

SENATE No. 2386

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 12, 1973

By Senators HAGEDORN, WALLWORK and HIRKALA

(Without Reference)

AN ACT to provide for supplementary assistance payments to the aged, blind and disabled and supplementing Title 44 of the Revised Statutes.

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

1 1. As used in this act:

2 a. "Basic payment" means any supplemental security income  
3 payment made to an aged, blind or disabled person by the govern-  
4 ment pursuant to Title XVI of the Social Security Act, as amended,  
5 42 U.S.C. 1381-1385.

6 b. "Commissioner" means the Commissioner of the Department  
7 of Institutions and Agencies.

8 c. "Eligible person" means any person meeting the State or  
9 government eligibility requirements for receipt of a basic payment,  
10 or a State supplementary payment, or both.

11 d. "Essential person" means any needy person residing with an  
12 eligible person who is recognized by State regulation to be essential  
13 to the well-being of the eligible person and whose needs are included  
14 in the determination of the needs of the eligible person.

15 e. "Federal Act" means Title XVI of the Social Security Act, as  
16 amended, 42 U.S.C. 1381-1385.

17 f. "Government" means the Federal Government of the United  
18 States of America and the agencies thereof.

19 g. "Legally liable relative" means any person designated by any  
20 law of this State as having a duty to support an eligible person or  
21 a duty to contribute to the support of an eligible person.

22 h. "Lien" means any legally perfected encumbrance or claim  
23 against the property or resources of an individual, authorized by  
24 Title 44 and Title 30 of the Revised Statutes.

25 i. "Supplemental Security Income Program" means the pro-  
26 gram established pursuant to Title XVI of the Social Security Act,

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

27 as amended, 42 U.S.C. 1381-1385, which becomes effective January  
28 1, 1974, which makes payments to eligible persons and which re-  
29 places payments formerly made under the Federal categorical  
30 assistance programs under the Social Security Act, which are  
31 known as "Old Age Assistance" (42 U.S.C. 301-306), "Aid to the  
32 Blind" (42 U.S.C. 1201-1206), and "Aid to the Permanently and  
33 Totally Disabled" (42 U.S.C. 1351-1355).

34 j. "Supplementary payment" means any supplementary assist-  
35 ance payment as defined in the Federal Act made to an aged, blind  
36 or disabled person under eligibility requirements of this State.

37 k. "Welfare board" means the boards established within the  
38 counties of this State for the purposes of administering the delivery  
39 of money or services to persons legally eligible for welfare assist-  
40 ance, whether established under the authority of R. S. 44:7-1 or  
41 pursuant to any other laws of this State.

1 2. Any person whose income, including any basic payment, is  
2 below the public assistance standard established by the commis-  
3 sioner and the government pursuant to the Federal Act is eligible  
4 for supplementary payments. The existence of an essential person  
5 may be considered in determining the amount of any supplementary  
6 payment made to an eligible person.

1 3. The commissioner shall:

2 a. Enter into agreements with the government to secure the  
3 administration of supplementary payments by the government for  
4 such time and upon such conditions as the commissioner may in his  
5 discretion deem appropriate.

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

8 (1) to implement the terms of the agreement with the govern-  
9 ment for the administration by the government of supplementary  
10 payments; and

11 (2) to secure social services for eligible persons, and for such  
12 other aged, blind or disabled persons as the commissioner may  
13 designate.

14 c. Transfer State or welfare board funds, or both, currently  
15 appropriated for this State's participation in the Federal cate-  
16 gorical assistance programs of "Old Age Assistance," R. S. 44:7-3  
17 to R. S. 44:7-37, "Assistance for the Blind," P. L. 1962, c. 197  
18 (C. 44:7-43 to 44:7-49) and "Permanent and Total Disability  
19 Assistance," P. L. 1951, c. 139 (C. 44:7-38 to 44:7-42) and any  
20 funds which may in the future be appropriated for the payment of  
21 supplementary payments, to the government in such amounts and  
22 at such times as the commissioner shall deem appropriate in order

23 to provide for supplementary payments to eligible persons in this  
24 State.

