

ACTS

OF THE

First Annual Session

OF THE

Two Hundred and Third Legislature

OF THE

STATE OF NEW JERSEY

AND

Thirty-Second Under the New Constitution



New Jersey State Library

1988



EXECUTIVE ORDERS

New Jersey State Library

(1103)

Executive Orders

EXECUTIVE ORDER No. 185

WHEREAS, The Tax Reform Act of 1986 (the Act) imposes an annual limitation on the issuance of tax-exempt private activity bonds as defined in the Act by all issuers within the State; and

WHEREAS, The Act includes a provision that it applies to bonds issued after August 15, 1986; and

WHEREAS, The Act limits the annual volume of tax-exempt private activity bonds (State volume cap) for the State of New Jersey to \$50 per resident annually for 1988 and the years thereafter, based on the most recent population estimate provided by the Bureau of the Census before the beginning of the year to which the limitation applies; and

WHEREAS, The State tax-exempt obligations that would be tax-exempt private activity bonds and subject to the State volume cap under the Act include those obligations which assist in the financing of projects necessary to improve the quality of New Jersey's environment, to stimulate economic development in the State, and to provide low-to-moderate income housing for New Jersey's citizens; and

WHEREAS, In accordance with the Act and by Part II of Executive Order No. 147, I had allocated the State volume cap among the issuers in the State for 1986 and 1987; and

WHEREAS, In accordance with the Act, Part II of Executive Order No. 147 expired on December 31, 1987; and

WHEREAS, In accordance with the Act, the Legislature has passed and, on January 13, 1988, I have signed into law the "New Jersey Private Activity Bond Volume Cap Allocation Act," which gives the Governor the authority to establish a procedure for allocation of the State volume cap, which procedure may provide a reallocation formula that differs from the federal formula and authorizes the Governor by Executive Order or otherwise to allocate the entire State volume cap to the Department of the Treasury for reallocation by the State Treasurer; and

WHEREAS, It is desirable to establish a procedure for allocating the State volume cap among issuers to ensure an equitable and prudent allocation that is beneficial for the citizens of New Jersey; and

WHEREAS, The Act imposes a reporting requirement on all issuers of tax-exempt obligations, in accordance with which issuers are required to file certain information with the Internal Revenue Service with respect to obligations issued after December 31, 1986; and

WHEREAS, The Act requires that issuers of obligations that are subject to the State volume cap attach to each information statement to be filed with the Internal Revenue Service with respect to their obligations a certification by a State official designated by State law, or when there is no such official, the Governor, that such obligation meets the State volume cap; and

WHEREAS, No State law designates a State official for purposes of making the required certification;

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

Part I—Definitions

As used in this Act:

A) “Bond” means a revenue obligation, security, bond, note debenture, certificate or other evidence of indebtedness of an issuer.

B) “Carryforward” means that portion of the State volume cap for any calendar year which is unused during that calendar year and which is available to be carried forward to be used in later years pursuant to the Code.

C) “Federal formula” means the formula or formulas for allocation of the State volume cap now or hereafter established pursuant to the Code.

D) “Governmental bond” means any tax-exempt bond which is not a private activity bond.

E) “Issuer” means the State or any political subdivision of the State or any entity issuing bonds on behalf of the State or any political subdivision of the State.

F) “Private activity bond” and “private activity portion of governmental bonds” mean a bond or portion thereof subject to any allocation of State volume cap pursuant to the Code.

G) “State entity” means any agency, department, subdivision, authority, or corporation of the State authorized to issue tax-exempt bonds.

H) "State obligation" means: (a) any obligation directly or indirectly payable from or secured in part by State General Fund monies, even if subject to annual appropriation by the State Legislature; or (b) any obligation creating a moral obligation on the part of the State.

I) "Tax-exempt bond" means a bond, note or other obligation the interest on which is not includable in federal gross income pursuant to section 103 of the Code.

Part II—Allocation to the Department of the Treasury

1. A) The entire State volume cap for 1988 and for each year thereafter is allocated to the Department of the Treasury to be held by the State Treasurer. The State Treasurer may allocate all or any portion of the State volume cap among State entities or local units of government authorized to issue tax-exempt private activity bonds and to the New Jersey Department of Environmental Protection (DEP), in accordance with the requirements of the Act.

B) The State Treasurer shall set forth the terms and conditions for receiving an allocation to issue tax-exempt private activity bonds. Further, the State Treasurer may set forth the terms and conditions under which the New Jersey Housing and Mortgage Finance Agency (HMFA), the New Jersey Economic Development Authority (EDA), and DEP may reallocate their allocation received pursuant to the Treasurer's Order. The State Treasurer also may set forth the terms and conditions under which State entities may carry forward their allocations.

2. I hereby designate the State Treasurer as my delegate for the purpose of certifying compliance by issuers with the annual State volume cap requirement set forth in the Act.

