

44:7-13

LEGISLATIVE HISTORY CHECKLIST

(Welfare--Recipients of old age assistance
--increase funeral expense allotment)

N.J.S.A. 44:7-13

LAWS OF 1979

CHAPTER 324

Bill No. S3043

Sponsor(s) Merlino and Lipman

Date Introduced Jan. 18, 1979

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes
according to Governor's recommendations

~~xx~~ Amendments denoted by
asterisks
Re-enacted Jan. 7, 1980

Date of Passage: Assembly Aug. 23, 1979

Senate May 24, 1979

Re-enacted Jan. 3, 1980

Date of approval Jan. 18, 1980

Following statements are attached if available:

Sponsor statement Yes ~~xx~~

Committee Statement: Assembly Yes ~~xx~~

Senate Yes ~~xx~~ 5-7-79 & 5-21-79

Fiscal Note ~~Yes~~ No

Veto message Yes ~~xx~~

Message on signing ~~Yes~~ No

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Provisions mentioned in Senate Committee statement of 5-7-79 (i.e. "other
welfare legislation provides..."):

N.J.S.A. 44:7-39 and 44:7-44

N.J.S.A. 44:10-2

N.J.A.C. 10:85-4.8

2/11/79

DO NOT REMOVE FROM LIBRARY
COPY

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 3043

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1979

By Senators MERLINO and LIPMAN

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the payment of funeral expenses for persons receiving old-age assistance and amending R. S. 44:7-13.

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

1 1. R. S. 44:7-13 is amended to read as follows:

2 44:7-13. If, on the death of a person receiving old-age assistance,
3 it shall appear to the satisfaction of the county welfare ****[board]****
4 ****agency**** after investigation that there are insufficient funds to
5 pay his burial and funeral expenses, ****[and his terminal medical**
6 **and nursing expenses,]**** and that there are no relatives or other
7 persons responsible to pay such expenses, or other persons willing
8 to pay them, the county welfare ****[board]**** ****agency**** may
9 order the payment of such sum as may be necessary, but not exceed-
10 ing the sum of **[\$350.00]** *****[\$600.00]***** *****\$350.00*****, to such
10A person as the county welfare ****[board]**** ****agency**** may direct
10B for the **[burial and]** funeral expenses of the deceased aged needy
10C person; provided, however, that **[the total cost of such burial and**
11 **funeral expenses does not exceed \$500.00; and the]** *said sum of*
12 *****[\$600.00]***** *****\$350.00***** *shall not include the cost of a*
13 *cemetery plot, the opening or closing of a grave, or other similar*
14 *burial or interment expenses, all of which shall be included in an*
15 *additional sum, not to exceed \$200.00 which shall be paid by the*
16 *county welfare board directly to the cemetery expressly for such*
17 *purposes. The next of kin or other interested parties may incur*
18 *additional expenses to be paid by them, but ***[not to exceed the***
19 *maximum supplement social security income threshold of*
20 **[\$1,500.00]** **the total cost of such expenses shall not exceed*
20A *****[\$400.00]***** *****\$250.00***** *or such higher sum as may be*
20B *established by regulation of the Department of Human Services,*
20C *not less than every 2 years, pursuant to the "Administrative Proce-*

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

20D *dure Act,*' P. L. 1968, c. 410 (C. 52:14B-1 et seq.)*. ****[The county**
 21 welfare board may order the payment of such additional sum as
 22 may be necessary to the person or persons who furnished terminal
 23 medical and nursing service and are entitled to payment therefor;
 24 provided, however, that only medical and nursing service furnished
 25 within the 2 calendar months immediately preceding the month in
 26 which the individual died may be recognized as terminal medical
 26A and nursing services.]**

27 Any sum so ordered to be paid for or on account of burial and
 28 funeral expenses ****[and terminal medical and nursing services]****
 29 shall be first paid, so far as possible, from any fund otherwise undis-
 30 tributed received by the county welfare ****[board]**** **agency**
 31 from or for the account of the individual recipient, and may there-
 32 after be paid, so far as necessary, from funds appropriated for
 33 old-age assistance payments. Any amounts so paid from funds
 34 appropriated for old-age assistance payments shall be deemed a
 35 part of the assistance granted to the individual recipient for the
 36 purpose of claims for reimbursement, and recovery under sections
 37 44:7-14, 44:7-15 and 44:7-19, Revised Statutes, and shall be a
 38 proper charge for division of cost between the State and county as
 39 referred to in section 44:7-25 of this Title.

