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OF THE  
**First Annual Session**  
OF THE  
**Two Hundred and Eighth Legislature**  
OF THE  
STATE OF NEW JERSEY



**1998**

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## REORGANIZATION PLANS

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**REORGANIZATION PLAN NO. 001-1998  
A PLAN FOR THE TRANSFER, CONSOLIDATION, AND  
REORGANIZATION OF THE NEW JERSEY  
YOUTH CORPS PROGRAM INTO THE DEPARTMENT OF  
HUMAN SERVICES**

PLEASE TAKE NOTICE that on February 10, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 001-1998 (hereinafter referred to as the "Plan"), to provide for the transfer, consolidation, and reorganization of the New Jersey Youth Corps Program into the Department of Human Services.

This Plan is part of the continuing effort to consolidate and align the structure 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**

This Plan will foster the efficient implementation of a coherent public policy for the delivery of services for the New Jersey Youth Corps Program, for both the providers and the youth involved in the program. Currently, three departments of the Executive Branch are directly or indirectly involved with this program. In 1984 the Department of Community Affairs was given legal authority to create the New Jersey Youth Corps and has retained its legal jurisdiction over the program. The Department of Education assumed administrative and fiscal oversight of the program from the Department of Community Affairs in 1991. Recently, the Department of Education transferred administrative oversight of the program to the Department of Human Services through a Memorandum of Understanding but retained fiscal management of the program.

Citizens of this State will benefit from having one department in State government responsible for both the administrative and fiscal management of the New Jersey Youth Corps Program, and New Jersey law will accurately reflect the location of the program within State government. The Plan will ensure the coordinated delivery of services and simplify the process for providers to obtain program funds.

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 more effective management of the Executive Branch by consolidating education and community service type programs within one agency;
2. promote better and more efficient execution of the laws and provide for the expeditious administration of the public business by consolidating and integrating similar functions within one agency;
3. group, coordinate and consolidate functions in a more consistent and practical manner;
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 has resulted from the New Jersey Youth Corps Program not being administered by the department whose mission best reflects the efforts of this community service type program and, thereby, better utilizing State resources.

#### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. a. The functions, powers and duties of the Department of Community Affairs, pursuant to P.L.1984, c.198, as amended, (C.9:25-1 et seq.) to provide for the administration of the New Jersey Youth Corps Program under that department's jurisdiction shall be transferred to the New Jersey Department of Human Services.
- b. The powers, functions and duties hereby transferred in a. above shall be organized and implemented within the Department of Human Services, as determined by the Commissioner of Human Services.
- c. All positions in the Department of Education relating to the New Jersey Youth Corps Program (one filled position and one vacant position) shall be transferred to the Department of Human Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375. (C.52:14D-1 et seq.).

d. All records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Education in connection with the administration of the New Jersey Youth Corps Program shall be transferred to the Department of Human Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

e. Whenever in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise relating to New Jersey Youth Corps Program reference is made to the Department of Education or the Department of Community Affairs, the same shall mean the Department of Human Services.

### GENERAL PROVISIONS

1. 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 according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

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. If any provision of this Plan or the application thereof to any person or circumstance or the exercise of any power or authority hereunder is 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 the Plan are declared to be severable.

5. 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.

6. 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.).

A copy of this Plan was filed on February 10, 1998, 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 April 11, 1998, 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 April 11, 1998, 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 February 10, 1998.  
Effective April 11, 1998.

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**REORGANIZATION PLAN NO. 002-1998**  
**A PLAN TO PROVIDE FOR THE TRANSFER, CONSOLIDATION AND REORGANIZATION OF CERTAIN FUNCTIONS RELATED TO THE SAFE CONSTRUCTION AND MAINTENANCE OF BUILDINGS AND STRUCTURES FROM THE DEPARTMENTS OF LABOR AND THE TREASURY TO THE DEPARTMENT OF COMMUNITY AFFAIRS; THE TRANSFER, CONSOLIDATION AND REORGANIZATION OF THE NEW JERSEY REDEVELOPMENT AUTHORITY IN THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; AND THE TRANSFER OF THE OFFICE OF NEIGHBORHOOD EMPOWERMENT TO THE NEW JERSEY REDEVELOPMENT AUTHORITY; AND THE TRANSFER, CONSOLIDATION AND REORGANIZATION OF THE STATE PLANNING COMMISSION AND THE OFFICE OF STATE PLANNING FROM THE DEPARTMENT OF THE TREASURY TO THE DEPARTMENT OF COMMUNITY AFFAIRS**

PLEASE TAKE NOTICE that, on March 30, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 002-1998 (the "Plan"), to provide for the transfer, consolidation and reorganization of certain functions related to the safe construction and maintenance of buildings and structures from the Department of Labor and the Division of Property Management and Construction in the Department of the Treasury to the Department of Community Affairs; the transfer, consolidation and reorganization of the New Jersey Redevelopment Authority in the Department of Commerce and Economic Development to the Department of Community Affairs; the transfer and consolidation of the Office of Neighborhood Empowerment with the New Jersey Redevelopment Authority; the transfer, consolidation and reorganization of the State Planning Commission and the Office of State Planning from the Department of the Treasury to the Department of Community Affairs; and the transfer, consolidation and reorganization of the Office of Legal Services in the Department of Community Affairs to the Department of the Treasury.

This 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 consolidates, within the Department of Community Affairs, State activities relating to land use planning, development and redevelopment as well as construction standards, building and safety code enforcement.

One of the purposes of this Plan is to foster the efficient implementation of a coherent and integrated public policy for the construction and maintenance of safe buildings and structures in the State of New Jersey. The Division of Workplace Standards in the Department of Labor, whose core mission involves protection of workers through enforcement of wage and hour laws, administers six programs that are closely related to the work of the Division of Codes and Standards and the Division of Fire Safety in the Department of Community Affairs. These six programs include asbestos contractor licensing; ski lift safety; boilers and pressure vessels; liquefied petroleum gas storage; carnival and amusement ride safety; and lead contractor licensing. The liquefied petroleum gas storage program is directly related to, and substantially overlaps with, the programs of the Division of Fire Safety. The asbestos and lead contractor licensing programs regulate portions of activities currently regulated by the Division

of Codes and Standards. The ski lift, amusement ride and boiler and pressure vessel programs are similarly related to the enforcement by the Division of Codes and Standards of the State Uniform Construction Code, which is applicable to all buildings and structures in the State. To avoid duplication of effort and provide better coordination of these functions, this Plan transfers and consolidates these programs within the Department of Community Affairs.

Currently, the Division of Property Management and Construction, formerly the Division of Building and Construction, in the Department of the Treasury, performs certain inspection functions. Specifically, the Division of Property Management and Construction is responsible for code enforcement for buildings for which it is overseeing construction, while the Department of Community Affairs has the same responsibility with regard to all other construction by State agencies, including independent authorities and State colleges. Accordingly, consolidation of all inspection functions for State buildings into the Department of Community Affairs will eliminate duplication of effort and may result in long-term fiscal savings.

This Plan also consolidates the State's urban policy and redevelopment functions within the Department of Community Affairs. First, the Plan transfers the New Jersey Redevelopment Authority, which provides services related to residential, commercial and industrial development, to the Department of Community Affairs. Second, the Plan places the Office of Neighborhood Empowerment, which is currently in, but not of, the Department of Community Affairs and is subject to the supervision and control of the Urban Coordinating Council, under the supervision and control of the newly transferred New Jersey Redevelopment Authority. These changes will allow for a more efficient use of resources targeted for urban development initiatives and provide for a more integrated and comprehensive approach to urban revitalization.