3. This part of the Executive Order shall take effect immediately and applies to all private activity bonds and the private activity portion of governmental bonds issued after January 13, 1988.

Part III—Executive Order No. 147

Executive Order No. 147 shall remain in full force and shall in no way be affected by this Executive Order.

Issued February 4, 1988.

EXECUTIVE ORDER No. 186

WHEREAS, Superconductivity—the flow of electricity without resistance and loss—is one of the most significant and exciting scientific advances in decades; and

WHEREAS, A multitude of practical applications have been projected for superconductor materials, from tiny computer chips to high-speed trains; and

WHEREAS, These developments carry significant implications for economic development and overall quality of life; and

WHEREAS, New Jersey is fortunate in being able to call upon many recognized leaders in the field of superconductivity from the academic community and private industry; and

WHEREAS, It is in the interest of this State to utilize the expertise of these scientists, engineers and research managers to encourage and enhance New Jersey's leadership in research into superconductivity and related fields, and to aid in the development of a plan of action for commercialization of superconductivity technology;

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

1. There is hereby created a Governor's Roundtable on Superconductivity (hereinafter referred to as the "Roundtable").

2. The Roundtable shall consist of the Commissioner of Commerce, Energy and Economic Development, or his designee, and 12 public members, appointed by the Governor from the academic community, including those involved in theoretical and experimental advances in superconductivity, and private industry, including those engaged in superconductivity research and those that will make use of superconductivity technology.

3. The Roundtable shall organize as soon as practicable after the appointment of its members. The Governor shall designate a Chairperson of the Roundtable from among the public members who shall serve at the pleasure of the Governor. The Vice-Chairperson shall be selected by the Roundtable from among the public members. Roundtable members shall serve without compensation.

4. The Roundtable shall be charged with the following responsibilities:

- a. To advise the Governor and the citizens of New Jersey on recent developments in superconductivity;
 - b. To explore the implications of advances in superconductivity in terms of potential commercialization of superconductivity technology;
 - c. To identify those commercial applications of superconductivity research which will encourage new business activity and employment within New Jersey; and
 - d. To recommend specific actions to ensure that New Jersey remains in a leadership position in superconductivity research and in the commercialization of superconductivity technology.
5. The Roundtable shall meet as frequently as required to discharge its duties.
 6. The Roundtable shall make such recommendations and prepare and submit such reports to the Governor as it deems necessary.
 7. The Commission on Science and Technology is authorized and directed, to the extent consistent with the law, to cooperate with the Roundtable and to supply such personnel, data, program reports and other information and assistance to the Roundtable as it may deem necessary to discharge its responsibilities under this Order.
 8. This Order shall take effect immediately and shall expire on December 31, 1989.

Issued March 4, 1988.

EXECUTIVE ORDER No. 187

- WHEREAS, Income in the Unemployment Insurance Trust Fund has exceeded benefit payments for the past several years; and
- WHEREAS, Projections indicate the fund balance will be sufficient to pay benefits in the foreseeable future, assuming the economy does not enter a prolonged recession; and
- WHEREAS, Increased trust fund reserves have given rise to proposals to re-examine the existing tax structure of the Unemployment Insurance Program; and

WHEREAS, Based on the increased level of the trust fund reserve, various proposals have been made to use a portion of Unemployment Insurance tax resources for purposes other than paying benefits; and

WHEREAS, Before conclusive action is taken on such proposals, careful consideration must be given to the relative merits and liabilities of each in light of the necessity to preserve the long-term fiscal solvency of the Trust Fund;

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

1. There is hereby created the Task Force on Unemployment Insurance Financing, hereinafter referred to as the "Task Force."

2. The Task Force shall consist of five members appointed by the Governor, two of whom shall be representatives of labor organizations in the State, two of whom shall be representatives of State business organizations, and a fifth member designated by the Governor to serve as chairman.

3. Taking into consideration the current financial status of the Unemployment Insurance Trust Fund and the Department of Labor's projections of the impact of possible future economic scenarios on the Fund's continued solvency, the Task Force shall examine:

A. Whether the existing tax structure established by the Unemployment Insurance Law remains equitable and sufficient to meet future obligations; and

B. Whether the Unemployment Insurance taxing mechanism should be used to raise funds for employment and training or other employee benefit purposes.

4. The Task Force shall present a report to the Governor by October 1, 1988 outlining its findings and recommendations.

5. The Task Force is authorized to call upon any department, office, division, or agency of the Executive Branch of State government for data, reports and any other information, personnel or assistance as necessary to carry out this Order.

6. This Order shall take effect immediately.

Issued April 18, 1988.

