

ASSEMBLY, No. 1329

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblywoman ANNETTE CHAPARRO

District 33 (Hudson)

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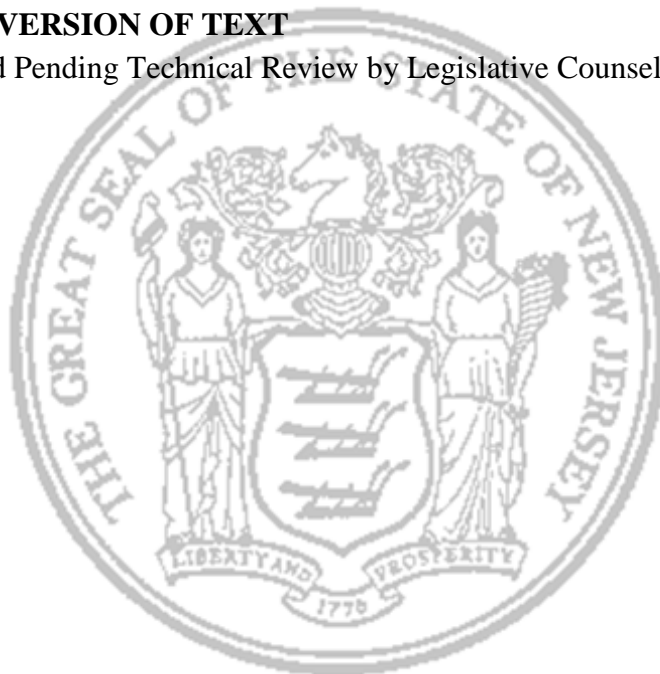
Assemblywomen Timberlake and Vainieri Huttie

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 3/1/2021)

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

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

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

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

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

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 (9) the identity of the winner's spouse, domestic partner or
2 partner in a civil union, if any, and the interest of that person, if
3 any, in the annuity jackpot payments;
- 4 (10) the identity of any other co-owner, claimant or lienholder
5 and the amount of the interests, liens, security interests, prior
6 assignments or offsets asserted by each such party;
- 7 (11) that the interest rate or discount rate, as applicable, and all
8 fees and costs and other material terms relating to the assignment
9 are expressly and clearly included in all material documents and in
10 all documents that include any obligations of the annuity jackpot
11 winner;
- 12 (12) that the interest rate or discount rate, as applicable, and any
13 other fees or charges associated with the assignment do not indicate
14 overreaching or exploitation, do not exceed current usury rates, and
15 does not violate any laws of usury of this State;
- 16 (13) that the winner has reviewed and understands the terms of
17 the assignment;
- 18 (14) that the winner understands that the winner will not receive
19 the annuity jackpot payments, or portions thereof, for the years
20 assigned;
- 21 (15) that the winner has agreed to the assignment of the winner's
22 own free will without undue influence or duress;
- 23 (16) that the winner has retained and consulted with independent
24 legal counsel who has advised the winner of the winner's legal
25 rights and obligations;
- 26 (17) that the winner has retained and consulted with an
27 independent tax advisor concerning the tax consequences of the
28 assignment;
- 29 (18) that the winner has disclosed all existing debts, liens and
30 child support obligations and does not seek assignment for purposes
31 of evading creditors, judgments or obligations for child support; and
32 (19) that the winner has certified that: the winner is not obligated
33 to repay any public assistance benefits; and the winner does not
34 have a child support obligation, or if the winner does have a child
35 support obligation, that no arrearage is due.
- 36 The annuity jackpot winner and the proposed assignee shall
37 provide a copy of the proposed form of order to the slot system
38 operator at least 10 days before the court is scheduled to act on the
39 proposed order to allow the slot system operator the opportunity to
40 ensure that the proposed order is complete and correct in all
41 respects prior to the court's approval.
- 42 e. Before a winner is legally bound, by agreement, contract or
43 otherwise, and prior to the issuance of an order pursuant to
44 subsection d. of this section, the assignee shall provide the winner
45 with all material documents which shall be binding on the assignor,
46 including documents evidencing obligations of the winner, and a
47 written notice recommending that the winner obtain independent
48 counsel before signing any document which shall be binding on the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 1. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27
28 7. R.S.19:15-20 is amended to read as follows:

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

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

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

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

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

16

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (i) Pregnant women;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 j. "Recipient" means any qualified applicant receiving benefits
47 under this act.

- 1 k. "Resident" means a person who is living in the State
2 voluntarily with the intention of making his home here and not for a
3 temporary purpose. Temporary absences from the State, with
4 subsequent returns to the State or intent to return when the purposes
5 of the absences have been accomplished, do not interrupt continuity
6 of residence.
- 7 l. "State Medicaid Commission" means the Governor, the
8 Commissioner of Human Services, the President of the Senate and
9 the Speaker of the General Assembly, hereby constituted a
10 commission to approve and direct the means and method for the
11 payment of claims pursuant to P.L.1968, c.413.
- 12 m. "Third party" means any person, institution, corporation,
13 insurance company, group health plan as defined in section 607(1)
14 of the federal "Employee Retirement and Income Security Act of
15 1974," 29 U.S.C. s.1167(1), service benefit plan, health
16 maintenance organization, or other prepaid health plan, or public,
17 private or governmental entity who is or may be liable in contract,
18 tort, or otherwise by law or equity to pay all or part of the medical
19 cost of injury, disease or disability of an applicant for or recipient
20 of medical assistance payable under P.L.1968, c.413.
- 21 n. "Governmental peer grouping system" means a separate
22 class of skilled nursing and intermediate care facilities administered
23 by the State or county governments, established for the purpose of
24 screening their reported costs and setting reimbursement rates under
25 the Medicaid program that are reasonable and adequate to meet the
26 costs that must be incurred by efficiently and economically operated
27 State or county skilled nursing and intermediate care facilities.
- 28 o. "Comprehensive maternity or pediatric care provider" means
29 any person or public or private health care facility that is a provider
30 and that is approved by the commissioner to provide comprehensive
31 maternity care or comprehensive pediatric care as defined in
32 subsection b. (18) and (19) of section 6 of P.L.1968, c.413
33 (C.30:4D-6).
- 34 p. "Poverty level" means the official poverty level based on
35 family size established and adjusted under Section 673(2) of
36 Subtitle B, the "Community Services Block Grant Act," of
37 Pub.L.97-35 (42 U.S.C. s.9902(2)).
- 38 q. "Eligible **[alien]** foreign national" means one of the
39 following:
- 40 (1) **[an alien]** A foreign national present in the United States
41 prior to August 22, 1996, who is:
- 42 (a) a lawful permanent resident;
- 43 (b) a refugee pursuant to section 207 of the federal "Immigration
44 and Nationality Act" (8 U.S.C. s.1157);
- 45 (c) an asylee pursuant to section 208 of the federal
46 "Immigration and Nationality Act" (8 U.S.C. s.1158);

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

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

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

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

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

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

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

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

27 (cf: P.L.2012, c.16, s.114)

28

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

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

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

43

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

46 2. a. The Director of the Division of Consumer Affairs in the
 47 Department of Law and Public Safety, in consultation with the

1 Commissioner of Health and Senior Services, shall require that, no
2 later than the 180th day after the date of enactment of this act, each
3 health care service firm regulated by the Division of Consumer
4 Affairs shall provide the following information to each patient
5 receiving home-based services from that firm, or to a person
6 designated by the patient:

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

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

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

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

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

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

41 (4) evidence of employment history verification or character
42 references for that person.

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

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

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

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

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

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

12

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

14 43:21-4. Benefit eligibility conditions. An unemployed
15 individual shall be eligible to receive benefits with respect to any
16 week eligible only if:

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

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

31 (c) (1) The individual is able to work, and is available for work,
32 and has demonstrated to be actively seeking work, except as
33 hereinafter provided in this subsection or in subsection (f) of this
34 section.

35 (2) The director may modify the requirement of actively seeking
36 work if such modification of this requirement is warranted by
37 economic conditions.

38 (3) No individual, who is otherwise eligible, shall be deemed
39 ineligible, or unavailable for work, because the individual is on
40 vacation, without pay, during said week, if said vacation is not the
41 result of the individual's own action as distinguished from any
42 collective action of a collective bargaining agent or other action
43 beyond the individual's control.

44 (4) (A) Subject to such limitations and conditions as the
45 division may prescribe, an individual, who is otherwise eligible,
46 shall not be deemed unavailable for work or ineligible because the
47 individual is attending a training program approved for the
48 individual by the division to enhance the individual's employment

1 opportunities or because the individual failed or refused to accept
2 work while attending such program.

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

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

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

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

19 (iv) The training does not include on the job training or other
20 training under which the individual is paid by an employer for work
21 performed by the individual during the time that the individual
22 receives benefits; and

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

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

31 (i) The training includes remedial basic skills education
32 necessary for the individual to successfully complete the vocational
33 component of the training;

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

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

38 (iv) The lack of a prior guarantee of employment upon
39 completion of the training.

40 (D) For the purpose of this paragraph (4), "labor demand
41 occupation" means an occupation for which there is or is likely to
42 be an excess of demand over supply for adequately trained workers,
43 including, but not limited to, an occupation designated as a labor
44 demand occupation by the Center for Occupational Employment
45 Information pursuant to the provisions of subsection d. of section
46 27 of P.L.2005, c.354 (C.34:1A-86).

47 (5) An unemployed individual, who is otherwise eligible, shall
48 not be deemed unavailable for work or ineligible solely by reason of

1 the individual's attendance before a court in response to a summons
2 for service on a jury.

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

8 For purposes of this paragraph, "immediate family member"
9 includes any of the following individuals: father, mother, mother-
10 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
11 child, child placed by the Division of Youth and Family Services in
12 the Department of Children and Families, sister or brother of the
13 unemployed individual and any relatives of the unemployed
14 individual residing in the unemployed individual's household.

15 (7) No individual, who is otherwise eligible, shall be deemed
16 ineligible or unavailable for work with respect to any week because,
17 during that week, the individual fails or refuses to accept work
18 while the individual is participating on a full-time basis in self-
19 employment assistance activities authorized by the division,
20 whether or not the individual is receiving a self-employment
21 allowance during that week.

22 (8) Any individual who is determined to be likely to exhaust
23 regular benefits and need reemployment services based on
24 information obtained by the worker profiling system shall not be
25 eligible to receive benefits if the individual fails to participate in
26 available reemployment services to which the individual is referred
27 by the division or in similar services, unless the division determines
28 that:

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

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

42 (10) An individual who is employed by a shared work employer
43 and is otherwise eligible for benefits shall not be deemed ineligible
44 for short-time benefits because the individual is unavailable for
45 work with employers other than the shared work employer, so long
46 as:

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

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

8 (d) With respect to any benefit year commencing before January
9 1, 2002, the individual has been totally or partially unemployed for
10 a waiting period of one week in the benefit year which includes that
11 week. When benefits become payable with respect to the third
12 consecutive week next following the waiting period, the individual
13 shall be eligible to receive benefits as appropriate with respect to
14 the waiting period. No week shall be counted as a week of
15 unemployment for the purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

46 (B) If the individual has not met the requirements of
47 subparagraph (A) of this paragraph (4), earned remuneration not
48 less than an amount 1,000 times the minimum wage in effect

1 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
2 1 of the calendar year preceding the calendar year in which the
3 benefit year commences, which amount shall be adjusted to the next
4 higher multiple of \$100 if not already a multiple thereof.

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

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

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

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

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

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

43 (A) For any period during which such individual is not under the
44 care of a legally licensed physician, dentist, optometrist, podiatrist,
45 practicing psychologist, advanced practice nurse, or chiropractor,
46 who, when requested by the division, shall certify within the scope
47 of the practitioner's practice, the disability of the individual, the

1 probable duration thereof, and, where applicable, the medical facts
2 within the practitioner's knowledge;

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (2) With respect to weeks of unemployment beginning after
41 September 3, 1982, on the basis of service performed in any other
42 capacity for an educational institution, benefits shall not be paid on
43 the basis of such services to any individual for any week which
44 commences during a period between two successive academic years
45 or terms if such individual performs such services in the first of
46 such academic years or terms and there is a reasonable assurance
47 that such individual will perform such services in the second of
48 such academic years or terms, except that if benefits are denied to

1 any individual under this paragraph (2) and the individual was not
2 offered an opportunity to perform these services for the educational
3 institution for the second of any academic years or terms, the
4 individual shall be entitled to a retroactive payment of benefits for
5 each week for which the individual filed a timely claim for benefits
6 and for which benefits were denied solely by reason of this clause;

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

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

24 (h) Benefits shall not be paid to any individual on the basis of
25 any services, substantially all of which consist of participating in
26 sports or athletic events or training or preparing to so participate,
27 for any week which commences during the period between two
28 successive sports seasons (or similar periods) if such individual
29 performed such services in the first of such seasons (or similar
30 periods) and there is a reasonable assurance that such individual
31 will perform such services in the later of such seasons (or similar
32 periods).

33 (i) (1) Benefits shall not be paid on the basis of services
34 performed by **[an alien]** a foreign national unless such **[alien]**
35 foreign national is an individual who was lawfully admitted for
36 permanent residence at the time the services were performed and
37 was lawfully present for the purpose of performing the services or
38 otherwise was permanently residing in the United States under color
39 of law at the time the services were performed (including **[an alien]**
40 a foreign national who is lawfully present in the United States as a
41 result of the application of the provisions of section 212(d)(5) (8
42 U.S.C. s.1182 (d)(5)) of the Immigration and Nationality Act (8
43 U.S.C. s.1101 et seq.)); provided that any modifications of the
44 provisions of section 3304(a)(14) of the Federal Unemployment
45 Tax Act (26 U.S.C. s. 3304 (a) (14)) as provided by Pub.L.94-566,
46 which specify other conditions or other effective dates than stated
47 herein for the denial of benefits based on services performed by
48 **[aliens]** foreign nationals and which modifications are required to

1 be implemented under State law as a condition for full tax credit
2 against the tax imposed by the Federal Unemployment Tax Act,
3 shall be deemed applicable under the provisions of this section.

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

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

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

19 (cf: P.L.2011, c.154, s.11)

20
21 14. R.S.44:1-97 is amended to read as follows:

22 44:1-97. Overseers shall in respect to all applicants for relief
23 keep a record which may be by card index and which shall state:

- 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** foreign national 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 cause direct and indirect which has operated to make
33 relief 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 name of the overseer 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 name of those responsible by law for the support of the
40 poor person and the name of any relative agreeing or likely to agree
41 to contribute in whole or in part to, or assist in, the support of the
42 poor person.

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

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

46 44:4-50. Directors of welfare shall keep a record which may
47 be by card index and which shall state in respect to all applicants
48 for relief:

- 1 a. The name, age, sex and residence;
- 2 b. The number and names of children and their ages;
- 3 c. The time and place of last employment, and the family
- 4 income;
- 5 d. Whether citizen or **alien** foreign national and the place of
- 6 nativity;
- 7 e. The place of abode for the ten years preceding the
- 8 application for relief;
- 9 f. The causes direct and indirect which operated to make relief
- 10 necessary so far as can be ascertained;
- 11 g. The relief or aid given, and such relief as may have been or
- 12 is being provided by all organizations as ascertained;
- 13 h. The names of the director or deputy and helper having
- 14 particular knowledge and charge of the case, and of witnesses of the
- 15 fact with their addresses; and
- 16 i. The names of those responsible by law for the support of the
- 17 poor person and of any relative agreeing or likely to agree to
- 18 contribute in whole or in part to, or assist in, the support of the
- 19 poor person.
- 20 (cf: R.S.44:4-50)

21
22 16. Section 7 of P.L.1997, c.13 (C.44:10-40) is amended to read
23 as follows:

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

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

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

45 (3) nursing home costs for **an alien** a foreign national residing
46 in a Medicaid certified nursing facility prior to the effective date of
47 this act who is not Medicaid-eligible under Pub.L.104-193; which

1 assistance shall continue until the person is no longer eligible for
2 long-term care.

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

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

11 1. As used in this act:

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

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

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

23 "Commissioner" means the Commissioner of Human Services.

24 "County agency" means the county agency that was
25 administering the aid to families with dependent children program
26 at the time the federal "Personal Responsibility and Work
27 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
28 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
29 44 et al.) shall also administer the Work First New Jersey program
30 in that county.

31 "Dependent child" means a child:

32 a. under the age of 18;

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

38 c. under the age of 21 and enrolled in a special education
39 program,

40 who is living in New Jersey with the child's natural or adoptive
41 parent or legal guardian, or with a relative designated by the
42 commissioner in a place of residence maintained by the relative as
43 the relative's home.

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

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

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

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

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

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

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

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

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

42 "Income" means, but is not limited to, commissions, salaries,
43 self-employed earnings, child support and alimony payments,
44 interest and dividend earnings, wages, receipts, unemployment
45 compensation, any legal or equitable interest or entitlement owed
46 that was acquired by a cause of action, suit, claim or counterclaim,
47 insurance benefits, temporary disability claims, estate income,

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

9 "Income eligibility standard" means the income eligibility
10 threshold based on assistance unit size established by regulation of
11 the commissioner for benefits provided within the limit of funds
12 appropriated by the Legislature.

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

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

22 "Recipient" means a recipient of benefits under the Work First
23 New Jersey program.

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

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

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

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

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

40

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

43 2. a. Benefits under the Work First New Jersey program shall
44 be determined according to standards of income and resources
45 established by the commissioner. These standards shall take into
46 account, for the determination of eligibility and the provision of
47 benefits, all income and resources of all persons in the assistance
48 unit of which the applicant or recipient is a member, except as

1 provided by law governing the Work First New Jersey program and
2 as prescribed by the commissioner. The benefits to be granted shall
3 be governed by standards established by regulation of the
4 commissioner. The commissioner may set income and resource
5 eligibility and benefits standards that differ with respect to types of
6 assistance units.

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

25 c. Notwithstanding any other provision of law or regulation to
26 the contrary, an applicant shall not be eligible for benefits when the
27 applicant's eligibility is the result of a voluntary cessation of
28 employment without good cause, as determined by the
29 commissioner, within 90 days prior to the date of application for
30 benefits.

31 d. A voluntary assignment or transfer of income or resources
32 within one year prior to the time of application for benefits for the
33 purpose of qualifying therefor shall render the applicant and the
34 applicant's assistance unit members ineligible for benefits for a
35 period of time determined by regulation of the commissioner.

36 e. Any income or resources that are exempted by federal law
37 for purposes of eligibility for benefits shall not reduce the amount
38 of benefits received by a recipient and shall not be subject to a lien
39 or be available for repayment to the State or county agency for
40 benefits received by the individual.

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

42
43 19. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
44 as follows:

45 5. a. Only those persons who are United States citizens or
46 eligible **aliens** foreign nationals shall be eligible for benefits
47 under the Work First New Jersey program. Single adults or couples
48 without dependent children who are legal **aliens** foreign nationals

1 who meet federal requirements and have applied for citizenship,
2 shall not receive benefits for more than six months unless (1) they
3 attain citizenship, or (2) they have passed the English language and
4 civics components for citizenship, and are awaiting final
5 determination of citizenship by the federal Immigration and
6 Naturalization Service.

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

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

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

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

16 (4) other **【aliens】** foreign nationals who are not eligible **【aliens】**
17 foreign nationals ;

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

22 (6) a person who: is fleeing to avoid prosecution, custody or
23 confinement after conviction, under the laws of the jurisdiction
24 from which the person has fled, for a crime or an attempt to commit
25 a crime which is a felony or a high misdemeanor under the laws of
26 the jurisdiction from which the person has fled; or is violating a
27 condition of probation or parole imposed under federal or state law;

28 (7) a person convicted on or after August 22, 1996 under federal
29 or state law of any offense which is classified as a felony or crime,
30 as appropriate, under the laws of the jurisdiction involved and
31 which has as an element the possession, use, or distribution of a
32 controlled substance as defined in section 102(6) of the federal
33 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
34 otherwise be eligible for general public assistance pursuant to
35 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
36 is convicted of any such offense which has as an element the
37 possession or use only of such a controlled substance may be
38 eligible for Work First New Jersey general public assistance
39 benefits if the person enrolls in or has completed a licensed
40 residential drug treatment program.

41 Eligibility for benefits for a person entering a licensed residential
42 drug treatment program which does not operate in a State
43 correctional facility or county jail shall commence upon the
44 person's enrollment in the drug treatment program, and shall
45 continue during the person's active participation in, and upon
46 completion of, the drug treatment program, except that during the
47 person's active participation in a drug treatment program and the
48 first 60 days after completion of a drug treatment program, the

1 commissioner shall provide for testing of the person to determine if
2 the person is free of any controlled substance. If the person is
3 determined to not be free of any controlled substance during the 60-
4 day period, the person's eligibility for benefits pursuant to this
5 paragraph shall be terminated; except that this provision shall not
6 apply to the use of methadone by a person who is actively
7 participating in a drug treatment program, as prescribed by the drug
8 treatment program. The commissioner, in consultation with the
9 Commissioner of Health and Senior Services, shall adopt
10 regulations to carry out the provisions of this paragraph, which shall
11 include the criteria for determining active participation in and
12 completion of a drug treatment program.

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

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

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

35 (9) a person who intentionally makes a false or misleading
36 statement or misrepresents, conceals or withholds facts for the
37 purpose of receiving benefits, who shall be ineligible for benefits
38 for a period of six months for the first violation, 12 months for the
39 second violation, and permanently for the third violation.

40 c. A person who makes a false statement with the intent to
41 qualify for benefits and by reason thereof receives benefits for
42 which the person is not eligible is guilty of a crime of the fourth
43 degree.

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

47 (1) needy persons and their dependent children domiciled in
48 New Jersey for the purposes of receiving benefits under the Work

1 First New Jersey program and food assistance under the federal
2 "Food and Nutrition Act of 2008," Pub.L.110-234 (7 U.S.C. s.2011
3 et seq.); and
4 (2) single persons and married couples without dependent
5 children domiciled in New Jersey for the purposes of receiving food
6 assistance under Pub.L.110-234.
7 (cf: P.L.2014, c.1, s.2)
8
9 20. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
10 as follows:
11 3. As used in this act:
12 "Alternative work experience" means unpaid work and training
13 only with a public, private nonprofit or private charitable employer
14 that provides a recipient with the experience necessary to adjust to,
15 and learn how to function in, an employment setting and the
16 opportunity to combine that experience with education and job
17 training. An alternative work experience participant shall not be
18 assigned to work for a private, for profit employer.
19 "Applicant" means an applicant for benefits provided by the
20 Work First New Jersey program.
21 "Assistance unit" means: a single person without dependent
22 children; a couple without dependent children; dependent children
23 only; or a person or couple with one or more dependent children
24 who are legally or blood-related, or who is their legal guardian, and
25 who live together as a household unit.
26 "Benefits" means any assistance provided to needy persons and
27 their dependent children and needy single persons and couples
28 without dependent children under the Work First New Jersey
29 program.
30 "Case management" means the provision of certain services to
31 Work First New Jersey recipients, which shall include an
32 assessment and development of an individual responsibility plan.
33 "Commissioner" means the Commissioner of Human Services.
34 "Community work experience" means unpaid work and training
35 only with a public, private nonprofit or private charitable employer
36 provided to a recipient when, and to the extent, that such experience
37 is necessary to enable the recipient to adjust to, and learn how to
38 function in, an employment setting. A community work experience
39 participant shall not be assigned to work for a private, for profit
40 employer.
41 "County agency" means the county agency that was
42 administering the aid to families with dependent children program
43 at the time the federal "Personal Responsibility and Work
44 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
45 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
46 55 et seq.) shall also administer the Work First New Jersey program
47 in that county.
48 "Dependent child" means a child:

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

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

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

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

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

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

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

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

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

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

45 "Work activity" includes, but is not limited to, the following, as
46 defined by regulation of the commissioner: employment; on-the-job
47 training; job search and job readiness assistance; vocational
48 educational training; job skills training related directly to

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

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

16

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

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

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

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

42 d. The commissioner shall establish by regulation, standards
43 and procedures to screen and identify recipients with a history of
44 being subjected to domestic violence and refer these recipients to
45 counseling and supportive services. The commissioner may waive
46 program requirements, including, but not limited to, the time limit
47 on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
48 residency requirements pursuant to section 6 of P.L.1997, c.38

(C.44:10-60), child support cooperation requirements pursuant to subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the limitation on increase of cash assistance benefits as a result of the birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-61), in cases where compliance with such requirements would make it more difficult for a recipient to escape domestic violence or unfairly penalize the recipient who is or has been victimized by such violence, or who is at risk of further domestic violence.

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

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

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

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

Nothing contained in this section shall be construed to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25

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

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

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

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

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

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

1	over \$50,000.00	\$280.00 plus 1.750% of the
2	excess over \$20,000.00	
3	Over \$50,000.00 but not	
4	over \$70,000.00	\$805.00 plus 2.450% of the
5	excess over \$50,000.00	
6	Over \$70,000.00 but not	
7	over \$80,000.00	\$1,295.50 plus 3.500% of the
8	excess over \$70,000.00	
9	Over \$80,000.00 but not	
10	over \$150,000.00	\$1,645.00 plus 5.525% of the
11	excess over \$80,000.00	
12	Over \$150,000.00	\$5,512.50 plus 6.370% of the
13	excess over \$150,000.00	
14	(5) for taxable years beginning on or after January 1, 2004:	
15	If the taxable income is:	The tax is:
16	Not over \$20,000.00	1.400% of taxable income
17	Over \$20,000.00 but not	
18	over \$50,000.00	\$280.00 plus 1.750% of the
19	excess over \$20,000.00	
20	Over \$50,000.00 but not	
21	over \$70,000.00	\$805.00 plus 2.450% of the
22	excess over \$50,000.00	
23	Over \$70,000.00 but not	
24	over \$80,000.00	\$1,295.50 plus 3.500% of the
25	excess over \$70,000.00	
26	Over \$80,000.00 but not	
27	over \$150,000.00	\$1,645.00 plus 5.525% of the excess
28	over \$80,000.00	
29	Over \$150,000.00 but not	
30	over \$500,000.00	\$5,512.50 plus 6.370% of the
31	excess over \$150,000.00	
32	Over \$500,000.00	\$27,807.50 plus 8.970% of the
33	excess over \$500,000.00	
34	b. For married individuals filing separately, unmarried	
35	individuals other than individuals filing as head of household or as	
36	a surviving spouse for federal income tax purposes, and estates and	
37	trusts:	
38	(1) for taxable years beginning on or after January 1, 1991 but	
39	before January 1, 1994:	
40	If the taxable income is:	The tax is:
41	Not over \$20,000.00	2% of taxable income
42	Over \$20,000.00 but not	
43	over \$35,000.00.	\$400.00 plus 2.5% of the excess
44	over \$20,000.00	
45	Over \$35,000.00 but not	
46	over \$40,000.00.	\$775.00 plus 5.0% of the excess
47	over \$35,000.00	
48	Over \$40,000.00 but not	

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

1 Over \$75,000.00 \$2,651.25 plus 6.370% of the
2 excess over \$75,000.00
3 (5) for taxable years beginning on or after January 1, 2004:
4 If the taxable income is: The tax is:
5 Not over \$20,000.00 1.400% of taxable income
6 Over \$20,000.00 but not
7 over \$35,000.00 \$280.00 plus 1.750% of the
8 excess over \$20,000.00
9 Over \$35,000.00 but not
10 over \$40,000.00 \$542.50 plus 3.500% of the
11 excess over \$35,000.00
12 Over \$40,000.00 but not
13 over \$75,000.00 \$717.50 plus 5.525% of the
14 excess over \$40,000.00
15 Over \$75,000.00 but not
16 over \$500,000.00 \$2,651.25 plus 6.370% of the
17 excess over \$75,000.00
18 Over \$500,000.00 \$29,723.75 plus 8.970% of the
19 excess over \$500,000.00

20 c. For the purposes of this section, an individual who would be
21 eligible to file as a head of household for federal income tax
22 purposes but for the fact that such taxpayer is a nonresident foreign
23 national, defined federally as a nonresident alien, shall determine
24 tax pursuant to subsection a. of this section.
25 (cf: P.L.2004, c.40, s.17)

26
27 25. (New section) a. An executive agency of the State of New
28 Jersey shall not use the following terms in any proposed or final
29 rule, regulation, interpretation, publication, other document,
30 display, or sign issued by the agency after the date of the enactment
31 of this act, P.L. , c. (C.) (pending before the Legislature as
32 this bill), except to the extent that the term is used in quoting or
33 reproducing text written by a source other than an officer or
34 employee of the agency:

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

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

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

42 c. Nothing in this act shall be construed to alter or otherwise
43 affect the current or future protections, funding, eligibility, services,
44 rights, or responsibilities of any person under any provision or
45 program, benefit, or service whose terminology is revised pursuant
46 to this act. No change in terminology made pursuant to this act shall
47 be construed as causing or intending any change in any definitions
48 or meanings of any provision so changed.

