

**ACTS**  
OF THE  
**Second Annual Session**  
OF THE  
**Two Hundred and Sixth Legislature**  
OF THE  
STATE OF NEW JERSEY  
AND  
**Thirty-Sixth Under the New Constitution**



1995

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## REORGANIZATION PLANS

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**REORGANIZATION PLAN NO. 001-1995  
A PLAN FOR THE TRANSFER AND REORGANIZATION  
OF THE NEW JERSEY  
CEMETERY BOARD WITHIN THE DEPARTMENT OF  
LAW AND PUBLIC SAFETY,  
DIVISION OF CONSUMER AFFAIRS**

PLEASE TAKE NOTICE that on March 13, 1995, Governor Christine Todd Whitman hereby issues this Reorganization Plan, No.001-1995 (the "Plan"), providing for the transfer and reorganization of the New Jersey Cemetery Board.

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

**GENERAL STATEMENT OF PURPOSE**

Under current law, two departments of the Executive Branch regulate the treatment and disposition of the remains of deceased persons. Pursuant to P.L.1952, c.340 (C.45:7-32 et seq.), as amended and supplemented, the State Board of Mortuary Science of New Jersey, within the Division of Consumer Affairs in the Department of Law and Public Safety, regulates the preparation of remains for burial or other disposition, including embalming and funeral directing. Pursuant to P.L.1971, c.333 (C.8A:1-1 et seq.), as amended and supplemented, the New Jersey Cemetery Board "Cemetery Board" in the Department of Banking, regulates all cemetery companies, except religious cemeteries. The Plan provides for the transfer of the Cemetery Board to the Division of Consumer Affairs in the Department of Law and Public Safety, which houses the majority of the State's other professional and occupational boards, and its reorganization to take advantage of the consolidated operations and other economies of scale already available within the Division of Consumer Affairs. As a consequence, the remains of deceased persons in New Jersey will be subject to regulation in a single department of the Executive Branch.

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

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

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

1.a. The Cemetery Board, created and allocated in the Department of Banking pursuant to P.L.1971, c.333 (C.8A:2-1), as amended by section 81 of P.L.1973, c.219, and its powers, functions and duties pursuant to P.L.1971, c.333 (C.8A:1-1 et seq.) are hereby continued and transferred to and into the Division of Consumer Affairs in the Department of Law and Public Safety, subject to the following allocations of said powers, functions and duties.

b. The Cemetery Board shall be subject to oversight by the Attorney General to the same extent as other professional and occupational boards in the Division of Consumer Affairs and to the provisions of statutes generally governing such professional and occupational boards including, but not limited to, the provisions of P.L.1971, c.60 (C.45:1-2.1 et seq.), as amended and supplemented, the provisions of P.L.1977, c.285 (C.45:1-2.5 et seq.), as amended and supplemented, P.L.1974, c.46 (C.45:1-3.1 et seq.), as amended and supplemented, the provisions of P.L.1978, c.73 (C.45:1-14 et seq.), as amended and supplemented, and the provisions of section 35 of P.L.1948, c.439 (C.52:17B-35), as amended and supplemented, except that the provisions of P.L.1971, c.333 (C.8A:2-1i), shall continued to apply to the Cemetery Board.

c. In compliance with the provisions of section 2b of P.L.1971, c.60 (C.45:1-2.2b), as amended and supplemented, the Governor shall appoint two additional public members to the Cemetery Board, with the advice and consent of the Senate. The Commissioner of Health, or the Commissioner's designee, shall continue as a member of the Cemetery Board in lieu of a member appointed pursuant to section 2c of P.L.1971, c.60 (C.45:1-2.2c). The memberships of the Attorney General and the Commissioner of Banking on the Cemetery Board are terminated.

d. The Cemetery Board shall be subject to the provisions of section 33 of P.L.1948, c.439 (C.52:17B-33) with respect to the appointment, employment or removal of its officers.

e. The position of executive director established by P.L.1971, c.333 (C.8A:2-1g), as amended and supplemented, and the Cemetery Board's authority to appoint the executive director are abolished and the term of office of the executive director incumbent at the time this Plan takes effect is terminated. The authority, pursuant to P.L.1971, c.333 (C.8A:2-1g), as amended and supplemented, to provide the immediate supervision of the work of the Board 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 shall designate.

f. The Cemetery Board's authority, pursuant to P.L.1971, c.333 (C.8A:2-1h), as amended and supplemented, to appoint, employ and remove, subject to the provisions of Title 11A, Civil Service, such assistants and employees as may be necessary to carry out the provisions of P.L.1971, c.333 (C.8A:1-1 et seq.), as amended and supplemented, is continued and transferred to the Attorney General.

