

ASSEMBLY, No. 13

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblywoman VANDERVALK and Assemblyman  
O'TOOLE

1 AN ACT concerning the Work First New Jersey program,  
2 supplementing Title 44 of the Revised Statutes and amending  
3 P.L.1993, c.13.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) As used in this act:

9 "Assistance unit" means: a single person without dependent  
10 children; a couple without dependent children; dependent children  
11 only; or a person with one or more dependent children who are legally  
12 or blood-related, or who is their legal guardian, and who live together  
13 as a household unit.

14 "Benefits" means any assistance provided to needy persons and  
15 their dependent children and single persons under the Work First New  
16 Jersey program established pursuant to P.L. , c. (C. )  
17 (pending before the Legislature as Assembly Bill No. 12 of 1996).

18 "Commissioner" means the Commissioner of Human Services.

19 "County agency" means the agency, including, but not limited to,  
20 a county planning council, designated by a county and approved by the  
21 commissioner to administer the Work First New Jersey program in that  
22 county.

23 "Department" means the Department of Human Services.

24 "Dependent child" means a child:

25 a. under the age of 18;

26 b. under the age of 19 and a full-time student in a secondary school  
27 or an equivalent level of vocational or technical training, if, before the  
28 student attains age 19, the student may reasonably be expected to  
29 complete the student's program of secondary school or training; or

30 c. under the age of 21 and enrolled in a special education program,  
31 who is living in New Jersey with the child's natural or adoptive parent  
32 or legal guardian, or with a relative designated by the commissioner in  
33 a place of residence maintained by the relative as the relative's home.

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

**Matter underlined thus is new matter.**

1 "Full-time employment" means employment unsubsidized by any  
2 level of government in which a person is engaged for at least 35 hours  
3 a week.

4 "Program" means the Work First New Jersey program established  
5 pursuant to P.L. , c. (C. )(pending before the Legislature as  
6 Assembly Bill No. 12 of 1996).

7 "Recipient" means a recipient of benefits under the Work First New  
8 Jersey program established pursuant to P.L. , c. (C. )(pending  
9 before the Legislature as Assembly Bill No. 12 of 1996).

10

11 2. (New section) a. Effective no later than the 30th day after the  
12 date of enactment of this act, a recipient's eligibility for benefits shall  
13 be limited to a total of 60 cumulative months, except as otherwise  
14 provided in this act, regardless of whether the recipient meets more  
15 than one assistance unit criteria during that 60-month period. Receipt  
16 of assistance from federal block grant funds for temporary assistance  
17 for needy families provided by another state or territory pursuant to  
18 the federal "Personal Responsibility and Work Opportunity  
19 Reconciliation Act of 1996," Pub.L.104-193, shall count towards the  
20 60-month time limit. Receipt of benefits as a dependent child shall  
21 not count towards the 60-month time limit.

22 b. A recipient shall be exempted from the 60-month time limit  
23 established pursuant to subsection a. of this section if the recipient is:

24 (1) over 60 years of age;

25 (2) the parent or other relative of a disabled child or other  
26 dependent who must provide full-time care for the disabled child or  
27 other dependent;

28 (3) permanently disabled, including, but not limited to, a person  
29 eligible for disability insurance benefits under Title II of the federal  
30 Social Security Act (42 U.S.C. §401 et seq.), as defined by regulation  
31 of the commissioner; or

32 (4) chronically unemployable as defined by regulation of the  
33 commissioner.

34 c. A recipient may receive an extension of no more than 12  
35 cumulative months beyond the 60-month time limit established  
36 pursuant to subsection a. of this section, to be granted in increments  
37 that shall not exceed six months, if the commissioner determines that  
38 the recipient meets one of the following criteria:

39 (1) the recipient or the recipient's dependent child would be subject  
40 to extreme hardship or incapacity, as defined by regulation of the  
41 commissioner, in the event of a termination of benefits;

42 (2) the recipient is engaged in full-time employment but remains  
43 eligible for benefits due to earned income disregards;

44 (3) the recipient has not received an opportunity to engage in work  
45 activities as specified in the individual responsibility plan pursuant to  
46 subsection f. of section 8 of P.L. , c. (C. )(pending before

1 the Legislature as Assembly Bill No. 12 of 1996); or

2 (4) the recipient was engaged in full-time employment and was  
3 income-ineligible for benefits but was terminated from the employment  
4 through no fault of the recipient.

