

44: 8-120

LEGISLATIVE HISTORY CHECKLIST

HMSA 44:8-120 (Abolishes concept of "legal settlement")

LAWS OF 1977 CHAPTER 408

Bill No. A2340

Sponsor(s) Martin and others

Date Introduced Nov. 22, 1976

Committee: Assembly Institutions, Health & Welfare

Senate Institutions, Health & Welfare

Amended during passage Yes * Amendments during passage denoted by asterisks

Date of Passage: Assembly July 11, 1977

Senate Dec. 1, 1977

Date of approval Feb. 23, 1978

Following statements are attached if available:

Sponsor statement Yes * No

Committee Statement: Assembly Yes * No

Senate * No

Fiscal Note * No

Veto Message * No

Message on signing * No

Following were printed:

Reports * No

Hearings * No

9/1/78

408
2/23/78

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 2340

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 22, 1976

By Assemblymen MARTIN, HAMILTON, SCHUCK, BURNS, HOLLENBECK, CONTILLO, SHAPIRO, BAER, VISOTCKY, BROWN, CODEY, BURSTEIN, NEWMAN, DOYLE, LITTELL, CHINNICI, HURLEY, KAVANAUGH, EWING and D. GALLO

Referred to Committee on Institutions, Health and Welfare

AN ACT concerning the administration of public welfare, amending P. L. 1947, c. 156 and P. L. 1950, c. 303, and repealing sections 1 through 47 of P. L. 1941, c. 357.

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

1 1. Section 14 of P. L. 1947, c. 156 (C. 44:8-120) is amended to
2 read as follows:

3 14. Immediate public assistance shall be rendered promptly to
4 any needy person by the director of welfare of the municipality
5 where the person is found at the time of application [therefor,
6 subject to determination and adjustment of responsibility as pro-
7 vided by law.]. *Needy persons residing in public or private facili-
8 ties providing residential therapeutic medical services shall be
9 deemed the responsibility of the municipality of their customary
10 place of abode* [.]* prior to placement in such facility.*

1 2. Section 15 of P. L. 1947, c. 156 (C. 44:8-121) is amended to
2 read as follows:

3 15. When a person shall apply for public assistance for himself
4 or his dependents, the director of welfare shall inquire into the
5 facts, conditions and circumstances of the case, including * [legal
6 residence] * **customary place of abode**, family connections, living
7 conditions, resources, income, and causes direct and indirect of
8 the person's need, and such other matters as the commissioner may
9 require, making a written record thereof in such manner as may be
10 prescribed by the commissioner. *Upon ascertainment of the fore-*

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

11 *going facts, conditions and circumstances, the director of welfare*
 12 *shall render assistance to ***[the]*** **an eligible* applicant or his*
 13 *dependents. *The cost of public assistance shall be borne by the*
 14 *municipality which renders such assistance.***

1 3. Section 2 of P. L. 1950, c. 303 (C. 44:8-147) is amended to
 2 read as follows:

3 2. In all cases wherein medical or surgical treatment is required
 4 by a person entitled to public assistance as such term is defined
 5 in the General Public Assistance Law (P. L. 1947, c. 156), such
 6 person may be admitted to a public or voluntary hospital in the
 7 municipality in which he is found or to any such hospital in an
 8 adjoining municipality, or to such other hospital as may be ap-
 9 proved by such official or officials as may be charged with the
 10 administration of public assistance pursuant to the General Public
 11 Assistance Law in the municipality in which such person **[has**
 12 **legal settlement in accordance with the provisions of P. L. 1941,**
 13 **c. 357]** *had his customary place of abode prior to entering such*
 14 *facility*; provided, however, that a voluntary hospital in any
 15 municipality wherein a hospital is maintained by such municipality
 16 may require that such person prior to his or her admission be
 17 referred for treatment by the publicly maintained hospital in such
 18 municipality. The director or those having charge of the hospital
 19 shall, within a reasonable time, ascertain from such person his
 20 name and place of residence, and if he is a person entitled to public
 21 assistance as such term is defined in the General Public Assistance
 22 **Law [and in accordance with the provisions of P. L. 1941, c. 357]**
 23 a notice in writing shall immediately be sent to such official or
 24 officials as may be charged with the administration of public assist-
 25 **ance pursuant to said General Public Assistance Law in the**
 26 **municipality from which said person was removed or where he**
 27 **resided prior to his removal. Upon receipt of such notice, the said**
 28 **official or officials shall proceed and provide for the relief of said**
 29 **person in the manner provided by said General Public Assistance**
 30 **Law [and P. L. 1941, c. 357] and the cost thereof as defined in**
 31 **section 3 hereof shall be borne by the municipality responsible**
 32 **therefor under the provisions of said ***[laws]*** **law**.**

1 4. Section 3 of P. L. 1950, c. 303 (C. 44:8-148) is amended to
 2 read as follows:

3 3. The cost of providing for the relief of such sick indigent
 4 person by a voluntary hospital or by a public hospital outside of
 5 such municipality in which such an indigent person has **[acquired**
 6 **settlement]** *his customary place of abode* shall be the cost to the
 7 hospital actually incurred in rendering the treatment or services

8 in each such case which shall be its pro rata portion of the costs
9 incurred by the said hospital in maintaining its services, including,
10 but not being limited to, costs of administration, dietary costs,
11 laundry, housekeeping, utilities, maintenance and repairs, motor
12 service, medical and surgical service, nursing service and nursing
13 education, medical records and library, social service, X-ray ser-
14 vices, laboratory services, pharmacy, physical therapy, and other
15 special services reasonably related to the proper functioning of a
16 hospital; provided, however, that such cost shall be at a rate not
17 in excess of the minimum published rate charged by such hospital
18 for ward accommodations therein.

1 5. Sections 1 through 47 of P. L. 1941, c. 357 (C. 44:8A-1 to
2 44:8A-47) are repealed.

1 6. This act shall take effect 90 days after enactment.

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18 for ward accommodations therein.

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2 44:8A-47) are repealed.

1 6. This act shall take effect 90 days after enactment.

STATEMENT

This bill will abolish the confusing and antiquated concept of legal settlement. In so doing it will result in an anticipated savings to the State of \$100,000.00 and a considered savings in administrative costs and time presently being borne by the municipalities. This bill is endorsed by the Municipal Welfare Association of New Jersey, whose membership is composed of municipal Directors of Public Welfare, whose responsibility it is to administer the General Assistance Program.

ASSEMBLY INSTITUTIONS, HEALTH AND
WELFARE COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2340

STATE OF NEW JERSEY

DATED: APRIL 21, 1977

The committee agreed with the purpose of this bill, that is, to abolish the confusing and antiquated concept of legal settlement. Under the statutes repealed by this act, municipal welfare directors had to follow a complicated, lengthy investigative procedure to determine legal settlement which resulted in inflated administrative costs for municipal welfare. This bill would simplify the process by substituting the term "customary place of abode" for the investigatory procedure, and would save municipalities an estimated \$100,000.00.