This Plan will also foster the development of comprehensive planning strategies by consolidating within the Department of Community Affairs the State's planning and land use development functions. The State Planning Commission and the Office of State Planning were established within the Department of the Treasury under the State Planning Act, N.J.S.A. 52:18A-196 et seq., to provide sound and integrated Statewide planning and to coordinate Statewide planning with local and regional planning. As recognized in the State Planning Act, the achievement of sound and integrated Statewide planning, and the benefits to be derived from such planning, require the participation by the State and its counties and

municipalities in a cooperative planning process. The Department of Community Affairs, by virtue of its various statutory responsibilities to assist and work with local governments, is the department of State government most appropriately suited to achieve these goals.

Finally, this Plan, in conjunction with Reorganization Plan No. 004-1998, which is also being filed this day, consolidates legal representation for the poor into one State department. The Office of Legal Services, formerly known as the Office of Poverty and Law, in the Department of Community Affairs was originally established to develop and coordinate legal aid programs and to provide some direct legal services to organizations and agencies serving low-income New Jerseyans. The Office of Legal Services has evolved over 25 years to provide a service that is functionally related to the work of the Office of the Public Defender. More specifically, the Office of Legal Services assists in civil matters, while the Office of the Public Defender assists in criminal matters. Pursuant to Reorganization Plan No. 004-1998, the Office of the Public Defender would be transferred from the Department of State to the Department of the Treasury. This Plan transfers the Office of Legal Services from the Department of Community Affairs to the Department of the Treasury.

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 similar functions and activities within one agency;
2. promote better and more efficient execution of the laws and 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 the duplication of effort that has resulted from the statutory allocation to multiple departments of responsibilities concerning certain inspections and code-related functions, urban redevelopment and revitalization, and State and local planning.

### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. a. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 9 of P.L.1984, c.173, as amended, to enforce, in conjunction with the Commissioner of Health and Senior Services, the "Asbestos Control and Licensing Act of 1984," P.L.1984, c.173, as amended (C.34:5A-32 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.

b. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to sections 4 through 15 of P.L.1975, c.226 (C.34:4A-4 through 15), to enforce the "Ski Lift Safety Act," P.L.1975, c.226 (C.34:4A-1 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.

c. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to P.L.1913, c.363, as amended, and P.L.1918, c.213, as amended (C.34:7-1 et seq. and 34:7-14 et seq.), to license engineers and firemen and to regulate and inspect steam boilers, pressure vessels and refrigeration plants, in accordance with Chapter 7 of Title 34 of the Revised Statutes, are continued and shall henceforth be exercised by the Commissioner of Community Affairs. The Board of Boiler, Pressure Vessel and Refrigeration Rules, established pursuant to P.L.1917, c.185, section 1, as amended (C.34:1-47), is continued and is hereby transferred to the Department of Community Affairs.

d. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 2 of P.L.1950, c.139, as amended (C.21:1B-2) and section 1 of P.L.1972, c.107 (C.21:1B-9) to regulate the design, construction, location, installation and operation of equipment for storing, handling and utilizing liquefied petroleum gases, in accordance with

P.L.1950, c.139, as amended (C.21:1B-1 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.

e. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 8 of P.L.1975, c.105, as amended (C.5:3-38), to enforce the "Carnival-Amusement Rides Safety Act," P.L.1975, c.105, as amended (C.5:3-31 et seq.), are continued and shall henceforth be exercised by the Commissioner of Community Affairs. The Advisory Board on Carnival-Amusement Ride Safety, established by section 3 of P.L.1975, c.105 (C.5:3-35), is continued and is hereby transferred to the Department of Community Affairs.

f. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 24 of P.L.1993, c.288 (C.52:27D-437), to accept delegation of certain administrative and enforcement functions of the Department of Community Affairs relating to the certification of business firms to perform lead evaluation or abatement work on public buildings, commercial buildings, bridges or any other buildings or structures that do not contain dwelling units, are continued and shall henceforth be exercised by the Department of Community Affairs.

g. 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.

h. All employees of the Department of Labor who are employed in the programs hereby transferred 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 Labor for purposes of the programs hereby transferred, including, without limitation, any fees, penalties or other monies authorized to be collected and applied to the enforcement and administration costs of the Department of Labor for any of the programs hereby transferred, are 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.).

i. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may

involve the programs or the jurisdiction hereby transferred, there shall be any reference to the Department of Labor and except where the context clearly requires otherwise, the same shall mean the Department of Community Affairs.

2. a. The authority conferred upon the Division of Property Management and Construction, formerly the Division of Building and Construction, in the Department of the Treasury, pursuant to section 11 of P.L.1975, c.217, as amended (C.52:27D-129), to conduct field inspections for purposes of enforcing the State Uniform Construction Code in buildings built under the supervision of the said Division, are continued and shall henceforth be exercised by the Department of Community Affairs.

b. 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.

c. All employees of the Department of the Treasury who are employed in the programs hereby transferred 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 the Treasury for purposes of the programs hereby transferred, including, without limitation, any fees, penalties or other monies authorized to be collected and applied to the enforcement and administration costs of the Department of the Treasury for any of the programs hereby transferred, are 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.).

d. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the programs or the jurisdiction hereby transferred, there shall be any reference to the Division of Property Management and Construction in the Department of the Treasury, and except where the context clearly requires otherwise, the same shall mean the Department of Community Affairs.

3. a. The New Jersey Redevelopment Authority allocated to, but not of, the Department of Commerce and Economic Development, established as the New Jersey Urban Development Corporation pursuant to section 4 of P.L.1985, c.227 (C.55:19-4), and reconstituted as the New Jersey Redevel-

opment Authority allocated to, but not of, the Department of Commerce and Economic Development pursuant to section 4 of P.L.1996, c.62 (C.55:19-23), is hereby continued, transferred and allocated to the Department of Community Affairs, but notwithstanding this allocation, the New Jersey Redevelopment Authority shall be independent of any supervision or control by the Department of Community Affairs or by any other board or officer thereof.

b. All employees of the New Jersey Redevelopment Authority shall continue to be employees of the Redevelopment Authority as constituted in but not of the Department of Community Affairs and shall be transferred 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 Commerce and Economic Development for purposes of the New Jersey Redevelopment Authority are 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. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the New Jersey Redevelopment Authority, there shall be any reference to the Department of Commerce and Economic Development or the Commissioner of Commerce and Economic Development, and except where the content clearly requires otherwise, the same shall mean the Department of Community Affairs or the Commissioner of Community Affairs, as the case may be.

4. a. The Office of Neighborhood Empowerment allocated to, but not of, the Department of Community Affairs, and placed under the supervision and control of the Urban Coordinating Council allocated to, but not of, the Department of Community Affairs, pursuant to section 47 of P.L.1996, c.62 (C. 55:19-62), is hereby continued and transferred to the supervision and control of the New Jersey Redevelopment Authority allocated to, but not of, the Department of Community Affairs. The executive director of the Office of Neighborhood Empowerment shall report to the New Jersey Redevelopment Authority.

b. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the Office of Neighborhood Empowerment, there shall be any reference to the Urban Coordinating Council, and except where the context

clearly requires otherwise, the same shall mean the New Jersey Redevelopment Authority.

