

## EXECUTIVE ORDERS

ISSUED BY

GOVERNOR JON S. CORZINE  
DURING TERM OF OFFICE  
BEGINNING JANUARY 17, 2006

**Governor Jon S. Corzine****Executive Order No. 1(2006)****Ethical Guidelines for State Government Officials**

Issued: January 17, 2006.

Effective: January 17, 2006.

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

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

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

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

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

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

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

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

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

WHEREAS, the Executive Commission on Ethical Standards, which has been reconstituted and renamed the State Ethics Commission ("Ethics Commission"), has previously

recognized that to alleviate a potential conflict of interest, a blind trust may be utilized in certain circumstances to erect a barrier between State officers and employees and their investments, so that such officers might be shielded from potential conflicts; and

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

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

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

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

**I. PERSONAL FINANCIAL DISCLOSURE**

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

a. The name and position of the public employee or public officer;

b. Any occupation, trade, business, profession or employment engaged in by the public employee or public officer, his or her spouse or domestic partner, and dependent children;

c. (1) A list of all assets having a value of more than \$1,000, both tangible and intangible, in which a direct or indirect interest is held (as of the statement date) by the public employee or public officer, his or her spouse or domestic partner, and dependent children. Where stocks and bonds are involved, there shall be included the name of the company, mutual fund, holding company or government agency issuing them (whenever such interest exists through ownership in a mutual fund or holding company, the individual stocks held by such mutual fund or holding

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

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

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

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

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

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

(a) less than \$10,000 and owed to a relative as defined in paragraph 6 of this section;

(b) less than \$1,000 and owed to any other person;

(c) loans secured by a personal motor vehicle, household furniture or appliances where the loan did not exceed the purchase price of the item and the outstanding balance did not exceed \$10,000 as of the close of the preceding calendar year; and

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

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

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

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

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

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

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

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

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

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

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

c. Updated statements shall be filed on the May 15 next succeeding the submission of the original statement and each May 15 thereafter provided, however that public employees and public officers who file statements on or after January 17, 2006 but prior to May 15, 2006 need not file an updated statement on May 15, 2006.

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

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

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

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

(1) The Governor;

(2) The head of each principal department;

(3) The chiefs of staff and assistant or deputy heads of each principal department to include all assistant and deputy commissioners of such departments;

(4) The head and the assistant heads of a division of each principal department, or any person exercising substantially similar authority for any board or commission which is organized as in but not of a principal department or any independent authority;

(5) The executive or administrative head and assistant heads of

(i) any board or commission which is organized in but not of a principal department or

(ii) any independent authority;

(6) The following members of the staff of the Office of the Governor:

(i) Chief of Staff;

(ii) Chief Counsel to the Governor;

(iii) Director of Communications;

(iv) Policy Counsel to the Governor;

(v) Deputy Chiefs of Staff;

(vi) Deputy Chief Counsel;

(vii) Director of the Authorities Unit;

(viii) Any deputy or principal administrative assistant to any of the foregoing members of the staff of the Office of the Governor;

(7) Members of the State Board of Agriculture;

(8) Members of the State Board of Education;

(9) Members of the State Board of Public Utilities;

(10) Members of the State Parole Board; and

(11) Presidents of the State Colleges and Universities.

b. "Public officer" shall mean:

(i) the members of the following boards, commissions, independent authorities and public corporations, together with any other equivalent offices or bodies and such other offices or bodies added to such list by subsequent determination of the Governor:

(1) Agricultural Development Committee;

(2) Atlantic City Convention Center Authority;

(3) Capital City Redevelopment Corporation;

(4) Casino Reinvestment Development Authority;

(5) Catastrophic Illness in Children Relief Fund;

- (6) Commerce and Economic Growth Commission;
  - (7) Commission on Higher Education;
  - (8) Commission on Spinal Cord Research;
  - (9) Council on Affordable Housing;
  - (10) Development Authority for Small Business, Minorities and Women Enterprises;
  - (11) Educational Facilities Authority;
  - (12) Election Law Enforcement Commission;
  - (13) Garden State Preservation Trust;
  - (14) Government Records Council;
  - (15) Governor's Council on Alcoholism and Drug Abuse;
  - (16) Health Care Administration Board;
  - (17) Health Care Facilities Financing Authority;
  - (18) Higher Education Student Assistance Authority;
  - (19) Highlands Water Protection and Planning Council;
  - (20) Individual Health Coverage Board;
  - (21) Local Finance Board;
  - (22) Merit System Board;
  - (23) Motor Vehicle Commission;
  - (24) New Jersey Building Authority;
  - (25) New Jersey Commission on Brain Injury Research;
  - (26) New Jersey Commission on Science and Technology;
  - (27) New Jersey Council on Developmental Disabilities;
  - (28) New Jersey Cultural Trust;
  - (29) New Jersey Economic Development Authority;
  - (30) New Jersey Historic Trust Commission;
  - (31) New Jersey Housing and Mortgage Financing Agency;
  - (32) New Jersey Meadowlands Commission;
  - (33) New Jersey Public Broadcasting Authority;
  - (34) New Jersey Racing Commission;
  - (35) New Jersey Real Estate Commission;
  - (36) New Jersey Redevelopment Authority;
  - (37) New Jersey Sports and Exposition Authority;
  - (38) New Jersey State Council on the Arts;
  - (39) New Jersey Transit Corporation;
  - (40) New Jersey Transportation Trust Fund Authority;
  - (41) New Jersey Turnpike Authority;
  - (42) New Jersey Urban Enterprise Zone Authority;
  - (43) North Jersey District Water Supply Commission;
  - (44) North Jersey Transportation Planning Authority;
  - (45) Office of Information Technology Governing Board;
  - (46) Passaic Valley Sewerage Commission;
  - (47) Passaic Valley Water Commission;
  - (48) Pinelands Commission;
  - (49) Public Employment Relations Commission;
  - (50) School Ethics Commission;
  - (51) Schools Construction Corporation;
  - (52) Shell Fisheries Council;
  - (53) Small Employer Health Benefits Program;
  - (54) South Jersey Port Corporation;
  - (55) South Jersey Transportation Authority;
  - (56) South Jersey Transportation Planning Organization;
  - (57) State Athletic Control Board;
  - (58) State Board of Mediation;
  - (59) State Economic Recovery Board for Camden;
  - (60) State Ethics Commission;
  - (61) State Lottery Commission;
  - (62) State Planning Commission;
  - (63) Tidelands Resource Council;
  - (64) Urban Development Corporation;
  - (65) Wastewater Treatment Trust; and
  - (66) Water Supply Authority.
- (ii) The members of the governing boards of State Colleges and Universities.
- (iii) Individuals appointed as a New Jersey member to the following agencies:
- (1) Atlantic States Marine Fisheries Commission;
  - (2) Clean Ocean and Shore Trust Committee;
  - (3) The Delaware River and Bay Authority;
  - (4) Delaware River Basin Commission;
  - (5) Delaware River Joint Toll Bridge Commission;
  - (6) Delaware River Port Authority;
  - (7) Delaware Valley Regional Planning Commission;
  - (8) Interstate Environmental Commission;
  - (9) Northeast Interstate Low-Level Radioactive Waste Commission;

- (10) Palisades Interstate Park Commission;
- (11) Port Authority of New York and New Jersey;
- (12) The Port Authority Trans Hudson Corporation; and
- (13) Waterfront Commission of New York Harbor.

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

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

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

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

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

## II. BLIND TRUSTS

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

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

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

c. The trust shall be irrevocable, and shall be terminated only upon the death of the public employee or public officer

or upon termination of his or her status as a public employee or public officer whichever shall first occur;

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

e. The trustee shall be required either to:

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

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

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

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

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

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

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

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

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

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

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

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

b. A person who, after this Order takes effect, becomes a regular State employee required by law or executive order to submit a Financial Disclosure Statement to the Ethics Commission and who retains any interest in any closely-held corporation, partnership, sole proprietorship, or similar business entity doing business with any New Jersey State, interstate or local government entity, shall disclose such interest in the employee's Financial Disclosure Statement. The Ethics Commission shall review this disclosure statement to determine whether the business entities in which the employee has an interest are engaged in government-related business within the meaning of this Executive Order, and whether the holdings are in compliance with the Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq. and this Executive Order. No later than 120 days from the Ethics Commission's receipt of the Financial Disclosure Statement, the Ethics Commission shall notify the employee of its findings. The employee shall be afforded 120 days after the date of notification to effectuate the orderly disposition of any asset, except as may be further extended by the Ethics Commission or to demonstrate to the Ethics Commission that the business entity has ceased to do business with a government entity in a manner prohibited by this Executive Order.

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

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

determined that the employee or officer may retain such an interest in such business entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

more than one of the members shall be from the same political party as the Governor.

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

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

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

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

#### V. ENFORCEMENT AND SANCTIONS

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

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

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

#### VI. RESCISSION

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

#### VII. EFFECTIVE DATE

1. This Executive Order shall take effect immediately.

**APPENDIX A****CODE OF CONDUCT FOR THE GOVERNOR****I. PURPOSE**

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

**II. STATEMENT OF POLICY**

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

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

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

**III. CODE OF CONDUCT****A. SOLICITATION AND RECEIPT OF GIFTS AND OTHER ITEMS**

1. Except as otherwise provided herein or unless offered to the general public, the Governor shall not solicit, receive, or agree to receive, directly or indirectly, any compensation, reward, gift, favor, service offer of outside employment, preferential loans, services at preferential rates, discounts, gratuities, travel expenses or anything of monetary influence him in the conduct of his public duties.

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

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

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

5. A tangible gift of greater than minimal value is deemed to have been accepted on behalf of the State of New Jersey and, on acceptance, shall become the property of the State of New Jersey. The Governor may retain such gifts during the period of his incumbency. At the conclusion of the Governor's final term, such, gifts shall be delivered to the State

Museum, for appropriate disposition. Alternatively, the Governor may purchase any or all such gifts at fair market value.

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

**B. ATTENDANCE AT EVENTS AND FUNCTIONS**

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

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

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

4. The Governor may attend events or functions other than events or functions open to the general public. Examples of such events or functions include a conference, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social or business function.

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

**C. ADVOCACY / ENDORSEMENTS**

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

**D. TRAVEL AND LODGING**

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

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

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

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

## E. DE FACTO HEAD OF POLITICAL PARTY

The Governor's status as de facto head of his political party is intertwined with his public responsibilities as Head of the State government. The Governor may act in a partisan political role, identify himself as Governor in that capacity, endorse political candidates, attend political events and raise and accept political contributions in accordance with governing campaign contribution laws.

## F. CONFLICTS AND APPEARANCES OF CONFLICTS

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

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

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

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

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

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

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

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

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

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

1. Consistent with the other provisions of this Code, the Governor shall use the information, property and funds under his or her official control in accordance with prescribed procedures and not for personal gain or benefit.

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

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

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

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

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

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

Published February 21, 2006 in the New Jersey Register at 38 N.J.R. 1110(c).  
Amended by Executive Order No. 120(2008), effective September 24, 2008.  
Superseded and rescinded by Christie Executive Order No. 24(2010), effective April 27, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 2(2006)**

**Tribute to Coretta Scott King**

Issued: February 1, 2006.

Effective: February 1, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, February 3, 2006, in recognition and mourning of the passing of Coretta Scott King.

2. This Order shall take effect immediately.

Published March 6, 2006 in the New Jersey Register at 38 N.J.R. 1263(a).

**Governor Jon S. Corzine**

**Executive Order No. 3(2006)**

**Special Counsel to the Governor for School Construction;  
Interagency Working Group on School Construction**

Issued: February 7, 2006.

Effective: February 7, 2006.

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

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

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

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

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

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

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

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

WHEREAS, the effectiveness of the School Construction Program also will be enhanced by the active involvement of the Board of Directors of the Schools Construction Corporation with its full complement of public members and with leadership by a chairperson who has significant

experience and expertise in financial and operational management and oversight; and

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

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

WHEREAS, an effective and successful evaluation and transition plan will require collaboration among a number of State agencies while significant reforms and improvements are initiated at those agencies; and

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

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

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

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

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

2. The Special Counsel is authorized to call upon any department, office or agency of State government to provide such information, resources or other assistance deemed necessary to discharge the responsibilities under this Executive Order. Each department, office, division, and agency of State government is required to cooperate with the Special Counsel and to furnish the Special

Counsel with assistance necessary to accomplish the purpose of this Executive Order.

3. The Special Counsel shall serve as the Governor's representative in all matters pertaining to the management and operations of the Schools Construction Corporation and shall serve on the Corporation's Board of Directors in the position designated in Executive Order No. 24 (2002) for a member of the Governor's Executive Staff.

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

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

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

a. The implementation of a process by which the educational priorities articulated by the New Jersey Supreme Court in its Abbott decisions and reflected in the Act shall be realized in the review and approval of

Abbott District Long Range Facility Plans ("Plans") and project proposals, to include, if necessary, revision to Facility Efficiency Standards.

b. The implementation of a process where approved Plans shall (i) reflect priorities established by local school districts with respect to the construction of schools based on health, safety, and the ability to provide an adequate working environment, and (ii) pertain to the approval of facility projects that can be reasonably accommodated within the five-year period covered by the Plans.

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

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

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

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

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

12. This Order shall take effect immediately.

Published March 6, 2006 in the New Jersey Register at 38 N.J.R. 1263(b).

**Governor Jon S. Corzine**

**Executive Order No. 4(2006)**

**Tribute to Watchung Borough Police Officer Matthew J. Melchionda**

Issued: March 14, 2006.

Effective: March 14, 2006.

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

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

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

WHEREAS, Officer Melchionda proudly served in the Watchung Borough Police Department for 6 years, personifying his own family's commitment to the finest traditions and principles of law enforcement, and received many

commendations and accolades for excellent police work during his tour of duty; and

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

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday, March 16, 2006, in recognition and mourning of Watchung Borough Police Officer Matthew J. Melchionda.

2. This Order shall take effect immediately.

Published April 17, 2006 in the New Jersey Register at 38 N.J.R. 1623(a).

**Governor Jon S. Corzine**

**Executive Order No. 5(2006)**

**Office of Homeland Security and Preparedness**

Issued: March 16, 2006.

Effective: March 16, 2006.

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

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

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

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

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

WHEREAS, the appointment of a Director of Homeland Security and Preparedness who has complete responsibility for overseeing, planning, and distributing state and federal funding for homeland security and emergency preparedness solely on the basis of risk, threat, and vulnerability, will eliminate duplication, safety, and the private security, and ensure the most effective use of limited resources, and guarantee that funds are used for appropriate and necessary purposes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20. The Office of Counter-Terrorism shall be a part of the Office. A Deputy Director of Homeland Security and Preparedness shall be responsible for counter-terrorism and

intelligence and shall have as his or her mission: (1) intelligence gathering, analysis, and sharing; (2) training of law enforcement and other individuals tasked with homeland security and emergency preparedness responsibilities; and (3) infrastructure protection.

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

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

23. The Office shall have all powers conferred by law to the Department of Law and Public Safety, including the powers conferred by the Criminal Justice Act of 1970, P.L. 1970 c. 74, as amended by P.L. 1981 c. 1987. To the extent that the Office utilizes powers conferred under this Act, there shall be dual reporting to the Director and the Attorney General.

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

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

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

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

28. All documents, materials, and information pertaining to counter-terrorism investigation, intelligence, training, and protocols created, compiled, obtained or maintained by the Office shall be deemed confidential, non-public and not

subject to the Open Public Records Act, P.L. 1963, c. 73, as amended and supplemented.

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

30. The Public Advocate of the State of New Jersey shall appoint a public ombudsman within the Public

Advocate's Office to address civil liberties issues related to homeland security and preparedness.

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

32. This ORDER shall take effect immediately.

Published April 17, 2006 in the New Jersey Register at 38 N.J.R. 1623(b).

**Governor Jon S. Corzine**

**Executive Order No. 6(2006)**

**Tribute to U.S. Army Specialist First Class Carlos  
Gonzalez**

Issued: March 23, 2006.

Effective: March 23, 2006.

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

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

WHEREAS, SPC Gonzalez served proudly as a member of the U.S. Army's 501st Special Troop Battalion, 3rd Brigade Combat Team, 101st Airborne Division, based in Fort Campbell, Kentucky, and served in Iraq in the service of his country from September 2005; and

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

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

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

WHEREAS, SPC Gonzalez's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing, to remember his family as they mourn their loss and for the State where he was born and where he will be interred to honor his memory;

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, March 25, 2006, in recognition of the life and in mourning of the passing of U.S. Army SPC Carlos Gonzalez.

2. This Order shall take effect immediately.

Published April 17, 2006 in the New Jersey Register at 38 N.J.R. 1624(a).

**Governor Jon S. Corzine**

**Executive Order No. 7(2006)**

**Membership of Schools Construction Corporation Board of Directors; Rescission of Executive Order No. 47 (2002)**

Issued: March 24, 2006.

Effective: March 24, 2006.

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

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

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

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

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

WHEREAS, Executive Order No. 3 (2006) created an Interagency Working Group to review the entire School Construction Program and the laws, regulations, and policies

governing educational facilities, as well as the reorganization of the SCC; and

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

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

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

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

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

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

3. This Order shall take effect immediately.

Published May 1, 2006 in the New Jersey Register at 38 N.J.R. 1787(a).

**Governor Jon S. Corzine**

**Executive Order No. 8(2006)**

**Tribute to U.S. Army Captain John F. Dugan, Jr.**

Issued: April 4, 2006.

Effective: April 4, 2006.

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

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

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

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

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

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

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

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

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, April 12, 2006, in recognition and mourning of U.S. Army Captain John F. Dugan, Jr. of Roselle, New Jersey.

2. This Order shall take effect immediately.

Published May 1, 2006 in the New Jersey Register at 38 N.J.R. 1787(b).

**Governor Jon S. Corzine**

**Executive Order No. 9(2006)**

**Commission on Government Efficiency and Reform**

Issued: April 7, 2006.

Effective: April 7, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The Commission shall be composed of 13 individuals with expertise in government, business, labor and education who will be appointed by and serve at the pleasure of the Governor. The Chair of the Commission shall be designated by the Governor and shall serve as Chair at his pleasure. The Governor shall also appoint, in the same manner, additional members with expertise and experience in government, higher education, labor and the private sector, as needed, to sub-groups, which will focus in depth on any of the above-listed items or related matters, as requested by the Commission, and will report back to the Commission as required,

5. The Commission is authorized to call upon any department, office, division or agency of this State to sup-

ply it with data and any other information, personnel or other assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Commission may

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

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

7. This Order shall take effect immediately.

Published May 15, 2006 in the New Jersey Register at 38 N.J.R. 1893(a).

**Governor Jon S. Corzine**

**Executive Order No. 10(2006)**

**Tribute to East Franklin Township Volunteer Firefighter  
Kevin Apuzzio**

Issued: April 13, 2006.

Effective: April 13, 2006.

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

WHEREAS, Firefighter Apuzzio attended the Livingston College of Rutgers University as a criminal justice major, where he joined the Rutgers Emergency Medical Services Department, and also served as a volunteer firefighter with the East Franklin Township Volunteer Fire Company since August 2003; and

WHEREAS, on the morning of April 11, 2006 in the Township of East Franklin in Somerset County, Firefighter Apuzzio, at the age of 21, made the ultimate sacrifice, giving his life while leading a crew of four firefighters into a burning

single-family dwelling to rescue an elderly woman who was trapped inside; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Tuesday, April 18, 2006, in recognition of the life and in mourning of the passing of Firefighter Kevin Apuzzio.

2. This Order shall take effect immediately.

Published May 15, 2006 in the New Jersey Register at 38 N.J.R. 1893(b).

**Governor Jon S. Corzine**

**Executive Order No. 11(2006)**

**Director of Energy Savings, Department of Treasury**

Issued: April 22, 2006.

Effective: April 22, 2006.

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

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

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

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

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

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

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

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

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

1. There is hereby created within the Department of Treasury the position of Director of Energy Savings. The

Director of Energy Savings shall be appointed by the Governor and shall report to the Treasurer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. In creating any new specification, and prior to the renewal of any expired specification, each State agency shall revise or eliminate any standards or provisions unrelated to performance that present barriers to the purchase of recycled products (e.g., unnecessary brightness standards or their equivalents for paper and paper products

shall be lowered to remove any impediments that these standards may pose to the purchase of recycled paper or recycled paper products), energy efficient products, renewable energy products, low toxicity products and alternatives to products that contain PBTs, and other products manufactured through environmentally sustainable methods.

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

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

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

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

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

12. This Order shall take effect immediately.

#### **Addendum**

**Construction Products**—Unless otherwise noted, in accordance with United States Environmental Protection Agency's (hereinafter "USEPA") Comprehensive Procure-

ment Guidelines developed pursuant to Federal Executive Order 13101:

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

- Building insulation products
- Carpet
- Carpet cushion
- Cement and concrete
- Consolidated and reprocessed latex paint
- Floor tiles
- Flowable fill
- Glassphalt – NJDOT specification
- Laminated paperboard
- Patio blocks
- Railroad grade crossing surfaces
- Reclaimed asphalt pavement (RAP) – NJDOT specification
- Recycled concrete aggregate (RCA) – NJDOT specification
- Recycled plastic lumber – American Society for Testing and Materials specification
- Rubber modified asphalt
- Shower and restroom dividers/partitions
- Structural fiberboard

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

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging
- Mulch, compost and other soil amendments made from municipal solid waste, sludge, yard waste, food waste, clean wood scrap and other organic materials – NJDEP solid waste and recycling rules
- Plastic lumber landscaping timbers and posts

**Nonpaper Office Products**—In accordance with USEPA’s Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Binders, clipboards, file folders, clip portfolios, and presentation folders
- Office recycling containers
- Office waste receptacles
- Plastic desktop accessories

- Plastic envelopes
- Plastic trash bags
- Printer ribbons
- Toner cartridges
- Soy-based inks

**Paper and Paper Products**—In accordance with USEPA’s Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

- Commercial/industrial sanitary tissue products
- Miscellaneous papers
- Newsprint
- Paperboard and packaging products
- Printing and writing papers

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

- Park benches and picnic tables
- Plastic fencing
- Playground equipment
- Playground surfaces
- Running tracks

**Transportation Products**—Unless otherwise noted, in accordance with USEPA’s Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

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

**Miscellaneous Products**—In accordance with USEPA’s Comprehensive Procurement Guidelines developed pursuant to Federal Executive Order 13101:

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

Published June 5, 2006 in the New Jersey Register at 38 N.J.R. 2235(a).

**Governor Jon S. Corzine**

**Executive Order No. 12(2006)**

**Tribute to United States Marine Corps Sergeant Matthew J. Fenton**

Issued: May 11, 2006.

Effective: May 11, 2006.

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

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

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

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

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

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

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

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

WHEREAS, Sergeant Fenton's patriotism and dedicated service to his country and to his fellow soldiers make him a hero and a true role model for all Americans and, therefore, it is appropriate and fitting for the State of New Jersey, the State where he was born and raised, to mark his passing, remember his family as they mourn their loss, and honor his memory;

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, May 13, 2006, in recognition of the life and in mourning of the passing of U.S. Marine Corps Sergeant Matthew J. Fenton.

2. This Order shall take effect immediately.

Published June 19, 2006 in the New Jersey Register at 38 N.J.R. 2549(a).

**Governor Jon S. Corzine**

**Executive Order No. 13(2006)**

**Tribute to United States Army Captain Douglas R. Wight, Jr.**

Issued: May 11, 2006.

Effective: May 11, 2006.

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

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

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

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

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

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

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

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

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, May 17, 2006, in recognition and mourning of U.S. Army Captain Douglas R. Wight of Westfield, New Jersey.

2. This Order shall take effect immediately.

Published June 19, 2006 in the New Jersey Register at 38 N.J.R. 2549(b).

**Governor Jon S. Corzine**

**Executive Order No. 14(2006)**

**Conflict of Interest Standards for Board Members of  
State Universities and Colleges**

Issued: May 12, 2006.

Effective: May 12, 2006.

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

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

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

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

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

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

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

WHEREAS, an Advisory Group on Ethics Issues, consisting of former Governors Brendan Byrne and Thomas Kean, retired Supreme Court Justice Stewart Pollock, former Attorney General John Degnan, and Princeton University President Shirley Tilghman, Ph.D., has reviewed and identified concerns regarding the current system and recommended various changes to the Governor; and

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

WHEREAS, requiring members of State university and college governing boards to complete and swear to the accuracy of a detailed and focused conflicts of interest form

will enhance the State Ethics Commission's ability to review information and enforce the Conflicts of Interest Law;

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

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

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

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

4. The prohibitions in paragraphs 1, 2, and 3 shall also apply to shareholders, associates, or professional employees of a professional service corporation with which the board member is associated or otherwise affiliated regardless of the extent or amount of the board member's shareholder interest in such a corporation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. This Order shall take effect immediately.

Published June 19, 2006 in the New Jersey Register at 38 N.J.R. 2549(c).

**Governor Jon S. Corzine**

**Executive Order No. 15(2006)**

**Tribute to United States Army Staff Sergeant Christian Longworth**

Issued: May 30, 2006.

Effective: May 30, 2006.

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

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

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

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

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

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

WHEREAS, Staff Sergeant Longworth was, in turn, loved by his parents, daughter, brother, friends and neighbors who take great pride in his commitment, heroism, and achievements; and

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

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on May 31, 2006, in recognition of the life and in mourning of the passing of United States Army Staff Sergeant Christian Longworth.

2. This Order shall take effect immediately.

Published July 3, 2006 in the New Jersey Register at 38 N.J.R. 2765(a).

**Governor Jon S. Corzine**

**Executive Order No. 16(2006)**

**Declaration of State of Emergency – Severe Weather Conditions**

Issued: June 28, 2006.

Effective: June 28, 2006.

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

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

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

WHEREAS, this situation is too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and this situation may spread to other parts of the State; and

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

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey DO DECLARE AND PROCLAIM that a State of Emergency presently exists throughout the State of New Jersey; and I hereby ORDER AND DIRECT the following:

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

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

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

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

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

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

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

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

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

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

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

furnish any information deemed reasonably necessary by the Director to carry out the purposes of this Order.

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

13. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6 and 40A:14-156.4, I direct that no municipality or public or semipublic agency send public works, fire, police, emergency medical or other personnel or equipment into any noncontiguous disaster-stricken municipality within this State, or to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies, in consultation with the State Director of Emergency Management.

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

Published August 7, 2006 in the New Jersey Register at 38 N.J.R. 3089(a).

Terminated by Corzine Executive Order No. 20(2006), effective July 10, 2006.

**Governor Jon S. Corzine**

**Executive Order No. 17(2006)**

**Declaration of State of Emergency — Absence of Fiscal Year 2007 General Appropriations Law**

Issued: July 1, 2006.

Effective: July 1, 2006.

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

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

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

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

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

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

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

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

WHEREAS, the Governor of the State of New Jersey is entrusted with the responsibility to protect the health, safety, and welfare of the people of this State, as well as the responsibility to aid in the prevention of damage, loss, or destruction of property in the event of emergency affecting the State; and

WHEREAS, in order to protect the health, safety, and welfare of the people of this State, it is necessary that the State continue to provide essential services without

interruption and effectuate the cessation of services that are not essential in a safe, effective, and orderly manner; and

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

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

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

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

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

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

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

WHEREAS, the management and control of the affairs of the State are beyond the capabilities of local authorities; and

WHEREAS, the Constitution and Statutes of the State of New Jersey, particularly the provisions of the Laws of 1942, Chapter 251, N.J.S.A. App. A:9-33, et seq., as amended and supplemented, confer certain emergency powers upon the Governor of the State of New Jersey;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, including the provisions of N.J.S.A. App. A:9-33 et seq., do hereby DECLARE, ORDER, and DIRECT:

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

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

conferred upon me by the Constitution and the Statutes of the State of New Jersey.

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

4. Services and functions of State government directly related to the preservation and protection of human life and safety; the protection of property, including State property; the adoption of the State General Appropriations Law; and such functions of the Judicial Branch as determined by the Chief Justice, shall be deemed essential and shall continue without interruption during the period in which there is no General Appropriations Law for Fiscal Year 2007. More specifically, but not by way of limitation, the following services and functions of State government are hereby deemed essential:

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

k. Information technology, accounting, and payroll services necessary to support essential functions as described in this Order;

l. Court-mandated activities and appearances, as required; and

m. Supervisory and oversight functions necessary to ensure the provision of essential services as described in this Order.

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

6. The State Treasurer shall take all actions necessary to prevent the State from defaulting on any of its general obligation bonds, including the payment of principal and interest with funds in the State Treasury, and shall take all actions that are essential to protect the State's funds and investments.

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

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

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

10. The State Treasurer and the Director of the Office of Management and Budget are hereby authorized to obligate funds for the purpose of paying employees who have been designated as essential pursuant to this Order or who are necessary to implement the orderly shut down of programs

and functions as provided in paragraph 16 of this Order. However, no such funds shall be disbursed except as provided by law.

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

12. The time within which any action must be taken by a member of the public or by any State officer or agency including, but not limited to, rejection, approval, or modification of initial decisions pursuant to N.J.S.A. 52:14B-10 and approval or denial of filings or other applications pursuant to Titles 17 and 17B of the Revised Statutes, in connection with the filing of any document or the transaction of any business by or with the State or its agencies, departments, divisions, commissions, or boards shall be tolled by each day on which State offices are closed for regular business. The foregoing shall not apply to: 1) the payment of any fees or taxes due and owing to the State; or 2) payments to the State under any contractual agreements.

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

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

15. Any person who shall violate any of the provisions of this Order or shall impede or interfere with any action ordered or taken pursuant to this Order shall be subject to the penalties provided by law.

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

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

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

19. This Order shall take effect immediately.

Published August 7, 2006 in the New Jersey Register at 38 N.J.R. 3090(a).

Partially rescinded by Corzine Executive Order No. 19(2006), effective July 8, 2006.

**Governor Jon S. Corzine**

**Executive Order No. 18(2006)**

**Calling of Legislature to Special Sessions**

Issued: July 3, 2006.

Effective: July 3, 2006.

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

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

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

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

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

WHEREAS, it is imperative that a General Appropriations Law for Fiscal Year 2007 be passed by the Legislature and

enacted into law as soon as possible in order to minimize, to the extent possible, the damaging consequences of the current situation, as detailed in Executive Order No. 17;

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

1. The declarations, orders, and directives set forth in Executive Order No. 17 are incorporated herein by reference and shall continue in full force and effect.

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

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

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

5. This Order shall take effect immediately.

Published August 7, 2006 in the New Jersey Register at 38 N.J.R. 3091(a).

**Governor Jon S. Corzine**

**Executive Order No. 19(2006)**

**Resumption of State Government Services and Functions**

Issued: July 8, 2006.

Effective: July 8, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

5. This Order shall take effect immediately.

Published August 7, 2006 in the New Jersey Register at 38 N.J.R. 3092(a).

**Governor Jon S. Corzine**

**Executive Order No. 20(2006)**

**Termination of Severe Weather Conditions State of Emergency**

Issued: July 10, 2006.

Effective: July 10, 2006.

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

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

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

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

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

Published August 7, 2006 in the New Jersey Register at 38 N.J.R. 3092(b).

**Governor Jon S. Corzine**

**Executive Order No. 21(2006)**

**Tribute to United States Air Force Airman Carl Jerome Ware, Jr.**

Issued: July 10, 2006.

Effective: July 10, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

2. This Order shall take effect immediately.

Published August 7, 2006 in the New Jersey Register at 38 N.J.R. 3092(c).

**Governor Jon S. Corzine**

**Executive Order No. 22(2006)**

**Tribute to United States Army Staff Sergeant Robert Joseph Chiomento II**

Issued: July 31, 2006.

Effective: July 31, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This Order shall take effect immediately.

Published September 5, 2006 in the New Jersey Register at 38 N.J.R. 3341(a).

**Governor Jon S. Corzine**

**Executive Order No. 23(2006)**

**Recognition of the Child Care Workers Union (CCWU) as the Representative of Home-based Family Care Providers**

Issued: August 2, 2006.

Effective: August 2, 2006.

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

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

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

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

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

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

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

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

1. The Commissioner of the New Jersey Department of Human Services (DHS) or his/her designee, or if applicable the Commissioner of the Department of Children and Families or his/her designee, on behalf of the State of New

Jersey, shall meet in good faith with the CCWU, as the recognized exclusive majority representative of all registered and approved family child care providers, for the purpose of entering into a written agreement regarding reimbursement rates, payment procedures, benefits, health and safety conditions and any other matters that would improve recruitment and retention of qualified family child care providers and the quality of the programs they provide, subject to the provisions of paragraph 6 below. Nothing in this Order shall require that an agreement be reached on any particular matter provided the parties act in good faith.

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

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

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

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

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

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

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

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

10. This Order shall take effect immediately.

Published September 5, 2006 in the New Jersey Register at 38 N.J.R. 3341(b).

**Governor Jon S. Corzine**

**Executive Order No. 24(2006)**

**New Jersey Committee on Native American Community Affairs**

Issued: August 4, 2006.

Effective: August 4, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In particular, the Office of the Governor, the Department of Community Affairs, the Department of Environmental Protection, the Department of Education, the Department of Health and Senior Services, the Department of Law and Public Safety, and the New Jersey Commission on American Indian Affairs shall be available to the Committee upon request.

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

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

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

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

11. This Order shall take effect immediately.

Published September 5, 2006 in the New Jersey Register at 38 N.J.R. 3342(a).

**Governor Jon S. Corzine**

**Executive Order No. 25(2006)**

**Cable Television System-Wide Franchises Law – Public Advocate Monitoring and Enforcement; Board of Public Utilities Regulations**

Issued: August 4, 2006.

Effective: August 4, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The Director shall, with BPU approval, promulgate regulations requiring that, whenever a system-wide franchisee invokes an exception to the provision of service to a multiple-dwelling unit (“MDU”) as set forth in section 20(a)(2)(a), (b) or (c) of A-804, the franchisee must

promptly provide written notice of such invocation to both the BPU and the Public Advocate. Such written notice shall describe both the fact that an exception is being invoked as well as a thorough description of the reason or reasons supporting such invocation.

3. The Public Advocate shall monitor the activities of system-wide franchisees and bring appropriate enforcement actions, pursuant to section 20(b) of A-804 or

otherwise, to protect the rights of residents of MDUs and all citizens and ensure that they receive appropriate coverage and service.

4. This Order shall take effect immediately.

Published September 5, 2006 in the New Jersey Register at 38 N.J.R. 3343(a).

**Governor Jon S. Corzine**

**Executive Order No. 26(2006)**

**Tribute to Police Detective Kieran T. Shields**

Issued: August 11, 2006.

Effective: August 11, 2006.

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

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

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

while attempting to locate and apprehend an armed suspect; and

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

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

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

This Order shall take effect immediately.

Published September 18, 2006 in the New Jersey Register at 38 N.J.R. 3695(a).

**Governor Jon S. Corzine**

**Executive Order No. 27(2006)**

**Expansion of Membership in the State Interagency Coordinating Council**

Issued: August 17, 2006.

Effective: August 17, 2006.

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

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

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

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

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

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

1. The Council established by Executive Order No. 94 (1993) is hereby continued.

2. Paragraph 2 of Executive Order No. 94 (1993) is hereby amended to read as follows: "The Council shall be

composed of individuals appointed by the Governor who shall be broadly representative of the population of the State."

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

a. At least one member from the agency responsible for the State Medicaid program;

b. At least one member from a Head Start agency or program in the State;

c. At least one member from the State agency responsible for child care;

d. At least one member designated by the Office of Coordinator for Education of Homeless Children and Youths;

e. At least one member from the State child welfare agency responsible for foster care; and

f. At least one member from the State agency responsible for children's mental health.

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

5. One member may fulfill the membership requirement of more than one category of membership as long as that member is qualified for each category of membership and there is no conflict of interest, but no parent may be appointed to serve on the Council while employed at an agency that provides early intervention services.

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

7. This Order shall take effect immediately.

Published September 18, 2006 in the New Jersey Register at 38 N.J.R. 3695(b).

**Governor Jon S. Corzine**

**Executive Order No. 28(2006)**

**Tribute to United States Army Specialist Hai Ming Hsia**

Issued: August 17, 2006.

Effective: August 17, 2006.

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

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

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

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

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

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

WHEREAS, Specialist Hsia was a committed soldier who loved his family, parents, wife, son, friends and neighbors

who take great pride in his commitment, professionalism, and achievements; and

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

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

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

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

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

2. This Order shall take effect immediately.

Published September 18, 2006 in the New Jersey Register at 38 N.J.R. 3695(c).

**Governor Jon S. Corzine**

**Executive Order No. 29(2006)**

**Establishment of the Advisory Committee on Police Standards**

Issued: August 23, 2006.

Effective: August 23, 2006.

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

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

WHEREAS, on June 27, 2006, the independent federal monitors issued a report to the United States District Court, finding that the New Jersey State Police have achieved 100% compliance with all of the requirements in the consent decree and have gone beyond the requirements of the consent decree. The federal monitors concluded that there has been no indication of racial profiling in State Police traffic stops, and the monitors lauded the progress that has been made in implementing systemic reforms, crediting the State Police supervisory and management review process; and

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

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

WHEREAS, it is appropriate to take actions to ensure that the commitment by the State Police to nondiscriminatory policing that has been recognized by the independent monitors and the Civil Rights Division of the United States Department of Justice is permanently institutionalized and

continues as part of the agency’s culture of professionalism and public service; and

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

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

1. There is hereby established an Advisory Committee on Police Standards.
2. The Advisory Committee shall recommend to the Governor whether and under what circumstances the State of New Jersey should join with the United States Department of Justice in filing a motion to the United States District Court to terminate the consent decree.
3. The Advisory Committee shall make recommendations on how to ensure that the practice of racial profiling is not engaged in or tolerated in the future in the event that the consent decree is terminated by the United States District Court. The Advisory Committee shall consider, for example, whether it would be appropriate to retain outside auditors or consultants to continue to independently examine State Police data and mobile video recordings of motor vehicle stops, employing a review methodology similar to the one presently used by the independent federal monitors who have acted under the auspices of the United States District Court.
4. The Advisory Committee shall provide recommendations to the Attorney General and the Governor on how the programs developed by the New Jersey State Police can assist other law enforcement agencies throughout the State in preventing all forms of racial profiling.
5. The Advisory Committee shall conduct one or more public hearings in order to provide an opportunity for the federal monitors, representatives of the New Jersey State Police, New Jersey citizens and others to provide relevant testimony. The Advisory Committee shall also provide the means for citizens and others to submit comments by mail and by the internet.
6. The Advisory Committee shall be comprised of twenty-one (21) members who will be appointed by and serve at the pleasure of the Governor. Membership of the Committee shall include the Attorney General. The remaining members shall be appointed by the Governor based on their experience and expertise in matters concerning law, criminal justice, and the principles of equal protection and non-discrimination in the enforcement of the laws.
7. The Governor shall appoint the Chair of the Advisory Committee. Vacancies on the Advisory Committee

shall be filled in the same manner as the original appointment.

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

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

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

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

12. This Order shall take effect immediately.

Published September 18, 2006 in the New Jersey Register at 38 N.J.R. 3696(a).

**Governor Jon S. Corzine**

**Executive Order No. 30(2006)**

**Establishment of the New Jersey Economic Growth Council**

Issued: September 7, 2006.

Effective: September 7, 2006.

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

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

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

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

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

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

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

WHEREAS, there exists a need to more closely coordinate and maximize the efficiency of programs for economic growth and related infrastructure improvements and main-

tenance, and such coordination should occur from within the Office of the Governor; and

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

WHEREAS, the work of the Office of Economic Growth would be enhanced through the creation of an advisory body whose membership would be drawn principally from a broad cross-section of the private sector;

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

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

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

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

4. This Order shall take effect immediately.

Published October 2, 2006 in the New Jersey Register at 38 N.J.R. 3945(a).

**Governor Jon S. Corzine**

**Executive Order No. 31(2006)**

**Tribute to the Victims of September 11, 2001**

Issued: September 7, 2006.

Effective: September 7, 2006.

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

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

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

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

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities and all public buildings during appropriate hours on September 11, 2006 in recognition and mourning of all of those lost in the September 11th attacks, and particularly, those lost from our home State.

2. This Order shall take effect immediately.

Published October 2, 2006 in the New Jersey Register at 38 N.J.R. 3945(b).

**Governor Jon S. Corzine**

**Executive Order No. 32(2006)**

**Tribute to Firefighter Vincent Neglia**

Issued: September 13, 2006.

Effective: September 13, 2006.

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

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

WHEREAS, on the morning of September 9, 2006, in Union City, Hudson County, Firefighter Neglia, at the age of 45, made the ultimate sacrifice, giving his life while racing into a burning apartment building to search for victims after having been advised that there were persons still inside the inferno; and

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

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

1. The flag of the United State of America and the flag of New Jersey will be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, September 14, 2006, in recognition of the life and in mourning of the passing of Firefighter Vincent Neglia.

2. This Order shall take effect immediately.

Published October 16, 2006 in the New Jersey Register at 38 N.J.R. 4269(a).

**Governor Jon S. Corzine**

**Executive Order No. 33(2006)**

**Tribute to United States Marine Corps Private First Class Vincent M. Frassetto**

Issued: September 14, 2006.

Effective: September 14, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. This Order shall take effect immediately.

Published October 16, 2006 in the New Jersey Register at 38 N.J.R. 4269(b).

**Governor Jon S. Corzine**

**Executive Order No. 34(2006)**

**Establishment of the Division of Minority and Women Business Development and the Minority and Women's Business Development Advisory Council**

Issued: September 15, 2006.

Effective: September 15, 2006.

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

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

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

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

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

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

WHEREAS, it is a priority of my administration to take all necessary remedial steps to overcome the factors that have operated to prevent or inhibit participation by minority- and women-owned business enterprises in the procurement opportunities offered by the State, and to ensure that State government renews its commitment to the utilization of minority- and women-owned business enterprises in its procurement practices through increased outreach, enhanced transparency, and effective monitoring of the progress made in this regard; and

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

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

WHEREAS, in 1989, the Supreme Court of the United States concluded, in the case of *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989), that a race-based set-aside program established by a local government entity was unconstitutional under the Equal Protection Clause of the Four-

teenth Amendment to the United States Constitution because it was not justified by a compelling interest and narrowly tailored to accomplish a remedial purpose; and

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

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

WHEREAS, the Commission issued its report in 1993, which contained evidence of widespread discrimination against firms owned and operated by minorities and women and indicated that these firms experience pervasive exclusion from the public contracting process; and

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

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

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

WHEREAS, in 2005, the Disparity Study Commission issued its reports, the "Disparity Study of Procurement in Professional Services, Other Services and Goods and Commodities Report" and the "Construction Services Disparity Report" (the "Disparity Studies"), finding significant dispar-

ities between firms ready, willing, and able to do business with the State and those firms actually awarded contracts to provide goods and services to State departments, agencies, authorities, colleges, and universities; and

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

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

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

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

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

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

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

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

ing authority, and under cooperative purchasing agreements;

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

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

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

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

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

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

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

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

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

a. The Chief of the Office of Economic Growth, or a designee, who shall serve *ex officio*;

b. The State Treasurer, or a designee, who shall serve *ex officio*;

c. The Secretary of the New Jersey Commerce, Economic Growth and Tourism Commission, or a designee, who shall serve *ex officio*;

d. Ten (10) public members, appointed by the Governor, two of whom shall be based upon the recommendation of the President of the Senate, provided that no more than one of whom shall be of the same political party, and two of whom shall be appointed based upon the recommendation of the Speaker of the General Assembly, provided that no more than one of whom shall be of the same political party.

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

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

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

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

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

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

16. This Order shall take effect immediately.

Published October 16, 2006 in the New Jersey Register at 38 N.J.R. 4269(c).

**Governor Jon S. Corzine**

**Executive Order No. 35(2006)**

**Restructuring the New Jersey Governor's School Program**

Issued: September 22, 2006.

Effective: September 22, 2006.

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

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

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

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

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

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

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

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

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

2. The Governor's School Program shall be located in the Commission on Higher Education. The Governor's Board shall have general supervisory authority over the conduct of the Program, including fundraising and the recruiting of students to reflect New Jersey's diversity. The Governor's Board shall work closely with the Executive

Director of the Commission on Higher Education, the Commissioner of the Department of Education and each host institution to ensure the Program continues to attain the highest academic standards.

3. The Governor's Board shall be authorized to call upon any department, office, division or agency of this State to supply it with any information, personnel or other assistance available to such agency as is necessary to assist the Governor's School Program and the Governor's School Board under this Order and its predecessor Orders. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Governor's School Program and the Governor's School Board within the limits of its statutory authority and to furnish them with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Governor's School Program, the Governor's School Board of Overseers and the Commission on Higher Education may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of their missions pursuant to this Order.

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

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

6. This Order shall take effect immediately.

Published November 6, 2006 in the New Jersey Register at 38 N.J.R. 4525(a).

**Governor Jon S. Corzine**

**Executive Order No. 36(2006)**

**Establishment of the Judicial Advisory Panel**

Issued: September 22, 2006.

Effective: September 22, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. This Order shall take effect immediately.

Published November 6, 2006 in the New Jersey Register at 38 N.J.R. 4525(b).

Paragraph 8 superseded by Christie Executive Order No. 32(2010), effective June 9, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 37(2006)**

**Implementation of Reforms to Increase the Transparency,  
Efficiency and Accountability of Independent Authori-  
ties**

Issued: September 25, 2006.

Effective: November 24, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. On an annual basis, each State authority shall prepare a comprehensive report concerning the authority's operations. The report shall set forth the significant actions of the authority from the previous year, including a discussion of the degree of success the authority had in promoting the State's economic growth strategies and other policies. In addition, the report shall include authority financial statements and identify internal financial controls at the authority that govern expenditures, financial reporting, procurement, and other financial matters and transactions. The report shall contain a certification by the appropriate senior staff member(s) that during the preceding year the authority has, to the best of their knowledge, followed all of the authority's standards, procedures, and internal controls, or, where such certification is not warranted, shall set forth the manner in which such controls were not followed and a description of the corrective action to be taken by the authority. Following approval of the report by the board of directors, a copy of the report shall be submitted to the Governor's Authorities Unit and posted on the authority's web-site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Absent exceptional circumstances, contracts for the purchase of materials, products, supplies, and non-professional services shall be awarded to the lowest responsible bidder that submits a responsive bid. Where a State authority proposes to award such a contract to someone other than the low bidder, it must explain the exceptional circumstances justifying such a decision in the proposed resolution awarding the contract. Where, however, statutory law requires a state authority to award particular types of contracts to the lowest responsible bidder without exception, that law shall continue to apply.

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

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

a. The background, qualifications, skills, and experience of the firm and its staff;

b. The firm's degree of expertise concerning the area at issue;

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

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

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

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

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

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

a. Where the contract price is below the bid threshold set forth by the State Treasurer pursuant to N.J.S.A. §52:34-7(b), unless other state law sets forth a lower bid threshold in a particular case, in which case the lower threshold shall apply. An authority may not divide a contract into multiple proposed contracts in order to take advantage of this exception and must, if invoking this exception, certify that it has not done so and must maintain a record of that certification. Although this exception permits a State authority to avoid the formal procedures promulgated in accordance with this Order, it is expected that each State authority will advertise and employ a competitive process of some type even for small-dollar contracts to the extent it is feasible and economical to do so. That less-formal process may include obtaining telephonic quotations or obtaining written quotations following more limited advertising. The process used shall be memorialized in the certification referred to above.

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

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

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

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

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

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

17. Where one of the above exceptions is invoked, the proposed resolution concerning the contract shall set forth the justification for invoking the exception and the author-

ity's executive director shall certify that circumstances warrant application of the exception.

18. Senior management at each authority shall annually review authority operations with the specific goal of identifying waste and inefficiencies, and take appropriate remedial steps that shall be reported to the Governor's Authorities Unit.

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

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

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

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

- a. The required audit shall be conducted annually;

- b. The audit shall be submitted to the board of directors for its review and, if accepted, approval;

- c. The audit shall be accompanied by a written certification from both the chief executive officer and the chief financial officer that the financial information provided to the auditor in connection with the audit is, to the best of their knowledge, accurate and that such information, to the best of their knowledge, fairly represents the financial condition and operational results of the authority for the year in question; and

- d. The final, approved audit shall be posted on the authority's web-site and submitted to the State Treasurer and the Governor's Authorities Unit.

23. It is the policy of this administration to seek candidates for membership on State authority boards from all sectors, including academia, business, and labor. All interested New Jersey residents are invited to send their qualifications to the Governor's Appointments Office, 125 West State Street, Trenton, NJ 08625, for inclusion in the "Talent Bank" being compiled by that office. That office shall continue to seek out qualified, experienced, and honest individuals interested in serving their State in this capacity, while carefully screening applicants for any actual, perceived, or potential conflicts of interest.

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

Published November 6, 2006 in the New Jersey Register at 38 N.J.R. 4526(a).

**Governor Jon S. Corzine**

**Executive Order No. 38(2006)**

**Tribute to United States Marine Corps Lance Corporal Christopher B. Cosgrove, III**

Issued: October 6, 2006.

Effective: October 6, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, October 11, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Lance Corporal Christopher B. Cosgrove, III.

2. This Order shall take effect immediately.

Published November 6, 2006 in the New Jersey Register at 38 N.J.R. 4528(a).

**Governor Jon S. Corzine**

**Executive Order No. 39(2006)**

**Establishment of the Commission on Rationalizing New Jersey's Health Care Resources**

Issued: October 12, 2006.

Effective: October 12, 2006.

WHEREAS, the 1999-2000 Advisory Commission on Hospitals identified excess hospital capacity as a major cause of the general financial distress that characterized New Jersey's general acute care hospitals at that time; and

WHEREAS, there has been no comprehensive evaluation of the financial condition of New Jersey's general acute care hospitals since the report of the 1999-2000 Advisory Commission on Hospitals; and

WHEREAS, since 1999, 10 general acute care hospitals have permanently closed in New Jersey, reducing the number of such hospitals to 80; and

WHEREAS, despite this reduction in excess hospital capacity, in 2004 New Jersey's general acute care hospitals had a median operating margin slightly above one percent, and an average operating margin of 0.4 percent, well below the national average of 4.04 percent and the Northeast region average of 2.86 percent; and

WHEREAS, in 2004, 45 percent of New Jersey's general acute care hospitals operated with a negative margin; and

WHEREAS, in 2006, one general hospital closed, two general hospitals filed for bankruptcy, and one general hospital was authorized to convert to a municipal hospital authority; and

WHEREAS, general acute care hospitals remain, despite technical advances that have shortened the length of in-patient stays and moved many services to an outpatient setting, crucial links in New Jersey's overall continuum of health care services; and

WHEREAS, all general acute care hospitals provide a wide range of health care services to New Jersey's residents that are not available from any other source; and

WHEREAS, there has been no comprehensive State planning in more than a decade to assure an ongoing appropriate correlation between hospital capacity and demand for hospital services statewide; and

WHEREAS, government and industry have a compelling interest in supporting a structured, rational assessment of in-patient capacity and primary care outcomes in order to support continued access to care and to promote better health outcomes; and

WHEREAS, the hospital industry is the fifth largest industry in the State, providing nearly 150,000 jobs; and

WHEREAS, health care workers play a crucial role in ensuring access to quality health care, and government and

industry have a mutual interest in promoting and supporting an adequate and stable health care workforce; and

WHEREAS, there is a need to develop, for the benefit of the residents of New Jersey, a comprehensive Health Care Resource Allocation Plan to promote the rational use of public and private health care resources and services; and

WHEREAS, given the State's significant financial investment in existing general acute care hospitals, there is a need for greater accountability regarding resource allocation; and

WHEREAS, given the financial distress many New Jersey hospitals face and the limited State funds available to assist hospitals, there is a need to examine whether closure is appropriate for any struggling, non-essential hospital, and whether those underutilized hospital assets can be redeployed for other health care or otherwise appropriate purposes as well; and

WHEREAS, there is no formal State policy to ensure that general acute care hospitals that are essential for access to health care, especially for low-income and medically underserved communities, will continue to operate in a fiscally sound and effective manner;

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

1. There is hereby established the Commission on Rationalizing New Jersey's Health Care Resources ("Commission").

2. All members of the Commission shall be appointed by the Governor and shall serve at his pleasure. The Governor shall also select the chair of the Commission. All members of the Commission shall serve without compensation.

