

SENATE, No. 4289

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED DECEMBER 16, 2021

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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

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

- 8
9 1. (New section) The Legislature finds and declares that:
10 a. This act seeks to protect the safety and constitutional rights
11 of all people in the State of New Jersey and protect the State's
12 limited resources.
13 b. New Jersey is a state of immigrants and has the second
14 highest percentage of foreign-born residents of all the states, with
15 immigrants making up more than one in every four people in the
16 State.
17 c. More than forty percent of children in New Jersey live in
18 immigrant families, with at least one foreign-born parent.
19 d. In recognition of immigrants' significant contributions to the
20 strength of New Jersey, the Legislature has a substantial and
21 compelling interest to ensure this State remains a place where the
22 rights and dignity of all people are maintained and protected,
23 regardless of their immigration status.
24 e. The enforcement of federal immigration law is the
25 responsibility of the federal government and falls outside the scope
26 of State, county, and municipal law enforcement agencies' public
27 and community safety priorities.
28 f. Data from across the country reveals that when State,
29 county, and municipal agencies assist federal immigration
30 authorities to carry out federal law enforcement, immigrant
31 communities and their loved ones are deterred and discouraged
32 from assisting or seeking assistance from public agencies, including
33 health and public safety services.
34 g. State, county, and municipal agencies, including public
35 schools and hospitals, should be safe and accessible to all eligible
36 community members who are seeking services. Individuals should
37 not be deterred from seeking services to which they are eligible
38 merely because of their immigration status or the status of their
39 loved ones.
40 h. State, county, and municipal law enforcement agencies incur
41 costs when assisting federal immigration authorities, which include
42 the costs of extending detention time, law enforcement personnel
43 time, tracking and responding to immigration detainers, liability for
44 unconstitutional detention and other violations of constitutional
45 rights. These law enforcement agencies are not reimbursed by the

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

Matter underlined thus is new matter.

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

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

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

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

16

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the Immigration and Nationality Act, 8 U.S.C. §1357(g), or
2 otherwise exercising federal civil immigration authority or
3 conducting immigration enforcement outside of the purview of
4 287(g) of Title 8 of the Immigration and Nationality Act, 8 U.S.C.
5 §1357(g); or

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

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

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

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

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

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

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

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

1 frequency with which immigration authorities accessed the database
2 over the course of the year.

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

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

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

20

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

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

34 (1) a governmental record pursuant to P.L.1963, c.73 (C.47:1A-
35 1 et seq.), known commonly as the open public records act, or
36 common law concerning access to government records; or

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

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

1 d. All State agencies shall review their confidentiality policies,
2 guidance, and regulations and identify any changes necessary to
3 ensure compliance with the provision of this section by the agency
4 and the entities under its authority. Any necessary changes to those
5 policies shall be made as expeditiously as possible, consistent with
6 agency or department procedures but no later than one calendar year
7 following the effective date of this act, and shared prominently on
8 the agencies' public-facing website.

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

12

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

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

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

32 (3) assisting or participating in immigration enforcement.

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

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

43 d. The State agencies with authority to regulate public schools,
44 health care facilities, public libraries, youth shelters, emergency
45 shelters, family shelters, and domestic violence shelters shall adopt
46 the model policies established pursuant to this section no later than

1 January 1, 2023. The agencies shall order public schools, health
2 care facilities, youth shelters, emergency shelters, family shelters,
3 and domestic violence shelters under their authority to comply with
4 model policies adopted pursuant to this section or more protective
5 policies. Any facilities that are not regulated by a State agency shall
6 be encouraged to adopt the model policy.

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

9 2A:53-1. The Superior Court shall have jurisdiction of
10 declarations of intention, and of applications of **【aliens】** noncitizens
11 to become citizens of the United States.
12 (cf: P.L.1991,c.91,s.107)

13
14 8. N.J.S.3B:5-12 is amended to read as follows:

15 3B:5-12. a. An individual is not disqualified to take as an heir
16 because he or an individual through whom he claims is or has been
17 **【an alien】** a noncitizen.

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

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

22
23 9. N.J.S.3B:28-1 is amended to read as follows:

24 3B:28-1. Estates of dower and curtesy prior to May 28, 1980.

25 The widow or widower, whether **【alien】** noncitizen or **【not】**
26 citizen, of an individual dying intestate or otherwise, shall be
27 endowed for the term of his life of one half of all real property of
28 which the decedent, or another to the decedent's use, was seized of
29 an estate of inheritance at any time during marriage prior to May
30 28, 1980, unless the widow or widower shall have relinquished her
31 right of dower or his right of curtesy in the manner provided by
32 P.L.1953, c.352 (C.37:2-18.1) or such right of dower or such right
33 of curtesy otherwise shall have been extinguished by law.

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

35
36 10. Section 103 of P.L.1977, c.110 (C.5:12-103) is amended to
37 read as follows:

38 103. Alcoholic Beverages in Casino Hotel Facilities.

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

43 b. Unless otherwise stated, and except where inconsistent with
44 the purpose or intent of this act or the common understanding of
45 usage thereof, definitions contained in Title 33 of the Revised

1 Statutes shall apply to this section. Any definition contained therein
2 shall apply to the same word in any form.

3 c. Notwithstanding any provision of Title 33 of the Revised
4 Statutes, the rules, regulations and bulletins promulgated by the
5 director of the Division of Alcoholic Beverage Control, or any
6 provision promulgated by any local authority, the authority to issue,
7 renew, transfer, revoke or suspend a Casino Hotel Alcoholic
8 Beverage License or any portion, location, privilege or condition
9 thereof; to fine or penalize a Casino Hotel Alcoholic Beverage
10 Licensee; to enforce all statutes, laws, rulings, or regulations
11 relating to such license; and to collect license fees and establish
12 application standards therefor, shall be, consistent with this act,
13 exclusively vested in the division.

14 d. Except as otherwise provided in this section, the provisions
15 of Title 33 of the Revised Statutes and the rules, regulations and
16 bulletins promulgated by the Director of the Division of Alcoholic
17 Beverage Control shall apply to a Casino Hotel and Casino Hotel
18 Alcoholic Beverage Licensee licensed under this act.

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

42 f. (1) It shall be unlawful for any person, including any casino
43 licensee or any of its lessees, agents or employees, to expose for
44 sale, solicit or promote the sale of, possess with intent to sell, sell,
45 give, dispense, or otherwise transfer or dispose of alcoholic
46 beverages in, on or about any portion of the premises of a casino

1 hotel, unless said person possesses a Casino Hotel Alcoholic
2 Beverage License. Nothing herein or in any other law to the
3 contrary, however, shall prohibit a casino beverage server in the
4 course of his or her employment from inquiring of a casino patron
5 whether such patron desires a beverage, whether or not such inquiry
6 is phrased in terms of any word which may connote that the
7 beverage is an alcoholic beverage.

