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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 916

Session of  
1983

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INTRODUCED BY RICHARDSON, KUKOVICH, WIGGINS, FATTAH, DeWEESE,  
DEAL, EVANS, TRUMAN, WILLIAMS AND CARN, MAY 3, 1983

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REFERRED TO COMMITTEE ON HEALTH AND WELFARE, MAY 3, 1983

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AN ACT

1 Authorizing the Department of Public Welfare to administer a  
2 clothing stamp program; providing for the issuance and use of  
3 clothing coupons; providing for participating retail and  
4 wholesale clothing concerns, for the redemption of coupons  
5 and for administrative and judicial review; providing  
6 penalties; and making an appropriation.

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8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Short title.

11 This act shall be known and may be cited as the Clothing  
12 Stamp Act.

13 Section 2. Declaration of policy.

14 It is hereby declared to be the policy of the General  
15 Assembly, in order to promote the general welfare, that the  
16 State's abundance of clothing should be utilized cooperatively  
17 by the State and local governmental units and other agencies to  
18 safeguard the health and well-being of the Commonwealth's  
19 population and to raise the level of clothing purchasing power  
20 among low-income households. The General Assembly hereby finds  
21 that the limited clothing purchasing power of low-income  
22 households contributes to low self-esteem which has been  
23 directly correlated with the level of performance in school,  
24 occupational and related activities of the low-income  
25 individual. The General Assembly further finds that increased  
26 utilization of clothing will promote the distribution in a  
27 beneficial manner of our clothing abundances and will strengthen  
28 the sagging apparel and textile industries. In order to promote  
29 adequate distribution of the basic essentials necessary to the  
30 well-being of citizens of this Commonwealth, a Clothing Stamp

1 Program is herein authorized which will permit low-income  
2 households to purchase a respectable and balanced wardrobe  
3 through normal channels of trade.

4 Section 3. Definitions.

5 The following words and phrases when used in this act shall  
6 have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 "Authorization to purchase card." Any document issued by the  
9 department to an eligible household which shows the face value  
10 of the coupon allotment that the household is entitled to be  
11 issued to on presentment of the document and the amount to be  
12 paid by the household for the allotment.

13 "Bank." Any member or nonmember bank of the Federal Reserve  
14 System.

15 "Clothing." Any apparel or footwear which is produced by any  
16 person who is a citizen of the United States or is an alien  
17 lawfully admitted for permanent residence or otherwise  
18 permanently residing in the United States under color of law or  
19 is organized under the laws of the United States or any state.  
20 The term shall include any tool, fabric, machine or equipment  
21 used to make apparel or footwear for the personal use of the  
22 eligible household. The term shall not include cosmetics,  
23 jewelry or timepieces.

24 "Clothing Stamp Program." The program promulgated pursuant  
25 to this act.

26 "Coupon." Any coupon, stamp or type of certificate issued  
27 pursuant to this act.

28 "Coupon allotment." The total value of coupons to be issued  
29 to a household during each month or other time period.

30 "Coupon vendor." Any person, partnership, corporation,

1 organization, political subdivision or other entity with which a  
2 State agency has contracted for, or to which it has delegated  
3 administrative responsibility in connection with, the issuance  
4 of coupons to households.

5 "Department." The Department of Public Welfare.

6 "Elderly person." A person 60 years of age or over.

7 "Household." A single individual who is living alone and who  
8 is above the age of 18, or a group of individuals (including  
9 legally adopted children and legally assigned foster children)  
10 who are living as one economic unit, for whom clothing is  
11 purchased for personal use.

12 "Retail clothing store." An establishment, including a  
13 recognized department thereof or a house-to-house trade route  
14 which sells clothing to households.

15 "Secretary." The Secretary of Public Welfare.

16 "Wholesale clothing concern." An establishment which sells  
17 clothing to retail clothing stores for resale to households.

18 Section 4. Establishment of Clothing Stamp Program.

19 (a) Authority.--The department is authorized to formulate  
20 and administer a Clothing Stamp Program under which eligible  
21 households within the Commonwealth shall be provided with an  
22 opportunity to obtain an adequate supply of clothing through the  
23 issuance to households of a coupon allotment or flat grant which  
24 shall have a greater monetary value than the charge to be paid  
25 for the allotment by households. The coupons so received by such  
26 households shall be used only to purchase clothing from retail  
27 clothing stores which have been approved for participation in  
28 the Clothing Stamp Program. Coupons issued and used as provided  
29 in this act shall be redeemable at face value by the department  
30 through the facilities of the Treasury Department.

