

**ACTS**  
OF THE  
**Second Annual Session**  
OF THE  
**Two Hundred and Seventh Legislature**  
OF THE  
STATE OF NEW JERSEY



**1997**

**New Jersey State Library**



---

---

## REORGANIZATION PLANS

---

---

(2337)



**REORGANIZATION PLAN NO. 001-1997  
A PLAN FOR THE TRANSFER OF THE RESPONSIBILITIES  
FOR DEBT COLLECTION AND RECEIPTS PROCESSING  
FUNCTIONS FROM VARIOUS STATE AGENCIES AND CON-  
SOLIDATING THEM IN A NEW DIVISION OF REVENUE  
WITHIN THE DEPARTMENT OF THE TREASURY**

PLEASE TAKE NOTICE that on January 14, 1997, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 001-1997 (the Plan), to provide for the transfer of responsibilities for certain debt collection and receipts processing functions as well as all or a portion of the organizational units responsible for such debt collection and receipts processing from the Department of Environmental Protection, the Department of Transportation and the Division of Taxation in the Department of the Treasury to the Division of Revenue in the Department of the Treasury.

The Plan also provides for the transfer of responsibility for certain debt collection and receipts processing functions, without transferring organizational units, from the Department of Corrections, the Department of Law and Public Safety, the Department of Transportation and the Division of Taxation in the Department of the Treasury 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 debt collection and receipts processing functions and consolidating all or portions of certain organizational units into a single organization.

**GENERAL STATEMENT OF PURPOSE**

The Plan is designed to create a single organization with responsibility for revenue management, including processing of cash receipts, management of accounts receivable and collection of debts. Certain receivables are excepted from this Plan, namely (1) interagency receivables, (2) loans and notes receivables and (3) grants and contracts receivables.

There are a number of reasons why consolidation of collection activity on receivables is in the best interest of the State. At present, each Executive Branch agency manages its own receivables and performs its own debt collection activity. These activities vary widely, ranging from the sophisticated to the rudimentary. Receivables and collection activity are given less

than full attention when an agency does not have adequate resources (either people or technology) to manage delinquent receivables. Delinquent receivables often are not considered a high priority within an agency because they are not central to the agency's mission or there is a lack of understanding about how delinquent receivables should be managed most efficiently. Few agencies use the full range of enforcement actions and tools available to help collect debt. The result is that, for debts owed the State, enforcement actions vary widely and are based on the specific agency responsible for collecting the debt. In sum, receivables represent a major asset of the State of New Jersey, yet the State has no way to measure, monitor or control this asset at an appropriate level of detail.

Centralizing revenue management will allow a single organization with State-wide responsibility and authority to define and control the policies and procedures governing revenue management, specifically the processing of cash receipts, the management of accounts receivable and collection of delinquent receivables. This centralized collections entity will assist State agencies in the recovery and resolution of their accounts receivable by providing specialized collection 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, the management of accounts receivable and the collection of billings with accounts receivable, this Plan provides for the consolidation and coordination of certain 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 and reduce receivable balances. Moreover, the consolidation will eliminate duplication of effort in the area of receipts processing and debt collection.

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, 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. 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:

#### **A. ORGANIZATIONAL UNITS**

1. a. There is hereby established within the Department of the Treasury a Division of Revenue for the purpose of consolidating all of the functions, powers, duties and units reorganized pursuant to this Plan.

b. The Division of Revenue shall be headed by a director who shall be appointed by, and serve at the pleasure of, the Treasurer, as provided by N.J.S.A. 52:14C-5(b). The director shall receive such salary as may be provided by law applicable to comparable officers in the Executive Branch. I find and declare that the appointment and compensation of the director is necessary to effectuate the reorganization made by this Plan.

c. The Division of Revenue shall be under the immediate supervision of the director who shall administer the work of the Division and who may exercise all of the powers, duties and functions transferred to the Division pursuant to this Plan, provided that nothing in this Plan shall be construed to grant the Division any functions, powers and duties with regard to (1) interagency receivables, (2) loans and notes receivables and (3) grants and contracts receivables. Nothing in the Plan shall be construed to diminish or modify the Attorney General's powers, duties or role pursuant to the Constitution, the common or statutory law, including but not limited to the Attorney General's powers, duties and role pursuant to P.L.1944, c.20, as amended (C.52:17A-1 et seq.) to act as sole legal advisor, attorney and

counsel for all officers, departments, boards, bodies, commissions and instrumentalities of the State government and to represent them in all proceedings or actions of any kind which may be brought for or against them in any court of this State; to interpret all statutes and legal documents, inspect and approve contracts and titles and otherwise control their legal activities; to attend generally to all legal matters in which the State or any officer, department, board, body, commission or instrumentality of the State government is a party or in which its rights or interests are involved; and to appoint, employ, supervise and dismiss special counsel.