5. a. The State Planning Commission in the Department of the Treasury, established pursuant to section 2 of P.L.1985, c.398 (N.J.S.A. 52:18A-197), is hereby continued and transferred to the Department of Community Affairs.

b. The Office of State Planning in the Department of the Treasury, established pursuant to section 6 of P.L.1985, c.398 (N.J.S.A. 52:18A-201), is hereby continued and transferred to the Department of Community Affairs.

c. All employees of the Department of the Treasury who are employed in the Office of State Planning 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 the Treasury for purposes of the State Planning Commission or the Office of State Planning are 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.).

d. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the State Planning Commission or the Office of State Planning, there shall be any reference to the Department of the Treasury or of the Treasurer, and except where the context clearly requires otherwise, the same shall mean the Department of Community Affairs or the Commissioner of Community Affairs, as the case may be.

6. a. All of the powers, functions and duties exercised by the Commissioner of Community Affairs, the Department of Community Affairs, or any Division, Bureau or Office therein, pursuant to section 8 of P.L.1996, c.52 for the provision to the poor of legal assistance in civil matters by Legal Services of New Jersey, are continued and shall henceforth be exercised by the Department of the Treasury.

b. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of the Treasury as determined by the State Treasurer.

c. All employees of the Department of Community Affairs who are employed in the program hereby transferred shall be employees of the Department of the Treasury 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 Community Affairs for purposes of the program hereby transferred, including, without limitation, any fees, penalties or other monies authorized to be collected and applied to the enforcement and administration costs of the Department of Community Affairs for the program hereby transferred, are transferred to the Department of the Treasury pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

d. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the program or the jurisdiction hereby transferred, there shall be any reference to the Office of Legal Services in the Department of Community Affairs, and except where the context clearly requires otherwise, the same shall mean the Department of the Treasury.

### **GENERAL PROVISIONS**

1. 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 according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

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. If any provision of this Plan or the application thereof to any person or circumstance or the exercise of any power or authority hereunder is 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 the Plan are declared to be severable.

5. 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.

6. 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.).

A copy of this Reorganization Plan was filed on March 30, 1998 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 May 29, 1998, 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 May 29, 1998, 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 Reorganization 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 the New Jersey Register under a heading of "Reorganization Plans."

Filed March 30, 1998.  
Effective May 29, 1998.

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**REORGANIZATION PLAN NO. 003-1998  
A PLAN FOR THE REORGANIZATION AND TRANSFER OF  
CERTAIN RESPONSIBILITIES FOR  
REPORTS, RECEIPTS AND CORRESPONDENCE PROCESS-  
ING FUNCTIONS FROM THE DEPARTMENT  
OF LABOR TO THE DEPARTMENT OF THE TREASURY**

PLEASE TAKE NOTICE that on March 30, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan, No. 003-1998 (the Plan), to provide for the transfer of responsibilities for certain receipts processing functions and data entry functions as well as all or a portion of the organizational units responsible for such functions from the Department of Labor to the Division of Revenue in the Department of the Treasury.

This Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency by consolidating certain receipts processing functions and data entry functions in the Department of Labor into a single organization without qualitative or quantitative diminution of services to the public.

### **GENERAL STATEMENT OF PURPOSE**

The Plan is designed to further the process of consolidating in a single organization all responsibility for revenue management, including processing of cash receipts, and the data entry related to these receipts and reports. This Plan deals with certain report and remittance processing activities in the Department of Labor, relating to the following programs: Unemployment Insurance Tax, State Disability Benefits Tax, the Second Injury Fund, Temporary Disability Insurance Assessments, CAARS Assessments (Catastrophic Illness in Children, Worker and Community Right to Know, Pollution Prevention Control), Health Care Subsidy and Workforce Development Partnership, (hereinafter referred to as the Programs). In particular, this Plan transfers to the Division of Revenue the responsibility for receiving reports, for receiving billings and correspondence, for remittance processing, for data entry and for imaging under all of the Programs listed above.

There are several reasons why consolidation of certain Department of Labor receipt processing, data entry and report processing functions is in the best interest of the State. Centralizing receipts processing in the Division of Revenue has allowed that division to define and control the policies and procedures governing the processing of cash receipts. Centralizing receipts processing and related data entry functions for these Programs in the Division of Revenue will assist the State by providing specialized receipts processing and related services in an efficient and cost-effective manner.

To more efficiently direct, administer and control the State's revenue management functions, specifically the processing of cash receipts and related data entry functions in connection with Unemployment Insurance Tax, State Disability Benefits Tax, the Second Injury Fund, Temporary Disability Insurance Assessments and CAARS Assessments, this Plan provides for the consolidation and coordination of the aspects of these Programs indicated below into the Division of Revenue within the Department of the Treasury. This consolidation will improve the State's overall ability to collect revenue and improve service to the business

community. Moreover, the consolidation will eliminate duplication of effort in the area of receipts processing.

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 reorganization, transfer and consolidation provided for in this Plan, that each aspect of the Plan 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 promote 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 may be, according to major purposes;
5. eliminate overlapping and duplication of effort.

#### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. The functions, powers and duties relating to receiving reports, receiving billings, receiving correspondence, remittance processing, data entry and imaging related to the Division of Employer Accounts and the Division of Accounting assigned to the Department of Labor under the following statutes are continued and are transferred to the Division of Revenue:

- a. P.L.1936, c.270, s.7, as amended, (C.43:21-7). (Unemployment Insurance and Temporary Disability Insurance Contributions)
- b. P.L.1971, c.346, s.4, as amended, (C.43:21-7.3). (Payments by Governmental Entities and Instrumentalities)

- c. P.L.1992, c.160, ss.28 through 34 inclusive, as amended, (C.43:21-7a et seq.). (Health Care Subsidy Fund Contributions)
- d. P.L.1971, c.346, s.3, as amended, (C.43:21-7.2). (Contributions from Non- profit Organizations)
- e. P.L.1936, c.270, s.14, as amended, (C.43:21-14). (Collection of Contributions from Employers and Workers)
- f. P.L.1984, c.24, s.16, as amended, (C.43:21-14.3). (Unemployment Insurance Interest Repayment)
- g. P.L.1936, c.270, s.16, as amended, (C.43:21-16). (Collection of Fines and Penalties)
- h. P.L.1948, c.110, s.22, as amended, (C.43:21-46). (Collection of Assessments for Deficiency in the Temporary Disability Fund)
- i. P.L.1948, c.110, s.24, as amended, (C.43:21-48). (Collection of Administrative Cost Assessments)
- j. P.L.1948, c.110, s.31(b), as amended, (C.43:21-55(b)). (Collection of Fines and Penalties, Temporary Disability Fund)
- k. P.L.1992, c.44, s.2, as amended, (C.34:15D-13). (Collection of Workforce Development Partnership Fund Contributions)
- l. P.L.1923, c.81, s.1, as amended, (C.34:15-94). (Collection of Second Injury Fund Assessments, Surcharges and Penalties)
- m. P.L.1966, c.157, s.2 (C.34:15-39.2). (Collection of Fines and Penalties-- Discrimination Against Employee Claiming Workers' Compensation Benefits)
- n. P.L.1917, c.178, Art. I, s.5, as amended, (C.34:15-79). (Collection of Fines, Penalties and Assessments for Failure to Satisfy Statutory Obligations Under Workers' Compensation)
- o. P.L.1995, c.393, s.2 (C.34:15-89.1). (Collection of Fines and Penalties for Failure or Refusal to Submit Reports to Compensation Rating and Inspection Bureau)

p. P.L.1924, c.187, s.6 (C.34:15-101). (Collection of Fines and Penalties-- Failure to Comply With Reporting Requirements)

q. P.L.1966, c.126, ss.10 and 12, as amended, (C.34:15-120.1 and 34:15- 120.3). (Uninsured Employer's Fund)

r. P.L.1988, c.25, s.9 (C.34:15-120.11). (Uninsured Employers-- Penalties, Fines and Assessments)

s. P.L.1983, c.315, s.26b, as amended, (C.34:5A-26b). (Collection of Worker and Community Right to Know Fund Fee and Pollution Prevention Fund Fee)

t. P.L.1987, c.370, s.10 (C.26:2-157). (Catastrophic Illness in Children Relief Fund)

2. All functions, powers and duties not transferred to the Division of Revenue by this Plan remain with the Department of Labor.

