

30:1-12

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

NJSA: 30:1-12 et al

(Social Services--
regulation &
payment)

LAWS OF: 1990

CHAPTER: 66

Bill No: 1990

Sponsor(s): S2725

Date Introduced: June 4, 1990

Committee: Assembly: -----

Senate: County & Municipal Government; Revenue, Finance &
Appropriations

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: June 19, 1990

Senate: June 18, 1990

Date of Approval: July 17, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes 6-14-90 & 6-13/14-90

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: Yes

Hearings: No

(over)

Report, mentioned in clippings:

- 974.90 New Jersey. State and Local
F491 Expenditure and Revenue Policy Commission.
1988d Final report...1988.
 July 8, 1988. Trenton.
- 974.90 New Jersey. State and Local Expenditure and Revenue policy..
F491 Summary final report. July, 1988.
- 974.90 New Jersey. State AND Local Expenditure and Revenue Policy
F491 Commission.
1988a Final report...1988.
 (Draft. April 14, 1988)
- 974.90 New Jersey, County and Municipal Government Study Commission.
S678 The delivery of human services within New Jersey. 1990.
1990

KBG/SLJ

[FIRST REPRINT]
SENATE, No. 2725

STATE OF NEW JERSEY

INTRODUCED JUNE 4, 1990

By Senators CONTILLO, ORECHIO, AMBROSIO,
FELDMAN and DALTON

1 AN ACT concerning the regulation of and payment for certain
2 social and welfare services and amending and supplementing
3 parts of the statutory law.
4

5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. R.S.30:1-12 is amended to read as follows:

8 30:1-12. a. The Legislature finds that the Commissioner of
9 Human Services is obligated by State and federal law to assure
10 that programs that serve eligible, low-income, handicapped,
11 elderly, abused, and disabled persons are provided in an
12 accessible, efficient, cost-effective and high quality manner. In
13 order to meet these ends, the commissioner must have sufficient
14 authority to require institutions and agencies that are under his
15 direct or indirect supervision to meet State and federal
16 mandates. This authority is especially necessary given the
17 manner in which certain services are provided by county or local
18 agencies, but are funded in whole or part by the State. The
19 Legislature finds that the commissioner must have the authority
20 to establish rules, regulations and directives, including incentives
21 and ¹[penalties] sanctions¹, to assure that these institutions and
22 agencies are providing services in a manner consistent with these
23 mandates.

24 b. The commissioner shall have power to determine all matters
25 relating to the unified and continuous development of the
26 institutions and noninstitutional agencies within his jurisdiction.
27 He shall determine all matters of policy and shall have power to
28 regulate the administration of the institutions or noninstitutional
29 agencies within his jurisdiction, correct and adjust the same so
30 that each shall function as an integral part of a general system.
31 The rules, regulations, orders and directions issued by the
32 commissioner pursuant thereto, for this purpose shall be accepted
33 and enforced by the executive having charge of any institution or
34 group of institutions or noninstitutional agencies or any phase of
35 the work within the jurisdiction of the department.

36 In order to implement the public policy of this State concerning
37 the provision of charitable, hospital, relief and training
38 institutions established for diagnosis, care, treatment, training,

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SCM committee amendments adopted June 14, 1990.

1 rehabilitation and welfare of persons in need thereof, for
2 research and for training of personnel, and in order that the
3 personnel, buildings, land, and other facilities provided be most
4 effectively used to these ends and to advance the public interest,
5 the commissioner is hereby empowered to classify and designate
6 from time to time the specific functions to be performed at and
7 by any of the aforesaid institutions under his jurisdiction and to
8 designate, by general classification of disease or disability, age or
9 sex, the classes of persons who may be admitted to, or served by,
10 these institutions or agencies.

11 In addition to and in conjunction with its general facilities and
12 services for the mentally ill, mentally retarded and tuberculous,
13 the department may at its discretion establish and maintain
14 specialized facilities and services for the residential care,
15 treatment and rehabilitation of persons who are suffering from
16 chronic mental or neurological disorders, including, but not
17 limited to alcoholism, drug addiction, epilepsy and cerebral palsy.

18 The commissioner shall have the power to regulate the
19 administration of agencies under his supervision including, but not
20 limited to, municipal and county welfare agencies. The
21 commissioner may issue rules, regulations, orders and directions
22 to assure that programs administered by the agencies are
23 financially and programmatically efficient and effective, and to
24 establish incentives and impose ¹[penalites] sanctions¹ to assure
25 the appropriate operation of programs and compliance with State
26 and federal laws and regulations.