1 (b) Rules and regulations.--The department shall, in the  
2 manner provided by law, promulgate the necessary rules and  
3 regulations for the effective and efficient administration of  
4 the Clothing Stamp Program. References to this act contained  
5 herein shall be construed to include the rules and regulations  
6 promulgated hereunder.

7 Section 5. Eligible households.

8 (a) Financial resources.--Participation in the Clothing  
9 Stamp Program shall be limited to those households whose income  
10 and other financial resources are determined to be substantial  
11 limiting factors in permitting them to purchase an adequate  
12 supply of clothing.

13 (b) Eligibility standards.--The department shall establish  
14 uniform standards of eligibility for participation by households  
15 in the Clothing Stamp Program. These standards shall, at a  
16 minimum, prescribe the amounts of household income and other  
17 financial resources, including both liquid and nonliquid assets,  
18 to be used as criteria of eligibility. The standards shall take  
19 into account payments in kind received from an employer by  
20 members of a household, if these payments are in lieu of or  
21 supplemental to household income. Payments in kind shall be  
22 limited only to housing provided by an employer to an employee  
23 and shall be the actual value of that housing, but in no event  
24 shall the value be considered to be in excess of the sum of \$25  
25 per month.

26 (c) Effect of failure to register for or to accept  
27 employment.--Notwithstanding any other provision of law, the  
28 department shall include in the uniform standards of eligibility  
29 to be prescribed under subsection (b) a provision that a  
30 household shall not be eligible for assistance under this act if

1 it includes an able-bodied adult between the ages of 18 and 65  
2 (except mothers or other members of the household who have the  
3 responsibility of care of dependent children or of incapacitated  
4 adults, bona fide students in any accredited school or training  
5 program, or persons employed and working at least 30 hours per  
6 week) who either:

7 (1) fails to register for employment at a State  
8 employment office or at such other appropriate State or  
9 Federal office designated by the department; or

10 (2) has refused to accept employment or public work at  
11 not less than:

12 (i) the applicable State minimum wage;

13 (ii) the applicable Federal minimum wage;

14 (iii) the applicable wage established by a State or  
15 Federal law or regulation; or

16 (iv) one dollar thirty cents per hour if there is no  
17 applicable wage as described in subparagraph (i), (ii) or  
18 (iii). Refusal to work at a plant or site subject to a  
19 strike or a lockout for the duration of the strike or  
20 lockout shall not be deemed to be a refusal to accept  
21 employment.

22 Section 6. Issuance and use of coupons.

23 (a) Denomination and issuance.--Coupons shall be printed in  
24 those denominations as may be determined to be necessary and  
25 shall be issued only to households which have been duly  
26 certified as eligible to participate in the Clothing Stamp  
27 Program.

28 (b) Coupon inventories.--

29 (1) The department shall by regulation develop an  
30 appropriate procedure for determining and monitoring the

1 level of coupon inventories in the hands of coupon vendors  
2 for the purpose of insuring that inventories are at proper  
3 levels (taking into consideration the historical and  
4 projected volume of coupon distribution by vendors). These  
5 regulations shall contain procedures to insure that coupon  
6 inventories in the hands of coupon vendors are not in excess  
7 of the reasonable needs of vendors taking into consideration  
8 the ease and feasibility of resupplying coupon inventories.  
9 The department may require periodic reports from coupon  
10 vendors respecting the level of inventories.

11 (2) Any coupon vendor, or any officer, employee or agent  
12 thereof, convicted of failing to provide a report required  
13 under paragraph (1) shall be fined not more than \$3,000, or  
14 imprisoned not more than one year, or both.

15 (3) Any coupon vendor, or any officer, employee or agent  
16 thereof, who knowingly provides false information in any  
17 report required under paragraph (1) shall be fined not more  
18 than \$10,000, or imprisoned not more than ten years, or both.

19 (c) Delivery and protection of coupons.--

20 (1) The department shall by regulation prescribe  
21 appropriate procedures for the delivery of coupons to coupon  
22 vendors and for the custody, care, control and storage of  
23 coupons in the hands of coupon vendors in order to secure  
24 coupons against theft, embezzlement, misuse, loss or  
25 destruction.

