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REORGANIZATION PLANS

(1165)

**REORGANIZATION PLAN NO.001-1996
A PLAN FOR THE TRANSFER, CONSOLIDATION AND
REORGANIZATION OF ALL SENIOR SERVICES WITHIN
THE DEPARTMENT OF HEALTH AND THE REDESIGNA-
TION OF THE DEPARTMENT OF HEALTH AS THE
DEPARTMENT OF HEALTH AND SENIOR SERVICES**

PLEASE TAKE NOTICE that on May 2, 1996, Governor Christine Todd Whitman hereby issues this Reorganization Plan, No. 001-1996 (the "Plan"), to provide for the transfer, consolidation and reorganization of all senior services within the Department of Health and the redesignation of the Department as the Department of Health and Senior Services. The Plan is part of the continuing effort to consolidate and align the structure and functions of the Executive Branch in the interest of efficiency and economy, without qualitative or quantitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

This Plan will foster the efficient implementation of a coherent public policy for the elder citizens of the State. Four departments of the Executive Branch currently administer the major policies and programs that affect the health and well-being of elder New Jersey citizens. The Department of Community Affairs, through its Division on Aging, administers programs and services that provide assistance to individuals and organizations concerned with the well-being of older citizens and maintains oversight of a Statewide network of Area Agencies on Aging. The Division on Aging also includes the Public Guardian and the Ombudsman for the Institutionalized Elderly and is charged with the protection of the State's frail elder residents. The Department of Human Services, through its Division of Medical Assistance and Health Services and its Division of Youth and Family Services, administers programs and provides financial reimbursement for a broad variety of services to eligible elder beneficiaries. The Senior Health Unit of the Department of Insurance provides information to Medicare beneficiaries concerning supplemental and long-term care alternatives. The Department of Health, through its licensing and planning functions, promotes and insures quality of health care services for seniors from wellness to long-term care alternatives. The current allocations of responsibilities among these various agencies create overlapping responsibilities and fragmentation of services, making it difficult for older adults and their caregivers to access services.

Seniors will benefit from having one department in State government provide to them the policy prominence that they deserve. Improved policy

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making capabilities and integration of programs will result in expanded service options and improved service delivery. This Plan will designate a State agency with Senior Services as a priority. Programs from the four departments will be merged with the Department of Health and Senior Services. The Plan will ensure the coordination of local programs, improve consumer access to a full range of services, increase high quality options to promote independence among older citizens, encourage and work with older citizens and their organizations, maintain service and care accountability through quality outcomes and act as an advocate for the State's older citizens.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation and reorganization provided for in this Plan, that each aspect is necessary to accomplish the purposes set forth in Section 2 of that Act and that each aspect will:

1. promote the more effective management of the Executive Branch by consolidating senior service-related functions and activities within one agency;
2. promote better and more efficient execution of the laws and the expeditious administration of the public business by consolidating and integrating within one agency similar functions;
3. group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
4. promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;
5. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and
6. eliminate duplication and overlapping of effort that have resulted from the dispersion of senior services throughout the Executive Branch and, thereby, better utilize State resources.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. a. The Department of Health, created pursuant to P.L.1947, c.177 (C.26:1A-1 et seq.) as amended, together with all of its functions, powers and duties, is continued and is constituted and redesignated as the Department of Health and Senior Services. The Commissioner of the Department of Health shall be redenominated as the Commissioner of the Department of Health and Senior Services.

b. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise refers to the Department of Health and the Commissioner thereof, the same shall mean the Department of Health and Senior Services and the Commissioner thereof.

c. The Commissioner of the Department of Health and Senior Services shall have the power, not inconsistent with P.L.1947, c.177, section 13 as amended and supplemented (C.26:1A-13) or with this Reorganization Plan, to organize the work of the Department in such organizational units as the Commissioner may determine to be necessary for its efficient and effective operation.

d. The Commissioner of the Department of Health and Senior Services shall provide an action plan to the Department of Personnel, in a format prescribed by the Commissioner of the Department of Personnel, at least 30 days prior to the effective date of the Plan.

2. a. The Division on Aging, created as the "Division of the Aging" pursuant to P.L.1957, c.72 (C.26:1A-107 et seq.), transferred to the Department of State pursuant to P.L.1959, c.143, transferred to the Department of Community Affairs pursuant to P.L.1966, c.293 (C.52:27D-1 et seq.), designated the Office on Aging pursuant to the Reorganization Plan of the Department of Community Affairs filed June 20, 1972, reconstituted in the Department of Community Affairs as the Division on Aging pursuant to P.L.1975, c.36 and reorganized pursuant to the Reorganization Plan of the Department of Community Affairs filed November 21, 1994, together with all of its powers, functions and duties, is continued and is transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department of Health and Senior Services after consultation with the Commissioner of the Department of Community Affairs.

b. All employees of the Division on Aging shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the

Division on Aging shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise refers to the Division on Aging within the Department of Community Affairs, the same shall mean the Division on Aging within the Department of Health and Senior Services.

