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FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Susan K. Livio nj advance media, "THRIVING BY 3 ACT' ok'ED Guv signs child tax credit bill, more to address poverty', Jersey Journal, The (online), 2 Jul 2022 003

Susan K. Livio and Brent Johnson - For The Star-Ledger, 'Package of anti-hunger bills advance; some signed Big school meal expansion is on the way as more than 760K residents lack food.', Star-Ledger, The (online), 1 Jul 2022005

end

P.L. 2022, CHAPTER 27, *approved June 30, 2022*
Assembly, No. 2360 (*Second Reprint*)

1 AN ACT concerning the New Jersey Supplemental Nutrition
2 Assistance Program, ²**[and]**² amending ²P.L.2013, c.45 and
3 P.L.2016, c.11,² and supplementing ²**[various parts of statutory**
4 **law]** Title 44 of the Revised Statutes² .

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

8
9 1. (New ¹**[Section]** section¹) a. The NJ SNAP ETP shall be a
10 voluntary program, and the Division of Family Development in the
11 Department of Human Services or a county welfare agency shall not
12 require participation in a NJ SNAP ETP activity or in a New Jersey
13 Supplemental Nutrition Assistance Program Employment and
14 Training Provider 50/50 Match Project, as established under
15 P.L.2013, c.45 ¹**[(C.44:10-105 et seq.)]** (C.44:10-95 et seq.)¹ , in
16 order to be deemed eligible for SNAP benefits.

17 b. The division and each county welfare agency shall ensure
18 that all recipients of SNAP benefits are provided information
19 regarding, and the opportunity to participate in, employment and
20 training opportunities consistent with federal SNAP ETP
21 reimbursement requirements.

22 c. Nothing in this section shall be construed to limit the
23 authority of the division or a county welfare agency to impose
24 penalties for noncompliance with federal SNAP work requirements.

25 d. The division shall submit, in a timely manner, any necessary
26 revisions to the State Employment and Training Plan to the Food
27 and Nutrition Service in the United States Department of
28 Agriculture, as required pursuant to federal regulations, in order to
29 effectuate the provisions of this section.

30 e. As used in this section:

31 “NJ SNAP ETP” means the New Jersey Supplemental Nutrition
32 Assistance Program Employment and Training Program that assists
33 SNAP recipients with acquiring the skills, training, work, or
34 experience necessary to obtain regular employment, as established
35 under the New Jersey Supplemental Nutrition Assistance Program
36 and as described in the most recent State Employment and Training
37 Plan submitted to the Food and Nutrition Service in the United
38 States Department of Agriculture.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted February 14, 2022.

²Assembly AAP committee amendments adopted May 19, 2022.

1 "New Jersey Supplemental Nutrition Assistance Program
2 Employment and Training Provider 50/50 Match Project" means the
3 project established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.).

4 "Supplemental Nutrition Assistance Program" or "SNAP" means
5 the program established pursuant to the federal "Food and Nutrition
6 Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

7 "SNAP ETP" means the federal Supplemental Nutrition
8 Assistance Program Employment and Training Program
9 administered by the Food and Nutrition Service in the United States
10 Department of Agriculture and established pursuant to the federal
11 "Food and Nutrition Act of 2008," Pub.L.110-246
12 (7 U.S.C. s.2011 et seq.) and any regulations adopted pursuant
13 thereto.

14

15 2. Section 2 of P.L.2013, c.45 (C.44:10-96) is amended to read as
16 follows:

17 2. As used in P.L.2013, c.45 (C.44:10-95 et seq.):

18 "Commissioner" means the Commissioner of Human Services.

19 "Department" means the Department of Human Services.

20 "Eligible participant" means a SNAP recipient who qualifies for
21 participation in NJ SNAP ETP [as a voluntary SNAP ETP participant
22 or as a mandatory SNAP ETP participant].

23 **["Mandatory SNAP ETP participant" means a participant in NJ**
24 **SNAP ETP who, as a condition of receiving SNAP benefits: is**
25 **required to register for work; is required to fulfill SNAP employment**
26 **and training requirements; and has not been exempted from placement**
27 **in an NJ SNAP ETP component.]**

28 "New Jersey Supplemental Nutrition Assistance Program
29 Employment and Training Provider 50/50 Match Project" or "project"
30 means the project established pursuant to P.L.2013, c.45 (C.44:10-
31 95 et seq.).

32 "NJ SNAP ETP" means the New Jersey Supplemental Nutrition
33 Assistance Program Employment and Training Program that assists
34 SNAP recipients with acquiring the skills, training, work, or
35 experience necessary to obtain regular employment, as established
36 under the New Jersey Supplemental Nutrition Assistance Program and
37 as described in the most recent State Employment and Training Plan
38 submitted to the Food and Nutrition Service in the United States
39 Department of Agriculture.

40 "Non-federal resources" means any of the following resources,
41 provided that the resources are not from a federal source or used as a
42 match for other federal funding purposes:

43 (1) cash donations from private firms, charitable foundations, or
44 non-profit organizations received by partnering providers;

45 (2) local tax levy funds received by partnering providers;

46 (3) certain eligible in-kind contributions received by partnering
47 providers that are public entities, including property or services which
48 support the provider's NJ SNAP ETP activities and which are

1 contributed by non-federal public entities without charge to the
2 partnering provider; or

3 (4) any other non-federal resources that are currently allowed by
4 the federal government.

5 "Partnering provider" means a qualifying agency selected to
6 participate in the project.

7 "Project participant" means an eligible participant who elects to
8 participate in the project established pursuant to P.L.2013, c.45
9 (C.44:10-95 et seq.).

10 "Qualifying agency" means a local government, non-profit entity,
11 institution of higher education, foundation, or other eligible
12 community-based organization that qualifies for allowable federal
13 SNAP ETP reimbursements pursuant to the federal "Food and
14 Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) by
15 providing allowable services that help SNAP recipients acquire the
16 skills, training, work, or experience necessary to obtain regular
17 employment. A qualifying agency may also include a consortium of
18 organizations.

19 "Service area" means the geographic area of the State in which a
20 partnering provider provides NJ SNAP ETP services under the project
21 established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.).

22 "SNAP" means the New Jersey Supplemental Nutrition Assistance
23 Program, established pursuant to the federal "Food and Nutrition Act
24 of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

25 "SNAP ETP" means the federal Supplemental Nutrition Assistance
26 Program Employment and Training Program administered by the Food
27 and Nutrition Service in the United States Department of Agriculture
28 and established pursuant to the federal "Food and Nutrition Act of
29 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) and any regulations
30 adopted pursuant thereto.

31 **["Voluntary SNAP ETP participant" means a participant in NJ**
32 **SNAP ETP who: is exempt from the work registration and**
33 **employment and training requirements associated with receiving**
34 **SNAP benefits; or who is not exempt from work registration but who**
35 **has been exempted from SNAP employment and training requirements**
36 **or otherwise exempted from placement in an NJ SNAP ETP**
37 **component.]**

38 "Work First New Jersey TANF benefits" means Temporary
39 Assistance for Needy Families benefits provided under the Work First
40 New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-
41 55 et seq.) in accordance with the federal "Personal Responsibility and
42 Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 (42
43 U.S.C. s.601 et seq.).
44 (cf: P.L.2019, c.253, s.2)

45
46 3. Section 5 of P.L.2013, c.45 (C.44:10-99) is amended to read
47 as follows:

1 5. a. A county welfare agency shall collaborate with all partnering
2 providers whose service areas include the county to: inform all eligible
3 participants, upon determination of their eligibility for SNAP benefits,
4 of all project activities operating within the county; permit all eligible
5 participants to participate in any project activities available within the
6 county; and assist eligible participants with contacting partnering
7 providers operating project activities. A county welfare agency may
8 advise an eligible participant as to the applicability and
9 appropriateness of specific activities to the eligible participant's case,
10 but the county welfare agency shall not assign an eligible participant to
11 project activities without the eligible participant's consent.

12 b. A partnering provider shall collaborate with all county welfare
13 agencies within the provider's service area to: inform all eligible
14 participants, upon determination of their eligibility for SNAP benefits,
15 of the availability of project services; and assist the county welfare
16 agencies with identifying those eligible participants for whom
17 participation in the partnering provider's NJ SNAP ETP activities
18 would be most applicable and appropriate.

19 c. A partnering provider shall serve all eligible participants
20 residing within the provider's service area who elect to participate in
21 the provider's project activities. Except as provided in this section, a
22 partnering provider shall not deny or terminate the participation of any
23 project participant.

24 d. **【Mandatory SNAP ETP】** Eligible participants who are
25 required to register for work and are required to fulfill SNAP work
26 requirements may elect**【**, for the purpose of fulfilling their SNAP
27 employment and training requirements,**】** to participate in a partnering
28 provider's project activities. **【The participation of a mandatory SNAP**
29 **ETP participant in a partnering provider's project activities shall**
30 **constitute placement in an NJ SNAP ETP component and shall fulfill**
31 **SNAP employment and training requirements for the duration of the**
32 **mandatory SNAP ETP participant's participation. A county welfare**
33 **agency shall assign a mandatory SNAP ETP participant who does not**
34 **elect to participate in any project activities to another NJ SNAP ETP**
35 **component outside of the project, as available.】**

36 e. **【Mandatory SNAP ETP】** Eligible participants who are
37 required to register for work and are required to fulfill SNAP work
38 requirements who elect to participate in project activities but who
39 subsequently do not cooperate with, or participate in, those activities
40 shall not be subject to penalties for noncompliance with SNAP
41 **【employment and training】** work requirements during their
42 participation in the project. Partnering providers shall terminate the
43 project participation of any such non-cooperating or non-participating
44 **【mandatory SNAP ETP participants】** eligible participants and refer
45 the non-cooperating or non-participating **【mandatory SNAP ETP】**
46 participants to the applicable county welfare agency. The applicable
47 county welfare agency **【shall】** may assign, at a participant's request,

1 the non-cooperating or non-participating **【mandatory SNAP ETP】**
2 participant to another NJ SNAP ETP component outside of the project,
3 as available.

4 f. Nothing in P.L.2013, c.45 (C.44:10-95 et seq.) shall be
5 construed to limit the authority of the county welfare agencies or the
6 department to impose penalties for noncompliance with SNAP
7 **【employment and training】** work requirements on **【mandatory SNAP**
8 **ETP】** eligible participants who are required to register for work and
9 are required to fulfill SNAP work requirements **【who: are terminated**
10 **from participation in project activities due to non-cooperation or non-**
11 **participation; and subsequently refuse or fail to comply with SNAP**
12 **employment and training requirements upon placement within another**
13 **NJ SNAP ETP component outside of the project】.**

14 g. A partnering provider may deny or terminate the participation
15 of any project participant who is not appropriately matched to the
16 partnering provider's project activities upon obtaining approval from
17 the applicable county welfare agency.
18 (cf: P.L.2019, c.253, s.5)

19

20 4. Section 6 of P.L.2013, c.45 (C.44:10-100) is amended to
21 read as follows:

22 6. a. Each partnering provider shall be required to perform the
23 following programmatic functions and to maintain sufficient capacity
24 to perform these functions effectively:

25 (1) assist project participants with obtaining and retaining
26 employment;

27 (2) provide project participants with appropriate NJ SNAP ETP
28 services and participant reimbursements that fulfill the purposes of NJ
29 SNAP ETP and that qualify for federal SNAP ETP reimbursements.
30 These services and participant reimbursements may include, but are
31 not limited to: job search and placement services; job readiness
32 assistance; education or training that improves basic skills and general
33 employability; specific job skills training or vocational education;
34 work experience that improves the employability of project
35 participants; subsidized employment; workfare; self-employment
36 training; services related to the federal Workforce Investment Act of
37 1998, Pub.L.105-220 (29 U.S.C. s.2801 et seq.); job retention services;
38 or reimbursements for project participant expenses, including
39 dependent care costs, transportation expenses, books or training
40 manuals, fees, uniforms, equipment and tools required for
41 employment, or personal safety items required for program
42 participation;

43 (3) assess and place project participants into appropriate NJ SNAP
44 ETP services, as defined in paragraph (2) of this subsection;

45 (4) provide project participants with support services, including
46 case management, early intervention, career counseling, and referrals
47 to additional programs and services;

- 1 (5) verify whether potential project participants are receiving
2 SNAP benefits and make referrals, as appropriate, to assist potential
3 project participants with applying for SNAP benefits;
- 4 (6) collaborate with county welfare agencies to develop processes
5 and materials that: inform eligible participants regarding project
6 activities within each county, in accordance with each partnering
7 provider's service area; facilitate eligible participants' communications
8 with partnering providers regarding participation in project activities;
9 and assist eligible participants with rendering decisions regarding their
10 participation in project activities;
- 11 (7) assist project participants with continuing to meet
12 administrative requirements, work requirements, employment and
13 training requirements, and other requirements for maintaining SNAP
14 eligibility;
- 15 (8) coordinate with the department and county welfare agencies on
16 a monthly basis to verify that project participants are receiving SNAP
17 benefits and are not receiving Work First New Jersey TANF benefits;
- 18 (9) coordinate with the county welfare agencies and the
19 department to distinguish **【mandatory SNAP ETP】** eligible
20 participants who are required to register for work and are required to
21 fulfill SNAP work requirements from **【voluntary SNAP ETP】** eligible
22 participants who are exempt from the work registration and work
23 requirements associated with receiving SNAP benefits;
- 24 (10) provide uninterrupted NJ SNAP ETP services and participant
25 reimbursements to **【mandatory SNAP ETP】** eligible participants
26 **【electing to participate in the project who become voluntary SNAP**
27 **ETP participants and to voluntary SNAP ETP participants electing to**
28 **participate in the project who become mandatory SNAP ETP**
29 **participants】** through changes in the participants' SNAP work
30 registration and work requirement status, subject to the provisions for
31 terminating project participation pursuant to section 5 of P.L.2013,
32 c.45 (C.44:10-99);
- 33 (11) maintain program records and report to the department and the
34 Department of Labor and Workforce Development the following
35 monthly information for each claimed NJ SNAP ETP participant:
36 program, participant name, participant Social Security number,
37 services and reimbursements received, and weekly hours;
- 38 (12) prepare and submit to the department invoice and certification
39 letters each quarter for the total non-federal resources and program
40 expenditures qualifying for federal SNAP ETP reimbursements for the
41 quarter;
- 42 (13) monitor project participants and subcontractors and provide
43 detailed reports of participants, activities, and outcomes to the
44 Department of Labor and Workforce Development on a regular basis;
- 45 (14) devote sufficient staff time and expertise to fulfill NJ SNAP
46 ETP administrative and reporting requirements;

