

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:27 H-2 et al (Department of Energy-- abolishes)

LAWS OF: 1987 **CHAPTER:** 365

Bill No: A2019/A2080

Sponsor(s): Haytaian and Brown

Date Introduced: February 13, 1986

Committee: **Assembly:** Appropriations; State Government

Senate: Energy and Environment

Amended during passage: No Assembly Committee Substitute enacted

Date of Passage: **Assembly:** March 15, 1986

Senate: December 21, 1987

Date of Approval: January 6, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes 5-12-86 and 5-5-86

Senate Yes

Fiscal Note: No/ES

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: Yes

974.90 New Jersey. Legislature. General Assembly. State Government Committee.
R424 Public hearing on A2019, A2080, held 4-17-86, Trenton, 1986.
1986e

See newspaper clipping file "N.J.- Energy, Dept. of - 1986" in New Jersey Reference Department.

Attached: Reorganization Plan-- 6/30/86

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2019 and 2080

STATE OF NEW JERSEY

ADOPTED MAY 5, 1986

Sponsored by Assemblymen HAYTAIAN and BROWN

AN Act abolishing the Department of Energy as a principal department of the Executive Branch of State government, providing for the transfer of certain of its functions, powers and duties, and revising parts of the statutory law.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 2 of P. L. 1981, c. 122 (C. 52:27II-2) is amended to
2 read as follows:

3 The Legislature finds and determines that the well-being of
4 the people of New Jersey, and of their institutions, including
5 government, is directly related to the well-being of New Jersey's
6 business and industrial enterprises, including the housing in-
7 dustry and small business enterprises, which provide the economic
8 base of employment and taxes upon which all other institutions
9 of society depend.

10 *The Legislature further finds and determines that a secure,*
11 *stable and adequate supply of energy at reasonable prices is vital*
12 *to the State's economy and for the promotion of economic oppor-*
13 *tunity in the State, as well as for ensuring the public health, safety*
14 *and welfare. The Legislature further finds that reducing energy*
15 *costs is essential to reducing the costs of doing business in this*
16 *State, which in turn will promote and maximize economic growth,*
17 *speed business development, promote employment and ensure*
17A *general prosperity in the State.*

18 *The Legislature further finds and determines that the principal*
19 *methods for achieving the goals of this act include: the widespread*
20 *use of alternative energy sources, including electric cogeneration*

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

21 *of energy, with independent power producers selling excess power*
22 *to utilities; the fullest possible cost-effective implementation of*
23 *energy conservation programs; and the introduction of market-*
24 *based pricing principles and competition in the setting of rates*
25 *for electricity, natural gas and other energy forms.*

26 *The Legislature further finds that the original mission of a*
27 *separate Department of Energy — to address and solve the prob-*
28 *lems caused by threatened catastrophic loss of near-and-long-term*
29 *energy sources — no longer justifies retaining a separate Depart-*
30 *ment of Energy as a principal department within the Executive*
31 *Branch. The Legislature further finds that it is in the best interests*
32 *of the citizens of this State that a single principal department*
33 *within the Executive Branch of this State coordinate the promo-*
34 *tion of the State's economy and serve as a focus for business and*
35 *industrial concerns, promote the availability of energy at reason-*
36 *able prices to all consumers and integrate the State's economic,*
37 *business and energy policies and programs to retain and to en-*
38 *hance this State's economic health and to ensure that the State's*
39 *economy remains competitive. The Legislature further finds and*
40 *determines that an important method to achieve these goals is to*
41 *promote and assist the development and utilization of cogeneration*
42 *of energy and programs of energy conservation.*

43 *The Legislature further finds and determines that New Jersey's*
44 *economy has deteriorated in recent years from its one-time posi-*
45 *tion of national prominence and leadership in many fields of busi-*
46 *ness and industry, a trend particularly evident in the almost*
47 *continuous decline of manufacturing employment over a span of*
48 *a decade or more, a fact which has had significant and deleterious*
49 *effects upon the economy of the State, impacting adversely upon*
50 *a broad cross-section of New Jersey's citizenry.*

51 *The Legislature further finds and determines that the variety*
52 *and magnitude of New Jersey's economic development programs*
53 *have now reached a level that warrants their consolidation into*
54 *a separate cabinet-level administrative department devoted exclu-*
55 *sively to monitoring the interests and concerns of business and*
56 *industry, maintaining continuous liaison with the business com-*
57 *munity and its leadership for the purpose of assisting in the*
58 *formulation and direction of economic policy so as to provide*
59 *business and industry the optimum climate within which enter-*
60 *prises may grow and prosper to the benefit of society as a whole.*
61 *The Legislature also finds that the variety and complexity of*
62 *programs which serve to protect the occupational health and*

63 safety of workers at the work place, to provide skill development
 64 and training programs, to provide employability development and
 65 employment placement programs, to administer the programs
 66 designed to protect the income security of our workers, to assist
 67 in the development and preservation of sound labor management
 68 relations and to maintain continuing liaison with organized labor
 69 and its leadership for the purpose of assisting in the formulation
 70 and direction of policy so as to provide the optimum climate
 71 within which organized labor can serve the needs of New Jersey's
 72 working men and women, warrants a cabinet level department
 73 devoted exclusively to this purpose which shall be known as the
 74 Department of Labor.

75 The Legislature, therefore, declares it to be in the best interest
 76 of the citizens of this State to establish a principal department
 77 within the Executive Branch to serve as a focus for business and
 78 industrial problems and concerns; as a center for gathering and
 79 disseminating appropriate data and information of significance to
 80 the business community; to continually analyze such data and to
 81 help formulate economic policies of the State on the basis thereof;
 82 to serve as a major focal point for economic development activities
 83 in cooperation with other entities, public and private, active in this
 84 field; to serve as a voice for and advocate of the interests of the
 85 business sector, not only within the highest councils of the Execu-
 86 tive Branch but also before the Legislature and the general public;
 87 to assist in translating input it receives into programs and policies
 88 of the State itself to the end that New Jersey citizens shall enjoy
 89 optimum economic security and the highest possible standard of
 90 living; to assist in coordinating authority, regulation and planning
 91 by the State in matters related to the economy.

1 2. Section 3 of P. L. 1981, c. 122 (C. 52:27H-3) is amended to
 2 read as follows:

3 3. As used in this act:

4 a. "Commissioner" means the Commissioner of the Depart-
 5 ment of Commerce, *Energy* and Economic Development.

6 b. "Department" means the Department of Commerce, *Energy*
 7 and Economic Development established by this act.

1 3. Section 4 of P. L. 1981, c. 122 (C. 52:27H-4) is amended to
 2 read as follows:

3 4. There is established in the Executive Branch of the State
 4 Government a principal department which shall be known as the
 5 Department of Commerce, *Energy* and Economic Development.

