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REORGANIZATION PLANS

(1773)

Reorganization Plans Department of Human Services

NOTICE OF A PLAN FOR THE REORGANIZATION AND COORDINATION OF RESPONSIBILITY FOR THE DELIVERY OF CERTAIN SERVICES TO PERSONS WHO ARE DEAF OR HARD OF HEARING WITHIN THE DEPARTMENT OF HUMAN SERVICES

Take notice that on February 27, 1989, Governor Thomas H. Kean hereby issues the following Reorganization Plan (No. 001—1989) to coordinate and consolidate the delivery of certain services to persons who are deaf or hard of hearing in a single department by transferring the Division of the Deaf in the Department of Labor to the Department of Human Services, while retaining certain employment and training services for this population in the Department of Labor.

General Statement of Purpose

Pursuant to its existing statutory authority, it is the duty of the Division of the Deaf to perform the collection and tabulation of statistics pertaining to the deaf, their employment and welfare; ascertain by annual review of the New Jersey job market what trades or occupations are most suitable for the deaf; arrange for Statewide vocational retraining as necessary; create new fields of employment to which the deaf may adapt themselves and place deaf persons in such lines of employment; and maintain an interpreter referral service. In addition, the Division of the Deaf may investigate and file complaints with the Division of Civil Rights in the Department of Law and Public Safety on behalf of deaf persons and assist them in any subsequent proceedings involving acts of discrimination against them by employers, industries, corporations, or organizations with whom they may seek employment, including the State. The Division is also charged with promoting the general welfare of the deaf population within the State, increasing the employability of deaf persons, and seeking the cooperation of State departments and agencies so that deaf persons may be employed in State government, or any subdivision thereof. Finally, this Division shall make reports and recommendations as necessary to advance the best interests of the Division and of deaf persons in the State in general.

The purpose of this Reorganization Plan is to consolidate the delivery of social services to persons who are deaf or hard of hearing within a single State agency by transferring the Division of the Deaf in the Department of Labor to the Department of Human Services. This Plan will enable deaf and hard of hearing persons to benefit from better access to social services and activities offered by the Department of Human Services. Specifically, these services are currently provided within the Department of Human Services by the Division of Developmental Disabilities, Division of Mental Health and Hospitals, Division of Youth and Family Services, Division of Medical Assistance and Health Services, Division of Public Welfare, Commission for the Blind and Visually Impaired and the Office of Education. This transfer will also allow greater coordination between these various divisions and offices and the State's deaf and hard of hearing population. In addition, the Department of Human Services will be able to better coordinate the delivery of these social services with activities and services provided to the deaf or hard of hearing by other State departments. These various other activities and services include vocational training, vocational rehabilitation, educational services and investigatory activities. Finally, this transfer will advance the sharing of expertise among State officials involved in the delivery of services to persons who are deaf or hard of hearing.

This Reorganization Plan also, however, recognizes the Department of Labor's continuing role in the delivery of employment and training services to the deaf and hard of hearing population. To that end, this reorganization transfers certain existing employment and training functions of the Division of the Deaf to the Division of Vocational Rehabilitation in the Department of Labor.

In accordance with the provisions of the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find with respect to each reorganization included in this Plan that each is necessary to accomplish the purposes set forth in section 2 of that Act and will do the following:

1. It will promote better execution of the laws and more effective management by the Executive Branch of its departments by consolidating the delivery of social services to the deaf and hard of hearing population within one State agency.
2. It will promote economy and efficiency in the operation of the Executive Branch through a sharing of expertise among State officials involved in the delivery of services to deaf or hard of hearing persons.

3. It will group, coordinate, and consolidate functions of the Executive Branch in a more consistent and practical way.

4. It will eliminate overlapping and duplication of effort by locating these entities for the delivery of social services to the deaf and hard of hearing within one department.

The provisions of the Reorganization Plan are as follows:

I. 1.a. The Division of the Deaf in the Department of Labor, created pursuant to P.L.1941, c.197, as amended by P.L.1977, c.166, §2 (C.34:1-69.1), together with all its functions, powers and duties as set forth in P.L.1941, c.197, as amended by P.L.1977, c.166, §4 (C.34:1-69.3), is continued and, except as otherwise indicated in Section III of this Plan, this Division is transferred to and constituted the Division of the Deaf and Hard of Hearing in the Department of Human Services.

b. The Division of the Deaf and Hard of Hearing shall be under the immediate supervision of a director who shall administer the work of the Division under the direction and supervision of the Commissioner of Human Services and shall perform such other functions of the Department as the Commissioner may prescribe.

c. The Commissioner shall organize the work of the Division of the Deaf and Hard of Hearing and establish therein such administrative subdivisions as he may deem necessary, proper and expedient.

d. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of the Deaf in the Department of Labor, the same shall mean and refer to the Division of the Deaf and Hard of Hearing in the Department of Human Services; except that with regard to the functions, powers and duties contained in Section III of this Plan, references to the Division of the Deaf in the Department of Labor shall mean and refer to the Division of Vocational Rehabilitation in the Department of Labor.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will confer on the Department of Human Services the necessary authority to implement the important goals of coordinating and integrating the delivery of social services to persons who are deaf or hard of hearing. This Plan will provide the State's deaf and hard of hearing population with greater access to the social services and activities currently provided by the Department of Human Services.