d. The specific organization, names and functions of the bureaus, offices, sections and programs of the Division of Revenue shall be determined by the Treasurer, and may be modified thereby from time to time as the Treasurer deems appropriate in order to effectuate the purposes and provisions of this Plan.

2. The Bureau of Revenue of the Division of Financial Management and General Services in the Department of Environmental Protection, including the functions, powers and duties assigned to it by the Commissioner of the Department of Environmental Protection are continued and are transferred to the Division of Revenue. Such programmatic, administrative and support staff presently comprising the Bureau of Revenue of the Division of Financial Management and General Services within the Department of Environmental Protection as may be agreed upon by the Commissioner of the Department of Environmental Protection and the Treasurer are transferred to the Division of Revenue, with all of their present functions, powers and duties. A proportionate share of those support services or funds to purchase such services utilized for the support of the Bureau of Revenue of the Division of Financial Management and General Services within the Department of Environmental Protection shall be transferred to the Division of Revenue. These transfers shall be made as determined by agreement between the Commissioner of the Department of Environmental Protection and the Treasurer after considering the number and type of positions presently utilized for support of the Bureau of Revenue of the Division of Financial Management and General Services and the appropriateness of transferring personnel, positions or funding.

3. The Cash Control and Revenue Processing Units of the Bureau of Revenue Administration of the Division of Accounting and Auditing in the Department of Transportation, including the functions, powers and duties assigned to it by the Commissioner of the Department of Transportation, are continued and are transferred to the Division of Revenue. Such programmatic, administrative and support staff presently comprising the Cash



Control and Revenue Processing Units of the Bureau of Revenue Administration, of the Division of Accounting and Auditing in the Department of Transportation, as may be agreed upon by the Commissioner of the Department of Transportation and the Treasurer are transferred to the Division of Revenue, with all of their present functions, powers and duties. A proportionate share of those support services or funds to purchase such services utilized for the support of the Cash Control and Revenue Processing Units of the Bureau of Revenue Administration of the Division of Accounting and Auditing in the Department of Transportation shall be transferred to the Division of Revenue. These transfers shall be made as determined by agreement between the Commissioner of the Department of Transportation and the Treasurer after considering the number and type of positions presently utilized for support of the Bureau of Revenue Administration and the appropriateness of transferring personnel, positions or funding.

4. The Compliance Activity within the Division of Taxation in the Department of the Treasury together with all the functions, powers and duties assigned to it by the Director of Taxation pursuant to P.L.1931, c.336, as amended (C.54:1-6 et seq.) is continued and is transferred to the Division of Revenue. These functions, powers and duties shall include but not be limited to those, such as the administration and enforcement of the confidentiality provisions of P.L.1936, c.23, ss.408 and 409 (C.54:50-8 and -9), specifically delegated to the Director of Taxation by the Uniform Tax Procedure Act, P.L.1936, c.163, as amended (C.54:48-1 et seq.).

5. The Processing Activity within the Division of Taxation in the Department of the Treasury together with all the functions, powers and duties assigned to it by the Director of Taxation pursuant to P.L.1931, c.336, as amended (C.54:1-6 et seq.) is continued and is transferred to the Division of Revenue. These functions, powers and duties shall include but not be limited to those, such as the administration and enforcement of the confidentiality provisions of P.L.1936, c.23, ss.408 and 409 (C.54:50-8 and -9), specifically delegated to the Director of Taxation by the Uniform Tax Procedure Act, P.L.1936, c.163, as amended (C.54:48-1 et seq.).