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 the disposition of the remains of deceased persons. Further, this plan will streamline State government for the benefit of all of New Jersey's citizens.

2. All records, property, appropriations, and any unexpended balance of funds appropriated or otherwise available to the Cemetery 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.1971, c.333 (C.8A:1-1 et seq.), or in any rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise thereunder, reference is made to the Commissioner of Banking, the same shall mean and refer to the Attorney General, except that the Commissioner of Banking's membership on the Cemetery Board is terminated.

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

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

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

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

A copy of this Plan was filed on March 13, 1995 with both Houses of the Legislature and with the Secretary of State for publication in the New Jersey Register. This Plan shall become effective in 60 days on May 12, 1995, 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 12, 1995, should the Governor establish such a later date for the effective date of this Plan, or any part hereof, 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 13, 1995.

Effective May 12, 1995.



**REORGANIZATION PLAN NO. 002-1995  
A PLAN FOR THE TRANSFER AND REORGANIZATION  
OF THE DIVISION OF MOTOR VEHICLES WITHIN THE  
DEPARTMENT OF TRANSPORTATION**

PLEASE TAKE NOTICE that on March 13, 1995, Governor Christine Todd Whitman hereby issues this Reorganization Plan, No. 002-1995, (the "Plan"), to provide for the transfer and reorganization of the Division of Motor Vehicles ("DMV" or "Division") within the Department of Transportation ("DOT").

This Plan furthers an ongoing effort to streamline and downsize the structure and function of the Executive Branch in the interests of efficiency and economy without any diminution of public services, either qualitative or quantitative.

**GENERAL STATEMENT OF PURPOSE**

Pursuant to its present statutory authority, it is the duty of the DMV to regulate the use and registration of motor vehicles in this State. In fulfilling this duty, the DMV provides services to millions of New Jersey motor vehicle operators and owners, including licensing, titling, tracking of driver violations, and registration and vehicle inspection. Additionally, the DMV provides information and support to the law enforcement community and certain intergovernmental agencies, such as the Federal Highway Administration and American Association of Motor Vehicle Administrators.

In order to more efficiently manage and administer the State's motor vehicle services, this Plan provides for the reorganization of the Division and the transfer of the DMV from the Department of Law and Public Safety to the Department of Transportation. This transfer and reorganization will consolidate transportation and motor vehicle related activities and programs administered by the DOT and DMV, and will increase the ability of the State to coordinate and improve activities and programs related to highway safety, inspection and maintenance of vehicles, and transportation programs required to implement provisions of the Federal Clean Air Act.

Moreover, this transfer and reorganization will eliminate duplication of effort in administering various motor vehicle and transportation related activities and programs and will align and assign similar functions within one agency, thereby promoting overall efficiency and effectiveness.

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 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 more effective management of the Executive Branch and of its agencies by grouping similar transportation and motor vehicle related functions and activities within one agency;
2. promote better and more efficient execution of the laws and the expeditious administration of the public business by consolidating and integrating within one agency similar regulatory functions, particularly the management and use of the State's highway system;
3. group, coordinate, and streamline regulatory functions in a more consistent and practical way;
4. reduce expenditures and 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 by consolidating certain functions which will result in a savings of State funds.

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

1.a. The Division of Motor Vehicles, including the functions, powers, and duties assigned to it pursuant to P.L.1926, c.147, and provided by P.L.1921, c.208, as amended and supplemented, (C.39:2-1 et seq.), and allocated in the Department of Law and Public Safety, is hereby continued as the Division of Motor Vehicles and is transferred to the Department of Transportation, except as hereinafter provided.

b. The Director of the DMV shall be an Assistant Commissioner of the DOT and shall also retain the title of Director of the DMV. The Deputy Director of the DMV shall retain the title of Deputy Director of the DMV.

c. The authority set forth in P.L.1948, c.439 (C.52:17B-28), as it applies to the Division of Motor Vehicles, is continued and

transferred to the Commissioner of Transportation, subject to the exceptions set forth therein.

d. The DMV shall provide, at no cost, to the law enforcement community, as defined by the Attorney General, the Administrative Office of the Courts and any other agency designed by the Attorney General, the following:

(i) Direct on-line access and file transfer to the complete database contained in the DMV Comprehensive System, including all motor vehicle and vessel operator history, registration, violation and suspension information, with such access to be provided twenty-four hours a day, seven days a week.