3. a. The Office of the Ombudsman for the Institutionalized Elderly, created pursuant to P.L.1977, c.239 (C.52:27G-1 et seq.) as amended and supplemented and transferred to the Division on Aging pursuant to the Reorganization Plan of the Department of Community Affairs filed November 21, 1994, together with all of its employees, powers, functions and duties, is hereby continued and transferred to the Department of Health and Senior Services. Notwithstanding said allocation, the Office of the Ombudsman for the Institutionalized Elderly shall be independent of any supervision or control of the Department of Health and Senior Services or any board or officer thereof regarding investigations, findings, any and all enforcement, civil or criminal actions recommended by said office, or civil actions brought by said office. The Office of the Ombudsman for the Institutionalized Elderly shall continue to report annually to the Governor and the Legislature pursuant to the provisions of P.L.1977, c.239, section 9 (C.52:27G-9h).

b. The position of Ombudsman for the Institutionalized Elderly, created pursuant to P.L.1977, c.239, section 4 (C.52:27G-4), is continued and transferred to the Department of Health and Senior Services. The Ombudsman for the Institutionalized Elderly shall continue to be appointed as provided in P.L.1977, c.239, section 4 (C.52:27G-4).

c. All employees of the Office of the Ombudsman for the Institutionalized Elderly shall be allocated to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Office of the Ombudsman for the Institutionalized Elderly shall be allocated to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise refers to the Office of the Ombudsman for the Institutionalized Elderly allocated to the Department of Community Affairs, the same shall mean and refer to the Office of the Ombudsman for the Institutionalized Elderly allocated to the Department of Health and Senior Services.

4. a. The Office of the Public Guardian for Elderly Adults, created pursuant to P.L.1985, c.298 (C.52:27G-21 et seq.) as amended and supplemented and transferred to the Division on Aging pursuant to the Reorganization Plan of the Department of Community Affairs filed November 21, 1994, together with all of its employees, powers, functions and duties, is hereby continued and transferred to the Department of Health and Senior Services. Notwithstanding said allocation, the Office of the Public Guardian for Elderly Adults shall be independent of any supervision or control by the Department of Health and Senior Services or by any board or officer thereof with respect to the Public Guardian's duties pursuant to P.L.1985, c.298 (C.52:27G-21 et seq.) and Title 3B and any other applicable statute, regulation, court rule or case law.

b. The position of Public Guardian for Elderly Adults, created pursuant to P.L.1985, c.298, section 5 (C.52:27G-24), is continued and transferred to the Department of Health and Senior Services. The Public Guardian for Elderly Adults shall continue to be appointed as provided in P.L.1985, c.298, section 5 (C.52:27G-24).

c. All employees of the Office of the Public Guardian for Elderly Adults shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.) and consistent with the provisions of P.L.1985, c.298 (C.52:27G-21 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Office of the Public Guardian for Elderly Adults shall be allocated to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.) and consistent with the provisions of P.L.1985, c.298 (C.52:27G-21 et seq.).

d. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise refers to the Office of the Public Guardian for Elderly Adults allocated to the Department of Community Affairs, the same shall mean and refer to the Office of the Public Guardian for Elderly Adults allocated to the Department of Health and Senior Services.

5. a. The Congregate Housing Services Program, together with all of its powers, functions and duties pursuant to P.L.1981, c.553 (C.52:27D-182 et seq.) as amended and supplemented, and allocated in the Department of Community Affairs, is hereby continued and transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department

of Health and Senior Services after consultation with the Commissioner of the Department of Community Affairs.

b. All employees of the Department of Community Affairs who are employed in the Congregate Housing Services Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Congregate Housing Services Program, shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise refers to the Congregate Housing Services Program within the Department of Community Affairs or the Commissioner of the Department of Community Affairs, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

6. a. The Adult Protective Services Program, together with all of its powers, functions and duties pursuant to P.L.1993, c.249 (C.52:27D-406 et seq.) as amended and supplemented, and allocated in the Department of Community Affairs, is hereby continued and transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department of Health and Senior Services after consultation with the Commissioner of the Department of Community Affairs.

b. All employees of the Department of Community Affairs who are employed in the Adult Protective Services Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Adult Protective Services Program, shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise refers to the Adult Protective Services Program within the Department of Community Affairs or the Commissioner of the Department of Community Affairs, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

7. a. The Pharmaceutical Assistance to the Aged and Disabled ("PAAD") Program, P.L.1975, c.194 (C.30:4D-20 et seq.) as amended, together with all of its functions, powers and duties, is hereby continued and transferred to and into the Department of Health and Senior Services from the Division of Medical Assistance and Health Services of the Department of Human Services. This transfer may be organized and implemented pursuant to an inter-agency agreement entered into by the Commissioner of the Department of Human Services and the Commissioner of the Department of Health and Senior Services.

b. All employees of the Department of Human Services who are employed in the PAAD Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the PAAD Program shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the PAAD program refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