1 (15) collaborate with the department and the Department of Labor
2 and Workforce Development to ensure that federal SNAP ETP
3 reimbursements received under the program are expended in
4 accordance with all applicable federal laws and regulations; and

5 (16) report to the department and the Department of Labor and
6 Workforce Development and county welfare agencies on a monthly
7 basis the identities of any **mandatory SNAP ETP** eligible
8 participants who are required to register for work and are required to
9 fulfill SNAP work requirements and who are not cooperating with, or
10 participating in, assigned services or work**],** as applicable to
11 mandatory SNAP ETP participants who elect to participate in the
12 project**].**

13 b. Each partnering provider shall be required to perform the
14 following financial functions and to maintain sufficient capacity to
15 perform the functions effectively:

16 (1) maintain cash flow necessary to manage the delay from
17 program outlays to SNAP ETP reimbursements;

18 (2) manage federal grants, track expenditures, and ensure that non-
19 federal resources and program expenditures qualify for federal SNAP
20 ETP reimbursements;

21 (3) perform cost allocation using multiple funds;

22 (4) track staff time devoted to NJ SNAP ETP activities under this
23 project; and

24 (5) maintain records for State audits.

25 c. Partnering providers may establish agreements with
26 subcontracting organizations to support their NJ SNAP ETP activities
27 under this project.

28 d. The department shall consider educational activities serving
29 eligible participants at community colleges as qualifying for federal
30 SNAP ETP reimbursements to the greatest extent allowable under
31 federal laws and regulations. In accordance with section 273.5 of title
32 7, Code of Federal Regulations, individuals enrolled at least half-time
33 in an institution of higher education who are assigned to, or placed in,
34 an NJ SNAP ETP educational activity**],** including individuals who
35 voluntarily participate in NJ SNAP ETP activities or who otherwise
36 make self-initiated placements,**]** and who meet all SNAP eligibility
37 requirements shall be determined eligible for SNAP benefits and shall
38 be eligible for participation in the project.

39 (cf: P.L.2019, c.253, s.6)

40

41 5. Section 7 of P.L.2013, c.45 (C.44:10-101) is amended to
42 read as follows:

43 7. a. The county welfare agencies, under the oversight of the
44 department, shall assist partnering providers by:

45 (1) collaborating with partnering providers, the department, and
46 the Department of Labor and Workforce Development to conduct

- 1 outreach to potential project participants and to refer potential project
2 participants to the partnering providers;
- 3 (2) collaborating with partnering providers to develop processes
4 and materials that inform eligible participants regarding: the
5 availability of project activities within each county, in accordance with
6 each partnering provider's service area; the option for eligible
7 participants to participate in project activities; the applicability and
8 appropriateness of specific activities to the eligible participant's case;
9 and the means by which eligible participants may contact partnering
10 providers regarding project participation;
- 11 (3) determining potential project participants' SNAP eligibility and
12 providing the results of eligibility determinations to partnering
13 providers;
- 14 (4) developing and implementing a process to verify that potential
15 project participants are receiving SNAP benefits and not receiving
16 Work First New Jersey TANF benefits and ensuring that this
17 verification process adheres to all applicable federal laws and
18 regulations restricting the unauthorized disclosure of information
19 concerning applicants for, and recipients of, SNAP or TANF benefits;
- 20 (5) determining each potential project participant's status **【**as a
21 voluntary SNAP ETP participant or a mandatory SNAP ETP
22 participant**】** regarding SNAP work registration and employment and
23 training requirements, in coordination with partnering providers;
- 24 (6) confirming each project participant's SNAP eligibility on a
25 monthly basis; and
- 26 (7) collaborating with partnering providers to develop criteria and
27 procedures for terminating the participation of eligible participants in a
28 partnering provider's project activities including, but not limited to:
29 eligible participants who are not appropriately matched to a partnering
30 provider's project activities; and any **【**mandatory SNAP ETP**】** eligible
31 participants who are required to register for work and are required to
32 fulfill SNAP work requirements and who are not cooperating with, or
33 participating in, assigned services or work**【**, as applicable to
34 mandatory SNAP ETP participants who elect to participate in the
35 project**】**.
- 36 b. The department shall, in consultation with the county welfare
37 agencies and the Department of Labor and Workforce Development:
- 38 (1) assist partnering providers with understanding the
39 administrative requirements, work requirements, employment and
40 training requirements, and other requirements for project participants
41 to maintain SNAP eligibility;
- 42 (2) assist partnering providers with understanding the requirements
43 for non-federal resources and program expenditures to generate federal
44 SNAP ETP reimbursements;
- 45 (3) submit requests for federal SNAP ETP reimbursements and
46 fulfill all reporting and other SNAP ETP administrative

1 responsibilities required by the Food and Nutrition Service in the
2 United States Department of Agriculture;

3 (4) distribute federal SNAP ETP reimbursements received by the
4 State under this project to the partnering providers whose non-federal
5 resources and program expenditures generated the federal
6 reimbursements, in accordance with the provisions of section 8 of
7 P.L.2013, c.45 (C.44:10-102);

8 (5) collect data concerning partnering providers and project
9 participants, activities, and outcomes; and

10 (6) audit partnering providers on a routine basis to ensure fiscal
11 and program integrity.

12 (cf: P.L.2019, c.253, s.7)

13

14 6. Section 8 of P.L.2013, c.45 (C.44:10-102) is amended to
15 read as follows:

16 8. a. The department shall submit a revised State Employment
17 and Training Plan to the Food and Nutrition Service in the United
18 States Department of Agriculture, in accordance with section 273.7 (c)
19 of title 7, Code of Federal Regulations, in order to expand NJ SNAP
20 ETP to include project partnerships with qualifying agencies. The
21 revised State Employment and Training Plan shall define the services
22 to be provided under NJ SNAP ETP, including, but not limited to, the
23 project services provided pursuant to P.L.2013, c.45 (C.44:10-95 et
24 seq.) and shall ensure that under no circumstances shall a recipient of
25 SNAP benefits be disqualified from SNAP participation solely due to
26 nonparticipation in a SNAP ETP activity. The department shall
27 submit the revised State Employment and Training Plan to the Food
28 and Nutrition Service as soon as practicable but no later than the first
29 day of the seventh month next following the effective date of
30 **[P.L.2013, c.45 (C.44:10-95 et seq.)]** P.L. _____, c. _____ (C. _____) (pending
31 before the Legislature as this bill).

32 b. The commissioner shall take such additional steps as may be
33 necessary to secure approval from the Food and Nutrition Service in
34 the United States Department of Agriculture for this project and to
35 ensure that the State and partnering providers are in compliance with
36 all applicable provisions of federal and State laws and regulations.

37 c. The department may reserve up to five percent of the federal
38 SNAP ETP reimbursements generated as a direct result of the
39 activities of the partnering providers and received by the State
40 pursuant to P.L.2013, c.45 (C.44:10-95 et seq.) for operating expenses
41 and staff directly related to the administration, oversight, and
42 evaluation of this project. The remaining federal SNAP ETP
43 reimbursements generated as a direct result of the activities of the
44 partnering providers and received by the State pursuant to P.L.2013,
45 c.45 (C.44:10-95 et seq.) shall be distributed to the partnering
46 providers whose expenditures generated the federal SNAP ETP
47 reimbursements on a pro-rata basis and in accordance with the
48 performance-based system for distributing federal SNAP ETP

1 reimbursements established pursuant to section 4 of P.L.2013, c.45
2 (C.44:10-98). Within the request for proposals issued pursuant to
3 P.L.2013, c.45 (C.44:10-95 et seq.), the department shall describe the
4 performance-based system for distributing federal SNAP ETP
5 reimbursements and indicate the net percentage of federal SNAP ETP
6 reimbursements that shall be distributed to partnering providers.

7 d. The department shall apply for any additional federal funds
8 which may be available to implement the provisions of P.L.2013, c.45
9 (C.44:10-95 et seq.), including, but not limited to, any unobligated,
10 unexpended federal SNAP ETP funds originally allocated to other
11 state agencies and available for reallocation pursuant to section 273.7
12 (d) of title 7, Code of Federal Regulations.

13 e. The Commissioner of Labor and Workforce Development may
14 solicit, receive, and accept grants, funds, or anything of value from any
15 public or private entity and receive and accept contributions of money,
16 property, labor, or any other thing of value from any legitimate source
17 to support the project, provided that the commissioner does not have
18 reason to believe that the entity may have a vested interest in the
19 decisions of the commissioner or the department concerning the
20 selection of specific partnering providers.

21 (cf: P.L.2019, c.253, s.8)

22
23 ¹[7. Section 1 of P.L.2016, c.11 (C.44:10-105) is amended to read
24 as follows:

25 1. a. Immediately upon the effective date of this act and at least
26 once annually thereafter, the Commissioner of Human Services shall
27 conduct a review of available data on labor and employment in the
28 State produced by the Department of Labor and Workforce
29 Development and the federal Bureau of labor Statistics. The purpose
30 of the review shall be to determine **whether to submit a request** all
31 areas eligible for a waiver of the benefit time limit for able bodied
32 adults without dependents participating in the Supplemental
33 Nutrition Assistance Program as authorized by 7 C.F.R. 273.24(f) **],**
34 either throughout the State or in any geographic area of the State.
35 The review shall consider each criterion of eligibility for a waiver
36 as well as the availability of opportunities that will fulfill the work
37 requirement described in 7 C.F.R. 273.24(a) **].** Based on the review
38 conducted pursuant to this section, the commissioner shall
39 **determine whether to** submit a request for a waiver for the
40 maximum number of areas which are eligible for a waiver.

41 b. The Governor shall support and direct the commissioner to
42 submit a waiver request for all geographic areas which represent the
43 largest number of individuals eligible for a waiver of the able
44 bodied adults without dependents time limits on the receipt of
45 SNAP benefits. This support shall serve to fulfill the requirements
46 described in 7 U.S.C. 2015(o)(4)(A).]¹

1 ²[¹7. Section 1 of P.L.2016, c.11 (C.44:10-105) is amended to
2 read as follows:

3 1. a. Immediately upon the effective date of this act and at
4 least once annually thereafter, the Commissioner of Human
5 Services shall conduct a review of available data on labor and
6 employment in the State produced by the Department of Labor and
7 Workforce Development and the federal Bureau of Labor Statistics.
8 The purpose of the review shall be to determine **[whether to submit**
9 **a request]** all areas eligible for a waiver of the benefit time limit for
10 able bodied adults without dependents participating in the
11 Supplemental Nutrition Assistance Program as authorized by 7
12 C.F.R. 273.24(f) **[, either throughout the State or in any geographic**
13 **area of the State. The review shall consider each criterion of**
14 **eligibility for a waiver as well as the availability of opportunities**
15 **that will fulfill the work requirement described in 7 C.F.R.**
16 **273.24(a)].** Based on the review conducted pursuant to this section,
17 the commissioner shall **[determine whether to]** submit a request for
18 a waiver for the maximum number of areas which are eligible for a
19 waiver.

20 b. The Governor shall support and direct the commissioner to
21 submit a waiver request for all geographic areas which represent the
22 largest number of individuals eligible for a waiver of the able
23 bodied adults without dependents time limits on the receipt of
24 SNAP benefits. This support shall serve to fulfill the requirements
25 described in 7 U.S.C. 2015(o)(4)(A).
26 (cf: P.L.2016, c.11, s.1)¹]²

27
28 ²[^{8. Sections 1 through 6 of this act]} 7. This act² shall take
29 effect immediately. ²[Section 7 of this act shall take effect on the
30 first day of the fourth month following the date of enactment, but
31 the Commissioner of Human Services shall take such anticipatory
32 administrative action in advance thereof as shall be necessary for
33 the implementation of this act.]²

34
35
36
37
38 Eliminates requirement that participation in NJ SNAP Employment
39 and Training Program is mandatory for certain recipients.

