

ASSEMBLY, No. 1374

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Assemblyman JULIO MARENCO

District 33 (Hudson)

Assemblywoman ELLEN J. PARK

District 37 (Bergen)

Assemblyman MICHAEL VENEZIA

District 34 (Essex)

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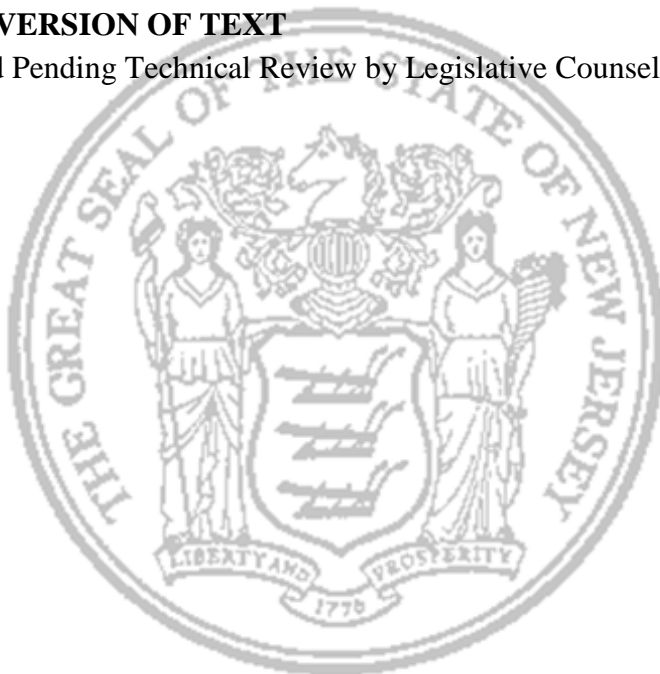
Assemblywoman Quijano

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 4/11/2024)

1 AN ACT concerning references to persons who are not citizens of
2 the United States and amending various parts of the statutory law
3 and supplementing Title 52 of the Revised Statutes.
4

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

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

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

12 b. An individual who is related to the decedent through two
13 lines of relationship is entitled to only a single share based on the
14 relationship that would entitle the individual to the larger share.
15 (cf: P.L.2004, c.132, s.54)
16

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

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

19 The widow or widower, whether **[alien]** foreign national or not,
20 of an individual dying intestate or otherwise, shall be endowed for
21 the term of his life of one half of all real property of which the
22 decedent, or another to the decedent's use, was seized of an estate of
23 inheritance at any time during marriage prior to May 28, 1980,
24 unless the widow or widower shall have relinquished her right of
25 dower or his right of curtesy in the manner provided by P.L.1953,
26 c.352 (C.37:2-18.1) or such right of dower or such right of curtesy
27 otherwise shall have been extinguished by law.
28 (cf: P.L.2005, c.160, s.19)
29

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

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

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

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

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 d. Any person may be assigned and paid a prize to which the
2 winner is entitled pursuant to a judicial order of the New Jersey
3 Superior Court or a federal court having jurisdiction over property
4 located in this State provided that the order contains at least the
5 following findings:
- 6 (1) the full legal name, address, social security number or
7 taxpayer identification number and, if applicable, resident **[alien]**
8 foreign national number of the winner;
- 9 (2) the full legal name, address, social security number or
10 taxpayer identification number and, if applicable, resident **[alien]**
11 foreign national number of the assignee;
- 12 (3) the date on which the winner won the prize;
- 13 (4) the date on which the winner claimed the prize;
- 14 (5) the gross amount of the prize drawn before application of
15 withholding taxes;
- 16 (6) the gross amount of payments to be made to the winner by
17 the State Lottery before application of withholding taxes;
- 18 (7) the dates of the payments to be assigned and the amount of
19 the specific payments to be assigned on each date; (8) the identity of
20 the winner's spouse, if any, and the interest of the spouse in the
21 prize;
- 22 (9) the identity of any other co-owner, claimant or lienholder
23 and the amount of the interests, liens, security interests, prior
24 assignments or offsets asserted by such party;
- 25 (10) that the interest rate or discount rate, as applicable, and all
26 fees and costs and other material terms relating to the assignment
27 are expressly and clearly included in all material documents and in
28 all documents that include any obligations of the prize winner;
- 29 (11) that the interest rate or discount rate, as applicable,
30 associated with the assignment does not indicate overreaching or
31 exploitation, does not exceed current usury rates, and does not
32 violate any laws of usury of this State;
- 33 (12) that the winner has reviewed and understands the terms of
34 the assignment;
- 35 (13) that the winner understands that the winner will not receive
36 the prize payments, or portions thereof, for the years assigned;
- 37 (14) that the winner has agreed to the assignment of the winner's
38 own free will without undue influence or duress;
- 39 (15) that the winner has retained, and consulted with,
40 independent legal counsel who has advised the winner of the
41 winner's legal rights and obligations;
- 42 (16) that the winner has retained, and consulted with, an
43 independent tax advisor concerning the tax consequences of the
44 assignment;
- 45 (17) that the winner does not seek assignment for purposes of
46 evading creditors, judgments or obligations for child support; and
- 47 (18) that the winner has certified that the winner does not have a
48 child support obligation, or if the winner has a child support

1 obligation, that no arrearage is due and that the winner is not
2 obligated to repay any public assistance benefits.

3 e. Before a winner is legally bound, by agreement, contract or
4 otherwise, and prior to the issuance of an order pursuant to
5 subsection d. of this section, the assignee shall provide the winner
6 with all material documents which shall be binding on the assignor,
7 including documents evidencing obligations of the winner, and a
8 written notice recommending that the winner obtain independent
9 counsel before signing any document which shall be binding on the
10 assignor. All documents shall include a notice of the assignor's
11 right to cancel the agreement which shall be located in immediate
12 proximity to all spaces reserved for the signature of the winner in
13 bold-faced type of at least 10 points and which shall provide as
14 follows:

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

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

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

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

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

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

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

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

- 1 l. Except where inconsistent with the provisions of this
2 section, the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-
3 1 et seq.), shall apply to all transactions under this section.
- 4 m. The court shall cease to approve assignments pursuant to
5 subsection d. of this section if:
- 6 (1) the United States Internal Revenue Service issues a technical
7 rule letter, revenue ruling, or other public ruling in which it is
8 determined that because of the right of assignment provided by
9 subsection d. of this section, prizewinners who do not exercise the
10 right to assign prize payments would be subject to an immediate
11 income tax liability for the value of the entire prize rather than
12 annual income tax liability for each installment when received; or
- 13 (2) a court of competent jurisdiction issues a published decision
14 holding that because of the right of assignment provided by
15 subsection d. of this section, prizewinners who do not exercise the
16 right to assign prize payments would be subject to an immediate
17 income tax liability for the value of the entire prize rather than
18 annual income tax liability for each installment when received.
- 19 n. Upon receipt, the director shall immediately file a copy of a
20 letter or ruling of the United States Internal Revenue Service or a
21 published decision of a court of competent jurisdiction, described in
22 subsection m. of this section, with the Secretary of State. No
23 assignment shall be approved pursuant to subsection d. of this
24 section after the date of such filing.
- 25 o. Notwithstanding the provisions of this section, any lottery
26 prize assignment or loan transaction which has been approved by a
27 New Jersey Superior Court pursuant to section 13 of P.L.1970, c.13
28 (C.5:9-13) on or before May 15, 1998, regardless of whether such
29 an order has been or is the subject of an appeal, shall, upon joint
30 written agreement of the parties, be deemed a binding assignment or
31 transaction and shall be honored by the Division of the State
32 Lottery.
- 33 p. No change in the terms of any assignment shall be effective
34 unless made pursuant to a subsequent court order under this section.
- 35 q. A voluntary assignment shall not include or cover payments,
36 or portions of payments, that are subject to the offset pursuant to
37 P.L.1991, c.384 (C.5:9-13.1 et seq.), P.L.1997, c.306 (C.5:9-13.10
38 et seq.), or any other law unless appropriate provisions are made to
39 satisfy the obligations giving rise to the offset.
- 40 r. No lottery assignee shall directly or indirectly recommend or
41 facilitate the hiring of any lawyer or accountant to assist the
42 assignor in determining the appropriateness of the proposed
43 assignment. Further, the assignee shall not offer prior to the closing
44 tax or investment advice.
- 45 s. The director, commissioners and employees of the Division
46 of the State Lottery shall be discharged of any and all liability upon
47 payment of a prize drawn pursuant to this section.
48 (cf: P.L.1998, c.103, s.1)

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

3 4. a. The right of any annuity jackpot winner to receive
4 annuity jackpot payments from a slot system operator shall not be
5 assignable, except as permitted by this section. The provisions of
6 this section shall prevail over the provisions of the "Uniform
7 Commercial Code Secured Transactions," N.J.S.12A:9-101 et seq.,
8 including N.J.S.12A:9-406, or any other law to the contrary.

