

ASSEMBLY, No. 3333

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 7, 2022

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Quijano

SYNOPSIS

Replaces references to “alien” and “illegal alien” in statutes with “foreign national” and “undocumented foreign national,” respectively; prohibits use of those terms by executive branch agencies.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2023)

1 AN ACT concerning references to persons who are not citizens of
2 the United States and amending various parts of the statutory law
3 and supplementing Title 52 of the Revised Statutes.

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

7
8 1. N.J.S.3B:5-12 is amended to read as follows:

9 3B:5-12. a. An individual is not disqualified to take as an heir
10 because he or an individual through whom he claims is or has been
11 **[an alien]** a foreign national.

12 b. An individual who is related to the decedent through two
13 lines of relationship is entitled to only a single share based on the
14 relationship that would entitle the individual to the larger share.
15 (cf: P.L.2004, c.132, s.54)

16
17 2. N.J.S.3B:28-1 is amended to read as follows:

18 3B:28-1. Estates of dower and curtesy prior to May 28, 1980.

19 The widow or widower, whether **[alien]** foreign national or not,
20 of an individual dying intestate or otherwise, shall be endowed for
21 the term of his life of one half of all real property of which the
22 decedent, or another to the decedent's use, was seized of an estate of
23 inheritance at any time during marriage prior to May 28, 1980,
24 unless the widow or widower shall have relinquished her right of
25 dower or his right of curtesy in the manner provided by P.L.1953,
26 c.352 (C.37:2-18.1) or such right of dower or such right of curtesy
27 otherwise shall have been extinguished by law.
28 (cf: P.L.2005, c.160, s.19)

29
30 3. Section 13 of P.L.1970, c.13 (C.5:9-13) is amended to read
31 as follows:

32 13. a. The right of any person to a prize drawn shall not be
33 assignable, except as permitted by this section.

34 b. The payment of any prize drawn may be paid to the estate of
35 a deceased prize winner upon receipt by the State Lottery of a
36 certified copy of an order appointing an executor or an
37 administrator.

38 c. Any person may be assigned and paid the prize to which the
39 winner is entitled pursuant to a judicial order of the New Jersey
40 Superior Court or a federal court having jurisdiction over property
41 located in this State provided that the order pertains to claims of
42 ownership in the prize drawn, division of marital property in
43 divorce actions, bankruptcy, child support, appointment of a
44 guardian or conservator, or distribution of an estate.

45 d. Any person may be assigned and paid a prize to which the
46 winner is entitled pursuant to a judicial order of the New Jersey
47 Superior Court or a federal court having jurisdiction over property

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 located in this State provided that the order contains at least the
2 following findings:

3 (1) the full legal name, address, social security number or
4 taxpayer identification number and, if applicable, resident **【alien】**
5 foreign national number of the winner;

6 (2) the full legal name, address, social security number or
7 taxpayer identification number and, if applicable, resident **【alien】**
8 foreign national number of the assignee;

9 (3) the date on which the winner won the prize;

10 (4) the date on which the winner claimed the prize;

11 (5) the gross amount of the prize drawn before application of
12 withholding taxes;

13 (6) the gross amount of payments to be made to the winner by
14 the State Lottery before application of withholding taxes;

15 (7) the dates of the payments to be assigned and the amount of
16 the specific payments to be assigned on each date; (8) the identity of
17 the winner's spouse, if any, and the interest of the spouse in the
18 prize;

19 (9) the identity of any other co-owner, claimant or lienholder
20 and the amount of the interests, liens, security interests, prior
21 assignments or offsets asserted by such party;

22 (10) that the interest rate or discount rate, as applicable, and all
23 fees and costs and other material terms relating to the assignment
24 are expressly and clearly included in all material documents and in
25 all documents that include any obligations of the prize winner;

26 (11) that the interest rate or discount rate, as applicable,
27 associated with the assignment does not indicate overreaching or
28 exploitation, does not exceed current usury rates, and does not
29 violate any laws of usury of this State;

30 (12) that the winner has reviewed and understands the terms of
31 the assignment;

32 (13) that the winner understands that the winner will not receive
33 the prize payments, or portions thereof, for the years assigned;

34 (14) that the winner has agreed to the assignment of the winner's
35 own free will without undue influence or duress;

36 (15) that the winner has retained, and consulted with,
37 independent legal counsel who has advised the winner of the
38 winner's legal rights and obligations;

39 (16) that the winner has retained, and consulted with, an
40 independent tax advisor concerning the tax consequences of the
41 assignment;

42 (17) that the winner does not seek assignment for purposes of
43 evading creditors, judgments or obligations for child support; and

44 (18) that the winner has certified that the winner does not have a
45 child support obligation, or if the winner has a child support
46 obligation, that no arrearage is due and that the winner is not
47 obligated to repay any public assistance benefits.

48 e. Before a winner is legally bound, by agreement, contract or
49 otherwise, and prior to the issuance of an order pursuant to

1 subsection d. of this section, the assignee shall provide the winner
2 with all material documents which shall be binding on the assignor,
3 including documents evidencing obligations of the winner, and a
4 written notice recommending that the winner obtain independent
5 counsel before signing any document which shall be binding on the
6 assignor. All documents shall include a notice of the assignor's
7 right to cancel the agreement which shall be located in immediate
8 proximity to all spaces reserved for the signature of the winner in
9 bold-faced type of at least 10 points and which shall provide as
10 follows:

11 "You have the right to cancel this assignment without any cost to
12 you until midnight three business days after the day on which you
13 have signed an agreement to assign all or a portion of your prize.

14 Cancellation occurs when you give notice by regular first class
15 mail, postage prepaid, to the assignee at the address listed at the top
16 of the first page of this document that you wish to cancel the
17 assignment. Notice is deemed given when deposited in a mailbox."

18 f. If the State Lottery determines that a judicial order granting
19 an assignment, issued pursuant to subsection d. of this section, is
20 complete and correct in all respects, the State Lottery shall, not later
21 than 10 days after receiving a true and correct copy of the filed
22 judicial order, send the winner and the assignee written
23 confirmation of receipt of the court-ordered assignment and of the
24 State Lottery's intent to rely thereon in making future payments to
25 the assignee named in the order. The State Lottery shall, thereafter,
26 make all payments in accordance with the judicial order. No
27 change in the terms of any assignment shall be effective unless
28 made pursuant to a subsequent judicial order.

29 g. The State Lottery may impose a reasonable fee on an
30 assignor to defray any direct or indirect administrative expenses
31 associated with an assignment.

32 h. A winner shall not be permitted to assign the last two
33 annual prize payments.

34 i. The State Lottery and the State are not parties to assignment
35 proceedings, except that, the State may intervene as necessary to
36 protect the State's interest in monies owed to the State.

37 j. The State Lottery and the State shall comply with, and rely
38 upon, a judicial order in distributing payments subject to that order.

39 k. A winner may pledge or grant a security interest in all or
40 part of a prize as collateral for repayment of a loan pursuant to a
41 judicial order containing the findings required by subsection d. of
42 this section which the court deems relevant to the pledge or grant.

43 l. Except where inconsistent with the provisions of this
44 section, the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-
45 1 et seq.), shall apply to all transactions under this section.

46 m. The court shall cease to approve assignments pursuant to
47 subsection d. of this section if:

48 (1) the United States Internal Revenue Service issues a technical
49 rule letter, revenue ruling, or other public ruling in which it is

1 determined that because of the right of assignment provided by
2 subsection d. of this section, prizewinners who do not exercise the
3 right to assign prize payments would be subject to an immediate
4 income tax liability for the value of the entire prize rather than
5 annual income tax liability for each installment when received; or

6 (2) a court of competent jurisdiction issues a published decision
7 holding that because of the right of assignment provided by
8 subsection d. of this section, prizewinners who do not exercise the
9 right to assign prize payments would be subject to an immediate
10 income tax liability for the value of the entire prize rather than
11 annual income tax liability for each installment when received.

12 n. Upon receipt, the director shall immediately file a copy of a
13 letter or ruling of the United States Internal Revenue Service or a
14 published decision of a court of competent jurisdiction, described in
15 subsection m. of this section, with the Secretary of State. No
16 assignment shall be approved pursuant to subsection d. of this
17 section after the date of such filing.

18 o. Notwithstanding the provisions of this section, any lottery
19 prize assignment or loan transaction which has been approved by a
20 New Jersey Superior Court pursuant to section 13 of P.L.1970, c.13
21 (C.5:9-13) on or before May 15, 1998, regardless of whether such
22 an order has been or is the subject of an appeal, shall, upon joint
23 written agreement of the parties, be deemed a binding assignment or
24 transaction and shall be honored by the Division of the State
25 Lottery.

26 p. No change in the terms of any assignment shall be effective
27 unless made pursuant to a subsequent court order under this section.

28 q. A voluntary assignment shall not include or cover payments,
29 or portions of payments, that are subject to the offset pursuant to
30 P.L.1991, c.384 (C.5:9-13.1 et seq.), P.L.1997, c.306 (C.5:9-13.10
31 et seq.), or any other law unless appropriate provisions are made to
32 satisfy the obligations giving rise to the offset.

33 r. No lottery assignee shall directly or indirectly recommend or
34 facilitate the hiring of any lawyer or accountant to assist the
35 assignor in determining the appropriateness of the proposed
36 assignment. Further, the assignee shall not offer prior to the closing
37 tax or investment advice.

38 s. The director, commissioners and employees of the Division
39 of the State Lottery shall be discharged of any and all liability upon
40 payment of a prize drawn pursuant to this section.

41 (cf: P.L.1998, c.103, s.1)

42
43 4. Section 4 of P.L.2005, c.46 (C.5:12-100.1) is amended to
44 read as follows:

45 4. a. The right of any annuity jackpot winner to receive
46 annuity jackpot payments from a slot system operator shall not be
47 assignable, except as permitted by this section. The provisions of
48 this section shall prevail over the provisions of the "Uniform

1 Commercial Code Secured Transactions," N.J.S.12A:9-101 et seq.,
2 including N.J.S.12A:9-406, or any other law to the contrary.

3 b. Notwithstanding any other provision of this section, annuity
4 jackpot payments may be paid to the estate of a deceased jackpot
5 winner, in the same manner as they were paid to the winner, upon
6 receipt by the slot system operator of a certified copy of an order
7 appointing an executor or an administrator.

8 c. A person may be assigned and paid the annuity jackpot
9 payments to which an annuity jackpot winner is entitled pursuant to
10 a judicial order of the New Jersey Superior Court or any other court
11 having jurisdiction over property located in this State provided that
12 the order pertains to claims of ownership in the annuity jackpot
13 payments, division of marital property in divorce actions,
14 bankruptcy, child support, appointment of a guardian or
15 conservator, or distribution of an estate.

16 d. A person may be assigned and paid the annuity jackpot
17 payments to which an annuity jackpot winner is entitled pursuant to
18 a judicial order of the New Jersey Superior Court or any other court
19 having jurisdiction over property located in this State. The annuity
20 jackpot winner and the proposed assignee shall prepare a proposed
21 form of order and submit such proposed order to the court for its
22 consideration. The proposed form of order shall contain the
23 following information:

24 (1) the full legal name, address, social security number or
25 taxpayer identification number and, if applicable, resident **[alien]**
26 foreign national number of the winner;

27 (2) the full legal name, address, social security number or
28 taxpayer identification number and, if applicable, resident **[alien]**
29 foreign national number of the assignee;

30 (3) the date on which and the casino where the annuity jackpot
31 was won;

32 (4) the slot machine game on which the annuity jackpot was
33 won;

34 (5) the slot system operator primarily responsible for making the
35 annuity jackpot payments;

36 (6) the gross amount of the annuity jackpot won before
37 application of withholding taxes;

38 (7) the gross amount of each payment to be made to the winner
39 by the slot system operator before application of withholding taxes;

40 (8) the dates of the payments to be assigned and the amount of
41 the specific payments to be assigned on each date;

42 (9) the identity of the winner's spouse, domestic partner or
43 partner in a civil union, if any, and the interest of that person, if
44 any, in the annuity jackpot payments;

45 (10) the identity of any other co-owner, claimant or lienholder
46 and the amount of the interests, liens, security interests, prior
47 assignments or offsets asserted by each such party;

48 (11) that the interest rate or discount rate, as applicable, and all
49 fees and costs and other material terms relating to the assignment

1 are expressly and clearly included in all material documents and in
2 all documents that include any obligations of the annuity jackpot
3 winner;

4 (12) that the interest rate or discount rate, as applicable, and any
5 other fees or charges associated with the assignment do not indicate
6 overreaching or exploitation, do not exceed current usury rates, and
7 does not violate any laws of usury of this State;

8 (13) that the winner has reviewed and understands the terms of
9 the assignment;

10 (14) that the winner understands that the winner will not receive
11 the annuity jackpot payments, or portions thereof, for the years
12 assigned;

13 (15) that the winner has agreed to the assignment of the winner's
14 own free will without undue influence or duress;

15 (16) that the winner has retained and consulted with independent
16 legal counsel who has advised the winner of the winner's legal
17 rights and obligations;

18 (17) that the winner has retained and consulted with an
19 independent tax advisor concerning the tax consequences of the
20 assignment;

21 (18) that the winner has disclosed all existing debts, liens and
22 child support obligations and does not seek assignment for purposes
23 of evading creditors, judgments or obligations for child support; and

24 (19) that the winner has certified that: the winner is not obligated
25 to repay any public assistance benefits; and the winner does not
26 have a child support obligation, or if the winner does have a child
27 support obligation, that no arrearage is due.

28 The annuity jackpot winner and the proposed assignee shall
29 provide a copy of the proposed form of order to the slot system
30 operator at least 10 days before the court is scheduled to act on the
31 proposed order to allow the slot system operator the opportunity to
32 ensure that the proposed order is complete and correct in all
33 respects prior to the court's approval.

34 e. Before a winner is legally bound, by agreement, contract or
35 otherwise, and prior to the issuance of an order pursuant to
36 subsection d. of this section, the assignee shall provide the winner
37 with all material documents which shall be binding on the assignor,
38 including documents evidencing obligations of the winner, and a
39 written notice recommending that the winner obtain independent
40 counsel before signing any document which shall be binding on the
41 assignor. All documents shall include a notice of the assignor's right
42 to cancel the agreement which shall be located in immediate
43 proximity to all spaces reserved for the signature of the winner in
44 bold-faced type of at least 10 points and which shall provide as
45 follows:

46 "You have the right to cancel this assignment without any cost to
47 you until midnight three business days after the day on which you
48 have signed an agreement to assign all or a portion of your annuity
49 jackpot.

1 Cancellation occurs when you give notice by regular first class
2 mail, postage prepaid, to the assignee at the address listed at the top
3 of the first page of this document that you wish to cancel the
4 assignment. Notice is deemed given when deposited in a mailbox."

5 f. The slot system operator shall, not later than 10 days after
6 receiving a true and correct copy of the filed judicial order, send the
7 winner and the assignee written confirmation of receipt of the court-
8 ordered assignment and of the slot system operator's intent to rely
9 thereon in making future payments to the assignee named in the
10 order. The slot system operator shall, thereafter, make all payments
11 in accordance with the judicial order. No change in the terms of any
12 assignment shall be effective unless made pursuant to a subsequent
13 judicial order pursuant to this section.