3. The Office of Assistant Commissioner for Finance and Controller created under Reorganization Plan No. 1-1982 is hereby denominated as the Assistant Commissioner for Administration and Finance.

4. Such programmatic, administrative and support staff presently performing functions relating to receiving reports, receiving billings, receiving correspondence, remittance processing, data entry and imaging related to the programs set forth herein within the Department of Labor as may be agreed upon by the Commissioner of Labor and the Treasurer are transferred to the Division of Revenue, with all of their present functions, powers and duties. A proportionate share of the equipment, support services or funds to purchase such services utilized for the support of Programs' functions listed above within the Department of Labor shall be transferred to the Division of Revenue. These transfers shall be made as determined by agreement between the Commissioner of Labor and the Treasurer after considering the number and type of positions presently utilized for support of these functions, the appropriateness of transferring personnel, positions or funding, and any obligations or limitations under Federal law. The Division of Revenue shall comply with all Federal requirements applicable to functions, powers and duties transferred pursuant to this Plan.

### **GENERAL PROVISIONS**

1. 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 more efficiently direct, administer and control the State's revenue management functions, in particular the processing of cash receipts and the data entry related to those receipts. This Plan provides for the consolidation and coordination of these activities into a single organization, the Division of Revenue within the Department of the Treasury. This consolidation will improve the State's overall ability to collect revenue. Moreover, the consolidation will eliminate duplication of effort in the area of receipts processing and the data entry related to those receipts.

2. Monies collected or received by the Division of Revenue shall be deposited in such accounts or funds and shall otherwise be disposed of as may be provided by State or Federal law for deposit or disposition of such monies.

3. All acts or parts of acts or Plans or parts of Plans 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 provision 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 with regard to revenue management practices and shall be liberally construed to attain the objectives and effect the purposes thereof.

A copy of this Reorganization Plan was filed on March 30, 1998 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 May 29, 1998, 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 May 29, 1998, 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 of "Reorganization Plans."

Filed March 30, 1998.

Effective July 1, 1998 per Executive Order No. 83.

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**REORGANIZATION PLAN NO. 004-1998  
A PLAN FOR THE TRANSFER, CONSOLIDATION AND  
REORGANIZATION OF CERTAIN FUNCTIONS  
OF THE DEPARTMENT OF STATE**

PLEASE TAKE NOTICE that on March 30, 1998, Governor Christine Todd Whitman hereby issues the following Reorganization Plan No. 004-1998 to provide for the increased efficiency, coordination and integration of the State's arts, cultural and historical programs and services by: (1) the transfer of management of the Old Barracks and the War Memorial from the Department of the Treasury to the Department of State; (2) the transfer of the functions, powers and duties of the New Jersey Historic Trust from the Department of Environmental Protection to the Department of State; (3) the transfer of the functions, powers and duties of the Office of Administrative Law, Office of the Public Defender and Division of Commercial Recording from the Department of State to the Department of the Treasury; (4) the transfer of the functions, powers and duties of the Division of Elections from the Department of State to the Department of Law and Public Safety; and (5) the transfer of the functions, powers and duties of the Address Confidentiality Program from the Department of State to the Department of Community Affairs.

**GENERAL STATEMENT OF PURPOSE**

The purpose of this Reorganization Plan is to consolidate State arts, cultural and historical programs and services in one executive department, the Department of State. Pursuant to its present statutory authority, the Department of State contains the New Jersey Historical Commission, the Division of State Museum, the Division of State Library, the Council on the Arts and the Division of Archives and Records Management. Under this

Plan, the management of the War Memorial and the Old Barracks will be transferred to the Department, along with the New Jersey Historic Trust. The resources and expertise of the State's arts, cultural and historical programs would thus be integrated and coordinated within one department. This Reorganization Plan adopts many of the recommendations of the Task Force on New Jersey History, which sought a means to bring State cultural and historic services sharing a common focus together with unified management. As a consequence, not only will this Reorganization result in greater efficiency and coordination of executive branch operations, it will also foster greater public appreciation of New Jersey's rich history.

In keeping with this goal, the Plan also transfers certain offices and programs currently in the Department of State to other departments. Article V, Section IV, paragraph 1 of the New Jersey Constitution requires that all executive and administrative offices, departments and instrumentalities of State government be allocated among and within the principal departments of the Executive Branch according to major purposes. Consequently, the Office of Administrative Law and Office of the Public Defender presently in, but not of, the Department of State are transferred to and constituted in but not of the Department of the Treasury.

The Division of Commercial Recording which is responsible for recording and keeping documents pertaining to all corporate charters, other commercial filings, other filings requiring public notice, filings concerning notaries public, collecting the fees associated with such filings and preparing monthly abstracts of corporate certificates for use by the Division of Taxation in computing annual corporate license fees and franchise taxes is also transferred to the Department of the Treasury. The official who would most appropriately exercise this authority is the State Treasurer who is responsible for collection of revenue, and other corporate, business and tax filings.

Title 19 of the New Jersey Statutes assigns various responsibilities to the Secretary of State with regard to voter registration, petitions for elective office, primary and general elections, national convention delegates and electoral college. These responsibilities are currently carried out by the Division of Elections. The official who would most appropriately exercise this authority is the Attorney General. The Department of Law and Public Safety already exercises authority in preserving the integrity of the electoral process and ensuring Statewide application of the election laws.

Finally, the Address Confidentiality Program, established pursuant to P.L.1997, c.369, establishes a program to ensure the confidentiality of the

addresses of victims of domestic violence. The Division on Women in the Department of Community Affairs currently operates programs for victims of domestic violence, such as the Office on the Prevention of Violence Against Women. The consolidation of the Address Confidentiality Program within the Department of Community Affairs will allow for more effective coordination of these programs.

NOW, THEREFORE, 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 the reorganization included in this Plan that it is necessary to accomplish the purposes set forth in Section 2 of that Act and will do the following:

1. promote more effective management of the Executive Branch because it will group similar functions within already existing agencies;
2. promote better and more efficient execution of the law by integrating similar functions within already existing agencies;
3. group, coordinate and consolidate functions in a more consistent and practical way according to major purposes;
4. reduce expenditures by more closely aligning similar functions; and
5. eliminate some overlapping and duplication within the Executive Branch by consolidating and reallocating certain functions and responsibilities and thereby better utilize the resources of the Executive Branch.

#### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. The management of the Old Barracks and the War Memorial is transferred from the Department of the Treasury to the Department of State.
2. The New Jersey Historic Trust, created pursuant to P.L.1967, c.124, as amended (C.13:1B-15.111), and its functions, powers and duties as set forth in P.L.1967, c.124, as amended (C.13:1B-15.114, 115) and personnel are continued and transferred to the Department of State. The functions, powers and duties of the Commissioner of the Department of Environmental Protection with regard to the Trust shall be organized and implemented within the Department of State as determined by the Secretary of State.

3. The Office of Administrative Law, created pursuant to P.L.1978, c.67, as amended (C.52:14F-1 et seq.), and allocated in but not of the Department of State, and its functions, powers and duties and personnel are continued, transferred to, and is constituted, in but not of, the Department of the Treasury. This includes the responsibility for accepting the filing of rules and regulations as provided for by Article V, Section IV, paragraph 6 of the New Jersey Constitution.

4. The Office of the Public Defender, created pursuant to P.L.1967, c.43, as amended (C.2A:158A-1 et seq.), and allocated in but not of the Department of State pursuant to P.L.1994, c.58 (C.52:27E-55), and its functions, powers and duties and personnel are continued, transferred to, and is constituted, in but not of, the Department of the Treasury.

5. The Division of Commercial Recording, created pursuant to P.L.1982, c.150, as amended (C.52:16A-35 et seq.), and its functions, powers and duties and personnel are continued and transferred to the Department of the Treasury. These functions, powers and duties and personnel shall be organized and implemented within the Department of the Treasury as determined by the State Treasurer.

6. The functions, powers and duties and personnel of the Secretary of State under Title 19 of the New Jersey Statutes are continued and transferred to the Department of Law and Public Safety. The Division of Elections and its functions, powers and duties and personnel are continued and transferred to the Department of Law and Public Safety. These functions, powers and duties shall be organized and implemented within the Department of the Law and Public Safety as determined by the Attorney General.

7. The Address Confidentiality Program, created pursuant to P.L.1997, c.369, and its functions, powers and duties and personnel are continued and transferred to the Department of Community Affairs. These functions, powers and duties and personnel shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of the Department of Community Affairs.

### **GENERAL PROVISIONS**

1. 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 according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. Any section or part of this Plan that conflicts with Federal law or regulation shall be considered null and void unless and until addressed and corrected through an interagency agreement, Federal waiver or other means.

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. If any provision of this Plan or the application thereof to any person or circumstance or the exercise of any power or authority hereunder is 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 the Plan are declared to be severable.

5. 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.

6. 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.).

A copy of this Reorganization Plan was filed on March 30, 1998 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 May 29, 1998 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 May 29, 1998, 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 of "Reorganization Plans."

Filed March 30, 1998,  
Effective May 29, 1998.

**REORGANIZATION PLAN NO. 005-1998  
A PLAN FOR THE REORGANIZATION AND TRANSFER OF  
CERTAIN SCHOOL BUS SAFETY AND  
INSPECTION FUNCTIONS FROM THE DEPARTMENT OF  
EDUCATION AND STATE BOARD OF  
EDUCATION TO THE DEPARTMENT OF TRANSPORTATION**

PLEASE TAKE NOTICE that on March 30, 1998, Governor Christine Todd Whitman hereby issues this Executive Reorganization Plan No. 005-1998 (the "Plan") to provide for the reorganization and transfer of certain school bus safety and inspection functions from the Department of Education and the State Board of Education to the Department of Transportation.

This Plan represents the Administration's ongoing effort to promote effective execution of the State's school bus safety and inspection programs to ensure the safety, protection, and well-being of the children of New Jersey.

**GENERAL STATEMENT OF PURPOSE**

In the course of conducting school bus safety inspections from July through September 1997, the Division of State Police in conjunction with the Division of Motor Vehicles uncovered significant equipment violations on many buses. In response to these inspections, the School Bus Safety Task Force (the "Task Force") was created on September 23, 1997.

The Task Force studied the State's school bus safety and inspection programs and made two recommendations: (1) that the existing system of in-lane inspections for school buses be changed to a system of in-terminal inspections; and (2) that certain school bus safety and inspection functions be transferred from the Department of Education and State Board of Education to the Department of Transportation. The system of in-terminal inspections is expected to go into effect in July 1998.

With respect to school bus safety and inspection functions, presently, school bus inspections are performed by the Division of Motor Vehicles in the Department of Transportation, yet the Department of Education sets inspection standards for school buses. The transfer of school bus safety and inspection functions from the Department of Education to the Department of Transportation will promote efficiency by requiring a single State agency to establish school bus safety standards and to conduct the inspections necessary to ensure compliance with these standards.

The particular functions which are transferred to the Department of Transportation pursuant to this Plan represent about 10 percent of the work function of the Department of Education's Office of Pupil Transportation. The remaining 90 percent of the work of the Office of Pupil Transportation-- including the administration of the State aid program and pupil transportation contracts, facilitation of consolidated transportation services, operational functions and other functions unrelated to school bus safety and inspections-- is not affected by this Plan.

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 and transfer provided for in this Plan, that each aspect of this Plan is necessary to accomplish the purposes set forth in section 2 of that Act and each aspect will:

1. promote the better execution of the laws, the more effective management of the Executive Branch, and the expeditious administration of the public business by consolidating the functions of establishing school bus safety standards and conducting inspections in one agency;
2. promote 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 in a more consistent and practical manner;
5. reduce the number of agencies by consolidating those having similar functions under a single head and to abolish such agencies or functions thereof as may not be necessary for the efficient conduct of the Executive Branch; and
6. eliminate the duplication of effort that has resulted from the statutory allocation, to both the Department of Education and Department of Transportation, of responsibilities concerning school bus safety standards and inspections.

#### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. The functions, powers and duties of the State Board of Education and the Department of Education concerning the establishment of standards for the construction, design, equipment and maintenance of school buses and the inspection of school buses pursuant to sections 1, 2, 4 and 5 of P.L.1965, c.119 (C.39:3B-1, 2, 4 and 5), except that operational functions referenced in section 5 of P.L.1965, c.119 (C.39:3B-5) including, but not limited to such functions as contract awards, scheduling, route approval and pupil policy, shall remain within the State Board of Education; section 1 of P.L.1986, c.92 (C.39:3B-5.4); section 1 of P.L.1992, c.92 (C.39:3B-10); and section 1 of P.L.1992, c.93 (C.39:3B-12); are continued and are transferred to the Division of Motor Vehicles in the Department of Transportation. The functions, powers and duties of the State Board of Education and the Department of Education transferred under this Plan to make rules and regulations shall be exercised by the Director of the Division of Motor Vehicles.

2. All records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Office of Pupil Transportation in the Department of Education for establishing school bus safety standards and inspection programs are transferred under this Plan to the Department of Transportation.

3. Whenever, in any law, rule, regulation, order, contract, document, or judicial or administrative proceeding, or otherwise thereunder concerning the functions of the Office of Pupil Transportation in the Department of Education transferred under this Plan, reference is made to the Commissioner of Education or State Board of Education, the same shall mean and refer to the Director of the Division of Motor Vehicles.

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

### **GENERAL PROVISIONS**

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.230. 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 according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

2. If any provision 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.

3. 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 delivered to the Senate and the General Assembly on March 30, 1998. On the same date, a copy of this Plan was also transmitted to and filed with the Secretary of State and Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective 60 days from the date it was delivered to the Senate and the General Assembly unless it is disapproved by each the Senate and the General Assembly by the passage of a Concurrent Resolution stating, in substance, that the Legislature does not favor this Plan, or at a date later than May 29, 1998, 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 the New Jersey Register under the heading of "Reorganization Plans."

