

EXECUTIVE ORDER NO. 41

WHEREAS, Executive Order No. 3 (2010) created a Red Tape Review Group ("Review Group") to review pending and proposed rules, regulations, prior Executive Orders, and processes that are, or may be, unduly burdensome to the State's economy; and

WHEREAS, in furtherance of the Governor's Order, the Review Group studied hundreds of pages of proposed regulations and rules, and met publicly with stakeholders throughout the State regarding ways to improve New Jersey's regulatory system; and

WHEREAS, on April 19, 2010, after conducting a comprehensive review of all pending and proposed rules, regulations, and prior Executive Orders, the bi-partisan Review Group completed its work and submitted its findings and recommendations to the Governor (the "Findings"); and

WHEREAS, the Findings recommended a series of executive policy changes and legislative proposals designed to improve administrative rulemaking by State agencies; and

WHEREAS, as part of Governor Christie's commitment to constantly improve the regulatory environment in this State, it is appropriate for a new Red Tape Review Commission ("Review Commission") to be formed in order to provide ongoing advice to the Governor on rules, regulations, Executive Orders, and other administrative processes that could hamper economic development in New Jersey; and

WHEREAS, Governor Christie recently took executive action to abolish several dozen boards, commissions, task forces, and other entities that were established to study important policies and to issue recommendations to the Governor, but which continued to exist following the completion of their assigned tasks, it is appropriate that the new Review Commission be subject to reauthorization after three (3) years to determine

whether it remains necessary, or whether it should expire at that time and thereby not endure as an ongoing part of State Government;

NOW, THEREFORE, I, KIM GUADAGNO, 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. A Red Tape Review Commission ("Review Commission") is hereby established. The Department of State shall provide support to the Review Commission from existing staff and resources.

2. The Review Commission's membership shall consist of up to nine (9) members to be appointed by the Governor. The members of the Review Commission shall serve without compensation and at the pleasure of the Governor.

3. The following officials shall serve on the Review Commission, ex officio:

a. The Lieutenant Governor, or her designee; and

b. Four (4) members from the New Jersey State Legislature consisting of two (2) members from the New Jersey Senate and two (2) members from the New Jersey General Assembly, with no more than two (2) of the Legislators from the same political party as the Governor.

4. The Review Commission shall also include up to four (4) public members with experience and expertise in the regulatory process.

5. Any vacancy occurring in the membership of the Review Commission shall 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 Review

Commission. The Review Commission shall organize as soon as practicable after the appointment of its members.

6. The Lieutenant Governor, or her designee, shall serve as Chair of the Review Commission. The Review Commission shall have the discretion to make internal rules of procedure regarding the Review Commission's governance and operations, including the number of members sufficient to vote for its recommendations and the form of its reports.

7. The Review Commission shall:

a. review existing administrative rules and regulations to analyze their impact on job creation, economic growth, and investment in New Jersey;

b. solicit both written and oral comments from the public;

c. conduct at least three (3) public hearings each year, one each in the Southern, Central, and Northern regions of the State;

d. issue periodic written reports to the Governor, making detailed findings and recommendations that include an analysis of the following issues, among others: existing rules, regulations and legislation that are burdensome to the State's economy; ways to improve the regulatory processes of State government; and on other areas relevant to administrative procedural reforms. These reports shall also be posted on the New Jersey Department of State's web page.

8. The Review Commission is authorized to call upon any department, office, division, or agency of this State to supply it with information and assistance as the Review 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 Review Commission within the limits of its statutory authority and to furnish the Review Commission with such assistance on as timely a basis as is necessary to accomplish the purpose of this Order. The Review 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 is not intended to, and shall not, confer any legal rights upon any persons or entities regulated by any agency of the New Jersey State Government, and it shall not be construed or in any way cited or used in support of or as a basis for any legal challenge, including, but not limited to, challenges to statutes, regulations, or other actions or to any inaction of any governmental entity subject to this Order.

10. Executive Order No. 3 (2010) which created a Red Tape Review Group is hereby rescinded.

11. This Order shall take effect immediately and shall expire on December 31, 2013.

GIVEN, under my hand and seal this
 23rd day of September,
 Two Thousand and Ten, and
 of the Independence of the
 United States, the Two
 Hundred and Thirty-Fifth.

/s/ Kim Guadagno

Acting Governor

Attest:

/s/ Jeffrey S. Chiesa

Chief Counsel to the Governor