25 d. Pay to the government such funds as are necessary to reim-  
26 burse the government's expenses in collecting additional informa-  
27 tion needed for the State to make eligibility determinations for  
28 medical assistance under the New Jersey Medical Assistance and  
29 Health Services Act, P. L. 1968, c. 413 (C. 30:4D-1 to 30:4D-19).

30 e. Require welfare boards to perform such eligibility determina-  
31 tions as the commissioner may deem necessary for the continuation  
32 of the New Jersey Medical Assistance Program under the New  
33 Jersey Medical Assistance and Health Services Act, P. L. 1968,  
34 c. 413.

35 f. Assess welfare boards at the beginning of each fiscal year in  
36 such amounts as he shall determine, at his discretion, to be the  
37 proportionate share that each county must pay to provide for  
38 supplementary payments to eligible persons in this State. The  
39 assessment shall be made as of January 1, 1974 for fiscal year 1974.  
40 In the event that the assessment against welfare boards in any one  
41 year exceeds the amount actually transferred to the government  
42 for the counties' portion of supplementary payments, the commis-  
43 sioner shall return the excess to the welfare boards in the same  
44 proportion as that used by the commissioner in assessing the wel-  
45 fare boards for the fiscal year involved.

1 4. Welfare boards shall:

2 a. be relieved of those duties and responsibilities, under "Old  
3 Age Assistance," R. S. 44:7-3 to R. S. 44:7-37, "Permanent and  
4 Total Disability Assistance," P. L. 1951, c. 139 (C. 44:7-38 to  
5 44:7-42), and "Assistance for the Blind," P. L. 1962, c. 197  
6 (C. 44:7-43 to 44:7-49), that the government has assumed under  
7 the Supplemental Security Income Program and under the agree-  
8 ment between the government and this State. Welfare boards shall  
9 retain, to the extent determined by the commissioner, the responsi-  
10 bility for the performance of all the functions under the above laws  
11 that the government will not perform pursuant to the agreement  
12 between the State and the government.

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

15 c. Pay to the commissioner the amount assessed by the commis-  
16 sioner under section 3f of this act.

1 5. Supplementary payments shall not be considered a loan by  
2 the State or by the welfare boards. No requirement under Title 44  
3 or Title 30 of the Revised Statutes relating to the pledging of  
4 property or to the reimbursement of assistance shall be imposed

5 upon, and no liens shall be made or enforced against, a recipient  
6 of supplementary payments for the purpose of recouping any  
7 amount of such payments. No requirement of support, contribution,  
8 or legal liability therefor, may be made, placed upon, or enforced  
9 against a legally liable relative of a person receiving supplementary  
10 payments or other payments made by the welfare boards pursuant  
11 to Title 44 of the Revised Statutes. Any lien incurred and perfected  
12 against a recipient of assistance from a welfare board or any  
13 delinquency in payment due the welfare board by a legally liable  
14 relative which has accrued prior to January 1, 1974, under the  
15 current programs of "Old Age Assistance," "Assistance for the  
16 Blind," or "Permanent and Total Disability Assistance" shall  
17 remain in full force and effect and shall be enforceable and col-  
18 lectible by the commissioner or by the welfare board which filed  
19 the lien.

1 6. Any person eligible for basic payments under the Federal Act,  
2 any person eligible for supplementary payments and any essential  
3 person, may be determined pursuant to regulations promulgated  
4 by the commissioner to be eligible for medical assistance under the  
5 New Jersey Medical Assistance and Health Services Act, P. L. 1968,  
6 c. 413. Any person who would be financially eligible for basic pay-  
7 ments or supplementary payments, or both, who is in an institution  
8 and financially ineligible for such payments by reason of the lower  
9 maximum income eligibility level under the Federal Act for persons  
10 residing in institutions, shall be eligible for medical assistance  
11 under the New Jersey Medical Assistance and Health Services Act,  
12 P. L. 1968, c. 413.

1 7. All laws and parts of laws of this State inconsistent with  
2 this act are hereby deemed superseded to the extent of such  
3 inconsistency.