Filed March 30, 1998.  
Effective May 29, 1998.

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**REORGANIZATION PLAN NO. 006-1998  
A PLAN FOR THE REORGANIZATION OF THE DEPARTMENT OF LABOR CREATING A SECOND OFFICE OF DEPUTY COMMISSIONER**

PLEASE TAKE NOTICE that on June 11, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 006-1998 (Plan) to create a second office of Deputy Commissioner in the Department of Labor (Department) and to provide for the reorganization of certain responsibilities of Assistant Commissioners within the Department. This Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency and customer service by giving the Commissioner of Labor (Commissioner) the flexibility to focus implementation and oversight of major new programmatic initiatives under a second Deputy Commissioner in the Department and to coordinate the departmental activities of the Assistant Commissioners.

### **GENERAL STATEMENT OF PURPOSE**

The Department of Labor is presently organized and administered pursuant to Reorganization Plan No. 001-1982. That 1982 Reorganization Plan created a single office of Deputy Commissioner with responsibility for all day to day operations of the Department, long-term planning, budgeting and policy implementation and monitoring and evaluation of all departmental programs. The Plan also detailed the specific title and role of each of the Assistant Commissioners with respect to the programs implemented by the Department at that time. The Department, however, has recently been charged with undertaking and implementing major new programmatic initiatives in a way designed to provide one stop services to fulfill the unemployment insurance, employment services and training needs of New Jersey citizens and to coordinate these services with other agencies such as the Department of Human Services and the Department of Education. These initiatives include tasks relating to the implementation of the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (P.L.104-193), the Work First New Jersey program under P.L.1997, c.13, 14, 37 and 38 (codified primarily in Title 44 of the Revised Statutes), the New Jersey Child Support Program Improvement Act, P.L.1998, c.1 (codified primarily in chapter 17 of Title 2A of the Revised Statutes), the Federal Job Training Partnership Act, 29 U.S.C. s. 1501 et seq., the New Jersey Employment and Workforce Development Act (Workforce New Jersey program), P.L.1992, c.43, as amended (C.34:15D-1 et seq.) and the Unemployment Compensation Law, P.L.1936, c.270, as amended (C.43:21-1 et seq.).

The present organization of the Department does not meet the needs of the Department for a flexible organizational structure that facilitates operational management of these new programs. These new initiatives require hands-on leadership and comprehensive coordination to ensure that

the Department can continue to provide quality service to the public and can meet Federal and State goals for placing citizens in positions of gainful employment. In particular, the creation of a second Deputy Commissioner coupled with the authority of the Commissioner to prescribe the functions, powers, duties and responsibilities of the principal officers of the Department will permit the Commissioner to establish a specific focal point for the implementation of the Workforce New Jersey program and other statutory programs, with common goals and objectives, while providing coordinated managerial oversight of delivery service.

The Plan will also provide the Commissioner with authority to coordinate the responsibilities of the two Deputy Commissioners in a way that best serves the organizational and management needs of the Department for the most efficient and economical conduct of the public business. In addition, the Plan will enable the Commissioner to reassign and coordinate the responsibilities of the Assistant Commissioners who are also responsible for department programs and operations.

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 reorganization, transfer and consolidation provided for in this Plan, that each aspect of the Plan is necessary to accomplish the purposes set forth in Section 2 of that 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 promote 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 functions of the Executive Branch, as nearly as may be, according to major purposes; and
5. eliminate overlapping and duplication of effort.

#### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. The office of Deputy Commissioner created pursuant to Reorganization Plan No. 001-1982 is continued. The functions, powers and duties of the Deputy Commissioner shall be those functions, powers and duties as may be prescribed by the Commissioner of Labor. This Deputy Commissioner shall be under the direction and supervision of the Commissioner.

2. There is hereby created in the Department of Labor a second office of the Deputy Commissioner. This Deputy Commissioner shall be appointed by and serve at the pleasure of the Commissioner. This Deputy Commissioner shall receive such compensation as may be provided by law applicable to comparable officers in the Executive Branch. I find that the appointment and compensation of this Deputy Commissioner are necessary to effectuate the reorganization made by this Plan. This Deputy Commissioner, under the direction and supervision of the Commissioner, shall be responsible for implementing such of the functions, powers, duties and responsibilities of the principal officers of the Department of Labor under PRWORA, P.L.1997, c.13, 14, 37 and 38, the New Jersey Child Support Program Improvement Act, P.L.1998, c.1, the Federal Job Training Partnership Act, 29 U.S.C. s.1501 et seq., the New Jersey Employment and Workforce Development Act, P.L.1992, c.43 (C.34:15D-1 et seq.) and the Unemployment Compensation Law, P.L.1936, c.270, as amended (C.43:21-1 et seq.), as the Commissioner may prescribe. This Deputy Commissioner shall have such additional functions, powers, duties and responsibilities as may be prescribed by the Commissioner.

3. The offices of Assistant Commissioners created pursuant to Reorganization Plan No. 001-1982 are continued. The functions, powers and duties of the Assistant Commissioners shall be those functions, powers and duties as may be prescribed by the Commissioner. The Commissioner shall specify the title of such Assistant Commissioners. The Commissioner may assign Assistant Commissioners to oversee specific programs or functions operated or performed by the Department as he deems appropriate.

4. As authorized under P.L.1948, c.446, ss.3 and 4 (C.34:1A-3 and -4), the Commissioner may delegate responsibility for supervision of specific programs or functions operated or performed by the Department to such Deputy Commissioner, Assistant Commissioner or other subordinate officer as the Commissioner deems appropriate.

5. The Assistant Commissioners of the Department shall be under the supervision of the Commissioner and such Deputy Commissioner or subordinate officer as the Commissioner deems appropriate.

**GENERAL PROVISIONS**

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, the reorganization will permit the more efficient direction, administration and management of the work of the Department of Labor, in particular the new programmatic initiatives under the Workforce New Jersey program and other State and Federal initiatives. This Plan gives the Commissioner the flexibility to consolidate and coordinate responsibility and management of these activities under a single Deputy Commissioner with direct responsibility to the Commissioner. This consolidation will improve the State's overall ability to implement these new initiatives and to meet Federal and State goals for moving unemployed persons into jobs.

All acts or parts of acts or plans or parts of plans inconsistent with any of the provisions of this Plan are superseded to the extent of such inconsistencies provided that nothing in this Plan shall be deemed to supersede the provisions of Reorganization Plan No. 006-1998.

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.).

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 provision not contrary to law. To this end, the provisions of this Plan are declared to be severable.

This Plan is intended to make the operations of the Executive Branch more efficient and effective with regard to the management and operation of the Department of Labor and shall be liberally construed to attain the objectives and affect the purposes thereof.

A copy of this Reorganization Plan was filed on June 11, 1998, 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 August 10, 1998, 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 August 10, 1998,

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 of "Reorganization Plans."

Filed June 11, 1998.

Effective August 10, 1998.