14 g. The slot system operator may impose a reasonable fee on an
15 assignor to defray any direct or indirect administrative expenses
16 associated with an assignment.

17 h. The division, the commission and the State are not parties to
18 assignment proceedings, except that the State may intervene as
19 necessary to protect the State's interest in monies owed to the State.

20 i. The slot system operator and the State shall comply with,
21 and rely upon, a judicial order in distributing payments subject to
22 that order.

23 j. A winner may pledge or grant a security interest in all or
24 part of an annuity jackpot as collateral for repayment of a loan
25 pursuant to a judicial order containing the information required by
26 subsection d. of this section which the court deems relevant to the
27 pledge or grant.

28 k. Except where inconsistent with the provisions of this
29 section, the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-
30 1 et seq.), shall apply to all transactions under this section.

31 l. The provisions of subsections d., e. and j. of this section
32 shall be invalid if:

33 (1) the United States Internal Revenue Service issues a
34 technical rule letter, revenue ruling, or other public ruling in which
35 it is determined that because of the right of assignment provided by
36 subsection d. of this section, annuity jackpot winners who do not
37 exercise the right to assign annuity jackpot payments would be
38 subject to an immediate income tax liability for the value of the
39 entire annuity jackpot rather than annual income tax liability for
40 each installment when received; or

41 (2) a court of competent jurisdiction issues a published decision
42 holding that because of the right of assignment provided by
43 subsection d. of this section, annuity jackpot winners who do not
44 exercise the right to assign annuity jackpot payments would be
45 subject to an immediate income tax liability for the value of the
46 entire annuity jackpot rather than annual income tax liability for
47 each installment when received.

48 m. Upon receipt, the division shall immediately file a copy of a
49 letter or ruling of the United States Internal Revenue Service or a

published decision of a court of competent jurisdiction, described in subsection l. of this section, with the Secretary of State. No assignment shall be approved pursuant to subsection d. of this section after the date of such filing.

n. A voluntary assignment shall not include or cover payments, or portions of payments, that are subject to the offset pursuant to section 5 of this amendatory and supplementary act, P.L.2005, c.46 (C.5:12-100.2), or any other law, unless appropriate provisions are made to satisfy the obligations giving rise to the offset.

o. No assignee shall directly or indirectly recommend or facilitate the hiring of any lawyer or accountant to assist the assignor in determining the appropriateness of the proposed assignment. Further, the assignee shall not offer, prior to the closing, tax or investment advice.

(cf: P.L.2011, c.19, s.66)

5. Section 1 of P.L.1987, c.53 (C.18A:3-19.1) is amended to read as follows:

1. As used in this act:

"Foreign government" means any government other than the government of the United States or of its states, territories or possessions or any political subdivision thereof.

"Foreign legal entity" means a. any legal entity created under the laws of a foreign government or b. any legal entity created under the laws of the United States or any of its political subdivisions if a majority of the ownership of that legal entity is directly or indirectly held legally or beneficially by one or more foreign governments or one or more foreign persons or one or more legal entities created under the laws of a foreign government and includes an agent acting for the legal entity.

"Foreign person" means any individual who is not a citizen of or resident **【alien】** foreign national of the United States or of its territories or possessions and includes an agent acting for the foreign person.

"Gift" means any endowment, gift, grant, contract, award, present or property of any kind.

(cf: P.L.1987, c.53, s.1)

6. Section 1 of P.L.2013, c.170 (C.18A:62-4.4) is amended to read as follows:

1. a. Notwithstanding the provisions of any law or regulation to the contrary, a student, other than a nonimmigrant **【alien】** foreign national, within the meaning of a "nonimmigrant alien," as defined under section 101 (a)(15) of the "Immigration and Nationality Act" (8 U.S.C. s.1101(a)(15)), shall be exempt from paying out-of-State tuition at a public institution of higher education if the student:

(1) attended high school in this State for three or more years;

1 (2) graduated from a high school in this State or received the
2 equivalent of a high school diploma in this State;

3 (3) registers as an entering student or is currently enrolled in a
4 public institution of higher education not earlier than the fall
5 semester of the 2013-2014 academic year; and

6 (4) in the case of a person without lawful immigration status,
7 files an affidavit with the institution of higher education stating that
8 the student has filed an application to legalize his immigration
9 status or will file an application as soon as he is eligible to do so.

10 b. Student information obtained in the implementation of this
11 section shall be confidential.

12 c. The Secretary of Higher Education shall adopt rules and
13 regulations pursuant to the "Administrative Procedure Act,"
14 P.L.1968, c.410 (C.52:14B-1 et seq.), necessary to effectuate the
15 provisions of this section.

16 (cf: P.L.2013, c.170, s.1)

17

18 7. R.S.19:15-20 is amended to read as follows:

19 19:15-20. If a person shall be challenged as not qualified or
20 entitled to vote, and the person challenging him shall specify a
21 ground for such challenge to be that the person so challenged is
22 **【an alien】** a foreign national, the judge of election may forthwith
23 tender to him an oath or affirmation, in the following form: "You do
24 swear (or affirm, as the case may be), that to the best of your
25 knowledge, information and belief, you were born a citizen of the
26 United States, and that you do not owe allegiance to any foreign
27 prince, potentate, state or sovereignty" , and if the person so
28 challenged shall refuse to take the oath or affirmation so tendered
29 to him, he shall be deemed to be **【an alien】** a foreign national,
30 unless he shall produce at the time of claiming his vote, to the
31 board, a lawful certificate, issued out of and under the seal of some
32 court of record, having authority to admit **【aliens】** foreign nationals
33 to the rights of a citizen of the United States, showing that he has
34 been admitted to the rights of a citizen of the United States. In this
35 case the judge shall tender to the person so challenged an oath or
36 affirmation in the following form:

37 "You do swear (or affirm, as the case may be), that you are the
38 person named in the certificate of naturalization which you have
39 produced to the board." In case the person producing the same
40 shall claim to have derived the rights of such citizen through the
41 naturalization of his parent, such certificate shall show that the
42 person alleged to be such parent has been admitted to the rights of
43 such citizen. In this event, an oath or affirmation, in the following
44 form, shall be tendered to such person:

45 "You do swear (or affirm, as the case may be), that to the best of
46 your knowledge, information and belief, the person named in the
47 certificate of naturalization which you have produced to this board
48 was your parent, and that you were at the time of the naturalization

1 of your parent under the age of twenty-one years, and resident of
2 the United States." If the person so challenged shall in either case
3 refuse to take the oath or affirmation so tendered to him, he shall be
4 deemed to be **[an alien]** a foreign national.

5 (cf: R.S.19:15-20)

6
7 8. Section 8 of P.L.1991, c.187 (C.26:2H-18.31) is amended to
8 read as follows:

9 8. a. A hospital shall not be reimbursed for the cost of
10 uncompensated care unless the commissioner certifies to the
11 commission that the hospital has followed the procedures pursuant
12 to this section and section 11 of P.L.1991, c.187 (C.26:2H-18.33).
13 For the purposes of this section and section 11 of P.L.1991, c.187
14 (C.26:2H-18.33), "designated hospital employee" means an
15 employee of the hospital who has received training in the collection
16 of patient financial data and identification of third party coverage
17 and in assessing a patient's eligibility for public assistance; and
18 "responsible party" means any person who is responsible for paying
19 a patient's hospital bill.

20 b. A designated hospital employee shall interview a patient
21 upon the patient's initial request for care. If the emergent nature of
22 the patient's required health care makes the immediate patient
23 interview impractical, the designated hospital employee shall
24 interview the patient's family member, responsible party or
25 guardian, as appropriate, but if there is no family member,
26 responsible party or guardian, the designated hospital employee
27 shall interview the patient within five working days of the patient's
28 admission into the hospital or prior to discharge, whichever date is
29 sooner.

30 c. A patient interview shall, at a minimum, include the
31 following inquiries, except as provided in paragraph (5) of this
32 subsection:

33 (1) The designated hospital employee shall obtain
34 documentation of proper identification of the patient.
35 Documentation of proper identification may include, but shall not
36 be limited to, a driver's license, a voter registration card, **[an alien]**
37 a foreign national registry card, a birth certificate, an employee
38 identification card, a union membership card, an insurance or
39 welfare plan identification card or a Social Security card. Proper
40 identification of the patient may also be provided by personal
41 recognition by a person not associated with the patient. For the
42 purposes of this paragraph, "proper identification" means the
43 patient's name, mailing address, residence telephone number, date
44 of birth, Social Security number, and place and type of
45 employment, employment address and employment telephone
46 number, as applicable.

47 (2) The designated hospital employee shall inquire of the
48 patient, family member, responsible party or guardian, as
49 appropriate, whether the patient is covered by health insurance, and

1 if so, shall request documentation of the evidence of health
2 insurance coverage. Documentation may include, but shall not be
3 limited to, a government sponsored health plan card or number, a
4 group sponsored or direct subscription health plan card or number, a
5 commercial insurance identification card or claim form or a union
6 welfare plan identification card or claim form.

7 (3) If evidence of health insurance coverage for the patient is
8 not documented or if evidence of health insurance coverage is
9 documented but the patient's health insurance coverage is unlikely
10 to provide payment in full for the patient's account at the hospital,
11 the designated hospital employee shall make an initial
12 determination of whether the patient is eligible for participation in a
13 public assistance program. If the employee concludes that the
14 patient may be eligible for a public assistance program, the
15 employee shall so advise the patient, family member, responsible
16 party or guardian, as appropriate. The employee, either directly or
17 through the hospital's social services office, shall give the patient,
18 family member, responsible party or guardian, as appropriate, the
19 name, address and phone number of the public assistance office that
20 can assist in enrolling the patient in the program. The employee, or
21 the social services office of the hospital, shall also advise the public
22 assistance office of the patient's possible eligibility, including
23 possible retroactive or presumptive eligibility, for the program.

24 Notwithstanding the provisions of this paragraph to the contrary,
25 if a county welfare agency employee is assigned to the hospital
26 pursuant to section 9 of P.L.1991, c.187 (C.26:2H-18.32) the
27 designated hospital employee shall refer the patient, family
28 member, responsible party or guardian, as appropriate, to the county
29 welfare agency employee who shall determine if the patient is
30 eligible for Medicaid.

31 (4) If evidence of health insurance coverage for the patient is
32 not documented or if evidence of health insurance coverage is
33 documented but the patient's health insurance coverage is unlikely
34 to provide payment in full for the patient's account at the hospital,
35 and the patient does not appear to be eligible for public assistance,
36 the designated hospital employee shall determine if the patient is
37 eligible for charity care pursuant to regulations adopted by the
38 commissioner. If the patient does not qualify for charity care, the
39 designated hospital employee shall request from the patient, family
40 member, responsible party or guardian, as appropriate, the patient's
41 or responsible party's place of employment, income, real property
42 and durable personal property owned by the patient or responsible
43 party and bank accounts possessed by the patient or responsible
44 party, along with account numbers and the name and location of the
45 bank.

46 (5) In the case of a patient seeking outpatient services, the
47 designated hospital employee shall make the inquiries and obtain
48 the documentation required pursuant to paragraphs (1) and (2) of
49 this subsection. If the patient provides the required documentation,

1 the designated hospital employee is not required to make further
2 inquiries, but if the patient cannot provide the required
3 documentation, the designated hospital employee shall follow the
4 procedures required pursuant to paragraphs (3) and (4) of this
5 subsection.

6 d. The provisions of this section shall not apply to a patient
7 who is investigated by a county adjuster and found to be indigent by
8 a court of competent jurisdiction pursuant to the provisions of
9 chapter 4 of Title 30 of the Revised Statutes. A patient so found
10 shall qualify for charity care under rules and regulations adopted by
11 the commissioner.

12 (cf: P.L.1991, c.187, s.8)

13

14 9. R.S.30:4-49 is amended to read as follows:

15 30:4-49. Except as hereinafter provided, legal settlement in a
16 county within the meaning of this article shall be continuous
17 residence in such county for a period of not less than five years
18 immediately preceding the date of application for admission or
19 commitment, excluding the time, if any, spent by the patient in any
20 charitable, or correctional institution or public hospital. **[An alien]**
21 A foreign national who has taken up his residence in any county in
22 this State immediately upon arriving in this country, having had
23 such county as his destination, and who shall have resided in such
24 county for a period of at least three years immediately preceding the
25 date of application for admission or commitment, shall be deemed
26 to have a legal settlement in such county.

27 (cf: P.L.1995, c.155, s.10)

28

29 10. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read
30 as follows:

31 3. Definitions. As used in P.L.1968, c.413 (C.30:4D-1 et seq.),
32 and unless the context otherwise requires:

33 a. "Applicant" means any person who has made application for
34 purposes of becoming a "qualified applicant."

35 b. "Commissioner" means the Commissioner of Human
36 Services.

37 c. "Department" means the Department of Human Services,
38 which is herein designated as the single State agency to administer
39 the provisions of this act.

40 d. "Director" means the Director of the Division of Medical
41 Assistance and Health Services.

42 e. "Division" means the Division of Medical Assistance and
43 Health Services.

44 f. "Medicaid" means the New Jersey Medical Assistance and
45 Health Services Program.

46 g. "Medical assistance" means payments on behalf of recipients
47 to providers for medical care and services authorized under
48 P.L.1968, c.413.

1 h. "Provider" means any person, public or private institution,
2 agency, or business concern approved by the division lawfully
3 providing medical care, services, goods, and supplies authorized
4 under P.L.1968, c.413, holding, where applicable, a current valid
5 license to provide such services or to dispense such goods or
6 supplies.

7 i. "Qualified applicant" means a person who is a resident of
8 this State, and either a citizen of the United States or an eligible
9 **[alien]** foreign national, and is determined to need medical care and
10 services as provided under P.L.1968, c.413, with respect to whom
11 the period for which eligibility to be a recipient is determined shall
12 be the maximum period permitted under federal law, and who:

13 (1) Is a dependent child or parent or caretaker relative of a
14 dependent child who would be, except for resources, eligible for the
15 aid to families with dependent children program under the State
16 Plan for Title IV-A of the federal Social Security Act as of July 16,
17 1996;

18 (2) Is a recipient of Supplemental Security Income for the Aged,
19 Blind and Disabled under Title XVI of the Social Security Act;

20 (3) Is an "ineligible spouse" of a recipient of Supplemental
21 Security Income for the Aged, Blind and Disabled under Title XVI
22 of the Social Security Act, as defined by the federal Social Security
23 Administration;

24 (4) Would be eligible to receive Supplemental Security Income
25 under Title XVI of the federal Social Security Act or, without
26 regard to resources, would be eligible for the aid to families with
27 dependent children program under the State Plan for Title IV-A of
28 the federal Social Security Act as of July 16, 1996, except for
29 failure to meet an eligibility condition or requirement imposed
30 under such State program which is prohibited under Title XIX of
31 the federal Social Security Act such as a durational residency
32 requirement, relative responsibility, consent to imposition of a lien;

33 (5) (Deleted by amendment, P.L.2000, c.71).

