdrawal, wastewater discharge, optimal habitat conditions for aquacultured products (both fresh and marine), product standards, natural resource protection, marketing, research and demonstration, farm pond utilization, coastal development, economic development, and extension/education. The Plan should also identify those activities already practiced commercially within the State and those aquaculture activities that have a good probability for development in the near future.

5. The New Jersey Aquaculture Development Task Force shall utilize the expertise of industry, academia and governmental agencies, and resources available from the New Jersey-Israel

Aquaculture Exchange Program, to design the State Aquaculture Development Plan.

6. The Departments of Agriculture, Environmental Protection and Energy, Commerce and Economic Development, and Health shall provide the Task Force with staff assistance in designing the State Aquaculture Development Plan.

7. The New Jersey Aquaculture Development Task Force shall issue a final report, including the State Aquaculture Development Plan and recommended legislation or regulation, to the Governor and the Governor's Commission on Science and Technology within one year of the date of this Order.

8. This Order shall take effect immediately.

Issued October 5, 1993.

EXECUTIVE ORDER No. 105

WHEREAS, Army Specialists Dominick M. Pilla, a 21-year-old resident of Vineland, Cumberland County, and Army Specialist James E. Smith, a 21-year-old resident of Washington Township, Monmouth County, were killed in battle on or about Sunday, October 3, 1993 in Mogadishu, Somalia; and

WHEREAS, Specialists Pilla and Smith were stationed in Somalia as part of the United Nations' humanitarian relief efforts; and

WHEREAS, The provision of assistance to the needy and the down-trodden exemplifies this country's highest ideals; and

WHEREAS, These valiant New Jersey residents, both of whom were Army Rangers assigned to Company B, 3rd Battalion, 75th Ranger Regiment, stationed in Fort Benning, Georgia, sacrificed their lives in the service of their country to preserve and foster this ideal; and

WHEREAS, It is proper, fitting and just for the citizens of the State of New Jersey to honor the memory of Army Specialists Pilla and Smith, and to convey our deepest condolences to their families on this tragic occasion;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours beginning on Thursday, October 7, 1993, and through and including Friday, October 8, 1993, in recognition and mourning of the passing of Army Specialists Dominick M. Pilla and James E. Smith.

2. This Order shall take effect immediately.

Issued October 6, 1993.

EXECUTIVE ORDER No. 106

WHEREAS, Pursuant to the Rehabilitation Act of 1973, as amended by the Rehabilitation Amendments of 1986 (hereinafter referred to as the "Amendments of 1986"), enacted on October 21, 1986, and known as Pub.L.102-569, the State of New Jersey was mandated to establish the New Jersey Independent Living Advisory Council in order to provide the necessary guidance for the development of a State plan to expand independent living services for persons with disabilities Statewide; and

WHEREAS, Pursuant to the Rehabilitation Act of 1973, as amended by the Rehabilitation Amendments of 1992 (hereinafter referred to as the "Amendments of 1992"), and known as Pub.L.102-569, the State of New Jersey is mandated to redenominate the New Jersey Independent Living Advisory Council to the New Jersey Independent Living Council and to ensure that the redenominated Council shall not be established as an entity within another State agency; and

WHEREAS, Pursuant to the Rehabilitation Act of 1973 as amended by the Amendments of 1992, in order to be eligible to receive federal financial assistance under Title VII, Section 704(a) of Pub.L.102-569, the State of New Jersey shall submit to the Commissioner of the Rehabilitation Services Administration, U.S. Department of Education, and obtain approval of, a State plan containing such provisions as the Commissioner may require, including, at a minimum, a plan that ensures the existence of appropriate planning, financial support and coordination, and other assistance to appropriately address, on a Statewide and comprehensive basis, needs in the State for (a) the provision of State independent living services, (b) the development and support of a Statewide network of centers for independent living, and (c) working relationships between programs providing independent living services and independent living centers, the vocational rehabilitation program established under Title I, Section 101 of Pub.L.102-569, and other programs providing services for individuals with disabilities; and

WHEREAS, With its revised name, membership, charge and responsibilities, the New Jersey Independent Living Council should promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities into the mainstream of American society;

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

1. The New Jersey Independent Living Advisory Council is hereby redennominated the New Jersey Independent Living Council (hereinafter referred to as "the Council"). The Council shall be established as a separate entity in, but not of, the New Jersey Department of Labor.

2. The Council shall:

(a) jointly develop and submit (in conjunction with the designated State agencies) the State plan required in Title VII, Part A, Section 704 of Pub.L.102-569;

(b) monitor, review, and evaluate the implementation of the State plan;

(c) coordinate activities with the State Rehabilitation Advisory Council established under Title I, Part A, Section 101(a) (3c) and Section 105 of Pub.L.102-569, that address the needs of specific disability populations and issues under other federal law;

(d) ensure that all regularly scheduled meetings of the Council are open to the public and that sufficient advance notice is provided;

(e) submit to the Commissioner of the Rehabilitation Services Administration, U.S. Department of Education such periodic reports as the Commissioner may request, and keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports; and

(f) carry out all other duties set forth in Title VII, section 704 of Pub.L.102-569

3. The Council shall consist of no more than seventeen voting members appointed by the Governor. The composition of the Council shall reflect a majority of qualified persons with disabilities representing the interest of New Jersey's cross-disability population. The majority of the members appointed to the Council may not be employed by any State agency or center for independent living.