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

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

25 g. In issuing a Casino Hotel Alcoholic Beverage License the
26 division shall describe the scope of the particular license and the
27 restrictions and limitations thereon as it deems necessary and
28 reasonable. The division may, in a single Casino Hotel Alcoholic
29 Beverage License, permit the holder of such a license to perform
30 any or all of the following activities, subject to applicable laws,
31 rules and regulations:

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

38 (2) To sell any alcoholic beverage by the glass or other open
39 receptacle for on-premise consumption within a casino hotel, but
40 not in a casino or simulcasting facility, or from a fixed location
41 outside a building or structure containing a casino but on a casino
42 hotel premises.

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

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

8 (5) To possess or to store alcoholic beverages in original
9 containers intended but not actually exposed for sale at a fixed
10 location on a casino hotel premises, not in a casino or simulcasting
11 facility; and to transfer or deliver such alcoholic beverages only to a
12 location approved pursuant to this section; provided, however, that
13 no access to or from a storage location shall be permitted except
14 during the normal course of business by employees or agents of the
15 licensee, or by licensed employees or agents of wholesalers or
16 distributors licensed pursuant to Title 33 of the Revised Statutes and
17 any applicable rules and regulations; and provided further, however,
18 that no provision of this section shall be construed to prohibit a
19 Casino Hotel Alcoholic Beverage Licensee from obtaining an off-
20 site storage license from the Division of Alcoholic Beverage
21 Control.

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

23 i. The division may revoke, suspend, refuse to renew or refuse
24 to transfer any Casino Hotel Alcoholic Beverage License, or fine or
25 penalize any Casino Hotel Alcoholic Beverage Licensee for
26 violations of any provision of Title 33 of the Revised Statutes, the
27 rules and regulations promulgated by the Director of the Division of
28 Alcoholic Beverage Control, and the regulations promulgated by
29 the division.

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

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

36
37 11. Section 13 of P.L.1970, c.13 (C.5:9-13) is amended to read
38 as follows:

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

41 b. The payment of any prize drawn may be paid to the estate of
42 a deceased prize winner upon receipt by the State Lottery of a
43 certified copy of an order appointing an executor or an
44 administrator.

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

1 Superior Court or a federal court having jurisdiction over property
2 located in this State provided that the order pertains to claims of
3 ownership in the prize drawn, division of marital property in
4 divorce actions, bankruptcy, child support, appointment of a
5 guardian or conservator, or distribution of an estate.

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

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

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

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

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

19 (5) the gross amount of the prize drawn before application of
20 withholding taxes;

21 (6) the gross amount of payments to be made to the winner by
22 the State Lottery before application of withholding taxes;

23 (7) the dates of the payments to be assigned and the amount of
24 the specific payments to be assigned on each date;

25 (8) the identity of the winner's spouse, if any, and the interest of
26 the spouse in the prize;

27 (9) the identity of any other co-owner, claimant or lienholder
28 and the amount of the interests, liens, security interests, prior
29 assignments or offsets asserted by such party;

30 (10) that the interest rate or discount rate, as applicable, and all
31 fees and costs and other material terms relating to the assignment
32 are expressly and clearly included in all material documents and in
33 all documents that include any obligations of the prize winner;

34 (11) that the interest rate or discount rate, as applicable,
35 associated with the assignment does not indicate overreaching or
36 exploitation, does not exceed current usury rates, and does not
37 violate any laws of usury of this State;

38 (12) that the winner has reviewed and understands the terms of
39 the assignment;

40 (13) that the winner understands that the winner will not receive
41 the prize payments, or portions thereof, for the years assigned;

42 (14) that the winner has agreed to the assignment of the
43 winner's own free will without undue influence or duress;

44 (15) that the winner has retained, and consulted with,
45 independent legal counsel who has advised the winner of the
46 winner's legal rights and obligations;

1 (16) that the winner has retained, and consulted with, an
2 independent tax advisor concerning the tax consequences of the
3 assignment;

4 (17) that the winner does not seek assignment for purposes of
5 evading creditors, judgments or obligations for child support; and

6 (18) that the winner has certified that the winner does not have
7 a child support obligation, or if the winner has a child support
8 obligation, that no arrearage is due and that the winner is not
9 obligated to repay any public assistance benefits.

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

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

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

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

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

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

- 1 i. The State Lottery and the State are not parties to assignment
2 proceedings, except that, the State may intervene as necessary to
3 protect the State's interest in monies owed to the State.
- 4 j. The State Lottery and the State shall comply with, and rely
5 upon, a judicial order in distributing payments subject to that order.
- 6 k. A winner may pledge or grant a security interest in all or
7 part of a prize as collateral for repayment of a loan pursuant to a
8 judicial order containing the findings required by subsection d. of
9 this section which the court deems relevant to the pledge or grant.
- 10 l. Except where inconsistent with the provisions of this
11 section, the New Jersey consumer fraud act, P.L.1960, c.39 (C.56:8-
12 1 et seq.), shall apply to all transactions under this section.
- 13 m. The court shall cease to approve assignments pursuant to
14 subsection d. of this section if:
- 15 (1) the United States Internal Revenue Service issues a technical
16 rule letter, revenue ruling, or other public ruling in which it is
17 determined that because of the right of assignment provided by
18 subsection d. of this section, prizewinners who do not exercise the
19 right to assign prize payments would be subject to an immediate
20 income tax liability for the value of the entire prize rather than
21 annual income tax liability for each installment when received; or
- 22 (2) a court of competent jurisdiction issues a published decision
23 holding that because of the right of assignment provided by
24 subsection d. of this section, prizewinners who do not exercise the
25 right to assign prize payments would be subject to an immediate
26 income tax liability for the value of the entire prize rather than
27 annual income tax liability for each installment when received.
- 28 n. Upon receipt, the director shall immediately file a copy of a
29 letter or ruling of the United States Internal Revenue Service or a
30 published decision of a court of competent jurisdiction, described in
31 subsection m. of this section, with the Secretary of State. No
32 assignment shall be approved pursuant to subsection d. of this
33 section after the date of such filing.
- 34 o. Notwithstanding the provisions of this section, any lottery
35 prize assignment or loan transaction which has been approved by a
36 New Jersey Superior Court pursuant to section 13 of P.L.1970, c.13
37 (C.5:9-13) on or before May 15, 1998, regardless of whether such
38 an order has been or is the subject of an appeal, shall, upon joint
39 written agreement of the parties, be deemed a binding assignment or
40 transaction and shall be honored by the Division of the State
41 Lottery.
- 42 p. No change in the terms of any assignment shall be effective
43 unless made pursuant to a subsequent court order under this section.
- 44 q. A voluntary assignment shall not include or cover payments,
45 or portions of payments, that are subject to the offset pursuant to
46 P.L.1991, c.384 (C.5:9-13.1 et seq.), P.L.1997, c. 306 (C.5:9-

1 13.10 et seq.), or any other law unless appropriate provisions are
2 made to satisfy the obligations giving rise to the offset.

3 r. No lottery assignee shall directly or indirectly recommend or
4 facilitate the hiring of any lawyer or accountant to assist the
5 assignor in determining the appropriateness of the proposed
6 assignment. Further, the assignee shall not offer prior to the closing
7 tax or investment advice.