27 ¹In addition, the commissioner shall have the authority to:

28 (1) review and approve county and municipal welfare agency
29 budgets; and

30 (2) take over and operate county or municipal welfare
31 operations in situations in which the commissioner determines
32 that the welfare board is failing to substantially follow federal or
33 State law, thereby placing clients, who are dependent on public
34 assistance benefits to survive in a humane and healthy manner, at
35 serious risk. In this situation, the commissioner shall have the
36 authority to bill the county for the cost of such operations and
37 for necessary changes to assure that services are provided to
38 accomplish federal and State mandates in an effective and
39 efficient manner.

40 No rule, regulation, order or direction shall abridge the
41 authority of a county or municipal welfare agency to establish
42 wages and terms and conditions of employment for its employees
43 through collective negotiation with an authorized employee
44 organization pursuant to P.L.1984, c.14 (C.44:7-6.1 et seq.).¹

45 (cf: P.L.1971, c.384, s.8)

46 2. Section 86 of P.L.1965, c.59 (C.30:4-165.3) is amended to
47 read as follows:

48 86. Whenever any [mentally retarded] developmentally
49 disabled person is admitted to residential services the

1 commissioner or his designated agent shall notify the county
2 adjuster of the county in which that person is resident who shall
3 proceed to determine legal settlement in accordance with
4 R.S.30:4-49 and 30:4-73 [of this Title]. The State, [the county of
5 settlement, if any,] the [mentally retarded] person or his estate
6 and his legally responsible relatives shall be responsible for the
7 costs of his care in residential services, except that any order for
8 payment shall be issued independently of any order of
9 commitment to the care and custody of the commissioner or to
10 guardianship.

11 If arrangements are made which are satisfactory to the
12 institution for payment of the cost of care and treatment of the
13 [mentally retarded] person and if the chief executive officer or
14 his designated agent is satisfied that the [mentally retarded]
15 person requires residential services and should be admitted then
16 he shall be so admitted without reference of the matter to the
17 county adjuster for presentation to the court.

18 (cf: P.L.1966, c.82, s.2)

19 3. Section 27 of P.L.1951, c.138 (C.30:4C-27) is amended to
20 read as follows:

21 27. Pursuant to the providing of care, custody or guardianship
22 for any child, in accordance with the provisions of this act, the
23 [Bureau of Childrens Services] Division of Youth and Family
24 Services may expend such sums as may be necessary for the
25 reasonable and proper cost of maintenance, including board,
26 lodging, clothing, medical, dental, and hospital care, or any other
27 similar or specialized commodity or service as the needs of any
28 such child may require, except that the [bureau] division shall not
29 maintain a clothing warehouse for the distribution of clothing to
30 children under its jurisdiction. In lieu thereof, the [bureau]
31 division may pay foster parents caring for children under their
32 supervision a sufficient amount to enable them to purchase
33 necessary clothing items required by the children from the local
34 merchants of the locality in which they reside. Such maintenance
35 costs [shall be chargeable against State and county funds as made
36 available in accordance with article 4 of this act, except that]
37 and the total cost of hospital care for children as provided for
38 herein shall be borne by the State [and contributions required to
39 be paid by the counties toward the cost of maintenance of the
40 children involved shall include no part of the cost of such hospital
41 care]. However, no costs shall be chargeable if incurred earlier
42 than the date of the child's acceptance in care as provided in
43 section 12 hereof, or earlier than the date of an order of
44 commitment to guardianship as provided in section 20 hereof.

45 Whenever a medical or psychological examination shall be
46 required for any child as a condition to providing care or custody,
47 or whenever the [Bureau of Childrens Services] division avails
48 itself of the facilities and services of any privately sponsored
49 agency or institution, the cost of the examination or service shall

1 be a proper charge against State [and county] funds, within the
2 limits of available appropriations, in the same manner and extent
3 as expenditures for maintenance.

4 In providing care, custody or guardianship for any child or in
5 the course of determining the eligibility of any child for care,
6 custody or guardianship in accordance with the provisions of this
7 act, the [Bureau of Childrens Services] division may avail itself of
8 the facilities and services of any privately sponsored agency or
9 institution, with due regard to the religious background of the
10 child, which complies with those rules and regulations as
11 established pursuant to this act, paying such fees for service as
12 may be mutually agreed upon by the [bureau] division and the
13 privately sponsored agency or institution providing service.