(a) A representative from the Division of Vocational Rehabilitation Services in the Department of Labor, and a representative from the New Jersey Commission for the Blind and Visually Impaired in the Department of Human Services (hereinafter referred to as the "designated State units") shall continue to serve as ex officio, nonvoting members on the Council.

(b) The Commissioners of the State departments of Human Services, Labor, Education, and the Public Advocate and/or their designees from the Division of Developmental Disabilities in the Department of Human Services, the Division of Mental Health and Hospitals in the Department of Human Services, the Division of the Deaf and Hard of Hearing in the Department of Human Services, the Division of Special Education in the Department of Education, and the Division of Advocacy for the Developmentally Disabled in the Department of the Public Advocate, shall also serve as ex officio, nonvoting members on the Council.

(c) Three directors of centers for independent living (one each from the northern, central and southern regions of the State) shall be selected by the members of the New Jersey Directors Association of Centers for Independent Living to serve on the Council.

(d) The Council shall also consist of:

(1) at least one parent or guardian of an individual with a disability; and

(2) one representative of the private sector business community;

(e) The Council may also be comprised of:

(1) other representatives from centers for independent living;

(2) advocates of and for individuals with disabilities;

(3) representatives from organizations that provide services for individuals with disabilities; and

(4) other appropriate individuals.

(f) Council members shall serve for terms of three (3) years, except for those first appointed, five shall serve for a term of one (1) year, five shall serve for a term of two (2) years, and the remainder shall serve for a term of three (3) years. Council vacancies from among the members shall be filled by appointment by the Governor for the remainder of the unexpired term. No member of the Council can serve more than two (2) consecutive full terms. Any vacancy occurring in the membership of the Council is to be filled in the same manner as an original appointment and the vacancy is not to affect the power of the remaining members to execute the duties of the Council. The Council shall designate a member of the Council to serve as the Chairperson.

4. The Council shall further organize itself and set its own schedule for meetings as it deems necessary to complete its work.

5. The Council is authorized to hold such hearings and forums as the Council may determine to be necessary to carry out the duties of the Council.

6. In performing its work, the Council shall work with other existing bodies in the State designed to plan, coordinate and deliver independent living services to persons with disabilities and their families at the State, county and local levels. The Council may draw upon the assistance of any department, organization or agency of the State which may be made available to it for these purposes.

7. The Council may use such resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties, and to pay compensation to a member of the Council, if such member is not

employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties.

8. Pursuant to Title VII, Section 705 (6) (e3) of Pub.L.102-569, while assisting the Council in carrying out its duties, staff and other personnel shall not be assigned duties by the designated State agencies or any other agency or office of the State, that would create a conflict of interest.

9. This Order shall take effect immediately.

Issued October 15, 1993.

EXECUTIVE ORDER No. 107

WHEREAS, New Jersey's economic vitality and the standard of living of its residents depend upon a highly skilled work force and globally competitive work places; and

WHEREAS, The State's economic development strategy relies upon increasing the skills of our work force; and

WHEREAS, The State of New Jersey has embarked on a strategic restructuring of its work force education and training as part of this economic development strategy; and

WHEREAS, The New Jersey Department of Labor and the State Employment and Training Commission have key roles to play in the development of New Jersey's work force readiness system; and

WHEREAS, The Federal "Job Training Partnership Act" (Pub.L.97-300, 29 U.S.C. §1532, hereinafter referred to as the JTPA) establishes a job training program that is currently a component of New Jersey's work force readiness system; and

WHEREAS, N.J.S.A.34:15C-1 et seq. creates in the Executive Branch and in, but not of, the Department of Labor, a State Employment and Training Commission (hereinafter referred to as the SETC) to design and help implement a unified work force readiness system for New Jersey, independent of any supervision or control by the department or any other board or officer thereof; and

WHEREAS, The duties of the State Job Training Coordinating Council pursuant to Section 122 of Title I of the JTPA (29 U.S.C. §1532) and Title III of that Act (29 U.S.C. §1651 et seq.) are assigned to the SETC by N.J.S.A.34:15C-6f.; and

WHEREAS, Funding for the State Job Training Coordinating Council is authorized by Section 202(b)(4) of the JTPA (29 U.S.C. §1602); and

WHEREAS, The execution of the Governor's responsibility under federal employment laws has historically been defined by Executive Order, beginning with Executive Order No. 5 (Byrne 1974) through all subsequent gubernatorial administrations, to the present;

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

1. The Commissioner of Labor (hereinafter referred to as the Commissioner), is designated to act on behalf of the Governor in the planning, administration, coordination and oversight of programs under the JTPA and, to the extent not inconsistent with the JTPA or State law, shall have sole authority to apply for federal funds under the JTPA.

