

ASSEMBLY, No. 1982

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MAY 4, 1998

Sponsored by:

Assemblyman FRANCIS J. BLEE

District 2 (Atlantic)

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

"New Jersey Supplementary Food Stamp Program Act."

CURRENT VERSION OF TEXT

As introduced.



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2

1 AN ACT establishing the New Jersey Supplementary Food Stamp
2 Program, amending P.L.1993, c.13 and P.L.1997, c.37, and
3 supplementing Title 44 of the Revised Statutes.

4

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

7

8 1. (New section) This act shall be known and may be cited as the
9 "New Jersey Supplementary Food Stamp Program Act."

10

11 2. (New section) As used in this act:

12 "Commissioner" means the Commissioner of Human Services.

13 "Department" means the Department of Human Services.

14 "Federal food stamp program" means the federal food stamp
15 program authorized by Title XIII of the "Food and Agriculture Act of
16 1977," Pub.L.95-113 (7 U.S.C. s.2011 et seq.).

17 "Program" means the New Jersey Supplementary Food Stamp
18 Program established pursuant to this act.

19

20 3. (New section) a. There is established the New Jersey
21 Supplementary Food Stamp Program in the Department of Human
22 Services. The purpose of the program is to provide nutritional
23 assistance to those categories of noncitizens who were rendered
24 ineligible for the federal food stamp program by section 402 of
25 Pub.L.104-193, the federal "Personal Responsibility and Work
26 Opportunity Reconciliation Act of 1996" (8 U.S.C. s.1612).

27 b. The program shall be administered pursuant to State rules and
28 regulations implementing the federal food stamp program, except that
29 the eligibility criteria for noncitizens for the program provided in
30 section 4 of this act shall be used in lieu of those of the federal food
31 stamp program.

32

33 4. (New section) a. A noncitizen shall be eligible for participation
34 in the program if that person was: lawfully admitted into the United
35 States prior to August 22, 1996, remains lawfully present in the United
36 States, is ineligible for the federal food stamp program, and is one of
37 the following:

38 (1) under 18 years of age;

39 (2) 65 years of age or over;

40 (3) receiving benefits under the supplemental security income
41 program established pursuant to the federal Social Security Act,
42 Pub.L.92-603 (42 U.S.C. s.1381 et seq.), or determined to be an
43 essential person under the supplemental security income program;

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

Matter underlined thus is new matter.

1 (4) mentally or physically incapacitated, as defined by regulation of
2 the commissioner, including being blind;

3 (5) considered unemployable under the Work First New Jersey
4 program established pursuant to P.L.1997, c.38 (C.44:10-55 et seq.);

5 or

6 (6) a natural or adoptive parent or a stepparent residing with that
7 parent's dependent child who is under 18 years of age, subject to the
8 following:

9 (a) unless employed, the parent shall be required to participate in a
10 work activity as defined in section 3 of P.L.1997, c.38 (C.44:10-57),
11 which may include a program that is designed to assist the parent in
12 securing employment or preparing for employment, in accordance with
13 the provisions of subsection f. of section 8 of P.L.1997, c.38 (C.44:10-
14 62); except that

15 (b) the parent shall not be required to engage in a work activity if
16 child care is unavailable for the parent's dependent child in accordance
17 with the provisions of subsection d. of section 8 of P.L.1997, c.38
18 (C.44:10-62); and

19 (c) the parent may be temporarily deferred from the work activity
20 requirement in accordance with the provisions of subsection e. of
21 section 8 of P.L.1997, c.38 (C.44:10-62).

22 b. To be eligible for the program, a noncitizen shall also meet one
23 of the following criteria:

24 (1) lawfully admitted for permanent residence as an immigrant;

25 (2) entered the United States prior to January 1, 1972, or some
26 later date as required by law, and continuously maintained residency
27 in the United States since then, and is not ineligible for citizenship but
28 is considered to be lawfully admitted for permanent residence as a
29 result of an exercise of discretion by the United States Attorney
30 General;

31 (3) was qualified by the federal Immigration and Naturalization
32 Service for conditional entry into the United States after March 31,
33 1980 because of persecution or fear of persecution on account of race,
34 religion, or political opinion;