(ii) Any and all motor vehicle and vessel related information, assistance and services, including those necessary for investigations, court or administrative proceedings and other confidential purposes, and to otherwise provide any other appropriate information or assistance requested by the Attorney General.

The Attorney General shall establish, in consultation with the Commissioner of Transportation, performance standards for: (1) the provision of the access, file transfer and information contained in the DMV Comprehensive System, and (2) the type of information, assistance and services to be provided by the DMV.

e. Because certain functions, powers and duties of the DMV are closely connected to the criminal, regulatory and administrative authority of the Attorney General, as Chief Law Enforcement Officer of the State and as head of the Department of Law and Public Safety, including, but not limited to, the theft of motor vehicles, the regulation of automobile sales and repair facilities, the provision of information to law enforcement agencies about the motor vehicle laws and regulations and the issuance of fictitious documents, for law enforcement purposes, the DOT and DMV shall continue to cooperate with the Attorney General in the investigation and prosecution of all civil and criminal matters and in the promulgation or implementation of any policies, rules or regulations related to criminal or administrative enforcement activities.

To that end, the Commissioner of Transportation shall seek approval from the Attorney General prior to: (1) engaging in any criminal investigatory or criminal or civil enforcement activity; (2) the issuance of any regulations relating to law enforcement or other civil enforcement activities; (3) the issuance of any legal advice to law enforcement agencies relating to motor vehicles or vessels; (4) implementing any procedures that may affect law enforcement; or (5) making any changes to the manner in which

the DMV Comprehensive System and network is managed, operated, maintained or secured or who performs any of those services and functions. In addition, the approval of the State Treasurer shall be required before any changes are made to the manner in which the DMV Comprehensive System and network is managed, operated, maintained or secured or who performs any of those services and functions. The Commissioner of Transportation shall also consult with the Attorney General on all policy statements, implementation of any policy, and any other matters which may relate to the Attorney General's authority as the Chief Law Enforcement Officer of the State and head of the Department of Law and Public Safety.

f. Nothing contained in this Plan shall be construed to diminish or modify the Attorney General's role as the Chief Law Enforcement Officer of the State or to otherwise affect the Attorney General's authority to establish any policies necessary for the uniform and efficient enforcement of the criminal laws and the administration of criminal justice throughout the State.

I find this Plan is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203 (C.52:14C-1 et seq.). In addition to the reasons set forth above, this Plan will help to ensure the close coordination and integration of the State's motor vehicle and transportation services, while also preserving and maintaining essential functions and powers of the Attorney General, as Chief Law Enforcement Officer of the State.

2. All employees who serve the DMV shall be employees of the Department of Transportation and shall be transferred to the DOT 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 DMV, shall be transferred to the DOT pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

3. Whenever in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise thereunder, reference is made to the Division of Motor Vehicles within the Department of Law and Public Safety or the Director thereof, the same shall mean and refer to the Division of Motor Vehicles within the Department of Transportation, or the Assistant Commissioner/Director of the Division thereof.

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

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

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

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

A copy of this Plan was filed on March 13, 1995 with both Houses of the Legislature and the Secretary of State for publication in the New Jersey Register. This Plan shall become effective in 60 days, on May 12, 1995, 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 12, 1995, 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 13, 1995.

Effective July 22, 1995, see Executive Order No. 35.

**REORGANIZATION PLAN NO. 003-1995  
A PLAN FOR THE REORGANIZATION OF  
THE DIVISION OF DAIRY INDUSTRY  
AND THE DIVISION OF REGULATORY SERVICES  
WITHIN THE DEPARTMENT OF AGRICULTURE**

PLEASE TAKE NOTICE that on March 13, 1995, Governor Christine Todd Whitman hereby issues this Reorganization Plan,

No. 003-1995 (the "Plan"), to provide for the reorganization of the Division of Dairy Industry and the Division of Regulatory Services within the Department of Agriculture.