3. There shall be 11 members appointed to the Commission. The members shall be broadly representative of the health care industry with a specific emphasis on general acute care hospitals in New Jersey.

4. The Commission shall organize as soon as practicable after the appointment of a majority of its members.

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

the public or private sector on any aspect of its mission. In particular, the Health Care Facilities Financing Authority shall assist the Commission in accomplishing the purposes of this Order.

6. The Commission shall perform the following tasks:

a. Assess the financial and operating condition of New Jersey's general acute care hospitals by benchmarking them against national performance levels; compare the performance of New Jersey's general acute care hospitals to the performance of general acute care hospitals in a group of similar states; compare the array of programs and services offered by a hospital with the core mission of that hospital and the existing availability of those services at other hospitals within their region; and evaluate the effectiveness of established programs in meeting their intended objectives;

b. Analyze the characteristics of New Jersey's most financially distressed hospitals to identify common factors contributing to their distress including the availability of alternative sources of care such as federally qualified health centers and other ambulatory care providers;

c. Determine appropriate geographical regions throughout New Jersey for provision of access to medical care for the residents of New Jersey, including those who are low-income and medically underserved, and assess the current and projected future demand for physician, hospital, federally qualified health center and other ambulatory care providers in each such region and compare that future demand with existing capacity;

d. Develop criteria for the identification of essential general acute care hospitals in New Jersey and use the criteria developed to determine whether a financially distressed hospital at risk of closing is essential to maintaining access to health care for the residents of New Jersey;

e. Make recommendations for the development of State policy to support essential general acute care hospitals that are financially distressed including the development of performance and operational benchmarks for such hospitals;

f. Make recommendations on the effectiveness of current State policy concerning assistance to financially distressed hospitals that are non-essential and that seek to close but require debt relief or other assistance to enable them to do so, and make recommendations on ways to improve State policy to facilitate such closures;

g. Evaluate appropriate alternative uses to which such facilities might be put, including but not limited to, their potential redeployment as federally qualified health centers, other ambulatory care providers, physician offices and treatment facilities;

h. Develop and publish a State Health Care Resource Allocation Plan to promote the rational use of public and private health care resources, labor, and technology and to serve as the basis for reviewing and approving the development and/or redeployment of health care assets and services around the State;

i. Review existing Certificate of Need statutes and regulations to ensure consistency with the State Health Care Resource Allocation Plan and recommend amendments and/or revisions to achieve that objective if necessary;

j. Make recommendations to strengthen State oversight and ensure greater accountability of State resources; and

k. Issue a written report of its findings and recommendations no later than June 1, 2007, to the Governor, the Senate President, the Senate Minority Leader, the Assembly Speaker, and the Assembly Minority Leader.

7. The Governor at his discretion may reconvene the Commission every three years to reevaluate and update the State Health Care Resource Allocation Plan. The Department of Health and Senior Services shall, in the interim periods, continue to collect necessary data for the Commission to review if it is reconvened.

8. This Order shall take effect immediately.

Published November 6, 2006 in the New Jersey Register at 38 N.J.R. 4529(a).

Rescinded by Christie Executive Order No. 40(2010), effective September 9, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 40(2006)**

**Tribute to United States Marine Corps Private First Class  
Donald S. Brown**

Issued: October 31, 2006.

Effective: October 31, 2006.

WHEREAS, United States Marine Corps Private First Class Donald S. Brown, of Succasunna, New Jersey, was raised in Succasunna and graduated from Roxbury High School, where he excelled in football and track; and

WHEREAS, Pfc. Brown volunteered for enlistment in the United States Marine Corps and received basic training at the Corps Recruit Depot, Parris Island, South Carolina, attaining his long-standing goal of becoming a United States Marine; and

WHEREAS, Pfc. Brown served with honor and distinction as a member of the United States Marine Corps, 2nd Battalion, 3rd Marine Regiment, 3rd Marine Division, III Marine Expeditionary Force, and Kaneohe Bay, Hawaii; and

WHEREAS, Pfc. Brown was killed in action while conducting combat operations against enemy forces in Al Anbar Province, Iraq; and

WHEREAS, Pfc. Brown was a courageous Marine who loved his parents, siblings, fiancée, friends, teammates, classmates and neighbors; and

WHEREAS, Pfc. Brown was, in turn, loved by his parents, siblings, fiancée, friends, teammates, classmates and neighbors who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Pfc. Brown has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country as a Marine Corps rifleman in Al Anbar Province, Iraq; and

WHEREAS, Pfc. Brown has been awarded some of our nation's highest military commendations and honors, including the Purple Heart, the National Defense Service Medal, the Iraq Campaign Medal and the Global War on Terrorism Service Medal; and

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, November 2, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Private First Class Donald S. Brown.

2. This Order shall take effect immediately.

Published December 4, 2006 in the New Jersey Register at 38 N.J.R. 4927(a).

**Governor Jon S. Corzine**

**Executive Order No. 41(2006)**

**Day Off on November 24, 2006 for Employees of Executive Departments of State Government**

Issued: November 17, 2006.

WHEREAS, New Jersey governors traditionally have issued Executive Orders granting the day after Thanksgiving as a day off for employees in the Executive Departments of State government; and

WHEREAS, I firmly believe that, as a matter of sound practice, days off should not be granted in this manner but should be either negotiated or statutorily authorized; and

WHEREAS, because the granting of a day off on the day after Thanksgiving has been a longstanding practice such that employees may have made plans based on the expectation that such a day off would be granted this year, that practice will not be changed for this year; and

WHEREAS, in the future I will not continue the practice of granting the day after Thanksgiving as a day off by Executive

Order, and the determination of whether employees are able to treat the day after Thanksgiving as a paid day off will be made based on collective negotiations or statutory authorization;

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

1. November 24, 2006, the day following Thanksgiving, shall be granted as a day off to employees who work in the Executive Departments of State Government and who are paid from State funds or from federal funds made available to the State, whose functions, in the opinion of their appointing authority, permit such absence.

2. An alternate day shall be granted to the aforementioned category of employees whose functions, in the opinion of their appointing authority, precludes such absence on November 24, 2006.

Published December 18, 2006 in the New Jersey Register at 38 N.J.R. 5195(a).

**Governor Jon S. Corzine**

**Executive Order No. 42(2006)**

**Establishment of the State of New Jersey Technology Governing Board and the Chief Technology Officer for the State of New Jersey**

Issued: November 20, 2006.

Effective: November 20, 2006.

WHEREAS, Executive Order No. 87 (1998) established the Office of Information Technology (OIT); and

WHEREAS, the New Jersey Commission on Government Efficiency and Reform, established by Executive Order No. 9 on April 7, 2006, released a progress report on July 25, 2006, discussing the need to overhaul OIT; and

WHEREAS, there is a critical need to reinforce OIT's role with a new structure and mission to keep up with modern demands, improve services, and reduce costs; and

WHEREAS, the State must develop a comprehensive business plan and the technical architecture necessary to upgrade and renovate its aging portfolio of administrative systems; and

WHEREAS, the State must coordinate and integrate information technology planning, budgeting, and spending throughout the executive branch of State government to advance cost savings and consistent operating efficiencies; and

WHEREAS, information technology plays an integral role in promoting a robust economy and a sustainable workforce in the State; and

WHEREAS, information technology provides a powerful tool to reengineer government services and operations to meet citizen and business expectations; and

WHEREAS, there is a current lack of accountability, control, monitoring, and oversight of State department and agency information technology projects;

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

1. There is hereby established a State of New Jersey Technology Governing Board (Governing Board). This Board shall be responsible for setting the overall direction, standards, and priorities for the information technology community in the executive branch of State government and for reviewing and approving the annual budget request of the Office of Information Technology (OIT). Also, all requests from departments and agencies for new information technology spending shall first be submitted to and approved by the Governing Board before submission to the Office of Management and Budget.

2. The Governing Board shall be chaired by an individual who shall be appointed by and serve at the pleasure of the Governor and shall possess the management experience and technology background to govern a complex technology landscape. The Governing Board shall meet quarterly, or more frequently, as directed by the Chair.

3. The Governing Board shall consist of the Chair and eight (8) other members, as follows:

- a. The Chief Technology Officer;
- b. The State Treasurer;
- c. Three executive branch commissioners, who shall be appointed by and serve at the pleasure of the Governor; and
- d. Three public members, who shall be appointed by and serve at the pleasure of the Governor. Public members shall possess both business and technology expertise. Public members shall not receive compensation for their services but shall be entitled to reimbursement for expenses incurred in the performance of their official duties. Public members shall be considered "public officers" for purposes of Section I of Executive Order No. 1 (2006).

4. There is hereby established the position of Chief Technology Officer for the State of New Jersey (CTO). The CTO shall be appointed by and serve at the pleasure of the Governor and shall have overall responsibility and authority for all information technology operations in the executive branch of State government, including agency technology operations.

5. The Office of Information Technology (OIT) shall be directed by the CTO and shall be responsible for the provision and maintenance of the information technology infrastructure of the executive branch of State government, regardless of where it currently exists, and all ancillary components, including those of State departments and agencies. Also, OIT shall provide staff support to the Governing Board. OIT will remain in, but not of, the Department of Treasury.

6. There is hereby established the position of Deputy Chief Technology Officer. Each Deputy CTO shall be appointed by and serve at the pleasure of the CTO, and the CTO may appoint up to six (6) Deputy CTOs. Each Deputy CTO shall be responsible for information technology planning, coordination, budgeting, technical architecture, and management and oversight of large information technology initiatives, in a single area of interest as determined by the Chair of the Governing Board and the CTO.

7. The CTO shall draft and establish Service Level Agreements with each department. The purpose of these agreements will be to set and manage expectations and the levels of service response among OIT, the Deputy CTOs,

and the individual department or agency operations. The agreements should also establish priorities and allocate the resources necessary to achieve such priorities.

8. There is hereby established a Project Review Board (PRB), which shall report directly to the Governing Board. The PRB shall be comprised of between three (3) and five (5) executive branch officials selected by the Chair of the Governing Board, with the approval of the Governor, and shall be responsible for the review, approval, and monitoring of large executive branch information technology projects. The Governing Board shall determine the threshold for projects that would trigger the involvement of the PRB.

9. The Governing Board shall work with the CTO to review the results of the Statewide IT Assessment Study that has been conducted by OIT to identify recommendations for efficiencies and improvements and to develop a proposal for the restructuring and consolidation of information technology functions, including staff currently supporting those functions.

10. All executive branch departments and agencies are directed to cooperate fully with the Governing Board, CTO, and OIT in implementing the provisions of this Order, particularly the provisions of Paragraph 4 regarding the CTO's overall responsibility and authority for all information technology operations in the executive branch of State government.

11. The CTO may enter into agreements, in accordance and consistent with applicable law, regulations, and/or

existing contracts, with private and public entities or individuals so as to effectuate the purposes of this Order.

12. Effective immediately, a moratorium on executive branch information technology expenditures is hereby imposed to enable the CTO and the Governing Board to develop a consolidation proposal pursuant to Paragraph 9 of this Order as well as to provide the Governing Board an opportunity to identify information technology priorities for the State as provided for in Paragraph 1 of this Order. The CTO and the Director of the Office of Management and Budget shall, within 30 days of the date of this Order, jointly develop and issue a circular letter setting forth details of the moratorium and an exception process.

13. The CTO shall issue a report annually to the Governor and the Legislature regarding State executive branch information technology operations and the activities of OIT.

14. The Office of Information Technology Governing Board created by Executive Order No. 87 (1998) is hereby abolished. The position of Chief Technology Officer created by Executive Order No. 87 (1998) is hereby abolished. Any other provisions of Executive Order No. 84 (1984) and Executive Order No. 87 (1998) that are inconsistent with the provisions of this Order are hereby rescinded.

15. This Order shall take effect immediately.

Published December 18, 2006 in the New Jersey Register at 38 N.J.R. 5195(b).

**Governor Jon S. Corzine**

**Executive Order No. 43(2006)**

**Tribute to United States Army Specialist Eric Rivera**

Issued: November 22, 2006.

Effective: November 22, 2006.

WHEREAS, United States Army Specialist Eric Rivera, of Atlantic City, New Jersey, was raised in Atlantic City and graduated from Atlantic City High School in 2003; and

WHEREAS, Specialist Rivera joined the Army shortly after graduation, serving with honor and distinction as a member of Bravo Company, 1st Battalion, 18th Infantry Regiment, 2nd Brigade Combat Team, 1st Infantry Division, based in Schweinfurt, Germany; and

WHEREAS, Specialist Rivera was killed while his platoon was conducting combat operations in an area west of Ramadi, Iraq; and

WHEREAS, Specialist Rivera was a courageous soldier who loved his parents, family, neighbors, and fellow soldiers; and

WHEREAS, Specialist Rivera was, in turn, loved by his parents, family, neighbors, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Specialist Rivera has been recommended for some of our nation's highest military honors; and

WHEREAS, Specialist Rivera has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 1, 2006, in recognition of the life and in mourning of the passing of United States Army Specialist Eric Rivera.

2. This Order shall take effect immediately.

Published January 2, 2007 in the New Jersey Register at 39 N.J.R. 3(a).

**Governor Jon S. Corzine**

**Executive Order No. 44(2006)**

**Tribute to United States Marine Corps Lance Corporal Michael A. Schwarz**

Issued: December 6, 2006.

Effective: December 6, 2006.

WHEREAS, United States Marine Corps Lance Corporal Michael A. Schwarz, of Carlstadt, New Jersey, was raised in Carlstadt and graduated from Henry P. Becton Regional High School in 2004; and

WHEREAS, Lance Corporal Schwarz was an active contributor to his community, volunteering his time and service as a member of the Carlstadt Volunteer Fire Department and the Wallington Emergency Squad; and

WHEREAS, Lance Corporal Schwarz volunteered to join the Marine Corps following his graduation from Becton Regional High School, fulfilling a lifelong dream; and

WHEREAS, Lance Corporal Schwarz served with honor and distinction as a member of Company A, 1st Battalion, 6th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, based at Camp Lejeune, North Carolina; and

WHEREAS, Lance Corporal Schwarz was killed in action while conducting a dismounted combat patrol against enemy forces in the city of Ar Ramadi, Al Anbar Province, Iraq; and

WHEREAS, Lance Corporal Schwarz was a courageous Marine who loved his parents, brother, family, fellow volunteers, community, and fellow Marines; and

WHEREAS, Lance Corporal Schwarz was, in turn, loved by his parents, brother, family, fellow volunteers, community,

and fellow Marines, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Lance Corporal Schwarz has received some of our nation's highest military honors, including the Purple Heart, the Combat Action Ribbon, the Marine Corps Good Conduct Medal, the Sea Service Deployment Ribbon, the Iraqi Campaign Ribbon, and the Global War on Terrorism Service Medal; and

WHEREAS, Lance Corporal Schwarz has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 8, 2006, in recognition of the life and in mourning of the passing of United States Marine Corps Lance Corporal Michael A. Schwarz.

2. This Order shall take effect immediately.

Published January 2, 2007 in the New Jersey Register at 39 N.J.R. 3(b).

**Governor Jon S. Corzine**

**Executive Order No. 45(2006)**

**Expansion of Membership of the World War II Memorial Commission**

Issued: December 8, 2006.

Effective: December 8, 2006.

WHEREAS, pursuant to Executive Order No. 107 (2004), a World War II Memorial Commission ("Commission") was established in, but not of, the Department of Military and Veterans' Affairs to continue the work of the World War II Veterans' Memorial Advisory Commission, formed pursuant to P.L. 1999, Joint Resolution No. 14, which was to make recommendations regarding the location and design of New Jersey's World War II Memorial; and

WHEREAS, the Legislature authorized the Commission and the Adjutant General to raise funds for this project; and

WHEREAS, the Commission continues to develop this Memorial and raise funds; and

WHEREAS, the men and women who served our nation during World War II displayed courage and dedication to the highest principles and goals, and a memorial honoring these men and women is a worthy tribute and an acknowledgement of their sacrifices and bravery; and

WHEREAS, World War II veterans endured great risks, hardships, and deprivations while defending our country; and

WHEREAS, we must act now to complete the World War II Memorial so that veterans of that conflict may see this dream realized in their lifetime; and

WHEREAS, this Administration is dedicated to the World War II Memorial becoming a reality as quickly as possible; and

WHEREAS, the Commission, in its current form, has 17 members, all of whom are representatives of recognized veterans' groups; and

WHEREAS, expanding the Commission's membership will assist in expediting the fundraising, planning, and construction process;

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

1. The World War II Memorial Commission shall continue in, but not of, the Department of Military and Veterans' Affairs in accordance with Executive Order No. 107 (2004).

2. The number of public members of the Commission is hereby increased from a maximum of seventeen (17) members to a maximum of twenty-seven (27) members.

3. Any additional public members appointed by the Governor pursuant to this Order shall have expertise regarding the military, fundraising, planning, and/or construction and need not represent recognized veterans groups. Any such additional public members shall be eligible for appointment by the Governor as Chair, Vice-Chair, or Honorary Chair, as provided in Executive Order No. 107 (2004).

4. In addition to the ex-officio nonvoting members of the Commission identified in section 2(a) of Executive Order No. 107 (2004), the Secretary of State shall also serve as an ex-officio nonvoting member of the Commission.

5. All other provisions of Executive Order No. 107 (2004) which are not inconsistent with the foregoing shall remain in full force and effect.

6. This Order shall take effect immediately.

Published January 16, 2007 in the New Jersey Register at 39 N.J.R. 133(a).

**Acting Governor Richard J. Codey**

**Executive Order No. 46(2006)**

**Tribute to United States Army Private First Class Joe L. Baines**

Issued: December 22, 2006.

Effective: December 22, 2006.

WHEREAS, United States Army Private First Class Joe L. Baines, of Newark, New Jersey, was raised in Newark and attended Louise A. Spencer School in Newark; and

WHEREAS, Private First Class Baines volunteered to join the Army immediately following his graduation from high school in 2005 and received basic and advanced training at Fort Benning, Georgia; and

WHEREAS, Private First Class Baines served with honor and distinction as an infantryman in 1st Squadron, 7th Cavalry Regiment, 1st Brigade, 1st Cavalry Division, based at Fort Hood, Texas; and

WHEREAS, Private First Class Baines was killed in action while conducting combat operations against enemy forces in the city of Taji, Iraq; and

WHEREAS, Private First Class Baines was a courageous soldier who loved his parents, brothers, sister, family, friends, and fellow soldiers; and

WHEREAS, Private First Class Baines was, in turn, loved by his parents, brothers, sister, family, friends, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Private First Class Baines has received some of our nation's highest military honors, including the Army Services Ribbon, the Global War on Terrorism Service Medal, the Iraq Campaign Medal, the National Defense Service Medal, and the Overseas Service Ribbon; and

WHEREAS, Private First Class Baines has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, December 26, 2006, in recognition of the life and in mourning of the passing of United States Army Private First Class Joe L. Baines.

2. This Order shall take effect immediately.

Published February 5, 2007 in the New Jersey Register at 39 N.J.R. 277(a).

**Acting Governor Richard J. Codey**

**Executive Order No. 47(2006)**

**Tribute to Gerald R. Ford, the 38th President of the United States**

Issued: December 27, 2006.

Effective: December 27, 2006.

WHEREAS, Gerald R. Ford, the 38th President of the United States, served as a Lieutenant Commander in the United States Navy during World War II, was elected to the United States Congress in 1948 and served as the Minority Leader in the House of Representatives before his selection as Vice President of the United States and his subsequent elevation to the Presidency in 1974; and

WHEREAS, President Ford's distinguished career as a public servant was marked by integrity, candor, humility and decency;

WHEREAS, his service to his country during a difficult time in this country's history provided a steady hand and help to uphold the principle of the rule of law; and

WHEREAS, President Ford strove to make the world a better place through his leadership and compassion; and

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

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours for a period of 30 days from the day of his death in recognition and mourning of the passing of President Gerald R. Ford.

2. This Order shall take effect immediately.

Published February 5, 2007 in the New Jersey Register at 39 N.J.R. 277(b).

**Governor Jon S. Corzine**

**Executive Order No. 48(2007)**

**Tribute to United States Army Private First Class Eric R. Wilkus**

Issued: January 2, 2007.

Effective: January 2, 2007.

WHEREAS, U.S. Army Private First Class Eric R. Wilkus, of Hamilton, New Jersey, an emergency medical technician and a member of the White Horse Volunteer Fire Company, graduated from Hamilton High School West in 2004, where he was a member of the Hornet Band; and

WHEREAS, Private First Class Wilkus loved his country and subsequently enlisted in the U.S. Army; and

WHEREAS, Private First Class Wilkus served proudly in the 57th Military Police Company, 8th Military Police Brigade, Schofield Barracks, Hawaii; and

WHEREAS, Private First Class Wilkus made the ultimate sacrifice, on behalf of his country, when he died on December 25, 2006, as a result of injuries suffered in the line of duty while serving in the United States Army in Iraq; and

WHEREAS, Private First Class Wilkus was a committed and professional soldier and a loving son and brother, whose memory lives in the hearts of his family; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on January 5, 2007, in recognition and mourning of U.S. Army Private First Class Eric R. Wilkus of Hamilton, New Jersey.

2. This Order shall take effect immediately.

Published February 5, 2007 in the New Jersey Register at 39 N.J.R. 277(c).

**Governor Jon S. Corzine**

**Executive Order No. 49(2007)**

**Continuation of New Jersey-Israel Commission; Modification of Membership**

Issued: January 2, 2007.

Effective: January 2, 2007.

WHEREAS, on April 25, 1988, in commemoration of the 40th anniversary of the founding of the State of Israel, the State of New Jersey entered into a Sister State Agreement with Israel (hereinafter referred to as "Agreement") as a symbol of the potential for cooperation that exists between our two states; and

WHEREAS, the Agreement calls for the development of trade and cultural and educational exchanges, in addition to encouraging the development of capital investment and joint business ventures; and

WHEREAS, on May 31, 1989, the State of New Jersey established the New Jersey-Israel Commission (hereinafter referred to as "Commission") by Executive Order No. 208 (1989) to enhance New Jersey's ability to implement the stated goals of the Agreement; and

WHEREAS, the Commission was continued by Executive Order No. 35 (1991) and Executive Order No. 90 (1993) through and including May 31, 1995; and

WHEREAS, the Commission was continued by Executive Order No. 37 (1995) and Executive Order No. 70 (1997) until it expired on January 1, 2002; and

WHEREAS, the Commission was extended and continued by Executive Order No. 12 (2002) through and including January 1, 2007; and

WHEREAS, the Commission has effectively fostered a spirit of cooperation between the citizens of the State of Israel and the citizens of the State of New Jersey that should continue in order to further the goals of the Agreement;

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

1. The New Jersey-Israel Commission is hereby extended and shall continue in existence through and including January 1, 2012.

2. The membership of the Commission shall be modified to consist of a minimum of fifteen (15) members and a maximum of one hundred (100) members. The members of the Commission shall be appointed by the Governor. This shall include eight members who shall be State legislators, four of whom shall represent the Assembly, no more than two of whom shall be members of the same political party, and four of whom shall represent the Senate, no more than two of whom shall be members of the same political party. All legislative members shall be appointed by the Governor upon the recommendation of the Speaker of the Assembly and the President of the Senate respectively.

3. The membership of the members of the New Jersey-Israel Commission who were serving as of January 1, 2007 shall be considered to have ceased as of that date. However, any former member shall be eligible for appointment pursuant to this Order.

4. The Governor shall designate a chair and/or co-chairpersons of the Commission from among the members. The chair and/or co-chairpersons shall serve as such at the pleasure of the Governor.

5. All other provisions of Executive Order No. 208 (1989), Executive Order No. 35 (1991), Executive Order No. 90 (1993), Executive Order No. 37 (1995), Executive Order No. 70 (1997), and Executive Order No. 12 (2002) which are not inconsistent with this Order shall remain in full force and effect.

6. This Order shall take effect immediately.

Published February 5, 2007 in the New Jersey Register at 39 N.J.R. 278(a).

**Governor Jon S. Corzine**

**Executive Order No. 50(2007)**

**Establishment of the Office of Economic Growth as a Permanent Part of the Executive Branch**

Issued: January 5, 2007.

Effective: January 5, 2007.

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

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

WHEREAS, since the beginning of this administration, the Office of Economic Growth, operating as a unit within the Governor's Office, has been working to develop and implement statewide economic development policies, including developing the recently announced "Economic Growth Strategy for New Jersey 2007" (Economic Growth Strategy); and

WHEREAS, steps toward implementation of the Economic Growth Strategy already have been taken through the creation of the New Jersey Economic Growth Council and the Action Council on the Economy; and

WHEREAS, further implementation of the Economic Growth Strategy would be enhanced by making the Office of Economic Growth a permanent part of the executive branch of State government through allocation to a principal department; and

WHEREAS, such allocation will better enable the Office of Economic Growth to work cooperatively with other agencies through formal arrangements that will help ensure successful implementation of the Economic Growth Strategy;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in

me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Office of Economic Growth, which currently operates as a unit within the Governor's Office, and its functions, powers, duties and personnel are hereby continued and allocated to the Department of the Treasury. Notwithstanding this allocation the Office shall be in but not of the Department and shall be independent of any supervision and control by the Department or any officer thereof. The Office of Economic Growth shall assist in and oversee the implementation of the State's Economic Growth Strategy and shall coordinate the State's economic development efforts across all sectors and departments.

2. The Office of Economic Growth shall be headed by a Chief of Economic Growth who shall be a cabinet-level official appointed by, reporting to, and serving at the pleasure of the Governor.

3. The Office of Economic Growth shall be authorized to call upon the expertise and assistance of all State departments, divisions, authorities, and agencies to carry out its mission, including but not limited to the New Jersey Economic Development Authority, the Commerce, Economic Growth and Tourism Commission, and the Department of the Treasury.

4. Each State department, division, authority, and agency shall be required, to the extent not inconsistent with law, to cooperate with the Office of Economic Growth.

5. The Office of Economic Growth may, consistent with law, consult and contract with private and public entities and enter into such agreements with public and private individuals or entities as necessary to further the mission of the Office of Economic Growth. In addition, the Chief and Deputy Chief of the Office of Economic Growth each are hereby authorized, consistent with law, to enter into letters of intent in furtherance of the mission of the Office of Economic Growth.

6. This Order shall take effect immediately.

Published February 5, 2007 in the New Jersey Register at 39 N.J.R. 278(b).

**Governor Jon S. Corzine**

**Executive Order No. 51(2007)**

**Establishment of the Appointments Office Interactive Electronic Database**

Issued: January 29, 2007.

Effective: February 28, 2007.

WHEREAS, this administration is committed to practices that adhere to the highest ethical standards, promote transparency in State activities, and enhance public trust in government; and

WHEREAS, as Governor, I am authorized to make appointments to a wide variety of State boards, authorities, commissions, councils, committees, and other public bodies having responsibilities relating to virtually every area of public policy; and

WHEREAS, the people of the State of New Jersey derive significant benefits from the important public service provided by individuals who serve as appointed, often unpaid, members of such State boards, authorities, and commissions; and

WHEREAS, the Governor's Appointments Office plays an integral role in the administrative and candidate-selection functions that are essential to the efficient and effective operation of the appointments process; and

WHEREAS, appointments to State boards, authorities, and commissions should be undertaken in an inclusive manner designed to encourage diversity among applicants as well as broad public knowledge of, and participation in, available appointments opportunities; and

WHEREAS, pursuant to Executive Order No. 37, a "Talent Bank" is being compiled by the Appointments Office to further this administration's policy of actively seeking candidates for membership on State authority boards from all sectors, including academia, business, and labor; and

WHEREAS, a fair and inclusive process for the appointment of qualified individuals to State boards, authorities, and commissions will contribute to maintaining the highest ethical standards and enhancing public trust in government;

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

1. The Appointments Office, in cooperation with the Office of Information Technology, shall establish and maintain an interactive electronic database containing, to the extent practicable, detailed information regarding the mission and membership of the various active State boards, authorities, commissions, and other public bodies to which the Governor is authorized by law to make appointments (hereinafter referred to as "State boards"). The database shall be updated periodically, in a timely manner, and shall be readily accessible to the public via the Internet, as part of the Office of the Governor's website.

2. The database shall include, for each State board, the name of the board, the legal authority pursuant to which it is established, a general statement of its purpose, and a description of any special requirements that govern appointments thereto, along with any other useful information as determined by the Appointments Office.

3. The database also shall include a listing of the current membership of each State board and shall specify any current vacancies.

4. In order to maximize the opportunities for public participation in the appointments process, the database shall include an online application form and instructions for potential applicants to submit their resumes and areas of interest to the Appointments Office for consideration in filling available vacancies.

5. Each principal department to which a State board has been allocated shall cooperate fully with the Appointments Office in the implementation of this Order, including but not limited to providing updated information concerning membership and vacancies on State boards allocated to the department in a timely manner. In the case of a vacancy occurring by death, resignation, or for any reason other than the expiration of a member's term, notice shall be provided as soon as possible, but not later than 15 days after the occurrence of the vacancy. In the case of newly created entities that would constitute State boards as defined herein, the Appointments Office shall monitor their creation to ensure timely appointments of members and that new membership comports with any requirements established by the enabling statute or Executive Order.

6. This Order shall take effect 30 days from the date of its execution, although State boards and principal departments to which State boards have been allocated are instructed to begin complying immediately with the terms of this Order to the extent possible.

Published March 5, 2007 in the New Jersey Register at 39 N.J.R. 719(a).

**Governor Jon S. Corzine**

**Executive Order No. 52(2007)**

**Annual Review of State Boards to Identify Potential Areas  
for Elimination, Consolidation and/or Improvement**

Issued: January 29, 2007.

Effective: January 29, 2007.

WHEREAS, the Governor and the Legislature often create boards, authorities, commissions, committees, and councils (hereinafter referred to as "boards") to incorporate the perspective of outside parties into governmental decision-making; and

WHEREAS, the people of the State of New Jersey derive significant benefits from the important public service provided by individuals who serve as appointed, often unpaid, members of such boards; and

WHEREAS, an ongoing review of the purpose and mission of boards is necessary to determine their continued relevance and to avoid duplication of effort; and

WHEREAS, a comprehensive program should be established to provide for a periodic review of boards to identify potential areas for elimination, consolidation, and/or improvement;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in

me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Each department of State Government shall, during the month of December of each calendar year, report to the Governor's Office of Appointments as to whether or not boards within its jurisdiction should be eliminated, continued, or consolidated, together with a justification for each proposed elimination, continuation, or consolidation.

2. In preparing its report, each department shall afford to each board within its jurisdiction that has a roster of current members the opportunity to comment on the need for its continued existence.

3. On or before March 15 of each calendar year, the Appointments Office, in conjunction with the Office of Governor's Counsel, shall issue a report to the Governor and the Legislature regarding Executive branch boards, together with a proposal for any legislation that may be needed to repeal or amend the authorization, duties, or composition of any board for which such action is deemed necessary.

4. Any board established by Executive Order shall terminate on the first day of the third March following its establishment, unless otherwise prescribed in its enabling Executive Order, or unless renewed by Executive Order.

5. This Order shall take effect immediately.

Published March 5, 2007 in the New Jersey Register at 39 N.J.R. 719(b).

**Governor Jon S. Corzine**

**Executive Order No. 53(2007)**

**Tribute to Paterson Police Officer Tyron Franklin**

Issued: January 31, 2007.

Effective: January 31, 2007.

WHEREAS, Paterson Police Officer Tyron Franklin was raised in Paterson and Westwood, New Jersey, and graduated from Westwood High School, where he represented the school on the wrestling and football teams; and

WHEREAS, Officer Franklin was twenty-three years old, and a loving and devoted father of a young son, Tyron, called "T.J."; and

WHEREAS, Officer Franklin fulfilled his dream to become a police officer, and followed the example of his father, who protected the people of Paterson in a different public safety service as a fire department Captain; and

WHEREAS, Officer Franklin graduated from the Police Academy in April 2006, and served the community as a Paterson Police Officer in the Patrol Division; and

WHEREAS, Officer Franklin quickly became known among his fellow officers for his warm and friendly personality, and cultivated many close friendships among his colleagues during his time on the force; and

WHEREAS, while off-duty, Officer Franklin struggled with an armed robber, and tragically lost his life after being shot in the course of the robbery; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on February 2, 2007, in recognition of the life and in mourning of the passing of Police Officer Tyron Franklin.

2. This Order shall take effect immediately.

Published March 5, 2007 in the New Jersey Register at 39 N.J.R. 720(a).

**Governor Jon S. Corzine**

**Executive Order No. 54(2007)**

**Reduction in Greenhouse Gas Emissions**

Issued: February 13, 2007.

Effective: February 13, 2007.

WHEREAS, the vast weight of scientific evidence compels the conclusion that global climate change is currently underway and is directly driven by the emission of greenhouse gases resulting from human activity; and

WHEREAS, the United Nations Intergovernmental Panel on Climate Change has acknowledged that fundamental and accelerating changes to this planet are being caused by the use of carbon fuels and have resulted, in some cases, in dramatic changes that include increases in air and ocean temperatures, a rise in sea levels, geographic shifts in habitat of plants, animals and insects, melting glaciers and sea ice, increases in the intensity of storms and widespread increases in temperature extremes; and

WHEREAS, New Jersey is particularly vulnerable to the economic and environmental effects of climate change as a result of our coastal topography, coastline subsidence, and the high density of our coastal development; and

WHEREAS, New Jersey has led the nation with a variety of efforts to reduce greenhouse gas emissions, including a Regional Greenhouse Gas Initiative that will reduce carbon dioxide emissions from power plants, the adoption of greenhouse gas emissions standards for new automobiles and light trucks, the implementation of renewable portfolio standards, an Energy Master Plan that will not only require 20 percent of the electricity used in the State to come from Class One renewable energy sources by the Year 2020 but that will reduce future electricity consumption by 20 percent from projected 2020 consumption levels, the adoption of comprehensive appliance and equipment energy efficiency standards, and the establishment in the Department of Treasury of the position of Director of Energy Savings that will coordinate efforts to reduce energy use by State agencies; and

WHEREAS, a coordinated and focused strategy to reduce greenhouse gas emissions will not only support New Jersey's economic growth by fostering new technologies for energy efficiency and independence but will spur innovation and job growth and enhance New Jersey's competitiveness; and

WHEREAS, our recognition of climate change must be accompanied by even more aggressive and substantive efforts to forestall the course of irreversible climate change;

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

1. The following statewide greenhouse gas emissions reduction targets are hereby established for New Jersey:

a. Stabilization of greenhouse gas emissions at 1990 levels by 2020; and

b. Reduction of greenhouse gas emissions to 80% below 2006 levels by 2050.

2. The Department of Environmental Protection (DEP), in coordination with representatives of the Board of Public Utilities, the Department of Transportation, the Department of Community Affairs, and stakeholders, shall, over the course of the next six months, evaluate policies and measures that will enable the State to achieve the greenhouse gas emissions reduction levels called for by this Order, including any additional steps that will be required if New Jersey is to exceed the 2020 stabilization target, and make specific recommendations on how to achieve the emission reduction targets and evaluate the economic benefits and costs of implementing these recommendations.

3. DEP shall further coordinate its evaluation of greenhouse gas emissions reduction policies and measures with the work of the Energy Master Plan Committee established pursuant to N.J.S.A. 52:27F-14 and ensure that all elements of the Energy Master Plan incorporate the stabilization of State greenhouse gas emissions at 1990 levels by 2020.

4. DEP shall also develop a permanent system to monitor and report the State's greenhouse gas emission levels on an on-going basis and develop an inventory of 1990 greenhouse gas emissions in the State. DEP shall provide to the Governor and the Legislature, on an annual basis, its inventory of greenhouse gas emissions within New Jersey.

5. Every other year, DEP shall identify the rate of progress toward achieving the State's greenhouse gas emissions reduction targets and recommend to the Governor and the Legislature, as necessary, any additional actions that will be necessary to achieve the reduction targets.

6. Within six months from the date of this Order, the Director of Energy Savings in the Department of Treasury shall develop specific targets and implementation strategies for reducing usage by State agencies through improved energy efficiency at State facilities and by reducing the State's vehicle fleet's fuel consumption.

7. DEP and the Director of Energy Savings are authorized to call upon any department, office, division or agency of this State to supply them with the data and any other information, personnel or other assistance available to such agency as deemed necessary to discharge their duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully and to furnish such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. DEP and the Director of Energy Savings may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of their mission.

8. This Order shall take effect immediately.

Published March 19, 2007 in the New Jersey Register at 39 N.J.R. 817(a).

**Governor Jon S. Corzine**

**Executive Order No. 55(2007)**

**Tribute to U.S. Marine Corporal Thomas E. Saba**

Issued: February 14, 2007.

Effective: February 14, 2007.

WHEREAS, U.S. Marine Corporal Thomas E. Saba, of Toms River, New Jersey, was born and raised in Staten Island and graduated from Susan E. Wagner High School;

WHEREAS, Corporal Saba's parents now live in Toms River, where Corporal Saba lived prior to volunteering for military service; and

WHEREAS, Corporal Saba enlisted in the U.S. Marine Corps shortly after the terrorist attacks of September 11, 2001 as a result of his commitment to this country; and

WHEREAS, Corporal Saba served proudly in Okinawa, Japan with the Marine Medium Helicopter Squadron 262, The Flying Tigers, a storied Marine helicopter squadron, with a distinguished history of combat and carrier operations; and

WHEREAS, Corporal Saba volunteered to extend his tour of duty after learning that The Flying Tigers squadron was being sent to Iraq, so he would be able to serve in Iraq with his unit and with his fellow Marines; and

WHEREAS, Corporal Saba was killed in action as a result of injuries suffered while conducting a casualty evacuation mission northwest of Bagdad, Iraq for which he had volunteered; and

WHEREAS, Corporal Saba was a committed and professional Marine and a loving son, brother, and uncle, whose memory lives in the hearts of his family and his fellow Marines; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, February 16, 2007, in recognition and mourning of U.S. Marine Corporal Thomas E. Saba of Toms River, New Jersey.

2. This Order shall take effect immediately.

Published March 19, 2007 in the New Jersey Register at 39 N.J.R. 817(b).

**Governor Jon S. Corzine**

**Executive Order No. 56(2007)**

**Tribute to U.S. Army Chief Warrant Officer John A. Quinlan**

Issued: February 27, 2007.

Effective: February 27, 2007.

WHEREAS, United States Army Chief Warrant Officer John A. Quinlan was born in Morristown, New Jersey, and raised in Phoenix, Maryland; and

WHEREAS, Chief Warrant Officer Quinlan spent many holidays and summers at the New Jersey shore, where his parents now reside; and

WHEREAS, Chief Warrant Officer Quinlan enlisted in the United States Marine Corps in 1988 shortly after graduating from high school; and

WHEREAS, Chief Warrant Officer Quinlan served proudly in the Marines Corps before volunteering for service in the United States Army where he was admitted into the U.S. Army Warrant Officer Program; and

WHEREAS, Chief Warrant Officer Quinlan attended the Army Aviation Warrant Officer Basic Course and received Initial Entry Rotary Wing training before attaining commissioned officer status as a chief warrant officer; and

WHEREAS, Chief Warrant Officer Quinlan served as a skilled helicopter pilot and instructor at bases in Korea and the United States; and

WHEREAS, Chief Warrant Officer Quinlan's deployment on behalf of his country to combat theaters numerous times, including Afghanistan on five occasions in support of Operation Enduring Freedom, and on two occasions in Iraq in support of Operation Iraqi Freedom demonstrate how much his country relied upon him; and

WHEREAS, Chief Warrant Officer Quinlan's distinguished record of service flying Chinook helicopters with elite U.S. Army Aviation Special Operations groups during combat operations is testament to both his skill and courage; and

WHEREAS, Chief Warrant Officer Quinlan was killed while conducting operations in a time of war as a member of the United States Army's renowned 2nd Battalion, 160th Special Operations Aviation Regiment (Airborne); and

WHEREAS, Chief Warrant Officer Quinlan was a highly-decorated combat veteran who earned our nation's highest military honors, including the Distinguished Flying Cross, Air Medal for Valor, three Air Medals, four Army Commendation Medals, Navy Commendation Medal, Navy Achievement Medal, Marine Corps Good Conduct Medal, National Defense Service Medal, Armed Forces Expeditionary Medal, Afghanistan Campaign Medal, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Humanitarian Service Medal, Korea Defense Service Medal, (Saudi Arabia) Kuwait Liberation Medal, Kuwait Liberation Medal, Army Service Ribbon, Overseas Service Ribbon, Joint Meritorious Unit Award, Meritorious Unit Citation, Combat Action Badge, Senior Aviation Badge, and Meritorious Service Medal; and

WHEREAS, Chief Warrant Officer Quinlan was a committed and highly trained professional soldier as well as a loving father, husband, son, grandson, brother, and uncle, whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, March 2, 2007, in recognition and mourning of a brave and loyal American, U.S. Army Chief Warrant Officer John A. Quinlan.

2. This Order shall take effect immediately.

Published April 2, 2007 in the New Jersey Register at 39 N.J.R. 1217(a).

**Governor Jon S. Corzine**

**Executive Order No. 57(2007)**

**Tribute to Newark Police Sergeant Tommaso Popolizio**

Issued: March 7, 2007.

Effective: March 7, 2007.

WHEREAS, Newark police sergeant Tommaso Popolizio was born and raised in Newark, New Jersey, graduated from Barringer High School, and attended Rutgers, the State University; and

WHEREAS, Sergeant Popolizio was thirty-three years old, and a loving and devoted husband, and father of four children, who resided with his family in Roseland, New Jersey; and

WHEREAS, Sergeant Popolizio graduated from the 102nd class of the Newark Police Academy in 1995, and, like two of his siblings, served and protected the people of Newark as a police officer; and

WHEREAS, Sergeant Popolizio was a dedicated and respected supervisor, and known as a gentleman among his fellow officers; and

WHEREAS, during his career, Sergeant Popolizio was recognized for his bravery, and distinguished himself by chasing armed suspects, who fired at him; and by helping to save

three children from a burning building, then humbly describing his efforts as simply "all in a day's work"; and

WHEREAS, on March 3, 2007, Sergeant Popolizio tragically lost his life, while driving his police vehicle in pursuit of a suspect who had escaped in a police vehicle; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on March 9, 2007, in recognition of the life and in mourning of the passing of Sergeant Tommaso Popolizio.

2. This Order shall take effect immediately.

Published April 2, 2007 in the New Jersey Register at 39 N.J.R. 1217(b).

**Governor Jon S. Corzine**

**Executive Order No. 58(2007)**

**Tribute to Senator Richard W. Van Wagner**

Issued: March 9, 2007.

Effective: March 9, 2007.

WHEREAS, Senator Richard W. Van Wagner spent almost his entire adult life committed to public service, and New Jersey is a better place today because of that commitment; and

WHEREAS, Senator Van Wagner was first elected to the New Jersey General Assembly in November 1973; and

WHEREAS, during his ten years in the Assembly, Senator Van Wagner served as Chairman of the Assembly Revenue, Finance, and Appropriations Committee and the Assembly Taxation Committee; and

WHEREAS, following his service in the General Assembly, in 1983 he was elected to the State Senate, where he served until 1991; and

WHEREAS, Senator Van Wagner was widely regarded as an expert in taxation issues, particularly in crafting tax relief programs and, under Governor James J. Florio, worked on landmark education finance legislation, that sought to reduce the State's reliance on property taxes for the funding of public education; and also sponsored the legislation that created the New Jersey Agent Orange Commission; and

WHEREAS, following his career in elective office, Senator Van Wagner served the State as general manager of governmental and regulatory affairs for the New Jersey Sports and Exposition Authority; and

WHEREAS, Senator Van Wagner continued his mission to reform New Jersey's tax laws through his recent service on the New Jersey Property Tax Convention Task Force; and

WHEREAS, Senator Van Wagner was widely admired by his colleagues and loved by his family and friends; and

WHEREAS, it is with deep sadness that we mourn the loss of Senator Van Wagner and extend our sincere sympathy to his family and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Senator Van Wagner;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Saturday, March 10, 2007, in recognition and mourning of the passing of Senator Richard W. Van Wagner.

2. This Order shall take effect immediately.

Published April 2, 2007 in the New Jersey Register at 39 N.J.R. 1217(c).

**Governor Jon S. Corzine**

**Executive Order No. 59(2007)**

**Tribute to Alexander J. Menza, Retired Senator and  
Judge of the Superior Court of New Jersey**

Issued: March 15, 2007.

Effective: March 15, 2007.

WHEREAS, Alexander J. Menza, a retired New Jersey State Senator and Judge of the Superior Court of New Jersey, was a leader in the public life of this State, in the legal profession, and in the arts who uniquely dedicated his life to serving the common good and improving the quality of justice and the arts in New Jersey; and

WHEREAS, Senator Menza was a native of Newark's Ironbound section and served as a first lieutenant in the United States Army from 1954 to 1956; and

WHEREAS, he received his undergraduate degree from the University of Wisconsin in 1954 and his law degree from New York University School of Law in 1958; and

WHEREAS, Senator Menza was first elected to public office in 1967 as a member of the Hillside Township Committee, where he served for four years, including one year as Mayor in 1969; and

WHEREAS, Senator Menza was elected to the General Assembly in 1972, where he served until 1974, and was elected to the Senate in 1974, where he served until 1978; and

WHEREAS, during Senator Menza's distinguished service in the Legislature, he chaired the Mental Health Planning Committee and was widely known, in Governor Brendan J. Byrne's words, as the "voice of the voiceless" for his extraordinary efforts on behalf of the State's most defenseless citizens; and

WHEREAS, in 1978, Senator Menza stood as a candidate for the Democratic nomination for United States Senator; and

WHEREAS, Senator Menza taught law as an adjunct professor of law at the Seton Hall Law School beginning in 1984; and

WHEREAS, Governor Byrne subsequently appointed Senator Menza as Superior Court Judge in Union County in 1980, where he served until 1997; and

WHEREAS, as a distinguished member of the Judiciary, he was known for his dedication in crafting outstanding written opinions, of which over 80 were published, as well as his down-to-earth personal style and willingness to address complex legal problems; and

WHEREAS, Senator Menza also served as the Chair of the New Jersey Senate Task Force on Alcohol-Related Motor Vehicle Accidents and Fatalities from 1997 to 1998; and

WHEREAS, Senator Menza also served on the Board of Trustees of the University of Medicine and Dentistry of New Jersey beginning in 2004; and

WHEREAS, Senator Menza, in addition to these many achievements, was a true renaissance man who loved the theater and the opera and authored many plays that were produced off-Broadway; and

WHEREAS, Senator Menza was a mentor to many lawyers, public officials and artists; and

WHEREAS, Senator Menza commanded broad admiration from across the spectrum of human endeavor for his many qualities and achievements and was loved by his family and friends; and

WHEREAS, it is with deep sadness that we mourn the loss of Senator Menza and extend our sincere sympathy to his family and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Senator Menza;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Monday, March 19, 2007, in recognition and mourning of the passing of Senator Alexander J. Menza.

2. This Order shall take effect immediately.

Published April 16, 2007 in the New Jersey Register at 39 N.J.R. 1337(a).

**Governor Jon S. Corzine**

**Executive Order No. 60(2007)**

**Tribute to United States Army Sergeant First Class Benjamin L. Sebban**

Issued: March 26, 2007.

Effective: March 26, 2007.

WHEREAS, United States Army Sergeant First Class Benjamin L. Sebban, of South Amboy, New Jersey, was raised in Middlesex County, attended St. Mary's School in South Amboy, and graduated from Middlesex County Vocational-Technical High School in 1996; and

WHEREAS, Sergeant First Class Sebban enlisted in the Army shortly after his graduation from Word of Life Bible College in 1998 and completed his basic training course at Fort Sill, Oklahoma, and Advanced Individual Training as a Combat Medic at Fort Sam Houston, Texas; and

WHEREAS, Sergeant First Class Sebban also attended nursing training at Fort Bragg, North Carolina, and completed the Basic Airborne Course at Fort Bragg; and

WHEREAS, Sergeant First Class Sebban was a highly trained U.S. Army Senior Combat Medic who served his country overseas in unique and highly specialized missions, including training Republic of Georgia medics and as a Special Forces medic in West Africa; and

WHEREAS, Sergeant First Class Sebban most recently volunteered for assignment in the 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team of the U.S. Army's elite 82nd Airborne Division based in Fort Bragg, North Carolina; and

WHEREAS, while stationed in Iraq, Sergeant First Class Sebban led a platoon of medics and was recognized as a tireless worker preparing his unit for the vital, exacting and dangerous mission of saving lives in combat; and

WHEREAS, Sergeant First Class Sebban died under combat conditions while serving his country in Baqubah, Iraq; and

WHEREAS, Sergeant First Class Sebban has been recommended for the Silver Star in recognition of his gallantry and heroism in action and has received some of this nation's highest military honors, including the Bronze Star, the Purple Heart, the Army Commendation Medal with three oak leaf clusters, the Army Good Conduct Medal with one clasp, the Army Achievement Medal with three oak leaf clusters, the National Defense Service Medal, the Iraqi Campaign Medal, the Global War on Terror Expeditionary Medal, the Global War on Terror Service Medal, the Noncommissioned Officer Professional Development Ribbon, the Humanitarian Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Combat Medical Badge, the Expert Field Medical Badge, and the Parachutist Badge; and

WHEREAS, Sergeant First Class Sebban was a committed and professional U.S. Army paratrooper and Senior Combat Medic and a loving son and brother, whose memory lives in the hearts of his family and his fellow Army paratroopers and medics; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, March 28, 2007, in recognition and mourning of an American hero, U.S. Army paratrooper and Senior Combat Medic Sergeant First Class Benjamin L. Sebban of Middlesex County, New Jersey.

2. This Order shall take effect immediately.

Published May 7, 2007 in the New Jersey Register at 39 N.J.R. 1547(a).

**Governor Jon S. Corzine**

**Executive Order No. 61(2007)**

**Tribute to United States Navy Commander Peter Mongilardi, Jr.**

Issued: April 9, 2007.

Effective: April 9, 2007.

WHEREAS, United States Navy Commander Peter Mongilardi, Jr., of Haledon, New Jersey, was raised in Haledon; and

WHEREAS, United States Navy Commander Mongilardi served with honor and distinction as an Air Wing Commander in the United States Navy; and

WHEREAS, United States Navy Commander Mongilardi was killed in action while flying a A-4C Skyhawk on an armed reconnaissance mission over Thanh Hoa Province, North Vietnam, in June 1965; and

WHEREAS, United States Navy Commander Mongilardi was a courageous naval aviator who loved his family, friends, and fellow airmen and sailors; and

WHEREAS, United States Navy Commander Mongilardi was, in turn, loved by his family, friends, and fellow soldiers,

who take great pride in his commitment, heroism, and achievements; and

WHEREAS, United States Navy Commander Mongilardi has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, April 11, 2007, in recognition of the life and in mourning of the passing of United States Navy Commander Peter Mongilardi, Jr.

2. This Order shall take effect immediately.

Published May 7, 2007 in the New Jersey Register at 39 N.J.R. 1547(b).

**Governor Jon S. Corzine**

**Executive Order No. 62(2007)**

**Tribute to United States Marine Private First Class Miguel A. Marcial III**

Issued: April 9, 2007.

Effective: April 9, 2007.

WHEREAS, United States Marine Private First Class Miguel A. Marcial III, of Secaucus, New Jersey, was raised in New Jersey and attended Secaucus High School before transferring to the New Jersey National Guard College Youth Program at Ft. Dix, New Jersey; and

WHEREAS, Private First Class Marcial volunteered for enlistment in the Marine Corps in 2005, after obtaining his high school diploma, and was trained as a field radio operator; and

WHEREAS, Private First Class Marcial served proudly in the 1st Battalion, 2nd Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, based at Camp Lejeune, North Carolina; and

WHEREAS, Private First Class Marcial died while serving his country in Iraq; and

WHEREAS, Private First Class Marcial was a committed and professional Marine and a loving son and friend, whose memory lives in the hearts of his family, friends, and fellow Marines; and

WHEREAS, Private First Class Marcial's patriotism and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, April 12, 2007, in recognition and mourning of U.S. Marine Private First Class Miguel A. Marcial III of Secaucus, New Jersey.

2. This Order shall take effect immediately.

Published May 7, 2007 in the New Jersey Register at 39 N.J.R. 1547(c).

