

EXECUTIVE ORDER NO. 1

WHEREAS, New Jersey's citizens, their government, and all persons doing business in this State have a mutual investment in the promulgation of administrative rules and regulations that are reasonable, comprehensible, consistent, predictable and responsive; and

WHEREAS, among my priorities as Governor of the State of New Jersey and in furtherance of my constitutional authority to supervise the principal departments and agencies of State Government is the establishment of a new common sense approach to the promulgation and adoption of administrative rules and regulations under the direction of a "Red Tape Review Group" to be created in the Department of State under the direction of the Lieutenant Governor; and

WHEREAS, a preliminary review of rules and regulations has revealed that over 800 pages of proposed administrative rules are currently published in the New Jersey Register, and a review of those rules shows that approximately 154 rule proposals can be frozen without compromising the public health, safety or welfare and without prejudicing the rights of the people of the State of New Jersey; and

WHEREAS, in order to perform its function of reviewing proposed administrative rules over a period of 90 days, the Red Tape Review Group must be afforded a sufficient opportunity to examine proposed administrative rules and regulations prior to their adoption, and thereafter make recommendations on those contemplated rules that are unworkable, overly-proscriptive or ill-advised; and

WHEREAS, this review of proposed administrative rules is especially necessary in order to address the current economic and fiscal situation in New Jersey, and to ensure that the

regulatory processes of State Government do not have the effect of preventing this State from attracting new business enterprises, constraining the growth and expansion of those businesses presently operating in this State, and most importantly, hindering the creation of jobs for New Jersey citizens at a time of unprecedented economic distress;

NOW THEREFORE, I, CHRIS CHRISTIE, 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 proposed regulations and rules, except as herein provided, are hereby frozen and suspended for a period of 90 days commencing on the effective date of this Executive Order. A list of those proposed regulations and rules that are frozen is included in the attached Appendix A. The suspension of the proposed administrative regulations and rules shall be undertaken in a manner consistent with the rules for agency rulemaking and the procedures of the Office of Administrative Law.

2. With respect to any proposed administrative regulation or rule that may have been transmitted to the Office of Administrative Law, but has not been published in the New Jersey Register, the head of the State agency proposing the regulation or rule shall withdraw the proposed regulation or rule in a manner consistent with the Rules for Agency Rulemaking and procedures of the Office of Administrative Law.

3. The provisions of Section 1 and Section 2 of this Executive Order shall not apply to any proposed administrative regulation if the failure to adopt same would:

- a. Adversely impact public safety or security;
- b. Adversely impact the public health;

c. Prejudice the State of New Jersey with respect to the receipt of monies from the federal government or the ability to obtain any certifications from the federal government;

d. Prevent the application of powers, functions and duties essential to the operations of the State agency in question; or

e. Adversely impact compliance with any judicial deadline.

4. A list of those proposed regulations and rules that pursuant to this Order are not frozen is included in the attached Appendix B.

5. The head of each State agency shall review the list of proposed administrative regulations and rules that are frozen and suspended pursuant to Section 1 of this Executive Order. No later than 10 days after the effective date of this Executive Order, the head of each State agency shall transmit to the Lieutenant Governor:

a. Notification of any proposed administrative regulation or rule that should be suspended in addition to the proposed administrative rules set forth in Section 1 of this Executive Order. The Lieutenant Governor may, following such notification, suspend the proposed administrative regulation and rule; and

b. Notification of any proposed administrative regulation or rule, the suspension or withdrawal of which would result in any of the conditions enumerated in Section 3 of this Executive Order. The Lieutenant Governor may, upon a finding that any of the conditions in Section 3 of this Executive Order have been met, rescind the suspension or withdrawal of the proposed administrative regulation or rule.

6. The expiration date of any administrative regulation or rule of any State agency that would otherwise expire between

this date and April 18, 2010, is hereby extended until the completion of the review of administrative regulations and rules by the Red Tape Review Group, and until such time as the extended regulation or rule is readopted pursuant to the provisions of the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.).

