

ASSEMBLY, No. 1986

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman REGINALD W. ATKINS

District 20 (Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Co-Sponsored by:

Assemblyman Stanley, Assemblywoman Jasey, Assemblyman Spearman, Assemblywoman Park, Assemblyman Sampson, Assemblywomen Chaparro, Reynolds-Jackson, McKnight, Haider, Jaffer, Assemblymen McKeon, Schaer, Wimberly, Verrelli and Assemblywoman Carter

SYNOPSIS

Establishes certain law enforcement and privacy procedures; designated as New Jersey Values Act.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 11/20/2023)

1 AN ACT concerning reforms to build confidence among New
2 Jerseyans when interacting with law enforcement and other
3 public agencies, designated as New Jersey Values Act, and
4 supplementing Title 52 of the Revised Statutes.

5

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

8

9 1. (New section) The Legislature finds and declares that:

10 a. This act seeks to protect the safety and constitutional rights of
11 all people in the State of New Jersey and protect the State's limited
12 resources.

13 b. New Jersey is a state of immigrants and has the second
14 highest percentage of foreign-born residents of all the states, with
15 immigrants making up more than one in every four people in the
16 State.

17 c. More than forty percent of children in New Jersey live in
18 immigrant families, with at least one foreign-born parent.

19 d. In recognition of immigrants' significant contributions to the
20 strength of New Jersey, the Legislature has a substantial and
21 compelling interest to ensure this State remains a place where the
22 rights and dignity of all people are maintained and protected,
23 regardless of their immigration status.

24 e. The enforcement of federal immigration law is the
25 responsibility of the federal government and falls outside the scope
26 of State, county, and municipal law enforcement agencies' public
27 and community safety priorities.

28 f. Data from across the country reveals that when State,
29 county, and municipal agencies assist federal immigration
30 authorities to carry out federal law enforcement, immigrant
31 communities and their loved ones are deterred and discouraged
32 from assisting or seeking assistance from public agencies, including
33 health and public safety services.

34 g. State, county, and municipal agencies, including public
35 schools and hospitals, should be safe and accessible to all eligible
36 community members who are seeking services. Individuals should
37 not be deterred from seeking services to which they are eligible
38 merely because of their immigration status or the status of their
39 loved ones.

40 h. State, county, and municipal law enforcement agencies incur
41 costs when assisting federal immigration authorities, which include
42 the costs of extending detention time, law enforcement personnel
43 time, tracking and responding to immigration detainees, liability for
44 unconstitutional detention and other violations of constitutional
45 rights. These law enforcement agencies are not reimbursed by the

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 federal government for the entire costs of the enforcement
2 activities.

3 i. Unlike criminal detainees, which are supported by a warrant
4 and require probable cause, immigration detainer requests do not
5 require a warrant or any established standard of proof, such as
6 reasonable suspicion or probable cause.

7 j. Immigration detainees have erroneously been placed on
8 United States citizens, as well as immigrants who are not
9 deportable, and federal courts in multiple jurisdictions have found
10 that honoring these detainees violated the Fourth Amendment to the
11 United States Constitution.

12 k. It is, therefore, fitting and proper to direct State, county, and
13 municipal entities to attend to local priorities rather than carrying
14 out costly federal immigration enforcement initiatives that
15 contravene those priorities and harm New Jersey communities.

16

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

18 “Civil immigration warrant” means any warrant for a violation of
19 federal civil immigration law issued by United States Immigration
20 and Customs Enforcement, United States Customs and Border
21 Protection, or any division or subsidiary of the United States
22 Department of Homeland Security or its successor agencies that is
23 not approved or ordered by a federal Article III judge or magistrate
24 judge, or the state equivalent, including administrative warrants
25 entered into the Federal Bureau of Investigation's National Crime
26 Information Center database.

27 “Federal immigration authorities” means one or more officers,
28 employees, or persons otherwise paid by or acting as agents of
29 United States Immigration and Customs Enforcement, United States
30 Customs and Border Protection or any division thereof, or one or
31 more other officers, employees, or persons otherwise paid by or
32 acting as agents of the United States Department of Homeland
33 Security or its successor agencies charged with immigration
34 enforcement.

35 “Health care facilities” shall have the same meaning as provided
36 in subsection a. of section 2 of P.L.1971, c.136 (C.26:2H-2).

37 “Immigration detainer” means a document issued by a federal
38 immigration authority that is not approved or ordered by a federal
39 Article III judge or magistrate judge, or the state equivalent, and
40 requests a law enforcement agency or law enforcement official to
41 provide notice of release or maintain custody of a person beyond
42 the time at which the person would otherwise be released from
43 custody; and “immigration detainer” shall include I-247 forms and
44 other forms issued under Section 1226 or 1357 of Title 8 of the
45 United States Code or Section 236 or 287 of Title 8 of the Code of
46 Federal Regulations.

1 “Immigration enforcement” means any effort to investigate,
2 enforce, or assist in the investigation or enforcement of any federal
3 civil immigration law, and includes any effort to investigate,
4 enforce, or assist in the investigation or enforcement of any
5 violations of Title 8 of the United States Code.

6 “Judicial warrant” means a warrant based on probable cause and
7 issued by a federal Article III judge or magistrate judge, or the state
8 equivalent, that authorizes federal immigration authorities to search
9 a location or take into custody the person who is the subject of the
10 warrant.

11 “Law enforcement official” means any person with the power to
12 criminally charge, arrest, or detain individuals, and shall include
13 correctional police officers, prosecutors, and other law enforcement
14 officers and any other person employed by a State, county, or
15 municipal law enforcement agency; the term also shall include
16 employees of school and police security departments, parole
17 officers, probation officers, and pretrial services employees.

18 “Notification request” means a request that a State, county, or
19 municipal law enforcement agency inform federal immigration
20 authorities of the release date or time of an individual in the local
21 law enforcement agency’s custody.

22 “Record” means any paper, written or printed book, document,
23 drawing, map, plan, photograph, microfilm, data processed or
24 image processed document, information stored or maintained
25 electronically or by sound-recording or in a similar device, or any
26 copy thereof.

27 “School police and security departments” means the police,
28 security, and other law enforcement departments of public or
29 publicly-funded educational institution appointed or established
30 pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.).

31 “State agency” shall have the same meaning as provided in
32 section 2 of P.L.1968, c.410 (C.52:14B-2).

33 “State, county, or municipal law enforcement agency” means any
34 agency, or elected, appointed, or hired officials, authorized to
35 enforce or prosecute criminal statutes, regulations, or local
36 ordinances, to enforce or prosecute juvenile delinquency statutes,
37 regulations, or local ordinances, or to operate jails or prisons, or to
38 maintain custody of detained individuals in the State; the term also
39 shall include school police and security departments, New Jersey
40 State Parole Board, probation divisions, and pretrial services
41 programs.

42 “Transfer request” means a request that a State, county, or
43 municipal law enforcement agency or law enforcement official
44 facilitate the transfer of an individual in its custody to federal
45 immigration authorities, and includes, but is not limited to, DHS
46 Form I-247X.

1 3. (New section) a. A State, county, or municipal law
2 enforcement agency or official shall not:
3 (1) stop, question, arrest, search, or detain any individual based
4 on actual or suspected citizenship or immigration status, or actual or
5 suspected violations of federal civil immigration law;
6 (2) inquire about an individual's immigration status, citizenship,
7 place of birth, or eligibility for a social security number;
8 (3) make arrests or detain individuals based on civil immigration
9 warrants;
10 (4) use agency or department moneys, facilities, property,
11 equipment, or personnel to investigate, enforce, or assist in the
12 investigation or enforcement of any federal program requiring
13 registration of individuals on the basis of race, gender, sexual
14 orientation, religion, immigration status, citizenship, or national or
15 ethnic origin; or
16 (5) make agency or department databases available to anyone or
17 any entity for the purpose of immigration enforcement or
18 investigation or enforcement of any federal program requiring
19 registration of individuals on the basis of race, gender, sexual
20 orientation, religion, immigration status, citizenship, or national or
21 ethnic origin.
22 b. Any agreements made prior to the effective date of this act
23 that require an agency or department database to be available in
24 conflict with the provisions of paragraph (5) of subsection a. of this
25 section shall be void on the effective date of P.L. , c. (pending
26 before the Legislature as this bill).
27 c. A State, county, or municipal law enforcement agency or
28 official shall not provide assistance to federal immigration
29 authorities by:
30 (1) participating in civil immigration enforcement operations;
31 (2) providing to federal immigration authorities any personal
32 identifying information as defined by section 1 of P.L.1995, c.23
33 (C.47:1A-1.1) or confidential personal identifiers as defined by the
34 Rules of Court about an individual;
35 (3) providing access to any State, county, or municipal law
36 enforcement equipment, office space, database, or property;
37 (4) providing access to a detained individual for an interview;
38 (5) responding to or otherwise complying with immigration
39 detainers, notification requests, and transfer requests from federal
40 immigration authorities;
41 (6) continuing to detain a person past the time the person would
42 otherwise be eligible for release from custody based solely on an
43 immigration detainer or civil immigration warrant;
44 (7) entering into, modifying, renewing, or extending any
45 agreement to exercise federal immigration authority or conduct
46 immigration enforcement pursuant to section 287(g) of Title 8 of
47 the Immigration and Nationality Act, 8 U.S.C. §1357(g), or

1 otherwise exercising federal civil immigration authority or
2 conducting immigration enforcement outside of the purview of
3 287(g) of Title 8 of the Immigration and Nationality Act, 8 U.S.C.
4 §1357(g); or

5 (8) providing or sharing funds, property, equipment, personnel,
6 or access to facilities or real property not open to the general public
7 for purposes of engaging in, assisting, supporting, or facilitating
8 immigration enforcement.

9 d. Nothing in this section shall prevent any State, county, or
10 municipal law enforcement agency from responding to a valid
11 judicial warrant issued by an federal Article III judge or magistrate
12 judge, or the State equivalent.

13 e. Nothing in this section shall be construed to prohibit, or in
14 any way restrict, any action where the prohibition or restriction
15 would be contrary to federal law.

16

17 4. (New section) a. Each State, county, and municipal law
18 enforcement agency shall submit to the Attorney General a report
19 within 180 days of the effective date of P.L. , c. (C .) (pending
20 before the Legislature as this bill) and within 30 days after the end
21 of each State fiscal year thereafter. The reports shall provide:

22 (1) the number of detainer requests, transfer requests, and
23 notification requests made by immigration authorities, and the
24 responses of the State, county, or municipal law enforcement
25 agency. For any request that was granted, the report shall specify
26 any legal basis for granting that request;

27 (2) the number of interviews requested and number of interviews
28 conducted, either in person or telephonically, by immigration
29 authorities of people in State, county, or municipal law enforcement
30 custody. For each interview conducted, the report shall specify any
31 legal basis for granting the interview;

32 (3) any other requests made by immigration authorities for the
33 agency's participation in immigration enforcement, the responses of
34 the State, county, or municipal law enforcement agency, and the
35 legal basis for granting the request; and

36 (4) to the extent the law enforcement agency has knowledge, any
37 information about State, county, and municipal databases to which
38 immigration authorities have had access to at any time in the course
39 of the year, including: the name of the database; an overview of
40 information available on the database; the purpose for which
41 immigration authorities have access to this database; the process
42 through which immigration authorities requested access and
43 agencies reviewed this request, if applicable; any legal basis for
44 providing immigration authorities access to the database; and the
45 frequency with which immigration authorities accessed the database
46 over the course of the year.

1 b. The Attorney General shall annually publish the information
2 submitted pursuant to this section on the Internet website of the
3 Department of Law and Public Safety.

4 c. The Attorney General shall promulgate regulations pursuant
5 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
6 1 et seq.) to ensure compliance by State, county, and municipal law
7 enforcement agencies with the annual reporting requirements
8 established pursuant to this section. The regulations shall be
9 promulgated within 180 days following the effective date of this
10 act.

11 d. The Attorney General shall report annually to the Governor
12 and the Legislature pursuant to section 2 of P.L.1991, c.164
13 (C.52:14-19.1) a summary of the law enforcement agencies that
14 complied with the provisions of this section. The report shall
15 append the submissions by State, county, and municipal law
16 enforcement agencies required pursuant to subsection e. of this
17 section.

18

19 5. (New section) a. State, county, and municipal agencies and
20 subdivisions thereof, and healthcare facilities may collect
21 information relating to a person's immigration status, citizenship
22 status, place of birth, social security number, and individual
23 taxpayer identification number only when this information is
24 strictly necessary to assess eligibility for or to administer the
25 requested public services, benefits, programs that the agency,
26 division, or facility is charged with administering.

27 b. Any record and any information, whether written or oral,
28 concerning a person that is solicited, made, or kept by any public
29 agency or officer thereof for the purpose of assessing eligibility for,
30 or administering the services, benefits, or program that is requested,
31 used, or delivered shall not be:

32 (1) a governmental record pursuant to P.L.1963, c.73 (C.47:1A-1
33 et seq.), known commonly as the open public records act, or
34 common law concerning access to government records; or

35 (2) disclosed, except as required to administer the benefits,
36 Services, or programs pursuant to New Jersey law, or as required by
37 a valid court order or warrant issued by a federal Article III judge or
38 magistrate judge, or the State equivalent.

39 c. This section shall not prohibit the sharing of records or
40 information when the subject of that record or information has
41 knowingly provided written consent in their language of choice
42 allowing the record or information to be provided to the person or
43 agency requesting the record or information.

44 d. All State agencies shall review their confidentiality policies,
45 guidance, and regulations and identify any changes necessary to
46 ensure compliance with the provision of this section by the agency
47 and the entities under its authority. Any necessary changes to those

1 policies shall be made as expeditiously as possible, consistent with
2 agency or department procedures but no later than one calendar year
3 following the effective date of this act, and shared prominently on
4 the agencies' public-facing website.

5 e. Nothing in this section shall be construed to prohibit or in any
6 way restrict any action where the prohibition or restriction would be
7 contrary to federal law.

8

9 6. (New section) a. The Attorney General, in consultation with
10 the appropriate State agencies and subdivisions thereof, shall
11 develop model policies for public schools, health care facilities,
12 public libraries, youth shelters, emergency shelters, family shelters,
13 and domestic violence shelters to ensure that these institutions
14 remain safe and accessible to all New Jersey residents, regardless of
15 immigration status. The model policies shall ensure that eligible
16 individuals are not deterred from seeking services or engaging with
17 State, county, or municipal public agencies. In addition, to the
18 fullest extent possible consistent with State and federal law, the
19 model policies shall prohibit these institutions from:

20 (1) requesting or collecting information relating to citizenship,
21 immigration status, place of birth, social security number, and
22 individual taxpayer identification number, except where required to
23 determine eligibility for services, benefits, or programs provided or
24 administered by the institution in question;

25 (2) permitting immigration enforcement on the premises of these
26 institutions, in areas not open without restriction to the general
27 public; and

28 (3) assisting or participating in immigration enforcement.

29 b. The model policies shall define "assisting or participating in
30 immigration enforcement" as provided in paragraph (3) of
31 subsection a. of this section to include, but not be limited to, the
32 activities prohibited by section 3 of P.L. , c. (C.) (pending
33 before the Legislature as this bill) to the extent relevant to the
34 activities of the institution governed by the model policy.

35 c. The Attorney General shall publish these model policies on
36 the Internet website of the Department of Law and Public Safety no
37 later than one calendar year following the enactment of P.L. ,
38 c. (pending before the Legislature as this bill).

39 d. The State agencies with authority to regulate public schools,
40 health care facilities, public libraries, youth shelters, emergency
41 shelters, family shelters, and domestic violence shelters shall adopt
42 the model policies established pursuant to this section no later than
43 January 1, 2023. The agencies shall order public schools, health
44 care facilities, youth shelters, emergency shelters, family shelters,
45 and domestic violence shelters under their authority to comply with
46 model policies adopted pursuant to this section or more protective

1 policies. Any facilities that are not regulated by a State agency shall
2 be encouraged to adopt the model policy.

3

4 7. N.J.S.2A:53-1 is amended to read as follows:

5 2A:53-1. The Superior Court shall have jurisdiction of
6 declarations of intention, and of applications of **【aliens】** noncitizens
7 to become citizens of the United States.

8 (cf: P.L.1991,c.91,s.107)

9

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

11 3B:5-12. a. An individual is not disqualified to take as an heir
12 because he or an individual through whom he claims is or has been
13 **【an alien】** a noncitizen.

14 b. An individual who is related to the decedent through two
15 lines of relationship is entitled to only a single share based on the
16 relationship that would entitle the individual to the larger share.