**Governor Jon S. Corzine**

**Executive Order No. 63(2007)**

**Tribute to Federal Bureau of Investigation Special Agent  
Barry Lee Bush**

Issued: April 10, 2007.

Effective: April 10, 2007.

WHEREAS, Federal Bureau of Investigation Special Agent Barry Lee Bush was born in Pottstown, Pennsylvania, graduated from Pottstown High School, and from Indiana College of Pennsylvania; and

WHEREAS, Special Agent Bush was fifty-two years old, and a loving and devoted husband and father of two children, who resided with his family in Forks Township, Pennsylvania; and

WHEREAS, Special Agent Bush was a good neighbor, a lover of the outdoors, and an avid Civil War enthusiast and collector; and

WHEREAS, Special Agent Bush joined the Federal Bureau of Investigation in 1987, and was assigned to the Bureau's Newark, New Jersey, offices in 1991; and

WHEREAS, prior to joining the FBI, Special Agent Bush served the public as a police officer in the Boyertown and Pottstown Police Departments; and

WHEREAS, during his long and distinguished career in law enforcement, Special Agent Bush successfully investigated many high profile, complex and dangerous crimes, including terrorism; and

WHEREAS, on April 5, 2007, Special Agent Bush tragically lost his life in the line of duty, while in pursuit of a band of suspected bank robbers in Readington, New Jersey; and

WHEREAS, Special Agent Bush's selfless devotion to public service and acts of heroism in the protection of others make him a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he served as a federal peace officer to recognize his true commitment to the welfare and safety of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on April 13, 2007, in recognition of the life and in mourning of the passing of Federal Bureau of Investigation Special Agent Barry Lee Bush.

2. This Order shall take effect immediately.

Published May 7, 2007 in the New Jersey Register at 39 N.J.R. 1548(a).

**Acting Governor Richard J. Codey**

**Executive Order No. 64(2007)**

**Declaration of State of Emergency**

Issued: April 16, 2007.

Effective: April 16, 2007.

WHEREAS, a major and severe weather storm, commonly referred to as a Nor'easter storm, has resulted in record amounts of rainfall and high winds over the past twenty-four hours causing significant river and tidal flooding and coastal beach erosion throughout the State of New Jersey; and

WHEREAS, the National Weather Service is forecasting further rainfall and flooding as bodies of water crest throughout the day on April 16, 2007 and thereafter; and

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

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

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey DO DECLARE AND PROCLAIM that a State of Emergency presently exists throughout the State of New Jersey; and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to activate those elements of the State Emergency Operations Plan as he deems necessary to further safeguard the public security, health and welfare; and to coordinate the recovery effort from this emergency with all governmental agencies, volunteer organizations and the private sector.

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

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4-213, acting through the Superintendent of State Police, to determine the control and direction of the flow of vehicular traffic on any State, Municipal, County or Interstate highway, and its access roads, including the right to detour, reroute or divert any or all traffic, and to prevent ingress or egress from any area to which the declaration of emergency applies, and further authorize all law enforcement officers to enforce any such order of the Superintendent of State Police within their respective municipalities.

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

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

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

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

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

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

Published May 21, 2007 in the New Jersey Register at 39 N.J.R. 1841(a).  
Terminated by Corzine Executive Order No. 66(2007), effective May 1, 2007.

**Acting Governor Richard J. Codey**

**Executive Order No. 65(2007)**

**Tribute to the Victims at Virginia Polytechnic and State University**

Issued: April 18, 2007.

Effective: April 18, 2007.

WHEREAS, the tragedy at Virginia Polytechnic and State University, in Blacksburg, Virginia, has shaken the nation and, in particular, has affected the citizens of the State of New Jersey because of the deaths of students with close ties to New Jersey; and

WHEREAS, at this time of shock, sorrow and grieving, it is important for the State to come together to mourn the students who were killed and to remember their parents, families, and friends at a time of supreme loss; and

WHEREAS, it is appropriate and fitting for the State of New Jersey, a State with so many connections to so many of these students, to mark their passing, remember their families as they mourn their losses and honor their memories;

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on Friday, April 20, 2007, in recognition of the lives and in mourning of the passing of the students and faculty killed at Virginia Polytechnic and State University.

2. This Order shall take effect immediately.

Published May 21, 2007 in the New Jersey Register at 39 N.J.R. 1841(b).

**Acting Governor Richard J. Codey**

**Executive Order No. 66(2007)**

**Termination of State of Emergency**

Issued: May 1, 2007.

Effective: May 1, 2007.

WHEREAS, Executive Order No. 64, declaring a State of Emergency, was issued on April 16, 2007, because of severe flooding caused by rains beginning on April 14, 2007 and continuing until April 21, 2007; and

WHEREAS, the severity of the conditions necessitating the declaration of a State of Emergency has eased;

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

1. The State of Emergency declared in Executive Order No. 64 is terminated effective at 6:00 P.M. on May 1, 2007.

Published June 4, 2007 in the New Jersey Register at 39 N.J.R. 2173(a).

**Governor Jon S. Corzine**

**Executive Order No. 67(2007)**

**Tribute to United States Army Staff Sergeant Vincenzo Romeo**

Issued: May 10, 2007.

Effective: May 10, 2007.

WHEREAS, United States Army Staff Sergeant Vincenzo Romeo, of Lodi, New Jersey, was born in Calabria, Italy, before emigrating to the United States at three years of age; and

WHEREAS, Staff Sergeant Romeo was raised in Fair View, graduated from Lodi High School in 2003, and attended Kean University; and

WHEREAS, Staff Sergeant Romeo volunteered for enlistment in the United States Army in 2003, and received training at Fort Benning, Georgia; and

WHEREAS, Staff Sergeant Romeo served with honor and distinction as a member of the elite Stryker Brigade Combat Team based at Fort Lewis, Washington, and was deployed twice to combat theaters in Iraq; and

WHEREAS, Staff Sergeant Romeo was serving with the 5th Battalion, 20th Infantry Regiment, 3rd Brigade, 2nd Infantry Division when he was killed in action during combat operations against enemy forces in Baqubah, Iraq; and

WHEREAS, Staff Sergeant Romeo was a courageous soldier who loved his parents, siblings, fiancée, and friends; and

WHEREAS, Staff Sergeant Romeo was, in turn, loved by his parents, siblings, fiancée, and friends who take great pride in his commitment, heroism, and achievements; and

WHEREAS, Staff Sergeant Romeo has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country as a United States soldier in Baqubah, Iraq; and

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

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

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, May 15, 2007, in recognition of the life and in mourning of the passing of United States Army Staff Sergeant Vincenzo Romeo.

2. This Order shall take effect immediately.

Published June 18, 2007 in the New Jersey Register at 39 N.J.R. 2297(a).

**Governor Jon S. Corzine**

**Executive Order No. 68(2007)**

**Tribute to United States Army Sergeant Sameer Rateb**

Issued: May 10, 2007.

Effective: May 10, 2007.

WHEREAS, United States Army Sergeant Sameer Rateb was raised and lived in both New Jersey and South Carolina; and

WHEREAS, Sergeant Rateb played baseball as a member of the Brigantine Little League traveling team and also attended Woodbridge High School; and

WHEREAS, Sergeant Rateb enlisted in the United States Army in 2004 motivated by the tragic events of 9/11; and

WHEREAS, Sergeant Rateb served proudly in the United States Army as a member of the storied 82nd Airborne Division; and

WHEREAS, Sergeant Rateb was deployed to both Afghanistan in 2004 and to Iraq, while volunteering for re-enlistment in the United States Army in 2007; and

WHEREAS, Sergeant Rateb served proudly as a United States Army paratrooper; and

WHEREAS, Sergeant Rateb's deployment on behalf of his country to combat theaters including Afghanistan, in support of Operation Enduring Freedom, and Iraq, in support of

Operation Iraqi Freedom, demonstrates the depth of his commitment and sacrifice; and

WHEREAS, Sergeant Rateb perished in a combat theater during a time of war while assigned to the 1st Battalion, 505th Parachute Infantry Regiment, 3rd Brigade Combat Team; and

WHEREAS, Sergeant Rateb was a committed and highly trained professional soldier as well as a loving husband, son, brother and father, whose memory lives in the hearts of his family; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, May 16, 2007 in recognition and mourning of a brave and loyal American, U.S. Army Staff Sergeant Sameer Rateb.

2. This Order shall take effect immediately.

Published June 18, 2007 in the New Jersey Register at 39 N.J.R. 2297(b).

**Governor Jon S. Corzine**

**Executive Order No. 69(2007)**

**Tribute to Lakewood Police Officer William Preslar**

Issued: May 17, 2007.

Effective: May 17, 2007.

WHEREAS, Lakewood Police Officer William Preslar was raised in Lakewood, New Jersey, and graduated from Lakewood High School; and

WHEREAS, Officer Preslar was 36 years old, a loving and devoted husband, and father of two young daughters, and resided in Beachwood, New Jersey; and

WHEREAS, Officer Preslar fulfilled his lifelong dream to become a Lakewood police officer and graduated from the Ocean County Police Academy in May 2001; and

WHEREAS, beginning in 2001, Officer Preslar served the community in the Patrol Division of the Lakewood Police Department, and also served as a member of the Department's Special Response Team; and

WHEREAS, Officer Preslar quickly became known among his fellow officers for his warm and friendly personality and, through his loyalty, courage, and character, cultivated many close friendships among his colleagues, especially those on the Special Response Team; and

WHEREAS, on May 14, 2007, while Officer Preslar was on duty and responding to another police officer's call for assistance, he tragically lost his life in an automobile accident; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during the appropriate hours on Friday, May 18, 2007, in recognition of the life and in mourning of the passing of Police Officer William Preslar.

2. This Order shall take effect immediately.

Published June 18, 2007 in the New Jersey Register at 39 N.J.R. 2297(c).

**Governor Jon S. Corzine**

**Executive Order No. 70(2007)**

**Tribute to United States Army Staff Sergeant Joseph M. Weiglein**

Issued: June 5, 2007.

Effective: June 5, 2007.

WHEREAS, United States Army Staff Sergeant Joseph M. Weiglein of Audubon, New Jersey, attended Haviland Elementary School and graduated from Audubon High School; and

WHEREAS, Staff Sergeant Weiglein enlisted in the United States Army following his graduation from high school; and

WHEREAS, Staff Sergeant Weiglein was stationed overseas in South Korea and Kuwait and also served at military bases in Kansas, Tennessee, and Georgia; and

WHEREAS, Staff Sergeant Weiglein served proudly in the United States Army as a member of the elite 10th Mountain Division; and

WHEREAS, Staff Sergeant Weiglein was killed while on combat patrol in Iibu Falris, Iraq, during a time of war as a member of the United States Army's 2nd Battalion, 14th Infantry Regiment, 2nd Brigade Combat Team, 10th Mountain Division; and

WHEREAS, Staff Sergeant Weiglein has been recommended for some of our nation's highest military honors; and

WHEREAS, Staff Sergeant Weiglein was a committed and highly trained professional soldier as well as a loving husband, son, and brother, whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, June 6, 2007, in recognition and mourning of a brave and loyal American, United States Army Staff Sergeant Joseph M. Weiglein.

2. This Order shall take effect immediately.

Published July 2, 2007 in the New Jersey Register at 39 N.J.R. 2391(a).

**Governor Jon S. Corzine**

**Executive Order No. 71(2007)**

**Tribute to Charleston, South Carolina and New Jersey  
Firefighters Who Died in the Line of Duty**

Issued: June 22, 2007.

Effective: June 22, 2007.

WHEREAS, the deaths of nine firefighters in Charleston, South Carolina, tragically mark the single largest loss of firefighters' lives in the United States since the September 11, 2001 terrorist attack on the World Trade Center; and

WHEREAS, the deaths of these nine brave men remind us of the deadly risks and unimaginable dangers that New Jersey firefighters and first responders confront on a daily basis; and

WHEREAS, New Jersey firefighters, both volunteer and professional, save the lives of New Jerseyans, on a daily basis, while risking their own lives; and

WHEREAS, New Jersey has, sadly, experienced the loss of firefighters' lives in the line of duty in recent years; and

WHEREAS, only five years ago, three New Jersey firemen were tragically killed in a fire in Gloucester City while attempting to save the lives of three little girls; and

WHEREAS, the recent deaths in South Carolina are stark testament and a haunting reminder of the courage and commitment to duty that firefighters throughout New Jersey display on a daily basis in service to our families, neighbors, and friends;

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

1. The people of New Jersey should be encouraged to observe a moment of silence at noon on Monday, June 25, 2007 in silent recognition of the lives and in mourning of the passing of the South Carolina firefighters and of all the New Jersey firefighters who have died in the line of duty while protecting the people of the State of New Jersey.

2. This Order shall take effect immediately.

Published August 6, 2007 in the New Jersey Register at 39 N.J.R. 2677(a).

**Governor Jon S. Corzine**

**Executive Order No. 72(2007)**

**Tribute to State Senator Byron M. Baer**

Issued: June 26, 2007.

Effective: June 26, 2007.

WHEREAS, Byron M. Baer, a retired New Jersey Assemblyman and State Senator, was a leader in the public life of both this country and this State, and

WHEREAS, Senator Baer, throughout his life, consistently and fearlessly sought to promote justice and increase transparency in public life; and

WHEREAS, as a young man, Senator Baer traveled to Mississippi as a Freedom Rider to further civil rights; and

WHEREAS, Senator Baer, in the tradition of Gandhi, and consistent with the principles of Martin Luther King, Jr., served time in a Mississippi jail, as a Freedom Rider, reflecting his personal courage and his deep and abiding commitment to civil rights and equal justice under law; and

WHEREAS, Senator Baer represented his beloved Bergen County in the New Jersey Legislature over a period of four decades as both an Assemblyman and a Senator, beginning his service in 1966 as an aide to former Assemblyman Arnold Brown; and

WHEREAS, Senator Baer was first elected to the General Assembly in 1971 and was re-elected to that post ten times; and

WHEREAS, Senator Baer was elected to the Senate in 1993, where he served until his resignation for health reasons on September 5, 2005; and

WHEREAS, during Senator Baer's distinguished service in the Legislature, he held a variety of leadership posts; and

WHEREAS, Senator Baer, as an Assemblyman, sponsored the Open Public Meetings Act or Sunshine Law, a significant post-Watergate reform that substantially increased public access and participation in government; and

WHEREAS, in honor of Senator Baer's commitment to open government, the Open Public Meetings Act was recently

renamed the "Senator Byron M. Baer Open Public Meetings Act"; and

WHEREAS, Senator Baer also helped draft and was a sponsor of New Jersey's signature Open Public Records Act in 2002; and

WHEREAS, Senator Baer also served on the Securities Regulation Commission, the Hudson Waterfront Development Commission, the Legislative Services Commission, and the Holocaust Memorial Commission and was a past president of the National Association of Jewish Legislators; and

WHEREAS, Senator Baer tirelessly advocated on behalf of the poor and disenfranchised, and diligently worked to pass bills protecting consumers, guarding against catastrophic toxic waste disasters and safeguarding tenants' rights; and

WHEREAS, Senator Baer, in addition to these many achievements, was widely respected for his decency, his love of his family and constituents, and his commitment to do the right thing; and

WHEREAS, in the words of his successor, Senator Loretta Weinberg, Senator Baer "inspired people by actually living the principles of transparent government and civil rights"; and

WHEREAS, in the words of Governor Brendan T. Byrne, Senator Baer "was a real leader, and a real student of the Legislature and the process"; and

WHEREAS, it is fitting and appropriate to remember Senator Baer and to honor his passing;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, June 27, 2007, in recognition and mourning of the passing of Senator Byron M. Baer.

2. This Order shall take effect immediately.

Published August 6, 2007 in the New Jersey Register at 39 N.J.R. 2677(b).

**Governor Jon S. Corzine**

**Executive Order No. 73(2007)**

**Tribute to United States Army Private First Class David J. Bentz, III**

Issued: June 27, 2007.

Effective: June 27, 2007.

WHEREAS, United States Army Private First Class David J. Bentz, III of Newfield, Gloucester County, New Jersey, graduated from Clayton High School in 2004; and

WHEREAS, Private Bentz, who was known for his smile and determination, played soccer for his high school team; and

WHEREAS, Private Bentz enlisted in the United States Army after his graduation from high school and served in the 1st Battalion, 64th Armor Regiment, 2nd Brigade Combat Team, 3rd Infantry Division; and

WHEREAS, Private Bentz was a dedicated soldier as well as a loving son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private Bentz was killed in Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Private Bentz has been recommended for some of our nation's highest military honors; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, June 29, 2007, in recognition and mourning of a brave and loyal American, United States Army Private First Class David J. Bentz, III.

2. This Order shall take effect immediately.

Published August 6, 2007 in the New Jersey Register at 39 N.J.R. 2677(c).

**Governor Jon S. Corzine**

**Executive Order No. 74(2007)**

**Tribute to United States Army Sergeant Eric L. Snell**

Issued: June 27, 2007.

Effective: June 27, 2007.

WHEREAS, United States Army Sergeant Eric L. Snell, of Hamilton, New Jersey, was raised in Hamilton, where he played baseball in Little League and the Babe Ruth League; and

WHEREAS, Sergeant Snell graduated from Hamilton High School West, where he played football, ran track, and excelled as a star baseball player; and

WHEREAS, Sergeant Snell was drafted out of high school in the professional draft by the Cleveland Indians; and

WHEREAS, despite being drafted by the Indians, Sergeant Snell chose to pursue a college education, enrolling at Old Dominion University then transferring and graduating from Trenton State College (now the College of New Jersey); and

WHEREAS, Sergeant Snell subsequently volunteered for enlistment in the United States Army in 2005; and

WHEREAS, Sergeant Snell served proudly in the United States Army where, in only two years, he was promoted to the rank of sergeant; and

WHEREAS, Sergeant Snell was deployed on behalf of his country, to a combat theater, in support of Operation Iraqi Freedom; and

WHEREAS, Sergeant Snell was killed while conducting combat operations in a time of war in Iraq, as a member of the United States Army's 3rd Battalion, 61st Cavalry Regiment, 2nd Brigade Combat Team, 2nd Infantry Division, based in Fort Carson, Colorado; and

WHEREAS, Sergeant Snell has been recommended for some of our nation's highest military honors; and

WHEREAS, Sergeant Snell was a committed and highly trained professional soldier as well as a loving father, son, and teammate whose memory lives in the hearts of his family, friends, and fellow soldiers and teammates; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, June 29, 2007, in recognition and mourning of a brave and loyal American, United States Army Sergeant Eric L. Snell.

2. This Order shall take effect immediately.

Published August 6, 2007 in the New Jersey Register at 39 N.J.R. 2678(a).

**Governor Jon S. Corzine**

**Executive Order No. 75(2007)**

**Tribute to United States Army Sergeant Trista L. Moretti**

Issued: June 29, 2007.

Effective: June 29, 2007.

WHEREAS, United States Army Sergeant Trista L. Moretti of South Plainfield, New Jersey, graduated from South Plainfield High School in 1998, where she excelled in field hockey and track, earning nine varsity letters; and

WHEREAS, Sergeant Moretti volunteered for enlistment in the United States Army in 2003; and

WHEREAS, Sergeant Moretti served proudly in the United States Army as a signal intelligence officer and paratrooper in the United States Army's 425th Brigade Special Troops Battalion, 4th Brigade Combat Team (Airborne), 25th Infantry Division; and

WHEREAS, Sergeant Moretti suffered fatal injuries on behalf of her country in an insurgent attack in Iraq; and

WHEREAS, Sergeant Moretti served her country in a time of war with skill and courage in demanding assignments; and

WHEREAS, Sergeant Moretti was a committed and highly trained professional soldier as well as a loving daughter, sister, and teammate, whose memory lives in the hearts of her family, fellow soldiers, and teammates; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 3, 2007, in recognition and mourning of a brave and loyal American, United States Army Sergeant Trista L. Moretti.

2. This Order shall take effect immediately.

Published August 6, 2007 in the New Jersey Register at 39 N.J.R. 2678(b).

**Governor Jon S. Corzine**

**Executive Order No. 76(2007)**

**Tribute to Ridgefield Park Firefighter Stephen Dembski**

Issued: July 19, 2007.

Effective: July 19, 2007.

WHEREAS, Firefighter Stephen Dembski was a life-long resident of Ridgefield Park, a volunteer firefighter and a former Fire Chief serving the community for 23 years; and

WHEREAS, Firefighter Dembski followed a family tradition by joining the fire company, and served the Fire Department and the people of Ridgefield Park with exceptional courage, dedication and professionalism; and

WHEREAS, Firefighter Dembski was a loving husband and a devoted father of two sons; and

WHEREAS, Firefighter Dembski will be remembered as an "all around great guy" and an active member in his community who served as a little league coach and was involved in many other activities; and

WHEREAS, Firefighter Dembski has made the ultimate sacrifice, giving his life as a volunteer firefighter to help New Jersey's citizens and, therefore, it is appropriate and fitting for the State of New Jersey to mark his passing and to honor his memory.

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Friday, July 20, 2007 in recognition of the life and mourning of the passing of Firefighter Stephen Dembski.

2. This Order shall take effect immediately.

Published August 20, 2007 in the New Jersey Register at 39 N.J.R. 3435(a).

**Governor Jon S. Corzine**

**Executive Order No. 77(2007)**

**Tribute to United States Army Captain Maria I. Ortiz**

Issued: July 27, 2007.

Effective: July 27, 2007.

WHEREAS, United States Army Captain Maria I. Ortiz was born in Camden, New Jersey, where she lived for the first five years of her life; and

WHEREAS, Captain Ortiz's mother and twin sister currently reside in Pennsauken, New Jersey; and

WHEREAS, Captain Ortiz graduated from the University of Puerto Rico, Mayaguez, in 1990 with a Bachelor of Science degree, received a Bachelor of Science degree in nursing from the University of Puerto Rico in 1999, and subsequently earned a masters degree from the National Graduate School in 2004; and

WHEREAS, Captain Ortiz enlisted in the United States Army in 1991 and served for eight years in the enlisted corps, before obtaining her nursing degree in 1999, and joining the officer corps; and

WHEREAS, Captain Ortiz has served on behalf of her country in Honduras, South Korea, and at Walter Reed Army Hospital in Washington, DC; and

WHEREAS, Captain Ortiz was the chief nurse of general medicine at the Kirk United States Army Health Clinic at Aberdeen Proving Ground Maryland, where she distinguished herself with her dedication and commitment to the highest standards of medical care; and

WHEREAS, Captain Ortiz was an expert military nurse, who volunteered for service in Iraq, with the 28th Combat

Support Hospital, 3rd Medical Command, in order to treat wounded soldiers and civilians in a combat theater; and

WHEREAS, Captain Ortiz died as a result of wounds suffered while caring for others in the service of her country in Baghdad, Iraq; and

WHEREAS, Captain Ortiz has received some of our nation's highest combat decorations, including the Bronze Star; and

WHEREAS, Captain Ortiz was the exemplification of a committed and professional United States Army nurse and was a loving daughter, fiancé, and sister, whose memory lives in the hearts of her family, and her fellow soldiers and medical professionals; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, instrumentalities in New Jersey during appropriate hours on Monday, August 6, 2007, in recognition and mourning of an American hero, United States Army Captain Maria I. Ortiz.

2. This Order shall take effect immediately.

Published September 17, 2007 in the New Jersey Register at 39 N.J.R. 3803(a).

**Governor Jon S. Corzine**

**Executive Order No. 78(2007)**

**Governor's Blue Ribbon Advisory Panel on Immigrant Policy**

Issued: August 6, 2007.

Effective: August 6, 2007.

WHEREAS, New Jersey ranks 3rd in the nation in the number of its foreign-born residents as a percentage of the total State population; and

WHEREAS, immigrants have historically contributed to the economic, social, and civic fabric of this State and this nation; and

WHEREAS, immigrants face many challenges and obstacles on the path to becoming fully productive and self-sufficient members of society; and

WHEREAS, New Jersey recognizes that the successful integration of its immigrants as fully productive and self-sufficient members of society is critical to the future economic and social well-being of the State; and

WHEREAS, the federal government enacts immigration policy regarding the terms and conditions for entry and work in the United States; and

WHEREAS, the states have the responsibility for the development and implementation of policies that assist immigrants' integration into society; and

WHEREAS, a progressive and holistic approach by the State towards immigrant policy that leverages the skills and assets of its immigrants and directs State resources in accelerating immigrant integration will benefit the entire State;

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

1. There is hereby established the Governor's Blue Ribbon Advisory Panel on Immigrant Policy ("Advisory Panel").

2. All public members of the Advisory Panel shall be appointed by the Governor and shall serve at his pleasure. The Governor shall select from among all of the members the chair of the Advisory Panel. All public members of the Advisory Panel shall serve without compensation.

3. The Advisory Panel shall consist of 27 members. The 18 public members shall be broadly representative of the following subjects and constituencies: civil rights, commerce, community-based organizations, education, faith-based organizations, immigration advocacy, labor, and service providers. The New Jersey Legislature's African-American and Latino Caucuses shall each select from their membership one member to serve on the Advisory Panel. The Attorney General, the Commissioners of Children and

Families, Education, Health and Senior Services, Human Services, and Labor and Workforce Development, and the Public Advocate or their designees shall serve as ex-officio members of the Advisory Panel. Vacancies on the Advisory Panel shall be filled in the same manner as the original appointment.

4. The Advisory Panel shall organize as soon as practicable after the appointment of a majority of its members.

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

6. The Advisory Panel is charged with developing recommendations for a comprehensive and strategic statewide approach to successfully integrate the rapidly growing immigrant population in New Jersey.

7. The Advisory Panel shall develop recommendations on how the State can better prepare immigrants to become fully productive and self-sufficient members of society by addressing the need for greater access in the following areas: civil rights, citizenship status, education, employment/workforce training, fair housing, healthcare, language proficiency and other key areas as identified by the Advisory Panel.

8. The Advisory Panel shall elicit input by conducting public hearings to take testimony from individuals, community groups and other interested parties and by arranging for those who are not able to testify in person to forward their testimony by mail or by internet.

9. The Advisory Panel may report to the Governor from time to time and shall issue a final report to the Governor no later than 15 months from the date of the first organizational meeting. The final report shall include the Advisory Panel's recommendations, including whether a more permanent body is necessary for the implementation of immigrant policy in the State or whether another type of entity is more appropriate. The Advisory Panel shall expire upon the issuance of its final report.

10. Any reports of the Advisory Panel shall be provided to the Legislature and shall be made available to the public.

11. This Order shall take effect immediately.

Published September 17, 2007 in the New Jersey Register at 39 N.J.R. 3803(b).

**Governor Jon S. Corzine**

**Executive Order No. 79(2007)**

**Tribute to United States Army Corporal Kareem R. Khan**

Issued: August 13, 2007.

Effective: August 13, 2007.

WHEREAS, United States Army Corporal Kareem R. Khan of Stafford, New Jersey, attended Manahawkin Elementary School and graduated from both Southern Regional Middle School and Southern Regional High School; and

WHEREAS, Corporal Khan volunteered for enlistment in the United States Army following his graduation from high school; and

WHEREAS, Corporal Khan received training at Fort Benning, Georgia, before being assigned to Fort Lewis, Washington; and

WHEREAS, Corporal Khan served proudly in the United States Army as a member of an elite Stryker Brigade Combat Team; and

WHEREAS, Corporal Khan was killed while on combat patrol in Baqouba, Iraq, during a time of war, as a member of the United States Army's 1st Battalion, 23rd Infantry Regiment, 3rd Brigade, 2nd Division. (Stryker Brigade Combat Team); and

WHEREAS, Corporal Khan has been recommended for some of our nation's highest military honors, including the Purple Heart; and

WHEREAS, Corporal Khan was a committed and highly trained professional soldier as well as a loving son and brother, whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, August 23, 2007, in recognition and mourning of a brave and loyal American, United States Army Corporal Kareem R. Khan.

2. This Order shall take effect immediately.

Published September 17, 2007 in the New Jersey Register at 39 N.J.R. 3804(a).

**Acting Governor Richard J. Codey****Executive Order No. 80(2007)****Tribute to Senator Wesley L. Lance**

Issued: August 29, 2007.

Effective: August 29, 2007.

WHEREAS, Senator Wesley L. Lance was a significant contributor in creating the modern constitutional structure and legal institutions that govern New Jersey; and

WHEREAS, Senator Lance served New Jersey as an Assemblyman, jurist, Senator, Senate President, and delegate to the seminal 1947 New Jersey Constitutional Convention; and

WHEREAS, Senator Lance began his service to the citizens of New Jersey by teaching high school civics and coaching athletics, prior to entering Harvard Law School from which he graduated in 1935; and

WHEREAS, Senator Lance was first elected to New Jersey's General Assembly in 1937, was subsequently appointed to an unexpired Senate term in 1941, and was elected to the Senate in 1942; and

WHEREAS, Senator Lance resigned his position in 1943 to enlist in the United States Navy; and

WHEREAS, Senator Lance served as a sailor on the aircraft carrier U.S.S. Boxer in the Pacific Theater; and

WHEREAS, following Senator Lance's service in World War II, Governor Alfred E. Driscoll appointed Senator Lance to the position of Hunterdon County Judge in 1947; and

WHEREAS, Senator Lance was also elected as a delegate to New Jersey's 1947 Constitutional Convention; and

WHEREAS, Senator Lance was a significant voice in the deliberations of the 1947 Constitutional Convention and substantially contributed to drafting New Jersey's modern Constitution, which has served as a model for other states; and

WHEREAS, Senator Lance rejoined the New Jersey Senate in 1953 and, during his tenure as a Senator, was subsequently elected Senate President and, in that capacity, also served as Acting Governor of the State of New Jersey; and

WHEREAS, Senator Lance was a drafter and prime sponsor of the Fox-Lance Act, legislation that has substantially assisted in the redevelopment of our urban areas; and

WHEREAS, Senator Lance again served with distinction as a delegate to New Jersey's 1966 Constitutional Convention and, in that capacity, assisted in the development of New Jersey's modern Legislature; and

WHEREAS, Senator Lance practiced law in New Jersey for seventy years, was the attorney for Lebanon Township for more than 60 years, and provided legal advice and counsel to Hunterdon County and the State Farm Bureau; and

WHEREAS, Senator Lance's significant role in drafting New Jersey's Constitution will not be forgotten, nor will his devotion to the common good and welfare of the State; and

WHEREAS, Senator Lance was a trusted advisor and counsel to many citizens, lawyers, and public officials; and

WHEREAS, Senator Lance is widely recognized for his legal and legislative achievements, as well as his unique and long-standing commitment to the State of New Jersey; and

WHEREAS, it is with deep sadness that we mourn the loss of Senator Lance, recognize the extent of his achievements, and extend our sincere sympathy to his sons, family, and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and passing of Senator Wesley L. Lance;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff in all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, August 30, 2007, in recognition and mourning of the passing of Senator Wesley L. Lance.

2. This Order shall take effect immediately.

Published October 1, 2007 in the New Jersey Register at 39 N.J.R. 4019(a).

**Governor Jon S. Corzine**

**Executive Order No. 81(2007)**

**Tribute to United States Army Specialist Michael A. Hook**

Issued: August 31, 2007.

Effective: August 31, 2007.

WHEREAS, United States Army Specialist Michael A. Hook, of Altoona, Pennsylvania, graduated from Altoona High School in 2001, where he played football; and

WHEREAS, Specialist Hook, has lived in Little Egg Harbor Township, New Jersey, over the years with family; and

WHEREAS, Specialist Hook volunteered for enlistment in the United States Army and served in the 2nd Battalion, 35th Infantry Regiment, 3rd Infantry Brigade Combat Team, 25th Infantry Division; and

WHEREAS, Specialist Hook was killed in action in Northern Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Specialist Hook was a dedicated soldier as well as a loving son and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Specialist Hook has been recommended for some of our nation's highest military honors; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, September 4, 2007, in recognition and mourning of a brave and loyal American, United States Army Specialist Michael A. Hook.

2. This Order shall take effect immediately.

Published October 1, 2007 in the New Jersey Register at 39 N.J.R. 4019(b).

**Acting Governor Richard J. Codey**

**Executive Order No. 82(2007)**

**Tribute to United States Marine Corps Lance Corporal  
Jon T. Hicks, Jr.**

Issued: September 19, 2007.

Effective: September 19, 2007.

WHEREAS, United States Marine Corps Lance Corporal Jon T. Hicks, Jr., lived in Atco, Camden County, New Jersey, and graduated from Hammonton High School in 2005; and

WHEREAS, Lance Corporal Hicks enlisted in the United States Marines Corps in January 2006 following his graduation; and

WHEREAS, Lance Corporal Hicks served his country proudly at home and abroad with the 2nd Battalion, 9th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, North Carolina; and

WHEREAS, Lance Corporal Hicks was a committed and highly trained professional soldier, as well as a loving son,

grandson, and brother, whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, September 20, 2007, in recognition and mourning of a brave and loyal American, United States Marine Corps Lance Corporal Jon T. Hicks, Jr.

2. This Order shall take effect immediately.

Published October 15, 2007 in the New Jersey Register at 39 N.J.R. 4357(a).

**Governor Jon S. Corzine**

**Executive Order No. 83(2007)**

**Tribute to United States Army Staff Sergeant Jason M. Butkus**

Issued: September 20, 2007.

Effective: September 20, 2007.

WHEREAS, United States Army Staff Sergeant Jason M. Butkus was born in Arlington Heights, Illinois, and raised in West Milford, New Jersey; and

WHEREAS, Staff Sergeant Butkus graduated from West Milford High School, where he was a member of the track and wrestling teams; and

WHEREAS, Staff Sergeant Butkus volunteered for enlistment in the United States Army in 1995, and completed basic and advanced individual training at Fort Benning, Georgia; and

WHEREAS, Staff Sergeant Butkus served his country proudly at home and abroad with the 82nd Airborne Division, Fort Bragg, North Carolina; with the 2nd Infantry Division, Republic of Korea; at Fort Wainwright, Alaska; and as a training instructor at the U.S. Army Training Center, Fort Jackson, South Carolina; and

WHEREAS, Staff Sergeant Butkus graduated from both the Army Airborne Course and the Army Air Assault Course and attained his goal of becoming a United States Army non-commissioned officer; and

WHEREAS, Staff Sergeant Butkus was assigned in October 2006 to A Company, 1st Battalion, 28th Infantry Regiment, 4th Infantry Combat Team, 1st Infantry Division, Fort Riley, Kansas, and then deployed to Iraq in support of Operation Iraqi Freedom; and

WHEREAS, Staff Sergeant Butkus's distinguished record of service as a United States Army infantry and noncommissioned officer in elite units and assignments is testament to his professionalism, skill, and courage; and

WHEREAS, Staff Sergeant Butkus has received four Army Commendation Medals, five Army Achievement Medals, the Korean Defense Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Humanitarian Service Medal, two Noncommissioned Officer Professional Development Ribbons, the Army Service Ribbon, three Overseas Service Ribbons, two National Defense Service Medals, the Army Good Conduct Medal, the Expert Infantryman's Badge, the Expert Marksmanship Badge, the Basic Parachute Badge, the Air Assault Badge and the Senior Parachute Badge; and

WHEREAS, Staff Sergeant Butkus will be awarded some of our nation's highest military honors, such as the Bronze Star, the Purple Heart, and the Combat Infantryman's Badge, posthumously; and

WHEREAS, Staff Sergeant Butkus was a committed and highly trained professional soldier and infantry leader as well as a loving father, son, and brother whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, September 24, 2007, in recognition and mourning of a brave and loyal American, United States Staff Sergeant Jason M. Butkus.

2. This Order shall take effect immediately.

Published November 5, 2007 in the New Jersey Register at 39 N.J.R. 4469(a).

**Governor Jon S. Corzine**

**Executive Order No. 84(2007)**

**Tribute to United States Marine Corporal Terry Allen**

Issued: September 25, 2007.

Effective: September 25, 2007.

WHEREAS, United States Marine Corporal Terry Allen of Pennsauken, Camden County, New Jersey, graduated from Bishop Eustace Preparatory School in 2004, where he was an honor student, football player, and track star; and

WHEREAS, Corporal Allen enlisted in the United States Marine Corps while still in high school and served two tours of duty in a combat theater, while rising in the ranks; and

WHEREAS, Corporal Allen was a dedicated soldier, awaiting a scheduled promotion to Sergeant, as well as a loving son, brother, and husband, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Corporal Allen was killed in Anbar, Iraq, during a time of war, while serving as a member of the United States Marine Corps; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, September 26, 2007, in recognition and mourning of a brave and loyal American, United States Marine Corporal Terry Allen.

2. This Order shall take effect immediately.

Published November 5, 2007 in the New Jersey Register at 39 N.J.R. 4469(b).

**Governor Jon S. Corzine**

**Executive Order No. 85(2007)**

**Tribute to United States Army Corporal Luigi Marciante, Jr.**

Issued: September 27, 2007.

Effective: September 27, 2007.

WHEREAS, United States Army Corporal Luigi Marciante, Jr. was born and raised in Elizabeth, New Jersey, and graduated from Elizabeth High School in 1999; and

WHEREAS, Corporal Marciante enlisted in the United States Army and hoped to pursue a career in law enforcement when he finished his military service; and

WHEREAS, Corporal Marciante served his country proudly, at home and abroad, with the United States Army's elite 2nd Battalion, 23rd Infantry Regiment, 4th Brigade, 2nd Infantry Division, Stryker Brigade Combat Team, Fort Lewis, Washington; and

WHEREAS, Corporal Marciante was killed in the service of his country while conducting combat operations during a time of war in Muqadadiyah, Iraq; and

WHEREAS, Corporal Marciante was a courageous soldier, as well as a loving son, husband, father, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, September 28, 2007, in recognition and mourning of a brave and loyal American, United States Army Corporal Luigi Marciante, Jr.

2. This Order shall take effect immediately.

Published November 5, 2007 in the New Jersey Register at 39 N.J.R. 4469(c).

**Governor Jon S. Corzine**

**Executive Order No. 86(2007)**

**Prevailing Wage for Building Services**

Issued: September 27, 2007.

Effective: October 27, 2007.

WHEREAS, it is the public policy of this State to establish prevailing wage levels for the employees of contractors and subcontractors furnishing building services for any property or premises owned or leased by the State in order to safeguard the efficiency and general well-being of those employees and to protect them and their employers from the effects of serious and unfair competition based on low wage levels which are detrimental to efficiency and well-being; and

WHEREAS, through the enactment on January 12, 2006, of P.L. 2005, c. 379, this policy was implemented in the context of the employees of contractors and subcontractors that, pursuant to a contract with the State, provide building services in certain property or premises owned or leased by the State; and

WHEREAS, this policy should also apply to those employees of contractors and subcontractors that, pursuant to contracts with lessors, providing buildings services in certain properties or premises leased to the State;

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

1. All of the definitions set forth in Section 2 of P.L. 2005, c. 379 (C. 34:11-56.59) ("Chapter 379"), shall apply to this Order.

2. Every lease for property or premises "leased by the State," as defined in Section 2 of Chapter 379, shall contain the following terms and conditions:

a. A provision requiring the lessor to ascertain from the Commissioner of Labor and Workforce Development the prevailing wage rates for the performance of building services and to specify in all contracts for the performance of building services in the property or premises leased by the State what the prevailing wage rate in the locality is for each worker employed in the performance of such contracts;

b. A provision requiring the lessor to include in all contracts for the performance of building services in the property or premises leased by the State a stipulation that the workers performing such building services shall be paid not less than the applicable prevailing wage rates as ascertained by the lessor from the Commissioner of Labor and Workforce Development, and that the contractor shall provide to each such worker individual written notification every six months of the prevailing wage

rates for each classification involved in the contractor's performance of building services;

c. A provision requiring the lessor to include in all contracts for the performance of building services in the property or premises leased by the State a statement that the contractor and any subcontractor covered under the contract shall: (i) keep accurate records showing the name, classification, and actual hourly rate of wages and any benefits paid to each worker employed by the contractor or subcontractor to perform building services in the property of premises leased by the State; (ii) preserve those records for two years after the date of payment; and (iii) make the contracts and the records available at all reasonable hours to the inspection of the Commissioner of Labor and Workforce Development and to any other party to the lease;

d. A provision requiring the lessor to include in all contracts for the performance of building services in the property or premises leased by the State a stipulation that the contractor and any subcontractor covered under the contract shall provide to the lessor on a biannual basis (no later than January 15 and July 15 of each year) a sworn certification, under penalty of perjury, that during the preceding six-month period the workers performing such building services were paid not less than the applicable prevailing wage rates as ascertained by the lessor from the Commissioner of Labor and Workforce Development and that these workers were provided with individual written notification of the prevailing wage rates for each classification involved in the contractor's performance of building services;

e. A provision requiring the lessor to provide to the State no later than January 31 and July 31 of each year a copy of the sworn certification required pursuant to Paragraph 2(d) above;

f. A provision stating that, if the State has not received a copy of the sworn certification required to be provided in accordance with Paragraph 2(e) above within 30 days of the due date under Paragraph 2(e), the State has the right to withhold up to 15% of the rent until the State receives the copy of the sworn certification and to take other action it deems appropriate to enforce this Order; and

g. A provision stating that if the Commissioner of Labor and Workforce Development determines that a contractor's certification pursuant to paragraph (d) is false and that the contractor has failed to pay its employees the prevailing wage rates required by this Order, the Commissioner may formally request that the State leasing agency effect a rent abatement of no less than the amount of wages due to said employees and to take other action it deems appropriate to enforce this Order. The State leasing agency may take unilateral action without such written request in the case of a written decision by the Division of Wage and Hour Compliance finding a

prevailing wage violation following the contractor's opportunity to be heard before the Director of the Division of Wage and Hour Compliance. If the contractor disagrees with the written decision of the Division of Wage and Hour Compliance, the contractor may appeal the decision to the Commissioner of Labor and Workforce

Development, in accordance with the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

3. This Order shall take effect 30 days after its execution and shall apply to all leases entered into by the State after that date.

Published November 5, 2007 in the New Jersey Register at 39 N.J.R. 4470(a).

**Governor Jon S. Corzine**

**Executive Order No. 87(2007)**

**Establishment of New Jersey Council on Access and Mobility**

Issued: October 26, 2007.

Effective: October 26, 2007.

WHEREAS, the State of New Jersey has made great strides in the last 20 years in providing community based transportation services to its seniors, persons with disabilities, and economically disadvantaged populations; and

WHEREAS, having access to employment, health care, education, and other community services and amenities is critical to the quality of life of transportation-disadvantaged citizens; and

WHEREAS, enhancing access to transportation will improve mobility, employment opportunities, and availability of community services to citizens who are transportation-disadvantaged; and

WHEREAS, both State and federal government have allocated millions of dollars to fund human service transportation programs through a variety of agencies within this State; and

WHEREAS, federal law now requires that human service transportation projects selected for certain federal funding be derived from a locally developed, coordinated public transit human services transportation plan; and

WHEREAS, at the federal level this coordination activity is centered around the United We Ride Initiative; and

WHEREAS, there is a need to both identify additional resources as yet untapped or underutilized and maximize the benefit of the State's monetary resources currently earmarked for human service transportation programs through the creation of strategies that efficiently and effectively deliver services and centralize the management of information and resources; and

WHEREAS, the quality of decision making in these matters can be enhanced by providing a forum that brings together input and insight from the participating agencies, the providers, and the consumers of these transportation services;

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

1. There is hereby established in the Department of Human Services the New Jersey Council on Access and Mobility (the "Council").

2. The Council shall be composed of four public members appointed by and serving at the pleasure of the Governor, one selected from each of the following communities: physically challenged individuals, seniors, individuals with developmental disabilities or mental health challenges, and low income individuals. The public members shall serve without compensation. In addition, the following individuals shall serve on the Council in an ex officio capacity and may appoint a designee to serve in his or her place: the Commissioners of Children and Families, Community Affairs, Education, Health and Senior Services, Human Services, Labor and Workforce Development, and Transportation, the State Treasurer, the Adjutant General, and the Executive Director of New Jersey Transit Corporation.

3. The Governor shall designate a chairman and vice chairman of the Council from among its members.

4. The Council is authorized to call upon any department, office, or agency of State government to provide such information, personnel, and assistance as deemed necessary to discharge its responsibilities under this Order. Each department, office, and agency of State government is hereby required, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purpose of this Order.

5. The Council shall inventory existing State and federal transportation funding sources used for transportation services within the various departments and agencies in the State, study ways to improve coordination of resources, and make recommendations for improving services and programs.

6. The Council shall participate in the Federal United We Ride Program and coordinate activities with the Federal Council on Access and Mobility.

7. The Council shall meet no less than four times a year. The Council shall establish an appropriate number of subcommittees which may be composed of staff from a department or agency identified in paragraph 2 and representatives of consumers served by that department or agency. Such subcommittees shall meet monthly and report to the Council on a quarterly basis. All Council progress will be documented in written reports. By December 31st of each year of the Council's existence, the Council shall make a report of its activities, findings, and recommendations to the Governor and Legislature.

8. The Council shall expire on January 1, 2010.

9. This Order shall take effect immediately.

Published December 3, 2007 in the New Jersey Register at 39 N.J.R. 4981(a).

Rescinded by Christie Executive Order No. 40(2010), effective September 9, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 88(2007)**

**Tribute to United States Army Staff Sergeant John D. Linde**

Issued: November 23, 2007.

Effective: November 23, 2007.

WHEREAS, United States Army Staff Sergeant John D. Linde was born in Secaucus, New Jersey and lived in Weehawken, New Jersey; and

WHEREAS, Sergeant Linde volunteered for enlistment in the United States Army, after his graduation from Union Hill High School, Union City, New Jersey, where he starred as a wrestler; and

WHEREAS, Sergeant Linde volunteered for re-enlistment in the United States Army following the September 11, 2001 attacks on this country; and

WHEREAS Sergeant Linde served with distinction as a proud member of the United States Army's fabled 10th Mountain Division in Fort Drum, New York, and in dangerous and demanding overseas assignments in Korea, Bosnia, and Iraq; and

WHEREAS, Sergeant Linde was a veteran soldier and an experienced non-commissioned officer; and

WHEREAS, Sergeant Linde consistently demonstrated the finest values of the United States military, while leading the many soldiers who served under his command with honor, courage, and compassion; and

WHEREAS, Sergeant Linde has earned some of our nation's highest military honors, including the Purple Heart, Army Achievement Medal, the Combat Action Badge, and the Bronze Star; and

WHEREAS, Sergeant Linde was killed in the vicinity of Kirkuk, Iraq, during a time of war while serving as a member of the United States Army's 1st Brigade Special Troops Battalion, 1st Brigade Combat Team, 10th Mountain Division; and

WHEREAS, Sergeant Linde was a dedicated soldier as well as a loving husband, father, son, brother, son-in-law, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, November 28, 2007, in recognition and mourning of a brave and loyal American, United States Army Staff Sergeant John D. Linde.

2. This Order shall take effect immediately.

Published January 7, 2008 in the New Jersey Register at 40 N.J.R. 3(a).

**Governor Jon S. Corzine**

**Executive Order No. 89(2007)**

**Tribute to U.S. Air Force Captain Stephen A. Rusch**

Issued: November 29, 2007.

Effective: November 29, 2007.

WHEREAS, United States Air Force Captain Stephen A. Rusch of Lambertville, New Jersey, was raised in West Amwell, New Jersey, a region of our State where his family has deep roots; and

WHEREAS, Captain Rusch graduated from the Hun School in Princeton, New Jersey, in 1961, and went on to serve with honor and distinction as an United States Air Force aviator and commissioned officer; and

WHEREAS, Captain Rusch was killed in action in the service of his country while conducting an armed mission in an F-4E Phantom Skyhawk in Salavan Province, Laos, on March 7, 1972; and

WHEREAS, Captain Rusch set a high standard of military excellence that lives on today in the enduring legacy of his own service and the Air Force service of his daughter; and

WHEREAS, Captain Rusch was a courageous aviator who loved his family, friends, and fellow airmen; and

WHEREAS, Captain Rusch was, in turn, loved by his family, friends, and fellow airmen, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, United States Air Force Captain Rusch has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, November 30, 2007, in recognition of the life and in mourning of the passing of United States Air Force Captain Stephen A. Rusch.

2. This Order shall take effect immediately.

Published January 7, 2008 in the New Jersey Register at 40 N.J.R. 3(b).

**Governor Jon S. Corzine**

**Executive Order No. 90(2007)**

**Tribute to United States Representative Joseph George Minish**

Issued: December 3, 2007.

Effective: December 3, 2007.

WHEREAS, United States Representative Joseph George Minish was a recognized leader in the organized labor movement, in more than two decades of public office, and in serving the constituents of New Jersey's 11th Congressional District; and

WHEREAS, Representative Minish was the son of a Pennsylvania coal miner who moved to New Jersey after serving in the United States Army from 1945 to 1946; and

WHEREAS, thereafter he spent his entire career serving working men and women through his participation in the labor movement; and

WHEREAS, he assumed leadership positions in the labor movement serving as Executive Secretary of Essex-West Hudson Council, Congress of Industrial Organizations, from 1954 to 1960 and Executive Director, Essex-West Industrial Union Council, AFL-CIO, from 1960-1962; and

WHEREAS, he was elected to the U.S. House of Representatives in 1962 and was a member of Congress until 1984; and

WHEREAS, during his time in Congress, he addressed many difficult issues, including profiteering by defense contractors, price gouging by natural gas companies, and speculating by land developers; and

WHEREAS, Representative Minish fought for truth-in-lending laws and advocated for food safety reforms; and

WHEREAS, he was known by his constituents as "one of the good guys in politics," a "regular guy who became a congressman"; and

WHEREAS, it is with deep sadness that we mourn the loss of Representative Minish and extend our sincere sympathy to his family and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Representative Minish;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, December 5, 2007, in recognition and mourning of the passing of U.S. Representative Joseph George Minish.

2. This Order shall take effect immediately.

Published January 7, 2008 in the New Jersey Register at 40 N.J.R. 3(c).

**Governor Jon S. Corzine**

**Executive Order No. 91(2007)**

**Continuation of Governor's Blue Ribbon Advisory Panel  
on Immigrant Policy and Modification of Membership**

Issued: December 10, 2007.

Effective: December 10, 2007.

WHEREAS, on April 6, 2007, the State of New Jersey established the Governor's Blue Ribbon Advisory Panel on Immigrant Policy (hereinafter referred to as "Advisory Panel") by Executive Order No. 78 (2007) to develop recommendations for a comprehensive and strategic statewide approach to successfully integrating New Jersey's rapidly growing immigrant population into the life of this State; and

WHEREAS, the Advisory Panel's deliberations would benefit from the designation of eight additional members;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in

me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Governor's Blue Ribbon Advisory Panel on Immigrant Policy ("Advisory Panel") shall continue in existence as provided in Executive Order No. 78.

2. The membership of the Advisory Panel shall be modified to consist of thirty-five (35) members of whom twenty-six (26) shall be public members appointed by the Governor. The 26 public members shall be broadly representative of the following subjects and constituencies: civil rights, commerce, community-based organizations, education, faith-based organizations, immigration advocacy, labor, and service providers.

3. All other provisions of Executive Order No. 78 which are not inconsistent with this Order shall remain in full force and effect.

4. This Order shall take effect immediately.

Published January 7, 2008 in the New Jersey Register at 40 N.J.R. 4(a).

**Governor Jon S. Corzine**

**Executive Order No. 92(2007)**

**Tribute to United States Army Sergeant Eric J. Hernandez**

Issued: December 13, 2007.

Effective: December 13, 2007.