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

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

12

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

15 10:5-3. Findings, declarations.

16 3. The Legislature finds and declares that practices of
17 discrimination against any of its inhabitants, because of race, creed,
18 color, national origin, ancestry, age, sex, gender identity or
19 expression, affectional or sexual orientation, marital status, familial
20 status, liability for service in the Armed Forces of the United States,
21 disability or nationality, are matters of concern to the government
22 of the State, and that such discrimination threatens not only the
23 rights and proper privileges of the inhabitants of the State but
24 menaces the institutions and foundation of a free democratic State;
25 provided, however, that nothing in this expression of policy
26 prevents the making of legitimate distinctions between citizens and
27 **[aliens]** noncitizens when required by federal law or otherwise
28 necessary to promote the national interest.

29 The Legislature further declares its opposition to such practices
30 of discrimination when directed against any person by reason of the
31 race, creed, color, national origin, ancestry, age, sex, gender
32 identity or expression, affectional or sexual orientation, marital
33 status, liability for service in the Armed Forces of the United States,
34 disability or nationality of that person or that person's family
35 members, partners, members, stockholders, directors, officers,
36 managers, superintendents, agents, employees, business associates,
37 suppliers, or customers, in order that the economic prosperity and
38 general welfare of the inhabitants of the State may be protected and
39 ensured.

40 The Legislature further finds that because of discrimination,
41 people suffer personal hardships, and the State suffers a grievous
42 harm. The personal hardships include: economic loss; time loss;
43 physical and emotional stress; and in some cases severe emotional
44 trauma, illness, homelessness or other irreparable harm resulting
45 from the strain of employment controversies; relocation, search and
46 moving difficulties; anxiety caused by lack of information,

1 uncertainty, and resultant planning difficulty; career, education,
2 family and social disruption; and adjustment problems, which
3 particularly impact on those protected by this act. Such harms
4 have, under the common law, given rise to legal remedies, including
5 compensatory and punitive damages. The Legislature intends that
6 such damages be available to all persons protected by this act and
7 that this act shall be liberally construed in combination with other
8 protections available under the laws of this State.

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

10
11 13. Section 7 of P.L.1998, c.14 (C.17:15C-7) is amended to read
12 as follows:

13 7. Each application for a license shall be made in writing,
14 under oath, and in a form prescribed by the commissioner. Each
15 application shall contain:

16 a. For all applicants:

17 (1) The exact name of the applicant, the applicant's principal
18 address, any fictitious or trade name used by the applicant in the
19 conduct of its business and the location of the applicant's business
20 records;

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

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

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

28 (5) A list identifying the applicant's proposed authorized
29 delegates in the State, if any, at the time of the filing of the license
30 application;

31 (6) A sample authorized delegate contract, if applicable;

32 (7) A sample form of payment instrument, if applicable;

33 (8) Each location at which the applicant and its authorized
34 delegates, if any, propose to conduct the licensed activities in the
35 State;

36 (9) The name and address of each clearing bank on which the
37 applicant's payment instruments will be drawn or through which
38 those payment instruments will be payable;

39 (10) A list identifying each country to which an applicant
40 proposes to transmit money or from which an applicant proposes to
41 receive money transmissions;

42 (11) Federal tax identification number; and

43 (12) Non-refundable application fee as prescribed by regulation
44 by the commissioner in an amount not to exceed \$1,000.

45 b. If the applicant is a corporation, the applicant shall also
46 provide:

- 1 (1) The date of the applicant's incorporation and state of
2 incorporation;
- 3 (2) A certificate of good standing from the state in which the
4 applicant was incorporated;
- 5 (3) A description of the corporate structure of the applicant,
6 including the identity of any parent or subsidiary of the applicant,
7 and the disclosure of whether any parent or subsidiary is publicly
8 traded on any stock exchange;
- 9 (4) The name, business and residence address, social security
10 number, date of birth and employment history for the past five years
11 of each of the applicant's executive officers and of each officer or
12 manager who will be in charge of the applicant's activities to be
13 licensed under this act;
- 14 (5) The name, business and residence address, social security
15 number, date of birth and employment history for the period five
16 years prior to the date of the application of each key shareholder of
17 the applicant;
- 18 (6) The history, if any, of material litigation and criminal
19 convictions for the five-year period prior to the date of the
20 application of every executive officer or key shareholder of the
21 applicant;
- 22 (7) A copy of the applicant's most recent audited financial
23 statements (including balance sheet, statement of income or loss,
24 statement of changes in shareholder equity and statement of
25 changes in financial position) prepared by a certified public
26 accountant or public accountant in good standing and, if available,
27 the applicant's audited financial statements for the immediately
28 preceding three-year period. However, if the applicant is a wholly
29 owned subsidiary of another corporation, the applicant may submit
30 either the parent corporation's consolidated audited financial
31 statements for the current year and for the immediately preceding
32 three-year period or the parent corporation's Form 10-K reports
33 filed with the Securities and Exchange Commission for the prior
34 three years in lieu of the applicant's financial statements. If the
35 applicant is a wholly owned subsidiary of a corporation having its
36 principal place of business outside the United States, similar
37 documentation filed with the parent corporation's non-United States
38 regulator may be submitted to satisfy this provision;
- 39 (8) Copies of all filings, if any, made by the applicant with the
40 Securities and Exchange Commission, or with a similar regulator in
41 a country other than the United States, within the year preceding the
42 date of filing of the application; and
- 43 (9) Except in the case of a publicly traded corporation, its
44 subsidiaries and affiliates, or a bank, bank holding company,
45 subsidiaries and affiliates thereof, fingerprints of each of the
46 applicant's executive officers and of each officer or manager who

1 will be in charge of the applicant's activities to be licensed
2 hereunder.

3 c. If the applicant is not a corporation, the applicant shall also
4 provide:

5 (1) The name, business and residence address, personal
6 financial statement and employment history for the past five years,
7 social security number, date of birth, and fingerprints of each
8 principal of the applicant and the name, business and residence
9 address, employment history for the past five years, social security
10 number, date of birth, and fingerprints of any other persons who
11 will be in charge of the applicant's activities to be licensed under
12 this act;

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

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

20 (4) Copies of the applicant's audited financial statements
21 (including balance sheet, statement of income or loss, and statement
22 of changes in financial position) prepared by a certified public
23 accountant or public accountant in good standing for the current
24 year and, if available, for the immediately preceding two-year
25 period; and

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

27 d. Such other information as the commissioner may require by
28 regulation.

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

30

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

33 As used in this act:

34 "Foreign government" means any government other than the
35 government of the United States or of its states, territories or
36 possessions or any political subdivision thereof.