2. The Commissioner shall assure that the State is in compliance with the provisions of the JTPA and shall: provide for corrective actions when necessary; exercise the authority of the Governor in resolving disputes; establish planning and performance requirements; determine procedures for awarding incentive funds; and carry out such other responsibilities as specified or implied under the JTPA and its subsequent amendments.

3. The Chairman of the SETC is authorized to determine the budget necessary to carry out the SETC's responsibilities in performing the functions of the State Job Training Coordinating Council under the JTPA. The annual expenditure of an amount not to exceed twenty percent (20%) of the State's five percent (5%) administrative resources available to the Governor under the JTPA is hereby authorized.

4. Executive Orders Nos. 22 (1982), 81 (1984), 113 (1985), 119 (1985) and 188 (1988) issued by Governor Kean are hereby rescinded.

5. This Order shall take effect immediately.

Issued October 21, 1993.

EXECUTIVE ORDER No. 108

WHEREAS, The health of New Jersey women is at risk for conditions that could be detected by routine preventive care services; and

WHEREAS, The cost of these services is a major barrier to adequate care; and

WHEREAS, A large percentage of women have never had any of the basic preventive health care services, including Pap smears, clinical breast examinations, or complete physical examinations, which if undertaken would promote their long-term health; and

WHEREAS, Poor, less educated, and minority women are more likely to be uninsured and, thus, not receive necessary medical care; and

WHEREAS, The level of collaboration between New Jersey health care providers, community and corporate leaders, and consumers, as evidenced by the first New Jersey Women's Health Summit held on September 10, 1993, attests to the degree of concern that exists for women's health issues in New Jersey; and

WHEREAS, As we enter an era of health care reform at the State and federal level, public and private efforts that assure universal health insurance coverage for comprehensive benefits, including preventive services, are essential to removing financial barriers to quality health care for all women;

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

1. There is hereby established a Governor's Commission on Women's Health.

2. The Commission shall, within 12 months from the date of this Executive Order:

a. review and assess the system of delivery of health care services to women in New Jersey, and the costs of these services, in order to identify the needs of women and recommend ways to reduce costs and improve the quality and efficiency of these services;

b. prepare and submit a report to the Governor on the status of health care services for women in New Jersey, and make recommendations for policies and programs that will enhance the health and well-being of New Jersey's women, including recommended legislation or regulations.

3. The Commission shall consist of no more than 22 members appointed by the Governor. The Commission shall include the Commissioners of the following State departments: Community Affairs, Education, Health, Human Services, Insurance, Labor, and Law and Public Safety, or their designees. The remaining members shall be appointed by the Governor and shall include representatives of the medical, nursing, legal, education, social services and health care service agency communities.

4. The Commission members will serve without remuneration.

5. The Commissioner of Health will convene the Commission and the Department of Health shall provide the Commission with staff assistance.

6. The Governor shall designate the Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

7. The Commission shall further organize itself and set its own schedule for meetings as it deems necessary to complete its work.

8. This Order shall take effect immediately.

Issued October 20, 1993.

EXECUTIVE ORDER No. 109

WHEREAS, The New Jersey Farmland Assessment program was created by the voters through a constitutional amendment in 1963 to reduce the economic impact of local property taxes on farming activities in New Jersey; and

WHEREAS, The Legislature enacted the Farmland Assessment Act of 1964 to implement and administer this constitutional provision; and

WHEREAS, These actions were prompted by a concern that the economic viability of the farming community, especially family-owned and family-operated farms, could be threatened by rapidly rising property taxes; and

WHEREAS, Agriculture is a unique industry that contributes income, employment, economic diversity and environmental benefits to improve the quality of life experienced by New Jersey citizens; and

WHEREAS, New Jersey farms rank in the top ten states nationally in production of cranberries, blueberries, peaches, tomatoes and nursery plants, and over eight thousand farms covering more than one million acres produce over 150 different JERSEY FRESH products, which are distributed to feed millions throughout the nation and worldwide; and

WHEREAS, The Farmland Assessment program has enormous importance for the State's economy and environment, since approximately one-quarter of all land in New Jersey has qualified for property tax treatment pursuant to this program; and

WHEREAS, The Farmland Assessment program has provided an economic benefit to landowners of land on which farming occurs, and provided financial incentives for the continuation of these farming operations; and

WHEREAS, The Farmland Assessment program, by exempting qualifying farmlands from normal property taxation rates, has altered the property tax base of New Jersey municipalities, while at the same time limiting the growth in demand for certain municipal services and infrastructure that could be triggered by increased development; and

WHEREAS, Almost thirty years have passed since the establishment of the Farmland Assessment program, a periodic review is needed to quantify and evaluate the uniformity, consistency and effectiveness in the interpretation, application and administration of Farmland Assessment requirements and procedures, and the overall impacts of this program on the State's economy and environment;

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

1. The creation of the Task Force for the Review of the Farmland Assessment Program (hereinafter "Task Force") to conduct a comprehensive review of the Farmland Assessment program. This Task Force shall perform the following tasks:

a. The Task Force shall gather financial and technical information on the Farmland Assessment program and quantify and analyze the effectiveness and impacts of the program. In particular, the Task Force shall study the following program impacts:

i. the economic impact in strengthening the viability and continued existence of the farming community in New Jersey, including shifts in farmland ownership patterns and farming practices;

ii. the financial impact of the program on the property tax base of New Jersey municipalities, including an analysis of both the program's effect on property tax revenues available to municipalities and the demand for municipal services and infrastructure that would otherwise result from more intensive development;

b. The Task Force shall identify possible options for revising requirements to qualify land for farmland assessment, and analyze the effectiveness and impacts of each option;

c. The Task Force shall evaluate the State, county and municipal administration of the program, and identify possible options for improving the administration of the program.