ASSEMBLY, No. 2360

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 7, 2022

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

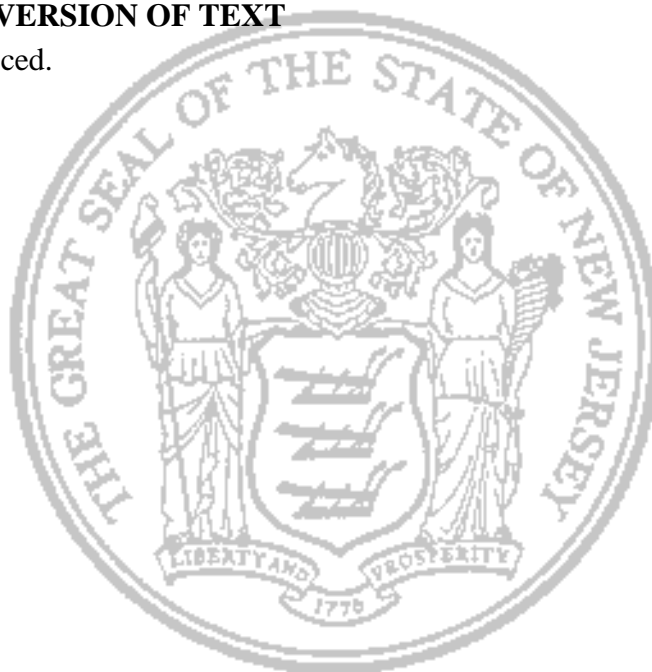
Assemblywomen McKnight and Quijano

SYNOPSIS

Eliminates requirement that participation in NJ SNAP Employment and Training Program is mandatory for certain recipients and directs DHS to seek federal waiver of SNAP benefit time limit for certain recipients.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/14/2022)

1 AN ACT concerning the New Jersey Supplemental Nutrition
2 Assistance Program, and amending and supplementing various
3 parts of statutory law.

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

7
8 1. (New Section) a. The NJ SNAP ETP shall be a voluntary
9 program, and the Division of Family Development in the Department
10 of Human Services or a county welfare agency shall not require
11 participation in a NJ SNAP ETP activity or in a New Jersey
12 Supplemental Nutrition Assistance Program Employment and
13 Training Provider 50/50 Match Project, as established under
14 P.L.2013, c.45 (C.44:10-105 et seq.), in order to be deemed eligible
15 for SNAP benefits.

16 b. The division and each county welfare agency shall ensure that
17 all recipients of SNAP benefits are provided information regarding,
18 and the opportunity to participate in, employment and training
19 opportunities consistent with federal SNAP ETP reimbursement
20 requirements.

21 c. Nothing in this section shall be construed to limit the authority
22 of the division or a county welfare agency to impose penalties for
23 noncompliance with federal SNAP work requirements.

24 d. The division shall submit, in a timely manner, any necessary
25 revisions to the State Employment and Training Plan to the Food and
26 Nutrition Service in the United States Department of Agriculture, as
27 required pursuant to federal regulations, in order to effectuate the
28 provisions of this section.

29 e. As used in this section:

30 "NJ SNAP ETP" means the New Jersey Supplemental Nutrition
31 Assistance Program Employment and Training Program that assists
32 SNAP recipients with acquiring the skills, training, work, or experience
33 necessary to obtain regular employment, as established under the New
34 Jersey Supplemental Nutrition Assistance Program and as described in
35 the most recent State Employment and Training Plan submitted to the
36 Food and Nutrition Service in the United States Department of
37 Agriculture.

38 "New Jersey Supplemental Nutrition Assistance Program
39 Employment and Training Provider 50/50 Match Project" means the
40 project established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.).

41 "Supplemental Nutrition Assistance Program" or "SNAP" means
42 the program established pursuant to the federal "Food and Nutrition Act
43 of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

44 "SNAP ETP" means the federal Supplemental Nutrition Assistance
45 Program Employment and Training Program administered by the Food
46 and Nutrition Service in the United States Department of Agriculture

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 and established pursuant to the federal "Food and Nutrition Act of
2 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) and any regulations
3 adopted pursuant thereto.

4

5 2. Section 2 of P.L.2013, c.45 (C.44:10-96) is amended to read as
6 follows:

7 2. As used in P.L.2013, c.45 (C.44:10-95 et seq.):

8 "Commissioner" means the Commissioner of Human Services.

9 "Department" means the Department of Human Services.

10 "Eligible participant" means a SNAP recipient who qualifies for
11 participation in NJ SNAP ETP [as a voluntary SNAP ETP participant
12 or as a mandatory SNAP ETP participant].

13 **["Mandatory SNAP ETP participant" means a participant in NJ**
14 **SNAP ETP who, as a condition of receiving SNAP benefits: is required**
15 **to register for work; is required to fulfill SNAP employment and**
16 **training requirements; and has not been exempted from placement in an**
17 **NJ SNAP ETP component.]**

18 "New Jersey Supplemental Nutrition Assistance Program
19 Employment and Training Provider 50/50 Match Project" or "project"
20 means the project established pursuant to P.L.2013, c.45 (C.44:10-95 et
21 seq.).

22 "NJ SNAP ETP" means the New Jersey Supplemental Nutrition
23 Assistance Program Employment and Training Program that assists
24 SNAP recipients with acquiring the skills, training, work, or experience
25 necessary to obtain regular employment, as established under the New
26 Jersey Supplemental Nutrition Assistance Program and as described in
27 the most recent State Employment and Training Plan submitted to the
28 Food and Nutrition Service in the United States Department of
29 Agriculture.

30 "Non-federal resources" means any of the following resources,
31 provided that the resources are not from a federal source or used as a
32 match for other federal funding purposes:

33 (1) cash donations from private firms, charitable foundations, or
34 non-profit organizations received by partnering providers;

35 (2) local tax levy funds received by partnering providers;

36 (3) certain eligible in-kind contributions received by partnering
37 providers that are public entities, including property or services which
38 support the provider's NJ SNAP ETP activities and which are
39 contributed by non-federal public entities without charge to the
40 partnering provider; or

41 (4) any other non-federal resources that are currently allowed by the
42 federal government.

43 "Partnering provider" means a qualifying agency selected to
44 participate in the project.

45 "Project participant" means an eligible participant who elects to
46 participate in the project established pursuant to P.L.2013, c.45
47 (C.44:10-95 et seq.).

1 "Qualifying agency" means a local government, non-profit entity,
2 institution of higher education, foundation, or other eligible community-
3 based organization that qualifies for allowable federal SNAP ETP
4 reimbursements pursuant to the federal "Food and Nutrition Act of
5 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) by providing allowable
6 services that help SNAP recipients acquire the skills, training, work, or
7 experience necessary to obtain regular employment. A qualifying
8 agency may also include a consortium of organizations.

9 "Service area" means the geographic area of the State in which a
10 partnering provider provides NJ SNAP ETP services under the project
11 established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.).

12 "SNAP" means the New Jersey Supplemental Nutrition Assistance
13 Program, established pursuant to the federal "Food and Nutrition Act of
14 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

15 "SNAP ETP" means the federal Supplemental Nutrition Assistance
16 Program Employment and Training Program administered by the Food
17 and Nutrition Service in the United States Department of Agriculture
18 and established pursuant to the federal "Food and Nutrition Act of
19 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) and any regulations
20 adopted pursuant thereto.

21 **["Voluntary SNAP ETP participant" means a participant in NJ**
22 **SNAP ETP who: is exempt from the work registration and employment**
23 **and training requirements associated with receiving SNAP benefits; or**
24 **who is not exempt from work registration but who has been exempted**
25 **from SNAP employment and training requirements or otherwise**
26 **exempted from placement in an NJ SNAP ETP component.】**

27 "Work First New Jersey TANF benefits" means Temporary
28 Assistance for Needy Families benefits provided under the Work First
29 New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-
30 55 et seq.) in accordance with the federal "Personal Responsibility and
31 Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 (42
32 U.S.C. s.601 et seq.).
33 (cf: P.L.2019, c.253, s.2)
34

35 3. Section 5 of P.L.2013, c.45 (C.44:10-99) is amended to read
36 as follows:

37 5. a. A county welfare agency shall collaborate with all partnering
38 providers whose service areas include the county to: inform all eligible
39 participants, upon determination of their eligibility for SNAP benefits,
40 of all project activities operating within the county; permit all eligible
41 participants to participate in any project activities available within the
42 county; and assist eligible participants with contacting partnering
43 providers operating project activities. A county welfare agency may
44 advise an eligible participant as to the applicability and appropriateness
45 of specific activities to the eligible participant's case, but the county
46 welfare agency shall not assign an eligible participant to project
47 activities without the eligible participant's consent.

1 b. A partnering provider shall collaborate with all county welfare
2 agencies within the provider's service area to: inform all eligible
3 participants, upon determination of their eligibility for SNAP benefits,
4 of the availability of project services; and assist the county welfare
5 agencies with identifying those eligible participants for whom
6 participation in the partnering provider's NJ SNAP ETP activities would
7 be most applicable and appropriate.

8 c. A partnering provider shall serve all eligible participants
9 residing within the provider's service area who elect to participate in the
10 provider's project activities. Except as provided in this section, a
11 partnering provider shall not deny or terminate the participation of any
12 project participant.

13 d. **【Mandatory SNAP ETP】** Eligible participants who are required
14 to register for work and are required to fulfill SNAP work requirements
15 may elect**【,** for the purpose of fulfilling their SNAP employment and
16 training requirements,**】** to participate in a partnering provider's project
17 activities. **【The participation of a mandatory SNAP ETP participant in**
18 **a partnering provider's project activities shall constitute placement in an**
19 **NJ SNAP ETP component and shall fulfill SNAP employment and**
20 **training requirements for the duration of the mandatory SNAP ETP**
21 **participant's participation. A county welfare agency shall assign a**
22 **mandatory SNAP ETP participant who does not elect to participate in**
23 **any project activities to another NJ SNAP ETP component outside of**
24 **the project, as available.】**

25 e. **【Mandatory SNAP ETP】** Eligible participants who are required
26 to register for work and are required to fulfill SNAP work requirements
27 who elect to participate in project activities but who subsequently do not
28 cooperate with, or participate in, those activities shall not be subject to
29 penalties for noncompliance with SNAP **【employment and training】**
30 work requirements during their participation in the project. Partnering
31 providers shall terminate the project participation of any such non-
32 cooperating or non-participating **【mandatory SNAP ETP participants】**
33 eligible participants and refer the non-cooperating or non-participating
34 **【mandatory SNAP ETP】** participants to the applicable county welfare
35 agency. The applicable county welfare agency **【shall】** may assign, at a
36 participant's request, the non-cooperating or non-participating
37 **【mandatory SNAP ETP】** participant to another NJ SNAP ETP
38 component outside of the project, as available.

39 f. Nothing in P.L.2013, c.45 (C.44:10-95 et seq.) shall be
40 construed to limit the authority of the county welfare agencies or the
41 department to impose penalties for noncompliance with SNAP
42 **【employment and training】** work requirements on **【mandatory SNAP**
43 **ETP】** eligible participants who are required to register for work and are
44 required to fulfill SNAP work requirements **【who: are terminated from**
45 **participation in project activities due to non-cooperation or non-**
46 **participation; and subsequently refuse or fail to comply with SNAP**

1 employment and training requirements upon placement within another
2 NJ SNAP ETP component outside of the project】.

3 g. A partnering provider may deny or terminate the participation of
4 any project participant who is not appropriately matched to the
5 partnering provider's project activities upon obtaining approval from the
6 applicable county welfare agency.

7 (cf: P.L.2019, c.253, s.5)

8

9 4. Section 6 of P.L.2013, c.45 (C.44:10-100) is amended to read
10 as follows:

11 6. a. Each partnering provider shall be required to perform the
12 following programmatic functions and to maintain sufficient capacity to
13 perform these functions effectively:

14 (1) assist project participants with obtaining and retaining
15 employment;

16 (2) provide project participants with appropriate NJ SNAP ETP
17 services and participant reimbursements that fulfill the purposes of NJ
18 SNAP ETP and that qualify for federal SNAP ETP reimbursements.

19 These services and participant reimbursements may include, but are not
20 limited to: job search and placement services; job readiness assistance;
21 education or training that improves basic skills and general
22 employability; specific job skills training or vocational education; work
23 experience that improves the employability of project participants;
24 subsidized employment; workfare; self-employment training; services
25 related to the federal Workforce Investment Act of 1998, Pub.L.105-
26 220 (29 U.S.C. s.2801 et seq.); job retention services; or
27 reimbursements for project participant expenses, including dependent
28 care costs, transportation expenses, books or training manuals, fees,
29 uniforms, equipment and tools required for employment, or personal
30 safety items required for program participation;

31 (3) assess and place project participants into appropriate NJ SNAP
32 ETP services, as defined in paragraph (2) of this subsection;

33 (4) provide project participants with support services, including
34 case management, early intervention, career counseling, and referrals to
35 additional programs and services;

36 (5) verify whether potential project participants are receiving SNAP
37 benefits and make referrals, as appropriate, to assist potential project
38 participants with applying for SNAP benefits;

39 (6) collaborate with county welfare agencies to develop processes
40 and materials that: inform eligible participants regarding project
41 activities within each county, in accordance with each partnering
42 provider's service area; facilitate eligible participants' communications
43 with partnering providers regarding participation in project activities;
44 and assist eligible participants with rendering decisions regarding their
45 participation in project activities;

46 (7) assist project participants with continuing to meet administrative
47 requirements, work requirements, employment and training
48 requirements, and other requirements for maintaining SNAP eligibility;