EXECUTIVE ORDER No. 188

WHEREAS, The economy of the State of New Jersey is experiencing significant expansion and change and consequent growth in employment opportunities; and

WHEREAS, Such transformation of the economy requires a competent, well-trained and flexible work force which possesses the basic educational and specific occupational skills needed for tomorrow's jobs; and

WHEREAS, The State's different employment and training efforts, if effectively coordinated and guided by common principles, would: 1) result in better mobilization of services and resources on behalf of individuals and areas most in need, 2) help State and local agencies adapt quickly and creatively as employment and training needs change, and 3) improve collaboration between the public and private sectors in supporting the continuing development of the State's work force; and

WHEREAS, Such coordination and common direction are most likely to occur if they are determined by a policy development and oversight body that is independent from the various State departments and the day-to-day operation of employment and training programs; and

WHEREAS, The existing Job Training Coordinating Council required by the Job Training Partnership Act and created by Executive Order No. 22 dated December 3, 1982 has demonstrated its capacity for leadership for a portion of the employment and training system;

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

1. There is created a Commission to be known as the New Jersey Commission on Employment and Training, hereinafter referred to as the Commission. The Commission shall report to the Governor and shall be in but not of the Department of Labor.

2. The membership of the Commission shall be constituted in accord with Section 122 of the Federal Job Training Partnership Act, Public Law 97-300 signed into law by the President on October 13, 1982. It shall be composed of representatives of private business, local government, the general public and State government and the State Legislature.

3. The existing members of the State Job Training Coordinating Council shall be members of the Commission.

4. Members shall serve at the pleasure of the Governor, with the exception that members representing State departments shall serve ex officio.

5. The Commission shall have an Executive Committee with at least 50 percent of its members being representatives of the private sector.

6. The Chairperson of the Commission shall be appointed by the Governor from among representatives of the private sector.

7. The Commission shall establish bylaws, arrangements for the election of officers of the Commission other than the Chairperson, voting procedures and such other procedures as necessary for the Commission to carry out its work.

8. The Commission shall appoint an Executive Director who shall serve at its pleasure and be responsible for carrying out the day-to-day activities of the Commission. The Executive Director is authorized to hire such other qualified professional, technical and clerical staff as may be necessary to perform the functions assigned. All employees of the Commission shall be in the unclassified service, except that the Commission may utilize staff residing in other units of State government.

9. The Commission shall perform the functions assigned to the Job Training Coordinating Council pursuant to Section 122 of the Job Training Partnership Act of 1983 (Pub. L. 97-300) as amended and such other duties assigned to that Council by the New Jersey Job Training Program (P.L. 1983, c. 328).

10. In carrying out its duties under this Executive Order, the Commission shall be guided by the December 1987 Governor's Statement on Employment Policy, including the six principles enumerated therein: 1) the employment and training system must be designed to promote the long-term economic independence of New Jersey's people, 2) New Jersey's work force must be encouraged to invest in their own education and training, 3) New Jersey's employment and training system must incorporate the full range of services our people need to become and remain employed, 4) State and local leadership must be strengthened to achieve a more effective and coordinated employment and training system, 5) New Jersey's employment and training system must be pursued as the common endeavor of the

public and private sectors, and 6) our State's employment and training system must strive for excellence.

11. The Commission shall continuously evaluate the programs and activities of the broad employment and training system and make recommendations to the Governor and appropriate departments for improvements. Such recommendations may include organizational changes designed to increase effectiveness, reduce duplication and effect cost savings.

12. The Commission shall prepare an annual report to the Governor and the State Legislature assessing the employment and training system during the preceding year along with the Commission's recommendations for improvement. It shall submit such other reports as it deems suitable and which are consistent with the purpose of this Executive Order.

13. The Commission shall review, comment and make recommendations to the Governor and appropriate departments on all new employment and training programs and substantive changes to existing programs prior to their submission for funding.

14. The Commission shall continuously evaluate new federal and State legislative proposals and make recommendations concerning their implementation. Likewise, newly enacted laws shall be evaluated and recommendations made concerning their integration within the extant employment and training system.

15. The Commission shall perform such other functions as the Governor may assign to it.

16. The Chairperson shall establish procedures jointly with the Commissioners of other State departments for acquiring, organizing, evaluating and disseminating current data on program activities and performance.

17. The Commission shall prepare an annual budget which shall detail the costs of activities required to carry out the work of the Commission, including the costs of the Institute established in Section 19 of this Executive Order.

18. The Commission shall examine the functions and accomplishments of the advisory structures in such related fields as vocational education, adult education, apprenticeship, vocational rehabilitation and human services and make recommendations for more effective coordination of the efforts in these fields, including when appropriate

a recommendation to the Governor for absorbing such functions under the jurisdiction of the Commission.

19. There is hereby created within the Commission a New Jersey Institute for Employment and Training Development, hereinafter referred to as the Institute. The Institute shall be headed by a Director who shall be appointed by and under the supervision of the Executive Director of the Commission.