17 (cf: P.L.2004, c.132, s.54)

18

19 9. N.J.S.3B:28-1 is amended to read as follows:

20 3B:28-1. Estates of dower and curtesy prior to May 28, 1980.

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

30 (cf: P.L.2005, c.160, s.19)

31

32 10. Section 103 of P.L.1977, c.110 (C.5:12-103) is amended to
33 read as follows:

34 103. Alcoholic Beverages in Casino Hotel Facilities.

35 a. Notwithstanding any law to the contrary, the authority to
36 grant any license for, or to permit or prohibit the presence of,
37 alcoholic beverages in, on, or about any premises licensed as part of
38 a casino hotel shall exclusively be vested in the division.

39 b. Unless otherwise stated, and except where inconsistent with
40 the purpose or intent of this act or the common understanding of
41 usage thereof, definitions contained in Title 33 of the Revised
42 Statutes shall apply to this section. Any definition contained therein
43 shall apply to the same word in any form.

44 c. Notwithstanding any provision of Title 33 of the Revised
45 Statutes, the rules, regulations and bulletins promulgated by the
46 director of the Division of Alcoholic Beverage Control, or any
47 provision promulgated by any local authority, the authority to issue,

1 renew, transfer, revoke or suspend a Casino Hotel Alcoholic
2 Beverage License or any portion, location, privilege or condition
3 thereof; to fine or penalize a Casino Hotel Alcoholic Beverage
4 Licensee; to enforce all statutes, laws, rulings, or regulations
5 relating to such license; and to collect license fees and establish
6 application standards therefor, shall be, consistent with this act,
7 exclusively vested in the division.

8 d. Except as otherwise provided in this section, the provisions
9 of Title 33 of the Revised Statutes and the rules, regulations and
10 bulletins promulgated by the Director of the Division of Alcoholic
11 Beverage Control shall apply to a Casino Hotel and Casino Hotel
12 Alcoholic Beverage Licensee licensed under this act.

13 e. Notwithstanding any provision to the contrary, the division
14 may promulgate any regulations and special rulings and findings as
15 may be necessary for the proper enforcement, regulation, and
16 control of alcoholic beverages in casino hotels when the division
17 finds that the uniqueness of casino operations and the public interest
18 require that such regulations, rulings, and findings are appropriate.
19 Regulations of the division may include but are not limited to:
20 designation and duties of enforcement personnel; all forms
21 necessary or convenient in the administration of this section;
22 inspections, investigations, searches, seizures; licensing and
23 disciplinary standards; requirements and standards for any hearings
24 or disciplinary or other proceedings that may be required from time
25 to time; the assessment of fines or penalties for violations; hours of
26 sale; sales in original containers; sales on credit; out-of-door sales;
27 limitations on sales; gifts and promotional materials; locations or
28 places for sale; control of signs and other displays; identification of
29 licensees and their employees; employment of **[aliens]** noncitizens
30 and minors; storage, transportation and sanitary requirements;
31 records to be kept by the Casino Hotel Alcoholic Beverage
32 Licensees and availability thereof; practices unduly designed to
33 increase consumption of alcoholic beverages; and such other
34 matters whatsoever as are or may become necessary and consistent
35 with the administration of this act.

36 f. (1) It shall be unlawful for any person, including any casino
37 licensee or any of its lessees, agents or employees, to expose for
38 sale, solicit or promote the sale of, possess with intent to sell, sell,
39 give, dispense, or otherwise transfer or dispose of alcoholic
40 beverages in, on or about any portion of the premises of a casino
41 hotel, unless said person possesses a Casino Hotel Alcoholic
42 Beverage License. Nothing herein or in any other law to the
43 contrary, however, shall prohibit a casino beverage server in the
44 course of his or her employment from inquiring of a casino patron
45 whether such patron desires a beverage, whether or not such inquiry
46 is phrased in terms of any word which may connote that the
47 beverage is an alcoholic beverage.

1 (2) It shall be unlawful for any person issued a Casino Hotel
2 Alcoholic Beverage License to expose, possess, sell, give, dispense,
3 transfer, or otherwise dispose of alcoholic beverages, other than
4 within the terms and conditions of the Casino Hotel Alcoholic
5 Beverage License issued, the provisions of Title 33 of the Revised
6 Statutes, the rules and regulations promulgated by the Director of
7 the Division of Alcoholic Beverage Control, and, when applicable,
8 the regulations promulgated pursuant to this act.

9 (3) Notwithstanding any other law to the contrary, a
10 manufacturer, wholesaler, or other person licensed to sell alcoholic
11 beverages to retailers, or third parties at their discretion, may, in
12 addition to the activities permitted by section 10 of P.L.2005, c.243
13 (C.33:1-43.2), jointly sponsor with the Casino Hotel Alcoholic
14 Beverage Licensee musical or theatrical performances or concerts,
15 sporting events and such similar events and festivals, with an
16 anticipated overall audience attendance of at least one thousand
17 patrons, as may be approved by the division.

18 g. In issuing a Casino Hotel Alcoholic Beverage License the
19 division shall describe the scope of the particular license and the
20 restrictions and limitations thereon as it deems necessary and
21 reasonable. The division may, in a single Casino Hotel Alcoholic
22 Beverage License, permit the holder of such a license to perform
23 any or all of the following activities, subject to applicable laws,
24 rules and regulations:

25 (1) To sell any alcoholic beverage by the glass or other open
26 receptacle including, but not limited to, an original container, for
27 on-premise consumption within a casino or simulcasting facility;
28 provided, however, that no alcoholic beverage shall be sold or given
29 for consumption; delivered or otherwise brought to a patron; or
30 consumed at a gaming table unless so requested by the patron.

31 (2) To sell any alcoholic beverage by the glass or other open
32 receptacle for on-premise consumption within a casino hotel, but
33 not in a casino or simulcasting facility, or from a fixed location
34 outside a building or structure containing a casino but on a casino
35 hotel premises.

36 (3) To sell any alcoholic beverage in original containers for
37 consumption outside the licensed area from an enclosed package
38 room not in a casino or simulcasting facility.

39 (4) To sell any alcoholic beverage by the glass or other open
40 receptacle or in original containers from a room service location
41 within an enclosed room not in a casino or simulcasting facility;
42 provided, however, that any sale of alcoholic beverages is delivered
43 only to a guest room or to any other room in the casino hotel
44 authorized by the division, other than any room authorized by the
45 division pursuant to paragraph (1), (3), or (5) of this subsection.

46 (5) To possess or to store alcoholic beverages in original
47 containers intended but not actually exposed for sale at a fixed

1 location on a casino hotel premises, not in a casino or simulcasting
2 facility; and to transfer or deliver such alcoholic beverages only to a
3 location approved pursuant to this section; provided, however, that
4 no access to or from a storage location shall be permitted except
5 during the normal course of business by employees or agents of the
6 licensee, or by licensed employees or agents of wholesalers or
7 distributors licensed pursuant to Title 33 of the Revised Statutes and
8 any applicable rules and regulations; and provided further, however,
9 that no provision of this section shall be construed to prohibit a
10 Casino Hotel Alcoholic Beverage Licensee from obtaining an off-
11 site storage license from the Division of Alcoholic Beverage
12 Control.

13 h. (Deleted by amendment, P.L.2011, c.19)

14 i. The division may revoke, suspend, refuse to renew or refuse
15 to transfer any Casino Hotel Alcoholic Beverage License, or fine or
16 penalize any Casino Hotel Alcoholic Beverage Licensee for
17 violations of any provision of Title 33 of the Revised Statutes, the
18 rules and regulations promulgated by the Director of the Division of
19 Alcoholic Beverage Control, and the regulations promulgated by
20 the division.

21 j. Jurisdiction over all alcoholic beverage licenses previously
22 issued with respect to the casino hotel facility is hereby vested in
23 the division, which in its discretion may by regulation provide for
24 the conversion thereof into a Casino Hotel Alcoholic Beverage
25 License as provided in this section.

26 (cf: P.L.2011, c.19, s.72)

27

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

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

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

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

43 d. Any person may be assigned and paid a prize to which the
44 winner is entitled pursuant to a judicial order of the New Jersey
45 Superior Court or a federal court having jurisdiction over property
46 located in this State provided that the order contains at least the
47 following findings:

- 1 (1) the full legal name, address, social security number or
2 taxpayer identification number and, if applicable, resident **[alien]**
3 noncitizen number of the winner;
- 4 (2) the full legal name, address, social security number or
5 taxpayer identification number and, if applicable, resident **[alien]**
6 noncitizen number of the assignee;
- 7 (3) the date on which the winner won the prize;
- 8 (4) the date on which the winner claimed the prize;
- 9 (5) the gross amount of the prize drawn before application of
10 withholding taxes;
- 11 (6) the gross amount of payments to be made to the winner by
12 the State Lottery before application of withholding taxes;
- 13 (7) the dates of the payments to be assigned and the amount of
14 the specific payments to be assigned on each date; (8) the identity of
15 the winner's spouse, if any, and the interest of the spouse in the
16 prize;
- 17 (9) the identity of any other co-owner, claimant or lienholder and
18 the amount of the interests, liens, security interests, prior
19 assignments or offsets asserted by such party;
- 20 (10) that the interest rate or discount rate, as applicable, and all
21 fees and costs and other material terms relating to the assignment
22 are expressly and clearly included in all material documents and in
23 all documents that include any obligations of the prize winner;
- 24 (11) that the interest rate or discount rate, as applicable,
25 associated with the assignment does not indicate overreaching or
26 exploitation, does not exceed current usury rates, and does not
27 violate any laws of usury of this State;
- 28 (12) that the winner has reviewed and understands the terms of
29 the assignment;
- 30 (13) that the winner understands that the winner will not receive
31 the prize payments, or portions thereof, for the years assigned;
- 32 (14) that the winner has agreed to the assignment of the winner's
33 own free will without undue influence or duress;
- 34 (15) that the winner has retained, and consulted with,
35 independent legal counsel who has advised the winner of the
36 winner's legal rights and obligations;
- 37 (16) that the winner has retained, and consulted with, an
38 independent tax advisor concerning the tax consequences of the
39 assignment;
- 40 (17) that the winner does not seek assignment for purposes of
41 evading creditors, judgments or obligations for child support; and
- 42 (18) that the winner has certified that the winner does not have a
43 child support obligation, or if the winner has a child support
44 obligation, that no arrearage is due and that the winner is not
45 obligated to repay any public assistance benefits.
- 46 e. Before a winner is legally bound, by agreement, contract or
47 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:

1 (1) the United States Internal Revenue Service issues a technical
2 rule letter, revenue ruling, or other public ruling in which it is
3 determined that because of the right of assignment provided by
4 subsection d. of this section, prizewinners who do not exercise the
5 right to assign prize payments would be subject to an immediate
6 income tax liability for the value of the entire prize rather than
7 annual income tax liability for each installment when received; or

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

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

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

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

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

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

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

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

44
45 12. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read
46 as follows:

47 10:5-3 Findings, declarations.

1 3. The Legislature finds and declares that practices of
2 discrimination against any of its inhabitants, because of race, creed,
3 color, national origin, ancestry, age, sex, gender identity or
4 expression, affectional or sexual orientation, marital status, familial
5 status, liability for service in the Armed Forces of the United States,
6 disability or nationality, are matters of concern to the government
7 of the State, and that such discrimination threatens not only the
8 rights and proper privileges of the inhabitants of the State but
9 menaces the institutions and foundation of a free democratic State;
10 provided, however, that nothing in this expression of policy
11 prevents the making of legitimate distinctions between citizens and
12 **[aliens]** noncitizens when required by federal law or otherwise
13 necessary to promote the national interest.

14 The Legislature further declares its opposition to such practices
15 of discrimination when directed against any person by reason of the
16 race, creed, color, national origin, ancestry, age, sex, gender
17 identity or expression, affectional or sexual orientation, marital
18 status, liability for service in the Armed Forces of the United States,
19 disability or nationality of that person or that person's family
20 members, partners, members, stockholders, directors, officers,
21 managers, superintendents, agents, employees, business associates,
22 suppliers, or customers, in order that the economic prosperity and
23 general welfare of the inhabitants of the State may be protected and
24 ensured.

25 The Legislature further finds that because of discrimination,
26 people suffer personal hardships, and the State suffers a grievous
27 harm. The personal hardships include: economic loss; time loss;
28 physical and emotional stress; and in some cases severe emotional
29 trauma, illness, homelessness or other irreparable harm resulting
30 from the strain of employment controversies; relocation, search and
31 moving difficulties; anxiety caused by lack of information,
32 uncertainty, and resultant planning difficulty; career, education,
33 family and social disruption; and adjustment problems, which
34 particularly impact on those protected by this act. Such harms
35 have, under the common law, given rise to legal remedies, including
36 compensatory and punitive damages. The Legislature intends that
37 such damages be available to all persons protected by this act and
38 that this act shall be liberally construed in combination with other
39 protections available under the laws of this State.

40 (cf: P.L.2019, c.436, s.1)

41

42 13. Section 7 of P.L.1998, c.14 (C.17:15C-7) is amended to read
43 as follows:

44 7. Each application for a license shall be made in writing,
45 under oath, and in a form prescribed by the commissioner. Each
46 application shall contain:

47 a. For all applicants:

- 1 (1) The exact name of the applicant, the applicant's principal
2 address, any fictitious or trade name used by the applicant in the
3 conduct of its business and the location of the applicant's business
4 records;
- 5 (2) The history, if any, of the applicant's material litigation and
6 criminal convictions for the five-year period prior to the date of the
7 application;
- 8 (3) A description of the activities conducted by the applicant
9 and a history of operations;
- 10 (4) A description of the business activities in which the
11 applicant seeks to be engaged in the State;
- 12 (5) A list identifying the applicant's proposed authorized
13 delegates in the State, if any, at the time of the filing of the license
14 application;
- 15 (6) A sample authorized delegate contract, if applicable;
- 16 (7) A sample form of payment instrument, if applicable;
- 17 (8) Each location at which the applicant and its authorized
18 delegates, if any, propose to conduct the licensed activities in the
19 State;
- 20 (9) The name and address of each clearing bank on which the
21 applicant's payment instruments will be drawn or through which
22 those payment instruments will be payable;
- 23 (10) A list identifying each country to which an applicant
24 proposes to transmit money or from which an applicant proposes to
25 receive money transmissions;
- 26 (11) Federal tax identification number; and
- 27 (12) Non-refundable application fee as prescribed by regulation
28 by the commissioner in an amount not to exceed \$1,000.
- 29 b. If the applicant is a corporation, the applicant shall also
30 provide:
 - 31 (1) The date of the applicant's incorporation and state of
32 incorporation;
 - 33 (2) A certificate of good standing from the state in which the
34 applicant was incorporated;
 - 35 (3) A description of the corporate structure of the applicant,
36 including the identity of any parent or subsidiary of the applicant,
37 and the disclosure of whether any parent or subsidiary is publicly
38 traded on any stock exchange;
 - 39 (4) The name, business and residence address, social security
40 number, date of birth and employment history for the past five years
41 of each of the applicant's executive officers and of each officer or
42 manager who will be in charge of the applicant's activities to be
43 licensed under this act;
 - 44 (5) The name, business and residence address, social security
45 number, date of birth and employment history for the period five
46 years prior to the date of the application of each key shareholder of
47 the applicant;

1 (6) The history, if any, of material litigation and criminal
2 convictions for the five-year period prior to the date of the
3 application of every executive officer or key shareholder of the
4 applicant;

5 (7) A copy of the applicant's most recent audited financial
6 statements (including balance sheet, statement of income or loss,
7 statement of changes in shareholder equity and statement of
8 changes in financial position) prepared by a certified public
9 accountant or public accountant in good standing and, if available,
10 the applicant's audited financial statements for the immediately
11 preceding three-year period. However, if the applicant is a wholly
12 owned subsidiary of another corporation, the applicant may submit
13 either the parent corporation's consolidated audited financial
14 statements for the current year and for the immediately preceding
15 three-year period or the parent corporation's Form 10-K reports
16 filed with the Securities and Exchange Commission for the prior
17 three years in lieu of the applicant's financial statements. If the
18 applicant is a wholly owned subsidiary of a corporation having its
19 principal place of business outside the United States, similar
20 documentation filed with the parent corporation's non-United States
21 regulator may be submitted to satisfy this provision;

22 (8) Copies of all filings, if any, made by the applicant with the
23 Securities and Exchange Commission, or with a similar regulator in
24 a country other than the United States, within the year preceding the
25 date of filing of the application; and

26 (9) Except in the case of a publicly traded corporation, its
27 subsidiaries and affiliates, or a bank, bank holding company,
28 subsidiaries and affiliates thereof, fingerprints of each of the
29 applicant's executive officers and of each officer or manager who
30 will be in charge of the applicant's activities to be licensed
31 hereunder.