14 Whenever a child under care, custody or guardianship is in need
15 of operation, anaesthesia, diagnostic tests or treatment, the
16 [Bureau of Childrens Services] division may give its consent
17 thereto. A consent to operation, anaesthesia, diagnostic tests or
18 treatment when given by the [Bureau of Childrens Services]
19 division on behalf of any child receiving care, custody or
20 guardianship shall be deemed legal and valid for all purposes with
21 respect to any person or hospital affording service to such child
22 pursuant to and in reliance upon such consent.

23 Nothing contained herein shall modify the provisions of section
24 6 of the act of which this act is amendatory.

25 (cf: P.L.1962, c.197, s.28)

26 4. Section 30 of P.L.1951, c.138 (C.30:4C-30) is amended to
27 read as follows:

28 30. [Except as provided in section 27 hereof relating to
29 hospital care, the] The cost of maintenance provided under this
30 act for or on behalf of any child shall be [shared 75%] borne by
31 the State [and 25% by that county where such child may be or
32 may have been at the time of the filing of an application seeking
33 care or custody or at the time of the filing of a petition seeking
34 guardianship].

35 The Governor shall fix and determine and state in his annual
36 budget message a sum sufficient to pay the estimated amount
37 required to carry into effect the provisions of this act, together
38 with the deficiencies, if any, incurred in the previous year. The
39 Legislature shall include the amount so determined and stated, in
40 the annual appropriations bill.

41 [Payments from State funds appropriated for the provision of
42 maintenance as authorized by this act shall be made monthly in
43 advance by the State Treasurer, on the warrant of the Director of
44 the Division of Budget and Accounting to the Division of Youth
45 and Family Services, upon statements furnished by the division,
46 approved by the Department of Human Services.]

47 The division may fix the rate of per capita payment for the
48 maintenance of children in each State program and subprogram,
49 including the allowance for clothing.

1 [The division shall annually fix and determine and report to the
2 board of chosen freeholders of each county a sum sufficient to
3 pay the estimated amount of the county's proportionate share of
4 maintenance. Each board of chosen freeholders shall appropriate
5 and make available such amount to the order of the division.
6 Should the amount so appropriated, however, be expended or
7 exhausted during the year and for the purpose for which it was
8 appropriated, additional sums shall be appropriated by such board
9 of chosen freeholders as occasion demands to carry out the
10 provisions of this act, from funds in the county treasury available
11 therefor. Where such county funds are not available or adequate,
12 or should there be no such county funds, such additional sums
13 shall be raised by temporary loans or notes, certificates of
14 indebtedness or temporary loan bonds, to be issued as otherwise
15 provided and limited by law for counties of this State, and the
16 amounts necessary to pay such obligations shall be placed in the
17 budget for the next ensuing fiscal year.

18 Payments from county funds appropriated for the provision of
19 maintenance as authorized by this act shall be made monthly in
20 advance by the treasurer of the county to the division on the
21 basis of commitments for such county upon bills furnished by the
22 division.]

23 (cf: P.L.1985, c.8, s.6)

24 5. Section 32 of P.L.1951, c.138 (30:4C-32) is amended to read
25 as follows:

26 32. Whenever a child receiving care, custody, or guardianship
27 as provided by this act has died, and an investigation by the
28 Division of Youth and Family Services discloses that there are
29 insufficient funds from any other source to provide proper burial,
30 such division shall authorize the expenditure of an amount
31 reasonably necessary to provide proper burial for such child, and
32 such amount shall be a proper charge against State [and county]
33 funds, within the limits of available appropriations, in the same
34 manner and extent as expenditures for maintenance.

35 The amount reasonably necessary to provide proper burial shall
36 be determined by the average cost for a proper burial and funeral
37 charged by funeral directors in the locality in which the child is
38 buried.

39 (cf: P.L.1985, c.282, s.1)

40 6. Section 23 of P.L.1947, c.156 (C.44:8-129) is amended to
41 read as follows:

42 23. In each year the commissioner shall determine the amount
43 of State aid which each municipality shall receive in such year,
44 and the same shall be distributed by the commissioner among the
45 various municipalities making application therefor to the
46 commissioner before July 1 of such year, except those in which
47 public assistance shall be administered by the commissioner for
48 all or any part of such year, by the payment to each municipality
49 of [75%] ¹[90%] 100%¹ of its "current year's public assistance

1 load."