II. 1.a. The Advisory Council on the Deaf in the Division of the Deaf in the Department of Labor, created pursuant to P.L.1977, c.166, §8 (C.34:1-69.1a), together with all its functions, powers and duties as set forth in P.L.1977, c.166, §8 (C.34:1-69.1a), is continued and transferred to and constituted the Advisory Council on the Deaf and Hard of Hearing in the Department of Human Services.

b. Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Advisory Council on the Deaf in the Department of Labor, the same shall mean and refer to the Advisory Council on the Deaf and Hard of Hearing in the Department of Human Services.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will provide the Commissioner of Human Services with a body that can advise him regarding the accessibility of social services to the State's deaf and hard of hearing population.

III. The following functions, powers and duties heretofore exercised by the Division of the Deaf in the Department of Labor are hereby transferred to the Division of Vocational Rehabilitation in the Department of Labor: collection and tabulation of statistics pertaining to the deaf, their employment and welfare; annual review of the New Jersey job market to determine what trades or occupations are most suitable for the deaf; arrangement for Statewide vocational retraining as necessary; and creation of new fields of employment to which the deaf may adapt themselves and placement of deaf persons in such lines of employment.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203. Specifically, this reorganization will group, coordinate and consolidate functions of the Executive in a more consistent and practical way by retaining certain employment and training functions in the Department of Labor. This Plan will, therefore, provide the State's deaf and hard of hearing population with continued access to the employment and training services currently offered by the Department of Labor.

IV. All transfers directed by this Act shall be made in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies. A copy of this Reorganization Plan was filed on

February 27, 1989 with the Secretary of State and the Office of Administrative Law. This Plan shall become effective in 60 days on April 28, 1989 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 Reorganization Plan, or at a date later than April 28, 1989 should the Governor establish such a later date for the effective date of the Plan by Executive Order.

TAKE NOTICE that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the pamphlet laws under a heading of "Reorganization Plans."

Filed February 27, 1989.

Effective April 28, 1989.

Reorganization Plans The Board of Public Utilities

NOTICE OF A PLAN FOR THE REORGANIZATION AND COORDINATION OF RESPONSIBILITY FOR CERTAIN ENERGY MATTERS WITHIN THE BOARD OF PUBLIC UTILITIES

Take notice that on June 15, 1989, Governor Thomas H. Kean hereby issues the following Reorganization Plan (No. 002—1989) to provide for the increased coordination and integration of the State's energy regulation, planning and policy formation by the State through the transfer of the Division of Energy Planning and Conservation from the Department of Commerce, Energy and Economic Development to the Board of Public Utilities.

General Statement of Purpose

Based on present statutory authority, it is the responsibility of the Division of Energy Planning and Conservation, among other things, to gather, analyze and evaluate energy data, prepare the State Energy Master Plan for adoption by the Energy Master Plan Committee, determine the need for and proper siting of energy facilities,

administer the Certificate of Need process for electric facilities, administer the Energy Conservation Bond Fund, administer energy emergency planning and enforce the Comprehensive Energy Conservation Program.

The purpose of this reorganization is to coordinate the energy supply policies of this State with the regulation of energy companies as public utilities. This integration will ensure that all sectors of the State's economy are supplied with the most reasonably priced sources of energy consistent with maintaining environmental standards. This Plan will also unite the planning and regulatory functions of State government with respect to cogeneration and independent power producers to create a more predictable environment for investment decisions in energy facilities by the public utilities and private sector. This Plan will help create an active process for the planning of how to meet energy needs in the State.

In accordance with the provisions of the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find with respect to each reorganization element included in this Plan, and detailed herein, that each is necessary to accomplish the purposes set forth in section 2 of that Act and that the reorganization will accomplish the following purposes:

1. Promote more effective management of the Executive Branch and its departments because it will coordinate the planning and regulation of energy in one agency;
2. Reduce expenditures by more closely aligning similar functions;
3. Eliminate duplication and overlapping of certain functions; and
4. Result in the integration of energy, economic and environmental planning and coordination.

The provisions of the Reorganization Plan are as follows:

I. 1.a. The Division of Energy Planning and Conservation in the Department of Commerce, Energy and Economic Development created pursuant to P.L.1977, c.146, §5.2 (C.52:27F-7), and amended by P.L.1978, c.140, §1 (C.52:27H-20.1) together with all its existing functions, powers and duties, including those established by P.L.1983, c.115; P.L.1983, c.559; P.L.1987, c.365; P.L.1987, c.231; P.L.1981, c.302; P.L.1980, c.68; P.L.1971, c.198, §15 (C.40A:11-15) as amended by P.L.1981, c.551; P.L.1977, c.146, §16 (C.52:27F-18);

P.L.1977, c.146, §12 (C.52:27F-14); P.L.1977, c.146, §13 (C.52:27F-15); N.J.S.18A:18A-42 as amended by P.L.1984, c.49, is continued and this Division is transferred to and designated the Division of Energy Planning and Conservation within the Board of Public Utilities.

b. The Division of Energy Planning and Conservation shall be under the supervision of the Director appointed pursuant to C.52:27H-20.1, who shall administer the work of the Division under the supervision and direction of the Board of Public Utilities and perform such other functions as the Board of Public Utilities may prescribe.

c. Whenever in any statute, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise reference is made to the Division of Energy Planning and Conservation in the Department of Commerce, Energy and Economic Development, the same shall mean the Division of Energy Planning and Conservation within the Board of Public Utilities.

