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NEW JERSEY REGISTER

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VOLUME 30, NUMBER 8

ISSUE DATE: MONDAY, APRIL 20, 1998

REORGANIZATION PLAN

**OFFICE OF THE GOVERNOR
GOVERNOR CHRISTINE TODD WHITMAN**

30 N.J.R. 1347(a)

REORGANIZATION PLAN NO. 002-1998

A PLAN TO PROVIDE FOR THE TRANSFER, CONSOLIDATION AND REORGANIZATION OF CERTAIN FUNCTIONS RELATED TO THE SAFE CONSTRUCTION AND MAINTENANCE OF BUILDINGS AND STRUCTURES FROM THE DEPARTMENTS OF LABOR AND THE TREASURY TO THE DEPARTMENT OF COMMUNITY AFFAIRS; THE TRANSFER, CONSOLIDATION AND REORGANIZATION OF THE NEW JERSEY REDEVELOPMENT AUTHORITY IN THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT TO THE DEPARTMENT OF COMMUNITY AFFAIRS; AND THE TRANSFER OF THE OFFICE OF NEIGHBORHOOD EMPOWERMENT TO THE NEW JERSEY REDEVELOPMENT AUTHORITY; AND THE TRANSFER, CONSOLIDATION AND REORGANIZATION OF THE STATE PLANNING COMMISSION AND THE OFFICE OF STATE PLANNING FROM THE DEPARTMENT OF THE TREASURY TO THE DEPARTMENT OF COMMUNITY AFFAIRS

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

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

GENERAL STATEMENT OF PURPOSE

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

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

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

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

This Plan will also foster the development of comprehensive planning strategies by consolidating within the Department of Community Affairs the State's planning and land use development functions. The State Planning Commission and the Office of State Planning were established within the Department of the Treasury under the State Planning Act, *N.J.S.A. 52:18A-196 et seq.*, to provide sound and integrated statewide planning and to coordinate Statewide planning with local and regional planning. As recognized in the State Planning Act, the achievement of sound and integrated Statewide planning, and the benefits to be derived from such planning, require the participation by the State and its counties and municipalities in a cooperative planning process. The Department of Community Affairs, by virtue of its various statutory responsibilities to assist and work with local governments, is the department of State government most appropriately suited to achieve these goals.

Finally, this Plan, in conjunction with Reorganization Plan No. 004-1998, which is also being filed this day, consolidates legal representation for the poor into one State department. The Office of Legal Services, formerly known as the Office of Poverty and Law, in the Department of Community Affairs was originally established to develop and coordinate legal aid programs and to provide some direct legal services to organizations and agencies serving

low-income New Jerseyans. The Office of Legal Services has evolved over 25 years to provide a service that is functionally related to the work of the Office of the Public Defender. More specifically, the Office of Legal Services assists in civil matters, while the Office of the Public Defender assists in criminal matters. Pursuant to Reorganization Plan No. 004-1998, the Office of the Public Defender would be transferred from the Department of State to the Department of the Treasury. This Plan transfers the Office of Legal Services from the Department of Community Affairs to the Department of the Treasury.

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

1. promote the more effective management of the Executive Branch by consolidating similar functions and activities within one agency;
2. promote better and more efficient execution of the laws and expeditious administration of the public business by consolidating and integrating within one agency similar functions;
3. group, coordinate and consolidate functions in a more consistent and practical manner according to major purposes;
4. promote economy to the fullest extent consistent with the efficient operations of the Executive Branch;
5. increase the efficiency of the operations of the Executive Branch to the fullest extent practicable; and
6. eliminate the duplication of effort that has resulted from the statutory allocation to multiple departments of responsibilities concerning certain inspections and code-related functions, urban redevelopment and revitalization, and State and local planning.

PROVISIONS OF THE REORGANIZATION PLAN

Therefore, I hereby order the following reorganization:

1. a. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to section 9 of P.L. 1984, c.173, as amended, to enforce, in conjunction with the Commissioner of Health and Senior Services, the "Asbestos Control and Licensing Act of 1984," P.L. 1984, c.173, as amended (C. 34:5A-32 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.
- b. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to sections 4 through 15 of P.L. 1975, c.226 (C. 34:4A-4 through 15), to enforce the "Ski Lift Safety Act," P.L. 1975, c.226 (C. 34:4A-1 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.
- c. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or any division, bureau or office therein, pursuant to P.L. 1913, c.363, as amended, and P.L. 1918, c.213, as amended (C. 34:7-1 et seq. and 34:7-14 et seq.), to license engineers and firemen and to regulate and inspect steam boilers, pressure vessels and refrigeration plants, in accordance with Section 7 of Title 34 of the Revised Statutes, are continued and shall henceforth be exercised by the Commissioner of Community Affairs. The Board of Boiler, Pressure Vessel and Refrigeration Rules, established pursuant to P.L. 1917, c.185, section 1, as amended (C. 34:1-47), is continued and is hereby transferred to the Department of Community Affairs.
- d. All of the powers, functions and duties exercised by the Commissioner of Labor, the Department of Labor, or

any division, bureau or office therein, pursuant to section 2 of P.L. 1950, c.139, as amended (C. 21:1B-2) and section 1 of P.L. 1972, c.107 (C. 21:1B-9) to regulate the design, construction, location, installation and operation of equipment for storing, handling and utilizing liquefied petroleum gases, in accordance with P.L. 1950, c.139, as amended (C. 21:1B-1 et seq.), are continued and shall henceforth be exercised by the Department of Community Affairs.

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

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

g. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of Community Affairs.

h. All employees of the Department of Labor who are employed in the programs hereby transferred shall be employees of the Department of Community Affairs and shall be transferred to that Department pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C. 52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Labor for purposes of the programs hereby transferred, including, without limitation, any fees, penalties or other monies authorized to be collected and applied to the enforcement and administration costs of the Department of Labor for any of the programs hereby transferred, are transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C. 52:14D-1 et seq.)

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

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

b. The powers, functions and duties hereby transferred shall be organized and implemented within the Department of Community Affairs as determined by the Commissioner of Community Affairs.

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

programs hereby transferred, are transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C. 52:14D-1 et seq.).

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

3. a. The New Jersey Redevelopment Authority allocated to, but not of, the Department of Commerce and Economic Development, established as the New Jersey Urban Development Corporation pursuant to section 4 of P.L. 1985, c.227 (C. 55:19-4), and reconstituted as the New Jersey Redevelopment Authority allocated to, but not of, the Department of Commerce and Economic Development pursuant to section 4 of P.L. 1996, c.62 (C. 55:19-23), is hereby continued, transferred and allocated to the Department of Community Affairs, but notwithstanding this allocation, the New Jersey Redevelopment Authority shall be independent of any supervision or control by the Department of Community Affairs or by any other board or officer thereof.

b. All employees of the New Jersey Redevelopment Authority shall continue to be employees of the Redevelopment Authority as constituted in but not of the Department of Community Affairs and shall be transferred pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C. 52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of Commerce and Economic Development for purposes of the New Jersey Redevelopment Authority are transferred to the Department of Community Affairs pursuant to the "State Agency Transfer Act," P.L. 1971, c.375 (C. 52:14D-1 et seq.).

c. Whenever, in any law, rule, regulation, order, contract, tariff, document, judicial or administrative proceeding or otherwise, that may involve the New Jersey Redevelopment Authority, there shall be any reference to the Department of Commerce and Economic Development or the Commissioner of Commerce and Economic Development, and except where the content clearly requires otherwise, the same shall mean the Department of Community Affairs or the Commissioner of Community Affairs, as the case may be.

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

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

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

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

c. All employees of the Department of the Treasury who are employed in the Office of State Planning shall be employees of the Department of Community Affairs and shall be transferred to that Department pursuant to the State Agency Transfer Act, P.L. 1971, c.375 (C. 52:14D-1 et seq.). Additionally, all records, property, appropriations and any unexpended balance of funds appropriated or otherwise available to the Department of the Treasury for purposes of the State Planning Commission or the Office of State Planning are transferred to the Department of Community Affairs

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

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

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

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

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

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

GENERAL PROVISIONS

1. I find that each aspect of this reorganization is necessary to accomplish the purposes set forth in section 2 of P.L. 1969, c.203. Specifically, this reorganization will promote the more effective management of the Executive Branch and its agencies, and it will promote economy to the fullest extent consistent with the efficient operation of the Executive Branch according to major purposes. It will group, coordinate and consolidate functions in a more consistent and practical manner and eliminate overlapping and duplication of functions.

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

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

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

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

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

A copy of this Reorganization Plan was filed on March 30, 1998 with the Secretary of State and the Office of Administrative Law for publication in the New Jersey Register. This Plan shall become effective in 60 days on May 29, 1998, unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Plan, or at a date later than May 29, 1998, should the Governor establish such a later date for the effective date of the Plan, or any part thereof, by Executive Order.

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