7. This Order is not intended to, and does not confer any legal rights upon businesses or others whose activities are regulated by New Jersey's agencies, boards, commissions, or departments and shall not be used as a basis for legal challenges to regulations, rules, approvals, permits, licenses or other actions or to any inaction of the governmental entity subject to it.

8. This Order shall take effect immediately.

GIVEN, under my hand and seal this
20th day of January,
Two Thousand and Ten, and
of the Independence of the
United States, the Two
Hundred and Thirty-Fourth.

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor

Appendix A

41 N.J.R. 4147 (a);
41 N.J.R. 4349 (a);
42 N.J.R. 3 (a);
42 N.J.R. 5(a);
42 N.J.R. 8(a);
41 N.J.R. 4583;
41 N.J.R.4586(a);
42 N.J.R. 11(a);
42 N.J.R. 12 (a);
41 N.J.R. 3991(a);
40 N.J.R. 6683(a);
41 N.J.R. 3140(a);
41 N.J.R. 4149(a);
41 N.J.R. 4352(a);
41 N.J.R. 4353 (a);
41 N.J.R. 4369(a);
41 N.J.R. 2756(a);
41 N.J.R. 3875 (a);
41 N.J.R. 4004(a);
41 N.J.R. 4373(a);
41 N.J.R. 3992(b);
41 N.J.R. 4371(a);
42 N.J.R. 13;
41 N.J.R. 337;
41 N.J.R. 4154(a);
41 N.J.R. 4156(a);
41 N.J.R. 4381;
41 N.J.R. 3776;
41 N.J.R. 2392;
41 N.J.R. 2759;
41 N.J.R. 4587;
41 N.J.R. 1128;
41 N.J.R. 356 (a);
41 N.J.R. 1314;
41 N.J.R. 4384;
41 N.J.R. 3168;
42 N.J.R. 14;
42 N.J.R. 17;
41 N.J.R. 2189(a);
41 N.J.R. 3348(a);
41 N.J.R. 3877(a);
41 N.J.R. 2417(a);
41 N.J.R. 3880(a);
41 N.J.R. 3348(a);
41 N.J.R. 3880(a);
41 N.J.R. 4604(a);
41 N.J.R. 4014(a);
41 N.J.R. 4051(a);
41 N.J.R. 2880(a);
41 N.J.R. 2198(a);
41 N.J.R. 3886(a);
41 N.J.R. 3887(a);
41 N.J.R. 3191(a);
41 N.J.R. 3360(a);
41 N.J.R. 3363;
41 N.J.R. 3778;
41 N.J.R. 2609;
41 N.J.R. 2612;
41 N.J.R. 4054;

41 N.J.R. 2426;
41 N.J.R. 3371;
41 N.J.R. 3894;
41 N.J.R. 4403;
41 N.J.R. 4055;
41 N.J.R. 3014;
41 N.J.R. 4665;
41 N.J.R. 2762;
41 N.J.R. 4175(a);
41 N.J.R. 3779(a);
41 N.J.R. 3781(a);
41 N.J.R. 2768(a);
41 N.J.R. 3382(a);
41 N.J.R. 2617(a);
41 N.J.R. 3021(a);
41 N.J.R. 1161(a);
41 N.J.R. 3027(a);
40 N.J.R. 1772(a);
41 N.J.R. 3018(a);
41 N.J.R. 2615(a);
41 N.J.R. 3198(a);
41 N.J.R. 1387(a);
41 N.J.R. 1651(a);
41 N.J.R. 2203(a);
41 N.J.R. 2204(a);
41 N.J.R. 4056(a);
41 N.J.R. 3023(a);
41 N.J.R. 2079(a);
41 N.J.R. 4182(a);
41 N.J.R. 3782(a);
41 N.J.R. 3026(a);
41 N.J.R. 2081(a);
41 N.J.R. 2082(a);
41 N.J.R. 3376(a);
41 N.J.R. 3200(a);
41 N.J.R. 4183(a);
41 N.J.R. 4184(a);
41 N.J.R. 3029(a);
41 N.J.R. 1663(a);
41 N.J.R. 4187(a);
40 N.J.R. 6758(a);
41 N.J.R. 3783(a);
40 N.J.R. 6926(a);
41 N.J.R. 4404(a);
41 N.J.R. 4407(a);
41 N.J.R. 3384(a);
42 N.J.R. 154(a);
41 N.J.R. 3204 (a);
42 N.J.R. 52;
42 N.J.R. 49;
42 N.J.R. 53;
41 N.J.R. 3895 (a);
41 N.J.R. 3213(a);
41 N.J.R. 3404(a);
41 N.J.R. 2775;
41 N.J.R. 4423(a);
41 N.J.R. 3057;
41 N.J.R. 4067;
41 N.J.R. 4429;
41 N.J.R. 4430;
42 N.J.R. 60;
42 N.J.R. 177;