34 (6) Is an individual under 21 years of age who, without regard to
35 resources, would be, except for dependent child requirements,
36 eligible for the aid to families with dependent children program
37 under the State Plan for Title IV-A of the federal Social Security
38 Act as of July 16, 1996, or groups of such individuals, including but
39 not limited to, children in resource family placement under
40 supervision of the Division of Child Protection and Permanency in
41 the Department of Children and Families whose maintenance is
42 being paid in whole or in part from public funds, children placed in
43 a resource family home or institution by a private adoption agency
44 in New Jersey or children in intermediate care facilities, including
45 developmental centers for the developmentally disabled, or in
46 psychiatric hospitals;

47 (7) Would be eligible for the Supplemental Security Income
48 program, but is not receiving such assistance and applies for
49 medical assistance only;

- 1 (8) Is determined to be medically needy and meets all the
2 eligibility requirements described below:
- 3 (a) The following individuals are eligible for services, if they
4 are determined to be medically needy:
- 5 (i) Pregnant women;
- 6 (ii) Dependent children under the age of 21;
- 7 (iii) Individuals who are 65 years of age and older; and
- 8 (iv) Individuals who are blind or disabled pursuant to either 42
9 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 10 (b) The following income standard shall be used to determine
11 medically needy eligibility:
- 12 (i) For one person and two person households, the income
13 standard shall be the maximum allowable under federal law, but
14 shall not exceed 133 1/3% of the State's payment level to two
15 person households under the aid to families with dependent children
16 program under the State Plan for Title IV-A of the federal Social
17 Security Act in effect as of July 16, 1996; and
- 18 (ii) For households of three or more persons, the income standard
19 shall be set at 133 1/3% of the State's payment level to similar size
20 households under the aid to families with dependent children
21 program under the State Plan for Title IV-A of the federal Social
22 Security Act in effect as of July 16, 1996.
- 23 (c) The following resource standard shall be used to determine
24 medically needy eligibility:
- 25 (i) For one person households, the resource standard shall be
26 200% of the resource standard for recipients of Supplemental
27 Security Income pursuant to 42 U.S.C. s.1382(1)(B);
- 28 (ii) For two person households, the resource standard shall be
29 200% of the resource standard for recipients of Supplemental
30 Security Income pursuant to 42 U.S.C. s.1382(2)(B);
- 31 (iii) For households of three or more persons, the resource
32 standard in subparagraph (c)(ii) above shall be increased by
33 \$100.00 for each additional person; and
- 34 (iv) The resource standards established in (i), (ii), and (iii) are
35 subject to federal approval and the resource standard may be lower
36 if required by the federal Department of Health and Human
37 Services.
- 38 (d) Individuals whose income exceeds those established in
39 subparagraph (b) of paragraph (8) of this subsection may become
40 medically needy by incurring medical expenses as defined in 42
41 C.F.R.435.831(c) which will reduce their income to the applicable
42 medically needy income established in subparagraph (b) of
43 paragraph (8) of this subsection.
- 44 (e) A six-month period shall be used to determine whether an
45 individual is medically needy.
- 46 (f) Eligibility determinations for the medically needy program
47 shall be administered as follows:
- 48 (i) County welfare agencies and other entities designated by the
49 commissioner are responsible for determining and certifying the

1 eligibility of pregnant women and dependent children. The division
2 shall reimburse county welfare agencies for 100% of the reasonable
3 costs of administration which are not reimbursed by the federal
4 government for the first 12 months of this program's operation.
5 Thereafter, 75% of the administrative costs incurred by county
6 welfare agencies which are not reimbursed by the federal
7 government shall be reimbursed by the division;

8 (ii) The division is responsible for certifying the eligibility of
9 individuals who are 65 years of age and older and individuals who
10 are blind or disabled. The division may enter into contracts with
11 county welfare agencies to determine certain aspects of eligibility.
12 In such instances the division shall provide county welfare agencies
13 with all information the division may have available on the
14 individual.

15 The division shall notify all eligible recipients of the
16 Pharmaceutical Assistance to the Aged and Disabled program,
17 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the
18 medically needy program and the program's general requirements.
19 The division shall take all reasonable administrative actions to
20 ensure that Pharmaceutical Assistance to the Aged and Disabled
21 recipients, who notify the division that they may be eligible for the
22 program, have their applications processed expeditiously, at times
23 and locations convenient to the recipients; and

24 (iii) The division is responsible for certifying incurred medical
25 expenses for all eligible persons who attempt to qualify for the
26 program pursuant to subparagraph (d) of paragraph (8) of this
27 subsection;

28 (9) (a) Is a child who is at least one year of age and under 19
29 years of age and, if older than six years of age but under 19 years of
30 age, is uninsured; and

31 (b) Is a member of a family whose income does not exceed
32 133% of the poverty level and who meets the federal Medicaid
33 eligibility requirements set forth in section 9401 of Pub.L.99-509
34 (42 U.S.C. s.1396a);

35 (10) Is a pregnant woman who is determined by a provider to be
36 presumptively eligible for medical assistance based on criteria
37 established by the commissioner, pursuant to section 9407 of
38 Pub.L.99-509 (42 U.S.C. s.1396a(a));

39 (11) Is an individual 65 years of age and older, or an individual
40 who is blind or disabled pursuant to section 301 of Pub.L.92-603
41 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
42 poverty level, adjusted for family size, and whose resources do not
43 exceed 100% of the resource standard used to determine medically
44 needy eligibility pursuant to paragraph (8) of this subsection;

45 (12) Is a qualified disabled and working individual pursuant to
46 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income
47 does not exceed 200% of the poverty level and whose resources do
48 not exceed 200% of the resource standard used to determine

1 eligibility under the Supplemental Security Income Program,
2 P.L.1973, c.256 (C.44:7-85 et seq.);

3 (13) Is a pregnant woman or is a child who is under one year of
4 age and is a member of a family whose income does not exceed
5 185% of the poverty level and who meets the federal Medicaid
6 eligibility requirements set forth in section 9401 of Pub.L.99-509
7 (42 U.S.C. s.1396a), except that a pregnant woman who is
8 determined to be a qualified applicant shall, notwithstanding any
9 change in the income of the family of which she is a member,
10 continue to be deemed a qualified applicant until the end of the 60-
11 day period beginning on the last day of her pregnancy;

12 (14) (Deleted by amendment, P.L.1997, c.272).

13 (15) (a) Is a specified low-income Medicare beneficiary pursuant
14 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January
15 1, 1993 do not exceed 200% of the resource standard used to
16 determine eligibility under the Supplemental Security Income
17 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income
18 beginning January 1, 1993 does not exceed 110% of the poverty
19 level, and beginning January 1, 1995 does not exceed 120% of the
20 poverty level.

21 (b) An individual who has, within 36 months, or within 60
22 months in the case of funds transferred into a trust, of applying to
23 be a qualified applicant for Medicaid services in a nursing facility
24 or a medical institution, or for home or community-based services
25 under section 1915(c) of the federal Social Security Act (42 U.S.C.
26 s.1396n(c)), disposed of resources or income for less than fair
27 market value shall be ineligible for assistance for nursing facility
28 services, an equivalent level of services in a medical institution, or
29 home or community-based services under section 1915(c) of the
30 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of
31 the ineligibility shall be the number of months resulting from
32 dividing the uncompensated value of the transferred resources or
33 income by the average monthly private payment rate for nursing
34 facility services in the State as determined annually by the
35 commissioner. In the case of multiple resource or income transfers,
36 the resulting penalty periods shall be imposed sequentially.
37 Application of this requirement shall be governed by 42 U.S.C.
38 s.1396p(c). In accordance with federal law, this provision is
39 effective for all transfers of resources or income made on or after
40 August 11, 1993. Notwithstanding the provisions of this subsection
41 to the contrary, the State eligibility requirements concerning
42 resource or income transfers shall not be more restrictive than those
43 enacted pursuant to 42 U.S.C. s.1396p(c).

44 (c) An individual seeking nursing facility services or home or
45 community-based services and who has a community spouse shall
46 be required to expend those resources which are not protected for
47 the needs of the community spouse in accordance with section
48 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))
49 on the costs of long-term care, burial arrangements, and any other

1 expense deemed appropriate and authorized by the commissioner.
2 An individual shall be ineligible for Medicaid services in a nursing
3 facility or for home or community-based services under section
4 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if
5 the individual expends funds in violation of this subparagraph. The
6 period of ineligibility shall be the number of months resulting from
7 dividing the uncompensated value of transferred resources and
8 income by the average monthly private payment rate for nursing
9 facility services in the State as determined by the commissioner.
10 The period of ineligibility shall begin with the month that the
11 individual would otherwise be eligible for Medicaid coverage for
12 nursing facility services or home or community-based services.

13 This subparagraph shall be operative only if all necessary
14 approvals are received from the federal government including, but
15 not limited to, approval of necessary State plan amendments and
16 approval of any waivers;

17 (16) Subject to federal approval under Title XIX of the federal
18 Social Security Act, is a dependent child, parent or specified
19 caretaker relative of a child who is a qualified applicant, who would
20 be eligible, without regard to resources, for the aid to families with
21 dependent children program under the State Plan for Title IV-A of
22 the federal Social Security Act as of July 16, 1996, except for the
23 income eligibility requirements of that program, and whose family
24 earned income,

25 (a) if a dependent child, does not exceed 133% of the poverty
26 level; and

27 (b) if a parent or specified caretaker relative, beginning
28 September 1, 2005 does not exceed 100% of the poverty level,
29 beginning September 1, 2006 does not exceed 115% of the poverty
30 level and beginning September 1, 2007 does not exceed 133% of
31 the poverty level,
32 plus such earned income disregards as shall be determined
33 according to a methodology to be established by regulation of the
34 commissioner;

35 The commissioner may increase the income eligibility limits for
36 children and parents and specified caretaker relatives, as funding
37 permits;

38 (17) Is an individual from 18 through 20 years of age who is not
39 a dependent child and would be eligible for medical assistance
40 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to
41 income or resources, who, on the individual's 18th birthday was in
42 resource family care under the care and custody of the Division of
43 Child Protection and Permanency in the Department of Children
44 and Families and whose maintenance was being paid in whole or in
45 part from public funds;

46 (18) Is a person between the ages of 16 and 65 who is
47 permanently disabled and working, and:

48 (a) whose income is at or below 250% of the poverty level, plus
49 other established disregards;

- 1 (b) who pays the premium contribution and other cost sharing as
- 2 established by the commissioner, subject to the limits and
- 3 conditions of federal law; and
- 4 (c) whose assets, resources and unearned income do not exceed
- 5 limitations as established by the commissioner;
- 6 (19) Is an uninsured individual under 65 years of age who:
- 7 (a) has been screened for breast or cervical cancer under the
- 8 federal Centers for Disease Control and Prevention breast and
- 9 cervical cancer early detection program;
- 10 (b) requires treatment for breast or cervical cancer based upon
- 11 criteria established by the commissioner;
- 12 (c) has an income that does not exceed the income standard
- 13 established by the commissioner pursuant to federal guidelines;
- 14 (d) meets all other Medicaid eligibility requirements; and
- 15 (e) in accordance with Pub.L.106-354, is determined by a
- 16 qualified entity to be presumptively eligible for medical assistance
- 17 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established
- 18 by the commissioner pursuant to section 1920B of the federal Social
- 19 Security Act (42 U.S.C. s.1396r-1b);
- 20 (20) Subject to federal approval under Title XIX of the federal
- 21 Social Security Act, is a single adult or couple, without dependent
- 22 children, whose income in 2006 does not exceed 50% of the poverty
- 23 level, in 2007 does not exceed 75% of the poverty level and in 2008
- 24 and each year thereafter does not exceed 100% of the poverty level;
- 25 except that a person who is a recipient of Work First New Jersey
- 26 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
- 27 et seq.), shall not be a qualified applicant; or
- 28 (21) is an individual who:
- 29 (a) has an income that does not exceed the highest income
- 30 eligibility level for pregnant women established under the State
- 31 plan under Title XIX or Title XXI of the federal Social Security
- 32 Act;
- 33 (b) is not pregnant; and
- 34 (c) is eligible to receive family planning services provided
- 35 under the Medicaid program pursuant to subsection k. of section 6
- 36 of P.L.1968, c.413 (C.30:4D-6) and in accordance with 42 U.S.C.
- 37 s.1396a(ii).
- 38 j. "Recipient" means any qualified applicant receiving benefits
- 39 under this act.
- 40 k. "Resident" means a person who is living in the State
- 41 voluntarily with the intention of making his home here and not for a
- 42 temporary purpose. Temporary absences from the State, with
- 43 subsequent returns to the State or intent to return when the purposes
- 44 of the absences have been accomplished, do not interrupt continuity
- 45 of residence.
- 46 l. "State Medicaid Commission" means the Governor, the
- 47 Commissioner of Human Services, the President of the Senate and
- 48 the Speaker of the General Assembly, hereby constituted a

1 commission to approve and direct the means and method for the
2 payment of claims pursuant to P.L.1968, c.413.

3 m. "Third party" means any person, institution, corporation,
4 insurance company, group health plan as defined in section 607(1)
5 of the federal "Employee Retirement and Income Security Act of
6 1974," 29 U.S.C. s.1167(1), service benefit plan, health
7 maintenance organization, or other prepaid health plan, or public,
8 private or governmental entity who is or may be liable in contract,
9 tort, or otherwise by law or equity to pay all or part of the medical
10 cost of injury, disease or disability of an applicant for or recipient
11 of medical assistance payable under P.L.1968, c.413.

12 n. "Governmental peer grouping system" means a separate
13 class of skilled nursing and intermediate care facilities administered
14 by the State or county governments, established for the purpose of
15 screening their reported costs and setting reimbursement rates under
16 the Medicaid program that are reasonable and adequate to meet the
17 costs that must be incurred by efficiently and economically operated
18 State or county skilled nursing and intermediate care facilities.

19 o. "Comprehensive maternity or pediatric care provider" means
20 any person or public or private health care facility that is a provider
21 and that is approved by the commissioner to provide comprehensive
22 maternity care or comprehensive pediatric care as defined in
23 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
24 (C.30:4D-6).

25 p. "Poverty level" means the official poverty level based on
26 family size established and adjusted under Section 673(2) of
27 Subtitle B, the "Community Services Block Grant Act," of
28 Pub.L.97-35 (42 U.S.C. s.9902(2)).

29 q. "Eligible **alien** foreign national" means one of the
30 following:

31 (1) **an alien** A foreign national present in the United States
32 prior to August 22, 1996, who is:

33 (a) a lawful permanent resident;

34 (b) a refugee pursuant to section 207 of the federal "Immigration
35 and Nationality Act" (8 U.S.C. s.1157);

36 (c) an asylee pursuant to section 208 of the federal
37 "Immigration and Nationality Act" (8 U.S.C. s.1158);

38 (d) **an alien** a foreign national who has had deportation
39 withheld pursuant to section 243(h) of the federal "Immigration and
40 Nationality Act" (8 U.S.C. s.1253 (h));

41 (e) **an alien** a foreign national who has been granted parole
42 for less than one year by the U.S. Citizenship and Immigration
43 Services pursuant to section 212(d)(5) of the federal "Immigration
44 and Nationality Act" (8 U.S.C. s.1182(d)(5));

45 (f) **an alien** a foreign national granted conditional entry
46 pursuant to section 203(a)(7) of the federal "Immigration and
47 Nationality Act" (8 U.S.C. s.1153(a)(7)) in effect prior to April 1,
48 1980; or

1 (g) **【an alien】** a foreign national who is honorably discharged
2 from or on active duty in the United States armed forces and the
3 **【alien's】** foreign national's spouse and unmarried dependent child.