1 4. Section 5 of P. L. 1981, c. 122 (C. 52:27H-5) is amended to
 2 read as follows:

3 The administrator and chief executive officer of the depart-
4 ment shall be a commissioner, who shall be known as the Commis-
5 sioner of Commerce, *Energy* and Economic Development, and who
6 shall be a person qualified by training and experience to perform
7 the duties of his office. The commissioner shall be appointed by
8 the Governor, with the advice and consent of the Senate, and shall
9 serve at the pleasure of the Governor during the Governor's term
10 of office and until the appointment and qualification of the com-
11 missioner's successor. He shall devote his entire time to the duties
12 of the office and shall receive such salary as shall be provided by
13 law. Any vacancy occurring in the office of the commissioner shall
14 be filled in the same manner as the original appointment.

1 5. (New section) The Department of Energy is abolished as a
2 principal department in the Executive Branch of State Govern-
3 ment and all of its functions, powers and duties, except as herein
4 otherwise provided, are terminated.

1 6. (New section) The offices and terms of the Commissioner of
2 Energy, the assistant commissioner and the directors of the
3 various divisions and offices of the Department of Energy, except
4 as herein otherwise provided, shall terminate upon the effective
5 date of this act.

1 7. (New section) a. The Division of Energy Planning and Con-
2 servation in the Department of Energy, together with all its
3 functions, powers and duties, except as herein otherwise provided,
4 is continued and this division is transferred to and constituted
5 the Division of Energy Planning and Conservation in the De-
6 partment of Commerce, Energy and Economic Development.

7 b. The Division of Energy Planning and Conservation shall be
8 under the immediate supervision of a director who shall be ap-
9 pointed by the Commissioner of Commerce, Energy and Economic
10 Development and shall serve at the pleasure of the commissioner.

11 The director shall administer the work of the division under
12 the direction and supervision of the commissioner and shall per-
13 form such other functions of the department as the commissioner
14 may prescribe.

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

19 d. Whenever in any law, rule, regulation, order, contract, docu-
20 ment, judicial or administrative proceeding or otherwise, reference
21 is made to the Division of Energy Planning and Conservation in
22

23 the Department of Energy, the same shall mean and refer to the
24 Division of Energy Planning and Conservation in the Depart-
25 ment of Commerce, Energy and Economic Development.

1 8. (New section) a. The Advisory Council on Energy Planning
2 and Conservation in the Division of Energy Planning and Con-
3 servation in the Department of Energy, together with all its
4 functions, powers and duties, is continued and transferred to and
5 constituted the Advisory Council on Energy Planning and Con-
6 servation in the Division of Energy Planning and Conservation
7 in the Department of Commerce, Energy and Economic Develop-
8 ment.

9 b. Whenever, in any law, rule, regulation, order, contract, docu-
10 ment, judicial or administrative proceeding or otherwise, refer-
11 ence is made to the Advisory Council on Energy Planning and
12 Conservation in the Department of Energy, the same shall mean
13 and refer to the Advisory Council on Energy Planning and Con-
14 servation in the Department of Commerce, Energy and Economic
15 Development.

1 9. (New section) a. The Board of Public Utilities and the posi-
2 tions of president and commissioners thereof, designated as such
3 pursuant to the provisions of P. L. 1977, c. 146 (C. 52:27F-1
4 et seq.), are continued and designated as the Board of Public
5 Utilities and the president and commissioners thereof in but not
6 of the Department of the Treasury. Notwithstanding this allo-
7 cation, the board shall be independent of any supervision or con-
8 trol by the Department of Treasury or by any officer thereof,
9 and, unless otherwise expressly provided by law, the board shall
10 be independent of any supervision or control by the Division of
11 Energy Planning and Conservation in the Department of Com-
12 merce, Energy and Economic Development or by any officer
13 thereof. The Department of Civil Service shall not reclassify any
14 title or position transferred from the Board of Public Utilities
15 pursuant to this act without the approval of the board. The presi-
16 dent and commissioners of the Board of Public Utilities shall be
17 appointed in the manner, and shall receive such salaries as shall
18 be provided by law.

19 b. All functions, powers and duties now vested in the Board of
20 Public Utilities in the Department of Energy and in the positions
21 of president and commissioners thereof are transferred to and
22 assumed by the Board of Public Utilities in the Department of
23 the Treasury and the president and commissioners thereof.

24 c. Whenever in any law, rule, regulation, order, contract, docu-

25 ment, judicial or administrative proceeding or otherwise, reference
 26 is made to the Board of Public Utilities in the Department of
 27 Energy, the same shall mean and refer to the Board of Public
 28 Utilities in the Department of the Treasury.

1 10. (New section) a. The New Jersey Public Broadcasting
 2 Authority, allocated within the Department of Energy pursuant
 3 to P. L. 1977, c. 146 (C. 52:27F-1 et seq.), together with all its
 4 functions, powers and duties is continued and is transferred to
 5 and constituted the New Jersey Public Broadcasting Authority
 6 in but not of the Department of Commerce, Energy and Economic
 7 Development. Notwithstanding this allocation, the authority shall
 8 be independent of any supervision or control by the Department
 9 of Commerce, Energy and Economic Development or by any
 10 officer or employee thereof. This act shall not affect the terms
 11 of office of, nor the salaries received by, the present members of
 12 the New Jersey Public Broadcasting Authority, or of any officers
 13 or employees thereof.

14 b. Whenever in any law, rule, regulation, order, contract, docu-
 15 ment, judicial or administrative proceeding or otherwise, refer-
 16 ence is made to the New Jersey Public Broadcasting Authority
 17 in the Department of Energy, the same shall mean and refer to
 18 the New Jersey Public Broadcasting Authority in the Department
 19 of Commerce, Energy and Economic Development.

1 11. (New section) a. All of the functions, powers and duties
 2 heretofore exercised by the Department of Energy and the com-
 3 missioner thereof pursuant to P. L. 1981, c. 278 (C. 13:1E-92
 4 et seq.) are continued and transferred to and vested in the De-
 5 partment of Environmental Protection and the commissioner
 6 thereof.

7 b. Whenever in any law, rule, regulation, order, contract, docu-
 8 ment, judicial or administrative proceeding or otherwise, reference
 9 is made to the Office of Recycling in the Department of Energy,
 10 the same shall mean and refer to the Office of Recycling in the
 11 Department of Environmental Protection or its successor.

1 12. (New section) All of the functions, powers and duties here-
 2 tofore exercised by the Department of Energy and the commis-
 3 sioner thereof pursuant to P. L. 1977, c. 146 (C. 52:27F-1 et seq.)
 4 relating to the adoption, amendment and repeal of the energy
 5 subcode of the State Uniform Construction Code pursuant to
 6 P. L. 1975, c. 217 (C. 52:27D-119 et seq.) and P. L. 1977, c. 256
 7 (C. 54:4-3.113 et seq.) are hereby transferred to and vested in
 8 the Department of Community Affairs and the commissioner
 9 thereof.