8. a. The Lifeline Credit Program, created pursuant to P.L.1979, c.197 (C.48:2-29.15 et seq.) and transferred from the Board of Public Utilities to the Department of Human Services pursuant to P.L.1980, c.92 (C.48:2-29.22 et seq.), together with all of its functions, powers and duties, is hereby continued and transferred to and into the Department of Health and Senior Services from the Division of Medical Assistance and Health Services in the Department of Human Services. This transfer may be organized and implemented pursuant to an inter-agency agreement entered into by the Commissioner of the Department of Human Services and the Commissioner of the Department of Health and Senior Services.

b. All employees of the Department of Human Services who are employed in the Lifeline Credit Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Lifeline Credit Program shall be transferred to the Department of Health and

Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the Lifeline Credit Program refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

9. a. The Tenants' Lifeline Assistance Program, created pursuant to P.L.1981, c.210 (C.48:2-29.30 et seq.), together with all of its functions, powers and duties and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services from the Division of Medical Assistance and Health Services in the Department of Human Services. This transfer may be organized and implemented pursuant to an inter-agency agreement entered into by the Commissioner of the Department of Human Services and the Commissioner of the Department of Health and Senior Services.

b. All employees of the Department of Human Services who are employed in the Tenants' Lifeline Assistance Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Tenants' Lifeline Assistance Program shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the Tenants' Lifeline Assistance Program refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

10. a. The Hearing Aid Assistance to the Aged and Disabled ("HAAAD") Program, created pursuant to P.L.1987, c.298 (C.30:4D-36 et seq.), together with all of its functions, powers and duties and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services from the Division of Medical Assistance and Health Services of the Department of Human Services. This

transfer may be organized and implemented pursuant to an inter-agency agreement entered into by the Commissioner of the Department of Human Services and the Commissioner of the Department of Health and Senior Services.

b. All employees of the Department of Human Services who are employed in the HAAAD Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the HAAAD Program shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the HAAAD Program refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

11. a. The AIDS Drug Distribution Program, together with all of its powers, functions and duties and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department of Health and Senior Services after consultation with the Commissioner of the Department of Human Services.

b. All employees of the Department of Human Services who are employed in the AIDS Drug Distribution Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C. 52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the AIDS Drug Distribution Program, shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the AIDS Drug Distribution Program refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall

mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

12. a. The component of the Bureau of Home and Community Services that includes the Community Care Program for the Elderly and Disabled established pursuant to P.L.1988, c.92 (C.30:4E-5) and the program existing pursuant to the Assisted Living/Alternate Family Care waiver, together with all of its functions, powers and duties and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services from the Division of Medical Assistance and Health Services in the Department of Human Services.

b. All employees of the Department of Human Services who are employed in the component of the Bureau of Home and Community Services that includes the Community Care Program for the Elderly and Disabled and the program existing pursuant to the Assisted Living/Alternate Family Care waiver shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the component of the Bureau of Home and Community Services that includes the Community Care Program for the Elderly and Disabled and the program existing pursuant to the Assisted Living/Alternate Family Care waiver shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the component of the Bureau of Home and Community Services that includes the Community Care Program for the Elderly and Disabled and the program existing pursuant to the Assisted Living/Alternate Family Care waiver refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof pursuant to federal waiver amendments.

13. a. The Bureau of Nursing Facility Level Services, which includes Preadmission Screening established pursuant to P.L.1988, c.97 (C.30:4D-17.10 et seq.), together with all of its functions, powers and duties with the exception of the inspection of care and periodic medical review functions and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and

transferred to and into the Department of Health and Senior Services from the Division of Medical Assistance and Health Services of the Department of Human Services. This transfer may be organized and implemented pursuant to an inter-agency agreement entered into between the Commissioner of the Department of Human Services and the Commissioner of the Department of Health and Senior Services.

b. All employees of the Department of Human Services who are employed in the Bureau of Nursing Facility Level Services, with the exception of those employed in the inspection of care and periodic medical review functions, shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Bureau of Nursing Facility Level Services, with the exception of those appropriated or otherwise available to the inspection of care and periodic medical review functions, shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the Bureau of Nursing Facility Level Services, with the exception of the inspection of care and periodic medical review functions of the Bureau, refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

14. a. The Bureau of Nursing Facility Policy and Reimbursement, together with all of its powers, functions and duties and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department of Health and Senior Services after consultation with the Commissioner of the Department of Human Services.

b. All employees of the Department of Human Services who are employed in the Bureau of Nursing Facility Policy and Reimbursement shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Bureau of Nursing Facility Reimbursement, shall

be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the Bureau of Nursing Facility Policy and Reimbursement refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

15. a. The Bureau of Program Development for the Office of Elder and Disabled Affairs, together with all of its functions, powers and duties except for the school-based initiative function, and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services. This transfer may be organized and implemented pursuant to an inter-agency agreement entered into by the Commissioner of the Department of Human Services and the Commissioner of the Department of Health and Senior Services.