41 N.J.R. 4068;
41 N.J.R. 4069;
41 N.J.R. 4059(A);
41 N.J.R. 4428;
41 N.J.R. 4424 (a);
42 N.J.R. 58 (a); and
41 N.J.R. 1166 (a).

Appendix B

41 N.J.R. 1300 (a);
41 N.J.R. 2829;
41 N.J.R. 2849;
42 N.J.R. 105;
42 N.J.R. 115;
42 N.J.R. 116(a);
42 N.J.R. 9(a);
41 N.J.R. 3992(a);
41 N.J.R. 2754(a);
41 N.J.R. 3165(a);
41 N.J.R. 4148(a);
41 N.J.R. 3483;
41 N.J.R. 3347(a);
41 N.J.R. 4150 (a);
41 N.J.R. 4002(a);
41 N.J.R. 2167 (a);
41 N.J.R. 4592;
41 N.J.R. 4595;
41 N.J.R. 4598;
41 N.J.R. 4168(b);
41 N.J.R. 3354(a);
41 N.J.R. 2874(a);
41 N.J.R. 3883(a);
41 N.J.R. 3354(a);
41 N.J.R. 3883(a);
41 N.J.R. 4168(b);
41 N.J.R. 4170(a);
40 N.J.R. 2561(a);
41 N.J.R. 4656(a);
42 N.J.R. 120(a);
41 N.J.R. 4385(a);
41 N.J.R. 4663(a);
41 N.J.R. 4397(a);
42 N.J.R. 34(a);
42 N.J.R. 43;
41 N.J.R. 3374(a);
41 N.J.R. 3196(a);
42 N.J.R. 128(a);
41 N.J.R. 2078(a);
41 N.J.R. 4189(a);
41 N.J.R. 2436(a);
41 N.J.R. 4176(a);
41 N.J.R. 3024(a);
41 N.J.R. 2624(a);
41 N.J.R. 3202(a);
41 N.J.R. 3785(a);
42 N.J.R. 45(a);
42 N.J.R. 46(a);
42 N.J.R. 48(a);
42 N.J.R. 132;
41 N.J.R. 3786 (a);
41 N.J.R. 4190;
41 N.J.R. 4419 (a);
41 N.J.R. 3787 (a);
41 N.J.R. 3387 (a);
41 N.J.R. 3036 (a);
41 N.J.R. 100 (a);
41 N.J.R. 4057(a);
41 N.J.R. 4667;

41 N.J.R. 4696;
42 N.J.R. 176;
41 N.J.R. 4682;
41 N.J.R. 3893 (a);
41 N.J.R. 4052 (a);
41 N.J.R. 4394 (a)
40 N.J.R. 6955 (a);
41 N.J.R. 3041;
42 N.J.R. 56 (a);
42 N.J.R. 59 (a); and
42N.J.R. 155 (a).