1 13. (New section) All of the functions, powers and duties here-
 2 tofore exercised by the Department of Energy and the com-
 3 missioner thereof pursuant to P. L. 1980, c. 68; P. L. 1981, c. 302
 4 (C. 26:2D-37 et seq.); section 15 of P. L. 1971, c. 193 (C. 40A:11-15)
 5 as amended by P. L. 1981, c. 551; P. L. 1983, c. 115 (C. 48:7-16
 6 et seq.); P. L. 1983, c. 559 (C. 52:27F-16.1 et seq.); and N. J. S.
 7 18A:18A-42 and N. J. S. 18A:18A-5 as amended by P. L. 1984,
 8 c. 49 are transferred to and vested in the Department of Com-
 9 merce, Energy and Economic Development and the commissioner
 10 thereof.

1 14. Section 12 of P. L. 1977, c. 146 (C. 52:27F-14) is amended
 2 to read as follows:

3 12. a. **[The department, through the Division of Energy Plan-**
 4 **ning and Conservation]**

5 *There is established an Energy Master Plan Committee (here-*
 6 *inafter "Committee") which shall be composed of the heads of*
 7 *the following principal departments or their designees: Commerce,*
 8 *Energy and Economic Development; Community Affairs; Envi-*
 9 *ronmental Protection; Health; Human Services; Transportation;*
 10 *and Treasury. The Commissioner of Commerce, Energy and Eco-*
 11 *nomie Development or his designee shall be the chairperson of the*
 12 *committee. The committee shall be responsible for the preparation,*
 13 *adoption and revision of master plans regarding the production,*
 14 *distribution, and conservation of energy in this State.*

15 *b. The committee* within one year of the effective date of this
 16 act, shall prepare or cause to be prepared, and, after public hear-
 17 ings as hereinafter provided, adopt a master plan for a period of
 18 10 years on the production, distribution, consumption and con-
 19 servation of energy in this State. Such plan shall be revised and
 20 updated at least once every three years. The plan shall include
 21 long-term objectives but shall provide for the interim implemen-
 22 tation of measures consistent with said objectives. The **[depart-**
 23 **ment]** *committee* may from time to time and after public hearings
 24 amend the master plan. In preparing the master plan or any
 25 portion thereof or amendment thereto the department shall give
 26 due consideration to the energy needs and supplies in the several
 27 geographic areas of the State, and shall consult and cooperate
 28 with any federal or State agency having an interest in the pro-
 29 duction, distribution, consumption or conservation of energy.

30 **[b.] c.** Upon preparation of such master plan, and each revi-
 31 sion thereof, the **[department]** *committee* shall cause copies
 32 thereof to be printed, shall transmit sufficient copies thereof to

33 the Governor and the Legislature, for the use of the members
34 thereof, and shall advertise, in such newspapers as the commis-
35 sioner determines appropriate to reach the greatest possible num-
36 ber of citizens of New Jersey, the existence and availability of
37 such draft plan from the offices of the **[department]** *committee*
38 for the use of such citizens as may request same. In addition, the
39 department shall:

40 (1) Fix dates for the commencement of a series of public hear-
41 ings, at least one of which shall be held in each geographical area
42 delineated in the master plan. Each such public hearing shall con-
43 cern the overall content of the plan and those aspects thereof that
44 have relevance to the specific geographical area in which each
45 such public hearing is being held;

46 (2) At least 60 days prior to each public hearing held pursuant
47 to this section, notify each energy industry and each State depart-
48 ment, commission, authority, council, agency, or board charged
49 with the regulation, supervision or control of any business, in-
50 dustry or utility engaged in the production, processing, distribu-
51 tion, transmission, or storage of energy in any form of the time
52 and place for the hearing and shall publish such notice in a news-
53 paper of general circulation in the region where the hearing is to
54 be held, and in such newspapers of general circulation in the
55 State as the commissioner determines appropriate to reach the
56 greatest possible number of citizens of New Jersey.

57 **[c.] d.** Upon the completion of the requirements of subsection
58 **[b.] c.** of this section, the **[department]** *committee* shall consider
59 the testimony presented at all such public hearings and adopt
60 the energy master plan, together with any additions, deletions, or
61 revisions it shall deem appropriate.

62 **[d.] e.** Upon the adoption of the energy master plan, and upon
63 each revision thereof, the **[department]** *committee* shall cause
64 copies thereof to be printed and shall transmit sufficient copies
65 thereof to the Governor and the Legislature, for the use of the
66 members thereof, and to each State department, commission,
67 authority, council, agency, or board charged with the regulation,
68 supervision or control of any business, industry or utility engaged
69 in the production, processing, distribution, transmission, or stor-
70 age of energy in any form. In addition, the **[department]** *com-*
71 *mittee* shall advertise in the manner provided in subsection **[b.]**
72 *c.* of this section the existence and availability of the energy
73 master plan from the offices of the **[department]** *committee* for
74 the use of such citizens of New Jersey as may request same; pro-

75 vided, however, that the [department] *committee* may charge a
 76 fee for such copies of the energy master plan sufficient to cover
 77 the costs of printing and distributing same.

1 15. (New section) All transfers directed by this act shall be
 2 made in accordance with the "State Agency Transfer Act," P. L.
 3 1971, c. 375 (C. 52:14D-1 et seq.).

1 16. (New section) All acts and parts of acts inconsistent with
 2 any of the provisions of this act are, to the extent of the incon-
 3 sistency, superseded.

1 17. The following are repealed:

2 P. L. 1977, c. 146, § 1 (C. 52:27F-1);

3 P. L. 1977, c. 146, §§ 4 and 5 (C. 52:27F-4 and 52:27F-5);

4 P. L. 1977, c. 146, § 5.2 through 8 (C. 52:27F-7 through
 5 52:27F-10 inclusive);

6 P. L. 1977, c. 146, § 22.1 (C. 52:27F-25);

7 P. L. 1977, c. 146, § 24 (C. 52:27F-27);

8 P. L. 1977, c. 146, §§ 26 and 27 (C. 52:27F-29 and 52:27F-30).

1 18. This act shall take effect 90 days next following its enact-
 2 ment, but any action necessary to effectuate the provisions of this
 3 act upon the effective date may be taken prior thereto.

STATE GOVERNMENT—GENERAL

Abolishes Department of Energy; transfers offices and functions.

ASSEMBLY, No. 2019

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 13, 1986

By Assemblymen HAYTAIAN, LITTELL, FELICE, Assemblywoman RANDALL, Assemblymen KAVANAUGH, PENN, RAFFERTY, Assemblywoman SMITH and Assemblyman FRANKS

AN ACT abolishing the Department of Energy as a principal department in the Executive Branch of State Government, providing for the transfer of certain of its functions, powers and duties and repealing sundry parts of P. L. 1977, c. 146.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Department of Energy is abolished as a principal depart-
2 ment in the Executive Branch of State Government and all its
3 functions, powers and duties, except as herein otherwise provided,
4 are terminated.