WHEREAS, United States Army Sergeant Eric J. Hernandez was born in Newburgh, New York, and raised in West Milford, New Jersey; and

WHEREAS, Sergeant Hernandez attended Macopin Middle School and West Milford High School, before receiving his high school diploma; and

WHEREAS, Sergeant Hernandez was an avid outdoorsman with a passion for hiking, camping, archery, and shooting; and

WHEREAS, Sergeant Hernandez volunteered for enlistment in the military in October 2003, and served two tours of duty in Iraq; and

WHEREAS, Sergeant Hernandez also served with the New Jersey National Guard, 2-113th Infantry Battalion, based in Riverdale, New Jersey; and

WHEREAS, during his military career, Sergeant Hernandez rose, in a short time, to the rank of a non-commissioned officer, and exemplified the finest qualities of a professional soldier; and

WHEREAS Sergeant Hernandez served with distinction and pride as a member of the United States Army's elite 101st Airborne Division, where he was a crack marksman; and

WHEREAS, Sergeant Hernandez was planning a career in public service as a law enforcement officer; and

WHEREAS, Sergeant Hernandez was killed in the vicinity of Bayji, Iraq, in the service of his country, during a time of war, while a member of the United States Army's 1st Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division (Air Assault), based in Fort Campbell, Kentucky; and

WHEREAS, Sergeant Hernandez has received some of our nation's highest military honors, including the Combat Infantry Badge, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Noncommissioned Officer Professional Development Ribbon, the Army Service Ribbon, the Expert Infantry Badge, the Air Assault Badge, and Weapons Qualification, M4 Expert; and

WHEREAS, Sergeant Hernandez was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family and fellow soldiers; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, December 14, 2007, in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Eric J. Hernandez.

2. This Order shall take effect immediately.

Published January 7, 2008 in the New Jersey Register at 40 N.J.R. 4(b).

**Governor Jon S. Corzine**

**Executive Order No. 93(2008)**

**Tribute to Senator Walter J. Kavanaugh**

Issued: January 11, 2008.

Effective: January 11, 2008.

WHEREAS, Senator Walter J. Kavanaugh was a leader in public life, spending the majority of his career dedicated to serving the common good, and New Jersey is a better place today because of that service; and

WHEREAS, Senator Kavanaugh was a true son of New Jersey, born in Bound Brook, educated in Somerville public schools, and involved in public life in this State for four decades; and

WHEREAS, he was a graduate of his cherished alma mater, the University of Notre Dame; and

WHEREAS, he subsequently served this country as a lieutenant in the United States Air Force from 1955 to 1958 as a pilot; and

WHEREAS, following his military service, he soon embarked on his lifelong mission of working for the people of the State of New Jersey, initially serving from 1963 to 1975 on the Somerville Board of Education, five of those years as president; and

WHEREAS, Senator Kavanaugh was a life member of the Somerville First Aid and Rescue Squad, which he first joined in 1968 and also was a member of the Somerset County Board of Mental Health and the Somerset County Park Commission; and

WHEREAS, Senator Kavanaugh was first elected to the General Assembly in 1975 and reelected ten times, holding office from 1976 to 1997; and

WHEREAS, he was elected to the State Senate in 1997 and remained in office until January 8, 2008, such 32-year career in the Legislature making him the seventh-longest serving legislator in New Jersey history; and

WHEREAS, he was a key sponsor of the legislation creating the Transportation Trust Fund, an act that has proven vital to the State of New Jersey; and

WHEREAS, he also sponsored important measures reforming the State's divorce laws and creating a tax amnesty program; and

WHEREAS, Senator Kavanaugh was a member of the budget committees of both houses of the Legislature and was

widely regarded as an expert on budget and fiscal matters; and

WHEREAS, Senator Kavanaugh also was a member of the State House Commission since 1998 and from 1990 to 1994; and

WHEREAS, while in the Legislature, the Senator held numerous leadership positions including Assistant Budget Officer, Majority Budget Officer, Deputy Speaker, Assistant Majority Leader, Assistant Minority Leader, Deputy Assistant Minority Leader, Minority Whip, and Assistant Minority Whip; and

WHEREAS, the Senator, in addition to his duties as a public servant, also was appointed a board member of the Somerset Medical Center, the Somerset Council on Alcoholism, and the Board of Regents of St. Mary's College of Notre Dame and was a devoted supporter of organizations helping homeless men and women; and

WHEREAS, Senator Kavanaugh always sought, in his words, to "put people first," avoided excessive partisanship, and asked, again in his words, "Can we afford to do this" as well as "Can we not afford to do this" as he worked for the people of this State; and

WHEREAS, Senator Kavanaugh was devoted to policy and politics, was well-known for his sense of humor and quick wit and was widely admired by his colleagues and loved by his family and friends; and

WHEREAS, it is with deep sadness that we mourn the loss of Senator Kavanaugh and extend our sincere sympathy to his family and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Senator Kavanaugh;

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Monday, January 14, 2008, in recognition and mourning of the passing of Senator Walter J. Kavanaugh.

2. This Order shall take effect immediately.

Published February 19, 2008 in the New Jersey Register at 40 N.J.R. 831(a).

**Governor Jon S. Corzine**

**Executive Order No. 94(2008)**

**Tribute to United States Marine Lance Corporal Curtis A. Christensen, Jr.**

Issued: January 16, 2008.

Effective: January 16, 2008.

WHEREAS, United States Marine Corps Lance Corporal Curtis A. Christensen, Jr., was born at the Philadelphia Naval Hospital in Philadelphia, Pennsylvania, and was a resident of Collingswood, New Jersey; and

WHEREAS, Corporal Christensen was an avid photographer and outdoorsman; and

WHEREAS, Corporal Christensen enlisted in the United States Marine Corps and served in the 2nd Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force based in Camp Lejeune, North Carolina; and

WHEREAS, Corporal Christensen was a dedicated soldier as well as a loving husband, son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Corporal Christensen was killed in Iraq, during a time of war while serving as a member of the United States Marine Corps; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, January 18, 2008, in recognition and mourning of a brave and loyal American, United States Marine Corps Lance Corporal Curtis A. Christensen, Jr.

2. This Order shall take effect immediately.

Published February 19, 2008 in the New Jersey Register at 40 N.J.R. 831(b).

**Governor Jon S. Corzine**

**Executive Order No. 95(2008)**

**Tribute to United States Army Captain Thomas John Casey**

Issued: January 18, 2008.

Effective: January 18, 2008.

WHEREAS, United States Army Captain Thomas John Casey of Albuquerque, New Mexico, graduated from the University of New Mexico in 1996 and enlisted in the Army as a Spanish linguist; and

WHEREAS, Captain Casey was commissioned as a Second Lieutenant after graduating from Officer Candidate School and served as a Battlefield Intelligence Collection Controller after completing the Military Intelligence Officer Basic Course; and

WHEREAS, Captain Casey was assigned as the Executive Officer and Intelligence Officer for Military Transition Team 0511 advising 1st Battalion, 1st Brigade, 5th Iraqi Army Division; and

WHEREAS, Captain Casey was a dedicated soldier as well as a loving husband, father, son, brother, and friend, whose memory lives in the hearts of his family, including his mother, who lives in Cape May Point, New Jersey, and in the hearts of his fellow soldiers; and

WHEREAS, Captain Casey was killed in Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Captain Casey has received some of our nation's highest military honors, including the Bronze Star Medal, Purple Heart, two Army Commendation Medals, two Army Achievement Medals, Army Good Conduct Medal, National Defense Service Medal, Parachutist Badge, and the Combat Action Badge; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, January 23, 2008, in recognition and mourning of a brave and loyal American, United States Army Captain Thomas John Casey.

2. This Order shall take effect immediately.

Published February 19, 2008 in the New Jersey Register at 40 N.J.R. 831(c).

**Governor Jon S. Corzine**

**Executive Order No. 96(2008)**

**Governor's Advisory Commission on Construction Industry Independent Contractor Reform**

Issued: January 18, 2008.

Effective: January 18, 2008.

WHEREAS, the practice of misclassifying workers as alleged independent contractors, rather than in accordance with their actual status as employees, causes serious negative repercussions to our State's economy; and

WHEREAS, workers who are improperly classified suffer an economic disadvantage and are involuntary disenfranchised from the social insurance benefits and basic worker protections provided to individuals classified as employees, including unemployment and disability insurance, Social Security wage credits, and employee health and pension benefits offered by the employer to its workforce; and

WHEREAS, employers who willfully misclassify workers as independent contractors realize an unfair competitive advantage over employers who properly identify their workers as employees; and

WHEREAS, the State has undertaken significant efforts to address these problems, including the enactment on August 21, 2006, of P.L.2006, c.85, requiring the use of a unified single definition of "employee" for purposes of withholding State income, unemployment insurance and disability insurance taxes, and the enactment on July 13, 2007, of the "Construction Industry Independent Contractor Act," P.L.2007, c.114; and

WHEREAS, the State's efforts to address the problem of employee misclassification in the construction industry and to ensure contractor compliance with the Construction Industry Independent Contractor Act will be enhanced through the creation of an advisory body comprised of government officials and private sector representatives with expertise in this subject;

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

1. There is hereby created, pursuant to Art. V, Sec. IV, par. I of the New Jersey Constitution, the Governor's Advisory Commission on Construction Industry Independent Contractor Reform (the "Advisory Commission"). The mission of the Advisory Commission is to develop recommendations for a comprehensive and strategic statewide approach to addressing the problem of employee misclassification in the construction industry and to ensuring contractor compliance with the "Construction Industry Independent Contractor Act," P.L.2007, c.114.

2. The Advisory Commission shall be composed of the Commissioner of Labor and Workforce Development or a designee, serving ex officio; the Attorney General or a designee, serving ex officio; the State Treasurer or a designee, serving ex officio; and eight public members who shall be appointed by the Governor and shall serve at his pleasure as follows: three representatives from three different building trades unions; one representative of the New Jersey AFL-CIO; one representative of residential developers; one representative of residential construction contractors; one representative of commercial developers; and one representative of commercial construction contractors.

3. The Commissioner of Labor and Workforce Development shall serve as chair of the Advisory Commission. All public members of the Advisory Commission shall serve without compensation. Vacancies on the Advisory Commission shall be filled in the same manner as the original appointment.

4. In furtherance of its mission stated in paragraph one, above, the Advisory Commission shall be authorized to:

a. make recommendations to the Department of Labor and Workforce Development, the Office of the Attorney General, and the Department of the Treasury with respect to synchronizing each respective Department's regulations and policies regarding employee misclassification;

b. conduct public hearings to increase public awareness of the illegal nature and harms inflicted by employee misclassification in the construction industry and to highlight potential significant cases of misclassification that may warrant investigation by the appropriate government agency;

c. make recommendations to enhance mechanisms for identifying employee misclassification where it does occur;

d. work with business, labor and community groups to develop educational materials that distinguish the difference between an independent contractor and an employee; and

e. cooperate with State, Federal and local social service agencies to identify ways to provide assistance to vulnerable populations that have been exploited by employee misclassification, including, but not limited to, immigrant workers.

5. The Advisory Commission shall issue a report annually to the Governor on the status of implementation of the Construction Industry Independent Contractor Act, to include publicly available information regarding: cases brought, wages and taxes recovered on behalf of the State, outcomes of cases, legal or administrative barriers to successful implementation, a review of the process used to adjudicate misclassification cases, and proposals for any additional legislative action that may be needed to enhance

the State's efforts to address employee misclassification in the construction industry.

6. The Advisory Commission is authorized to call upon any department, office, division or agency of this State to supply it with data and other information, personnel or assistance available to such agency as the Advisory Commission deems necessary to discharge its duties under this Order. Each department, office, division or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Advisory Commission and

to furnish the Advisory Commission such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Advisory Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

7. This Order shall take effect immediately.

Published February 19, 2008 in the New Jersey Register at 40 N.J.R. 832(a).

**Governor Jon S. Corzine**

**Executive Order No. 97(2008)**

**Recognition of the Communications Workers of America  
as the Representative for Community Care Residential  
Providers for Adults with Developmental Disabilities**

Issued: March 5, 2008.

Effective: March 5, 2008.

WHEREAS, community care residential providers (CCRs) for adults with developmental disabilities in the State of New Jersey, as defined by N.J.A.C. 10:44B, provide an invaluable and essential service by providing care and/or training to adults with developmental disabilities; and

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

WHEREAS, pursuant to its statutory and regulatory authority, the Department of Human Services is authorized to contract with a qualified third party agency or entity to provide oversight with respect to various administrative functions, including but not limited to the processing of board payments and/or cost-of-care payments to CCRs; and

WHEREAS, to ensure quality standards of care, it is in the public interest for New Jersey to maintain CCRs for adults with developmental disabilities and to encourage the recruitment and retention of CCRs that are delivering these vital services; and

WHEREAS, a majority of New Jersey's CCRs have authorized the Communications Workers of America, AFL-CIO (CWA) to be their exclusive representative through individually-signed authorizations, not more than twelve (12) months old; and

WHEREAS, the State Board of Mediation has certified the CWA as having presented to the Board of Mediation authorization cards representing a majority of CCRs;

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

1. The Commissioner of the New Jersey Department of Human Services (DHS) or his/her designee, on behalf of the State of New Jersey, shall meet in good faith with the CWA, as the recognized exclusive majority representative of all CCRs, for the purpose of entering into a written agreement regarding reimbursement rates, payment procedures, benefits, health and safety conditions and any other matters that would improve recruitment and retention of qualified CCRs and the quality of the programs they

provide, subject to the provisions of paragraph 6 below. Nothing in this Order shall require that an agreement be reached on any particular matter provided the parties act in good faith.

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

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

4. Nothing in this Order is intended to give to CCRs, or imply that CCRs have, any right to engage in a strike or collective cessation of the care for adults with developmental disabilities in their homes.

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

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

7. Nothing in this Order shall be construed to interfere with the rights of the Department of Human Services to place or remove clients from the homes of CCRs.

8. Nothing in this Order shall be construed to interfere with the rights of individuals with developmental disabilities and/or their parents or guardians, including but not limited to the right to choose or change their placement with CCRs.

9. No action may be taken under this Order that would derogate from the status, functions or authority of the Department of Human Services in its capacity of Lead Agency, or in any other capacity, in the placement and care of persons with developmental disabilities.

10. Should any part of this Order be declared to be invalid or unenforceable, or shall the enforcement of or

compliance with any part of this Order be suspended, restrained or barred, by the final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

11. This Order shall take effect immediately.

Published April 7, 2008 in the New Jersey Register at 40 N.J.R. 1727(a).

**Governor Jon S. Corzine**

**Executive Order No. 98(2008)**

**Tribute to United States Army Corporal Steven R. Koch**

Issued: March 10, 2008.

Effective: March 10, 2008.

WHEREAS, United States Army Corporal Steven R. Koch, of Milltown, New Jersey, enlisted in the Army in March 2006; and

WHEREAS, Corporal Koch was a highly dedicated para-trooper; and

WHEREAS, Corporal Koch was assigned to the 1st Battalion, 508th Parachute Infantry Regiment, 4th Brigade Combat Team, 82nd Airborne Division out of Fort Bragg, North Carolina; and

WHEREAS, Corporal Koch was a dedicated soldier as well as a loving husband, father, son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Corporal Koch died in Afghanistan from wounds suffered in combat operations while serving as a member of the United States Army; and

WHEREAS, Corporal Koch has received some of our nation's highest military honors, including the Bronze Star, Purple Heart, the Army Commendation Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Combat Infantryman's Badge and the Parachutist's Badge; and

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

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, March 13, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Corporal Steven R. Koch.

2. This Order shall take effect immediately.

Published April 7, 2008 in the New Jersey Register at 40 N.J.R. 1727(b).

**Governor Jon S. Corzine**

**Executive Order No. 99(2008)**

**Tribute to United States Army Staff Sergeant William R. Neil, Jr.**

Issued: March 28, 2008.

Effective: March 28, 2008.

WHEREAS, United States Army Staff Sergeant William R. Neil, Jr., was born in Jersey City, New Jersey, and graduated from Hudson Catholic High School; and

WHEREAS, Staff Sergeant Neil enlisted in the United States Navy after graduation and served for four years before beginning a career on Wall Street; and

WHEREAS, Staff Sergeant Neil left his private sector career and returned to the Armed Forces to serve his country, re-enlisting in the United States Army as a supply specialist and serving with the 4th Ranger Training Battalion in Fort Benning, Georgia; and

WHEREAS, Staff Sergeant Neil successfully passed the Special Forces Qualification Course to become a Green Beret and was assigned to Company C, 3rd Battalion of the 3rd Special Forces Group (Airborne) out of Fort Bragg, North Carolina; and

WHEREAS, Staff Sergeant Neil was a dedicated soldier as well as a loving son, brother, uncle and friend, whose memory lives in the hearts of his friends, fellow soldiers, and family; and

WHEREAS, Staff Sergeant Neil died in Afghanistan from wounds suffered in combat operations while serving as a member of the United States Army; and

WHEREAS, Staff Sergeant Neil has received some of our nation's highest military honors, including the Army Commendation Medal and six Army Achievement Medals and is expected to receive the Bronze Star, the Purple Heart, the Meritorious Service Medal, and the Combat Infantryman's Badge posthumously; and

WHEREAS, Staff Sergeant Neil's love for his family and friends, his patriotism, and his dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

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

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, March 31, 2008 in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Staff Sergeant William R. Neil, Jr.

2. This Order shall take effect immediately.

Published June 2, 2008 in the New Jersey Register at 40 N.J.R. 2619(a).

**Governor Jon S. Corzine**

**Executive Order No. 100(2008)**

**Actions Ordered to Better Protect Children from Lead Hazards**

Issued: April 29, 2008.

Effective: April 29, 2008.

WHEREAS, protecting the health of our children is one of the most important tasks of New Jersey State government; and

WHEREAS, lead poisoning is preventable and has irreversible effects on children and adults; and

WHEREAS, environmental lead can cause developmental disabilities, neurological and behavioral problems, decreased I.Q., and, in extreme cases, coma and death to children; and

WHEREAS, approximately two million houses in New Jersey were constructed prior to the prohibition of the sale of lead paint, and many children are therefore potentially exposed to dangerous levels of environmental lead; and

WHEREAS, dangerous levels of lead can be found not only in paint, but also in soil, water, and consumer products, and there is a need to educate parents and caregivers about that risk; and

WHEREAS, the New Jersey Department of the Public Advocate ("Public Advocate") has undertaken a study assessing the programs in New Jersey State and local government designed to protect children from residential lead exposure, which study has recommended important improvements in these protective programs; and

WHEREAS, the Public Advocate's report describes that among 104 dwellings in five cities in New Jersey, a high proportion contain possibly harmful levels of lead contamination, that lead was present even in dwellings in which some lead abatement activities had ostensibly been undertaken, and that the dangers of lead poisoning are most likely to affect families in the State's older urban areas; and

WHEREAS, I find the report of the Public Advocate to be thoughtful and compelling;

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

1. The Department of Health and Senior Services ("DHSS") shall, within 60 days, review its current lead standards, codified at N.J.A.C. 8:51, for the level of concern at which a child is considered poisoned in New Jersey and determine whether the State should lower its current standard.

2. DHSS, which, as a result of the Public Advocate's Report, already has instructed the local health departments to re-inspect the 85 properties identified in that report as at risk for lead exposure, shall report on the results of the re-inspection within 90 days.

3. DHSS shall expand the use of its case management information database to all local health departments beginning with those local health departments in communities with the greatest magnitude of risk, and DHSS shall offer to all local health departments training in the use of the case management information database.

4. DHSS shall, within 60 days, convene stakeholders to undertake a review of the desirability and feasibility of recommending prenatal blood lead screening of all pregnant women and all post-natal children.

5. DHSS shall develop new, additional educational materials and make them available to local health departments, nonprofits, consortia, lead coalitions, primary care providers, and other lead education organizations.

6. DHSS shall develop a targeted blood lead screening plan for children based on geographic information system mapping results. DHSS shall require all local health department Childhood Lead Poisoning Prevention ("CLPP") program grantees to develop a neighborhood-level targeted blood lead screening strategy. DHSS shall provide mapping information on blood lead level rates to all counties so blood lead level screening objectives can be included in their community health improvement plans.

7. DHSS shall, within 60 days, create a one-page hand-out on the dangers of blood lead.

8. DHSS shall, within 90 days, review local health departments' current practices regarding the inspection of all units of a multi-unit dwelling where a child has been poisoned by lead in one such dwelling unit. DHSS shall propose rules, if appropriate, that will require local health departments to notify in writing all tenants in a multi-unit dwelling where a child has been poisoned by lead in one such dwelling unit. This writing would, if appropriate, notify tenants that dangerous levels of lead have been found in the building and provide: information on the dangers of lead poisoning; information that advises parents of children age six or under to have a child blood lead tested and where a child can be tested; and a one-page informational fact sheet developed by DHSS.

9. DHSS shall identify which local health departments are willing to perform lead inspections at the request of any resident in, or owner of, pre-1978 housing if such person is willing to pay the cost of the inspection and shall make this information available to the public. The Department of Community Affairs ("DCA") shall regularly review and identify other private firms or individual inspectors that will be able to perform lead inspections at the request of any resident at the resident's own expense and make this information available to the public.

10. DHSS shall review the current procedures for the inspection of lead poisoned children's homes and the abatement of the property and shall propose rules, as appropriate, to mandate time frames by which local health departments, abatement companies, and property owners must ensure that the inspection, abatement, and clearance functions for which they are respectively responsible are completed.

11. DHSS shall direct that all CLPP programs shall upload weekly to the New Jersey Immunization Information System the blood lead test results of all children screened.

12. DHSS shall develop new, additional educational materials to increase awareness of sources of lead poisoning in consumer products including food, jewelry, and toys, and shall develop a visual aide that can be used by home visitors and others to identify non-paint sources of lead that can be found in consumer products.

13. The Department of Education ("DOE") shall make available to school districts, charter schools, and nonpublic schools lead education materials made available by DHSS and/or the Public Advocate for distribution to teachers, administrators, guidance counselors, nurses, and parents of pupils attending that school.

14. To improve the timeliness, accuracy, and efficiency of the lead data match system, the Department of Human Services ("DHS") and DHSS shall work together to enhance data collection and, if appropriate, utilize the DHSS case management information database to include a medical insurance collection field.

15. DCA has published a proposed rule that would prohibit anyone affiliated with or paid by an abatement company from performing the clearance inspection function on the same project. After the close of the comment period, the DCA shall consider all comments received, and, if appropriate, expeditiously promulgate a final rule.

16. DCA shall, within 90 days, review its monitoring of all certified evaluation and abatement contractors and, if

appropriate and feasible, propose amendments to the work practice regulations.

17. DCA shall review its standards for treatment of lead-based paint hazards and, if appropriate and feasible, propose rules that would allow for additional DCA-funded treatment options.

18. DCA shall review its list of Certified Lead Abatement Contractors and update this list at least twice each year to ensure that the list identifies those contractors still performing residential abatements.

19. DCA shall take steps to offer greater technical support to complete the application for the Lead Hazard Control Assistance Programs. DCA and the Public Advocate shall collaborate to examine the feasibility of simplifying the application.

20. DHSS and DCA shall collaborate to develop a Memorandum of Understanding that will allow the agencies to cross-match the addresses of lead poisoned children with the results of cyclical inspections of multiple dwelling units.

21. The Department of Children and Families ("DCF") shall undertake a review of the current training for resource family and child care youth residential inspection staff regarding recognition of lead paint hazards in connection with their inspection of homes and residential facilities for licensing purposes. Following such review, DCF shall, if appropriate, implement in-service training or informational sessions to assist all DCF inspection staff in recognizing and identifying lead paint hazards during the licensing and inspection process.

22. DCF shall review, consider, and, if appropriate, implement additional in-service training for resource family parents on the topics of recognition of lead paint hazards, requirements regarding lead paint testing, and information regarding treatment of lead paint exposure.

23. This Order shall take effect immediately.

Published June 2, 2008 in the New Jersey Register at 40 N.J.R. 2619(b).

**Governor Jon S. Corzine**

**Executive Order No. 101(2008)**

**Tribute to United States Army Private Ronald Ray Harrison**

Issued: April 29, 2008.

Effective: April 29, 2008.

WHEREAS, United States Army Private Ronald Ray Harrison, of Budd Lake, New Jersey, was raised in West Milford and attended Boonton High School; and

WHEREAS, Private Harrison joined the New Jersey Army National Guard in December 2003 and enlisted in the United States Army in April 2006; and

WHEREAS, Private Harrison was assigned to the 4th Battalion, 64th Armor Regiment, 4th Brigade Combat Team, of the 3rd Infantry Division, based out of Fort Stewart, Georgia; and

WHEREAS, Private Harrison was a dedicated soldier as well as a loving husband, step-father, son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private Harrison died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

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

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

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, May 1, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Private Ronald Ray Harrison.

2. This Order shall take effect immediately.

Published June 2, 2008 in the New Jersey Register at 40 N.J.R. 2620(a).

**Governor Jon S. Corzine**

**Executive Order No. 102(2008)**

**Tribute to United States Army Captain Gregory Thomas Dalessio**

Issued: June 30, 2008.

Effective: June 30, 2008.

WHEREAS, United States Army Captain Gregory Thomas Dalessio was born in Philadelphia, Pennsylvania and was raised in Cherry Hill, New Jersey; and

WHEREAS, Captain Dalessio enlisted in the Army after attending Seton Hall University's ROTC program; and

WHEREAS, Captain Dalessio was assigned to the HHC, 2nd Battalion, 6th Infantry Regiment, 2nd Brigade Combat Team, 1st Armored Division, based in Baumholder, Germany; and

WHEREAS, Captain Dalessio was a dedicated soldier as well as a loving son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Captain Dalessio died near Salman Park, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Captain Dalessio has made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, Captain Dalessio has received some of our nation's highest military honors, including the Posthumous Bronze Star Medal, Posthumous Purple Heart Medal, National Defense Service Medal, Iraqi Campaign Medal with Bronze Star, Global War on Terrorism Expeditionary Medal, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, Combat Infantryman Badge Posthumous, and Meritorious Unit Commendation; and

WHEREAS, Captain Dalessio's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, July 2, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Captain Gregory Thomas Dalessio.

2. This Order shall take effect immediately.

Published August 4, 2008 in the New Jersey Register at 40 N.J.R. 4377(a).

Governor Jon S. Corzine

**Executive Order No. 103(2008)**

**Prohibition of Submission of a Proposed State Budget that Relies on One-Shot Revenues and Is Not Balanced with Recurring Revenues**

Issued: June 30, 2008.

Effective: June 30, 2008.

WHEREAS, the State of New Jersey continues to confront a multi-billion dollar structural budget deficit caused by many years of bipartisan fiscal mismanagement and short-sightedness; and

WHEREAS, despite the significant challenges posed by that continuing structural imbalance, this administration has succeeded, working cooperatively with the Legislature, in making great strides to reduce the State's reliance on non-recurring sources of revenue to fund recurring State expenses; and

WHEREAS, in past years, surplus funds generated by unanticipated revenue growth or savings achieved through operational efficiencies were immediately redirected to new or expanded programs, postponing hard but overdue choices on budget reductions; and

WHEREAS, repeated past failures to make those difficult choices and reductions has resulted in funding gaps that further exacerbate the State's precarious structural budget imbalance; and

WHEREAS, New Jersey can no longer afford to merely get by, year after year, by focusing narrowly on the short-term finances of the State; and

WHEREAS, the temporary fixes and stopgap measures that have been relied upon in past fiscal years to manage the State's finances can no longer be tolerated; and

WHEREAS, from the outset of the administration, I have emphasized as one of my highest priorities that recurring revenues must meet or exceed recurring expenses; and

WHEREAS, now more than ever, it is not only prudent, but imperative, that the State's finances be managed responsibly, with a focus on maximizing debt reduction and restricting State expenditures to levels matching or within recurring revenues; and

WHEREAS, as Governor, I have a responsibility to ensure a balanced budget, manage the operations of State Government effectively and efficiently, and maintain necessary government programs and assistance to the public; and

WHEREAS, Article VIII, Section II, paragraph 2 of the New Jersey State Constitution (1947) requires that State government expenditures do not exceed available State revenues; and

WHEREAS, N.J.S.A. 52:27B-31 and -26 empower the Governor to prohibit the expenditure of existing or future appropriations, and to set aside necessary reserve funds, if necessary to avoid a budget deficit and to guard against extravagance, waste, or fiscal mismanagement in the administration of any State appropriations; and

WHEREAS, the time has come to build upon the foundation laid in the last three budgets and create a mechanism to help eliminate the practice of relying upon non-recurring revenues to fund recurring expenses of State government;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For purposes of this Order:

a. "Appropriations of the State" means the aggregate amounts appropriated from the certified revenue of the State in the general appropriation law and all other laws supplementing the general appropriation law that appropriate money for any purpose in a fiscal year.

b. "Certified revenue of the State" means the revenue certified by the Governor pursuant to Article VIII, Section II, paragraph 2 of the Constitution of the State of New Jersey.

c. "Recurring revenue of the State" means the portion of revenue determined by the State Treasurer in consultation with the Office of Management and Budget, and as set forth in a certification by the Governor separate from and in addition to the certification required pursuant to Article VIII, Section II, paragraph 2 of the Constitution of the State of New Jersey, as recurring revenue of the State.

2. For fiscal years beginning on and after July 1, 2008, the State Treasurer, in consultation with the Office of Management and Budget, shall prepare an estimate of the recurring revenue of the State for each fiscal year. For fiscal years beginning on or after July 1, 2009, a certification setting forth such estimate shall be prepared for inclusion in the Governor's annual budget message to the Legislature for the year for which the Governor is making the budget recommendation.

3. In presenting the annual budget message, the Executive Branch of State Government shall not request or recommend appropriations of the State in an amount in excess of the certified amount of recurring revenue of the State for the fiscal year for which the budget recommendation is made, except as provided in this Order and in P.L. 2008, c.22.

4. The certification of recurring revenue of the State required pursuant to section 2 of this Order shall be appended to the general appropriation law upon enactment thereof.

5. Recurring revenue of the State may be recalculated and recertified from time to time during the fiscal year, if appropriate.

6. For fiscal years beginning on and after July 1, 2009, it shall be the recommendation of the Executive Branch that any certified revenue of the State that is in excess of the amount of recurring revenue of the State shall not be available to support appropriations of the State, but rather shall be credited or appropriated to the "Long Term Obligation and Capital Expenditure Fund" for the purposes of paying for State capital improvements and the costs thereof, retiring and defeasing debt and the costs thereof, or making supplemental payments to reduce the unfunded post-retirement health benefits liability for members of and to reduce the unfunded pension liabilities of the Public Employees' Retirement System, the Teachers' Pension and Annuity Fund, the Police and Firemen's Retirement System, the State Police Retirement System, and the Judicial Retirement System, and the costs thereof, and making supplemental payments to reduce the unfunded post-retirement

health benefits liability for members of the Alternative Benefit Program, and the costs thereof.

7. The provisions of this Order shall not be construed to render any balances in the "Long Term Obligation and Capital Expenditure Fund" or any other fund unavailable for meeting the costs of any emergency which requires an immediate response in the protection of the life, safety, or well-being of the citizens of this State, or to affect the Governor's constitutional obligations to take care that the laws be faithfully executed and otherwise to act in the best interests of the people of the State.

8. This Order shall take effect immediately and shall continue in full force and effect until rescinded or modified by the Governor, or superseded by statute.

Published August 4, 2008 in the New Jersey Register at 40 N.J.R. 4377(b).

Temporary suspension by Executive Order No. 135(2009), effective March 10, 2009.

Rescinded by Christie Executive Order No. 19(2010), effective March 15, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 104(2008)**

**Tribute to United States Army Reserve Major Dwayne M. Kelley**

Issued: July 1, 2008.

Effective: July 1, 2008.

WHEREAS, United States Army Reserve Major Dwayne M. Kelley, of South Orange, New Jersey, graduated from John F. Kennedy High School in Willingboro, New Jersey; and

WHEREAS, Major Kelley entered the Army in 1978, initially serving for three years as a light wheel vehicle mechanic and then returning to Rutgers University to earn his bachelor's degree in Psychology and his commission as a U.S. Army Reserve second lieutenant in 1985; and

WHEREAS, Major Kelley was a Civil Affairs Officer assigned to the 432nd Civil Affairs Battalion, Headquarters and Headquarters Company, stationed in Green Bay, Wisconsin; and

WHEREAS, Major Kelley has received some of our nation's highest military honors, including two Army Reserve Components Achievement Medals, the National Defense Service Medal, the Armed Forces Service Medal, the Armed Forces Reserve Medal with bronze hourglass and with "M" (mobilization) device and the Army Service Ribbon; and

WHEREAS, Major Kelley also served the State of New Jersey as a Detective Sergeant First Class in the New Jersey State Police; and

WHEREAS, he began his career with the State Police on February 25, 1988, serving as a trooper and he then served in the Investigations Section; and

WHEREAS, he was promoted to Detective Sergeant in 2004 and then to Detective Sergeant First Class in 2008, serving in the Counter Terrorism Bureau; and

WHEREAS, during his law enforcement career, Detective Sergeant First Class Kelley received numerous commenda-

tions and awards, most notable the 2006 Essex County Executive Extraordinary Valor Award and a 200 Club of Essex County Valor Award for his role in interviewing terrorism detainees; and

WHEREAS, his career with the New Jersey State Police was characterized by loyalty, fearless performance of duty, and devotion to the highest principles of law enforcement; and

WHEREAS, Major Kelley died near Sadr City, Iraq, during a time of war while serving as a member of the United States Army Reserve; and

WHEREAS, Major Kelley has made the ultimate sacrifice, giving his life in the line of duty, while fighting for his country; and

WHEREAS, Major Kelley was a dedicated soldier as well as a loving husband, father, son, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Major Kelley's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, July 3, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Reserve Major Dwayne M. Kelley.

2. This Order shall take effect immediately.

Published August 4, 2008 in the New Jersey Register at 40 N.J.R. 4378(a).

**Governor Jon S. Corzine**

**Executive Order No. 105(2008)**

**Tribute to United States Army Private Anthony J. Sausto**

Issued: July 2, 2008.

Effective: July 2, 2008.

WHEREAS, United States Army Private Anthony J. Sausto, of Somers Point, New Jersey, attended Oakcrest High School in Mays Landing, New Jersey; and

WHEREAS, Private Sausto enlisted in the Army in February 2006, a few months after moving from New Jersey to Arizona; and

WHEREAS, Private Sausto was assigned to the 1st Battalion, 38th Infantry Regiment, 4th Brigade Combat Team, 2nd Infantry Division out of Fort Lewis, Washington; and

WHEREAS, Private Sausto was a dedicated soldier as well as a loving son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private Sausto died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Private Sausto's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, July 7, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Private Anthony J. Sausto.

2. This Order shall take effect immediately.

Published August 4, 2008 in the New Jersey Register at 40 N.J.R. 4378(b).

**Governor Jon S. Corzine**

**Executive Order No. 106(2008)**

**Tribute to Assemblyman Arthur R. Albohn**

Issued: July 3, 2008.

Effective: July 3, 2008.

WHEREAS, Assemblyman Arthur R. Albohn was a leader in public life, spending the majority of his career dedicated to serving the common good, and New Jersey is a better place today because of that service; and

WHEREAS, Assemblyman Albohn was born in Ridgewood, New York, educated in the New York City public school system, and graduated from Stuyvesant High School; and

WHEREAS, Assemblyman Albohn earned a B.A., B.S., and chemical engineering degrees from Columbia University; and

WHEREAS, Assemblyman Albohn and his wife moved to Akron, Ohio, working for Goodyear Tire and Rubber Company during the Second World War; and

WHEREAS, in 1950 Assemblyman Albohn and his wife relocated to Whippany, New Jersey, where they raised three children and where he was employed in research, management, and consulting positions in the chemical and engineering industries; and

WHEREAS, Assemblyman Albohn was interested in helping his community grow and prosper, became involved in municipal government, and was elected to the Hanover Township Committee in 1954, serving for 33 years, including five as mayor; and

WHEREAS, he was a member of the Planning Board, Chairman of the Sewerage Authority, President of the Board of Health, and Director of Finance; and

WHEREAS, he was elected to the New Jersey General Assembly in 1980, where he served for 16 years; and

WHEREAS, during his time in the Assembly he was a staunch fiscal conservative, earning the nickname "Dr. No" for voting against bills that contained unnecessary spending; and

WHEREAS, during his time in the Assembly he was also known for his strong advocacy for the preservation of green space, his devotion, as a man of science, to environmental causes, and his sponsorship of mandatory recycling legislation, leading the State into the era of recycling; and

WHEREAS, upon Assemblyman Albohn's retirement from the Assembly, he had served his town and State for 43 years and his Assembly colleagues recognized his integrity, intellectual rigor, and dedication; and

WHEREAS, Assemblyman Albohn's professional associations included the American Institute of Chemical Engineers, the American Chemical Society, the American Society of Mechanical Engineers, and Theta Tau engineering fraternity; and

WHEREAS, Assemblyman Albohn served as trustee of the Masterwork's Musical Arts Foundation, Chairman of the Birch Hill Association, president of the Hanover Township Republican Club, and advisory board member for Security National Bank; and

WHEREAS, he was recently inducted into the Elected Officials Hall of Fame of the New Jersey State League of Municipalities for his many years of public service; and

WHEREAS, it is with deep sadness that we mourn the loss of Assemblyman Albohn and extend our sincere sympathy to his wife, his children, his family, and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Assemblyman Albohn;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 8, 2008, in recognition and mourning of the passing of Assemblyman Arthur R. Albohn.

2. This Order shall take effect immediately.

Published August 4, 2008 in the New Jersey Register at 40 N.J.R. 4379(a).

**Governor Jon S. Corzine**

**Executive Order No. 107(2008)**

**Tribute to United States Marine Corps Lance Corporal  
Jeffery S. Stevenson**

**TRIBUTE TO USMC LCPL JEFFERY S. STEVENSON**

Issued: July 18, 2008.

Effective: July 18, 2008.

WHEREAS, United States Marine Corps Lance Corporal Jeffery S. Stevenson was born in Stroudsburg, Pennsylvania, and resided in Stillwater, New Jersey; and

WHEREAS, Lance Corporal Stevenson graduated from Kittatinny Regional High School in Newton, New Jersey; and

WHEREAS, Lance Corporal Stevenson joined the Marine Corps in 2006, six months after his high school graduation, and served as a machinist; and

WHEREAS, Lance Corporal Stevenson was known for his unwavering support of the military; and

WHEREAS, Lance Corporal Stevenson was assigned to the 7th Engineer Support Battalion, 1st Marine Logistics Group, I Marine Expeditionary Force, Camp Pendleton, California; and

WHEREAS, Lance Corporal Stevenson died in Al Anbar province, Iraq, during a time of war while serving as a member of the United States Marine Corps; and

WHEREAS, Lance Corporal Stevenson was a dedicated Marine as well as a loving son, brother, cousin, grandson, and friend, whose memory lives in the hearts of his family, friends and fellow Marines; and

WHEREAS, Lance Corporal Stevenson's love for his family and friends, his patriotism, and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, July 22, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Marine Corps Lance Corporal Jeffery S. Stevenson.

2. This order shall take effect immediately.

Published August 18, 2008 in the New Jersey Register at 40 N.J.R. 4647(a).

**Governor Jon S. Corzine**

**Executive Order No. 108(2008)**

**Tribute to United States Marine Corps First Lieutenant Jason D. Mann**

Issued: July 23, 2008.

Effective: July 23, 2008.

WHEREAS, United States Marine Corps First Lieutenant Jason D. Mann was born and raised in Woodlynne, New Jersey; and

WHEREAS, First Lieutenant Mann graduated from Collingswood High School in Collingswood, New Jersey, and enlisted in the Marine Corps on November 3, 1997; and

WHEREAS, he attained the rank of staff sergeant before receiving a commission as a second lieutenant; and

WHEREAS, First Lieutenant Mann graduated from the University of South Carolina in 2005 with a degree in finance; and

WHEREAS, First Lieutenant Mann joined the officer ranks on May 6, 2005, graduated from his Marine Corps officer's training class with top honors, and was trained as an intelligence officer; and

WHEREAS, he was assigned to the 1st Battalion, 6th Marines, 24th Marine Expeditionary Unit, II Marine Expeditionary Force, headquartered in Camp Lejeune, North Carolina; and

WHEREAS, First Lieutenant Mann's life took new shape in the Marine Corps, where he became more athletic and outgoing, a student of Arabic, a recognized leader, and devoted to the troops in his command; and

WHEREAS, he served in Iraq from September 2006 to May 2007; and

WHEREAS, First Lieutenant Mann returned to the Mideast to serve a second tour of duty and died in Helmand Province, Afghanistan, during a time of war; and

WHEREAS, First Lieutenant Mann was a decorated member of this Nation's armed forces, having been awarded the Navy and Marine Corps Achievement Medal, two Good Conduct Medals, the Iraq Campaign Medal, the National Defense Service Medal, the Global War on Terrorism Service Medal, the Navy Meritorious Unit Commendation, and two Sea Service Deployment Ribbons; and

WHEREAS, First Lieutenant Mann was a patriotic American and a dedicated Marine as well as a loving husband, father, son, brother, and friend, whose memory lives in the hearts of his family, friends, and fellow Marines; and

WHEREAS, First Lieutenant Mann's love for his family and friends, his patriotism, and dedicated service to his country and his fellow Marines make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JOSEPH J. ROBERTS, JR., Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, July 25, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Marine Corps First Lieutenant Jason D. Mann.

2. This Order shall take effect immediately.

Published August 18, 2008 in the New Jersey Register at 40 N.J.R. 4647(b).

Governor Jon S. Corzine

**Executive Order No. 109(2008)**

**Designation of the New Jersey Housing and Mortgage Finance Agency as the Agency to Implement the Homeless Assistance Requirement of the Defense Base Closure and Realignment Act**

Issued: August 20, 2008.

Effective: August 20, 2008.

WHEREAS, the New Jersey State Legislature has recognized that the closure and revitalization of Fort Monmouth is a matter of great concern for the host communities of Eatontown, Oceanport, and Tinton Falls, as well as for Monmouth County, and for the entire State of New Jersey; and has established the Fort Monmouth Economic Revitalization Planning Authority (the "Authority") pursuant to P.L. 2006, c. 16, as amended by P.L. 2008, c. 28 (the "FMERPA Act") to create a comprehensive conversion and revitalization plan (the "Plan") for the facility; and

WHEREAS, the FMERPA Act grants the Authority the power to enter into legally binding agreements with representatives of the homeless that are necessary to comply with and implement the requirements established by the federal government set forth at 32 C.F.R. 176.30 and 24 C.F.R. 586.30; and

WHEREAS, the FMERPA Act requires the Governor, prior to the submission of the Plan to the appropriate federal agency or agencies, to designate an agency (the "Designated Agency") with appropriate expertise and experience to assume the responsibility for the homeless assistance submission required under the Defense Base Closure and Realignment Act of 1990, Pub. L. 101-510 (10 U.S.C. s.2687) (the "Defense Base Closure and Realignment Act"); and

WHEREAS, the FMERPA Act provides that the Designated Agency shall have the same power as the Authority to enter into legally binding agreements with representatives of the homeless that are necessary in order to comply with and implement the requirements of 32 C.F.R. 176.30 and 24 C.F.R. 586.30; and

WHEREAS, the FMERPA Act further provides that the Designated Agency shall have the same rights and responsibilities of the Authority under any legally binding agreements with representatives of the homeless to which the Authority and the Designated Agency are parties; and

WHEREAS, the FMERPA Act further provides that the Designated Agency is authorized, after the submission of the comprehensive conversion and revitalization plan, to comply with and implement the requirements of 32 C.F.R. 176.30 and 24 C.F.R. 586.30; and

WHEREAS, the FMERPA Act further provides that if the Authority is dissolved pursuant to the FMERPA Act, and the Designated Agency is not proposed and recognized as the successor local redevelopment authority, the Designated Agency is authorized to assume all rights, responsibilities, and powers of the Authority pursuant to Section 1 of P.L. 2008, c. 28, until a successor local redevelopment authority is recognized by the Secretary of Defense as the entity responsible for directing the implementation of the Plan; and

WHEREAS, the New Jersey State Legislature has declared, pursuant to N.J.S.A. 55:14K-1, et seq. that the New Jersey Housing and Mortgage Finance Agency shall be one of the advocates for the State of New Jersey for housing production, finance and improvement; and

WHEREAS, within the New Jersey Housing and Mortgage Finance Agency is the Division of Supported Housing and Special Needs, the purpose of which is to coordinate a range of supportive housing programs, including but not limited to, the Statewide Homeless Management Information System and Programs designed to serve homeless families and individuals; and

WHEREAS, in light of its statutory and regulatory authority and its expertise, the New Jersey Housing and Mortgage Finance Agency is best suited to assume responsibilities required pursuant to the FMERPA Act and under the Defense Base Closure and Realignment Act;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The New Jersey Housing and Mortgage Finance Agency is hereby designated, pursuant to Section 2 of P.L. 2008, c. 28, as the agency that shall assume the rights, responsibilities, and powers necessary to implement the homeless assistance requirement of the Defense Base Closure and Realignment Act.

2. This Order shall take effect immediately.

Published September 15, 2008 in the New Jersey Register at 40 N.J.R. 5093(a).

**Acting Governor Anne Milgram**

**Executive Order No. 110(2008)**

**Tribute to Perth Amboy Police Officer Thomas E. Raji**

Issued: August 26, 2008.

Effective: August 26, 2008.

WHEREAS, Perth Amboy Police Officer Thomas E. Raji was born and raised in Perth Amboy, New Jersey, graduated from the Middlesex County Vocational and Technical School in 1994, and graduated with an associates degree from Middlesex County College in 1998; and

WHEREAS, Officer Raji was 31 years old and a loving son, devoted husband and beloved family man who resided with his wife and children in Monroe, New Jersey; and

WHEREAS, Officer Raji joined the Perth Amboy Police Department in 1999, served with exceptional courage, dedication, and professionalism as a police officer, and received numerous commendations from the Department, as well as the citizens of Perth Amboy, for his service in the line of duty; and

WHEREAS, Officer Raji was beloved and respected by his fellow officers, and personified the finest traditions and principles of law enforcement; and

WHEREAS, Officer Raji tragically lost his life on August 22, 2008, while in the line of duty serving the citizens of Perth Amboy and this State as a Police Officer; and

WHEREAS, Officer Raji's selfless devotion to public service and protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is fitting and appropriate for the State of New Jersey where he served so proudly to recognize his true commitment to the welfare and safety of others, the mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, ANNE MILGRAM, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on Thursday, August 28, 2008, in recognition of the life and in mourning of the passing of Perth Amboy Police Officer Thomas E. Raji.

2. This Order shall take effect immediately.

Published October 6, 2008 in the New Jersey Register at 40 N.J.R. 5311(a).

**Acting Governor Richard J. Codey**

**Executive Order No. 111(2008)**

**Declaration of State of Emergency for the Purpose of  
Activating the Emergency Management Assistance  
Compact**

Issued: August 31, 2008.

Effective: August 31, 2008.

WHEREAS, there is an imminent threat of destruction and loss of life in the Gulf States, including the States of Louisiana and Mississippi, arising from the approach of Hurricane Gustav; and

WHEREAS, the States of Louisiana and Mississippi along with the State of New Jersey are members of the Emergency Management Assistance Compact (EMAC) (N.J.S.A. 38A:20-4) which requires New Jersey to provide assistance to any other Compact member who has suffered a disaster and requests such aid; and

WHEREAS, the States of Louisiana and Mississippi have declared that Emergencies exist and have requested aid from New Jersey under the provisions of EMAC; and

WHEREAS, in order to respond to such requests it may be necessary to employ the resources of State, County and local government and the private sector; and

WHEREAS, the provisions of this Order will prevent the uncoordinated deployment of emergency personnel and delivery of emergency resources that could endanger the health, safety and resources of the citizens of New Jersey by dangerously depleting the supply of essential materials and services; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A:9-33 et seq. and N.J.S.A. 38A:3-6.1 and N.J.S.A. 38A:2-4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey do declare and proclaim that a State of Emergency presently exists for the specific purpose of activating the Emergency Management Assistance Compact to coordinate multi-state mutual aid to the states of Louisiana and Mississippi, and do hereby ORDER and DIRECT:

1. The State Director of Emergency Management shall implement the State Emergency Operations Plan and shall direct the activation of county and municipal emergency

operations plans as necessary to identify resources that are available for response to EMAC requests as authorized by and coordinated through the State Director of Emergency Management.

2. In accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, I reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to provide a full, prompt and effective utilization of resources to respond to requests from disaster-stricken states.

3. It shall be the duty of every person or entity in this State or doing business in this State and of the members of the governing body and every official, employee or agent of every political subdivision in this State and of each member of all other governmental bodies, agencies authorities in this State of any nature whatsoever, to cooperate fully with the State Director of Emergency Management in all matters.

4. Pursuant to the Laws of 1942, Chapter 251, as supplemented and amended (N.J.S.A. App. A:9-40), no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution which will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order.

5. In accordance with the Laws of 1942, Chapter 251 (N.J.S.A. App. A:9-34), as supplemented and amended, the Governor reserves the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether of persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to provide a full, prompt and effective utilization of resources to respond to requests from disaster-stricken States to protect against this emergency.

6. All persons participating in a response authorized by the State Director of Emergency Management to an EMAC request shall be considered State emergency forces for the purposes of EMAC.

7. This Order shall take effect immediately and shall remain in effect until such time as it is determined that an emergency no longer exists.

Published October 6, 2008 in the New Jersey Register at 40 N.J.R. 5311(b).

**Governor Jon S. Corzine**

**Executive Order No. 112(2008)**

**Tribute to United States Army Specialist Michael L. Gonzalez**

Issued: September 4, 2008.

Effective: September 4, 2008.

WHEREAS, United States Army Specialist Michael L. Gonzalez was born and raised in Spotswood, New Jersey; and

WHEREAS, Specialist Gonzalez enlisted in the United States Army after graduating from Spotswood High School in 2006; and

WHEREAS, he completed basic and advanced individual training at Fort Leonard Wood, Missouri, in July 2006 and graduated from the Military Police School in December 2006; and

WHEREAS, Specialist Gonzalez was assigned to the 18th MP Brigade, 95th MP Battalion, 340th MP Company, Fort Totten, New York; and

WHEREAS, Specialist Gonzalez was a dedicated soldier as well as a loving son, grandson, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Specialist Gonzalez died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Specialist Gonzalez's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, September 10, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Specialist Michael L. Gonzalez.

2. This Order shall take effect immediately.

Published October 6, 2008 in the New Jersey Register at 40 N.J.R. 5312(a).

**Governor Jon S. Corzine**

**Executive Order No. 113(2008)**

**Termination of State of Emergency Declared Under Executive Order No. 111(2008)**

Issued: September 4, 2008.

Effective: September 4, 2008.

WHEREAS, Executive Order No. 111(2008) was issued on August 31, 2008, declaring a State of Emergency for the specific purpose of activating the Emergency Management Assistance Compact ("EMAC") (N.J.S.A. 38A:20-4) to coordinate multi-state mutual aid to the states of Louisiana and Mississippi to assist in responding to Hurricane Gustav [and to prevent the uncoordinated deployment of emergency personnel and delivery of emergency services that could endanger the health, safety, and resources of the citizens of

New Jersey by dangerously depleting the supply of essential materials and services]; and

WHEREAS, the severity of conditions necessitating such assistance under EMAC has eased; and

WHEREAS, the New Jersey Office of Emergency Management has advised that the emergency personnel provided by the State in response to an EMAC request from the State of Louisiana have returned to the State;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The State of Emergency declared in Executive Order No. 111(2008) is terminated effective immediately.

Published October 6, 2008 in the New Jersey Register at 40 N.J.R. 5312(b).

**Governor Jon S. Corzine**

**Executive Order No. 114(2008)**

**Strengthening of Protections Under the Highlands Regional Master Plan**

Issued: September 5, 2008.

Effective: September 5, 2008.