2. The Task Force, which shall be chaired by an individual selected by the Governor from among the public members, shall be constituted as follows:

a. the Secretary of the New Jersey Department of Agriculture, or his designee;

b. the Treasurer of the State of New Jersey, or his designee;

- c. the Commissioner of the Department of Environmental Protection and Energy, or her designee;
- d. the President of the New Jersey State Board of Agriculture, or the Vice President, if so designated by the President;
- e. the President of the New Jersey Farm Bureau;
- f. ten public members to be appointed by the Governor who shall broadly reflect an experience and interest in agriculture, taxation, environment, county and local government, economic development and such other areas which are appropriate to the work of the Task Force, provided, however, that at least five such members shall be individuals currently owning and/or operating a New Jersey farm.

3. The Department of Agriculture, the Treasury Department, the Department of Environmental Protection and Energy, the New Jersey Agricultural Experiment Station, and all other State departments and agencies are hereby directed to cooperate with the Task Force and to furnish it with any information, staffing support or other assistance as necessary to accomplish the purposes of this Order.

4. The Task Force shall provide a report of its analysis to the Governor no later than May 1, 1994.

5. This Order shall take effect immediately.

Issued October 25, 1993.

EXECUTIVE ORDER No. 110

WHEREAS, Pursuant to the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992, enacted on October 29, 1992, and known as Public Law 102-569, the State of New Jersey is mandated to establish a State Rehabilitation Advisory Council composed of concerned citizens with disabilities, and is to be consumer-controlled so as to provide individuals with disabilities a stronger and more substantive role in shaping the programs and services established to support their employment goals and aspirations; and

WHEREAS, The Advisory Council must be in place in order for a state to receive Federal funds under Title I of the Act for the vocational rehabilitation and the client assistance programs under Part B, and the innovation and expansion program under Part C; and

WHEREAS, Pursuant to the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992 enacted on October 29, 1992, and known as Public Law 102-569, the State of New Jersey shall name and establish the New Jersey Division of Vocational Rehabilitation Services Rehabilitation Advisory Council to carry out the duties set forth in Title I, Part A, Sections 101(a)(36) and 105 of Public Law 102-569;

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

1. The New Jersey Advisory Board for Vocational Rehabilitation of the Division of Vocational Rehabilitation Services shall hereby be reconstituted and henceforth be known as the New Jersey Division of Vocational Rehabilitation Services Rehabilitation Advisory Council, hereinafter referred to as the "Council." The Council shall be established as a separate entity, apart from any State agency, and this Council shall responsibly carry out the duties set forth in Title I, Part A, sections 101(a)(36) and 105 of Public Law 102-569. The Council shall be established as a separate entity in, but not of, the New Jersey Department of Labor.
2. The New Jersey Division of Vocational Rehabilitation Services in the Department of Labor, hereinafter referred to as the "Division," shall be the designated State unit in New Jersey providing vocational rehabilitation services to persons with disabilities, with the exception of those who are blind and visually impaired, pursuant to Title I section 105(a)(2) of the Rehabilitation Act Amendments of 1992.
3. The Council shall consist of no more than 23 members appointed by the Governor. The composition shall reflect a majority of qualified persons with disabilities representing the interest of New Jersey's cross-disabilities population. All members, including those from the business, disability, and advocacy

communities, shall have knowledge of vocational rehabilitation concepts, programs, policies, and services.

a. The Council shall consist of:

(1) A majority of individuals with disabilities, the majority are not to be employed by the designated State unit;

(2) At least one representative of the Statewide Independent Living Council;

(3) At least one representative of a parent training and information center established pursuant to section 631(c)(9) of the Individuals with Disabilities Act (20 U.S.C. §1431(c)(9));

(4) At least one representative of the Client Assistance Program;

(5) Vocational rehabilitation counselors with knowledge of and experience with vocational rehabilitation programs, who, if employed by the State agency, shall serve as ex officio, non-voting members of the Council;

(6) At least one representative of community rehabilitation program service providers;

(7) Four representatives of business, industry, and labor;

(8) Representatives of disability advocacy groups representing a cross section of individuals with disabilities, and parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who have difficulty in or are unable to represent themselves due to their disabilities;

(9) Current or former applicants for, or recipients of Division vocational rehabilitation services; and

(10) The Director of the Division is to be an ex officio, non-voting member of the Council.

