

SENATE, No. 2107

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

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

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

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

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

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

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

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

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

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

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

45 d. Any person may be assigned and paid a prize to which the
46 winner is entitled pursuant to a judicial order of the New Jersey

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

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

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

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

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

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

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

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

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

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

45 l. Except where inconsistent with the provisions of this
46 section, the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-
47 1 et seq.), shall apply to all transactions under this section.

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

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

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

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

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

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

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

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

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

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

46

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

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

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

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

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

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

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

34 (3) the date on which and the casino where the annuity jackpot
35 was won;

36 (4) the slot machine game on which the annuity jackpot was
37 won;

38 (5) the slot system operator primarily responsible for making the
39 annuity jackpot payments;

40 (6) the gross amount of the annuity jackpot won before
41 application of withholding taxes;

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

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

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

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

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

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

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

15 (14) that the winner understands that the winner will not receive
16 the annuity jackpot payments, or portions thereof, for the years
17 assigned;

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

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

23 (17) that the winner has retained and consulted with an
24 independent tax advisor concerning the tax consequences of the
25 assignment;

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

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

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

39 e. Before a winner is legally bound, by agreement, contract or
40 otherwise, and prior to the issuance of an order pursuant to
41 subsection d. of this section, the assignee shall provide the winner
42 with all material documents which shall be binding on the assignor,
43 including documents evidencing obligations of the winner, and a
44 written notice recommending that the winner obtain independent
45 counsel before signing any document which shall be binding on the
46 assignor. All documents shall include a notice of the assignor's right
47 to cancel the agreement which shall be located in immediate
48 proximity to all spaces reserved for the signature of the winner in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23
24 5. Section 1 of P.L.1987, c.53 (C.18A:3-19.1) is amended to
25 read as follows:

26 1. As used in this act:

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

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

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

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

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

45
46 6. Section 1 of P.L.2013, c.170 (C.18A:62-4.4) is amended to
47 read as follows:

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

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

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

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

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

18 b. Student information obtained in the implementation of this
19 section shall be confidential.

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

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

25
26 7. R.S.19:15-20 is amended to read as follows:

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

45 "You do swear (or affirm, as the case may be), that you are the
46 person named in the certificate of naturalization which you have
47 produced to the board." In case the person producing the same
48 shall claim to have derived the rights of such citizen through the

1 naturalization of his parent, such certificate shall show that the
2 person alleged to be such parent has been admitted to the rights of
3 such citizen. In this event, an oath or affirmation, in the following
4 form, shall be tendered to such person:

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

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

14

15 8. R.S.30:4-49 is amended to read as follows:

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

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

29

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

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

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

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

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

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

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

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

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

1 developmental centers for the developmentally disabled, or in
2 psychiatric hospitals;

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

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

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

10 (i) Pregnant women;

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

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

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

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

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

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

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

30 (i) For one person households, the resource standard shall be
31 200% of the resource standard for recipients of Supplemental
32 Security Income pursuant to 42 U.S.C. s.1382(1)(B);

33 (ii) For two person households, the resource standard shall be
34 200% of the resource standard for recipients of Supplemental
35 Security Income pursuant to 42 U.S.C. s.1382(2)(B);

36 (iii) For households of three or more persons, the resource
37 standard in subparagraph (c)(ii) above shall be increased by
38 \$100.00 for each additional person; and

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

43 (d) Individuals whose income exceeds those established in
44 subparagraph (b) of paragraph (8) of this subsection may become
45 medically needy by incurring medical expenses as defined in 42
46 C.F.R.435.831(c) which will reduce their income to the applicable
47 medically needy income established in subparagraph (b) of
48 paragraph (8) of this subsection.