#### B. FUNCTIONS, POWERS AND DUTIES

6. The functions, powers and duties assigned to the Commissioner of the Department of Corrections pursuant to P.L.1979, c.396, §3, as amended (C.2C:46-4), or pursuant to any other law to collect fees, fines, assessments, restitution and penalties from those offenders who have been discharged

from parole and from those offenders who are released without parole after serving their sentences are continued and transferred to the Division of Revenue. In all other respects the functions, powers and duties assigned to the Commissioner of the Department of Corrections to collect fees, fines, assessments, restitution and penalties pursuant to P.L.1979, c.396, §3, as amended (C.2C:46-4) or pursuant to any other law shall remain with the Commissioner of the Department of Corrections.

7. The functions, powers and duties assigned to the Director of the Division of Consumer Affairs and to the various professional boards in the Department of Law and Public Safety pursuant to the statutes set forth below and in P.L.1978, c.73, as amended, to bill and collect delinquent fees, costs and penalties are continued and transferred to the Division of Revenue:

<u>Professional Board</u>	<u>Citation</u>
Accountancy	P.L.1977, c.144, as amended (C.45:2B-1 et seq.)
Acupuncture	P.L.1983, c.7, as amended (C.45:2C-1 et seq.)
Acupuncture Research	P.L.1975, c.358, as amended (C.45:9B-1 et seq.)
Architects	P.L.1902, c.29, as amended (C.45:3-1 et seq.)
Audiology and Speech Language Pathology	P.L.1983, c.420, as amended (C.45:3B-1 et seq.)
Cemetery Board	P.L.1971, c.333, as amended (C.8A:1-1 et seq.)
Chiropody	P.L.1930, c.125, as amended (C.45:5-1 et seq.)
Chiropractic Examiners	P.L.1953, c.233, as amended (C.45:9-41.4 et seq.)
Cosmetology and Hairstyling	P.L.1984, c.205, as amended (C.45:5B-1 et seq.)
Dentistry	P.L.1915, c.146, as amended (C.45:6-1 et seq.)
Electrical Contractors	P.L.1962, c.162, as amended (C.45:5A-1 et seq.)
Hearing Aid Dispensers	P.L.1973, c.19, as amended (C.45:9A-1 et seq.)

Landscape Architects	P.L.1983, c.337 (C.45:3A-1 et seq.)
Marriage Counselor Examiners	P.L.1968, c.401, as amended (C.45:8B-1 et seq.)
Master Plumbers	P.L.1968, c.362, as amended (C.45:14C- 1 et seq.)
Medical Examiners	R.S. 45:9-1, as amended (C.45:9-1 et seq.)
Midwifery	P.L.1910, c.280, as amended (C.45:10-1 et seq.)
Mortuary Science	P.L.1952, c.340, as amended (C.45:7-32 et seq.)
Nursing	P.L.1947, c.262, as amended (C.45:11- 23 et seq.)
Occupational Therapist and Assistants	P.L.1993, c.85 (C.45:9-37.51 et seq.)
Ophthalmic Dispensers and Technicians	P.L.1952, c.336, as amended (C.52:17B- 41.1 et seq.)
Optometrists	P.L.1914, c.222, as amended (C.45:12-1 et seq.)
Orthotics and Prosthetics	P.L.1991, c.512, as amended (C.45:12B- 1 et seq.)
Pharmacy	P.L.1901, c.51, as amended (C.45:14-1 et seq.)
Physical Therapy	P.L.1983, c.296 (C.45:9-37.11 et seq.)
Physician Assistant	P.L.1991, c.378, as amended (C.45:9- 27.10 et seq.)
Professional Engineers and Land Surveyors	P.L.1938, c.342, as amended (C.45:8-27 et seq.)
Professional Planners	P.L.1962, c.109, as amended (C.45:14A- 1 et seq.)
Psychological Examiners	P.L.1966, c.282, as amended (C.45:14B- 1 et seq.)
Public Movers and Warehousemen	P.L.1981, c.311, as amended (C.45:14D- 1 et seq.)
Real Estate Appraisers	P.L.1991, c.68, as amended (C.45:14F-1 et seq.)
Respiratory Care	P.L.1991, c.31 (C.45:14E-1 et seq.)
Shorthand Reporting	P.L.1940, c.175, as amended (C.45:15B- 1 et seq.)
Social Workers	P.L.1991, c.134, as amended (C.45:15BB-1 et seq.)

Veterinarian Medical Examiners P.L.1902, c.18, as amended (C.45:16-1 et seq.)

8. The functions, powers and duties to bill and collect delinquent fees, fines, costs and penalties imposed pursuant to the statutes set forth below are continued and transferred to the Division of Revenue.