1 2. The offices and terms of the Commissioner of Energy, the
2 assistant commissioners of energy, the members of the Advisory
3 Council on Energy Planning and Conservation, and the directors
4 of the several offices of the Department of Energy, except as herein
5 otherwise provided, shall, upon the effective date of this act,
6 terminate.

1 3. a. The Division of Energy Planning and Conservation in the
2 Department of Energy, together with all its functions, powers and
3 duties, is continued, and this division is transferred to and con-
4 stituted the Division of Energy Planning and Conservation in the
5 Department of Commerce and Economic Development.

6 b. The Division of Energy Planning and Conservation shall be
7 under the immediate supervision of a director who shall be
8 appointed by the Governor, with the advice and consent of the

9 Senate, and who shall serve at the pleasure of the Governor during
10 the Governor's term of office and until the appointment and quali-
11 fication of his successor. The director shall receive a salary which
12 shall be within a salary range as established by the Department of
13 Civil Service with the approval of the Director of the Division of
14 Budget and Accounting.

15 The director shall administer the work of the division under the
16 direction and supervision of the Commissioner of Commerce and
17 Economic Development and shall perform any other functions of
18 the department as the commissioner may prescribe.

19 c. The person in office as the Director of the Division of Energy
20 Planning and Conservation in the Department of Energy on the
21 effective date of this act shall hold the office of Director of the
22 Division of Energy Planning and Conservation established here-
23 under in the Department of Commerce and Economic Development
24 for the period of his term as Director of the Division of Energy
25 Planning and Conservation in the Department of Energy which
26 remains unexpired on the effective date of this act, and until his
27 successor is appointed and qualified.

28 d. Whenever in any law, rule, regulation, order, contract, docu-
29 ment, judicial or administrative proceeding or otherwise, reference
30 is made to the Division of Energy Planning and Conservation in
31 the Department of Energy, the same shall mean and refer to the
32 Division of Energy Planning and Conservation in the Department
33 of Commerce and Economic Development.

1 4. a. The Board of Public Utilities and the positions of president
2 and commissioners thereof, designated as such pursuant to the pro-
3 visions of P. L. 1977, c. 146 (C. 52:27F-1 et seq.), are continued and
4 designated as the Board of Public Utilities and the president and
5 commissioners thereof in the Department of Commerce and
6 Economic Development. This act shall not affect the terms of office
7 of, nor the salaries received by, the present members of the Board
8 of Public Utilities, or of any officers or employees thereof. The
9 Department of Civil Service shall not reclassify any title or posi-
10 tion transferred from the Board of Public Utilities pursuant to
11 this act without the approval of the board. The President and
12 Commissioners of the Board of Public Utilities shall be appointed
13 in the manner provided by existing law, and shall receive such
14 salaries as shall be provided by law.

15 b. All functions, powers and duties now vested in the Board of
16 Public Utilities in the Department of Energy and in the positions
17 of president and commissioners thereof are transferred to and

18 assumed by the Board of Public Utilities in the Department of
19 Commerce and Economic Development and the president and com-
20 missioners thereof.

21 c. Whenever in any law, rule, regulation, order, contract, docu-
22 ment, judicial or administrative proceeding or otherwise, reference
23 is made to the Board of Public Utilities in the Department of
24 Energy, the same shall mean and refer to the Board of Public
25 Utilities in the Department of Commerce and Economic Develop-
26 ment.

1 5. a. The New Jersey Public Broadcasting Authority, allocated
2 within the Department of Energy pursuant to P. L. 1977, c. 146 (C.
3 52:27F-1 et seq.), together with all its functions, powers and duties
4 pursuant to P. L. 1968, c. 405 (C. 48:23-1 et seq.) is continued, and
5 the authority is transferred to and constituted the New Jersey
6 Public Broadcasting Authority in the Department of Commerce
7 and Economic Development. Notwithstanding this allocation, the
8 authority shall be independent of any supervision or control by the
9 department or by an officer or employee thereof.

10 b. Whenever in any law, rule, regulation, order, contract, docu-
11 ment, judicial or administrative proceeding or otherwise, reference
12 is made to the New Jersey Public Broadcasting Authority in the
13 Department of Energy, the same shall mean and refer to the New
14 Jersey Public Broadcasting Authority in the Department of Com-
15 merce and Economic Development.

1 6. All of the functions, powers and duties heretofore exercised
2 by the Department of Energy and the commissioner thereof pur-
3 suant to P. L. 1977, c. 256 (C. 54:4-3.113 et seq.), P. L. 1980, c. 68,
4 P. L. 1981, c. 278 (C. 13:1E-92 et seq.), and P. L. 1981, c. 302 (C.
5 26:2D-37 et al.) are transferred to and vested in the Division of
6 Energy Planning and Conservation in the Department of Com-
7 merce and Economic Development and the director thereof.

1 7. a. All appropriations, grants and other moneys available to
2 the Department of Energy, the Division of Energy Planning and
3 Conservation and the Board of Public Utilities are transferred to
4 the Department of Commerce and Economic Development and shall
5 remain available for the objects and purposes for which appro-
6 priated, subject to any terms, restrictions, limitations or other
7 requirements imposed by federal or State law.

8 b. All files, books, paper, records, equipment, and other property
9 of the Department of Energy, the Division of Energy Planning and
10 Conservation and the Board of Public Utilities are transferred to
11 the Department of Commerce and Economic Development.

12 c. The rules, regulations, and orders of the Department of
 13 Energy, the Division of Energy Planning and Conservation and the
 14 Board of Public Utilities shall continue with full force as the rules,
 15 regulations and orders of the Department of Commerce and
 16 Economic Development, the Division of Energy Planning and Con-
 17 servation in the Department of Commerce and Economic Develop-
 18 ment and the Board of Public Utilities in the Department of Com-
 19 merce and Economic Development, respectively, until further
 20 amended or repealed. Any rule or regulation which has been pro-
 21 posed by the Department of Energy, the Division of Energy
 22 Planning and Conservation, or the Board of Public Utilities pur-
 23 suant to the provisions of the "Administrative Procedure Act,"
 24 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), prior to the effective date
 25 of this act, shall be considered as a proposed rule of the Depart-
 26 ment of Commerce and Economic Development, the Division of
 27 Energy Planning and Conservation in the Department of Com-
 28 merce and Economic Development, or of the Board of Public
 29 Utilities in the Department of Commerce and Economic Develop-
 30 ment, as the case may be.

31 d. This act shall not affect actions or proceedings, civil or
 32 criminal, brought by or against the Department of Energy or the
 33 Board of Public Utilities and pending on the effective date of this
 34 act, and these actions or proceedings may be further prosecuted or
 35 defended in the same manner and to the same effect by the Depart-
 36 ment of Commerce and Economic Development.

1 8. All transfers directed by this act shall be made in accordance
 2 with the "State Agency Transfer Act," P. L. 1971, c. 375 (C.
 3 52:14D-1 et seq.).