35 (4) was qualified by the federal Immigration and Naturalization
36 Service for conditional entry into the United States prior to April 1,
37 1980;

38 (5) was granted asylum through an exercise of discretion by the
39 United States Attorney General;

40 (6) is lawfully present in the United States as a result of an exercise
41 of discretion by the United States Attorney General for emergent
42 reasons or reasons deemed strictly in the public interest, or as a result
43 of a grant of parole by the United States Attorney General;

44 (7) the United States Attorney General has withheld deportation of
45 the noncitizen because of the judgment of the United States Attorney
46 General that the noncitizen would otherwise be subject to persecution

1 on account of race, religion, or political opinion;

2 (8) has been determined as aged, blind or disabled in accordance
3 with the supplemental security income program established pursuant
4 to the federal Social Security Act, Pub.L.92-603 (42 U.S.C. s.1381 et
5 seq.), and is considered by the federal Immigration and Naturalization
6 Service to be lawfully admitted for temporary residence;

7 (9) was granted lawful temporary resident status at least five years
8 prior to applying for the program and subsequently gained lawful
9 permanent resident status; or

10 (10) is, as of June 1, 1987 or thereafter, a special agricultural
11 worker as defined by federal law and lawfully admitted for temporary
12 residence.

13 c. A noncitizen who is certified as eligible for the program by the
14 department, or the agency designated by the department, shall be
15 required to apply for United States citizenship within 60 days of the
16 date that the noncitizen is certified as eligible for the program or
17 within 60 days of the date the noncitizen is eligible to apply for
18 citizenship, whichever is later, except that a noncitizen shall be exempt
19 from the citizenship application requirement if that person is:

20 (1) unable to either apply for or obtain citizenship due to a medical
21 or physical condition as defined by regulation of the commissioner; or

22 (2) a child under 18 years of age.

23 d. An eligible noncitizen may continue to receive program benefits
24 until that person meets the minimum residency requirements provided
25 in federal law to apply for citizenship.

26 e. A person who is required to apply for citizenship to retain
27 eligibility for the program, but who fails to supply adequate proof to
28 the department, or the agency designated by the department, that he
29 has made timely application for citizenship, shall have his eligibility for
30 the program terminated.

31 f. A person who applies for citizenship, but who subsequently is
32 determined by the federal Immigration and Naturalization Service to
33 be ineligible for citizenship, except for a noncitizen as described in
34 paragraph (1) of subsection c. of this section, shall have his eligibility
35 for the program terminated at the end of the month in which the 60-
36 day period as provided in subsection c. of this section expires.

37

38 5. (New section) The State shall pay the full amount of each
39 county's administrative costs applicable to households that contain
40 only persons eligible for the program. These costs shall be determined
41 in accordance with the approved cost allocation plan of the
42 department.

43

44 6. (New section) A noncitizen who is eligible for the federal food
45 stamp program shall not be eligible for the program. A noncitizen who
46 is ineligible for the federal food stamp program, but is eligible for the

1 program, and who subsequently is made eligible for the federal food
2 stamp program due to changes in federal law, shall lose entitlement to
3 benefits under the program.

4
5 7. Section 1 of P.L.1993, c.13 (C.2C:20-35) is amended to read as
6 follows:

7 1. As used in this act:

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

11 "Benefit card" means a card used or intended for use to access
12 Work First New Jersey, food stamp or other benefits as determined by
13 the Commissioner of Human Services under the electronic benefit
14 distribution system established pursuant to the "Public Assistance
15 Electronic Benefit Distribution System Act," P.L.1985, c.501
16 (C.44:10-5.1 et seq.) and continued pursuant to P.L.1997, c.37
17 (C.44:10-71 et al.).

18 "Department" means the Department of Human Services.

19 "Food stamp coupon" means any coupon or stamp used or intended
20 for use in the purchase of food pursuant to the federal food stamp
21 program[, 7 U.S.C.s.2011 et seq.] authorized by Title XIII of the
22 "Food and Agriculture Act of 1977," Pub.L.95-113 (7 U.S.C. s.2011
23 et seq.), or the New Jersey Supplementary Food Stamp Program
24 established pursuant to P.L. , c. (C.)(pending before the
25 Legislature as this bill).