20. The Director of the Institute shall continuously evaluate the need for upgrading the professional and technical competence of employees of State and local employment training agencies. The Director shall develop curricula, seminars, conferences, advanced training courses and similar activities to improve the levels of competence of employment and training staff.

21. The Director of the Institute shall be authorized to enter into contracts with providers of staff development services in accordance with an annual plan and budget approved by the Commission. Such contracts shall be issued in accord with established State procedures.

22. Executive Order No. 22, December 3, 1982, is amended as follows:

Sections 4, 5 and 6 are hereby deleted. Sections 1, 2, 3 and 7 shall remain. Remaining as well is Section 8 which was added by Executive Order No. 81 dated September 5, 1984.

23. This Order shall take effect immediately.

Issued April 19, 1988.

EXECUTIVE ORDER No. 189

WHEREAS, It is essential that all persons supplying goods or services to the State of New Jersey, or performing contracts or otherwise executing public works with the assistance of and subject to the approval of the State, must meet a standard of responsibility which assures the State and its citizens that such persons will both compete and perform honestly in their dealings with the State and avoid conflicts of interest; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from having any interest or engaging in any activity that is in

substantial conflict with the proper discharge of their duties in the public interest or from undertaking any employment or service which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, The New Jersey Conflicts of Interest Law prohibits State officers or employees and special State officers or employees from acting in their official capacity in any matter wherein they have a direct or indirect personal financial interest which might reasonably be expected to impair their objectivity or independence of judgment; and

WHEREAS, C. 52:34-19 provides that it shall be a misdemeanor to pay any fee, commission, compensation, gift or gratuity of any kind, directly or indirectly, to any person employed by the Department of the Treasury or to any other person in the employ of the State having any duties or responsibilities in connection with the purchase or acquisition of any property or services by the State or any agency or instrumentality thereof by or on behalf of any seller or supplier of such goods or services or other party to a contract with the State; and

WHEREAS, It is essential that persons providing goods or services to, or performing contracts for, the State be fully informed of the policies of the State concerning their relationships with State officers or employees and special State officers or employees that these policies be uniformly applied by the various agencies of the Executive Branch; and

WHEREAS, It is therefore necessary to supplement Executive Order No. 34 (1976), which provides the grounds and procedures applicable to the debarment, suspension and disqualification of State vendors, to encompass appropriate standards prohibiting conflicts of interest on the part of present and prospective State vendors;

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

1. As used in this Order, "vendor" means any person, firm, corporation, or other entity which provides or offers or proposes to provide goods or services to or perform any contract for any State agency.
2. The executive head of each department or agency in the Executive Branch with the lawful authority to engage in State contract-

ing shall, in accordance with the provisions of the "Administrative Procedure Act," C. 52:14B-1 et seq., promulgate regulations supplementing those heretofore established pursuant to Executive Order No. 34 (1976) governing the causes, conditions and procedures applicable to determinations of debarment, suspension and disqualification by the department or agency to include the minimum standards hereinafter set forth. In addition to any other filing required by law to be made, each executive head shall file with the Attorney General and Treasurer a copy of such rules and regulations as may be promulgated.

3. The rules and regulations referred to in paragraph 2 shall include the following prohibitions on vendor activities, the violation of which shall render said vendor liable to debarment in the public interest, pursuant to the procedures established by Executive Order No. 34 (1976), by any Executive department or agency:

- a. No vendor shall pay, offer to pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by C. 52:13D-13b. and e., in the Department of the Treasury or any other agency with which such vendor transacts or offers or proposes to transact business, or to any member of the immediate family, as defined by C. 52:13D-13i., of any such officer or employee, or any partnership, firm, or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of C. 52:13D-13g.
- b. The solicitation of any fee, commission, compensation, gift, gratuity or other thing of value by any State officer or employee or special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.
- c. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, express or implied, or sell any interest in such vendor to, any State officer or employee or special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he is employed

or associated or in which he has an interest within the meaning of C. 52:13D-13g. Any relationships subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

- d. No vendor shall influence, or attempt to influence or cause to be influenced, any State officer or employee or special State officer or employee in his official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
 - e. No vendor shall cause or influence, or attempt to cause or influence, any State officer or employee or special State officer or employee to use, or attempt to use, his official position to secure unwarranted privileges or advantages for the vendor or any other person.
 - f. The provisions cited above in paragraphs 3a. through 3e. shall not be construed to prohibit a State officer or employee or special State officer or employee from receiving gifts from or contracting with vendors under the same terms and conditions as are offered or made available to members of the general public subject to any guidelines the Executive Commission on Ethical Standards may promulgate under paragraph 3c.
4. The rules and regulations referred to in paragraph 2, *supra*, shall require that the prohibitions set forth in paragraph 3, *supra*, shall be included in all requests for proposals issued by any State department or agency and in all contracts executed on behalf of a State department or agency, other than those of an interstate agency to which New Jersey is a party and contracts entered into on behalf of the interstate agency.
 5. Nothing required by this Order shall be construed to limit the authority of any State department or agency to refrain from contracting within the discretion allowed by law, or to limit C. 52:34-19 or any other applicable statute or regulation.
 6. This Order shall take effect on the 90th day following its execution.