26 (2) Any coupon vendor, or any officer, employee or agent  
27 thereof, convicted of violating any regulation issued under  
28 paragraph (1) shall be fined not more than \$3,000, or  
29 imprisoned not more than one year, or both.

30 (d) Use.--Coupons issued to eligible households shall be

1 used by them only to purchase clothing in retail clothing stores  
2 which have been approved for participation in the Clothing Stamp  
3 Program at prices prevailing in these stores. Nothing in this  
4 act shall be construed as authorizing the department to specify  
5 the prices at which clothing may be sold by wholesale clothing  
6 concerns or retail clothing stores.

7 (e) Content of coupons.--Coupons shall be simple in design  
8 and shall include only those words or illustrations which are  
9 required to explain their purpose and define their denomination.  
10 The name of any public official shall not appear on coupons.

11 Section 7. Value of the coupon allotment and charges to be  
12 made.

13 (a) Face value.--The face value of the coupon allotment  
14 shall be in that amount as the department determines to be the  
15 cost of an adequate supply of clothing, adjusted semiannually by  
16 the nearest dollar increment that is a multiple of two to  
17 reflect changes in the prices of clothing published by the  
18 Bureau of Labor Statistics in the United States Department of  
19 Labor to be implemented commencing with the allotments of July  
20 1, 1984, incorporating the changes in the prices of clothing  
21 through August 31, 1983, but in no event shall these adjustments  
22 be made for households of a given size unless the increase in  
23 the face value of the coupon allotment for such households, as  
24 calculated above, is a minimum of \$2.

25 (b) Charges.--Notwithstanding any other provision of law,  
26 households shall be charged for the coupon allotment issued to  
27 them, and the amount of this charge shall be reasonable, but in  
28 no event more than 30% of the household's income. Coupon  
29 allotments may be issued without charge to households with  
30 income of less than \$30 per month for a family of four under



1 standards of eligibility prescribed by the department. The  
2 department shall provide a reasonable opportunity for any  
3 eligible household to elect to be issued a coupon allotment  
4 having a face value which is less than the face value of the  
5 coupon allotment authorized to be issued to them under  
6 subsection (a). The charge to be paid by eligible households  
7 electing to exercise the option set forth in this subsection  
8 shall be an amount which bears the same ratio to the amount  
9 which would have been charged under this subsection as the face  
10 value of the coupon allotment actually issued to them bears to  
11 the face value of the coupon allotment that would have been  
12 issued to them under subsection (a).

13 (c) Coupon value not income.--The value of the coupon  
14 allotment provided to any eligible household which is in excess  
15 of the amount charged that household for an allotment shall not  
16 be considered to be income or resources for any purpose under  
17 any Federal or State laws, including laws relating to taxation,  
18 welfare and public assistance programs.

19 (d) Disposition of funds.--

20 (1) Funds derived from the charges made for the coupon  
21 allotment shall be promptly deposited in a manner  
22 prescribed in the regulations issued pursuant to this  
23 act, in a separate account maintained in the Treasury  
24 Department for that purpose. Deposits shall be available,  
25 without limitation to fiscal years, for the redemption of  
26 coupons.

27 (2) (i) The department shall by regulation prescribe  
28 the manner in which funds derived from the distribution  
29 of coupons shall be deposited by coupon vendors. The  
30 regulations shall require coupon vendors to promptly

1 deposit these funds in the manner prescribed by the  
2 department. The regulations shall also require that these  
3 deposits be made weekly and that upon the accumulation of  
4 a balance on hand of \$1,000 or more, the deposits be made  
5 within two banking days following the accumulation of  
6 that amount.

7 (ii) Any coupon vendor, or any officer, employee or  
8 agent thereof, convicted of violating the regulations  
9 issued under subparagraph (i) shall be fined not more  
10 than \$3,000, or imprisoned not more than one year, or  
11 both.

12 (3) (i) Coupon vendors receiving funds derived from the  
13 distribution of coupons shall be deemed to be receiving  
14 these funds as fiduciaries of the Commonwealth and coupon  
15 vendors shall immediately set aside all of these funds as  
16 funds of the Commonwealth. Funds derived from the  
17 distribution of coupons shall not be used, prior to their  
18 deposit, for the benefit of any person, partnership,  
19 corporation, association, organization or entity other  
20 than the Commonwealth.