4 (2) **【An alien】** A foreign national who entered the United States
5 on or after August 22, 1996, who is:

6 (a) **【an alien】** a foreign national as described in paragraph
7 (1)(b), (c), (d) or (g) of this subsection; or

8 (b) **【an alien】** a foreign national as described in paragraph
9 (1)(a), (e) or (f) of this subsection who entered the United States at
10 least five years ago.

11 (3) A legal **【alien】** foreign national who is a victim of domestic
12 violence in accordance with criteria specified for eligibility for
13 public benefits as provided in Title V of the federal "Illegal
14 Immigration Reform and Immigrant Responsibility Act of 1996" (8
15 U.S.C. s.1641).

16 (cf: P.L.2018, c.1, s.1)

17

18 11. Section 2 of P.L.1997, c.352 (C.30:4D-6f) is amended to
19 read as follows:

20 2. An eligible **【alien】** foreign national as defined in section 3
21 of P.L.1968, c.413 (C.30:4D-1 et seq.) who otherwise meets all
22 eligibility criteria therefor is entitled to medical assistance provided
23 pursuant to section 6 of P.L.1968, c.413 (C.30:4D-6). **【An alien】**
24 A foreign national who does not qualify as an eligible **【alien】**
25 foreign national but who is a resident of New Jersey and would
26 otherwise be eligible for medical assistance provided pursuant to
27 section 6 of P.L.1968, c.413 is entitled only to care and services
28 necessary for the treatment of an emergency medical condition as
29 defined in section 1903(v)(3) of the federal Social Security Act (42
30 U.S.C. s.1396b(v)(3)).

31 (cf: P.L.1997, c.352, s.2)

32

33 12. Section 2 of P.L.2002, c.81 (C.34:8-79) is amended to read
34 as follows:

35 2. a. The Director of the Division of Consumer Affairs in the
36 Department of Law and Public Safety, in consultation with the
37 Commissioner of Health and Senior Services, shall require that, no
38 later than the 180th day after the date of enactment of this act, each
39 health care service firm regulated by the Division of Consumer
40 Affairs shall provide the following information to each patient
41 receiving home-based services from that firm, or to a person
42 designated by the patient:

43 (1) the name and certification or licensure title, as applicable, of
44 the homemaker-home health aide or other health care professional
45 whose practice is regulated pursuant to Title 45 of the Revised
46 Statutes, to be displayed on an identification tag as required by
47 regulation of the New Jersey Board of Nursing, or as otherwise to
48 be prescribed by regulation of the director for other health care

1 professionals, that the homemaker-home health aide or other health
2 care professional shall wear at all times while examining, observing
3 or caring for the patient; and

4 (2) a copy of the most current edition of the consumer guide to
5 homemaker-home health aides published by the New Jersey Board
6 of Nursing.

7 b. The Director of the Division of Consumer Affairs in the
8 Department of Law and Public Safety, in consultation with the
9 Commissioner of Health and Senior Services, shall require that, no
10 later than the 180th day after the date of enactment of this act, each
11 health care service firm, employment agency or registry and
12 temporary help service firm or personnel consultant regulated by
13 the Division of Consumer Affairs shall provide the following
14 information in writing to each consumer receiving home-based
15 services, including, but not limited to, domestic, companion, sitter
16 and live-in services, from a person who is employed by that firm,
17 agency, registry or consultant and is not a certified homemaker-
18 home health aide or other health care professional whose practice is
19 regulated pursuant to Title 45 of the Revised Statutes, or to a person
20 designated by the consumer:

21 (1) notification that the person is not a certified homemaker-
22 home health aide or other health care professional whose practice is
23 regulated pursuant to Title 45 of the Revised Statutes;

24 (2) any training received by that person which the firm, agency,
25 registry or consultant deems relevant to the provision of those
26 services that the person is assigned to provide to the consumer;

27 (3) proof that the person is a United States citizen or legally
28 documented **[alien]** foreign national; and

29 (4) evidence of employment history verification or character
30 references for that person.

31 c. The information provided pursuant to subsections a. and b.
32 of this section shall be provided:

33 (1) in advance of the provision of services to the patient or
34 consumer, as applicable, whenever possible; and

35 (2) otherwise upon the initial visit to the patient's or consumer's
36 home of the person assigned to provide services to the patient or
37 consumer.

38 d. Beginning on the first day of the 13th month after the date of
39 enactment of this act, the identification tag required pursuant to
40 subsection a. of this section shall include a photograph of the
41 homemaker-home health aide or other health care professional.

42 e. The director, pursuant to the "Administrative Procedure
43 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
44 regulations to effectuate the purposes of this section.

45 (cf: P.L.2002, c.81, s.2)

46
47 13. R.S.43:21-4 is amended to read as follows:

1 43:21-4. Benefit eligibility conditions. An unemployed
2 individual shall be eligible to receive benefits with respect to any
3 week eligible only if:

4 (a) The individual has filed a claim at an unemployment
5 insurance claims office and thereafter continues to report at an
6 employment service office or unemployment insurance claims
7 office, as directed by the division in accordance with such
8 regulations as the division may prescribe, except that the division
9 may, by regulation, waive or alter either or both of the requirements
10 of this subsection as to individuals attached to regular jobs, and as
11 to such other types of cases or situations with respect to which the
12 division finds that compliance with such requirements would be
13 oppressive, or would be inconsistent with the purpose of this act;
14 provided that no such regulation shall conflict with subsection (a) of
15 R.S.43:21-3.

16 (b) The individual has made a claim for benefits in accordance
17 with the provisions of subsection (a) of R.S.43:21-6.

18 (c) (1) The individual is able to work, and is available for work,
19 and has demonstrated to be actively seeking work, except as
20 hereinafter provided in this subsection or in subsection (f) of this
21 section.

22 (2) The director may modify the requirement of actively seeking
23 work if such modification of this requirement is warranted by
24 economic conditions.

25 (3) No individual, who is otherwise eligible, shall be deemed
26 ineligible, or unavailable for work, because the individual is on
27 vacation, without pay, during said week, if said vacation is not the
28 result of the individual's own action as distinguished from any
29 collective action of a collective bargaining agent or other action
30 beyond the individual's control.

31 (4) (A) Subject to such limitations and conditions as the division
32 may prescribe, an individual, who is otherwise eligible, shall not be
33 deemed unavailable for work or ineligible because the individual is
34 attending a training program approved for the individual by the
35 division to enhance the individual's employment opportunities or
36 because the individual failed or refused to accept work while
37 attending such program.

38 (B) For the purpose of this paragraph (4), any training program
39 shall be regarded as approved by the division for the individual if
40 the program and the individual meet the following requirements:

41 (i) The training is for a labor demand occupation and is likely to
42 enhance the individual's marketable skills and earning power,
43 except that the training may be for an occupation other than a labor
44 demand occupation if the individual is receiving short-time benefits
45 pursuant to the provisions of P.L.2011, c.154 (C.43:21-20.3 et al.)
46 and the training is necessary to prevent a likely loss of jobs;

47 (ii) The training is provided by a competent and reliable private
48 or public entity approved by the Commissioner of Labor and
49 Workforce Development pursuant to the provisions of section 8 of

1 the "1992 New Jersey Employment and Workforce Development
2 Act," P.L.1992, c.43 (C.34:15D-8);

3 (iii) The individual can reasonably be expected to complete the
4 program, either during or after the period of benefits;

5 (iv) The training does not include on the job training or other
6 training under which the individual is paid by an employer for work
7 performed by the individual during the time that the individual
8 receives benefits; and

9 (v) The individual enrolls in vocational training, remedial
10 education or a combination of both on a full-time basis, except that
11 the training or education may be on a part-time basis if the
12 individual is receiving short-time benefits pursuant to the provisions
13 of P.L.2011, c.154 (C.43:21-20.3 et al.).

14 (C) If the requirements of subparagraph (B) of this paragraph (4)
15 are met, the division shall not withhold approval of the training
16 program for the individual for any of the following reasons:

17 (i) The training includes remedial basic skills education
18 necessary for the individual to successfully complete the vocational
19 component of the training;

20 (ii) The training is provided in connection with a program under
21 which the individual may obtain a college degree, including a post-
22 graduate degree;

23 (iii) The length of the training period under the program; or

24 (iv) The lack of a prior guarantee of employment upon
25 completion of the training.

26 (D) For the purpose of this paragraph (4), "labor demand
27 occupation" means an occupation for which there is or is likely to
28 be an excess of demand over supply for adequately trained workers,
29 including, but not limited to, an occupation designated as a labor
30 demand occupation by the Center for Occupational Employment
31 Information pursuant to the provisions of subsection d. of section
32 27 of P.L.2005, c.354 (C.34:1A-86).

33 (5) An unemployed individual, who is otherwise eligible, shall
34 not be deemed unavailable for work or ineligible solely by reason of
35 the individual's attendance before a court in response to a summons
36 for service on a jury.

37 (6) An unemployed individual, who is otherwise eligible, shall
38 not be deemed unavailable for work or ineligible solely by reason of
39 the individual's attendance at the funeral of an immediate family
40 member, provided that the duration of the attendance does not
41 extend beyond a two-day period.

42 For purposes of this paragraph, "immediate family member"
43 includes any of the following individuals: father, mother, mother-
44 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
45 child, child placed by the Division of Youth and Family Services in
46 the Department of Children and Families, sister or brother of the
47 unemployed individual and any relatives of the unemployed
48 individual residing in the unemployed individual's household.

1 (7) No individual, who is otherwise eligible, shall be deemed
2 ineligible or unavailable for work with respect to any week because,
3 during that week, the individual fails or refuses to accept work
4 while the individual is participating on a full-time basis in self-
5 employment assistance activities authorized by the division,
6 whether or not the individual is receiving a self-employment
7 allowance during that week.

8 (8) Any individual who is determined to be likely to exhaust
9 regular benefits and need reemployment services based on
10 information obtained by the worker profiling system shall not be
11 eligible to receive benefits if the individual fails to participate in
12 available reemployment services to which the individual is referred
13 by the division or in similar services, unless the division determines
14 that:

15 (A) The individual has completed the reemployment services; or
16 (B) There is justifiable cause for the failure to participate, which
17 shall include participation in employment and training, self-
18 employment assistance activities or other activities authorized by
19 the division to assist reemployment or enhance the marketable skills
20 and earning power of the individual and which shall include any
21 other circumstance indicated pursuant to this section in which an
22 individual is not required to be available for and actively seeking
23 work to receive benefits.

24 (9) An unemployed individual, who is otherwise eligible, shall
25 not be deemed unavailable for work or ineligible solely by reason of
26 the individual's work as a board worker for a county board of
27 elections on an election day.

28 (10) An individual who is employed by a shared work employer
29 and is otherwise eligible for benefits shall not be deemed ineligible
30 for short-time benefits because the individual is unavailable for
31 work with employers other than the shared work employer, so long
32 as:

33 (A) The individual is able to work and is available to work the
34 individual's normal full-time hours for the shared work employer;
35 or

36 (B) The individual is attending a training program which is in
37 compliance with the provisions of paragraph (4) of subsection (c) of
38 this section and the agreements and certifications required pursuant
39 to the provisions of section 2 of P.L.2011, c.154 (C.43:21-20.4).

40 (d) With respect to any benefit year commencing before January
41 1, 2002, the individual has been totally or partially unemployed for
42 a waiting period of one week in the benefit year which includes that
43 week. When benefits become payable with respect to the third
44 consecutive week next following the waiting period, the individual
45 shall be eligible to receive benefits as appropriate with respect to
46 the waiting period. No week shall be counted as a week of
47 unemployment for the purposes of this subsection:

48 (1) If benefits have been paid, or are payable with respect
49 thereto; provided that the requirements of this paragraph shall be

1 waived with respect to any benefits paid or payable for a waiting
2 period as provided in this subsection;

3 (2) If it has constituted a waiting period week under the
4 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
5 et al.);

6 (3) Unless the individual fulfills the requirements of subsections
7 (a) and (c) of this section;

8 (4) If with respect thereto, claimant was disqualified for benefits
9 in accordance with the provisions of subsection (d) of R.S.43:21-5.

10 The waiting period provided by this subsection shall not apply to
11 benefit years commencing on or after January 1, 2002. An
12 individual whose total benefit amount was reduced by the
13 application of the waiting period to a claim which occurred on or
14 after January 1, 2002 and before the effective date of P.L.2002,
15 c.13, shall be permitted to file a claim for the additional benefits
16 attributable to the waiting period in the form and manner prescribed
17 by the division, but not later than the 180th day following the
18 effective date of P.L.2002, c.13 unless the division determines that
19 there is good cause for a later filing.

20 (e) (1) (Deleted by amendment, P.L.2001, c.17).

21 (2) (Deleted by amendment, P.L.2008, c.17).

22 (3) (Deleted by amendment, P.L.2008, c.17).

23 (4) With respect to benefit years commencing on or after
24 January 7, 2001, except as otherwise provided in paragraph (5) of
25 this subsection, the individual has, during his base year as defined
26 in subsection (c) of R.S.43:21-19:

27 (A) Established at least 20 base weeks as defined in paragraphs
28 (2) and (3) of subsection (t) of R.S.43:21-19; or

29 (B) If the individual has not met the requirements of
30 subparagraph (A) of this paragraph (4), earned remuneration not
31 less than an amount 1,000 times the minimum wage in effect
32 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
33 1 of the calendar year preceding the calendar year in which the
34 benefit year commences, which amount shall be adjusted to the next
35 higher multiple of \$100 if not already a multiple thereof.

36 (5) With respect to benefit years commencing on or after
37 January 7, 2001, notwithstanding the provisions of paragraph (4) of
38 this subsection, an unemployed individual claiming benefits on the
39 basis of service performed in the production and harvesting of
40 agricultural crops shall, subject to the limitations of subsection (i)
41 of R.S.43:21-19, be eligible to receive benefits if during his base
42 year, as defined in subsection (c) of R.S.43:21-19, the individual:

43 (A) Has established at least 20 base weeks as defined in
44 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or

45 (B) Has earned remuneration not less than an amount 1,000
46 times the minimum wage in effect pursuant to section 5 of
47 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
48 preceding the calendar year in which the benefit year commences,

1 which amount shall be adjusted to the next higher multiple of \$100
2 if not already a multiple thereof; or

3 (C) Has performed at least 770 hours of service in the
4 production and harvesting of agricultural crops.

5 (6) The individual applying for benefits in any successive
6 benefit year has earned at least six times his previous weekly
7 benefit amount and has had four weeks of employment since the
8 beginning of the immediately preceding benefit year. This
9 provision shall be in addition to the earnings requirements specified
10 in paragraph (4) or (5) of this subsection, as applicable.