4. The Council members shall serve for a term of three (3) years, except for those first appointed, five shall serve for a term of one (1) year, five shall serve for a term of two (2) years, and the remainder shall serve for a term of three (3) years. Council vacancies from among the members shall be filled by appointment by the Governor or his designee for the remainder of the unexpired term.

a. Each member of the Council is to serve for a term of not more than three (3) years, except that:

b. A member appointed to fill a vacancy occurring prior to the expiration of a member's term is to be appointed for the remainder of the term;

c. The terms of service of the member initially appointed are to be set by the appointing authority so that expiration of terms will occur on a staggered basis;

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d. No member of the Council can serve more than two consecutive full terms;

e. Any vacancy occurring in the membership of the Council is to be filled in the same manner as an original appointment, and the vacancy is not to affect the power of the remaining members to execute the duties of the Council (Section 105(b)(6) and (7) of the Act); and

f. The Council shall designate the Chairperson of the Council.

5. The overall function of the Council is advisory in nature and specific functions identified in the Amendments include:

a. Review, analyze, and advise the Division regarding the performance of its responsibilities under Title I, particularly responsibilities relating to:

(1) Eligibility (including order of selection for services);

(2) Extent, scope, and effectiveness of services provided; and

(3) Functions performed by the Division that affect the ability of individuals with disabilities in achieving rehabilitation goals and objectives under Title I;

b. Advise the Division, and, at the discretion of the Division, assist in the preparation of applications, the State plan for vocational rehabilitation services, the strategic plan, and amendments to the plans; reports, needs assessments, and evaluations required by Title I;

c. Conduct, to the extent feasible, a review and analysis of the effectiveness of and consumer satisfaction with:

(1) The performance of functions of the Division and other public and private entities responsible for performing functions for individuals with disabilities; and

(2) Vocational rehabilitation services provided or paid for from funds made available under the Act or through other public or private entities responsible for providing vocational rehabilitation services to individuals with disabilities;

d. Prepare and submit an annual report to the Governor, the Commissioner of the Department of Labor, and Director of the Division on the status of vocational rehabilitation programs operated within the State, and make the report available to the public;

e. Coordinate with other councils within the State, including the Statewide Independent Living Council, the advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act, the State Developmental Disabilities Planning Council, and the State Mental Health Planning Council;

f. Advise the Division and provide for coordination and the establishment of working relationships between the Division and

the Statewide Independent Living Council and centers for independent living within the State; and

g. Perform such other functions consistent with the purpose of Title I, as the Council determines to be appropriate and that are comparable to the other functions performed by the Council (Section 105(c) of the Act).

6. The Council, in performing its duties, may consult with existing agencies in planning, coordination, and delivery of vocational rehabilitation services to persons with disabilities and their families at the State, county, and local levels.

7. No member of the Council is to vote on any matter that would provide direct financial benefit to the member or otherwise give the appearance of a conflict of interest under State law (Section 105(e) of the Act).

8. The Council, consistent with State law, is to supervise and evaluate staff and other personnel as may be necessary to carry out its functions. While assisting the Council in carrying out its responsibilities, staff and other personnel are not to be assigned duties by the Division or any other agency or office of the State that would create a conflict of interest.

9. The Council is to convene at least four meetings a year in such places as it determines to be necessary to conduct Council business. It may also convene forums or hearings as it determines appropriate and necessary to carry out its duties.

10. Public meetings are to be announced and open and accessible to the general public, unless there is a valid reason for an executive session (Section 105(f) of the Act).

11. This Order shall take effect immediately.

Issued October 29, 1993.

EXECUTIVE ORDER No. 111

WHEREAS, The citizens of the State of New Jersey have an inherent right to a healthy environment; and

WHEREAS, There is a direct relationship between the health of the environment and the level of environmental awareness among the State's citizenry; and

WHEREAS, Environmental education is an integral part of a complete educational experience for students at the elementary, secondary and post-secondary levels; and

WHEREAS, Environmental education should be an integral part of a lifelong learning process that involves both the formal education that occurs in school and the informal education that occurs in all walks of life; and

WHEREAS, The New Jersey Commission on Environmental Education was originally convened by former Governor Thomas Kean in 1989 pursuant to Executive Order No. 205; and

WHEREAS, The New Jersey Commission on Environmental Education was created to identify for the Governor the knowledge, attitudes, values, behaviors and skills that should be recommended for the development of an environmental education master plan; and

WHEREAS, The New Jersey Commission on Environmental Education has identified the knowledge, attitudes, values, skills and behaviors that an environmentally literate citizenry should acquire, and has codified a Plan of Action for developing such a citizenry through the implementation of a variety of strategies; and

WHEREAS, there exists a need to achieve the goals set forth in the Plan of Action developed by the Commission, thus warranting the reconvening of the Commission.