40 Payment of burial and funeral expenses as provided above may
 41 be authorized with respect to any person who, while lawfully re-
 42 ceiving old-age assistance is committed or admitted to any tax-
 43 supported institution other than a penal or correctional institution,
 44 and who dies while confined at such institution.

45 The county welfare ****[board]**** **agency** shall not be liable
 46 to pay costs of burial and funeral ****[and terminal medical and**
 47 nursing services]** **expenses** for a deceased recipient of old-
 48 age assistance incurred pursuant to a contract or contracts entered
 49 into without the knowledge and consent of the board, but may, at its
 50 discretion, pay such costs, or a portion thereof, within the limita-
 51 tions of this section.

1 2. This act shall take effect *****[immediately]***** ***July 1,
 2 1980***.

25 immediately preceding the month in which the individual died may
26 be recognized as terminal medical and nursing services.

27 Any sum so ordered to be paid for or on account of burial and
28 funeral expenses and terminal medical and nursing services shall
29 be first paid, so far as possible, from any fund otherwise undis-
30 tributed received by the county welfare board from or for the
31 account of the individual recipient, and may thereafter be paid,
32 so far as necessary, from funds appropriated for old-age assistance
33 payments. Any amounts so paid from funds appropriated for old-
34 age assistance payments shall be deemed a part of the assistance
35 granted to the individual recipient for the purpose of claims for
36 reimbursement, and recovery under sections 44:7-14, 44:7-15 and
37 44:7-19, Revised Statutes, and shall be a proper charge for division
38 of cost between the State and county as referred to in section
39 44:7-25 of this Title.

40 Payment of burial and funeral expenses as provided above may
41 be authorized with respect to any person who, while lawfully re-
42 ceiving old-age assistance is committed or admitted to any tax-
43 supported institution other than a penal or correctional institution,
44 and who dies while confined at such institution.

45 The county welfare board shall not be liable to pay costs of burial
46 and funeral and terminal medical and nursing services for a de-
47 ceased recipient of old-age assistance incurred pursuant to a con-
48 tract or contracts entered into without the knowledge and consent
49 of the board, but may, at its discretion, pay such costs, or a portion
50 thereof, within the limitations of this section.

1 2. This act shall take effect immediately.

STATEMENT

This bill increases funeral expenses paid by county welfare boards under R. S. 44:7-13, from \$350.00 to \$600.00 for persons receiving old-age assistance. It also allows an additional sum of up to \$200.00 to cover the costs of cemetery plots, opening and closing of the grave, or other similar burial or interment expenses. The next of kin or other interested parties may incur additional expenses to be paid by them but not to exceed the maximum supplemental social security income threshold of \$1,500.00.

This increase in funeral expenses would, if enacted, be the first such increase since 1968. In light of the fact that costs for funerals have risen sharply since 1968, it is felt that welfare payments for funerals must reflect such increased costs so that funeral directors do not incur losses in handling funerals for welfare recipients.

S3043 (1979)

ASSEMBLY INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 3043

with Senate committee amendments
and Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 28, 1979

This bill raises the maximum amount that county welfare agencies may pay for burial and funeral expenses for welfare recipients from \$350.00 to \$800.00 as well as the maximum amount that next of kin or other interested parties may pay for additional funeral and burial expenses from \$150.00 to \$400.00.

Although the bill stipulates that payment by county welfare agencies be made separately to funeral directors (up to \$600.00) and cemeteries (up to \$200.00), the committee feels that it remains the responsibility of the funeral director to make all funeral arrangements including the interment and other cemetery arrangements.

The committee made several technical amendments in the bill.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

SENATE, No. 3043

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 7, 1979

This bill raises the maximum amounts that county welfare boards may pay for funeral and burial expenses from \$350.00 to \$800.00 and provides for separate payments to be made to funeral directors (up to \$600.00) and cemeteries (up to \$200.00). The bill also raises the maximum amount that next of kin or other interested parties may pay for additional funeral and burial expenses from \$150.00 to \$400.00.