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

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

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

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

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

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

26 "You do swear (or affirm, as the case may be), that you are the
27 person named in the certificate of naturalization which you have
28 produced to the board." In case the person producing the same
29 shall claim to have derived the rights of such citizen through the
30 naturalization of his parent, such certificate shall show that the
31 person alleged to be such parent has been admitted to the rights of
32 such citizen. In this event, an oath or affirmation, in the following
33 form, shall be tendered to such person:

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

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

43
44 16. Section 8 of P.L.1991, c.187 (C.26:2H-18.31) is amended to
45 read as follows:

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

12 b. A designated hospital employee shall interview a patient
13 upon the patient's initial request for care. If the emergent nature of
14 the patient's required health care makes the immediate patient
15 interview impractical, the designated hospital employee shall
16 interview the patient's family member, responsible party or
17 guardian, as appropriate, but if there is no family member,
18 responsible party or guardian, the designated hospital employee
19 shall interview the patient within five working days of the patient's
20 admission into the hospital or prior to discharge, whichever date is
21 sooner.

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

25 (1) The designated hospital employee shall obtain
26 documentation of proper identification of the patient.
27 Documentation of proper identification may include, but shall not
28 be limited to, a driver's license, a voter registration card, **[an alien]**
29 a noncitizen registry card, a birth certificate, an employee
30 identification card, a union membership card, an insurance or
31 welfare plan identification card or a Social Security card. Proper
32 identification of the patient may also be provided by personal
33 recognition by a person not associated with the patient. For the
34 purposes of this paragraph, "proper identification" means the
35 patient's name, mailing address, residence telephone number, date
36 of birth, Social Security number, and place and type of
37 employment, employment address and employment telephone
38 number, as applicable.

39 (2) The designated hospital employee shall inquire of the
40 patient, family member, responsible party or guardian, as
41 appropriate, whether the patient is covered by health insurance, and
42 if so, shall request documentation of the evidence of health
43 insurance coverage. Documentation may include, but shall not be
44 limited to, a government sponsored health plan card or number, a
45 group sponsored or direct subscription health plan card or number, a

1 commercial insurance identification card or claim form or a union
2 welfare plan identification card or claim form.

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

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

27 (4) If evidence of health insurance coverage for the patient is
28 not documented or if evidence of health insurance coverage is
29 documented but the patient's health insurance coverage is unlikely
30 to provide payment in full for the patient's account at the hospital,
31 and the patient does not appear to be eligible for public assistance,
32 the designated hospital employee shall determine if the patient is
33 eligible for charity care pursuant to regulations adopted by the
34 commissioner. If the patient does not qualify for charity care, the
35 designated hospital employee shall request from the patient, family
36 member, responsible party or guardian, as appropriate, the patient's
37 or responsible party's place of employment, income, real property
38 and durable personal property owned by the patient or responsible
39 party and bank accounts possessed by the patient or responsible
40 party, along with account numbers and the name and location of the
41 bank.

42 (5) In the case of a patient seeking outpatient services, the
43 designated hospital employee shall make the inquiries and obtain
44 the documentation required pursuant to paragraphs (1) and (2) of
45 this subsection. If the patient provides the required documentation,
46 the designated hospital employee is not required to make further

1 inquiries, but if the patient cannot provide the required
2 documentation, the designated hospital employee shall follow the
3 procedures required pursuant to paragraphs (3) and (4) of this
4 subsection.

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

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

12
13 17. R.S.30:4-49 is amended to read as follows:

14 30:4-49. Except as hereinafter provided, legal settlement in a
15 county within the meaning of this article shall be continuous
16 residence in such county for a period of not less than five years
17 immediately preceding the date of application for admission or
18 commitment, excluding the time, if any, spent by the patient in any
19 charitable, or correctional institution or public hospital. **[An alien]**
20 A noncitizen who has taken up his residence in any county in this
21 State immediately upon arriving in this country, having had such
22 county as his destination, and who shall have resided in such county
23 for a period of at least three years immediately preceding the date of
24 application for admission or commitment, shall be deemed to have a
25 legal settlement in such county.

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

27
28 18. Section 3 of P.L.1968, c.413 (C.30:4D-3) is amended to read
29 as follows:

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

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

34 b. "Commissioner" means the Commissioner of Human
35 Services.

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

39 d. "Director" means the Director of the Division of Medical
40 Assistance and Health Services.

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

43 f. "Medicaid" means the New Jersey Medical Assistance and
44 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]** noncitizen, 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

1 in New Jersey or children in intermediate care facilities, including
2 developmental centers for the developmentally disabled, or in
3 psychiatric hospitals;

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

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

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

11 (i) Pregnant women;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (10) Is a pregnant woman who is determined by a provider to be
45 presumptively eligible for medical assistance based on criteria

1 established by the commissioner, pursuant to section 9407 of
2 Pub.L.99-509 (42 U.S.C. s.1396a(a));

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (21) is an individual who:

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

1 Subtitle B, the "Community Services Block Grant Act," of
2 Pub.L.97-35 (42 U.S.C. s.9902(2)).

3 q. "Eligible **alien** noncitizen" means one of the following:

4 (1) **an alien** a noncitizen present in the United States prior to
5 August 22, 1996, who is:

6 (a) a lawful permanent resident;

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

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

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

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

18 (f) **an alien** a noncitizen granted conditional entry pursuant to
19 section 203(a)(7) of the federal "Immigration and Nationality Act"
20 (8 U.S.C. s.1153(a)(7)) in effect prior to April 1, 1980; or

21 (g) **an alien** a noncitizen who is honorably discharged from or
22 on active duty in the United States armed forces and the **alien's**
23 noncitizen's spouse and unmarried dependent child.

24 (2) **An alien** a noncitizen who entered the United States on or
25 after August 22, 1996, who is:

26 (a) **an alien** a noncitizen as described in paragraph (1)(b), (c),
27 (d) or (g) of this subsection; or

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

31 (3) A legal **alien** noncitizen who is a victim of domestic
32 violence in accordance with criteria specified for eligibility for
33 public benefits as provided in Title V of the federal "Illegal
34 Immigration Reform and Immigrant Responsibility Act of 1996"
35 (8 U.S.C. s.1641).

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

37

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

40 2. An eligible **alien** noncitizen as defined in section 3 of
41 P.L.1968, c.413 (C.30:4D-1 et seq.) who otherwise meets all
42 eligibility criteria therefor is entitled to medical assistance provided
43 pursuant to section 6 of P.L.1968, c.413 (C.30:4D-6). **An alien** A
44 noncitizen who does not qualify as an eligible **alien** noncitizen
45 but who is a resident of New Jersey and would otherwise be eligible

1 for medical assistance provided pursuant to section 6 of P.L.1968,
2 c.413 is entitled only to care and services necessary for the
3 treatment of an emergency medical condition as defined in section
4 1903(v)(3) of the federal Social Security Act
5 (42 U.S.C. s.1396b(v)(3)).
6 (cf: P.L.1997,c.352, s.2)

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

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

26
27 21. Section 1 of P.L.2019, c.88 (C.30:4D-7y) is amended to read
28 as follows:

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

44
45 22. Section 16 of P.L.2019, c.195 (C.32:36-16) is amended to
46 read as follows:

1 16. Contracts of the Commission.

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

4 "Construction item" means any such item or material used in
5 construction and which is procured directly by the Commission or
6 office or any such item or material commonly used in construction
7 which is procured by a person, other than a municipality, under
8 contract with the commission.