WHEREAS, safeguarding the clean drinking water supply for New Jersey's residents and preserving the quality of our environment are among the most important responsibilities of State government; and

WHEREAS, the legislative and executive branches of State government have demonstrated a strong commitment to protecting New Jersey's natural resources, water supply, and quality of life from the negative effects of unrestrained and haphazard sprawl, while at the same time providing reasonable opportunities for growth and development in the State; and

WHEREAS, the New Jersey Highlands is an essential source of clean drinking water for one-half of the State's population, including communities beyond the Highlands, and contains other exceptional natural resources such as clean air, contiguous forest lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as many sites of historic significance, while also providing abundant recreational opportunities; and

WHEREAS, in 2004, the Highlands Water Protection and Planning Act, P.L. 2004, c. 120 ("Highlands Act"), was enacted to provide for the protection and enhancement of the Highlands Region through the creation of the Highlands Water Protection and Planning Council ("Highlands Council") and the enhancement of the statutory authority of numerous State agencies; and

WHEREAS, the Highlands Act required the Highlands Council to adopt a Regional Master Plan with a goal to protect and enhance the significant value of the resources of the Highlands Region, and on July 17, 2008, the Highlands Council, after careful analysis of the best available scientific and planning materials, and after completing a thorough public review process, adopted the Highlands Regional Master Plan ("Highlands Plan"); and

WHEREAS, the Highlands Plan is an important planning tool to establish broad goals and criteria for each of the municipalities and counties within the Highlands Region; and

WHEREAS, in accordance with the Highlands Act, for lands in the Highlands Preservation Area, local governments are required, and for lands in the Highlands Planning Area, local governments are authorized, to update their local master plans and development regulations to conform to the Highlands Plan, and to adopt ordinances to effectuate those plans; and

WHEREAS, in further accordance with the Highlands Act, the master plans and development regulations of conforming municipalities must be submitted to the Highlands Council for approval, and the Governor retains veto authority over the actions taken at each Highlands Council meeting; and

WHEREAS, the Highlands Act encourages appropriate patterns of compatible residential, commercial, and industrial development, redevelopment, and economic growth in or adjacent to areas already utilized for such purposes, and discourages piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from the individual and cumulative adverse impacts thereof; and

WHEREAS, the Highlands Act also states that the maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible wherever appropriate in the Highlands; and

WHEREAS, regionally planned, compact, mixed-use communities can be consistent with agricultural, environmental, water, and historic resource protections, while sprawling development, whether under conventional zoning or in unplanned isolated clusters, may contribute to the degradation of the natural environment as well as regional and local quality of life; and

WHEREAS, in enacting the Highlands Act, the Legislature found and declared that, as a matter of wise public policy and fairness to property owners, a strong and significant commitment by the State is necessary to fund the acquisition of exceptional natural resource value lands; and

WHEREAS, it is vital that the Garden State Preservation Trust be reauthorized and that a statewide transfer of development rights program be considered to meet the open space and agricultural preservation needs of the Highlands Region and the State, and, in part, to address landowner equity issues in the Highlands Region; and

WHEREAS, landowner equity issues also should be addressed through enactment of a reasonable extension, of at least five years, beyond the June 30, 2009, expiration of the period set forth in the Highlands Act during which dual appraisals are required for open space and agricultural preservation acquisitions; and

WHEREAS, the Supreme Court of New Jersey, in *South Burlington County v. Mount Laurel*, 67 N.J. 151 (1975), and *South Burlington County NAACP v. Mount Laurel*, 92 N.J. 158 (1983), determined that every municipality in a growth area has a constitutional obligation to provide a realistic opportunity for a fair share of its region's needs for housing for low and moderate income families, which constitutional obligation must always be balanced with the protection of natural resources, and particularly, the quality and quantity of drinking water originating in the Highlands Region; and

WHEREAS, the Highlands Act directs that the Council on Affordable Housing shall take into consideration the Highlands Plan prior to making any determination regarding the allocation of the prospective fair share of the housing need in any municipality in the Highlands Region under the Fair Housing Act, P.L. 1985, c. 222 (C. 52:27D-301 et al.) (“Fair Housing Act”), for the fair share period subsequent to 1999; and

WHEREAS, on July 17, 2008, the Fair Housing Act was amended by P.L.2008, c.46 to create a responsibility for the Highlands Council to plan for and create opportunities for affordable housing on a regional basis with consideration for infrastructure and transportation and to require a 20 percent affordable housing set-aside in residential developments;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Highlands Council shall work in cooperation with the Council on Affordable Housing (“COAH”), the Department of Environmental Protection (“DEP”), and the Department of Community Affairs to:

a. review COAH’s third round growth projections for consistency with the Highlands Plan and assist COAH in developing adjusted growth projections within the Highlands Region, consistent with the Highlands Plan, to be utilized by municipalities that conform to the Highlands Plan;

b. create realistic opportunities for municipalities to address the actual growth share obligation resulting from residential and non-residential development between January 1, 2004, and December 31, 2018, in the Highlands Region based on a growth share methodology under which affordable housing must be built when growth occurs, including the actual obligation accrued to date of approximately 3,000 affordable units, with consideration for innovative affordable housing mechanisms that further the resource protection standards of the Highlands Plan;

c. ensure that municipalities that voluntarily conform to the Highlands Plan support redevelopment and development pursuant to the Highlands Plan to maximize affordable housing opportunities while preserving critical environmental resources;

d. identify sites and opportunities for affordable housing within the Highlands Region, including, in accordance with P.L. 2008, c. 46, the creation of a realistic opportunity for at least 20 percent affordable housing set-asides in all new residential developments, with consideration for economic feasibility, and the coordination of regional affordable housing opportunities in areas with convenient access to infrastructure, employment opportunities, and public transportation;

e. identify additional sites, opportunities, and funding sources for 100 percent affordable housing developments that could aid in addressing the Highlands Region’s affordable housing needs while preserving its critical resources;

f. coordinate the deadlines for revision of municipal master plans and third round fair share plans to be in conformance with both the Highlands Act and the Fair Housing Act, including reasonable extensions of deadlines;

g. preserve scarce land, water, and sewer resources and dedicate these resources on a priority basis for the production of affordable housing consistent with the Highlands Plan, and provide priority review for proposed affordable housing projects; and

h. provide that conforming municipalities adopt Housing Elements and Fair Share Plans consistent with the Fair Housing Act.

2. The Highlands Council and COAH shall enter into a joint Memorandum of Understanding (MOU) as soon as practicable but no later than 60 days from the effective date of this Order to implement the provisions of Paragraph One of this Order.

3. In accordance with the Court’s recognition in the *Mt. Laurel* cases of the clear obligation to preserve open space and natural resources, in implementing Paragraph One of this Order the relevant State agencies shall give priority to the protection of the critical water resources in the Highlands Region that provide drinking water to over five million people in New Jersey.

4. The Highlands Council and COAH, with appropriate input from DEP and the Department of Community Affairs, shall provide to the Governor quarterly written reports on the status of the coordinated efforts required pursuant to Paragraph One of this Order.

5. The State Transfer of Development Rights Bank shall reserve and make available to the Highlands Development Credit Bank, upon its establishment as authorized by N.J.S.A. 4:1C-52, an amount not less than \$10 million.

6. The Highlands Council, in implementing its Land Use Capability Map Adjustment program, making any modifications to Highlands Open Water buffer standards, and designating Highlands Redevelopment Areas, shall:

a. ensure that a public process is in place allowing the public to review and comment on any map adjustments, modifications to Highlands Open Water buffer standards, or designation of redevelopment areas proposed to the Council, prior to adoption; and

b. ensure that there is no net natural resource loss or degradation of surface or ground water quality resulting from any map adjustments or modification to Highlands Open Water buffer standards.

7. In approving any plan or permit application or in issuing any other approval for a project located in the Protection Zone, the Conservation Zone, or the Environmentally-Constrained Sub-Zones, as delineated in the Highlands Plan, the DEP shall, to the maximum extent feasible, require that development proposals designed to meet the clustering provisions of the Highlands Plan, as necessary, be (i) part of a center-based, transit-oriented, or mixed-use development or a development that is consistent with the State's smart growth policies, and (ii) municipally or regionally planned through Plan Conformance with the Highlands Plan and not isolated clusters. Furthermore, the DEP shall ensure that any such approval is conditioned upon the establishment of, and availability of funding for, the Highlands Development Credit Bank.

8. The DEP shall adopt and enforce strict standards for water deficit mitigation projects, consistent with the water deficit mitigation policies of the Highlands Plan, as part of the forthcoming update to the Statewide Water Supply Master Plan.

9. The DEP shall take appropriate action to ensure that no water allocation permit is issued for any development project located in the Protection Zone, the Conservation Zone, or the Environmentally-Constrained Sub-Zones, as delineated in the Highlands Plan, within a HUC14 subwatershed that is in, or anticipated to be in, a deficit of

net water availability, as identified by the Highlands Plan, until such time that a Municipal Water Use and Conservation Management Plan, consistent with the policies in the Highlands Plan, has been approved by the Highlands Council and has been fully implemented.

10. The DEP shall take appropriate action to ensure that no approval is given to any portion of a Water Quality Management Plan amendment in the Protection Zone, the Conservation Zone, or the Environmentally-Constrained Sub-Zones, as delineated in the Highlands Plan, within a HUC14 subwatershed that is in, or anticipated to be in, a deficit of net water availability, as identified by the Highlands Plan, unless the approval is conditioned on a Municipal Water Use and Conservation Management Plan, consistent with the policies in the Highlands Plan, having been approved by the Highlands Council and having been fully implemented.

11. Nothing in this Order shall prohibit the issuance or granting of an approval if the denial or conditioning of such approval would adversely affect public health or safety or cause a taking of property without just compensation.

12. This Order shall take effect immediately.

Published October 6, 2008 in the New Jersey Register at 40 N.J.R. 5312(c).

**Governor Jon S. Corzine**

**Executive Order No. 115(2008)**

**Tribute to the Victims of the September 11, 2001 Attacks**

Issued: September 9, 2008.

Effective: September 9, 2008.

WHEREAS, on September 11, 2001, unprecedented terrorist attacks were launched on New York, Washington, D.C., and Pennsylvania; and

WHEREAS, more than one quarter of the victims of the September 11, 2001, attacks were New Jerseyans, with nearly 700 of our residents killed in the attacks, and numerous others injured; and

WHEREAS, many New Jerseyans, including thousands of police, fire, military, emergency, and construction personnel, responded to this tragedy; and

WHEREAS, hundreds of New Jersey families have been drastically affected by these events, through the loss of a parent, spouse, child, or other loved one; and

WHEREAS, this tragic event will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; and

WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on September 11, 2008, in recognition and mourning of all of those lost in the September 11th attacks and, particularly, those lost from our home State.

2. This Order shall take effect immediately.

Published October 6, 2008 in the New Jersey Register at 40 N.J.R. 5314(a).

**Governor Jon S. Corzine**

**Executive Order No. 116(2008)**

**Tribute to Belleville Police Officer Kenneth A. Santucci**

Issued: September 10, 2008.

Effective: September 10, 2008.

WHEREAS, Belleville Police Officer Kenneth A. Santucci was raised in Belleville, New Jersey, and graduated from Queen of Peace High School, and Mountainside Hospital School of Nursing; and

WHEREAS, Officer Santucci was 32 years old, a loving and devoted husband and father, and resided in Belleville, New Jersey; and

WHEREAS, Officer Santucci graduated from the Newark Police Academy in 2006, served as a Newark police officer, and then in 2008, joined the Belleville Police Department to serve and protect the public in his home community; and

WHEREAS, in addition to serving as a police officer, Officer Santucci also had worked as a registered nurse at the Summit Oaks Hospital, Summit, New Jersey; and

WHEREAS, Officer Santucci was a dedicated and skilled officer, who was known for his optimistic attitude, and who received many commendations and citations for his police work; and

WHEREAS, on September 6, 2008, while Officer Santucci was on duty and responding to a call for assistance, he tragically lost his life in an automobile accident; and

WHEREAS, Officer Santucci's selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was raised and where he served so proudly as a Police Officer to recognize his true commitment to the welfare and safety of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during the appropriate hours on Friday, September 12, 2008, in recognition of the life and in mourning of the passing of Police Officer Kenneth A. Santucci.

2. This Order shall take effect immediately.

Published October 6, 2008 in the New Jersey Register at 40 N.J.R. 5314(b).

**Governor Jon S. Corzine**

**Executive Order No. 117(2008)**

**Orders and Directs Loopholes Closed in Pay-to-Play Ban**

Issued: September 24, 2008.

Effective: September 24, 2008.

WHEREAS, the residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, in pursuit of those goals, a series of actions have been taken in New Jersey since 2004 – through legislation, executive order, and regulation – to protect the integrity of government contractual decisions and increase the public's confidence in government by prohibiting the awarding of government contracts to business entities that also are contributors to certain candidates and political parties; and

WHEREAS, among those actions were the issuance of Executive Order No. 134 (2004) and the codification of its provisions into statute in P.L. 2005, c. 51 (C. 19:44A-20.13 et seq.) ("Chapter 51"); and

WHEREAS, since its adoption, Chapter 51 has significantly reduced the influence of contractor contributions in the process of awarding State government contracts and has proven to be an effective method of ensuring that merit and cost-effectiveness drive the government contracting process; and

WHEREAS, this administration is committed to ensuring the highest ethical standards in government contracting and rooting out corruption, favoritism, and waste; and

WHEREAS, experience has shown that additional measures are needed to ensure there is no dilution of the protections provided by Chapter 51 against the improper influence of political contributions on the process of awarding State government contracts and to ensure compliance with the provisions of Chapter 51; and

WHEREAS, many State government contractors, particularly those that provide professional services, are business entities whose form of business organization and ownership structure are such that the political contribution limits in Chapter 51 apply to few if any of the individuals who own or control the entity; and

WHEREAS, the strong public interest in limiting political contributions by businesses that contract with the State requires that the contribution limits in Chapter 51 be applied to such individuals and that those limits otherwise be applied in such a way that the purposes of Chapter 51 will be served regardless of the form of business organization of the State government contractor; and

WHEREAS, because New Jersey's campaign finance laws permit large, and in some cases unlimited, political contri-

butions to flow between and among various types of political committees and State officeholders, the effectiveness of the restrictions in Chapter 51 can be, and have been, undermined by the current ability of State government contractors to make large contributions to legislative leadership committees and municipal political party committees; and

WHEREAS, the Constitution of this State requires the Governor to manage the operations of State government effectively and fairly, uphold the law to ensure public order and prosperity, and confront and uproot malfeasance in whatever form it may take; and

WHEREAS, it is the Governor's responsibility to safeguard the integrity of the State government procurement process by ensuring that there is no dilution of the protections provided by Chapter 51 against the improper influence of political contributions on the process of awarding and overseeing the performance of State government contracts and that there be full compliance with the provisions of Chapter 51;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For the purposes of this Order:

a. "Business entity" means:

i. a for-profit entity as follows:

A. in the case of a corporation: the corporation, any officer of the corporation, and any person or business entity that owns or controls 10% or more of the stock of the corporation;

B. in the case of a general partnership: the partnership and any partner;

C. in the case of a limited partnership: the limited partnership and any partner;

D. in the case of a professional corporation: the professional corporation and any shareholder or officer;

E. in the case of a limited liability company: the limited liability company and any member;

F. in the case of a limited liability partnership: the limited liability partnership and any partner;

G. in the case of a sole proprietorship: the proprietor; and

H. in the case of any other form of entity organized under the laws of this State or any other state or foreign jurisdiction: the entity and any principal, officer, or partner thereof;

ii. any subsidiary directly or indirectly controlled by the business entity;

iii. any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and

iv. with respect to an individual who is included within the definition of business entity, that individual's spouse or civil union partner, and any child residing with the individual, provided, however, that, this Order shall not apply to a contribution made by such spouse, civil union partner, or child to a candidate for whom the contributor is entitled to vote or to a political party committee within whose jurisdiction the contributor resides unless such contribution is in violation of section 9 of P.L. 2005, c. 51 (C. 19:44A-20.13 et seq.) ("Chapter 51").

b. "Contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c. 83 (C. 19:44A-1 et seq.) made on or after the effective date of this Order.

2. Any Executive Branch department, agency, authority, or independent State authority charged with imple-

menting and enforcing Chapter 51 shall apply its provisions to a "business entity" as defined in Paragraph 1(a) of this Order in the same manner as those provisions apply to a "business entity" as defined in section 5 of Chapter 51.

3. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a contribution made to a legislative leadership committee or a municipal political party committee in the same manner as those provisions apply to a contribution to any candidate committee, election fund, or political party committee identified in Chapter 51.

4. Any Executive Branch department, agency, authority, or independent State authority charged with implementing and enforcing Chapter 51 shall apply its provisions to a contribution made to a candidate committee or election fund of any candidate for or holder of the office of Lieutenant Governor in the same manner as those provisions apply pursuant to Chapter 51 to a contribution to any candidate committee or election fund of any candidate for or holder of the office of Governor.

Published November 3, 2008 in the New Jersey Register at 40 N.J.R. 6251(a).

**Governor Jon S. Corzine**

**Executive Order No. 118(2008)**

**Orders and Directs New Ban on Pay-to-Play for All State Redevelopment Contracts**

Issued: September 24, 2008.

Effective: November 15, 2008.

WHEREAS, the residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, in pursuit of those goals, a series of actions have been taken in New Jersey since 2004 — through legislation, executive order, and regulation — to protect the integrity of government contractual decisions and increase the public's confidence in government by prohibiting the awarding of government contracts to business entities that also are contributors to certain candidates and political parties; and

WHEREAS, government decisions regarding redevelopment projects often involve substantial sums of money, and the procedures regarding such decisions can be less rigorous than those governing other types of procurement activities; and

WHEREAS, as demonstrated in the recent report of the Inspector General regarding the Encap redevelopment project, the integrity of government decisions regarding a redevelopment project can be called into question by virtue of the timing of political contributions and the nature of government actions benefiting or relating to a redevelopment project; and

WHEREAS, the Constitution of this State requires the Governor to manage the operations of State government effectively and fairly, uphold the law to ensure public order and prosperity, and confront and uproot malfeasance in whatever form it may take; and

WHEREAS, it is the Governor's responsibility to safeguard the integrity of decision-making regarding State redevelopment projects by imposing restrictions on State agencies and independent authorities to insulate such decision-making from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For the purposes of this Order:

a. "Business entity" means:

i. a for-profit entity as follows:

A. in the case of a corporation: the corporation, any officer of the corporation, and any per-

son or business entity that owns or controls 10% or more of the stock of the corporation;

B. in the case of a general partnership: the partnership and any partner;

C. in the case of a limited partnership: the limited partnership and any partner;

D. in the case of a professional corporation: the professional corporation and any shareholder or officer;

E. in the case of a limited liability company: the limited liability company and any member;

F. in the case of a limited liability partnership: the limited liability partnership and any partner;

G. in the case of a sole proprietorship: the proprietor; and

H. in the case of any other form of entity organized under the laws of this State or any other state or foreign jurisdiction: the entity and any principal, officer, or partner thereof;

ii. any subsidiary directly or indirectly controlled by the business entity;

iii. any political organization organized under section 527 of the Internal Revenue Code that is directly or indirectly controlled by the business entity, other than a candidate committee, election fund, or political party committee; and

iv. with respect to an individual who is included within the definition of business entity, that individual's spouse or civil union partner, and any child residing with the individual, provided, however, that this Order shall not apply to a contribution made by such spouse, civil union partner, or child to a candidate for whom the contributor is entitled to vote or to a political party committee within whose jurisdiction the contributor resides unless such contribution is in violation of Paragraph 7 of this Order.

b. "Contribution" means a contribution reportable by the recipient under "The New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c. 83 (C. 19:44A-1 et seq.) made on or after the effective date of this Order.

c. "Redeveloper" means any business entity that enters into or proposes to enter into a redevelopment agreement, and includes (i) a subsidiary business entity directly or indirectly controlled by the redeveloper; and (ii) a business entity that contracts with the redeveloper to perform professional, consulting, or lobbying services in connection with the redevelopment project.

d. "Redevelopment agreement" means an agreement or contract with a State redevelopment entity for

the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, or other work forming a part of a redevelopment or rehabilitation project.

e. "State redevelopment entity" means any State agency, including any principal department in the Executive Branch and any division, board, bureau, office, commission, or other instrumentality within or created by such department, and any independent State authority, board, commission, instrumentality, or agency that is authorized by law to implement a redevelopment project and carry out a redevelopment plan. The State Treasurer shall prepare and publish a list of the State entities included under this definition.

2. State redevelopment entities shall use a competitive process, to include public issuance of a request for proposal, a request for qualifications, or similar solicitation, for selecting a redeveloper.

3. A State redevelopment entity shall not enter into or propose to enter into a redevelopment agreement with any redeveloper if, beginning after the public issuance of a request for proposal, a request for qualifications, or similar solicitation in accordance with Paragraph 2 of this Order, that redeveloper has made a contribution to (i) a candidate committee or election fund of any candidate for or holder of the public office of Governor or Lieutenant Governor, (ii) a State, county, or municipal political party committee or a legislative leadership committee, or (iii) a candidate committee or election fund of any candidate for or holder of a State legislative, county, or municipal elective public office in a State legislative district, county, or municipality in which any property subject to the redevelopment agreement is situated.

4. A redeveloper that enters into a redevelopment agreement with a State redevelopment entity shall not make a contribution during the term of the redevelopment agreement to any committee or election fund identified in Paragraph 3 of this Order.

5. Prior to entering into a redevelopment agreement a State redevelopment entity shall require the redeveloper to report all contributions the redeveloper made during the preceding four years to any political organization organized under section 527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the meaning of section 3 of P.L. 1973, c. 83 (C. 19:44A-3), and, in the event the redeveloper enters into a contract with a business entity to perform professional, consulting, or lobbying services in connection with the redevelopment project after entering into the redevelopment agreement, the redeveloper shall supplement its report to include such contributions by that business entity. Such reports shall be subject to review by the State Treasurer. If the State Treasurer determines that any such contribution or any other act by the redeveloper would constitute a violation of this Order, the State Treas-

urer shall disqualify the redeveloper from being awarded the redevelopment agreement.

6. Prior to entering into a redevelopment agreement a State redevelopment entity shall require the redeveloper to provide a written certification that it has not made a contribution that would bar the award of the redevelopment agreement pursuant to this Order. The redeveloper shall have a continuing duty to report any contribution it makes during the term of the redevelopment agreement. Such reports shall be subject to review by the State Treasurer.

7. A redeveloper shall not: (i) make a contribution in violation of this Order, unless such violation is remedied in accordance with Paragraph 8 of this Order; (ii) conceal or misrepresent a contribution given or received; (iii) make a contribution through an intermediary for the purpose of concealing or misrepresenting the source of the contribution; (iv) make a contribution on the condition or with the agreement that the recipient will in turn make a contribution that if made by the redeveloper itself would subject the redeveloper to the restrictions of this Order; (v) engage or employ a lobbyist, governmental affairs agent, or consultant with the intent or understanding that the lobbyist, governmental affairs agent, or consultant would make a contribution that if made by the redeveloper itself would subject the redeveloper to the restrictions of this Order; (vi) fund or direct contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange or contributions to circumvent the intent of this Order; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject the redeveloper to the restrictions of this Order. A violation of the provisions of this Order shall be considered a material breach of the redevelopment agreement unless remedied in accordance with Paragraph 8 of this Order.

8. Except for contributions made within 60 days of a June primary election or a general election, if a redeveloper makes a contribution that would otherwise bar it from entering into a redevelopment agreement with a State redevelopment entity or makes a contribution during the term of a redevelopment agreement in violation of this Order, the redeveloper may request a full reimbursement from the recipient and, if such reimbursement is received within 30 days after the date on which the contribution was made, the redeveloper would again be eligible to enter into the redevelopment agreement or would no longer be in violation, as appropriate.

9. Every request for qualifications, request for proposals, or any similar solicitation issued by a State redevelopment entity in connection with a redevelopment project shall contain a provision describing the requirements of this Order and a statement that compliance with this Order shall be a material term and condition of any redevelopment agreement with the State redevelopment entity and

binding upon the parties thereto upon the execution of the redevelopment agreement.

10. To the extent that a term that is used in this Order requires interpretation or definition, resort shall be made to the relevant definition of the term in the "New Jersey Campaign Contributions and Expenditures Reporting Act," P.L. 1973, c. 83 (C. 19:44A-1, et seq.) or to section 3 of P.L. 1992, c. 79 (C. 40A:12A-3), as may be appropriate.

11. This Order shall take effect on November 15, 2008, and is intended to have prospective effect only. This Order shall apply to all redevelopment agreements entered into after November 15, 2008, but shall not affect any contribution made prior to November 15, 2008.

Published November 3, 2008 in the New Jersey Register at 40 N.J.R. 6252(a).

**Governor Jon S. Corzine**

**Executive Order No. 119(2008)**

**Establishes the Governor's Local Government Ethics Task Force**

Issued: September 24, 2008.

Effective: September 24, 2008.

WHEREAS, it is a priority of this administration to restore public trust and confidence in government; and

WHEREAS, it is imperative that public officials at all levels of government earn and maintain the confidence of the people they represent; and

WHEREAS, those serving in State, county, municipal, and other local government units hold positions of public trust that require adherence to the highest ethical standards of honesty and integrity; and

WHEREAS, public officials should not engage in any conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, the current local government ethics laws were first adopted in 1991, and since that time there has not been a thorough review of the efficacy of those laws, nor any comprehensive study of the need for amendments thereto; and

WHEREAS, to the extent appropriate, ethical standards should be applied consistently to similarly situated officials in order to promote respect for those standards and provide for their enforcement; and

WHEREAS, persons serving in government should have the benefit of clear and consistent standards, ample training opportunities, and an effective compliance program to assist in guiding their conduct; and

WHEREAS, it is appropriate to create a body with experience and expertise in local governance, local government ethics, and the procurement of goods and services by local units to study the experience of local units under the local government ethics laws and make recommendations regarding amendments to those laws, including whether enforcement responsibility should be shifted from the Local Finance Board to a different body solely focused on government ethics;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the Governor's Local Government Ethics Task Force ("Task Force").

2. The Task Force shall be composed of 11 individuals with expertise in local governance, local government ethics, and the procurement of goods and services by local units. Members will be appointed by and serve at the pleasure of the Governor. The Task Force membership shall include one individual who shall be appointed by the Governor upon the recommendation of the President of the Senate, one individual who shall be appointed by the Governor upon the recommendation of the Senate Minority Leader, one individual who shall be appointed by the Governor upon the recommendation of the Speaker of the Assembly, and one individual who shall be appointed by the Governor upon the recommendation of the Assembly Minority Leader. The Governor shall select from among all of the members the chairperson of the Task Force. The members shall serve without compensation.

3. The Task Force shall organize as soon as practicable after the appointment of a majority of its members.

4. The Task Force is charged with studying and making recommendations regarding the need for amendments to the local government ethics laws and whether enforcement responsibility should be shifted from the Local Finance Board to a different body that is solely focused on government ethics. The Task Force also shall consider and make recommendations concerning how to implement a training and compliance program for local government ethics.

5. The Task Force shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information or other assistance available as the Task Force deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Task Force within the limits of its statutory authority and to furnish the Task Force with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. The Task Force may report to the Governor from time to time and shall issue a final report to the Governor no later than 10 months from the date of the first organizational meeting. The final report shall include the Task Force's recommendations. The Task Force shall expire upon the issuance of its final report.

7. Any reports of the Task Force shall be provided to the Legislature and shall be made available to the public.

8. This Order shall take effect immediately.

Published November 3, 2008 in the New Jersey Register at 40 N.J.R. 6253(a).

**Governor Jon S. Corzine**

**Executive Order No. 120(2008)**

**Amendments to Executive Order No. 1(2006) on Financial Disclosure**

Issued: September 24, 2008.

Effective: September 24, 2008.

WHEREAS, I am committed to maintaining an administration that adheres to the highest ethical standards and enhances public trust in government, and

WHEREAS, public officials should not engage in conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, persons serving in government should have the benefit of specific standards to guide their conduct; and

WHEREAS, ethical standards should be applied consistently to similarly situated officials in order to promote respect for those standards and provide for their enforcement; and

WHEREAS, public disclosure of the personal financial interests of public officials serves to maintain the public's faith and confidence in its governmental representatives and guards against conduct violative of the public trust; and

WHEREAS, my first Executive Order strengthened and expanded previously established financial disclosure processes to ensure that financial disclosure requirements are applied to government officials and to members of all State government boards, commissions, and other bodies that perform important governmental functions in areas such as

regulation, policy-making, and the expenditure of public funds; and

WHEREAS, Executive Order No. 1 (2006) included expansive definitions of the terms "public employee" and "public officer" that specifically provided for periodic future updates to include newly created offices, as determined by the Governor; and

WHEREAS, since the issuance of Executive Order No. 1 in January 2006, new State government positions and entities that perform important governmental functions in areas such as regulation, policy-making, and the expenditure of public funds have been established; and

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Paragraph 6 of Executive Order No. 1 (2006) is hereby amended to include the State Comptroller, established pursuant to P.L. 2007, c. 52, within the definition of "public employee," and to include within the definition of "public officer" the members of the New Jersey Marine Sciences Consortium, established pursuant to P.L. 2007, c. 206, and the New Jersey Technology Governing Board, established pursuant to Executive Order No. 42 (2006).

2. Except as herein modified, all of the provisions of Executive Order No. 1 (2006) shall remain in full force and effect.

Published November 3, 2008 in the New Jersey Register at 40 N.J.R. 6254(a).

**Governor Jon S. Corzine**

**Executive Order No. 121(2008)**

**Establishes a Workforce Reduction Planning Board**

Issued: September 26, 2008.

Effective: September 26, 2008.

WHEREAS, a key component of this Administration's efforts to close New Jersey's structural budget deficit and restore balance and integrity to the State's finances has been a strategy to substantially reduce the size and cost of State government; and

WHEREAS, an aggressive attrition program over the past two years already has resulted in an overall reduction of nearly 2,000 Executive Branch employees; and

WHEREAS, the recently enacted budget for Fiscal Year 2009 further reduces the cost of State government by nearly \$300 million and the number of State Executive Branch employees by between 2,000 and 3,000 through a combination of the Early Retirement Incentive (ERI) program established in P.L. 2008, c. 21, and the continuation of this Administration's aggressive attrition program; and

WHEREAS, the significant reduction of Executive Branch employees to be achieved through the ERI initiative and the attrition program will require each department and agency to reevaluate its priorities and adjust to the reduced workforce, leading to additional savings over time as departments and agencies do more with less and in some cases simply do less; and

WHEREAS, the public interest requires assurance that the workforce reduction to be obtained as a result of the ERI and attrition programs be maintained over time by a cap on the total number of Executive Branch employees to be administered through coordinated workforce reduction planning; and

WHEREAS, a coordinated workforce reduction planning effort also will help ensure that departments and agencies appropriately identify the programs and functions they will no longer be able to administer while retaining the ability to meet critical needs;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a Workforce Reduction Planning Board ("Board") to provide advice and recommendations to the Governor regarding implementation of a workforce reduction in the executive branch of State government.

2. The Board shall be composed of five members as follows: the State Treasurer; the Director of the Division of

Budget and Accounting in the Department of the Treasury; either the chair of the Civil Service Commission, or a person designated by the Governor; and two persons designated by the Governor. Persons designated by the Governor shall serve at the pleasure of the Governor. The Governor shall select the chair and the vice-chair of the Board.

3. As soon as practicable after this Order takes effect, the State Treasurer shall certify the number of employees employed in each department, excluding seasonal employees and employees of independent authorities, as of the final pay period in Fiscal Year 2008.

4. Based on consultation with and recommendations from the Board, the Governor shall establish for each department and each agency that is to be treated for purposes of this Order separately from a department ("separate agency") the maximum number of employees that will be permitted to be on the department's or separate agency's payroll as of the final pay period in Fiscal Year 2009.

5. The aggregate maximum number of employees permitted to be on the payroll for all departments and separate agencies combined as of the final pay period in Fiscal Year 2009 shall not exceed the number of employees as certified by the State Treasurer pursuant to Paragraph 3 of this Order, less 90% of the number of employees who elect to retire and receive a benefit pursuant to section 1 of P.L. 2008, c. 21.

6. The aggregate maximum number of employees permitted to be on the payroll for all departments and separate agencies combined as of the final pay period in Fiscal Year 2009 shall remain as the aggregate maximum number of employees permitted to be on the payroll for all departments and separate agencies combined for subsequent fiscal years unless changed by subsequent Executive Order or action by the Legislature.

7. Following receipt of its maximum employee count, each department and separate agency shall submit to the Board a plan demonstrating how the department or separate agency intends to achieve and operate within its maximum employee count.

8. The Board shall review each plan and make recommendations to the Governor regarding approval or modification of each plan. The Governor shall then make a final decision regarding each plan. The Board shall monitor implementation of each approved plan and advise the Governor.

9. Departments and separate agencies shall not use temporary employee service (TES) employees or persons employed by contractors as permanent replacements for full-time employment positions that have been reduced pursuant to this Order.

10. Each department and separate agency shall provide the Board with information as requested by the Board, including but not limited to preliminary employee counts, plane, and any other requested information that may assist in the implementation of this Order. The Board and the departments and separate agencies shall interact as necessary in advance of the various deadlines set forth in this Order.

11. The Board shall provide to the State Treasurer necessary information to be included with the State Treasurer's reports to the Legislature pursuant to subsection (b) of section 2 of P.L. 2008, c. 21.

12. This Order shall take effect immediately and shall continue in full force and effect until rescinded or modified by the Governor, or superseded by statute.

Published November 3, 2008 in the New Jersey Register at 40 N.J.R. 6254(b).

**Governor Jon S. Corzine**

**Executive Order No. 122(2008)**

**Adopts Recommendations of Report Issued by the New Jersey Committee on Native American Community Affairs**

Issued: October 1, 2008.

Effective: October 1, 2008.

WHEREAS, on August 4, 2006, the New Jersey Committee on Native American Community Affairs was created by Executive Order in the wake of a tragic shooting of a member of the Ramapough Lenape Nation and in recognition of the imperative that all citizens be treated fairly and have equal opportunity and access to State government and services and that the rights of all citizens be protected; and

WHEREAS, this Committee was charged to “evaluate the current social and economic conditions of Native Americans in New Jersey, namely civil rights issues and the community’s access to education, fair housing, infrastructure, employment, and health care”; and

WHEREAS, on December 14, 2007, the New Jersey Committee on Native American Community Affairs issued its final report (the “2007 Report”); and

WHEREAS, the 2007 Report contained 28 recommendations, among them that the State of New Jersey should: affirm its respect for and recognition of its three tribes; protect Native American open air worship sites and tribal burial grounds; resolve the longstanding environmental problems at the Ringwood Superfund Site and address the impact of those problems on local families; expand State government’s awareness of and outreach to the Native American community; increase educational opportunities for Native Americans by creating a revised, culturally accurate, elementary school curriculum and a scholarship assistance program and by eliminating school-based discrimination; provide additional employment and housing opportunities; upgrade access to health care services; and broaden inter-State, State, county, and municipal relations with Native American communities; and

WHEREAS, the recommendations set forth in the 2007 Report should be implemented across all levels of government and among the State’s Native American community as appropriate and that implementation needs to be monitored with particular care and diligence, given the indifference and neglect that Native American groups and individuals within the State have often confronted; and

WHEREAS, in 1995 the New Jersey Legislature created the New Jersey Commission on American Indian Affairs (the “Commission”) and charged it with, among other duties, supporting the development of the State’s American Indian Communities and acting as a liaison among those communi-

ties, the State and federal governments, and educational, social, and cultural institutions; and

WHEREAS, the 2007 Report recommended that the Commission’s structure be modified and its membership be expanded, which changes would help it fulfill its mission but which also necessitate legislative action; and

WHEREAS, the 2007 Report concluded that State-only recognition was a major issue for a broad cross-section of the Native American community, summarized the history of New Jersey’s three Native American tribes, and disavowed any intent to assist efforts at federal recognition for any tribe(s);

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. This administration affirms, endorses, and supports the New Jersey Legislature’s acknowledgement in 1995 of the major role of the Nanticoke Lenni Lenape Indians, the Ramapough Mountain Indians, and the Powhatan Renape Nation in the history of the State and those tribes’ unique and continuing importance in New Jersey’s political, social, and cultural life. Additionally, with the 2007 Report having reported that recognition is a major issue for a broad cross-section of the Native American community in New Jersey, the New Jersey Commission on American Indian Affairs is hereby directed to contact the leadership of the Nanticoke Lenni Lenape Indians, the Ramapough Mountain Indians, and the Powhatan Renape Nation to determine if any of these tribes wishes to be considered for State-only recognition via State statute.

2. The Commission shall oversee, coordinate, and monitor the implementation of the 2007 Report.

3. In fulfilling its charge pursuant to this Order, the Commission, among other duties, shall:

- a. recommend legislation and other proposals to protect Native American religious observances and related cultural practices;

- b. recommend legislation, gubernatorial measures, and cabinet-level actions to improve Native Americans’ experiences in education, employment, and housing; protect Native Americans’ civil rights and the environment surrounding their homes and communities; and create new mechanisms of communication between Native Americans, their leaders, and representatives of all levels of government;

- c. work with members of the cabinet or their designees and other officials from State, county, and municipal government to implement the recommendations of the 2007 Report; and

- d. prepare reports as of July 1, 2009, July 1, 2010, and July 1, 2011 about the State’s progress in imple-

menting the recommendations of the 2007 Report ("Implementation Reports").

4. The Commission is authorized to call upon any department, division, office, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, division, office, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Commission and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purposes of this Order. In particular, the personnel of the Departments of Children and Families, Community Affairs, Education, Environmental Protection, Health and Senior Services, Human Services, and Labor and Workforce Development shall be available to the Commission upon request.

5. The Commission shall consult with experts or other knowledgeable persons in the public or private sector on any aspect of its mission pursuant to this Order.

6. The Commission shall recommend for appointment by the Governor an advisory group of no more than five persons to assist it in overseeing the implementation of the 2007 Report and in preparing the Implementation Reports. This advisory group shall cease to operate upon the enactment of legislation expanding the membership and structure of the Commission as recommended in the 2007 Report.

7. The Commission shall create a list of priorities so that its Implementation Reports shall include reference to its own activities as well as those of State government, provided, however, that nothing in this Order shall preclude the Commission from accomplishing its objectives prior to July 1, 2011, as set forth above.

8. The following additional steps shall be taken to implement the 2007 Report:

a. The Departments of Children and Families and Health and Senior Services shall as soon as possible send representatives to inter-departmental meetings at Tribal Centers and develop and implement plans to work with those Centers;

b. The Department of State shall develop a new website for the Commission, and the Departments of Children and Families and Health and Senior Services shall create links to that site, and that site shall include links, as appropriate, with those departments' websites;

c. The Departments of Labor and Workforce Development and Law and Public Safety shall as soon as possible meet with representatives of the Commission to improve job opportunities for and greater outreach and communication with Native Americans, and these departments shall develop and implement plans to work with the Commission and/or the Tribal Centers, as appropriate, and these departments shall create links to the Commission's website, and that site shall include links, as appropriate, with those departments' websites; and

d. The Departments of Community Affairs, Education, and Human Services, within 30 days of the date of this Order, shall meet with representatives of the Commission to address issues identified in the 2007 Report within each department's area of expertise and to develop and implement plans to work with the Commission and/or the Tribal Centers, as appropriate.

9. This Order shall take effect immediately.

Published November 3, 2008 in the New Jersey Register at 40 N.J.R. 6255(a).

**Governor Jon S. Corzine**

**Executive Order No. 123(2008)**

**Established the New Jersey Arab-American Heritage Commission**

Issued: October 24, 2008.

Effective: October 24, 2008.

WHEREAS, 1.2 million Americans are of Arab ancestry representing a highly diverse group, in ancestral country of origin, religion, and historic identity, which also shares a common linguistic and cultural heritage; and

WHEREAS, New Jersey is home to 70,000 Americans of Arab ancestry and is one of five states, along with New York, California, Michigan, and Florida, where, collectively, almost half of all Americans of Arab ancestry reside, and the counties of Bergen, Hudson, Middlesex, and Passaic have a high concentration of Americans of Arab ancestry; and

WHEREAS, Americans of Arab ancestry contribute to the economic, social, cultural, and civic vitality of the State and the nation; and

WHEREAS, nationally, Americans of Arab ancestry, and those perceived as of Arab ancestry, were among the secondary victims of the attacks of September 11, 2001: children have been subject to bullying, harassment, and bias in schools; and adults have been subject to discrimination, hate crimes, and other hostilities in employment, housing, and places of public accommodation; and

WHEREAS, it is imperative that all citizens be treated fairly, with dignity, respect, and tolerance, and that the rights of all citizens be protected; and

WHEREAS, dissemination of knowledge of the heritage, culture, and history of Arabs and Americans of Arab ancestry is important to the State of New Jersey; and

WHEREAS, it is necessary and proper to educate the citizens of New Jersey about the heritage, culture, and history of Arabs and Americans of Arab ancestry;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established, in the Department of State, the New Jersey Arab-American Heritage Commission ("Commission").

2. The Commission shall be composed of twenty-five (25) members. The following officials, or their designees, shall serve on the Commission, ex officio, and with a vote: the Secretary of State; the Commissioner of the Department of Education; the Attorney General; the Director of the Division on Civil Rights; the President of the State

Board of Education; the Chair, Governor's Ethnic Advisory Council; and the Chair, New Jersey Human Relations Council.

3. The Commission shall also consist of one public member appointed by the Governor upon the recommendation of the President of the Senate, one public member appointed by the Governor upon the recommendation of the Speaker of the General Assembly, and sixteen (16) public members appointed by the Governor. The Governor shall select a chair and the members shall elect annually from among their members a vice-chair.

4. The public members shall be residents of the State, chosen with due regard for geographic representation, diversity, education, knowledge, experience, and academic post-graduate level degrees related to the heritage, culture, and history of Arabs and Americans of Arab ancestry.

5. The Governor shall appoint each public member for a term of three years, except that of the public members first appointed, one-third shall be appointed to a three-year term, one-third shall be appointed to a two-year term, and one-third shall be appointed to a one-year term. Public members shall serve until their successors are appointed and qualified, and any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for the original appointment. Public members of the Commission shall serve without compensation.

6. The Commission shall meet as soon as practical after the chair and a majority of the members have been appointed. The presence of a majority of the authorized membership of the Commission shall constitute a quorum and shall be required for the conduct of official business.

7. The responsibilities and duties of the Commission are as follows:

a. To recognize, study, and share information on Arab heritage, culture, and history;

b. To coordinate events observing the heritage, culture, and history of Americans of Arab ancestry, including an annual Arab Heritage Month in April of each year.

c. To provide expertise to and to collaborate with the Department of Education to continue to develop content and curriculum guides on the heritage, culture, and history of Americans of Arab ancestry in the State's Core Curriculum Content Standards in Social Studies;

d. To study and report on programs to promote tolerance and respect for all of the citizens of this State; and

e. To coordinate events with the Department of State observing the heritage, culture, and history of Americans of Arab ancestry.

8. The Department of Education shall assist the Commission in the dissemination to educators, administrators, and public school districts in the State educational information and other materials on Arab culture and the contributions of Americans of Arab ancestry to society. Such information and materials also shall be made available to non-public schools.

9. The Commission is authorized to raise funds, through direct solicitation or other fundraising events, alone or with other groups, and accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations and institutions, to defray the Commission's administrative expenses and carry out its purposes as set forth in this Executive Order.

10. The Commission is authorized to call on any department, office, division, or agency of State government to provide such information, resources, or other assistance

deemed necessary to discharge its responsibilities under this Order. Each department, office, division, and agency of this State, to the extent not inconsistent with law, is hereby required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

11. The Commission shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be submitted within six months from the date of the first meeting and annually thereafter.

12. This Order shall take effect immediately.

Published December 1, 2008 in the New Jersey Register at 40 N.J.R. 6681(a).

**Acting Governor Richard J. Codey**

**Executive Order No. 124(2008)**

**Tribute to Major General Francis R. Gerard**

Issued: November 7, 2008.

Effective: November 7, 2008.

WHEREAS, Major General Francis R. Gerard was born in Belleville, New Jersey, and graduated from Lyndhurst High School in 1941; and

WHEREAS, Major General Gerard enlisted in the United States Army Air Forces in 1942 and was commissioned as a Second Lieutenant in 1943; and

WHEREAS, during combat service in world War II he logged over 420 hours in aerial combat and destroyed eight enemy fighters in aerial combat over Europe and was ranked as an "Ace"; and

WHEREAS, following his service in World War II Major General Gerard attended Lafayette College in Easton, Pennsylvania, received a Certification of Graduation from New Jersey's Marshall Law College in 1949, and passed the New Jersey Bar Examination that same year; and

WHEREAS, he then joined the New Jersey Air National Guard, was recalled to active duty during the Korean war and the Berlin Crisis, and served the public in a range of positions in government including commanding the 108th Tactical Fighter Wing and serving as special assistant to the Commander-in-Chief, Strategic Air Command for the Air National Guard, and Commander of the New Jersey Air National Guard; and

WHEREAS, in 1982, Major General Gerard became Adjutant General of New Jersey under Governor Thomas H. Kean and served in that capacity for seven years until his retirement from military and public service in 1989; and

WHEREAS, Major General Gerard's medals and decorations include the Air Force Distinguished Service Medal, the Silver Star, Defense Superior Service Medal, Distinguished Flying Cross, Air Medal with 11 Oak Leaf Clusters, American Campaign Medal, European-African-Middle East Campaign Medal with six Battle Stars, National Defense Service Medal, Presidential Unit Citation, Armed Forces Reserve Medal, Air Force Longevity Service Award, Secretary of Defense Identification Badge, Small Arms Expert, and USAF Outstanding Unit Award; and

WHEREAS, it is with deep sadness that we mourn the loss of Major General Gerard and extend our sincerest sympathy to his family and friends;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Wednesday, November 12, 2008 in recognition and mourning of the passing of Major General Francis R. Gerard.

2. This Order shall take effect immediately.

Published December 15, 2008 in the New Jersey Register at 40 N.J.R. 6887(a).

**Governor Jon S. Corzine**

**Executive Order No. 125(2008)**

**New Jersey Abraham Lincoln Bicentennial Commission**

Issued: November 21, 2008.

Effective: November 21, 2008.

Expiration: December 31, 2009.

WHEREAS, Abraham Lincoln, the 16th President of the United States, was one of the nation's most prominent leaders who demonstrated true courage during the Civil War, one of the greatest crises in the nation's history; and

WHEREAS, born on February 12, 1809, Abraham Lincoln served as President from March 4, 1861, to April 15, 1865, establishing a legacy of honesty, integrity, intelligence, and commitment to save a nation divided by the institution of slavery; and

WHEREAS, President Lincoln issued the Emancipation Proclamation in 1863, which declared free all slaves in the states of the rebellion under the Confederate flag; and

WHEREAS, in the months following the untimely death of President Lincoln by an assassin's bullet, the Thirteenth Amendment to the United States Constitution was finally adopted on December 6, 1865, to abolish and forever prohibit slavery in the United States; and

WHEREAS, February 12, 2009, marks the 200th anniversary of President Lincoln's birth; and

WHEREAS, the United States Congress has established the "Abraham Lincoln Bicentennial Commission" to honor President Lincoln's legacy and to educate the American public about his achievements and leadership; and

WHEREAS, the Abraham Lincoln Bicentennial Commission will study and recommend worthy federal activities to honor President Lincoln in 2009; and

WHEREAS, President-elect Abraham Lincoln spoke separately to the New Jersey Senate and the General Assembly during his travels through New Jersey on February 21, 1861, on his way to his inaugural in the nation's capital; and

WHEREAS, it is appropriate for the State of New Jersey to join the national effort and to plan and carry out its own bicentennial tributes to honor President Lincoln;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Abraham Lincoln Bicentennial Commission ("Commission").

2. The Commission on Higher Education shall assist the Commission and provide a staff member to serve as a non-voting recording secretary.

3. The Commission shall be composed of twenty-three (23) members. The following officials, or their designees, shall serve on the Commission, ex-officio, and with a vote: the Executive Director of the Commission on Higher Education; the Secretary of State; the Commissioner of the Department of Education; the Chair, New Jersey Historical Commission; the State Librarian; and the Chair, Amistad Commission.

4. The Commission shall also consist of seventeen (17) public members. One public member shall be appointed by the Governor upon the recommendation of the President of the Senate, one public member shall be appointed by the Governor upon the recommendation of the Speaker of the General Assembly, one public member shall be appointed by the Governor upon the recommendation of the Senate Minority Leader, one public member shall be appointed by the Governor upon the recommendation of the General Assembly Minority Leader, and thirteen (13) public members shall be appointed by the Governor. All public members of the Commission shall serve without compensation and at the pleasure of the Governor. The Governor shall appoint the chair and vice-chair of the Commission, who also serve as such at the pleasure of the Governor.

5. The public members shall be residents of the State, chosen with due regard for geographic representation, diversity, education, and knowledge and experience in academia related to the history of President Lincoln, the Civil War, and the abolitionist movement.

6. The Commission shall meet as soon as practical after the Chair and a majority of the public members have been appointed. The presence of a majority of the authorized membership of the Commission shall constitute a quorum and shall be required for the conduct of official business.

7. The responsibilities and duties of the Commission are as follows:

a. To recommend activities that may be carried out by the State of New Jersey to honor President Lincoln during the year of his bicentennial; and

b. To educate the residents of the State of New Jersey about the life of President Lincoln, especially his years of service as the 16th President of the United States; and

c. To plan, implement, and coordinate activities to commemorate the bicentennial year.

8. The Commission shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. The Commission shall submit a preliminary report of proposed activities to the Governor 60 days after its first meeting.

9. The Commission is authorized to call on any department, office, division, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division, and agency of this State, to the extent not inconsistent with law, is hereby required to cooperate with the Commission and to furnish it with such information and assistance as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

10. The Commission is authorized, alone or with other groups, to solicit and accept gifts, grants, and bequests from individuals, corporations, foundations, governmental agencies, public and private organizations, and institutions to defray the Commission's administrative expenses and carry out its purposes as set forth in this Order.

11. This Order shall take effect immediately and expire on December 31, 2009.

Published January 5, 2009 in the New Jersey Register at 41 N.J.R. 3(a).  
Rescinded by Christie Executive Order No. 40(2010), effective September 9, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 126(2008)**

**Interagency Council on Preventing and Reducing Homelessness**

Issued: November 26, 2008.

Effective: November 26, 2008.

WHEREAS, housing constitutes one of the basic needs of all families and individuals within the State of New Jersey, and safe and affordable housing creates a foundation for stable lives, secure families, and thriving communities; and

WHEREAS, the State has among the costliest housing markets in the United States and average wages have failed to keep pace with the average cost of housing in the State for at least two decades, causing many individuals and families to spend increasing proportions of their income on housing and causing others to live in overcrowded, inaccessible, unsafe, or unsanitary conditions simply because they have no other option; and

WHEREAS, significant numbers of individuals and families in New Jersey, through illness, low wages, the loss of a job, divorce or family conflict, or struggles with mental health or substance abuse, lose their ability to earn a sufficient income or obtain adequate benefits to remain in their homes; and

WHEREAS, over the course of each year, thousands of individuals and families lose their housing and become homeless; and

WHEREAS, the multiple economic, social, physical, and emotional consequences of an episode of homelessness often exacerbate the factors that led to an individual's or family's loss of housing, thereby making it even more challenging for a single person or a family to regain housing and recreate a stable home; and

WHEREAS, multiple State agencies, commissions, and boards working in fields as diverse as housing, health care, employment, hunger, education, mental health and substance abuse treatment assist individuals and families to remain in their homes with a range of economic and social programs, and these agencies, commissions, and boards, as well as other organizations, also are charged with helping homeless individuals and families to obtain stable housing; and

WHEREAS, all these State agencies, commissions, and boards share the common goals of preventing and eliminating homelessness, especially chronic homelessness; and

WHEREAS, coordinating the work of these State entities will help to foster necessary system changes and maximize the impact of federal, State, and local governmental programs and nonprofit and voluntary efforts to help individuals and families remain in their homes and, if they become homeless, to speed their return to housing;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established in the Department of Community Affairs the Interagency Council on Preventing and Reducing Homelessness (the "Council").

2. The Council shall be comprised as follows: (i) the Commissioners of the Department of Children and Families, the Department of Community Affairs, the Department of Corrections, the Department of Education, the Department of Health and Senior Services, the Department of Human Services, and the Department of Labor and Workforce Development, the Executive Director of the New Jersey Housing and Mortgage Finance Agency, the Chairman of the State Parole Board, the Adjutant General of the Department of Military and Veterans Affairs, and a representative of the Office of the Governor, each of whom shall serve ex officio and may appoint a designee; and (ii) 14 public members appointed by the Governor as follows: a representative of county government, a representative of municipal government, two persons who are or recently were homeless, two representatives of the private sector, four representatives of nonprofit agencies providing housing, social, behavioral health, or health-care services to homeless individuals or families, a representative of public housing authorities, an individual with academic expertise in homelessness issues, and two representatives from faith communities. In addition, the President of the Senate, the Speaker of the Assembly, the Senate Minority Leader, and the Assembly Minority Leader each may appoint a member of the Legislature to serve on the Council, and that member may appoint a designee.