32 c. If the applicant is not a corporation, the applicant shall also
33 provide:

34 (1) The name, business and residence address, personal
35 financial statement and employment history for the past five years,
36 social security number, date of birth, and fingerprints of each
37 principal of the applicant and the name, business and residence
38 address, employment history for the past five years, social security
39 number, date of birth, and fingerprints of any other persons who
40 will be in charge of the applicant's activities to be licensed under
41 this act;

42 (2) The place and date of the applicant's registration or
43 qualification to do business in this State;

44 (3) The history, if any, of material litigation and criminal
45 convictions for the five-year period prior to the date of the
46 application for each individual having any ownership interest in the

1 applicant and each individual who exercises supervisory
2 responsibility with respect to the applicant's activities;

3 (4) Copies of the applicant's audited financial statements
4 (including balance sheet, statement of income or loss, and statement
5 of changes in financial position) prepared by a certified public
6 accountant or public accountant in good standing for the current
7 year and, if available, for the immediately preceding two-year
8 period; and

9 (5) **【Alien】** Noncitizen registration information, if applicable.

10 d. Such other information as the commissioner may require by
11 regulation.

12 (cf: P.L.1998, c.14, s.7)

13

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

16 1. As used in this act:

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

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

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

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

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

34

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

36 19:15-20. If a person shall be challenged as not qualified or
37 entitled to vote, and the person challenging him shall specify a
38 ground for such challenge to be that the person so challenged is
39 **【an alien】** a noncitizen, the judge of election may forthwith tender
40 to him an oath or affirmation, in the following form: "You do swear
41 (or affirm, as the case may be), that to the best of your knowledge,
42 information and belief, you were born a citizen of the United States,
43 and that you do not owe allegiance to any foreign prince, potentate,
44 state or sovereignty" , and if the person so challenged shall refuse to
45 take the oath or affirmation so tendered to him, he shall be deemed
46 to be **【an alien】** a noncitizen, unless he shall produce at the time of
47 claiming his vote, to the board, a lawful certificate, issued out of

1 and under the seal of some court of record, having authority to
2 admit **【aliens】** noncitizens to the rights of a citizen of the United
3 States, showing that he has been admitted to the rights of a citizen
4 of the United States. In this case the judge shall tender to the
5 person so challenged an oath or affirmation in the following form:

6 "You do swear (or affirm, as the case may be), that you are the
7 person named in the certificate of naturalization which you have
8 produced to the board." In case the person producing the same
9 shall claim to have derived the rights of such citizen through the
10 naturalization of his parent, such certificate shall show that the
11 person alleged to be such parent has been admitted to the rights of
12 such citizen. In this event, an oath or affirmation, in the following
13 form, shall be tendered to such person:

14 "You do swear (or affirm, as the case may be), that to the best of
15 your knowledge, information and belief, the person named in the
16 certificate of naturalization which you have produced to this board
17 was your parent, and that you were at the time of the naturalization
18 of your parent under the age of twenty-one years, and resident of
19 the United States." If the person so challenged shall in either case
20 refuse to take the oath or affirmation so tendered to him, he shall be
21 deemed to be **【an alien】** a noncitizen.

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

23

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

26 8. a. A hospital shall not be reimbursed for the cost of
27 uncompensated care unless the commissioner certifies to the
28 commission that the hospital has followed the procedures pursuant
29 to this section and section 11 of P.L.1991, c.187 (C.26:2H-18.33).
30 For the purposes of this section and section 11 of P.L.1991, c.187
31 (C.26:2H-18.33), "designated hospital employee" means an
32 employee of the hospital who has received training in the collection
33 of patient financial data and identification of third party coverage
34 and in assessing a patient's eligibility for public assistance; and
35 "responsible party" means any person who is responsible for paying
36 a patient's hospital bill.

37 b. A designated hospital employee shall interview a patient
38 upon the patient's initial request for care. If the emergent nature of
39 the patient's required health care makes the immediate patient
40 interview impractical, the designated hospital employee shall
41 interview the patient's family member, responsible party or
42 guardian, as appropriate, but if there is no family member,
43 responsible party or guardian, the designated hospital employee
44 shall interview the patient within five working days of the patient's
45 admission into the hospital or prior to discharge, whichever date is
46 sooner.

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

4 (1) The designated hospital employee shall obtain
5 documentation of proper identification of the patient.
6 Documentation of proper identification may include, but shall not
7 be limited to, a driver's license, a voter registration card, [an alien]
8 a noncitizen registry card, a birth certificate, an employee
9 identification card, a union membership card, an insurance or
10 welfare plan identification card or a Social Security card. Proper
11 identification of the patient may also be provided by personal
12 recognition by a person not associated with the patient. For the
13 purposes of this paragraph, "proper identification" means the
14 patient's name, mailing address, residence telephone number, date
15 of birth, Social Security number, and place and type of
16 employment, employment address and employment telephone
17 number, as applicable.

18 (2) The designated hospital employee shall inquire of the
19 patient, family member, responsible party or guardian, as
20 appropriate, whether the patient is covered by health insurance, and
21 if so, shall request documentation of the evidence of health
22 insurance coverage. Documentation may include, but shall not be
23 limited to, a government sponsored health plan card or number, a
24 group sponsored or direct subscription health plan card or number, a
25 commercial insurance identification card or claim form or a union
26 welfare plan identification card or claim form.

27 (3) If evidence of health insurance coverage for the patient is not
28 documented or if evidence of health insurance coverage is
29 documented but the patient's health insurance coverage is unlikely
30 to provide payment in full for the patient's account at the hospital,
31 the designated hospital employee shall make an initial
32 determination of whether the patient is eligible for participation in a
33 public assistance program. If the employee concludes that the
34 patient may be eligible for a public assistance program, the
35 employee shall so advise the patient, family member, responsible
36 party or guardian, as appropriate. The employee, either directly or
37 through the hospital's social services office, shall give the patient,
38 family member, responsible party or guardian, as appropriate, the
39 name, address and phone number of the public assistance office that
40 can assist in enrolling the patient in the program. The employee, or
41 the social services office of the hospital, shall also advise the public
42 assistance office of the patient's possible eligibility, including
43 possible retroactive or presumptive eligibility, for the program.

44 Notwithstanding the provisions of this paragraph to the contrary,
45 if a county welfare agency employee is assigned to the hospital
46 pursuant to section 9 of P.L.1991, c.187 (C.26:2H-18.32) the
47 designated hospital employee shall refer the patient, family

1 member, responsible party or guardian, as appropriate, to the county
2 welfare agency employee who shall determine if the patient is
3 eligible for Medicaid.

4 (4) If evidence of health insurance coverage for the patient is not
5 documented or if evidence of health insurance coverage is
6 documented but the patient's health insurance coverage is unlikely
7 to provide payment in full for the patient's account at the hospital,
8 and the patient does not appear to be eligible for public assistance,
9 the designated hospital employee shall determine if the patient is
10 eligible for charity care pursuant to regulations adopted by the
11 commissioner. If the patient does not qualify for charity care, the
12 designated hospital employee shall request from the patient, family
13 member, responsible party or guardian, as appropriate, the patient's
14 or responsible party's place of employment, income, real property
15 and durable personal property owned by the patient or responsible
16 party and bank accounts possessed by the patient or responsible
17 party, along with account numbers and the name and location of the
18 bank.

19 (5) In the case of a patient seeking outpatient services, the
20 designated hospital employee shall make the inquiries and obtain
21 the documentation required pursuant to paragraphs (1) and (2) of
22 this subsection. If the patient provides the required documentation,
23 the designated hospital employee is not required to make further
24 inquiries, but if the patient cannot provide the required
25 documentation, the designated hospital employee shall follow the
26 procedures required pursuant to paragraphs (3) and (4) of this
27 subsection.

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

34 (cf: P.L.1992, c.160, s.27)

35

36 17. R.S.30:4-49 is amended to read as follows:

37 30:4-49. Except as hereinafter provided, legal settlement in a
38 county within the meaning of this article shall be continuous
39 residence in such county for a period of not less than five years
40 immediately preceding the date of application for admission or
41 commitment, excluding the time, if any, spent by the patient in any
42 charitable, or correctional institution or public hospital. **[An alien]**
43 A noncitizen who has taken up his residence in any county in this
44 State immediately upon arriving in this country, having had such
45 county as his destination, and who shall have resided in such county
46 for a period of at least three years immediately preceding the date of

1 application for admission or commitment, shall be deemed to have a
2 legal settlement in such county.
3 (cf: P.L.1995, c.155, s.10)
4

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

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

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

11 b. "Commissioner" means the Commissioner of Human
12 Services.

13 c. "Department" means the Department of Human Services,
14 which is herein designated as the single State agency to administer
15 the provisions of this act.

16 d. "Director" means the Director of the Division of Medical
17 Assistance and Health Services.

18 e. "Division" means the Division of Medical Assistance and
19 Health Services.

20 f. "Medicaid" means the New Jersey Medical Assistance and
21 Health Services Program.

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

25 h. "Provider" means any person, public or private institution,
26 agency, or business concern approved by the division lawfully
27 providing medical care, services, goods, and supplies authorized
28 under P.L.1968, c.413, holding, where applicable, a current valid
29 license to provide such services or to dispense such goods or
30 supplies.

31 i. "Qualified applicant" means a person who is a resident of
32 this State, and either a citizen of the United States or an eligible
33 **[alien]** noncitizen, and is determined to need medical care and
34 services as provided under P.L.1968, c.413, with respect to whom
35 the period for which eligibility to be a recipient is determined shall
36 be the maximum period permitted under federal law, and who:

37 (1) Is a dependent child or parent or caretaker relative of a
38 dependent child who would be, except for resources, eligible for the
39 aid to families with dependent children program under the State
40 Plan for Title IV-A of the federal Social Security Act as of July 16,
41 1996;

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

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

- 1 (4) Would be eligible to receive Supplemental Security Income
2 under Title XVI of the federal Social Security Act or, without
3 regard to resources, would be eligible for the aid to families with
4 dependent children program under the State Plan for Title IV-A of
5 the federal Social Security Act as of July 16, 1996, except for
6 failure to meet an eligibility condition or requirement imposed
7 under such State program which is prohibited under Title XIX of
8 the federal Social Security Act such as a durational residency
9 requirement, relative responsibility, consent to imposition of a lien;
- 10 (5) (Deleted by amendment, P.L.2000, c.71).
- 11 (6) Is an individual under 21 years of age who, without regard to
12 resources, would be, except for dependent child requirements,
13 eligible for the aid to families with dependent children program
14 under the State Plan for Title IV-A of the federal Social Security
15 Act as of July 16, 1996, or groups of such individuals, including but
16 not limited to, children in resource family placement under
17 supervision of the Division of Child Protection and Permanency in
18 the Department of Children and Families whose maintenance is
19 being paid in whole or in part from public funds, children placed in
20 a resource family home or institution by a private adoption agency
21 in New Jersey or children in intermediate care facilities, including
22 developmental centers for the developmentally disabled, or in
23 psychiatric hospitals;
- 24 (7) Would be eligible for the Supplemental Security Income
25 program, but is not receiving such assistance and applies for
26 medical assistance only;
- 27 (8) Is determined to be medically needy and meets all the
28 eligibility requirements described below:
- 29 (a) The following individuals are eligible for services, if they
30 are determined to be medically needy:
- 31 (i) Pregnant women;
- 32 (ii) Dependent children under the age of 21;
- 33 (iii) Individuals who are 65 years of age and older; and
- 34 (iv) Individuals who are blind or disabled pursuant to either 42
35 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.
- 36 (b) The following income standard shall be used to determine
37 medically needy eligibility:
- 38 (i) For one person and two person households, the income
39 standard shall be the maximum allowable under federal law, but
40 shall not exceed 133 1/3% of the State's payment level to two
41 person households under the aid to families with dependent children
42 program under the State Plan for Title IV-A of the federal Social
43 Security Act in effect as of July 16, 1996; and
- 44 (ii) For households of three or more persons, the income standard
45 shall be set at 133 1/3% of the State's payment level to similar size
46 households under the aid to families with dependent children

- 1 program under the State Plan for Title IV-A of the federal Social
2 Security Act in effect as of July 16, 1996.
- 3 (c) The following resource standard shall be used to determine
4 medically needy eligibility:
- 5 (i) For one person households, the resource standard shall be
6 200% of the resource standard for recipients of Supplemental
7 Security Income pursuant to 42 U.S.C. s.1382(1)(B);
- 8 (ii) For two person households, the resource standard shall be
9 200% of the resource standard for recipients of Supplemental
10 Security Income pursuant to 42 U.S.C. s.1382(2)(B);
- 11 (iii) For households of three or more persons, the resource
12 standard in subparagraph (c)(ii) above shall be increased by
13 \$100.00 for each additional person; and
- 14 (iv) The resource standards established in (i), (ii), and (iii) are
15 subject to federal approval and the resource standard may be lower
16 if required by the federal Department of Health and Human
17 Services.
- 18 (d) Individuals whose income exceeds those established in
19 subparagraph (b) of paragraph (8) of this subsection may become
20 medically needy by incurring medical expenses as defined in 42
21 C.F.R.435.831(c) which will reduce their income to the applicable
22 medically needy income established in subparagraph (b) of
23 paragraph (8) of this subsection.
- 24 (e) A six-month period shall be used to determine whether an
25 individual is medically needy.
- 26 (f) Eligibility determinations for the medically needy program
27 shall be administered as follows:
- 28 (i) County welfare agencies and other entities designated by the
29 commissioner are responsible for determining and certifying the
30 eligibility of pregnant women and dependent children. The division
31 shall reimburse county welfare agencies for 100% of the reasonable
32 costs of administration which are not reimbursed by the federal
33 government for the first 12 months of this program's operation.
34 Thereafter, 75% of the administrative costs incurred by county
35 welfare agencies which are not reimbursed by the federal
36 government shall be reimbursed by the division;
- 37 (ii) The division is responsible for certifying the eligibility of
38 individuals who are 65 years of age and older and individuals who
39 are blind or disabled. The division may enter into contracts with
40 county welfare agencies to determine certain aspects of eligibility.
41 In such instances the division shall provide county welfare agencies
42 with all information the division may have available on the
43 individual.
- 44 The division shall notify all eligible recipients of the
45 Pharmaceutical Assistance to the Aged and Disabled program,
46 P.L.1975, c.194 (C.30:4D-20 et seq.) on an annual basis of the
47 medically needy program and the program's general requirements.

- 1 The division shall take all reasonable administrative actions to
2 ensure that Pharmaceutical Assistance to the Aged and Disabled
3 recipients, who notify the division that they may be eligible for the
4 program, have their applications processed expeditiously, at times
5 and locations convenient to the recipients; and
- 6 (iii) The division is responsible for certifying incurred medical
7 expenses for all eligible persons who attempt to qualify for the
8 program pursuant to subparagraph (d) of paragraph (8) of this
9 subsection;
- 10 (9) (a) Is a child who is at least one year of age and under 19
11 years of age and, if older than six years of age but under 19 years of
12 age, is uninsured; and
- 13 (b) Is a member of a family whose income does not exceed
14 133% of the poverty level and who meets the federal Medicaid
15 eligibility requirements set forth in section 9401 of Pub.L.99-509
16 (42 U.S.C. s.1396a);
- 17 (10) Is a pregnant woman who is determined by a provider to be
18 presumptively eligible for medical assistance based on criteria
19 established by the commissioner, pursuant to section 9407 of
20 Pub.L.99-509 (42 U.S.C. s.1396a(a));
- 21 (11) Is an individual 65 years of age and older, or an individual
22 who is blind or disabled pursuant to section 301 of Pub.L.92-603
23 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
24 poverty level, adjusted for family size, and whose resources do not
25 exceed 100% of the resource standard used to determine medically
26 needy eligibility pursuant to paragraph (8) of this subsection;
- 27 (12) Is a qualified disabled and working individual pursuant to
28 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income
29 does not exceed 200% of the poverty level and whose resources do
30 not exceed 200% of the resource standard used to determine
31 eligibility under the Supplemental Security Income Program,
32 P.L.1973, c.256 (C.44:7-85 et seq.);
- 33 (13) Is a pregnant woman or is a child who is under one year of
34 age and is a member of a family whose income does not exceed
35 185% of the poverty level and who meets the federal Medicaid
36 eligibility requirements set forth in section 9401 of Pub.L.99-509
37 (42 U.S.C. s.1396a), except that a pregnant woman who is
38 determined to be a qualified applicant shall, notwithstanding any
39 change in the income of the family of which she is a member,
40 continue to be deemed a qualified applicant until the end of the 60-
41 day period beginning on the last day of her pregnancy;
- 42 (14) (Deleted by amendment, P.L.1997, c.272).
- 43 (15) (a) Is a specified low-income Medicare beneficiary pursuant
44 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January
45 1, 1993 do not exceed 200% of the resource standard used to
46 determine eligibility under the Supplemental Security Income
47 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income

1 beginning January 1, 1993 does not exceed 110% of the poverty
2 level, and beginning January 1, 1995 does not exceed 120% of the
3 poverty level.