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

1. There is hereby reconvened the New Jersey Commission on Environmental Education, which shall consist of 27 members, as follows:

A. Three public or private school teachers, one from each of the following groupings: grades kindergarten to third, grades fourth to sixth, and grades seventh to twelfth;

B. Two representatives of each of the following groups: academia in the fields of environmental education and/or environmental science; non-partisan, public interest groups; the field of environmental health; non-academic science professionals; the agricultural community; labor/industry; cultural institutions including, but not limited to, organizations such as museums and nature centers;

C. One representative of each of the following: clergy; school administration; a local school board; and a student representative (grade nine through undergraduate levels);

D. The Commissioners of the following State Departments, or their designees: Education; Higher Education; Environmental Protection and Energy; and Health; and

E. Also included are the Environmental Prosecutor, or a designee; and a representative from the Governor's Office.

The public members shall be appointed by the Governor for terms of three years, and in the first year the public members shall be appointed to staggered terms as follows:

- (1) Seven shall be appointed to terms of one year;
- (2) Seven shall be appointed to terms of two years; and
- (3) Seven shall be appointed to terms of three years.

The Governor shall appoint a chair to the Commission from among its membership, who shall serve in such position at the pleasure of the Governor.

2. The Commission shall meet quarterly throughout the calendar year, and shall:

A. Advise and monitor the Executive Committee on the implementation of the Plan of Action;

B. Advise and monitor the Executive Committee on the utilization of monies from an Environmental Education Trust Fund administered by the Department of Environmental Protection and Energy;

C. Support an annual Environmental Education Week and other activities designed to foster environmental awareness;

D. Report to the Governor as requested on issues relating to environmental education; and

E. Submit an annual report to the Governor on the status of environmental education in the State.

3. There is hereby convened an Environmental Education Executive Committee of nine members, established as a subgroup of the Environmental Education Commission, which shall

be chaired by the Chair of the Commission with the Commissioner of the Department of Environmental Protection and Energy and the Commissioner of the Department of Education as vice-chairs, and shall consist of the Commissioners of the following State Departments, or their designees: Higher Education; Health; and Law and Public Safety. The Executive Committee shall also consist of a representative from the Governor's Office and two representatives from the Commission, to be designated by the Governor.

The Chair shall preside over the meetings of the Executive Committee, and shall administer the agenda as submitted by the Committee.

4. The Executive Committee shall meet at least once every other month, beginning in the month following the effective date of this Order, and shall:

A. Enhance communication with and coordinate the involvement of State departments, including but not limited to those departments represented on the Commission in the implementation of the Plan of Action;

B. In consultation with the Environmental Education Commission, utilize monies available through the Environmental Education Trust Fund, administered by the Department of Environmental Protection and Energy, in order to achieve the goals and objectives of the Plan of Action;

C. Conduct an inventory of each State Department, the formal and non-formal education communities, business and industry, environmental groups and organizations, municipal and county government, and civic, youth and religious organizations in the area of environmental education and identify potential areas where environmental education can be infused into government operations.

D. Communicate the findings of the inventory to the Commission at its regularly scheduled meetings, work with the Commission in preparing its annual report, and otherwise establish a "clearinghouse" of information for an environmental education network.

Upon the request of four of the Executive Committee members, the Chair shall schedule a special meeting of the Executive Committee.

5. The New Jersey Department of Environmental Protection and Energy will be the lead agency, in close coordination with the Department of Education, in helping the Commission and the Executive Committee implement the Plan of Action.

6. This Order shall take effect immediately, and shall remain in effect until such time legislation is adopted and signed which supersedes this Order.

Issued November 15, 1993.

EXECUTIVE ORDER No. 112

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

1. November 26, 1993, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day off shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, preclude such absence on November 26, 1993.

Issued November 19, 1993.

EXECUTIVE ORDER No. 113

WHEREAS, The adoption of new pollution prevention strategies can reduce the levels of toxic compounds present in the indoor and outdoor environment; and

WHEREAS, Each State employee has a right to work in a clean and healthy environment, and each citizen of this State has a right to live in a clean environment; and

WHEREAS, Approximately three million pounds of chemical pesticides are used in New Jersey each year by licensed applicators; and

WHEREAS, Chemical pesticides have been found in many cases to have harmful effects on human health and the environment; and

WHEREAS, Integrated Pest Management (IPM) consists of the use of a combination of pest monitoring, good sanitation practices, appropriate solid waste management, building maintenance, alternative physical, mechanical and biological pest controls, and only as a last resort the use of the least hazardous chemical pesticide; and

WHEREAS, An IPM strategy will provide environmentally-sound, cost-effective methods for controlling pest problems with minimal reliance on chemical pesticides and will help reduce the overall use of chemical pesticides in the State; and

WHEREAS, State agencies have already begun to develop and apply IPM practices, including the use of biological controls for gypsy moths that can damage State parks and forests and the application of other IPM techniques for State mosquito control programs; and

WHEREAS, State agencies have already demonstrated their long-term support for IPM strategies by funding research on state-of-the-art biological pest controls; and

WHEREAS, The implementation of IPM strategies by State agencies can serve as a model for the adoption of similar programs by schools, local governments and private businesses across the State;