1 8. If any clause, sentence, paragraph, section or part of the act  
2 shall be adjudged by any court of competent jurisdiction to be  
3 invalid, such judgment shall not affect, impair or invalidate the  
4 remainder thereof, but shall be confined in its operation to the  
5 clause, sentence, paragraph, section or part thereof directly in-  
6 volved in the controversy in which such judgment shall have been  
7 rendered.

1 9. This act shall take effect immediately.

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#### STATEMENT

Under the Social Security Amendments of 1972, P. L. 92-603,  
86 Statutes 1465 amending 42 U.S.C. 1381-1385, as of January 1,

1974 the Federal Government is assuming the responsibility of providing a basic supplemental security income payment (S.S.I.) of \$130.00 per month per individual or \$195.00 per month per couple to every eligible aged, blind or disabled person in the United States. The categorical assistance programs for these groups presently administered by the State are absorbed by this program.

The Federal takeover requires states to provide supplementary payments to current recipients in these categories to maintain recipients at their present level of aid. Since the present level of assistance in New Jersey is greater than the basic S.S.I. payment, New Jersey must provide a supplementary payment.

The State is not obligated to pay in supplementary payments an amount greater than the amount spent by the State in 1972 under the categorical assistance programs, providing the State contracts with the Federal Government to permit the Social Security Administration to administer, at Federal expense, the payment of the State supplementary payments. In New Jersey this would reduce the amount projected for payment under the old programs for 1974 by \$1.9 million. If the State contracted with the Federal Government, the State would also be relieved of the expense of administering the State supplemental payments. In addition, by having the Federal Government administer the supplementary payments, Federal criteria will be utilized to determine eligibility for assistance, resulting in at least twice as many persons being eligible in New Jersey, and perhaps an increase of as many as 72,000 persons, mostly in the category of the aged. Because the maximum State obligation is fixed at the 1972 level, this increase will result in no greater cost to the State.

This bill is enabling legislation to permit the State to enter a contract with the Federal Government for complete Federal administration of the S.S.I. Program, including the State supplementary payments. The State must enter into a contract with the Federal Government by November 30, 1973 if it is to take full advantage of the Federal takeover of the aged, blind and disabled categorical assistance programs on January 1, 1974.

SENATE AMENDMENTS TO  
**SENATE No. 2386**

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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 19, 1973

Amend page 3, section 3, line 34, add new sentence at end of subsection as follows: "The commissioner shall pay to the counties a reasonable amount to reimburse the welfare boards for their expenses in making such eligibility determinations."

Amend page 3, section 3, lines 36-37, delete in their entirety. Insert "the same proportion that the counties currently participate in the Federal categorical assistance programs in order to obtain the amount of each county's share of".

Amend page 3, section 3, line 38, delete "to", insert "for"; after "State", insert "based upon the number of eligible persons in the county".

Amend page 4, section 5, line 11, delete "incurred and perfected".

Amend page 4, section 5, line 12, after "board", insert "to enforce an obligation, which arose".

Amend page 4, section 5, lines 12-14, delete "or any delinquency in payment due the welfare board by a legally liable relative which has accrued".

Amend page 4, section 5, line 16, before "shall", insert "which is perfected on or before April 1, 1974, or any delinquency in payment due the welfare board by a legally liable relative under the current programs which has accrued prior to January 1, 1974,".

CHAPTER 256

NOVEMBER 1973

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[OFFICIAL COPY REPRINT]

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# STATE OF NEW JERSEY

INTRODUCED NOVEMBER 12, 1973

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2 *of New Jersey:*

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3 payment made to an aged, blind or disabled person by the govern-  
4 ment pursuant to Title XVI of the Social Security Act, as amended,  
5 42 U.S.C. 1381-1385.

6 b. "Commissioner" means the Commissioner of the Department  
7 of Institutions and Agencies.

8 c. "Eligible person" means any person meeting the State or  
9 government eligibility requirements for receipt of a basic payment,  
10 or a State supplementary payment, or both.

11 d. "Essential person" means any needy person residing with an  
12 eligible person who is recognized by State regulation to be essential  
13 to the well-being of the eligible person and whose needs are included  
14 in the determination of the needs of the eligible person.