b. All employees of the Department of Human Services who are employed in the Bureau of Program Development for the Office of Elder and Disabled Affairs, except for those employed in the school-based initiative function, shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Bureau of Program Development for the Office of Elder and Disabled Affairs, except for those appropriated or otherwise available to the school-based initiative function of the Bureau, shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the Bureau of Program Development for the Office of Elder and Disabled Affairs, with the exception of the school-based initiative function, refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

16. a. The Statewide Respite Care Program, created pursuant to P.L.1987, c.119 (C.30:4F-7 et seq.), together with all of its functions, powers and duties and allocated in the Division of Medical Assistance and

Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department of Health and Senior Services after consultation with the Commissioner of the Department of Human Services.

b. All employees of the Department of Human Services who are employed in the Statewide Respite Care Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Statewide Respite Care Program shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the Statewide Respite Care Program refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

17. a. The enrollment component of the Specified Low-Income Medicare Beneficiaries Program, together with all of its powers, functions and duties, and allocated in the Division of Medical Assistance and Health Services in the Department of Human Services, is hereby continued and transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department of Health and Senior Services after consultation with the Commissioner of the Department of Human Services.

b. All employees of the Department of Human Services who are employed in the enrollment component of the Specified Low-Income Medicare Beneficiaries Program shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the enrollment component of the Specified Low-Income Medicare Beneficiaries Program shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the enrollment component of the Specified Low-Income Beneficiaries Program refers to the Department of Human Services or the Commissioner of the Department of Human Services, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

18. a. The Senior Health Insurance Unit, together with all of its powers, functions and duties and allocated in the Department of Insurance, is hereby continued and transferred to and into the Department of Health and Senior Services. These functions, powers and duties shall be organized and implemented within the Department of Health and Senior Services as determined by the Commissioner of the Department of Health and Senior Services after consultation with the Commissioner of the Department of Insurance.

b. All employees of the Department of Insurance who are employed in the Senior Health Insurance Unit shall be employees of the Department of Health and Senior Services and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Senior Health Insurance Unit, shall be transferred to the Department of Health and Senior Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise pertaining to the Senior Health Insurance Unit refers to Department of Insurance or the Commissioner of the Department of Insurance, the same shall mean and refer to the Department of Health and Senior Services or the Commissioner thereof.

GENERAL PROVISIONS

19. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes, it will reduce the number of agencies by consolidating those having a similar function under a single head and it will eliminate overlapping and duplication of effort.

20. Any section or part of this Plan that conflicts with federal law or regulation shall be considered null and void unless and until addressed for

the purpose of this Plan through an interagency agreement or a federal waiver.

21. The Commissioners of the Department of Human Services and the Department of Health and Senior Services shall enter into inter-agency agreements, as necessary and appropriate, to effectuate the provisions of this Plan. Nothing in this Plan shall be construed to change the Single State Agency status of the Division of Medical Assistance and Health Services of the Department of Human Services.

22. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

23. If any provisions of this Plan or the application thereof to any person, or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

24. This Plan is intended to protect and promote the public health, safety and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

A copy of this Plan was filed on May 2, 1996 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on July 1, 1996, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than July 1, 1996, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading "Reorganization Plans."

Filed May 2, 1996.

Effective July 6, 1996.

**REORGANIZATION PLAN NO.002-1996
A PLAN FOR THE TRANSFER AND REORGANIZATION OF
THE STATE LIBRARY WITHIN THE DEPARTMENT OF
STATE**

PLEASE TAKE NOTICE that on May 2, 1996, Governor Christine Todd Whitman hereby issues this Reorganization Plan, No. 002-1996 (the Plan), providing for the transfer and reorganization of the State Library.

The Plan represents an ongoing effort to streamline and downsize the structure and functions of the Executive Branch in the interests of efficiency and economy without quantitative or qualitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

Prior to 1983, the State Library, State Museum, Bureau of Records Management Services, Archives Section and New Jersey Historical Commission were all located within the Division of the State Library, Archives and History in the Department of Education. Pursuant to 1983 reorganization plans, the State Museum, Historical Commission, Bureau of Records Management and Archives sections were transferred to the Department of State in order to consolidate all cultural and historical entities within the Department of State. The State Library remained in the Department of Education as the Division of the State Library.

The Division of the State Library (the Division) is charged with operating the State Library, coordinating a Statewide system of libraries, administering State and federal programs for the development of libraries, and promoting library services in the State. The Division also operates the Library Network pursuant to P.L.1983, c.486 (C.18A:73-35a et seq.). The Division of the State Library is headed by an assistant commissioner who also serves as the State Librarian. An advisory council (the council) is also located within the Division. The council consists of eight members, seven appointed by the Governor plus the State Librarian. The council makes recommendations to the Commissioner of Education and State Librarian regarding the responsibilities of the Division.

The Division of the State Library is also responsible for administering the various State library aid programs established pursuant to Chapter 74 of Title 18A of the New Jersey Statutes and P.L.1983, c.486 (C.18A:73-35a et seq.) and distributing federal library aid.

Under this Reorganization Plan, the Division of the State Library shall be reconstituted as a division within the Department of State.