26 (cf: P.L.1997, c.37, s.8)

27
28 8. Section 2 of P.L.1993, c.13 (C.2C:20-36) is amended to read as
29 follows:

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

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

37 b. Engages in any transaction to convert food stamp coupons or an
38 ATP card or benefit card to other property contrary to federal and
39 State government rules and regulations governing the Work First New
40 Jersey program, the federal food stamp program, the New Jersey
41 Supplementary Food Stamp Program, or any other program included
42 in the electronic benefit distribution system; or

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

46 (cf: P.L.1997, c.37, s.9)

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

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

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

10 b. Engages in any transaction to convert food stamp coupons or an
11 ATP card or benefit card to other property contrary to federal and
12 State government rules and regulations governing the Work First New
13 Jersey program, the federal food stamp program, the New Jersey
14 Supplementary Food Stamp Program, or any other program included
15 in the electronic benefit distribution system; or

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

19 (cf: P.L.1997, c.37, s.10)

20

21 10. Section 5 of P.L.1997, c.37 (C.44:10-75) is amended to read
22 as follows:

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

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

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

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

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

41 (3) in the case of a recipient who elects to receive benefits at a
42 point-of-sale location licensed by the Department of Banking and
43 Insurance pursuant to P.L.1993, c.383 (C.17:15A-30 et seq.), the
44 State shall pay the licensee the difference between the contracted base
45 transaction fee and \$1.00. The provisions of this paragraph shall
46 expire two years after the effective date of the single Statewide

1 electronic benefits distribution contract that is let pursuant to
2 P.L.1997, c.37 (C.44:10-71 et al.) .

3 d. A retail establishment currently authorized to participate in the
4 federal food stamp program, or the New Jersey Supplementary Food
5 Stamp Program established pursuant to P.L. , c. (C.)(pending
6 before the Legislature as this bill), shall be afforded the opportunity to
7 participate in the electronic benefit distribution system.

8 e. The department shall cycle the issuance of cash assistance and
9 food stamp benefits over multiple dates throughout the month in a
10 manner that best serves cash assistance and food stamp recipients
11 within the framework of the electronic benefit distribution system in
12 each county.

13 f. The commissioner shall have the discretion to determine the need
14 for appropriate benefit card security measures, as well as whatever
15 personal identification technology is included on the benefit card, to
16 access cash assistance, food stamp or other benefits under the
17 electronic benefit distribution system.

18 g. A county agency shall issue a photo-identification card to each
19 adult recipient as a condition of receiving benefits until implementation
20 of the electronic benefit distribution system in that county agency.
21 Once a county begins to implement the electronic benefit distribution
22 system, the county agency shall no longer be required to issue a
23 photo-identification card to each adult recipient but may continue the
24 issuance of photo-identification cards separate from the benefit cards.

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

30 (cf: P.L.1997, c.37, s.5)

31

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

36

37 12. This act shall take effect on July 1, 1998.

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STATEMENT

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42 This bill establishes the New Jersey Supplementary Food Stamp
43 Program in the Department of Human Services. The bill provides
44 statutory authorization for the provisions of Executive Order Number
45 74 signed by the Governor on August 26, 1997, which authorized the
46 State to provide State-funded food stamp benefits to certain categories

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1 of noncitizens (i.e., lawfully admitted children, elderly and disabled
2 persons) in approximately 10,000 households who were rendered
3 ineligible for the federal food stamp program by the enactment of the
4 federal "Personal Responsibility and Work Opportunity Reconciliation
5 Act of 1996," Pub.L.104-193. The Executive Order is due to expire
6 on June 30, 1998. In addition, this bill would authorize the State to
7 provide State-funded food stamp benefits to parents with children
8 under 18 years of age who are in a category of noncitizens eligible for
9 this program.

10 Since September 1997, when the State food stamp program began,
11 the State and the counties have each funded 50% of the administrative
12 costs of the program. Under this bill, the State would pay the full
13 amount of these administrative costs. The resulting increase in State
14 costs has been anticipated in the amount allocated for the program in
15 the Governor's recommended budget for fiscal year 1999.