Issued July 20, 1988.

EXECUTIVE ORDER No. 190

WHEREAS, The history of the people and places of New Jersey weaves a rich tapestry detailing the development of our State; and

WHEREAS, Knowledge of that history serves as a vital link in understanding present day New Jersey from an economic, geographic and cultural perspective; and

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

WHEREAS, No televised documentary series chronicling the history of New Jersey has ever been produced; and

WHEREAS, The New Jersey Network in conjunction with the New Jersey Historical Commission is about to embark on the creation of a comprehensive series of films presenting the history of New Jersey from the early 17th century to the present; and

WHEREAS, This series is designed to enhance New Jersey citizens' scope of knowledge about our great State's history; and

WHEREAS, It is desirable to seek the input and assistance of prominent New Jerseyans in promoting this unique series;

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

1. There is hereby created a New Jersey Historical Film Series Advisory Commission (Advisory Commission). The Advisory Commission shall be comprised of a Chairperson to be appointed by the Governor and such other persons as may be appointed by the Governor. The members shall serve without compensation.

2. The Advisory Commission shall be charged with the following responsibilities:

- a. To draw upon the members' resources and expertise in methods of promoting the series of films chronicling the history of New Jersey;
- b. To meet with other interested parties willing to assist with the coordination of events surrounding the historical film series and seek volunteers who are willing to donate their talents; and

c. To receive donations, through fund raising and contributions, from individuals and public and private organizations to assist New Jersey Network and the New Jersey Historical Commission in producing this epic film series.

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

4. The Advisory Commission shall expire once the historical film series has been aired for the first time in its entirety by New Jersey Network.

5. This Order shall take effect immediately.

Issued July 21, 1988.

EXECUTIVE ORDER No. 191

WHEREAS, The problem of drug and alcohol abuse has reached epidemic proportions and is adversely affecting the lives and safety of our citizens; and

WHEREAS, The abuse of drugs and alcohol in the workplace, among other things, reduces job efficiency, increases absenteeism and sick leave, and, most importantly, jeopardizes the lives and safety of fellow employees and citizens; and

WHEREAS, The State of New Jersey has a vital interest in promoting a safe and drug-free workplace and in ensuring our citizens that public safety employees do not threaten life and limb due to the abuse of drugs or alcohol; and

WHEREAS, The State, at present, has no uniform drug-testing policy applicable to all State employees regarding drug testing which equitably balances the employee's rights and the public's vital interests in safety and efficiency; and

WHEREAS, Drug testing of State employees should be premised on uniform criteria which apply to all employees regardless of department or agency affiliation;

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

1. There is hereby created a Cabinet Task Force on Drug Testing in the Workplace (hereinafter referred to as the "Task Force"). The Task Force shall consist of the Attorney General, who shall serve as Chairperson, the Commissioners of Community Affairs, Corrections, Education, Environmental Protection, Health, Human Services, Labor, Personnel, Transportation, or their designees, the Public Advocate, or his designee, the Chancellor of Higher Education, or his designee, and a representative of the Governor's Office of Employee Relations.

2. The responsibilities and functions of the Task Force shall include:

a. Formulating a Statewide drug-testing policy for State employees that equitably balances employee rights with the State's vital interests in public safety and in promoting and maintaining a drug-free workplace.

b. Drafting drug testing guidelines based on Statewide policy to govern all State employees and to be submitted to the Governor for his approval.

c. Studying and reporting on the role of organized labor regarding the State's uniform guidelines on workplace testing.

d. Promoting legislative action regarding workplace drug testing for all State employees.

3. The Task Force shall begin its efforts immediately to fulfill the objectives set forth in this Order and shall continue until such time as it is determined that the Task Force's objectives have been met.

4. This Order shall take effect immediately.

Issued August 11, 1988.

EXECUTIVE ORDER No. 192

WHEREAS, The State of New Jersey has 110 sites listed under the Federal Government's 1980 Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); and

WHEREAS, The 1986 Superfund Amendments and Reauthorization Act (SARA) extends the authorities established under CERCLA and clarifies federal and state roles as trustees for natural resources which have been affected by hazardous substances; and

WHEREAS, The effective remediation of hazardous waste sites is a crucial effort which will require close cooperation between the state and federal agencies; and

WHEREAS, SARA specifically requires that the governor of each state designate a state official who may act on the behalf of the public as its trustee for natural resources; and

WHEREAS, The Commissioner of the New Jersey Department of Environmental Protection acts in this capacity under a variety of State laws and is thus the appropriate State official to serve as New Jersey's Natural Resource Trustee;

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

The Acting Commissioner of the New Jersey Department of Environmental Protection is hereby designated the State's Natural Resource Trustee for the purposes outlined in Section 107(f)(2)(B) of CERCLA and Section 311 of the Federal Water Pollution Control Act.