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

27 (c) An individual seeking nursing facility services or home or
28 community-based services and who has a community spouse shall
29 be required to expend those resources which are not protected for
30 the needs of the community spouse in accordance with section
31 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))
32 on the costs of long-term care, burial arrangements, and any other
33 expense deemed appropriate and authorized by the commissioner.
34 An individual shall be ineligible for Medicaid services in a nursing
35 facility or for home or community-based services under section
36 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if
37 the individual expends funds in violation of this subparagraph. The
38 period of ineligibility shall be the number of months resulting from
39 dividing the uncompensated value of transferred resources and
40 income by the average monthly private payment rate for nursing
41 facility services in the State as determined by the commissioner.
42 The period of ineligibility shall begin with the month that the
43 individual would otherwise be eligible for Medicaid coverage for
44 nursing facility services or home or community-based services.

45 This subparagraph shall be operative only if all necessary
46 approvals are received from the federal government including, but

1 not limited to, approval of necessary State plan amendments and
2 approval of any waivers;

3 (16) Subject to federal approval under Title XIX of the federal
4 Social Security Act, is a dependent child, parent or specified
5 caretaker relative of a child who is a qualified applicant, who would
6 be eligible, without regard to resources, for the aid to families with
7 dependent children program under the State Plan for Title IV-A of
8 the federal Social Security Act as of July 16, 1996, except for the
9 income eligibility requirements of that program, and whose family
10 earned income,

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

13 (b) if a parent or specified caretaker relative, beginning
14 September 1, 2005 does not exceed 100% of the poverty level,
15 beginning September 1, 2006 does not exceed 115% of the poverty
16 level and beginning September 1, 2007 does not exceed 133% of
17 the poverty level,

18 plus such earned income disregards as shall be determined
19 according to a methodology to be established by regulation of the
20 commissioner;

21 The commissioner may increase the income eligibility limits for
22 children and parents and specified caretaker relatives, as funding
23 permits;

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

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

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

36 (b) who pays the premium contribution and other cost sharing as
37 established by the commissioner, subject to the limits and
38 conditions of federal law; and

39 (c) whose assets, resources and unearned income do not exceed
40 limitations as established by the commissioner;

41 (19) Is an uninsured individual under 65 years of age who:

42 (a) has been screened for breast or cervical cancer under the
43 federal Centers for Disease Control and Prevention breast and
44 cervical cancer early detection program;

45 (b) requires treatment for breast or cervical cancer based upon
46 criteria established by the commissioner;

- 1 (c) has an income that does not exceed the income standard
2 established by the commissioner pursuant to federal guidelines;
- 3 (d) meets all other Medicaid eligibility requirements; and
- 4 (e) in accordance with Pub.L.106-354, is determined by a
5 qualified entity to be presumptively eligible for medical assistance
6 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established
7 by the commissioner pursuant to section 1920B of the federal Social
8 Security Act (42 U.S.C. s.1396r-1b);
- 9 (20) Subject to federal approval under Title XIX of the federal
10 Social Security Act, is a single adult or couple, without dependent
11 children, whose income in 2006 does not exceed 50% of the poverty
12 level, in 2007 does not exceed 75% of the poverty level and in 2008
13 and each year thereafter does not exceed 100% of the poverty level;
14 except that a person who is a recipient of Work First New Jersey
15 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
16 et seq.), shall not be a qualified applicant; or
- 17 (21) is an individual who:
- 18 (a) has an income that does not exceed the highest income
19 eligibility level for pregnant women established under the State
20 plan under Title XIX or Title XXI of the federal Social Security
21 Act;
- 22 (b) is not pregnant; and
- 23 (c) is eligible to receive family planning services provided
24 under the Medicaid program pursuant to subsection k. of section 6
25 of P.L.1968, c.413 (C.30:4D-6) and in accordance with 42 U.S.C.
26 s.1396a(ii).
- 27 j. "Recipient" means any qualified applicant receiving benefits
28 under this act.
- 29 k. "Resident" means a person who is living in the State
30 voluntarily with the intention of making his home here and not for a
31 temporary purpose. Temporary absences from the State, with
32 subsequent returns to the State or intent to return when the purposes
33 of the absences have been accomplished, do not interrupt continuity
34 of residence.
- 35 l. "State Medicaid Commission" means the Governor, the
36 Commissioner of Human Services, the President of the Senate and
37 the Speaker of the General Assembly, hereby constituted a
38 commission to approve and direct the means and method for the
39 payment of claims pursuant to P.L.1968, c.413.
- 40 m. "Third party" means any person, institution, corporation,
41 insurance company, group health plan as defined in section 607(1)
42 of the federal "Employee Retirement and Income Security Act of
43 1974," 29 U.S.C. s.1167(1), service benefit plan, health
44 maintenance organization, or other prepaid health plan, or public,
45 private or governmental entity who is or may be liable in contract,
46 tort, or otherwise by law or equity to pay all or part of the medical

- 1 cost of injury, disease or disability of an applicant for or recipient
2 of medical assistance payable under P.L.1968, c.413.
- 3 n. "Governmental peer grouping system" means a separate
4 class of skilled nursing and intermediate care facilities administered
5 by the State or county governments, established for the purpose of
6 screening their reported costs and setting reimbursement rates under
7 the Medicaid program that are reasonable and adequate to meet the
8 costs that must be incurred by efficiently and economically operated
9 State or county skilled nursing and intermediate care facilities.
- 10 o. "Comprehensive maternity or pediatric care provider" means
11 any person or public or private health care facility that is a provider
12 and that is approved by the commissioner to provide comprehensive
13 maternity care or comprehensive pediatric care as defined in
14 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
15 (C.30:4D-6).
- 16 p. "Poverty level" means the official poverty level based on
17 family size established and adjusted under Section 673(2) of
18 Subtitle B, the "Community Services Block Grant Act," of
19 Pub.L.97-35 (42 U.S.C. s.9902(2)).
- 20 q. "Eligible **alien** noncitizen" means one of the following:
- 21 (1) **an alien** a noncitizen present in the United States prior to
22 August 22, 1996, who is:
- 23 (a) a lawful permanent resident;
- 24 (b) a refugee pursuant to section 207 of the federal "Immigration
25 and Nationality Act" (8 U.S.C. s.1157);
- 26 (c) an asylee pursuant to section 208 of the federal
27 "Immigration and Nationality Act" (8 U.S.C. s.1158);
- 28 (d) **an alien** a noncitizen who has had deportation withheld
29 pursuant to section 243(h) of the federal "Immigration and
30 Nationality Act" (8 U.S.C. s.1253 (h));
- 31 (e) **an alien** a noncitizen who has been granted parole for less
32 than one year by the U.S. Citizenship and Immigration Services
33 pursuant to section 212(d)(5) of the federal "Immigration and
34 Nationality Act" (8 U.S.C. s.1182(d)(5));
- 35 (f) **an alien** a noncitizen granted conditional entry pursuant to
36 section 203(a)(7) of the federal "Immigration and Nationality Act"
37 (8 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or
- 38 (g) **an alien** a noncitizen who is honorably discharged from or
39 on active duty in the United States armed forces and the **alien's**
40 noncitizen's spouse and unmarried dependent child.
- 41 (2) **An alien** a noncitizen who entered the United States on or
42 after August 22, 1996, who is:
- 43 (a) **an alien** a noncitizen as described in paragraph (1)(b), (c),
44 (d) or (g) of this subsection; or

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

4 (3) A legal **【alien】** noncitizen who is a victim of domestic
5 violence in accordance with criteria specified for eligibility for
6 public benefits as provided in Title V of the federal "Illegal
7 Immigration Reform and Immigrant Responsibility Act of 1996"
8 (8 U.S.C. s.1641).

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

10

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

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

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

25

26 20. Section 3 of P.L.2019, c.88 (C.30:4D-7aa) is amended to
27 read as follows:

28 3. The division, in collaboration with the Department of
29 Health, Medicaid managed care organizations, and any nonprofit
30 entity contracted by the division to process, distribute, and maintain
31 the Perinatal Risk Assessment data, shall analyze the Perinatal Risk
32 Assessment data in order to identify trends in the risk factors
33 associated with Medicaid recipients and individuals eligible for
34 Emergency Medical Services for Non-Qualified **【Aliens】**
35 Noncitizens during pregnancy. Commencing no later than 18
36 months after the effective date of this act, and annually thereafter,
37 the division shall submit a written report to the Governor, and to the
38 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
39 providing a summary of its findings and any proposals for
40 legislative action needed to improve the maternal outcomes of
41 Medicaid recipients and individuals eligible for Emergency Medical
42 Services for Non-Qualified **【Aliens】** Noncitizens.

43 (cf: P.L.2019, c.88, s.3)

44

45 21. Section 1 of P.L.2019, c.88 (C.30:4D-7y) is amended to read
46 as follows:

1 1. An obstetrical provider, nurse midwife, or other licensed
2 health care professional, approved as a provider under the Medicaid
3 program established pursuant to P.L.1968, c.413 (C.30:4D-1 et
4 seq.), shall complete the Perinatal Risk Assessment form, as used
5 by the Division of Medical Assistance and Health Services in the
6 Department of Human Services, for each pregnant Medicaid
7 recipient and for each individual eligible for Emergency Medical
8 Services for Non-Qualified **【Aliens】** Noncitizens who receives
9 prenatal care from the provider. The Perinatal Risk Assessment
10 form shall be the uniform document used by all providers and
11 Medicaid managed care plans. The form shall be completed by the
12 provider during the first prenatal visit with the pregnant Medicaid
13 recipient or other eligible individual and updated by the provider in
14 the third trimester of the recipient or other eligible individual.
15 (cf: P.L.2019, c.88, s.1)

16

17 22. Section 16 of P.L.2019, c.195 (C.32:36-16) is amended to
18 read as follows:

19 16. Contracts of the Commission.

20 a. Definitions. As used in this section, the following terms
21 shall have the following meanings unless otherwise specified:

22 "Construction item" means any such item or material used in
23 construction and which is procured directly by the Commission or
24 office or any such item or material commonly used in construction
25 which is procured by a person, other than a municipality, under
26 contract with the commission.

27 "Practicable" means capable of being used without violating the
28 following criteria: performance, availability at a reasonable period
29 of time and maintenance of a satisfactory level of completion.

30 "Product" means any material, supply, equipment or construction
31 item or other item whether real or personal property which is the
32 subject of any purchase, barter, or other exchange made to procure
33 such product.

34 "Secondary materials" means any material recovered from or
35 otherwise destined for the waste stream, including but not limited
36 to, post-consumer material, industrial scrap material, and overstock
37 or obsolete inventories from distributors, wholesalers and other
38 companies as defined in rules and regulations promulgated by the
39 New York commissioner of general services but such term does not
40 include those materials and byproducts generated from, and
41 commonly reused within an original manufacturing process.

42 "Specification" means any description of the physical or
43 functional characteristics, or of the nature of a material, supply,
44 equipment or construction item. It may include a description of any
45 requirement for inspecting, testing or preparing a material, supply,
46 equipment or construction item for delivery.

1 b. Specifications. The Commission shall create and update
2 product specifications to ensure that:
3 (1) Specifications do not exclude the use of products
4 manufactured from secondary materials or require that products be
5 manufactured from virgin materials only, provided however, the
6 specifications may include such an exclusion if the Commission
7 demonstrates that for a particular end use a product containing
8 secondary materials would not meet necessary performance
9 standards or that the cost of such products exceeds that of similar
10 products manufactured from virgin materials.
11 (2) Performance standards, specifications and a product's
12 intended end use are related, and clearly identified when feasible.
13 (3) Specifications are not overly stringent for a particular end
14 use or performance standard.
15 (4) Specifications incorporate or require the use of secondary
16 materials to the maximum extent practicable without jeopardizing
17 the performance or intended end use of the product; provided
18 however, where the Commission demonstrates that for a particular
19 end use a product containing secondary materials would not meet
20 necessary performance standards or that the cost of such product
21 exceeds that of similar products manufactured from virgin
22 materials, such specifications need not incorporate or require the
23 use of secondary materials.
24 c. Ground for cancellation of contract by the Commission. A
25 clause shall be inserted in all specifications or contracts hereafter
26 made or awarded by the Commission, for work or services
27 performed or to be performed or goods sold or to be sold, to provide
28 that upon the refusal by a person, when called before a grand jury,
29 head of a state department, temporary state Commission or other
30 agency of the state of New York or the state of New Jersey, the
31 organized crime task force in the department of law of the state of
32 New York, head of a city department, or other city agency, which is
33 empowered to compel the attendance of witnesses and examine
34 them under oath, to testify in an investigation concerning any
35 transaction or contract had with the applicable state, any political
36 subdivision thereof, a public authority or with any public
37 department, agency or official of the state of New York or the state
38 of New Jersey or of any political subdivision thereof or of a public
39 authority, to sign a waiver of immunity against subsequent criminal
40 prosecution or to answer any relevant question concerning such
41 transaction or contract, such person, and any firm, partnership or
42 corporation of which he or she is a member, partner, director or
43 officer shall be disqualified from thereafter selling to or submitting
44 bids to or receiving awards from or entering into any contracts with
45 the Commission or official thereof, for goods, work or services, for
46 a period of five years after such refusal.

1 d. Disqualification to contract with the Commission. Any
2 person who, when called before a grand jury, head of a state
3 department, temporary state Commission or other state agency of
4 the state of New York or the state of New Jersey, the organized
5 crime task force in the department of law of the state of New York,
6 head of a city department, or other city agency, which is
7 empowered to compel the attendance of witnesses and examine
8 them under oath, to testify in an investigation concerning any
9 transaction or contract had with the applicable state, any political
10 subdivision thereof, a public authority or with a public department,
11 agency or official of the state or of any political subdivision thereof
12 or of a public authority, refuses to sign a waiver of immunity
13 against subsequent criminal prosecution or to answer any relevant
14 questions concerning such transaction or contract, and any firm,
15 partnership or corporation, of which he or she is a member, partner,
16 director or officer shall be disqualified from thereafter selling to or
17 submitting bids to or receiving awards from or entering into any
18 contracts with the Commission or any official of the commission,
19 for goods, work or services, for a period of five years after such
20 refusal or until a disqualification shall be removed pursuant to the
21 provisions of subsection e. of this section. It shall be the duty of the
22 officer conducting the investigation before the grand jury, the head
23 of a state department, the chairman of the temporary state
24 commission or other state agency of the state of New York or the
25 state of New Jersey, the organized crime task force in the
26 department of law of the state of New York, the head of a city
27 department or other city agency before which the refusal occurs to
28 send notice of such refusal, together with the names of any firm,
29 partnership or corporation of which the person so refusing is known
30 to be a member, partner, officer or director, to the commissioner of
31 transportation of the state of New York or the state of New Jersey,
32 or the commissioner of general services as the case may be, and the
33 appropriate departments, agencies and officials of the applicable
34 state, political subdivisions thereof or public authorities with whom
35 the persons so refusing and any firm, partnership or corporation of
36 which he or she is a member, partner, director or officer, is known
37 to have a contract. However, when such refusal occurs before a
38 body other than a grand jury, notice of refusal shall not be sent for a
39 period of ten days after such refusal occurs. Prior to the expiration
40 of this ten-day period, any person, firm, partnership or corporation
41 which has become liable to the cancellation or termination of a
42 contract or disqualification to contract on account of such refusal
43 may commence a special proceeding at a special term of the
44 supreme court of New York or superior court of New Jersey, held
45 within the judicial district in which the refusal occurred, for an
46 order determining whether the questions in response to which the
47 refusal occurred were relevant and material to the inquiry. Upon the

1 commencement of such proceeding, the sending of such notice of
2 refusal to answer shall be subject to order of the court in which the
3 proceeding was brought in a manner and on such terms as the court
4 may deem just. If a proceeding is not brought within ten days,
5 notice of refusal shall thereupon be sent as provided in this
6 subsection.