The purpose of this Reorganization Plan will be to further concentrate the cultural and heritage functions of the State in a single department while focusing the core mission of the Department of Education on the elementary and secondary education of the children of this State. Many State institutions of higher education are allocated to the Department of State and it is envisioned under this Reorganization Plan that the Secretary of State may delegate certain responsibilities to an institution of higher education such as Thomas A. Edison State College in order to maximize the productivity of the State Library.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) (the Act), I find, with respect to the transfer and reorganization provided for in this Plan, that each aspect is necessary to accomplish the purposes set forth in section 2 of the Act and that each aspect will:

1. promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;
2. reduce expenditures and/or increase economy to the fullest extent consistent with the efficient operation of the Executive Branch;
3. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
4. group, coordinate, and consolidate agencies and functions of the Executive Branch as nearly as possible according to major purposes;
5. reduce the number of agencies by consolidating those having similar functions under a single head, and abolish such agencies or functions as are not necessary for the efficient conduct of the Executive Branch; and
6. eliminate overlapping and duplication of effort.

PROVISIONS OF THE REORGANIZATION PLAN

1. a. The Division of the State Library in the Department of Education established pursuant to P.L.1969, c.158 (C.18A:73-26), and its powers, functions, and duties under P.L.1969, c.158 (C.18A:73-26), P.L.1983, c.486 (C.18A:73-35a et seq.), P.L.1980, c.149 (C.18A:73-35.1 et seq.), P.L.1986, c.174 (C.18A:73-35g1 et seq.), P.L.1985, c.172 (C.18A:73-43.1

et seq.), P.L.1983, c.487 (C.18A:74-3.1 et seq.), P.L.1985, c.297 (C.18A:74-3.2 et seq.), P.L.1981, c.225 (C.18A:74-4.1 et seq.), P.L.1973, c.381 (C.18A:74-14 et seq.), N.J.S. 18A:74-1 et seq., as amended and supplemented and as set forth in Chapters 9A, 33 and 54 of Title 40 of the New Jersey Statutes, is hereby continued and transferred to and into the Department of State, subject to the following allocations of said powers, functions, and duties.

b. The position of State Librarian and the position of Assistant Commissioner of the Division of the State Library established pursuant to section 17 of P.L.1969, c.158 (C.18A:73-32) and N.J.S.18A:4-34 are abolished. The authority provided by law to the State Librarian, Assistant Commissioner of the Division of the State Library, Commissioner of Education, and State Board of Education regarding the work of the Division of the State Library is continued and transferred to the Secretary of State, to be exercised through such employees as the Secretary of State may designate including employees of an institution of higher education allocated to the Department of State such as Thomas A. Edison State College.

c. The authority of the Commissioner of Education, pursuant to section 19 of P.L.1969, c.158 (C.18A:73-34), as amended and supplemented, to appoint, employ, and remove, subject to the provisions of Title 11A, Civil Service, such assistants and employees as may be necessary to carry out the purposes of the Division of the State Library, is continued and transferred to the Secretary of State, to be exercised through such employees as the Secretary of State may designate including employees of an institution of higher education allocated to the Department of State such as Thomas A. Edison State College. In the event of a subsequent transfer of employees of the Division of the State Library to an institution of higher education allocated to the Department of State such as Thomas A. Edison State College, the employees shall retain their career service status and all rights afforded to them under Title 11A.

d. The disbursement of State Library aid pursuant to N.J.S.18A:74-1 et seq., P.L.1983, c.486 (C.18A:73-35a et seq.), P.L.1983, c.487 (C.18A:74-3.1 et seq.), P.L.1985, c.297 (C.18A:74-3.2 et seq.), P.L.1981, c.225 (C.18A:74-4.1 et seq.), P.L.1973, c.381 (C.18A:74-14 et seq.), as amended and supplemented, shall be made by the State Treasurer upon his approval and certification of the Secretary of State or her designee. The Treasurer may also withhold State aid pursuant to N.J.S.18A:74-12 upon the request of the Secretary of State or her designee.

e. The Department of State, or an agency allocated to the Department of State, shall be the State agency designated to carry out the purpose of any federal law concerning libraries pursuant to sections 24 and 25 of P.L.1969, c.158 (C.18A:73-39 and 40) and to apply for, receive and disburse federal

aid pursuant to section 26 of P.L.1969, c.158 (C.18A:73-41). However, the Governor shall retain the right to designate another State agency to carry out this function pursuant to section 25 of P.L.1969, c.158 (C.18A:73-40).

f. The Advisory Council of the Division of the State Library established pursuant to section 13 of P.L.1969, c.158 (C.18A:73-28) is continued and transferred to the Department of State to be known as the "State Library Advisory Council" (the council). The membership of the Commissioner of Education, ex officio, on the council is terminated and the designation of the State Librarian as secretary to the council is terminated. The Secretary of State or her designee shall serve as a member of the council, ex officio, and the Secretary of State shall appoint a secretary to the council. The advisory council shall make recommendations to the Secretary of State and such other persons as the Secretary of State may designate.

g. The responsibility of the State Board of Education and Board of Examiners to certify professional librarians pursuant to N.J.S.45:8A-1 is continued in those entities.