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

1. The Department of Environmental Protection and Energy (DEPE) shall implement the following mandates:

A. Conduct a pilot pest control program using IPM techniques for DEPE buildings and grounds. Technical and economic information obtained from this pilot program, which shall be completed within one year of the effective date of this Order, shall be used to provide assistance to other State agencies and instrumentalities on

the use of IPM techniques and develop model contract language for State procurement of pest control services utilizing IPM methods;

B. Appoint, within 30 days of the effective date of this Order, a task force to study the potential for increased use of IPM techniques by State agencies. This task force shall include, but need not be limited to, officials and employees from the DEPE, the Department of the Treasury and other appropriate State agencies; entomologists or other scientists specializing in IPM techniques; representatives of private firms that provide commercial pest control services, including firms specializing in IPM or organic lawn control methods; and representatives of environmental or other non-profit organizations whose purposes include the study and promotion of IPM methods. No later than one year following the effective date of this Order, this task force shall gather and evaluate technical and economic data on the use of IPM methods by federal, State or local agencies and private businesses; provide recommendations to the DEPE on the design and implementation of a pilot pest control program; and assist the DEPE in the development of model contract language for State procurement of pest control services utilizing IPM methods;

C. Develop a strategy and timetable for the implementation of IPM pest control measures at facilities owned or operated by State agencies and instrumentalities. This implementation strategy shall include, to the maximum extent practicable, the adoption of model contract language for State procurement of pest control services utilizing IPM methods; and

D. Collect and assess information on the types, quantities and uses of chemical pesticides purchased and applied by State agencies and instrumentalities in both the indoor and outdoor environment, and the development and implementation of any State agency pest control systems using IPM techniques.

2. Each State agency and instrumentality shall cooperate with the DEPE by furnishing information on its use of chemical pesticides and its development and implementation of any pest control programs using IPM techniques.

3. This Order shall take effect immediately.

Issued December 23, 1993.

EXECUTIVE ORDER No. 114

WHEREAS, In 1985, the New Jersey Legislature enacted the State Planning Act (N.J.S.A.52:18A-196 et seq.) calling for the creation of a State Development and Redevelopment Plan (State Plan) to be used as a tool for assessing suitable locations for infrastructure, housing, economic growth and conservation to bring about rational, managed growth and development in all regions of the State; and

WHEREAS, The State Plan was adopted by the State Planning Commission in June 1992, after five years of discussion and negotiation with the citizens of New Jersey in a widely regarded "cross-acceptance" process and, while the State Plan is not regulatory, it does provide necessary guidance for responsible stewardship of the State's natural resources and open space; and

WHEREAS, In adopting the State Planning Act, the Legislature declared that the State requires sound and integrated statewide planning to conserve its natural resources, revitalize its urban centers, protect the quality of its environment and provide affordable housing and adequate public services at reasonable cost while promoting beneficial economic growth, development and renewal; and

WHEREAS, The State Planning Act recognizes that the historic haphazard patterns of growth have threatened the quality of life in New Jersey and have failed to provide for the revitalization of our urban centers, sufficient affordable housing stock, or adequate conservation of natural resources, and therefore, requires the adoption of a coordinated, integrated and comprehensive plan for growth, development, renewal and conservation of all regions of the State and identifies areas for growth, agriculture, open space, and other appropriate designations; and

WHEREAS The State Plan provides a framework for streamlining permitting procedures and cost savings for the mutual benefit of the public and private sectors; and

WHEREAS, The State Plan is based upon an economic impact assessment which estimates that full implementation can save taxpayers \$1.3 billion in capital infrastructure costs over 20 years and up to \$400 million annually in operating costs statewide; and

WHEREAS, The State Planning Commission has entered Memoranda of Understanding with the Capital Budgeting and Planning Commission, the Council on Affordable Housing, the Department of Environmental Protection and Energy, the Department of Transportation and New Jersey Transit, establishing successful cooperative relationships directed toward reaching the goals of the State Plan; and

WHEREAS, Success in achieving the rational development goals of the State Planning Act, and the substantial cost savings which can be derived through full implementation of the State Plan, requires broad based acceptance and implementation of the State Plan's goals and mechanisms by all State agencies and departments, and coordinated planning among the State departments and agencies and local governments;

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

1. All State Departments and agencies shall:
 - a. Adopt and incorporate as part of their agency programmatic mission, policies which comport with the State Plan and act in a coordinated fashion in investing resources at the State and local level in implementing the State Plan and achieving their programmatic missions.
 - b. In their joint endeavors to implement the State Plan together with the State Planning Commission, encourage growth and development and direct infrastructure to locations and in patterns recommended by the strategies and policies contained in the State Plan.
 - c. Adopt policies which facilitate the establishment of development "centers" and encourage development which is consistent with the policy objectives of "planning areas" which constitute the "resource and management structure" of the State Plan.
 - d. Participate and cooperate with the Office of State Planning in its review and assessment of the functional plans of the departments or agencies, including, but not limited to water supply, natural resources, air quality, energy, open space and historic conservation, affordable housing, transportation, airport systems and rail systems, and encourage interdepartmental and interagency participation on advisory bodies related to policy and plan development to assure coordination in the implementation of the State Plan.

e. Support the Office of State Planning in the fulfillment of its statutory responsibilities with respect to its planning activities, including but not limited to, the legislatively mandated infrastructure needs assessment, monitoring, and evaluation program.

f. Collaborate in data base development and the exchange of information among departments and agencies, and establish appropriate institutional mechanisms, including data compatibility, to assure that data base development and the exchange of information occurs.

g. Coordinate efforts with the Office of State Planning to assist municipalities in gaining designation of development "centers."

h. Coordinate efforts with the Office of State Planning to assist distressed cities in developing Strategic Revitalization Plans.

i. Report to the Governor and Office of State Planning on June 1, 1994, and every six months thereafter, on their efforts in furtherance of this Order.