7 e. Removal of disqualification of public contractors by
8 petition.

9 (1) Any firm, partnership or corporation which has become
10 subject to the cancellation or termination of a contract or
11 disqualification to contract on account of the refusal of a member,
12 partner, director or officer thereof to waive immunity when called
13 to testify, as provided in subsection d. of this section, may, upon ten
14 days' notice to the attorney general of the state in which the refusal
15 occurred and to the officer who conducted the investigation before
16 the grand jury or other body in which the refusal occurred,
17 commence a special proceeding at a special term of the supreme
18 court of New York or superior court of New Jersey held within the
19 judicial district in which the refusal occurred for a judgment
20 discontinuing the disqualification. Such application shall be in the
21 form of a petition setting forth grounds, including that the
22 cooperation by petitioner with the grand jury or other body at the
23 time of the refusal was such, and the amount and degree of control
24 and financial interest, if any, in the petitioning firm, partnership or
25 corporation by the member, partner, officer or director who refused
26 to waive immunity is such that it will not be in the public interest to
27 cancel or terminate petitioner's contracts or to continue the
28 disqualification, as provided in subsection d. of this section. A copy
29 of the petition and accompanying papers shall be served with the
30 notices to be given pursuant to this section.

31 (2) Upon the filing of a petition described in paragraph (1) of
32 this subsection the court may stay as to petitioner, pending a
33 decision upon the petition, the cancellation or termination of any
34 contracts resulting from such refusal upon such terms as to notice or
35 otherwise as may be just.

36 (3) At least two days prior to the return day, the officer who
37 conducted the investigation before the grand jury or other body and
38 the attorney general may file answers to the petition or apply for
39 judgment dismissing the petition as a matter of law. On or before
40 the return day the petitioner may file a reply to the answer.

41 (4) Upon the return day the court may, upon the petition and
42 answer and other papers filed, forthwith render such judgment as
43 the case requires, or if a triable issue of fact is duly raised, it shall
44 forthwith be tried before a court sitting without a jury or before a
45 referee. The provisions of statute or rule governing references in an
46 action shall apply to a reference under this section.

1 (5) The court shall render judgment dismissing the petition on
2 the merits or discontinuing the disqualification upon the ground that
3 the public interest would be served by its discontinuance, and
4 granting such other relief as to the cancellation or termination of
5 contracts as may be appropriate, but without costs to petitioner.

6 f. Statement of non-collusion in bids or proposals to the
7 Commission.

8 (1) Every bid or proposal hereafter made to the Commission or
9 to any official of the Commission, where competitive bidding is
10 utilized, for work or services performed or to be performed or
11 goods sold or to be sold, shall contain the following statement
12 subscribed by the bidder and affirmed by such bidder as true under
13 the penalties of perjury:

14 "1. By submission of this bid, each bidder and each person
15 signing on behalf of any bidder certifies, and in the case of a joint
16 bid each party thereto certifies as to its own organization, under
17 penalty of perjury, that to the best of his knowledge and belief:

18 2. The prices in this bid have been arrived at independently
19 without collusion, consultation, communication, or agreement, for
20 the purpose of restricting competition, as to any matter relating to
21 such prices with any other bidder or with any competitor;

22 3. Unless otherwise required by law, the prices which have
23 been quoted in this bid have not been knowingly disclosed by the
24 bidder and will not knowingly be disclosed by the bidder prior to
25 opening, directly or indirectly, to any other bidder or to any
26 competitor; and

27 4. No attempt has been made or will be made by the bidder to
28 induce any other person, partnership or corporation to submit or not
29 to submit a bid for the purpose of restricting competition."

30 (2) A bid shall not be considered for award nor shall any award
31 be made where the provisions of paragraph (1) of this subsection
32 have not been complied with; provided however, that if in any case
33 the bidder cannot make the foregoing certification, the bidder shall
34 so state and shall furnish with the bid a signed statement which sets
35 forth in detail the reasons therefor. Where the provisions of
36 paragraph (1) of this subsection have not been complied with, the
37 bid shall not be considered for award nor shall any award be made
38 unless the Commission or official thereof determines that such
39 disclosure was not made for the purpose of restricting competition.
40 The fact that a bidder (a) has published price lists, rates, or tariffs
41 covering items being procured, (b) has informed prospective
42 customers of proposed or pending publication of new or revised
43 price lists for such items, or (c) has sold the same items to other
44 customers at the same prices being bid, does not constitute, without
45 more, a disclosure.

46 (3) Any bid hereafter made to the Commission by a corporate
47 bidder for work or services performed or to be performed or goods

1 sold or to be sold, where competitive bidding is utilized, and where
2 such bid contains the certification referred to in paragraph (1) of
3 this subsection, shall be deemed to have been authorized by the
4 board of directors of the bidder, and such authorization shall be
5 deemed to include the signing and submission of the bid and the
6 inclusion therein of the certificate as to non-collusion as the act and
7 deed of the corporation.

8 g. Procurement contracts.

9 (1) Definitions. For the purposes of this section:

10 "Allowable indirect costs" means those costs incurred by a
11 professional firm that are generally associated with overhead which
12 cannot be specifically identified with a single Project or contract
13 and are considered reasonable and allowable under specific state
14 contract or allowability limits.

15 "Minority business enterprise" means any business enterprise,
16 including a sole proprietorship, partnership, or corporation: with
17 more than fifty percent of the ownership interest owned by one or
18 more minority group members or, in the case of a publicly-owned
19 business, where more than fifty percent of the common stock or
20 other voting interests are owned by one or more minority group
21 members; in which the minority ownership is real, substantial, and
22 continuing; in which the minority ownership has and exercises the
23 authority to control independently the day-to-day business decisions
24 of the enterprise; and authorized to do business in the state of New
25 York or the state of New Jersey, independently owned and operated,
26 and not dominant in its field.

27 "Minority group member" means a United States citizen or
28 permanent resident **【alien】** who is and can demonstrate membership
29 in one of the following groups: black persons having origins in any
30 of the black African racial groups not of Hispanic origin; Hispanic
31 persons of Mexican, Puerto Rican, Dominican, Cuban, Central or
32 South American of either Indian or Hispanic origin, regardless of
33 race; Asian and Pacific Islander persons having origins in any of the
34 Far East, Southeast Asia, the Indian subcontinent or the Pacific
35 Islands; or Native American persons having origins in any of the
36 original peoples of North America.

37 "Professional firm" means any individual or sole proprietorship,
38 partnership, corporation, association, or other legal entity permitted
39 by law to practice the professions of architecture, engineering, or
40 surveying.

41 "Women-owned business enterprise" means a business
42 enterprise, including a sole proprietorship, partnership or
43 corporation: with more than fifty percent of the ownership interest
44 owned by one or more United States citizens or permanent **【resident**
45 **aliens】** residents who are women or, in the case of a publicly-owned
46 business, where more than fifty percent of the common stock or
47 other voting interests is owned by United States citizens or

1 permanent **[resident aliens]** residents who are women; in which the
2 ownership interest of women is real, substantial, and continuing; in
3 which the women ownership has and exercises the authority to
4 control independently the day-to-day business decisions of the
5 enterprise; and authorized to do business in the state of New York
6 or the state of New Jersey, independently owned and operated, and
7 not dominant in its field.

8 "Procurement contracts" means any written agreement for the
9 acquisition of goods or services of any kind, in the actual or
10 estimated amount of five thousand dollars or more.

11 (2) The Commission shall adopt by resolution comprehensive
12 guidelines which detail the Commission's operative policy and
13 instructions regarding the use, awarding, monitoring and reporting
14 of procurement contracts. Such guidelines shall be annually
15 reviewed and approved by the Commission.

16 (3) The guidelines approved by the Commission shall include,
17 but not be limited to the following:

18 (a) A description of the types of goods purchased, and for
19 procurement contracts for services, a description of those areas of
20 responsibility and oversight requiring the use of personal services
21 and the reasons for the use of personal services in such areas.

22 (b) Requirements regarding the selection of contractors, which
23 shall include provisions:

24 (i) for the selection of such contractors on a competitive basis,
25 and provisions relating to the circumstances under which the board
26 may by resolution waive competition; and

27 (ii) setting forth responsibilities of contractors.

28 (c) An identification of those areas or types of contracts for
29 which minority or women-owned business enterprises may best bid
30 so as to promote and assist participation by such enterprises and
31 facilitate a fair share of the awarding of contracts to such
32 enterprises.

33 (d) Requirements for providing notice, in addition to any other
34 notice of procurement opportunities, to professional and other
35 organizations that serve minority and women-owned business
36 enterprises providing the types of services procured by the
37 Commission.

38 (e) The establishment of appropriate goals for participation by
39 minority or women-owned business enterprises in procurement
40 contracts awarded by the Commission and for the utilization of
41 minority and women-owned enterprises as subcontractors and
42 suppliers by entities having procurement contracts with the
43 Commission.

44 (f) A listing of the types of provisions to be contained in
45 procurement contracts, including provisions concerning the nature
46 and monitoring of the work to be performed, the use of Commission

1 supplies and facilities, the use of Commission personnel and any
2 other provisions.

3 (g) Provisions regarding procurement contracts which involve
4 former officers or employees of the Commission.

5 (h) Policies to promote the participation by business enterprises
6 and residents of the state of New York and the state of New Jersey
7 in procurement contracts.

8 (4) For the purposes of this subsection:

9 "New Jersey business enterprise" means a business enterprise,
10 including a sole proprietorship, partnership, or corporation, which
11 offers for sale or lease or other form of exchange, goods which are
12 sought by the Commission and which are substantially
13 manufactured, produced or assembled in New Jersey, or services
14 which are sought by the Commission and which are substantially
15 performed within New Jersey.

16 "New Jersey resident" means a natural person who maintains a
17 fixed, permanent, and principal home located within New Jersey
18 and to which such person, whenever temporarily located, always
19 intends to return.

20 "New York resident" means a natural person who maintains a
21 fixed, permanent and principal home located within New York state
22 and to which such person, whenever temporarily located, always
23 intends to return.

24 "New York state business enterprise" means a business
25 enterprise, including a sole proprietorship, partnership, or
26 corporation, which offers for sale or lease or other form of
27 exchange, goods which are sought by the Commission and which
28 are substantially manufactured, produced or assembled in New
29 York state, or services which are sought by the Commission and
30 which are substantially performed within New York state.

31 (5) The Commission shall have the power from time to time to
32 amend such procurement contract guidelines in accordance with the
33 provisions of this section.

34 (6) The Commission shall annually prepare and approve a report
35 on procurement contracts, where any such contracts have been
36 entered into for such year, which shall include the guidelines, as
37 specified in this section, an explanation of the guidelines and any
38 amendments thereto since the last annual report. Such report on
39 procurement contracts may be a part of any other annual report that
40 the corporation is required to make.

41 (7) The Commission shall annually submit its report on
42 procurement contracts to the governor of New York and the
43 governor of New Jersey and copies thereof to the New York senate
44 finance committee, New Jersey senate budget and appropriations
45 committee, the New York assembly ways and means committee, the
46 New Jersey general assembly appropriations committee, and the
47 New York state authorities budget office. The Commission shall

1 make available to the public copies of its report on procurement
2 contracts upon reasonable request therefor.

3 (8) Nothing contained in this subsection shall be deemed to
4 alter, affect the validity of, modify the terms of or impair any
5 contract or agreement made or entered into in violation of, or
6 without compliance with, the provisions of this section.

7 (cf: P.L.2019, c.195, s.16)

8

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

11 2. a. The Director of the Division of Consumer Affairs in the
12 Department of Law and Public Safety, in consultation with the
13 Commissioner of Health and Senior Services, shall require that, no
14 later than the 180th day after the date of enactment of this act, each
15 health care service firm regulated by the Division of Consumer
16 Affairs shall provide the following information to each patient
17 receiving home-based services from that firm, or to a person
18 designated by the patient:

19 (1) the name and certification or licensure title, as applicable,
20 of the homemaker-home health aide or other health care
21 professional whose practice is regulated pursuant to Title 45 of the
22 Revised Statutes, to be displayed on an identification tag as
23 required by regulation of the New Jersey Board of Nursing, or as
24 otherwise to be prescribed by regulation of the director for other
25 health care professionals, that the homemaker-home health aide or
26 other health care professional shall wear at all times while
27 examining, observing or caring for the patient; and

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

31 b. The Director of the Division of Consumer Affairs in the
32 Department of Law and Public Safety, in consultation with the
33 Commissioner of Health and Senior Services, shall require that, no
34 later than the 180th day after the date of enactment of this act, each
35 health care service firm, employment agency or registry and
36 temporary help service firm or personnel consultant regulated by
37 the Division of Consumer Affairs shall provide the following
38 information in writing to each consumer receiving home-based
39 services, including, but not limited to, domestic, companion, sitter
40 and live-in services, from a person who is employed by that firm,
41 agency, registry or consultant and is not a certified homemaker-
42 home health aide or other health care professional whose practice is
43 regulated pursuant to Title 45 of the Revised Statutes, or to a person
44 designated by the consumer:

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

- 1 (2) any training received by that person which the firm, agency,
2 registry or consultant deems relevant to the provision of those
3 services that the person is assigned to provide to the consumer;
4 (3) proof that the person is a United States citizen or legally
5 documented **【alien】** noncitizen; and
6 (4) evidence of employment history verification or character
7 references for that person.
8 c. The information provided pursuant to subsections a. and b.
9 of this section shall be provided:
10 (1) in advance of the provision of services to the patient or
11 consumer, as applicable, whenever possible; and
12 (2) otherwise upon the initial visit to the patient's or consumer's
13 home of the person assigned to provide services to the patient or
14 consumer.
15 d. Beginning on the first day of the 13th month after the date of
16 enactment of this act, the identification tag required pursuant to
17 subsection a. of this section shall include a photograph of the
18 homemaker-home health aide or other health care professional.
19 e. The director, pursuant to the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
21 regulations to effectuate the purposes of this section.
22 (cf: P.L.2002, c.81, s.2)

23

24 24. R.S.34:9-1 is amended to read as follows:

25 34:9-1. Employment of **【aliens】** noncitizens on public works
26 forbidden; penalty

27 It shall be unlawful for the state or any county, municipality,
28 board, committee, commission or officer thereof, officer, body or
29 organization having charge of any public work or any construction,
30 whether the same be a building, excavation, pipe-laying, bridge or
31 dock-building, sewer or drainage construction, road building,
32 paving, or any other form or kind of public work, which shall be
33 undertaken and done at public expense or for any person or
34 corporation, to employ as a mechanic or laborer upon such public
35 work or construction, or any part thereof, any person who is not at
36 the time of such employment a citizen of the United States. Any
37 contractor or officer who shall violate the provisions of this section
38 shall forfeit and pay the sum of one hundred dollars, with costs, to
39 be recovered in an action at law in any court of competent
40 jurisdiction, which penalty when recovered shall be paid into the
41 treasury of the state, or county or municipality within which and
42 under whose authority such officer or contractor claims to act.

43 (cf: R.S.34:9-1)

44

45 25. 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;

- 1 (ii) The training is provided by a competent and reliable private
2 or public entity approved by the Commissioner of Labor and
3 Workforce Development pursuant to the provisions of section 8 of
4 the "1992 New Jersey Employment and Workforce Development
5 Act," P.L.1992, c.43 (C.34:15D-8);
- 6 (iii) The individual can reasonably be expected to complete the
7 program, either during or after the period of benefits;
- 8 (iv) The training does not include on the job training or other
9 training under which the individual is paid by an employer for work
10 performed by the individual during the time that the individual
11 receives benefits; and
- 12 (v) The individual enrolls in vocational training, remedial
13 education or a combination of both on a full-time basis, except that
14 the training or education may be on a part-time basis if the
15 individual is receiving short-time benefits pursuant to the provisions
16 of P.L.2011, c.154 (C.43:21-20.3 et al.).
- 17 (C) If the requirements of subparagraph (B) of this paragraph (4)
18 are met, the division shall not withhold approval of the training
19 program for the individual for any of the following reasons:
- 20 (i) The training includes remedial basic skills education
21 necessary for the individual to successfully complete the vocational
22 component of the training;
- 23 (ii) The training is provided in connection with a program under
24 which the individual may obtain a college degree, including a post-
25 graduate degree;
- 26 (iii) The length of the training period under the program; or
- 27 (iv) The lack of a prior guarantee of employment upon
28 completion of the training.
- 29 (D) For the purpose of this paragraph (4), "labor demand
30 occupation" means an occupation for which there is or is likely to
31 be an excess of demand over supply for adequately trained workers,
32 including, but not limited to, an occupation designated as a labor
33 demand occupation by the Center for Occupational Employment
34 Information pursuant to the provisions of subsection d. of section
35 27 of P.L.2005, c.354 (C.34:1A-86).
- 36 (5) An unemployed individual, who is otherwise eligible, shall
37 not be deemed unavailable for work or ineligible solely by reason of
38 the individual's attendance before a court in response to a summons
39 for service on a jury.
- 40 (6) An unemployed individual, who is otherwise eligible, shall
41 not be deemed unavailable for work or ineligible solely by reason of
42 the individual's attendance at the funeral of an immediate family
43 member, provided that the duration of the attendance does not
44 extend beyond a two-day period.
- 45 For purposes of this paragraph, "immediate family member"
46 includes any of the following individuals: father, mother, mother-
47 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,

1 child, child placed by the Division of Youth and Family Services in
2 the Department of Children and Families, sister or brother of the
3 unemployed individual and any relatives of the unemployed
4 individual residing in the unemployed individual's household.