15 e. "Federal Act" means Title XVI of the Social Security Act, as  
16 amended, 42 U.S.C. 1381-1385.

17 f. "Government" means the Federal Government of the United  
18 States of America and the agencies thereof.

19 g. "Legally liable relative" means any person designated by any  
20 law of this State as having a duty to support an eligible person or  
21 a duty to contribute to the support of an eligible person.

22 h. "Lien" means any legally perfected encumbrance or claim  
23 against the property or resources of an individual, authorized by  
24 Title 44 and Title 30 of the Revised Statutes.

25 i. "Supplemental Security Income Program" means the pro-  
26 gram established pursuant to Title XVI of the Social Security Act,

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28 1, 1974, which makes payments to eligible persons and which re-  
29 places payments formerly made under the Federal categorical  
30 assistance programs under the Social Security Act, which are  
31 known as "Old Age Assistance" (42 U.S.C. 301-306), "Aid to the  
32 Blind" (42 U.S.C. 1201-1206), and "Aid to the Permanently and  
33 Totally Disabled" (42 U.S.C. 1351-1355).

34 j. "Supplementary payment" means any supplementary assist-  
35 ance payment as defined in the Federal Act made to an aged, blind  
36 or disabled person under eligibility requirements of this State.

37 k. "Welfare board" means the boards established within the  
38 counties of this State for the purposes of administering the delivery  
39 of money or services to persons legally eligible for welfare assist-  
40 ance, whether established under the authority of R. S. 44:7-1 or  
41 pursuant to any other laws of this State.

1 2. Any person whose income, including any basic payment, is  
2 below the public assistance standard established by the commis-  
3 sioner and the government pursuant to the Federal Act is eligible  
4 for supplementary payments. The existence of an essential person  
5 may be considered in determining the amount of any supplementary  
6 payment made to an eligible person.

1 3. The commissioner shall:

2 a. Enter into agreements with the government to secure the  
3 administration of supplementary payments by the government for  
4 such time and upon such conditions as the commissioner may in his  
5 discretion deem appropriate.

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

8 (1) to implement the terms of the agreement with the govern-  
9 ment for the administration by the government of supplementary  
10 payments; and

11 (2) to secure social services for eligible persons, and for such  
12 other aged, blind or disabled persons as the commissioner may  
13 designate.

14 c. Transfer State or welfare board funds, or both, currently  
15 appropriated for this State's participation in the Federal cate-  
16 gorical assistance programs of "Old Age Assistance," R. S. 44:7-3  
17 to R. S. 44:7-37, "Assistance for the Blind," P. L. 1962, c. 197  
18 (C. 44:7-43 to 44:7-49) and "Permanent and Total Disability  
19 Assistance," P. L. 1951, c. 139 (C. 44:7-38 to 44:7-42) and any  
20 funds which may in the future be appropriated for the payment of  
21 supplementary payments, to the government in such amounts and  
22 at such times as the commissioner shall deem appropriate in order



23 to provide for supplementary payments to eligible persons in this  
24 State.

25 d. Pay to the government such funds as are necessary to reim-  
26 burse the government's expenses in collecting additional informa-  
27 tion needed for the State to make eligibility determinations for  
28 medical assistance under the New Jersey Medical Assistance and  
29 Health Services Act, P. L. 1968, c. 413 (C. 30:4D-1 to 30:4D-19).

30 e. Require welfare boards to perform such eligibility determina-  
31 tions as the commissioner may deem necessary for the continuation  
32 of the New Jersey Medical Assistance Program under the New  
33 Jersey Medical Assistance and Health Services Act, P. L. 1968,  
34 c. 413. *\*The commissioner shall pay to the counties a reasonable*  
34A *amount to reimburse the welfare boards for their expenses in*  
34B *making such eligibility determinations.\**