<u>Activity</u>	<u>Citation</u>
Amusement Games Control	P.L.1959, c.108 and 109, as amended (C.5:8-78 et seq., and 5:8-100 et seq.)
Charitable Registration and Investigation Act	P.L.1994, c.16 (C.45:17A-18 et seq.)
Consumer Fraud	R.S. 56:8-1 et seq., as amended (C.56:8-1)
Controlled Dangerous Substances Act	P.L.1970, c.226, as amended (C.24:21-1 et seq.)
Private Employment Agencies	P.L.1989, c.331, as amended (C.34:8-43 et seq.)
Securities Enforcement	P.L.1967, c.93, as amended (C.49:3-47 et seq.) and P.L.1985, c.405 (C.49:3-66.1 et seq.)
Weights and Measures	R.S. 51:1-1 et seq., as amended (C.51:1-54 et seq.)

9. The functions, powers and duties assigned to the Director of the Division of Motor Vehicles in the Department of Transportation pursuant to P.L.1983, c.65, as amended (C.17:29A-35), to bill and collect merit rating plan surcharges and to collect delinquent merit rating plan surcharges are continued and transferred to the Division of Revenue.

10. The functions, powers and duties assigned to the Director of the Division of Motor Vehicles in the Department of Transportation pursuant to P.L.1990, c.8, ss.66 and 68, as amended (C.17:33B-61, -63) and Chapters 3, 4, 5, 6, 6B, 7, 8, 10, 10A, 11, 12 and 13 of Title 39 of the Revised Statutes, as amended, to process and deposit fees, charges and penalties, including but not limited to driver license, vehicle registration and other license fees, and to collect delinquent fees and penalties, are continued and transferred to the Division of Revenue.

11. The functions, powers and duties assigned to the Director of the Division of Taxation pursuant to the following laws to collect delinquent taxes and penalties are continued and transferred to the Division of Revenue; provided that the Director of the Division of Taxation shall retain

the functions, powers and duties pursuant to P.L.1936, c.263, s.313, as amended (C.54:49-12), P.L.1987, c.76, s.8 (C.54:49-12.1), P.L.1992, c.172 (C.54:49-12.2 et seq.), P.L.1936, c.263, s.314, as amended (C.54:49-13), P.L.1981, c.392, s.1, as amended (C.54:49-13a).

<u>Tax</u>	<u>Citation</u>
Alcoholic Beverage Tax	P.L.1933, c.434, as amended (C.54:41-1 et seq.)
Alcoholic Beverage Wholesale Sales Tax	P.L.1980, c.62, as amended (C.54:32C-1 et seq.)
Atlantic City Casino Parking Fee	P.L.1993, c.159 (C.5:12-173.1 to -173.5)
Atlantic City Luxury Sales Tax	P.L.1947, c.71, as amended (C.40:48-8.15 et seq.)
Business Personal Property Tax	P.L.1980, c.60 (C.54:32B-24.1) P.L.1966, c.136, as amended (C.54:11A-1 et seq.) (repealed P.L.1993, c.174)
Cape May County Tourism Sales Tax	P.L.1992, c.165 (C.40:54D-1 to -10)
Cigarette Tax	P.L.1948, c.65, as amended (C.54:40A-1 et seq.) P.L.1952, c.247, as amended (C.56:7-18 et seq.)
Corporation Business (Net Income and Net Worth) Tax	P.L.1945, c.162, as amended (C.54:10A-1 et seq.)
Corporation Business Tax Banking Corporation	P.L.1975, c.170, as amended (C.54:10A-1 et seq.)
Corporation Business Tax Financial Corporation	P.L.1975, c.171 (C.54:10A-1 et seq.)
Corporation Income Tax	P.L.1973, c.170, as amended (C.54:10E-1 et seq.)
Financial Business Tax	P.L.1946, c.174, as amended (C.54:10B-1 et seq.)
Gross Income Tax	P.L.1976, c.47, as amended (C.54A:1-1 et seq.)
Insurance Premiums Taxes	P.L.1928, c.38, as amended (C.54:16-1 et seq.) P.L.1952, c.227, repealed P.L.1981, c.183 (C.54:16A-1 et seq.) P.L.1945, c.132, as amended (C.54:18A-1 et seq.)