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

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

19 (A) The individual has completed the reemployment services; or

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

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

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

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

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

44 (d) With respect to any benefit year commencing before January
45 1, 2002, the individual has been totally or partially unemployed for
46 a waiting period of one week in the benefit year which includes that
47 week. When benefits become payable with respect to the third

1 consecutive week next following the waiting period, the individual
2 shall be eligible to receive benefits as appropriate with respect to
3 the waiting period. No week shall be counted as a week of
4 unemployment for the purposes of this subsection:

5 (1) If benefits have been paid, or are payable with respect
6 thereto; provided that the requirements of this paragraph shall be
7 waived with respect to any benefits paid or payable for a waiting
8 period as provided in this subsection;

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

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

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

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

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

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

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

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

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

35 (B) If the individual has not met the requirements of
36 subparagraph (A) of this paragraph (4), earned remuneration not
37 less than an amount 1,000 times the minimum wage in effect
38 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
39 1 of the calendar year preceding the calendar year in which the
40 benefit year commences, which amount shall be adjusted to the next
41 higher multiple of \$100 if not already a multiple thereof.

42 (5) With respect to benefit years commencing on or after
43 January 7, 2001, notwithstanding the provisions of paragraph (4) of
44 this subsection, an unemployed individual claiming benefits on the
45 basis of service performed in the production and harvesting of
46 agricultural crops shall, subject to the limitations of subsection (i)

1 of R.S.43:21-19, be eligible to receive benefits if during his base
2 year, as defined in subsection (c) of R.S.43:21-19, the individual:

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

5 (B) Has earned remuneration not less than an amount 1,000
6 times the minimum wage in effect pursuant to section 5 of
7 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
8 preceding the calendar year in which the benefit year commences,
9 which amount shall be adjusted to the next higher multiple of \$100
10 if not already a multiple thereof; or

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

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

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

34 (A) For any period during which such individual is not under the
35 care of a legally licensed physician, dentist, optometrist, podiatrist,
36 practicing psychologist, advanced practice nurse, or chiropractor,
37 who, when requested by the division, shall certify within the scope
38 of the practitioner's practice, the disability of the individual, the
39 probable duration thereof, and, where applicable, the medical facts
40 within the practitioner's knowledge;

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

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

45 (D) For any week with respect to which or a part of which the
46 individual has received or is seeking benefits under any
47 unemployment compensation or disability benefits law of any other

1 state or of the United States; provided that if the appropriate agency
2 of such other state or the United States finally determines that the
3 individual is not entitled to such benefits, this disqualification shall
4 not apply;

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

9 (F) For any period of disability commencing while such
10 individual is a "covered individual," as defined in subsection (b) of
11 section 3 of the "Temporary Disability Benefits Law," P.L.1948,
12 c.110 (C.43:21-27).

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

30 (A) For any week with respect to which or a part of which the
31 individual has received or is seeking benefits under any
32 unemployment compensation or disability benefits law of any other
33 state or of the United States; provided that if the appropriate agency
34 of such other state or the United States finally determines that the
35 individual is not entitled to such benefits, this disqualification shall
36 not apply;

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

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

45 (D) For any period of family temporary disability leave for a
46 serious health condition of a family member of the claimant during
47 which the family member is not receiving inpatient care in a

1 hospital, hospice, or residential medical care facility and is not
2 subject to continuing medical treatment or continuing supervision
3 by a health care provider, who, when requested by the division,
4 shall certify within the scope of the provider's practice, the serious
5 health condition of the family member, the probable duration
6 thereof, and, where applicable, the medical facts within the
7 provider's knowledge.

8 (3) Benefit payments under this subsection (f) shall be charged
9 to and paid from the State disability benefits fund established by the
10 "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25
11 et al.), and shall not be charged to any employer account in
12 computing any employer's experience rate for contributions payable
13 under this chapter.

14 (g) Benefits based on service in employment defined in
15 subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable
16 in the same amount and on the terms and subject to the same
17 conditions as benefits payable on the basis of other service subject
18 to the "unemployment compensation law"; except that,
19 notwithstanding any other provisions of the "unemployment
20 compensation law":

21 (1) With respect to service performed after December 31, 1977,
22 in an instructional, research, or principal administrative capacity for
23 an educational institution, benefits shall not be paid based on such
24 services for any week of unemployment commencing during the
25 period between two successive academic years, or during a similar
26 period between two regular terms, whether or not successive, or
27 during a period of paid sabbatical leave provided for in the
28 individual's contract, to any individual if such individual performs
29 such services in the first of such academic years (or terms) and if
30 there is a contract or a reasonable assurance that such individual
31 will perform services in any such capacity for any educational
32 institution in the second of such academic years or terms;

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

1 (3) With respect to those services described in paragraphs (1)
2 and (2) above, benefits shall not be paid on the basis of such
3 services to any individual for any week which commences during
4 an established and customary vacation period or holiday recess if
5 such individual performs such services in the period immediately
6 before such vacation period or holiday recess, and there is a
7 reasonable assurance that such individual will perform such
8 services in the period immediately following such period or holiday
9 recess;

10 (4) With respect to any services described in paragraphs (1) and
11 (2) above, benefits shall not be paid as specified in paragraphs (1),
12 (2), and (3) above to any individual who performed those services
13 in an educational institution while in the employ of an educational
14 service agency, and for this purpose the term "educational service
15 agency" means a governmental agency or governmental entity
16 which is established and operated exclusively for the purpose of
17 providing those services to one or more educational institutions;

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

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

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

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

29 (D) The economic conditions of the employment offered may not
30 be considerably less in the following academic year or term than in
31 the then current academic year or term. For the purpose of this
32 paragraph, "considerably less" means that the claimant will earn
33 less than 90 percent of the amount the claimant earned in the then
34 current academic year or term;

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

40 (F) Based on a totality of the circumstances, it is highly
41 probable that there is a job available for the claimant in the
42 following academic year or term. If a job offer contains a
43 contingency, primary weight should be given to the contingent
44 nature of the offer of employment. Contingencies that are not
45 necessarily within the educational institution's control, such as
46 funding, enrollment and seniority, may be taken into consideration
47 but the existence of any one contingency should not determine

1 whether it is highly probable that there is a job available for the
2 claimant in the following academic year or term.

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

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

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

15 (B) For each employee that the educational institution maintains
16 does have a reasonable assurance of employment in the following
17 academic year or term, a statement explaining the manner in which
18 the employee was given a reasonable assurance of employment, that
19 is, whether it was in writing, oral, or implied, and what information
20 about the offer, including contingencies, was communicated to the
21 individual.

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

28 (9) Failure of an educational institution to provide the statement
29 required under subparagraph (B) of paragraph (7) of this subsection
30 (g) not less than 10 business days prior to the end of the academic
31 year or term shall result in a rebuttable presumption that the
32 claimant does not have a reasonable assurance of employment in the
33 following academic year or term. This rebuttable presumption shall
34 give rise to an inference that the claimant does not have a
35 reasonable assurance of employment in the following academic year
36 or term, but shall not conclusively demonstrate that the claimant
37 does not have a reasonable assurance of employment in the
38 following academic year or term.

39 (10) If any part of P.L.2020, c.122 is found to be in conflict with
40 federal requirements that are a prescribed condition to the allocation
41 of federal funds to the State or the eligibility of employers in this
42 State for federal unemployment tax credits, the conflicting part of
43 that act is inoperative solely to the extent of the conflict, and the
44 finding or determination does not affect the operation of the
45 remainder of this act. Rules adopted under this act shall meet
46 federal requirements that are a necessary condition to the receipt of

1 federal funds by the State or the granting of federal unemployment
2 tax credits to employers in this State.

3 (h) Benefits shall not be paid to any individual on the basis of
4 any services, substantially all of which consist of participating in
5 sports or athletic events or training or preparing to so participate,
6 for any week which commences during the period between two
7 successive sports seasons (or similar periods) if such individual
8 performed such services in the first of such seasons (or similar
9 periods) and there is a reasonable assurance that such individual
10 will perform such services in the later of such seasons (or similar
11 periods).

12 (i) (1) Benefits shall not be paid on the basis of services
13 performed by **[an alien]** a noncitizen unless **[such alien]** the
14 noncitizen is an individual who was lawfully admitted for
15 permanent residence at the time the services were performed and
16 was lawfully present for the purpose of performing the services or
17 otherwise was permanently residing in the United States under color
18 of law at the time the services were performed (including **[an alien]**
19 a noncitizen who is lawfully present in the United States as a result
20 of the application of the provisions of section 212(d)(5) (8 U.S.C.
21 s.1182 (d)(5)) of the Immigration and Nationality Act (8 U.S.C.
22 s.1101 et seq.)); provided that any modifications of the provisions
23 of section 3304(a)(14) of the Federal Unemployment Tax Act (26
24 U.S.C. s. 3304 (a) (14)) as provided by Pub.L.94-566, which
25 specify other conditions or other effective dates than stated herein
26 for the denial of benefits based on services performed by **[aliens]**
27 noncitizens and which modifications are required to be
28 implemented under State law as a condition for full tax credit
29 against the tax imposed by the Federal Unemployment Tax Act,
30 shall be deemed applicable under the provisions of this section.

31 (2) Any data or information required of individuals applying for
32 benefits to determine whether benefits are not payable to them
33 because of their **[alien]** noncitizen status shall be uniformly
34 required from all applicants for benefits.

35 (3) In the case of an individual whose application for benefits
36 would otherwise be approved, no determination that benefits to such
37 individual are not payable because of **[alien]** noncitizen status shall
38 be made except upon a preponderance of the evidence.

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

46 (cf: P.L.2020, c.122, s.1)

- 1 26. R.S.44:1-97 is amended to read as follows:
2 44:1-97. Record as to every applicant for relief
3 Overseers shall in respect to all applicants for relief keep a
4 record which may be by card index and which shall state:
5 a. The name, age, sex and residence;
6 b. The number and names of children and their ages;
7 c. The time and place of last employment and the family
8 income;
9 d. Whether citizen or **[alien]** noncitizen and the place of
10 nativity;
11 e. The place of abode for the ten years preceding the
12 application for relief;
13 f. The cause direct and indirect which has operated to make
14 relief necessary so far as can be ascertained;
15 g. The relief or aid given, and such relief as may have been or
16 is being provided by all organizations as ascertained;
17 h. The name of the overseer or deputy and helper having
18 particular knowledge and charge of the case, and of witnesses of the
19 fact with their addresses; and
20 i. The name of those responsible by law for the support of the
21 poor person and the name of any relative agreeing or likely to agree
22 to contribute in whole or in part to, or assist in, the support of the
23 poor person.
24 (cf: R.S.44:1-97)
25
26 27. R.S.44:4-50 is amended to read as follows:
27 44:4-50. Director's record of applicants for relief
28 Directors of welfare shall keep a record which may be by card
29 index and which shall state in respect to all applicants for relief:
30 a. The name, age, sex and residence;
31 b. The number and names of children and their ages;
32 c. The time and place of last employment, and the family
33 income;
34 d. Whether citizen or **[alien]** noncitizen and the place of
35 nativity;
36 e. The place of abode for the ten years preceding the
37 application for relief;
38 f. The causes direct and indirect which operated to make relief
39 necessary so far as can be ascertained;
40 g. The relief or aid given, and such relief as may have been or
41 is being provided by all organizations as ascertained;
42 h. The names of the director or deputy and helper having
43 particular knowledge and charge of the case, and of witnesses of the
44 fact with their addresses; and
45 i. The names of those responsible by law for the support of the
46 poor person and of any relative agreeing or likely to agree to

1 contribute in whole or in part to, or assist in, the support of the
2 poor person.

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

4

5 28. Section 7 of P.L.1997, c.13 (C.44:10-40) is amended to read
6 as follows:

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

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

20 (2) nursing home costs for a person residing in a non-Medicaid
21 certified nursing facility prior to July 1, 1995, whose income is
22 above the Medicaid institutional cap and who does not otherwise
23 qualify for State-funded nursing home care as a medically needy
24 person pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), to be paid
25 for out of a separate account from the Medicaid program; which
26 assistance shall continue until the person is no longer eligible for
27 long-term care; and

28 (3) nursing home costs for **[an alien]** a noncitizen residing in a
29 Medicaid certified nursing facility prior to the effective date of this
30 act who is not Medicaid-eligible under Pub.L.104-193; which
31 assistance shall continue until the person is no longer eligible for
32 long-term care.

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

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

38

39 29. Section 1 of P.L.1997, c.14 (C.44:10-44) is amended to read
40 as follows:

41 1. As used in this act:

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

44 "Assistance unit" means: a single person without dependent
45 children; a couple without dependent children; dependent children
46 only; or a person or couple with one or more dependent children

1 who are legally or blood-related, or who is their legal guardian, and
2 who live together as a household unit.

3 "Benefits" means any assistance provided to needy persons and
4 their dependent children and needy single persons and couples
5 without dependent children under the Work First New Jersey
6 program.

7 "Commissioner" means the Commissioner of Human Services.

8 "County agency" means the county agency that was
9 administering the aid to families with dependent children program
10 at the time the federal "Personal Responsibility and Work
11 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
12 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
13 44 et al.) shall also administer the Work First New Jersey program
14 in that county.

15 "Dependent child" means a child:

16 a. under the age of 18;

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

22 c. under the age of 21 and enrolled in a special education
23 program,

24 who is living in New Jersey with the child's natural or adoptive
25 parent or legal guardian, or with a relative designated by the
26 commissioner in a place of residence maintained by the relative as
27 the relative's home.

28 "Eligible **[alien]** noncitizen" means one of the following:

29 a. a qualified **[alien]** noncitizen admitted to the United States
30 prior to August 22, 1996, who is eligible for means-tested, federally
31 funded public benefits pursuant to federal law;

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

36 c. a qualified **[alien]** noncitizen who is a veteran of, or on
37 active duty in, the armed forces of the United States, or the spouse
38 or dependent child of that person pursuant to federal law;

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

41 e. a legal permanent resident **[alien]** noncitizen who has
42 worked 40 qualifying quarters of coverage as defined under Title II
43 of the federal Social Security Act; except that, for any period after
44 December 31, 1996, a quarter during which an individual received
45 means-tested, federally funded public benefits shall not count
46 toward the total number of quarters;

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

5 g. a qualified **[alien]** noncitizen who has been battered or
6 subjected to extreme cruelty in the United States by a spouse, parent
7 or a member of the spouse or parent's family residing in the same
8 household as the **[alien]** noncitizen, or a qualified **[alien]**
9 noncitizen whose child has been battered or subjected to extreme
10 cruelty in the United States by a spouse or parent of the **[alien]**
11 noncitizen, without the active participation of the **[alien]**
12 noncitizen, or by a member of the spouse or parent's family residing
13 in the same household as the **[alien]** noncitizen. In either case, the
14 spouse or parent shall have consented or acquiesced to the battery
15 or cruelty and there shall be a substantial connection between the
16 battery or cruelty and the need for benefits to be provided. The
17 provisions of this subsection shall not apply to **[an alien]** a
18 noncitizen during any period in which the individual responsible for
19 the battery or cruelty resides in the same household or assistance
20 unit as the individual subjected to the battery or cruelty. Benefits
21 shall be provided to the extent and for the period of time that the
22 **[alien]** noncitizen or **[alien's]** noncitizen's child is eligible for the
23 program.