2 ¹[This percentage shall be known as the "public assistance
3 percentage."]¹

4 (cf: P.L.1968, c.139, s.3)

5 7. Section 2 of P.L.1959, c.86 (C.44:10-2) is amended to read
6 as follows:

7 2. Eligible dependent children living in New Jersey and the
8 parent or parents or relative or relatives with whom they are
9 living shall be entitled to financial assistance, to be paid for by
10 the ¹county, ¹ State and federal governments in accordance with
11 the provisions of section 5 of P.L.1959, c.86 (C.44:10-5), and
12 other services from the county welfare agency of the county in
13 which they reside, which shall be administered in accordance with
14 and governed by requirements, conditions, limitations and
15 procedures similar to those established by chapter 7 of Title 44 of
16 the Revised Statutes excepting [sections] R.S.44:7-3, 44:7-5,
17 44:7-14 to 44:7-16, inclusive and R.S.44:7-25. Notwithstanding
18 any provision to the contrary, no natural or adoptive parents with
19 a dependent child as defined in section 1(c)(1)(iii) shall be eligible
20 to receive assistance where the insufficiency of income or
21 resources is the direct result of (a) a voluntary cessation of
22 employment within 90 days prior to the date of application which
23 such voluntary cessation shall include unemployment due to
24 inappropriate work habits resulting in discharge from employment
25 or (b) a voluntary assignment or transfer of property within 1
26 year prior to the time of application for the purpose of qualifying
27 for public assistance.

28 Additionally, application for or receipt of aid to families with
29 dependent children shall operate as an assignment, pursuant to
30 Titles IV-A and IV-D of the Social Security Act, to the county
31 welfare agency of any rights to support from any other person
32 that the applicant or recipient may have on his own behalf or on
33 behalf of any other family member for whom the applicant or
34 recipient is applying for or receiving assistance. The assignment
35 shall terminate with respect to current support rights upon a
36 determination by the director of the county welfare agency that
37 the person is no longer eligible for aid to families with dependent
38 children except with respect to the amount of any unpaid support
39 obligation that has accrued.

40 (cf: P.L.1980, c.172, s.1)

41 8. Section 5 of P.L.1959, c.86 (C.44:10-5) is amended to read
42 as follows:

43 5. The State shall pay to each county welfare agency the full
44 amount of any funds received by the State from the Federal
45 Government as Federal participation with respect to expenditures
46 made by such county welfare agency for aid to families with
47 dependent children ¹(AFDC)¹, plus an additional amount ¹[equal
48 to [75%] 90% of the balance of such expenditures after deducting
49 the amount of such Federal participation], to bring the total

1 Federal and State share of expenditures for AFDC to 95%¹, plus,
2 for aid provided to families with dependent children as defined in
3 section 1(c) 1(ii) and (iii) of this act (C.44:10-1), the entire
4 amount of such expenditures that exceed the level of
5 expenditures in 1976 for aid to families of the working poor
6 pursuant to P.L.1971, c.209 (C.44:13-1 et seq.), after deduction
7 for Federal participation.

8 The State shall also pay to each county welfare agency the full
9 amount of any funds received by the State from the Federal
10 Government as Federal participation with respect to the costs of
11 administration of the program of aid to families with dependent
12 children by such county welfare agency.

13 (cf: P.L.1977, c.127, s.5)

14 9. Section 3 of P.L.1951, c.139 (C.44:7-40) is amended to read
15 as follows:

16 3. The State shall pay to each county welfare board the full
17 amount of any funds received by the State from the Federal
18 Government as Federal participation with respect to expenditures
19 made by such county welfare board for assistance for the
20 permanently and totally disabled, plus [an additional amount
21 equal to 75% of] the balance of such expenditures after deducting
22 the amount of such Federal participation.

23 The State shall also pay to each county welfare board the full
24 amount of any funds received by the State from the Federal
25 Government as Federal participation with respect to the costs of
26 administration of the program of assistance for the permanently
27 and totally disabled by such county welfare board.

28 (cf: P.L.1968, c.139, s.5)

29 10. Section 44 of P.L.1962, c.197 (C.44:7-46) is amended to
30 read as follows:

31 44. The State shall pay to each county welfare board the full
32 amount of any funds received by the State from the Federal
33 Government as Federal participation with respect to expenditures
34 made by such county welfare board for assistance for the blind,
35 plus [an additional amount equal to 75% of] the balance of such
36 expenditures after deducting the amount of such Federal
37 participation.

38 The State shall also pay to each county welfare board the full
39 amount of any funds received by the State from the Federal
40 Government as Federal participation with respect to the costs of
41 administration of the program of assistance for the blind by such
42 county welfare board.