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

### **GENERAL STATEMENT OF PURPOSE**

Pursuant to its present statutory authority, the Department of Agriculture conducts development, regulatory, service promotion, and information programs in support of agriculture and agribusiness as well as natural and renewable resources associated with agriculture and open lands, for the benefit of all New Jersey citizens. Under current law, the Department of Agriculture consists of seven divisions, each headed by a division director.

The Division of Dairy Industry is responsible for fostering a stable and competitive dairy industry, including the regulation and enforcement of the production and distribution of fluid dairy products. In addition, the Division of Dairy Industry licenses dealers who purchase milk from New Jersey dairy farmers or who sell fluid dairy products to other dealers and to retail outlets. In order to be licensed, the dealers must post a bond with the Secretary of Agriculture conditioned upon the payment of all amounts due and owing to New Jersey dairy farmers.

Similarly, the Division of Regulatory Services licenses all brokers of perishable agricultural commodities. Brokers buy, on credit, perishable agricultural commodities from New Jersey farmers and subsequently sell them to third parties. In order to be a New Jersey licensed broker, a person must post a bond with the Secretary of Agriculture conditioned upon the payment of all amounts due and owing to New Jersey farmers. The Division of Regulatory Services also is responsible for the quality assurance of animal feeds, fertilizers, agricultural liming materials, and agricultural commodities grading and inspection.

The purpose of this Plan, in part, is to create a governmental structure that will foster the efficient implementation of integrated assistance to New Jersey farmers and the State's citizens. The Plan accomplishes this by consolidating the functions of the Division of Dairy Industry and the Division of Regulatory Services into a new division to be named the Division of Dairy and Commodity Regulation. The consolidation of the two divisions into a single division will reduce management and cross utilization of personnel without affecting essential services to New Jersey farmers, agribusiness, and consumers.

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 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 more effective management of the Executive Branch and more efficient execution of the laws by consolidating similar functions within one agency;
2. group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
3. reduce expenditures and promote economy to the fullest extent consistent with the efficient operation of the Executive Branch;
4. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable;
5. reduce the number of agencies by consolidating those having similar functions under a single head; and
6. eliminate duplication and overlapping of effort and, thereby, better utilize State resources.

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

1. a. The Division of Dairy Industry contained within the Department of Agriculture, including the functions, powers, and duties assigned to it pursuant to P.L.1916, c.268 (C.4:1-1 et seq.), as amended and supplemented, is hereby continued and transferred to a single division, which shall be named the Division of Dairy and Commodity Regulation.

b. The Division of Regulatory Services contained within the Department of Agriculture, including the functions, powers and duties assigned to it pursuant to P.L.1916, c.268 (C.4:1-1 et seq.), as amended and supplemented, is hereby continued and transferred to a single division, which shall be named the Division of Dairy and Commodity Regulation.

c. The Director of the Division of Regulatory Services shall become the Director of the Division of Dairy and Commodity Regulation. The Deputy Director of the Division of Regulatory Services shall become the Deputy Director of the Division of Dairy and Commodity Regulation.

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 promote the increased efficiency, coordination and functioning of the State's programs for the grading and inspection of perishable agricultural commodities; the licensing, testing and enforcement of agricultural chemicals; and the licensing and bonding of brokers of perishable agricultural commodities. Further, this Plan will enable the State to maintain a viable, competitive dairy industry and an ample supply of milk at fair prices to consumers, while providing a fair return to dairy farmers.

2. All employees who serve the Division of Dairy Industry and the Division of Regulatory Services shall be transferred to the Division of Dairy and Commodity Regulation pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). In addition, all records, property, appropriations, and any unexpended balance of funds appropriated or otherwise available to the Division of Dairy Industry and the Division of Regulatory Services shall be transferred to the Division of Dairy and Commodity Regulation pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

3. Whenever in any law, rule, regulation, order, contract, tariff, document, judicial, or administrative proceeding or otherwise thereunder, reference is made to the Division of Dairy Industry or the Division of Regulatory Services, the same shall mean and refer to the Division of Dairy and Commodity Regulation.