35 f. Assess welfare boards at the beginning of each fiscal year in  
36 *\*[such amounts as he shall determine, at his discretion, to be the*  
37 *proportionate share that each county must pay to provide for]\**  
38 *\*the same proportion that the counties currently participate in the*  
39 *Federal categorical assistance programs in order to obtain the*  
40 *amount of each county's share of\** supplementary payments *\*[to]\**  
41 *\*for\** eligible persons in this State *\*based upon the number of*  
42 *eligible persons in the county\**. The assessment shall be made as of  
43 January 1, 1974 for fiscal year 1974. In the event that the assess-  
44 ment against welfare boards in any one year exceeds the amount  
45 actually transferred to the government for the counties' portion  
46 of supplementary payments, the commissioner shall return the  
47 excess to the welfare boards in the same proportion as that used  
48 by the commissioner in assessing the welfare boards for the fiscal  
49 year involved.

1 4. Welfare boards shall:

2 a. be relieved of those duties and responsibilities, under "Old  
3 Age Assistance," R. S. 44:7-3 to R. S. 44:7-37, "Permanent and  
4 Total Disability Assistance," P. L. 1951, c. 139 (C. 44:7-38 to  
5 44:7-42), and "Assistance for the Blind," P. L. 1962, c. 197  
6 (C. 44:7-43 to 44:7-49), that the government has assumed under  
7 the Supplemental Security Income Program and under the agree-  
8 ment between the government and this State. Welfare boards shall  
9 retain, to the extent determined by the commissioner, the responsi-  
10 bility for the performance of all the functions under the above laws  
11 that the government will not perform pursuant to the agreement  
12 between the State and the government.

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

15 c. Pay to the commissioner the amount assessed by the commis-  
16 sioner under section 3f of this act.

1 5. Supplementary payments shall not be considered a loan by  
2 the State or by the welfare boards. No requirement under Title 44  
3 or Title 30 of the Revised Statutes relating to the pledging of  
4 property or to the reimbursement of assistance shall be imposed  
5 upon, and no liens shall be made or enforced against, a recipient  
6 of supplementary payments for the purpose of recouping any  
7 amount of such payments. No requirement of support, contribution,  
8 or legal liability therefor, may be made, placed upon, or enforced  
9 against a legally liable relative of a person receiving supplementary  
10 payments or other payments made by the welfare boards pursuant  
11 to Title 44 of the Revised Statutes. Any lien \***[**incurred and  
12 **]**\* against a recipient of assistance from a welfare board  
13 *\*to enforce an obligation, which arose\** **[**or any delinquency in  
14 payment due the welfare board by a legally liable relative which  
15 has accrued**]**\* prior to January 1, 1974, under the current programs  
16 of "Old Age Assistance," "Assistance for the Blind," or "Per-  
17 manent and Total Disability Assistance" *\*which is perfected on*  
18 *or before April 1, 1974, or any delinquency in payment due the*  
19 *welfare board by a legally liable relative under the current pro-*  
20 *grams which has accrued prior to January 1, 1974,\** shall remain  
21 in full force and effect and shall be enforceable and collectible by  
22 the commissioner or by the welfare board which filed the lien.

1 6. Any person eligible for basic payments under the Federal Act,  
2 any person eligible for supplementary payments and any essential  
3 person, may be determined pursuant to regulations promulgated  
4 by the commissioner to be eligible for medical assistance under the  
5 New Jersey Medical Assistance and Health Services Act, P. L. 1968,  
6 c. 413. Any person who would be financially eligible for basic pay-  
7 ments or supplementary payments, or both, who is in an institution  
8 and financially ineligible for such payments by reason of the lower  
9 maximum income eligibility level under the Federal Act for persons  
10 residing in institutions, shall be eligible for medical assistance  
11 under the New Jersey Medical Assistance and Health Services Act,  
12 P. L. 1968, c. 413.

1 7. All laws and parts of laws of this State inconsistent with  
2 this act are hereby deemed superseded to the extent of such  
3 inconsistency.

1 8. If any clause, sentence, paragraph, section or part of the act  
2 shall be adjudged by any court of competent jurisdiction to be  
3 invalid, such judgment shall not affect, impair or invalidate the

4 remainder thereof, but shall be confined in its operation to the  
5 clause, sentence, paragraph, section or part thereof directly in-  
6 volved in the controversy in which such judgment shall have been  
7 rendered.