43 (cf: P.L.1968, c.139, s.6)

44 11. ¹[(New section) In determining the final appropriations
45 upon which a county shall calculate its permissible tax levy for
46 the 1991 local fiscal year pursuant to section 2 of P.L.1976, c.68
47 (C.40A:4-45.2), the county shall deduct from its final
48 appropriations:

49 a. an amount equal to the additional amount to be received by

1 the county from the State from July 1 through December 31,
2 1991 pursuant to this act as certified by the State Treasurer; and

3 b. an amount equal to the amount appropriated by the county in
4 the 1990 local fiscal year for those purposes which are borne
5 entirely by the State from July 1 through December 31, 1991,
6 pursuant to this act.] R.S.44:7-25 is amended to read as follows:

7 44:7-25. State's share; additional payment. The State shall
8 pay to each county welfare board the full amount of any funds
9 received by the State from the Federal Government as Federal
10 participation with respect to expenditures made by such county
11 welfare board for old age assistance, including burial and funeral
12 expenses and terminal medical and nursing costs, plus [an
13 additional amount equal to 75% of] the balance of such
14 expenditures after deducting the amount of such Federal
15 participation. The State shall also pay to each county welfare
16 board the full amount of any funds received by the State from the
17 Federal Government as Federal participation with respect to the
18 costs of administration of the program of old age assistance by
19 such county welfare board.¹

20 (cf: P.L.1968, c.139, s.2)

21 12. ¹[(New section) In determining the final appropriations
22 upon which a county shall calculate its permissible tax levy for
23 the 1992 fiscal year, the county shall deduct from its final
24 appropriations for the 1991 local fiscal year:

25 a. an amount equal to the amount by which the amount to be
26 received by the county from the State in the 1992 local fiscal
27 year pursuant to this act exceeds the amount received by the
28 county pursuant to this act in the 1991 local fiscal year as
29 certified by the State Treasurer; and

30 b. an amount equal to the amount appropriated by the county in
31 the 1991 local fiscal year for those purposes which are borne
32 entirely by the State in the 1992 local fiscal year pursuant to this
33 act.] Section 3 of P.L.1973, c.256 (C.44:7-87) is amended to read
34 as follows:

35 3. The commissioner shall:

36 a. Enter into agreements with the government to secure the
37 administration of supplementary payments by the government for
38 such time and upon such conditions as the commissioner may in
39 his discretion deem appropriate.

40 b. Promulgate, alter and amend such rules, regulations and
41 directory orders as are necessary and proper:

42 (1) To implement the terms of the agreement with the
43 government for the administration by the government of
44 supplementary payments; and

45 (2) To secure social services for eligible persons, and for such
46 other aged, blind or disabled persons as the commissioner may
47 designate.

48 c. Transfer State or welfare board funds, or both, currently
49 appropriated for this State's participation in the federal

1 categorical assistance programs of "Old Age Assistance,"
2 R.S.44:7-3 to R.S.44:7-37; "Assistance for the Blind," P.L.1962,
3 c.197 (C.44:7-43 to 44:7-49) and "Permanent and Total Disability
4 Assistance," P.L.1951, c.139 (C.44:7-38 to 44:7-42) and any funds
5 which may in the future be appropriated for the payment of
6 supplementary payments, to the government in such amounts and
7 at such times as the commissioner shall deem appropriate in
8 order to provide for supplementary payments to eligible persons
9 in this State.

10 d. Pay to the government such funds as are necessary to
11 reimburse the government's expenses in collecting additional
12 information needed for the State to make eligibility
13 determinations for medical assistance under the "New Jersey
14 Medical Assistance and Health Services Act," P.L.1968, c.413
15 (C.30:4D-1 to 30:4D-19).

16 e. Require welfare boards to perform such eligibility
17 determinations as the commissioner may deem necessary for the
18 continuation of the New Jersey Medical Assistance Program
19 under the New Jersey Medical Assistance and Health Services
20 Act, P.L.1968, c.413. The commissioner shall pay to the counties
21 a reasonable amount to reimburse the welfare boards for their
22 expenses in making such eligibility determinations.

23 f. [Assess welfare boards at the beginning of each fiscal year
24 in the same proportion that the counties currently participate in
25 the federal categorical assistance programs, in order to obtain
26 the amount of each county's share of supplementary payments
27 for eligible persons in this State, based upon the number of
28 eligible persons in the county. The assessment shall be made as
29 of January 1, 1974 for fiscal year 1974. In the event that the
30 assessment against welfare boards in any one year exceeds the
31 amount annually transferred to the government for the counties'
32 portion of supplementary payments, the commissioner shall
33 return the excess to the welfare boards in the same proportion as
34 that used by the commissioner in assessing the welfare boards for
35 the fiscal year involved.] (Deleted by amendment, P.L. , c. .)