- 1 (8) coordinate with the department and county welfare agencies on
2 a monthly basis to verify that project participants are receiving SNAP
3 benefits and are not receiving Work First New Jersey TANF benefits;
- 4 (9) coordinate with the county welfare agencies and the department
5 to distinguish **【mandatory SNAP ETP】** eligible participants who are
6 required to register for work and are required to fulfill SNAP work
7 requirements from 【voluntary SNAP ETP】 eligible participants who are
8 exempt from the work registration and work requirements associated
9 with receiving SNAP benefits;
- 10 (10) provide uninterrupted NJ SNAP ETP services and participant
11 reimbursements to **【mandatory SNAP ETP】** eligible participants
12 **【electing to participate in the project who become voluntary SNAP ETP**
13 **participants and to voluntary SNAP ETP participants electing to**
14 **participate in the project who become mandatory SNAP ETP**
15 **participants】** through changes in the participants’ SNAP work
16 registration and work requirement status, subject to the provisions for
17 terminating project participation pursuant to section 5 of P.L.2013, c.45
18 (C.44:10-99);
- 19 (11) maintain program records and report to the department and the
20 Department of Labor and Workforce Development the following
21 monthly information for each claimed NJ SNAP ETP participant:
22 program, participant name, participant Social Security number, services
23 and reimbursements received, and weekly hours;
- 24 (12) prepare and submit to the department invoice and certification
25 letters each quarter for the total non-federal resources and program
26 expenditures qualifying for federal SNAP ETP reimbursements for the
27 quarter;
- 28 (13) monitor project participants and subcontractors and provide
29 detailed reports of participants, activities, and outcomes to the
30 Department of Labor and Workforce Development on a regular basis;
- 31 (14) devote sufficient staff time and expertise to fulfill NJ SNAP ETP
32 administrative and reporting requirements;
- 33 (15) collaborate with the department and the Department of Labor
34 and Workforce Development to ensure that federal SNAP ETP
35 reimbursements received under the program are expended in accordance
36 with all applicable federal laws and regulations; and
- 37 (16) report to the department and the Department of Labor and
38 Workforce Development and county welfare agencies on a monthly
39 basis the identities of any **【mandatory SNAP ETP】** eligible participants
40 who are required to register for work and are required to fulfill SNAP
41 work requirements and who are not cooperating with, or participating
42 in, assigned services or work**【**, as applicable to mandatory SNAP ETP
43 participants who elect to participate in the project**】**.
- 44 b. Each partnering provider shall be required to perform the
45 following financial functions and to maintain sufficient capacity to
46 perform the functions effectively:

- 1 (1) maintain cash flow necessary to manage the delay from program
- 2 outlays to SNAP ETP reimbursements;
- 3 (2) manage federal grants, track expenditures, and ensure that non-
- 4 federal resources and program expenditures qualify for federal SNAP
- 5 ETP reimbursements;
- 6 (3) perform cost allocation using multiple funds;
- 7 (4) track staff time devoted to NJ SNAP ETP activities under this
- 8 project; and
- 9 (5) maintain records for State audits.

10 c. Partnering providers may establish agreements with
11 subcontracting organizations to support their NJ SNAP ETP activities
12 under this project.

13 d. The department shall consider educational activities serving
14 eligible participants at community colleges as qualifying for federal
15 SNAP ETP reimbursements to the greatest extent allowable under
16 federal laws and regulations. In accordance with section 273.5 of title 7,
17 Code of Federal Regulations, individuals enrolled at least half-time in
18 an institution of higher education who are assigned to, or placed in, an
19 NJ SNAP ETP educational activity¹, including individuals who
20 voluntarily participate in NJ SNAP ETP activities or who otherwise
21 make self-initiated placements,² and who meet all SNAP eligibility
22 requirements shall be determined eligible for SNAP benefits and shall
23 be eligible for participation in the project.

24 (cf: P.L.2019, c.253, s.6)

25

26 5. Section 7 of P.L.2013, c.45 (C.44:10-101) is amended to read
27 as follows:

28 7. a. The county welfare agencies, under the oversight of the
29 department, shall assist partnering providers by:

30 (1) collaborating with partnering providers, the department, and the
31 Department of Labor and Workforce Development to conduct outreach
32 to potential project participants and to refer potential project participants
33 to the partnering providers;

34 (2) collaborating with partnering providers to develop processes and
35 materials that inform eligible participants regarding: the availability of
36 project activities within each county, in accordance with each partnering
37 provider's service area; the option for eligible participants to participate
38 in project activities; the applicability and appropriateness of specific
39 activities to the eligible participant's case; and the means by which
40 eligible participants may contact partnering providers regarding project
41 participation;

42 (3) determining potential project participants' SNAP eligibility and
43 providing the results of eligibility determinations to partnering
44 providers;

45 (4) developing and implementing a process to verify that potential
46 project participants are receiving SNAP benefits and not receiving
47 Work First New Jersey TANF benefits and ensuring that this
48 verification process adheres to all applicable federal laws and

1 regulations restricting the unauthorized disclosure of information
2 concerning applicants for, and recipients of, SNAP or TANF benefits;

3 (5) determining each potential project participant's status [as a
4 voluntary SNAP ETP participant or a mandatory SNAP ETP
5 participant] regarding SNAP work registration and employment and
6 training requirements, in coordination with partnering providers;

7 (6) confirming each project participant's SNAP eligibility on a
8 monthly basis; and

9 (7) collaborating with partnering providers to develop criteria and
10 procedures for terminating the participation of eligible participants in a
11 partnering provider's project activities including, but not limited to:
12 eligible participants who are not appropriately matched to a partnering
13 provider's project activities; and any [mandatory SNAP ETP] eligible
14 participants who are required to register for work and are required to
15 fulfill SNAP work requirements and who are not cooperating with, or
16 participating in, assigned services or work], as applicable to mandatory
17 SNAP ETP participants who elect to participate in the project].

18 b. The department shall, in consultation with the county welfare
19 agencies and the Department of Labor and Workforce Development:

20 (1) assist partnering providers with understanding the
21 administrative requirements, work requirements, employment and
22 training requirements, and other requirements for project participants to
23 maintain SNAP eligibility;

24 (2) assist partnering providers with understanding the requirements
25 for non-federal resources and program expenditures to generate federal
26 SNAP ETP reimbursements;

27 (3) submit requests for federal SNAP ETP reimbursements and
28 fulfill all reporting and other SNAP ETP administrative responsibilities
29 required by the Food and Nutrition Service in the United States
30 Department of Agriculture;

31 (4) distribute federal SNAP ETP reimbursements received by the
32 State under this project to the partnering providers whose non-federal
33 resources and program expenditures generated the federal
34 reimbursements, in accordance with the provisions of section 8 of
35 P.L.2013, c.45 (C.44:10-102);

36 (5) collect data concerning partnering providers and project
37 participants, activities, and outcomes; and

38 (6) audit partnering providers on a routine basis to ensure fiscal and
39 program integrity.

40 (cf: P.L.2019, c.253, s.7)

41

42 6. Section 8 of P.L.2013, c.45 (C.44:10-102) is amended to read
43 as follows:

44 8. a. The department shall submit a revised State Employment and
45 Training Plan to the Food and Nutrition Service in the United States
46 Department of Agriculture, in accordance with section 273.7 (c) of title
47 7, Code of Federal Regulations, in order to expand NJ SNAP ETP to

1 include project partnerships with qualifying agencies. The revised State
2 Employment and Training Plan shall define the services to be provided
3 under NJ SNAP ETP, including, but not limited to, the project services
4 provided pursuant to P.L.2013, c.45 (C.44:10-95 et seq.) and shall
5 ensure that under no circumstances shall a recipient of SNAP benefits
6 be disqualified from SNAP participation solely due to nonparticipation
7 in a SNAP ETP activity. The department shall submit the revised State
8 Employment and Training Plan to the Food and Nutrition Service as
9 soon as practicable but no later than the first day of the seventh month
10 next following the effective date of **【P.L.2013, c.45 (C.44:10-95 et**
11 **seq.)】 P.L. _____, c. _____ (C. _____)(pending before the Legislature as this**
12 **bill).**

13 b. The commissioner shall take such additional steps as may be
14 necessary to secure approval from the Food and Nutrition Service in the
15 United States Department of Agriculture for this project and to ensure
16 that the State and partnering providers are in compliance with all
17 applicable provisions of federal and State laws and regulations.

18 c. The department may reserve up to five percent of the federal
19 SNAP ETP reimbursements generated as a direct result of the activities
20 of the partnering providers and received by the State pursuant to
21 P.L.2013, c.45 (C.44:10-95 et seq.) for operating expenses and staff
22 directly related to the administration, oversight, and evaluation of this
23 project. The remaining federal SNAP ETP reimbursements generated as
24 a direct result of the activities of the partnering providers and received
25 by the State pursuant to P.L.2013, c.45 (C.44:10-95 et seq.) shall be
26 distributed to the partnering providers whose expenditures generated the
27 federal SNAP ETP reimbursements on a pro-rata basis and in
28 accordance with the performance-based system for distributing federal
29 SNAP ETP reimbursements established pursuant to section 4 of
30 P.L.2013, c.45 (C.44:10-98). Within the request for proposals issued
31 pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), the department shall
32 describe the performance-based system for distributing federal SNAP
33 ETP reimbursements and indicate the net percentage of federal SNAP
34 ETP reimbursements that shall be distributed to partnering providers.

35 d. The department shall apply for any additional federal funds
36 which may be available to implement the provisions of P.L.2013, c.45
37 (C.44:10-95 et seq.), including, but not limited to, any unobligated,
38 unexpended federal SNAP ETP funds originally allocated to other state
39 agencies and available for reallocation pursuant to section 273.7 (d) of
40 title 7, Code of Federal Regulations.

41 e. The Commissioner of Labor and Workforce Development may
42 solicit, receive, and accept grants, funds, or anything of value from any
43 public or private entity and receive and accept contributions of money,
44 property, labor, or any other thing of value from any legitimate source
45 to support the project, provided that the commissioner does not have
46 reason to believe that the entity may have a vested interest in the
47 decisions of the commissioner or the department concerning the
48 selection of specific partnering providers.

1 (cf: P.L.2019, c.253, s.8)

2 7. Section 1 of P.L.2016, c.11 (C.44:10-105) is amended to read as
3 follows:

4 1. a. Immediately upon the effective date of this act and at least
5 once annually thereafter, the Commissioner of Human Services shall
6 conduct a review of available data on labor and employment in the State
7 produced by the Department of Labor and Workforce Development and
8 the federal Bureau of labor Statistics. The purpose of the review shall
9 be to determine **【whether to submit a request】** all areas eligible for a
10 waiver of the benefit time limit for able bodied adults without
11 dependents participating in the Supplemental Nutrition Assistance
12 Program as authorized by 7 C.F.R. 273.24(f) **【**, either throughout the
13 State or in any geographic area of the State. The review shall
14 consider each criterion of eligibility for a waiver as well as the
15 availability of opportunities that will fulfill the work requirement
16 described in 7 C.F.R. 273.24(a)**】**. Based on the review conducted
17 pursuant to this section, the commissioner shall **【determine whether**
18 **to】** submit a request for a waiver for the maximum number of areas
19 which are eligible for a waiver.

20 b. The Governor shall support and direct the commissioner to
21 submit a waiver request for all geographic areas which represent the
22 largest number of individuals eligible for a waiver of the able bodied
23 adults without dependents time limits on the receipt of SNAP
24 benefits. This support shall serve to fulfill the requirements
25 described in 7 U.S.C. 2015(o)(4)(A).

26
27 8. Sections 1 through 6 of this act shall take effect immediately.
28 Section 7 of this act shall take effect on the first day of the fourth
29 month following the date of enactment, but the Commissioner of
30 Human Services shall take such anticipatory administrative action in
31 advance thereof as shall be necessary for the implementation of this
32 act.

33
34

35 STATEMENT

36
37 This bill provides that participation in the New Jersey
38 Supplemental Nutrition Assistance Program (SNAP) Employment and
39 Training Program (ETP) is voluntary. Under an all-voluntary program,
40 SNAP recipients choose whether or not to participate in the ETP, with
41 no adverse consequences for participants' SNAP benefits. This
42 provision ensures that additional food insecure households in New
43 Jersey maintain eligibility for SNAP benefits, and maximizes federal
44 dollars available through the SNAP ETP. SNAP, which is funded by
45 the Food and Nutrition Service (FNS) in the United States Department
46 of Agriculture (USDA), but is administered by the states, is a nutrition

1 assistance program that serves as a safety net for low-income
2 households.

3 Under the bill, both the Department of Human Services and a
4 county welfare agency are prohibited from requiring a SNAP
5 recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP
6 Provider 50/50 Match Project in order to be deemed eligible for SNAP
7 benefits. The bill additionally prohibits SNAP disqualification solely
8 due to a SNAP recipient's nonparticipation in a SNAP ETP activity.
9 The bill, however, explicitly states that the authority of the department
10 or a county welfare agency to impose penalties for noncompliance with
11 federal SNAP work requirements shall not be restricted.

12 As defined under the bill, the "NJ SNAP ETP" means the New Jersey
13 Supplemental Nutrition Assistance Program Employment and Training
14 Program, through which SNAP recipients acquire the skills, training,
15 work, or experience necessary to obtain regular employment, as
16 established under the SNAP and as described in the most recent State
17 Employment and Training Plan submitted to the FNS. The NJ SNAP
18 ETP 50/50 Match Project, established pursuant to P.L.2013, c.45
19 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP
20 in which the State receives reimbursement grants from the federal
21 government to fund third party contractors who provide eligible
22 employment and training services to program participants. In order to
23 comply with the bill's provisions establishing a voluntary NJ SNAP
24 ETP, the bill also amends the existing law governing the NJ SNAP ETP
25 50/50 Match Project.