21 (ii) Any coupon vendor, or any officer, employee or  
22 agent thereof, convicted of violating subparagraph (i)  
23 shall be fined not more than \$10,000, or a sum equal to  
24 the amount of funds involved in the violation, whichever  
25 is the greater, or imprisoned not more than ten years, or  
26 both; except that if the amount of these funds are less  
27 than \$1,000, the vendor shall be fined not more than  
28 \$3,000, or imprisoned not more than one year, or both.

29 (4) (i) Upon the deposit of funds derived from the  
30 distribution of coupons, coupon vendors shall immediately

1 send a written notice to the department, accompanied by  
2 an appropriate voucher, confirming the deposit. In  
3 addition to such other information deemed by the  
4 department to be appropriate, the regulations shall  
5 require that the notice contain:

6 (A) the name and address of the coupon vendor;

7 (B) the total receipts of the coupon vendor  
8 derived from the distribution of coupons during the  
9 deposit period;

10 (C) the amount of the deposit;

11 (D) the name and address of the depository; and

12 (E) an oath or affirmation signed by the coupon  
13 vendor, or in the case of a corporation or other  
14 entity not a natural person, by an appropriate  
15 official of the coupon vendor, certifying that the  
16 information contained in the notice is true and  
17 correct.

18 (ii) Any coupon vendor, or any officer, employee or  
19 agent thereof, convicted of failing to provide the notice  
20 required under subparagraph (i) shall be fined not more  
21 than \$3,000, or imprisoned not more than one year, or  
22 both.

23 (iii) Any coupon vendor, or any officer, employee or  
24 agent thereof, who knowingly provides false information  
25 in any notice required under subparagraph (i) shall be  
26 fined not more than \$10,000, or imprisoned not more than  
27 ten years, or both.

28 (5) (i) Each coupon vendor shall at intervals  
29 prescribed by the department, but not less often than  
30 monthly, provide the department with a written report of

1 the vendor's operations during that period. In addition  
2 to such other information deemed by the department to be  
3 appropriate, the report shall contain:

4 (A) the name and address of the coupon vendor;

5 (B) the total receipts of the coupon vendor  
6 derived from the distribution of coupon during the  
7 report period;

8 (C) the total amount of deposits made by the  
9 vendor of funds derived from the distribution of  
10 coupons during the period;

11 (D) the name and address of each depository  
12 receiving funds from the vendor; and

13 (E) an oath or affirmation signed by the coupon  
14 vendor, or in the case of a corporation or other  
15 entity not a natural person, by an appropriate  
16 official of the coupon vendor, certifying that the  
17 information contained in the report is true and  
18 correct.

19 (ii) Any coupon vendor, or any officer, employee or  
20 agent thereof, convicted of failing to provide any notice  
21 required under subparagraph (i) shall be fined not more  
22 than \$3,000, or imprisoned not more than one year, or  
23 both.

24 (iii) Any coupon vendor, or any officer, employee or  
25 agent thereof, who knowingly provides false information  
26 in any notice required under subparagraph (i) shall be  
27 fined not more than \$10,000, or imprisoned not more than  
28 ten years, or both.

29 (iv) The department shall make periodic reports  
30 containing a consolidation of the respective coupon

1 vendor's notices at such intervals as the department in  
2 its discretion deems appropriate.

3 Section 8. Approval of retail clothing stores and wholesale  
4 clothing concerns.

5 (a) Qualifications of applicants.--Regulations issued  
6 pursuant to this act shall provide for the submission of  
7 applications for approval by retail clothing stores and  
8 wholesale clothing concerns which desire to be authorized to  
9 accept and redeem coupons under the Clothing Stamp Program and  
10 for the approval of those applicants whose participation will  
11 effectuate the purposes of the Clothing Stamp Program. In  
12 determining the qualifications of applicants there shall be  
13 considered, among other factors as may be appropriate, the  
14 following:

15 (1) The nature and extent of the retail or wholesale  
16 clothing business conducted by the applicant.

17 (2) The volume of coupon business which may reasonably  
18 be expected to be conducted by the applicant retail clothing  
19 store or wholesale clothing concern.

20 (3) The business integrity and reputation of the  
21 applicant.