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**REORGANIZATION PLAN NO. 007-1998  
A PLAN FOR THE TRANSFER, CONSOLIDATION AND  
REORGANIZATION OF CERTAIN FUNCTIONS  
OF THE DEPARTMENT OF BANKING AND INSURANCE TO  
IMPLEMENT THE OFFICE OF THE  
INSURANCE FRAUD PROSECUTOR**

PLEASE TAKE NOTICE that on June 25, 1998, Governor Christine Todd Whitman hereby issues the following Reorganization Plan, No. 007-1998 ("Plan"), relating to the Office of the Insurance Fraud Prosecutor, established pursuant to P.L.1998, c.21 (hereinafter, the "Automobile Insurance Cost Reduction Act of 1998"). This Plan provides for the transfer of certain personnel, funding, and statutory and regulatory authority and responsibilities from the Division of Insurance Fraud Prevention in the Department of Banking and Insurance to the Division of Criminal Justice in the Department of Law and Public Safety.

This Plan is part of an ongoing effort to consolidate and align the structure and functions of the Executive Branch in the interests of efficiency and economy. Accordingly, this Plan consolidates insurance fraud investigation, prosecution and enforcement functions in the Department of Law and Public Safety, so that the Insurance Fraud Prosecutor, under the direction and supervision of the Attorney General, may coordinate and lead the State's anti- fraud efforts.

**GENERAL STATEMENT OF PURPOSE**

This Plan is designed to implement the statutory mandate of the Automobile Insurance Cost Reduction Act of 1998 to establish the Office of the Insurance Fraud Prosecutor within the Division of Criminal Justice in the Department of Law and Public Safety. The Office of the Insurance Fraud Prosecutor is charged with investigating and prosecuting insurance

fraud and coordinating the conduct of all criminal, civil and administrative matters involving insurance fraud. Under the Automobile Insurance Cost Reduction Act of 1998 and this Plan, the Office will also enhance the State's fully integrated law enforcement system by serving as the focal point for coordinating all insurance-related anti-fraud activity of State and local departments and agencies.

NOW, THEREFORE, pursuant to "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.), I find, with respect to the reorganization, transfer and consolidation provided for in this Plan, that each aspect of the Plan 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 promote 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 may be, according to major purposes;
5. consolidate those agencies having similar functions under a single head; and
6. eliminate overlapping and duplication of effort.

#### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. Except as provided in paragraph 2, the functions, powers and duties of the Commissioner of Banking and Insurance and the Director and the Division of Insurance Fraud Prevention under P.L.1983, c.320, as amended (C.17:33A-1 et seq.), and P.L.1983, c.248, s.3, as amended (C.45:9-19.3), are continued and are transferred to the Attorney General and the Department of Law and Public Safety.

2. The functions, powers and duties allocated under the following statutory provisions are continued as presently allocated:

(a) P.L.1983, c.320, s.5b, as amended (C.17:33A-5e), administration of the New Jersey Automobile Full Insurance Underwriting Association and Market Transition Facility Auxiliary Fund.

(b) P.L.1983, c.320, s.6, as amended (C.17:33A-6), statement to be contained in insurance claim forms.

(c) P.L.1983, c.320, ss.8e through h, as amended (C.17:33A-8e through h), the Insurance Fraud Advisory Board and, subject to s.46 of P.L.1998, c.21, the certification and appointment of expenses for the administration of the New Jersey Fraud Prevention Act.

(d) P.L.1983, c.320, ss.9c and 12 (C.17:33A-9c and C.17:33A-12), to the extent those sections authorize promulgation of regulations necessary for the implementation of P.L.1993, c.362, s.1 (C.17:33A-15).

(e) P.L.1993, c.362, s.1, as amended (C.17:33A-15), filing, approval and monitoring of Insurance Fraud Prevention Plans, subject to s.36 of P.L.1998, c.21.

3. All functions, powers and duties of the Commissioner of the Department of Banking and Insurance not transferred to the Attorney General and the Department of Law and Public Safety pursuant to this Plan, including, but not limited to, the functions, powers and duties of the Commissioner under P.L.1995, c.156, as amended (C.17:1C-19 et seq.), shall remain with the Commissioner and the Department of Banking and Insurance.

4. The official titles of the Director and the Division of Insurance Fraud Prevention in the Department of Banking and Insurance created pursuant to P.L.1983, c.320, s.8, as amended (C.17:33A-8), are hereby changed to the Director and the Division of Anti-Fraud Compliance.

5. Except for positions required to perform the functions, powers and duties delineated in paragraph 2, all programmatic, administrative, investigatory and support staff positions (filled and vacant) within the Division of Insurance Fraud Prevention in the Department of Banking and Insurance are transferred to the Department of Law and Public Safety. Persons transferred shall serve in such capacity and perform such duties as may be designated by the Attorney General. All positions transferred shall

be subject to the provisions of P.L.1970, c.74, s.4, as amended (C.52:17B-100) and P.L.1977, c.275, s.1 (C.52:17B-100.1), to the extent those provisions are applicable. All records, property, furnishings, office equipment, etc., support services or funds to purchase such services, and the unexpended balance of funds appropriated or otherwise available to the Department of Banking and Insurance deemed necessary by the Attorney General for the functions, powers and duties of the aforesaid positions (filled and vacant) in the Division of Insurance Fraud Prevention are transferred to the Department of Law and Public Safety. The transfer of specific resources shall be effectuated as determined by agreement between the Commissioner of Banking and Insurance and the Attorney General consistent with this Plan.

### GENERAL PROVISIONS

1. 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, the reorganization will more efficiently direct, administer and control the State's responsibilities for investigating and prosecuting insurance fraud. This Plan provides for the consolidation and coordination of these responsibilities into a single department and provides that the Office of the Insurance Fraud Prosecutor will serve as the focal point for all civil, criminal and administrative prosecutions of insurance fraud. This consolidation will improve the State's overall ability to investigate and prosecute insurance fraud. Moreover, the consolidation will eliminate duplication of effort in these areas.

2. Penalties collected or received pursuant to P.L.1983, c.320, as amended, shall be deposited in such accounts or funds, and shall otherwise be disposed of, as may be provided by that law for the deposit or disposition of such penalties.

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

4. Unless otherwise specified in the Automobile Insurance Cost Reduction Act of 1998 or this Plan, all transfers directed by this Plan shall be affected pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

5. If any provision of this Plan, or the application thereof to any person or circumstances or the exercise of any power or authority hereunder, is 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 provision 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 with regard to the detection, investigation and prosecution of insurance fraud and shall be liberally construed to attain the objectives and effect the purposes thereof.

This Plan was delivered to the Senate and General Assembly on June 25, 1998. A copy of this Plan was filed on that same date 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 August 24, 1998, 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 August 24, 1998, 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 in the annual edition of the Public Laws and the New Jersey Register under the heading of "Reorganization Plans."

Filed June 25, 1998.  
Effective August 24, 1998.

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**REORGANIZATION PLAN NO. 008-1998  
A PLAN FOR THE ABOLITION OF THE STATE BOARD OF  
PUBLIC MOVERS AND WAREHOUSEMEN  
AND PROVIDING FOR THE TRANSFER OF CERTAIN RE-  
SPONSIBILITIES TO THE DIVISION OF  
CONSUMER AFFAIRS IN THE DEPARTMENT OF LAW AND  
PUBLIC SAFETY**

PLEASE TAKE NOTICE that on December 10, 1998, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 008-1998 (Plan), providing for the abolition of the State Board of Public Movers and Warehouse-

men (Board) and the position of Executive Secretary to the Board and providing for the transfer of responsibilities for certain functions to the Division of Consumer Affairs in the Department of Law and Public Safety.

The Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch in the interests of efficiency and economy, without quantitative or qualitative diminution of services to the public by consolidating regulatory and administrative responsibilities in the Department of Law and Public Safety.

### **GENERAL STATEMENT OF PURPOSE**

The professional and occupational boards have been allocated to the Division of Consumer Affairs (Division) in the Department of Law and Public Safety. These boards have similar administrative, staffing and supervisory needs. The Attorney General and the Division of Consumer Affairs have been given the responsibility under the Consumer Affairs Act of 1971, P.L.1971, c.34, as amended (C.52:17B-118 et seq.), P.L.1948, c.439, as amended (C.52:17B-1 et seq.), for addressing those needs and have provided those services in a coordinated, centralized fashion, where possible, through shared personnel with similar knowledge and administrative skills, in specialized organizational units. This practice of consolidating functions promotes economy and efficiency by providing flexibility and promoting economies of scale.

Until now, the Board of Public Movers and Warehousemen, like the 30 other professional and occupational licensing boards located within the Division, has had the responsibility for (1) issuing licenses to applicants, (2) meting out discipline to those found to be in violation of the "Public Movers and Warehousemen Licensing Act," P.L.1981, c.311, as amended (C.45:14D-1 et seq.) and the regulations promulgated thereunder, and (3) establishing, through regulation, appropriate standards for the rendition of services. In many regulated professions, special knowledge must be applied in evaluating credentials setting forth education and work experience and in assessing when services rendered evidence malpractice or professional misconduct. There are many efficiencies to be derived from having a cadre of board members, who are themselves professionals, fully familiar with training prerequisites and accepted practice standards. Board members in those instances serve as a ready reservoir of expertise for the handling of consumer complaints, since they are capable of evaluating alleged breaches of duty, without the need for engaging expensive expert evaluators. As to other vocations, however, implementation of a regulatory scheme primarily

designed to afford consumers protection from unfair commercial practices can be more expeditiously handled, at a reduced cost, by administrative personnel trained to process application forms efficiently and to resolve consumer disputes through mandated restitution, where warranted, after investigation and hearing or an alternative dispute resolution process.

Movers seeking licensure need not present extensive evidence of their work backgrounds and educational qualifications. Rather, movers are required to establish evidence of a business address, insurance coverage and financial solvency. Administrative staff of the Regulated Business Unit of the Division currently review and process applications and maintain up-to-date lists of current licensees with respect to a wide variety of other business--such as employment agencies, health clubs and ticket brokers. They are fully able to provide similar services with respect to licensees. Consumers also need to have an easy means to verify licensure status and obtain complaint histories and ready recourse to a process which will hold licensees accountable and provide redress, if necessary. These needs also can be met through the existing structural organization of the Division and its centralized units dedicated to performing these functions for consumers--the Centralized Licensing Unit for issuing renewals, a Consumer Service Center for verifying licensure status and processing complaints and an Alternative Dispute Resolution Unit for mediating claims (if possible) without resort to more costly enforcement options.

Consumers, of course, have a right to expect that they will be dealt with fairly and honestly and that care will be taken with the goods that are entrusted to licensed movers and warehousemen. Ample authority is already vested in the Attorney General and the Division to pursue violators. Overcharges and fraudulent practices can be effectively prosecuted pursuant to the "Consumer Fraud Act," P.L.1960, c.39, as amended (C.56:8-1 et seq.). The Division has broad powers to protect consumers by investigating, detecting and prosecuting deception and fraud in connection with the sale of goods or services provided, including the services provided by public movers and warehousemen. Furthermore, under the Public Movers and Warehousemen Licensing Act, the Attorney General has authority, acting independently from the Board, to investigate and prosecute violations of the Act. Violations under review more often deal with unscrupulous or fraudulent business practices or failures to provide required disclosures, written estimates or information concerning insurance options--not deviations from complex practice standards which would likely be readily evident only to a group of professional peers. Authority exists to order penalties and consumer restitution after a hearing conducted by the Director

of the Division or a designee. As with other regulated businesses, the Director of the Division already has the authority to promulgate and implement such regulations deemed necessary to protect consumers from fraudulent and unethical practices, while at the same time assuring that there is sufficient competition in the marketplace to provide consumers with an adequate choice of licensed movers, offering services at fair prices.

Upon implementation of this Reorganization Plan the Division will assume the responsibility for the regulation of the fewer than 400 public movers and warehousemen who are currently licensed in this State. This will eliminate the need to retain an Executive Secretary to the Board and other staff to oversee this small regulated community. This current staffing arrangement is inefficient and duplicates the supervisory and staffing services that can be provided in a streamlined, economical fashion by administrative personnel within the Division. Abolishing the Board and the position of Executive Secretary and transferring their functions, powers and duties to the Division will result in a reduction of costs of providing services to the public.

Pursuant to N.J.S.A. 45:1-3.2, the regulated community bears the brunt of the costs of administering the Board. Prior to 1991 annual licensure fees were set at \$225. Increased costs forced the Board to increase its licensure fee to \$400 in 1991, an annual figure higher than that established by any other licensing board in this State.

NOW, THEREFORE, pursuant to the "Executive Reorganization Act of 1969," P.L.1969, c.203 (C.52:14C-1 et seq.) (Act), I find, with respect to the transfer, reorganization and consolidation provided for in this Plan, that each aspect of the Plan 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 promote 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 may be, 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 thereof as may not be necessary for the efficient conduct of the Executive Branch; and
6. Eliminate overlapping and duplication of effort.

### **PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. (a) The State Board of Public Movers and Warehousemen and the position of Executive Secretary to the Board, established pursuant to P.L.1981, c.311, s.4, as amended, (C.45:14D-4), are abolished and the terms of office of the members of the Board and the Executive Secretary incumbent at the time this plan takes effect are terminated. The functions, powers and duties of the Board and its Executive Secretary under the "Public Movers and Warehousemen Licensing Act," P.L.1981, c.311 (C.45:14D-1 et seq.) are continued and are transferred to the Division of Consumer Affairs.

(b) The authority, pursuant to P.L.1981, c.311, as amended (C.45:14D-1 et seq.), to provide the immediate supervision of the work of regulating the profession is continued and transferred to the Director of the Division of Consumer Affairs, to be exercised through such employee or employees as the Director of the Division of Consumer Affairs may designate.

(c) For the purposes of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), the Director of the Division of Consumer Affairs or a designee shall constitute the agency head and shall have final decision making authority.

(d) 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 due to economies of scale, and also will result in greater coordination and improved functioning of the State's regulation of public movers and warehousemen and the other occupational and professional boards. Further, this Plan will streamline State government for the benefit of all New Jersey citizens.

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

Division of Consumer Affairs as necessary to perform the functions transferred to that Division under this Plan, as determined by the Attorney General.

3. Whenever in P.L.1981, c.311, as amended (C.45:14D-1 et seq.), or in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise thereunder, reference is made to the Executive Secretary or Executive Director of the State Board of Public Movers and Warehousemen or to the State Board of Public Movers and Warehousemen, the same shall mean and refer to the Director of the Division of Consumer Affairs or to such employee or employees as the Director may designate.

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 provision 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 Reorganization Plan was filed on December 10, 1998 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 February 8, 1999, 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 February 8, 1999, 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 of "Reorganization Plans."

Filed December 10, 1998.  
Effective February 8, 1999.