26 Under federal law, SNAP participants who are not eligible for
27 exemptions due to age, disability, dependent caretaking, or other
28 situations must meet federal work requirements. States have the
29 option to require mandatory participation in a state SNAP ETP as one
30 element of the federal work requirement, but may also limit this
31 provision and offer a SNAP ETP as a voluntary activity only. This
32 bill transitions the NJ SNAP ETP program from a partial mandatory
33 and voluntary program to an all-voluntary program, an option
34 available to the states in operating their SNAP ETPs. Under an all-
35 voluntary program, SNAP recipients choose whether or not to
36 participate in the ETP, without affecting the participants' SNAP
37 benefits. This transition is based upon rigorous evaluations of
38 welfare-to-work programs which found that mandatory punitive
39 work requirements did not lead to stable employment for most
40 participants, nor did they lift participants out of poverty. Currently,
41 approximately 50 percent of states have opted for all-voluntary ETPs.

42 The bill also directs the department and each county welfare
43 agency to ensure that all recipients of benefits under the SNAP are
44 provided with the opportunity to participate in employment and
45 training activities consistent with federal SNAP ETP reimbursement
46 requirements. The department, additionally, is required to submit any
47 necessary revisions to the State Employment and Training Plan to the
48 FNS in order to satisfy the provisions of the bill.

1 The bill, moreover, requires the Commissioner of Human
2 Services, on annual basis, to apply for a federal waiver of the SNAP
3 benefit time limit for able-bodied adults without dependents
4 (ABAWD) for the maximum number of geographic areas in the State
5 which are eligible for such a waiver. The bill additionally requires
6 the Governor to support, and directs the commissioner to submit, a
7 waiver request for those geographic areas in the State that represent
8 the highest number of SNAP participants eligible for a waiver of the
9 ABAWD time limit on SNAP benefits. Under current law, an
10 ABAWD is eligible for SNAP benefits for three months over a three-
11 year period, unless the individual works a minimum of 20 hours per
12 week, participates in a work program for 20 hours per week,
13 participates in a workfare program, is pregnant, has a physical or
14 mental disability that prohibits work, has an individual under the age
15 of 18 in the same household, or is exempt from the general work
16 requirements for SNAP.

17 Federal criteria for the ABAWD time limit waivers, established
18 pursuant to 7 U.S.C. 2015(o)(4) and 7 C.F.R. 273.24(f), specify that
19 the USDA may waive the ABAWD benefit time limit either statewide
20 or in areas of a state that: (1) have an unemployment rate of over 10
21 percent or (2) do not have a “sufficient number of jobs to provide
22 employment” to the ABAWD population living therein. Federal
23 regulation also specifies the types and sources of employment data
24 that a state may submit in support of a waiver application. The USDA
25 typically approves a state’s waiver application for a period of twelve
26 months.

27 Pursuant to the federal Families First Coronavirus Response Act
28 Pub.L.116-127, the United States Department of Agriculture (USDA)
29 partially suspended the ABAWD benefit time limit, except for an
30 individual who fails to comply with either a work program or
31 workfare program offered by the state in compliance with federal
32 law. This partial suspension of the ABAWD time limit is in effect
33 for the period beginning April 1, 2020 through the end of the month
34 following the month in which the federal COVID Public Health
35 Emergency (PHE) expires. On October 15, 2021, the Secretary of
36 the United States Department of Health and Human Services renewed
37 the federal COVID Public Health Emergency for 90 days.

ASSEMBLY AGRICULTURE AND FOOD SECURITY
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2360

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 2022

The Assembly Agriculture and Food Security Committee reports favorably and with committee amendments Assembly Bill No. 2360.

This bill, as amended, provides that participation in the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Employment and Training Program (ETP) is voluntary. Under an all-voluntary program, Supplemental Nutrition Assistance Program (SNAP) recipients choose whether or not to participate in the ETP, with no adverse consequences for participants' SNAP benefits. This provision ensures that additional food insecure households in New Jersey maintain eligibility for SNAP benefits, and maximizes federal dollars available through the SNAP ETP. SNAP, which is funded by the Food and Nutrition Service (FNS) in the United States Department of Agriculture (USDA), but is administered by the states, is a nutrition assistance program that serves as a safety net for low-income households.

Under the bill, both the Department of Human Services and a county welfare agency are prohibited from requiring a SNAP recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP Provider 50/50 Match Project in order to be deemed eligible for SNAP benefits. The bill additionally prohibits SNAP disqualification solely due to a SNAP recipient's nonparticipation in a SNAP ETP activity. The bill, however, explicitly states that the authority of the department or a county welfare agency to impose penalties for noncompliance with federal SNAP work requirements shall not be restricted.

As defined under the bill, the "NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program, through which SNAP recipients acquire the skills, training, work, or experience necessary to obtain regular employment, as established under the SNAP and as described in the most recent State Employment and Training Plan submitted to the FNS. The NJ SNAP ETP 50/50 Match Project, established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP in which the State receives reimbursement grants from the federal government to fund third party contractors who provide eligible

employment and training services to program participants. In order to comply with the bill's provisions establishing a voluntary NJ SNAP ETP, the bill also amends the existing law governing the NJ SNAP ETP 50/50 Match Project.

Under federal law, SNAP participants who are not eligible for exemptions due to age, disability, dependent caretaking, or other situations must meet federal work requirements. States have the option to require mandatory participation in a state SNAP ETP as one element of the federal work requirement, but may also limit this provision and offer a SNAP ETP as a voluntary activity only. This bill transitions the NJ SNAP ETP program from a partial mandatory and voluntary program to an all-voluntary program, an option available to the states in operating their SNAP ETPs. Under an all-voluntary program, SNAP recipients choose whether or not to participate in the ETP, without affecting the participants' SNAP benefits. This transition is based upon rigorous evaluations of welfare-to-work programs which found that mandatory punitive work requirements did not lead to stable employment for most participants, nor did they lift participants out of poverty. Currently, approximately 50 percent of states have opted for all-voluntary ETPs.

The bill also directs the department and each county welfare agency to ensure that all recipients of benefits under the SNAP are provided with the opportunity to participate in employment and training activities consistent with federal SNAP ETP reimbursement requirements. The department, additionally, is required to submit any necessary revisions to the State Employment and Training Plan to the FNS in order to satisfy the provisions of the bill.

The bill, moreover, requires the Commissioner of Human Services, on annual basis, to apply for a federal waiver of the SNAP benefit time limit for able-bodied adults without dependents (ABAWD) for the maximum number of geographic areas in the State which are eligible for such a waiver. The bill additionally requires the Governor to support, and directs the commissioner to submit, a waiver request for those geographic areas in the State that represent the highest number of SNAP participants eligible for a waiver of the ABAWD time limit on SNAP benefits. Under current law, an ABAWD is eligible for SNAP benefits for three months over a three-year period, unless the individual works a minimum of 20 hours per week, participates in a work program for 20 hours per week, participates in a workfare program, is pregnant, has a physical or mental disability that prohibits work, has an individual under the age of 18 in the same household, or is exempt from the general work requirements for SNAP.

Federal criteria for the ABAWD time limit waivers, established pursuant to 7 U.S.C. 2015(o)(4) and 7 C.F.R. 273.24(f), specify that the USDA may waive the ABAWD benefit time limit either statewide or in areas of a state that: (1) have an unemployment rate of over 10 percent or (2) do not have a "sufficient number of jobs to provide

employment” to the ABAWD population living therein. Federal regulation also specifies the types and sources of employment data that a state may submit in support of a waiver application. The USDA typically approves a state’s waiver application for a period of twelve months.

Pursuant to the federal Families First Coronavirus Response Act Pub.L.116-127, the United States Department of Agriculture (USDA) partially suspended the ABAWD benefit time limit, except for an individual who fails to comply with either a work program or workfare program offered by the state in compliance with federal law. This partial suspension of the ABAWD time limit is in effect for the period beginning April 1, 2020 through the end of the month following the month in which the federal COVID Public Health Emergency (PHE) expires. On October 15, 2021, the Secretary of the United States Department of Health and Human Services renewed the federal COVID Public Health Emergency for 90 days.

COMMITTEE AMENDMENTS

The committee amendments make technical corrections to the bill.

ASSEMBLY HUMAN SERVICES COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2360

STATE OF NEW JERSEY

DATED: MAY 12, 2022

The Assembly Human Services Committee reports favorably Assembly Bill No. 2360 (1R).

This bill, provides that participation in the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Employment and Training Program (ETP) is voluntary. Under an all-voluntary program, Supplemental Nutrition Assistance Program (SNAP) recipients choose whether or not to participate in the ETP, with no adverse consequences for participants' SNAP benefits. This provision ensures that additional food insecure households in New Jersey maintain eligibility for SNAP benefits, and maximizes federal dollars available through the SNAP ETP. SNAP, which is funded by the Food and Nutrition Service (FNS) in the United States Department of Agriculture (USDA), but is administered by the states, is a nutrition assistance program that serves as a safety net for low-income households.

Under the bill, both the Department of Human Services and a county welfare agency are prohibited from requiring a SNAP recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP Provider 50/50 Match Project in order to be deemed eligible for SNAP benefits. The bill additionally prohibits SNAP disqualification solely due to a SNAP recipient's nonparticipation in a SNAP ETP activity. The bill, however, explicitly states that the authority of the department or a county welfare agency to impose penalties for noncompliance with federal SNAP work requirements shall not be restricted.

As defined under the bill, the "NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program, through which SNAP recipients acquire the skills, training, work, or experience necessary to obtain regular employment, as established under the SNAP and as described in the most recent State Employment and Training Plan submitted to the FNS. The NJ SNAP ETP 50/50 Match Project, established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP in which the State receives reimbursement grants from the federal government to fund third party contractors who provide eligible employment and training services to program participants. In order to comply with the bill's provisions establishing a voluntary NJ SNAP

ETP, the bill also amends the existing law governing the NJ SNAP ETP 50/50 Match Project.

Under federal law, SNAP participants who are not eligible for exemptions due to age, disability, dependent caretaking, or other situations must meet federal work requirements. States have the option to require mandatory participation in a state SNAP ETP as one element of the federal work requirement, but may also limit this provision and offer a SNAP ETP as a voluntary activity only. This bill transitions the NJ SNAP ETP program from a partial mandatory and voluntary program to an all-voluntary program, an option available to the states in operating their SNAP ETPs. Under an all-voluntary program, SNAP recipients choose whether or not to participate in the ETP, without affecting the participants' SNAP benefits. This transition is based upon rigorous evaluations of welfare-to-work programs which found that mandatory punitive work requirements did not lead to stable employment for most participants, nor did they lift participants out of poverty. Currently, approximately 50 percent of states have opted for all-voluntary ETPs.

The bill also directs the department and each county welfare agency to ensure that all recipients of benefits under the SNAP are provided with the opportunity to participate in employment and training activities consistent with federal SNAP ETP reimbursement requirements. The department, additionally, is required to submit any necessary revisions to the State Employment and Training Plan to the FNS in order to satisfy the provisions of the bill.

The bill, moreover, requires the Commissioner of Human Services, on annual basis, to apply for a federal waiver of the SNAP benefit time limit for able-bodied adults without dependents (ABAWD) for the maximum number of geographic areas in the State which are eligible for such a waiver. The bill additionally requires the Governor to support, and directs the commissioner to submit, a waiver request for those geographic areas in the State that represent the highest number of SNAP participants eligible for a waiver of the ABAWD time limit on SNAP benefits. Under current law, an ABAWD is eligible for SNAP benefits for three months over a three-year period, unless the individual works a minimum of 20 hours per week, participates in a work program for 20 hours per week, participates in a workfare program, is pregnant, has a physical or mental disability that prohibits work, has an individual under the age of 18 in the same household, or is exempt from the general work requirements for SNAP.

Federal criteria for the ABAWD time limit waivers, established pursuant to 7 U.S.C. 2015(o)(4) and 7 C.F.R. 273.24(f), specify that the USDA may waive the ABAWD benefit time limit either statewide or in areas of a state that: (1) have an unemployment rate of over 10 percent or (2) do not have a "sufficient number of jobs to provide employment" to the ABAWD population living therein. Federal regulation also specifies the types and sources of employment data that

a state may submit in support of a waiver application. The USDA typically approves a state's waiver application for a period of twelve months.

Pursuant to the federal Families First Coronavirus Response Act Pub.L.116-127, the United States Department of Agriculture (USDA) partially suspended the ABAWD benefit time limit, except for an individual who fails to comply with either a work program or workfare program offered by the state in compliance with federal law. This partial suspension of the ABAWD time limit is in effect for the period beginning April 1, 2020 through the end of the month following the month in which the federal COVID Public Health Emergency (PHE) expires. On October 15, 2021, the Secretary of the United States Department of Health and Human Services renewed the federal COVID Public Health Emergency for 90 days.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 2360

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 19, 2022

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 2360 (1R).

As amended, this bill provides that participation in the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Employment and Training Program (ETP) is voluntary. Under an all-voluntary program, Supplemental Nutrition Assistance Program (SNAP) recipients choose whether or not to participate in the ETP, with no adverse consequences for participants' SNAP benefits. This provision ensures that additional food insecure households in New Jersey maintain eligibility for SNAP benefits, and maximizes federal dollars available through the SNAP ETP. SNAP, which is funded by the Food and Nutrition Service (FNS) in the United States Department of Agriculture (USDA), but is administered by the states, is a nutrition assistance program for low-income households.

Under the bill, both the Department of Human Services (department) and a county welfare agency are prohibited from requiring a SNAP recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP Provider 50/50 Match Project in order to be deemed eligible for SNAP benefits. The bill additionally prohibits SNAP disqualification solely due to a SNAP recipient's nonparticipation in a SNAP ETP activity. The bill, however, explicitly states that the authority of the department or a county welfare agency to impose penalties for noncompliance with federal SNAP work requirements will not be restricted.