1 9. This act shall take effect immediately.

FROM THE OFFICE OF THE ATTORNEY GENERAL

NOVEMBER 28, 1973

FOR RELEASE: IMMEDIATE

Governor William T. Cahill signed into law today a bill permitting the State to contract with the federal government for a broader program of assistance to the aged, blind and disabled persons.

Senate Bill 2386, sponsored by Senator Garrett W. Hagedorn (R., Bergen), permits the federal government to absorb existing State assistance programs into a uniform national assistance program for the aged, blind and disabled.

It is estimated that the bill will double the number of persons in New Jersey eligible for such assistance, but still save the State \$1.9 million in the estimated cost of its program in 1974 because of the federal takeover.

In cases where the federal payment is less than what recipients were receiving in the State program, the State will make up the difference so that no one's income will be reduced under the new schedule.

Governor Cahill praised the bill as "... important, progressive legislation that helps those in our society that are most in need of help. This assistance will come at a very important time when many of our aged and ill are being further penalized by recent inflationary pressures. This new law helps people, who deserve help, and it helps relieve the State of the administration of these programs," he said.

The Governor also signed Assembly Bill 668, sponsored by Assemblyman Joseph E. Robertson (R., Monmouth), which permits municipalities to regulate and prohibit the showing of sexual motion pictures at outdoor theatres where they are visible to persons outside the theatre.

The bill is directed against motion pictures in which any person is depicted or revealed in any act of sexual conduct or sado-masochistic abuse.

Assembly Joint Resolution 2010, sponsored by Assemblyman Robert E. Littell (R., Warren), and signed by Governor Cahill today, creates a 12-member commission to evaluate the State's Green Acre Program, particularly its land acquisition procedures and to recommend ways to increase recreational facilities and the use of such lands.

Eight members of the Commission would be citizens, four appointed by the Governor, two by the Speaker of the Assembly and two by the President of the Senate. Of the other four, two would be Assembly members and two Senators. The Commission will have 12 months following its organization in which to file its report with the Governor and Legislature.

✓ The Governor also signed Assembly Bill 747, sponsored by Assemblyman Vincent Pellecchia (D., Passaic), which amends the Worker Health and Safety Act of 1965 to require the Commissioner of Labor and Industry to inspect places of employment for a worker's health and safety "without notice". The bill specifies that such inspections would be during regular working hours or other reasonable hours, and that the Commissioner would have the authority to inspect conditions and equipment and to question the owner, employer and employees.

✓ Assembly Bill 1012, sponsored by former Assemblyman John F. Evers, and signed today, provides that savings and loan associations may grant loans of up to 90 per cent on property with an appraised value of up to \$40,000 and loans as high as 80 per cent where the value is above \$40,000. This simplifies previous provisions which set a sliding scale of loan rates based on property values. The bill also liberalizes investment options by state chartered savings and loan associations.

The Governor also signed into law today the following bills:

Assembly Bill No. 272, sponsored by Assemblyman Howard Woodson, Sr., (D., Mercer), which provides for protection as is necessary to prevent injury to persons or property at the site of abandoned mines.

Assembly Bill No. 1415, sponsored by Assemblyman Byron H. Baer, (D., Bergen), would provide that no person shall be precluded from applying to serve as a member of a district election board of any municipality for failure to vote in any year such person was ineligible to vote by reason of age or residence.

Assembly Bill No. 1417, sponsored by Assemblyman John J. Dawes (R., Monmouth), which would relocate, fix and establish a portion of the boundary line between the Borough of Freehold and the Township of Freehold.

Assembly Bill No. 1474, sponsored by Assemblyman Steven P. Perskie (D., Cape May), which would require, as a condition for the granting of a dog license, that evidence be provided of inoculation with a rabies vaccine.

Assembly Bill No. 1604, sponsored by Assemblyman John N. Dennis (R., Essex), which would require every retail firearms dealer to pay a \$5.00 license fee for each employee. (FN-Income \$5,540)

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