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

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

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

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

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

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

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

37 (b) Is a member of a family whose income does not exceed
38 133% of the poverty level and who meets the federal Medicaid
39 eligibility requirements set forth in section 9401 of Pub.L.99-509
40 (42 U.S.C. s.1396a);

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

45 (11) Is an individual 65 years of age and older, or an individual
46 who is blind or disabled pursuant to section 301 of Pub.L.92-603
47 (42 U.S.C. s.1382c), whose income does not exceed 100% of the
48 poverty level, adjusted for family size, and whose resources do not

1 exceed 100% of the resource standard used to determine medically
2 needy eligibility pursuant to paragraph (8) of this subsection;

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

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

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

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

27 (b) An individual who has, within 36 months, or within 60
28 months in the case of funds transferred into a trust, of applying to
29 be a qualified applicant for Medicaid services in a nursing facility
30 or a medical institution, or for home or community-based services
31 under section 1915(c) of the federal Social Security Act (42 U.S.C.
32 s.1396n(c)), disposed of resources or income for less than fair
33 market value shall be ineligible for assistance for nursing facility
34 services, an equivalent level of services in a medical institution, or
35 home or community-based services under section 1915(c) of the
36 federal Social Security Act (42 U.S.C. s.1396n(c)). The period of
37 the ineligibility shall be the number of months resulting from
38 dividing the uncompensated value of the transferred resources or
39 income by the average monthly private payment rate for nursing
40 facility services in the State as determined annually by the
41 commissioner. In the case of multiple resource or income transfers,
42 the resulting penalty periods shall be imposed sequentially.
43 Application of this requirement shall be governed by
44 42 U.S.C. s.1396p(c). In accordance with federal law, this provision
45 is effective for all transfers of resources or income made on or after
46 August 11, 1993. Notwithstanding the provisions of this subsection
47 to the contrary, the State eligibility requirements concerning

1 resource or income transfers shall not be more restrictive than those
2 enacted pursuant to 42 U.S.C. s.1396p(c).

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

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

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

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

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

40 plus such earned income disregards as shall be determined
41 according to a methodology to be established by regulation of the
42 commissioner;

43 The commissioner may increase the income eligibility limits for
44 children and parents and specified caretaker relatives, as funding
45 permits;

46 (17) Is an individual from 18 through 20 years of age who is
47 not a dependent child and would be eligible for medical assistance
48 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), without regard to

1 income or resources, who, on the individual's 18th birthday was in
2 resource family care under the care and custody of the Division of
3 Child Protection and Permanency in the Department of Children
4 and Families and whose maintenance was being paid in whole or in
5 part from public funds;

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

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

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

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

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

16 (a) has been screened for breast or cervical cancer under the
17 federal Centers for Disease Control and Prevention breast and
18 cervical cancer early detection program;

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

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

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

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

29 (20) Subject to federal approval under Title XIX of the federal
30 Social Security Act, is a single adult or couple, without dependent
31 children, whose income in 2006 does not exceed 50% of the poverty
32 level, in 2007 does not exceed 75% of the poverty level and in 2008
33 and each year thereafter does not exceed 100% of the poverty level;
34 except that a person who is a recipient of Work First New Jersey
35 general public assistance, pursuant to P.L.1947, c.156 (C.44:8-
36 107 et seq.), shall not be a qualified applicant; or

37 (21) is an individual who:

38 (a) has an income that does not exceed the highest income
39 eligibility level for pregnant women established under the State
40 plan under Title XIX or Title XXI of the federal Social Security
41 Act;

42 (b) is not pregnant; and

43 (c) is eligible to receive family planning services provided
44 under the Medicaid program pursuant to subsection k. of section 6
45 of P.L.1968, c.413 (C.30:4D-6) and in accordance with 42 U.S.C.
46 s.1396a(ii).

47 j. "Recipient" means any qualified applicant receiving benefits
48 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"
26 (8 U.S.C. s.1641).

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

28
29 10. 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
41 (42 U.S.C. s.1396b(v)(3)).

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

43
44 11. 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 12. 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 or as a foster child with the
26 individual, and the individual would be eligible to receive benefits
27 under R.S.43:21-1 et seq. (without regard to the maximum amount
28 of benefits payable during any benefit year) except for the
29 individual's unavailability for work while taking the family
30 temporary disability leave, and the individual has furnished notice
31 and proof of claim to the division, in accordance with its rules and
32 regulations, and payment is not precluded by the provisions of
33 R.S.43:21-3(d) provided, however, that benefits paid under this
34 subsection (f) shall be computed on the basis of only those base
35 year wages earned by the claimant as a "covered individual," as
36 defined in subsection (b) of section 3 of P.L.1948, c.110 (C.43:21-
37 27); provided further that no benefits shall be payable under this
38 subsection to any individual:

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

46 (B) For any week with respect to which or part of which the
47 individual has received or is seeking disability benefits for a

1 disability of the individual under the "Temporary Disability
2 Benefits Law," P.L.1948, c.110 (C.43:21-25 et al.);

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

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

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

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

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

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

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

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

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

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

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

1 effective dates than stated herein for the denial of benefits based on
2 services performed by **【aliens】** foreign nationals and which
3 modifications are required to be implemented under State law as a
4 condition for full tax credit against the tax imposed by the Federal
5 Unemployment Tax Act, shall be deemed applicable under the
6 provisions of this section.

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

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

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

22 (cf: P.L.2019, c.37, s.5)

23
24 13. R.S.44:1-97 is amended to read as follows:

25 44:1-97. Overseers shall in respect to all applicants for relief
26 keep a record which may be by card index and which shall state:

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

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

29 c. The time and place of last employment and the family
30 income;

31 d. Whether citizen or **【alien】** foreign national and the place of
32 nativity;

33 e. The place of abode for the ten years preceding the
34 application for relief;

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

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

39 h. The name of the overseer or deputy and helper having
40 particular knowledge and charge of the case, and of witnesses of the
41 fact with their addresses; and

42 i. The name of those responsible by law for the support of the
43 poor person and the name of any relative agreeing or likely to agree
44 to contribute in whole or in part to, or assist in, the support of the
45 poor person.

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

1 14. R.S.44:4-50 is amended to read as follows:

2 44:4-50. Directors of welfare shall keep a record which may
3 be by card index and which shall state in respect to all applicants
4 for relief:

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

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

7 c. The time and place of last employment, and the family
8 income;

9 d. Whether citizen or **【alien】** foreign national and the place of
10 nativity;

11 e. The place of abode for the ten years preceding the
12 application for relief;

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

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

17 h. The names of the director or deputy and helper having
18 particular knowledge and charge of the case, and of witnesses of the
19 fact with their addresses; and

20 i. The names of those responsible by law for the support of the
21 poor person and of any relative agreeing or likely to agree to
22 contribute in whole or in part to, or assist in, the support of the
23 poor person.

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

25

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

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

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

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

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

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

11
12 16. Section 1 of P.L.1997, c.14 (C.44:10-44) is amended to
13 read as follows:

14 1. As used in this act:

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

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

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

26 "Commissioner" means the Commissioner of Human Services.

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

34 "Dependent child" means a child:

35 a. under the age of 18;

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

41 c. under the age of 21 and enrolled in a special education
42 program,
43 who is living in New Jersey with the child's natural or adoptive
44 parent or legal guardian, or with a relative designated by the
45 commissioner in a place of residence maintained by the relative as
46 the relative's home.

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

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

1 compensation, any legal or equitable interest or entitlement owed
2 that was acquired by a cause of action, suit, claim or counterclaim,
3 insurance benefits, temporary disability claims, estate income,
4 trusts, federal income tax refunds, State income tax refunds,
5 homestead rebates, lottery prizes, casino and racetrack winnings,
6 annuities, retirement benefits, veterans' benefits, union benefits, or
7 other sources that may be defined as income by the commissioner;
8 except that in the event that individual development accounts for
9 recipients are established by regulation of the commissioner, any
10 interest or dividend earnings from such an account shall not be
11 considered income.

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

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

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

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

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

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

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

39 "Work First New Jersey program" or "program" means the
40 program established pursuant to P.L.1997, c.38 (C.44:10-
41 55 et seq.).

42 (cf: P.L.2007, c.97, s.3)

43

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

46 2. a. Benefits under the Work First New Jersey program shall
47 be determined according to standards of income and resources
48 established by the commissioner. These standards shall take into

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

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

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

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

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

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

45

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

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

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

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

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

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

20 (4) other **【aliens】** foreign nationals who are not eligible **【aliens】**
21 foreign nationals;

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

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

32 (7) a person convicted on or after August 22, 1996 under federal
33 or state law of any offense which is classified as a felony or crime,
34 as appropriate, under the laws of the jurisdiction involved and
35 which has as an element the possession, use, or distribution of a
36 controlled substance as defined in section 102(6) of the federal
37 "Controlled Substances Act" (21 U.S.C. s.802 (6)), who would
38 otherwise be eligible for general public assistance pursuant to
39 P.L.1947, c.156 (C.44:8-107 et seq.); except that such a person who
40 is convicted of any such offense which has as an element the
41 possession or use only of such a controlled substance may be
42 eligible for Work First New Jersey general public assistance
43 benefits if the person enrolls in or has completed a licensed
44 residential or outpatient drug treatment program. An otherwise
45 eligible individual who has a past drug conviction shall be eligible
46 for general public assistance without enrolling in or completing a
47 drug treatment program if either: (1) an appropriate treatment

1 program is not available; or (2) the person is excused from enrolling
2 in a treatment program for good cause pursuant to regulation.

3 Eligibility for benefits for a person entering a licensed drug
4 treatment program which does not operate in a State correctional
5 facility or county jail shall commence upon the person's enrollment
6 in the drug treatment program, and shall continue during the
7 person's active participation in, and upon completion of, the drug
8 treatment program, except that during the person's active
9 participation in a drug treatment program and the first 60 days after
10 completion of a drug treatment program, the commissioner shall
11 provide for testing of the person to determine if the person is free of
12 any controlled substance. If the person is determined to not be free
13 of any controlled substance during the 60-day period, the person's
14 eligibility for benefits pursuant to this paragraph shall be
15 terminated; except that this provision shall not apply to the use of
16 prescription drugs by a person who is actively participating in a
17 drug treatment program, as prescribed by the drug treatment
18 program. The commissioner shall adopt regulations to carry out the
19 provisions of this paragraph, which shall include the criteria for
20 determining active participation in and completion of a drug
21 treatment program.

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

27 Cash benefits, less a personal needs allowance, for a person
28 receiving general public assistance benefits under the Work First
29 New Jersey program who is enrolled in and actively participating in
30 a licensed drug treatment program shall be issued directly to the
31 drug treatment provider to offset the cost of treatment. Upon
32 completion of the drug treatment program, the cash benefits shall be
33 then issued to the person. In the case of a delay in issuing cash
34 benefits to a person receiving Work First New Jersey general public
35 assistance benefits who has completed the drug treatment program,
36 the drug treatment provider shall transmit to the person those funds
37 received on behalf of that person after completion of the drug
38 treatment program;

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

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

1 c. A person who makes a false statement with the intent to
2 qualify for benefits and by reason thereof receives benefits for
3 which the person is not eligible is guilty of a crime of the fourth
4 degree.

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

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

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

16 (cf: P.L.2016, c.69, s.1)

17

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

20 3. As used in this act:

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

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

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

35 "Benefits" means any assistance provided to needy persons and
36 their dependent children and needy single persons and couples
37 without dependent children under the Work First New Jersey
38 program.

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

42 "Commissioner" means the Commissioner of Human Services.

43 "Community work experience" means unpaid work and training
44 only with a public, private nonprofit or private charitable employer
45 provided to a recipient when, and to the extent, that such experience
46 is necessary to enable the recipient to adjust to, and learn how to
47 function in, an employment setting. A community work experience

1 participant shall not be assigned to work for a private, for profit
2 employer.

3 "County agency" means the county agency that was
4 administering the aid to families with dependent children program
5 at the time the federal "Personal Responsibility and Work
6 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
7 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
8 55 et seq.) shall also administer the Work First New Jersey program
9 in that county.

10 "Dependent child" means a child:

11 a. under the age of 18;

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

17 c. under the age of 21 and enrolled in a special education
18 program,

19 who is living in New Jersey with the child's natural or adoptive
20 parent or legal guardian, or with a relative designated by the
21 commissioner in a place of residence maintained by the relative as
22 the relative's home.

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

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

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

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

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

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

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

46 g. a qualified **【alien】** foreign national who has been battered or
47 subjected to extreme cruelty in the United States by a spouse, parent

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

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

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

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

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

41 "Program" means the Work First New Jersey program
42 established pursuant to this act.

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

45 "Resources" means all real and personal property as defined by
46 the commissioner; except that in the event that individual
47 development accounts for recipients are established by regulation of

1 the commissioner, all funds in such an account, up to the limit
2 determined by the commissioner, including any interest or dividend
3 earnings from such an account, shall not be considered to be a
4 resource.

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

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

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

27

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

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

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

43 c. If the county agency or municipal welfare agency, as
44 appropriate, determines, based upon an applicant's written statement
45 signed under oath, that the applicant is in immediate need of
46 benefits because the applicant's available resources are insufficient ,
47 as determined by the commissioner, to meet the minimal current
48 living expenses pursuant to regulations adopted by the

1 commissioner, of the applicant's assistance unit, the county agency
2 or municipal welfare agency shall issue cash assistance benefits to
3 the applicant on the date of application, subject to the applicant
4 meeting all other program eligibility requirements.

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

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

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

28
29 21. R.S.46:3-18 is amended to read as follows:

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

40 Nothing contained in this section shall be construed to:

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

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

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

11
12 22. Section 44 of P.L.1961, c.32 (C.54:8A-44) is amended to
13 read as follows:

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

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

25 (2) If the Federal income tax liabilities of husband and wife
26 (other than a husband and wife described in paragraph (3)) are
27 determined on a joint Federal return, or if neither files a Federal
28 return:

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

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

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

40 (4) Marital or other status. An individual's marital or other
41 status under subsection 2(c) (C.54:8A-2(c)), subsection 9(b) of
42 P.L.1961, c.32 (C.54:8A-9(b)) and subsection 7(a)(3)(B) of this
43 amendatory and supplementary act shall be presumed to be the
44 same as his marital or other status for purposes of establishing the
45 applicable Federal income tax rates. However, an individual who
46 is a nonresident foreign national, defined federally as a nonresident
47 alien , for Federal income tax purposes and who fails to qualify
48 under subsection 2(c), or subsection 9(b) of P.L.1961, c.32 or

1 subsection 7(a)(3)(B) of this amendatory and supplementary act
2 solely by reason of his status for purposes of establishing the
3 applicable Federal income tax rates shall, nevertheless, qualify
4 under such provisions provided he files a statement with his return
5 setting forth such information in respect to his status as the director
6 shall prescribe.

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

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

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

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

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

36

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

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

46 a. For married individuals filing a joint return and individuals
47 filing as head of household or as surviving spouse for federal
48 income tax purposes:

1 (1) for taxable years beginning on or after January 1, 1991 but
2 before January 1, 1994:
3 If the taxable income is: The tax is:
4 Not over \$20,000.00..... 2% of taxable income
5 Over \$20,000.00 but not
6 over \$50,000.00..... \$400.00 plus 2.5% of the
7 excess over \$20,000.00
8 Over \$50,000.00 but not
9 over \$70,000.00..... \$1,150.00 plus 3.5% of
10 the
11 excess over \$50,000.00
12 Over \$70,000.00 but not
13 over \$80,000.00..... \$1,850.00 plus 5.0% of
14 the
15 excess over \$70,000.00
16 Over \$80,000.00 but not
17 over \$150,000.00..... \$2,350.00 plus 6.5% of
18 the
19 excess over \$80,000.00
20 Over \$150,000.00 \$6,900.00 plus 7.0% of the
21 excess over \$150,000.00
22 (2) For taxable years beginning on or after January 1, 1994 but
23 before January 1, 1995:
24 If the taxable income is: The tax is:
25 Not over \$20,000.00..... 1.900% of
26 taxable income
27 Over \$20,000.00 but not
28 over \$50,000.00..... \$380.00 plus 2.375% of
29 the
30 excess over \$20,000.00
31 Over \$50,000.00 but not
32 over \$70,000.00..... \$1,092.50 plus
33 3.325% of the
34 excess over \$50,000.00
35 Over \$70,000.00 but not
36 over \$80,000.00..... \$1,757.50 plus 4.750%
37 of the
38 excess over \$70,000.00
39 Over \$80,000.00 but not
40 over \$150,000.00..... \$2,232.50 plus
41 6.175% of the
42 excess over \$80,000.00
43 Over \$150,000.00 \$6,555.00 plus 6.650%
44 of the
45 excess over \$150,000.00
46 (3) for taxable years beginning on or after January 1, 1995 but
47 before January 1, 1996:

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45

1	If the taxable income is:	The tax is:
2	Not over \$20,000.00.....	1.700% of taxable income
3	Over \$20,000.00 but not	
4	over \$50,000.00.....	\$340.00 plus 2.125% of
5	the	
6		excess over \$20,000.00
7	Over \$50,000.00 but not	
8	over \$70,000.00.....	\$977.50 plus 2.975% of
9	the	
10		excess over \$50,000.00
11	Over \$70,000.00 but not	
12	over \$80,000.00.....	\$1,572.50 plus 4.250%
13	of the	
14		excess over \$70,000.00
15	Over \$80,000.00 but not	
16	over \$150,000.00.....	\$1,997.50 plus 6.013%
17	of the	
18		excess over \$80,000.00
19	Over \$150,000.00	\$6,206.60 plus 6.580% of the
20		excess over \$150,000.00
21	(4) for taxable years beginning on or after January 1, 1996 but	
22	before January 1, 2004:	
23	If the taxable income is:	The tax is:
24	Not over \$20,000.00.....	1.400% of taxable income
25	Over \$20,000.00 but not	
26	over \$50,000.00.....	\$280.00 plus 1.750% of
27	the	
28		excess over \$20,000.00
29	Over \$50,000.00 but not	
30	over \$70,000.00.....	\$805.00 plus 2.450% of
31	the	
32		excess over \$50,000.00
33	Over \$70,000.00 but not	
34	over \$80,000.00.....	\$1,295.50 plus 3.500%
35	of the	
36		excess over \$70,000.00
37	Over \$80,000.00 but not	
38	over \$150,000.00.....	\$1,645.00 plus 5.525%
39	of the	
40		excess over \$80,000.00
41	Over \$150,000.00	\$5,512.50 plus 6.370% of the
42		excess over \$150,000.00
43	(5) for taxable years beginning on or after January 1, 2004 but	
44	before January 1, 2018:	
45	If the taxable income is:	The tax is:
46	Not over \$20,000.00.....	1.400% of taxable income

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

1 excess over \$500,000.00.
2 Over \$5,000,000.00 \$431,457.50 plus 10.75% of the
3 excess over \$5,000,000.00.
4 b. For married individuals filing separately, unmarried
5 individuals other than individuals filing as head of household or as
6 a surviving spouse for federal income tax purposes, and estates and
7 trusts:
8 (1) for taxable years beginning on or after January 1, 1991 but
9 before January 1, 1994:
10 If the taxable income is: The tax is:
11 Not over \$20,000.00..... 2% of taxable income
12 Over \$20,000.00 but not
13 over \$35,000.00..... \$400.00 plus 2.5% of the
14 excess over \$20,000.00
15 Over \$35,000.00 but not
16 over \$40,000.00..... \$775.00 plus 5.0% of the
17 excess over \$35,000.00
18 Over \$40,000.00 but not
19 over \$75,000.00..... \$1,025.00 plus 6.5% of
20 the
21 excess over \$40,000.00
22 Over \$75,000.00 \$3,300.00 plus 7.0% of the
23 excess over \$75,000.00
24 (2) for taxable years beginning on or after January 1,
25 1994 but before January 1, 1995:
26 If the taxable income is: The tax is:
27 Not over \$20,000.00..... 1.900% of taxable income
28 Over \$20,000.00 but not
29 over \$35,000.00..... \$380.00 plus 2.375% of
30 the
31 excess over \$20,000.00
32 Over \$35,000.00 but not
33 over \$40,000.00..... \$736.25 plus 4.750% of
34 the
35 excess over \$35,000.00
36 Over \$40,000.00 but not
37 over \$75,000.00..... \$973.75 plus 6.175% of
38 the
39 excess over \$40,000.00
40 Over \$75,000.00 \$3,135.00 plus 6.650%
41 of the
42 excess over \$75,000.00
43 (3) for taxable years beginning on or after January 1,
44 1995 but before January 1, 1996:
45 If the taxable income is: The tax is:
46 Not over \$20,000.00..... 1.700% of taxable income

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1	Over \$20,000.00 but not	
2	over \$35,000.00.....	\$340.00 plus 2.125% of
3	the	
4		excess over \$20,000.00
5	Over \$35,000.00 but not	
6	over \$40,000.00.....	\$658.75 plus 4.250% of the
7		excess over \$35,000.00
8	Over \$40,000.00 but not	
9	over \$75,000.00.....	\$871.25 plus 6.013% of
10	the	
11		excess over \$40,000.00
12	Over \$75,000.00	\$2,975.80 plus 6.580%
13	of the	
14		excess over \$75,000.00
15	(4) for taxable years beginning on or after January 1,	
16	1996 but before January 1, 2004:	
17	If the taxable income is:	The tax is:
18	Not over \$20,000.00.....	1.400% of taxable income
19	Over \$20,000.00 but not	
20	over \$35,000.00.....	\$280.00 plus 1.750% of
21	the	
22		excess over \$20,000.00
23	Over \$35,000.00 but not	
24	over \$40,000.00.....	\$542.50 plus 3.500% of
25	the	
26		excess over \$35,000.00
27	Over \$40,000.00 but not	
28	over \$75,000.00.....	\$717.50 plus 5.525% of
29	the	
30		excess over \$40,000.00
31	Over \$75,000.00.....	\$2,651.25 plus 6.370% of the
32		excess over \$75,000.00
33	(5) for taxable years beginning on or after January 1,	
34	2004 but before January 1, 2018:	
35	If the taxable income is:	The tax is:
36	Not over \$20,000.00.....	1.400% of taxable income
37	Over \$20,000.00 but not	
38	over \$35,000.00.....	\$280.00 plus 1.750% of
39	the	
40		excess over \$20,000.00
41	Over \$35,000.00 but not	
42	over \$40,000.00.....	\$542.50 plus 3.500% of
43	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
47	the	
48		excess over \$40,000.00

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1 Over \$75,000.00 but not
2 over \$500,000.00..... \$2,651.25 plus 6.370%
3 of the
4 excess over \$75,000.00
5 Over \$500,000.00 \$29,723.75 plus 8.970% of the
6 excess over \$500,000.00
7 (6) for taxable years beginning on or after January 1, 2018:
8 If the taxable income is: The tax is:
9 Not over \$20,000.00..... 1.400% of taxable income
10 Over \$20,000.00 but not
11 over \$35,000.00..... \$280.00 plus 1.750% of
12 the
13 excess over \$20,000.00
14 Over \$35,000.00 but not
15 over \$40,000.00..... \$542.50 plus 3.500% of
16 the
17 excess over \$35,000.00
18 Over \$40,000.00 but not
19 over \$75,000.00..... \$717.50 plus 5.525% of
20 the
21 excess over \$40,000.00
22 Over \$75,000.00 but not
23 over \$500,000.00..... \$2,651.25 plus 6.370%
24 of the
25 excess over \$75,000.00
26 Over \$500,000.00 but not
27 over \$5,000,000.00..... \$29,723.75 plus 8.970%
28 of the
29 excess over \$500,000.00
30 Over \$5,000,000.00 \$433,373.75 plus 10.75% of the
31 excess over \$5,000,000.00
32 c. For the purposes of this section, an individual who would be
33 eligible to file as a head of household for federal income tax
34 purposes but for the fact that such taxpayer is a nonresident foreign
35 national, defined federally as a nonresident alien, shall determine
36 tax pursuant to subsection a. of this section.
37 d. For the purposes of this section, for taxable year 2018,
38 withholding by every employer from salaries, wages and other
39 remuneration paid by an employer for services rendered described
40 in subsections a. and b. of this section, in excess of \$5,000,000
41 during that taxable year, shall be at the rate of 15.6% as soon as
42 practicable but no later than September 1, 2018. The Director of the
43 Division of Taxation is authorized to do all things necessary to
44 implement the withholding tax prescribed by this section for taxable
45 year 2018.

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

6 f. An employer maintaining an office or transacting business
7 within this State and making payment of any salaries, wages and
8 remuneration subject to New Jersey gross income tax or making
9 payment of any remuneration for employment subject to
10 contribution under the New Jersey "unemployment compensation
11 law," pursuant to R.S.43:21-1 et seq., that is subject to New Jersey
12 gross income tax shall not be subject to interest, penalties or other
13 costs that may otherwise be imposed for insufficient withholding of
14 salaries, wages and other remuneration made before September 1,
15 2018, that is directly attributable to the enactment of the taxable
16 income tables and tax rates in subsections a. and b. of this section.¹
17 (cf: P.L.2018, c.45, s.10)

18
19 24. (New section) a. An executive agency of the State of New
20 Jersey shall not use the following terms in any proposed or final
21 rule, regulation, interpretation, publication, other document,
22 display, or sign issued by the agency after the date of the enactment
23 of this act, P.L. , c. (C.) (pending before the Legislature as
24 this bill), except to the extent that the term is used in quoting or
25 reproducing text written by a source other than an officer or
26 employee of the agency:

27 (1) The term "alien" when used to refer to an individual who is
28 not a citizen or national of the United States.

29 (2) The term "illegal alien" when used to refer to an individual
30 who is unlawfully present in the United States or who lacks a lawful
31 immigration status in the United States.

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

34 c. Nothing in this act shall be construed to alter or otherwise
35 affect the current or future protections, funding, eligibility, services,
36 rights, or responsibilities of any person under any provision or
37 program, benefit, or service whose terminology is revised pursuant
38 to this act. No change in terminology made pursuant to this act shall
39 be construed as causing or intending any change in any definitions
40 or meanings of any provision so changed.

41 d. Whenever the terms "alien" or "illegal alien" occur or any
42 reference is made thereto in any law, regulation, contract, or
43 document, the same shall be deemed to mean or refer to "foreign
44 national" and "undocumented foreign national," respectively.

45
46 25. This act shall take effect on the first day of the third month
47 next following the date of enactment.

STATEMENT

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

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

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

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