Landfill Closure and Contingency Tax	P.L.1981, c.306, as amended (C.13:1E-100 et seq.)
Litter Control Tax	P.L.1981, c.278, as amended (C.13:1E-92 et seq.)
Motor Fuels Tax	P.L.1935, c.319, as amended (C.54:39-1 et seq.)
Petroleum Products Gross Receipts Tax	P.L.1990, c.42, as amended (C.54:15B-1 et seq.)
Public Community Water System Tax	P.L.1983, c.443, as amended (C.58:12A-21 et seq.)
Public Utility Taxes:	
Public Utility Excise Taxes	P.L.1940, c.4, as amended (C.54:30A-16 et seq.) P.L.1940, c.5, as amended (C.54:30A-49 et seq.)
Railroad Franchise Tax	P.L.1941, c.291, as amended (C.54:29A-13 et seq.)
Railroad Property Tax	P.L.1941, c.291, as amended (C.54:29A-7 et seq.)
Realty Transfer Fee	P.L.1968, c.49, as amended (C.46:15-5 et seq.)
Resource Recovery Investment Tax	P.L.1985, c.38, as amended (C.13:1E-136 et seq.)
Sales and Use Tax	P.L.1966, c.30, as amended (C.54:32B-1 et seq.)
Sanitary Landfill Facility Tax	P.L.1981, c.306, as amended (C.13:1E-100 et seq.)
Savings Institution Tax	P.L.1973, c.31, as amended (C.54:10D-1 et seq.)
Solid Waste Importation Tax	P.L.1985, c.38, as amended (C.13:1E-136 et seq.)
Solid Waste Recycling Tax	P.L.1981, c.278, as amended (C.13:1E-92 et seq.)
Solid Waste Services Tax	P.L.1985, c.38, as amended (C.13:1E-136 et seq.)
Spill Compensation and Control Tax	P.L.1976, c.141, as amended (C.58:10-23.11(h))
Tobacco Products Wholesale Sales and Use Tax	P.L.1990, c.39 (C.54:40B-1 et seq.)

## Transfer Inheritance and Estate

## Taxes:

Transfer Inheritance Tax	P.L.1909, c.228, as amended (C.54:33-1 et seq.)
Estate Tax	P.L.1934, c.243, as amended (C.54:38-1 et seq.)

These functions, powers and duties shall include but not be limited to those, such as the administration and enforcement of the confidentiality provisions of P.L.1936, c.23, ss.408 and 409, as amended (C.54:50-8 and -9), specifically delegated to the Director of Taxation by the Uniform Tax Procedure Act, P.L.1936, c.263, as amended (C.54:48-1 et seq.).

**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 more efficiently direct, administer and control the State's revenue management functions, in particular the processing of cash receipts, the management of accounts receivable and the collection of billings with accounts receivable. 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 and reduce receivable balances. Moreover, the consolidation will eliminate duplication of effort in the area of receipts processing and debt collection.

Monies collected or received by the Division of Revenue shall be deposited in such accounts or funds as may be provided by law for deposit of such monies.

Except as otherwise provided by law or by this Plan, the Treasurer shall determine delinquency in consultation with the Attorney General, the Commissioner of the Department of Corrections, the Commissioner of the Department of Environmental Protection or the Commissioner of the Department of Transportation, as appropriate.

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

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.).

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 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 January 14, 1997 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 March 15, 1997, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than March 15, 1997, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

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

Filed January 14, 1997.

Effective March 15, 1997 (paragraphs 2, 3 and 4, see Executive Order No. 66).

---

**REORGANIZATION PLAN NO. 002-1997**  
**A PLAN FOR THE TRANSFER, CONSOLIDATION AND RE-**  
**ORGANIZATION OF THE BUREAU OF CHILD NUTRITION**  
**PROGRAMS INTO THE DEPARTMENT OF AGRICULTURE**

PLEASE TAKE NOTICE that on May 8, 1997, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 002-1997 (hereinafter noted as the "Plan"), to provide for the transfer, consolidation and



reorganization of the Bureau of Child Nutrition Programs from the Department of Education (DOE) to the Department of Agriculture (DOA).