1 9. All acts and parts of acts inconsistent with any of the pro-
 2 visions of this act are, to the extent of the inconsistency, super-
 3 seded.

1 10. The following are repealed:

2 P. L. 1977, c. 146, §§ 1 and 2 (C. 52:27F-1 and 52:27F-2 in-
 3 clusive);

4 P. L. 1977, c. 146, §§ 4 and 5 (C. 52:27F-4 and 52:27F-5);

5 P. L. 1977, c. 146, § 5.2 (C. 52:27F-7);

6 P. L. 1977, c. 146, §§ 6 through 8 (C. 52:27F-8 through 52:27F-10
 7 inclusive);

8 P. L. 1977, c. 146, §§ 10 and 11 (C. 52:27F-12 and 52:27F-13 in-
 9 clusive);

10 P. L. 1977, c. 146, §§ 17 and 18 (C. 52:27F-19 and 52:27F-20
 11 inclusive);

12 P. L. 1977, c. 146, § 22.1 (C. 52:27F-25);
13 P. L. 1977, c. 146, §§ 26 through 29 (C. 52:27F-29 through
14 52:27F-32 inclusive).

1 11. This act shall take effect 90 days next following its enactment,
2 but any action necessary to effectuate the provisions of this act
3 upon the effective date may be taken prior thereto.

STATEMENT

This bill would abolish the Department of Energy. The bill further provides for the transfer of the Division of Energy Planning and Conservation and the Board of Public Utilities, respectively, to the newly created Department of Commerce and Economic Development. The New Jersey Public Broadcasting Authority, now allocated within the Department of Energy, would also be re-allocated within the Department of Commerce and Economic Development.

This bill would eliminate any excess bureaucracy in the form of dual personnel, administrative and secretarial support staffs operating within the Department of Energy and its autonomous unit, the Board of Public Utilities. More importantly, this bill would significantly streamline the operations of the Executive Branch of the State government by totally eliminating one State department and transferring certain of its necessary functions to the Department of Commerce and Economic Development wherein they more properly belong.

ENERGY

Abolishes the Department of Energy and transfers certain of its powers to the Department of Commerce and Economic Development.

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ASSEMBLY, No. 2080
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 20, 1986

By Assemblyman BROWN

AN ACT abolishing the Department of Energy as a principal department in the Executive Branch of State Government, providing for the transfer of certain of its functions, powers and duties, and repealing various sections of P. L. 1977, c. 146.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Department of Energy is abolished as a principal department
2 in the Executive Branch of State Government and all its
3 functions, powers and duties, except as otherwise provided in this
4 act, are terminated.

1 2. The offices and terms of the Commissioner of Energy, the
2 assistant commissioners of energy and the directors of the several
3 offices of the Department of Energy, except as provided in this act,
4 shall terminate.

1 3. a. The Division of Energy Planning and Conservation in the
2 Department of Energy, together with all its functions, powers and
3 duties, is continued, and transferred to and constituted the Division
4 of Energy Planning and Conservation in the Department of
5 Environmental Protection.

6 b. The Division of Energy Planning and Conservation shall be
7 under the immediate supervision of a director who shall be appointed
8 by the Governor, with the advice and consent of the Senate,
9 and who shall serve at the pleasure of the Governor during the
10 Governor's term of office and until a successor is appointed and
11 qualified. The director shall receive a salary which shall be within
12 a salary range as established by the Department of Civil Service

13 with the approval of the Director of the Division of Budget and
14 Accounting.

15 The director shall administer the work of the division under the
16 direction and supervision of the Commissioner of Environmental
17 Protection and shall perform any other functions of the depart-
18 ment as the commissioner may prescribe.

19 c. The person in office as the Director of the Division of Energy
20 Planning and Conservation in the Department of Energy on the
21 effective date of this act shall hold the office of Director of the
22 Division of Energy Planning and Conservation established in the
23 Department of Environmental Protection pursuant to this act for
24 the unexpired portion of the director's term as Director of the
25 Division of Energy Planning and Conservation in the Department
26 of Energy, and until a successor is appointed and qualified.

27 d. Whenever in any law, rule, regulation, order, contract, docu-
28 ment, judicial or administrative proceeding or otherwise, reference
29 is made to the Division of Energy Planning and Conservation in
30 the Department of Energy, the same shall mean and refer to the
31 Division of Energy Planning and Conservation in the Department
32 of Environmental Protection.

1 4. a. The Advisory Council on Energy Planning and Conserva-
2 tion, allocated within the Department of Energy pursuant to P. L.
3 1977, c. 146 (C. 52:27F-1 et seq.), together with all its functions,
4 powers and duties, is continued, and is transferred to and con-
5 stituted the Advisory Council on Energy Planning and Conserva-
6 tion in the Department of Environmental Protection.

7 b. Whenever, in any law, rule, regulation, order, contract, docu-
8 ment, judicial or administrative proceeding or otherwise, reference
9 is made to the Advisory Council on Energy Planning and Con-
10 servation in the Department of Energy, the same shall mean and
11 refer to the Advisory Council on Energy Planning and Conserva-
12 tion in the Department of Environmental Protection.

1 5. a. The Board of Public Utilities and the positions of president
2 and commissioners thereof, designated as such pursuant to the pro-
3 visions of P. L. 1977, c. 146 (C. 52:27F-1 et seq.), are continued
4 and designated as the Board of Public Utilities and the president
5 and commissioners thereof in the Department of Environmental
6 Protection. This act shall not affect the terms of office of, nor the
7 salaries received by, the present members of the Board of Public
8 Utilities, or of any officers or employees thereof. The Department
9 of Civil Service shall not reclassify any title or position trans-
10 ferred from the Board of Public Utilities pursuant to this act with-
11 out the approval of the board. The President and Commissioners

12 of the Board of Public Utilities shall be appointed in the manner,
13 and shall receive such salaries, as provided by law.

14 b. All functions, powers and duties now vested in the Board of
15 Public Utilities in the Department of Energy and in the positions
16 of president and commissioners thereof are transferred to and
17 assumed by the Board of Public Utilities in the Department of
18 Environmental Protection and the president and commissioners
19 thereof.

20 c. Whenever in any law, rule, regulation, order, contract, docu-
21 ment, judicial or administrative proceeding or otherwise, reference
22 is made to the Board of Public Utilities in the Department of
23 Energy, the same shall mean and refer to the Board of Public
24 Utilities in the Department of Environmental Protection.

1 6. a. The New Jersey Public Broadcasting Authority, allocated
2 within the Department of Energy pursuant to P. L. 1977, c. 146
3 (C. 52:27F-1 et seq.), together with all its functions, powers and
4 duties, is continued, and is transferred to and constituted the New
5 Jersey Public Broadcasting Authority in the Department of State.
6 Notwithstanding this allocation, the authority shall be independent
7 of any supervision or control by the department or by an officer
8 or employee thereof. This act shall not affect the terms of office
9 of, nor the salaries received by, the present members of the New
10 Jersey Public Broadcasting Authority, or of any officers or em-
11 ployees thereof.