As defined under the bill, the "NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program, through which SNAP recipients acquire the skills, training, work, or experience necessary to obtain regular employment, as established under the SNAP and as described in the most recent State Employment and Training Plan submitted to the FNS. The NJ SNAP ETP 50/50 Match Project, established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP in which the State receives reimbursement grants from the federal government to fund third-party contractors who provide eligible

employment and training services to program participants. In order to comply with the bill's provisions establishing a voluntary NJ SNAP ETP, the bill also amends the existing law governing the NJ SNAP ETP 50/50 Match Project.

The bill directs the department and each county welfare agency to ensure that all recipients of benefits under SNAP are provided with the opportunity to participate in employment and training activities consistent with federal SNAP ETP reimbursement requirements. The department, additionally, is required to submit any necessary revisions to the State Employment and Training Plan to the FNS in order to satisfy the provisions of the bill.

COMMITTEE AMENDMENTS:

The committee amendments remove the provision of the bill that would require:

- the Commissioner of Human Services (commissioner) to annually request a federal waiver of the SNAP benefit time limit for able-bodied adults without dependents (ABAWD) for the maximum number of geographic areas in the State which are eligible for such a waiver; and
- the Governor to support and direct the commissioner to submit a waiver request for those geographic areas in the State that represent the highest number of SNAP participants eligible for a waiver of the ABAWD time limit on SNAP benefits.
- The committee amendments revise the effective date of the bill to reflect this change. The committee amendments also update the title and synopsis.

FISCAL IMPACT:

This bill is not certified as requiring a fiscal note.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 2360

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Assembly Bill No. 2360 (2R).

This bill clarifies that participation in the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Employment and Training Program (ETP) is voluntary. Under an all-voluntary program, Supplemental Nutrition Assistance Program (SNAP) recipients choose whether or not to participate in the ETP, with no adverse consequences for participants' SNAP benefits. This provision ensures that additional food insecure households in New Jersey maintain eligibility for SNAP benefits, and maximizes federal dollars available through the SNAP ETP. SNAP, which is funded by the Food and Nutrition Service (FNS) in the United States Department of Agriculture (USDA), but is administered by the states, is a nutrition assistance program for low-income households.

Under the bill, both the Department of Human Services (department) and a county welfare agency are prohibited from requiring a SNAP recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP Provider 50/50 Match Project in order to be deemed eligible for SNAP benefits. The bill additionally prohibits SNAP disqualification solely due to a SNAP recipient's nonparticipation in a SNAP ETP activity. The bill, however, explicitly states that the authority of the department or a county welfare agency to impose penalties for noncompliance with federal SNAP work requirements will not be restricted.

As defined under the bill, the "NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program, through which SNAP recipients acquire the skills, training, work, or experience necessary to obtain regular employment, as established under the SNAP and as described in the most recent State Employment and Training Plan submitted to the FNS. The NJ SNAP ETP 50/50 Match Project, established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP in which the State receives reimbursement grants from the federal government to fund third-party contractors who provide eligible employment and training services to program participants. The bill

also amends the existing law governing the NJ SNAP ETP 50/50 Match Project to conform with the provisions of the bill.

The bill directs the department and each county welfare agency to ensure that all recipients of benefits under SNAP are provided with the opportunity to participate in employment and training activities consistent with federal SNAP ETP reimbursement requirements. The department, additionally, is required to submit any necessary revisions to the State Employment and Training Plan to the FNS in order to satisfy the provisions of the bill.

As reported by the committee, Assembly Bill No. 2360 (2R) is identical to Senate Bill No. 2035, which was also reported by the committee on this date, with amendments.

SENATE, No. 2035

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 3, 2022

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Eliminates requirement that participation in NJ SNAP Employment and Training Program is mandatory for certain recipients and directs DHS to seek federal waiver of SNAP benefit time limit for certain recipients.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/23/2022)

1 AN ACT concerning the New Jersey Supplemental Nutrition
2 Assistance Program, and amending and supplementing various
3 parts of statutory law.

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

7
8 1. (New Section) a. The NJ SNAP ETP shall be a voluntary
9 program, and the Division of Family Development in the Department
10 of Human Services or a county welfare agency shall not require
11 participation in a NJ SNAP ETP activity or in a New Jersey
12 Supplemental Nutrition Assistance Program Employment and
13 Training Provider 50/50 Match Project, as established under
14 P.L.2013, c.45 (C.44:10-95 et seq.), in order to be deemed eligible
15 for SNAP benefits.

16 b. The division and each county welfare agency shall ensure that
17 all recipients of SNAP benefits are provided information regarding,
18 and the opportunity to participate in, employment and training
19 opportunities consistent with federal SNAP ETP reimbursement
20 requirements.

21 c. Nothing in this section shall be construed to limit the authority
22 of the division or a county welfare agency to impose penalties for
23 noncompliance with federal SNAP work requirements.

24 d. The division shall submit, in a timely manner, any necessary
25 revisions to the State Employment and Training Plan to the Food and
26 Nutrition Service in the United States Department of Agriculture, as
27 required pursuant to federal regulations, in order to effectuate the
28 provisions of this section.

29 e. As used in this section:

30 "NJ SNAP ETP" means the New Jersey Supplemental Nutrition
31 Assistance Program Employment and Training Program that assists
32 SNAP recipients with acquiring the skills, training, work, or experience
33 necessary to obtain regular employment, as established under the New
34 Jersey Supplemental Nutrition Assistance Program and as described in
35 the most recent State Employment and Training Plan submitted to the
36 Food and Nutrition Service in the United States Department of
37 Agriculture.

38 "New Jersey Supplemental Nutrition Assistance Program
39 Employment and Training Provider 50/50 Match Project" means the
40 project established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.).

41 "Supplemental Nutrition Assistance Program" or "SNAP" means
42 the program established pursuant to the federal "Food and Nutrition Act
43 of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

44 "SNAP ETP" means the federal Supplemental Nutrition Assistance
45 Program Employment and Training Program administered by the Food
46 and Nutrition Service in the United States Department of Agriculture

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 and established pursuant to the federal "Food and Nutrition Act of
2 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) and any regulations
3 adopted pursuant thereto.

4

5 2. Section 2 of P.L.2013, c.45 (C.44:10-96) is amended to read as
6 follows:

7 2. As used in P.L.2013, c.45 (C.44:10-95 et seq.):

8 "Commissioner" means the Commissioner of Human Services.

9 "Department" means the Department of Human Services.

10 "Eligible participant" means a SNAP recipient who qualifies for
11 participation in NJ SNAP ETP [as a voluntary SNAP ETP participant
12 or as a mandatory SNAP ETP participant].

13 **["Mandatory SNAP ETP participant" means a participant in NJ**
14 **SNAP ETP who, as a condition of receiving SNAP benefits: is required**
15 **to register for work; is required to fulfill SNAP employment and**
16 **training requirements; and has not been exempted from placement in an**
17 **NJ SNAP ETP component.]**

18 "New Jersey Supplemental Nutrition Assistance Program
19 Employment and Training Provider 50/50 Match Project" or "project"
20 means the project established pursuant to P.L.2013, c.45 (C.44:10-95 et
21 seq.).

22 "NJ SNAP ETP" means the New Jersey Supplemental Nutrition
23 Assistance Program Employment and Training Program that assists
24 SNAP recipients with acquiring the skills, training, work, or experience
25 necessary to obtain regular employment, as established under the New
26 Jersey Supplemental Nutrition Assistance Program and as described in
27 the most recent State Employment and Training Plan submitted to the
28 Food and Nutrition Service in the United States Department of
29 Agriculture.

30 "Non-federal resources" means any of the following resources,
31 provided that the resources are not from a federal source or used as a
32 match for other federal funding purposes:

33 (1) cash donations from private firms, charitable foundations, or
34 non-profit organizations received by partnering providers;

35 (2) local tax levy funds received by partnering providers;

36 (3) certain eligible in-kind contributions received by partnering
37 providers that are public entities, including property or services which
38 support the provider's NJ SNAP ETP activities and which are
39 contributed by non-federal public entities without charge to the
40 partnering provider; or

41 (4) any other non-federal resources that are currently allowed by the
42 federal government.

43 "Partnering provider" means a qualifying agency selected to
44 participate in the project.

45 "Project participant" means an eligible participant who elects to
46 participate in the project established pursuant to P.L.2013, c.45
47 (C.44:10-95 et seq.).

1 "Qualifying agency" means a local government, non-profit entity,
2 institution of higher education, foundation, or other eligible community-
3 based organization that qualifies for allowable federal SNAP ETP
4 reimbursements pursuant to the federal "Food and Nutrition Act of
5 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) by providing allowable
6 services that help SNAP recipients acquire the skills, training, work, or
7 experience necessary to obtain regular employment. A qualifying
8 agency may also include a consortium of organizations.

9 "Service area" means the geographic area of the State in which a
10 partnering provider provides NJ SNAP ETP services under the project
11 established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.).

12 "SNAP" means the New Jersey Supplemental Nutrition Assistance
13 Program, established pursuant to the federal "Food and Nutrition Act of
14 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).

15 "SNAP ETP" means the federal Supplemental Nutrition Assistance
16 Program Employment and Training Program administered by the Food
17 and Nutrition Service in the United States Department of Agriculture
18 and established pursuant to the federal "Food and Nutrition Act of
19 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.) and any regulations
20 adopted pursuant thereto.

21 **["Voluntary SNAP ETP participant" means a participant in NJ**
22 **SNAP ETP who: is exempt from the work registration and employment**
23 **and training requirements associated with receiving SNAP benefits; or**
24 **who is not exempt from work registration but who has been exempted**
25 **from SNAP employment and training requirements or otherwise**
26 **exempted from placement in an NJ SNAP ETP component.]**

27 "Work First New Jersey TANF benefits" means Temporary
28 Assistance for Needy Families benefits provided under the Work First
29 New Jersey program established pursuant to P.L.1997, c.38 (C.44:10-
30 55 et seq.) in accordance with the federal "Personal Responsibility and
31 Work Opportunity Reconciliation Act of 1996," Pub.L.104-193 (42
32 U.S.C. s.601 et seq.).
33 (cf: P.L.2019, c.253, s.2)
34

35 3. Section 5 of P.L.2013, c.45 (C.44:10-99) is amended to read
36 as follows:

37 5. a. A county welfare agency shall collaborate with all partnering
38 providers whose service areas include the county to: inform all eligible
39 participants, upon determination of their eligibility for SNAP benefits,
40 of all project activities operating within the county; permit all eligible
41 participants to participate in any project activities available within the
42 county; and assist eligible participants with contacting partnering
43 providers operating project activities. A county welfare agency may
44 advise an eligible participant as to the applicability and appropriateness
45 of specific activities to the eligible participant's case, but the county
46 welfare agency shall not assign an eligible participant to project
47 activities without the eligible participant's consent.

1 b. A partnering provider shall collaborate with all county welfare
2 agencies within the provider's service area to: inform all eligible
3 participants, upon determination of their eligibility for SNAP benefits,
4 of the availability of project services; and assist the county welfare
5 agencies with identifying those eligible participants for whom
6 participation in the partnering provider's NJ SNAP ETP activities would
7 be most applicable and appropriate.

8 c. A partnering provider shall serve all eligible participants
9 residing within the provider's service area who elect to participate in the
10 provider's project activities. Except as provided in this section, a
11 partnering provider shall not deny or terminate the participation of any
12 project participant.

13 d. **【Mandatory SNAP ETP】** Eligible participants who are required
14 to register for work and are required to fulfill SNAP work requirements
15 may elect**【,** for the purpose of fulfilling their SNAP employment and
16 training requirements,**】** to participate in a partnering provider's project
17 activities. **【The participation of a mandatory SNAP ETP participant in**
18 **a partnering provider's project activities shall constitute placement in an**
19 **NJ SNAP ETP component and shall fulfill SNAP employment and**
20 **training requirements for the duration of the mandatory SNAP ETP**
21 **participant's participation. A county welfare agency shall assign a**
22 **mandatory SNAP ETP participant who does not elect to participate in**
23 **any project activities to another NJ SNAP ETP component outside of**
24 **the project, as available.】**

25 e. **【Mandatory SNAP ETP】** Eligible participants who are required
26 to register for work and are required to fulfill SNAP work requirements
27 who elect to participate in project activities but who subsequently do not
28 cooperate with, or participate in, those activities shall not be subject to
29 penalties for noncompliance with SNAP **【employment and training】**
30 work requirements during their participation in the project. Partnering
31 providers shall terminate the project participation of any such non-
32 cooperating or non-participating **【mandatory SNAP ETP participants】**
33 eligible participants and refer the non-cooperating or non-participating
34 **【mandatory SNAP ETP】** participants to the applicable county welfare
35 agency. The applicable county welfare agency **【shall】** may assign, at a
36 participant's request, the non-cooperating or non-participating
37 **【mandatory SNAP ETP】** participant to another NJ SNAP ETP
38 component outside of the project, as available.

39 f. Nothing in P.L.2013, c.45 (C.44:10-95 et seq.) shall be
40 construed to limit the authority of the county welfare agencies or the
41 department to impose penalties for noncompliance with SNAP
42 **【employment and training】** work requirements on **【mandatory SNAP**
43 **ETP】** eligible participants who are required to register for work and are
44 required to fulfill SNAP work requirements **【who: are terminated from**
45 **participation in project activities due to non-cooperation or non-**
46 **participation; and subsequently refuse or fail to comply with SNAP**

1 employment and training requirements upon placement within another
2 NJ SNAP ETP component outside of the project】.

3 g. A partnering provider may deny or terminate the participation of
4 any project participant who is not appropriately matched to the
5 partnering provider's project activities upon obtaining approval from the
6 applicable county welfare agency.