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

12 "Product" means any material, supply, equipment or construction
13 item or other item whether real or personal property which is the
14 subject of any purchase, barter, or other exchange made to procure
15 such product.

16 "Secondary materials" means any material recovered from or
17 otherwise destined for the waste stream, including but not limited
18 to, post-consumer material, industrial scrap material, and overstock
19 or obsolete inventories from distributors, wholesalers and other
20 companies as defined in rules and regulations promulgated by the
21 New York commissioner of general services but such term does not
22 include those materials and byproducts generated from, and
23 commonly reused within an original manufacturing process.

24 "Specification" means any description of the physical or
25 functional characteristics, or of the nature of a material, supply,
26 equipment or construction item. It may include a description of any
27 requirement for inspecting, testing or preparing a material, supply,
28 equipment or construction item for delivery.

29 b. Specifications. The Commission shall create and update
30 product specifications to ensure that:

31 (1) Specifications do not exclude the use of products
32 manufactured from secondary materials or require that products be
33 manufactured from virgin materials only, provided however, the
34 specifications may include such an exclusion if the Commission
35 demonstrates that for a particular end use a product containing
36 secondary materials would not meet necessary performance
37 standards or that the cost of such products exceeds that of similar
38 products manufactured from virgin materials.

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

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

43 (4) Specifications incorporate or require the use of secondary
44 materials to the maximum extent practicable without jeopardizing
45 the performance or intended end use of the product; provided
46 however, where the Commission demonstrates that for a particular

1 end use a product containing secondary materials would not meet
2 necessary performance standards or that the cost of such product
3 exceeds that of similar products manufactured from virgin
4 materials, such specifications need not incorporate or require the
5 use of secondary materials.

6 c. Ground for cancellation of contract by the Commission. A
7 clause shall be inserted in all specifications or contracts hereafter
8 made or awarded by the Commission, for work or services
9 performed or to be performed or goods sold or to be sold, to provide
10 that upon the refusal by a person, when called before a grand jury,
11 head of a state department, temporary state Commission or other
12 agency of the state of New York or the state of New Jersey, the
13 organized crime task force in the department of law of the state of
14 New York, head of a city department, or other city agency, which is
15 empowered to compel the attendance of witnesses and examine
16 them under oath, to testify in an investigation concerning any
17 transaction or contract had with the applicable state, any political
18 subdivision thereof, a public authority or with any public
19 department, agency or official of the state of New York or the state
20 of New Jersey or of any political subdivision thereof or of a public
21 authority, to sign a waiver of immunity against subsequent criminal
22 prosecution or to answer any relevant question concerning such
23 transaction or contract, such person, and any firm, partnership or
24 corporation of which he or she is a member, partner, director or
25 officer shall be disqualified from thereafter selling to or submitting
26 bids to or receiving awards from or entering into any contracts with
27 the Commission or official thereof, for goods, work or services, for
28 a period of five years after such refusal.

29 d. Disqualification to contract with the Commission. Any
30 person who, when called before a grand jury, head of a state
31 department, temporary state Commission or other state agency of
32 the state of New York or the state of New Jersey, the organized
33 crime task force in the department of law of the state of New York,
34 head of a city department, or other city agency, which is
35 empowered to compel the attendance of witnesses and examine
36 them under oath, to testify in an investigation concerning any
37 transaction or contract had with the applicable state, any political
38 subdivision thereof, a public authority or with a public department,
39 agency or official of the state or of any political subdivision thereof
40 or of a public authority, refuses to sign a waiver of immunity
41 against subsequent criminal prosecution or to answer any relevant
42 questions concerning such transaction or contract, and any firm,
43 partnership or corporation, of which he or she is a member, partner,
44 director or officer shall be disqualified from thereafter selling to or
45 submitting bids to or receiving awards from or entering into any
46 contracts with the Commission or any official of the commission,

1 for goods, work or services, for a period of five years after such
2 refusal or until a disqualification shall be removed pursuant to the
3 provisions of subsection e. of this section. It shall be the duty of the
4 officer conducting the investigation before the grand jury, the head
5 of a state department, the chairman of the temporary state
6 commission or other state agency of the state of New York or the
7 state of New Jersey, the organized crime task force in the
8 department of law of the state of New York, the head of a city
9 department or other city agency before which the refusal occurs to
10 send notice of such refusal, together with the names of any firm,
11 partnership or corporation of which the person so refusing is known
12 to be a member, partner, officer or director, to the commissioner of
13 transportation of the state of New York or the state of New Jersey,
14 or the commissioner of general services as the case may be, and the
15 appropriate departments, agencies and officials of the applicable
16 state, political subdivisions thereof or public authorities with whom
17 the persons so refusing and any firm, partnership or corporation of
18 which he or she is a member, partner, director or officer, is known
19 to have a contract. However, when such refusal occurs before a
20 body other than a grand jury, notice of refusal shall not be sent for a
21 period of ten days after such refusal occurs. Prior to the expiration
22 of this ten-day period, any person, firm, partnership or corporation
23 which has become liable to the cancellation or termination of a
24 contract or disqualification to contract on account of such refusal
25 may commence a special proceeding at a special term of the
26 supreme court of New York or superior court of New Jersey, held
27 within the judicial district in which the refusal occurred, for an
28 order determining whether the questions in response to which the
29 refusal occurred were relevant and material to the inquiry. Upon the
30 commencement of such proceeding, the sending of such notice of
31 refusal to answer shall be subject to order of the court in which the
32 proceeding was brought in a manner and on such terms as the court
33 may deem just. If a proceeding is not brought within ten days,
34 notice of refusal shall thereupon be sent as provided in this
35 subsection.

36 e. Removal of disqualification of public contractors by
37 petition.

38 (1) Any firm, partnership or corporation which has become
39 subject to the cancellation or termination of a contract or
40 disqualification to contract on account of the refusal of a member,
41 partner, director or officer thereof to waive immunity when called
42 to testify, as provided in subsection d. of this section, may, upon ten
43 days' notice to the attorney general of the state in which the refusal
44 occurred and to the officer who conducted the investigation before
45 the grand jury or other body in which the refusal occurred,
46 commence a special proceeding at a special term of the supreme

1 court of New York or superior court of New Jersey held within the
2 judicial district in which the refusal occurred for a judgment
3 discontinuing the disqualification. Such application shall be in the
4 form of a petition setting forth grounds, including that the
5 cooperation by petitioner with the grand jury or other body at the
6 time of the refusal was such, and the amount and degree of control
7 and financial interest, if any, in the petitioning firm, partnership or
8 corporation by the member, partner, officer or director who refused
9 to waive immunity is such that it will not be in the public interest to
10 cancel or terminate petitioner's contracts or to continue the
11 disqualification, as provided in subsection d. of this section. A copy
12 of the petition and accompanying papers shall be served with the
13 notices to be given pursuant to this section.

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

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

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

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

35 f. Statement of non-collusion in bids or proposals to the
36 Commission.