2. All State agencies and departments are authorized and directed, to the extent not inconsistent with law, to cooperate with and provide support to the Office of State Planning and State Planning Commission and furnish them with such information, including statistical and planning data, and assistance necessary to accomplish the purposes of this Order.

3. This Order shall take effect immediately.

Issued January 11, 1994.

EXECUTIVE ORDER No. 115

WHEREAS, Various natural hazards have caused physical and financial impact in New Jersey and will continue to do so and these impacts have resulted in unexpected costs to county and local governments as well as degradation of the State's health, safety, environment, infrastructure and economy; and

WHEREAS, The opportunities to significantly mitigate the impacts of coastal storms, hurricanes, floods, wildfires, earthquakes, and other natural hazards are identifiable and should be executed as funding is available; and

WHEREAS, There exist the skills, expertise, and talent within the Executive Branch departments and independent authorities to examine and make recommendations to reduce the vulnerability of New Jersey's citizens and property; and

WHEREAS, Executive Order No. 12 (1970-Cahill) and Executive Order No. 39 (1954-Meyner) direct State agencies to fully participate in the emergency management system; and

WHEREAS, The Office of Emergency Management in the Department of Law and Public Safety is charged with the responsibility to administer the State's comprehensive emergency management programs; and

WHEREAS, The Governor's Advisory Council on Emergency Services is empowered to authorize expenditures from the Governor's Emergency Services Fund, upon approval of the Governor, to provide relief from an emergency; and

WHEREAS, A need exists to provide formal recognition, authority and responsibility to this organizational structure;

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

1. An interagency State Hazard Mitigation Team (SHMT) is established. A representative of the Office of the Governor will chair the Team and the State Hazard Mitigation Officer appointed by the Governor for the most recent Presidential Disaster Declaration, pursuant to federal law, shall serve as Deputy Chair.

2. In addition to the Chair and Deputy Chair, the team shall consist of the following members or their designees, with the ability to add other participants as appropriate:

- A. Department of Community Affairs:
 - Assistant Director Codes and Standards.
 - Representative, Division of Fire Safety.
- B. Department of Education:
 - Emergency Coordinator.
- C. Department of Environmental Protection and Energy:
 - Supervisor of Land-Use Regulations.

State Floodplain Management Coordinator.

State Forest Fire Warden.

D. Department of Insurance:
State Ombudsman.

E. Department of Transportation:
Director of Roadway Design.

F. Department of the Treasury:
Representative, Office of Statewide Planning.
Representative, Office of Management and Budget.

G. Department of Law and Public Safety:
Representative, Office of the Attorney General.
Representative, Office of Emergency Management.

All participants shall be prepared to evaluate hazard mitigation initiatives based on current agency policies and programs.

3. The activities of the team shall be coordinated by a Steering Committee consisting of the Chair and the Deputy Chair, Assistant Director of Codes and Standards, Director of Roadway Design, State Floodplain Management Coordinator, Supervisor of Land Use Regulation, the Representative of the Office of the Attorney General, and the Representative of the State Office of Emergency Management.

4. The SHMT shall develop a systematic program to identify hazards, monitor changes in hazard vulnerability and implement measures for reducing potential damage by providing a mechanism for follow-up activities crucial to the successful implementation of team recommendations.

5. The SHMT shall develop and maintain a comprehensive plan for the reduction of natural hazards. The team shall review and update this document as deemed necessary.

6. The SHMT shall work to increase the public's awareness of the risk associated with known hazards and promote preparedness among residents of the State.

7. The SHMT shall meet at the call of the Chair, but not less frequently than twice a year.

8. The SHMT shall serve as an advisory group to the Governor's Advisory Council on Emergency Services (GACES) and

shall prepare post-disaster hazard mitigation recommendations for all applications for assistance.

9. GACES shall review and approve such recommendations based on their expected effectiveness in reducing the threat to the health, safety and property of the citizens of New Jersey.

10. The SHMT shall investigate and recommend cost-effective hazard mitigation opportunities to the Office of Emergency Management and to the Governor's Advisory Council on Emergency Services as part of any disaster recovery effort.

11. The SHMT shall prepare and submit to the Office of Emergency Management an annual work program which shall contain a budgetary needs statement. The team shall provide to the State Director an annual status report covering progress achieved through team activities.

12. This Order shall take effect immediately.

Issued January 14, 1994.