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

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

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

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

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

36 (3) the date on which and the casino where the annuity jackpot
37 was won;

38 (4) the slot machine game on which the annuity jackpot was
39 won;

40 (5) the slot system operator primarily responsible for making the
41 annuity jackpot payments;

42 (6) the gross amount of the annuity jackpot won before
43 application of withholding taxes;

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

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

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

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

7 (11) that the interest rate or discount rate, as applicable, and all
8 fees and costs and other material terms relating to the assignment
9 are expressly and clearly included in all material documents and in
10 all documents that include any obligations of the annuity jackpot
11 winner;

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

16 (13) that the winner has reviewed and understands the terms of
17 the assignment;

18 (14) that the winner understands that the winner will not receive
19 the annuity jackpot payments, or portions thereof, for the years
20 assigned;

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

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

26 (17) that the winner has retained and consulted with an
27 independent tax advisor concerning the tax consequences of the
28 assignment;

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

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

36 The annuity jackpot winner and the proposed assignee shall
37 provide a copy of the proposed form of order to the slot system
38 operator at least 10 days before the court is scheduled to act on the
39 proposed order to allow the slot system operator the opportunity to
40 ensure that the proposed order is complete and correct in all
41 respects prior to the court's approval.

42 e. Before a winner is legally bound, by agreement, contract or
43 otherwise, and prior to the issuance of an order pursuant to
44 subsection d. of this section, the assignee shall provide the winner
45 with all material documents which shall be binding on the assignor,
46 including documents evidencing obligations of the winner, and a
47 written notice recommending that the winner obtain independent
48 counsel before signing any document which shall be binding on the

1 assignor. All documents shall include a notice of the assignor's right
2 to cancel the agreement which shall be located in immediate
3 proximity to all spaces reserved for the signature of the winner in
4 bold-faced type of at least 10 points and which shall provide as
5 follows:

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

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

14 f. The slot system operator shall, not later than 10 days after
15 receiving a true and correct copy of the filed judicial order, send the
16 winner and the assignee written confirmation of receipt of the court-
17 ordered assignment and of the slot system operator's intent to rely
18 thereon in making future payments to the assignee named in the
19 order. The slot system operator shall, thereafter, make all payments
20 in accordance with the judicial order. No change in the terms of any
21 assignment shall be effective unless made pursuant to a subsequent
22 judicial order pursuant to this section.

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

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

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

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

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

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

42 (1) the United States Internal Revenue Service issues a
43 technical rule letter, revenue ruling, or other public ruling in which
44 it is determined that because of the right of assignment provided by
45 subsection d. of this section, annuity jackpot winners who do not
46 exercise the right to assign annuity jackpot payments would be
47 subject to an immediate income tax liability for the value of the

1 entire annuity jackpot rather than annual income tax liability for
2 each installment when received; or

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

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

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

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

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

27
28 5. Section 1 of P.L.1987, c.53 (C.18A:3-19.1) is amended to
29 read as follows:

30 1. As used in this act:

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

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

42 "Foreign person" means any individual who is not a citizen of or
43 resident **[alien]** foreign national of the United States or of its
44 territories or possessions and includes an agent acting for the
45 foreign person.

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

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

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

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

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

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

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

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

20 b. Student information obtained in the implementation of this
21 section shall be confidential.

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

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

27

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

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

47 "You do swear (or affirm, as the case may be), that you are the
48 person named in the certificate of naturalization which you have

1 produced to the board." In case the person producing the same
2 shall claim to have derived the rights of such citizen through the
3 naturalization of his parent, such certificate shall show that the
4 person alleged to be such parent has been admitted to the rights of
5 such citizen. In this event, an oath or affirmation, in the following
6 form, shall be tendered to such person:

7 "You do swear (or affirm, as the case may be), that to the best of
8 your knowledge, information and belief, the person named in the
9 certificate of naturalization which you have produced to this board
10 was your parent, and that you were at the time of the naturalization
11 of your parent under the age of twenty-one years, and resident of
12 the United States." If the person so challenged shall in either case
13 refuse to take the oath or affirmation so tendered to him, he shall be
14 deemed to be **[an alien]** a foreign national.

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

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

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

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

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

43 (1) The designated hospital employee shall obtain
44 documentation of proper identification of the patient.
45 Documentation of proper identification may include, but shall not
46 be limited to, a driver's license, a voter registration card, **[an alien]**
47 a foreign national registry card, a birth certificate, an employee
48 identification card, a union membership card, an insurance or

1 welfare plan identification card or a Social Security card. Proper
2 identification of the patient may also be provided by personal
3 recognition by a person not associated with the patient. For the
4 purposes of this paragraph, "proper identification" means the
5 patient's name, mailing address, residence telephone number, date
6 of birth, Social Security number, and place and type of
7 employment, employment address and employment telephone
8 number, as applicable.

9 (2) The designated hospital employee shall inquire of the
10 patient, family member, responsible party or guardian, as
11 appropriate, whether the patient is covered by health insurance, and
12 if so, shall request documentation of the evidence of health
13 insurance coverage. Documentation may include, but shall not be
14 limited to, a government sponsored health plan card or number, a
15 group sponsored or direct subscription health plan card or number, a
16 commercial insurance identification card or claim form or a union
17 welfare plan identification card or claim form.

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

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

42 (4) If evidence of health insurance coverage for the patient is
43 not documented or if evidence of health insurance coverage is
44 documented but the patient's health insurance coverage is unlikely
45 to provide payment in full for the patient's account at the hospital,
46 and the patient does not appear to be eligible for public assistance,
47 the designated hospital employee shall determine if the patient is
48 eligible for charity care pursuant to regulations adopted by the

1 commissioner. If the patient does not qualify for charity care, the
2 designated hospital employee shall request from the patient, family
3 member, responsible party or guardian, as appropriate, the patient's
4 or responsible party's place of employment, income, real property
5 and durable personal property owned by the patient or responsible
6 party and bank accounts possessed by the patient or responsible
7 party, along with account numbers and the name and location of the
8 bank.

9 (5) In the case of a patient seeking outpatient services, the
10 designated hospital employee shall make the inquiries and obtain
11 the documentation required pursuant to paragraphs (1) and (2) of
12 this subsection. If the patient provides the required documentation,
13 the designated hospital employee is not required to make further
14 inquiries, but if the patient cannot provide the required
15 documentation, the designated hospital employee shall follow the
16 procedures required pursuant to paragraphs (3) and (4) of this
17 subsection.

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

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

25
26 9. R.S.30:4-49 is amended to read as follows:

27 30:4-49. Except as hereinafter provided, legal settlement in a
28 county within the meaning of this article shall be continuous
29 residence in such county for a period of not less than five years
30 immediately preceding the date of application for admission or
31 commitment, excluding the time, if any, spent by the patient in any
32 charitable, or correctional institution or public hospital. **[An alien]**
33 A foreign national who has taken up his residence in any county in
34 this State immediately upon arriving in this country, having had
35 such county as his destination, and who shall have resided in such
36 county for a period of at least three years immediately preceding the
37 date of application for admission or commitment, shall be deemed
38 to have a legal settlement in such county.

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

40
41 10. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read
42 as follows:

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

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

47 b. "Commissioner" means the Commissioner of Human
48 Services.