I find this Plan is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203 (C.52:14C-2). In addition to the reasons set forth above, this Plan will result in increased efficiency and also will result in greater coordination and improved functioning of the State's library system. Further, this Plan will streamline State government for the benefit of all of New Jersey's citizens.

2. All records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the State Library are transferred to the Department of State.

3. Whenever, in any law, rule, regulation, order, contract, document, or judicial or administrative proceeding, or otherwise thereunder concerning the functions of the Division of the State Library in the Department of Education, reference is made to the State Librarian, Assistant Commissioner of the Division of the State Library, Commissioner of Education, and State Board of Education, the same shall mean and refer to the Secretary of State or her designee.

4. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

5. Unless otherwise specified in this Plan, all transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

6. If any provisions of this Plan or the application thereof to any person or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

7. This Plan is intended to protect and promote the public health, safety and welfare, and shall be liberally construed to obtain the objectives and effect the purposes thereof.

A copy of this Plan was filed on May 2, 1996 with both Houses of the Legislature and with the Secretary of State for publication in the New Jersey Register. This Plan shall become effective in 60 days on July 1, 1996, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than July 1, 1996, should the Governor establish such a later date for the effective date of this Plan, or any part hereof, by Executive Order.

PLEASE TAKE NOTE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed May 2, 1996.
Effective July 6, 1996.

**REORGANIZATION PLAN NO.003-1996
A PLAN FOR THE REORGANIZATION OF THE
DEPARTMENT OF TRANSPORTATION**

PLEASE TAKE NOTICE that on November 7, 1996 Governor Christine Todd Whitman hereby issues the following Reorganization Plan No. 003-1996 (the Plan), providing for the increased efficiency, coordination and functioning of the Department of Transportation.

The Plan is part of the continuing effort to consolidate and align the structure and functions of the Executive Branch in the interests of efficiency and economy without qualitative or quantitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

Pursuant to its present statutory authority, it is the duty of the Department of Transportation, among other responsibilities, to solve or assist in the solution of the problems of all modes of transportation; to construct needed transportation systems; to promote an efficient, fully integrated and balanced transportation system for the State; to prepare and implement comprehensive plans and programs for all modes of transportation development in the State; and to coordinate the transportation activities of State agencies, State-created public authorities and other public agencies with transportation responsibilities within the State.

Currently, the Commissioner of Transportation is assisted by a Deputy Commissioner and five Assistant Commissioners: one for Policy and Planning, one for Motor Vehicle Services, one for Design and Right of Way (who also serves as the State Transportation Engineer), one for Finance and Administration and one for Construction and Maintenance. This Plan abolishes the position of Assistant Commissioner for Design and Right of Way and creates in its place the position of Assistant Commissioner for Capital Program Management; abolishes the position of Assistant Commissioner for Construction and Maintenance and creates in its place the position of Assistant Commissioner for Operations; and abolishes the position of Assistant Commissioner for Policy and Planning and creates in its place the position of Assistant Commissioner for External and Governmental Affairs. The existing positions of Assistant Commissioner for Finance and Administration and Assistant Commissioner for Motor Vehicle Services are retained without change under this Plan.

This Plan supplements efforts by the Commissioner of Transportation to consolidate and coordinate certain of the Department's functions pursuant to the Commissioner's existing statutory authority under section 6 of P.L.1966, c.301 (C.27:1A-6).

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) (the Act), I find, with respect to the reorganization provided for in this Plan, that each aspect is necessary to accomplish the purposes set forth in Section 2 of the Act and that each aspect will:

1. promote the better and more efficient execution of the law by consolidating the project delivery and operational functions of the Department in a more consistent and practical way according to major purposes;
2. promote the expeditious administration of the public business by coordinating and consolidating the capital construction, operational and

intergovernmental functions of the Department in accordance with the Plan to increase departmental efficiency and output; and

3. eliminate some overlapping and duplication within the Department by consolidating and reallocating certain functions and responsibilities and thereby better utilizing the resources of the Department.

PROVISIONS OF THE REORGANIZATION PLAN

1. a. The position of Assistant Commissioner for Design and Right of Way, created pursuant to Reorganization Plan No. 001-1988, is hereby abolished. In its place there is hereby created the position of Assistant Commissioner for Capital Program Management, which person shall be appointed by and shall serve at the pleasure of the Commissioner. This Assistant Commissioner shall receive such compensation as may be provided by law. The Assistant Commissioner for Capital Program Management shall be a professional engineer qualified by training and experience in the design and construction of highways, bridges and other transportation facilities. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Assistant Commissioner for Design and Right of Way, the same shall mean and refer to the Assistant Commissioner for Capital Program Management.