12 b. Whenever in any law, rule, regulation, order, contract, docu-
13 ment, judicial or administrative proceeding or otherwise, reference
14 is made to the New Jersey Public Broadcasting Authority in the
15 Department of Energy, the same shall mean and refer to the New
16 Jersey Public Broadcasting Authority in the Department of State.

1 7. All the functions, powers and duties heretofore exercised by
2 the Department of Energy and the Commissioner thereof pursuant
3 to P. L. 1977, c. 256 (C. 54:4-3.113 et seq.), P. L. 1980, c. 68, P. L.
4 1981, c. 278 (C. 13:1E-92 et seq.), P. L. 1981, c. 302 (C. 26:2D-37
5 et seq.), P. L. 1983, c. 115 (C. 48:7-16 et seq.), P. L. 1981, c. 551,
6 P. L. 1983, c. 559 (C. 52:27F-16.1 et seq.), and P. L. 1984, c. 49
7 are transferred to and vested in the Division of Energy Planning
8 and Conservation in the Department of Environmental Protection
9 and the director thereof.

1 8. a. All appropriations, grants and other moneys available to
2 the Department of Energy, the Division of Energy Planning and
3 Conservation, or the Board of Public Utilities are transferred to
4 the Department of Environmental Protection and shall remain

5 available for the object and purposes for which appropriated, sub-
6 ject to any terms, restrictions, limitations, or other requirements
7 imposed by federal or State law.

8 b. All files, books, papers, records, equipment, and other property
9 of the Department of Energy, the Division of Energy Planning
10 and Conservation, or the Board of Public Utilities are transferred
11 to the Department of Environmental Protection.

12 c. The rules, regulations, and orders of the Department of
13 Energy, the Division of Energy Planning and Conservation, and
14 the Board of Public Utilities shall continue with full force as the
15 rules, regulations and orders of the Department of Environmental
16 Protection, the Division of Energy Planning and Conservation in
17 the Department of Environmental Protection, and the Board of
18 Public Utilities in the Department of Environmental Protection,
19 respectively, until further amended or repealed. Any rule or regu-
20 lation which has been proposed by the Department of Energy, the
21 Division of Energy Planning and Conservation, or the Board of
22 Public Utilities pursuant to the provisions of the "Administrative
23 Procedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), prior to
24 the effective date of this act, shall be considered as a proposed
25 rule of the Department of Environmental Protection, the Division
26 of Energy Planning and Conservation in the Department of En-
27 vironmental Protection, or of the Board of Public Utilities in the
28 Department of Environmental Protection, as the case may be.

29 d. This act shall not affect actions or proceedings, civil or crimi-
30 nal, brought by or against the Department of Energy or the Board
31 of Public Utilities and pending on the effective date of this act,
32 and these actions or proceedings may be further prosecuted or
33 defended in the same manner and to the same effect by the De-
34 partment of Environmental Protection.

1 9. All transfers directed by this act shall be made in accordance
2 with the "State Agency Transfer Act," P. L. 1971, c. 375 (C.
3 52:14D-1 et seq.).

1 10. All acts and parts of acts inconsistent with any of the pro-
2 visions of this act are, to the extent of the inconsistency, superseded.

1 11. The following are repealed:

2 P. L. 1977, c. 146, ss. 1 and 2 (C. 52:27F-1 and 52:27F-2 in-
3 clusive);

4 P. L. 1977, c. 146 ss. 4 and 5 (C. 52:27F-4 and 52:27F-5 in-
5 clusive);

6 P. L. 1977, c. 146, ss. 5.2 through 8 (C. 52:27F-7 through
7 52:27F-10 inclusive);

8 P. L. 1977, c. 146, ss. 17 and 18 (C. 52:27F-19 and 52:27F-20
9 inclusive);

10 P. L. 1977, c. 146, s. 21 (C. 52:27F-23);

11 P. L. 1977, c. 146, s. 22.1 (C. 52:27F-25);

12 P. L. 1977, c. 146, ss. 26 through 29 (C. 52:27F-29 through
13 52:27F-32 inclusive).

1 12. This act shall take effect 90 days following enactment, but
2 any action necessary to implement the provisions of this act upon
3 the effective date thereof shall be taken prior thereto.

STATEMENT

This bill abolishes the Department of Energy. The bill further provides for the transfer of the Division of Energy Planning and Conservation, the Advisory Council on Energy Planning and Conservation, and the Board of Public Utilities, respectively, to the Department of Environmental Protection. The New Jersey Public Broadcasting Authority, now allocated within the Department of Energy, would be reallocated within the Department of State.

This bill eliminates the excess bureaucracy in the form of dual administrative and secretarial support staffs operating within the Department of Energy and its autonomous unit, the Board of Public Utilities. More importantly, this bill streamlines the operations of the Executive Branch of the State Government by totally eliminating one State department and transferring certain of its necessary functions to the Departments of Environmental Protection and State wherein these functions more properly belong.

ENERGY

Abolishes the Department of Energy and transfers of its components and necessary functions to the Departments of Environmental Protection and State, as appropriate.

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ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2019 and 2080

STATE OF NEW JERSEY

DATED: MAY 12, 1986

The Assembly Appropriations Committee favorably reports this bill.

This bill abolishes the Department of Energy and transfers most of its functions and responsibilities to the renamed Department of Commerce, Energy and Economic Development. Additionally, certain offices and functions are appropriately transferred to the Departments of Environmental Protection, Community Affairs and Treasury as follows:

Department of Commerce, Energy and Economic Development—

Division of Energy Planning and Conservation,

Advisory Council on Energy Planning and Conservation,

N. J. Public Broadcasting Authority, (in but not of):

Department of Treasury—

Board of Public Utilities, (in but not of);

Department of Environmental Protection—

Office of Recycling;

Department of Community Affairs—

Duties and responsibilities concerning the energy subcode of the Uniform Construction Code

An "Energy Master Plan Committee" is to be established composed of the department heads or their designees from the following departments: Commerce, Energy and Economic Development; Community Affairs; Environmental Protection; Health; Human Services; Transportation and Treasury.

All transfers are to be made in accordance with the State Agency Transfer Act (P. L. 1971, c. 375) which includes transfer of all appropriations, grants and other moneys available, subject to any terms, restrictions, limitations or other requirements imposed by State or Federal law. The Department of Energy's FY 1986 budget was \$34.9 million of which \$26.2 million was State funds.

The intent of this bill is to eliminate excess bureaucracy and streamline the operations of the Executive Branch.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 2019 and 2080

STATE OF NEW JERSEY

DATED: MAY 5, 1986

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Bill Nos. 2019 and 2080.

This bill abolishes the Department of Energy and provides for the transfer of most of its functions to the renamed and reconstituted Department of Commerce, Energy and Economic Development. This bill would eliminate excess bureaucracy and significantly streamline the operations of the Executive Branch of State government by eliminating one State department and transferring most of its necessary functions to the Department of Commerce, Energy and Economic Development wherein such duties more properly belong, and to the Departments of Environmental Protection and Community Affairs where appropriate.

