

[Third Reprint]
SENATE, No. 35

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senators BASSANO, BRYANT, Zane, Kyrillos, Adler,
Bubba, Littell, Kosco, Haines, Ewing, Lesniak, Bennett, Scott,
Matheussen, Ciesla, Cardinale, Palaia, Sinagra, Gormley and
Inverso

1 AN ACT concerning the Work First New Jersey program,
2 supplementing Title 44 of the Revised Statutes and amending
3 ¹[P.L.1993, c.13] various parts of the statutory law¹.

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 ¹or couple¹ with one or more dependent children who
12 are legally or blood-related, or who is their legal guardian, and who
13 live together as a household unit.

14 "Benefits" means any assistance provided to needy persons and
15 their dependent children and ¹needy¹ single persons ¹and couples
16 without dependent children¹ under the Work First New Jersey program
17 established pursuant to P.L. , c. (C.) (pending before the
18 Legislature as Senate Bill No. ¹36¹ f 1996).

19 "Commissioner" means the Commissioner of Human Services.

20 "County agency" means ¹[the] ²[a public¹] the county² agency ²[,
21 including, but not limited to, a county planning council, designated by
22 a county and approved by the commissioner to] that was administering
23 the aid to families with dependent children program at the time the
24 federal "Personal Responsibility and Work Opportunity Reconciliation
25 Act of 1996," Pub.L.104-193, was enacted and which, upon the
26 enactment of P.L. , c. (C.)(pending before the Legislature as this
27 bill) shall also² administer the Work First New Jersey program in that

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted November 18, 1996.

² Senate floor amendments adopted December 16, 1996.

³ Assembly APR committee amendments adopted February 10, 1997.

1 county ²[for assistance units with dependent children]¹².

2 "Department" means the Department of Human Services.

3 "Dependent child" means a child:

4 a. under the age of 18;

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

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

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

16 ¹"Legal guardian" means the person who exercises continuing
17 control over the person or property, or both, of a child, including any
18 specific right of control over an aspect of the child's upbringing,
19 pursuant to a court order.¹

20 "Program" means the Work First New Jersey program established
21 pursuant to P.L. , c. (C.)(pending before the Legislature as
22 Senate Bill No. ¹36¹ of 1996).

23 "Recipient" means a recipient of benefits under the Work First New
24 Jersey program established pursuant to P.L. , c. (C.)
25 (pending before the Legislature as Senate Bill No. ¹36¹ of 1996).

26

27 2. (New section) a. Effective no later than the 30th day after the
28 date of enactment of this act, a recipient's eligibility for benefits shall
29 be limited to a total of 60 cumulative months, except as otherwise
30 provided in this act, regardless of whether the recipient meets more
31 than one assistance unit criteria during that 60-month period. Receipt
32 of assistance from federal block grant funds for temporary assistance
33 for needy families provided by another state or territory pursuant to
34 the federal "Personal Responsibility and Work Opportunity
35 Reconciliation Act of 1996," Pub.L.104-193, shall count towards the
36 60-month time limit. Receipt of benefits as a dependent child ¹or
37 minor parent¹ shall not count towards the 60-month time limit ¹in the
38 event that the dependent child or minor parent becomes a head of
39 household in the child's or parent's own right for the purposes of
40 receiving benefits.¹

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

43 (1) over 60 years of age;

44 (2) the parent or other relative of a disabled child or other
45 ¹disabled¹ dependent who must provide full-time care for the disabled
46 child or other ¹disabled¹ dependent;

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

5 (4) chronically unemployable as defined by regulation of the
6 commissioner.

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

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

15 (2) the recipient is engaged in full-time employment but remains
16 eligible for benefits due to earned income disregards ¹provided for
17 under section 4 of P.L. , c. (pending before the Legislature as
18 Senate Bill No. 37 of 1996) ¹;

19 (3) the recipient has not received an opportunity to engage in work
20 activities as specified in the individual responsibility plan pursuant to
21 subsection f. of section 8 of P.L. , c. (C.)(pending before
22 the Legislature as Senate Bill No. ¹36¹ of 1996); or

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

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

31
32 3. (New section) a. The county agency ³[and municipal welfare
33 agency]³ shall be responsible for implementing the Work First New
34 Jersey program in accordance with regulations adopted by the
35 commissioner and ensuring that all ¹[recipients] eligible persons ¹
36 residing in the county have access to benefits³; except as otherwise
37 provided in this subsection.

38 (1) A municipality may continue to administer general public
39 assistance for eligible single persons and couples without dependent
40 children through the program in accordance with the provisions of
41 P.L.1947, c.156 (C.44:8-107 et seq.), and fund the administrative
42 costs thereof upon passage of a resolution. The resolution shall be
43 passed no later than six months after the commissioner adopts
44 regulations to effectuate these provisions. A copy of the resolution
45 shall be filed with the Division of Local Government Services in the
46 Department of Community Affairs within three days after its passage.

1 The resolution shall include the reasons for the governing body's
2 decision to administer the program.

3 (2) The Division of Local Government Services in the Department
4 of Community Affairs shall not include the municipality's general
5 public assistance budget in its budget review and approval process.

6 (3) A municipality which administers general public assistance
7 pursuant to the provisions of paragraph (1) of this subsection shall be
8 responsible for all administrative costs of providing benefits to eligible
9 single persons and couples without dependent children. The State shall
10 reimburse the municipality for 100% of cash assistance benefits paid
11 to recipients of general public assistance.

12 (4) If a municipality fails to comply with the provisions of
13 paragraph (1) of this subsection, the commissioner is authorized to
14 require the transfer of its administration of general public assistance to
15 the county.

16 (5) If the commissioner determines by financial or performance
17 audit that a municipality has failed to administer benefits pursuant to
18 this subsection in accordance with standards established by regulation
19 of the commissioner, the commissioner is authorized to: take
20 appropriate action pursuant to section 15 of P.L.1990, c.66 (C.30:1-
21 12.2), recoup any funds identified by that audit, and require the
22 transfer by the municipality of its administration of general public
23 assistance to the county.

24 Prior to effecting such a transfer, the commissioner shall specify in
25 writing to the municipality the financial or performance deficiencies
26 determined by audit and provide the municipality with a reasonable
27 opportunity to correct those deficiencies, in accordance with a process
28 to be established by regulation of the commissioner. The regulations
29 shall include, but not be limited to, the form and manner for
30 submission of a plan of correction by the municipality which sets forth
31 the specific activities and time periods within which the deficiencies
32 are to be corrected. If the municipality fails to correct these
33 deficiencies, the commissioner may proceed with the transfer.

34 (6) Within 30 days after the adoption of regulations to effectuate
35 the purposes of this section, the commissioner shall notify each
36 municipality in writing of its option to administer general public
37 assistance pursuant to the provisions of paragraph (1) of this
38 subsection or transfer its administration of general public assistance to
39 the county³.

40 b. ³(1)³ The administration by county agencies of the program for
41 eligible single persons and couples without dependent children shall
42 commence January 1, 1998, in accordance with a schedule to be
43 determined by the commissioner for the respective geographic areas
44 of the State³; except as provided in subsection a. of this section³.

45 ³In accordance with procedures established by the commissioner,
46 the State shall reimburse the county for 100% of the administrative

1 costs incurred by the county agency with respect to the provision of
2 cash assistance benefits to the eligible single adults and couples
3 without dependent children residing in a municipality which has
4 transferred its administration of general public administration to the
5 county, up to the maximum amount allocated for that county by the
6 commissioner within the limits of available funds.

7 (2) With respect to a municipality which has opted to continue to
8 administer general public assistance pursuant to the provisions of
9 paragraph (1) of subsection a. of this section, the commissioner is
10 authorized to: provide for the issuance of cash assistance benefits, in
11 accordance with regulations adopted by the commissioner, by paper
12 check, electronic benefit distribution, or other appropriate means; and
13 to require the municipality to report information to the commissioner
14 which the commissioner deems necessary to the proper administration
15 of the program through electronic means, as prescribed by regulation
16 of the commissioner³.

17 c. The county agency ¹and municipal welfare agency¹, and any
18 other State, local, public or private entity or person working with the
19 department ¹[or], ¹county agency or municipal welfare agency to
20 effectuate the purposes of this act, shall collect and provide on a
21 timely basis to the commissioner any information requested by the
22 commissioner on the operation and administration of the program.

23 ²d. For the first 12 months following the enactment of P.L. ____,
24 c. (C. __)(pending before the Legislature as this bill), a county
25 agency shall not enter into a contract with a private nonprofit or a
26 private for profit entity for eligibility determination functions and
27 benefit computation services that the county agency's current
28 employees are capable of performing.²

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

42 b. ¹[The] ³[Effective January 1, 1998,¹ administrative costs incurred
43 by ¹[the county] a municipal welfare agency with respect to
44 recipients who are single adults or couples without dependent children
45 shall be reimbursed by the State at the rate of 100% for the
46 incremental costs incurred to perform required program activities that

1 are not required ¹[for other federally funded programs] under
 2 P.L.1947, c.156 (C.44:8-107 et seq.)¹].³ The State shall reimburse the
 3 ¹[county] ³[municipal welfare¹] county³ agency for 100% of cash
 4 assistance benefits paid to or on behalf of recipients who are single
 5 adults or couples without dependent children ³[in accordance with the
 6 provisions of P.L.1947, c.156 (C.44:8-107 et seq.)¹].³

7 ¹c. The commissioner shall allocate among the counties the funding
 8 available for work activities as defined in section 3 of P.L. , c.
 9 (C.) (pending before the Legislature as Senate Bill No. 36 of 1996),
 10 and case management activities applicable to work activities, from
 11 State appropriations and federal block grant funds for temporary
 12 assistance for needy families provided to the State pursuant to
 13 Pub.L.104-193. Costs incurred by the counties for work activities and
 14 case management shall be reimbursed up to the maximum amount
 15 allocated for that county by the commissioner, and within the limits of
 16 available funds.

17 ²[d. Effective January 1, 1998, the commissioner shall allocate
 18 among the municipal welfare agencies the State funding available for
 19 work activities as defined in section 3 of P.L. , c. (C.) (pending
 20 before the Legislature as Senate Bill No. 36 of 1996), and case
 21 management activities applicable to work activities from State
 22 appropriations. Costs incurred by the municipal welfare agencies for
 23 work activities and case management shall be reimbursed up to the
 24 maximum amount allocated for that agency by the commissioner, and
 25 within the limits of available funds.¹]²

26
 27 5. (New section) a. The department shall implement the electronic
 28 benefit distribution system established pursuant to P.L.1985, c.501
 29 (C.44:10-5.1 et seq.) in every county of the State.

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

34 c. No charge, including a fee imposed by a terminal owner, shall be
 35 imposed upon a person receiving cash assistance, food stamp or other
 36 benefits for participating in the electronic benefit transfer system² [,
 37 except as follows:

38 (1) after three free cash automatic teller machine withdrawals in a
 39 month, the department may deduct a transaction fee from a recipient's
 40 account for each subsequent withdrawal ¹[, except that a cash
 41 withdrawal at a point-of-sale device shall not be assessed a fee.];¹

42 (2) a recipient shall be required to pay a fee for a replacement
 43 benefit card in an amount to be determined by the commissioner,
 44 which may be deducted from the recipient's account as determined by
 45 the commissioner, in accordance with federal law ¹; and

46 (3) a recipient who elects to receive benefits at a point-of-sale

1 location licensed by the Department of Banking and Insurance may be
2 charged a fee not to exceed the limit on fees for cashing checks
3 established under P.L.1993, c.383 (C.17:15A-30 et seq.)¹]² ³, except
4 as follows:

5 (1) after three free cash automatic teller machine withdrawals in a
6 month, the department may deduct a transaction fee from a recipient's
7 account for each subsequent withdrawal:

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

12 (3) in the case of a recipient who elects to receive benefits at a
13 point-of-sale location licensed by the Department of Banking and
14 Insurance pursuant to P.L.1993, c.383 (C.17:15A-30 et seq.), the
15 State shall pay the licensee the difference between the contracted base
16 transaction fee and \$1.00. The provisions of this paragraph shall
17 expire two years after the effective date of the single Statewide
18 electronic benefits distribution contract that is let pursuant to P.L. ,
19 c. (C.)(pending before the Legislature as this bill)³ .

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

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

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

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

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

45
46 6. (New section) The federal Social Security number shall be used

1 as the common identifier of individuals ¹[on] for¹ any record, license,
2 certificate or other document identifying a person by name which is
3 used by an agency of State government in accordance with the
4 requirements of federal law. Each such agency shall be required to
5 implement the provisions of this section no later than July 1, 1998.

6
7 7. (New section) The commissioner, in consultation with the State
8 Treasurer, is authorized to establish and implement necessary
9 technological investments appropriate to create a Statewide
10 community-based electronic network designed to link federal, State
11 and local government agencies, nonprofit entities and private business
12 entities, for the effective and efficient exchange of information relating
13 to, and management of, the Work First New Jersey program and other
14 related programs.

15
16 8. Section 1 of P.L.1993, c.13 (C.2C:20-35) is amended to read as
17 follows:

18 1. As used in this act:

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

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

29 "Department" means the Department of Human Services.

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

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

34
35 9. Section 2 of P.L.1993, c.13 (C.2C:20-36) is amended to read as
36 follows:

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

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

44 b. Engages in any transaction to convert food stamp coupons or an
45 ATP card or benefit card to other property contrary to federal and
46 State government rules and regulations governing the Work First New

1 Jersey program, the food stamp program, or any other program
2 included in the electronic benefit distribution system; or

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

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

7

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

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

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

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

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

25 (cf: P.L.1995, c.215, s.3)

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] ¹budgets
37 for¹ public assistance ¹[agency budgets]¹; and

38 (2) ¹take appropriate interim action, including withholding State
39 and federal administrative funds, or¹ take over and operate county or
40 municipal [welfare] public assistance operations in situations in which
41 the commissioner determines that the ¹[welfare board] public
42 assistance agency¹ is failing to substantially follow federal or State
43 law, thereby placing clients, who are dependent on public assistance
44 benefits to survive in a humane and healthy manner, at serious risk. In
45 this situation, the commissioner shall have the authority to bill the
46 county for the cost of such operations and for necessary changes to

1 assure that services are provided to accomplish federal and State
2 mandates in an effective and efficient manner.

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

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

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

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

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

36

37 ¹12. Section 15 of P.L.1990, c.66 (C.30:1-12.2) is amended to read
38 as follows:

39 15. If the commissioner determines that any [municipal Local
40 Assistance Board or County Welfare Board] county agency
41 administering public assistance or municipal welfare agency has failed
42 to administer their respective programs in accordance with applicable
43 State and federal laws and regulations, the commissioner shall have the
44 authority to take the following action:

45 a. Take the necessary administrative and programmatic changes
46 necessary to ensure compliance with State and federal law and

1 regulation and bill the municipality [and] or county for the reasonable
2 expenses incurred by the department in ensuring compliance, withhold
3 administrative costs and ²take such² other interim actions, as deemed
4 necessary and appropriate;

5 b. Hire any consultant or undertake any studies of the agency
6 operations deemed appropriate;

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

14 d. Operate the county agency administering public assistance or
15 municipal welfare agency, as deemed necessary and appropriate; and

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

19 (cf: P.L.1990, c.66, s.15)

20

21 ¹13. Section 1 of P.L.1947, c.156 (C.44:8-107) is amended to read
22 as follows:

23 1. a. This act may be cited as the "Work First New Jersey General
24 Public Assistance [Law] Act."

25 b. Whenever the term "General Public Assistance Law" occurs or
26 any reference is made thereto in any law, contract or document, the
27 same shall be deemed to mean or refer to the "Work First New Jersey
28 General Public Assistance Act."

29 c. Whenever the term "general public assistance" occurs or any
30 reference is made thereto in any law, contract or document, the same
31 shall be deemed to mean or refer to benefits provided to single adults
32 and couples without dependent children through the Work First New
33 Jersey program established pursuant to P.L. _____, c. _____ (C. _____)
34 (pending before the Legislature as Senate Bill No. 36 of 1996).¹

35 (cf: P.L.1947, c.156, s.1)

36

37 ¹14. Section 2 of P.L.1947, c.156 (C.44:8-108) is amended to read
38 as follows:

39 2. As used in this act:

40 "Commissioner" means the Commissioner of the Department of
41 Human Services;

42 "Department" means the Department of Human Services;

43 "Employable person" means any person applying for or receiving
44 public assistance under this act who is not unable to perform work due
45 to physical or mental disability as such terms shall be defined in
46 regulations established by the commissioner;

1 "Municipality" shall include any city, borough, township, town,
 2 village or municipality governed by a board of commissioners or an
 3 improvement commission ³which administers general public assistance
 4 to single adults and couples without dependent children through the
 5 Work First New Jersey program established pursuant to P.L. , c.
 6 (C.)(pending before the Legislature as Assembly Bill No. 12 of
 7 1996)³;

8 "Public assistance" means assistance rendered to needy [persons
 9 not otherwise provided for under the laws of this State, where such
 10 persons] single adults and couples without dependent children who
 11 are willing to work but are unable to secure employment due either to
 12 physical or mental disability or inability to find employment, and
 13 includes what is commonly called "relief" or "emergency relief," which
 14 shall be provided under the Work First New Jersey program
 15 established pursuant to P.L. , c. (C.)(pending before the
 16 Legislature as Assembly Bill No. 12 of 1996) in the form of benefits
 17 as defined in section 3 of P.L. , c. (C.)(pending before
 18 the Legislature as Assembly Bill No. 12 of 1996);

19 "State aid" means State aid for public assistance or relief as in this
 20 act prescribed and provided for;

21 "Unemployable person" means any person applying for or receiving
 22 public assistance who is not an employable person as defined by the
 23 commissioner;

24 "Year" means calendar year.¹

25 (cf: P.L.1977, c.286, s.1)

26

27 ¹15. Section 8 of P.L.1947, c.156 (C.44:8-114) is amended to read
 28 as follows:

29 8. a. The State shall provide, through each municipality or county,
 30 as appropriate, public assistance to the persons eligible therefor,
 31 residing therein or otherwise when so provided by law, which
 32 assistance shall be fully funded by the State and administered by a local
 33 assistance board or the county welfare agency according to law and in
 34 accordance with P.L.1947, c.156 (C.44:8-107 et seq.) and with such
 35 rules and regulations as may be promulgated by the commissioner.

36 b. An employable person who is receiving public assistance shall be
 37 required, except when good cause exists, to [enroll and actively
 38 participate in the Family Development Initiative established pursuant
 39 to P.L.1991, c.523 (C.44:10-19 et al.)] comply with the requirements
 40 of the Work First New Jersey program pursuant to P.L. , c.
 41 (C.)(pending before the Legislature as Senate Bill No. 36 of
 42 1996).

43 c. The commissioner may exempt a person from [participating in
 44 the program] the provisions of subsection b. of this section for reasons
 45 of physical or mental impairment, age, illness or injury, caretaker
 46 responsibilities, employment or unsuitability, as determined by the

1 commissioner[, for the services provided by the program].

2 [Each person receiving public assistance who is required to
3 participate in the Family Development Initiative shall receive a
4 health-related, social, educational and vocational assessment and those
5 services, as appropriate, which are provided to other participants in
6 that program pursuant to P.L.1991, c.523 (C.44:10-19 et al.).]

7 Any person who without good cause fails or refuses to [enroll and
8 actively participate in the Family Development Initiative, which
9 includes failure to attend or make satisfactory academic progress in
10 educational or vocational training classes under the program, including
11 classes in four-year and community colleges and post-secondary
12 vocational training programs] comply with the requirements of the
13 Work First New Jersey program, according to rules and regulations
14 adopted by the commissioner, shall [thereupon, as determined by the
15 commissioner, be subject to a reduction in benefits of at least 20%, or
16 shall become ineligible for public assistance for a period of at least 90
17 days, which shall commence at the end of the current benefit period
18 and at the end of which the person shall again become eligible for
19 public assistance; provided that he complies with all requirements of
20 the Family Development Initiative as determined by the commissioner
21 or shows his willingness to do so. For a subsequent failure or refusal
22 to enroll and actively participate in the program without good cause,
23 the person may be subject to a termination of benefits] be subject to
24 the provisions of section 9 of P.L. _____, c. _____ (C. _____)(pending
25 before the Legislature as Senate Bill No. 36 of 1996).¹

26 (cf: P.L.1995, c.259, s.19)

27

28 ¹16. Section 1 of P.L.1993, c.305 (C.44:8-117.1) is amended to
29 read as follows:

30 1. Notwithstanding any provisions of law to the contrary, the
31 governing body of a municipality shall have the authority to establish
32 staffing levels for the municipality's welfare department for the
33 purpose of administering public assistance pursuant to the "Work First
34 New Jersey General Public Assistance [Law] Act," P.L.1947, c.156
35 (C.44:8-107 et seq.).¹

36 (cf: P.L.1993, c.305, s.1)

37

38 ¹[12.] 17.¹ The commissioner, pursuant to the "Administrative
39 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt
40 rules and regulations to effectuate the purposes of this act and to
41 comply with the requirements of Pub.L.104-193.

42

43 ¹[13.] 18.¹ This act shall take effect immediately 1, except that
44 sections 13 through 16 shall take effect on January 1, 1998¹.

45

46

- 1 Imposes time limit on receipt of benefits under Work First New Jersey
- 2 program and provides for administration of the program.