b. The position of Assistant Commissioner for Construction and Maintenance created pursuant to Reorganization Plan No. 001-1988, is hereby abolished. In its place there is hereby created the position of Assistant Commissioner for Operations, which person shall be appointed by and shall serve at the pleasure of the Commissioner. The Assistant Commissioner shall receive such compensation as may be provided by law. The Assistant Commissioner for Operations shall be qualified by training and experience in the maintenance and operation of highways, bridges and other transportation facilities. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Assistant Commissioner for Construction and Maintenance, the same shall mean and refer to the Assistant Commissioner for Operations or Assistant Commissioner for Capital Program Management, as appropriate.

c. The position of Assistant Commissioner of Transportation Services and Planning created pursuant to N.J.S.A.27:1A-8(a) and (b), which position was renamed the Assistant Commissioner for Policy and Planning by Reorganization Plan No. 001-1988, is hereby abolished. There is hereby created in its place the position of Assistant Commissioner for External and Governmental Affairs, which person shall serve at the pleasure of the Commissioner. The Assistant Commissioner shall receive such compensa-

tion as may be provided by law. The Assistant Commissioner for External and Governmental Affairs shall be qualified by training and experience in intergovernmental relations and community involvement activities. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Assistant Commissioner of Transportation Services and Planning, the same shall mean and refer to the Assistant Commissioner for External and Governmental Affairs.

d. The position of State Transportation Engineer created pursuant to Reorganization Plan No. 001-1988 is continued. The Commissioner shall designate an existing Department position which shall be held by a professional engineer and which, in addition to its existing responsibilities, shall serve as State Transportation Engineer.

e. The position of Legislative Liaison, together with all of its functions and duties as established within the Office of the Commissioner pursuant to Reorganization Plan No. 001-1988, is hereby transferred from the Office of the Commissioner to the newly established Assistant Commissioner for External and Governmental Affairs.

I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L.1969, c.203. Specifically, this reorganization will enable the Department to meet the challenges of efficiently building and operating a transportation system to satisfy the future needs of the citizens of this State. It will foster a more economical and efficient operation within the Department and ensure that projects are delivered on a timely basis.

The abolition of the positions of Assistant Commissioner for Design and Right of Way and the Assistant Commissioner for Construction and Maintenance and the creation of the positions of Assistant Commissioner for Capital Program Management and Assistant Commissioner for Operations will enable the Department to better manage two of its primary functions: the building and operating of transportation systems. It will serve to increase departmental efficiency and promote the more expeditious administration of the public business. The abolition of the position of the Assistant Commissioner for Policy and Planning and the creation of the position of Assistant Commissioner for External and Governmental Affairs will emphasize the importance of intra- and inter-governmental relationships and the community outreach responsibilities of the Department. Each of these changes will enable the public to more fully understand the functions of these Assistant Commissioners by clarifying the names of major Department sections and will aid in the administration of the Department.

2. Nothing contained in this Plan shall be construed to limit the authority of the Commissioner of Transportation to organize the Department pursuant to C.27:1A-6.

3. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

4. Unless otherwise specified in this Plan, all transfers directed by this Plan shall be effected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

5. If any provisions of this Plan or the application thereof to any person or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of this Plan which can be given effect without the invalid provisions or applications of the Plan or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

6. This Plan is intended to make the operations of the Executive Branch more efficient and effective and shall be liberally construed to attain the objectives and effect the purposes thereof.

A copy of this Plan was filed on November 7, 1996 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on January 6, 1997, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than January 6, 1997, should the Governor establish such a later date for the effective date of this Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading of "Reorganization Plans."

Filed November 7, 1996.
Effective January 6, 1997.

**REORGANIZATION PLAN NO.004-1996
A PLAN FOR THE TRANSFER, CONSOLIDATION AND
REORGANIZATION OF CONSTRUCTION-RELATED
REVIEW AND ENFORCEMENT FUNCTIONS WITHIN
THE DEPARTMENT OF COMMUNITY AFFAIRS**

PLEASE TAKE NOTICE that on November 7, 1996 Governor Christine Todd Whitman hereby issues this Reorganization Plan, No.004-1996 (the "Plan"), to provide for the transfer, consolidation and reorganization of plan review for the administration and enforcement of Federal and State standards applicable to the construction, alteration, demolition or maintenance of hospital and health care facilities and the review of construction plans for the issuance of certain construction approvals conferred upon the Department of Education within the Department of Community Affairs.

The Plan is part of the continuing effort to consolidate and align the structure and functions of the Executive Branch in the interest of efficiency and economy, without qualitative or quantitative diminution of services to the public.

GENERAL STATEMENT OF PURPOSE

This Plan will foster the efficient implementation of a coherent public policy for construction plan review and standards enforcement. Three departments of the Executive Branch currently are responsible for review of construction plans and enforcement of construction standards. The Department of Community Affairs, through its Division of Codes and Standards, is fully responsible for the adoption and enforcement of State construction codes for all facilities except hospitals and health care and educational facilities. The Department of Education reviews construction plans for compliance with State construction codes and for compliance with educational adequacy standards adopted by the Department of Education. The Department of Health and Senior Services conducts plan reviews for compliance with State construction codes and for compliance with Federal standards applicable to the construction, alteration, demolition or maintenance of hospital and health care facilities. The current allocations of responsibilities among these various agencies create overlapping responsibilities, making it difficult to ensure the uniform enforcement of construction standards and, in the case of the Departments of Community Affairs and Education, forcing the public to seek code-related services from more than one agency.