11 (f) (1) The individual has suffered any accident or sickness not
12 compensable under the workers' compensation law, R.S.34:15-1 et
13 seq. and resulting in the individual's total disability to perform any
14 work for remuneration, and would be eligible to receive benefits
15 under this chapter (R.S.43:21-1 et seq.) (without regard to the
16 maximum amount of benefits payable during any benefit year)
17 except for the inability to work and has furnished notice and proof
18 of claim to the division, in accordance with its rules and
19 regulations, and payment is not precluded by the provisions of
20 R.S.43:21-3(d); provided, however, that benefits paid under this
21 subsection (f) shall be computed on the basis of only those base
22 year wages earned by the claimant as a "covered individual," as
23 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
24 27); provided further that no benefits shall be payable under this
25 subsection to any individual:

26 (A) For any period during which such individual is not under the
27 care of a legally licensed physician, dentist, optometrist, podiatrist,
28 practicing psychologist, advanced practice nurse, or chiropractor,
29 who, when requested by the division, shall certify within the scope
30 of the practitioner's practice, the disability of the individual, the
31 probable duration thereof, and, where applicable, the medical facts
32 within the practitioner's knowledge;

33 (B) (Deleted by amendment, P.L.1980, c.90.)

34 (C) For any period of disability due to willfully or intentionally
35 self-inflicted injury, or to injuries sustained in the perpetration by
36 the individual of a crime of the first, second or third degree;

37 (D) For any week with respect to which or a part of which the
38 individual has received or is seeking benefits under any
39 unemployment compensation or disability benefits law of any other
40 state or of the United States; provided that if the appropriate agency
41 of such other state or the United States finally determines that the
42 individual is not entitled to such benefits, this disqualification shall
43 not apply;

44 (E) For any week with respect to which or part of which the
45 individual has received or is seeking disability benefits under the
46 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
47 et al.);

48 (F) For any period of disability commencing while such
49 individual is a "covered individual," as defined in subsection (b) of

1 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
2 c.110 (C.43:21-27).

3 (2) The individual is taking family temporary disability leave to
4 provide care for a family member with a serious health condition or
5 to be with a child during the first 12 months after the child's birth or
6 placement of the child for adoption or as a foster child with the
7 individual, and the individual would be eligible to receive benefits
8 under R.S.43:21-1 et seq. (without regard to the maximum amount
9 of benefits payable during any benefit year) except for the
10 individual's unavailability for work while taking the family
11 temporary disability leave, and the individual has furnished notice
12 and proof of claim to the division, in accordance with its rules and
13 regulations, and payment is not precluded by the provisions of
14 R.S.43:21-3(d) provided, however, that benefits paid under this
15 subsection (f) shall be computed on the basis of only those base
16 year wages earned by the claimant as a "covered individual," as
17 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
18 27); provided further that no benefits shall be payable under this
19 subsection to any individual:

20 (A) For any week with respect to which or a part of which the
21 individual has received or is seeking benefits under any
22 unemployment compensation or disability benefits law of any other
23 state or of the United States; provided that if the appropriate agency
24 of such other state or the United States finally determines that the
25 individual is not entitled to such benefits, this disqualification shall
26 not apply;

27 (B) For any week with respect to which or part of which the
28 individual has received or is seeking disability benefits for a
29 disability of the individual under the "Temporary Disability
30 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

31 (C) For any period of family temporary disability leave
32 commencing while the individual is a "covered individual," as
33 defined in subsection (b) of section 3 of the "Temporary Disability
34 Benefits Law," P.L.1948, c.110 (C.43:21-27); or

35 (D) For any period of family temporary disability leave for a
36 serious health condition of a family member of the claimant during
37 which the family member is not receiving inpatient care in a
38 hospital, hospice, or residential medical care facility and is not
39 subject to continuing medical treatment or continuing supervision
40 by a health care provider, who, when requested by the division,
41 shall certify within the scope of the provider's practice, the serious
42 health condition of the family member, the probable duration
43 thereof, and, where applicable, the medical facts within the
44 provider's knowledge.

45 (3) Benefit payments under this subsection (f) shall be charged
46 to and paid from the State disability benefits fund established by the
47 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
48 et al.), and shall not be charged to any employer account in

1 computing any employer's experience rate for contributions payable
2 under this chapter.

3 (g) Benefits based on service in employment defined in
4 subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable
5 in the same amount and on the terms and subject to the same
6 conditions as benefits payable on the basis of other service subject
7 to the "unemployment compensation law"; except that,
8 notwithstanding any other provisions of the "unemployment
9 compensation law":

10 (1) With respect to service performed after December 31, 1977,
11 in an instructional, research, or principal administrative capacity for
12 an educational institution, benefits shall not be paid based on such
13 services for any week of unemployment commencing during the
14 period between two successive academic years, or during a similar
15 period between two regular terms, whether or not successive, or
16 during a period of paid sabbatical leave provided for in the
17 individual's contract, to any individual if such individual performs
18 such services in the first of such academic years (or terms) and if
19 there is a contract or a reasonable assurance that such individual
20 will perform services in any such capacity for any educational
21 institution in the second of such academic years or terms;

22 (2) With respect to weeks of unemployment beginning after
23 September 3, 1982, on the basis of service performed in any other
24 capacity for an educational institution, benefits shall not be paid on
25 the basis of such services to any individual for any week which
26 commences during a period between two successive academic years
27 or terms if such individual performs such services in the first of
28 such academic years or terms and there is a reasonable assurance
29 that such individual will perform such services in the second of
30 such academic years or terms, except that if benefits are denied to
31 any individual under this paragraph (2) and the individual was not
32 offered an opportunity to perform these services for the educational
33 institution for the second of any academic years or terms, the
34 individual shall be entitled to a retroactive payment of benefits for
35 each week for which the individual filed a timely claim for benefits
36 and for which benefits were denied solely by reason of this clause;

37 (3) With respect to those services described in paragraphs (1)
38 and (2) above, benefits shall not be paid on the basis of such
39 services to any individual for any week which commences during
40 an established and customary vacation period or holiday recess if
41 such individual performs such services in the period immediately
42 before such vacation period or holiday recess, and there is a
43 reasonable assurance that such individual will perform such
44 services in the period immediately following such period or holiday
45 recess;

46 (4) With respect to any services described in paragraphs (1) and
47 (2) above, benefits shall not be paid as specified in paragraphs (1),
48 (2), and (3) above to any individual who performed those services
49 in an educational institution while in the employ of an educational

1 service agency, and for this purpose the term "educational service
2 agency" means a governmental agency or governmental entity
3 which is established and operated exclusively for the purpose of
4 providing those services to one or more educational institutions;

5 (5) As used in this subsection (g) in order for there to be a
6 "reasonable assurance" all of the following requirements shall be
7 met:

8 (A) The educational institution has made an offer of employment
9 in the following academic year or term that is either written, oral, or
10 implied;

11 (B) The offer of employment in the following academic year or
12 term was made by an individual with actual authority to offer
13 employment;

14 (C) The employment offered in the following academic year or
15 term shall be in the same capacity;

16 (D) The economic conditions of the employment offered may not
17 be considerably less in the following academic year or term than in
18 the then current academic year or term. For the purpose of this
19 paragraph, "considerably less" means that the claimant will earn
20 less than 90 percent of the amount the claimant earned in the then
21 current academic year or term;

22 (E) The offer of employment in the following academic year or
23 term is not contingent upon a factor or factors that are within the
24 educational institution's control, including but not limited to, course
25 programming, decisions on how to allocate available funding, final
26 course offerings, program changes, and facility availability; and

27 (F) Based on a totality of the circumstances, it is highly
28 probable that there is a job available for the claimant in the
29 following academic year or term. If a job offer contains a
30 contingency, primary weight should be given to the contingent
31 nature of the offer of employment. Contingencies that are not
32 necessarily within the educational institution's control, such as
33 funding, enrollment and seniority, may be taken into consideration
34 but the existence of any one contingency should not determine
35 whether it is highly probable that there is a job available for the
36 claimant in the following academic year or term.

37 (6) Determinations by the department whether claimants have a
38 "reasonable assurance" shall be done on a case-by-case basis.

39 (7) Each educational institution shall provide the following to
40 the department, in a form, including electronic form, prescribed by
41 the commissioner, no less than 10 business days prior to the end of
42 the academic year or term:

43 (A) A list of all employees who the educational institution has
44 concluded do not have a reasonable assurance of employment in the
45 following academic year or term, along with information prescribed
46 by the commissioner regarding each such employee, which
47 information shall include, but not be limited to, name and social
48 security number; and

1 (B) For each employee that the educational institution maintains
2 does have a reasonable assurance of employment in the following
3 academic year or term, a statement explaining the manner in which
4 the employee was given a reasonable assurance of employment, that
5 is, whether it was in writing, oral, or implied, and what information
6 about the offer, including contingencies, was communicated to the
7 individual.

8 (8) The statement required under subparagraph (B) of paragraph
9 (7) of this subsection (g) may be used by the department in its
10 analysis under paragraphs (5) and (6) of this subsection (g), but it
11 does not conclusively demonstrate that the claimant has a
12 reasonable assurance of employment in the following academic year
13 or term.

14 (9) Failure of an educational institution to provide the statement
15 required under subparagraph (B) of paragraph (7) of this subsection
16 (g) not less than 10 business days prior to the end of the academic
17 year or term shall result in a rebuttable presumption that the
18 claimant does not have a reasonable assurance of employment in the
19 following academic year or term. This rebuttable presumption shall
20 give rise to an inference that the claimant does not have a
21 reasonable assurance of employment in the following academic year
22 or term, but shall not conclusively demonstrate that the claimant
23 does not have a reasonable assurance of employment in the
24 following academic year or term.

25 (10) If any part of P.L.2020, c.122 is found to be in conflict with
26 federal requirements that are a prescribed condition to the allocation
27 of federal funds to the State or the eligibility of employers in this
28 State for federal unemployment tax credits, the conflicting part of
29 that act is inoperative solely to the extent of the conflict, and the
30 finding or determination does not affect the operation of the
31 remainder of this act. Rules adopted under this act shall meet
32 federal requirements that are a necessary condition to the receipt of
33 federal funds by the State or the granting of federal unemployment
34 tax credits to employers in this State.

35 (h) Benefits shall not be paid to any individual on the basis of
36 any services, substantially all of which consist of participating in
37 sports or athletic events or training or preparing to so participate,
38 for any week which commences during the period between two
39 successive sports seasons (or similar periods) if such individual
40 performed such services in the first of such seasons (or similar
41 periods) and there is a reasonable assurance that such individual
42 will perform such services in the later of such seasons (or similar
43 periods).

44 (i) (1) Benefits shall not be paid on the basis of services
45 performed by **[an alien]** a foreign national unless such **[alien]**
46 foreign national is an individual who was lawfully admitted for
47 permanent residence at the time the services were performed and
48 was lawfully present for the purpose of performing the services or
49 otherwise was permanently residing in the United States under color

1 of law at the time the services were performed (including **an alien**
2 a foreign national who is lawfully present in the United States as a
3 result of the application of the provisions of section 212(d)(5) (8
4 U.S.C. s.1182 (d)(5)) of the Immigration and Nationality Act (8
5 U.S.C. s.1101 et seq.)); provided that any modifications of the
6 provisions of section 3304(a)(14) of the Federal Unemployment
7 Tax Act (26 U.S.C. s. 3304 (a) (14)) as provided by Pub.L.94-566,
8 which specify other conditions or other effective dates than stated
9 herein for the denial of benefits based on services performed by
10 **aliens** foreign nationals and which modifications are required to
11 be implemented under State law as a condition for full tax credit
12 against the tax imposed by the Federal Unemployment Tax Act,
13 shall be deemed applicable under the provisions of this section.

14 (2) Any data or information required of individuals applying for
15 benefits to determine whether benefits are not payable to them
16 because of their **alien** foreign-national status shall be uniformly
17 required from all applicants for benefits.

18 (3) In the case of an individual whose application for benefits
19 would otherwise be approved, no determination that benefits to such
20 individual are not payable because of **alien** foreign-national status
21 shall be made except upon a preponderance of the evidence.

22 (j) Notwithstanding any other provision of this chapter, the
23 director may, to the extent that it may be deemed efficient and
24 economical, provide for consolidated administration by one or more
25 representatives or deputies of claims made pursuant to subsection
26 (f) of this section with those made pursuant to Article III (State
27 plan) of the "Temporary Disability Benefits Law," P.L.1948, c.110
28 (C.43:21-25 et al.).
29 (cf: P.L. 2020, c.122)

30
31 14. R.S.44:1-97 is amended to read as follows:

32 44:1-97. Overseers shall in respect to all applicants for relief
33 keep a record which may be by card index and which shall state:

- 34 a. The name, age, sex and residence;
- 35 b. The number and names of children and their ages;
- 36 c. The time and place of last employment and the family
37 income;
- 38 d. Whether citizen or **alien** foreign national and the place of
39 nativity;
- 40 e. The place of abode for the ten years preceding the
41 application for relief;
- 42 f. The cause direct and indirect which has operated to make
43 relief necessary so far as can be ascertained;
- 44 g. The relief or aid given, and such relief as may have been or
45 is being provided by all organizations as ascertained;
- 46 h. The name of the overseer or deputy and helper having
47 particular knowledge and charge of the case, and of witnesses of the
48 fact with their addresses; and

1 i. The name of those responsible by law for the support of the
2 poor person and the name of any relative agreeing or likely to agree
3 to contribute in whole or in part to, or assist in, the support of the
4 poor person.

5 (cf: R.S.44:1-97)

6
7 15. R.S.44:4-50 is amended to read as follows:

8 44:4-50. Directors of welfare shall keep a record which may
9 be by card index and which shall state in respect to all applicants
10 for relief:

11 a. The name, age, sex and residence;

12 b. The number and names of children and their ages;

13 c. The time and place of last employment, and the family
14 income;

15 d. Whether citizen or **[alien]** foreign national and the place of
16 nativity;

17 e. The place of abode for the ten years preceding the
18 application for relief;

19 f. The causes direct and indirect which operated to make relief
20 necessary so far as can be ascertained;

21 g. The relief or aid given, and such relief as may have been or
22 is being provided by all organizations as ascertained;

23 h. The names of the director or deputy and helper having
24 particular knowledge and charge of the case, and of witnesses of the
25 fact with their addresses; and

26 i. The names of those responsible by law for the support of the
27 poor person and of any relative agreeing or likely to agree to
28 contribute in whole or in part to, or assist in, the support of the
29 poor person.