3. The Commissioners of the Departments of Community Affairs (DCA) and Human Services (DHS) shall act as co-chairs of the Council.

4. The public members of the Council shall serve at the pleasure of the Governor and without compensation, except that members who are or recently were homeless may be reimbursed for reasonable expenses within funds available to DCA or DHS.

5. The Council shall meet on a regular basis, as determined by the co-chairs.

6. The Council shall:

a. Prepare a preliminary report to the Governor by or before December 31, 2009, containing findings and recommendations for preventing and reducing homelessness, ending chronic homelessness, and improving services to individuals and families who lose their housing, and additional reports as the Council may deem necessary;

b. Review data, activities, funding, and programs in areas including but not limited to housing, health care, employment, education, and mental health and substance abuse services that (i) help individuals and families at-risk of becoming homeless retain their housing and (ii) provide housing and other services for individuals and families who become homeless;

c. Identify statutory and regulatory impediments to the effective provision of services to homeless individuals and families and recommend changes to relevant laws, programs, and policies;

d. Review service delivery models and examine best practices to maximize the cost effectiveness of those models and their results; and

e. Examine and evaluate programs and activities to prevent, reduce, and end homelessness and to assist homeless families and individuals.

7. The Council shall organize and meet as soon as practicable after the appointment of a majority of its members.

8. Staffing for the Council shall be undertaken and coordinated by DCA and DHS. The Council shall seek information and advice, conduct hearings, and take testimony from individuals and families at-risk of losing their homes, or who have lost their housing; providers of housing or services to such persons; research organizations; and others to fulfill its duties.

9. The Council is authorized to call upon any department, division, office, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, division, office, and agency of this State is hereby required, to the extent not inconsistent with law, to cooperate with the Council and to furnish it with such information, personnel, and assistance as is necessary to accomplish the purposes of this Order.

10. The Council shall operate until December 31, 2011. This period may be extended by Executive Order.

11. This Order shall take effect immediately.

Published January 5, 2009 in the New Jersey Register at 41 N.J.R. 3(b).

**Governor Jon S. Corzine**

**Executive Order No. 127(2008)**

**Tribute to United States Army Private Charles Yi Barnett**

Issued: December 1, 2008.

Effective: December 1, 2008.

WHEREAS, United States Army Private Charles Yi Barnett was raised in Sykesville, Maryland, and his father has resided in Elizabeth, New Jersey, for many years; and

WHEREAS, Private Barnett enlisted in the United States Army after attending Bel Air High School in Bel Air, Maryland; and

WHEREAS, Private Barnett was assigned to the 2nd Battalion, 12th Cavalry Regiment, 4th Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas; and

WHEREAS, Private Barnett was a dedicated soldier as well as a loving son, step-son, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Private Barnett died near Baghdad, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Private Barnett's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, December 3, 2008, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Private Charles Yi Barnett.

2. This Order shall take effect immediately.

Published January 5, 2009 in the New Jersey Register at 41 N.J.R. 4(a).

**Governor Jon S. Corzine**

**Executive Order No. 128(2009)**

**Tribute to United States Army Major John P. Pryor**

Issued: January 2, 2009.

Effective: January 2, 2009.

WHEREAS, United States Army Major John P. Pryor was born in Mount Vernon, New York, and resided in Moorestown, New Jersey; and

WHEREAS, after graduating medical school from the State University of New York in Buffalo, Major Pryor moved to South Jersey for a fellowship at the Hospital of the University of Pennsylvania; and

WHEREAS, Major Pryor joined the University of Pennsylvania's surgical faculty and served as director of the hospital's nationally recognized trauma program; and

WHEREAS, Major Pryor joined the United States Army in 2006, because he felt he had a duty to lend his surgical expertise in trauma to save Americans in combat; and

WHEREAS, upon learning of the pending deployment in Iraq, Major Pryor began studying the Arabic language so that he could better help the injured Iraqis he would treat; and

WHEREAS, Major Pryor was assigned to a forward surgical team with the Army's 1st Medical Detachment, based in Fort Totten, New York; and

WHEREAS, Major Pryor died in Iraq, during a time of war while serving his second tour of duty as a combat surgeon of the United States Army; and

WHEREAS, Major Pryor was an exceptional man with a deep desire to help his fellow man by caring for the sick and injured, as well as a devoted husband, father, son, brother, and friend, whose passion for service to others stood out; and

WHEREAS, Major Pryor's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, January 5, 2009, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Major John P. Pryor.

2. This Order shall take effect immediately.

Published February 2, 2009 in the New Jersey Register at 41 N.J.R. 697(a).

**Acting Governor Richard J. Codey**

**Executive Order No. 129(2009)**

**Tribute to Firefighter Gary Stephens**

Issued: January 6, 2009.

Effective: January 6, 2009.

WHEREAS, Firefighter Gary Stephens was a native of the City of Elizabeth, who later moved to Bayville, New Jersey with his wife, Natalie; and

WHEREAS, inspired by his father, who served the public as an Elizabeth firefighter for over two decades, Firefighter Gary Stephens joined the Elizabeth Fire Department in 1980; and

WHEREAS, Firefighter Stephens served with distinction for twenty-eight years and earned a valor award in 1999 for saving the historic Second Presbyterian Church from destruction during a devastating fire that year; and

WHEREAS, on January 2, 2009, in the City of Elizabeth in Union County, Firefighter Stephens, at the age of 57, made the ultimate sacrifice, giving his life while fighting a fire that destroyed one house and damaged a neighboring home, and

WHEREAS, Gary Stephens' selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was born and raised to recognize his remarkable commitment to the welfare of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Thursday, January 8, 2009, in recognition of the life and in mourning of the passing of Firefighter Gary Stephens.

2. This Order shall take effect immediately.

Published February 2, 2009 in the New Jersey Register at 41 N.J.R. 697(b).

**Governor Jon S. Corzine**

**Executive Order No. 130(2009)**

**Tribute to Assemblyman Willie B. Brown**

Issued: January 13, 2009.

Effective: January 13, 2009.

WHEREAS, Assemblyman Willie B. Brown was a leader in public life in the State of New Jersey, having dedicated the majority of his career to serving the common good, and New Jersey is a better place today because of that service; and

WHEREAS, Assemblyman Brown was born in Pendleton, South Carolina, raised on a farm, graduated from high school, and enrolled in South Carolina State University; and

WHEREAS, Assemblyman Brown became an adopted son of New Jersey, moving to Newark while he was in college, attending Bloomfield College, and spending virtually the entire remainder of his life in this State; and

WHEREAS, following his undergraduate studies, he soon embarked on his lifelong mission of working for the people of the State of New Jersey, initially serving as a district leader and then, winning election to the Assembly in 1973, at age 33, representing Essex County; and

WHEREAS, Assemblyman Brown won re-election to the Assembly eleven consecutive times, serving for a total of 24 years; and

WHEREAS, he was the driving force and lead sponsor of legislation requiring that New Jersey's pension fund divest itself of securities in firms doing business in South Africa, making New Jersey the first state in the country to divest from South Africa because of its apartheid regime; and

WHEREAS, Governor Thomas Kean signed the divestment bill and was subsequently informed by leaders in South Africa that the divestiture movement made a real difference and that it was the first time apartheid leaders understood that their policies were going to have a serious impact in the United States; and

WHEREAS, while in the Legislature, Assemblyman Brown was a passionate advocate for the less fortunate among us; and

WHEREAS, the Assemblyman held numerous leadership positions in the Assembly including minority leader, deputy speaker, and majority whip; and

WHEREAS, following his service in elective office, he also was chief of staff to prominent officials in Essex County, including the County Executive; and

WHEREAS, Assemblyman Brown was a tenacious legislator and effective legislative leader, yet possessed the wisdom and strength of character that allowed him to form friendships across partisan lines, with allies and with adversaries, amidst the often challenging political culture, and accordingly is remembered as a warm and good-natured man as well as a fighter; and

WHEREAS, the Assemblyman's passion for public service and for caring for his fellow human beings have inspired many, including many of his family, to enter public service, and

WHEREAS, it is with deep sadness that we mourn the loss of Assemblyman Brown and extend our sincere sympathy to his family and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Assemblyman Brown;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during appropriate hours on Thursday, January 15, 2009, in recognition and mourning of the passing of Assemblyman Willie B. Brown.

2. This Order shall take effect immediately.

Published February 17, 2009 in the New Jersey Register at 41 N.J.R. 829(a).

Governor Jon S. Corzine

Executive Order No. 131(2009)

**Orders Executive Branch Departments, Agencies, Boards, Commissions, and Any and All Other Bodies of the State's Executive Branch that Are Involved in Decisions that Affect Environmental Quality and Public Health to Provide Appropriate Opportunities for All Persons, Regardless of Race, Ethnicity, Color, Religion, Income, or Education Level to Participate in Decision-Making**

Issued: February 5, 2009.

Effective: February 5, 2009.

WHEREAS, all residents of the State of New Jersey, regardless of race, ethnicity, color, national origin, or income, deserve to live in communities free from the effects of pollution and are entitled to participate in decision-making that affects their environment, their communities, their homes, and their health; and

WHEREAS, the State of New Jersey is committed to promoting human health, protecting the environment, and providing its residents, especially persons of low-income and persons of color, with information about environmental conditions affecting their health, their homes, and their communities; and

WHEREAS, within the State of New Jersey, some communities whose residents are predominantly of persons of low-income and persons of color bear a disproportionate share of the impact of pollution and other threats to public health and the quality of life; and

WHEREAS, studies by the Centers for Disease Control and Prevention and other federal agencies have documented that the prevalence of childhood asthma is increasing nationwide, that this increase is linked in part to poor air quality, and that childhood asthma is found disproportionately in Black and Latino/Hispanic communities; and

WHEREAS, the cumulative exposure to pollution and other hazards from multiple sources in communities whose residents are predominantly low-income and persons of color creates a disproportionate impact on the health, well-being, and quality of life of persons living in those communities and addressing those impacts requires a coordinated response across multiple governmental agencies and a more inclusive process of decision-making; and

WHEREAS, the federal government and the State of New Jersey have acknowledged the significance of these disproportionate impacts in these communities and taken steps to coordinate governmental responses and improve decision-making, the federal government by issuing Executive Order 12898 and creating the National Environmental Justice Advisory Council to integrate environmental justice into the Environmental Protection Agency's policies, programs, ini-

tiatives and activities, and the State of New Jersey by issuing Executive Order No. 96 (2004) with similar purposes; and

WHEREAS, New Jersey's Executive Order No. 96 (2004) will expire on February 17, 2009;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by the virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Executive branch departments, agencies, boards, commissions, and any and all other bodies of the State's executive branch, including but not limited to the Department of Community Affairs (DCA), the Department of Environmental Protection (DEP), the Department of the Public Advocate, the Department of Health and Senior Services (DHSS), and the Department of Law and Public Safety (DL&PS), which are involved in decisions that affect environmental quality and public health shall provide appropriate opportunities for all persons, regardless of race, ethnicity, color, religion, income, or education level to participate in decision-making. Programs to promote and protect human health and the environment shall be reviewed periodically to ensure that they: (a) meet the needs of persons living in low-income communities and communities of color; and (b) address disproportionate exposure to environmental hazards.

2. There is hereby created the Environmental Justice Advisory Council ("Advisory Council") in the Department of Environmental Protection. The members of the Advisory Council shall be appointed by the Commissioner of DEP, shall consist of fifteen individuals, and shall meet not less frequently than quarterly. The Council shall annually select a Chairperson from its membership and shall have a minimum composition of one third membership from grassroots or faith-based community organizations. Additional membership shall include representatives from: academic public health, statewide environmental, civil rights and public health organizations; large and small business and industry; municipal and county officials, and organized labor. The chief of staff shall designate a representative from the Governor's Office to serve as a liaison to the Advisory Council and to assist it in accomplishing its mission.

3. The Advisory Council shall be charged with making recommendations from time to time to the Commissioner of DEP about issues involving environmental justice in this State in fulfillment of this Executive Order.

4. The DEP shall review and consider all recommendations submitted by the Advisory Council, in fulfillment of this Executive Order, including recommendations for policy and regulatory changes that DEP can undertake to consider and incorporate cumulative impacts into its decision-making.

5. Nothing in this Executive Order is intended to create a private right of action to enforce any provision of this Order; nor is this Order intended to diminish any existing legal rights or remedies.

6. When this Executive Order is signed, Executive Order No. 96 (2004) shall have no further force and effect.

7. The Council shall operate until December 31, 2013.

8. This Executive Order shall take effect immediately.

Published March 16, 2009 in the New Jersey Register at 41 N.J.R. 1125(a).

**Governor Jon S. Corzine**

**Executive Order No. 132(2009)**

**Extension of Deadline for School Board Election Candidate Filings**

Issued: March 3, 2009.

Effective: March 3, 2009.

Expiration: 4:00 P.M., March 4, 2009.

WHEREAS, beginning on March 1, 2009 and continuing throughout the daylight hours of March 2, 2009, severe weather conditions, including snow and high winds, made roadways hazardous to travel throughout the State; and

WHEREAS, snow accumulations in excess of ten inches in some places rendered it difficult or impossible for many citizens to commute to work and school, caused State government to implement a delayed opening and early dismissal for most employees in Trenton, and required some units of local government, including school districts, to close their operations for part or all of the day on March 2, 2009; and

WHEREAS, such closures were implemented in response to the aforesaid perilous weather conditions and were intended to avert or minimize the threats and danger posed by disaster from a natural cause to the health, safety, welfare,

and resources of the residents of one or more municipalities or counties of this State; and

WHEREAS, in some cases, candidates for school board elections reportedly were prevented by school closures from making legally required filings in a timely manner, by 4:00 p.m. yesterday, consistent with State election laws; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions N.J.S.A. App. A: 9-33 et seq. and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. School districts shall accept, as timely, filings that were due by 4:00 p.m. yesterday, but which are made by 4:00 p.m. tomorrow, March 4, 2009.

2. This Order shall take effect immediately and shall remain in effect until 4 p.m. tomorrow, March 4, 2009.

Published April 6, 2009 in the New Jersey Register at 41 N.J.R. 1293(a).

**Governor Jon S. Corzine**

**Executive Order No. 133(2009)**

**Governor's Commission on the Horse Racing Industry**

Issued: March 3, 2009.

Effective: March 3, 2009.

WHEREAS, horse racing has been a part of the fabric of New Jersey sports entertainment since 1853; and

WHEREAS, the horse racing industry employs some 3,820 individuals, generates in excess of \$31 million in taxes and fees annually, promotes approximately 176,000 acres of green space throughout the State and, as such, represents a critical economic element of the State; and

WHEREAS, New Jersey horse racing has experienced a reduction in revenues due to, among other factors, increased competition from surrounding states, causing a continued decline in the business operations of the New Jersey horse racing tracks; and

WHEREAS, since 2004, the New Jersey casino industry and the New Jersey horse racing industry have agreed to certain interim funding arrangements that have assisted the New Jersey horse racing tracks to remain competitive with tracks in neighboring jurisdictions; however, these stop-gap measures, which will expire in 2011, were not designed to address the long-term viability of the horse racing industry; and

WHEREAS, the New Jersey casino industry is a vital part of the State's economy, which has also recently experienced reduced revenues due to, among other factors, increased competition and the current economic recession; and

WHEREAS, a long-term financial solution that appropriately balances the interests and priorities of the State and the casino and horse racing industries is required if horse racing is to thrive in the State of New Jersey;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created, pursuant to Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Governor's Commission on the Horse Racing Industry (the "Commission"). The mission of the Commission is to identify, assess, and recommend possible funding solutions for horse racing meets after 2010 and to propose long-term funding solutions that will promote the future sustained viability of the horse racing industry in New Jersey.

2. The Commission shall be composed of 15 members. The following shall serve ex officio and may appoint a designee: the Chief Executive Officer of the New Jersey Sports and Exposition Authority, the Executive Director of the Casino Reinvestment Development Authority, the State Treasurer, the Chief of the Office of Economic Growth, and the Executive Director of the Economic Development Authority. In addition, the Governor shall appoint two representatives of the Casino Association of New Jersey, one representative of the Standardbred Breeders and Owners Association, one representative of the New Jersey Thoroughbred Horsemen's Association, and two public members. The Commission also shall include one member of the Senate and one public member appointed by the President of the Senate; and one member of the General Assembly and one public member appointed by the Speaker of the General Assembly. Vacancies on the Commission shall be filled in the same manner as the original appointment. The members appointed by the Governor shall serve at the pleasure of the Governor and without compensation.

3. The Governor shall appoint one public member to serve as chair of the Commission and one member to serve as vice-chair of the Commission.

4. The Commission shall produce a report on the horse racing industry outlining its recommendations for maintaining the economic viability of the horse racing industry in the State of New Jersey, with a particular analysis of interim and long-term funding alternatives. The report shall be delivered to the Governor and the Legislature by no later than July 1, 2010.

5. In furtherance of its mission, the Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with data and other information, personnel, or assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission and to furnish the Commission such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

6. This Order shall take effect immediately.

Published April 6, 2009 in the New Jersey Register at 41 N.J.R. 1293(b). Amended by Christie Executive Order No. 11(2010), effective February 3, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 134(2009)**

**Tribute to United States Army Specialist Brian M. Connelly**

Issued: March 6, 2009.

Effective: March 6, 2009.

WHEREAS, United States Army Specialist Brian M. Connelly was raised in Union Beach, New Jersey and graduated from Red Bank Regional High School in 2000; and

WHEREAS, Specialist Connelly enlisted in the United States Army after attending Brookdale Community College; and

WHEREAS, Specialist Connelly was assigned to the 40th Engineer Battalion, Task Force 1-6, 2nd Brigade Combat Team, 1st Armored Division, Baumholder, Germany; and

WHEREAS, Specialist Connelly was a dedicated soldier as well as a loving son, husband, brother, and friend, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Specialist Connelly died near Adhamiya, Iraq, during a time of war while serving as a member of the United States Army; and

WHEREAS, Specialist Connelly's love for his family and friends, his patriotism, and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to mourn and remember him, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, March 10, 2009, in recognition and mourning for a son of New Jersey and a brave and loyal American, United States Army Specialist Brian M. Connelly.

2. This Order shall take effect immediately.

Published April 6, 2009 in the New Jersey Register at 41 N.J.R. 1294(a).

**Governor Jon S. Corzine**

**Executive Order No. 135(2009)**

**Temporary Suspension of Executive Order No. 103(2008)**

Issued: March 10, 2009.

Effective: March 10, 2009.

WHEREAS, on June 30, 2008, I signed Executive Order No. 103 (2008), creating a mechanism to help eliminate the longstanding, bipartisan practice of relying upon non-recurring revenues to fund recurring expenses of State government; and

WHEREAS, this administration, working cooperatively with the Legislature, has made unprecedented progress in curbing State expenditures, actually cutting the State budget, and reducing the State's reliance on non-recurring sources of revenue to fund recurring State expenses; and

WHEREAS, from the outset of the administration, I have emphasized as one of my highest priorities that recurring revenues should meet or exceed recurring expenses; and

WHEREAS, during this period of fiscal and economic crisis, it is not only prudent, but imperative, that the State's finances be managed responsibly; and

WHEREAS, as Governor, I have a responsibility to ensure a balanced budget, manage the operations of State Government effectively and efficiently, and maintain necessary government programs and assistance to the public; and

WHEREAS, the United States of America is confronting a fiscal and economic crisis more severe than any experienced since the Great Depression, a consequence of which is dramatically reduced revenues to the State, and in particular, markedly diminished revenues derived from recurring sources; and

WHEREAS, in recognition of the scope and severity of the ongoing national and international economic crisis, the federal government in recent weeks enacted what has been described as an unprecedented short-term stimulus law in-

tended to bolster the staggering national economy by creating and retaining more than three million jobs; and

WHEREAS, State legislation already has been enacted to amend New Jersey's Fiscal Year 2009 appropriations law, in compliance with constitutional mandates, to offset the shortfalls in State revenues experienced to date during the fiscal year; and

WHEREAS, such shortfalls compromise the State's ability to continue performing the core functions of government during the current economic crisis and to address the immediate needs of residents; and

WHEREAS, in order to continue to provide important and essential services and maintain a balanced budget, it is unavoidable to propose certain temporary revenue enhancing measures, in addition to available federal stimulus funds, which would not be "recurring" revenues under Executive Order No. 103 (2008); and

WHEREAS, in light of the magnitude of the ongoing economic crisis, it is appropriate to make a temporary adjustment to Executive Order No. 103 (2008);

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the statutes of this State, do hereby ORDER and DIRECT:

1. The provisions of Executive Order No. 103 (2008) are temporarily suspended.
2. To ensure transparency in the budgeting process, the State Treasurer, in consultation with the Office of Management and Budget, shall prepare an estimate of the recurring and non-recurring revenues of the State for Fiscal Year 2010, including but not limited to anticipated federal stimulus funds, and shall make the estimate publicly available on the Department of the Treasury's website.
3. This Order shall take effect immediately and shall apply only to State Fiscal Year 2010.

Published April 6, 2009 in the New Jersey Register at 41 N.J.R. 1294(b).  
Rescinded by Christie Executive Order No. 19(2010), effective March 15, 2010.

**Governor Jon S. Corzine****Executive Order No. 136(2009)****Tribute to Assemblyman Eric "Doc" Munoz, M.D.**

Issued: April 1, 2009.

Effective: April 1, 2009.

WHEREAS, Assemblyman Eric "Doc" Munoz, M.D., was a leader in public life, an accomplished surgeon and teacher, a director of professional and civic organizations, and a man deeply dedicated to serving others from all stations in life, and New Jersey is a better place today because of him; and

WHEREAS, Assemblyman Munoz was born in the Bronx, New York and raised in Colts Neck, New Jersey, where he often worked at his parents' general store; and

WHEREAS, Assemblyman Munoz obtained his bachelor's degree in 1969 from the University of Virginia, graduated from the Albert Einstein College of Medicine in 1974, completed his surgical training at Yale-New Haven Hospital in 1979, and earned a master's degree in business administration with a concentration in finance from Columbia University in 1983; and

WHEREAS, Assemblyman Munoz, a resident of Summit, New Jersey, served as Councilman-At-Large for the City of Summit from 1995 to 2001 and as chairman of the Summit City Republican Municipal Committee from 1998 to 2004; and

WHEREAS, Assemblyman Munoz was appointed to fill a vacancy in the General Assembly and was sworn into office on May 10, 2001 and was subsequently elected to the Assembly for four terms; and

WHEREAS, Assemblyman Munoz, a member of the Human Services and Health and Senior Services committees, was a member of the New Jersey Task Force on Child Abuse and Neglect, the Assembly Latino Caucus, and the Board of the National Puerto Rican Coalition, and, in the current legislative session, was in his second term as the Assembly Republican Deputy Conference Leader; and

WHEREAS, during his tenure in the Assembly, he was sponsor of a broad range of significant legislation increasing sentences for sex offenders (the "Jessica Lunsford Act"); forfeiting retirement benefits by elected officials convicted of a crime; tightening restrictions for operating an automobile for those convicted of driving under influence of alcohol ("Ricci's Law"); and banning smoking in most indoor public places, including bars and restaurants (the New Jersey Smoke-Free Air Act); and

WHEREAS, the Assemblyman also helped pass Danielle's Law, requiring facilities serving disabled individuals to call 911 in the event of a medical emergency; and

WHEREAS, the Assemblyman, in addition to accomplishments in public life, contributed to the well-being of

New Jerseyans in myriad other ways, including his service as a trauma surgeon at the University of Medicine and Dentistry of New Jersey, where he had been on the surgical staff since 1988; his teaching, and his volunteer activities; and

WHEREAS, since 1994, Assemblyman Munoz communicated his deep knowledge of science and his appreciation for the art and discipline of surgery to the next generation of surgeons as Professor of Surgery at UMDNJ New Jersey Medical School; and

WHEREAS, Assemblyman Munoz also served as the President of the Medical Staff at UMDNJ-University Hospital in Newark and, from 1990 to 2001 he served as Chairman of the Medical Practitioner Review Panel, appointed first by Governor Florio and again by Governor Whitman; and

WHEREAS, in 1992, Assemblyman Munoz was appointed by President George H. Bush to the 45th World Health Organization Assembly in Geneva, Switzerland; and

WHEREAS, in June 2006, Assemblyman Munoz completed his term of service on the National Institute of Health's Advisory Council on Minority Health and Health Disparities, a position he was appointed to by Secretary of Health and Human Services, Tommy G. Thompson; and

WHEREAS, Assemblyman Munoz remained committed to volunteering his time outside of his many political, professional, and educational commitments, and he, among other activities, served as a Trustee in Newark's North Ward Center, with a particular interest in the Center's charter schools; and

WHEREAS, it is rare in public life to encounter a man of such achievement, talent, and passion who is respected by all, regardless of partisan identity; and

WHEREAS, it is with deep sadness that we mourn the loss of Assemblyman Munoz and extend our sincere sympathy to his wife, his five children, his extended family, his many friends, and his colleagues; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Assemblyman Munoz;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, April 3, 2009, in recognition and mourning of the passing of Assemblyman Eric Munoz.

2. This Order shall take effect immediately.

Published May 4, 2009 in the New Jersey Register at 41 N.J.R. 1915(a).

**Governor Jon S. Corzine**

**Executive Order No. 137(2009)**

**Tribute to Supreme Court Justice Daniel J. O'Hern**

Issued: April 4, 2009.

Effective: April 4, 2009.

WHEREAS, Supreme Court Justice Daniel J. O'Hern was, for many decades, an extraordinary figure in the public life of New Jersey, faithfully serving the people of this State as a respected member of the State's highest Court for just under two decades; a Commissioner in the executive branch; a chief counsel to the Governor; an elected councilman and mayor; an accomplished attorney; and a leader in civic affairs, and today New Jersey is a better place because of him and his exemplary service; and

WHEREAS, Justice O'Hern was a true son of New Jersey, born and raised in Red Bank, one of four children, who became interested in law at a young age, through his aunt's employment with Jack Quinn, a beloved Monmouth County lawyer; and

WHEREAS, Justice O'Hern won a scholarship to Regis High School, a highly selective Jesuit school in New York City and subsequently graduated from Fordham College, cum laude, with a major in mathematics in 1951; and

WHEREAS, Justice O'Hern then served in the United States Navy from 1951 to 1954, during a time when the United States was at war in Korea, and left the Navy with the rank of Lieutenant, J.G.; and

WHEREAS, he then was admitted to Harvard Law School and graduated, again cum laude, in 1957, and served as a judicial clerk to United States Supreme Court Justice William J. Brennan, Jr., another son of New Jersey, who became a mentor and close friend; and

WHEREAS, Justice O'Hern returned to New Jersey to practice law; and entered public life in 1962, when he was elected councilman in Red Bank and thereafter was elected mayor in 1969, serving in that position until 1978 when Governor Byrne appointed him commissioner of the Department of Environmental Protection; and

WHEREAS, Governor Byrne later appointed him as his chief counsel in 1979; and

WHEREAS, Justice O'Hern was nominated to the Supreme Court of New Jersey by Governor Byrne, confirmed by the Senate, and sworn in as associate Justice on August 6, 1981, and he was subsequently renominated to that position by Governor Kean in 1988; and

WHEREAS, during his tenure on the Supreme Court, Justice O'Hern wrote 231 majority opinions, was known for the precision of his analysis and the clarity of his prose, and

was recognized as a consensus builder who believed that the Court should be unanimous on significant issues; and

WHEREAS, Justice O'Hern also was a jurist of resolute conviction, unafraid of disagreement with his colleagues, and penned 142 dissents; and

WHEREAS, the many significant decisions Justice O'Hern is recognized for include: *In Re Proportionality Review*, dealing with the state's system of reviewing death sentences; *Ford Motor v. Edison*, on the valuation of industrial property; *State in the Interest of T.L.O.*, which set a higher standard for school authorities to conduct searches of students' personal effects; *Williams v. Dept. of Human Services*, defining the state's obligation to provide adequate emergency housing assistance to prevent homelessness, as well as decisions that granted battered spouses the right to sue their ex-mates and that supported the right of the press to obtain public records; and

WHEREAS, during his tenure on the Court, Justice O'Hern was recognized for his passion for justice and his sense of balance and perspective, which helped his colleagues overcome their disagreements on numerous occasions; and

WHEREAS, Justice O'Hern, during his two decades on the Court, strengthened the administration of justice throughout the State, through his service in the positions as chair of the Judicial Salary and Pensions Committee, an advisor to the New Jersey Commission on Professionalism in the Law, and as chairman of the Family Court Reorganization Committee, which was charged with implementing the changes to the court system called for in the 1983 constitutional amendment that abolished the Juvenile and Domestic Relations Court and created the Family Part in the Chancery Division; and

WHEREAS, Justice O'Hern, upon reaching the mandatory retirement age in 2000, became of counsel to the Gibbons firm in Newark and subsequently of counsel to the Becker Meisel firm in Red Bank, a position he held until recently; and

WHEREAS, since leaving the bench, Justice O'Hern became a leader in civic affairs and served on the Advisory Committee on Judicial Conduct, on the New Jersey Law Journal's editorial board, as president of the Harvard Law School Association of New Jersey, and as trustee of the Legal Aid Society of Monmouth County; and

WHEREAS, it is with deep sadness that we mourn the loss of Justice O'Hern and extend our sincere sympathy to his wife of 50 years, Barbara Ronan O'Hern, their five children and eight grandchildren, his two sisters and brother, his extended family, and his many friends and colleagues; and

WHEREAS, it is fitting and appropriate to honor the achievements, the character, the memory, and the passing of Justice O'Hern;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in

me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

recognition and mourning of the passing of Justice Daniel J. O'Hern.

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Wednesday, April 8, 2009, in

2. This Order shall take effect immediately.

Published May 4, 2009 in the New Jersey Register at 41 N.J.R. 1915(b).

**Governor Jon S. Corzine**

**Executive Order No. 138(2009)**

**Tribute to Firefighter Manuel Rivera, Sr.**

Issued: April 8, 2009.

Effective: April 8, 2009.

WHEREAS, Firefighter Manuel Rivera, Sr. was born in Trenton, New Jersey, and graduated from Trenton Central High School and the Mercer County Fire Academy; and

WHEREAS, Manuel Rivera, Sr. had been a Trenton Firefighter for 14 years and was assigned to Engine No. 3; and

WHEREAS, on February 9, 2009, in the city of Trenton, Firefighter Rivera, at the age of 42, suffered a massive heart attack while rescuing a man who was dangling from a window of a burning home; and

WHEREAS, Firefighter Rivera, almost two months after his heroic rescue, died of injuries sustained while saving another man's life, making the ultimate sacrifice; and

WHEREAS, Firefighter Rivera's selfless devotion to public service and the protection of others makes him a hero and a role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was born and raised to recognize his extraordinary bravery and commitment to the welfare of others, to mark his untimely passing, to remember his parents, his wife, his five children, his extended family, his friends, and his fellow firefighters as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey will be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Monday, April 13, 2009, in recognition of the life and in mourning of the passing of Firefighter Manuel Rivera, Sr.

2. This Order shall take effect immediately.

Published May 4, 2009 in the New Jersey Register at 41 N.J.R. 1916(a).

**Governor Jon S. Corzine**

**Executive Order No. 139(2009)**

**Tribute to United States Army Sergeant Dougall H. Espey, Jr.**

Issued: April 8, 2009.

Effective: April 8, 2009.

WHEREAS, United States Army Sergeant Dougall H. Espey, Jr., of Mount Laurel, New Jersey, was raised in Elmira, New York; and

WHEREAS, Sergeant Espey, known to family and friends as Sonny, enlisted in the United States Army in 1948, and expected to make the Army his career; and

WHEREAS, Sergeant Espey was assigned to Company L, 3rd Battalion, 8th Cavalry Regiment, 1st Division; and

WHEREAS, Sergeant Espey was killed in action when his unit was surrounded while occupying a defensive position near Unsan, North Korea in an area known as "Camel's Head", on November 1, 1950; and

WHEREAS, Sergeant Espey was a courageous soldier who loved his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Espey was, in turn, loved by his family, friends, and fellow soldiers, who take great pride in his commitment, heroism, and achievements; and

WHEREAS, United States Army Sergeant Espey made the ultimate sacrifice, giving his life in the line of duty, while fighting on behalf of his country; and

WHEREAS, it is appropriate and fitting to mark his passing, honor his memory, and remember his family as they mourn their loss;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, April 14, 2009, in recognition of the life and in mourning of the passing of United States Army Sergeant Dougall H. Espey, Jr.

2. This Order shall take effect immediately.

Published May 4, 2009 in the New Jersey Register at 41 N.J.R. 1916(b).

Governor Jon S. Corzine

**Executive Order No. 140(2009)**

**Orders and Directs at Sites Where Groundwater Has Been Impacted by Pollutants Above Remediation Standards, or Where the Site May Be Used as Residential Housing, or for Educational Purposes, including Use as a Child Care or Day Care Center, Public, Private, or Charter School, or a Playground or Ball Field, the Department Of Environmental Protection Shall Increase Its Auditing, Monitoring, and Review of Conditions at the Site**

Issued: May 7, 2009.

Effective: May 7, 2009.

WHEREAS, the State of New Jersey has been endowed by nature with extraordinary and diverse ecosystems; ranging from the Highlands to the Shore; from the Delaware and New York Bays to the Hudson, Delaware, Passaic, and Raritan rivers; from the dunes and grasslands on the Atlantic to the Pinelands; from flatlands and marshes to forests and mountains; from rich soils to pristine ponds, lakes, and aquifers; and

WHEREAS, partially as a result of this diversity, the State is the most densely populated in the Nation, with its population able to enjoy natural settings of enormous beauty and ecosystems of great variety; and

WHEREAS, since colonial times, the richness of the State's natural heritage has allowed the State to flourish and created abundant opportunities for agriculture, trade, and commerce, and the growth of business has attracted more residents and reinforced the development of business within the State, which in turn attracted more residents, and this dynamic, with the Nation's technological development, eventually brought heavy industry as well as large numbers of manufacturing, chemical, and refining enterprises to the State; and

WHEREAS, for decades, these industries have contributed to the State's growth and prosperity, providing jobs and enriching living standards for all, yet many of these same enterprises have released pollution into the State's air, soil, surface and ground water, and these by-products of industrial production have damaged numerous natural resources, threatened human health and safety, and degraded our environment; and

WHEREAS, our economic prosperity and, as science has shown, our existence as a species depend on responsible stewardship of our environment and protecting our varied ecosystems from pollution and other harmful by-products of industrial production; and

WHEREAS, for more than three decades, the State has made extraordinary efforts to reduce or eliminate the health and safety impact of pollution on humans, especially children and other sensitive populations, and halt the impact of pol-

lution on the State's ecosystems, its natural resources, its soils, and waters, particularly through its Site Remediation Program that oversees the clean-up of sites where a hazardous substance has been discharged; and

WHEREAS, there are more than 19,000 sites in the Site Remediation Program with more being added daily, and given resource limitations, the Program has had difficulty in evaluating the sites, moving them quickly through the clean-up process, and verifying that the work was done appropriately; and

WHEREAS, almost three years ago, the New Jersey Department of Environmental Protection (DEP) began to work with all interested entities, from members of the State Legislature to environmental advocacy groups to consultants and persons responsible for conducting site clean-ups to include more sites in the clean-up program, improve the speed of site clean-ups, reduce the chance that any site-based pollution would damage human health, compromise safety of workers or eventual residents, threaten natural resources, including bodies of water, drinking water, and aquifers; and the environment; and

WHEREAS, participants in those same meetings also resolved to expand DEP's legal authority to address site-based pollution; and

WHEREAS, as the culmination of that inclusive process, both houses of the Legislature passed the Assembly Committee Substitute for Assembly Bill No. 2962, a lengthy and complex bill, which establishes a licensing program for site remediation professionals and makes various other changes to the statutes governing the remediation of polluted sites (the Legislation); and

WHEREAS, the Legislation moves the DEP from direct supervision of the clean-up of polluted sites to a compliance and enforcement and monitoring role of independent professionals conducting such work; and

WHEREAS, among its other provisions, the Legislation establishes the Site Remediation Professional Licensing Board (the Board), requires the DEP to inspect all documents and information submitted by an LSRP, authorizes the DEP to review the performance of a clean-up under a broad range of circumstances, and mandates that the DEP shall undertake direct oversight of a contaminated site under certain conditions and authorizes, but does not require the DEP to undertake that direct oversight under other conditions; and

WHEREAS, the DEP will promulgate rules to implement the Legislation, and given the complexity and range of issues, it would be helpful for those affected by the Legislation to have a sense of the direction of how the DEP and the Office of the Governor will work together to implement it;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. At sites where groundwater has been impacted by pollutants above remediation standards, or where the site may be used as residential housing, or for educational purposes, including use as a child care or day care center, a public, private, or charter school, or a playground or ball field, the DEP shall increase its auditing, monitoring, and review of conditions at the site, including the performance of on-site inspections, and its inspection of the LSRP's submissions to ensure that public health, safety, and the environment are protected as the Site Remediation Program transitions to a compliance and enforcement role.

2. Within 60 days of this Order, the DEP shall develop guidelines governing the circumstances in which it is authorized to undertake direct oversight of a remediation of a contaminated site, as set forth in section 27.b of the Legislation.

3. During the 24 months immediately following the effective date of the Legislation, the DEP's review of 10% of all documents submitted by LSRPs shall include at least one review of case documents submitted by every LSRP.

4. The DEP shall prepare annual reports on the implementation of the Legislation to the Governor, the Senate Environment Committee, and the Assembly Environment and Solid Waste Committee. The first report shall be due on or before December 31, 2010, and the remaining reports shall be due on or before December 31 of each following year.

5. The DEP shall issue technical assistance grants to a minimum of five local community environmental groups per year during the temporary phase of the LSRP program

to evaluate remediation methods or interpret the work of temporary LSRPs.

6. To further the transparency of the operations of the Site Remediation Program, as soon as an internet site with document posting capability is established, the DEP shall post on such site every document submitted by an LSRP in connection with a contaminated site as well as all audit findings within 60 days of their being finalized.

7. The DEP shall work with the Governor's Appointments Office to locate persons of the highest professional caliber to serve as members of the Board. In addition to the qualifications set forth in the Legislation, the Appointments Office shall make every reasonable effort to ensure that one appointee to the Board shall have expertise in public health, and another appointee shall be a hydrologist, provided that nothing in this Order alters the number or functioning of Board. The Appointments Office shall not submit initial nominations to the Senate until each of the eleven nominees have been named; subsequent nominations shall not be subject to this process. As soon as the Board can begin work, it shall promulgate rules insulating an LSRP's professional judgment from economic pressures to the maximum extent practicable.

8. The DEP shall take steps to ensure that the appropriate provisions of this Executive Order are proposed as rules.

9. This Order shall take effect immediately.

Published June 1, 2009 in the New Jersey Register at 41 N.J.R. 2163(a).

**Governor Jon S. Corzine**

**Executive Order No. 141(2009)**

**Creation of Atlantic City Regional Implementation Group  
for Housing and Transportation (AC RIGHT)**

Issued: May 14, 2009.

Effective: May 14, 2009.

WHEREAS, transportation is essential to New Jersey's economy and it is critical to foster a collaborative approach to make the best use of transportation resources; and

WHEREAS, institutional, jurisdictional, and regulatory requirements may impede the most efficient and effective use of transportation resources; and

WHEREAS, an integrated approach provides the best foundation for understanding the total State investment needed in roads, bridges, and public transit; and

WHEREAS, active proposals for private investment and development, focused on the casino industry and valued in the range of \$10 to \$15 billion over the next five to 10 years, are in various stages of construction, design, and planning in the City of Atlantic City; and

WHEREAS, such private investment is reasonably expected to generate approximately 40,000 new casino jobs and another 25,000 casino-related jobs and will attract millions of new visitors annually over the next 10 to 12 years, making the Atlantic City region one of the primary economic growth centers in the State; and

WHEREAS, the existing local and regional transportation systems and infrastructure serving Atlantic City frequently experience periods of congestion during weekends and the summer high tourism season and are inadequate to meet future regional demands given the expected economic expansion of the Atlantic City market; and

WHEREAS, the State must begin now to develop an implementation plan that addresses the foregoing expansion and the requisite transportation systems, infrastructure enhancements, and related workforce housing requirements; and

WHEREAS, the Casino Reinvestment Development Authority was established to effectuate local and regional economic growth, among other priorities, including the planning and implementation of transportation and affordable housing initiatives; and

WHEREAS, since May 2007, the Casino Reinvestment Development Authority, in partnership with the New Jersey Department of Transportation and in cooperation with more than twenty institutional stakeholders, has identified multimodal projects to improve local and regional transportation operations, infrastructure, and service to meet the near and long-term travel requirements of the Atlantic City region, and is in the process of preparing an implementation plan entitled

the "Atlantic City Regional Transportation and Land Use Plan;" and

WHEREAS, no less than 15 State, county, and local agencies and governments have jurisdiction regarding the review, approval, and permitting of private development and related transportation improvement projects through the application of appropriate but often complex regulatory processes; and

WHEREAS, the timetable for governmental reviews and approvals can be unpredictable because of competing demands on staff resources and differing perspectives regarding priorities and interpretation and application of permit, design, and mitigation requirements; and

WHEREAS, several of the casino developments and near-term transportation projects require prompt, focused attention to deliver needed benefits to municipalities, the region, and the State; and

WHEREAS, the scale, complexity, and accelerated timing of the economic development, and the associated transportation investment to enable that growth, require efficient and expedited action by the approving agencies to capture market opportunities; and

WHEREAS, achieving the positive impact these developments may provide for the regional and State economies, in light of the current fiscal condition of the State, requires that the State take steps to provide for the timely development and implementation of private and public projects in the Atlantic City region; and

WHEREAS, the Commissioner of Transportation is uniquely qualified and ideally situated to centralize the strategic transportation infrastructure program as Commissioner of Transportation and Chairman of the New Jersey Transit Corporation, and as Chairman of the South Jersey Transportation Authority and the New Jersey Turnpike Authority;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby created, pursuant to Article V, Section IV, paragraph 1 of the New Jersey Constitution, the Atlantic City Regional Implementation Group for Housing and Transportation "AC RIGHT". The mission of AC RIGHT shall be to coordinate and facilitate the implementation of near and long-term transportation infrastructure and systems and synergistic workforce housing projects primarily necessitated by casino resort development in Atlantic City.

2. The AC RIGHT shall be composed of: the Commissioner of the Department of Transportation; the Executive Director of the Casino Reinvestment Development Authority; the Commissioner of the Department of Community Affairs; the Commissioner of the Department of

Environmental Protection; the Executive Director of the New Jersey Pinelands Commission; the Executive Director of the New Jersey Turnpike Authority; the Executive Director of the New Jersey Transit Corporation; the Chief of the Office of Economic Growth; the Executive Director of the South Jersey Transportation Authority; a designee appointed by the Governor and serving at his pleasure; and such additional heads of appropriate State agencies and departments as the Chair of the AC RIGHT shall determine necessary and desirable in consultation with the Vice-Chair and the Office of the Governor. Vacancies on the AC RIGHT shall be filled in the same manner as the original appointment. Each of the members of the AC RIGHT may designate an officer or employee of their respective organizations to represent the member of the AC RIGHT and each designee may lawfully vote or otherwise act on behalf of the member for whom the designee serves.

3. The AC RIGHT is authorized to engage relevant stakeholders, including county, municipal, and planning constituencies, including but not limited to the City of Atlantic City, Atlantic County, the Cross County Transportation Management Association, and the South Jersey Transportation Planning Organization, as well as affected community, business, and industry groups.

4. The Commissioner of Transportation shall serve as Chair of the AC RIGHT, and the Executive Director of the Casino Reinvestment Development Authority shall serve as Vice-Chair. They shall manage the AC RIGHT and issue biannual progress reports to the Governor.

5. In furtherance of its mission, the AC RIGHT shall be authorized to:

- a. Identify the multi-agency and governmental regulatory processes applicable to a particular project that falls within its mission;
- b. Coordinate the expeditious multi-agency and governmental regulatory review of projects that fall within its mission;

c. Make recommendations to improve or streamline the regulatory review processes for projects that fall within its mission;

d. Conduct public meetings to increase public awareness of, and participation in, the mission and projects of the AC RIGHT; and

e. Work with business and community groups to advance the mission of the AC RIGHT and facilitate necessary and desirable communication with all affected stakeholders.

6. In addition to the member agencies and departments, the AC RIGHT is authorized to call upon any other department, office, division, or agency of this State to supply it with data and other information, personnel, or assistance available to such agency as the AC RIGHT deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the AC RIGHT and to furnish the AC RIGHT such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The AC RIGHT may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

7. The AC RIGHT, in collaboration with the Office of Economic Growth, shall, as necessary or desirable, convene agency executives to brief them on progress and to work in collaboration with other agencies to resolve policy matters that may impede implementation of AC RIGHT initiatives.

8. The CRDA may provide staff in support of the AC RIGHT to assure experienced personnel and dedication of resources necessary and desirable to advance the elements of the Atlantic City Regional Transportation and Land Use Plan and the mission of the AC RIGHT.

9. This Order shall take effect immediately.

Published June 15, 2009 in the New Jersey Register at 41 N.J.R. 2363(a).

**Governor Jon S. Corzine**

**Executive Order No. 142(2009)**

**Tribute to United States Army Staff Sergeant Christian Bueno-Galdos**

Issued: May 20, 2009.

Effective: May 20, 2009.

WHEREAS, United States Army Staff Sergeant Christian Bueno-Galdos was born in 1983 in Arrequipa, Peru, came to the United States with his parents and siblings in 1990, and settled in Paterson, New Jersey; and

WHEREAS, Staff Sergeant Bueno-Galdos graduated with honors from the Passaic County Technical Institute in 2001; and

WHEREAS, Staff Sergeant Bueno-Galdos had planned to study medicine and enlisted in the Army in 2002 to pursue his dream of a medical career; and

WHEREAS, Staff Sergeant Bueno-Galdos was a ambitious and courageous young man who loved his country and the military; and

WHEREAS, Staff Sergeant Bueno-Galdos was a soldier of unusual dedication, having already spent three months in a military hospital recovering from his wartime injuries, and serving in Iraq on his second tour of duty; and

WHEREAS, Staff Sergeant Bueno-Galdos died at Camp Liberty, Baghdad, in the service of his country, during a time of war, while a member of the United States Army's 3rd Battalion, 66th Armor Regiment, 172nd Infantry Brigade, based in Grafenwoehr, Germany; and

WHEREAS, Staff Sergeant Bueno-Galdos was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family and fellow soldiers; and

WHEREAS, Staff Sergeant Bueno-Galdos's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, May 22, 2009, in recognition and mourning of a brave and loyal American hero, United States Army Staff Sergeant Christian Bueno-Galdos.

2. This Order shall take effect immediately.

Published June 15, 2009 in the New Jersey Register at 41 N.J.R. 2364(a).

**Governor Jon S. Corzine**

**Executive Order No. 143(2009)**

**Tribute to Assemblyman Ernest Schuck**

Issued: May 20, 2009.

Effective: May 20, 2009.

WHEREAS, Assemblyman Ernest Schuck served the people of the State of New Jersey with honor, commitment, and distinction in many important positions; and

WHEREAS, Assemblyman Schuck served his country in the United States Army artillery at the time of the Korean War; and

WHEREAS, Assemblyman Schuck, served as Mayor of Barrington, New Jersey from 1968 to 1973; and

WHEREAS, Assemblyman Schuck was elected to the Assembly in 1973, representing the former fifth district; and

WHEREAS, Assemblyman Schuck took the seat of New Jersey General Assembly Minority Leader John Horn, who was running for the Senate, and ran on a ticket with then Assemblyman Jim Florio; and

WHEREAS, Assemblyman Schuck served in the Assembly from 1974 to 1981, performing leadership roles a majority whip and assistant majority leader; and

WHEREAS, Assemblyman Schuck served our most vulnerable, working in key roles for Goodwill Industries and the United Way; and

WHEREAS, it is with deep sadness that we mourn the loss of Assemblyman Schuck and extend our sincere sympathy to his wife, his three children, his six grandchildren, and his many friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Assemblyman Schuck;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, May 26, 2009, in recognition and mourning of the passing of Assemblyman Ernest Schuck.

2. This Order shall take effect immediately.

Published July 6, 2009 in the New Jersey Register at 41 N.J.R. 2525(a).

**Governor Jon S. Corzine**

**Executive Order No. 144(2009)**

**Establishment of the New Jersey Hellenic-American Commission in the Department of State**

Issued: June 11, 2009.

Effective: June 11, 2009.

Expiration: June 11, 2014.

WHEREAS, New Jersey draws strength from its ethnic and cultural diversity and ranks as one of the top five states with the highest concentrations of Americans of Hellenic ancestry; and

WHEREAS, Americans of Hellenic ancestry contribute to the economic, social, cultural, and civic vitality of the State and the Nation; and

WHEREAS, dissemination of knowledge of the heritage, culture, and history of Hellenes and Americans of Hellenic ancestry is important to the State of New Jersey; and

WHEREAS, it is necessary and proper to educate the citizens of New Jersey about the heritage, culture, and history of Hellenes and Americans of Hellenic ancestry;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established, in the Department of State, the New Jersey Hellenic-American Heritage Commission ("Commission").

2. The Commission shall be composed of twenty-four (24) members.

3. The following officials, or their designees, shall serve on the Commission, ex officio, and with a vote: the Secretary of State; the Commissioner of the Department of Education; the Executive Director of the Commission on Higher Education; the Director of the Division on Civil Rights; the Chair of the Governor's Ethnic Advisory Council; the Chair of the New Jersey Human Relations Council; and the Chief Executive Officer of the New Jersey Economic Development Authority.

4. The Commission also shall consist of one public member appointed by the Governor upon the recommendation of the President of the Senate, one public member appointed by the Governor upon the recommendation of the Speaker of the General Assembly, one public member appointed by the Governor upon the recommendation of the Senate Minority Leader, one public member appointed by the Governor upon the recommendation of the Assembly Minority Leader, and an additional thirteen (13) public members appointed by the Governor. The Governor

shall appoint a chair and the members shall elect annually from among their members a vice-chair.

5. The public members shall be residents of the State, chosen with due regard for geographic representation, educational background, knowledge, and experience related to the heritage, culture, and history of Hellenes and Americans of Hellenic ancestry.

6. The Governor shall appoint each public member for a term of three years, except that of the public members first appointed, one-third shall be appointed to a three-year term, one-third shall be appointed to a two-year term, and one-third shall be appointed to a one-year term. Public members shall serve until their successors are appointed and qualified, and any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for the original appointment. Public members of the Commission shall serve without compensation.

7. The Commission shall meet as soon as practical after the chair and a majority of the members have been appointed. The presence of a majority of the authorized membership of the Commission shall constitute a quorum and shall be required for the conduct of official business.

8. The responsibilities and duties of the Commission are as follows:

a. to recognize, study, and share information on Hellenic heritage, culture, and history;

b. to coordinate events observing the heritage, culture, and history of Americans of Hellenic ancestry, including an annual Hellenic Heritage Month Celebration in March;

c. to provide expertise to and to collaborate with the Department of Education to continue to develop content and curriculum guides on the heritage, culture, and history of Americans of Hellenic ancestry in the State's Core Curriculum Content Standards in Social Studies;

d. to coordinate events with the Department of State observing the heritage, culture, and history of Americans of Hellenic ancestry;

e. to assist the New Jersey Tourism Policy Council in promoting cultural exchanges between the citizens of the State of New Jersey and the nations of Greece and Cyprus;

f. to assist the Office of International Trade in promoting economic development and international trade between the citizens of the State of New Jersey and the nations of Greece and Cyprus.

9. The Department of Education shall assist the Commission in the dissemination to educators, administrators, and public school districts in the State educational information and other materials on Hellenic culture and the con-

tributions of Americans of Hellenic ancestry to society. Such information and materials also shall be made available to non-public schools.

10. The Commission may, subject to such approvals as are required by law, expend such monies as may be donated to the State for the benefit of the work of the Commission.

11. The Commission is authorized to call on any department, office, division, or agency of State government to provide such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order. Each department, office, division, and agency of this State, to the extent not inconsistent with law, is hereby required to cooperate with the Commission and to furnish it with such information and assistance as is nec-

essary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

12. The Commission shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be submitted within six months from the date of the first meeting and annually thereafter.