36 g. Take appropriate steps to secure maximum federal financial
37 participation in providing assistance to eligible persons residing in
38 residential health care facilities.

39 h. Ensure that any eligible person residing in a rooming or
40 boarding house or residential health care facility has reserved to
41 him a monthly amount, from payments received under the
42 provisions of the act to which this act is a supplement or from
43 any other income, as a personal needs allowance. The personal
44 needs allowance may vary according to the type of facility in
45 which an eligible person resides, but in no case shall be less than
46 \$25.00 per month.

47 i. Ensure that any eligible person who receives medical
48 assistance under subparagraph 4(a) of subsection a. or under
49 paragraph (11), (13) or (14) of subsection b. of section 6 of

1 P.L.1968, c.413 (C.30:4D-6) receives \$10.00 per month, in
2 addition to benefits received pursuant to 42 U.S.C. §
3 1382(e)(1)(B). If the government cannot administer this \$10.00
4 monthly increase, the commissioner shall administer this increase
5 and shall ensure that this increase is not considered income for
6 Supplemental Security Income program purposes. However, if the
7 government increases the benefit level under 42 U.S.C. §
8 1382(e)(1)(B), the commissioner shall allow the government to
9 administer this increase and shall reduce its payment to an
10 eligible recipient by an equal amount.¹

11 (cf: P.L.1985, c.286, s.2)

12 ¹13. Section 4 of P.L.1973, c.256 (C.44:7-88) is amended to
13 read as follows:

14 4. Welfare boards shall:

15 a. be relieved of those duties and responsibilities, under "Old
16 Age Assistance," R.S.44:7-3 to R.S.44:7-37, "Permanent and
17 Total Disability Assistance," P.L.1951, c.139 (C.44:7-38 to
18 44:7-42), and "Assistance for the Blind," P.L.1962, c.197
19 (C.44:7-43 to 44:7-49), that the government has assumed under
20 the Supplemental Security Income Program and under the
21 agreement between the government and this State. Welfare
22 boards shall retain, to the extent determined by the
23 commissioner, the responsibility for the performance of all the
24 functions under the above laws that the government will not
25 perform pursuant to the agreement between the State and the
26 government.

27 b. Provide social services to those persons designated to
28 receive such services pursuant to section 3b(2) of this act.

29 c. [Pay to the commissioner the amount assessed by the
30 commissioner under section 3f of this act.] (Deleted by
31 amendment, P.L. , c. .)¹

32 (cf: P.L.1973, c.256, s.4)

33 ¹14. (New section) For each local fiscal year, or portion
34 thereof, in which a service or function associated with the
35 provisions of this act is assumed by the State, the county shall
36 deduct from its final appropriations upon which its permissible
37 county tax levy is calculated the amount which the county
38 expended for that service or function during the last full budget
39 year, or portion thereof, for which the service or function so
40 transferred was funded from appropriations in the county budget.¹

41 ¹15. (New Section) If the commissioner determines that any
42 municipal Local Assistance Board or County Welfare Board has
43 failed to administer their respective programs in accordance with
44 applicable State and federal laws and regulations, the
45 commissioner shall have the authority to take the following
46 action:

47 a. Take the necessary administrative and programmatic
48 changes necessary to ensure compliance with State and federal
49 law and regulation and bill the municipality and county for the

1 reasonable expenses incurred by the department in ensuring
2 compliance;

3 b. Hire any consultant or undertake any studies of the agency
4 operations deemed appropriate;

5 c. Direct expenditures of the county or municipal welfare
6 agency in a reasonable and prudent manner to effectuate the
7 purposes of their respective program, including reallocating funds
8 within the county or municipal welfare agency budget and
9 determine additional amounts of revenue needed to implement
10 the programs within the agency's budget;

11 d. Operate the county or municipal welfare agency; and

12 e. Do all acts necessary or appropriate to ensure that the
13 needs of eligible public assistance recipients are met pursuant to
14 State and federal law.¹

15 ¹16. Section 3 of P.L.1947, c.156 (C.44:8-109) is amended to
16 read as follows:

17 3. It is hereby declared to be the public policy of this State
18 that every needy person shall, while in this State, be entitled to
19 receive such public assistance as may be appropriate with
20 reference to need of a category of persons and whether or not
21 such persons are employable, and that the [furnishing] funding of
22 such public assistance is the responsibility of the State and the
23 administration is primarily the duty of the municipalities and of
24 civic and charitable organizations but that all needy persons not
25 otherwise provided for under the laws of this State shall
26 hereafter receive public assistance pursuant to law and the
27 provisions of this act.