30 (cf: R.S.44:4-50)

31
32 16. Section 7 of P.L.1997, c.13 (C.44:10-40) is amended to read
33 as follows:

34 7. a. Single adults and couples without dependent children
35 shall not be eligible for medical assistance for inpatient or
36 outpatient hospital care or long-term care under the program, except
37 that medical assistance shall be provided for the following, in
38 accordance with regulations adopted by the commissioner:

39 (1) inpatient hospitalization costs for a recipient of general
40 public assistance pursuant to P.L.1947, c.156 (C.44:8-107 et seq.)
41 who is admitted to a special hospital licensed by the Department of
42 Health and Senior Services which is not eligible to receive a charity
43 care subsidy from the Health Care Subsidy Fund established
44 pursuant to P.L.1992, c.160 (C.26:2H-18.51 et al.) and to which
45 payments were made prior to July 1, 1991 on behalf of patients
46 receiving general public assistance;

47 (2) nursing home costs for a person residing in a non-Medicaid
48 certified nursing facility prior to July 1, 1995, whose income is
49 above the Medicaid institutional cap and who does not otherwise

1 qualify for State-funded nursing home care as a medically needy
2 person pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), to be paid
3 for out of a separate account from the Medicaid program; which
4 assistance shall continue until the person is no longer eligible for
5 long-term care; and

6 (3) nursing home costs for **[an alien]** a foreign national residing
7 in a Medicaid certified nursing facility prior to the effective date of
8 this act who is not Medicaid-eligible under Pub.L.104-193; which
9 assistance shall continue until the person is no longer eligible for
10 long-term care.

11 b. The provisions of this section shall not affect the eligibility
12 of a single adult or a couple without dependent children for the New
13 Jersey FamilyCare Health Coverage Program established pursuant
14 to section 4 of P.L.2000, c.71 (C.30:4J-4).

15 (cf: P.L.2000, c.71, s.8)

16
17 17. Section 1 of P.L.1997, c.14 (C.44:10-44) is amended to read
18 as follows:

19 1. As used in this act:

20 "Applicant" means an applicant for benefits provided by the
21 Work First New Jersey program.

22 "Assistance unit" means: a single person without dependent
23 children; a couple without dependent children; dependent children
24 only; or a person or couple with one or more dependent children
25 who are legally or blood-related, or who is their legal guardian, and
26 who live together as a household unit.

27 "Benefits" means any assistance provided to needy persons and
28 their dependent children and needy single persons and couples
29 without dependent children under the Work First New Jersey
30 program.

31 "Commissioner" means the Commissioner of Human Services.

32 "County agency" means the county agency that was
33 administering the aid to families with dependent children program
34 at the time the federal "Personal Responsibility and Work
35 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
36 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
37 44 et al.) shall also administer the Work First New Jersey program
38 in that county.

39 "Dependent child" means a child:

40 a. under the age of 18;

41 b. under the age of 19 and a full-time student in a secondary
42 school or an equivalent level of vocational or technical training, if,
43 before the student attains age 19, the student may reasonably be
44 expected to complete the student's program of secondary school or
45 training; or

46 c. under the age of 21 and enrolled in a special education
47 program,
48 who is living in New Jersey with the child's natural or adoptive
49 parent or legal guardian, or with a relative designated by the

1 commissioner in a place of residence maintained by the relative as
2 the relative's home.

3 "Eligible **[alien]** foreign national" means one of the following:

4 a. a qualified **[alien]** foreign national admitted to the United
5 States prior to August 22, 1996, who is eligible for means-tested,
6 federally funded public benefits pursuant to federal law;

7 b. a refugee, asylee, victim of human trafficking, or person
8 granted withholding of deportation under federal law for the
9 person's first five years after receiving that classification in the
10 United States pursuant to federal law;

11 c. a qualified **[alien]** foreign national who is a veteran of, or
12 on active duty in, the armed forces of the United States, or the
13 spouse or dependent child of that person pursuant to federal law;

14 d. a recipient of refugee and entrant assistance activities or a
15 Cuban or Haitian entrant pursuant to federal law;

16 e. a legal permanent resident **[alien]** foreign national who has
17 worked 40 qualifying quarters of coverage as defined under Title II
18 of the federal Social Security Act; except that, for any period after
19 December 31, 1996, a quarter during which an individual received
20 means-tested, federally funded public benefits shall not count
21 toward the total number of quarters;

22 f. a qualified **[alien]** foreign national admitted to the United
23 States on or after August 22, 1996, who has lived in the United
24 States for at least five years and is eligible for means-tested,
25 federally funded public benefits pursuant to federal law; or

26 g. a qualified **[alien]** foreign national who has been battered or
27 subjected to extreme cruelty in the United States by a spouse, parent
28 or a member of the spouse or parent's family residing in the same
29 household as the **[alien]** foreign national, or a qualified **[alien]**
30 foreign national whose child has been battered or subjected to
31 extreme cruelty in the United States by a spouse or parent of the
32 **[alien]** foreign national, without the active participation of the
33 **[alien]** foreign national, or by a member of the spouse or parent's
34 family residing in the same household as the **[alien]** foreign
35 national. In either case, the spouse or parent shall have consented
36 or acquiesced to the battery or cruelty and there shall be a
37 substantial connection between the battery or cruelty and the need
38 for benefits to be provided. The provisions of this subsection shall
39 not apply to **[an alien]** a foreign national during any period in
40 which the individual responsible for the battery or cruelty resides in
41 the same household or assistance unit as the individual subjected to
42 the battery or cruelty. Benefits shall be provided to the extent and
43 for the period of time that the **[alien]** foreign national or **[alien's]**
44 foreign national's child is eligible for the program.

45 For the purposes of this section, "qualified **[alien]** foreign
46 national" is defined pursuant to the definition of a "qualified alien"
47 under the provisions of section 431 of Title IV of Pub.L.104-193.

1 "Income" means, but is not limited to, commissions, salaries,
2 self-employed earnings, child support and alimony payments,
3 interest and dividend earnings, wages, receipts, unemployment
4 compensation, any legal or equitable interest or entitlement owed
5 that was acquired by a cause of action, suit, claim or counterclaim,
6 insurance benefits, temporary disability claims, estate income,
7 trusts, federal income tax refunds, State income tax refunds,
8 homestead rebates, lottery prizes, casino and racetrack winnings,
9 annuities, retirement benefits, veterans' benefits, union benefits, or
10 other sources that may be defined as income by the commissioner;
11 except that in the event that individual development accounts for
12 recipients are established by regulation of the commissioner, any
13 interest or dividend earnings from such an account shall not be
14 considered income.

15 "Income eligibility standard" means the income eligibility
16 threshold based on assistance unit size established by regulation of
17 the commissioner for benefits provided within the limit of funds
18 appropriated by the Legislature.

19 "Legal guardian" means a person who exercises continuing
20 control over the person or property, or both, of a child, including
21 any specific right of control over an aspect of the child's
22 upbringing, pursuant to a court order.

23 "Non-needy caretaker" means a relative caring for a dependent
24 child, or a legal guardian of a minor child who, in the absence of a
25 natural or adoptive parent, assumes parental responsibility and has
26 income which exceeds the income eligibility standard but is less
27 than 150% of the State median income adjusted for household size.

28 "Recipient" means a recipient of benefits under the Work First
29 New Jersey program.

30 "Resources" means all real and personal property as defined by
31 the commissioner; except that in the event that individual
32 development accounts for recipients are established by regulation of
33 the commissioner, all funds in such an account, up to the limit
34 determined by the commissioner, including any interest or dividend
35 earnings from such an account, shall not be considered to be a
36 resource.

37 "Services" means any Work First New Jersey benefits that are
38 not provided in the form of cash assistance.

39 "Title IV-D" means the provisions of Title IV-D of the federal
40 Social Security Act governing paternity establishment and child
41 support enforcement activities and requirements.

42 "Work First New Jersey program" or "program" means the
43 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
44 seq.).

45 (cf: P.L.2007, c.96, s.3)

46

47 18. Section 2 of P.L.1997, c.14 (C.44:10-45) is amended to read
48 as follows:

1 2. a. Benefits under the Work First New Jersey program shall
2 be determined according to standards of income and resources
3 established by the commissioner. These standards shall take into
4 account, for the determination of eligibility and the provision of
5 benefits, all income and resources of all persons in the assistance
6 unit of which the applicant or recipient is a member, except as
7 provided by law governing the Work First New Jersey program and
8 as prescribed by the commissioner. The benefits to be granted shall
9 be governed by standards established by regulation of the
10 commissioner. The commissioner may set income and resource
11 eligibility and benefits standards that differ with respect to types of
12 assistance units.

13 b. A recipient, as a condition of eligibility for benefits, shall,
14 subject to good cause exceptions as defined by the commissioner,
15 be required to: do all acts stated herein necessary to establish the
16 paternity of a child born out-of-wedlock, and to establish and
17 participate in the enforcement of child support obligations;
18 cooperate with work requirements established by the commissioner;
19 make application for any other assistance for which members of the
20 assistance unit may be eligible; be income and resource eligible as
21 defined by the commissioner, including the deeming of income and
22 resources as appropriate; provide all necessary documentation
23 which shall include the federal Social Security number for all
24 assistance unit members, except for an eligible **[alien]** foreign
25 national who cannot be assigned a Social Security number due to
26 his status, or make application for same; sign an agreement to repay
27 benefits in the event of receipt of income or resources; and comply
28 with personal identification requirements as a condition of
29 receiving benefits, which may employ the use of high technology
30 processes for the detection of fraud.

31 c. Notwithstanding any other provision of law or regulation to
32 the contrary, an applicant shall not be eligible for benefits when the
33 applicant's eligibility is the result of a voluntary cessation of
34 employment without good cause, as determined by the
35 commissioner, within 90 days prior to the date of application for
36 benefits.

37 d. A voluntary assignment or transfer of income or resources
38 within one year prior to the time of application for benefits for the
39 purpose of qualifying therefor shall render the applicant and the
40 applicant's assistance unit members ineligible for benefits for a
41 period of time determined by regulation of the commissioner.

42 e. Any income or resources that are exempted by federal law
43 for purposes of eligibility for benefits shall not reduce the amount
44 of benefits received by a recipient and shall not be subject to a lien
45 or be available for repayment to the State or county agency for
46 benefits received by the individual.

47 (cf: P.L.1997, c.14, s.2)

1 19. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
2 as follows:

3 5. a. Only those persons who are United States citizens or
4 eligible **【aliens】** foreign nationals shall be eligible for benefits
5 under the Work First New Jersey program. Single adults or couples
6 without dependent children who are legal **【aliens】** foreign nationals
7 who meet federal requirements and have applied for citizenship,
8 shall not receive benefits for more than six months unless (1) they
9 attain citizenship, or (2) they have passed the English language and
10 civics components for citizenship, and are awaiting final
11 determination of citizenship by the federal Immigration and
12 Naturalization Service.

13 b. The following persons shall not be eligible for assistance and
14 shall not be considered to be members of an assistance unit:

15 (1) non-needy caretakers, except that the eligibility of a
16 dependent child shall not be affected by the income or resources of
17 a non-needy caretaker;

18 (2) Supplemental Security Income recipients, except for the
19 purposes of receiving emergency assistance benefits pursuant to
20 section 8 of P.L.1997, c.14 (C.44:10-51);

21 (3) **【illegal aliens】** undocumented foreign nationals;

22 (4) other **【aliens】** foreign nationals who are not eligible **【aliens】**
23 foreign nationals;

24 (5) a person absent from the home who is incarcerated in a
25 federal, State, county or local corrective facility or under the
26 custody of correctional authorities, except as provided by regulation
27 of the commissioner;

28 (6) a person who: is fleeing to avoid prosecution, custody or
29 confinement after conviction, under the laws of the jurisdiction
30 from which the person has fled, for a crime or an attempt to commit
31 a crime which is a felony or a high misdemeanor under the laws of
32 the jurisdiction from which the person has fled; or is violating a
33 condition of probation or parole imposed under federal or state law;

34 (7) (Deleted by amendment, P.L.2021, c.312).

35 (8) a person found to have fraudulently misrepresented his
36 residence in order to obtain means-tested, public benefits in two or
37 more states or jurisdictions, who shall be ineligible for benefits for
38 a period of 10 years from the date of conviction in a federal or state
39 court; or

40 (9) a person who intentionally makes a false or misleading
41 statement or misrepresents, conceals or withholds facts for the
42 purpose of receiving benefits, who shall be ineligible for benefits
43 for a period of six months for the first violation, 12 months for the
44 second violation, and permanently for the third violation.

45 c. A person who makes a false statement with the intent to
46 qualify for benefits and by reason thereof receives benefits for
47 which the person is not eligible is guilty of a crime of the fourth
48 degree.

1 d. Pursuant to the authorization provided to the states under 21
2 U.S.C. s.862a(d)(1), this State elects to exempt from the application
3 of 21 U.S.C. s.862a(a):

4 (1) needy persons and their dependent children domiciled in New
5 Jersey for the purposes of receiving benefits under the Work First
6 New Jersey program and food assistance under the federal "Food
7 and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011 et
8 seq.); and

9 (2) single persons and married couples without dependent
10 children domiciled in New Jersey for the purposes of receiving food
11 assistance under Pub.L.110-234.

12 (cf: P.L.2021, c.312, s.17)

13
14 20. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
15 as follows:

16 3. As used in this act:

17 "Alternative work experience" means unpaid work and training
18 only with a public, private nonprofit or private charitable employer
19 that provides a recipient with the experience necessary to adjust to,
20 and learn how to function in, an employment setting and the
21 opportunity to combine that experience with education and job
22 training. An alternative work experience participant shall not be
23 assigned to work for a private, for profit employer.

24 "Applicant" means an applicant for benefits provided by the
25 Work First New Jersey program.

26 "Assistance unit" means: a single person without dependent
27 children; a couple without dependent children; dependent children
28 only; or a person or couple with one or more dependent children
29 who are legally or blood-related, or who is their legal guardian, and
30 who live together as a household unit.

31 "Benefits" means any assistance provided to needy persons and
32 their dependent children and needy single persons and couples
33 without dependent children under the Work First New Jersey
34 program.

35 "Case management" means the provision of certain services to
36 Work First New Jersey recipients, which shall include an
37 assessment and development of an individual responsibility plan.

38 "Commissioner" means the Commissioner of Human Services.

39 "Community work experience" means unpaid work and training
40 only with a public, private nonprofit or private charitable employer
41 provided to a recipient when, and to the extent, that such experience
42 is necessary to enable the recipient to adjust to, and learn how to
43 function in, an employment setting. A community work experience
44 participant shall not be assigned to work for a private, for profit
45 employer.

46 "County agency" means the county agency that was
47 administering the aid to families with dependent children program
48 at the time the federal "Personal Responsibility and Work
49 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was

1 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
2 55 et seq.) shall also administer the Work First New Jersey program
3 in that county.

4 "Dependent child" means a child:

5 a. under the age of 18;

6 b. under the age of 19 and a full-time student in a secondary
7 school or an equivalent level of vocational or technical training, if,
8 before the student attains age 19, the student may reasonably be
9 expected to complete the student's program of secondary school or
10 training; or

11 c. under the age of 21 and enrolled in a special education
12 program,

13 who is living in New Jersey with the child's natural or adoptive
14 parent or legal guardian, or with a relative designated by the
15 commissioner in a place of residence maintained by the relative as
16 the relative's home.