24 For the purposes of this section, "qualified **[alien]** noncitizen "
25 **[is]** shall have the same meaning as "qualified aliens" as defined
26 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
27 193.

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

42 "Income eligibility standard" means the income eligibility
43 threshold based on assistance unit size established by regulation of
44 the commissioner for benefits provided within the limit of funds
45 appropriated by the Legislature.

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

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

10 "Recipient" means a recipient of benefits under the Work First
11 New Jersey program.

12 "Resources" means all real and personal property as defined by
13 the commissioner; except that in the event that individual
14 development accounts for recipients are established by regulation of
15 the commissioner, all funds in such an account, up to the limit
16 determined by the commissioner, including any interest or dividend
17 earnings from such an account, shall not be considered to be a
18 resource.

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

21 "Title IV-D" means the provisions of Title IV-D of the federal
22 Social Security Act governing paternity establishment and child
23 support enforcement activities and requirements.

24 "Work First New Jersey program" or "program" means the
25 program established pursuant to P.L.1997, c.38 (C.44:10-
26 55 et seq.).

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

28

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

31 2. a. Benefits under the Work First New Jersey program shall
32 be determined according to standards of income and resources
33 established by the commissioner. These standards shall take into
34 account, for the determination of eligibility and the provision of
35 benefits, all income and resources of all persons in the assistance
36 unit of which the applicant or recipient is a member, except as
37 provided by law governing the Work First New Jersey program and
38 as prescribed by the commissioner. The benefits to be granted shall
39 be governed by standards established by regulation of the
40 commissioner. The commissioner may set income and resource
41 eligibility and benefits standards that differ with respect to types of
42 assistance units.

43 b. A recipient, as a condition of eligibility for benefits, shall,
44 subject to good cause exceptions as defined by the commissioner,
45 be required to: do all acts stated herein necessary to establish the
46 paternity of a child born out-of-wedlock, and to establish and
47 participate in the enforcement of child support obligations;

1 cooperate with work requirements established by the commissioner;
2 make application for any other assistance for which members of the
3 assistance unit may be eligible; be income and resource eligible as
4 defined by the commissioner, including the deeming of income and
5 resources as appropriate; provide all necessary documentation
6 which shall include the federal Social Security number for all
7 assistance unit members, except for an eligible **alien** noncitizen
8 who cannot be assigned a Social Security number due to his status,
9 or make application for same; sign an agreement to repay benefits
10 in the event of receipt of income or resources; and comply with
11 personal identification requirements as a condition of receiving
12 benefits, which may employ the use of high technology processes
13 for the detection of fraud.

14 c. Notwithstanding any other provision of law or regulation to
15 the contrary, an applicant shall not be eligible for benefits when the
16 applicant's eligibility is the result of a voluntary cessation of
17 employment without good cause, as determined by the
18 commissioner, within 90 days prior to the date of application for
19 benefits.

20 d. A voluntary assignment or transfer of income or resources
21 within one year prior to the time of application for benefits for the
22 purpose of qualifying therefor shall render the applicant and the
23 applicant's assistance unit members ineligible for benefits for a
24 period of time determined by regulation of the commissioner.

25 e. Any income or resources that are exempted by federal law for
26 purposes of eligibility for benefits shall not reduce the amount of
27 benefits received by a recipient and shall not be subject to a lien or
28 be available for repayment to the State or county agency for
29 benefits received by the individual.

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

31

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

34 5. a. Only those persons who are United States citizens or
35 eligible **aliens** noncitizens shall be eligible for benefits under the
36 Work First New Jersey program. Single adults or couples without
37 dependent children who are legal **aliens** noncitizens who meet
38 federal requirements and have applied for citizenship, shall not
39 receive benefits for more than six months unless (1) they attain
40 citizenship, or (2) they have passed the English language and civics
41 components for citizenship, and are awaiting final determination of
42 citizenship by the federal Immigration and Naturalization Service.

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

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

- 1 (2) Supplemental Security Income recipients, except for the
2 purposes of receiving emergency assistance benefits pursuant to
3 section 8 of P.L.1997, c.14 (C.44:10-51);
- 4 (3) illegal **【aliens】** noncitizens;
- 5 (4) other **【aliens】** noncitizens who are not eligible **【aliens】**
6 noncitizens;
- 7 (5) a person absent from the home who is incarcerated in a
8 federal, State, county or local corrective facility or under the
9 custody of correctional authorities, except as provided by regulation
10 of the commissioner;
- 11 (6) a person who: is fleeing to avoid prosecution, custody or
12 confinement after conviction, under the laws of the jurisdiction
13 from which the person has fled, for a crime or an attempt to commit
14 a crime which is a felony or a high misdemeanor under the laws of
15 the jurisdiction from which the person has fled; or is violating a
16 condition of probation or parole imposed under federal or state law;
- 17 (7) a person convicted on or after August 22, 1996 under federal
18 or state law of any offense which is classified as a felony or crime,
19 as appropriate, under the laws of the jurisdiction involved and
20 which has as an element the possession, use, or distribution of a
21 controlled substance as defined in section 102(6) of the federal
22 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
23 otherwise be eligible for general public assistance pursuant to
24 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
25 is convicted of any such offense which has as an element the
26 possession or use only of such a controlled substance may be
27 eligible for Work First New Jersey general public assistance
28 benefits if the person enrolls in or has completed a licensed
29 residential or outpatient drug treatment program. An otherwise
30 eligible individual who has a past drug conviction shall be eligible
31 for general public assistance without enrolling in or completing a
32 drug treatment program if either: (1) an appropriate treatment
33 program is not available; or (2) the person is excused from enrolling
34 in a treatment program for good cause pursuant to regulation.
- 35 Eligibility for benefits for a person entering a licensed drug
36 treatment program which does not operate in a State correctional
37 facility or county jail shall commence upon the person's enrollment
38 in the drug treatment program, and shall continue during the
39 person's active participation in, and upon completion of, the drug
40 treatment program, except that during the person's active
41 participation in a drug treatment program and the first 60 days after
42 completion of a drug treatment program, the commissioner shall
43 provide for testing of the person to determine if the person is free of
44 any controlled substance. If the person is determined to not be free
45 of any controlled substance during the 60-day period, the person's
46 eligibility for benefits pursuant to this paragraph shall be
47 terminated; except that this provision shall not apply to the use of

1 prescription drugs by a person who is actively participating in a
2 drug treatment program, as prescribed by the drug treatment
3 program. The commissioner shall adopt regulations to carry out the
4 provisions of this paragraph, which shall include the criteria for
5 determining active participation in and completion of a drug
6 treatment program.

7 Eligibility for benefits for a person who completes a licensed
8 residential drug treatment program which operates in a State
9 correctional facility or county jail, in accordance with section 1 of
10 P.L.2014, c.1 (C.26:2B-40), shall commence upon release from
11 incarceration.

12 Cash benefits, less a personal needs allowance, for a person
13 receiving general public assistance benefits under the Work First
14 New Jersey program who is enrolled in and actively participating in
15 a licensed drug treatment program shall be issued directly to the
16 drug treatment provider to offset the cost of treatment. Upon
17 completion of the drug treatment program, the cash benefits shall be
18 then issued to the person. In the case of a delay in issuing cash
19 benefits to a person receiving Work First New Jersey general public
20 assistance benefits who has completed the drug treatment program,
21 the drug treatment provider shall transmit to the person those funds
22 received on behalf of that person after completion of the drug
23 treatment program;

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

29 (9) a person who intentionally makes a false or misleading
30 statement or misrepresents, conceals or withholds facts for the
31 purpose of receiving benefits, who shall be ineligible for benefits
32 for a period of six months for the first violation, 12 months for the
33 second violation, and permanently for the third violation.

34 c. A person who makes a false statement with the intent to
35 qualify for benefits and by reason thereof receives benefits for
36 which the person is not eligible is guilty of a crime of the fourth
37 degree.

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

41 (1) needy persons and their dependent children domiciled in
42 New Jersey for the purposes of receiving benefits under the Work
43 First New Jersey program and food assistance under the federal
44 "Food and Nutrition Act of 2008," Pub.L.110-234
45 (7 U.S.C. s.2011 et seq.); and

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

4 (cf: P.L.2016, c.69, s.2)

5
6 32. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
7 as follows:

8 3. As used in this act:

9 "Alternative work experience" means unpaid work and training
10 only with a public, private nonprofit or private charitable employer
11 that provides a recipient with the experience necessary to adjust to,
12 and learn how to function in, an employment setting and the
13 opportunity to combine that experience with education and job
14 training. An alternative work experience participant shall not be
15 assigned to work for a private, for profit employer.

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

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

23 "Benefits" means any assistance provided to needy persons and
24 their dependent children and needy single persons and couples
25 without dependent children under the Work First New Jersey
26 program.

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

30 "Commissioner" means the Commissioner of Human Services.

31 "Community work experience" means unpaid work and training
32 only with a public, private nonprofit or private charitable employer
33 provided to a recipient when, and to the extent, that such experience
34 is necessary to enable the recipient to adjust to, and learn how to
35 function in, an employment setting. A community work experience
36 participant shall not be assigned to work for a private, for profit
37 employer.

38 "County agency" means the county agency that was
39 administering the aid to families with dependent children program
40 at the time the federal "Personal Responsibility and Work
41 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
42 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
43 55 et seq.) shall also administer the Work First New Jersey program
44 in that county.

45 "Dependent child" means a child:

46 a. under the age of 18;

- 1 b. under the age of 19 and a full-time student in a secondary
2 school or an equivalent level of vocational or technical training, if,
3 before the student attains age 19, the student may reasonably be
4 expected to complete the student's program of secondary school or
5 training; or
- 6 c. under the age of 21 and enrolled in a special education
7 program,
8 who is living in New Jersey with the child's natural or adoptive
9 parent or legal guardian, or with a relative designated by the
10 commissioner in a place of residence maintained by the relative as
11 the relative's home.
- 12 "Eligible **[alien]** noncitizen" means one of the following:
- 13 a. a qualified **[alien]** noncitizen admitted to the United States
14 prior to August 22, 1996, who is eligible for means-tested, federally
15 funded public benefits pursuant to federal law;
- 16 b. a refugee, asylee, or person granted withholding of
17 deportation under federal law for the person's first five years after
18 receiving that classification in the United States pursuant to federal
19 law;
- 20 c. a qualified **[alien]** noncitizen who is a veteran of, or on
21 active duty in, the armed forces of the United States, or the spouse
22 or dependent child of that person pursuant to federal law;
- 23 d. a recipient of refugee and entrant assistance activities or a
24 Cuban or Haitian entrant pursuant to federal law;
- 25 e. a legal permanent resident **[alien]** noncitizen who has
26 worked 40 qualifying quarters of coverage as defined under Title II
27 of the federal Social Security Act; except that, for any period after
28 December 31, 1996, a quarter during which an individual received
29 means-tested, federally funded public benefits shall not count
30 toward the total number of quarters;
- 31 f. a qualified **[alien]** noncitizen admitted to the United States
32 on or after August 22, 1996, who has lived in the United States for
33 at least five years and is eligible for means-tested, federally funded
34 public benefits pursuant to federal law ; or
- 35 g. a qualified **[alien]** noncitizen who has been battered or
36 subjected to extreme cruelty in the United States by a spouse, parent
37 or a member of the spouse or parent's family residing in the same
38 household as the **[alien]** noncitizen, or a qualified **[alien]**
39 noncitizen whose child has been battered or subjected to extreme
40 cruelty in the United States by a spouse or parent of the **[alien]**
41 noncitizen, without the active participation of the **[alien]**
42 noncitizen, or by a member of the spouse or parent's family residing
43 in the same household as the **[alien]** noncitizen. In either case, the
44 spouse or parent shall have consented or acquiesced to the battery
45 or cruelty and there shall be a substantial connection between the
46 battery or cruelty and the need for benefits to be provided. The

1 provisions of this subsection shall not apply to **[an alien]** a
2 noncitizen during any period in which the individual responsible for
3 the battery or cruelty resides in the same household or assistance
4 unit as the individual subjected to the battery or cruelty. Benefits
5 shall be provided to the extent and for the period of time that the
6 **[alien]** noncitizen or **[alien's]** noncitizen's child is eligible for the
7 program.

8 For the purposes of this section, "qualified **[alien]** is"
9 noncitizen" shall have the same meaning as "qualified alien" as
10 defined pursuant to the provisions of section 431 of Title IV of
11 Pub.L.104-193.

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

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

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

32 "Program" means the Work First New Jersey program
33 established pursuant to this act.

34 "Recipient" means a recipient of benefits under the Work First
35 New Jersey program.

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

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

46 "Work activity" includes, but is not limited to, the following, as
47 defined by regulation of the commissioner: employment; on-the-job

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

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

18

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

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

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

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

44 d. The commissioner shall establish by regulation, standards
45 and procedures to screen and identify recipients with a history of
46 being subjected to domestic violence and refer these recipients to
47 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** noncitizen in accordance with federal
17 law, and legally responsible relatives of assistance unit members.
18 (cf: P.L.1997, c.38, s.5)

19

20 34. R.S. 46:3-18 is amended to read as follows:

21 46:3-18. **Aliens** Noncitizens; "**alien** noncitizen friend"
22 defined; right to acquire, hold and transfer real estate

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

33 Nothing contained in this section shall be construed to:

34 a. Entitle any **alien** noncitizen to be elected into any office of
35 trust or profit in this State, or to vote at any town meeting or
36 election of members of the Senate and General Assembly, or other
37 officers, within this State, or for Representatives in Congress or
38 electors of the President and Vice-President of the United States; 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** noncitizen, made
42 pursuant to duly enacted legislation, during the continuance of war
43 between the United States and the government of the country of
44 which any such **alien** noncitizen is a citizen or subject; but any
45 bona fide conveyance, mortgage or devise made by such **alien**

1 noncitizen shall be valid, if made to a citizen of the United States
2 or to **【an alien】** a noncitizen friend.

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

4

5 35. Section 44 of P.L.1961, c. 32 (C54:8A-44) is amended to
6 read as follows:

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

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

18 (2) If the Federal income tax liabilities of husband and wife
19 (other than a husband and wife described in paragraph (3)) are
20 determined on a joint Federal return, or if neither files a Federal
21 return:

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

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

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

33 (4) Marital or other status. An individual's marital or other status
34 under subsection 2(c) (C. 54:8A-2(c)), subsection 9(b) of P.L.1961,
35 c. 32 (C. 54:8A-9(b)) and subsection 7(a)(3)(B) of this amendatory
36 and supplementary act shall be presumed to be the same as his
37 marital or other status for purposes of establishing the applicable
38 Federal income tax rates. However, an individual who is a
39 nonresident **【alien】** noncitizen, which shall have the same meaning
40 as “nonresident alien” as defined in Section 7701 of Title 26 of the
41 United States Code, for Federal income tax purposes and who fails
42 to qualify under subsection 2(c), or subsection 9(b) of P.L.1961, c.
43 32 or subsection 7(a)(3)(B) of this amendatory and supplementary
44 act solely by reason of his status for purposes of establishing the
45 applicable Federal income tax rates shall, nevertheless, qualify
46 under such provisions provided he files a statement with his return

1 setting forth such information in respect to his status as the director
2 shall prescribe.

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

5 (d) The return for an individual who is unable to make a return
6 by reason of minority or other disability shall be made and filed by
7 his fiduciary or other person charged with the care of his person or
8 property (other than a receiver in possession of only a part of his
9 property), or by his duly authorized agent.