The following is an outline of the major provisions of this bill to abolish the Department of Energy:

Section 1: The preamble to the law creating the Department of Commerce and Economic Development is amended to reflect the need to have a principal department in State government with the responsibility to coordinate and integrate the State's economic and energy policies and programs to ensure adequate supplies of energy at reasonable prices to promote the continued good health of the State's economy.

Sections 2 to 4: Renames the Department of Commerce and Economic Development and commissioner thereof as the Department of Commerce, Energy and Economic Development and commissioner thereof.

Sections 5 and 6: Abolishes the present Department of Energy and terminates the offices of commissioner and other officials of the department.

Section 7: Transfers the Division of Energy Planning and Conservation to the Department of Commerce, Energy and Economic Development.

Section 8: Transfers the Advisory Council on Energy Planning and Conservation to the Department of Commerce, Energy and Economic Development.

Section 9: Transfers the Board of Public Utilities to the Department of the Treasury. The Board of Public Utilities would continue to be an "in but not of" agency, and therefore would not be subject to the control of the Department of Treasury or by any officer thereof.

Section 10: Transfers the New Jersey Public Broadcasting Authority as an "in but not of" agency from the Department of Energy to the Department of Commerce, Energy and Economic Development.

Section 11: Transfers the Office of Recycling from Energy to the Department of Environmental Protection.

Section 12: The Department of Energy Act had transferred the duties exercised by the Department of Community Affairs with respect to the energy subcode of the State Uniform Construction Code to the Department of Energy. This bill returns all building code related functions to the Department of Community Affairs from the Department of Energy.

Section 13: Transfers all of the Department of Energy's statutory responsibilities not otherwise transferred to the Department of Commerce, Energy and Economic Development and the commissioner thereof.

Section 14: Transfers the responsibility for developing an energy master plan from the Commissioner of the Department of Energy to an Energy Master Plan Committee representing several departments with responsibility over or an interest in energy matters.

Section 15: All transfers are to be made in accordance with the State Agency Transfer Act.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 2019 and 2080

STATE OF NEW JERSEY

DATED: DECEMBER 17, 1987

The Senate Energy and Environment Committee favorably reports Assembly Bill No. 2019/2080 ACS.

This bill would abolish the Department of Energy as a principal department of State Government, and would transfer most of its powers, duties and functions to the Department of Commerce and Economic Development. This transfer is accomplished by transferring the existing Division of Energy Planning and Conservation and the Advisory Council on Energy Planning and Conservation in the Department of Energy to the Department of Commerce, Energy, and Economic Development. This bill also transfers the Board of Public Utilities to the Department of the Treasury, where it will be, as it was in the Department of Energy, independent of any supervision or control by the department in which it is located. In addition, this bill transfers the New Jersey Public Broadcasting Authority to the Department of Commerce, Energy and Economic Development where it would also have independent status. This bill also transfers the Department of Energy's responsibilities concerning the energy subcode of the State Uniform Construction Code and the solar equipment property tax exemption to the Department of Community Affairs. This bill would also vest the responsibility for preparing and revising the New Jersey Energy Master Plan in a special Energy Master Plan Committee composed of the Commissioners of Commerce, Energy and Economic Development, Community Affairs, Environmental Protection, Health, Human Services, Transportation, and Treasury. In addition, the Department of Energy's responsibilities concerning radiation accident response, assessment of the need of electricity generating capacity, review of certain local government unit energy contracts, and the implementation of the "Energy Conservation Bond Act of 1980" (P. L. 1980, c. 68) are also transferred to the Department of Commerce, Energy and Economic Development.

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LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY SUBSTITUTE FOR
ASSEMBLY, Nos. 2019 and 2080

STATE OF NEW JERSEY

DATED: MAY 14, 1986

Assembly Substitute for Assembly Bills No. 2019 and 2080 abolishes the Department of Energy as a principal Executive Branch department. The New Jersey Public Broadcasting Authority is transferred intact to "in but not of the Department of Commerce, Energy and Economic Development." Similarly, the Board of Public Utilities is transferred to "in but not of the Department of the Treasury." Consequently, no fiscal impacts are estimated for these agency moves.

Additionally, the Natural Resource Management program classification of the Department of Energy is transferred to the Department of Commerce, Energy and Economic Development, with the exception of the Office of Recycling and functions related to the energy subcode of the State Uniform Construction Code. The former is transferred to the Department of Environmental Protection and the latter to the Department of Community Affairs.

The Office of Legislative Services estimates that savings will result in three areas, as follows:

Elimination of Energy Commissioner staff	\$175,000
Consolidation of the Divisions of	
Administration	\$125,000
Consolidation of Construction Code functions	\$ 60,000
	<hr/>
	\$360,000

Not all of this can be saved in FY 1987 since the act shall not take effect until 90 days following its enactment. Also, the division of these savings between utility assessments and the General Fund is not known precisely; however, utility assessments represent 71 percent of that program class and the General Fund 29 percent, or \$248,000.00 and \$112,000.00, respectively.

The Office of Legislative Services notes that little fiscal impact is expected in moving the Office of Recycling from Newark to Trenton. This office is funded at approximately \$500,000.00 annually from the dedicated State Recycling Fund. Also, the Office of Legislative Services notes and concurs with testimony of the Department of Commerce and

Economic Development that the merger of the agencies should result in implementation cost savings of possibly \$500,000.00 per year for three years chargeable to federal oil overcharge funds because the department has staff available to administer much of the overcharge fund program.

This legislative fiscal estimate has been produced by the Office of Legislative Services.

This fiscal estimate has been prepared pursuant to P. L. 1980, c. 67.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JOHN SAMERJAN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: WED., JAN. 6, 1988

Governor Thomas H. Kean today signed legislation abolishing the Department of Energy and transferring the bulk of its functions to a renamed Department of Commerce, Energy and Economic Development.

The legislation, Acts for A-2019 and A-2080, sponsored by Assemblyman Chuck Haytaian, R-Warren and Assemblyman Willie Brown, D-Essex, codifies the actions of Governor Kean's Reorganization Plan No. 001-1986, filed on June 30, 1986 which transferred most of the Department of Energy's functions to the Department of Commerce and Economic Development, the Department of Community Affairs and the Department of Environmental Protection.

The legislation also formally abolishes the Department of Energy and thus the positions of Commissioner of Energy and Assistant Commissioner of Energy. The bill also transfers the remaining emergency planning functions of the Department of Energy to Commerce, transfers the Board of Public Utilities to Commerce, and the Public Broadcasting Authority becomes "in but not of" the Department of Commerce.

The legislation is effective in 90 days.

#

**Assembly Urban Policy and Waterfront Development Committee Statement
Assembly, No. 471—L.1986, c. 127**

The Assembly Urban Policy and Waterfront Development Committee reports favorably Assembly Bill No. 471, as amended.