17 "Eligible **alien** foreign national" means one of the following:

18 a. a qualified **alien** foreign national admitted to the United
19 States prior to August 22, 1996, who is eligible for means-tested,
20 federally funded public benefits pursuant to federal law;

21 b. a refugee, asylee, or person granted withholding of
22 deportation under federal law for the person's first five years after
23 receiving that classification in the United States pursuant to federal
24 law;

25 c. a qualified **alien** foreign national who is a veteran of, or
26 on active duty in, the armed forces of the United States, or the
27 spouse or dependent child of that person pursuant to federal law;

28 d. a recipient of refugee and entrant assistance activities or a
29 Cuban or Haitian entrant pursuant to federal law;

30 e. a legal permanent resident **alien** foreign national who has
31 worked 40 qualifying quarters of coverage as defined under Title II
32 of the federal Social Security Act; except that, for any period after
33 December 31, 1996, a quarter during which an individual received
34 means-tested, federally funded public benefits shall not count
35 toward the total number of quarters;

36 f. a qualified **alien** foreign national admitted to the United
37 States on or after August 22, 1996, who has lived in the United
38 States for at least five years and is eligible for means-tested,
39 federally funded public benefits pursuant to federal law ; or

40 g. a qualified **alien** foreign national who has been battered or
41 subjected to extreme cruelty in the United States by a spouse, parent
42 or a member of the spouse or parent's family residing in the same
43 household as the **alien** foreign national, or a qualified **alien**
44 foreign national whose child has been battered or subjected to
45 extreme cruelty in the United States by a spouse or parent of the
46 **alien** foreign national, without the active participation of the
47 **alien** foreign national, or by a member of the spouse or parent's
48 family residing in the same household as the **alien** foreign

1 national. In either case, the spouse or parent shall have consented
2 or acquiesced to the battery or cruelty and there shall be a
3 substantial connection between the battery or cruelty and the need
4 for benefits to be provided. The provisions of this subsection shall
5 not apply to **【an alien】** a foreign national during any period in
6 which the individual responsible for the battery or cruelty resides in
7 the same household or assistance unit as the individual subjected to
8 the battery or cruelty. Benefits shall be provided to the extent and
9 for the period of time that the **【alien】** foreign national or **【alien's】**
10 foreign national's child is eligible for the program.

11 For the purposes of this section, "qualified **【alien】** foreign
12 national " is defined pursuant to the definition of a "qualified alien"
13 under the provisions of section 431 of Title IV of Pub.L.104-193.

14 "Full-time post-secondary student" means a student enrolled for
15 a minimum of 12 credit hours in a post-secondary school.

16 "Income" means, but is not limited to, commissions, salaries,
17 self-employed earnings, child support and alimony payments,
18 interest and dividend earnings, wages, receipts, unemployment
19 compensation, any legal or equitable interest or entitlement owed
20 that was acquired by a cause of action, suit, claim or counterclaim,
21 insurance benefits, temporary disability claims, estate income,
22 trusts, federal income tax refunds, State income tax refunds,
23 homestead rebates, lottery prizes, casino and racetrack winnings,
24 annuities, retirement benefits, veterans' benefits, union benefits, or
25 other sources that may be defined as income by the commissioner;
26 except that in the event that individual development accounts for
27 recipients are established by regulation of the commissioner, any
28 interest or dividend earnings from such an account shall not be
29 considered income.

30 "Legal guardian" means a person who exercises continuing
31 control over the person or property, or both, of a child, including
32 any specific right of control over an aspect of the child's
33 upbringing, pursuant to a court order.

34 "Program" means the Work First New Jersey program
35 established pursuant to this act.

36 "Recipient" means a recipient of benefits under the Work First
37 New Jersey program.

38 "Resources" means all real and personal property as defined by
39 the commissioner; except that in the event that individual
40 development accounts for recipients are established by regulation of
41 the commissioner, all funds in such an account, up to the limit
42 determined by the commissioner, including any interest or dividend
43 earnings from such an account, shall not be considered to be a
44 resource.

45 "Title IV-D" means the provisions of Title IV-D of the federal
46 Social Security Act governing paternity establishment and child
47 support enforcement activities and requirements.

1 "Work activity" includes, but is not limited to, the following, as
2 defined by regulation of the commissioner: employment; on-the-job
3 training; job search and job readiness assistance; vocational
4 educational training; job skills training related directly to
5 employment; community work experience; alternative work
6 experience; supportive work; community service programs,
7 including the provision of child care as a community service
8 project; in the case of teenage parents or recipients under the age of
9 19 who are expected to graduate or complete their course of study
10 by their 19th birthday, satisfactory attendance at a secondary school
11 or in a course of study leading to a certificate of general
12 equivalence; and education that is necessary for employment in the
13 case of a person who has not received a high school diploma or a
14 certificate of high school equivalency, a course of study leading to a
15 certificate of general equivalence, or post-secondary education,
16 when combined with community work experience participation or
17 another work activity approved by the commissioner, including
18 employment.

19 (cf: P.L.1997, c.38, s.3)

20
21 21. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read
22 as follows:

23 5. a. All adult persons, except as otherwise provided by law
24 governing the Work First New Jersey program, are charged with the
25 primary responsibility of supporting and maintaining themselves
26 and their dependents; the primary responsibility for the support and
27 maintenance of minor children is that of the parents and family of
28 those children; and benefits shall be provided only when other
29 means of support and maintenance are not present to support the
30 assistance unit.

31 b. Benefits shall be temporary and serve the primary goal of
32 fostering self-sufficiency. Failure to cooperate with any of the
33 program eligibility requirements without good cause, as determined
34 by the commissioner, shall result in ineligibility for benefits for
35 some or all assistance unit members.

36 c. If the county agency or municipal welfare agency, as
37 appropriate, determines, based upon an applicant's written statement
38 signed under oath, that the applicant is in immediate need of
39 benefits because the applicant's available resources are insufficient ,
40 as determined by the commissioner, to meet the minimal current
41 living expenses pursuant to regulations adopted by the
42 commissioner, of the applicant's assistance unit, the county agency
43 or municipal welfare agency shall issue cash assistance benefits to
44 the applicant on the date of application, subject to the applicant
45 meeting all other program eligibility requirements.

46 d. The commissioner shall establish by regulation, standards
47 and procedures to screen and identify recipients with a history of
48 being subjected to domestic violence and refer these recipients to
49 counseling and supportive services. The commissioner may waive

1 program requirements, including, but not limited to, the time limit
2 on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
3 residency requirements pursuant to section 6 of P.L.1997, c.38
4 (C.44:10-60), child support cooperation requirements pursuant to
5 subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the
6 limitation on increase of cash assistance benefits as a result of the
7 birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-
8 61), in cases where compliance with such requirements would make
9 it more difficult for a recipient to escape domestic violence or
10 unfairly penalize the recipient who is or has been victimized by
11 such violence, or who is at risk of further domestic violence.

12 e. The commissioner shall establish regulations determining
13 eligibility and other requirements of the Work First New Jersey
14 program. Regulations shall include provisions for the deeming of
15 income, when appropriate, which include situations involving the
16 sponsor of an eligible **alien** foreign national in accordance with
17 federal law, and legally responsible relatives of assistance unit
18 members.

19 (cf: P.L.1997, c.38, s.5)

20

21 22. R.S.46:3-18 is amended to read as follows:

22 46:3-18. **Alien** Foreign-national friends shall have the same
23 rights, powers and privileges and be subject to the same burdens,
24 duties, liabilities and restrictions in respect of real estate situate in
25 this State as native-born citizens. Any **alien** foreign national who
26 shall be domiciled and resident in the United States and licensed or
27 permitted by the government of the United States to remain in and
28 engage in business transactions in the United States, and who shall
29 not be arrested or interned or his property taken by the United
30 States, shall be considered **an alien** a foreign-national friend
31 within the meaning of this act.

32 Nothing contained in this section shall be construed to:

33 a. Entitle any **alien** foreign national to be elected into any
34 office of trust or profit in this State, or to vote at any town meeting
35 or election of members of the Senate and General Assembly, or
36 other officers, within this State, or for Representatives in Congress
37 or electors of the President and Vice-President of the United States;
38 or

39 b. Prevent the sequestration, seizure or disposal by either the
40 State or National government of any real estate or interest therein so
41 long as the same is owned or held by any **alien** foreign national,
42 made pursuant to duly enacted legislation, during the continuance
43 of war between the United States and the government of the country
44 of which any such **alien** foreign national is a citizen or subject;
45 but any bona fide conveyance, mortgage or devise made by such
46 **alien** foreign national shall be valid, if made to a citizen of the
47 United States or to **an alien** a foreign-national friend.

48 (cf: P.L.1943, c.145, s.1)

1 23. Section 44 of P.L.1961, c.32 (C.54:8A-44) is amended to
2 read as follows:

3 44. (a) On or before the filing date prescribed in section 18
4 (C.54:8A-18) of this act, an income tax return shall be made and
5 filed by or for every individual having a gross income derived from
6 sources within his source state in excess of the sum of his personal
7 exemptions allowed in section 10 (C.54:8A-10) of this act, or
8 having any items of tax preference derived from or connected with
9 New Jersey sources in excess of the specific deduction provided in
10 section 6.2(c) (C.54:8A-6.2(c)).

11 (b) (1) If the Federal income tax liability of husband or wife is
12 determined on a separate Federal return, their New Jersey income
13 tax liabilities and returns shall be separate.

14 (2) If the Federal income tax liabilities of husband and wife
15 (other than a husband and wife described in paragraph (3)) are
16 determined on a joint Federal return, or if neither files a Federal
17 return:

18 (A) They shall file a joint New Jersey income tax return, and
19 their tax liabilities shall be joint and several, or

20 (B) They may elect to file separate New Jersey income tax
21 returns on a single form if they comply with the requirements of the
22 Division of Taxation in setting forth information, and in such event
23 their tax liabilities shall be separate.

24 (3) If either husband or wife is a resident and the other is a
25 nonresident, they shall file separate New Jersey income tax returns
26 on such single or separate forms as may be required by the
27 Division of Taxation, and in such event their tax liabilities shall be
28 separate.

29 (4) Marital or other status. An individual's marital or other
30 status under subsection 2(c) (C.54:8A-2(c)), subsection 9(b) of
31 P.L.1961, c.32 (C.54:8A-9(b)) and subsection 7(a)(3)(B) of this
32 amendatory and supplementary act shall be presumed to be the
33 same as his marital or other status for purposes of establishing the
34 applicable Federal income tax rates. However, an individual who
35 is a nonresident foreign national, defined federally as a nonresident
36 alien, for Federal income tax purposes and who fails to qualify
37 under subsection 2(c), or subsection 9(b) of P.L.1961, c.32 or
38 subsection 7(a)(3)(B) of this amendatory and supplementary act
39 solely by reason of his status for purposes of establishing the
40 applicable Federal income tax rates shall, nevertheless, qualify
41 under such provisions provided he files a statement with his return
42 setting forth such information in respect to his status as the director
43 shall prescribe.

44 (c) The return for any deceased individual shall be made and
45 filed by his fiduciary or other person charged with his property.

46 (d) The return for an individual who is unable to make a return
47 by reason of minority or other disability shall be made and filed by
48 his fiduciary or other person charged with the care of his person or

1 property (other than a receiver in possession of only a part of his
2 property), or by his duly authorized agent.

3 (e) Any tax under this act, and any increase, interest or penalty
4 thereon, shall, from the time it is due and payable, be a personal
5 debt of the person liable to pay the same, to the State of New
6 Jersey.

7 (f) If the amount of net income or Federal items of tax
8 preference for any year of any taxpayer as returned to the United
9 States Treasury Department or to an appropriate State officer is
10 changed or corrected by the taxpayer or the Commissioner of
11 Internal Revenue or other officer of the United States or other
12 competent authority, or where a renegotiation of a contract or
13 subcontract with the United States results in a change in net
14 income, or Federal items of tax preference such taxpayer shall
15 report such change or corrected net income, or Federal items of tax
16 preference or the results of such renegotiation, within 90 days after
17 the final determination of such change or correction or
18 renegotiation, or as required by regulation, and shall concede the
19 accuracy of such determination or state wherein it is erroneous.
20 Any taxpayer filing an amended return with such department or
21 officer shall also file within 90 days thereafter an amended return
22 in this State which shall contain such information as the regulations
23 shall require.

24 (cf: P.L.1978, c.131, s.5)

25

26 24. N.J.S.54A:2-1 is amended to read as follows:

27 54A:2-1. Imposition of tax. There is hereby imposed a tax for
28 each taxable year (which shall be the same as the taxable year for
29 federal income tax purposes) on the New Jersey gross income as
30 herein defined of every individual, estate or trust (other than a
31 charitable trust or a trust forming part of a pension or profit-sharing
32 plan), subject to the deductions, limitations and modifications
33 hereinafter provided, determined in accordance with the following
34 tables with respect to taxpayers' taxable income:

35 a. For married individuals filing a joint return and individuals
36 filing as head of household or as surviving spouse for federal
37 income tax purposes:

38 (1) for taxable years beginning on or after January 1, 1991 but
39 before January 1, 1994:

40	If the taxable income is:	The tax is:
41	Not over \$20,000.00.....	2% of taxable income
42	Over \$20,000.00 but not	
43	over \$50,000.00.....	\$400.00 plus 2.5% of the
44	excess over \$20,000.00	
45	Over \$50,000.00 but not	
46	over \$70,000.00.....	\$1,150.00 plus 3.5% of the
47	excess over \$50,000.00	
48	Over \$70,000.00 but not	

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1 over \$80,000.00..... \$1,850.00 plus 5.0% of the
2 excess over \$70,000.00
3 Over \$80,000.00 but not
4 over \$150,000.00..... \$2,350.00 plus 6.5% of the
5 excess over \$80,000.00
6 Over \$150,000.00 \$6,900.00 plus 7.0% of the
7 excess over \$150,000.00
8 (2) For taxable years beginning on or after January 1,
9 1994 but before January 1, 1995:
10 If the taxable income is: The tax is:
11 Not over \$20,000.00..... 1.900% of taxable
12 income
13 Over \$20,000.00 but not
14 over \$50,000.00..... \$380.00 plus 2.375% of
15 the excess over \$20,000.00
16 Over \$50,000.00 but not
17 over \$70,000.00..... \$1,092.50 plus 3.325%
18 of the excess over \$50,000.00
19 Over \$70,000.00 but not
20 over \$80,000.00..... \$1,757.50 plus 4.750%
21 of the excess over \$70,000.00
22 Over \$80,000.00 but not
23 over \$150,000.00..... \$2,232.50 plus 6.175%
24 of the excess over \$80,000.00
25 Over \$150,000.00 \$6,555.00 plus 6.650%
26 of the excess over \$150,000.00
27 (3) for taxable years beginning on or after January 1,
28 1995 but before January 1, 1996:
29 If the taxable income is: The tax is:
30 Not over \$20,000.00..... 1.700% of taxable income
31 Over \$20,000.00 but not
32 over \$50,000.00..... \$340.00 plus 2.125% of
33 the excess over \$20,000.00
34 Over \$50,000.00 but not
35 over \$70,000.00..... \$977.50 plus 2.975% of the
36 excess over \$50,000.00
37 Over \$70,000.00 but not
38 over \$80,000.00..... \$1,572.50 plus 4.250%
39 of the excess over \$70,000.00
40 Over \$80,000.00 but not
41 over \$150,000.00..... \$1,997.50 plus 6.013%
42 of the excess over \$80,000.00
43 Over \$150,000.00 \$6,206.60 plus 6.580% of the
44 excess over \$150,000.00
45 (4) for taxable years beginning on or after January 1,
46 1996 but before January 1, 2004:
47 If the taxable income is: The tax is:
48 Not over \$20,000.00..... 1.400% of taxable income
49 Over \$20,000.00 but not