28 It is also the public policy of this State that there are two
29 distinct categories of persons who may be eligible for financial
30 assistance in accordance with the provisions of this act, those
31 who are employable and those who are unemployable, as those
32 terms are defined in section 2 of this act (C.44:8-108). The
33 commissioner may set differing levels of assistance for these
34 categories.¹

35 (cf: P.L.1977, c. 286, s.2)

36 ¹17. Section 8 of P.L.1947, c.156 (C.44:8-114) is amended to
37 read as follows:

38 8. [Every municipality] The State shall provide, through each
39 municipality, public assistance to the persons eligible therefor,
40 residing therein or otherwise when so provided by law, which
41 assistance shall be fully funded by the State and administered by
42 a local assistance board according to law and in accordance with
43 this act and with such rules and regulations as may be
44 promulgated by the commissioner.

45 As hereinafter provided, employable persons receiving public
46 assistance shall be required, except when good cause exists, to
47 perform such public work as shall be assigned to them by the
48 Division of Employment Services in the Department of Labor or,
49 in the manner described herein, by the director of welfare of the

1 municipality providing public assistance.

2 The division shall provide for the establishment of public work
3 programs for the assignment of employable persons in receipt of
4 public assistance. Public work may include the performance of
5 work for the municipality providing public assistance, or the
6 performance of work in the operation of or in an activity of a
7 nonprofit agency or institution pursuant to a contract with the
8 municipality. Public work projects to which employable persons
9 are assigned by the division may include work for other levels of
10 government besides the municipality, and shall be approved by
11 the Commissioner of the Department of Labor. If a recipient is
12 injured while performing work assigned by the division or a
13 municipal welfare director pursuant to this act, liability for such
14 injury shall be assumed by the State, pursuant to the Workers'
15 Compensation Act, R.S.34:15-1 et seq. No State agency,
16 municipality or any governmental or nonprofit agency or
17 institution which has contracted with the division or a
18 municipality pursuant to this act, or its employees, shall be liable
19 in a civil suit for damages for any injury sustained by a recipient
20 while performing work required by this act.

21 The director of welfare in the municipality shall notify the
22 division of persons in receipt of public assistance who, in his
23 judgment, and in accordance with the regulations established by
24 the Commissioner of Human Services, are able to perform work.
25 From the time that he has so notified the division until such time
26 as the division shall assign such persons to a public work project,
27 the director of welfare shall assign such employable persons to
28 perform public work if such work is available, and shall notify the
29 division. The division may approve any such employment assigned
30 by the director of welfare without further need for assignment or
31 reassignment or may make another assignment. In assigning
32 public work, the director of welfare or the division, as the case
33 may be, shall be satisfied that such employable persons will not
34 be used to replace any regular employees of any department or
35 unit of such municipality.

36 In assigning persons to public work in a nonprofit agency or
37 institution, the division or the director of welfare, as the case
38 may be, shall also be satisfied that such assignment will not
39 result in the displacement of regular employees of the agency or
40 institution.

41 The Commissioner of Labor shall establish regulations
42 concerning the appropriateness of work-site assignments.

43 Persons performing such work assigned by the division or the
44 director of welfare shall work only the number of hours equal to
45 the amount of their grant divided by an hourly wage rate
46 commensurate with beginning regular employees similarly
47 employed. Performance of such work shall result in payment to
48 the person of his public assistance grant.

49 Any person who without good cause fails or refuses to report

1 for or to perform work to which he has been assigned by the
2 director of welfare or the division shall thereupon become
3 ineligible for public assistance for a period of 90 days, which shall
4 commence at the end of the current benefit period and at the end
5 of which the person shall again become eligible for public
6 assistance; provided that he reports for and performs work to
7 which he has been assigned or shows his willingness to do so.

8 Good cause for failure or refusal to report for or to perform
9 work shall include, but shall not be limited to: working conditions
10 which are a substantial risk to health and safety; physical
11 inability to engage in a particular type of work; or lack of a
12 reasonable means of transportation.

13 Willingness to report for or to perform work shall be
14 demonstrated by maintaining a current registration with the
15 division; by reporting to a division office upon request and
16 providing all required information; by reporting for employment
17 interviews as scheduled by the division; by accepting employment
18 or better employment when offered, whether or not the offer is
19 made through or referred by the division; by accepting training
20 for employment as offered when the person is unemployed; and by
21 continuing in employment training, unless the person has good
22 cause to fail or refuse to report for or to perform the work to
23 which the person has been assigned.¹

24 (cf: P.L.1985, c.471, s.1)

25 ¹[13.] 18.¹ This act shall take effect July 1, 1991 ¹, except for
26 section 14, which shall take effect immediately¹.