I find that this reorganization is necessary to accomplish the purposes set forth in P.L.1969, c.203, §2. Specifically, as mentioned before, this reorganization will coordinate the energy supply policies of this State with environmental goals, utility rates and tariffs. Some of the functions, powers and duties transferred include:

a. The responsibility and authority of the Division of Energy Planning and Conservation to intervene in proceedings of State instrumentalities which regulate energy producers or distributors as set forth in P.L.1977, c.146, §13 (C.52:27F-15);

b. The responsibility and authority requiring the periodic reporting by energy industries of energy information, set forth in P.L.1977, c.146, §16 (C.52:27F-18); and

c. The responsibility and authority for energy emergency planning and preparedness.

II. 1.a. The Advisory Council on Energy Planning and Conservation to the Division of Energy Planning and Conservation in the Department of Commerce, Energy and Economic Development created by P.L.1977, c.146, §10 (C.52:27F-12), together with all its functions, powers and duties set forth in P.L.1977, c.146, §11 (C.52:27F-13), is continued and transferred to and designated the Advisory Council on Energy Planning and Conservation in the Division of Energy Planning and Conservation in the Board of Public Utilities.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial proceeding or otherwise reference is made to the Advisory Council on Energy Planning and Conservation in the Department of Commerce, Energy and Economic Development, the same shall mean the Advisory Council on Energy Planning and Conservation in the Division of Energy Planning and Conservation within the Board of Public Utilities.

I find that this reorganization is necessary to accomplish the purposes set forth in P.L.1969, c.203, §2. Specifically, as a result of this reorganization, the Advisory Council on Energy Planning and Conservation will continue to advise the Director of the Division of Energy Planning and Conservation with respect to the regulated and nonregulated elements of energy supply and demand.

III. 1. The responsibility of the Commissioner of Commerce, Energy and Economic Development to serve on and act as chairperson for the Energy Master Plan Committee established by P.L.1987, c.365, §14, is hereby transferred to the President of the Board of Public Utilities. Assistance provided to the Energy Master Plan Committee by the Division of Energy Planning and Conservation within the Department of Commerce, Energy and Economic Development shall hereinafter be provided by the Division of Energy Planning and Conservation within the Board of Public Utilities.

I find that this reorganization is necessary to accomplish the purposes set forth in P.L.1969, c.203, §2. Specifically, this reorganization will ensure that the Energy Master Plan will continue to guide all sectors of the State in planning and implementing least-cost planning strategies for meeting our energy service needs.

IV. 1. All property, records and personnel of the Division of Energy Planning and Conservation shall be transferred with the Division of Energy Planning and Conservation to the Board of Public Utilities.

I find that this reorganization is necessary to accomplish the purposes set forth in P.L.1969, c.203, §2. Specifically, this transfer will ensure the continued efficient operation of the Division of Energy Planning and Conservation.

V. 1. All unexpended balances of appropriations, and of other funds, shall be transferred with the Division of Energy Planning and Conservation to the Board of Public Utilities. Furthermore, all unexpended balances so transferred may only be used for the purposes originally appropriated.

I find that this reorganization is necessary to accomplish the purposes set forth in P.L.1969, c.203, §2. Specifically, this transfer will ensure that monies appropriated for either projects, programs, planning or other endeavors may be spent for those purposes originally appropriated.

VI. 1. The enforcement and penalty authority section set forth in section 19 (C.52:27F-21), section 21 (C.52:27F-23) and section 22 (C.52:27F-24) of P.L.1977, c.146, is hereby transferred to the Board of Public Utilities.

I find that this reorganization is necessary to accomplish the purposes set forth in P.L.1969, c.203, §2. Specifically, the transfer of this enforcement authority is necessary to best administer and execute effectively the other powers and responsibilities transferred to the Board of Public Utilities by this Plan.

VII. 1. All transfers directed by this Act shall be made in accordance with the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

All acts and parts of acts inconsistent with any of the provisions of the Reorganization Plan are superseded to the extent of such inconsistencies. A copy of this Reorganization Plan was filed on June 15, 1989 with the Secretary of State and the Office of Administrative Law. The Plan shall become effective in 60 days, on August 14, 1989, 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 Reorganization Plan, or that at a date later than August 14, 1989, should the Governor establish such a later date for the effective date of the Plan by Executive Order.

TAKE NOTICE that this Reorganization Plan, if not disapproved, has the force and effect of law and will be printed and published in the annual edition of the pamphlet laws under a heading of "Reorganization Plans."

Filed June 15, 1989.

Effective August 14, 1989.