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

### **GENERAL STATEMENT OF PURPOSE**

This Plan will foster the efficient implementation of a coherent public policy for all State-administered Federal child nutrition and school lunch programs. Two Departments of the Executive Branch currently are responsible for the administration of Federal child nutrition programs and school lunch programs. The Department of Education, through its Bureau of Child Nutrition Programs, operates five child nutrition programs which provide financial and technical assistance to public and non-public schools, residential and non-residential child care institutions, day care centers, recreation centers and other eligible participants listed in the applicable Federal statutes and regulations (7 C.F.R.). These funds support various child nutrition programs.

The Department of Agriculture, through its Commodity Food Distribution Programs, annually distributes over 30 million pounds of nutritious, Federally donated food commodities to an almost identical constituent base as the DOE's child nutrition programs.

Citizens of this State will benefit from having one Department in State government distribute both food commodities and cash reimbursements. This integration of functions will result in improved efficiency and will enable public and non-public schools, residential and non-residential child care institutions, day care centers, recreation centers and other recipients to receive commodities and/or cash reimbursement from one agency. Anticipated benefits of the consolidation include:

- Improvement in the timely certification of programs and coordination of services.
- Enhanced availability of program information and improved response time due to merged data systems.
- Streamlined accounting and report processes due to one fiscal system for all programs, providing a potential savings to the State.

- Coordination of monitoring and inspection schedules to ease burdens on school districts by causing fewer interruptions in service and clients' schedules.
- Simplification of the certification process for school districts for reimbursement and commodities.
- Development of regional food purchasing groups between eligible clients, as well as improving the economy of the local and State agriculture industry.
- Consolidation and coordination of a system to identify and assist eligible schools and agencies in their efforts to supply commercially processed USDA foods to recipients throughout the State.
- Expansion of education and training services to reach appropriate school food service personnel.

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

1. promote more effective management of the Executive Branch by consolidating food distribution and the administration of child nutrition functions and activities 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. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and
5. eliminate duplication and overlapping of effort that has resulted from the distribution of food commodities and the administration of all child nutrition programs to identical constituencies by two separate State agencies of the Executive Branch.

**PROVISIONS OF THE REORGANIZATION PLAN**

Therefore, I hereby order the following reorganization:

1. a. The authority conferred upon the Department of Education, pursuant to N.J.S.A. 18A:33-4 and N.J.S.A. 18A:58-7.1 to provide reimbursement for all meals served to children meeting Statewide eligibility criteria, shall henceforth be exercised by the Department of Agriculture.

b. The authority conferred upon the Department of Education, pursuant to N.J.A.C.6:20-9 et seq. to administer the State's Child Nutrition Programs, shall henceforth be exercised by the Department of Agriculture.

c. The powers, functions and duties hereby transferred in subsections a. and b. above shall be organized and implemented within the Department of Agriculture.

d. All employees of the Department of Education who are employed to administer child nutrition programs under the authority of State statutes and regulations shall be employees of the Department of Agriculture 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.).

e. 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 child nutrition programs shall be transferred to the Department of Agriculture pursuant to the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.).

f. Whenever any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise relating to child nutrition programs, refers to the Department of Education, the same shall mean the Department of Agriculture.

**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, this reorganization will promote the more effective management of the Executive Branch and its agencies; promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes; reduce the number of agencies by consolidating those

having a similar function under a single head; and eliminate overlapping and duplication of effort.

This Plan, or any section or part thereof, 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.

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

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.

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.

All transfers directed by this Plan shall be effectuated pursuant to the "State Agency Transfer Act," P.L.1971, c.373 (C.53:14D-1 et seq.).

A copy of this Plan was filed on May 8, 1997 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on July 7, 1997, unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a date later than July 7, 1997, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

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

Filed May 8, 1997.  
Effective July 7, 1997.

**REORGANIZATION PLAN NO. 003-1997  
A PLAN FOR THE REORGANIZATION OF THE  
DEPARTMENT OF THE TREASURY AND PROVIDING FOR  
THE ABOLITION OF THE  
GENERAL SERVICES ADMINISTRATION**

PLEASE TAKE NOTICE that on May 8, 1997, Governor Christine Todd Whitman hereby issues this Reorganization Plan No. 003-1997 (the Plan) to provide for increased efficiency and effectiveness of the Department of the Treasury by the reorganization and coordination of the Division of Purchase and Property and the Division of Building and Construction, by the abolition of the General Services Administration and the Office of General Services Administrator, and by renaming the Division of Building and Construction as the Division of Property Management and Construction.