Issued September 14, 1988.

EXECUTIVE ORDER No. 193

WHEREAS, It is in the interest of the citizens of this State to develop a comprehensive mental health support system that provides all citizens with the best possible access to quality and affordable mental health care; and

WHEREAS, Such a system should aim to provide the treatment, rehabilitation, and support services necessary to assist mentally ill individuals in attaining and maintaining their highest level of functioning in the least restrictive setting; and

WHEREAS, Development of a comprehensive State mental health plan will guide the orderly development of needed services and programs to this population; and

WHEREAS, Title 5 of the "State Comprehensive Mental Health Services Plan Act of 1986," Pub. L. 99-660, requires the creation of a broad-based mental health services planning council convened by the Chief Executive Officer of the State;

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

1. There is hereby created a Governor's Advisory Council on Mental Health Services Planning which shall: (a) make a comprehensive review of New Jersey's mental health system; (b) focus on the assessment and formulation of public policy issues affecting the mentally ill that require interdepartmental support; and (c) assist the Department of Human Services, Division of Mental Health and Hospitals, to develop a comprehensive State mental health plan.

2. The Council shall consist of 15 members, appointed by the Governor, as follows: (a) the Commissioners of the Departments of Human Services, Health, and the Public Advocate, or their designees, as ex officio members of the Council; (b) one representative of the New Jersey Community Mental Health Board; and (c) 11 public members from among persons representing professional organizations, corporations, foundations, consumers and advocacy groups. At least half of the membership, however, shall consist of individuals who are not State employees or providers of mental health services.

3. The Council shall organize as soon as practicable after the appointment of its members. The Governor shall designate the Chairperson of the Council from among the members of the Council who shall serve at the pleasure of the Governor. The Vice-Chairperson shall be selected by the Council from among its members. Council vacancies shall be filled by appointment by the Governor for the remainders of the unexpired terms. The Council may further organize itself in any manner it deems appropriate and enact bylaws as deemed necessary to carry forth the responsibilities of the Council. Council members shall serve without compensation.

4. The Departments of Health and Human Services are authorized and directed, to the extent consistent with the law, to cooperate with the Council and supply such data, program reports and other information as may be requested by the Council to complete its work. In addition, the Department of Human Services shall furnish the Council with such staff, office space and supplies as necessary to accomplish the purposes of this Order.

5. The Council may meet and hold hearings at such place or places as it shall designate and shall report its findings and recommendations to the Governor not more than 12 months following its organization. The Council's recommendations shall be consistent with the federal planning requirements as specified in Title 5 of the "State Comprehensive Mental Health Services Plan Act of 1986" (Pub. L. 99-660).

6. This Order shall take effect immediately and expire on December 31, 1989.

Issued September 16, 1988.

EXECUTIVE ORDER No. 194

WHEREAS, An individual's right to vote is a fundamental right that serves as the bulwark of our democracy; and

WHEREAS, Many individuals do not exercise their right to vote because they are unaware of registration requirements or do not have access to voter registration applications; and

WHEREAS, The State is in a unique position to make voter registration applications available to its citizens and thereby assure that they have the opportunity to exercise their fundamental right to vote;

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

1. State departments shall make mail voter registration applications available to their employees. In addition, State departments that have regular contact with the public in their daily administration of business, including but not limited to the Department of Environmental Protection, the Department of Health, the Department of Higher Education, the Department of Human Services, the Department of Labor, the Department of Law and Public Safety, and the Department of State, shall make mail voter registration applications available at their public offices. These applications shall be placed in visible locations at these offices so as to be readily accessible to members of the public.

2. State departments shall have no responsibility for assisting in the completion of the applications or the mailing of completed voter

registration applications to the Election Division of the Office of the Secretary of State, either on behalf of employees or the public.

3. This Order shall take effect immediately.

Issued September 16, 1988.

EXECUTIVE ORDER No. 195

WHEREAS, Executive Order No. 193 created a Governor's Advisory Council on Mental Health Services Planning; and

WHEREAS, The purpose of this Council was to make a comprehensive review of New Jersey's mental health system and assist the Department of Human Services, Division of Mental Health and Hospitals, to develop a comprehensive State mental health plan; and

WHEREAS, An increase in the membership of the Council to include a representative of the State Board of Human Services will assist the Council both in the development of a comprehensive State mental health plan and the implementation of any subsequent recommendations;

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

1. Section 2 of Executive Order No. 193 is hereby amended as follows:

"The Council shall consist of 16 members, appointed by the Governor, as follows: (a) the Commissioners of the Departments of Human Services, Health, and the Public Advocate, or their designees, as ex officio members of the Council; (b) one member of the New Jersey Community Mental Health Board; (c) one member of the State Board of Human Services; and (d) 11 public members from among persons representing professional organizations, corporations, foundations, consumers and advocacy groups. At least half of the membership, however, shall consist of individuals who are not State employees or providers of mental health services."