- 1 c. "Department" means the Department of Human Services,
2 which is herein designated as the single State agency to administer
3 the provisions of this act.
- 4 d. "Director" means the Director of the Division of Medical
5 Assistance and Health Services.
- 6 e. "Division" means the Division of Medical Assistance and
7 Health Services.
- 8 f. "Medicaid" means the New Jersey Medical Assistance and
9 Health Services Program.
- 10 g. "Medical assistance" means payments on behalf of recipients
11 to providers for medical care and services authorized under
12 P.L.1968, c.413.
- 13 h. "Provider" means any person, public or private institution,
14 agency, or business concern approved by the division lawfully
15 providing medical care, services, goods, and supplies authorized
16 under P.L.1968, c.413, holding, where applicable, a current valid
17 license to provide such services or to dispense such goods or
18 supplies.
- 19 i. "Qualified applicant" means a person who is a resident of
20 this State, and either a citizen of the United States or an eligible
21 **[alien]** foreign national, and is determined to need medical care and
22 services as provided under P.L.1968, c.413, with respect to whom
23 the period for which eligibility to be a recipient is determined shall
24 be the maximum period permitted under federal law, and who:
- 25 (1) Is a dependent child or parent or caretaker relative of a
26 dependent child who would be, except for resources, eligible for the
27 aid to families with dependent children program under the State
28 Plan for Title IV-A of the federal Social Security Act as of July 16,
29 1996;
- 30 (2) Is a recipient of Supplemental Security Income for the Aged,
31 Blind and Disabled under Title XVI of the Social Security Act;
- 32 (3) Is an "ineligible spouse" of a recipient of Supplemental
33 Security Income for the Aged, Blind and Disabled under Title XVI
34 of the Social Security Act, as defined by the federal Social Security
35 Administration;
- 36 (4) Would be eligible to receive Supplemental Security Income
37 under Title XVI of the federal Social Security Act or, without
38 regard to resources, would be eligible for the aid to families with
39 dependent children program under the State Plan for Title IV-A of
40 the federal Social Security Act as of July 16, 1996, except for
41 failure to meet an eligibility condition or requirement imposed
42 under such State program which is prohibited under Title XIX of
43 the federal Social Security Act such as a durational residency
44 requirement, relative responsibility, consent to imposition of a lien;
- 45 (5) (Deleted by amendment, P.L.2000, c.71).
- 46 (6) Is an individual under 21 years of age who, without regard to
47 resources, would be, except for dependent child requirements,
48 eligible for the aid to families with dependent children program

1 under the State Plan for Title IV-A of the federal Social Security
2 Act as of July 16, 1996, or groups of such individuals, including but
3 not limited to, children in resource family placement under
4 supervision of the Division of Child Protection and Permanency in
5 the Department of Children and Families whose maintenance is
6 being paid in whole or in part from public funds, children placed in
7 a resource family home or institution by a private adoption agency
8 in New Jersey or children in intermediate care facilities, including
9 developmental centers for the developmentally disabled, or in
10 psychiatric hospitals;

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

14 (8) Is determined to be medically needy and meets all the
15 eligibility requirements described below:

16 (a) The following individuals are eligible for services, if they
17 are determined to be medically needy:

18 (i) Pregnant women;

19 (ii) Dependent children under the age of 21;

20 (iii) Individuals who are 65 years of age and older; and

21 (iv) Individuals who are blind or disabled pursuant to either 42
22 C.F.R.435.530 et seq. or 42 C.F.R.435.540 et seq., respectively.

23 (b) The following income standard shall be used to determine
24 medically needy eligibility:

25 (i) For one person and two person households, the income
26 standard shall be the maximum allowable under federal law, but
27 shall not exceed 133 1/3% of the State's payment level to two
28 person households under the aid to families with dependent children
29 program under the State Plan for Title IV-A of the federal Social
30 Security Act in effect as of July 16, 1996; and

31 (ii) For households of three or more persons, the income standard
32 shall be set at 133 1/3% of the State's payment level to similar size
33 households under the aid to families with dependent children
34 program under the State Plan for Title IV-A of the federal Social
35 Security Act in effect as of July 16, 1996.

36 (c) The following resource standard shall be used to determine
37 medically needy eligibility:

38 (i) For one person households, the resource standard shall be
39 200% of the resource standard for recipients of Supplemental
40 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

41 (ii) For two person households, the resource standard shall be
42 200% of the resource standard for recipients of Supplemental
43 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

44 (iii) For households of three or more persons, the resource
45 standard in subparagraph (c)(ii) above shall be increased by
46 \$100.00 for each additional person; and

47 (iv) The resource standards established in (i), (ii), and (iii) are
48 subject to federal approval and the resource standard may be lower

1 if required by the federal Department of Health and Human
2 Services.

3 (d) Individuals whose income exceeds those established in
4 subparagraph (b) of paragraph (8) of this subsection may become
5 medically needy by incurring medical expenses as defined in 42
6 C.F.R.435.831(c) which will reduce their income to the applicable
7 medically needy income established in subparagraph (b) of
8 paragraph (8) of this subsection.

9 (e) A six-month period shall be used to determine whether an
10 individual is medically needy.

11 (f) Eligibility determinations for the medically needy program
12 shall be administered as follows:

13 (i) County welfare agencies and other entities designated by the
14 commissioner are responsible for determining and certifying the
15 eligibility of pregnant women and dependent children. The division
16 shall reimburse county welfare agencies for 100% of the reasonable
17 costs of administration which are not reimbursed by the federal
18 government for the first 12 months of this program's operation.
19 Thereafter, 75% of the administrative costs incurred by county
20 welfare agencies which are not reimbursed by the federal
21 government shall be reimbursed by the division;

22 (ii) The division is responsible for certifying the eligibility of
23 individuals who are 65 years of age and older and individuals who
24 are blind or disabled. The division may enter into contracts with
25 county welfare agencies to determine certain aspects of eligibility.
26 In such instances the division shall provide county welfare agencies
27 with all information the division may have available on the
28 individual.

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

38 (iii) The division is responsible for certifying incurred medical
39 expenses for all eligible persons who attempt to qualify for the
40 program pursuant to subparagraph (d) of paragraph (8) of this
41 subsection;

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

45 (b) Is a member of a family whose income does not exceed
46 133% of the poverty level and who meets the federal Medicaid
47 eligibility requirements set forth in section 9401 of Pub.L.99-509
48 (42 U.S.C. s.1396a);

- 1 (10) Is a pregnant woman who is determined by a provider to be
2 presumptively eligible for medical assistance based on criteria
3 established by the commissioner, pursuant to section 9407 of
4 Pub.L.99-509 (42 U.S.C. s.1396a(a));
- 5 (11) Is an individual 65 years of age and older, or an individual
6 who is blind or disabled pursuant to section 301 of Pub.L.92-603
7 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
8 poverty level, adjusted for family size, and whose resources do not
9 exceed 100% of the resource standard used to determine medically
10 needy eligibility pursuant to paragraph (8) of this subsection;
- 11 (12) Is a qualified disabled and working individual pursuant to
12 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income
13 does not exceed 200% of the poverty level and whose resources do
14 not exceed 200% of the resource standard used to determine
15 eligibility under the Supplemental Security Income Program,
16 P.L.1973, c.256 (C.44:7-85 et seq.);
- 17 (13) Is a pregnant woman or is a child who is under one year of
18 age and is a member of a family whose income does not exceed
19 185% of the poverty level and who meets the federal Medicaid
20 eligibility requirements set forth in section 9401 of Pub.L.99-509
21 (42 U.S.C. s.1396a), except that a pregnant woman who is
22 determined to be a qualified applicant shall, notwithstanding any
23 change in the income of the family of which she is a member,
24 continue to be deemed a qualified applicant until the end of the 60-
25 day period beginning on the last day of her pregnancy;
- 26 (14) (Deleted by amendment, P.L.1997, c.272).
- 27 (15) (a) Is a specified low-income Medicare beneficiary pursuant
28 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January
29 1, 1993 do not exceed 200% of the resource standard used to
30 determine eligibility under the Supplemental Security Income
31 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income
32 beginning January 1, 1993 does not exceed 110% of the poverty
33 level, and beginning January 1, 1995 does not exceed 120% of the
34 poverty level.
- 35 (b) An individual who has, within 36 months, or within 60
36 months in the case of funds transferred into a trust, of applying to
37 be a qualified applicant for Medicaid services in a nursing facility
38 or a medical institution, or for home or community-based services
39 under section 1915(c) of the federal Social Security Act (42 U.S.C.
40 s.1396n(c)), disposed of resources or income for less than fair
41 market value shall be ineligible for assistance for nursing facility
42 services, an equivalent level of services in a medical institution, or
43 home or community-based services under section 1915(c) of the
44 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of
45 the ineligibility shall be the number of months resulting from
46 dividing the uncompensated value of the transferred resources or
47 income by the average monthly private payment rate for nursing
48 facility services in the State as determined annually by the

1 commissioner. In the case of multiple resource or income transfers,
2 the resulting penalty periods shall be imposed sequentially.
3 Application of this requirement shall be governed by 42 U.S.C.
4 s.1396p(c). In accordance with federal law, this provision is
5 effective for all transfers of resources or income made on or after
6 August 11, 1993. Notwithstanding the provisions of this subsection
7 to the contrary, the State eligibility requirements concerning
8 resource or income transfers shall not be more restrictive than those
9 enacted pursuant to 42 U.S.C. s.1396p(c).

10 (c) An individual seeking nursing facility services or home or
11 community-based services and who has a community spouse shall
12 be required to expend those resources which are not protected for
13 the needs of the community spouse in accordance with section
14 1924(c) of the federal Social Security Act (42 U.S.C. s.1396r-5(c))
15 on the costs of long-term care, burial arrangements, and any other
16 expense deemed appropriate and authorized by the commissioner.
17 An individual shall be ineligible for Medicaid services in a nursing
18 facility or for home or community-based services under section
19 1915(c) of the federal Social Security Act (42 U.S.C. s.1396n(c)) if
20 the individual expends funds in violation of this subparagraph. The
21 period of ineligibility shall be the number of months resulting from
22 dividing the uncompensated value of transferred resources and
23 income by the average monthly private payment rate for nursing
24 facility services in the State as determined by the commissioner.
25 The period of ineligibility shall begin with the month that the
26 individual would otherwise be eligible for Medicaid coverage for
27 nursing facility services or home or community-based services.

28 This subparagraph shall be operative only if all necessary
29 approvals are received from the federal government including, but
30 not limited to, approval of necessary State plan amendments and
31 approval of any waivers;

32 (16) Subject to federal approval under Title XIX of the federal
33 Social Security Act, is a dependent child, parent or specified
34 caretaker relative of a child who is a qualified applicant, who would
35 be eligible, without regard to resources, for the aid to families with
36 dependent children program under the State Plan for Title IV-A of
37 the federal Social Security Act as of July 16, 1996, except for the
38 income eligibility requirements of that program, and whose family
39 earned income,

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

42 (b) if a parent or specified caretaker relative, beginning
43 September 1, 2005 does not exceed 100% of the poverty level,
44 beginning September 1, 2006 does not exceed 115% of the poverty
45 level and beginning September 1, 2007 does not exceed 133% of
46 the poverty level,

1 plus such earned income disregards as shall be determined
2 according to a methodology to be established by regulation of the
3 commissioner;

4 The commissioner may increase the income eligibility limits for
5 children and parents and specified caretaker relatives, as funding
6 permits;

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

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

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

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

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

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

25 (a) has been screened for breast or cervical cancer under the
26 federal Centers for Disease Control and Prevention breast and
27 cervical cancer early detection program;

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

30 (c) has an income that does not exceed the income standard
31 established by the commissioner pursuant to federal guidelines;

32 (d) meets all other Medicaid eligibility requirements; and

33 (e) in accordance with Pub.L.106-354, is determined by a
34 qualified entity to be presumptively eligible for medical assistance
35 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established
36 by the commissioner pursuant to section 1920B of the federal Social
37 Security Act (42 U.S.C. s.1396r-1b);

38 (20) Subject to federal approval under Title XIX of the federal
39 Social Security Act, is a single adult or couple, without dependent
40 children, whose income in 2006 does not exceed 50% of the poverty
41 level, in 2007 does not exceed 75% of the poverty level and in 2008
42 and each year thereafter does not exceed 100% of the poverty level;
43 except that a person who is a recipient of Work First New Jersey
44 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-107
45 et seq.), shall not be a qualified applicant; or

46 (21) is an individual who:

47 (a) has an income that does not exceed the highest income
48 eligibility level for pregnant women established under the State

- 1 plan under Title XIX or Title XXI of the federal Social Security
- 2 Act;
- 3 (b) is not pregnant; and
- 4 (c) is eligible to receive family planning services provided
- 5 under the Medicaid program pursuant to subsection k. of section 6
- 6 of P.L.1968, c.413 (C.30:4D-6) and in accordance with 42 U.S.C.
- 7 s.1396a(ii).
- 8 j. "Recipient" means any qualified applicant receiving benefits
- 9 under this act.
- 10 k. "Resident" means a person who is living in the State
- 11 voluntarily with the intention of making his home here and not for a
- 12 temporary purpose. Temporary absences from the State, with
- 13 subsequent returns to the State or intent to return when the purposes
- 14 of the absences have been accomplished, do not interrupt continuity
- 15 of residence.
- 16 l. "State Medicaid Commission" means the Governor, the
- 17 Commissioner of Human Services, the President of the Senate and
- 18 the Speaker of the General Assembly, hereby constituted a
- 19 commission to approve and direct the means and method for the
- 20 payment of claims pursuant to P.L.1968, c.413.
- 21 m. "Third party" means any person, institution, corporation,
- 22 insurance company, group health plan as defined in section 607(1)
- 23 of the federal "Employee Retirement and Income Security Act of
- 24 1974," 29 U.S.C. s.1167(1), service benefit plan, health
- 25 maintenance organization, or other prepaid health plan, or public,
- 26 private or governmental entity who is or may be liable in contract,
- 27 tort, or otherwise by law or equity to pay all or part of the medical
- 28 cost of injury, disease or disability of an applicant for or recipient
- 29 of medical assistance payable under P.L.1968, c.413.
- 30 n. "Governmental peer grouping system" means a separate
- 31 class of skilled nursing and intermediate care facilities administered
- 32 by the State or county governments, established for the purpose of
- 33 screening their reported costs and setting reimbursement rates under
- 34 the Medicaid program that are reasonable and adequate to meet the
- 35 costs that must be incurred by efficiently and economically operated
- 36 State or county skilled nursing and intermediate care facilities.
- 37 o. "Comprehensive maternity or pediatric care provider" means
- 38 any person or public or private health care facility that is a provider
- 39 and that is approved by the commissioner to provide comprehensive
- 40 maternity care or comprehensive pediatric care as defined in
- 41 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
- 42 (C.30:4D-6).
- 43 p. "Poverty level" means the official poverty level based on
- 44 family size established and adjusted under Section 673(2) of
- 45 Subtitle B, the "Community Services Block Grant Act," of
- 46 Pub.L.97-35 (42 U.S.C. s.9902(2)).
- 47 q. "Eligible **alien** foreign national" means one of the
- 48 following:

- 1 (1) **【an alien】** A foreign national present in the United States
2 prior to August 22, 1996, who is:
- 3 (a) a lawful permanent resident;
- 4 (b) a refugee pursuant to section 207 of the federal "Immigration
5 and Nationality Act" (8 U.S.C. s.1157);
- 6 (c) an asylee pursuant to section 208 of the federal
7 "Immigration and Nationality Act" (8 U.S.C. s.1158);
- 8 (d) **【an alien】** a foreign national who has had deportation
9 withheld pursuant to section 243(h) of the federal "Immigration and
10 Nationality Act" (8 U.S.C. s.1253 (h));
- 11 (e) **【an alien】** a foreign national who has been granted parole
12 for less than one year by the U.S. Citizenship and Immigration
13 Services pursuant to section 212(d)(5) of the federal "Immigration
14 and Nationality Act" (8 U.S.C. s.1182(d)(5));
- 15 (f) **【an alien】** a foreign national granted conditional entry
16 pursuant to section 203(a)(7) of the federal "Immigration and
17 Nationality Act" (8 U.S.C. s.1153(a)(7)) in effect prior to April 1,
18 1980; or
- 19 (g) **【an alien】** a foreign national who is honorably discharged
20 from or on active duty in the United States armed forces and the
21 **【alien's】** foreign national's spouse and unmarried dependent child.
- 22 (2) **【An alien】** A foreign national who entered the United States
23 on or after August 22, 1996, who is:
- 24 (a) **【an alien】** a foreign national as described in paragraph
25 (1)(b), (c), (d) or (g) of this subsection; or
- 26 (b) **【an alien】** a foreign national as described in paragraph
27 (1)(a), (e) or (f) of this subsection who entered the United States at
28 least five years ago.
- 29 (3) A legal **【alien】** foreign national who is a victim of domestic
30 violence in accordance with criteria specified for eligibility for
31 public benefits as provided in Title V of the federal "Illegal
32 Immigration Reform and Immigrant Responsibility Act of 1996" (8
33 U.S.C. s.1641).
34 (cf: P.L.2018, c.1, s.1)
35
- 36 11. Section 2 of P.L.1997, c.352 (C.30:4D-6f) is amended to
37 read as follows:
- 38 2. An eligible **【alien】** foreign national as defined in section 3
39 of P.L.1968, c.413 (C.30:4D-1 et seq.) who otherwise meets all
40 eligibility criteria therefor is entitled to medical assistance provided
41 pursuant to section 6 of P.L.1968, c.413 (C.30:4D-6). **【An alien】**
42 A foreign national who does not qualify as an eligible **【alien】**
43 foreign national but who is a resident of New Jersey and would
44 otherwise be eligible for medical assistance provided pursuant to
45 section 6 of P.L.1968, c.413 is entitled only to care and services
46 necessary for the treatment of an emergency medical condition as

defined in section 1903(v)(3) of the federal Social Security Act (42 U.S.C. s.1396b(v)(3)).
(cf: P.L.1997, c.352, s.2)

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

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

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

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

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

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

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

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

1 (4) evidence of employment history verification or character
2 references for that person.

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

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

7 (2) otherwise upon the initial visit to the patient's or consumer's
8 home of the person assigned to provide services to the patient or
9 consumer.

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

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

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

18

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

20 43:21-4. Benefit eligibility conditions. An unemployed
21 individual shall be eligible to receive benefits with respect to any
22 week eligible only if:

23 (a) The individual has filed a claim at an unemployment
24 insurance claims office and thereafter continues to report at an
25 employment service office or unemployment insurance claims
26 office, as directed by the division in accordance with such
27 regulations as the division may prescribe, except that the division
28 may, by regulation, waive or alter either or both of the requirements
29 of this subsection as to individuals attached to regular jobs, and as
30 to such other types of cases or situations with respect to which the
31 division finds that compliance with such requirements would be
32 oppressive, or would be inconsistent with the purpose of this act;
33 provided that no such regulation shall conflict with subsection (a) of
34 R.S.43:21-3.

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

37 (c) (1) The individual is able to work, and is available for work,
38 and has demonstrated to be actively seeking work, except as
39 hereinafter provided in this subsection or in subsection (f) of this
40 section.

41 (2) The director may modify the requirement of actively seeking
42 work if such modification of this requirement is warranted by
43 economic conditions.

44 (3) No individual, who is otherwise eligible, shall be deemed
45 ineligible, or unavailable for work, because the individual is on
46 vacation, without pay, during said week, if said vacation is not the
47 result of the individual's own action as distinguished from any

1 collective action of a collective bargaining agent or other action
2 beyond the individual's control.

3 (4) (A) Subject to such limitations and conditions as the division
4 may prescribe, an individual, who is otherwise eligible, shall not be
5 deemed unavailable for work or ineligible because the individual is
6 attending a training program approved for the individual by the
7 division to enhance the individual's employment opportunities or
8 because the individual failed or refused to accept work while
9 attending such program.

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

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

19 (ii) The training is provided by a competent and reliable private
20 or public entity approved by the Commissioner of Labor and
21 Workforce Development pursuant to the provisions of section 8 of
22 the "1992 New Jersey Employment and Workforce Development
23 Act," P.L.1992, c.43 (C.34:15D-8);

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

26 (iv) The training does not include on the job training or other
27 training under which the individual is paid by an employer for work
28 performed by the individual during the time that the individual
29 receives benefits; and

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

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

38 (i) The training includes remedial basic skills education
39 necessary for the individual to successfully complete the vocational
40 component of the training;

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

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

45 (iv) The lack of a prior guarantee of employment upon
46 completion of the training.

47 (D) For the purpose of this paragraph (4), "labor demand
48 occupation" means an occupation for which there is or is likely to

1 be an excess of demand over supply for adequately trained workers,
2 including, but not limited to, an occupation designated as a labor
3 demand occupation by the Center for Occupational Employment
4 Information pursuant to the provisions of subsection d. of section
5 27 of P.L.2005, c.354 (C.34:1A-86).

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

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

15 For purposes of this paragraph, "immediate family member"
16 includes any of the following individuals: father, mother, mother-
17 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
18 child, child placed by the Division of Youth and Family Services in
19 the Department of Children and Families, sister or brother of the
20 unemployed individual and any relatives of the unemployed
21 individual residing in the unemployed individual's household.

22 (7) No individual, who is otherwise eligible, shall be deemed
23 ineligible or unavailable for work with respect to any week because,
24 during that week, the individual fails or refuses to accept work
25 while the individual is participating on a full-time basis in self-
26 employment assistance activities authorized by the division,
27 whether or not the individual is receiving a self-employment
28 allowance during that week.

29 (8) Any individual who is determined to be likely to exhaust
30 regular benefits and need reemployment services based on
31 information obtained by the worker profiling system shall not be
32 eligible to receive benefits if the individual fails to participate in
33 available reemployment services to which the individual is referred
34 by the division or in similar services, unless the division determines
35 that:

36 (A) The individual has completed the reemployment services; or
37 (B) There is justifiable cause for the failure to participate, which
38 shall include participation in employment and training, self-
39 employment assistance activities or other activities authorized by
40 the division to assist reemployment or enhance the marketable skills
41 and earning power of the individual and which shall include any
42 other circumstance indicated pursuant to this section in which an
43 individual is not required to be available for and actively seeking
44 work to receive benefits.

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

1 (10) An individual who is employed by a shared work employer
2 and is otherwise eligible for benefits shall not be deemed ineligible
3 for short-time benefits because the individual is unavailable for
4 work with employers other than the shared work employer, so long
5 as:

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

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

13 (d) With respect to any benefit year commencing before January
14 1, 2002, the individual has been totally or partially unemployed for
15 a waiting period of one week in the benefit year which includes that
16 week. When benefits become payable with respect to the third
17 consecutive week next following the waiting period, the individual
18 shall be eligible to receive benefits as appropriate with respect to
19 the waiting period. No week shall be counted as a week of
20 unemployment for the purposes of this subsection:

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

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

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

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

32 The waiting period provided by this subsection shall not apply to
33 benefit years commencing on or after January 1, 2002. An
34 individual whose total benefit amount was reduced by the
35 application of the waiting period to a claim which occurred on or
36 after January 1, 2002 and before the effective date of P.L.2002,
37 c.13, shall be permitted to file a claim for the additional benefits
38 attributable to the waiting period in the form and manner prescribed
39 by the division, but not later than the 180th day following the
40 effective date of P.L.2002, c.13 unless the division determines that
41 there is good cause for a later filing.

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

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

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

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

- 1 (A) Established at least 20 base weeks as defined in paragraphs
2 (2) and (3) of subsection (t) of R.S.43:21-19; or
- 3 (B) If the individual has not met the requirements of
4 subparagraph (A) of this paragraph (4), earned remuneration not
5 less than an amount 1,000 times the minimum wage in effect
6 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
7 1 of the calendar year preceding the calendar year in which the
8 benefit year commences, which amount shall be adjusted to the next
9 higher multiple of \$100 if not already a multiple thereof.
- 10 (5) With respect to benefit years commencing on or after
11 January 7, 2001, notwithstanding the provisions of paragraph (4) of
12 this subsection, an unemployed individual claiming benefits on the
13 basis of service performed in the production and harvesting of
14 agricultural crops shall, subject to the limitations of subsection (i)
15 of R.S.43:21-19, be eligible to receive benefits if during his base
16 year, as defined in subsection (c) of R.S.43:21-19, the individual:
- 17 (A) Has established at least 20 base weeks as defined in
18 paragraphs (2) and (3) of subsection (t) of R.S.43:21-19; or
- 19 (B) Has earned remuneration not less than an amount 1,000
20 times the minimum wage in effect pursuant to section 5 of
21 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
22 preceding the calendar year in which the benefit year commences,
23 which amount shall be adjusted to the next higher multiple of \$100
24 if not already a multiple thereof; or
- 25 (C) Has performed at least 770 hours of service in the
26 production and harvesting of agricultural crops.
- 27 (6) The individual applying for benefits in any successive
28 benefit year has earned at least six times his previous weekly
29 benefit amount and has had four weeks of employment since the
30 beginning of the immediately preceding benefit year. This
31 provision shall be in addition to the earnings requirements specified
32 in paragraph (4) or (5) of this subsection, as applicable.
- 33 (f) (1) The individual has suffered any accident or sickness not
34 compensable under the workers' compensation law, R.S.34:15-1 et
35 seq. and resulting in the individual's total disability to perform any
36 work for remuneration, and would be eligible to receive benefits
37 under this chapter (R.S.43:21-1 et seq.) (without regard to the
38 maximum amount of benefits payable during any benefit year)
39 except for the inability to work and has furnished notice and proof
40 of claim to the division, in accordance with its rules and
41 regulations, and payment is not precluded by the provisions of
42 R.S.43:21-3(d); provided, however, that benefits paid under this
43 subsection (f) shall be computed on the basis of only those base
44 year wages earned by the claimant as a "covered individual," as
45 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
46 27); provided further that no benefits shall be payable under this
47 subsection to any individual:

1 (A) For any period during which such individual is not under the
2 care of a legally licensed physician, dentist, optometrist, podiatrist,
3 practicing psychologist, advanced practice nurse, or chiropractor,
4 who, when requested by the division, shall certify within the scope
5 of the practitioner's practice, the disability of the individual, the
6 probable duration thereof, and, where applicable, the medical facts
7 within the practitioner's knowledge;

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

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

12 (D) For any week with respect to which or a part of which the
13 individual has received or is seeking benefits under any
14 unemployment compensation or disability benefits law of any other
15 state or of the United States; provided that if the appropriate agency
16 of such other state or the United States finally determines that the
17 individual is not entitled to such benefits, this disqualification shall
18 not apply;

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

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

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

44 (A) For any week with respect to which or a part of which the
45 individual has received or is seeking benefits under any
46 unemployment compensation or disability benefits law of any other
47 state or of the United States; provided that if the appropriate agency
48 of such other state or the United States finally determines that the

1 individual is not entitled to such benefits, this disqualification shall
2 not apply;

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

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

11 (D) For any period of family temporary disability leave for a
12 serious health condition of a family member of the claimant during
13 which the family member is not receiving inpatient care in a
14 hospital, hospice, or residential medical care facility and is not
15 subject to continuing medical treatment or continuing supervision
16 by a health care provider, who, when requested by the division,
17 shall certify within the scope of the provider's practice, the serious
18 health condition of the family member, the probable duration
19 thereof, and, where applicable, the medical facts within the
20 provider's knowledge.

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

27 (g) Benefits based on service in employment defined in
28 subparagraphs (B) and (C) of R.S.43:21-19 (i)(1) shall be payable
29 in the same amount and on the terms and subject to the same
30 conditions as benefits payable on the basis of other service subject
31 to the "unemployment compensation law"; except that,
32 notwithstanding any other provisions of the "unemployment
33 compensation law":

34 (1) With respect to service performed after December 31, 1977,
35 in an instructional, research, or principal administrative capacity for
36 an educational institution, benefits shall not be paid based on such
37 services for any week of unemployment commencing during the
38 period between two successive academic years, or during a similar
39 period between two regular terms, whether or not successive, or
40 during a period of paid sabbatical leave provided for in the
41 individual's contract, to any individual if such individual performs
42 such services in the first of such academic years (or terms) and if
43 there is a contract or a reasonable assurance that such individual
44 will perform services in any such capacity for any educational
45 institution in the second of such academic years or terms;

46 (2) With respect to weeks of unemployment beginning after
47 September 3, 1982, on the basis of service performed in any other
48 capacity for an educational institution, benefits shall not be paid on

1 the basis of such services to any individual for any week which
2 commences during a period between two successive academic years
3 or terms if such individual performs such services in the first of
4 such academic years or terms and there is a reasonable assurance
5 that such individual will perform such services in the second of
6 such academic years or terms, except that if benefits are denied to
7 any individual under this paragraph (2) and the individual was not
8 offered an opportunity to perform these services for the educational
9 institution for the second of any academic years or terms, the
10 individual shall be entitled to a retroactive payment of benefits for
11 each week for which the individual filed a timely claim for benefits
12 and for which benefits were denied solely by reason of this clause;

13 (3) With respect to those services described in paragraphs (1)
14 and (2) above, benefits shall not be paid on the basis of such
15 services to any individual for any week which commences during
16 an established and customary vacation period or holiday recess if
17 such individual performs such services in the period immediately
18 before such vacation period or holiday recess, and there is a
19 reasonable assurance that such individual will perform such
20 services in the period immediately following such period or holiday
21 recess;

22 (4) With respect to any services described in paragraphs (1) and
23 (2) above, benefits shall not be paid as specified in paragraphs (1),
24 (2), and (3) above to any individual who performed those services
25 in an educational institution while in the employ of an educational
26 service agency, and for this purpose the term "educational service
27 agency" means a governmental agency or governmental entity
28 which is established and operated exclusively for the purpose of
29 providing those services to one or more educational institutions;

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

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

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

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

41 (D) The economic conditions of the employment offered may not
42 be considerably less in the following academic year or term than in
43 the then current academic year or term. For the purpose of this
44 paragraph, "considerably less" means that the claimant will earn
45 less than 90 percent of the amount the claimant earned in the then
46 current academic year or term;

47 (E) The offer of employment in the following academic year or
48 term is not contingent upon a factor or factors that are within the

1 educational institution's control, including but not limited to, course
2 programming, decisions on how to allocate available funding, final
3 course offerings, program changes, and facility availability; and

4 (F) Based on a totality of the circumstances, it is highly
5 probable that there is a job available for the claimant in the
6 following academic year or term. If a job offer contains a
7 contingency, primary weight should be given to the contingent
8 nature of the offer of employment. Contingencies that are not
9 necessarily within the educational institution's control, such as
10 funding, enrollment and seniority, may be taken into consideration
11 but the existence of any one contingency should not determine
12 whether it is highly probable that there is a job available for the
13 claimant in the following academic year or term.

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

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

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

26 (B) For each employee that the educational institution maintains
27 does have a reasonable assurance of employment in the following
28 academic year or term, a statement explaining the manner in which
29 the employee was given a reasonable assurance of employment, that
30 is, whether it was in writing, oral, or implied, and what information
31 about the offer, including contingencies, was communicated to the
32 individual.

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

39 (9) Failure of an educational institution to provide the statement
40 required under subparagraph (B) of paragraph (7) of this subsection
41 (g) not less than 10 business days prior to the end of the academic
42 year or term shall result in a rebuttable presumption that the
43 claimant does not have a reasonable assurance of employment in the
44 following academic year or term. This rebuttable presumption shall
45 give rise to an inference that the claimant does not have a
46 reasonable assurance of employment in the following academic year
47 or term, but shall not conclusively demonstrate that the claimant

1 does not have a reasonable assurance of employment in the
2 following academic year or term.

3 (10) If any part of P.L.2020, c.122 is found to be in conflict with
4 federal requirements that are a prescribed condition to the allocation
5 of federal funds to the State or the eligibility of employers in this
6 State for federal unemployment tax credits, the conflicting part of
7 that act is inoperative solely to the extent of the conflict, and the
8 finding or determination does not affect the operation of the
9 remainder of this act. Rules adopted under this act shall meet
10 federal requirements that are a necessary condition to the receipt of
11 federal funds by the State or the granting of federal unemployment
12 tax credits to employers in this State.

13 (h) Benefits shall not be paid to any individual on the basis of
14 any services, substantially all of which consist of participating in
15 sports or athletic events or training or preparing to so participate,
16 for any week which commences during the period between two
17 successive sports seasons (or similar periods) if such individual
18 performed such services in the first of such seasons (or similar
19 periods) and there is a reasonable assurance that such individual
20 will perform such services in the later of such seasons (or similar
21 periods).

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

41 (2) Any data or information required of individuals applying for
42 benefits to determine whether benefits are not payable to them
43 because of their **【alien】** foreign-national status shall be uniformly
44 required from all applicants for benefits.

45 (3) In the case of an individual whose application for benefits
46 would otherwise be approved, no determination that benefits to such

1 individual are not payable because of **alien** foreign-national status
2 shall be made except upon a preponderance of the evidence.

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

10 (cf: P.L. 2020, c.122)

11
12 14. R.S.44:1-97 is amended to read as follows:

13 44:1-97. Overseers shall in respect to all applicants for relief
14 keep a record which may be by card index and which shall state:

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

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

17 c. The time and place of last employment and the family
18 income;

19 d. Whether citizen or **alien** foreign national and the place of
20 nativity;

21 e. The place of abode for the ten years preceding the
22 application for relief;

23 f. The cause direct and indirect which has operated to make
24 relief necessary so far as can be ascertained;

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

27 h. The name of the overseer or deputy and helper having
28 particular knowledge and charge of the case, and of witnesses of the
29 fact with their addresses; and

30 i. The name of those responsible by law for the support of the
31 poor person and the name of any relative agreeing or likely to agree
32 to contribute in whole or in part to, or assist in, the support of the
33 poor person.

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

35
36 15. R.S.44:4-50 is amended to read as follows:

37 44:4-50. Directors of welfare shall keep a record which may
38 be by card index and which shall state in respect to all applicants
39 for relief:

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

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

42 c. The time and place of last employment, and the family
43 income;

44 d. Whether citizen or **alien** foreign national and the place of
45 nativity;

46 e. The place of abode for the ten years preceding the
47 application for relief;

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

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

5 h. The names of the director or deputy and helper having
6 particular knowledge and charge of the case, and of witnesses of the
7 fact with their addresses; and

8 i. The names of those responsible by law for the support of the
9 poor person and of any relative agreeing or likely to agree to
10 contribute in whole or in part to, or assist in, the support of the
11 poor person.
12 (cf: R.S.44:4-50)
13

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

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

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

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

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

42 b. The provisions of this section shall not affect the eligibility
43 of a single adult or a couple without dependent children for the New
44 Jersey FamilyCare Health Coverage Program established pursuant
45 to section 4 of P.L.2000, c.71 (C.30:4J-4).
46 (cf: P.L.2000, c.71, s.8)

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

3 1. As used in this act:

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

6 "Assistance unit" means: a single person without dependent
7 children; a couple without dependent children; dependent children
8 only; or a person or couple with one or more dependent children
9 who are legally or blood-related, or who is their legal guardian, and
10 who live together as a household unit.

11 "Benefits" means any assistance provided to needy persons and
12 their dependent children and needy single persons and couples
13 without dependent children under the Work First New Jersey
14 program.

15 "Commissioner" means the Commissioner of Human Services.

16 "County agency" means the county agency that was
17 administering the aid to families with dependent children program
18 at the time the federal "Personal Responsibility and Work
19 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
20 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
21 44 et al.) shall also administer the Work First New Jersey program
22 in that county.

23 "Dependent child" means a child:

24 a. under the age of 18;

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

30 c. under the age of 21 and enrolled in a special education
31 program,
32 who is living in New Jersey with the child's natural or adoptive
33 parent or legal guardian, or with a relative designated by the
34 commissioner in a place of residence maintained by the relative as
35 the relative's home.

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

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

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

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

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

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

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

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

30 For the purposes of this section, "qualified **alien** foreign
31 national" is defined pursuant to the definition of a "qualified alien"
32 under the provisions of section 431 of Title IV of Pub.L.104-193.

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

1 "Income eligibility standard" means the income eligibility
2 threshold based on assistance unit size established by regulation of
3 the commissioner for benefits provided within the limit of funds
4 appropriated by the Legislature.

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

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

14 "Recipient" means a recipient of benefits under the Work First
15 New Jersey program.

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

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

25 "Title IV-D" means the provisions of Title IV-D of the federal
26 Social Security Act governing paternity establishment and child
27 support enforcement activities and requirements.

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

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

32

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

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

47 b. A recipient, as a condition of eligibility for benefits, shall,
48 subject to good cause exceptions as defined by the commissioner,

1 be required to: do all acts stated herein necessary to establish the
2 paternity of a child born out-of-wedlock, and to establish and
3 participate in the enforcement of child support obligations;
4 cooperate with work requirements established by the commissioner;
5 make application for any other assistance for which members of the
6 assistance unit may be eligible; be income and resource eligible as
7 defined by the commissioner, including the deeming of income and
8 resources as appropriate; provide all necessary documentation
9 which shall include the federal Social Security number for all
10 assistance unit members, except for an eligible **alien** foreign
11 national who cannot be assigned a Social Security number due to
12 his status, or make application for same; sign an agreement to repay
13 benefits in the event of receipt of income or resources; and comply
14 with personal identification requirements as a condition of
15 receiving benefits, which may employ the use of high technology
16 processes for the detection of fraud.

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

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

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

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

34
35 19. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
36 as follows:

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

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

- 1 (1) non-needy caretakers, except that the eligibility of a
2 dependent child shall not be affected by the income or resources of
3 a non-needy caretaker;
- 4 (2) Supplemental Security Income recipients, except for the
5 purposes of receiving emergency assistance benefits pursuant to
6 section 8 of P.L.1997, c.14 (C.44:10-51);
- 7 (3) **【illegal aliens】** undocumented foreign nationals;
- 8 (4) other **【aliens】** foreign nationals who are not eligible **【aliens】**
9 foreign nationals;
- 10 (5) a person absent from the home who is incarcerated in a
11 federal, State, county or local corrective facility or under the
12 custody of correctional authorities, except as provided by regulation
13 of the commissioner;
- 14 (6) a person who: is fleeing to avoid prosecution, custody or
15 confinement after conviction, under the laws of the jurisdiction
16 from which the person has fled, for a crime or an attempt to commit
17 a crime which is a felony or a high misdemeanor under the laws of
18 the jurisdiction from which the person has fled; or is violating a
19 condition of probation or parole imposed under federal or state law;
- 20 (7) (Deleted by amendment, P.L.2021, c.312).
- 21 (8) a person found to have fraudulently misrepresented his
22 residence in order to obtain means-tested, public benefits in two or
23 more states or jurisdictions, who shall be ineligible for benefits for
24 a period of 10 years from the date of conviction in a federal or state
25 court; or
- 26 (9) a person who intentionally makes a false or misleading
27 statement or misrepresents, conceals or withholds facts for the
28 purpose of receiving benefits, who shall be ineligible for benefits
29 for a period of six months for the first violation, 12 months for the
30 second violation, and permanently for the third violation.
- 31 c. A person who makes a false statement with the intent to
32 qualify for benefits and by reason thereof receives benefits for
33 which the person is not eligible is guilty of a crime of the fourth
34 degree.
- 35 d. Pursuant to the authorization provided to the states under 21
36 U.S.C. s.862a(d)(1), this State elects to exempt from the application
37 of 21 U.S.C. s.862a(a):
 - 38 (1) needy persons and their dependent children domiciled in New
39 Jersey for the purposes of receiving benefits under the Work First
40 New Jersey program and food assistance under the federal "Food
41 and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011 et
42 seq.); and
 - 43 (2) single persons and married couples without dependent
44 children domiciled in New Jersey for the purposes of receiving food
45 assistance under Pub.L.110-234.
46 (cf: P.L.2021, c.312, s.17)

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

3 3. As used in this act:

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

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

13 "Assistance unit" means: a single person without dependent
14 children; a couple without dependent children; dependent children
15 only; or a person or couple with one or more dependent children
16 who are legally or blood-related, or who is their legal guardian, and
17 who live together as a household unit.

18 "Benefits" means any assistance provided to needy persons and
19 their dependent children and needy single persons and couples
20 without dependent children under the Work First New Jersey
21 program.

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

25 "Commissioner" means the Commissioner of Human Services.

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

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

40 "Dependent child" means a child:

41 a. under the age of 18;

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

47 c. under the age of 21 and enrolled in a special education
48 program,

1 who is living in New Jersey with the child's natural or adoptive
2 parent or legal guardian, or with a relative designated by the
3 commissioner in a place of residence maintained by the relative as
4 the relative's home.

5 "Eligible **【alien】** foreign national" means one of the following:

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

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

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

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

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

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

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

1 For the purposes of this section, "qualified **alien** foreign
2 national " is defined pursuant to the definition of a "qualified alien"
3 under the provisions of section 431 of Title IV of Pub.L.104-193.

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

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

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

24 "Program" means the Work First New Jersey program
25 established pursuant to this act.

26 "Recipient" means a recipient of benefits under the Work First
27 New Jersey program.

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

35 "Title IV-D" means the provisions of Title IV-D of the federal
36 Social Security Act governing paternity establishment and child
37 support enforcement activities and requirements.

38 "Work activity" includes, but is not limited to, the following, as
39 defined by regulation of the commissioner: employment; on-the-job
40 training; job search and job readiness assistance; vocational
41 educational training; job skills training related directly to
42 employment; community work experience; alternative work
43 experience; supportive work; community service programs,
44 including the provision of child care as a community service
45 project; in the case of teenage parents or recipients under the age of
46 19 who are expected to graduate or complete their course of study
47 by their 19th birthday, satisfactory attendance at a secondary school
48 or in a course of study leading to a certificate of general

1 equivalence; and education that is necessary for employment in the
2 case of a person who has not received a high school diploma or a
3 certificate of high school equivalency, a course of study leading to a
4 certificate of general equivalence, or post-secondary education,
5 when combined with community work experience participation or
6 another work activity approved by the commissioner, including
7 employment.

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

9
10 21. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read
11 as follows:

12 5. a. All adult persons, except as otherwise provided by law
13 governing the Work First New Jersey program, are charged with the
14 primary responsibility of supporting and maintaining themselves
15 and their dependents; the primary responsibility for the support and
16 maintenance of minor children is that of the parents and family of
17 those children; and benefits shall be provided only when other
18 means of support and maintenance are not present to support the
19 assistance unit.

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

25 c. If the county agency or municipal welfare agency, as
26 appropriate, determines, based upon an applicant's written statement
27 signed under oath, that the applicant is in immediate need of
28 benefits because the applicant's available resources are insufficient ,
29 as determined by the commissioner, to meet the minimal current
30 living expenses pursuant to regulations adopted by the
31 commissioner, of the applicant's assistance unit, the county agency
32 or municipal welfare agency shall issue cash assistance benefits to
33 the applicant on the date of application, subject to the applicant
34 meeting all other program eligibility requirements.

35 d. The commissioner shall establish by regulation, standards
36 and procedures to screen and identify recipients with a history of
37 being subjected to domestic violence and refer these recipients to
38 counseling and supportive services. The commissioner may waive
39 program requirements, including, but not limited to, the time limit
40 on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
41 residency requirements pursuant to section 6 of P.L.1997, c.38
42 (C.44:10-60), child support cooperation requirements pursuant to
43 subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the
44 limitation on increase of cash assistance benefits as a result of the
45 birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-
46 61), in cases where compliance with such requirements would make
47 it more difficult for a recipient to escape domestic violence or

1 unfairly penalize the recipient who is or has been victimized by
2 such violence, or who is at risk of further domestic violence.

3 e. The commissioner shall establish regulations determining
4 eligibility and other requirements of the Work First New Jersey
5 program. Regulations shall include provisions for the deeming of
6 income, when appropriate, which include situations involving the
7 sponsor of an eligible **alien** foreign national in accordance with
8 federal law, and legally responsible relatives of assistance unit
9 members.

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

11
12 22. R.S.46:3-18 is amended to read as follows:

13 46:3-18. **Alien** Foreign-national friends shall have the same
14 rights, powers and privileges and be subject to the same burdens,
15 duties, liabilities and restrictions in respect of real estate situate in
16 this State as native-born citizens. Any **alien** foreign national who
17 shall be domiciled and resident in the United States and licensed or
18 permitted by the government of the United States to remain in and
19 engage in business transactions in the United States, and who shall
20 not be arrested or interned or his property taken by the United
21 States, shall be considered **an alien** a foreign-national friend
22 within the meaning of this act.

23 Nothing contained in this section shall be construed to:

24 a. Entitle any **alien** foreign national to be elected into any
25 office of trust or profit in this State, or to vote at any town meeting
26 or election of members of the Senate and General Assembly, or
27 other officers, within this State, or for Representatives in Congress
28 or electors of the President and Vice-President of the United States;
29 or

30 b. Prevent the sequestration, seizure or disposal by either the
31 State or National government of any real estate or interest therein so
32 long as the same is owned or held by any **alien** foreign national,
33 made pursuant to duly enacted legislation, during the continuance
34 of war between the United States and the government of the country
35 of which any such **alien** foreign national is a citizen or subject;
36 but any bona fide conveyance, mortgage or devise made by such
37 **alien** foreign national shall be valid, if made to a citizen of the
38 United States or to **an alien** a foreign-national friend.

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

40
41 23. Section 44 of P.L.1961, c.32 (C.54:8A-44) is amended to
42 read as follows:

43 44. (a) On or before the filing date prescribed in section 18
44 (C.54:8A-18) of this act, an income tax return shall be made and
45 filed by or for every individual having a gross income derived from
46 sources within his source state in excess of the sum of his personal
47 exemptions allowed in section 10 (C.54:8A-10) of this act, or

1 having any items of tax preference derived from or connected with
2 New Jersey sources in excess of the specific deduction provided in
3 section 6.2(c) (C.54:8A-6.2(c)).

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

7 (2) If the Federal income tax liabilities of husband and wife
8 (other than a husband and wife described in paragraph (3)) are
9 determined on a joint Federal return, or if neither files a Federal
10 return:

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

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

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

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

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

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

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

1 (f) If the amount of net income or Federal items of tax
2 preference for any year of any taxpayer as returned to the United
3 States Treasury Department or to an appropriate State officer is
4 changed or corrected by the taxpayer or the Commissioner of
5 Internal Revenue or other officer of the United States or other
6 competent authority, or where a renegotiation of a contract or
7 subcontract with the United States results in a change in net
8 income, or Federal items of tax preference such taxpayer shall
9 report such change or corrected net income, or Federal items of tax
10 preference or the results of such renegotiation, within 90 days after
11 the final determination of such change or correction or
12 renegotiation, or as required by regulation, and shall concede the
13 accuracy of such determination or state wherein it is erroneous.
14 Any taxpayer filing an amended return with such department or
15 officer shall also file within 90 days thereafter an amended return
16 in this State which shall contain such information as the regulations
17 shall require.
18 (cf: P.L.1978, c.131, s.5)

19

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

21 54A:2-1. Imposition of tax. There is hereby imposed a tax for
22 each taxable year (which shall be the same as the taxable year for
23 federal income tax purposes) on the New Jersey gross income as
24 herein defined of every individual, estate or trust (other than a
25 charitable trust or a trust forming part of a pension or profit-sharing
26 plan), subject to the deductions, limitations and modifications
27 hereinafter provided, determined in accordance with the following
28 tables with respect to taxpayers' taxable income:

29 a. For married individuals filing a joint return and individuals
30 filing as head of household or as surviving spouse for federal
31 income tax purposes:

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

34	If the taxable income is:	The tax is:
35	Not over \$20,000.00.....	2% of taxable income
36	Over \$20,000.00 but not	
37	over \$50,000.00.....	\$400.00 plus 2.5% of the
38	excess over \$20,000.00	
39	Over \$50,000.00 but not	
40	over \$70,000.00.....	\$1,150.00 plus 3.5% of the
41	excess over \$50,000.00	
42	Over \$70,000.00 but not	
43	over \$80,000.00.....	\$1,850.00 plus 5.0% of the
44	excess over \$70,000.00	
45	Over \$80,000.00 but not	
46	over \$150,000.00.....	\$2,350.00 plus 6.5% of the
47	excess over \$80,000.00	

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

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

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1	over \$500,000.00.....	\$5,512.50	plus	6.370%
2	of the excess over \$150,000.00			
3	Over \$500,000.00 but not			
4	over \$5,000,000.00..	\$27,807.50	plus	8.970%
5	of the excess over \$500,000.00			
6	Over \$5,000,000.00	\$431,457.50	plus	10.75% of the
7	excess over \$5,000,000.00			
8	(7) for taxable years beginning on or after January 1,			
9	2020:			
10	If the taxable income is:	The tax is:		
11	Not over \$20,000.00.....	1.400%	of taxable income	
12	Over \$20,000.00 but not			
13	over \$50,000.00....	\$280.00	plus	1.750% of the
14	excess over \$20,000.00			
15	Over \$50,000.00 but not			
16	over \$70,000.00....	\$805.00	plus	
17	2.450% of the excess over \$50,000.00			
18	Over \$70,000.00 but not			
19	over \$80,000.00...	\$1,295.50	plus	
20	3.500% of the excess over \$70,000.00			
21	Over \$80,000.00 but not			
22	over \$150,000.00..	\$1,645.00	plus	
23	5.525% of the excess over \$80,000.00			
24	Over \$150,000.00 but not			
25	over \$500,000.00..	\$5,512.50	plus	6.370%
26	of the excess over \$150,000.00			
27	Over \$500,000.00 but not			
28	over \$1,000,000.00..	\$27,807.50	plus	
29	8.970% of the excess over \$500,000.00			
30	Over \$1,000,000.00...	\$72,657.50	plus	
31	10.750% of the excess over \$1,000,000.00			
32	b. For married individuals filing separately, unmarried			
33	individuals other than individuals filing as head of household or as			
34	a surviving spouse for federal income tax purposes, and estates and			
35	trusts:			
36	(1) for taxable years beginning on or after January 1, 1991 but			
37	before January 1, 1994:			
38	If the taxable income is:	The tax is:		
39	Not over \$20,000.00.....	2%	of taxable income	
40	Over \$20,000.00 but not			
41	over \$35,000.00.....	\$400.00	plus	2.5% of the
42	excess over \$20,000.00			
43	Over \$35,000.00 but not			
44	over \$40,000.00.....	\$775.00	plus	5.0% of the
45	excess over \$35,000.00			
46	Over \$40,000.00 but not			
47	over \$75,000.00.....	\$1,025.00	plus	6.5% of
48	the excess over \$40,000.00			

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

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

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

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

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

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

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

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

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

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

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

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

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

45

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

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

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

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

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

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

20 d. Whenever the terms “alien” or “illegal alien” occur or any
21 reference is made thereto in any law, regulation, contract, or
22 document, the same shall be deemed to mean or refer to “foreign
23 national” and “undocumented foreign national,” respectively.
24

25 26. This act shall take effect on the first day of the third month
26 next following the date of enactment.
27
28

29 STATEMENT

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

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

46 The United States is a nation of immigrants, and as such, our
47 laws should discontinue the use of terms that ostracize those in our
48 society who may have been born elsewhere. Regardless of status,

1 immigrants to our nation are first and foremost human beings.
2 Removing the terms “alien” and “illegal alien” from this State’s
3 laws shows respect to the hundreds of millions of descendants of
4 immigrants who call the United States home.

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