13. This Order shall take effect immediately and shall expire in five (5) years from the date of this order.

Published July 20, 2009 in the New Jersey Register at 41 N.J.R. 2747(a). Paragraph 13 amended by Christie Executive Order No. 157(2014), effective June 23, 2014.

Governor Jon S. Corzine

Executive Order No. 145(2009)

**Establishes a Task Force to Review, Evaluate and Make Recommendations Regarding New Jersey’s Statutory and Regulatory Schemes and Programmatic Initiatives to Curb the Illegal Possession, Use, and Trafficking of Firearms and, More Specifically, the Anticipated Passage of “One-Handgun-Per-Month” Legislation**

Issued: June 25, 2009.

Effective: June 25, 2009.

WHEREAS, protecting the public safety and welfare is the most basic duty of government, and to this end, effective and reasonable measures must be implemented to keep citizens safe from violence; and

WHEREAS, New Jersey has taken a variety of steps to combat gun violence, including requiring prison terms for those who use firearms in crimes; regulating the sale and transfer of guns to ensure that firearms are being purchased only by law-abiding citizens; imposing restrictions on handgun purchases; and barring the sale of assault firearms; and

WHEREAS, effective limitations regarding firearms, as well as other deterrent and enforcement measures, are essential to maintaining the public safety, but necessarily impact all residents of this State, including law-abiding collectors of firearms and competitive and recreational firearms users; and

WHEREAS, in 2007, New Jersey entered into a cooperative agreement, the first of its kind in the nation, forming a partnership with the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives to allow New Jersey State Police direct access to “E-TRACE” data, to trace illegal firearms back to their source as yet another measure to uncover gun crimes and deter illegal gun trafficking; and

WHEREAS, it is appropriate to maintain a dialogue with interested parties and experts regarding the effectiveness of our State’s firearms laws in combating gun violence and the impact of these restrictions on law-abiding firearms owners;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a Task Force to review, evaluate and make recommendations regarding New Jersey’s statutory and regulatory schemes and programmatic initiatives to curb the illegal possession, use, and trafficking of firearms and, more specifically, the anticipated passage of “one-handgun-per-month” legislation, criminal penalties for illegal transfer of guns, programmatic measures to curb illegal transfers of firearms, and the firearm permitting and regulatory processes (collectively, “firearms regulation”).

2. The Task Force recommendations shall address at a minimum the following issues: the permitting processes; the effectiveness of any statutory limitations on the sale and transfer of firearms, including the anticipated passage of one-handgun-per-month legislation and the efficacy of any exceptions contained in that legislation; and measures to deter “straw purchases” and the illegal transport of guns into New Jersey for purposes of transfer. The recommendations shall include specific suggestions to improve the effectiveness of firearms regulation in these areas and shall include any appropriate recommendations for legislative changes.

3. The Task Force shall be composed of nine members. Membership shall include the Attorney General or designee, the Superintendent of State Police or designee, and a representative of the County Prosecutors’ Association. Additionally, the Task Force shall include one member representing an association of pistol and rifle clubs operating in New Jersey and one member representing an organization that promotes gun violence prevention, which members are to be appointed by the Governor. Additionally, the Task Force shall include two member of the Senate, one of whom with experience with firearms and firearms restrictions, to be selected by the President of the Senate; and two members of the General Assembly, one of whom with experience with firearms and firearms restrictions, to be selected by the Speaker of the General Assembly. Vacancies on the Task Force shall be filled in the same manner as the original selections. The non-legislative members shall serve at the pleasure of the Governor and without compensation. The Governor shall appoint the Chair of the Task Force. The members shall select a Vice-Chair through a majority vote.

4. The Task Force members shall be appointed and convene within thirty days of the effective date of this Order. The Task Force shall complete an initial report within 90 days of its first meeting. The initial report shall be served on the Governor and Legislature so as to allow responsive action within the current legislative session. The initial report shall focus on the anticipated passage of “one-handgun-per-month” legislation in New Jersey, including its impact on firearms collectors and competitive and recreational firearms users. The initial report shall include recommendations for any appropriate legislative changes to ensure that lawful firearms collectors and competitive and recreational firearms users are not adversely affected by the legislation, including the exceptions to the one-handgun limitation contained in Section 2(i) of General Assembly Bill No. 339 (2008) (First Reprint) and Senate Bill No. 1774 (2008). The Task Force shall produce its final report no later than 18 months after delivery of its initial report. At a minimum, the report shall include an analysis of the impact of the one-handgun-per-month legislation on gun crime and the prevalence of illegal firearms in New Jersey.

5. In furtherance of its mission, the Task Force shall be authorized to call upon any department, office, division, or

agency of this State to supply it with any available information, personnel, or assistance as 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 fully with the Task Force and to furnish it with such available information, personnel, or assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Task Force may consult with experts or other knowledge-

able individuals in the public or private sector on any aspect of its mission.

6. In order that the Task Force be informed of and consider a broad range of views and experiences in the course of its work, the Task Force shall convene at least one public hearing.

7. This Order shall take effect immediately.

Published August 3, 2009 in the New Jersey Register at 41 N.J.R. 2827(a).

**Governor Jon S. Corzine**

**Executive Order No. 146(2009)**

**Tribute to Police Detective Marc Anthony DiNardo**

Issued: July 22, 2009.

Effective: July 22, 2009.

WHEREAS, Police Detective Marc Anthony DiNardo was raised in the City of Jersey City, New Jersey, and graduated from School 17, Hudson Catholic High School, and St. Peters College, all in Jersey City; and

WHEREAS, Detective DiNardo, a loving husband and the devoted father of three young children, joined the Jersey City Police Department on March 17, 1999, following in the footsteps of his father, a retired Jersey City Police Lieutenant, and was assigned first to the East Precinct in the Patrol Division, and, two years ago, to the Emergency Services Squad, an elite unit trained to respond to crisis and emergency situations; and

WHEREAS, Detective DiNardo was the recipient of seven Excellent Police Service awards, two Commendations, and a World Trade Center award, and most recently on June 29, 2009, distinguished himself when he and members of his unit acted to rescue a distraught woman who jumped from the Wittpenn Bridge into the Hackensack River, saving her life; and

WHEREAS, Detective DiNardo was known as a “cop’s cop,” and for his honesty and decency, his personality, and his love of Jersey City as well as his profession; and

WHEREAS, in the early morning hours of July 16, 2009, in the City of Jersey City, Police Detective DiNardo, at the age of thirty-seven, made the ultimate sacrifice, giving his life while attempting to apprehend armed and dangerous felons who had shot two fellow police officers on the street earlier that morning; and

WHEREAS, Detective DiNardo’s selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he was raised and where he served so proudly as a peace officer to recognize his remarkable commitment to the welfare and safety of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on Friday, July 24, 2009 in recognition of the life and in mourning of the passing of Police Detective Marc Anthony DiNardo.

2. This Order shall take effect immediately.

Published August 17, 2009 in the New Jersey Register at 41 N.J.R. 3001(a).

**Governor Jon S. Corzine**

**Executive Order No. 147(2009)**

**Orders and Directs the Office Of Economic Growth (OEG) and the New Jersey Economic Development Authority (NJEDA) Shall Collaborate with the Trade Council and Other Stakeholders to Further Existing Efforts to Promote Trade and Economic Exchanges Between New Jersey and Italy and to Pursue Trade Initiatives**

Issued: July 24, 2009.

Effective: July 24, 2009.

Expiration: July 24, 2012.

WHEREAS, economic growth and the creation of jobs is essential to the continued well-being and prosperity of the State of New Jersey; and

WHEREAS, sustaining New Jersey's position as one of the nation's most prosperous states and most vital centers of innovation demands aggressive leadership, especially in increasingly competitive economic times; and

WHEREAS, international trade is an integral part of the State's economic development, job creation strategy, and prosperity; and

WHEREAS, the primary industries of our State such as chemicals, pharmaceuticals, and high technology manufacturing and service industries must increasingly rely on export markets for maintaining business and employment expansion; and

WHEREAS, world trade is vital to the future of our nation's economy, and New Jersey is at the crossroads of a new global economic order; and

WHEREAS, to achieve our full potential, it is necessary for the State of New Jersey to assess its performance as a trading partner and to constantly seek to improve its international business climate; and

WHEREAS, the Office of International Trade, in the Business Retention and Attraction Division of the New Jersey Economic Development Authority, was established to encourage and promote foreign investment in New Jersey with representatives of foreign governments and businesses; and

WHEREAS, a key foreign trading partner of our State is the nation of Italy to which our state exported \$1.4 billion of industrial products in 2008; and

WHEREAS, Italy is New Jersey's sixth largest export partner, and New Jersey is the third largest exporter of goods to Italy among the 50 states; and

WHEREAS, Italy ranks second in importance as a source of import volume for New Jersey's ports and is the State's

third leading trading partner for total volume of both imports and exports; and

WHEREAS, the State's exports to Italy have rapidly increased: from 2003 to 2008 New Jersey's exports to Italy increased 192% while the State's overall exports increased 111% and the United States' exports to Italy increased 46.5%; and

WHEREAS, despite such impressive export figures, Italy's strong demand for imports, valued at \$556 billion in 2008, includes many products and services offered by New Jersey companies, thus presenting an opportunity to expand the already robust trading partnership between our State and Italy; and

WHEREAS, pursuant to P.L.2001, c.343, the New Jersey Commission on Italian and Americans of Italian Heritage Cultural and Educational Programs (Commission) was created and established in the executive branch to survey, design, encourage, and promote the implementation of Italian and Americans of Italian heritage, cultural and educational programs in this State; and

WHEREAS, the Commission's heritage, cultural and educational programs can also serve an important role in efforts to promote trade as well as cultural exchange with Italy; and

WHEREAS, New Jersey business leaders have recently founded the New Jersey/Italy Trade Council (Trade Council), a non-profit organization, with the twin goals of promoting trade between New Jersey and Italy, and supporting programs fostering Italian and Italian-American culture, education, history, and heritage through periodic contributions of funds from the Trade Council; and

WHEREAS, the Trade Council's mission is to foster capital investment and joint business ventures between businesses based in the State of New Jersey and in Italy through reciprocal trade delegations and seminars, and to provide a solid business-to-business resource, primarily through the operation of a bilingual web site for companies in New Jersey and Italy that are interested in import and export transactions;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Office of Economic Growth (OEG) and the New Jersey Economic Development Authority (NJEDA) shall collaborate with the Trade Council and other stakeholders to further existing efforts to promote trade and economic exchanges between New Jersey and Italy and to pursue the following objectives, among other trade initiatives:

a. Promotion of the State's programs to attract and retain jobs and businesses;

b. Provision of New Jersey-Italy trade information and recommendations to the Governor, State agencies, and the Legislature, including the identification of current and long-term international trade issues which may require attention from the State;

c. Promotion of a long-term State trade strategy with Italy;

d. Utilization of programs to assist small and medium-size businesses that have the potential to develop trade with Italy;

e. Coordination of the State's current trade information resources in order to achieve the most effective State approach to international trade planning, academic research, and private sector international trade marketing policy with respect to Italy, including best practices for collecting, computing, distributing, and reporting of trade data and statistical information concerning trade with Italy; and

f. Planning and implementation of reciprocal trade exchanges, missions and related projects and events.

2. To carry out these objectives, the OEG, NJEDA and the Secretary of State may establish advisory committees with the Trade Council and other stakeholders to advise and guide the Office of International Trade and the New Jersey Tourism Policy Council in the Department of State. In particular, such advisory committees may recommend plans for the promotion of educational, cultural, travel, and

trade exchanges between the State of New Jersey and Italy. OEG, NJEDA and the Secretary of State may assist the Trade Council in planning and implementing reciprocal trade exchanges, missions, and related programs and events, and may co-sponsor any such programs and events. The advisory committees may also recommend how to create reciprocal links between web sites of the Trade Council and other stakeholders and web sites of various State departments and agencies. OEG, NJEDA and the Secretary of State may allow reciprocal links with the Trade Council's web site.

3. In furtherance of this Order, OEG and NJEDA may call on any department, office, division, or agency of State government to provide trade data and statistical information and such other information, resources, or assistance deemed necessary to carry out its purposes as described in this Order, and OEG and NJEDA may share with the Trade Council and other stakeholders any such information that is not confidential or privileged. Each department, office, division, and agency of this State, to the extent not inconsistent with law, is hereby required to cooperate with the OEG and NJEDA and to furnish such information and assistance as is necessary and available to accomplish the purposes of this Order.

4. This Order shall take effect immediately and shall expire in 3 years.

Published August 17, 2009 in the New Jersey Register at 41 N.J.R. 3001(b).

Governor Jon S. Corzine

Executive Order No. 148(2009)

**Orders and Directs Each Department or Other State Entity Shall Take Appropriate Action to Immediately Suspend Any Approval or Application for Any Development Project or Other Related Undertaking Located in Any Municipality Where a Mayor Charged with a Public Corruption Crime Remains in Public Office**

Issued: August 3, 2009.

Effective: August 3, 2009.

WHEREAS, it has been a top priority of this administration to repair public trust and restore confidence in government; and

WHEREAS, it is imperative that public officials at all levels of government earn and maintain the confidence of the people they represent; and

WHEREAS, those serving in State, county, municipal, and other local government units hold positions of public trust that require adherence to the highest ethical standards of honesty and integrity; and

WHEREAS, public officials should not engage in any conduct that violates the public trust or creates an appearance of impropriety; and

WHEREAS, the residents of New Jersey are entitled to a government that is effective, efficient, and free from corruption, favoritism, and waste; and

WHEREAS, this administration has demonstrated a strong commitment to ensuring the highest ethical standards in government contracting and permitting processes, and to rooting out corruption, favoritism, and waste; and

WHEREAS, recent public events revealed evidence of shocking acts of political corruption, including actions that may involve, directly or indirectly, State programs administered by departments and agencies of State government; and

WHEREAS, while some public officials charged with acts of corruption appropriately resigned from public office, others have seen fit to remain in office, despite overwhelming calls from all sectors for them to resign; and

WHEREAS, because of the nature of the reported conduct on the part of these local officials charged with corruption, and particularly those who choose to remain in office, and in furtherance of this administration's commitment to ensuring the integrity of all State approval processes, it is appropriate to provide for additional scrutiny of applications for State approvals that involve jurisdictions headed by officials charged in the corruption probe who remain in office;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All departments, divisions, offices, and agencies of State government, including but not limited to the Department of Environmental Protection, the Department of Community Affairs, the Department of Transportation, the New Jersey Economic Development Authority, and the New Jersey Meadowlands Commission, shall identify, as soon as possible following issuance of this Order, all applications or other requests for approvals with respect to any development project or other related undertaking located in a municipality where the sitting mayor has been charged with a public corruption crime.

2. Each department or other State entity shall take appropriate action to immediately suspend any approval or application for any development project or other related undertaking located in any municipality where a mayor charged with a public corruption crime remains in public office.

3. Each department or other State entity that identifies one or more applications as described in paragraph 1 of this Order shall undertake a thorough and comprehensive review process with respect to any such application, and shall enforce strict standards to ensure the absence of improper influence, or the appearance thereof, and full compliance with law. Each department or entity is hereby authorized to call upon any other department, office, division, or agency of this State, including the Office of the State Comptroller, the Office of the Inspector General, and the Office of the Attorney General, as may be necessary and appropriate, to supply it with information, personnel, or assistance available to such agency as the department or entity deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the department or entity and to supply such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. An application or approval may proceed only after such review takes place and upon a departmental determination that the application has been lawfully submitted and is free from improper influence, or any wrongdoing, or the appearance thereof.

4. Each department or other State entity that identifies one or more applications as described in paragraph 1 of this Order shall report such finding to the Office of the Governor not later than seven days following the issuance of this Order, and shall provide periodic updates, as appropriate.

5. This Order shall take effect immediately.

Published September 8, 2009 in the New Jersey Register at 41 N.J.R. 3137(a).

**Governor Jon S. Corzine**

**Executive Order No. 149(2009)**

**Tribute to Supreme Court Justice Sidney M. Schreiber**

Issued: August 13, 2009.

Effective: August 13, 2009.

WHEREAS, Supreme Court Justice Sidney M. Schreiber faithfully served the people of New Jersey as a respected member of the State's highest Court for nine years; and

WHEREAS, Justice Schreiber was a true son of New Jersey, born and raised in the City of Elizabeth, who was known for setting extremely high standards in writing opinions that provided clear direction to the bench, the bar, and the public in cases that touched virtually every area of the law; and

WHEREAS, Justice Schreiber graduated from Yale University and Yale Law School and served as attorney for the United States Railroad Retirement Board and the Securities and Exchange Commission before entering the United States Army in 1943; and

WHEREAS, while in the Army, Justice Schreiber directed the war crimes review section of the Judge Advocate General's Office; and

WHEREAS, following his discharge from the Army, Justice Schreiber was an attorney in private practice, a delegate to the 1966 New Jersey Constitutional Convention, and a Commissioner for the Union County Parks Commission; and

WHEREAS, Governor William T. Cahill appointed Justice Schreiber to the Superior Court of New Jersey in October 1972; and

WHEREAS, Governor Brendan T. Byrne appointed Justice Schreiber to the New Jersey Supreme Court on January 8, 1975, the Senate confirmed this appointment on January 27, 1975, and Justice Schreiber was sworn in as an Associate Justice on February 28, 1975, following the retirement of Justice Nathan L. Jacobs; and

WHEREAS, during his tenure on the Supreme Court, Justice Schreiber authored many majority opinions as well as dissenting opinions, and was known for the depth of his analysis, excellent judgment, and scholarly approach to judicial decision-making; and

WHEREAS, Justice Schreiber was a respected jurist who worked tirelessly in forming his legal opinions, earning him the respect of his colleagues; and

WHEREAS, the many significant decisions for which Justice Schreiber is recognized include decisions expanding citizens access to public beaches, a ground-breaking product liability decision regarding drug side-effects, and several important decisions interpreting the State and federal Constitutions; and

WHEREAS, Justice Schreiber, during his near decade-long tenure on the Court, strengthened the administration of justice throughout the State, including through his service as Chairman of both the Supreme Court Committee on Civil Case Management and Procedures and the Committee on Budget and Procedure, as well as through his service on the Supreme Court Committees on the Tax Court and Civil Trial Court Support Systems;

WHEREAS, Justice Schreiber, upon reaching the mandatory retirement age in 1984, became counsel to the law firm Riker, Danzig, Scherer, Hyland, and Perretti in Morristown; and

WHEREAS, since his retirement from the Supreme Court, Justice Schreiber continued his service to New Jersey as Chairman of the New Jersey Supreme Court Advisory Committee on Judicial Conduct, Vice-chairman of the Editorial Board of the New Jersey Law Journal, and as a mentor to many attorneys throughout the State; and

WHEREAS, it is with deep sadness that we mourn the loss of Justice Schreiber and extend our sincere sympathy to his wife, Ruth, his daughter, Florence Powers, his grandson, Jonathan Powers, and his many friends and colleagues; and

WHEREAS, it is fitting and appropriate to honor the achievements, the character, the memory, and the passing of Justice Schreiber;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, August 18, 2009, in recognition and mourning of the passing of Justice Sidney M. Schreiber.

2. This Order shall take effect immediately.

Published September 8, 2009 in the New Jersey Register at 41 N.J.R. 3137(b).

Governor Jon S. Corzine

Executive Order No. 150(2009)

**Orders and Directs Beginning in State Fiscal Year 2011, the State Treasurer and the New Jersey Urban Enterprise Zone Authority Shall Work Cooperatively to Agree and Enter into a Memorandum of Agreement, on an Annual Basis, with Respect to the Disposition and Use of Amounts Equal to the Dedicated Revenues that Are Credited to the Urban Enterprise Zone Fund in the Affected Urban Enterprise Zone Municipalities**

Issued: August 19, 2009.

Effective: August 19, 2009.

WHEREAS, pursuant to P.L. 2006, c. 44, the New Jersey State Sales and Use Tax rate was increased from 6% to 7% statewide; and

WHEREAS, in November 2006, the New Jersey voters approved an amendment to Article VIII, section I, paragraph 7 of the New Jersey State Constitution (the "Constitutional Amendment") providing relief for property taxpayers by dedicating an amount equal to the annual revenue derived from a tax rate of 0.5% imposed under the Sales and Use Tax to the Property Tax Reform Account (the "Dedicated Revenues"); and

WHEREAS, the Constitutional Amendment specifically provides that there shall be annually credited from the General Fund and placed in a special account in the perpetual Property Tax Relief Fund an amount equal to the Dedicated Revenues, which amount shall be appropriated annually by the Legislature exclusively for the purpose of property tax reform; and

WHEREAS, the New Jersey Urban Enterprise Zones Act, P.L. 1983, c. 303, as amended (the "UEZ Act"), provides for the deposit of certain Sales and Use Tax revenues in the UEZ assistance fund (the "UEZ Fund") based on a prescribed schedule set forth in the UEZ Act, for the purpose of assisting qualifying municipalities in which UEZs are designated in undertaking public improvements, economic development projects, and in upgrading eligible municipal services within designated UEZs; and

WHEREAS, UEZs represent an important part of the overall job-creation and economic development plan for the State of New Jersey, and monies from the UEZ Fund help to offset pressure on property taxation in host municipalities; and

WHEREAS, the aforesaid constitutional dedication of an amount equal to the annual revenue derived from a Sales and Use Tax rate of 0.5% to the Property Tax Reform Account does not exempt Sales and Use Tax revenues collected in UEZs, but rather encompasses all revenues derived from the Sales and Use Tax statewide; and

WHEREAS, prior to Fiscal Year 2010, the full amount of the Sales and Use Tax revenues collected in the UEZs was credited to the UEZ Fund; and

WHEREAS, in June 2009, it was agreed that, with respect to the time period from 2006 through the end of Fiscal Year 2009, consistent with constitutional mandates and the overriding desire of this administration to provide and ensure property tax relief to the maximum extent possible, the required amount of the one cent increase in the Sales and Use Tax should be transferred from the UEZ Fund for deposit into the General Fund and an equal amount should be retained in the UEZ Fund, with the condition that these retained funds be used for projects that will result in property tax relief; and

WHEREAS, a supplemental appropriation for FY 2009 was enacted to effectuate that goal; and

WHEREAS, for Fiscal Year 2010, the Appropriations Act contains a language provision providing that the crediting of revenues to each account in the UEZ Fund is reduced by the amount of Sales and Use Tax revenues credited from the General Fund into the special account in the Property Tax Relief Fund established by the Constitutional Amendment; and

WHEREAS, it is appropriate, for Fiscal Year 2011 and thereafter, in the event that the crediting of revenues to each account in the UEZ Fund may contain all or a part of the half cent of Sales and Use Tax which is dedicated for property tax relief to provide for entry into an arrangement to provide that such revenues be used, consistent with the UEZ Act, for property tax relief while, at the same time, promoting essential economic development activities within the UEZs to the maximum extent possible; and

WHEREAS, with respect to such future fiscal years, it is appropriate to establish a more formal framework for addressing these issues;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Beginning in State Fiscal Year 2011, and for each and every fiscal year thereafter, the State Treasurer and the New Jersey Urban Enterprise Zone Authority ("UEZ Authority") shall work cooperatively to agree and enter into a memorandum of agreement ("MOA"), on an annual basis, with respect to the disposition and use of amounts equal to the Dedicated Revenues that are credited to the UEZ Fund in the affected UEZ municipalities. Each MOA shall be effective for a period of one year and shall govern, by its terms, the use or uses of the amount of one-half of the dedicated portion of such revenues.

2. An MOA pursuant to this Order shall include, but need not be limited to, a detailed description of any proposed use of such revenues and an explanation regarding

the manner in which such proposed use will result in property tax relief.

3. For fiscal years beginning on and after July 1, 2010, it shall be the recommendation of the Executive Branch that an amount equal to one half of the Dedicated Revenues allocable to each UEZ zone in the UEZ Fund shall be available to each such enterprise zone, subject to the execution of an MOA as described in paragraphs 1 and 2 of this Order.

4. The Department of the Treasury shall provide to each UEZ municipality, on a monthly basis, the amount of Sales and Use Tax revenue collected, the amount deducted for property tax reform, and the amount credited to the UEZ fund.

5. This Order shall take effect immediately and shall remain in full force and effect unless it is rescinded or modified by the Governor, or superseded by statute.

Published September 21, 2009 in the New Jersey Register at 41 N.J.R. 3345(a).

Governor Jon S. Corzine

Executive Order No. 151(2009)

**Orders And Directs All Members of the Public Should Be Afforded the Opportunity to Benefit from the Federal Economic Recovery Funds and Associated State Spending, and in Particular, this Administration Re-Affirms the State's Commitment, Expressed in Statute and Regulation, that Every Public Contract, Whether for Construction Services, Goods, or Other Services, Shall Provide Equal Employment Opportunity for Women and Minorities**

Issued: August 28, 2009.

Effective: August 28, 2009.

WHEREAS, New Jersey is one of the most racially, culturally, and ethnically diverse states in the United States, and this diversity is reflected in the leaders and owners of its businesses, in the leaders and members of the labor movement, and in the employees in every segment of the workforce; and

WHEREAS, the State's business community includes multi-national enterprises, industrial, commercial, and small business sectors; and

WHEREAS, the State's thousands of small businesses, each with fewer than 100 employees, together generate almost 40% of the jobs in the State; and

WHEREAS, small, minority, and women-owned business enterprises have historically been underrepresented in the receipt of State contract awards; and

WHEREAS, the State's workforce provides New Jersey's multinational enterprises, its industrial, commercial, and small business sectors, and its public and not-for-profit sectors with highly educated, highly skilled, and highly motivated employees, who contribute to the prosperity of the State while supporting their families; and

WHEREAS, in response to the current national recession, the United States Congress enacted the American Recovery and Reinvestment Act of 2009 (ARRA), which will increase federal spending at the State and local levels by approximately \$10 billion, and will fully fund certain work in the State, and partially fund other State projects; and

WHEREAS, given the recession and unemployment levels in New Jersey, it is imperative that every sector of the economy be offered the opportunity to benefit from the federal economic recovery funds and the State's own spending; and

WHEREAS, many of the State's businesses have significant public construction contracts and other contracts to provide goods or services to government and many others would like the opportunity to compete for these contracts to expand their businesses while serving the public; and

WHEREAS, residents of the State of New Jersey deserve a government that provides equal opportunity for all contractors to compete to submit winning bids on public contracts; and

WHEREAS, residents of the State of New Jersey, especially during these difficult economic times, deserve a government that does everything it can to expand job opportunities, particularly for men and women who are entering the workforce, who have experienced difficulties entering the workforce, or who have recently become unemployed or underemployed; and

WHEREAS, the State created an internet site, <http://www.recovery.nj.gov>, which outlines the allocation of New Jersey's share of economic recovery funds under the ARRA; and

WHEREAS, to spend ARRA funds transparently and ensure that those seeking work have a fair chance to obtain ARRA-funded employment, State agencies and entities should be required to post all State and ARRA-funded jobs on the State Job Bank internet site, <http://NJ.gov/JobCentralNJ>, to allow New Jersey residents to identify these employment opportunities; and

WHEREAS, the State must procure its construction services, goods, and other services as efficiently as possible, with transparency in the processing, selection, and awarding of public contracts; and

WHEREAS, robust competition for public contracts ensures that the government of the State of New Jersey obtains the construction services, goods, and other services it needs to perform its vital functions with maximum cost effectiveness; and

WHEREAS, broad and sustained efforts to notify all potential bidders of opportunities to contract with government should be encouraged to promote competition for public contracts, thus benefiting the public fisc; and

WHEREAS, the State of New Jersey commissioned the State of New Jersey Construction Services Disparity Study 2000 – 2002 (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 2005), and both studies documented significant disparities between the firms ready, willing, and able to do business with the State, and those firms actually awarded contracts by State departments, agencies, authorities, colleges, and universities, as a result of which this Administration created through Executive Order No. 34 (2006) the Division of Minority and Women Business Development ("Division of M/W Business Development"); and

WHEREAS, Executive Order No. 34 charged the Director of the Division of M/W Business Development with monitoring programs to increase the participation of minority and

women-owned businesses in the State's purchasing and procurement processes; and

WHEREAS, since its inception, the Division of M/W Business Development, working with the Department of the Treasury's Office of Supplier Diversity ("OSD"), has identified strategies to increase the number of small and minority and women-owned businesses interested in and eligible to benefit from state procurement activity; and

WHEREAS, the Division of M/W Business Development and OSD have increased outreach to and expanded the ability of these businesses to fulfill bid requirements for state contracts; and

WHEREAS, the Division of Public Contracts Equal Employment Opportunity Compliance in the Department of the Treasury (Division of Contract Compliance) monitors the employment of women and minorities with businesses that contract with government in an effort to ensure that contractors and vendors make good faith efforts to hire minorities and women in accordance with targeted goals based on the United States Census' workforce availability statistics;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. All members of the public should be afforded the opportunity to benefit from the federal economic recovery funds and associated state spending, and in particular, this Administration re-affirms the State's commitment, expressed in statute and regulation, that every public contract, whether for construction services, goods, or other services, shall provide equal employment opportunity for women and minorities.

2. The Commissioners of the Departments of Community Affairs, Education, Environmental Protection, and Transportation; the President of the Board of Public Utilities; and the executive directors of the Schools Development Authority and the Economic Development Authority are directed to meet with members of the Governor's office, the Department of the Treasury, and representatives of the United States Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to ensure that those departments receiving the bulk of federal economic recovery funds will provide the OFCCP their complete cooperation in complying with its mandates.

3. The Division of Contract Compliance shall be the entity within the Executive Branch responsible for determining whether minorities and women have been offered a fair opportunity for employment on State contracts. Executive branch departments and agencies, independent authorities, and State colleges and universities are directed to cooperate fully with the Division of Contract Compliance's enforcement efforts, consistent with law, and to award public contracts only to those businesses that agree

to comply with equal employment opportunity and affirmative action requirements.

4. The Division of Contract Compliance shall work cooperatively with the OFCCP, including sharing its workforce data to the maximum extent permitted by law, to assist the OFCCP in its enforcement efforts.

5. When not restricted by any other State or federal law, the Division of Contract Compliance shall determine whether each of the State entities whose performance it monitors (the "Reporting Agencies" listed in Appendix A to this Order) properly allocated and released to the Department of Labor and Workforce Development, as authorized by law, one-half of one percent of the total cost of a construction contract of \$1,000,000 or more, to be used by the department for the New Jersey Builders Utilization Initiative for Labor Diversity program to train minorities and women for employment in construction trades. This provision shall apply to those construction contracts where the funding for the contract consists entirely of appropriated funds or a combination of funds from appropriated funds and other sources.

6. As a result of the aforementioned significant disparities in employment of minorities and women on construction sites and within the construction trades, all construction contracts entered into and funded, in whole or in part, by the State shall include mandatory EEO/AA contract language (in the form of Appendix B to this Order) that requires contractors to make a good faith effort to recruit and employ minorities and women as required by provisions of the Administrative Code, including but not limited to N.J.A.C. 17:27-3.6 to 3.8, and 17:27-7.3 and 7.4. In addition to the language set forth in Appendix B, such construction contracts shall contain the contractual language as required by N.J.A.C. 17-27-3.6, 3.7, and 3.8. As to the portion of each contract that is State funded, the language of the contract shall provide, consistent with Appendix B, that payment may be withheld for failure of the contractor to demonstrate to the satisfaction of the Reporting Agency that the required good faith effort was made. Failure of a contractor to satisfy the good faith effort requirement of its contract may also subject it to assessments imposed pursuant to findings of the Division of Contract Compliance in the Department of the Treasury, in accordance with N.J.A.C. 17:27-10.

7. Except as described in subparagraphs (a) and (b) of this paragraph, each Executive Branch agency that is a recipient of federal economic recovery funds pursuant to ARRA shall include in any contract, grant, or agreement funded in whole or in part with ARRA funds a clause requiring subrecipients, contractors, subcontractors, local education agencies, and vendors to post all job openings created pursuant to the contract, grant, or agreement on the State's Job Bank at least 14 days before hiring is to commence. The clause shall state: "Since the funds supporting this contract, grant, or agreement are provided through the

American Recovery and Reinvestment Act of 2009 (ARRA), the subrecipient, contractor, subcontractor, local education agency, or vendor will post any jobs that it creates or seeks to fill as a result of this contract, grant, or agreement. The subrecipient, contractor, subcontractor, local education agency, or vendor will post jobs to the New Jersey State Job Bank by submitting a job order using the form available at <http://NJ.gov/JobCentralNJ>, notwithstanding any other posting the subrecipient, contractor, subcontractor, local education agency, or vendor might make. Any advertisements posted by the subrecipient, contractor, subcontractor, local education agency, or vendor for positions pursuant to this contract, grant, or agreement must indicate that the position is funded with ARRA funds.”

a. Posting shall not be required where the employer intends to fill the job opening with a present employee, a laid-off former employee, or a job candidate from a previous recruitment, where pre-existing, legally binding collective bargaining agreements provide otherwise, or where an exception has been granted to the Reporting Agency by the Department of Labor and Workforce Development.

b. Nothing in this Order shall be interpreted to require the employment of apprentices if such employment may result in the displacement of journey workers employed by any employer, contractor or subcontractor.

8. All local government entities and local education agencies that have received or will receive directly from a federal agency federal economic recovery funds are strongly encouraged to require their contractors and subcontractors to post job openings on the State’s Job Bank at least 14 days before hiring is to commence. Moreover, all New Jersey employers that enter into contracts funded with ARRA funds received by a local government entity or a local education agency directly from a federal agency are likewise strongly encouraged to post job openings created pursuant to the ARRA.

9. The Division of M/W Business Development shall send to the Reporting Agencies the contractual language set forth in Appendix C of this Order. Provisions of this contractual language have been shown to have a significant impact on (a) increasing the number of small and minority and women-owned businesses aware of contracting opportunities with the State and (b) increasing the number of such businesses competing for contracts with the State or subcontracts with entities contracting with the State. The Division of M/W Business Development shall work with each Reporting Agency to ensure the reporting of and ensure compliance with contract-specific contracting and subcontracting goals for the Reporting Agency that are consistent with the availability percentages set forth in Appendix D. These goals should incorporate good faith effort requirements and should be adjusted annually, consistent with the availability of minority and women-owned

businesses for which significant disparities in utilization have been demonstrated in each business category.

10. Each Reporting Agency shall:

a. Inform the Division of M/W Business Development of contracting opportunities at the same time that it advertises or otherwise posts public notices of such opportunities, via consistent and timely upload of all-inclusive information to the bid opportunities database services managed by the Division of M/W Business Development. All pre-bid requirements shall be prominently advertised at the time of uploading to the Division of M/W Business Development databases;

b. Actively and regularly use the databases and other on-line services managed and operated by the Division of M/W Business Development to identify additional potential bidders. Because these databases and on-line services identify minority and women-owned businesses known to and registered or certified with the Division of M/W Business Development, the ongoing use of these resources by buyers, procurement agents, and other purchasing staff shall be closely monitored by the Reporting Agency’s senior management;

c. Contact the businesses identified in the Division of M/W Business Development’s databases and on-line services to provide them with notice of the contracting opportunities available through the Reporting Agency; and

d. Report to the Division of M/W Business Development all payments and awards prime contractors have issued to subcontractors, identifying payments and awards to minority and women-owned businesses on at least a quarterly basis.

11. To the maximum extent practicable, and when not restricted by any other State or federal law, each Reporting Agency shall incorporate the substance of the contractual language set forth in Appendix C into its contracts, while continuing to follow the particular State and federal laws and regulations governing its contracting and procurement practices.

12. Each Reporting Agency shall, where substitution of subcontractors or sub-consultants is permitted, promulgate policies governing the circumstances under which contractors or consultants may substitute subcontractors or sub-consultants named in bid proposals or otherwise identified as small or women or minority-owned business subcontractors, sub-consultants, or vendors (“Substitution Policies”). The Substitution Policies shall provide that:

a. The contractor or consultant must notify and obtain approval from a small or women or minority-owned business subcontractor, sub-consultant, or vendor (“SMWBE contractor”) before including that contractor in a bid proposal or similar contract-related submission;

b. The contractor or consultant must notify and obtain authorization from the Reporting Agency before it substitutes a SMWBE contractor named in a bid proposal or other contract-related submission; and

c. If the substitution is approved, the contractor or consultant shall make a good faith effort to utilize another SMWBE contractor in place of the previous SMWBE contractor.

13. Each Reporting Agency shall report to the Division of M/W Business Development when it has incorporated the language set forth in Appendix C in its contracts. It shall also report to the Division of M/W Business Development when it has adopted its Substitution Policy, where such policy is permitted. The Division of M/W Business Development shall report on the number of Reporting Agencies that have modified their contracts and adopted a Substitution Policy at three month intervals until all of the Reporting Agencies have completed incorporation of the contractual language set forth in Appendix C and, where legally permitted, adoption of the Substitution Policy.

14. Nothing in this Order shall modify existing law, state or federal, or authorize a Reporting Agency to amend, modify, or otherwise alter pre-existing legal obligations. Further, this Order shall be interpreted consistently with the ARRA, and the federal regulations and guidelines governing its implementation, and in the event of a conflict between this Order and federal law governing ARRA, the Order shall be interpreted to comply with federal law.

15. Within 90 days of the date of this Order, the Division of M/W Business Development shall prepare a Contracting Guide identifying the management practices that have the greatest success in: (a) increasing the number of small and minority and women-owned businesses made aware of contracting opportunities with the State; and (b) increasing the number of such businesses competing for contracts with the state or subcontracts with entities contracting with the state. As soon as practicable thereafter, the Division of M/W Business Development shall distribute the Contracting Guide to the Reporting Agencies.

16. As soon as practicable after its receipt of the Contracting Guide, each Reporting Agency shall implement those provisions that it views as most likely to have the greatest impact in increasing contracting opportunities for small and minority and women-owned businesses.

17. Within one year and ninety days of the effective date of this Order, the Division of M/W Business Development and the Division of Contract Compliance shall each prepare a report describing the Reporting Agencies' implementation of this Order. The Division of M/W Business Development and the Division of Contract Compliance each shall prepare a second report within one year of issuing its first report.

18. The Department of Labor and Workforce Development shall work together with all other Reporting Agencies that will receive ARRA funding and with the representatives of the United States Environmental Protection Agency, the Federal Departments of Labor, Energy, Transportation, and Housing and Urban Development, and any other federal agencies distributing ARRA funds to:

a. Coordinate with labor unions that will aggressively recruit minorities and women for apprenticeships and training opportunities;

b. Increase outreach to and enrollment of minorities and women in apprenticeship, training, and related programs; and

c. Ensure that, to the greatest extent possible under the law, minorities and women apprentices and trainees are working on State and ARRA-funded work sites.

19. The Department of the Treasury and other departments, agencies, and independent authorities shall, consistent with law, take steps to increase their engagement of small, minority, or women-owned or controlled banks and credit unions to meet their financial services needs.

20. This Order shall take effect immediately.

## APPENDIX A

### LIST OF REPORTING AGENCIES

Board of Public Utility Commissioners  
 Casino Control Commission  
 Casino Reinvestment Development Authority  
 Commission on Higher Education  
 Commission on Science & Technology  
 Council on Affordable Housing  
 Department of Agriculture  
 Department of Military & Veterans' Affairs  
 Department of Banking & Insurance  
 Department of Children & Families  
 Department of Community Affairs  
 Department of Corrections  
 Department of Education  
 Department of Environmental Protection  
 Department of Health and Senior Services  
 Department of Human Services  
 Department of Labor and Workforce Development

Department of Law & Public Safety	NJ State Museum
Department of Public Advocate	NJ Turnpike Authority
Department of State	NJ Water Supply Authority
Department of Transportation	North Jersey Transportation Planning Authority
Department of the Treasury	North Jersey District Water Supply Commission
Division of Property Management and Construction	Office of Homeland Security
Election Law Enforcement Commission	Office of Information Technology
Fort Monmouth Economic Revitalization Planning Authority	Office of the Child Advocate
Garden State Preservation Trust	Office of the Inspector General
Higher Education Student Assistance Authority	Office of the Public Defender
Kean University	Ramapo College
Legalized Games of Chance Control Commission	Rowan University
Montclair State University	Rutgers University
Motion Picture Commission	South Jersey Port Corporation
Motor Vehicle Commission	South Jersey Transportation Authority
New Jersey City University	South Jersey Transportation Planning Organization
New Jersey Cultural Trust	State Agriculture Development Committee
New Jersey Institute of Technology	State Economic Recovery Board For Camden
New Jersey Transit	State Ethics Commission
NJ Building Authority	State Employment & Training Commission
NJ Economic Development Authority	State Lottery Commission
NJ Educational Facilities Authority	Stockton College
NJ Environmental Infrastructure Trust	The College of New Jersey
NJ Health Care Facilities Financing Authority	Thomas Edison State College
NJ Highlands Council	Transportation Trust Fund Authority
NJ Housing & Mortgage Finance Agency	University of Medicine & Dentistry of New Jersey
NJ Maritime Pilot and Docking Pilot Commission	William Paterson University
NJ Meadowlands Commission	
NJ Pinelands Commission	
NJ Public Television & Radio (NJN) NJ Racing Commission NJ Redevelopment Authority	
NJ Schools Development Authority	
NJ Sports & Exposition Authority	

#### APPENDIX B

It is the policy of the [Reporting Agency] that its contracts should create a workforce that reflects the diversity of the State of New Jersey. Therefore, contractors engaged by the [Reporting Agency] to perform under a construction contract shall put forth a good faith effort to engage in recruitment and employment practices that further the goal of fostering equal opportunities to minorities and women.

The contractor must demonstrate to the [Reporting Agency]'s satisfaction that a good faith effort was made to

ensure that minorities and women have been afforded equal opportunity to gain employment under the [Reporting Agency]'s contract with the contractor. Payment may be withheld from a contractor's contract for failure to comply with these provisions.

Evidence of a "good faith effort" includes, but is not limited to:

1. The Contractor shall recruit prospective employees through the State Job bank website, managed by the Department of Labor and Workforce Development, available online at <http://NJ.gov/JobCentralNJ>.

2. The Contractor shall keep specific records of its efforts, including records of all individuals interviewed and hired, including the specific numbers of minorities and women.

3. The Contractor shall actively solicit and shall provide the [Reporting Agency] with proof of solicitations for employment, including but not limited to advertisements in general circulation media, professional service publications and electronic media.

4. The Contractor shall provide evidence of efforts described at 2 above to the [Reporting Agency] no less frequently than once every 12 months.

5. The Contractor shall comply with the requirements set forth at N.J.A.C. 17:27.

### APPENDIX C

It is the policy of the [Reporting Agency] that small businesses (each a "small business enterprise" or "SBE"), as determined and defined by the State of New Jersey, Division of Minority and Women Business Development ("Division") and the New Jersey Department of the Treasury ("Treasury") in N.J.A.C. 17:14 et seq. or other application regulation, should have the opportunity to participate in [Reporting Agency] Contracts.

To the extent the Firm engages subcontractors or sub-consultants to perform Services for the [Reporting Agency] pursuant to this Contract, the Firm must demonstrate to the [Reporting Agency]'s satisfaction that a good faith effort was made to utilize subcontractors and sub-consultants who are registered with the Division as SBEs. Furthermore, the Reporting Agency shall be evaluated quarterly by the Division, based on its attainment of the Participation Goals set forth in the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June, 2005). (These participation goals are set forth below.)

Evidence of a "good faith effort" includes, but is not limited to:

1. The Firm shall request listings of SBEs from the Division (609) 292-2146 and/or the [Reporting Agency] and attempt to contact same.

2. The Firm shall keep specific records of its efforts, including records of all requests made to the Division, the names of SBEs contacted, and the means and results of such contacts, including without limitation receipts from certified mail and telephone records.

3. The Firm shall actively solicit and shall provide the [Reporting Agency] with proof of solicitations of SBEs for the provision of Services, including advertisements in general circulation media, professional service publications and small business, minority-owned business or women-owned business focus media.

4. The Firm shall provide evidence of efforts made to identify categories of Services capable of being performed by SBEs.

5. The Firm shall provide all potential subcontractors and sub-consultants that the Firm has contacted pursuant to 2 or 3 above with detailed information regarding the scope of work of the subject contract.

6. The Firm shall provide evidence of efforts made to use the goods and/or services of available community organizations, consultant groups, and local, State, and federal agencies that provide assistance in the recruitment and placement of SBEs.

Furthermore, the Firm shall submit proof of its subcontractors' and/or sub-consultants' SBE registrations on the form attached as Exhibit \_\_, and shall complete such other forms as may be required by the [Reporting Agency] for State reporting as to participation.

#### Participation Goals

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

#### (a) State Agencies/Authorities/Commissions

African Americans -- 6.3%

Asian Americans -- 4.34%

#### (b) State Colleges and Universities

African Americans -- 6.3%

Asian Americans -- 4.34%

Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

State Colleges and Universities

African Americans -- 4.51%

Asian Americans -- 7.11%

Hispanics -- 4.09%

3. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%

Asian Americans -- 1.47%

Hispanics -- 1.1%

Native Americans -- 0.07%

Caucasian Females -- 3.74%

4. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 1.22%

Asian Americans -- 0.85%

Hispanics -- 0.67%

Native Americans -- 0.05%

Caucasian Females -- 1.96%

5. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies;

radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%

Asian Americans -- 1.74%

Hispanics -- 1.32%

Native Americans -- 0.10%

Caucasian Females -- 4.45%

## APPENDIX D

Consistent with the findings of the State of New Jersey Construction Services Disparity Study (October 2005) and the State of New Jersey Disparity Study of Procurement in Professional Services, Other Services, and Goods and Commodities (June 13, 2005), each Reporting Agency should aspire to allocate a portion of its total contracting dollars in accordance with the following goals.

1. Construction Services Contracts/Subcontracts (including new construction and renovations, except routine building maintenance; residential and non-residential building construction; heavy construction, such as streets, roads and bridges; and special trade construction, such as fencing, HVAC, paving and electrical).

(c) State Agencies/Authorities/Commissions

African Americans -- 6.3%

Asian Americans -- 4.34%

(d) State Colleges and Universities

African Americans -- 6.3%

Asian Americans -- 4.34%

Caucasian Females -- 12.67%

2. Construction-Related Services Contracts/Subcontracts (including design services, such as architectural, engineering and construction management services, that are performed as part of a construction project).

State Colleges and Universities

African Americans -- 4.51%

Asian Americans -- 7.11%

Hispanics -- 4.09%

2. Professional Services (with the exception of those professional services deemed to be construction-related, all services that are of a professional nature and requiring special licensing, education degrees and/or very highly specialized

expertise, including accounting and financial services, advertising services, laboratory testing services; legal services; management consulting services; technical services and training).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.47%

Asian Americans -- 1.47%

Hispanics -- 1.1%

Native Americans -- 0.07%

Caucasian Females -- 3.74%

3. Other Services (any service that is labor-intensive and neither professional nor construction-related, including, but not limited to equipment rental; janitorial and maintenance services; landfill services; laundry and dry cleaning; maintenance and repairs; printing; real property services; security services; special department supplies; subsidy, care and support; telecommunications; and temporary help).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 1.22%

Asian Americans -- 0.85%

Hispanics -- 0.67%

Native Americans -- 0.05%

Caucasian Females -- 1.96%

4. Goods and Commodities (equipment and consumable items purchased in bulk, or a deliverable product including, but not limited to automobiles and equipment; chemicals and laboratory supplies, construction materials and supplies; equipment parts and supplies; fuels and lubricants; janitorial and cleaning supplies; office equipment; office supplies; radio equipment; special department supplies; technical supplies; tires and tubes; traffic signals; and uniforms).

State Agencies/Authorities/Commissions/Colleges and Universities

African Americans -- 2.71%

Asian Americans -- 1.74%

Hispanics -- 1.32%

Native Americans -- 0.10%

Caucasian Females -- 4.45%

Published October 5, 2009 in the New Jersey Register at 41 N.J.R. 3477(a).

**Governor Jon S. Corzine**

**Executive Order No. 152(2009)**

**Tribute to Senator Edward M. Kennedy**

Issued: August 28, 2009.

Effective: August 28, 2009.

WHEREAS, Edward M. “Teddy” Kennedy, “the Lion of the Senate,” served as a United States Senator from the Commonwealth of Massachusetts for nearly half a century, making him the third longest-serving member of the United States Senate in American history; and

WHEREAS, Senator Kennedy all too soon became the patriarch of one of the most storied political families in the history of this country; and

WHEREAS, Senator Kennedy’s remarkable career as a public servant was highlighted by his passion, idealism, optimism, faith, and compassion; and

WHEREAS, over the course of Senator Kennedy’s nearly five decades in the Senate, he was a true champion for those who often had no voice in the public arena and a leader on a wide range of issues impacting American families; and

WHEREAS, Senator Kennedy, who will be remembered as one of the most effective lawmakers in the history of the

United States Senate, sponsored or shepherded through historic legislation that included reforming health care, advancing civil rights, improving education, and transforming immigration laws; and

WHEREAS, through Senator Kennedy’s legislative triumphs he has made this nation a better place; and

WHEREAS, in addition to Senator Kennedy’s political accomplishments, he performed many quiet deeds of humanity that have made him beloved to so many New Jerseyans: rich, poor, old, and young;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, September 1, 2009, in recognition and mourning of the passing of Senator Edward M. Kennedy.

2. This Order shall take effect immediately.

Published October 5, 2009 in the New Jersey Register at 41 N.J.R. 3481(a).

**Governor Jon S. Corzine**

**Executive Order No. 153(2009)**

**Tribute to United States Army Staff Sergeant Andrew T. Lobosco**

Issued: August 28, 2009.

Effective: August 28, 2009.

WHEREAS, United States Army Staff Sergeant Andrew T. Lobosco was a native of Somerville, New Jersey, and a graduate of Immaculata High School; and

WHEREAS, Staff Sergeant Lobosco enlisted in the United States Army in January 2004 as a Special Forces candidate and was assigned to Fort Bragg, North Carolina; and

WHEREAS, Staff Sergeant Lobosco completed the Special Forces Qualification Course in January 2007 and earned the distinguished Green Beret; and

WHEREAS, Staff Sergeant Lobosco's military education included the Warrior Leader's Course, Basic Non-Commissioned Officer Course, Basic Airborne Course, and Special Forces Qualification Course; and

WHEREAS, Staff Sergeant Lobosco served proudly in the United States Army's 2nd Battalion, 7th Special Forces Group (Airborne), as a Special Forces medical sergeant; and

WHEREAS, Staff Sergeant Lobosco was deployed for the second time in support of the Global War on Terror in July 2009 as a member of the Combined Joint Special Operations Task Force in Afghanistan; and

WHEREAS, on August 22, 2009, Staff Sergeant Lobosco was killed in action as a result of injuries suffered when his

unit was attacked while on patrol near Yakhchal, Afghanistan, in support of combat operations; and

WHEREAS, Staff Sergeant Lobosco has received some of our nation's highest military honors, including the Bronze Star Medal, Purple Heart Medal, Army Good Conduct Medal, National Defense Service Medal, Global War on Terrorism Service Medal, non-commissioned officer professional development ribbon, Army Service Ribbon, NATO Medal, Combat Infantryman Badge, Parachutist Badge, and the Special Forces Tab; and

WHEREAS, Staff Sergeant Lobosco was a dedicated soldier as well as a loving son and brother, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Staff Sergeant Lobosco's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on September, 2, 2009, in recognition and mourning of a brave and loyal American hero, United States Army Staff Sergeant Andrew T. Lobosco.

2. This Order shall take effect immediately.

Published October 5, 2009 in the New Jersey Register at 41 N.J.R. 3481(b).

**Governor Jon S. Corzine**

**Executive Order No. 154(2009)**

**Tribute to Those Lost in the September 11, 2001 Attacks  
and, Particularly, Those Lost from Our Home State**

Issued: September 9, 2009.

Effective: September 9, 2009.

WHEREAS, on September 11, 2001, unprecedented terrorist attacks were launched on New York, Washington, D.C., and Pennsylvania; and

WHEREAS, more than one quarter of the victims of the September 11, 2001 attacks were New Jerseyans, with nearly 700 of our residents killed in the attacks, and numerous others injured; and

WHEREAS, many New Jerseyans, including thousands of police, fire, military, emergency, and construction personnel, bravely responded to this tragedy; and

WHEREAS, hundreds of New Jersey families have been drastically affected by these events, through the loss of a parent, spouse, child, or other loved one; and

WHEREAS, this tragic event will be remembered by all New Jerseyans, both privately as well as in public remembrances and memorial ceremonies; and

WHEREAS, it is fitting that this day be observed with full solemnity, in tribute to the thousands of innocent victims who perished in the attacks;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on September 11, 2009, in recognition and mourning of all of those lost in the September 11th attacks and, particularly, those lost from our home State.