5 d. The provisions of this section shall apply to a person who  
6 receives general public assistance pursuant to P.L.1947, c.156  
7 (C.44:8-107 et seq.) after the effective date of this act and is  
8 subsequently transferred directly into the Work First New Jersey  
9 program.

10

11 3. (New section) a. The county agency shall be responsible for  
12 implementing the Work First New Jersey program in accordance with  
13 regulations adopted by the commissioner and ensuring that all  
14 recipients residing in the county have access to benefits.

15 b. The administration by county agencies of the program for eligible  
16 single persons and couples without dependent children shall commence  
17 January 1, 1998, in accordance with a schedule to be determined by  
18 the commissioner for the respective geographic areas of the State.

19 c. The county agency, and any other State, local, public or private  
20 entity or person working with the department or county agency to  
21 effectuate the purposes of this act, shall collect and provide on a  
22 timely basis to the commissioner any information requested by the  
23 commissioner on the operation and administration of the program.

24

25 4. (New section) a. The commissioner shall allocate among the  
26 counties the federal funding available for administrative costs from the  
27 federal block grant funds for temporary assistance for needy families  
28 provided to New Jersey under Pub.L.104-193. The administrative  
29 costs incurred by the county agency with respect to recipients with  
30 dependent children shall be reimbursed by the State at the rate of 50%  
31 of total administrative costs, up to the maximum amount allocated for  
32 that county by the commissioner within the limits of available funds.  
33 The remaining administrative costs shall be funded by the county. The  
34 county's share of cash assistance benefits to recipients with dependent  
35 children shall be 5% of total cash assistance benefit costs, and the  
36 remaining 95% shall be funded by the State and federal governments.

37 b. The administrative costs incurred by the county agency with  
38 respect to recipients who are single adults or couples without  
39 dependent children shall be reimbursed by the State at the rate of  
40 100% for the incremental costs incurred to perform required program  
41 activities that are not required for other federally funded programs.  
42 The State shall reimburse the county agency for 100% of cash  
43 assistance benefits paid to or on behalf of recipients who are single  
44 adults or couples without dependent children.

45

46 5. (New section) a. The department shall implement the electronic

1 benefit distribution system established pursuant to P.L.1985, c.501  
2 (C.44:10-5.1 et seq.) in every county of the State.

3 b. All cash assistance and food stamp benefits shall be provided  
4 through the issuance of a single benefit card utilizing the electronic  
5 benefit distribution system. The commissioner may include additional  
6 programs in this system at his discretion.

7 c. No charge, including a fee imposed by a terminal owner, shall be  
8 imposed upon a person receiving cash assistance, food stamp or other  
9 benefits for participating in the electronic benefit transfer system,  
10 except as follows:

11 (1) after three free cash automatic teller machine withdrawals in a  
12 month, the department may deduct a transaction fee from a recipient's  
13 account for each subsequent withdrawal;

14 (2) a recipient shall be required to pay a fee for a replacement  
15 benefit card in an amount to be determined by the commissioner,  
16 which may be deducted from the recipient's account as determined by  
17 the commissioner, in accordance with federal law; and

18 (3) a recipient who elects to receive benefits at a point-of-sale  
19 location licensed by the Department of Banking and Insurance may be  
20 charged a fee not to exceed the limit on fees for cashing checks  
21 established under P.L.1993, c.383 (C.17:15A-30 et seq.).

22 d. A retail establishment currently authorized to participate in the  
23 food stamp program shall be afforded the opportunity to participate in  
24 the electronic benefit distribution system.

25 e. The department shall cycle the issuance of cash assistance and  
26 food stamp benefits over multiple dates throughout the month in a  
27 manner that best serves cash assistance and food stamp recipients  
28 within the framework of the electronic benefit distribution system in  
29 each county.

30 f. The commissioner shall have the discretion to determine the need  
31 for appropriate benefit card security measures, as well as whatever  
32 personal identification technology is included on the benefit card, to  
33 access cash assistance, food stamp or other benefits under the  
34 electronic benefit distribution system.

35 g. A county agency shall issue a photo-identification card to each  
36 adult recipient as a condition of receiving benefits until implementation  
37 of the electronic benefit distribution system in that county agency.  
38 Once a county begins to implement the electronic benefit distribution  
39 system, the county agency shall no longer be required to issue a photo-  
40 identification card to each adult recipient but may continue the  
41 issuance of photo-identification cards separate from the benefit cards.

42 h. Notwithstanding any provisions of law to the contrary, until  
43 such time as the electronic benefit distribution system is implemented  
44 Statewide, contracts for the provision of food stamp coupons are not  
45 subject to the requirements of the "Local Public Contracts Law,"  
46 P.L.1971, c.198 (C.40A:11-1 et seq.).

1       6. (New section) The federal Social Security number shall be used  
2 as the common identifier of individuals on any record, license,  
3 certificate or other document identifying a person by name which is  
4 used by an agency of State government in accordance with the  
5 requirements of federal law. Each such agency shall be required to  
6 implement the provisions of this section no later than July 1, 1998.

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8       7. (New section) The commissioner, in consultation with the State  
9 Treasurer, is authorized to establish and implement necessary  
10 technological investments appropriate to create a Statewide  
11 community-based electronic network designed to link federal, State  
12 and local government agencies, nonprofit entities and private business  
13 entities, for the effective and efficient exchange of information relating  
14 to, and management of, the Work First New Jersey program and other  
15 related programs.

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17       8. Section 1 of P.L.1993, c.13 (C.2C:20-35) is amended to read as  
18 follows:

19       1. As used in this act:

20       "ATP card" means a document issued by a State or federal agency,  
21 to a certified household, to show the food stamp allotment a  
22 household is authorized to receive on presentation.

23       "Benefit card" means a card used or intended for use to access  
24 Work First New Jersey, food stamp or other benefits as determined by  
25 the Commissioner of Human Services under the electronic benefit  
26 distribution system established pursuant to the "Public Assistance  
27 Electronic Benefit Distribution System Act," P.L.1985, c.501  
28 (C.44:10-5.1 et seq.) and continued pursuant to P.L. , c.  
29 (C. )(pending before the Legislature as this bill).

30       "Department" means the Department of Human Services.

31       "Food stamp coupon" means any coupon or stamp used or intended  
32 for use in the purchase of food pursuant to the federal food stamp  
33 program, 7 U.S.C.2011 et seq.

34 (cf: P.L.1995, c.215, s.1)

35  
36       9. Section 2 of P.L.1993, c.13 (C.2C:20-36) is amended to read as  
37 follows:

38       2. If the face value of food stamp coupons or an ATP card or  
39 benefit card is equal to or greater than \$150, an individual shall be  
40 guilty of a crime of the fourth degree if he purposely or knowingly and  
41 without authorization:

42       a. Receives or uses the proceeds of food stamp coupons or an  
43 ATP card or benefit card for which he has not applied or has not been  
44 approved by the department to use;

45       b. Engages in any transaction to convert food stamp coupons or  
46 an ATP card or benefit card to other property contrary to federal and

1 State government rules and regulations governing the Work First New  
2 Jersey program, the food stamp program, or any other program  
3 included in the electronic benefit distribution system; or

4 c. Transfers food stamp coupons or an ATP card or benefit card  
5 to another person who is not lawfully entitled or approved by the  
6 department to use the coupons or ATP card or benefit card.

7 (cf: P.L.1995, c.215, s.2)

8

9 10. Section 3 of P.L.1993, c.13 (C.2C:20-37) is amended to read  
10 as follows:

11 3. If the face value of food stamp coupons or an ATP card or  
12 benefit card is less than \$150, an individual shall be guilty of a  
13 disorderly persons offense if he purposely or knowingly and without  
14 authorization:

15 a. Receives or uses the proceeds of food stamp coupons or an  
16 ATP card or benefit card for which he has not applied or has not been  
17 approved, by the department, to use;

18 b. Engages in any transaction to convert food stamp coupons or  
19 an ATP card or benefit card to other property contrary to federal and  
20 State government rules and regulations governing the Work First New  
21 Jersey program, the food stamp program, or any other program  
22 included in the electronic benefit distribution system; or

23 c. Transfers food stamp coupons or an ATP card or benefit card  
24 to another person who is not lawfully entitled or approved, by the  
25 department, to use the coupons or ATP card or benefit card.

26

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

28 30:1-12. a. The Legislature finds that the Commissioner of Human  
29 Services is obligated by State and federal law to assure that programs  
30 that serve eligible, low-income, handicapped, elderly, abused, and  
31 disabled persons are provided in an accessible, efficient, cost-effective  
32 and high quality manner. In order to meet these ends, the  
33 commissioner must have sufficient authority to require institutions and  
34 agencies that are under his direct or indirect supervision to meet State  
35 and federal mandates. This authority is especially necessary given the  
36 manner in which certain services are provided by county or local  
37 agencies, but are funded in whole or part by the State. The Legislature  
38 finds that the commissioner must have the authority to establish rules,  
39 regulations and directives, including incentives and sanctions, to assure  
40 that these institutions and agencies are providing services in a manner  
41 consistent with these mandates.

42 b. The commissioner shall have power to determine all matters  
43 relating to the unified and continuous development of the institutions  
44 and noninstitutional agencies within his jurisdiction. He shall determine  
45 all matters of policy and shall have power to regulate the  
46 administration of the institutions or noninstitutional agencies within his

1 jurisdiction, correct and adjust the same so that each shall function as  
2 an integral part of a general system. The rules, regulations, orders and  
3 directions issued by the commissioner pursuant thereto, for this  
4 purpose shall be accepted and enforced by the executive having charge  
5 of any institution or group of institutions or noninstitutional agencies  
6 or any phase of the work within the jurisdiction of the department.

7 In order to implement the public policy of this State concerning the  
8 provision of charitable, hospital, relief and training institutions  
9 established for diagnosis, care, treatment, training, rehabilitation and  
10 welfare of persons in need thereof, for research and for training of  
11 personnel, and in order that the personnel, buildings, land, and other  
12 facilities provided be most effectively used to these ends and to  
13 advance the public interest, the commissioner is hereby empowered to  
14 classify and designate from time to time the specific functions to be  
15 performed at and by any of the aforesaid institutions under his  
16 jurisdiction and to designate, by general classification of disease or  
17 disability, age or sex, the classes of persons who may be admitted to,  
18 or served by, these institutions or agencies.

19 In addition to and in conjunction with its general facilities and  
20 services for the mentally ill, mentally retarded and tuberculous, the  
21 department may at its discretion establish and maintain specialized  
22 facilities and services for the residential care, treatment and  
23 rehabilitation of persons who are suffering from chronic mental or  
24 neurological disorders, including, but not limited to alcoholism, drug  
25 addiction, epilepsy and cerebral palsy.

26 The commissioner shall have the power to regulate the  
27 administration of agencies under his supervision including, but not  
28 limited to, municipal and county [welfare] agencies that administer  
29 public assistance. The commissioner may issue rules, regulations,  
30 orders and directions to assure that programs administered by the  
31 agencies are financially and programmatically efficient and effective,  
32 and to establish incentives and impose sanctions to assure the  
33 appropriate operation of programs and compliance with State and  
34 federal laws and regulations.

35 In addition, the commissioner shall have the authority to:

36 (1) review and approve county and municipal [welfare] public  
37 assistance agency budgets; and

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

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

6 The commissioner shall have the power to promulgate regulations  
7 to assure that services in State and county psychiatric facilities are  
8 provided in an efficient and accessible manner and are of the highest  
9 quality. Regulations shall include, but shall not be limited to, the  
10 transfer of patients between facilities; the maintenance of quality in  
11 order to obtain certification by the United States Department of Health  
12 and Human Services; the review of the facility's budget; and the  
13 establishment of sanctions to assure the appropriate operation of  
14 facilities in compliance with State and federal laws and regulations.

15 The commissioner shall have the power to promulgate regulations  
16 to assure that county adjusters effectively and efficiently conduct  
17 investigations, notify legally responsible persons of amounts to be  
18 assessed against them, petition the courts, represent patients in  
19 psychiatric facilities, and as necessary reopen the question of payment  
20 for maintenance of persons residing in psychiatric facilities.  
21 Regulations may include minimum standards for determining payment  
22 of care by legally responsible persons; a uniform reporting system of  
23 findings, conclusions and recommendations; and the establishment of  
24 sanctions to assure compliance with State laws and regulations.

25 c. The commissioner shall have the power to conduct an  
26 investigation into the financial ability to pay, directly or indirectly, of  
27 any person receiving services from the department, or his chargeable  
28 relatives. This authority shall include the power to issue subpoenas to  
29 compel testimony and the production of documents. The  
30 commissioner may contract with a public or private entity to perform  
31 the functions set forth in this subsection, subject to terms and  
32 conditions required by the commissioner.

33 (cf: P.L.1995, c.155, s.1)

34

35 12. The commissioner, pursuant to the "Administrative Procedure  
36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
37 regulations to effectuate the purposes of this act and to comply with  
38 the requirements of Pub.L.104-193.

39

40 13. This act shall take effect immediately.

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#### STATEMENT

44

45 This bill is part of a legislative package which establishes the "Work  
46 First New Jersey" program in the Department of Human Services

1 (DHS) as the State's consolidated public assistance program,  
2 replacing the current programs of aid to families with dependent  
3 children (AFDC), AFDC emergency assistance, general assistance  
4 (GA), GA emergency assistance, the GA employability program, and  
5 the Family Development Initiative.

6 The bill provides that:

7 C A Work First New Jersey recipient's eligibility for the program is  
8 limited to a total of 60 cumulative months (unless the recipient is  
9 over 60 years of age, caring for a disabled dependent, permanently  
10 disabled or chronically unemployable), except that the  
11 Commissioner of Human Services may extend the recipient's  
12 eligibility for no more than 12 cumulative months (in increments  
13 that shall not exceed six months) if the commissioner determines  
14 that the recipient meets certain criteria, i.e., the recipient or the  
15 recipient's dependent child would be subject to extreme hardship or  
16 incapacity, or the recipient is engaged in unsubsidized employment  
17 but is still income-eligible for the program or has been terminated  
18 from employment through no fault of the recipient. (Time spent in  
19 the program prior to a person's 18th birthday does not count  
20 toward the 60-month limit.);

21 C The administration by county agencies of the Work First New  
22 Jersey program for eligible single persons and couples without  
23 dependent children shall commence January 1, 1998, in accordance  
24 with a schedule to be determined by the commissioner for the  
25 respective geographic areas of the State;

26 C Each county agency shall be responsible for implementing the  
27 program in accordance with regulations adopted by the  
28 commissioner and ensuring that all recipients residing in the county  
29 have access to benefits;

30 C The county agency, and any other State, local, public or private  
31 entity or person working with the department or county agency to  
32 effectuate the purposes of this bill, shall collect and provide on a  
33 timely basis to the commissioner any information requested by the  
34 commissioner on the operation and administration of the program;

35 C The commissioner shall allocate among the counties the federal  
36 funding available for administrative costs from the federal block  
37 grant funds for temporary assistance for needy families provided to  
38 New Jersey under the federal "Personal Responsibility and Work  
39 Opportunity Reconciliation Act of 1996," Pub.L.104-193;

40 C The administrative costs incurred by the county agency with respect  
41 to recipients with dependent children shall be reimbursed by the  
42 State at the rate of 50% of total administrative costs, up to the  
43 maximum amount allocated for that county by the commissioner  
44 within the limits of available funds. The county's share of cash  
45 assistance benefits to recipients with dependent children shall be 5%  
46 of total cash assistance benefit costs, and the remaining 95% shall

- 1 be funded by the State and federal governments;
- 2 C The administrative costs incurred by the county agency with respect  
3 to recipients who are single adults or couples without dependent  
4 children shall be reimbursed by the State at the rate of 100% for the  
5 incremental costs incurred to perform required program activities  
6 that are not required for other federally funded programs. The  
7 State shall reimburse the county agency for 100% of cash assistance  
8 benefits paid to or on behalf of recipients who are single adults or  
9 couples without dependent children;
- 10 C The Department of Human Services is to implement the electronic  
11 benefit distribution system established pursuant to P.L.1985, c.501  
12 (C.44:10-5.1 et seq.) in every county of the State;
- 13 C The penalties provided in P.L.1993, c.13 (C.2C:20-35 et seq.) for  
14 the misuse of food stamp benefits are to be extended to Work First  
15 New Jersey benefits, as well as to benefits provided under any other  
16 program included in the electronic benefit distribution system;
- 17 C The federal Social Security number shall be used as the common  
18 identifier of individuals on any record, license, certificate or other  
19 document identifying a person by name which is used by an agency  
20 of State government in accordance with the requirements of federal  
21 law. This requirement is to be implemented by July 1, 1998;
- 22 C The commissioner, in consultation with the State Treasurer, is  
23 authorized to implement technological investments to create a  
24 Statewide community-based electronic network to link federal,  
25 State and local government agencies, nonprofit entities and private  
26 business entities, for the effective and efficient exchange of  
27 information relating to, and management of, the Work First New  
28 Jersey program and other related programs; and
- 29 C The commissioner shall have the authority under R.S.30:1-12 to  
30 regulate municipal and county agencies that administer public  
31 assistance.
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- 36 Imposes time limit on receipt of benefits under Work First New Jersey  
37 program and provides for administration of the program by county  
38 agencies.