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

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

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



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

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

A copy of this Plan was filed on March 13, 1995, with both Houses of the Legislature and with the Secretary of State for publication in the New Jersey Register. This Plan shall become effective in 60 days on May 12, 1995, 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 12, 1995, 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 13, 1995.  
Effective May 12, 1995.

**REORGANIZATION PLAN NO. 004-1995  
A PLAN FOR THE TRANSFER AND REORGANIZATION  
OF THE HEALTH FACILITIES  
RATE SETTING PROGRAM  
WITHIN THE DEPARTMENT OF HUMAN SERVICES,  
DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES**

PLEASE TAKE NOTICE that on June 12, 1995, Governor Christine Todd Whitman hereby issues this Reorganization Plan, No. 004-1995, (the "Plan"), to provide for the transfer and reorganization of the Health Facilities Rate Setting Program within the Department of Human Services, Division of Medical Assistance and Health Services.

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

**GENERAL STATEMENT OF PURPOSE**

Pursuant to N.J.S.A.30:4D-1 et seq., the Department of Human Services, through the Division of Medical Assistance and Health Services, is the single State agency designated to administer the

provisions of the New Jersey Medical Assistance and Health Services Act. On July 1, 1977, pursuant to that statutory authority, the Department of Health Services entered into a Letter of Agreement with the Department of Health. The terms of the Letter of Agreement allocated to the Department of Health the responsibility to establish Medicaid rates of payment, subject to the approval of the Department of Human Services, for long-term care facilities that participate in the New Jersey Medicaid program. To accomplish this task, a long-term care rate setting unit was created within the Department of Health's Health Facilities Rate Setting Program. This plan provides for the transfer of the long-term facilities rate setting unit of the Department of Health's Health Facilities Rate Setting Program, and its incumbent functions and responsibilities, to the Department of Human Services, Division of Medical Assistance and Health Services.

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 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 more effective management of the Executive Branch, more efficient execution of the laws and the expeditious administration of the public business by consolidating similar functions within one agency;
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 in a more consistent and practical manner; and
5. eliminate duplication and overlapping of effort and, thereby, better utilize State resources.

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

1. The long-term care facilities rate setting functions, powers and duties assigned to the Health Facilities Rate Setting Program contained within the Department of Health, pursuant to a Letter of Agreement dated July 1, 1977, are hereby continued and trans-

ferred to and into the Division of Medical Assistance and Health Services in the Department of Human Services.

I find this Plan is necessary to accomplish the purposes set forth in section 2 of P.L.1969, c.203 (C.52:14C-1 et seq.). In addition to the reasons set forth above, this Plan will result in increased efficiency, due to economies of scale, thereby improving the delivery of services to the nursing home industry. Further, this Plan will streamline both the Medicaid reimbursement program and State government in general, for the benefit of all of New Jersey's citizens.

2. All employees who serve in the long-term care facilities unit of the Health Facilities Rate Setting Program within the Division of Health Care Systems Analysis shall be transferred to the Division of Medical Assistance and Health Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). In addition, all records, property, appropriations, and any unexpended balance of funds appropriated or otherwise available to the long-term care facilities unit of the Health Facilities Rate Setting Program within the Division of Health Care Systems Analysis shall be transferred to the Division of Medical Assistance and Health Services pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

3. Whenever in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise thereunder, reference is made to the long-term care facilities unit of the Health Facilities Rate Setting Program within the Division of Health Care Systems Analysis of the Department of Health or the Director thereof, the same shall mean and refer to the Division of Medical Assistance and Health Services within the Department of Human Services, or the Director of the Division thereof.

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

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

6. If any provisions of the Plan or the applications thereof to any person, or circumstances, or the exercise of any power or authority hereunder are held invalid or contrary to law, such hold-

ing shall not affect other provisions or applications of the Plan, which can be given effect without the invalid provisions or applications of the Plan, or affect other exercises of power or authority under said provisions not contrary to law. To this end, the provisions of this Plan are declared to be severable.

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

A copy of this Plan was filed on June 12, 1995, with both Houses of the Legislature and with the Secretary of State for publication in the New Jersey Register. This Plan shall become effective in 60 days on August 11, 1995, 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 11, 1995, 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 12, 1995.  
Effective August 11, 1995.