While the bill refers to recipients of Old Age Assistance, other welfare legislation provides that the provisions of this bill apply to all recipients of Supplemental Security Income and Aid to Families with Dependent Children. Also, by administrative regulation, the Department of Human Services has authorized that funeral and burial expenses of General Assistance recipients be paid at these rates.

The committee recognizes that an increase in rates has not been granted to funeral directors and cemeteries since 1968 despite inflation, and that the increase to \$800.00 is therefore warranted. However, the committee questioned whether the additional maximum of \$700.00 from relatives' contributions was reasonable. The committee, therefore, amended the bill to lower this maximum amount to \$400.00, and authorize the Commissioner of Human Services to raise the limit, if necessary, by administrative regulation every 2 years.

SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO
SENATE, No. 3043
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: MAY 21, 1979

This bill proposes to amend those provisions of law regarding the payment of burial and funeral expenses on the death of a person receiving old-age assistance.

Current law permits a county welfare board to order the payment of burial and funeral expenses of a deceased old-age assistance recipient up to \$350.00, provided that the total cost does not exceed \$500.00, with the next of kin or other interested party paying the difference of up to \$150.00.

The bill provides that the county welfare board may direct payment of up to \$600.00 for funeral expenses exclusive of costs for cemetery plot, opening and closing the grave, or similar burial or interment expenses. These excluded expenses are separately provided for in an amount not to exceed \$200.00. The next of kin or other interested party may pay up to \$400.00 in additional expenses, with this maximum to be adjusted at least every 2 years by regulation promulgated by the Department of Human Services.

The Senate Institutions, Health and Welfare Committee noted in its statement to this bill that other welfare legislation provides that the provisions of this bill apply to all recipients of Supplemental Security Income and Aid to Families with Dependent Children, with administrative regulation of the Department of Human Services authorizing funeral and burial expenses of General Assistance recipients be paid at these rates.

Fiscal Impact

While a fiscal note is not yet available on this bill, the Department of Human Services indicates that a total cost increase approximating \$1 million per year can be anticipated. Current funeral and burial expenses, after Social Security payment of \$255.00, is \$95.00. With the maximum allowable cost increased from \$350.00 to \$800.00, with no proportional increase in Social Security payments, cost will approximately \$545.00. With the 1979 year experience as a basis, total cost will be \$1.3 million, or an increase in cost of an approximate \$1 million. This cost is shared on a 75%-25% basis, State and county respectively.

December 17, 1979

SENATE BILL NO. 3043 (2 OCR)

To the Senate:

Pursuant to Article V, Section 1, Paragraph 14(b) of the Constitution, I am returning Senate Bill No. 3043 (2 OCR), with my objections, for reconsideration.

This bill would significantly increase the level of funeral expenses paid by county welfare agencies for the burial of deceased persons who had been receiving old age assistance. This cost is shared 75% by the State, 25% by the counties.

Currently funeral directors are paid \$350.00 (\$255.00 federal social security and \$95.00 State and county funds) plus up to an additional \$150.00 which the next of kin or other interested parties may contribute. S-3043 would permit the State and county share to reach a maximum of \$545.00 per burial and would permit next of kin or other interested parties to contribute up to an additional \$400.00.

While I appreciate the fact that the level of payment for funeral costs of deceased old age assistance beneficiaries is too low and has not been increased in more than a decade, I do not believe that the payment level should be raised precipitously in any one year. Therefore, I am suggesting a slightly smaller increase in the maximum which may be paid both by the county welfare agency and by any other interested parties.

Accordingly, I am returning Senate Bill No. 3043 for reconsideration with the recommendation that it be amended as follows:

- Page 1, Section 1, Line 10: Omit "\$600.00", insert "\$350.00"
- Page 1, Section 1, Line 12: Omit "\$600.00", insert "\$350.00"
- Page 1, Section 1, Line 20A: Omit "\$400.00", insert "\$250.00"
- Page 2, Section 2, Line 1: Omit "immediately", insert "July 1, 1980"

Respectfully,

/s/ Brendan Byrne
GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes
CHIEF OF STAFF, SECRETARY