

SENATE, No. 1048

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED MAY 14, 1998

Sponsored by:

Senator BERNARD F. KENNY

District 33 (Hudson)

Senator C. LOUIS BASSANO

District 21 (Essex and Union)

SYNOPSIS

"New Jersey Supplementary Food Stamp Program Act" to provide food stamp benefits to certain adults and children.

CURRENT VERSION OF TEXT

As introduced.



S1048 KENNY, BASSANO

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) between the ages of 18 and 65 with at least one child in the
7 household who is under 18 years of age and eligible for benefits under
8 the program or the federal food stamp program.

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

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

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

18 (3) was qualified by the federal Immigration and Naturalization
19 Service for conditional entry into the United States after March 31,
20 1980 because of persecution or fear of persecution on account of race,
21 religion, or political opinion;

22 (4) was qualified by the federal Immigration and Naturalization
23 Service for conditional entry into the United States prior to April 1,
24 1980;

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

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

31 (7) the United States Attorney General has withheld deportation of
32 the noncitizen because of the judgment of the United States Attorney
33 General that the noncitizen would otherwise be subject to persecution
34 on account of race, religion, or political opinion;

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

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

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

46 c. A noncitizen who is certified as eligible for the program by the

1 department, or the agency designated by the department, shall be
2 required to apply for United States citizenship within 60 days of the
3 date that the noncitizen is certified as eligible for the program or
4 within 60 days of the date the noncitizen is eligible to apply for
5 citizenship, whichever is later, except that a noncitizen shall be exempt
6 from the citizenship application requirement if that person is:

- 7 (1) unable to either apply for or obtain citizenship due to a medical
8 or physical condition as defined by regulation of the commissioner; or
9 (2) a child under 18 years of age.

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

13 e. A person who is required to apply for citizenship to retain
14 eligibility for the program, but who fails to supply adequate proof to
15 the department, or the agency designated by the department, that he
16 has made timely application for citizenship, shall have his eligibility for
17 the program terminated.

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

24
25 5. (New section) The State shall pay the full amount of each
26 county's administrative costs applicable to households that contain
27 only persons eligible for the program. These costs shall be determined
28 in accordance with the approved cost allocation plan of the
29 department.

30
31 6. (New section) A noncitizen who is eligible for the federal food
32 stamp program shall not be eligible for the program. A noncitizen who
33 is ineligible for the federal food stamp program, but is eligible for the
34 program, and who subsequently is made eligible for the federal food
35 stamp program due to changes in federal law, shall apply for the
36 federal food stamp program and shall lose entitlement to benefits
37 under the program upon receipt of benefits under the federal food
38 stamp program.

39
40 7. Section 1 of P.L.1993, c.13 (C.2C:20-35) is amended to read as
41 follows:

42 1. As used in this act:

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

46 "Benefit card" means a card used or intended for use to access

1 Work First New Jersey, food stamp or other benefits as determined by
2 the Commissioner of Human Services under the electronic benefit
3 distribution system established pursuant to the "Public Assistance
4 Electronic Benefit Distribution System Act," P.L.1985, c.501
5 (C.44:10-5.1 et seq.) and continued pursuant to P.L.1997, c.37
6 (C.44:10-71 et al.).

7 "Department" means the Department of Human Services.

8 "Food stamp coupon" means any coupon or stamp used or intended
9 for use in the purchase of food pursuant to the federal food stamp
10 program[, 7 U.S.C.s.2011 et seq.] authorized by Title XIII of the
11 "Food and Agriculture Act of 1977," Pub.L.95-113 (7 U.S.C. s.2011
12 et seq.), or the New Jersey Supplementary Food Stamp Program
13 established pursuant to P.L. , c. (C.)(pending before the
14 Legislature as this bill).
15 (cf: P.L.1997, c.37, s.8)

16

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

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

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

26 b. Engages in any transaction to convert food stamp coupons or an
27 ATP card or benefit card to other property contrary to federal and
28 State government rules and regulations governing the Work First New
29 Jersey program, the federal food stamp program, the New Jersey
30 Supplementary Food Stamp Program, or any other program included
31 in the electronic benefit distribution system; or

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

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

36

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

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

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

46 b. Engages in any transaction to convert food stamp coupons or an

1 ATP card or benefit card to other property contrary to federal and
2 State government rules and regulations governing the Work First New
3 Jersey program, the federal food stamp program, the New Jersey
4 Supplementary Food Stamp Program, or any other program included
5 in the electronic benefit distribution system; or

6 c. Transfers food stamp coupons or an ATP card or benefit card to
7 another person who is not lawfully entitled or approved, by the
8 department, to use the coupons or ATP card or benefit card.
9 (cf: P.L.1997, c.37, s.10)

10

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

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

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

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

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

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

31 (3) in the case of a recipient who elects to receive benefits at a
32 point-of-sale location licensed by the Department of Banking and
33 Insurance pursuant to P.L.1993, c.383 (C.17:15A-30 et seq.), the
34 State shall pay the licensee the difference between the contracted base
35 transaction fee and \$1.00. The provisions of this paragraph shall
36 expire two years after the effective date of the single Statewide
37 electronic benefits distribution contract that is let pursuant to
38 P.L.1997, c.37 (C.44:10-71 et al.) .

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

44 e. The department shall cycle the issuance of cash assistance and
45 food stamp benefits over multiple dates throughout the month in a
46 manner that best serves cash assistance and food stamp recipients

1 within the framework of the electronic benefit distribution system in
2 each county.

3 f. The commissioner shall have the discretion to determine the need
4 for appropriate benefit card security measures, as well as whatever
5 personal identification technology is included on the benefit card, to
6 access cash assistance, food stamp or other benefits under the
7 electronic benefit distribution system.

8 g. A county agency shall issue a photo-identification card to each
9 adult recipient as a condition of receiving benefits until implementation
10 of the electronic benefit distribution system in that county agency.
11 Once a county begins to implement the electronic benefit distribution
12 system, the county agency shall no longer be required to issue a
13 photo-identification card to each adult recipient but may continue the
14 issuance of photo-identification cards separate from the benefit cards.

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

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

21

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

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

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STATEMENT

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32 This bill establishes the New Jersey Supplementary Food Stamp
33 Program in the Department of Human Services. The bill provides
34 statutory authorization for the provisions of Executive Order Number
35 74 signed by the Governor on August 26, 1997, which is due to expire
36 on June 30, 1998. The executive order authorized the State to provide
37 State-funded food stamp benefits to certain categories of noncitizens
38 (i.e., lawfully admitted children, elderly and disabled persons) in
39 approximately 10,000 households who were rendered ineligible for the
40 federal food stamp program by the enactment of the federal "Personal
41 Responsibility and Work Opportunity Reconciliation Act of 1996,"
42 Pub.L.104-193.

43

44 The provisions of this bill also add eligibility under the New Jersey
45 Supplementary Food Stamp Program for persons who are between the
46 ages of 18 and 65 with at least one child in the household who is under
18 years of age and eligible for benefits under the State program or the

1 federal food stamp program.

2 In addition, under the provisions of this bill, a noncitizen who is
3 eligible for the federal food stamp program shall not be eligible for the
4 program. However, a noncitizen who is ineligible for the federal food
5 stamp program, but is eligible for the program, and who subsequently
6 is made eligible for the federal food stamp program due to changes in
7 federal law, shall apply for the federal food stamp program and shall
8 lose entitlement to benefits under the program upon receipt of benefits
9 under the federal food stamp 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.