37 (1) Every bid or proposal hereafter made to the Commission or
38 to any official of the Commission, where competitive bidding is
39 utilized, for work or services performed or to be performed or
40 goods sold or to be sold, shall contain the following statement
41 subscribed by the bidder and affirmed by such bidder as true under
42 the penalties of perjury:

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

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

5 3. Unless otherwise required by law, the prices which have
6 been quoted in this bid have not been knowingly disclosed by the
7 bidder and will not knowingly be disclosed by the bidder prior to
8 opening, directly or indirectly, to any other bidder or to any
9 competitor; and

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

13 (2) A bid shall not be considered for award nor shall any award
14 be made where the provisions of paragraph (1) of this subsection
15 have not been complied with; provided however, that if in any case
16 the bidder cannot make the foregoing certification, the bidder shall
17 so state and shall furnish with the bid a signed statement which sets
18 forth in detail the reasons therefor. Where the provisions of
19 paragraph (1) of this subsection have not been complied with, the
20 bid shall not be considered for award nor shall any award be made
21 unless the Commission or official thereof determines that such
22 disclosure was not made for the purpose of restricting competition.
23 The fact that a bidder (a) has published price lists, rates, or tariffs
24 covering items being procured, (b) has informed prospective
25 customers of proposed or pending publication of new or revised
26 price lists for such items, or (c) has sold the same items to other
27 customers at the same prices being bid, does not constitute, without
28 more, a disclosure.

29 (3) Any bid hereafter made to the Commission by a corporate
30 bidder for work or services performed or to be performed or goods
31 sold or to be sold, where competitive bidding is utilized, and where
32 such bid contains the certification referred to in paragraph (1) of
33 this subsection, shall be deemed to have been authorized by the
34 board of directors of the bidder, and such authorization shall be
35 deemed to include the signing and submission of the bid and the
36 inclusion therein of the certificate as to non-collusion as the act and
37 deed of the corporation.

38 g. Procurement contracts.

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

40 "Allowable indirect costs" means those costs incurred by a
41 professional firm that are generally associated with overhead which
42 cannot be specifically identified with a single Project or contract
43 and are considered reasonable and allowable under specific state
44 contract or allowability limits.

45 "Minority business enterprise" means any business enterprise,
46 including a sole proprietorship, partnership, or corporation: with

1 more than fifty percent of the ownership interest owned by one or
2 more minority group members or, in the case of a publicly-owned
3 business, where more than fifty percent of the common stock or
4 other voting interests are owned by one or more minority group
5 members; in which the minority ownership is real, substantial, and
6 continuing; in which the minority ownership has and exercises the
7 authority to control independently the day-to-day business decisions
8 of the enterprise; and authorized to do business in the state of New
9 York or the state of New Jersey, independently owned and operated,
10 and not dominant in its field.

11 "Minority group member" means a United States citizen or
12 permanent resident **[alien]** who is and can demonstrate membership
13 in one of the following groups: black persons having origins in any
14 of the black African racial groups not of Hispanic origin; Hispanic
15 persons of Mexican, Puerto Rican, Dominican, Cuban, Central or
16 South American of either Indian or Hispanic origin, regardless of
17 race; Asian and Pacific Islander persons having origins in any of the
18 Far East, Southeast Asia, the Indian subcontinent or the Pacific
19 Islands; or Native American persons having origins in any of the
20 original peoples of North America.

21 "Professional firm" means any individual or sole proprietorship,
22 partnership, corporation, association, or other legal entity permitted
23 by law to practice the professions of architecture, engineering, or
24 surveying.

25 "Women-owned business enterprise" means a business
26 enterprise, including a sole proprietorship, partnership or
27 corporation: with more than fifty percent of the ownership interest
28 owned by one or more United States citizens or permanent **[resident**
29 **aliens]** residents who are women or, in the case of a publicly-owned
30 business, where more than fifty percent of the common stock or
31 other voting interests is owned by United States citizens or
32 permanent **[resident aliens]** residents who are women; in which the
33 ownership interest of women is real, substantial, and continuing; in
34 which the women ownership has and exercises the authority to
35 control independently the day-to-day business decisions of the
36 enterprise; and authorized to do business in the state of New York
37 or the state of New Jersey, independently owned and operated, and
38 not dominant in its field.

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

42 (2) The Commission shall adopt by resolution comprehensive
43 guidelines which detail the Commission's operative policy and
44 instructions regarding the use, awarding, monitoring and reporting
45 of procurement contracts. Such guidelines shall be annually
46 reviewed and approved by the Commission.

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

3 (a) A description of the types of goods purchased, and for
4 procurement contracts for services, a description of those areas of
5 responsibility and oversight requiring the use of personal services
6 and the reasons for the use of personal services in such areas.

7 (b) Requirements regarding the selection of contractors, which
8 shall include provisions:

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

12 (ii) setting forth responsibilities of contractors.

13 (c) An identification of those areas or types of contracts for
14 which minority or women-owned business enterprises may best bid
15 so as to promote and assist participation by such enterprises and
16 facilitate a fair share of the awarding of contracts to such
17 enterprises.

18 (d) Requirements for providing notice, in addition to any other
19 notice of procurement opportunities, to professional and other
20 organizations that serve minority and women-owned business
21 enterprises providing the types of services procured by the
22 Commission.

23 (e) The establishment of appropriate goals for participation by
24 minority or women-owned business enterprises in procurement
25 contracts awarded by the Commission and for the utilization of
26 minority and women-owned enterprises as subcontractors and
27 suppliers by entities having procurement contracts with the
28 Commission.

29 (f) A listing of the types of provisions to be contained in
30 procurement contracts, including provisions concerning the nature
31 and monitoring of the work to be performed, the use of Commission
32 supplies and facilities, the use of Commission personnel and any
33 other provisions.

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

36 (h) Policies to promote the participation by business enterprises
37 and residents of the state of New York and the state of New Jersey
38 in procurement contracts.

39 (4) For the purposes of this subsection:

40 "New Jersey business enterprise" means a business enterprise,
41 including a sole proprietorship, partnership, or corporation, which
42 offers for sale or lease or other form of exchange, goods which are
43 sought by the Commission and which are substantially
44 manufactured, produced or assembled in New Jersey, or services
45 which are sought by the Commission and which are substantially
46 performed within New Jersey.

1 "New Jersey resident" means a natural person who maintains a
2 fixed, permanent, and principal home located within New Jersey
3 and to which such person, whenever temporarily located, always
4 intends to return.

5 "New York resident" means a natural person who maintains a
6 fixed, permanent and principal home located within New York state
7 and to which such person, whenever temporarily located, always
8 intends to return.

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

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

19 (6) The Commission shall annually prepare and approve a report
20 on procurement contracts, where any such contracts have been
21 entered into for such year, which shall include the guidelines, as
22 specified in this section, an explanation of the guidelines and any
23 amendments thereto since the last annual report. Such report on
24 procurement contracts may be a part of any other annual report that
25 the corporation is required to make.