Citizens of this State will benefit from having one department in State government review construction plans and enforce construction standards

for all facilities. This integration of functions will result in improved efficiency and will enable the public to obtain construction code-related services from one agency. Functions from the three departments will be merged with the Department of Community Affairs. The Plan will ensure the coordination of efforts and improve uniform enforcement of construction standards.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the transfer, consolidation and reorganization provided for in this Plan, that each aspect is necessary to accomplish the purposes set forth in section 2 of the Act and that each aspect will:

1. promote the more effective management of the Executive Branch by consolidating construction review and standards enforcement functions and activities within one agency;

2. promote better and more efficient execution of the laws and the expeditious administration of the public business by consolidating and integrating within one agency similar functions;

3. group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;

4. promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;

5. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and

6. eliminate duplication and overlapping of effort that have resulted from the dispersion of construction review and standards enforcement functions throughout the Executive Branch and, thereby, better utilize State resources.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. a. The authority conferred upon the Department of Health and Senior Services, pursuant to N.J.A.C.5:23-4.9(c), to serve as the sole plan review agency for the administration and enforcement of Federal and State standards applicable to the construction, alteration, demolition or maintenance of hospital and health care facilities, shall henceforth be exercised by the Department of Community Affairs. The powers, functions and duties

hereby transferred shall be organized and implemented within the Department of Community Affairs after consultation with the Commissioner of Health and Senior Services.

b. All employees of the Department of Health and Senior Services who are employed to conduct plan reviews for the administration and enforcement of Federal and State standards applicable to the construction, alteration, demolition or maintenance of hospital and health care facilities shall be employees of the Department of Community Affairs and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Health and Senior Services in connection with such plan review activities shall be transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. The Department of Community Affairs shall:

(1) Assist the Department of Health and Senior Services' licensing program in updating and amending physical plant and construction standards for its rules establishing programmatic, space, layout and equipment requirements for each classification of health care facility and continue to provide consultation services to the licensing program regarding interpretation of those requirements;

(2) Enforce compliance with physical plant and construction standards adopted within the Department of Health and Senior Services' licensing regulations for each classification of health care facility through plan review and, as needed, inspection of all newly constructed health care facilities and/or additions, renovations or alterations to existing health care facilities;

(3) Assist the Department of Health and Senior Services with construction status information relating to health care facility construction projects; and

(4) Assist health care facilities, through schematic preliminary reviews, to assure proper functional design of the facilities based on Department of Health and Senior Services licensing requirements which may not be specifically within the scope of the State Uniform Construction Code.

d. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise relating to plan review for the administration and enforcement of federal and State standards applicable to the construction, alteration, demolition or maintenance of hospital and health care facilities refers to the Department of Health and Senior Services, the same shall mean the Department of Community Affairs.

2. a. All powers, functions and duties of the Department of Education relating to the review of construction plans for the issuance of construction permits conferred upon the Department of Education "approvals" by P.L.1975, c.217, section 12, as amended by P.L.1983, c.496, section 4 (C.52:27D-130), are transferred to the Department of Community Affairs; provided, however, that the Department of Education shall retain the authority to make final determinations regarding educational adequacy. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of Community Affairs after consultation with the Commissioner of Education.

b. All employees of the Department of Education whose primary responsibility involves construction code enforcement shall be employees of the Department of Community Affairs and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds for code construction review which are appropriated or otherwise available to the Department of Education for the discharge of the powers, functions and duties hereby transferred to the Department of Community Affairs shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

c. The Department of Community Affairs shall provide assistance to the Department of Education in the evaluation of schematic and preliminary plans for educational adequacy, so that the Department of Education may carry out its duties under N.J.A.C. 6:22.

d. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise relating to the construction of public school facilities, or review for educational adequacy in connection with such construction, refers to the Department of Education, the same shall mean the Department of Community Affairs; provided, however, that the approval of educational adequacy of facilities shall continue to be the responsibility of the Department of Education and reference to that Department in relation to such approval shall not be deemed to be reference to the Department of Community Affairs.

3. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch.

4. Any section or part of this Plan that conflicts with federal law or regulation shall not be effective unless and until addressed for the purpose of this Plan through an interagency agreement or a federal waiver.

5. All acts and parts of acts inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies.

6. If any provisions of this Plan or the application thereof to any person, or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such holding shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

7. This Plan is intended to protect and promote the public health, safety and welfare and shall be liberally construed to attain the objectives and effect the purposes thereof.

8. All transfers directed by this Plan shall be effective pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

A copy of this Plan was filed on November 7, 1996 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on January 6, 1997, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than January 6, 1997, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

PLEASE TAKE NOTICE that this Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the Public Laws and in the New Jersey Register under the heading "Reorganization Plans."

Filed November 7, 1996.
Effective January 6, 1997.

