

SENATE, No. 512

STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

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Co-Sponsored by:

Senators Stack, Cruz-Perez, Cunningham, Johnson, Gill and Pou

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/27/2022)

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

5

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

8

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

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

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

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

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

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

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

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

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

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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

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

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

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

16

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

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

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

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

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

47 “Immigration enforcement” means any effort to investigate,
48 enforce, or assist in the investigation or enforcement of any federal

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

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

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

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

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

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

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

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

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

45

46 3. (New section) a. A State, county, or municipal law
47 enforcement agency or official shall not:

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

1 287(g) of Title 8 of the Immigration and Nationality Act, 8 U.S.C.
2 §1357(g); or

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

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

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

14

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

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

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

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

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

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

1 c. The Attorney General shall promulgate regulations pursuant
2 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
3 1 et seq.) to ensure compliance by State, county, and municipal law
4 enforcement agencies with the annual reporting requirements
5 established pursuant to this section. The regulations shall be
6 promulgated within 180 days following the effective date of this
7 act.

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

15
16 5. (New section) a. State, county, and municipal agencies and
17 subdivisions thereof, and healthcare facilities may collect
18 information relating to a person's immigration status, citizenship
19 status, place of birth, social security number, and individual
20 taxpayer identification number only when this information is
21 strictly necessary to assess eligibility for or to administer the
22 requested public services, benefits, programs that the agency,
23 division, or facility is charged with administering.

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

29 (1) a governmental record pursuant to P.L.1963, c.73 (C.47:1A-
30 1 et seq.), known commonly as the open public records act, or
31 common law concerning access to government records; or

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

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

41 d. All State agencies shall review their confidentiality policies,
42 guidance, and regulations and identify any changes necessary to
43 ensure compliance with the provision of this section by the agency
44 and the entities under its authority. Any necessary changes to those
45 policies shall be made as expeditiously as possible, consistent with
46 agency or department procedures but no later than one calendar year
47 following the effective date of this act, and shared prominently on
48 the agencies' public-facing website.

1 e. Nothing in this section shall be construed to prohibit or in
2 any way restrict any action where the prohibition or restriction
3 would be contrary to federal law.
4

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

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

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

24 (3) assisting or participating in immigration enforcement.

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

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

35 d. The State agencies with authority to regulate public schools,
36 health care facilities, public libraries, youth shelters, emergency
37 shelters, family shelters, and domestic violence shelters shall adopt
38 the model policies established pursuant to this section no later than
39 January 1, 2023. The agencies shall order public schools, health
40 care facilities, youth shelters, emergency shelters, family shelters,
41 and domestic violence shelters under their authority to comply with
42 model policies adopted pursuant to this section or more protective
43 policies. Any facilities that are not regulated by a State agency shall
44 be encouraged to adopt the model policy.
45

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

1 2A:53-1. The Superior Court shall have jurisdiction of
2 declarations of intention, and of applications of **【aliens】** noncitizens
3 to become citizens of the United States.
4 (cf: P.L.1991,c.91,s.107)

5
6 8. N.J.S.3B:5-12 is amended to read as follows:
7 3B:5-12. a. An individual is not disqualified to take as an heir
8 because he or an individual through whom he claims is or has been
9 **【an alien】** a noncitizen.

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

14
15 9. N.J.S.3B:28-1 is amended to read as follows:
16 3B:28-1. Estates of dower and curtesy prior to May 28, 1980.
17 The widow or widower, whether **【alien】** noncitizen or **【not】**
18 citizen, of an individual dying intestate or otherwise, shall be
19 endowed for the term of his life of one half of all real property of
20 which the decedent, or another to the decedent's use, was seized of
21 an estate of inheritance at any time during marriage prior to May
22 28, 1980, unless the widow or widower shall have relinquished her
23 right of dower or his right of curtesy in the manner provided by
24 P.L.1953, c.352 (C.37:2-18.1) or such right of dower or such right
25 of curtesy otherwise shall have been extinguished by law.
26 (cf: P.L.2005, c.160, s.19)

27
28 10. Section 103 of P.L.1977, c.110 (C.5:12-103) is amended to
29 read as follows:

30 103. Alcoholic Beverages in Casino Hotel Facilities.
31 a. Notwithstanding any law to the contrary, the authority to
32 grant any license for, or to permit or prohibit the presence of,
33 alcoholic beverages in, on, or about any premises licensed as part of
34 a casino hotel shall exclusively be vested in the division.

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

40 c. Notwithstanding any provision of Title 33 of the Revised
41 Statutes, the rules, regulations and bulletins promulgated by the
42 director of the Division of Alcoholic Beverage Control, or any
43 provision promulgated by any local authority, the authority to issue,
44 renew, transfer, revoke or suspend a Casino Hotel Alcoholic
45 Beverage License or any portion, location, privilege or condition
46 thereof; to fine or penalize a Casino Hotel Alcoholic Beverage
47 Licensee; to enforce all statutes, laws, rulings, or regulations
48 relating to such license; and to collect license fees and establish

1 application standards therefor, shall be, consistent with this act,
2 exclusively vested in the division.

3 d. Except as otherwise provided in this section, the provisions
4 of Title 33 of the Revised Statutes and the rules, regulations and
5 bulletins promulgated by the Director of the Division of Alcoholic
6 Beverage Control shall apply to a Casino Hotel and Casino Hotel
7 Alcoholic Beverage Licensee licensed under this act.

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

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

43 (2) It shall be unlawful for any person issued a Casino Hotel
44 Alcoholic Beverage License to expose, possess, sell, give, dispense,
45 transfer, or otherwise dispose of alcoholic beverages, other than
46 within the terms and conditions of the Casino Hotel Alcoholic
47 Beverage License issued, the provisions of Title 33 of the Revised
48 Statutes, the rules and regulations promulgated by the Director of

1 the Division of Alcoholic Beverage Control, and, when applicable,
2 the regulations promulgated pursuant to this act.

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

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

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

25 (2) To sell any alcoholic beverage by the glass or other open
26 receptacle for on-premise consumption within a casino hotel, but
27 not in a casino or simulcasting facility, or from a fixed location
28 outside a building or structure containing a casino but on a casino
29 hotel premises.

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

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

40 (5) To possess or to store alcoholic beverages in original
41 containers intended but not actually exposed for sale at a fixed
42 location on a casino hotel premises, not in a casino or simulcasting
43 facility; and to transfer or deliver such alcoholic beverages only to a
44 location approved pursuant to this section; provided, however, that
45 no access to or from a storage location shall be permitted except
46 during the normal course of business by employees or agents of the
47 licensee, or by licensed employees or agents of wholesalers or
48 distributors licensed pursuant to Title 33 of the Revised Statutes and

1 any applicable rules and regulations; and provided further, however,
2 that no provision of this section shall be construed to prohibit a
3 Casino Hotel Alcoholic Beverage Licensee from obtaining an off-
4 site storage license from the Division of Alcoholic Beverage
5 Control.

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

7 i. The division may revoke, suspend, refuse to renew or refuse
8 to transfer any Casino Hotel Alcoholic Beverage License, or fine or
9 penalize any Casino Hotel Alcoholic Beverage Licensee for
10 violations of any provision of Title 33 of the Revised Statutes, the
11 rules and regulations promulgated by the Director of the Division of
12 Alcoholic Beverage Control, and the regulations promulgated by
13 the division.

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

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

20

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

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

25 b. The payment of any prize drawn may be paid to the estate of
26 a deceased prize winner upon receipt by the State Lottery of a
27 certified copy of an order appointing an executor or an
28 administrator.

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

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

41 (1) the full legal name, address, social security number or
42 taxpayer identification number and, if applicable, resident **[alien]**
43 noncitizen number of the winner;

44 (2) the full legal name, address, social security number or
45 taxpayer identification number and, if applicable, resident **[alien]**
46 noncitizen number of the assignee;

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

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

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

1 bold-faced type of at least 10 points and which shall provide as
2 follows:

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

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

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

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

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

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

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

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

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

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

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

47 (2) a court of competent jurisdiction issues a published decision
48 holding that because of the right of assignment provided by

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

5 n. Upon receipt, the director shall immediately file a copy of a
6 letter or ruling of the United States Internal Revenue Service or a
7 published decision of a court of competent jurisdiction, described in
8 subsection m. of this section, with the Secretary of State. No
9 assignment shall be approved pursuant to subsection d. of this
10 section after the date of such filing.

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

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

21 q. A voluntary assignment shall not include or cover payments,
22 or portions of payments, that are subject to the offset pursuant to
23 P.L.1991, c.384 (C.5:9-13.1 et seq.), P.L.1997, c. 306 (C.5:9-
24 13.10 et seq.), or any other law unless appropriate provisions are
25 made to satisfy the obligations giving rise to the offset.

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

31 s. The director, commissioners and employees of the Division
32 of the State Lottery shall be discharged of any and all liability upon
33 payment of a prize drawn pursuant to this section.
34 (cf: P.L.1998, c.103, s.1)

35
36 12. Section 3 of P.L.1945, c.169 (C.10:5-3) is amended to read
37 as follows:

38 10:5-3. Findings, declarations.

39 3. The Legislature finds and declares that practices of
40 discrimination against any of its inhabitants, because of race, creed,
41 color, national origin, ancestry, age, sex, gender identity or
42 expression, affectional or sexual orientation, marital status, familial
43 status, liability for service in the Armed Forces of the United States,
44 disability or nationality, are matters of concern to the government
45 of the State, and that such discrimination threatens not only the
46 rights and proper privileges of the inhabitants of the State but
47 menaces the institutions and foundation of a free democratic State;
48 provided, however, that nothing in this expression of policy

1 prevents the making of legitimate distinctions between citizens and
2 **【aliens】** noncitizens when required by federal law or otherwise
3 necessary to promote the national interest.

4 The Legislature further declares its opposition to such practices
5 of discrimination when directed against any person by reason of the
6 race, creed, color, national origin, ancestry, age, sex, gender
7 identity or expression, affectional or sexual orientation, marital
8 status, liability for service in the Armed Forces of the United States,
9 disability or nationality of that person or that person's family
10 members, partners, members, stockholders, directors, officers,
11 managers, superintendents, agents, employees, business associates,
12 suppliers, or customers, in order that the economic prosperity and
13 general welfare of the inhabitants of the State may be protected and
14 ensured.