By an executive reorganization plan filed on February 27, 1978, the New Jersey Urban Loan Authority (ULA) and New Jersey State Area Redevelopment Authority (ARA) were abolished and their functions, powers, and duties were transferred to the New Jersey Economic Development Authority (NJEDA). Assembly Bill No. 471 provides for the repeal of the statutes which created and funded the ULA and ARA. The bill also permits the transfer of funds previously administered by the ULA and ARA presently held in separate accounts, to the loan and guarantee funds of the NJEDA, or to any other fund that will serve the purposes as outlined in the NJEDA enabling acts. The transfer of funds will facilitate the uniform administration of loan funds under the jurisdiction of the NJEDA. The bill also provides for repayment of moneys loaned to the ARA from the Unclaimed Personal Property Trust Fund as the NJEDA receives repayment from borrowers or liquidates the collateral securing the loans which were funded by appropriations from the Unclaimed Personal Property Trust Fund.

The committee amendment, at the request of NJEDA, would permit NJEDA to negotiate with the State Treasurer for the prepayment of all outstanding appropriations due in future years to the State Treasurer, discounted at an interest rate agreeable to the State Treasurer and the NJEDA.

This bill was pre-filed for introduction in the 1986 session pending technical review. As amended, the bill includes the changes required by technical review which has been performed.

REORGANIZATION PLANS

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

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

GENERAL STATEMENT OF PURPOSE

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

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

Both congressional and court-ordered petroleum violation restitutionary programs have placed a significant administrative burden on the State. This reorganization will allow the State to fulfill its obligations under these programs with greater efficiency.

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

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

The provisions of the Reorganization Plan are as follows:

I. 1.a. The Division of Energy Planning and Conservation in the Department of Energy, created pursuant to P.L. 1977, c. 146 (C. 52:27F-7), together with all its functions, powers and duties, as set forth in P.L. 1977, c. 146 (C. 52:27F-14), is continued and this division is transferred to and constituted the Division of Energy Planning and Conservation in the Department of Commerce and Economic Development.

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

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

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

I find that this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization

will confer on the Department of Commerce and Economic Development the necessary authority to implement the important goals of coordinating and integrating the State's economic and energy policies to ensure the availability of energy at reasonable prices. This reorganization will also promote and assist the development and utilization of cogeneration of energy and programs of energy conservation for both residential and commercial users. This Plan will provide for the collection and dissemination of energy data for the benefit of promoting the economy.

II. 1.a. The Advisory Council on Energy Planning and Conservation in the Division of Energy Planning and Conservation in the Department of Energy, created by P.L. 1977, c. 146, §10 (C. 52:27F-12), together with all its functions, powers and duties as set forth in P.L. 1977, c. 146, §11 (C. 52:27F-13), is continued and transferred to and constituted the Advisory Council on Energy Planning and Conservation in the Division of Energy Planning and Conservation in the Department of Commerce and Economic Development.

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

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

III. 1.a. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P.L. 1977, c. 278 (C. 13:1E-92 et seq.) are continued and transferred to and vested in the Department of Environmental Protection and the Commissioner thereof.

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

I find that this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization

REORGANIZATION PLANS

will group functions which are now split between two departments and thereby provide a single supervisory control by a department--Environmental Protection--which is the most logical agency capable of providing a coordinated and unified approach to recycling matters.

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

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

V. 1. All of the functions, powers and duties heretofore exercised by the Department of Energy and the Commissioner thereof pursuant to P.L. 1980, c. 68; §15 of P.L. 1971, c. 198 (C. 40A:11-15) as amended by P.L. 1981, c. 551; P.L. 1983, c. 115 (C. 48:7-16 et seq.); and N.J.S. 18A:18A-42 and N.J.S. 18A:18A-5 as amended by P.L. 1984, c. 49 are transferred to and vested in the Department of Commerce and Economic Development and the Commissioner thereof.

I find that this reorganization is necessary to accomplish the purposes set forth in Section 2 of P.L. 1969, c. 203. Specifically, this reorganization would further consolidate conservation functions within the Department of Commerce and Economic Development and help ensure the availability of low-cost energy supplies. In addition, the transfer of utility plant siting authority is also consistent with the need to ensure the lowest possible long-term electricity rates for all energy users.

VI. 1. The responsibilities for the adoption of a State Energy Master Plan assigned to the Department of Energy, through the Division of Energy Planning and Conservation by P.L. 1977, c. 146, §12 (C. 52:27F-14), and the responsibility and authority to intervene in proceedings of State instrumentalities which regulate energy producers or distributors set forth in P.L.

REORGANIZATION PLANS

1977, c. 146, §13 (C. 52:27F-15) are hereby transferred to the Department of Commerce and Economic Development and the Commissioner thereof.

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

VII. 1. The responsibility and authority requiring the periodic reporting by energy industries of energy information, set forth in P.L. 1977, c. 146, §16 (C. 52:27F-18), is transferred to the Department of Commerce and Economic Development.

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

VIII. 1. The enforcement and penalty authority set forth in §19 (C. 52:27F-21), §21 (C. 52:27F-23) and §22 (C. 52:27F-24) of P.L. 1977, c. 146 is hereby transferred to the Department of Commerce and Economic Development.

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

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

All acts and parts of acts inconsistent with any of the provisions of this Reorganization Plan are superseded to the extent of such inconsistencies. A copy of this Reorganization Plan was filed on June 30, 1986 with the Secretary of State and the Office of Administrative Law. This Plan shall become effective in 60 days on August 29, 1986 unless disapproved by each House of the Legislature by the passage of a concurrent resolution stating in substance that the Legislature does not favor this Reorganization Plan, or at a date later than August 29, 1986 should the Governor establish such a later date for the effective date of the Plan by Executive Order.

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

RESOLUTIONS

BLUE STAR MEMORIAL HIGHWAY—EXTENSION

JOINT RESOLUTION NO. 1

ASSEMBLY JOINT RESOLUTION NO. 6

A JOINT RESOLUTION to extend the designation of the Blue Star Memorial Highway System.

WHEREAS, By Joint Resolution No. 14, approved September 29, 1983, it was resolved that certain highways be designated Blue Star Memorial Highways in the State's Blue Star Memorial Highway System; and

WHEREAS, It is the desire of the Garden Club of New Jersey and the Blue Star Memorial Highway Council to include Interstate Highway Route 287, from the New Jersey Turnpike in Edison to its northern terminus in Montville, in the State's Blue Star Memorial Highway System; now, therefore,

BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey:*

1. That the Commissioner of Transportation shall file with the Secretary of State a description of Interstate Highway Route 287, from the New Jersey Turnpike in Edison to its northern terminus in Montville to be designated as a Blue Star Memorial Highway and to be included in the State's Blue Star Memorial Highway System as a memorial in commemoration of the efforts of the men and women who served in the Armed Forces of the United States of America.