27
28
29 HUMAN SERVICES

30
31 Provides for regulation and payment of certain social services.

1 act.

2 13. This act shall take effect July 1, 1991.

3

4

5

STATEMENT

6

7 This bill provides financial relief to counties and municipalities
8 through increased State support for social service programs. It
9 provides property tax relief to taxpayers by requiring the
10 counties to reduce their budgets commensurate with the
11 increased State assistance.

12 The bill also provides the Commissioner of Human Services
13 with more specific authority to oversee the implementation of
14 social service programs at the local level in order to ensure that
15 services are delivered in the most efficient, appropriate and
16 cost-effective manner.

17 The bill provides for the following:

18 The State will assume 100% of the cost of residential services
19 for developmentally disabled persons.

20 The State will assume 100% of the cost of maintenance for
21 children in the custody of the Division of Youth and Family
22 Services.

23 The State's share of costs for assistance to the permanently
24 and totally disabled and the blind (SSI) will increase from 75% to
25 100%.

26 The State's share of municipal assistance costs will increase
27 from 75% to 90%.

28 The State's share of AFDC will increase from 75% to 90% of
29 the county's cost.

30 The Commissioner of Human Services is authorized to issue
31 regulations to ensure that programs of county and municipal
32 welfare agencies are financially and programmatically efficient
33 and effective.

34

35

HUMAN SERVICES

36

37

38 Provides for regulation and payment of certain social services.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2725

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 1990

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 2725 (corrected copy) with committee amendments.

Senate Bill No. 2725 (corrected copy), as amended by the committee, provides financial relief to counties and municipalities through increased State support for social service programs. It provides property tax relief to taxpayers by requiring the counties to reduce their budgets commensurate with the increased State assistance.

The bill also provides the Commissioner of Human Services with more specific authority to oversee the implementation of social service programs at the local level in order to ensure that services are delivered in the most efficient, appropriate and cost-effective manner.

The bill provides for the following:

The State will assume 100% of the cost of residential services for developmentally disabled persons.

The State will assume 100% of the cost of maintenance for children in the custody of the Division of Youth and Family Services.

The State's share of costs for assistance to the permanently and totally disabled and the blind (SSI) will increase from 75% to 100%.

The State's share of municipal assistance costs will increase from 75% to 100%.

The State's share of AFDC will increase from 75% to 95% of the county's cost.

The Commissioner of Human Services is authorized to issue regulations to ensure that programs of county and municipal welfare agencies are financially and programmatically efficient and effective.

The committee amended the bill by making various technical and clarifying language changes. The committee also replaced the word "penalties" with the word "sanctions" to soften the approach to be used by the commissioner to assure compliance with the law. The committee also provided the Commissioner of Human Services with additional authority to review and approve county and municipal welfare agency budgets and to take over and operate those operations under certain conditions when those clients face serious risk.

Additionally, the committee amended the bill to clarify that the funding of public assistance is the responsibility of the State and its administration is primarily the duty of municipalities and of civic and charitable organizations. Further, the committee amended the bill to clarify that the State shall provide, through each municipality, public assistance to public assistance clients, which assistance shall be fully funded by the State and administered by a local assistance board.

Finally, the committee provided that no rule, regulation, order or direction shall abridge the authority of a county or municipal welfare agency to establish wages and terms and conditions of employment for its employees through collective negotiation with an authorized employee organization.

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 2725

STATE OF NEW JERSEY

DATED: JUNE 13-14, 1990

The Senate Revenue, Finance and Appropriations Committee favorably reports Senate Bill No. 2725 [1R].

Senate Bill No. 2725 [1R] increases State support for social service programs. Accordingly, each county will be required to reduce its final appropriations by the amount the county is no longer paying for these services. In addition, the bill increases the authority of the Commissioner of the Department of Human Services to oversee the implementation of social service programs on the local level as well as approve budgets and operate programs in certain circumstances.

Specifically, the bill provides that the State will assume 100% of the following costs: residential services for developmentally disabled persons, maintenance for children in the custody of the Division of Youth and Family Services, municipal assistance, and assistance to the permanently and totally disabled and the blind (SSI). The bill also provides that the State share will increase from 75% to 95% for Aid to Families with Dependent Children (AFDC).

FISCAL IMPACT

At this time, a fiscal note has not been prepared by the Office of Legislative Services. Prior to the amendments to the bill in the previous committee, the Department of Human Services had estimated that the reduction in costs to all counties would be approximately \$216 million.