7 (cf: P.L.2019, c.253, s.5)

8

9 4. Section 6 of P.L.2013, c.45 (C.44:10-100) is amended to read
10 as follows:

11 6. a. Each partnering provider shall be required to perform the
12 following programmatic functions and to maintain sufficient capacity to
13 perform these functions effectively:

14 (1) assist project participants with obtaining and retaining
15 employment;

16 (2) provide project participants with appropriate NJ SNAP ETP
17 services and participant reimbursements that fulfill the purposes of NJ
18 SNAP ETP and that qualify for federal SNAP ETP reimbursements.

19 These services and participant reimbursements may include, but are not
20 limited to: job search and placement services; job readiness assistance;
21 education or training that improves basic skills and general
22 employability; specific job skills training or vocational education; work
23 experience that improves the employability of project participants;
24 subsidized employment; workfare; self-employment training; services
25 related to the federal Workforce Investment Act of 1998, Pub.L.105-
26 220 (29 U.S.C. s.2801 et seq.); job retention services; or
27 reimbursements for project participant expenses, including dependent
28 care costs, transportation expenses, books or training manuals, fees,
29 uniforms, equipment and tools required for employment, or personal
30 safety items required for program participation;

31 (3) assess and place project participants into appropriate NJ SNAP
32 ETP services, as defined in paragraph (2) of this subsection;

33 (4) provide project participants with support services, including
34 case management, early intervention, career counseling, and referrals to
35 additional programs and services;

36 (5) verify whether potential project participants are receiving SNAP
37 benefits and make referrals, as appropriate, to assist potential project
38 participants with applying for SNAP benefits;

39 (6) collaborate with county welfare agencies to develop processes
40 and materials that: inform eligible participants regarding project
41 activities within each county, in accordance with each partnering
42 provider's service area; facilitate eligible participants' communications
43 with partnering providers regarding participation in project activities;
44 and assist eligible participants with rendering decisions regarding their
45 participation in project activities;

46 (7) assist project participants with continuing to meet administrative
47 requirements, work requirements, employment and training
48 requirements, and other requirements for maintaining SNAP eligibility;

- 1 (8) coordinate with the department and county welfare agencies on
2 a monthly basis to verify that project participants are receiving SNAP
3 benefits and are not receiving Work First New Jersey TANF benefits;
- 4 (9) coordinate with the county welfare agencies and the department
5 to distinguish **【mandatory SNAP ETP】** eligible participants who are
6 required to register for work and are required to fulfill SNAP work
7 requirements from 【voluntary SNAP ETP】 eligible participants who are
8 exempt from the work registration and work requirements associated
9 with receiving SNAP benefits;
- 10 (10) provide uninterrupted NJ SNAP ETP services and participant
11 reimbursements to **【mandatory SNAP ETP】** eligible participants
12 **【electing to participate in the project who become voluntary SNAP ETP**
13 **participants and to voluntary SNAP ETP participants electing to**
14 **participate in the project who become mandatory SNAP ETP**
15 **participants】** through changes in the participants’ SNAP work
16 registration and work requirement status, subject to the provisions for
17 terminating project participation pursuant to section 5 of P.L.2013, c.45
18 (C.44:10-99);
- 19 (11) maintain program records and report to the department and the
20 Department of Labor and Workforce Development the following
21 monthly information for each claimed NJ SNAP ETP participant:
22 program, participant name, participant Social Security number, services
23 and reimbursements received, and weekly hours;
- 24 (12) prepare and submit to the department invoice and certification
25 letters each quarter for the total non-federal resources and program
26 expenditures qualifying for federal SNAP ETP reimbursements for the
27 quarter;
- 28 (13) monitor project participants and subcontractors and provide
29 detailed reports of participants, activities, and outcomes to the
30 Department of Labor and Workforce Development on a regular basis;
- 31 (14) devote sufficient staff time and expertise to fulfill NJ SNAP ETP
32 administrative and reporting requirements;
- 33 (15) collaborate with the department and the Department of Labor
34 and Workforce Development to ensure that federal SNAP ETP
35 reimbursements received under the program are expended in accordance
36 with all applicable federal laws and regulations; and
- 37 (16) report to the department and the Department of Labor and
38 Workforce Development and county welfare agencies on a monthly
39 basis the identities of any **【mandatory SNAP ETP】** eligible participants
40 who are required to register for work and are required to fulfill SNAP
41 work requirements and who are not cooperating with, or participating
42 in, assigned services or work**【**, as applicable to mandatory SNAP ETP
43 participants who elect to participate in the project**】**.
- 44 b. Each partnering provider shall be required to perform the
45 following financial functions and to maintain sufficient capacity to
46 perform the functions effectively:

- 1 (1) maintain cash flow necessary to manage the delay from program
- 2 outlays to SNAP ETP reimbursements;
- 3 (2) manage federal grants, track expenditures, and ensure that non-
- 4 federal resources and program expenditures qualify for federal SNAP
- 5 ETP reimbursements;
- 6 (3) perform cost allocation using multiple funds;
- 7 (4) track staff time devoted to NJ SNAP ETP activities under this
- 8 project; and
- 9 (5) maintain records for State audits.
- 10 c. Partnering providers may establish agreements with
- 11 subcontracting organizations to support their NJ SNAP ETP activities
- 12 under this project.
- 13 d. The department shall consider educational activities serving
- 14 eligible participants at community colleges as qualifying for federal
- 15 SNAP ETP reimbursements to the greatest extent allowable under
- 16 federal laws and regulations. In accordance with section 273.5 of title 7,
- 17 Code of Federal Regulations, individuals enrolled at least half-time in
- 18 an institution of higher education who are assigned to, or placed in, an
- 19 NJ SNAP ETP educational activity¹, including individuals who
- 20 voluntarily participate in NJ SNAP ETP activities or who otherwise
- 21 make self-initiated placements,² and who meet all SNAP eligibility
- 22 requirements shall be determined eligible for SNAP benefits and shall
- 23 be eligible for participation in the project.
- 24 (cf: P.L.2019, c.253, s.6)
- 25
- 26 5. Section 7 of P.L.2013, c.45 (C.44:10-101) is amended to read
- 27 as follows:
- 28 7. a. The county welfare agencies, under the oversight of the
- 29 department, shall assist partnering providers by:
- 30 (1) collaborating with partnering providers, the department, and the
- 31 Department of Labor and Workforce Development to conduct outreach
- 32 to potential project participants and to refer potential project participants
- 33 to the partnering providers;
- 34 (2) collaborating with partnering providers to develop processes and
- 35 materials that inform eligible participants regarding: the availability of
- 36 project activities within each county, in accordance with each partnering
- 37 provider's service area; the option for eligible participants to participate
- 38 in project activities; the applicability and appropriateness of specific
- 39 activities to the eligible participant's case; and the means by which
- 40 eligible participants may contact partnering providers regarding project
- 41 participation;
- 42 (3) determining potential project participants' SNAP eligibility and
- 43 providing the results of eligibility determinations to partnering
- 44 providers;
- 45 (4) developing and implementing a process to verify that potential
- 46 project participants are receiving SNAP benefits and not receiving
- 47 Work First New Jersey TANF benefits and ensuring that this
- 48 verification process adheres to all applicable federal laws and

1 regulations restricting the unauthorized disclosure of information
2 concerning applicants for, and recipients of, SNAP or TANF benefits;

3 (5) determining each potential project participant's status **[**as a
4 voluntary SNAP ETP participant or a mandatory SNAP ETP
5 participant**]** regarding SNAP work registration and employment and
6 training requirements, in coordination with partnering providers;

7 (6) confirming each project participant's SNAP eligibility on a
8 monthly basis; and

9 (7) collaborating with partnering providers to develop criteria and
10 procedures for terminating the participation of eligible participants in a
11 partnering provider's project activities including, but not limited to:
12 eligible participants who are not appropriately matched to a partnering
13 provider's project activities; and any **[**mandatory SNAP ETP**]** eligible
14 participants who are required to register for work and are required to
15 fulfill SNAP work requirements and who are not cooperating with, or
16 participating in, assigned services or work**]**, as applicable to mandatory
17 SNAP ETP participants who elect to participate in the project**]**.

18 b. The department shall, in consultation with the county welfare
19 agencies and the Department of Labor and Workforce Development:

20 (1) assist partnering providers with understanding the
21 administrative requirements, work requirements, employment and
22 training requirements, and other requirements for project participants to
23 maintain SNAP eligibility;

24 (2) assist partnering providers with understanding the requirements
25 for non-federal resources and program expenditures to generate federal
26 SNAP ETP reimbursements;

27 (3) submit requests for federal SNAP ETP reimbursements and
28 fulfill all reporting and other SNAP ETP administrative responsibilities
29 required by the Food and Nutrition Service in the United States
30 Department of Agriculture;

31 (4) distribute federal SNAP ETP reimbursements received by the
32 State under this project to the partnering providers whose non-federal
33 resources and program expenditures generated the federal
34 reimbursements, in accordance with the provisions of section 8 of
35 P.L.2013, c.45 (C.44:10-102);

36 (5) collect data concerning partnering providers and project
37 participants, activities, and outcomes; and

38 (6) audit partnering providers on a routine basis to ensure fiscal and
39 program integrity.

40 (cf: P.L.2019, c.253, s.7)

41

42 6. Section 8 of P.L.2013, c.45 (C.44:10-102) is amended to read
43 as follows:

44 8. a. The department shall submit a revised State Employment and
45 Training Plan to the Food and Nutrition Service in the United States
46 Department of Agriculture, in accordance with section 273.7 (c) of title
47 7, Code of Federal Regulations, in order to expand NJ SNAP ETP to
48 include project partnerships with qualifying agencies. The revised State

1 Employment and Training Plan shall define the services to be provided
2 under NJ SNAP ETP, including, but not limited to, the project services
3 provided pursuant to P.L.2013, c.45 (C.44:10-95 et seq.) and shall
4 ensure that under no circumstances shall a recipient of SNAP benefits
5 be disqualified from SNAP participation solely due to nonparticipation
6 in a SNAP ETP activity. The department shall submit the revised State
7 Employment and Training Plan to the Food and Nutrition Service as
8 soon as practicable but no later than the first day of the seventh month
9 next following the effective date of **【P.L.2013, c.45 (C.44:10-**
10 **95 et seq.)】 P.L. _____, c. _____ (C. _____)(pending before the Legislature as**
11 **this bill).**

12 b. The commissioner shall take such additional steps as may be
13 necessary to secure approval from the Food and Nutrition Service in the
14 United States Department of Agriculture for this project and to ensure
15 that the State and partnering providers are in compliance with all
16 applicable provisions of federal and State laws and regulations.

17 c. The department may reserve up to five percent of the federal
18 SNAP ETP reimbursements generated as a direct result of the activities
19 of the partnering providers and received by the State pursuant to
20 P.L.2013, c.45 (C.44:10-95 et seq.) for operating expenses and staff
21 directly related to the administration, oversight, and evaluation of this
22 project. The remaining federal SNAP ETP reimbursements generated as
23 a direct result of the activities of the partnering providers and received
24 by the State pursuant to P.L.2013, c.45 (C.44:10-95 et seq.) shall be
25 distributed to the partnering providers whose expenditures generated the
26 federal SNAP ETP reimbursements on a pro-rata basis and in
27 accordance with the performance-based system for distributing federal
28 SNAP ETP reimbursements established pursuant to section 4 of
29 P.L.2013, c.45 (C.44:10-98). Within the request for proposals issued
30 pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), the department shall
31 describe the performance-based system for distributing federal SNAP
32 ETP reimbursements and indicate the net percentage of federal SNAP
33 ETP reimbursements that shall be distributed to partnering providers.

34 d. The department shall apply for any additional federal funds
35 which may be available to implement the provisions of P.L.2013, c.45
36 (C.44:10-95 et seq.), including, but not limited to, any unobligated,
37 unexpended federal SNAP ETP funds originally allocated to other state
38 agencies and available for reallocation pursuant to section 273.7 (d) of
39 title 7, Code of Federal Regulations.

40 e. The Commissioner of Labor and Workforce Development may
41 solicit, receive, and accept grants, funds, or anything of value from any
42 public or private entity and receive and accept contributions of money,
43 property, labor, or any other thing of value from any legitimate source
44 to support the project, provided that the commissioner does not have
45 reason to believe that the entity may have a vested interest in the
46 decisions of the commissioner or the department concerning the
47 selection of specific partnering providers.

48 (cf: P.L.2019, c.253, s.8)

1 Under the bill, both the Department of Human Services and a
2 county welfare agency are prohibited from requiring a SNAP
3 recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP
4 Provider 50/50 Match Project in order to be deemed eligible for SNAP
5 benefits. The bill additionally prohibits SNAP disqualification solely
6 due to a SNAP recipient's nonparticipation in a SNAP ETP activity.
7 The bill, however, explicitly states that the authority of the department
8 or a county welfare agency to impose penalties for noncompliance with
9 federal SNAP work requirements shall not be restricted.

10 As defined under the bill, the "NJ SNAP ETP" means the New Jersey
11 Supplemental Nutrition Assistance Program Employment and Training
12 Program, through which SNAP recipients acquire the skills, training,
13 work, or experience necessary to obtain regular employment, as
14 established under the SNAP and as described in the most recent State
15 Employment and Training Plan submitted to the FNS. The NJ SNAP
16 ETP 50/50 Match Project, established pursuant to P.L.2013, c.45
17 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP
18 in which the State receives reimbursement grants from the federal
19 government to fund third party contractors who provide eligible
20 employment and training services to program participants. In order to
21 comply with the bill's provisions establishing a voluntary NJ SNAP
22 ETP, the bill also amends the existing law governing the NJ SNAP ETP
23 50/50 Match Project.