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

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

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

31

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

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

41 a. For married individuals filing a joint return and individuals
42 filing as head of household or as surviving spouse for federal
43 income tax purposes:

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

46	If the taxable income is:	The tax is:
47	Not over \$20,000.00.....	2% of taxable income

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1	Over \$20,000.00 but not	
2	over \$50,000.00.....	\$400.00 plus 2.5% of the
3		excess over \$20,000.00
4	Over \$50,000.00 but not	
5	over \$70,000.00.....	\$1,150.00 plus 3.5% of the
6		excess over \$50,000.00
7	Over \$70,000.00 but not	
8	over \$80,000.00.....	\$1,850.00 plus 5.0% of
9	the	
10		excess over \$70,000.00
11	Over \$80,000.00 but not	
12	over \$150,000.00.....	\$2,350.00 plus 6.5% of
13	the	
14		excess over \$80,000.00
15	Over \$150,000.00	\$6,900.00 plus 7.0% of the
16	excess over \$150,000.00	
17	(2) For taxable years beginning on or after January 1,	
18	1994 but before January 1, 1995:	
19	If the taxable income is:	The tax is:
20	Not over \$20,000.00.....	1.900% of taxable
21	income	
22	Over \$20,000.00 but not	
23	over \$50,000.00.....	\$380.00 plus 2.375% of
24	the	
25		excess over \$20,000.00
26	Over \$50,000.00 but not	
27	over \$70,000.00.....	\$1,092.50 plus 3.325%
28	of the	
29		excess over \$50,000.00
30	Over \$70,000.00 but not	
31	over \$80,000.00.....	\$1,757.50 plus 4.750%
32	of the	
33		excess over \$70,000.00
34	Over \$80,000.00 but not	
35	over \$150,000.00.....	\$2,232.50 plus 6.175%
36	of the	
37		excess over \$80,000.00
38	Over \$150,000.00	\$6,555.00 plus 6.650%
39	of the	
40		excess over \$150,000.00
41	(3) for taxable years beginning on or after January 1,	
42	1995 but before January 1, 1996:	
43	If the taxable income is:	The tax is:
44	Not over \$20,000.00.....	1.700% of taxable income

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1 Over \$20,000.00 but not
2 over \$50,000.00..... \$340.00 plus 2.125% of
3 the
4 excess over \$20,000.00
5 Over \$50,000.00 but not
6 over \$70,000.00..... \$977.50 plus 2.975% of the
7 excess over \$50,000.00
8 Over \$70,000.00 but not
9 over \$80,000.00..... \$1,572.50 plus 4.250%
10 of the
11 excess over \$70,000.00
12 Over \$80,000.00 but not
13 over \$150,000.00..... \$1,997.50 plus 6.013%
14 of the
15 excess over \$80,000.00
16 Over \$150,000.00 \$6,206.60 plus 6.580% of the
17 excess over \$150,000.00
18 (4) for taxable years beginning on or after January 1,
19 1996 but before January 1, 2004:
20 If the taxable income is: The tax is:
21 Not over \$20,000.00..... 1.400% of taxable income
22 Over \$20,000.00 but not
23 over \$50,000.00..... \$280.00 plus 1.750% of
24 the
25 excess over \$20,000.00
26 Over \$50,000.00 but not
27 over \$70,000.00..... \$805.00 plus 2.450% of
28 the
29 excess over \$50,000.00
30 Over \$70,000.00 but not
31 over \$80,000.00..... \$1,295.50 plus 3.500%
32 of the
33 excess over \$70,000.00
34 Over \$80,000.00 but not
35 over \$150,000.00..... \$1,645.00 plus 5.525%
36 of the
37 excess over \$80,000.00
38 Over \$150,000.00 \$5,512.50 plus 6.370% of the
39 excess over \$150,000.00
40 (5) for taxable years beginning on or after January 1,
41 2004 but before January 1, 2018:
42 If the taxable income is: The tax is:
43 Not over \$20,000.00..... 1.400% of taxable income
44 Over \$20,000.00 but not
45 over \$50,000.00..... \$280.00 plus 1.750% of
46 the
47 excess over \$20,000.00

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1	Over \$50,000.00 but not	
2	over \$70,000.00.....	\$805.00 plus 2.450% of
3	the	
4		excess over \$50,000.00
5	Over \$70,000.00 but not	
6	over \$80,000.00.....	\$1,295.50 plus 3.500%
7	of the	
8		excess over \$70,000.00
9	Over \$80,000.00 but not	
10	over \$150,000.00.....	\$1,645.00 plus 5.525% of the
11		excess over \$80,000.00
12	Over \$150,000.00 but not	
13	over \$500,000.00.....	\$5,512.50 plus 6.370%
14	of the	
15		excess over \$150,000.00
16	Over \$500,000.00	\$27,807.50 plus 8.970% of the
17		excess over \$500,000.00
18	(6) for taxable years beginning on or after January 1,	
19	2018, but before January 1, 2020:	
20	If the taxable income is:	The tax is:
21	Not over \$20,000.00.....	1.400% of taxable income
22	Over \$20,000.00 but not	
23	over \$50,000.00.....	\$280.00 plus 1.750% of
24	the	
25		excess over \$20,000.00
26	Over \$50,000.00 but not	
27	over \$70,000.00.....	\$805.00 plus 2.450% of
28	the	
29		excess over \$50,000.00
30	Over \$70,000.00 but not	
31	over \$80,000.00.....	\$1,295.50 plus 3.500%
32	of the	
33		excess over \$70,000.00
34	Over \$80,000.00 but not	
35	over \$150,000.00.....	\$1,645.00 plus 5.525%
36	of the	
37		excess over \$80,000.00
38	Over \$150,000.00 but not	
39	over \$500,000.00.....	\$5,512.50 plus 6.370%
40	of the	
41		excess over \$150,000.00
42	Over \$500,000.00 but not	
43	over \$5,000,000.00..	\$27,807.50 plus 8.970%
44	of the	
45		excess over \$500,000.00

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

A1986 MUKHERJI, ATKINS

1	Over \$20,000.00 but not	
2	over \$35,000.00.....	\$400.00 plus 2.5% of the
3		excess over \$20,000.00
4	Over \$35,000.00 but not	
5	over \$40,000.00.....	\$775.00 plus 5.0% of the
6		excess over \$35,000.00
7	Over \$40,000.00 but not	
8	over \$75,000.00.....	\$1,025.00 plus 6.5% of
9	the	
10		excess over \$40,000.00
11	Over \$75,000.00	\$3,300.00 plus 7.0% of the
12		excess over \$75,000.00
13	(2) for taxable years beginning on or after January 1,	
14	1994 but before January 1, 1995:	
15	If the taxable income is:	The tax is:
16	Not over \$20,000.00.....	1.900% of taxable income
17	Over \$20,000.00 but not	
18	over \$35,000.00.....	\$380.00 plus 2.375% of
19	the	
20		excess over \$20,000.00
21	Over \$35,000.00 but not	
22	over \$40,000.00.....	\$736.25 plus 4.750% of
23	the	
24		excess over \$35,000.00
25	Over \$40,000.00 but not	
26	over \$75,000.00.....	\$973.75 plus 6.175% of
27	the	
28		excess over \$40,000.00
29	Over \$75,000.00	\$3,135.00 plus 6.650%
30	of the	
31		excess over \$75,000.00
32	(3) for taxable years beginning on or after January 1, 1995 but	
33	before January 1, 1996:	
34	If the taxable income is:	The tax is:
35	Not over \$20,000.00.....	1.700% of taxable income
36	Over \$20,000.00 but not	
37	over \$35,000.00.....	\$340.00 plus 2.125% of
38	the	
39		excess over \$20,000.00
40	Over \$35,000.00 but not	
41	over \$40,000.00.....	\$658.75 plus 4.250% of
42	the	
43		excess over \$35,000.00
44	Over \$40,000.00 but not	
45	over \$75,000.00.....	\$871.25 plus 6.013% of
46	the	
47		excess over \$40,000.00

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1	Over \$75,000.00	\$2,975.80 plus 6.580%
2	of the	
3		excess over \$75,000.00
4	(4) for taxable years beginning on or after January 1,	
5	1996 but before January 1, 2004:	
6	If the taxable income is:	The tax is:
7	Not over \$20,000.00.....	1.400% of taxable income
8	Over \$20,000.00 but not	
9	over \$35,000.00.....	\$280.00 plus 1.750% of
10	the	
11		excess over \$20,000.00
12	Over \$35,000.00 but not	
13	over \$40,000.00.....	\$542.50 plus 3.500% of
14	the	
15		excess over \$35,000.00
16	Over \$40,000.00 but not	
17	over \$75,000.00.....	\$717.50 plus 5.525% of
18	the	
19		excess over \$40,000.00
20	Over \$75,000.00.....	\$2,651.25 plus 6.370%
21	of the	
22		excess over \$75,000.00
23	(5) for taxable years beginning on or after January 1,	
24	2004 but before January 1, 2018:	
25	If the taxable income is:	The tax is:
26	Not over \$20,000.00.....	1.400% of taxable income
27	Over \$20,000.00 but not	
28	over \$35,000.00.....	\$280.00 plus 1.750% of
29	the	
30		excess over \$20,000.00
31	Over \$35,000.00 but not	
32	over \$40,000.00.....	\$542.50 plus 3.500% of
33	the	
34		excess over \$35,000.00
35	Over \$40,000.00 but not	
36	over \$75,000.00.....	\$717.50 plus 5.525% of
37	the	
38		excess over \$40,000.00
39	Over \$75,000.00 but not	
40	over \$500,000.00.....	\$2,651.25 plus 6.370%
41	of the	
42		excess over \$75,000.00
43	Over \$500,000.00	\$29,723.75 plus 8.970% of the
44		excess over \$500,000.00

1 (6) for taxable years beginning on or after January 1,
2 2018, but before January 1, 2020:
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
8 excess over \$20,000.00
9 Over \$35,000.00 but not
10 over \$40,000.00..... \$542.50 plus 3.500% of
11 the
12 excess over \$35,000.00
13 Over \$40,000.00 but not
14 over \$75,000.00..... \$717.50 plus 5.525% of
15 the
16 excess over \$40,000.00
17 Over \$75,000.00 but not
18 over \$500,000.00..... \$2,651.25 plus 6.370%
19 of the
20 excess over \$75,000.00
21 Over \$500,000.00 but not
22 over \$5,000,000.00... \$29,723.75 plus 8.970%
23 of the
24 excess over \$500,000.00
25 Over \$5,000,000.00 \$433,373.75 plus 10.75% of the
26 excess over
27 \$5,000,000.00
28 (7) for taxable years beginning on or after January 1, 2020:
29 If the taxable income is: The tax is:
30 Not over \$20,000.00..... 1.400% of taxable
31 income
32 Over \$20,000.00 but not
33 over \$35,000.00..... \$280.00 plus
34 1.750% of the
35 excess over
36 \$20,000.00
37 Over \$35,000.00 but not
38 over \$40,000.00..... \$542.50 plus
39 3.500% of the
40 excess over
41 \$35,000.00
42 Over \$40,000.00 but not
43 over \$75,000.00..... \$717.50 plus
44 5.525% of the
45 excess over
46 \$40,000.00

1 Over \$75,000.00 but not
 2 over \$500,000.00... \$2,651.25 plus 6.370%
 3 of the
 4 excess over
 5 \$75,000.00
 6 Over \$500,000.00 but not
 7 over \$1,000,000.00.. \$29,723.75 plus
 8 8.970% of the
 9 excess over
 10 \$500,000.00
 11 Over \$1,000,000.00.... \$74,573.75 plus
 12 10.750% of the
 13 excess over
 14 \$1,000,000.00

15 c. For the purposes of this section, an individual who would be
 16 eligible to file as a head of household for federal income tax
 17 purposes but for the fact that such taxpayer is a nonresident **[alien]**
 18 noncitizen, which shall hold the same meaning as “nonresident
 19 alien” as defined in Section 7701 of Title 26 of the United States
 20 Code, shall determine tax pursuant to subsection a. of this section.

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

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

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

46 (cf: P.L.2020, c.94, s.1)

1 37. The provisions of this act shall be severable. If any provision
2 of this act or its application is held invalid, that invalidity shall not
3 affect other provisions or applications that can be given effect
4 without the invalid provision or application.

5

6 38. This act shall take effect on the first day of the fourth month
7 next following the date of enactment, but the Attorney General may
8 take any anticipatory action in advance thereof as shall be necessary
9 for the implementation of this act.

10

11

12

STATEMENT

13

14 This bill builds confidence in State, county, and municipal
15 agencies. The bill also ensures that entities open to the public
16 remain safe and accessible to all New Jersey residents, regardless
17 of immigration status.

18 Specifically, the bill prohibits State, county, or municipal law
19 enforcement agencies or officials from stopping, questioning,
20 arresting, searching, or detaining any individual based on actual or
21 suspected citizenship or immigration status, or actual or suspected
22 violations of federal civil immigration law. Law enforcement
23 agencies or officials also would be prohibited from inquiring or
24 recording any information about an individual's immigration status,
25 citizenship, or place of birth or making arrests based on civil
26 immigration warrants. The bill also prohibits the use of law
27 enforcement agency or department moneys, facilities, property,
28 equipment, or personnel to investigate, enforce, or assist in the
29 investigation or enforcement of any federal program requiring
30 registration of individuals on the basis of race, gender, sexual
31 orientation, religion, immigration status, citizenship, or national or
32 ethnic origin.

33 In addition, the bill prohibits law enforcement agencies from
34 making agency or department databases available to anyone or any
35 entity for the purpose of immigration enforcement or investigation
36 or enforcement of any federal program requiring registration of
37 individuals on the basis of race, gender, sexual orientation, religion,
38 immigration status, citizenship, or national or ethnic origin. Any
39 agreements made prior to the bill's enactment that require an
40 agency or department database to be available to federal
41 immigration authorities are to be void.

42 The bill also prohibits State, county, and municipal law
43 enforcement agencies from providing assistance to federal
44 immigration authorities by:

45 (1) participating in civil immigration enforcement operations;

46 (2) providing to federal immigration authorities any personal
47 identifying information as defined by the Open Public Records Act

1 or confidential personal identifiers as defined by the Rules of Court
2 about an individual;

3 (3) providing access to any State, county, or municipal law
4 enforcement equipment, office space, database, or property;

5 (4) providing access to a detained individual for an interview;

6 (5) responding to or otherwise complying with immigration
7 detainers, notification requests, and transfer requests from federal
8 immigration authorities;

9 (6) continuing to detain a person past the time the person would
10 otherwise be eligible for release from custody based solely on an
11 immigration detainer or civil immigration warrant;

12 (7) entering into, modifying, renewing, or extending any
13 agreement to exercise federal immigration authority or conduct
14 immigration enforcement pursuant to section 287(g) agreements; or

15 (8) providing or sharing funds, property, equipment, personnel,
16 or access to facilities or real property not open to the general public
17 for purposes of engaging in, assisting, supporting, or facilitating
18 immigration enforcement.

19 The bill also requires State, county, and municipal law
20 enforcement agencies to submit an annual report to the Attorney
21 General no later than 30 days after the end of each State fiscal year.
22 The annual report is to provide certain information related to
23 requests by law federal immigration authorities for assistance from
24 State, county, and municipal law enforcement agencies. The
25 Attorney General is to publish the information on the Internet
26 website of the Department of Law and Public Safety. The bill also
27 requires the Attorney General to promulgate regulations to ensure
28 compliance by State, county, and municipal law enforcement
29 agencies with the annual reporting requirements established
30 pursuant to this section. The Attorney General also is to report
31 annually to the Governor and the Legislature a summary of the law
32 enforcement agencies that complied with the provisions of this
33 section. The report is to append the information submitted by State,
34 county, and municipal law enforcement agencies.

35 Under the bill, State, county, and municipal agencies and
36 divisions and healthcare facilities may collect information on
37 immigration and citizenship status only as required to assess
38 eligibility for public services or programs requested or used by the
39 person seeking those services. However, all types of information,
40 whether written or oral, concerning a person solicited, made, or
41 kept by any public agency or officer thereof for the purpose of
42 assessing eligibility for or administering those services would not
43 be a government record under the open public records act or
44 disclosed unless otherwise required by law. The bill requires State
45 agencies to review their confidentiality policies and identify any
46 changes necessary to ensure that information collected from
47 individuals is limited to that necessary to perform agency duties,

1 and is not used, shared, or disclosed for any other purpose. Any
2 necessary changes to those policies are to be made as expeditiously
3 as possible and no later than one calendar year following the bill's
4 enactment.

5 The bill also requires the Attorney General, in consultation with
6 the appropriate public and private entities, to develop model
7 policies for public schools, health care facilities, public libraries,
8 youth shelters, emergency shelters, and domestic violence shelters
9 to ensure that these institutions remain safe and accessible to all
10 New Jersey residents, regardless of immigration status. The model
11 policies would ensure that eligible individuals are not deterred from
12 seeking services or engaging with State, county, or municipal public
13 agencies. In addition, the model policies are to limit immigration
14 enforcement on the premises of these institutions and information
15 sharing between these institutions and federal immigration
16 enforcement authorities, to the fullest extent possible consistent
17 with State and federal law. The Attorney General would be required
18 to publish these model policies on the Internet website of the
19 Department of Law and Public Safety no later than one calendar
20 year following the bill's enactment. All public schools, health care
21 facilities, public libraries, youth shelters, emergency shelters, and
22 domestic violence shelters are to adopt the model policies or
23 equivalent or more protective policies no later than January 1, 2023.

24 Finally, the bill replaces the outdated statutory references to
25 "alien" with the preferred term "noncitizen" when referring a
26 person who is not a United States citizen.