22 (4) Such other information as will permit a  
23 determination to be made as to whether the applicant  
24 qualifies for approval under this act.

25 (b) Certificate.--Approved applicants shall be issued a  
26 nontransferable certificate of approval.

27 (c) Use of information.--The use or disclosure of  
28 information obtained under this section shall be limited to  
29 purposes directly connected with administration and enforcement  
30 of this act.

(d) Hearing.-- Any retail clothing store or wholesale clothing concern which has failed upon application to receive approval to participate in the Clothing Stamp Program may obtain a hearing as provided in section 13.

Section 9. Redemption of coupons.

Regulations issued pursuant to this act shall provide for the redemption of coupons accepted by retail clothing stores through approved wholesale clothing concerns or through banks with the cooperation of the Treasury Department.

Section 10. Administration.

(a) Use of clothing.--All practicable efforts shall be made in the administration of the Clothing Stamp Program to assure that participants use their increased clothing purchasing power to obtain the clothing most necessary for an adequate supply of clothing and particularly to encourage the continued use of clothing which is in abundant or surplus supply. In addition to those steps as may be taken administratively, the voluntary cooperation of existing Federal, State and local and private agencies which carry out informational and educational programs for consumers shall be encouraged.

(b) Records.--The department shall assume responsibility for the certification of applicant households and for the issuance of coupons. There shall be kept those records as may be necessary to ascertain whether the program is being conducted in compliance with this act. These records shall be available for inspection and audit at any reasonable time and shall be preserved for that period of time, not in excess of three years, as may be specified in the regulations.

(c) Change of household location.--Certification of a household as eligible in any political subdivision shall, in the

1 event of removal of the household to another political  
2 subdivision in which the Clothing Stamp Program is operating,  
3 remain valid for participation in the Clothing Stamp Program for  
4 a period of 60 days from the date of such removal. In the  
5 certification of applicant households for the Clothing Stamp  
6 Program, there shall be no discrimination against any household  
7 by reason of race, religious creed, national origin or political  
8 affiliations.

9 (d) Decreasing amount of other aid prohibited.--

10 Participating political subdivisions thereof shall not decrease  
11 welfare grants or other similar aid extended to any person or  
12 persons as a consequence of participation in benefits made  
13 available under this act.

14 (e) Implementation of plan.--The plan of operation shall  
15 include, but not be limited to, the following:

16 (1) The specific standards to be used in determining the  
17 eligibility of applicant households.

18 (2) Safeguards which restrict the use or disclosure of  
19 information obtained from applicant households to persons  
20 directly connected with the administration or enforcement of  
21 this act.

22 (3) The submission of reports and other information as  
23 from time to time may be required.

24 (4) A publicity program, including the use of services  
25 provided by other Federally funded agencies and  
26 organizations, to inform low-income households concerning the  
27 availability and benefits of the Clothing Stamp Program and  
28 to assure the participation of eligible households;

29 (5) The issuance of coupon allotments no less often than  
30 twice a month.

1           (6) The granting of a fair hearing and a prompt  
2       determination thereafter to any household aggrieved by the  
3       action of the department under any provision of its plan of  
4       operation as it effects the participation of that household  
5       in the Clothing Stamp Program.

6 In approving the participation of the political subdivisions  
7 requested in its plan of operation, the department shall provide  
8 for an equitable and orderly expansion in accordance with their  
9 relative need and readiness to meet their requested effective  
10 dates of participation. The department shall make the State plan  
11 operable by July 1, 1984.

12 Section 11. Disqualification of retail clothing stores and  
13                       wholesale clothing concerns.

14 Any approved retail clothing store or wholesale clothing  
15 concern may be disqualified from further participation in the  
16 Clothing Stamp Program on a finding, made as specified in the  
17 regulations, that the store or concern has violated any of the  
18 provisions of this act. This disqualification shall be for the  
19 period of time as may be determined in accordance with the  
20 regulations. The action of disqualification shall be subject to  
21 review as provided in section 13.

22 Section 12. Determination and disposition of claims.

23 The department shall have the power to determine the amount  
24 of and settle and adjust any claim and to compromise or deny all  
25 or part of any claim or claims arising under this act.