This Plan furthers an ongoing effort to streamline and make more effective the operations of the Executive Branch by abolishing the General Services Administration, by abolishing the Office of General Services Administrator, and by reallocating all the functions, powers and duties of the General Services Administration between the Division of Purchase and Property and the renamed Division of Property Management and Construction.

**GENERAL STATEMENT OF PURPOSE**

The General Services Administration was created in 1984 by P.L.1984, c.34. It was created to supervise and coordinate the functions of the Division of Purchase and Property and the Division of Building and Construction, providing a better functional relationship within the Department in terms of management control. The Division of Data Processing and Telecommunications was abolished, and certain of its duties were transferred to the General Services Administration. Also, the General Services Administrator was given authority to supervise the operations of the Financial Management and Data Center and was authorized to exercise certain powers of the Treasurer relating to the procurement of goods and services and other State contracts and property, as delegated by the Treasurer.

More recently, under P.L.1992, c.130, the Office of Leasing Operations was established in the General Services Administration and placed under the supervision of the General Services Administrator. This Office was

empowered to develop a space utilization plan, to negotiate leases for all State agencies and to determine requirements and arrange for construction or renovation of leased space. All leases and space utilization plans must be approved by the State Leasing and Space Utilization Committee. The Treasurer is a member of that Committee.

The act creating the General Services Administration did not abolish the Division of Purchase and Property or the Division of Building and Construction. Instead, it created a new, intermediate level of governmental supervision and control between these divisions and the Treasurer. The time has passed when such an intermediate level of supervision and control is required. The time has come to re-establish direct lines of supervision and control to the Treasurer, who is ultimately responsible for the efficient and effective operation of the department.

This Plan will streamline and make more effective and efficient the operations of the Executive Branch by abolishing organizational units no longer necessary for the efficient operation of government. Abolishing the General Services Administration created pursuant to P.L.1984, c.34 will result in a reduction of expenditures of \$836,367 and will increase the effectiveness and efficiency of the Department of the Treasury by removing levels of supervision and control, thereby re-establishing direct lines of responsibility and reporting between the Treasurer and the Division of Purchase and Property, and the Division of Building and Construction, which will be renamed the Division of Property Management and Construction.

Through this reorganization, the two Divisions will better serve their respective clientele. The Division of Purchase and Property will now streamline its operations with similar functions handled by the now-abolished General Services Administrator, and will provide day-to-day coordination of direct-service functions to other State agencies and members of the public. These functions include, but are not limited to, procurement, risk management, printing services, postal services, warehousing of inventory and supplies, and vehicular services.

The Division of Property Management and Construction will bring under one roof all real property matters that were once spread among various divisions, which was confusing for other State agencies and the State's clients. The new Division will oversee functions including, but not limited to, property acquisition, property disposal, construction, renovation, restoration, operation and maintenance.

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 each reorganization 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 by removing intermediate levels of supervision and control;

(3) increase the efficiency of the operations of the Executive to the fullest extent practicable;

(4) group and coordinate agencies and functions of the Executive according to major purposes, as nearly as may be, by consolidating property management and construction functions and responsibilities in a Division of Property Management and Construction;

(5) reduce the number of agencies by abolishing such agencies or functions thereof as are no longer necessary for the efficient conduct of the Executive; and

(6) eliminate overlapping and duplication of effort by removing levels of supervision and control and by re-establishing direct lines of reporting and responsibility to the Treasurer.

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

Therefore, I hereby order the following reorganization:

1. The General Services Administration established pursuant to P.L.1984, c.34 and the functions, powers and duties of the General Services Administration pursuant to section 4 of P.L. 1984, c.34 are abolished.

2 The Office of the General Services Administrator created pursuant to section 5 of P.L. 1984, c.34 is abolished.

3. The Division of Purchase and Property, as constituted by section 16 of the "Department of the Treasury Act of 1948," P.L.1948, c.92 (C.52:18A-16), and as consolidated under the General Services Administration, pursuant to P.L.1984, c.34, section 7, is continued with all the functions, powers and duties conferred upon it by law or by this Plan, as the Division of Purchase and Property in the Department of the Treasury. The functions, powers and duties of the Division of Purchase and Property transferred to the General Services Administration pursuant to P.L.1984, c.34 are continued and transferred to the Division of Purchase and Property.