2. This Order shall take effect immediately.

Issued September 28, 1988.

EXECUTIVE ORDER No. 196

WHEREAS, The Governor's Council on New Jersey Outdoors, created May 27, 1986 by Executive Order No. 138, was established to continue the work of New Jersey's Conference on Recreational Resources; and

WHEREAS, The Governor's Council on New Jersey Outdoors, in preparing its report to the Governor, accepted testimony from citizens and governmental organizations concerned with open space and recreation throughout the State about New Jersey's outdoors; and

WHEREAS, The findings and recommendations in the report to the Governor by the Governor's Council on New Jersey Outdoors is based on the testimony and research from citizens; and

WHEREAS, A recommendation made by citizens was to establish a permanent Council on Open Space and Outdoor Recreation;

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

1. The Council known as the Governor's Council on New Jersey Outdoors (hereinafter referred to as the "Council") is hereby continued to consist of 21 members to be appointed by and serve at the pleasure of the Governor. The makeup of the Council shall be as follows:

- a. Two representatives shall be from the State's urban municipalities;
- b. A representative serving in government at the county level;
- c. A representative from the New Jersey Recreation and Parks Association;
- d. Two public members;
- e. Four members of the Legislature: two Senators, one of each political party, and two Assemblypersons, one of each political party, appointed by the Governor upon the recommendation of the President of the Senate and the Speaker of the General Assembly;
- f. Eleven representatives of the various civic and social organizations, including representatives with a background in finance, business and industry, health and medicine, arts and culture, the en-

vironment, coastal issues, handicapped affairs, and recreational sports.

2. All members shall serve, without compensation, at the pleasure of the Governor. Council vacancies shall be filled by the Governor as necessary.

3. The Governor shall select from among the members of the Council a Chairperson and Vice-Chairperson, who shall have all the powers and duties of the Chairperson.

4. The Council shall be empowered to conduct additional public hearings and to accept additional public testimony to continue its work, particularly to study the open space, urban recreation, recreation, and natural resource preservation needs of the citizens of the State of New Jersey for the future and shall submit to the Governor recommendations it deems necessary for providing high quality open space and recreation resources.

5. The Department of Environmental Protection is authorized and directed, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel, and assistance as necessary to accomplish the purposes of this Order.

6. This Order shall take effect immediately.

Issued October 18, 1988.

EXECUTIVE ORDER No. 197

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

1. November 25, 1988, 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 25, 1988.

Issued November 14, 1988.

EXECUTIVE ORDER No. 198

WHEREAS, P.L. 1986, c. 112, known as the "Civil Service Act," authorized the establishment within the Executive Branch of State Government of a Senior Executive Service (SES) which is intended to provide additional flexibility in the hiring and personnel practices of managerial, policy-executing and policy-influencing employees; and

WHEREAS, Creation of the SES within the Executive Branch will enable the State to maintain a corps of professional managers upon which the State may rely in responding to the myriad demands placed upon executive administration; and

WHEREAS, The State needs to attract and retain the best public managers possible; and

WHEREAS, A compensation program specifically for the SES needs to be established for this elite group of professional public managers;

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

1. There is hereby established the Governor's Performance Reward Committee which will be responsible for reviewing and approving compensation for, and any increases to, members of the SES. The Performance Reward Committee shall include the Commissioner of Personnel, the Director of the Office of Budget and Accounting, and the Governor's Chief of Staff, or his designee.

2. Salary increases for SES employees earning less than \$64,999 may be effected by individual personnel actions, unless otherwise agreed upon by the Governor's Performance Reward Committee.

3. Salary increases for SES employees earning \$65,000 or more must be submitted to the Governor's Performance Reward Committee. The Governor's Performance Reward Committee shall have 15 workdays to review and act upon such requests. If the Governor's Performance Reward Committee does not act on any request within the 15 workday review period, the salary increase shall be deemed approved. The salary program for SES members shall be implemented jointly by the Department of Personnel and the Department of the Treasury.

4. This Order shall take effect immediately.

Issued November 16, 1988.