26 Section 13. Administrative and judicial review.

27 Whenever:

28           (1) an application of a retail clothing store or  
29       wholesale clothing concern to participate in the Clothing  
30       Stamp Program is denied;



(2) a retail clothing store or a wholesale clothing concern is disqualified under the provisions of section 11; or

(3) all or part of any claim of a retail clothing store or wholesale clothing concern is denied under the provisions of section 12;

notice of this administrative action shall be issued to the retail clothing store or wholesale clothing concern involved.

The notice shall be delivered by certified mail or personal service. If a store or concern is aggrieved by this action, it may, in accordance with Title 2 of the Pennsylvania Consolidated Statutes (relating to administrative law and procedure), appeal the decision to the department and request a hearing on the matter. A formal decision on the matter issued by the department may be appealed as provided in Title 2 of the Pennsylvania Consolidated Statutes.

#### Section 14. Violations and enforcement.

(a) Enforcement.--Notwithstanding any other provisions of this act, the department may provide for the purchase, issuance or presentment for redemption of coupons to any person or persons and at the times and in the manner as it deems necessary or appropriate to protect the interests of the Commonwealth or to insure enforcement of this act and the regulations issued pursuant to this act.

(b) Unlawful use, transfer, etc.--Whoever knowingly uses, transfers, acquires, alters or possesses coupons or authorization to purchase cards in any manner not authorized by this act or the regulations issued hereunder shall, if the coupons or authorization to purchase cards are of the value of \$100 or more, be guilty of a felony and shall, upon conviction

1 thereof, be fined not more than \$10,000 or imprisoned for not  
2 more than five years, or both, or, if the coupons or  
3 authorization to purchase cards are of a value of less than  
4 \$100, shall be guilty of a misdemeanor and shall, upon  
5 conviction thereof, be fined not more than \$5,000 or imprisoned  
6 for not more than one year, or both.

7 (c) Unlawful redemption, etc.--Whoever presents, or causes  
8 to be presented, coupons for payment or redemption of the value  
9 of \$100 or more, knowing the same to have been received,  
10 transferred or used in any manner in violation of the provisions  
11 of this act or the regulations issued pursuant to this act shall  
12 be guilty of a felony and shall, upon conviction thereof, be  
13 fined not more than \$10,000 or imprisoned for not more than five  
14 years, or both, or, if the coupons are of a value of less than  
15 \$100, shall be guilty of a misdemeanor and shall, upon  
16 conviction thereof, be fined not more than \$5,000 or imprisoned  
17 for not more than one year, or both.

18 (d) Status of coupons.--Coupons issued pursuant to this act  
19 shall be deemed to be obligations of the Commonwealth.

20 Section 15. Appropriation.

21 (a) Amount.--The sum of \$10,000,000 is hereby appropriated  
22 to carry out the provisions of this act for the fiscal year  
23 1984-1985.

24 (b) Procedure.--Sums appropriated under this act shall,  
25 notwithstanding the provisions of any other law, continue to  
26 remain available until expended. Any portion of any  
27 appropriation as may be required to pay for the value of the  
28 coupon allotments issued to an eligible household which is in  
29 excess of the charges paid by that household for the allotments  
30 shall be transferred to and made a part of the separate account

1 created under section 7(d). This act shall be carried out only  
2 with funds appropriated from the General Fund of the State  
3 Treasury for that specific purpose, and in no event shall it be  
4 carried out with funds derived from permanent appropriations. On  
5 or before January 20 of each year, the department shall submit  
6 to the General Assembly a report setting forth operations under  
7 this act during the preceding calendar year and projecting needs  
8 for the ensuing calendar year.

9 (c) Value limit.--In any fiscal year, the department shall  
10 limit the value of those coupons issued which is in excess of  
11 the value of coupons for which households are charged, to an  
12 amount which is not in excess of the portion of the  
13 appropriation for such fiscal year which is transferred to the  
14 separate account under the provisions of subsection (b). If in  
15 any fiscal year the department finds that the requirements of  
16 the program will exceed the limitation set forth herein, the  
17 department shall reduce the amount of such coupons to be issued  
18 to participating households to the extent necessary to comply  
19 with the provisions of this subsection.

20 (d) Surplus funds.--If the department determines that any of  
21 the funds in the separate account created under section 7(d) are  
22 no longer required to carry out this act, such portion of such  
23 funds shall be paid into the miscellaneous receipts of the  
24 Treasury Department.

25 Section 16. Effective date.

26 This act shall take effect immediately.