24 Under federal law, SNAP participants who are not eligible for
25 exemptions due to age, disability, dependent caretaking, or other
26 situations must meet federal work requirements. States have the
27 option to require mandatory participation in a state SNAP ETP as one
28 element of the federal work requirement, but may also limit this
29 provision and offer a SNAP ETP as a voluntary activity only. This
30 bill transitions the NJ SNAP ETP program from a partial mandatory
31 and voluntary program to an all-voluntary program, an option
32 available to the states in operating their SNAP ETPs. Under an all-
33 voluntary program, SNAP recipients choose whether or not to
34 participate in the ETP, without affecting the participants' SNAP
35 benefits. This transition is based upon rigorous evaluations of
36 welfare-to-work programs which found that mandatory punitive
37 work requirements did not lead to stable employment for most
38 participants, nor did they lift participants out of poverty. Currently,
39 approximately 50 percent of states have opted for all-voluntary ETPs.

40 The bill also directs the department and each county welfare
41 agency to ensure that all recipients of benefits under the SNAP are
42 provided with the opportunity to participate in employment and
43 training activities consistent with federal SNAP ETP reimbursement
44 requirements. The department, additionally, is required to submit any
45 necessary revisions to the State Employment and Training Plan to the
46 FNS in order to satisfy the provisions of the bill.

47 The bill, moreover, requires the Commissioner of Human
48 Services, on annual basis, to apply for a federal waiver of the SNAP

1 benefit time limit for able-bodied adults without dependents
2 (ABAWD) for the maximum number of geographic areas in the State
3 which are eligible for such a waiver. The bill additionally requires
4 the Governor to support, and directs the commissioner to submit, a
5 waiver request for those geographic areas in the State that represent
6 the highest number of SNAP participants eligible for a waiver of the
7 ABAWD time limit on SNAP benefits. Under current law, an
8 ABAWD is eligible for SNAP benefits for three months over a three-
9 year period, unless the individual works a minimum of 20 hours per
10 week, participates in a work program for 20 hours per week,
11 participates in a workfare program, is pregnant, has a physical or
12 mental disability that prohibits work, has an individual under the age
13 of 18 in the same household, or is exempt from the general work
14 requirements for SNAP.

15 Federal criteria for the ABAWD time limit waivers, established
16 pursuant to 7 U.S.C. 2015(o)(4) and 7 C.F.R. 273.24(f), specify that
17 the USDA may waive the ABAWD benefit time limit either statewide
18 or in areas of a state that: (1) have an unemployment rate of over 10
19 percent or (2) do not have a “sufficient number of jobs to provide
20 employment” to the ABAWD population living therein. Federal
21 regulation also specifies the types and sources of employment data
22 that a state may submit in support of a waiver application. The USDA
23 typically approves a state’s waiver application for a period of twelve
24 months.

25 Pursuant to the federal Families First Coronavirus Response Act
26 Pub.L.116-127, the United States Department of Agriculture (USDA)
27 partially suspended the ABAWD benefit time limit, except for an
28 individual who fails to comply with either a work program or
29 workfare program offered by the state in compliance with federal
30 law. This partial suspension of the ABAWD time limit is in effect
31 for the period beginning April 1, 2020 through the end of the month
32 following the month in which the federal COVID Public Health
33 Emergency (PHE) expires. On October 15, 2021, the Secretary of
34 the United States Department of Health and Human Services renewed
35 the federal COVID Public Health Emergency for 90 days.

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO
SENATE, No. 2035

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2022

The Senate Health, Human Services and Senior Citizens Committee reports favorably Senate Bill No. 2035, with committee amendments.

As amended by the committee, this bill clarifies that participation in the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) Employment and Training Program (ETP) is voluntary. Under an all-voluntary program, Supplemental Nutrition Assistance Program (SNAP) recipients choose whether or not to participate in the ETP, with no adverse consequences for participants' SNAP benefits. This provision ensures that additional food insecure households in New Jersey maintain eligibility for SNAP benefits, and maximizes federal dollars available through the SNAP ETP. SNAP, which is funded by the Food and Nutrition Service (FNS) in the United States Department of Agriculture (USDA), but is administered by the states, is a nutrition assistance program for low-income households.

Under the bill, both the Department of Human Services (department) and a county welfare agency are prohibited from requiring a SNAP recipient to participate in a NJ SNAP ETP activity or a NJ SNAP ETP Provider 50/50 Match Project in order to be deemed eligible for SNAP benefits. The bill additionally prohibits SNAP disqualification solely due to a SNAP recipient's nonparticipation in a SNAP ETP activity. The bill, however, explicitly states that the authority of the department or a county welfare agency to impose penalties for noncompliance with federal SNAP work requirements will not be restricted.

As defined under the bill, the "NJ SNAP ETP" means the New Jersey Supplemental Nutrition Assistance Program Employment and Training Program, through which SNAP recipients acquire the skills, training, work, or experience necessary to obtain regular employment, as established under the SNAP and as described in the most recent State Employment and Training Plan submitted to the FNS. The NJ SNAP ETP 50/50 Match Project, established pursuant to P.L.2013, c.45 (C.44:10-95 et seq.), is an optional program within the NJ SNAP ETP in which the State receives reimbursement grants from the federal

government to fund third-party contractors who provide eligible employment and training services to program participants. The bill also amends the existing law governing the NJ SNAP ETP 50/50 Match Project to conform with the provisions of the bill.

The bill directs the department and each county welfare agency to ensure that all recipients of benefits under SNAP are provided with the opportunity to participate in employment and training activities consistent with federal SNAP ETP reimbursement requirements. The department, additionally, is required to submit any necessary revisions to the State Employment and Training Plan to the FNS in order to satisfy the provisions of the bill.

As reported by the committee with amendments, Senate Bill No. 2035 is identical to Assembly Bill No. 2360 (2R), which was also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove a provision from the bill that would require:

- the Commissioner of Human Services (commissioner) to annually request a federal waiver of the SNAP benefit time limit for able-bodied adults without dependents (ABAWD) for the maximum number of geographic areas in the State which are eligible for such a waiver; and
- the Governor to support and direct the commissioner to submit a waiver request for those geographic areas in the State that represent the highest number of SNAP participants eligible for a waiver of the ABAWD time limit on SNAP benefits.

The committee amendments revise the title, synopsis, and effective date of the bill to reflect this change.

The committee amendments make a technical change concerning capitalization.

Governor Murphy Takes Action on Legislation

06/30/2022

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

2944/A-4162 (Sarlo, Ruiz/Freiman, Mosquera, Jaffer, Moriarty, Tully, Swain) - Credits \$5.2 billion to “New Jersey Debt Defeasance and Prevention Fund”; appropriates \$2.9 billion to NJ Schools Development Authority, NJ DOT, and NJT; and establishes process for authorizing future appropriations for debt defeasance and capital projects

S-1929/A-3668 (Gopal, Pennacchio/McKeon, Tully, Conaway) - Makes FY 2022 supplemental appropriation to provide State military impact aid to certain school districts

A-4403/S-2915 (Pintor Marin, Wimberly/Sarlo, Cunningham) - Makes FY 2022 supplemental appropriations of \$71,786,000

ACS for A-1522/S-2914 (Moriarty, Mosquera, Jaffer, Freiman, Lampitt, Greenwald/Madden, Gopal) - Establishes annual sales tax holiday for certain retail sales of computers, school computer supplies, school supplies, school art supplies, school instructional materials and sport or recreational equipment.

A-4401/S-2860 (Jaffer, Moriarty, Tully/Gopal, Pou) - Provides one-year waiver of certain MVC fees imposed for driver’s licenses and non-driver identification cards.

S-2861/A-4400 (Madden, Pou/Mosquera, Swain, Wimberly) - Waives fees for marriage and civil union licenses in Fiscal Year 2023; appropriates \$2 million

S-2523/ACS for A-3852 (Ruiz, Cunningham/Reynolds-Jackson, Freiman, Jaffer, Moriarty, Mosquera, Wimberly) - Provides child tax credit under gross income tax

S-2476wGR/A-4179 (Ruiz, Vitale/Coughlin, Jasey, Sumter, Quijano) - Establishes Thriving By Three Act to award competitive grants for infant and toddler child care programs; appropriates \$28 million

A-2359/S-2034 (Tucker, Moen, Haider/Cruz-Perez, Pou) - Provides for streamlining of SNAP application process and establishes SNAP application call center; appropriates \$750,000

A-2360/S-2035 (Reynolds-Jackson, Mukherji, Speight/Cunningham, Ruiz) - Eliminates requirement that participation in NJ SNAP Employment and Training Program is mandatory for certain recipients

A-2361/S-2016 (Jimenez, Sumter, Timberlake/Zwicker, Ruiz) - Requires DHS to maintain SNAP outreach plan and to conduct additional outreach programs

A-2362/S-2036 (Freiman, Mosquera, Quijano/Johnson, Ruiz) - Requires DHS to submit federal waiver request regarding time limits for certain SNAP recipients under certain circumstances

A-2363/S-2033 (Stanley, Mejia, Lopez/Pou, Ruiz) - Concerns SNAP services provided at county boards of social services and county welfare agencies; appropriates \$250,000

A-2364/S-2017 (Spearman, Pintor Marin, Atkins/Greenstein, Ruiz) - Appropriates \$813,000 to DHS to implement use of electronic benefit transfer cards in Senior Farmers’ Market Nutrition Program

A-2366/SCS for S-2156 (McKnight, Carter, Verrelli/Lagana, Pou) - Establishes State SNAP Minimum Benefit Program; appropriates \$18 million to DHS

A-2008/S-352 (Conaway, Verrelli, Benson/Gopal, Madden) - Requires health insurance carriers to provide coverage for treatment of mental health conditions and substance use disorders through collaborative care

S-2872/A-4399 (Scutari, Ruiz/Carter, Reynolds-Jackson, Murphy, Wimberly) - Establishes Behavioral Healthcare Provider Loan Redemption Program within Higher Education Student Assistance Authority; appropriates \$5 million

SCS for S-311/ACS for A-2036 (Vitale, Gopal/Benson, Verrelli, Conaway) - Establishes Statewide behavioral health crisis system of care

SCS for S-722 and 785/ACS for A-998 (Codey, Singleton/Reynolds-Jackson, Stanley, Jaffer) - Codifies and expands ARRIVE Together Pilot Program to make certain mental health services available to police responding to certain emergencies; appropriates \$2 million

S-2909/ACS for A-4374 (Diegnan/Benson, Pintor Marin, McKnight) - Authorizes DOT to compensate contractors and subcontractors affected by supply chain shortages; appropriates \$10 million

A-4405/S-2943 (Benson, Wimberly, Moen/Diegnan) - Concerns New Jersey Transportation Trust Fund Authority; increases Transportation Trust Fund spending limit by \$600 million

A-674/S-1646 (Verrelli, McKnight, McKeon/Ruiz, Pou) - Establishes New Jersey Easy Enrollment Health Insurance Program

A-3733/S-488 (Haider, Stanley, Benson/Scutari, Beach) - Authorizes student attending institution of higher education to earn credit towards graduation for serving as poll worker

ACS for A-3990/SCS for S-2593 (Stanley, Tully, Karabinchak/Diegnan, Corrado) - Provides temporary one-year extension of service life of school buses for 2022-2023 school year; authorizes chief administrator to allow one-year extension in subsequent two school years

A-4208/S-2791 (Pintor Marin, Quijano, Speight/Ruiz, Cruz-Perez) - Provides sales and use tax exemption for certain purchases made by all supermarkets and grocery stores located within urban enterprise zones

A2426/S513 (Wimberly, Reynolds-Jackson, Schaer/Cryan, Turner) - Establishes rebuttable presumption of pretrial detention for defendants who commit certain firearm offenses under Graves Act

A-4385/S-2933 (Conaway/Cryan) - Makes various revisions to law pertaining to electronic medical records and recording patients' demographic information

S-2807/A-246 (Stack, Sacco, Cunningham/McKnight, Sampson, Chaparro) - Establishes Liberty State Park Design Task Force

S-2917/A-4395 (Cruz-Perez, Stack/Pintor Marin, Freiman, Reynolds-Jackson) - Expands allowance for developers to carry forward unused tax credits under New Jersey Aspire Program

S-2921/A-4365 (Zwicker, Pou/Coughlin, Verrelli, Spearman) - Revises various provisions of Food Desert Relief Program

S-2945/ACS for A-4392 (Scutari/Pintor Marin, Sumter, Quijano, McKnight) - Concerns economic incentives for certain cannabis businesses

S-2023/A-4402 (Sarlo, Cunningham/Pintor Marin, Wimberly) - LINE ITEM - Appropriates \$50,638,729,000 in State funds and \$24,082,639,850 in federal funds for the State budget for fiscal year 2022-2023

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Governor Murphy signed the following bills today, which were sent to his desk yesterday, conditionally vetoed, and then passed in concurrence with the Governor's recommendations:

S-2476/A-4179 (Ruiz, Vitale/Coughlin, Jasey, Sumter, Quijano) – CONDITIONAL - Establishes Thriving By Three Act to award competitive grants for infant and toddler child care programs; appropriates \$28 million

[Copy of Statement](#)

A-4403/S-2915 (Pintor Marin, Wimberly/Sarlo, Cunningham) – CONDITIONAL - Makes FY 2022 supplemental appropriations of \$71,786,000

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