EXECUTIVE ORDER No. 199

WHEREAS, The presence of Acquired Immune Deficiency Syndrome (AIDS) and the Human Immunodeficiency Virus (HIV) presents a serious public health concern for the State of New Jersey; and

WHEREAS, New Jersey presently ranks fifth in the nation with regard to the number of its citizens infected with AIDS and the number of AIDS cases has been steadily increasing; and

WHEREAS, Education and training are the best methods for avoiding the risks of HIV transmission and preventing unlawful discrimination against persons with AIDS or HIV infection; and

WHEREAS, The State of New Jersey, as an employer, has the responsibility to ensure that State employees are trained and educated on issues related to AIDS and HIV; and

WHEREAS, The State of New Jersey, at present, has not established any uniform education and training program for its employees regarding AIDS and HIV;

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

1. The Commissioner of Health and the Commissioner of Personnel shall be responsible for providing information and education to all State departments and their employees on issues relating to AIDS and HIV.

2. An education and training program on AIDS and HIV shall be developed and provided to all State employees. The Commissioner of Health shall, in cooperation the Commissioner of Personnel, develop the curriculum and course content. The Department of Personnel shall administer the program to State employees.

3. Each department, office, division or agency of the State is authorized and directed to cooperate with the Commissioner of Health and the Commissioner of Personnel and to furnish them with such data, information, personnel and support services as the commissioners deem necessary to accomplish the purposes of this Order.

4. This Order shall take effect immediately.

Issued November 16, 1988.

EXECUTIVE ORDER No. 200

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

WHEREAS, Executive Order No. 44 and Executive Order No. 91 extended the term of the Committee through January 1, 1986; and

WHEREAS, The Committee was extended and reconstituted pursuant to Executive Orders No. 137 and 141 to continue in existence until such time as terminated by the Governor; and

WHEREAS, The work of these talented individuals has focused attention on the problems of children and youth in New Jersey and has fostered improved planning and coordination of services for children; and

WHEREAS, The Governor's Committee on Children's Services Planning has prepared specific recommendations to improve services for children and youth in the State; and

WHEREAS, There is an ongoing need for the Committee to work with the various State departments and the community in order to facilitate and coordinate efforts to improve the quality of services for children and youth;

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

1. The Governor's Committee on Children's Services Planning shall continue in existence until such time as the Committee is terminated by action of the Governor.

- a. The Committee shall consist of no more than 13 public members appointed by the Governor for a term of two years. The members shall be appointed from among persons who have distinguished records in programming for children in the areas of social services, juvenile justice, developmental disabilities, mental health, education, medicine, employment, substance abuse and health care. The

Governor may consider those public members who have previously served on the Committee when making new appointments.

b. The Commissioners of the Departments of Human Services, Education, Corrections, Health, Labor, Law and Public Safety, Community Affairs and the Public Advocate, or their designees, the Administrative Director of the Courts, or his designee, and a designee from the Governor's office shall also serve on the Committee.

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

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

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

2. The Committee shall meet formally at least monthly during the life of the Committee.

3. The Committee shall work with the Governor's office, various State departments, the Administrative Office of the Courts, local public and private agencies and community groups to:

a. Continue to foster improved planning and coordination of services for children to include, but not be limited to, the areas of: juvenile justice, mental health, health-related issues, education and social services;

b. Foster increased private sector involvement in developing programs and services to benefit New Jersey's children;

c. Provide such information on children's services issues as the Governor may request; and

d. Make recommendations concerning policy issues consistent with the purpose of this Order.

4. The Committee shall make recommendations to the Governor and work with the Administration in developing legislative initiatives aimed at establishing an ongoing mechanism to cooperatively work with State government agencies and the community in the planning and coordination of services for children.

5. This Order shall take effect immediately.

Issued November 23, 1988.

EXECUTIVE ORDER No. 201

WHEREAS, Title 7 of the federal Housing and Development Act of 1987, Pub. L. 100-242, authorizes the Secretary of the Department of Housing and Urban Development (HUD) to designate federal Urban Enterprise Zones within economically depressed areas throughout the country; and

WHEREAS, HUD by regulation established a process for the designation of federal Urban Enterprise Zones; and

WHEREAS, The State of New Jersey has by its own authority established State Urban Enterprise Zones in economically distressed areas within the State; and

WHEREAS, The New Jersey Urban Enterprise Zone Authority was established to carry out the provisions of the State's Urban Enterprise Zone Act; and

WHEREAS, The State of New Jersey has the responsibility to ensure that all nominations for federal Urban Enterprise Zones are submitted to HUD in a timely and effective manner; and

WHEREAS, The New Jersey Urban Enterprise Zone Authority through its personnel, experience and skill already performs the task of reviewing, evaluating and analyzing all applications for State designation as an Urban Enterprise Zone and can best perform this same analysis for the Governor to assist him in nominating Economic Zones in New Jersey for federal Urban Enterprise Zone designation;

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

1. The New Jersey Urban Enterprise Zone Authority will secure applications on behalf of the State of New Jersey for federal Urban Enterprise Zone consideration.

2. The Urban Enterprise Zone Authority shall assess each application for federal Urban Enterprise Zone designation and report its

recommendations on the relative merit and worth of each application to the Governor no later than January 6, 1989.

Issued December 22, 1988.