2. This Order shall take effect immediately.

Published October 5, 2009 in the New Jersey Register at 41 N.J.R. 3482(a).

Governor Jon S. Corzine

Executive Order No. 155(2009)

**Orders and Directs the Office of the State Comptroller  
Shall Monitor the Procurement of Contracts by NJ  
Transit and Any Other State Agencies and Independent  
State Authorities Involved in the Mass Transit  
Tunnel Project**

Issued: October 6, 2009.

Effective: October 6, 2009.

WHEREAS, the Mass Transit Tunnel project is the largest transit public works project in the United States, and includes the construction of two single-track rail tunnels under the Hudson River to service existing NJ Transit passenger rail lines, an expanded New York Penn Station and other key elements to address the pressing regional transportation needs; and

WHEREAS, the Mass Transit Tunnel project will supplement the link between New Jersey and New York and benefit the regional economy with improved rail transportation and will provide significant environmental benefits; and

WHEREAS, the Mass Transit Tunnel project is expected to create and sustain 6,000 construction related jobs annually through completion of the project; and

WHEREAS, the Mass Transit Tunnel project is expected to create 44,000 permanent jobs and add nearly \$10 billion to the Gross Regional Product after completion; and

WHEREAS, the Mass Transit Tunnel project is being constructed by NJ Transit, in partnership with the Port Authority of New York and New Jersey ("Port Authority"); and

WHEREAS, funding for the \$8.7 billion cost of the Mass Transit Tunnel project will come from the State of New Jersey, NJ Transit, the New Jersey Turnpike Authority, the Port Authority, and the federal government; and

WHEREAS, under the General Project Agreement entered into by NJ Transit and the Port Authority, NJ Transit has been designated the lead agency and federal sponsor for the Mass Transit Tunnel and has primary responsibility for the design, construction and management of the project; and

WHEREAS, under the General Project Agreement, NJ Transit will be responsible during the life of the Mass Transit Tunnel project for procuring and administering the solicitation of bids, awards of construction contracts and equipment procurement contracts, and design and construction management contracts for the project, and various other contracts of all types; and

WHEREAS, under the General Project Agreement, NJ Transit will be responsible during the life of the Mass Transit Tunnel project for the acquisition of all real property located in the State of New Jersey, and the Port Authority will be

responsible for the acquisition of all real property located in the State of New York needed to construct, maintain and operate the project; and

WHEREAS, transparency and accountability are paramount to ensuring the responsible expenditure of funds for the Mass Transit Tunnel project; and

WHEREAS, it is imperative that contracts for the Mass Transit Tunnel project, like all state contracts, be awarded to vendors in a manner that is fair, transparent, and designed to ensure that the project receives the benefit of quality services and products at the lowest price from responsible bidders; and

WHEREAS, it is imperative that construction on the Mass Transit Tunnel project be within budget and on schedule; and

WHEREAS, the Federal Transit Administration has agreed to provide \$3,000,000,000 in New Starts funding, which will require NJ Transit to deliver the project on time and on budget and to fully cooperate with the Federal Transit Administration and its oversight consultants in their monitoring of the design and construction of the Mass Transit Tunnel and their enforcement of all applicable Federal statutes, regulations and program requirements, including project management practices, risk management strategies, real estate acquisition, environmental compliance, contract management, constructability reviews, and project schedule and budget validation; and

WHEREAS, a key governance reform initiative of this administration was the enactment of legislation creating the independent Office of the State Comptroller to provide integrity, increased accountability, and oversight regarding spending and contracting by State agencies, independent State authorities, and other entities; and

WHEREAS, the provisions of this Order regarding the Office of the State Comptroller have been developed in consultation with and with the concurrence of the State Comptroller;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Pursuant to its duties as set forth in N.J.S.A. 52:15C-1 et seq., the Office of the State Comptroller shall monitor the procurement of contracts by NJ Transit and any other State agencies and independent State authorities involved in the Mass Transit Tunnel project.

2. Pursuant to its duties set forth in N.J.S.A. 52:15C-1 et seq., the Office of the State Comptroller shall provide guidance to the entities involved in the Mass Transit Tunnel project concerning internal controls and accounting.

3. As part of its powers pursuant to N.J.S.A. 52:15C-8, the Office of the State Comptroller shall undertake analysis

and review of all internal and external financial audits of the Mass Transit Tunnel project to ensure the adequacy of internal controls and determine whether additional oversight is needed to keep the project within budget.

4. The Office of the State Comptroller shall conduct its oversight of the Mass Transit Tunnel project in cooperation with the Auditor General of NJ Transit, the inspectors general or other appropriate officers of the Port Authority, the Federal Transit Administration, the United States Department of Transportation, and other appropriate State and federal officers responsible for oversight of this project.

5. NJ Transit shall provide to the Governor quarterly written reports that are consistent with the information it provides to the Federal Transit Administration on the status of the project. The reports shall include detailed information concerning the schedule and budget status of the project and, if necessary, action plans for meeting or returning to scheduling and budgetary benchmarks.

6. This Order shall take effect immediately.

Published November 2, 2009 in the New Jersey Register at 41 N.J.R. 3989(a).

**Governor Jon S. Corzine**

**Executive Order No. 156(2009)**

**Tribute to United States Army Sergeant Michael P. Scusa**

Issued: October 15, 2009.

Effective: October 15, 2009.

WHEREAS, United States Army Sergeant Michael P. Scusa was a native of Villas, New Jersey, and a graduate of Lower Cape May Regional High School; and

WHEREAS, Sergeant Scusa enlisted in the United States Army after his graduation from high school and was assigned to the 3rd Squadron, 61st Cavalry Regiment, 4th Brigade Combat Team, 4th Infantry Division, Fort Carson, Colorado; and

WHEREAS, on October 3, 2009, Sergeant Scusa died in combat while defending his outpost and his fellow soldiers from enemy attack in Kamdesh, Afghanistan; and

WHEREAS, Sergeant Scusa was a dedicated soldier as well as a loving son, husband and father, whose memory lives in the hearts of his family, friends, and fellow soldiers; and

WHEREAS, Sergeant Scusa's patriotism and dedicated service to his country and his fellow soldiers make it appropriate and fitting for the State of New Jersey to remember him and his family, to mark his passing, and to honor his memory;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Tuesday, October 20, 2009, in recognition and mourning of a brave and loyal American hero, United States Army Sergeant Michael P. Scusa.

2. This Order shall take effect immediately.

Published November 16, 2009 in the New Jersey Register at 41 N.J.R. 4145(a).

**Governor Jon S. Corzine**

**Executive Order No. 157(2009)**

**Creation of List of Outside Counsel Designated to Serve as Special Counsel to the State of New Jersey pursuant to N.J.S.A. 52:17A-13**

Issued: October 19, 2009.

Effective: October 19, 2009.

WHEREAS, this administration has consistently demonstrated a strong commitment to ensuring the highest ethical standards in government contracting; and

WHEREAS, in furtherance of this commitment, this administration has successfully implemented a number of policies to improve the processes governing the awarding of State government contracts, including but not limited to contracts for legal services, to ensure that merit and cost-effectiveness drive the government contracting process; and

WHEREAS, with regard to contracts for legal services, N.J.S.A. 52:17A-13 authorizes the Attorney General, with the approval of the Governor, to designate Special Counsel to the State of New Jersey under appropriate circumstances; and

WHEREAS, the designation of special counsel for any type of legal matter is materially different than the procurement of other professional services and requires the Governor and Attorney General to exercise the utmost judgment to determine how the State's interests can best be represented; and

WHEREAS, as part of the administration's commitment to promoting transparency and accountability while, at the same time, balancing the need for exercise of judgment that the special counsel designation process requires, the Office of the Attorney General has implemented policies and procedures that serve as a model for other states; and

WHEREAS, prior to the award of a contract for legal services, it is appropriate to require a publicly advertised process involving Requests for Qualifications (RFQs) with respect to distinct legal practice areas, merit-based decision making in the selection of law firms responding to RFQs, and impartial review by an evaluation committee based upon clearly defined evaluation criteria, as well as well-defined procedures for retaining counsel for particular legal matters, absent unusual circumstances; and

WHEREAS, in some other states, the hiring of outside counsel is not a sufficiently open process and is unguided by proper policies and procedures, giving rise to claims of misconduct and improper politicization of the special counsel designation process; and

WHEREAS, it is appropriate to formalize the procedures to be used by the Attorney General;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. In generating the list of outside counsel designated to serve as Special Counsel to the State of New Jersey pursuant to N.J.S.A. 52:17A-13, the Attorney General shall adhere to the following requirements:

a. The Attorney General shall identify and periodically update the practice areas for which outside counsel are generally needed. Such areas may be grouped into broader Requests for Qualifications based on similarity of the practice area, as appropriate.

b. RFQs for identified practice areas shall be issued periodically, but at least once every three years from the date of the previous designation list for that RFQ.

c. Advertisement and distribution of the RFQ shall be accomplished by:

(i) placing advertisement(s) in an appropriate legal periodical;

(ii) mailing a notice of the RFQ or the RFQ, as appropriate, to all firms currently on the outside counsel list and to all law firms that have requested to be on the RFQ mailing list for related topics;

(iii) mailing a notice of the RFQ or the RFQ, as appropriate, to specialty bar groups that represent minority and female attorneys;

(iv) posting the RFQ on the Division of Law's Internet website; and

(v) mailing a notice of the RFQ or the RFQ, as appropriate, to law firms possessing specialized expertise, where a matter requires specialized knowledge or experience.

d. Once the Division of Law receives responses to the RFQ, the responses shall be reviewed by an evaluation committee comprised of at least three members, including but not limited to supervisors from the Division of Law and representatives of appropriate client agencies, as appropriate. Evaluation committee members shall include attorneys with involvement in the relevant practice areas and client representatives, as appropriate.

e. The criteria to be employed for evaluating RFQ responses shall include but not be limited to the following: experience of the firm in the practice area; the firm's resources, including but not limited to the size of the firm (small or medium/large); the firm's approach to communication with the Division of Law; the past experience of the State with the firm and its named attorneys; and geographic location, where appropriate.

f. Responses to RFQs shall be ranked on the basis of technical merit and, where appropriate, the highest scoring small and medium/large firms, consistent with the number specified in the RFQ, in each practice area shall be submitted for designation.

2. After the list of qualified firms for a particular practice area is developed, firms from that list shall, as appropriate, be retained for particular matters as follows:

a. The Division of Law shall decide whether a small or medium/large firm should be retained.

b. From either the list of designated small firms or the list of designated medium/large firms, as appropriate, a firm shall be selected based on the following criteria: geographic location; magnitude or complexity of the matter; the firm and/or its attorneys' past success in handling similar matters; whether the firm's experience and knowledge coincide with the type of legal work to be performed; the firm's capacity to staff and perform the required work; and any current adversarial position or potential conflict of interest between the firm and/or its attorneys and the State, its agencies, or officials.

3. If a particular matter requires expertise in one or more practice area outside of those encompassed by existing lists, a separate RFQ shall be distributed, consistent

with paragraph 1(c) above, for that retention; provided, however, that in these circumstances the Division may forego advertising under paragraph 1(c)(i).

4. In matters requiring strict confidentiality, timely retention decisions, or otherwise involving emergent or extraordinary circumstances, the Division of Law shall solicit proposals from at least three law firms, unless the Attorney General decides to use one particular firm to preserve confidentiality.

5. Nothing in this Order shall prohibit the awarding of a contract when the Attorney General decides emergent or extraordinary circumstances require the timely performance of legal services.

6. The selection of special counsel for designation pursuant to N.J.S.A. 52:17A-13 and any decisions whether to waive advertising requirements or the solicitation of proposals shall be in the sole discretion of the Attorney General.

7. Bond counsel shall continue to be retained as provided for in Executive Order No. 26 (1994).

8. This Order shall take effect immediately.

Published November 16, 2009 in the New Jersey Register at 41 N.J.R. 4145(b).

**Acting Governor Richard J. Codey**

**Executive Order No. 158(2009)**

**Tribute to the Military and Civilian Personnel Killed at  
Fort Hood Army Base in Texas**

Issued: November 9, 2009.

Effective: November 9, 2009.

WHEREAS, the tragedy at the Fort Hood Texas Army Base, has shaken the nation and, in particular, has affected the citizens of the State of New Jersey because of the injury of a soldier from Bridgewater, New Jersey; and

WHEREAS, at this time of shock, sorrow, and grieving, it is important for the State to come together to mourn the military and civilian men and women who were killed and to remember their spouses, parents, families, and friends at a time of supreme loss; and

WHEREAS, it is appropriate and fitting for the State of New Jersey, a State with connections to these individuals, to mark their passing, remember their families as they mourn their losses, and honor their memories;

NOW, THEREFORE, I, RICHARD J. CODEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on Tuesday, November 10, 2009, in recognition of the lives and in mourning of the passing of the military and civilian personnel killed at the Fort Hood Army Base in Texas.

2. This Order shall take effect immediately.

Published December 7, 2009 in the New Jersey Register at 41 N.J.R. 4347(a).

**Governor Jon S. Corzine**

**Executive Order No. 159(2009)**

**Tribute to Assemblyman John V. Kelly**

Issued: November 12, 2009.

Effective: November 12, 2009.

WHEREAS, John V. Kelly served nine terms as an Assemblyman in the New Jersey General Assembly; and

WHEREAS, Assemblyman Kelly was born in Jersey City, New Jersey on July 11, 1926 and graduated from Saint Peter's Preparatory School; and

WHEREAS, Assemblyman Kelly served in the United States Army during World War II as a demolitions expert in the Philippines; and

WHEREAS, after completing his military service, Assemblyman Kelly earned a degree in accounting and finance from Saint Peter's College in 1951; and

WHEREAS, Assemblyman Kelly served as comptroller, board member, executive vice president, president, and chairman of Nutley Savings and Loan; and

WHEREAS, Assemblyman Kelly was first elected to the New Jersey General Assembly in 1981; and

WHEREAS, during Assemblyman Kelly's tenure in the Assembly he sponsored legislation that established the first law in the state requiring children under 14 to wear a helmet while riding a bicycle, scooter, or skateboard; and

WHEREAS, during Assemblyman Kelly's time in the Assembly he also sponsored legislation to require all state insurance companies to provide coverage for mammograms and pap smears and to set standards to license hospice programs; and

WHEREAS, in May 1988, Kelly was elected mayor of Nutley, New Jersey; and

WHEREAS, Assemblyman Kelly was a longtime fixture at Nutley's Saint Patrick Day festivities and he also played a pivotal role in creating its Columbus Day parade; and

WHEREAS, it is with deep sadness that we mourn the loss of Assemblyman Kelly and extend our sincere sympathy to his wife, his children, his grandchildren, his family, and friends; and

WHEREAS, it is fitting and appropriate to honor the memory and the passing of Assemblyman Kelly;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of the State of New Jersey shall be flown at half-staff at all State departments, offices, agencies, and instrumentalities during appropriate hours on Friday, November 13, 2009, in recognition and mourning of the passing of Assemblyman John V. Kelly.

2. This Order shall take effect immediately.

Published December 7, 2009 in the New Jersey Register at 41 N.J.R. 4347(b).

**Governor Jon S. Corzine**

**Executive Order No. 160(2009)**

**Declaration of State of Emergency in Cape May, Atlantic, Cumberland, Burlington, Ocean and Monmouth Counties**

Issued: November 15, 2009.

Effective: November 15, 2009.

WHEREAS, a major and severe weather storm, commonly referred to as a Nor'easter storm, including heavy rains and high winds, has battered New Jersey since Wednesday, November 11, 2009 causing significant tidal, back bay and coastal flooding conditions affecting the Atlantic coast and tidal Delaware River counties; and WHEREAS, local government and state agencies have made a laudable response to these conditions and implement state and emergency operations plans; and,

WHEREAS, these severe weather conditions have caused significant beach erosion, damage to dunes, and debris conditions in coastal communities which reduce protection from future storms; and

WHEREAS, the beach erosion, damage to dunes and other damage caused by the severe weather conditions constitute a disaster from a natural cause, which continues to threaten and endanger the health, safety and resources of the residents of one or more municipalities and counties of this State; and

WHEREAS, this situation has proven to be too large in scope to be handled by the normal county and municipal operating services in some parts of this State, and the aftermath of this situation may spread to other parts of the State; and

WHEREAS, the Constitution and statutes of the State of New Jersey, particularly the provisions of N.J.S.A. App. A: 9 33 et seq., N.J.S.A. 38A:3-6.1, and N.J.S.A. 38A:2 4 and all amendments and supplements thereto, confer upon the Governor of the State of New Jersey certain emergency powers;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, in order to protect the health, safety and welfare of the people of the State of New Jersey DO DECLARE AND PROCLAIM that a State of Emergency has existed and presently continues to exist in the counties of Cape May, Atlantic, Cumberland, Burlington, Ocean and Monmouth and I hereby ORDER AND DIRECT the following:

1. I authorize and empower the State Director of Emergency Management to implement the State Emergency Operations Plan and to direct the activation of county and municipal emergency operation plans as he deems necessary.

2. I authorize and empower the State Director of Emergency Management, who is the Superintendent of State Police, in accordance with N.J.S.A. A:9 33 et seq. as supplemented and amended, through the police agencies under his control, to determine the control and direction of the flow of vehicular traffic on any State highway, municipal or county road, including the right to detour, reroute or divert any or all traffic and to prevent ingress or egress from any area, that, in the State Director's discretion, is deemed necessary for the protection of the health, safety and welfare of the public, and to remove parked or abandoned vehicles from such roadways as conditions warrant.

3. I authorize and empower the Attorney General, pursuant to the provisions of N.J.S.A. 39:4 213, acting through the Superintendent of the Division of State Police, to determine the control and direction of the flow of vehicular traffic on any State or Interstate highway and its access roads, 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 to which the declaration of emergency applies. I further authorize all law enforcement officers to enforce any such orders of the Attorney General and the Superintendent of State Police, within their respective municipalities.

4. I authorize and empower the State Director of Emergency Management to order the evacuation of all persons, except for those emergency and governmental personnel whose presence the State Director deems necessary, from any area where their continued presence would present a danger to their health, safety or welfare because of the conditions created by this emergency.

5. I authorize and empower the State Director of Emergency Management to utilize all facilities owned, rented, operated and maintained by the State of New Jersey to house and shelter persons who may need to be evacuated from a residence, dwelling, building, structure or vehicle during the course of this emergency.

6. I authorize and empower the executive head of any agency or instrumentality of the State government with authority to promulgate rules to waive, suspend or modify any existing rule, the enforcement of which would be detrimental to the public welfare during this emergency, notwithstanding the provisions of the Administrative Procedure Act or any law to the contrary, for the duration of this Executive Order, and subject to my prior approval and in consultation with the State Director of Emergency Management. Any such waiver, modification or suspension shall be promulgated in accordance with N.J.S.A. App. A:9-45.

7. I authorize and empower the Adjutant General, in accordance with N.J.S.A. 38A:2 4 and N.J.S.A. 38A:3 6.1, to order to active duty such members of the New Jersey National Guard that, in the Adjutant General's judgment, are necessary to provide aid to those localities where there is a threat or danger to the public health, safety and welfare

and to authorize the employment of any supporting vehicles, equipment, communications or supplies as may be necessary to support the members so ordered.

8. In accordance with N.J.S.A. App. A:9-34 and N.J.S.A. App. A:9-51, as supplemented and amended, reserve the right to utilize and employ all available resources of the State government and of each and every political subdivision of the State, whether persons, properties or instrumentalities, and to commandeer and utilize any personal services and any privately owned property necessary to protect against this emergency.

9. In accordance with N.J.S.A. App. A:9-40, no municipality, county or any other agency or political subdivision of this State shall enact or enforce any order, rule, regulation, ordinance or resolution that will or might in any way conflict with any of the provisions of this Order, or which will in any way interfere with or impede the achievement of the purposes of this Order or the orders of the State Director of Emergency Management.

10. It shall be the duty of the members of the governing body, and each and every officer, agent and employee of every political subdivision of this State and of each member of all other governmental bodies, agencies and authorities of any nature whatever, to fully cooperate with the State Director of Emergency Management in all matters during this emergency.

11. I authorize and empower the State Director of Emergency Management, pursuant to N.J.S.A. App. A:9-37 and N.J.S.A. App. A:9-48 and in accordance with N.J.S.A. App. A:9-36, to require any public official, citizen or resident of this State, or any firm, partnership, or corporation, incorporated or doing business in this State, to furnish any information deemed reasonably necessary by the Director to carry out the purposes of this Order.

12. The cooperation of every person or entity in this State or doing business in this State in all matters concerning this state of emergency is requested.

13. In accordance with N.J.S.A. App. A:9-34, N.J.S.A. App. A:9-40.6 and 40A:14-156.4, I direct that no municipality or public or semipublic agency send public works, fire, police, emergency medical or other personnel or equipment into any non-contiguous disaster-stricken municipality within this State, or to any disaster-stricken municipality outside this State, unless and until such aid has been directed by the county emergency management coordinator or his or her deputies, in consultation with the State Director of Emergency Management.

14. This Order shall take effect immediately and shall remain in effect until such time as it is determined by me that an emergency no longer exists.

Published December 21, 2009 in the New Jersey Register at 41 N.J.R. 4581(a).

**Governor Jon S. Corzine**

**Executive Order No. 161(2009)**

**Establishment of a Study Commission on New Jersey's Non-Public Schools**

Issued: December 22, 2009.

Effective: December 22, 2009.

Expiration: June 1, 2010.

WHEREAS, the education of New Jersey's citizenry is critical to the continuing growth of this State; and

WHEREAS, the State of New Jersey has over 1,200 non-public schools, including both sectarian and non-sectarian primary and secondary schools that provide general educational services to thousands of New Jersey school children;

WHEREAS, the success of non-public schools in New Jersey is connected to the prosperity and progress of this State;

WHEREAS, the State and federal government provide some assistance to non-public schools, which must be accomplished in ways that are consistent with constitutional limitations and fairness concerns; and

WHEREAS, a study Commission on non-public schools in New Jersey could assist in considering the challenges non-public school children face, identifying their educational needs, and making recommendations on how available resources, including but not limited to available public resources, could be best utilized to enhance educational opportunities in New Jersey;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established a Study Commission on New Jersey's Non-Public Schools. The Commission membership shall consist of individuals who are representative of the diverse backgrounds that exist among the various types of non-public schools in New Jersey, education experts who may assist the Commission in its efforts, and the appropriate public officials.

2. The Commission membership shall be comprised of no more than twenty-three members. The members of the Commission shall serve without compensation and at the pleasure of the Governor. The Governor shall appoint two members to co-chair the Commission.

3. The following officials, or their designees, shall serve on the Commission, ex officio:

- a. the Commissioner of the New Jersey Department of Education;
- b. the New Jersey State Treasurer; and

- c. the New Jersey Attorney General.

4. The Commission also shall consist of the following public members:

- a. nine members representing the various types of non-public schools, which appointments shall be made in a manner so that the various types of non-public schools will be reflected among committee membership to the maximum extent possible;
- b. three representatives of local educational agencies;
- c. two members of the New Jersey Legislature, with experience and background that will be helpful to the Commission's efforts, with one member to be appointed upon the recommendation of the Senate President and one upon the recommendation of the Speaker of the General Assembly;
- d. one member with experience in non-profit administration, grant writing or processing, or corporate foundation administration; and
- e. five members with an expertise in education, education and technology, or special education issues, or whose professional background otherwise will be relevant to the Commission's work, such that the members' participation will be of assistance to the Commission.

5. The Commission is hereby charged with identifying challenges non-public school children face; recommending how to best utilize available resources to further the educational mission of non-public schools; finding ways to enhance relations between non-public schools, public schools, and local and State agencies; and recommending how to maximize support for the educational efforts of these schools.

6. Specifically, the Commission shall consider the following issues and areas, among others:

- a. how non-public schools can maximize grant funding award opportunities, through dissemination of information and assistance regarding federal and charitable grant opportunities;
- b. whether there are appropriate ways to incentivize charitable giving to non-public schools, including whether statutory changes regarding giving would be appropriate and permissible;
- c. what appropriate steps may be taken to assist in enriching the learning experiences of non-public school children, such as through programs to acquire learning equipment, including textbooks, furniture, and other equipment;
- d. how non-public schools, including smaller institutions, can enhance technology resources and related educational programming, such as through donations of

technology equipment and components, and by accessing other private giving programs;

e. identify issues affecting the non-public school community, such as special education and handicapped services, school security issues, transportation of students, and health care, including nursing personnel; and

f. consider and make recommendations on how to most effectively utilize state and federal funds within legal boundaries; and prioritize areas for such funding, as well as recommendations regarding criteria for funding.

7. The Commission shall issue a written report of its findings and recommendations no later than June 1, 2010, to the Governor, the Senate President, the Senate Minority Leader, the Assembly Speaker, and the Assembly Minority Leader.

8. The Commission is authorized to call upon any department, office, division, or agency of this State to supply

it with data and any other information, personnel, or other assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission within the limits of its statutory authority and to furnish it with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Commission is authorized to consult with experts or other knowledgeable or interested individuals in the public or private sector on any aspect of its mission.

9. This Order shall take effect immediately and expire on June 1, 2010.

Published February 1, 2010 in the New Jersey Register at 42 N.J.R. 545(a).

Rescinded by Christie Executive Order No. 40(2010), effective September 9, 2010.

**Governor Jon S. Corzine**

**Executive Order No. 162(2010)**

**Establishment of the New Jersey Council for Young Children**

Issued: January 6, 2010.

Effective: January 6, 2010.

WHEREAS, pursuant to the federal Omnibus Budget Reconciliation Act of 1981, as amended by the Head Start Act amendments of 2007 enacted on December 12, 2007, 42 U.S.C. § 9837b, P.L. 110-134 (hereinafter referred to as the “federal requirements”), the State of New Jersey is required to designate or establish a state entity to serve as New Jersey’s advisory council on early childhood education and to care for children from birth to school entry; and

WHEREAS, the federal requirements provide that the advisory council is to be comprised of a diverse selection of individuals concerned with young children who represent a cross-section of the educational, child care, health, mental health, and disabled communities; and

WHEREAS, the federal requirements provide that the advisory council is to be charged with assuring collaboration and coordination among the various early childhood programs in the State; and

WHEREAS, in order to maintain compliance with the federal law, it is appropriate for the State of New Jersey to establish a New Jersey Council for Young Children to carry out the duties set forth in the federal requirements;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established the New Jersey Council for Young Children (hereinafter referred to as “the Advisory Council”), which shall be established as a separate entity in, but not of, the New Jersey Department of Education.

2. The Advisory Council is hereby designated the State entity responsible for assuring collaboration and coordination among all the early childhood programs in the State of New Jersey.

3. The Advisory Council membership shall be comprised of no more than twenty-five members.

4. The following officials, or their designees, shall serve on the Advisory Council, ex officio, and with a vote:

- a. the Commissioner of the New Jersey Department of Human Services;
- b. the Commissioner of the New Jersey Department of Education;

c. the Commissioner of the New Jersey Department of Health and Senior Services;

d. the Commissioner of the New Jersey Department of Labor and Workforce Development; and

e. the Commissioner of the New Jersey Department of Children and Families.

5. The Council also shall consist of the following public members:

a. a representative of a local educational agency in the State;

b. a representative of an institution of higher education in the State;

c. a representative of a local provider of early childhood education and development services in the State or an organization representing such providers;

d. a representative from Head Start agencies located in the State, including migrant and seasonal Head Start programs and Indian Head Start programs;

e. the President of the New Jersey Head Start Association;

f. the State Director of Head Start Collaboration; and

g. at least six other members who either represent entities or interest groups or constituencies determined by the Governor to be relevant to the Advisory Council’s work, such that their participation will be of assistance to the Advisory Council, or who have expertise or significant experience in early childhood education, pre-school education, Head Start programs, child development, child care, or the education and training of early childhood teachers, regardless of their organizational affiliation.

6. The public members of the advisory council shall serve for three year terms, except that of those first appointed, five members shall serve for a term of one year, ten shall serve for a term of two years, and the remainder shall serve for a term of three years. Council vacancies from among the members shall be filled by appointment by the Governor for the remainder of the unexpired term. 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 Governor shall designate a member of the Advisory Council to serve as chair. The Advisory Council members shall serve without compensation.

7. The Advisory Council shall:

a. conduct a periodic statewide needs assessment concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an

assessment of the availability of high-quality pre-kindergarten services for low-income children in the State;

b. identify opportunities for, and barriers to, collaboration and coordination among federally-funded and State-funded child development, child care, and early childhood education programs and services, including collaboration and coordination among state agencies responsible for administering such programs;

c. develop recommendations for increasing the overall participation of children in existing federal, state, and local child care, as well as early childhood education programs, including outreach to underrepresented and special populations;

d. develop recommendations regarding the establishment of a unified data collection system for public early childhood education and development programs and services throughout the State;

e. develop recommendations regarding statewide professional development and career advancement plans for early childhood educators in the State;

f. assess the capacity and effectiveness of two- and four-year public and private institutions of higher education in the State to support the development of early childhood educators, including the extent to which such institutions have in place articulation agreements, professional development and career advancement plans, and practice or internships for students to spend time in a Head Start or pre-kindergarten program;

g. make recommendations for improvements in State early learning standards and undertake efforts to

develop high-quality comprehensive early learning standards, as appropriate; and

h. engage parents and develop improved communication strategies with families across New Jersey regarding the importance of their roles in quality programs for young children.

8. The Advisory Council shall submit a statewide strategic report addressing its assessments and recommendations set forth in Section 7 of this Order to the State Director of Head Start Collaboration and the Governor no later than 18 months from the release of federal grant funds.

9. After the submission of the statewide strategic report, described in the Section 8 of this Order, the Advisory Council shall convene at least four meetings each year to review the implementation of the recommendations in the strategic report and consider any changes to state and local needs.

10. After the submission of the statewide strategic report, described in Section 8 of this Order, the Advisory Council shall submit an annual report of its activities to the Governor each July.

11. The Advisory Council shall hold at least one public hearing per year and provide an opportunity for public comment regarding the issues set out in Section 7 of this Order.

12. This Order shall take effect immediately.

Published February 1, 2010 in the New Jersey Register at 42 N.J.R. 545(b).

**Governor Jon S. Corzine**

**Executive Order No. 163(2010)**

**Continuation of the Interagency Council on Preventing and Reducing Homelessness**

Issued: January 11, 2010.

Effective: January 11, 2010.

WHEREAS, Executive Order No. 126 (2008) established the Interagency Council on Preventing and Reducing Homelessness (hereinafter referred to as “the Council”); and

WHEREAS, the Executive Order directed the Council to produce a preliminary report to the Governor containing findings and recommendations for preventing, reducing, and ending homelessness, and improving services to individuals and families who lose their housing; and

WHEREAS, the Council was also established to review, evaluate, and identify data, activities, funding, programs, statutory and regulatory impediments, service delivery models, and best practices that would help prevent, reduce, and end homelessness, and assist homeless families and individuals; and

WHEREAS, Executive Order No. 126 provides for a membership that includes a broad range of voices with experience in homelessness and related issues; and

WHEREAS, the Council’s work would benefit from the designation of four additional members;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The Interagency Council on Preventing and Reducing Homelessness (“the Council”) shall continue in existence as provided in Executive Order No. 126.

2. The membership of the Council shall be modified to consist of thirty-three members of whom eighteen shall be public members appointed by the Governor, as follows: a representative of county government, a representative of municipal government, two persons who are or recently were homeless, three representatives of the private sector, seven representatives of non-profit agencies providing housing, social, behavioral health, or health-care services to homeless individuals or families, a representative of public housing authorities, an individual with academic expertise in homelessness issues, and two representatives from faith communities.

3. All other provisions of Executive Order No. 126 that are not inconsistent with this Order shall remain in full force and effect.

4. This Order shall take effect immediately.

Published February 16, 2010 in the New Jersey Register at 42 N.J.R. 571(a).

**Governor Jon S. Corzine**

**Executive Order No. 164(2010)**

**Establishment of the Commission on New Americans**

Issued: January 11, 2010.

Effective: January 11, 2010.

WHEREAS, immigrants make up twenty percent of New Jersey's population and have made substantial contributions to the state's economic, social, cultural, political, and academic sectors; and

WHEREAS, New Jersey's population of foreign-born individuals is the sixth largest in the nation and ranks third nationally in the proportion of its immigrant population to its total population; and

WHEREAS, immigrants help power New Jersey's economy, making up twenty-eight percent of the workforce in New Jersey and bringing in twenty-three percent of all earnings statewide; and

WHEREAS, Executive Order No. 78 (2007) created the Blue Ribbon Advisory Panel on Immigrant Policy ("Panel"), which, among other things, was charged with developing recommendations for a comprehensive and strategic statewide approach to successfully integrate the rapidly growing immigrant population in New Jersey; and

WHEREAS, the Panel also was tasked with making a recommendation to the Governor as to whether a more permanent body is necessary for the continued implementation of immigrant policy in the State; and

WHEREAS, on March 30, 2009, the Panel publicly released its final report which, among other things, included the recommendation that the Governor establish a Commission on New Americans ("Commission"); and

WHEREAS, the Panel concluded that New Jersey would benefit from the creation of a permanent entity within state government such as the Commission that would lead the discussion in implementing a holistic statewide policy of immigrant integration and ensure that all state agencies provide services in an efficient and culturally and linguistically competent manner; and

WHEREAS, by providing efficient and culturally and linguistically competent services New Jersey will enhance the capacity of its immigrant workforce which contributes to the overall well-educated and well-trained workforce and promotion of economic growth opportunities for the State;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established, in the Department of the Public Advocate, the Commission on New Americans.

2. The Commission shall be composed of twenty-three (23) members. The following officials, or their designees, shall serve on the Commission, ex officio, and with a vote: the Governor's Chief of Staff, the Public Advocate, the Commissioner of Human Services, the Commissioner of Health and Senior Services, the Commissioner of Labor, and the Director of the Division on Civil Rights is the department of law and Public Safety and Workforce Development.

3. There shall be seventeen (17) public members of the Commission, appointed by the Governor. The Governor shall appoint each public member for a term of three years, except that of the public members first appointed, six of whom shall be appointed to a three-year term, six of whom shall be appointed to a two-year term, and five of whom shall be appointed to a one-year term. Public members shall serve until their successors are appointed and qualified, and any vacancy in the membership of the Commission shall be filled for the unexpired term in the manner provided for the original appointment. Public members of the Commission shall serve without compensation.

4. The public members shall be residents of the State, chosen with due regard for geographic representation, diversity, education, knowledge, experience, and academic post-graduate level degrees related to the immigrant community in New Jersey. The public members may include representatives from immigrant and immigrant-serving community based organizations, philanthropic organizations, advocacy groups, businesses, including immigrant entrepreneurs, unions, academia, and faith-based organizations.

5. The Governor shall select a chair, and the members of the Commission shall elect annually from among their members a vice-chair.

6. Through the redirection of existing resources, the Commission shall be appropriately staffed by State employees may be available and as assigned by the Governor or Public Advocate and provided with the necessary resources that will allow it to accomplish its mandate as delineated within this Executive Order.

7. The Commission shall be authorized to call upon any department, office, division, or agency of this State to supply it with any information, personnel, or other assistance available to such agency as the Commission deems necessary to discharge its duties under this Order. Each department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the Commission within the limits of its statutory authority and to furnish the Commission with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individ-

uals in the public or private sector on any aspect of its mission.

8. The Commission shall be the central coordination and oversight entity for the inter-departmental collaboration regarding immigrant integration policies. The Commission shall work for and on behalf of the Governor to oversee the implementation of a statewide policy for immigrant integration and work collaboratively with community organizations on ensuring that public input into the process is consistently maintained.

9. The Commission shall evaluate the structure and organization of government in New Jersey, including State agencies, instrumentalities, and independent authorities, local and county government, and school districts, and advise the Governor on how best to achieve immigrant integration in the delivery of services and programs, in a cost neutral manner.

10. In its evaluation and examination of any aspect of immigrant integration in New Jersey the Commission shall identify any measures that will bring enhanced economy, efficiency, and accountability to government operations.

11. The Commission is charged with developing a strategy for the implementation of those recommendations made by the Panel that will foster successful integration of the immigrant population in New Jersey.

12. The Commission shall develop a resource guide that will navigate and support the approximately 1.8 million immigrants through the maze of state and local resources that provide targeted services to immigrants, including referrals to nonprofit and faith-based organizations, English language acquisition, citizenship acquisition, accreditation and qualification services, and employment support.

13. The Commission shall be a repository of best practices models for effective immigrant integration at the local governmental level and may provide technical assistance to any municipal or governmental entity that requests such assistance.

14. The Commission is authorized to elicit input by conducting public hearings to take testimony from individuals, community groups, and other interested parties and by arranging for those who are not able to testify in person to forward their testimony by mail or by electronic communications.

15. The Commission shall establish a schedule of meetings and shall report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be submitted within six months from the date of the first meeting and an annual report shall be submitted six months from that date or as soon as practicable thereafter. Henceforth, the annual report shall be submitted on the one-year anniversary of the submission of the first annual report.

16. Any reports of the Commission shall be provided to the Legislature and shall be made available to the public.

17. The Commission's members shall be appointed within 30 days of the signing of this Executive Order. The Commission shall meet as soon as practical after the chair and a majority of the members have been appointed. The presence of a majority of the authorized membership of the Commission shall constitute a quorum and shall be required for the conduct of official business.

18. This Order shall take effect immediately.

Published February 16, 2010 in the New Jersey Register at 42 N.J.R. 571(b).

**Governor Jon S. Corzine**

**Executive Order No. 165(2010)**

**Establishment of the New Jersey Eastern European-American Heritage Commission**

Issued: January 11, 2010.

Effective: January 11, 2010.

WHEREAS, New Jersey draws strength from its ethnic and cultural diversity; and

WHEREAS, New Jersey is home to over one million Americans of Eastern European ancestry, including Americans of Polish, Hungarian, Ukrainian, Slovak, Czech, and Lithuanian ancestry; and

WHEREAS, Americans of Eastern European ancestry share a common geographic, historical, and cultural heritage; and

WHEREAS, Americans of Eastern European ancestry contribute to the economic, social, cultural, and civic vitality of the State and the Nation; and

WHEREAS, dissemination of knowledge of the heritage, culture, and history of Americans of Eastern European ancestry is important to the State of New Jersey; and

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. There is hereby established, in the Department of State, the New Jersey Eastern European-American Heritage Commission ("Commission").

2. The Commission shall be composed of twenty-one (21) members.

3. The following officials, or their designees, shall serve on the Commission, ex officio, and with a vote: the Secretary of State; the Public Advocate; the Commissioner of the Department of Education; the Chair of the Governor's Ethnic Advisory Council; the Chair of the New Jersey Human Relations Council; and the Chief Executive Officer of the New Jersey Economic Development Authority. In addition, the Governor shall appoint a State representative to the Commission.

4. The Commission also shall consist of one public member appointed by the Governor upon the recommendation of the President of the Senate, one public member appointed by the Governor upon the recommendation of the Speaker of the General Assembly, one public member appointed by the Governor upon the recommendation of the Senate Minority Leader, one public member appointed by the Governor upon the recommendation of the Assembly Minority Leader, and an additional ten (10) public members appointed by the Governor. The Governor

shall designate a chair from among the members, and the members shall elect annually from among their members a vice-chair.

5. The public members shall be residents of the State, chosen with due regard for representation by national origin, geographic representation, educational background, knowledge, and experience related to the heritage, culture, and history of Americans of Eastern European ancestry.

6. The State representative shall be appointed by the Governor for a term of three (3) years. The public members appointed by the Governor upon the recommendation of the President of the Senate, the Speaker of the General Assembly, the Senate Minority Leader, and the Assembly Minority Leader shall each be appointed for a term of three (3) years. Of the other ten (10) public members first appointed, four (4) shall be appointed to a three-year term, three (3) shall be appointed to a two-year term, and three (3) shall be appointed to a one-year term. Thereafter, after the initial term of office, all public members shall be appointed to a term of three (3) years. Public members shall serve until their successors are appointed and qualified, and any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for the original appointment. Public members of the Commission shall serve without compensation.

7. The Commission shall meet as soon as practical after the chair and a majority of the members have been appointed. The presence of a majority of the authorized membership of the Commission shall constitute a quorum and shall be required for the conduct of official business.

8. The responsibilities and duties of the Commission are as follows:

a. to recognize, study, and share information on Eastern European heritage, culture, and history;

b. to coordinate events observing the heritage, culture, and history of Americans of Eastern European ancestry, including an annual Eastern European Month Celebration;

c. to provide expertise to and to collaborate with the Department of Education to continue to develop content and curriculum guides on the heritage, culture, and history of Americans of Eastern European ancestry;

d. to coordinate events with the Department of State observing the heritage, culture, and history of Americans of Eastern European ancestry;

e. to assist the New Jersey Tourism Policy Council in promoting cultural exchanges between the citizens of the State of New Jersey and the nations of Eastern Europe;

f. to assist the Office of International Trade in promoting economic development and international trade

between the citizens of the State of New Jersey and the nations of Eastern Europe.

9. The Department of Education shall assist the Commission in the dissemination to educators, administrators, and public school districts in the State, educational information, and other materials on the history and cultural heritage, and the contributions to society of Americans of Eastern European ancestry. Such information and materials also shall be made available to non-public schools.

10. The Commission may, subject to such approvals as are required by law, expend such monies as may be donated to the State for the benefit of the work of the Commission.

11. The Commission is authorized to call on any department, office, division, or agency of State government to request such information, resources, or other assistance deemed necessary to discharge its responsibilities under this Order, and which such department, office, division or

agency can reasonably provide. Each department, office, division, and agency of this State, to the extent not inconsistent with law, is hereby required to cooperate with the Commission and to furnish it with such information and assistance as is necessary and feasible to accomplish the purposes of this Order. The Commission may consult with experts or other knowledgeable individuals in the public or private sector on any aspect of its mission.

12. The Commission shall establish a schedule of meetings and report periodically to the Governor on its activities and recommendations. An initial report to the Governor shall be submitted within six months from the date of the first meeting and annually thereafter.

13. This Order shall take effect immediately and shall expire in five (5) years from the date of this order.

Published February 16, 2010 in the New Jersey Register at 42 N.J.R. 572(a).

**Acting Governor Stephen M. Sweeney**

**Executive Order No. 166(2010)**

**Tribute to Joseph Kealey**

Issued: January 13, 2010.

Effective: January 13, 2010.

WHEREAS, Joseph “Joe” Kealey, a resident of Lindenwold, New Jersey, served the New Jersey Department of Transportation (“DOT”) and the public at large since 2006 as a member of the DOT’s Emergency Services Patrol, based in Cherry Hill, New Jersey; and

WHEREAS, Mr. Kealey was a loving husband and the devoted father of two daughters who performed his emergency patrol duties with honor and dedication, helping to keep the highways safe for the public throughout the State; and

WHEREAS, in the afternoon hours of January 11, 2010, on the shoulder of Route 76 in Bellmawr, New Jersey, Mr. Kealey made the ultimate sacrifice, tragically giving his life while stopped to assist the operator of a disabled vehicle; and

WHEREAS, Mr. Kealey’s selfless devotion to public service and the protection of others makes him a hero and a true role model for all New Jerseyans and, therefore, it is appropriate and fitting for the State where he served to recognize his remarkable commitment to the welfare and safety of others, to mark his untimely passing, to remember his family as they mourn their tragic loss, and to honor his memory;

NOW, THEREFORE, I, STEPHEN M. SWEENEY, Acting Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. The flag of the United States of America and the flag of New Jersey shall be flown at half-staff at all State departments, offices, agencies and instrumentalities during the appropriate hours on Saturday, January 16, 2010, in recognition of the life and in mourning of the passing of Joseph Kealey.

2. This Order shall take effect immediately.

Published February 16, 2010 in the New Jersey Register at 42 N.J.R. 573(a).

**Governor Jon S. Corzine**

**Executive Order No. 167(2010)**

**Provides for a Process of Allocating the State Share of the Volume Cap Provided to the State under the Internal Revenue Code as Amended by the Provisions of the American Recovery and Reinvestment Act**

Issued: January 18, 2010.

Effective: January 18, 2010.

WHEREAS, pursuant to the Tax Reform Act of 1986 (the “1986 Act”), there was an annual limitation placed on the amount of tax-exempt “private activity bonds” as defined under the Internal Revenue Code of 1986 (the “Code”) issued after August 15, 1986; and

WHEREAS, the Legislature adopted P.L. 1987, c.393 (the “Volume Cap Law”) to provide for the allocation of such annual limitation which act provided for the Governor to allocate the State volume cap limitation among the issuers in the State; and

WHEREAS, pursuant to Executive Order No. 147 issued October 20, 1986, Governor Kean provided for the procedure for the annual allocation; and

WHEREAS, pursuant to Executive Order No. 185 issued February 4, 1988, Governor Kean allocated the entire State volume cap for 1988 and for each year thereafter to the Department of the Treasury to be held by the State Treasurer and authorized the State Treasurer to allocate all or any portion of the State volume cap among State entities or local government units authorized to issue tax-exempt private activity bonds; and

WHEREAS, the federal American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 (“ARRA”) amended the Code to provide for the issuance of certain tax-exempt, tax-credit and tax subsidy types of bonds, intended to finance programs to facilitate the economic recovery of the nation and which provisions contain limitations on the amount of such bonds which can be issued throughout the State; and

WHEREAS, as a result of ARRA, it is now necessary to provide for a process of allocating the State share of the volume cap provided to the State under the Code as amended by these provisions of ARRA; and

WHEREAS, to address such issue, the Legislature adopted P.L. 2009, c. 76 which amends the Original Cap Law (the “Cap Law Amendments”) to provide for the allocation of the State’s annual bond volume limits on certain bonds in accordance with ARRA and amending the title and body of P.L. 1987, c. 393; and

WHEREAS, the Cap Law Amendments provide that the Governor is authorized to establish a procedure for the allocation of State volume cap for tax credit bonds and tax subsidy bonds received under ARRA; and

WHEREAS, the procedures established by Executive Orders No. 145 and 187 have served the State well in assuring an efficient allocation of the private activity volume cap; and

WHEREAS, under ARRA, some of the allocations of the annual bond volume limits on certain bonds will be made directly to local issuers, including municipalities and counties, to assist these local issuers to deal with this economic downturn and stimulate economic development; and

WHEREAS, ARRA contains time limitations within which the local government units may use their allocations of the volume cap or waive their allocations and assign their allocations to the State; and

WHEREAS, to ensure the maximum use of the volume caps allocated under ARRA it is desirable to monitor the uses by local government units of their allocations under ARRA;

NOW, THEREFORE, I, JON S. CORZINE, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. Definitions

For the purpose of this Executive Order, the following terms shall have the meanings set forth below:

a. “ARRA Tax-Credit Bond” is a bond the interest on which is included in gross income for federal income tax purposes, but in respect of which the holder receives a tax credit which tax credit is predicated on the Bond qualifying for such amounts under applicable provisions of ARRA as may be amended from time to time or any similar type of legislation. Examples of such an ARRA Tax-Credit Bond are the Qualified Energy Conservation Bond established under section 54D of the Code, the Qualified Zone Academy Bond established under section 54E of the Code, and the Qualified School Construction Bond established under section 54F of the Code.

b. “ARRA Tax Subsidy Bond” is a Bond the interest on which is included in gross income for federal income tax purposes, but in respect of which the Issuer receives interest subsidy payments, which interest subsidy payments are predicated on the Bond qualifying for such amounts under applicable provisions of the ARRA. An example of such an ARRA Tax Subsidy Bond is the Recovery Zone Economic Development Bond established under section 1400U-2 of the Code.

c. “ARRA Tax-Exempt Private Activity Bond” means a Bond or portion thereof, other than a governmental bond, the interest on which is not includible in federal gross income pursuant to Section 103 of the Code and the issuance of which is subject to an allocation of volume limitation as prescribed under the Code. An example of such an ARRA Tax-Exempt Pri-

vate Activity Bond is the Recovery Zone Facility Bond established under section 1400U-3 of the Code.

d. “ARRA Volume Cap” means the annual dollar limitation on the issuance of ARRA Tax-Credit Bonds or ARRA Tax Subsidy Bonds under the Code.

e. “Bond” means a revenue obligation, security, bond, note, debenture, certificate or other evidence of indebtedness of an issuer.

f. “Carryforward” means that portion of the ARRA 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.

g. “Code” means the Internal Revenue Code of 1986, 26 U.S.C. § 146 et seq., as amended or any successor statute thereto and any regulations promulgated thereunder.

h. “District” means any area of the State which has been delineated for the purpose of providing a governmental service or services.

i. “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.

j. “Local Government Unit” means any county; or municipality; or any board, commission, committee, authority or agency, which is not a State board, commission, committee, authority or agency, and which has administrative jurisdiction over any District for the purpose of providing a governmental service or governmental services.

k. “Local Government Unit ARRA Volume Cap” means the portion of ARRA Volume Cap that has been given by the federal government directly to Local Government Units.

## 2. Allocation of the ARRA Volume Cap to the Department of the Treasury.

The State receives an allocation of the ARRA Volume Cap directly from the federal government.

a. To the extent permitted by law, this ARRA Volume Cap is allocated to the Department of the Treasury to be held by the State Treasurer.

b. The State Treasurer may allocate all or any part of the ARRA Volume Cap among State Entities as that term is defined in Executive Order No. 147, or Local Government Units authorized to issue ARRA Tax-Credit Bonds or ARRA Tax Subsidy Bonds.

c. The State Treasurer shall set forth the terms and conditions for receiving an allocation of the ARRA Volume Cap. Further, the State Treasurer may set forth

the terms and conditions under which the State Entities and Local Government Units may reallocate their allocation received pursuant to the Treasurer’s order. The State Treasurer may also set forth the terms and conditions under which State Entities may carry forward their allocations, if permitted by law.

## 3. Re-Allocation of Local Government Unit ARRA Volume Cap

a. A Local Government Unit may be required to issue Bonds subject to an allocation of Local Government Unit ARRA Volume Cap within a certain period of time; the Code allows a Local Government Unit that is unable to issue Bonds subject to an allocation of the Local Government Unit ARRA Volume Cap within the requisite time period to reallocate any unused Local Government Unit ARRA Volume Cap to the State, at the option of such Local Government Unit.

b. In the event that a Local Government Unit elects to re-allocate its Local Government Unit ARRA Volume Cap to the State, such Local Government Unit ARRA Volume Cap is allocated to the Department of the Treasury to be held by the State Treasurer.

c. The State Treasurer may allocate all or any part of the Local Government Unit ARRA Volume Cap re-allocated to the State by a Local Government Unit pursuant to the preceding paragraph to any State Entity or any other Local Government Unit which is authorized to issue the type of Bonds which are subject to such Local Government Unit ARRA Volume Cap.

## 4. Financial Monitoring

a. The monitoring provisions of Part I of Executive Order No. 147 are hereby extended to include the ARRA Tax-Credit Bonds, the ARRA-Tax Subsidy Bonds and the ARRA Tax-Exempt Private Activity Bonds authorized under ARRA and the Bonds subject to the Local Government Unit ARRA Volume Cap which is re-allocated to the State by a Local Government Unit.

b. In order to provide for the efficient use of the Local Government Unit ARRA Volume Cap, the State Treasurer is hereby authorized to develop, in consultation with the Division of Local Government Services, guidelines for monitoring the use and reporting of the Local Government Unit ARRA Volume Cap by the Local Government Units. Such guidelines shall be in addition to the provisions concerning Local Government Finance Review set forth in subpart 5 of Part I of Executive Order No. 147.

## 5. Delegation to State Treasurer of Certifications

I hereby designate the State Treasurer as my delegate for the purpose of certifying compliance by Issuers with any volume cap requirement.

## 6. Prior Executive Orders

The provisions of Executive Orders No. 147 and No. 185 shall remain in full force and effect and shall not be deemed to be limited by the provisions of this Executive Order.

7. This Order shall take effect immediately.

Published February 16, 2010 in the New Jersey Register at 42 N.J.R. 573(b).