26 (7) The Commission shall annually submit its report on
27 procurement contracts to the governor of New York and the
28 governor of New Jersey and copies thereof to the New York senate
29 finance committee, New Jersey senate budget and appropriations
30 committee, the New York assembly ways and means committee, the
31 New Jersey general assembly appropriations committee, and the
32 New York state authorities budget office. The Commission shall
33 make available to the public copies of its report on procurement
34 contracts upon reasonable request therefor.

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

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

40
41 23. Section 2 of P.L.2002, c.81 (C.34:8-79) is amended to read
42 as follows:

43 2. a. The Director of the Division of Consumer Affairs in the
44 Department of Law and Public Safety, in consultation with the
45 Commissioner of Health and Senior Services, shall require that, no
46 later than the 180th day after the date of enactment of this act, each

1 health care service firm regulated by the Division of Consumer
2 Affairs shall provide the following information to each patient
3 receiving home-based services from that firm, or to a person
4 designated by the patient:

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

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

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

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

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

37 (3) proof that the person is a United States citizen or legally
38 documented **alien** noncitizen; and

39 (4) evidence of employment history verification or character
40 references for that person.

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

43 (1) in advance of the provision of services to the patient or
44 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 24. R.S.34:9-1 is amended to read as follows:

14 34:9-1. Employment of **【aliens】** noncitizens on public works
15 forbidden; penalty

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

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

33
34 25. R.S.43:21-4 is amended to read as follows:

35 43:21-4. Benefit eligibility conditions. An unemployed
36 individual shall be eligible to receive benefits with respect to any
37 week eligible only if:

38 (a) The individual has filed a claim at an unemployment
39 insurance claims office and thereafter continues to report at an
40 employment service office or unemployment insurance claims
41 office, as directed by the division in accordance with such
42 regulations as the division may prescribe, except that the division
43 may, by regulation, waive or alter either or both of the requirements
44 of this subsection as to individuals attached to regular jobs, and as
45 to such other types of cases or situations with respect to which the
46 division finds that compliance with such requirements would be

1 oppressive, or would be inconsistent with the purpose of this act;
2 provided that no such regulation shall conflict with subsection (a) of
3 R.S.43:21-3.

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

6 (c) (1) The individual is able to work, and is available for work,
7 and has demonstrated to be actively seeking work, except as
8 hereinafter provided in this subsection or in subsection (f) of this
9 section.

10 (2) The director may modify the requirement of actively seeking
11 work if such modification of this requirement is warranted by
12 economic conditions.

13 (3) No individual, who is otherwise eligible, shall be deemed
14 ineligible, or unavailable for work, because the individual is on
15 vacation, without pay, during said week, if said vacation is not the
16 result of the individual's own action as distinguished from any
17 collective action of a collective bargaining agent or other action
18 beyond the individual's control.

19 (4) (A) Subject to such limitations and conditions as the division
20 may prescribe, an individual, who is otherwise eligible, shall not be
21 deemed unavailable for work or ineligible because the individual is
22 attending a training program approved for the individual by the
23 division to enhance the individual's employment opportunities or
24 because the individual failed or refused to accept work while
25 attending such program.

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

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

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

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

42 (iv) The training does not include on the job training or other
43 training under which the individual is paid by an employer for work
44 performed by the individual during the time that the individual
45 receives benefits; and

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

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

9 (i) The training includes remedial basic skills education
10 necessary for the individual to successfully complete the vocational
11 component of the training;

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

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

16 (iv) The lack of a prior guarantee of employment upon
17 completion of the training.

18 (D) For the purpose of this paragraph (4), "labor demand
19 occupation" means an occupation for which there is or is likely to
20 be an excess of demand over supply for adequately trained workers,
21 including, but not limited to, an occupation designated as a labor
22 demand occupation by the Center for Occupational Employment
23 Information pursuant to the provisions of subsection d. of section
24 27 of P.L.2005, c.354 (C.34:1A-86).

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

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

34 For purposes of this paragraph, "immediate family member"
35 includes any of the following individuals: father, mother, mother-
36 in-law, father-in-law, grandmother, grandfather, grandchild, spouse,
37 child, child placed by the Division of Youth and Family Services in
38 the Department of Children and Families, sister or brother of the
39 unemployed individual and any relatives of the unemployed
40 individual residing in the unemployed individual's household.

41 (7) No individual, who is otherwise eligible, shall be deemed
42 ineligible or unavailable for work with respect to any week because,
43 during that week, the individual fails or refuses to accept work
44 while the individual is participating on a full-time basis in self-
45 employment assistance activities authorized by the division,

1 whether or not the individual is receiving a self-employment
2 allowance during that week.

3 (8) Any individual who is determined to be likely to exhaust
4 regular benefits and need reemployment services based on
5 information obtained by the worker profiling system shall not be
6 eligible to receive benefits if the individual fails to participate in
7 available reemployment services to which the individual is referred
8 by the division or in similar services, unless the division determines
9 that:

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

11 (B) There is justifiable cause for the failure to participate, which
12 shall include participation in employment and training, self-
13 employment assistance activities or other activities authorized by
14 the division to assist reemployment or enhance the marketable skills
15 and earning power of the individual and which shall include any
16 other circumstance indicated pursuant to this section in which an
17 individual is not required to be available for and actively seeking
18 work to receive benefits.

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

23 (10) An individual who is employed by a shared work employer
24 and is otherwise eligible for benefits shall not be deemed ineligible
25 for short-time benefits because the individual is unavailable for
26 work with employers other than the shared work employer, so long
27 as:

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

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

35 (d) With respect to any benefit year commencing before January
36 1, 2002, the individual has been totally or partially unemployed for
37 a waiting period of one week in the benefit year which includes that
38 week. When benefits become payable with respect to the third
39 consecutive week next following the waiting period, the individual
40 shall be eligible to receive benefits as appropriate with respect to
41 the waiting period. No week shall be counted as a week of
42 unemployment for the purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

27 (B) If the individual has not met the requirements of
28 subparagraph (A) of this paragraph (4), earned remuneration not
29 less than an amount 1,000 times the minimum wage in effect
30 pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October
31 1 of the calendar year preceding the calendar year in which the
32 benefit year commences, which amount shall be adjusted to the next
33 higher multiple of \$100 if not already a multiple thereof.

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

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

43 (B) Has earned remuneration not less than an amount 1,000
44 times the minimum wage in effect pursuant to section 5 of
45 P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year
46 preceding the calendar year in which the benefit year commences,

1 which amount shall be adjusted to the next higher multiple of \$100
2 if not already a multiple thereof; or

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

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

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

26 (A) For any period during which such individual is not under the
27 care of a legally licensed physician, dentist, optometrist, podiatrist,
28 practicing psychologist, advanced practice nurse, or chiropractor,
29 who, when requested by the division, shall certify within the scope
30 of the practitioner's practice, the disability of the individual, the
31 probable duration thereof, and, where applicable, the medical facts
32 within the practitioner's knowledge;

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

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

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

44 (E) For any week with respect to which or part of which the
45 individual has received or is seeking disability benefits under the

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

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

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

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

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

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

39 (D) For any period of family temporary disability leave for a
40 serious health condition of a family member of the claimant during
41 which the family member is not receiving inpatient care in a
42 hospital, hospice, or residential medical care facility and is not
43 subject to continuing medical treatment or continuing supervision
44 by a health care provider, who, when requested by the division,
45 shall certify within the scope of the provider's practice, the serious
46 health condition of the family member, the probable duration

1 thereof, and, where applicable, the medical facts within the
2 provider's knowledge.