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

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

31

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

34 7. Each application for a license shall be made in writing,
35 under oath, and in a form prescribed by the commissioner. Each
36 application shall contain:

37 a. For all applicants:

38 (1) The exact name of the applicant, the applicant's principal
39 address, any fictitious or trade name used by the applicant in the
40 conduct of its business and the location of the applicant's business
41 records;

42 (2) The history, if any, of the applicant's material litigation and
43 criminal convictions for the five-year period prior to the date of the
44 application;

45 (3) A description of the activities conducted by the applicant
46 and a history of operations;

47 (4) A description of the business activities in which the
48 applicant seeks to be engaged in the State;

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

1 either the parent corporation's consolidated audited financial
2 statements for the current year and for the immediately preceding
3 three-year period or the parent corporation's Form 10-K reports
4 filed with the Securities and Exchange Commission for the prior
5 three years in lieu of the applicant's financial statements. If the
6 applicant is a wholly owned subsidiary of a corporation having its
7 principal place of business outside the United States, similar
8 documentation filed with the parent corporation's non-United States
9 regulator may be submitted to satisfy this provision;

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

14 (9) Except in the case of a publicly traded corporation, its
15 subsidiaries and affiliates, or a bank, bank holding company,
16 subsidiaries and affiliates thereof, fingerprints of each of the
17 applicant's executive officers and of each officer or manager who
18 will be in charge of the applicant's activities to be licensed
19 hereunder.

20 c. If the applicant is not a corporation, the applicant shall also
21 provide:

22 (1) The name, business and residence address, personal
23 financial statement and employment history for the past five years,
24 social security number, date of birth, and fingerprints of each
25 principal of the applicant and the name, business and residence
26 address, employment history for the past five years, social security
27 number, date of birth, and fingerprints of any other persons who
28 will be in charge of the applicant's activities to be licensed under
29 this act;

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

32 (3) The history, if any, of material litigation and criminal
33 convictions for the five-year period prior to the date of the
34 application for each individual having any ownership interest in the
35 applicant and each individual who exercises supervisory
36 responsibility with respect to the applicant's activities;

37 (4) Copies of the applicant's audited financial statements
38 (including balance sheet, statement of income or loss, and statement
39 of changes in financial position) prepared by a certified public
40 accountant or public accountant in good standing for the current
41 year and, if available, for the immediately preceding two-year
42 period; and

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

44 d. Such other information as the commissioner may require by
45 regulation.

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

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

3 As used in this act:

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

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

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

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

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

21

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

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

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

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

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

10
11 16. Section 8 of P.L.1991, c.187 (C.26:2H-18.31) is amended to
12 read as follows:

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

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

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

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

1 employment, employment address and employment telephone
2 number, as applicable.

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

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

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

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

1 party, along with account numbers and the name and location of the
2 bank.

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

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

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

19

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

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

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

34

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

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

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

41 b. "Commissioner" means the Commissioner of Human
42 Services.

43 c. "Department" means the Department of Human Services,
44 which is herein designated as the single State agency to administer
45 the provisions of this act.

46 d. "Director" means the Director of the Division of Medical
47 Assistance and Health Services.

- 1 e. "Division" means the Division of Medical Assistance and
2 Health Services.
- 3 f. "Medicaid" means the New Jersey Medical Assistance and
4 Health Services Program.
- 5 g. "Medical assistance" means payments on behalf of recipients
6 to providers for medical care and services authorized under
7 P.L.1968, c.413.
- 8 h. "Provider" means any person, public or private institution,
9 agency, or business concern approved by the division lawfully
10 providing medical care, services, goods, and supplies authorized
11 under P.L.1968, c.413, holding, where applicable, a current valid
12 license to provide such services or to dispense such goods or
13 supplies.
- 14 i. "Qualified applicant" means a person who is a resident of
15 this State, and either a citizen of the United States or an eligible
16 **[alien]** noncitizen, and is determined to need medical care and
17 services as provided under P.L.1968, c.413, with respect to whom
18 the period for which eligibility to be a recipient is determined shall
19 be the maximum period permitted under federal law, and who:
- 20 (1) Is a dependent child or parent or caretaker relative of a
21 dependent child who would be, except for resources, eligible for the
22 aid to families with dependent children program under the State
23 Plan for Title IV-A of the federal Social Security Act as of July 16,
24 1996;
- 25 (2) Is a recipient of Supplemental Security Income for the Aged,
26 Blind and Disabled under Title XVI of the Social Security Act;
- 27 (3) Is an "ineligible spouse" of a recipient of Supplemental
28 Security Income for the Aged, Blind and Disabled under Title XVI
29 of the Social Security Act, as defined by the federal Social Security
30 Administration;
- 31 (4) Would be eligible to receive Supplemental Security Income
32 under Title XVI of the federal Social Security Act or, without
33 regard to resources, would be eligible for the aid to families with
34 dependent children program under the State Plan for Title IV-A of
35 the federal Social Security Act as of July 16, 1996, except for
36 failure to meet an eligibility condition or requirement imposed
37 under such State program which is prohibited under Title XIX of
38 the federal Social Security Act such as a durational residency
39 requirement, relative responsibility, consent to imposition of a lien;
- 40 (5) (Deleted by amendment, P.L.2000, c.71).
- 41 (6) Is an individual under 21 years of age who, without regard to
42 resources, would be, except for dependent child requirements,
43 eligible for the aid to families with dependent children program
44 under the State Plan for Title IV-A of the federal Social Security
45 Act as of July 16, 1996, or groups of such individuals, including but
46 not limited to, children in resource family placement under
47 supervision of the Division of Child Protection and Permanency in
48 the Department of Children and Families whose maintenance is

1 being paid in whole or in part from public funds, children placed in
2 a resource family home or institution by a private adoption agency
3 in New Jersey or children in intermediate care facilities, including
4 developmental centers for the developmentally disabled, or in
5 psychiatric hospitals;

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

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

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

13 (i) Pregnant women;

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

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

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

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

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

26 (ii) For households of three or more persons, the income standard
27 shall be set at 133 1/3% of the State's payment level to similar size
28 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.

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

33 (i) For one person households, the resource standard shall be
34 200% of the resource standard for recipients of Supplemental
35 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

36 (ii) For two person households, the resource standard shall be
37 200% of the resource standard for recipients of Supplemental
38 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

39 (iii) For households of three or more persons, the resource
40 standard in subparagraph (c)(ii) above shall be increased by
41 \$100.00 for each additional person; and

42 (iv) The resource standards established in (i), (ii), and (iii) are
43 subject to federal approval and the resource standard may be lower
44 if required by the federal Department of Health and Human
45 Services.

46 (d) Individuals whose income exceeds those established in
47 subparagraph (b) of paragraph (8) of this subsection may become
48 medically needy by incurring medical expenses as defined in 42

1 C.F.R.435.831(c) which will reduce their income to the applicable
2 medically needy income established in subparagraph (b) of
3 paragraph (8) of this subsection.

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

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

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

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

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

33 (iii) The division is responsible for certifying incurred medical
34 expenses for all eligible persons who attempt to qualify for the
35 program pursuant to subparagraph (d) of paragraph (8) of this
36 subsection;

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

40 (b) Is a member of a family whose income does not exceed
41 133% of the poverty level and who meets the federal Medicaid
42 eligibility requirements set forth in section 9401 of Pub.L.99-509
43 (42 U.S.C. s.1396a);

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

1 (11) Is an individual 65 years of age and older, or an individual
2 who is blind or disabled pursuant to section 301 of Pub.L.92-603
3 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
4 poverty level, adjusted for family size, and whose resources do not
5 exceed 100% of the resource standard used to determine medically
6 needy eligibility pursuant to paragraph (8) of this subsection;

7 (12) Is a qualified disabled and working individual pursuant to
8 section 6408 of Pub.L.101-239 (42 U.S.C. s.1396d) whose income
9 does not exceed 200% of the poverty level and whose resources do
10 not exceed 200% of the resource standard used to determine
11 eligibility under the Supplemental Security Income Program,
12 P.L.1973, c.256 (C.44:7-85 et seq.);

13 (13) Is a pregnant woman or is a child who is under one year of
14 age and is a member of a family whose income does not exceed
15 185% of the poverty level and who meets the federal Medicaid
16 eligibility requirements set forth in section 9401 of Pub.L.99-509
17 (42 U.S.C. s.1396a), except that a pregnant woman who is
18 determined to be a qualified applicant shall, notwithstanding any
19 change in the income of the family of which she is a member,
20 continue to be deemed a qualified applicant until the end of the 60-
21 day period beginning on the last day of her pregnancy;

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

23 (15) (a) Is a specified low-income Medicare beneficiary pursuant
24 to 42 U.S.C. s.1396a(a)10(E)iii whose resources beginning January
25 1, 1993 do not exceed 200% of the resource standard used to
26 determine eligibility under the Supplemental Security Income
27 program, P.L.1973, c.256 (C.44:7-85 et seq.) and whose income
28 beginning January 1, 1993 does not exceed 110% of the poverty
29 level, and beginning January 1, 1995 does not exceed 120% of the
30 poverty level.

31 (b) An individual who has, within 36 months, or within 60
32 months in the case of funds transferred into a trust, of applying to
33 be a qualified applicant for Medicaid services in a nursing facility
34 or a medical institution, or for home or community-based services
35 under section 1915(c) of the federal Social Security Act (42 U.S.C.
36 s.1396n(c)), disposed of resources or income for less than fair
37 market value shall be ineligible for assistance for nursing facility
38 services, an equivalent level of services in a medical institution, or
39 home or community-based services under section 1915(c) of the
40 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of
41 the ineligibility shall be the number of months resulting from
42 dividing the uncompensated value of the transferred resources or
43 income by the average monthly private payment rate for nursing
44 facility services in the State as determined annually by the
45 commissioner. In the case of multiple resource or income transfers,
46 the resulting penalty periods shall be imposed sequentially.
47 Application of this requirement shall be governed by 42 U.S.C.
48 s.1396p(c). In accordance with federal law, this provision is

1 effective for all transfers of resources or income made on or after
2 August 11, 1993. Notwithstanding the provisions of this subsection
3 to the contrary, the State eligibility requirements concerning
4 resource or income transfers shall not be more restrictive than those
5 enacted pursuant to 42 U.S.C. s.1396p(c).

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

24 This subparagraph shall be operative only if all necessary
25 approvals are received from the federal government including, but
26 not limited to, approval of necessary State plan amendments and
27 approval of any waivers;

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

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

38 (b) if a parent or specified caretaker relative, beginning
39 September 1, 2005 does not exceed 100% of the poverty level,
40 beginning September 1, 2006 does not exceed 115% of the poverty
41 level and beginning September 1, 2007 does not exceed 133% of
42 the poverty level,

43 plus such earned income disregards as shall be determined
44 according to a methodology to be established by regulation of the
45 commissioner;

46 The commissioner may increase the income eligibility limits for
47 children and parents and specified caretaker relatives, as funding
48 permits;

- 1 (17) Is an individual from 18 through 20 years of age who is not
2 a dependent child and would be eligible for medical assistance
3 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to
4 income or resources, who, on the individual's 18th birthday was in
5 resource family care under the care and custody of the Division of
6 Child Protection and Permanency in the Department of Children
7 and Families and whose maintenance was being paid in whole or in
8 part from public funds;
- 9 (18) Is a person between the ages of 16 and 65 who is
10 permanently disabled and working, and:
- 11 (a) whose income is at or below 250% of the poverty level, plus
12 other established disregards;
- 13 (b) who pays the premium contribution and other cost sharing as
14 established by the commissioner, subject to the limits and
15 conditions of federal law; and
- 16 (c) whose assets, resources and unearned income do not exceed
17 limitations as established by the commissioner;
- 18 (19) Is an uninsured individual under 65 years of age who:
- 19 (a) has been screened for breast or cervical cancer under the
20 federal Centers for Disease Control and Prevention breast and
21 cervical cancer early detection program;
- 22 (b) requires treatment for breast or cervical cancer based upon
23 criteria established by the commissioner;
- 24 (c) has an income that does not exceed the income standard
25 established by the commissioner pursuant to federal guidelines;
- 26 (d) meets all other Medicaid eligibility requirements; and
- 27 (e) in accordance with Pub.L.106-354, is determined by a
28 qualified entity to be presumptively eligible for medical assistance
29 pursuant to 42 U.S.C. s.1396a(aa), based upon criteria established
30 by the commissioner pursuant to section 1920B of the federal Social
31 Security Act (42 U.S.C. s.1396r-1b);
- 32 (20) Subject to federal approval under Title XIX of the federal
33 Social Security Act, is a single adult or couple, without dependent
34 children, whose income in 2006 does not exceed 50% of the poverty
35 level, in 2007 does not exceed 75% of the poverty level and in 2008
36 and each year thereafter does not exceed 100% of the poverty level;
37 except that a person who is a recipient of Work First New Jersey
38 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-
39 107 et seq.), shall not be a qualified applicant; or
- 40 (21) is an individual who:
- 41 (a) has an income that does not exceed the highest income
42 eligibility level for pregnant women established under the State
43 plan under Title XIX or Title XXI of the federal Social Security
44 Act;
- 45 (b) is not pregnant; and
- 46 (c) is eligible to receive family planning services provided
47 under the Medicaid program pursuant to subsection k. of section 6

1 of P.L.1968, c.413 (C.30:4D-6) and in accordance with 42 U.S.C.
2 s.1396a(ii).

3 j. "Recipient" means any qualified applicant receiving benefits
4 under this act.

5 k. "Resident" means a person who is living in the State
6 voluntarily with the intention of making his home here and not for a
7 temporary purpose. Temporary absences from the State, with
8 subsequent returns to the State or intent to return when the purposes
9 of the absences have been accomplished, do not interrupt continuity
10 of residence.

11 l. "State Medicaid Commission" means the Governor, the
12 Commissioner of Human Services, the President of the Senate and
13 the Speaker of the General Assembly, hereby constituted a
14 commission to approve and direct the means and method for the
15 payment of claims pursuant to P.L.1968, c.413.

16 m. "Third party" means any person, institution, corporation,
17 insurance company, group health plan as defined in section 607(1)
18 of the federal "Employee Retirement and Income Security Act of
19 1974," 29 U.S.C. s.1167(1), service benefit plan, health
20 maintenance organization, or other prepaid health plan, or public,
21 private or governmental entity who is or may be liable in contract,
22 tort, or otherwise by law or equity to pay all or part of the medical
23 cost of injury, disease or disability of an applicant for or recipient
24 of medical assistance payable under P.L.1968, c.413.

25 n. "Governmental peer grouping system" means a separate
26 class of skilled nursing and intermediate care facilities administered
27 by the State or county governments, established for the purpose of
28 screening their reported costs and setting reimbursement rates under
29 the Medicaid program that are reasonable and adequate to meet the
30 costs that must be incurred by efficiently and economically operated
31 State or county skilled nursing and intermediate care facilities.

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

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

42 q. "Eligible **[alien]** noncitizen" means one of the following:

43 (1) **[an alien]** a noncitizen present in the United States prior to
44 August 22, 1996, who is:

45 (a) a lawful permanent resident;

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

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

3 (d) **【an alien】** a noncitizen who has had deportation withheld
4 pursuant to section 243(h) of the federal "Immigration and
5 Nationality Act" (8 U.S.C. s.1253 (h));

6 (e) **【an alien】** a noncitizen who has been granted parole for less
7 than one year by the U.S. Citizenship and Immigration Services
8 pursuant to section 212(d)(5) of the federal "Immigration and
9 Nationality Act" (8 U.S.C. s.1182(d)(5));

10 (f) **【an alien】** a noncitizen granted conditional entry pursuant to
11 section 203(a)(7) of the federal "Immigration and Nationality Act"
12 (8 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

13 (g) **【an alien】** a noncitizen who is honorably discharged from or
14 on active duty in the United States armed forces and the **【alien's】**
15 noncitizen's spouse and unmarried dependent child.

16 (2) **【An alien】** a noncitizen who entered the United States on or
17 after August 22, 1996, who is:

18 (a) **【an alien】** a noncitizen as described in paragraph (1)(b), (c),
19 (d) or (g) of this subsection; or

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

23 (3) A legal **【alien】** noncitizen who is a victim of domestic
24 violence in accordance with criteria specified for eligibility for
25 public benefits as provided in Title V of the federal "Illegal
26 Immigration Reform and Immigrant Responsibility Act of 1996"
27 (8 U.S.C. s.1641).

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

29
30 19. Section 2 of P.L.1997, c.352 (C.30:4D-6f) is amended to
31 read as follows:

32 2. An eligible **【alien】** noncitizen as defined in section 3 of
33 P.L.1968, c.413 (C.30:4D-1 et seq.) who otherwise meets all
34 eligibility criteria therefor is entitled to medical assistance provided
35 pursuant to section 6 of P.L.1968, c.413 (C.30:4D-6). **【An alien】** A
36 noncitizen who does not qualify as an eligible **【alien】** noncitizen
37 but who is a resident of New Jersey and would otherwise be eligible
38 for medical assistance provided pursuant to section 6 of P.L.1968,
39 c.413 is entitled only to care and services necessary for the
40 treatment of an emergency medical condition as defined in section
41 1903(v)(3) of the federal Social Security Act
42 (42 U.S.C. s.1396b(v)(3)).

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

44
45 20. Section 3 of P.L.2019, c.88 (C.30:4D-7aa) is amended to
46 read as follows:

1 3. The division, in collaboration with the Department of
2 Health, Medicaid managed care organizations, and any nonprofit
3 entity contracted by the division to process, distribute, and maintain
4 the Perinatal Risk Assessment data, shall analyze the Perinatal Risk
5 Assessment data in order to identify trends in the risk factors
6 associated with Medicaid recipients and individuals eligible for
7 Emergency Medical Services for Non-Qualified **【Aliens】**
8 Noncitizens during pregnancy. Commencing no later than 18
9 months after the effective date of this act, and annually thereafter,
10 the division shall submit a written report to the Governor, and to the
11 Legislature pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
12 providing a summary of its findings and any proposals for
13 legislative action needed to improve the maternal outcomes of
14 Medicaid recipients and individuals eligible for Emergency Medical
15 Services for Non-Qualified **【Aliens】** Noncitizens.
16 (cf: P.L.2019, c.88, s.3)

17

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

20 1. An obstetrical provider, nurse midwife, or other licensed
21 health care professional, approved as a provider under the Medicaid
22 program established pursuant to P.L.1968, c.413 (C.30:4D-1 et
23 seq.), shall complete the Perinatal Risk Assessment form, as used
24 by the Division of Medical Assistance and Health Services in the
25 Department of Human Services, for each pregnant Medicaid
26 recipient and for each individual eligible for Emergency Medical
27 Services for Non-Qualified **【Aliens】** Noncitizens who receives
28 prenatal care from the provider. The Perinatal Risk Assessment
29 form shall be the uniform document used by all providers and
30 Medicaid managed care plans. The form shall be completed by the
31 provider during the first prenatal visit with the pregnant Medicaid
32 recipient or other eligible individual and updated by the provider in
33 the third trimester of the recipient or other eligible individual.
34 (cf: P.L.2019, c.88, s.1)

35

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

38 16. Contracts of the Commission.

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

41 "Construction item" means any such item or material used in
42 construction and which is procured directly by the Commission or
43 office or any such item or material commonly used in construction
44 which is procured by a person, other than a municipality, under
45 contract with the commission.

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

1 "Product" means any material, supply, equipment or construction
2 item or other item whether real or personal property which is the
3 subject of any purchase, barter, or other exchange made to procure
4 such product.

5 "Secondary materials" means any material recovered from or
6 otherwise destined for the waste stream, including but not limited
7 to, post-consumer material, industrial scrap material, and overstock
8 or obsolete inventories from distributors, wholesalers and other
9 companies as defined in rules and regulations promulgated by the
10 New York commissioner of general services but such term does not
11 include those materials and byproducts generated from, and
12 commonly reused within an original manufacturing process.

13 "Specification" means any description of the physical or
14 functional characteristics, or of the nature of a material, supply,
15 equipment or construction item. It may include a description of any
16 requirement for inspecting, testing or preparing a material, supply,
17 equipment or construction item for delivery.

18 b. Specifications. The Commission shall create and update
19 product specifications to ensure that:

20 (1) Specifications do not exclude the use of products
21 manufactured from secondary materials or require that products be
22 manufactured from virgin materials only, provided however, the
23 specifications may include such an exclusion if the Commission
24 demonstrates that for a particular end use a product containing
25 secondary materials would not meet necessary performance
26 standards or that the cost of such products exceeds that of similar
27 products manufactured from virgin materials.

28 (2) Performance standards, specifications and a product's
29 intended end use are related, and clearly identified when feasible.

30 (3) Specifications are not overly stringent for a particular end
31 use or performance standard.

32 (4) Specifications incorporate or require the use of secondary
33 materials to the maximum extent practicable without jeopardizing
34 the performance or intended end use of the product; provided
35 however, where the Commission demonstrates that for a particular
36 end use a product containing secondary materials would not meet
37 necessary performance standards or that the cost of such product
38 exceeds that of similar products manufactured from virgin
39 materials, such specifications need not incorporate or require the
40 use of secondary materials.

41 c. Ground for cancellation of contract by the Commission. A
42 clause shall be inserted in all specifications or contracts hereafter
43 made or awarded by the Commission, for work or services
44 performed or to be performed or goods sold or to be sold, to provide
45 that upon the refusal by a person, when called before a grand jury,
46 head of a state department, temporary state Commission or other
47 agency of the state of New York or the state of New Jersey, the
48 organized crime task force in the department of law of the state of

1 New York, head of a city department, or other city agency, which is
2 empowered to compel the attendance of witnesses and examine
3 them under oath, to testify in an investigation concerning any
4 transaction or contract had with the applicable state, any political
5 subdivision thereof, a public authority or with any public
6 department, agency or official of the state of New York or the state
7 of New Jersey or of any political subdivision thereof or of a public
8 authority, to sign a waiver of immunity against subsequent criminal
9 prosecution or to answer any relevant question concerning such
10 transaction or contract, such person, and any firm, partnership or
11 corporation of which he or she is a member, partner, director or
12 officer shall be disqualified from thereafter selling to or submitting
13 bids to or receiving awards from or entering into any contracts with
14 the Commission or official thereof, for goods, work or services, for
15 a period of five years after such refusal.

16 d. Disqualification to contract with the Commission. Any
17 person who, when called before a grand jury, head of a state
18 department, temporary state Commission or other state agency of
19 the state of New York or the state of New Jersey, the organized
20 crime task force in the department of law of the state of New York,
21 head of a city department, or other city agency, which is
22 empowered to compel the attendance of witnesses and examine
23 them under oath, to testify in an investigation concerning any
24 transaction or contract had with the applicable state, any political
25 subdivision thereof, a public authority or with a public department,
26 agency or official of the state or of any political subdivision thereof
27 or of a public authority, refuses to sign a waiver of immunity
28 against subsequent criminal prosecution or to answer any relevant
29 questions concerning such transaction or contract, and any firm,
30 partnership or corporation, of which he or she is a member, partner,
31 director or officer shall be disqualified from thereafter selling to or
32 submitting bids to or receiving awards from or entering into any
33 contracts with the Commission or any official of the commission,
34 for goods, work or services, for a period of five years after such
35 refusal or until a disqualification shall be removed pursuant to the
36 provisions of subsection e. of this section. It shall be the duty of the
37 officer conducting the investigation before the grand jury, the head
38 of a state department, the chairman of the temporary state
39 commission or other state agency of the state of New York or the
40 state of New Jersey, the organized crime task force in the
41 department of law of the state of New York, the head of a city
42 department or other city agency before which the refusal occurs to
43 send notice of such refusal, together with the names of any firm,
44 partnership or corporation of which the person so refusing is known
45 to be a member, partner, officer or director, to the commissioner of
46 transportation of the state of New York or the state of New Jersey,
47 or the commissioner of general services as the case may be, and the
48 appropriate departments, agencies and officials of the applicable

1 state, political subdivisions thereof or public authorities with whom
2 the persons so refusing and any firm, partnership or corporation of
3 which he or she is a member, partner, director or officer, is known
4 to have a contract. However, when such refusal occurs before a
5 body other than a grand jury, notice of refusal shall not be sent for a
6 period of ten days after such refusal occurs. Prior to the expiration
7 of this ten-day period, any person, firm, partnership or corporation
8 which has become liable to the cancellation or termination of a
9 contract or disqualification to contract on account of such refusal
10 may commence a special proceeding at a special term of the
11 supreme court of New York or superior court of New Jersey, held
12 within the judicial district in which the refusal occurred, for an
13 order determining whether the questions in response to which the
14 refusal occurred were relevant and material to the inquiry. Upon the
15 commencement of such proceeding, the sending of such notice of
16 refusal to answer shall be subject to order of the court in which the
17 proceeding was brought in a manner and on such terms as the court
18 may deem just. If a proceeding is not brought within ten days,
19 notice of refusal shall thereupon be sent as provided in this
20 subsection.

21 e. Removal of disqualification of public contractors by
22 petition.

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

45 (2) Upon the filing of a petition described in paragraph (1) of
46 this subsection the court may stay as to petitioner, pending a
47 decision upon the petition, the cancellation or termination of any

1 contracts resulting from such refusal upon such terms as to notice or
2 otherwise as may be just.

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

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

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

19 f. Statement of non-collusion in bids or proposals to the
20 Commission.

21 (1) Every bid or proposal hereafter made to the Commission or
22 to any official of the Commission, where competitive bidding is
23 utilized, for work or services performed or to be performed or
24 goods sold or to be sold, shall contain the following statement
25 subscribed by the bidder and affirmed by such bidder as true under
26 the penalties of perjury:

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

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

35 3. Unless otherwise required by law, the prices which have
36 been quoted in this bid have not been knowingly disclosed by the
37 bidder and will not knowingly be disclosed by the bidder prior to
38 opening, directly or indirectly, to any other bidder or to any
39 competitor; and

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

43 (2) A bid shall not be considered for award nor shall any award
44 be made where the provisions of paragraph (1) of this subsection
45 have not been complied with; provided however, that if in any case
46 the bidder cannot make the foregoing certification, the bidder shall
47 so state and shall furnish with the bid a signed statement which sets
48 forth in detail the reasons therefor. Where the provisions of

1 paragraph (1) of this subsection have not been complied with, the
2 bid shall not be considered for award nor shall any award be made
3 unless the Commission or official thereof determines that such
4 disclosure was not made for the purpose of restricting competition.
5 The fact that a bidder (a) has published price lists, rates, or tariffs
6 covering items being procured, (b) has informed prospective
7 customers of proposed or pending publication of new or revised
8 price lists for such items, or (c) has sold the same items to other
9 customers at the same prices being bid, does not constitute, without
10 more, a disclosure.

11 (3) Any bid hereafter made to the Commission by a corporate
12 bidder for work or services performed or to be performed or goods
13 sold or to be sold, where competitive bidding is utilized, and where
14 such bid contains the certification referred to in paragraph (1) of
15 this subsection, shall be deemed to have been authorized by the
16 board of directors of the bidder, and such authorization shall be
17 deemed to include the signing and submission of the bid and the
18 inclusion therein of the certificate as to non-collusion as the act and
19 deed of the corporation.

20 g. Procurement contracts.

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

22 "Allowable indirect costs" means those costs incurred by a
23 professional firm that are generally associated with overhead which
24 cannot be specifically identified with a single Project or contract
25 and are considered reasonable and allowable under specific state
26 contract or allowability limits.

27 "Minority business enterprise" means any business enterprise,
28 including a sole proprietorship, partnership, or corporation: with
29 more than fifty percent of the ownership interest owned by one or
30 more minority group members or, in the case of a publicly-owned
31 business, where more than fifty percent of the common stock or
32 other voting interests are owned by one or more minority group
33 members; in which the minority ownership is real, substantial, and
34 continuing; in which the minority ownership has and exercises the
35 authority to control independently the day-to-day business decisions
36 of the enterprise; and authorized to do business in the state of New
37 York or the state of New Jersey, independently owned and operated,
38 and not dominant in its field.

39 "Minority group member" means a United States citizen or
40 permanent resident **[alien]** who is and can demonstrate membership
41 in one of the following groups: black persons having origins in any
42 of the black African racial groups not of Hispanic origin; Hispanic
43 persons of Mexican, Puerto Rican, Dominican, Cuban, Central or
44 South American of either Indian or Hispanic origin, regardless of
45 race; Asian and Pacific Islander persons having origins in any of the
46 Far East, Southeast Asia, the Indian subcontinent or the Pacific
47 Islands; or Native American persons having origins in any of the
48 original peoples of North America.

1 "Professional firm" means any individual or sole proprietorship,
2 partnership, corporation, association, or other legal entity permitted
3 by law to practice the professions of architecture, engineering, or
4 surveying.

5 "Women-owned business enterprise" means a business
6 enterprise, including a sole proprietorship, partnership or
7 corporation: with more than fifty percent of the ownership interest
8 owned by one or more United States citizens or permanent [resident
9 aliens] residents who are women or, in the case of a publicly-owned
10 business, where more than fifty percent of the common stock or
11 other voting interests is owned by United States citizens or
12 permanent [resident aliens] residents who are women; in which the
13 ownership interest of women is real, substantial, and continuing; in
14 which the women ownership has and exercises the authority to
15 control independently the day-to-day business decisions of the
16 enterprise; and authorized to do business in the state of New York
17 or the state of New Jersey, independently owned and operated, and
18 not dominant in its field.

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

22 (2) The Commission shall adopt by resolution comprehensive
23 guidelines which detail the Commission's operative policy and
24 instructions regarding the use, awarding, monitoring and reporting
25 of procurement contracts. Such guidelines shall be annually
26 reviewed and approved by the Commission.

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

29 (a) A description of the types of goods purchased, and for
30 procurement contracts for services, a description of those areas of
31 responsibility and oversight requiring the use of personal services
32 and the reasons for the use of personal services in such areas.

33 (b) Requirements regarding the selection of contractors, which
34 shall include provisions:

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

38 (ii) setting forth responsibilities of contractors.

39 (c) An identification of those areas or types of contracts for
40 which minority or women-owned business enterprises may best bid
41 so as to promote and assist participation by such enterprises and
42 facilitate a fair share of the awarding of contracts to such
43 enterprises.

44 (d) Requirements for providing notice, in addition to any other
45 notice of procurement opportunities, to professional and other
46 organizations that serve minority and women-owned business
47 enterprises providing the types of services procured by the
48 Commission.

1 (e) The establishment of appropriate goals for participation by
2 minority or women-owned business enterprises in procurement
3 contracts awarded by the Commission and for the utilization of
4 minority and women-owned enterprises as subcontractors and
5 suppliers by entities having procurement contracts with the
6 Commission.

7 (f) A listing of the types of provisions to be contained in
8 procurement contracts, including provisions concerning the nature
9 and monitoring of the work to be performed, the use of Commission
10 supplies and facilities, the use of Commission personnel and any
11 other provisions.

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

14 (h) Policies to promote the participation by business enterprises
15 and residents of the state of New York and the state of New Jersey
16 in procurement contracts.

17 (4) For the purposes of this subsection:

18 "New Jersey business enterprise" means a business enterprise,
19 including a sole proprietorship, partnership, or corporation, which
20 offers for sale or lease or other form of exchange, goods which are
21 sought by the Commission and which are substantially
22 manufactured, produced or assembled in New Jersey, or services
23 which are sought by the Commission and which are substantially
24 performed within New Jersey.

25 "New Jersey resident" means a natural person who maintains a
26 fixed, permanent, and principal home located within New Jersey
27 and to which such person, whenever temporarily located, always
28 intends to return.

29 "New York resident" means a natural person who maintains a
30 fixed, permanent and principal home located within New York state
31 and to which such person, whenever temporarily located, always
32 intends to return.

33 "New York state business enterprise" means a business
34 enterprise, including a sole proprietorship, partnership, or
35 corporation, which offers for sale or lease or other form of
36 exchange, goods which are sought by the Commission and which
37 are substantially manufactured, produced or assembled in New
38 York state, or services which are sought by the Commission and
39 which are substantially performed within New York state.

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

43 (6) The Commission shall annually prepare and approve a report
44 on procurement contracts, where any such contracts have been
45 entered into for such year, which shall include the guidelines, as
46 specified in this section, an explanation of the guidelines and any
47 amendments thereto since the last annual report. Such report on

1 procurement contracts may be a part of any other annual report that
2 the corporation is required to make.

3 (7) The Commission shall annually submit its report on
4 procurement contracts to the governor of New York and the
5 governor of New Jersey and copies thereof to the New York senate
6 finance committee, New Jersey senate budget and appropriations
7 committee, the New York assembly ways and means committee, the
8 New Jersey general assembly appropriations committee, and the
9 New York state authorities budget office. The Commission shall
10 make available to the public copies of its report on procurement
11 contracts upon reasonable request therefor.

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

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

17

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

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

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

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

40 b. The Director of the Division of Consumer Affairs in the
41 Department of Law and Public Safety, in consultation with the
42 Commissioner of Health and Senior Services, shall require that, no
43 later than the 180th day after the date of enactment of this act, each
44 health care service firm, employment agency or registry and
45 temporary help service firm or personnel consultant regulated by
46 the Division of Consumer Affairs shall provide the following
47 information in writing to each consumer receiving home-based
48 services, including, but not limited to, domestic, companion, sitter

1 and live-in services, from a person who is employed by that firm,
2 agency, registry or consultant and is not a certified homemaker-
3 home health aide or other health care professional whose practice is
4 regulated pursuant to Title 45 of the Revised Statutes, or to a person
5 designated by the consumer:

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

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

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

14 (4) evidence of employment history verification or character
15 references for that person.

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

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

20 (2) otherwise upon the initial visit to the patient's or consumer's
21 home of the person assigned to provide services to the patient or
22 consumer.

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

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

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

31

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

33 34:9-1. Employment of **[aliens]** noncitizens on public works
34 forbidden; penalty

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

1 treasury of the state, or county or municipality within which and
2 under whose authority such officer or contractor claims to act.
3 (cf: R.S.34:9-1)

4
5 25. R.S.43:21-4 is amended to read as follows:

6 43:21-4. Benefit eligibility conditions. An unemployed
7 individual shall be eligible to receive benefits with respect to any
8 week eligible only if:

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

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

23 (c) (1) The individual is able to work, and is available for work,
24 and has demonstrated to be actively seeking work, except as
25 hereinafter provided in this subsection or in subsection (f) of this
26 section.

27 (2) The director may modify the requirement of actively seeking
28 work if such modification of this requirement is warranted by
29 economic conditions.

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

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

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

46 (i) The training is for a labor demand occupation and is likely to
47 enhance the individual's marketable skills and earning power,
48 except that the training may be for an occupation other than a labor

1 demand occupation if the individual is receiving short-time benefits
2 pursuant to the provisions of P.L.2011, c.154 (C.43:21-20.3 et al.)
3 and the training is necessary to prevent a likely loss of jobs;

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

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

11 (iv) The training does not include on the job training or other
12 training under which the individual is paid by an employer for work
13 performed by the individual during the time that the individual
14 receives benefits; and

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

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

23 (i) The training includes remedial basic skills education
24 necessary for the individual to successfully complete the vocational
25 component of the training;

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

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

30 (iv) The lack of a prior guarantee of employment upon
31 completion of the training.

32 (D) For the purpose of this paragraph (4), "labor demand
33 occupation" means an occupation for which there is or is likely to
34 be an excess of demand over supply for adequately trained workers,
35 including, but not limited to, an occupation designated as a labor
36 demand occupation by the Center for Occupational Employment
37 Information pursuant to the provisions of subsection d. of section
38 27 of P.L.2005, c.354 (C.34:1A-86).

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

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

1 For purposes of this paragraph, "immediate family member"
2 includes any of the following individuals: father, mother, mother-
3 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
4 child, child placed by the Division of Youth and Family Services in
5 the Department of Children and Families, sister or brother of the
6 unemployed individual and any relatives of the unemployed
7 individual residing in the unemployed individual's household.

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

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

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

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

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

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

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

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

47 (d) With respect to any benefit year commencing before January
48 1, 2002, the individual has been totally or partially unemployed for

1 a waiting period of one week in the benefit year which includes that
2 week. When benefits become payable with respect to the third
3 consecutive week next following the waiting period, the individual
4 shall be eligible to receive benefits as appropriate with respect to
5 the waiting period. No week shall be counted as a week of
6 unemployment for the purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (D) For any period of family temporary disability leave for a
45 serious health condition of a family member of the claimant during
46 which the family member is not receiving inpatient care in a
47 hospital, hospice, or residential medical care facility and is not
48 subject to continuing medical treatment or continuing supervision

1 by a health care provider, who, when requested by the division,
2 shall certify within the scope of the provider's practice, the serious
3 health condition of the family member, the probable duration
4 thereof, and, where applicable, the medical facts within the
5 provider's knowledge.

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

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

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

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

46 (3) With respect to those services described in paragraphs (1)
47 and (2) above, benefits shall not be paid on the basis of such
48 services to any individual for any week which commences during

1 an established and customary vacation period or holiday recess if
2 such individual performs such services in the period immediately
3 before such vacation period or holiday recess, and there is a
4 reasonable assurance that such individual will perform such
5 services in the period immediately following such period or holiday
6 recess;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (h) Benefits shall not be paid to any individual on the basis of
46 any services, substantially all of which consist of participating in
47 sports or athletic events or training or preparing to so participate,
48 for any week which commences during the period between two

1 successive sports seasons (or similar periods) if such individual
2 performed such services in the first of such seasons (or similar
3 periods) and there is a reasonable assurance that such individual
4 will perform such services in the later of such seasons (or similar
5 periods).

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

25 (2) Any data or information required of individuals applying for
26 benefits to determine whether benefits are not payable to them
27 because of their **alien** noncitizen status shall be uniformly
28 required from all applicants for benefits.

29 (3) In the case of an individual whose application for benefits
30 would otherwise be approved, no determination that benefits to such
31 individual are not payable because of **alien** noncitizen status shall
32 be made except upon a preponderance of the evidence.

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

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

41

42 26. R.S.44:1-97 is amended to read as follows:

43 44:1-97. Record as to every applicant for relief

44 Overseers shall in respect to all applicants for relief keep a
45 record which may be by card index and which shall state:

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

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

- 1 c. The time and place of last employment and the family
- 2 income;
- 3 d. Whether citizen or **[alien]** noncitizen and the place of
- 4 nativity;
- 5 e. The place of abode for the ten years preceding the
- 6 application for relief;
- 7 f. The cause direct and indirect which has operated to make
- 8 relief necessary so far as can be ascertained;
- 9 g. The relief or aid given, and such relief as may have been or
- 10 is being provided by all organizations as ascertained;
- 11 h. The name of the overseer or deputy and helper having
- 12 particular knowledge and charge of the case, and of witnesses of the
- 13 fact with their addresses; and
- 14 i. The name of those responsible by law for the support of the
- 15 poor person and the name of any relative agreeing or likely to agree
- 16 to contribute in whole or in part to, or assist in, the support of the
- 17 poor person.
- 18 (cf: R.S.44:1-97)

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

- 44
- 45 28. Section 7 of P.L.1997, c.13 (C.44:10-40) is amended to read
- 46 as follows:
- 47 7. a. Single adults and couples without dependent children
- 48 shall not be eligible for medical assistance for inpatient or

1 outpatient hospital care or long-term care under the program, except
2 that medical assistance shall be provided for the following, in
3 accordance with regulations adopted by the commissioner:

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

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

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

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

30
31 29. Section 1 of P.L.1997, c.14, (C.44:10-44) is amended to read
32 as follows:

33 1. As used in this act:

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

36 "Assistance unit" means: a single person without dependent
37 children; a couple without dependent children; dependent children
38 only; or a person or couple with one or more dependent children
39 who are legally or blood-related, or who is their legal guardian, and
40 who live together as a household unit.

41 "Benefits" means any assistance provided to needy persons and
42 their dependent children and needy single persons and couples
43 without dependent children under the Work First New Jersey
44 program.

45 "Commissioner" means the Commissioner of Human Services.

46 "County agency" means the county agency that was
47 administering the aid to families with dependent children program
48 at the time the federal "Personal Responsibility and Work

1 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
2 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
3 44 et al.) shall also administer the Work First New Jersey program
4 in that county.

5 "Dependent child" means a child:

6 a. under the age of 18;

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

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

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

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

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

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

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

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

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

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

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

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

13 For the purposes of this section, "qualified **[alien]** noncitizen "
14 **[is]** shall have the same meaning as "qualified aliens" as defined
15 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
16 193.

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

31 "Income eligibility standard" means the income eligibility
32 threshold based on assistance unit size established by regulation of
33 the commissioner for benefits provided within the limit of funds
34 appropriated by the Legislature.

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

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

44 "Recipient" means a recipient of benefits under the Work First
45 New Jersey program.

46 "Resources" means all real and personal property as defined by
47 the commissioner; except that in the event that individual

1 development accounts for recipients are established by regulation of
2 the commissioner, all funds in such an account, up to the limit
3 determined by the commissioner, including any interest or dividend
4 earnings from such an account, shall not be considered to be a
5 resource.

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

8 "Title IV-D" means the provisions of Title IV-D of the federal
9 Social Security Act governing paternity establishment and child
10 support enforcement activities and requirements.

11 "Work First New Jersey program" or "program" means the
12 program established pursuant to P.L.1997, c.38 (C.44:10-
13 55 et seq.).

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

15

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

18 2. a. Benefits under the Work First New Jersey program shall
19 be determined according to standards of income and resources
20 established by the commissioner. These standards shall take into
21 account, for the determination of eligibility and the provision of
22 benefits, all income and resources of all persons in the assistance
23 unit of which the applicant or recipient is a member, except as
24 provided by law governing the Work First New Jersey program and
25 as prescribed by the commissioner. The benefits to be granted shall
26 be governed by standards established by regulation of the
27 commissioner. The commissioner may set income and resource
28 eligibility and benefits standards that differ with respect to types of
29 assistance units.

30 b. A recipient, as a condition of eligibility for benefits, shall,
31 subject to good cause exceptions as defined by the commissioner,
32 be required to: do all acts stated herein necessary to establish the
33 paternity of a child born out-of-wedlock, and to establish and
34 participate in the enforcement of child support obligations;
35 cooperate with work requirements established by the commissioner;
36 make application for any other assistance for which members of the
37 assistance unit may be eligible; be income and resource eligible as
38 defined by the commissioner, including the deeming of income and
39 resources as appropriate; provide all necessary documentation
40 which shall include the federal Social Security number for all
41 assistance unit members, except for an eligible **alien** noncitizen
42 who cannot be assigned a Social Security number due to his status,
43 or make application for same; sign an agreement to repay benefits
44 in the event of receipt of income or resources; and comply with
45 personal identification requirements as a condition of receiving
46 benefits, which may employ the use of high technology processes
47 for the detection of fraud.

1 c. Notwithstanding any other provision of law or regulation to
2 the contrary, an applicant shall not be eligible for benefits when the
3 applicant's eligibility is the result of a voluntary cessation of
4 employment without good cause, as determined by the
5 commissioner, within 90 days prior to the date of application for
6 benefits.

7 d. A voluntary assignment or transfer of income or resources
8 within one year prior to the time of application for benefits for the
9 purpose of qualifying therefor shall render the applicant and the
10 applicant's assistance unit members ineligible for benefits for a
11 period of time determined by regulation of the commissioner.

12 e. Any income or resources that are exempted by federal law
13 for purposes of eligibility for benefits shall not reduce the amount
14 of benefits received by a recipient and shall not be subject to a lien
15 or be available for repayment to the State or county agency for
16 benefits received by the individual.

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

18

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

21 5. a. Only those persons who are United States citizens or
22 eligible **【aliens】** noncitizens shall be eligible for benefits under the
23 Work First New Jersey program. Single adults or couples without
24 dependent children who are legal **【aliens】** noncitizens who meet
25 federal requirements and have applied for citizenship, shall not
26 receive benefits for more than six months unless (1) they attain
27 citizenship, or (2) they have passed the English language and civics
28 components for citizenship, and are awaiting final determination of
29 citizenship by the federal Immigration and Naturalization Service.

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

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

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

38 (3) illegal **【aliens】** noncitizens;

39 (4) other **【aliens】** noncitizens who are not eligible **【aliens】**
40 noncitizens;

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

45 (6) a person who: is fleeing to avoid prosecution, custody or
46 confinement after conviction, under the laws of the jurisdiction
47 from which the person has fled, for a crime or an attempt to commit
48 a crime which is a felony or a high misdemeanor under the laws of

1 the jurisdiction from which the person has fled; or is violating a
2 condition of probation or parole imposed under federal or state law;
3 (7) a person convicted on or after August 22, 1996 under federal
4 or state law of any offense which is classified as a felony or crime,
5 as appropriate, under the laws of the jurisdiction involved and
6 which has as an element the possession, use, or distribution of a
7 controlled substance as defined in section 102(6) of the federal
8 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
9 otherwise be eligible for general public assistance pursuant to
10 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
11 is convicted of any such offense which has as an element the
12 possession or use only of such a controlled substance may be
13 eligible for Work First New Jersey general public assistance
14 benefits if the person enrolls in or has completed a licensed
15 residential or outpatient drug treatment program. An otherwise
16 eligible individual who has a past drug conviction shall be eligible
17 for general public assistance without enrolling in or completing a
18 drug treatment program if either: (1) an appropriate treatment
19 program is not available; or (2) the person is excused from enrolling
20 in a treatment program for good cause pursuant to regulation.

21 Eligibility for benefits for a person entering a licensed drug
22 treatment program which does not operate in a State correctional
23 facility or county jail shall commence upon the person's enrollment
24 in the drug treatment program, and shall continue during the
25 person's active participation in, and upon completion of, the drug
26 treatment program, except that during the person's active
27 participation in a drug treatment program and the first 60 days after
28 completion of a drug treatment program, the commissioner shall
29 provide for testing of the person to determine if the person is free of
30 any controlled substance. If the person is determined to not be free
31 of any controlled substance during the 60-day period, the person's
32 eligibility for benefits pursuant to this paragraph shall be
33 terminated; except that this provision shall not apply to the use of
34 prescription drugs by a person who is actively participating in a
35 drug treatment program, as prescribed by the drug treatment
36 program. The commissioner shall adopt regulations to carry out the
37 provisions of this paragraph, which shall include the criteria for
38 determining active participation in and completion of a drug
39 treatment program.

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

45 Cash benefits, less a personal needs allowance, for a person
46 receiving general public assistance benefits under the Work First
47 New Jersey program who is enrolled in and actively participating in
48 a licensed drug treatment program shall be issued directly to the

1 drug treatment provider to offset the cost of treatment. Upon
2 completion of the drug treatment program, the cash benefits shall be
3 then issued to the person. In the case of a delay in issuing cash
4 benefits to a person receiving Work First New Jersey general public
5 assistance benefits who has completed the drug treatment program,
6 the drug treatment provider shall transmit to the person those funds
7 received on behalf of that person after completion of the drug
8 treatment program;

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

14 (9) a person who intentionally makes a false or misleading
15 statement or misrepresents, conceals or withholds facts for the
16 purpose of receiving benefits, who shall be ineligible for benefits
17 for a period of six months for the first violation, 12 months for the
18 second violation, and permanently for the third violation.

19 c. A person who makes a false statement with the intent to
20 qualify for benefits and by reason thereof receives benefits for
21 which the person is not eligible is guilty of a crime of the fourth
22 degree.

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

26 (1) needy persons and their dependent children domiciled in
27 New Jersey for the purposes of receiving benefits under the Work
28 First New Jersey program and food assistance under the federal
29 "Food and Nutrition Act of 2008," Pub.L.110-234
30 (7 U.S.C. s.2011 et seq.); and

31 (2) single persons and married couples without dependent
32 children domiciled in New Jersey for the purposes of receiving food
33 assistance under Pub.L.110-234.
34 (cf: P.L.2016, c.69, s.1)

35
36 32. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
37 as follows:

38 3. As used in this act:

39 "Alternative work experience" means unpaid work and training
40 only with a public, private nonprofit or private charitable employer
41 that provides a recipient with the experience necessary to adjust to,
42 and learn how to function in, an employment setting and the
43 opportunity to combine that experience with education and job
44 training. An alternative work experience participant shall not be
45 assigned to work for a private, for profit employer.

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

1 "Assistance unit" means: a single person without dependent
2 children; a couple without dependent children; dependent children
3 only; or a person or couple with one or more dependent children
4 who are legally or blood-related, or who is their legal guardian, and
5 who live together as a household unit.

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

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

13 "Commissioner" means the Commissioner of Human Services.

14 "Community work experience" means unpaid work and training
15 only with a public, private nonprofit or private charitable employer
16 provided to a recipient when, and to the extent, that such experience
17 is necessary to enable the recipient to adjust to, and learn how to
18 function in, an employment setting. A community work experience
19 participant shall not be assigned to work for a private, for profit
20 employer.

21 "County agency" means the county agency that was
22 administering the aid to families with dependent children program
23 at the time the federal "Personal Responsibility and Work
24 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
25 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
26 55 et seq.) shall also administer the Work First New Jersey program
27 in that county.

28 "Dependent child" means a child:

29 a. under the age of 18;

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

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

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

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

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

- 1 c. a qualified **[alien]** noncitizen who is a veteran of, or on
2 active duty in, the armed forces of the United States, or the spouse
3 or dependent child of that person pursuant to federal law;
- 4 d. a recipient of refugee and entrant assistance activities or a
5 Cuban or Haitian entrant pursuant to federal law;
- 6 e. a legal permanent resident **[alien]** noncitizen who has
7 worked 40 qualifying quarters of coverage as defined under Title II
8 of the federal Social Security Act; except that, for any period after
9 December 31, 1996, a quarter during which an individual received
10 means-tested, federally funded public benefits shall not count
11 toward the total number of quarters;
- 12 f. a qualified **[alien]** noncitizen admitted to the United States
13 on or after August 22, 1996, who has lived in the United States for
14 at least five years and is eligible for means-tested, federally funded
15 public benefits pursuant to federal law ; or
- 16 g. a qualified **[alien]** noncitizen who has been battered or
17 subjected to extreme cruelty in the United States by a spouse, parent
18 or a member of the spouse or parent's family residing in the same
19 household as the **[alien]** noncitizen, or a qualified **[alien]**
20 noncitizen whose child has been battered or subjected to extreme
21 cruelty in the United States by a spouse or parent of the **[alien]**
22 noncitizen, without the active participation of the **[alien]**
23 noncitizen, or by a member of the spouse or parent's family residing
24 in the same household as the **[alien]** noncitizen. In either case, the
25 spouse or parent shall have consented or acquiesced to the battery
26 or cruelty and there shall be a substantial connection between the
27 battery or cruelty and the need for benefits to be provided. The
28 provisions of this subsection shall not apply to **[an alien]** a
29 noncitizen during any period in which the individual responsible for
30 the battery or cruelty resides in the same household or assistance
31 unit as the individual subjected to the battery or cruelty. Benefits
32 shall be provided to the extent and for the period of time that the
33 **[alien]** noncitizen or **[alien's]** noncitizen's child is eligible for the
34 program.
- 35 For the purposes of this section, "qualified **[alien]** is]
36 noncitizen" shall have the same meaning as "qualified alien" as
37 defined pursuant to the provisions of section 431 of Title IV of
38 Pub.L.104-193.
- 39 "Full-time post-secondary student" means a student enrolled for
40 a minimum of 12 credit hours in a post-secondary school.
- 41 "Income" means, but is not limited to, commissions, salaries,
42 self-employed earnings, child support and alimony payments,
43 interest and dividend earnings, wages, receipts, unemployment
44 compensation, any legal or equitable interest or entitlement owed
45 that was acquired by a cause of action, suit, claim or counterclaim,
46 insurance benefits, temporary disability claims, estate income,
47 trusts, federal income tax refunds, State income tax refunds,

1 homestead rebates, lottery prizes, casino and racetrack winnings,
2 annuities, retirement benefits, veterans' benefits, union benefits, or
3 other sources that may be defined as income by the commissioner;
4 except that in the event that individual development accounts for
5 recipients are established by regulation of the commissioner, any
6 interest or dividend earnings from such an account shall not be
7 considered income.

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

12 "Program" means the Work First New Jersey program
13 established pursuant to this act.

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

26 "Work activity" includes, but is not limited to, the following, as
27 defined by regulation of the commissioner: employment; on-the-job
28 training; job search and job readiness assistance; vocational
29 educational training; job skills training related directly to
30 employment; community work experience; alternative work
31 experience; supportive work; community service programs,
32 including the provision of child care as a community service
33 project; in the case of teenage parents or recipients under the age of
34 19 who are expected to graduate or complete their course of study
35 by their 19th birthday, satisfactory attendance at a secondary school
36 or in a course of study leading to a certificate of general
37 equivalence; and education that is necessary for employment in the
38 case of a person who has not received a high school diploma or a
39 certificate of high school equivalency, a course of study leading to a
40 certificate of general equivalence, or post-secondary education,
41 when combined with community work experience participation or
42 another work activity approved by the commissioner, including
43 employment.

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

45

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

1 5. a. All adult persons, except as otherwise provided by law
2 governing the Work First New Jersey program, are charged with the
3 primary responsibility of supporting and maintaining themselves
4 and their dependents; the primary responsibility for the support and
5 maintenance of minor children is that of the parents and family of
6 those children; and benefits shall be provided only when other
7 means of support and maintenance are not present to support the
8 assistance unit.

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

14 c. If the county agency or municipal welfare agency, as
15 appropriate, determines, based upon an applicant's written statement
16 signed under oath, that the applicant is in immediate need of
17 benefits because the applicant's available resources are insufficient ,
18 as determined by the commissioner, to meet the minimal current
19 living expenses pursuant to regulations adopted by the
20 commissioner, of the applicant's assistance unit, the county agency
21 or municipal welfare agency shall issue cash assistance benefits to
22 the applicant on the date of application, subject to the applicant
23 meeting all other program eligibility requirements.

24 d. The commissioner shall establish by regulation, standards
25 and procedures to screen and identify recipients with a history of
26 being subjected to domestic violence and refer these recipients to
27 counseling and supportive services. The commissioner may waive
28 program requirements, including, but not limited to, the time limit
29 on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
30 residency requirements pursuant to section 6 of P.L.1997, c.38
31 (C.44:10-60), child support cooperation requirements pursuant to
32 subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the
33 limitation on increase of cash assistance benefits as a result of the
34 birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-
35 61), in cases where compliance with such requirements would make
36 it more difficult for a recipient to escape domestic violence or
37 unfairly penalize the recipient who is or has been victimized by
38 such violence, or who is at risk of further domestic violence.

39 e. The commissioner shall establish regulations determining
40 eligibility and other requirements of the Work First New Jersey
41 program. Regulations shall include provisions for the deeming of
42 income, when appropriate, which include situations involving the
43 sponsor of an eligible **alien** noncitizen in accordance with federal
44 law, and legally responsible relatives of assistance unit members.

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

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

1 46:3-18. **【Aliens】** Noncitizens; "**【alien】** noncitizen friend"
2 defined; right to acquire, hold and transfer real estate

3 **【Alien】** Noncitizen friends shall have the same rights, powers
4 and privileges and be subject to the same burdens, duties, liabilities
5 and restrictions in respect of real estate situate in this State as
6 native-born citizens. Any **【alien】** noncitizen who shall be
7 domiciled and resident in the United States and licensed or
8 permitted by the government of the United States to remain in and
9 engage in business transactions in the United States, and who shall
10 not be arrested or interned or his property taken by the United
11 States, shall be considered **【an alien】** a noncitizen friend within the
12 meaning of this act.

13 Nothing contained in this section shall be construed to:

14 a. Entitle any **【alien】** noncitizen to be elected into any office of
15 trust or profit in this State, or to vote at any town meeting or
16 election of members of the Senate and General Assembly, or other
17 officers, within this State, or for Representatives in Congress or
18 electors of the President and Vice-President of the United States; or

19 b. Prevent the sequestration, seizure or disposal by either the
20 State or National government of any real estate or interest therein so
21 long as the same is owned or held by any **【alien】** noncitizen, made
22 pursuant to duly enacted legislation, during the continuance of war
23 between the United States and the government of the country of
24 which any such **【alien】** noncitizen is a citizen or subject; but any
25 bona fide conveyance, mortgage or devise made by such **【alien】**
26 noncitizen shall be valid, if made to a citizen of the United States
27 or to **【an alien】** a noncitizen friend.

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

29

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

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

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

43 (2) If the Federal income tax liabilities of husband and wife
44 (other than a husband and wife described in paragraph (3)) are
45 determined on a joint Federal return, or if neither files a Federal
46 return:

- 1 (A) They shall file a joint New Jersey income tax return, and
2 their tax liabilities shall be joint and several, or
- 3 (B) They may elect to file separate New Jersey income tax
4 returns on a single form if they comply with the requirements of the
5 Division of Taxation in setting forth information, and in such event
6 their tax liabilities shall be separate.
- 7 (3) If either husband or wife is a resident and the other is a
8 nonresident, they shall file separate New Jersey income tax returns
9 on such single or separate forms as may be required by the
10 Division of Taxation, and in such event their tax liabilities shall be
11 separate.
- 12 (4) Marital or other status. An individual's marital or other
13 status under subsection 2(c) (C. 54:8A-2(c)), subsection 9(b) of
14 P.L.1961, c. 32 (C. 54:8A-9(b)) and subsection 7(a)(3)(B) of this
15 amendatory and supplementary act shall be presumed to be the
16 same as his marital or other status for purposes of establishing the
17 applicable Federal income tax rates. However, an individual who
18 is a nonresident **【alien】** noncitizen, which shall have the same
19 meaning as “nonresident alien” as defined in Section 7701 of Title
20 26 of the United States Code, for Federal income tax purposes and
21 who fails to qualify under subsection 2(c), or subsection 9(b) of
22 P.L.1961, c. 32 or subsection 7(a)(3)(B) of this amendatory and
23 supplementary act solely by reason of his status for purposes of
24 establishing the applicable Federal income tax rates shall,
25 nevertheless, qualify under such provisions provided he files a
26 statement with his return setting forth such information in respect to
27 his status as the director shall prescribe.
- 28 (c) The return for any deceased individual shall be made and
29 filed by his fiduciary or other person charged with his property.
- 30 (d) The return for an individual who is unable to make a return
31 by reason of minority or other disability shall be made and filed by
32 his fiduciary or other person charged with the care of his person or
33 property (other than a receiver in possession of only a part of his
34 property), or by his duly authorized agent.
- 35 (e) Any tax under this act, and any increase, interest or penalty
36 thereon, shall, from the time it is due and payable, be a personal
37 debt of the person liable to pay the same, to the State of New
38 Jersey.
- 39 (f) If the amount of net income or Federal items of tax
40 preference for any year of any taxpayer as returned to the United
41 States Treasury Department or to an appropriate State officer is
42 changed or corrected by the taxpayer or the Commissioner of
43 Internal Revenue or other officer of the United States or other
44 competent authority, or where a renegotiation of a contract or
45 subcontract with the United States results in a change in net
46 income, or Federal items of tax preference such taxpayer shall
47 report such change or corrected net income, or Federal items of tax
48 preference or the results of such renegotiation, within 90 days after

1 the final determination of such change or correction or
2 renegotiation, or as required by regulation, and shall concede the
3 accuracy of such determination or state wherein it is erroneous.
4 Any taxpayer filing an amended return with such department or
5 officer shall also file within 90 days thereafter an amended return
6 in this State which shall contain such information as the regulations
7 shall require.

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

9

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

11 54A:2-1. Imposition of tax. There is hereby imposed a tax for
12 each taxable year (which shall be the same as the taxable year for
13 federal income tax purposes) on the New Jersey gross income as
14 herein defined of every individual, estate or trust (other than a
15 charitable trust or a trust forming part of a pension or profit-sharing
16 plan), subject to the deductions, limitations and modifications
17 hereinafter provided, determined in accordance with the following
18 tables with respect to taxpayers' taxable income:

19 a. For married individuals filing a joint return and individuals
20 filing as head of household or as surviving spouse for federal
21 income tax purposes:

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

If the taxable income is:	The tax is:
24 Not over \$20,000.00.....	25 2% of taxable income
26 Over \$20,000.00 but not	
27 over \$50,000.00.....	28 \$400.00 plus 2.5% of the excess over \$20,000.00
29 Over \$50,000.00 but not	
30 over \$70,000.00.....	31 \$1,150.00 plus 3.5% of the excess over \$50,000.00
32 Over \$70,000.00 but not	
33 over \$80,000.00.....	34 \$1,850.00 plus 5.0% of the 35 excess over \$70,000.00
36 Over \$80,000.00 but not	
37 over \$150,000.00.....	38 \$2,350.00 plus 6.5% of the 39 excess over \$80,000.00
40 Over \$150,000.00	41 \$6,900.00 plus 7.0% of the excess over \$150,000.00

42 (2) For taxable years beginning on or after January 1,
43 1994 but before January 1, 1995:

If the taxable income is:	The tax is:
44 Not over \$20,000.00.....	45 1.900% of taxable 46 income

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1	Over \$20,000.00 but not	
2	over \$50,000.00.....	\$380.00 plus 2.375% of
3	the	
4		excess over \$20,000.00
5	Over \$50,000.00 but not	
6	over \$70,000.00.....	\$1,092.50 plus 3.325%
7	of the	
8		excess over \$50,000.00
9	Over \$70,000.00 but not	
10	over \$80,000.00.....	\$1,757.50 plus 4.750%
11	of the	
12		excess over \$70,000.00
13	Over \$80,000.00 but not	
14	over \$150,000.00.....	\$2,232.50 plus 6.175%
15	of the	
16		excess over \$80,000.00
17	Over \$150,000.00	\$6,555.00 plus 6.650%
18	of the	
19		excess over \$150,000.00
20	(3) for taxable years beginning on or after January 1,	
21	1995 but before January 1, 1996:	
22	If the taxable income is:	The tax is:
23	Not over \$20,000.00.....	1.700% of taxable income
24	Over \$20,000.00 but not	
25	over \$50,000.00.....	\$340.00 plus 2.125% of
26	the	
27		excess over \$20,000.00
28	Over \$50,000.00 but not	
29	over \$70,000.00.....	\$977.50 plus 2.975% of the
30		excess over \$50,000.00
31	Over \$70,000.00 but not	
32	over \$80,000.00.....	\$1,572.50 plus 4.250%
33	of the	
34		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	
38		excess over \$80,000.00
39	Over \$150,000.00	\$6,206.60 plus 6.580% of the
40		excess over \$150,000.00
41	(4) for taxable years beginning on or after January 1,	
42	1996 but before January 1, 2004:	
43	If the taxable income is:	The tax is:
44	Not over \$20,000.00.....	1.400% of taxable income
45	Over \$20,000.00 but not	
46	over \$50,000.00.....	\$280.00 plus 1.750% of
47	the	
48		excess over \$20,000.00

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

S512 CRYAN, RUIZ

1	Over \$50,000.00 but not	
2	over \$70,000.00.....	\$805.00 plus 2.450% of
3	the	
4		excess over \$50,000.00
5	Over \$70,000.00 but not	
6	over \$80,000.00.....	\$1,295.50 plus 3.500%
7	of the	
8		excess over \$70,000.00
9	Over \$80,000.00 but not	
10	over \$150,000.00.....	\$1,645.00 plus 5.525%
11	of the	
12		excess over \$80,000.00
13	Over \$150,000.00 but not	
14	over \$500,000.00.....	\$5,512.50 plus 6.370%
15	of the	
16		excess over \$150,000.00
17	Over \$500,000.00 but not	
18	over \$5,000,000.00..	\$27,807.50 plus 8.970%
19	of the	
20		excess over \$500,000.00
21	Over \$5,000,000.00	\$431,457.50 plus 10.75% of the
22		excess over
23	\$5,000,000.00	
24	(7) for taxable years beginning on or after January 1,	
25	2020:	
26	If the taxable income is:	The tax is:
27	Not over \$20,000.00.....	1.400% of taxable income
28	Over \$20,000.00 but not	
29	over \$50,000.00....	\$280.00 plus 1.750% of the
30		excess over
31	\$20,000.00	
32	Over \$50,000.00 but not	
33	over \$70,000.00....	\$805.00 plus
34	2.450% of the	
35		excess over \$50,000.00
36	Over \$70,000.00 but not	
37	over \$80,000.00...	\$1,295.50 plus
38	3.500% of the	
39		excess over
40	\$70,000.00	
41	Over \$80,000.00 but not	
42	over \$150,000.00..	\$1,645.00 plus
43	5.525% of the	
44		excess over
45	\$80,000.00	
46	Over \$150,000.00 but not	
47	over \$500,000.00..	\$5,512.50 plus 6.370%

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1 of the
2 excess over
3 \$150,000.00
4 Over \$500,000.00 but not
5 over \$1,000,000.00.. \$27,807.50 plus
6 8.970% of the
7 excess over
8 \$500,000.00
9 Over \$1,000,000.00... \$72,657.50 plus
10 10.750% of the
11 excess over \$1,000,000.00

12 b. For married individuals filing separately, unmarried
13 individuals other than individuals filing as head of household or as
14 a surviving spouse for federal income tax purposes, and estates and
15 trusts:

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

18	If the taxable income is:	The tax is:
19	Not over \$20,000.00.....	2% of taxable income
20	Over \$20,000.00 but not	
21	over \$35,000.00.....	\$400.00 plus 2.5% of the
22		excess over \$20,000.00
23	Over \$35,000.00 but not	
24	over \$40,000.00.....	\$775.00 plus 5.0% of the
25		excess over \$35,000.00
26	Over \$40,000.00 but not	
27	over \$75,000.00.....	\$1,025.00 plus 6.5% of
28	the	
29		excess over \$40,000.00
30	Over \$75,000.00	\$3,300.00 plus 7.0% of the
31		excess over \$75,000.00

32 (2) for taxable years beginning on or after January 1,
33 1994 but before January 1, 1995:

34	If the taxable income is:	The tax is:
35	Not over \$20,000.00.....	1.900% of taxable income
36	Over \$20,000.00 but not	
37	over \$35,000.00.....	\$380.00 plus 2.375% of
38	the	
39		excess over \$20,000.00
40	Over \$35,000.00 but not	
41	over \$40,000.00.....	\$736.25 plus 4.750% of
42	the	
43		excess over \$35,000.00
44	Over \$40,000.00 but not	
45	over \$75,000.00.....	\$973.75 plus 6.175% of
46	the	
47		excess over \$40,000.00

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

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1	Over \$20,000.00 but not		
2	over \$35,000.00.....	\$280.00	plus
3	1.750% of the		
4		excess	over
5	\$20,000.00		
6	Over \$35,000.00 but not		
7	over \$40,000.00.....	\$542.50	plus
8	3.500% of the		
9		excess	over
10	\$35,000.00		
11	Over \$40,000.00 but not		
12	over \$75,000.00.....	\$717.50	plus
13	5.525% of the		
14		excess	over
15	\$40,000.00		
16	Over \$75,000.00 but not		
17	over \$500,000.00...	\$2,651.25	plus 6.370%
18	of the		
19		excess	over
20	\$75,000.00		
21	Over \$500,000.00 but not		
22	over \$1,000,000.00..	\$29,723.75	plus
23	8.970% of the		
24		excess	over
25	\$500,000.00		
26	Over \$1,000,000.00....	\$74,573.75	plus
27	10.750% of the		
28		excess	over
29	\$1,000,000.00		

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

36 d. For the purposes of this section, for taxable year 2018,
37 withholding by every employer from salaries, wages and other
38 remuneration paid by an employer for services rendered described
39 in subsections a. and b. of this section, in excess of \$5,000,000
40 during that taxable year, shall be at the rate of 15.6% as soon as
41 practicable but no later than September 1, 2018. The Director of the
42 Division of Taxation is authorized to do all things necessary to
43 implement the withholding tax prescribed by this section for taxable
44 year 2018.

45 e. No additions to tax or penalty shall be imposed under
46 N.J.S.54A:9-6 for insufficient payment of estimated tax that may
47 otherwise be due on salaries, wages and other remuneration

1 received before September 1, 2018, on which there is a rate of tax
2 imposed pursuant to subsections a. and b. of this section.

3 f. An employer maintaining an office or transacting business
4 within this State and making payment of any salaries, wages and
5 remuneration subject to New Jersey gross income tax or making
6 payment of any remuneration for employment subject to
7 contribution under the New Jersey "unemployment compensation
8 law," pursuant to R.S.43:21-1 et seq., that is subject to New Jersey
9 gross income tax shall not be subject to interest, penalties or other
10 costs that may otherwise be imposed for insufficient withholding of
11 salaries, wages and other remuneration made before September 1,
12 2018, that is directly attributable to the enactment of the taxable
13 income tables and tax rates in subsections a. and b. of this section.
14 (cf: P.L.2020, c.94, s.1)

15

16 37. The provisions of this act shall be severable. If any provision
17 of this act or its application is held invalid, that invalidity shall not
18 affect other provisions or applications that can be given effect
19 without the invalid provision or application.

20

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

25

26

27

STATEMENT

28

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

33 Specifically, the bill prohibits State, county, or municipal law
34 enforcement agencies or officials from stopping, questioning,
35 arresting, searching, or detaining any individual based on actual or
36 suspected citizenship or immigration status, or actual or suspected
37 violations of federal civil immigration law. Law enforcement
38 agencies or officials also would be prohibited from inquiring or
39 recording any information about an individual's immigration status,
40 citizenship, or place of birth or making arrests based on civil
41 immigration warrants. The bill also prohibits the use of law
42 enforcement agency or department moneys, facilities, property,
43 equipment, or personnel to investigate, enforce, or assist in the
44 investigation or enforcement of any federal program requiring
45 registration of individuals on the basis of race, gender, sexual
46 orientation, religion, immigration status, citizenship, or national or
47 ethnic origin.

1 In addition, the bill prohibits law enforcement agencies from
2 making agency or department databases available to anyone or any
3 entity for the purpose of immigration enforcement or investigation
4 or enforcement of any federal program requiring registration of
5 individuals on the basis of race, gender, sexual orientation, religion,
6 immigration status, citizenship, or national or ethnic origin. Any
7 agreements made prior to the bill's enactment that require an
8 agency or department database to be available to federal
9 immigration authorities are to be void.

10 The bill also prohibits State, county, and municipal law
11 enforcement agencies from providing assistance to federal
12 immigration authorities by:

- 13 (1) participating in civil immigration enforcement operations;
- 14 (2) providing to federal immigration authorities any personal
15 identifying information as defined by the Open Public Records Act
16 or confidential personal identifiers as defined by the Rules of Court
17 about an individual;
- 18 (3) providing access to any State, county, or municipal law
19 enforcement equipment, office space, database, or property;
- 20 (4) providing access to a detained individual for an interview;
- 21 (5) responding to or otherwise complying with immigration
22 detainers, notification requests, and transfer requests from federal
23 immigration authorities;
- 24 (6) continuing to detain a person past the time the person would
25 otherwise be eligible for release from custody based solely on an
26 immigration detainer or civil immigration warrant;
- 27 (7) entering into, modifying, renewing, or extending any
28 agreement to exercise federal immigration authority or conduct
29 immigration enforcement pursuant to section 287(g) agreements; or
- 30 (8) providing or sharing funds, property, equipment, personnel,
31 or access to facilities or real property not open to the general public
32 for purposes of engaging in, assisting, supporting, or facilitating
33 immigration enforcement.

34 The bill also requires State, county, and municipal law
35 enforcement agencies to submit an annual report to the Attorney
36 General no later than 30 days after the end of each State fiscal year.
37 The annual report is to provide certain information related to
38 requests by law federal immigration authorities for assistance from
39 State, county, and municipal law enforcement agencies. The
40 Attorney General is to publish the information on the Internet
41 website of the Department of Law and Public Safety. The bill also
42 requires the Attorney General to promulgate regulations to ensure
43 compliance by State, county, and municipal law enforcement
44 agencies with the annual reporting requirements established
45 pursuant to this section. The Attorney General also is to report
46 annually to the Governor and the Legislature a summary of the law
47 enforcement agencies that complied with the provisions of this

1 section. The report is to append the information submitted by State,
2 county, and municipal law enforcement agencies.

3 Under the bill, State, county, and municipal agencies and
4 divisions and healthcare facilities may collect information on
5 immigration and citizenship status only as required to assess
6 eligibility for public services or programs requested or used by the
7 person seeking those services. However, all types of information,
8 whether written or oral, concerning a person solicited, made, or
9 kept by any public agency or officer thereof for the purpose of
10 assessing eligibility for or administering those services would not
11 be a government record under the open public records act or
12 disclosed unless otherwise required by law. The bill requires State
13 agencies to review their confidentiality policies and identify any
14 changes necessary to ensure that information collected from
15 individuals is limited to that necessary to perform agency duties,
16 and is not used, shared, or disclosed for any other purpose. Any
17 necessary changes to those policies are to be made as expeditiously
18 as possible and no later than one calendar year following the bill's
19 enactment.

20 The bill also requires the Attorney General, in consultation with
21 the appropriate public and private entities, to develop model
22 policies for public schools, health care facilities, public libraries,
23 youth shelters, emergency shelters, and domestic violence shelters
24 to ensure that these institutions remain safe and accessible to all
25 New Jersey residents, regardless of immigration status. The model
26 policies would ensure that eligible individuals are not deterred from
27 seeking services or engaging with State, county, or municipal public
28 agencies. In addition, the model policies are to limit immigration
29 enforcement on the premises of these institutions and information
30 sharing between these institutions and federal immigration
31 enforcement authorities, to the fullest extent possible consistent
32 with State and federal law. The Attorney General would be required
33 to publish these model policies on the Internet website of the
34 Department of Law and Public Safety no later than one calendar
35 year following the bill's enactment. All public schools, health care
36 facilities, public libraries, youth shelters, emergency shelters, and
37 domestic violence shelters are to adopt the model policies or
38 equivalent or more protective policies no later than January 1, 2023.

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