

# ACTS

OF THE

**First Annual Session**

OF THE

**Two Hundred and Second Legislature**

OF THE

STATE OF NEW JERSEY

AND

**Thirty-First Under the New Constitution**



**New Jersey State Library**

1986



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## REORGANIZATION PLAN

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(1079)



## Reorganization Plan

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### NOTICE OF A PLAN FOR THE REORGANIZATION AND COORDINATION OF RESPONSIBILITY FOR CERTAIN ENERGY MATTERS WITHIN THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

Take notice that on June 30, 1986, Governor Thomas H. Kean hereby issues the following Reorganization Plan (No. 001—1986) to provide for the increased coordination and integration of the State's economic and energy policies by the transfer of certain functions from the Department of Energy to the Department of Commerce and Economic Development, the Department of Community Affairs and the Department of Environmental Protection.

#### GENERAL STATEMENT OF PURPOSE

Pursuant to its present statutory authority, it is the duty of the Department of Energy, among other responsibilities, to collect and to evaluate energy data and assimilate that data; issue and promote a State Energy Master Plan; design, implement and enforce a comprehensive energy conservation program; administer emergency energy planning and determine the need for and siting for new power facilities.

The purpose of this Reorganization Plan is to create a governmental structure that will promote the reduction of energy costs which will in turn promote and maximize economic growth, speed business development, promote employment and ensure general prosperity in the State. In transferring certain existing functions from the present Department of Energy to other State departments, this Plan is intended to promote the availability of energy at reasonable prices to all consumers—residential, commercial and industrial—and to integrate the State's economic, business and energy policies and programs to retain and to enhance this State's economic health and to ensure that the State's economy remains competitive.

Both congressional and court-ordered petroleum violation restitutionary programs have placed a significant administrative burden

on the State. This reorganization will allow the State to fulfill its obligations under these programs with greater efficiency.

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

1. It will promote more effective management of the Executive Branch and its departments because it will group similar functions within already existing agencies;
2. It will promote the better and more efficient execution of the law by integrating the State's economic and energy public policies;
3. It will group, coordinate and consolidate functions in a more consistent and practical way according to major purposes;
4. It will reduce expenditures by more closely aligning similar functions; and
5. It will eliminate duplication and overlapping of effort by consolidating certain functions.

The provisions of the Reorganization Plan are as follows:

I. a. The Division of Energy Planning and Conservation in the Department of Energy, created pursuant to section 5.2 of P. L. 1977, c. 146 (C. 52:27F-7), together with all its functions, powers and duties, as set forth in section 12 of P. L. 1977, c. 146 (C. 52:27F-14), is continued and this Division is transferred to and constituted the Division of Energy Planning and Conservation in the Department of Commerce and Economic Development.

b. The Division of Energy Planning and Conservation shall be under the immediate supervision of a Director, who shall administer the work of the Division under the direction and supervision of the Commissioner and shall perform such other functions of the Department as the Commissioner may prescribe.

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

d. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Division of Energy Planning and Conservation in the Department of Energy, the same shall mean and refer to

the Division of Energy Planning and Conservation in the Department of Commerce and Economic Development.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will confer on the Department of Commerce and Economic Development the necessary authority to implement the important goals of coordinating and integrating the State's economic and energy policies to ensure the availability of energy at reasonable prices. This reorganization will also promote and assist the development and utilization of cogeneration of energy and programs of energy conservation for both residential and commercial users. This Plan will provide for the collection and dissemination of energy data for the benefit of promoting the economy.

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

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

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will provide the Commissioner of the Department of Commerce with a body that can advise him regarding the relationship between the State's economic and energy policies.

III. a. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P. L. 1981, c. 278 (C. 13:1E-92 et seq.) are continued and transferred to and vested in the Department of Environmental Protection and the Commissioner thereof.

b. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the Office of Recycling in the Department of Energy, the same shall mean and refer to the Office of Recycling in the Department of Environmental Protection or its successor.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will group functions which are now split between two departments and thereby provide a single supervisory control by a department—Environmental Protection—which is the most logical agency capable of providing a coordinated and unified approach to recycling matters.

IV. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P. L. 1977, c. 146 (C. 52:27F-1 et seq.) relating to the adoption, amendment and repeal of the energy subcode of the State Uniform Construction Code pursuant to P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and P. L. 1977, c. 256 (C. 54:4-3.113 et seq.) are hereby transferred to and vested in the Department of Community Affairs and the Commissioner thereof.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will end the split jurisdiction between the Department of Energy and the Department of Community Affairs over energy subcode enforcement, which has proved cumbersome and as a result, hampered the efficient enforcement of the energy subcode. This transfer consolidates all such subcode responsibilities within the Department of Community Affairs.

V. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P. L. 1980, c. 68; s. 15 of P. L. 1971, c. 198 (C. 40A:11-15) as amended by P. L. 1981, c. 551; P. L. 1983, c. 115 (C. 48:7-16 et seq.); and N. J. S. 18A:18A-42 and N. J. S. 18A:18A-5 as amended by P. L. 1984, c. 49 are transferred to and vested in the Department of Commerce and Economic Development and the Commissioner thereof.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization would further consolidate conservation functions within the Department of Commerce and Economic Develop-



ment and help ensure the availability of low-cost energy supplies. In addition, the transfer of utility plant siting authority is also consistent with the need to ensure the lowest possible long-term electricity rates for all energy users.

VI. The responsibilities for the adoption of a State Energy Master Plan assigned to the Department of Energy, through the Division of Energy Planning and Conservation by P. L. 1977, c. 146, s. 12 (C. 52:27F-14), and the responsibility and authority to intervene in proceedings of State instrumentalities which regulate energy producers or distributors set forth in P. L. 1977, c. 146, s. 13 (C. 52:27F-15) are hereby transferred to the Department of Commerce and Economic Development and the Commissioner thereof.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this reorganization will ensure that the relationship of energy policy to the State's economic policy will be considered in the preparation of the State's Energy Master Plan regarding the production, distribution, consumption and conservation of energy in this State.

VII. The responsibility and authority requiring the periodic reporting by energy industries of energy information, set forth in P. L. 1977, c. 146, s. 16 (C. 52:27F-18), is transferred to the Department of Commerce and Economic Development.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, this transfer is consistent with the centralization of energy data collection and dissemination responsibilities within the Department of Commerce and Economic Development as an aid to integrating energy and economic policy.

VIII. The enforcement and penalty authority set forth in s. 19 (C. 52:27F-21), s. 21 (C. 52:27F-23) and s. 22 (C. 52:27F-24) of P. L. 1977, c. 146 is hereby transferred to the Department of Commerce and Economic Development.

I find that this reorganization is necessary to accomplish the purposes set forth in section 2 of P. L. 1969, c. 203. Specifically, the transfer of this enforcement authority is necessary to best administer and execute the other powers and responsibilities transferred to the Department of Commerce and Economic Development by this Plan.

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

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

A copy of this Reorganization Plan was filed on June 30, 1986 with the Secretary of State and the Office of Administrative Law. This Plan shall become effective in 60 days on August 29, 1986 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 August 29, 1986 should the Governor establish such a later date for the effective date of the Plan by Executive Order.

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