4. The Division of Building and Construction, as established by section 1 of P.L.1970, c.95 (C.52:18A-151), and as consolidated under the General Services Administration pursuant to P.L.1984, c.34, section 7, is continued with all the functions, powers and duties conferred upon it by law or by this Plan, and is renamed the Division of Property Management and Construction in the Department of the Treasury. The functions, powers and duties of the Division of Building and Construction transferred to the General Services Administration pursuant to P.L.1984, c.34 are continued and transferred to the Division of Property Management and Construction. The title "Director of the Division of Building and Construction" is hereby changed to Director of the Division of Property Management and Construction.

5. The functions, powers and duties of the Administrator of the General Services Administration, pursuant to sections 5, 6 and 7 of P.L.1984, c.34 are abolished.

6. The functions, powers and duties of the General Services Administration, under sections 9, 10, 11, 12 and 13 of P.L.1984, c.34 relating to procurement of data processing and telecommunications equipment and services, are continued and are transferred to the Division of Purchase and Property.

7. The functions, powers and duties of the General Services Administrator under section 14 of P.L.1984, c.34, except those regarding the acquisition or disposition of real property, are continued and are transferred to the Director of the Division of Purchase and Property.

8. The functions, powers and duties of the General Services Administrator, under section 14 of P.L.1984, c.34 regarding the acquisition or disposition of real property are continued and are transferred to the Director of the Division of Property Management and Construction.



9. The functions, powers and duties of the General Services Administrator, under section 2 of P.L.1954, c.48, as amended by section 1 of P.L.1985, c.349, are continued and are transferred to the Director of the Division of Purchase and Property or the Director of the Division of Property Management and Construction, as appropriate.

10. The Office of Leasing Operations in the General Services Administration, along with its functions, powers and duties pursuant to P.L.1992, c.130, is continued and, along with all records, property and personnel, is transferred to the Division of Property Management and Construction. The functions, powers and duties of the General Services Administrator under P.L.1992, c.130, are continued and are transferred to the Director of the Division of Property Management and Construction.

11. Nothing in this Plan shall be construed to diminish or modify the powers of the Treasurer pursuant to section 30 of P.L.1984, c.92, as amended, to supervise the organization of the department and changes in the organization thereof.

### **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, this reorganization will streamline and make more effective and efficient the operations of the Department of the Treasury, the Division of Purchase and Property and the Division of Property Management and Construction by removing intermediate levels of supervision and control and by re-establishing direct lines of responsibility and reporting between the Treasurer and these divisions, thereby promoting better execution of the laws and the more effective management of the department. It will also consolidate procurement functions for goods, services, capital projects and leases in the agencies charged with statutory responsibility for and having expertise in such procurement. It will reduce expenditures for the department and eliminate duplication of effort by removing an organizational unit that is no longer required for the efficient conduct of the department.

All files, books, papers, records, equipment and other property of the General Services Administration are transferred to the Division of Purchase and Property or the Division of Property Management and Construction, as directed by the Treasurer. All personnel of the General Services Administration, are transferred to the Division of Purchase and Property or the

Division of Property Management and Construction, as directed by the Treasurer.

All unexpended balances of appropriations, grants and other funds available for use in connection with or available to the General Services Administration are transferred to the Division of Purchase and Property or the Division of Property Management and Construction, as directed by the Treasurer, and are available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law.

Whenever in any law, rule, regulation, order, contract, document, judicial or administrative proceeding or otherwise, reference is made to the General Services Administration in the Department of the Treasury, the same shall mean the Division of Purchase and Property or the Division of Property Management and Construction, as appropriate, in the Department of the Treasury.

This Plan shall not affect any action or proceeding, civil or criminal, brought by or against the General Services Administration or the Administrator or by any agency, the functions, powers and duties of which have been transferred or abolished pursuant to this Plan, nor shall the Plan affect any order or recommendation made by, or other matters or proceedings before, any agency, the functions, powers and duties of which have been transferred or abolished pursuant to this Plan.

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

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 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 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 and shall be liberally construed to obtain the objectives and effect the purposes thereof.

A copy of this Plan was filed on May 8, 1997 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days, on July 7, 1997 unless disapproved by each House of the Legislature by the passage of a Concurrent Resolution stating in substance that the Legislature does not favor this Plan, or at a later date than July 7, 1997, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

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

Filed May 8, 1997.  
Effective July 7, 1997.