47

1		over \$50,000.00.....	\$280.00 plus 1.750% of
2	the	excess over \$20,000.00	
3		Over \$50,000.00 but not	
4		over \$70,000.00.....	\$805.00 plus 2.450% of
5	the	excess over \$50,000.00	
6		Over \$70,000.00 but not	
7		over \$80,000.00.....	\$1,295.50 plus 3.500%
8	of the	excess over \$70,000.00	
9		Over \$80,000.00 but not	
10		over \$150,000.00.....	\$1,645.00 plus 5.525%
11	of the	excess over \$80,000.00	
12		Over \$150,000.00	\$5,512.50 plus 6.370% of the
13			excess over \$150,000.00
14	(5)	for taxable years beginning on or after January 1,	
15	2004 but before January 1, 2018:		
16		If the taxable income is:	The tax is:
17		Not over \$20,000.00.....	1.400% of taxable income
18		Over \$20,000.00 but not	
19		over \$50,000.00.....	\$280.00 plus 1.750% of
20	the	excess over \$20,000.00	
21		Over \$50,000.00 but not	
22		over \$70,000.00.....	\$805.00 plus 2.450% of
23	the	excess over \$50,000.00	
24		Over \$70,000.00 but not	
25		over \$80,000.00.....	\$1,295.50 plus 3.500%
26	of the	excess over \$70,000.00	
27		Over \$80,000.00 but not	
28		over \$150,000.00.....	\$1,645.00 plus 5.525% of the
29		excess over \$80,000.00	
30		Over \$150,000.00 but not	
31		over \$500,000.00.....	\$5,512.50 plus 6.370%
32	of the	excess over \$150,000.00	
33		Over \$500,000.00	\$27,807.50 plus 8.970% of the
34			excess over \$500,000.00
35	(6)	for taxable years beginning on or after January 1,	
36	2018, but before January 1, 2020:		
37		If the taxable income is:	The tax is:
38		Not over \$20,000.00.....	1.400% of taxable income
39		Over \$20,000.00 but not	
40		over \$50,000.00.....	\$280.00 plus 1.750% of
41	the	excess over \$20,000.00	
42		Over \$50,000.00 but not	
43		over \$70,000.00.....	\$805.00 plus 2.450% of
44	the	excess over \$50,000.00	
45		Over \$70,000.00 but not	
46		over \$80,000.00.....	\$1,295.50 plus 3.500%
47	of the	excess over \$70,000.00	
48		Over \$80,000.00 but not	

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1	over \$150,000.00.....	\$1,645.00	plus	5.525%
2	of the excess over \$80,000.00			
3	Over \$150,000.00 but not			
4	over \$500,000.00.....	\$5,512.50	plus	6.370%
5	of the excess over \$150,000.00			
6	Over \$500,000.00 but not			
7	over \$5,000,000.00..	\$27,807.50	plus	8.970%
8	of the excess over \$500,000.00			
9	Over \$5,000,000.00	\$431,457.50	plus	10.75% of the
10	excess over \$5,000,000.00			
11	(7) for taxable years beginning on or after January 1,			
12	2020:			
13	If the taxable income is:	The tax is:		
14	Not over \$20,000.00.....	1.400%	of taxable income	
15	Over \$20,000.00 but not			
16	over \$50,000.00....	\$280.00	plus	1.750% of the
17	excess over \$20,000.00			
18	Over \$50,000.00 but not			
19	over \$70,000.00....	\$805.00	plus	
20	2.450% of the excess over \$50,000.00			
21	Over \$70,000.00 but not			
22	over \$80,000.00...	\$1,295.50	plus	
23	3.500% of the excess over \$70,000.00			
24	Over \$80,000.00 but not			
25	over \$150,000.00..	\$1,645.00	plus	
26	5.525% of the excess over \$80,000.00			
27	Over \$150,000.00 but not			
28	over \$500,000.00..	\$5,512.50	plus	6.370%
29	of the excess over \$150,000.00			
30	Over \$500,000.00 but not			
31	over \$1,000,000.00..	\$27,807.50	plus	
32	8.970% of the excess over \$500,000.00			
33	Over \$1,000,000.00...	\$72,657.50	plus	
34	10.750% of the excess over \$1,000,000.00			
35	b. For married individuals filing separately, unmarried			
36	individuals other than individuals filing as head of household or as			
37	a surviving spouse for federal income tax purposes, and estates and			
38	trusts:			
39	(1) for taxable years beginning on or after January 1, 1991 but			
40	before January 1, 1994:			
41	If the taxable income is:	The tax is:		
42	Not over \$20,000.00.....	2%	of taxable income	
43	Over \$20,000.00 but not			
44	over \$35,000.00.....	\$400.00	plus	2.5% of the
45	excess over \$20,000.00			
46	Over \$35,000.00 but not			
47	over \$40,000.00.....	\$775.00	plus	5.0% of the
48	excess over \$35,000.00			
49	Over \$40,000.00 but not			

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1 over \$75,000.00..... \$1,025.00 plus 6.5% of
2 the excess over \$40,000.00
3 Over \$75,000.00 \$3,300.00 plus 7.0% of the
4 excess over \$75,000.00
5 (2) for taxable years beginning on or after January 1,
6 1994 but before January 1, 1995:
7 If the taxable income is: The tax is:
8 Not over \$20,000.00..... 1.900% of taxable income
9 Over \$20,000.00 but not
10 over \$35,000.00..... \$380.00 plus 2.375% of
11 the excess over \$20,000.00
12 Over \$35,000.00 but not
13 over \$40,000.00..... \$736.25 plus 4.750% of
14 the excess over \$35,000.00
15 Over \$40,000.00 but not
16 over \$75,000.00..... \$973.75 plus 6.175% of
17 the excess over \$40,000.00
18 Over \$75,000.00 \$3,135.00 plus 6.650%
19 of the excess over \$75,000.00
20 (3) for taxable years beginning on or after January 1, 1995 but
21 before January 1, 1996:
22 If the taxable income is: The tax is:
23 Not over \$20,000.00..... 1.700% of taxable income
24 Over \$20,000.00 but not
25 over \$35,000.00..... \$340.00 plus 2.125% of
26 the excess over \$20,000.00
27 Over \$35,000.00 but not
28 over \$40,000.00..... \$658.75 plus 4.250% of
29 the excess over \$35,000.00
30 Over \$40,000.00 but not
31 over \$75,000.00..... \$871.25 plus 6.013% of
32 the excess over \$40,000.00
33 Over \$75,000.00 \$2,975.80 plus 6.580%
34 of the excess over \$75,000.00
35 (4) for taxable years beginning on or after January 1,
36 1996 but before January 1, 2004:
37 If the taxable income is: The tax is:
38 Not over \$20,000.00..... 1.400% of taxable income
39 Over \$20,000.00 but not
40 over \$35,000.00..... \$280.00 plus 1.750% of
41 the excess over \$20,000.00
42 Over \$35,000.00 but not
43 over \$40,000.00..... \$542.50 plus 3.500% of
44 the excess over \$35,000.00
45 Over \$40,000.00 but not
46 over \$75,000.00..... \$717.50 plus 5.525% of
47 the excess over \$40,000.00
48 Over \$75,000.00..... \$2,651.25 plus 6.370%
49 of the excess over \$75,000.00

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1 (5) for taxable years beginning on or after January 1,
2 2004 but before January 1, 2018:

3	If the taxable income is:	The tax is:
4	Not over \$20,000.00.....	1.400% of taxable income
5	Over \$20,000.00 but not	
6	over \$35,000.00.....	\$280.00 plus 1.750% of
7	the excess over \$20,000.00	
8	Over \$35,000.00 but not	
9	over \$40,000.00.....	\$542.50 plus 3.500% of
10	the excess over \$35,000.00	
11	Over \$40,000.00 but not	
12	over \$75,000.00.....	\$717.50 plus 5.525% of
13	the excess over \$40,000.00	
14	Over \$75,000.00 but not	
15	over \$500,000.00.....	\$2,651.25 plus 6.370%
16	of the excess over \$75,000.00	
17	Over \$500,000.00	\$29,723.75 plus 8.970% of the
18		excess over \$500,000.00

19 (6) for taxable years beginning on or after January 1,
20 2018, but before January 1, 2020:

21	If the taxable income is:	The tax is:
22	Not over \$20,000.00.....	1.400% of taxable income
23	Over \$20,000.00 but not	
24	over \$35,000.00.....	\$280.00 plus 1.750% of
25	the excess over \$20,000.00	
26	Over \$35,000.00 but not	
27	over \$40,000.00.....	\$542.50 plus 3.500% of
28	the excess over \$35,000.00	
29	Over \$40,000.00 but not	
30	over \$75,000.00.....	\$717.50 plus 5.525% of
31	the excess over \$40,000.00	
32	Over \$75,000.00 but not	
33	over \$500,000.00.....	\$2,651.25 plus 6.370%
34	of the excess over \$75,000.00	
35	Over \$500,000.00 but not	
36	over \$5,000,000.00...	\$29,723.75 plus 8.970%
37	of the excess over \$500,000.00	
38	Over \$5,000,000.00	\$433,373.75 plus 10.75% of the
39		excess over
40	\$5,000,000.00	

41 (7) for taxable years beginning on or after January 1, 2020:

42	If the taxable income is:	The tax is:
43	Not over \$20,000.00.....	1.400% of taxable
44	income	
45	Over \$20,000.00 but not	
46	over \$35,000.00.....	\$280.00 plus
47	1.750% of the excess over \$20,000.00	
48	Over \$35,000.00 but not	

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1	over \$40,000.00.....	\$542.50	plus
2	3.500% of the excess over \$35,000.00		
3	Over \$40,000.00 but not		
4	over \$75,000.00.....	\$717.50	plus
5	5.525% of the excess over \$40,000.00		
6	Over \$75,000.00 but not		
7	over \$500,000.00...	\$2,651.25	plus 6.370%
8	of the excess over \$75,000.00		
9	Over \$500,000.00 but not		
10	over \$1,000,000.00..	\$29,723.75	plus
11	8.970% of the excess over \$500,000.00		
12	Over \$1,000,000.00....	\$74,573.75	plus
13	10.750% of the excess over \$1,000,000.00		

14 c. For the purposes of this section, an individual who would be
15 eligible to file as a head of household for federal income tax
16 purposes but for the fact that such taxpayer is a nonresident foreign
17 national, defined federally as a nonresident alien, shall determine
18 tax pursuant to subsection a. of this section.

19 d. For the purposes of this section, for taxable year 2018,
20 withholding by every employer from salaries, wages and other
21 remuneration paid by an employer for services rendered described
22 in subsections a. and b. of this section, in excess of \$5,000,000
23 during that taxable year, shall be at the rate of 15.6% as soon as
24 practicable but no later than September 1, 2018. The Director of the
25 Division of Taxation is authorized to do all things necessary to
26 implement the withholding tax prescribed by this section for taxable
27 year 2018.

28 e. No additions to tax or penalty shall be imposed under
29 N.J.S.54A:9-6 for insufficient payment of estimated tax that may
30 otherwise be due on salaries, wages and other remuneration
31 received before September 1, 2018, on which there is a rate of tax
32 imposed pursuant to subsections a. and b. of this section.

33 f. An employer maintaining an office or transacting business
34 within this State and making payment of any salaries, wages and
35 remuneration subject to New Jersey gross income tax or making
36 payment of any remuneration for employment subject to
37 contribution under the New Jersey "unemployment compensation
38 law," pursuant to R.S.43:21-1 et seq., that is subject to New Jersey
39 gross income tax shall not be subject to interest, penalties or other
40 costs that may otherwise be imposed for insufficient withholding of
41 salaries, wages and other remuneration made before September 1,
42 2018, that is directly attributable to the enactment of the taxable
43 income tables and tax rates in subsections a. and b. of this section.
44 (cf: P.L.2020, c.94, s.1)
45

46 25. (New section) a. An executive agency of the State of New
47 Jersey shall not use the following terms in any proposed or final
48 rule, regulation, interpretation, publication, other document,
49 display, or sign issued by the agency after the date of the enactment

1 of this act, P.L. , c. (C.) (pending before the Legislature as
2 this bill), except to the extent that the term is used in quoting or
3 reproducing text written by a source other than an officer or
4 employee of the agency:

5 (1) The term “alien”, when used to refer to an individual who is
6 not a citizen or national of the United States.

7 (2) The term “illegal alien” when used to refer to an individual
8 who is unlawfully present in the United States or who lacks a lawful
9 immigration status in the United States.

10 b. Nothing in this act shall be construed as intended to result in
11 a reduction of federal funds that may be available to the State.

12 c. Nothing in this act shall be construed to alter or otherwise
13 affect the current or future protections, funding, eligibility, services,
14 rights, or responsibilities of any person under any provision or
15 program, benefit, or service whose terminology is revised pursuant
16 to this act. No change in terminology made pursuant to this act shall
17 be construed as causing or intending any change in any definitions
18 or meanings of any provision so changed.

19 d. Whenever the terms “alien” or “illegal alien” occur or any
20 reference is made thereto in any law, regulation, contract, or
21 document, the same shall be deemed to mean or refer to “foreign
22 national” and “undocumented foreign national,” respectively.

23
24 26. This act shall take effect on the first day of the third month
25 next following the date of enactment.

26 27 28 STATEMENT

29
30 This bill replaces the terms “alien” and “illegal alien” in the New
31 Jersey statutes with the terms “foreign national” and
32 “undocumented foreign national,” respectively, when referring to a
33 person in the context of his legal status. This bill also ensures that
34 executive branch agencies discontinue use of those terms.

35 This bill removes from State law the offensive language
36 characterizing persons who are immigrants as “aliens” or “illegal
37 aliens” and prohibits State executive agencies from using those
38 terms in any proposed or final rule, regulation, interpretation,
39 publication, or other document, display, or sign issued by the
40 agency after the effective date of this bill, except to the extent that
41 they are used in quoting or reproducing text written by a source
42 other than an officer or employee of the agency. Similar legislation
43 was introduced in Congress on October 21, 2015, by Congressman
44 Joaquin Castro.

45 The United States is a nation of immigrants, and as such, our
46 laws should discontinue the use of terms that ostracize those in our
47 society who may have been born elsewhere. Regardless of status,
48 immigrants to our nation are first and foremost human beings.
49 Removing the terms “alien” and “illegal alien” from this State’s

1 laws shows respect to the hundreds of millions of descendants of
2 immigrants who call the United States home.

3 Especially in the context of an issue as contentious as
4 immigration, discontinuing use of the terms “alien” and “illegal
5 alien” will help reduce the prejudice that has skewed discussions
6 concerning immigration and offer recognition of immigrants’
7 personhood in the laws of this State.