EXECUTIVE ORDER NO. 140

WHEREAS, through Executive Order No. 102 (2020), which I signed on February 3, 2020, I created the State's Coronavirus Task Force, chaired by the Commissioner of the New Jersey Department of Health (DOH), in order to coordinate the State's efforts to appropriately prepare for and respond to the public health hazard posed by Coronavirus disease 2019 ("COVID-19"); and

WHEREAS, on March 9, 2020, through Executive Order No. 103 (2020), the facts and circumstances of which are adopted by reference herein, I declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19; and

WHEREAS, the Public Health Emergency declared in Executive Order No. 103 (2020) has been twice extended, through Executive Order No. 119 (2020), which I signed on April 7, 2020, and through Executive Order No. 138 (2020), which I signed on May 6, 2020, and continues to exist today; and

WHEREAS, in accordance with N.J.S.A. App. A:9-34 and -51, I reserved the right to utilize and employ all available resources of State government to protect against the emergency created by COVID-19; and

WHEREAS, as COVID-19 continued to spread across New Jersey and an increasing number of individuals required medical care or hospitalization, I issued a series of Executive Orders pursuant to my authority under the New Jersey Civilian Defense and Disaster Control Act and the Emergency Health Powers Act, to protect the public health, safety, and welfare against the emergency created by COVID-19, including Executive Order Nos. 104-133 and Nos. 135-138 (2020), the facts and circumstances of which are all adopted by reference herein; and

WHEREAS, among these actions, and in recognition that the Centers for Disease Control and Prevention ("CDC") has advised that social mitigation strategies for combatting COVID-19 require every effort to reduce the rate of community spread of the disease and that COVID-19 spreads most frequently through person-to-person contact when individuals are within six feet or less of one another, I issued Executive Order No. 107 (2020) to order steps to mitigate community spread of COVID-19; and

WHEREAS, Executive Order No. 107 (2020) closed non-essential retail businesses to the public, but permitted essential retail businesses and other businesses that require an in-person workforce to continue to operate; and

WHEREAS, Executive Order No. 107 (2020) permitted restaurants, cafeterias, dining establishments, food courts, bars, and all other holders of a liquor license with retail consumption privileges, to operate only food delivery and/or take-out services during their normal business hours; and

WHEREAS, Executive Order No. 107 (2020) stated that businesses or non-profits who have employees who cannot perform their functions via telework or work-from-home arrangements should make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue; and

WHEREAS, Executive Order No. 107 (2020) directed all New Jersey residents to remain at home or at their place of residence, unless they qualified under certain defined categories, including reporting to, or performing, their job; and

WHEREAS, as of May 7, 2020, according to the World Health Organization, there were more than 3,672,000 confirmed cases of COVID-19 worldwide, with over 254,000 of those cases having resulted in death; and

WHEREAS, as of May 7, 2020, according to the CDC, there were more than 1,219,000 confirmed cases of COVID-19 in the United States, with over 73,000 of those cases having resulted in death; and

WHEREAS, as of May 7, 2020, there were over 133,000 positive cases of COVID-19 in New Jersey, with at least 8,801 of those cases having resulted in death; and

WHEREAS, because of the aggressive social distancing measures we have instituted, we have begun to see a slowdown in the spread of COVID-19 and a decrease in the number of hospitalizations; and

WHEREAS, public health experts have consistently warned that rescinding social distancing restrictions and allowing society to operate as it did before the COVID-19 outbreak would result in a new spike of cases, hospitalizations, and deaths that would overwhelm our health care system and impose massive economic damage; and

WHEREAS, any effort to loosen the restrictions in place must therefore be done thoughtfully, responsibly, and in a manner that does not unnecessarily jeopardize public health; and

WHEREAS, on April 28, 2020, I signed Executive Order No. 131 (2020) to establish the Governor’s Restart and Recovery Commission, which is charged with providing guidance to the Governor for reopening the New Jersey economy in a manner consistent with the State’s public health efforts to slow the spread of COVID-19; and

WHEREAS, the individuals I have appointed to that Commission represent a wide breadth of expertise in various sectors, including public health, business, infrastructure, mass transit, and academia; and

WHEREAS, this expertise can be complemented by the establishment of a second advisory body that will represent diverse stakeholders across a number of economic sectors, and provide additional insight into the unique facets of New Jersey's economy and society; and

WHEREAS, the combination of these perspectives will assist officials in government as they face difficult choices involving the appropriate levels of economic and other activity that can be allowed in light of the ongoing COVID-19 outbreak;

NOW, THEREFORE, I, PHILIP D. MURPHY, 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 Restart and Recovery Advisory Council ("Advisory Council").

2. The Advisory Council will provide guidance to the Governor on the reopening and recovery of New Jersey's economy, taking into account the unique facets of New Jersey's economy and society.

3. The Advisory Council will have three co-chairs: 1) the Chief Executive Officer of the New Jersey Economic Development Authority; 2) the Secretary of Higher Education; and 3) the President and Chief Executive Officer of Choose New Jersey.

4. With the exception of the co-chairs, the members of the Advisory Council shall be appointed by and serve at the pleasure of the Chief Executive Officer of the New Jersey Economic Development Authority. The members will represent a variety of sectors of New Jersey's economy and society, including but not limited to small business, tourism and entertainment, county and local government, transportation and infrastructure, health care,

professional services, manufacturing, construction, logistics, social services, and communities of faith. All public members of the Advisory Council shall serve without compensation.

5. The Advisory Council shall organize as soon as practicable after the appointment of its members, and shall convene as requested and in the manner requested by the co-chairs. The co-chairs shall have the authority to create subcommittees or subgroups of the full Advisory Council.

6. The co-chairs of the Advisory Council are authorized to call upon any department, office, division, or agency of this State to supply it with public data and information, as well as any personnel or other assistance available to such agency as the Advisory Council determines to be necessary to discharge its duties under this Order. Each Executive Branch department, office, division, or agency of this State is hereby required, to the extent not inconsistent with law, to cooperate fully with the co-chairs of the Advisory Council and to furnish the co-chairs of the Advisory Council with such assistance on as timely a basis as is necessary to accomplish the purposes of this Order.

7. The Advisory Council shall be purely advisory in nature, and shall provide advice to the Governor and other Executive Branch departments and agencies as requested.

8. Nothing in this Order shall be construed to supersede any Federal, State, or local law.

9. For purposes of this Order, "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of State government and any agency, authority, board, bureau, commission, division, institution, office, or other instrumentality within or created by any such department, and any independent State authority,

commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

10. This Order shall take effect immediately.

GIVEN, under my hand and seal this 8th day of May, Two Thousand and Twenty, and of the Independence of the United States, the Two Hundred and Forty-Fourth.

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor