

SENATE, No. 2068

STATE OF NEW JERSEY

INTRODUCED MAY 15, 1997

By Senators BASSANO and CODEY

1 AN ACT concerning general public assistance, amending P.L.1997,
2 c.37 and supplementing P.L.1947, c.156 (C.44:8-107 et seq.).

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

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7 1. Section 3 of P.L.1997, c.37 (C.44:10-73) is amended to read as
8 follows:

9 3. a. The county agency shall be responsible for implementing the
10 Work First New Jersey program in accordance with regulations
11 adopted by the commissioner and ensuring that all eligible persons
12 residing in the county have access to benefits; except as otherwise
13 provided in this subsection.

14 (1) A municipality may continue to administer general public
15 assistance for eligible single persons and couples without dependent
16 children through the program in accordance with the provisions of
17 P.L.1947, c.156 (C.44:8-107 et seq.), [and fund the administrative
18 costs thereof] upon passage of a resolution. The resolution shall be
19 passed no later than six months after the commissioner adopts
20 regulations to effectuate these provisions. A copy of the resolution
21 shall be filed with the Division of Local Government Services in the
22 Department of Community Affairs within three days after its passage.
23 The resolution shall include the reasons for the governing body's
24 decision to administer the program.

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

28 (3) A municipality which administers general public assistance
29 pursuant to the provisions of paragraph (1) of this subsection and
30 which complies with the standards of performance prescribed by the
31 commissioner pursuant to section 2 of P.L. , c. (C.)(pending
32 before the Legislature as this bill) shall be [responsible] reimbursed
33 by the State for all administrative costs [of providing benefits]
34 incurred with respect to eligible single persons and couples without

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 dependent children. The State shall also reimburse the municipality for
2 100% of cash assistance benefits paid to recipients of general public
3 assistance.

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

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

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

26 (6) Within 30 days after the adoption of regulations to effectuate
27 the purposes of this section, the commissioner shall notify each
28 municipality in writing of its option to administer general public
29 assistance pursuant to the provisions of paragraph (1) of this
30 subsection or transfer its administration of general public assistance to
31 the county .

32 b. (1) The administration by county agencies of the program for
33 eligible single persons and couples without dependent children shall
34 commence January 1, 1998, in accordance with a schedule to be
35 determined by the commissioner for the respective geographic areas
36 of the State; except as provided in subsection a. of this section.

37 In accordance with procedures established by the commissioner, the
38 State shall reimburse the county for 100% of the administrative costs
39 incurred by the county agency with respect to the provision of cash
40 assistance benefits to the eligible single adults and couples without
41 dependent children residing in a municipality which has transferred its
42 administration of general public administration to the county, up to the
43 maximum amount allocated for that county by the commissioner within
44 the limits of available funds.

45 (2) With respect to a municipality which has opted to continue to
46 administer general public assistance pursuant to the provisions of

1 paragraph (1) of subsection a. of this section, the commissioner is
2 authorized to: provide for the issuance of cash assistance benefits, in
3 accordance with regulations adopted by the commissioner, by paper
4 check, electronic benefit distribution, or other appropriate means; and
5 to require the municipality to report information to the commissioner
6 which the commissioner deems necessary to the proper administration
7 of the program through electronic means, as prescribed by regulation
8 of the commissioner.

9 c. The county agency and municipal welfare agency, and any other
10 State, local, public or private entity or person working with the
11 department, county agency or municipal welfare agency to effectuate
12 the purposes of this act, shall collect and provide on a timely basis to
13 the commissioner any information requested by the commissioner on
14 the operation and administration of the program.

15 d. For the first 12 months following the enactment of P.L.1997,
16 c.37 (C.44:10-71 et al.), a county agency shall not enter into a
17 contract with a private nonprofit or a private for profit entity for
18 eligibility determination functions and benefit computation services
19 that the county agency's current employees are capable of performing.
20 (cf: P.L.1997, c.37, s.3)

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22 2. (New section) a. The Commissioner of Human Services, no
23 later than the 90th day after the effective date of this act, shall adopt
24 rules and regulations which provide for specific standards of
25 performance with respect to the administration of general public
26 assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.). Each
27 municipal welfare agency or other agency administering general public
28 assistance shall be required to comply with these standards, which
29 shall be designed to ensure adequate access to services for all eligible
30 citizens at the lowest possible cost of administration. The standards
31 shall include, but need not be limited to, requirements for:

32 (1) agency director certification pursuant to section 3 of this act;

33 (2) accessibility to the public during normal business hours, with
34 access provided for emergencies 24 hours a day, seven days a week;

35 (3) the collection and transmittal of such information, including
36 statistical reports, in an electronic format and on a timely basis to the
37 commissioner as the commissioner may require; and

38 (4) an annual review by a registered municipal auditor of each
39 municipal welfare agency and compliance by the agency with any
40 recommendation made by the auditor based upon that review.

41 b. No later than the 30th day after the adoption of standards of
42 performance pursuant to subsection a. of this section, the
43 commissioner shall distribute an evaluation form to each local
44 assistance board for the purpose of measuring its compliance with the
45 standards. The board shall complete and return the form to the
46 commissioner within 60 days of its receipt, and the information

1 provided by the agency shall be certified as correct by the director of
2 the agency administering general public assistance and the presiding
3 officer of the board.

4 c. No later than six months after the effective date of this act, the
5 commissioner shall advise each local assistance board whether it is in
6 compliance with the standards prescribed by the commissioner
7 pursuant to subsection a. of this section.

8 d. No later than 12 months after the effective date of this act, each
9 municipality shall be required to provide a program of general public
10 assistance which complies with the standards prescribed by the
11 commissioner pursuant to subsection a. of this section, by use of the
12 services of one or more of the following: its own municipal welfare
13 agency, a regional agency, an agency with which the municipality
14 contracts for this purpose, or a county agency pursuant to P.L.1997,
15 c.37 (C.44:10-71 et seq.).

16 e. The commissioner shall periodically review the performance of
17 each municipal, regional, county or contracting agency with respect to
18 the administration of general public assistance to determine whether
19 it is complying with the standards of performance prescribed by the
20 commissioner.

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22 3. (New section) Each municipal, regional, county or contracting
23 agency which administers general public assistance shall be
24 administered by a welfare director who has been certified in
25 accordance with rules and regulations to be adopted by the
26 Commissioner of Human Services no later than the 90th day after the
27 effective date of this act, and who, notwithstanding the provisions of
28 any statute to the contrary, shall be the general agent of the local
29 assistance board for the administration of general public assistance.
30 The standards for certification shall require, at a minimum, that an
31 applicant present proof of completion of courses prescribed by the
32 commissioner which are offered through Rutgers, The State
33 University.

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35 4. The Commissioner of Human Services, pursuant to the
36 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
37 seq.), shall adopt rules and regulations to effectuate the purposes of
38 this act.

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40 5. This act shall take effect immediately.

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STATEMENT

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45 This bill requires that the State reimburse a municipality which
46 administers its own general public assistance (GA) program under the

1 Work First New Jersey program, rather than transfer its GA program
2 to the county pursuant to P.L.1997, c.37 (C.44:10-71 et seq.), for the
3 administrative costs of operating the program, if the municipality
4 complies with the standards of performance adopted by the
5 Commissioner of Human Services pursuant to this bill.

6 The bill provides for the adoption by the Commissioner of Human
7 Services of specific standards of performance with respect to the
8 administration of the GA program, with which each agency
9 administering the program shall be required to comply. The bill
10 further requires that each agency which administers the program be
11 administered by a welfare director who has been certified in
12 accordance with rules and regulations to be adopted by the
13 commissioner.

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18 Requires State to pay administrative costs of general public assistance
19 provided by municipalities and requires Commissioner of Human
20 Services to develop and implement performance standards for
21 administration of general public assistance.