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

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

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

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

43 (3) With respect to those services described in paragraphs (1)
44 and (2) above, benefits shall not be paid on the basis of such
45 services to any individual for any week which commences during
46 an established and customary vacation period or holiday recess if

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45

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

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

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

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

4
5 28. Section 7 of P.L.1997, c.13 (C.44:10-40) is amended to read
6 as follows:

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

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

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

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

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

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

38
39 29. Section 1 of P.L.1997, c.14, (C.44:10-44) is amended to read
40 as follows:

41 1. As used in this act:

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

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

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

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

7 "Commissioner" means the Commissioner of Human Services.

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

15 "Dependent child" means a child:

16 a. under the age of 18;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28

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

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

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

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

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

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

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

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

32

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

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

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

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

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

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

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

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

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

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

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

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

1 First New Jersey program and food assistance under the federal
2 "Food and Nutrition Act of 2008," Pub.L.110-234
3 (7 U.S.C. s.2011 et seq.); and

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

8
9 32. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
10 as follows:

11 3. As used in this act:

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

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

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

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

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

33 "Commissioner" means the Commissioner of Human Services.

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

41 "County agency" means the county agency that was
42 administering the aid to families with dependent children program
43 at the time the federal "Personal Responsibility and Work
44 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
45 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-

1 55 et seq.) shall also administer the Work First New Jersey program
2 in that county.

3 "Dependent child" means a child:

4 a. under the age of 18;

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

10 c. under the age of 21 and enrolled in a special education
11 program,

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

16 "Eligible **alien** noncitizen" means one of the following:

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

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

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

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

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

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

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

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

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

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

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

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

37 "Program" means the Work First New Jersey program
38 established pursuant to this act.

39 "Recipient" means a recipient of benefits under the Work First
40 New Jersey program.

41 "Resources" means all real and personal property as defined by
42 the commissioner; except that in the event that individual
43 development accounts for recipients are established by regulation of
44 the commissioner, all funds in such an account, up to the limit
45 determined by the commissioner, including any interest or dividend

1 earnings from such an account, shall not be considered to be a
2 resource.

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

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

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

25

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

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

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

41 c. If the county agency or municipal welfare agency, as
42 appropriate, determines, based upon an applicant's written statement
43 signed under oath, that the applicant is in immediate need of
44 benefits because the applicant's available resources are insufficient ,
45 as determined by the commissioner, to meet the minimal current
46 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** noncitizen in accordance with federal
25 law, and legally responsible relatives of assistance unit members.
26 (cf: P.L.1997, c.38, s.5)

27
28 34. R.S. 46:3-18 is amended to read as follows:

29 46:3-18. **Aliens** Noncitizens; "**alien** noncitizen friend"
30 defined; right to acquire, hold and transfer real estate

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

41 Nothing contained in this section shall be construed to:

42 a. Entitle any **alien** noncitizen to be elected into any office of
43 trust or profit in this State, or to vote at any town meeting or
44 election of members of the Senate and General Assembly, or other

1 officers, within this State, or for Representatives in Congress or
2 electors of the President and Vice-President of the United States; or

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

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

13
14 35. Section 44 of P.L.1961, c. 32 (C54:8A-44) is amended to
15 read as follows:

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

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

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

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

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

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

42 (4) Marital or other status. An individual's marital or other
43 status under subsection 2(c) (C. 54:8A-2(c)), subsection 9(b) of
44 P.L.1961, c. 32 (C. 54:8A-9(b)) and subsection 7(a)(3)(B) of this
45 amendatory and supplementary act shall be presumed to be the
46 same as his marital or other status for purposes of establishing the

1 applicable Federal income tax rates. However, an individual who
2 is a nonresident **【alien】** noncitizen, which shall have the same
3 meaning as “nonresident alien” as defined in Section 7701 of Title
4 26 of the United States Code, for Federal income tax purposes and
5 who fails to qualify under subsection 2(c), or subsection 9(b) of
6 P.L.1961, c. 32 or subsection 7(a)(3)(B) of this amendatory and
7 supplementary act solely by reason of his status for purposes of
8 establishing the applicable Federal income tax rates shall,
9 nevertheless, qualify under such provisions provided he files a
10 statement with his return setting forth such information in respect to
11 his status as the director shall prescribe.

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

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

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

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

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

41

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

43 54A:2-1. Imposition of tax. There is hereby imposed a tax for
44 each taxable year (which shall be the same as the taxable year for
45 federal income tax purposes) on the New Jersey gross income as
46 herein defined of every individual, estate or trust (other than a

1 charitable trust or a trust forming part of a pension or profit-sharing
2 plan), subject to the deductions, limitations and modifications
3 hereinafter provided, determined in accordance with the following
4 tables with respect to taxpayers' taxable income:

5 a. For married individuals filing a joint return and individuals
6 filing as head of household or as surviving spouse for federal
7 income tax purposes:

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 \$50,000.00.....	\$400.00 plus 2.5% of the
14		excess over \$20,000.00
15	Over \$50,000.00 but not	
16	over \$70,000.00.....	\$1,150.00 plus 3.5% of the
17		excess over \$50,000.00
18	Over \$70,000.00 but not	
19	over \$80,000.00.....	\$1,850.00 plus 5.0% of
20	the	
21		excess over \$70,000.00
22	Over \$80,000.00 but not	
23	over \$150,000.00.....	\$2,350.00 plus 6.5% of
24	the	
25		excess over \$80,000.00
26	Over \$150,000.00	\$6,900.00 plus 7.0% of the
27	excess over \$150,000.00	

28 (2) For taxable years beginning on or after January 1,
29 1994 but before January 1, 1995:

30	If the taxable income is:	The tax is:
31	Not over \$20,000.00.....	1.900% of taxable
32	income	
33	Over \$20,000.00 but not	
34	over \$50,000.00.....	\$380.00 plus 2.375% of
35	the	
36		excess over \$20,000.00
37	Over \$50,000.00 but not	
38	over \$70,000.00.....	\$1,092.50 plus 3.325%
39	of the	
40		excess over \$50,000.00
41	Over \$70,000.00 but not	
42	over \$80,000.00.....	\$1,757.50 plus 4.750%
43	of the	
44		excess over \$70,000.00
45	Over \$80,000.00 but not	

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1		over \$150,000.00.....	\$2,232.50	plus 6.175%
2	of the			
3			excess over \$80,000.00	
4		Over \$150,000.00	\$6,555.00	plus 6.650%
5	of the			
6			excess over \$150,000.00	
7	(3)	for taxable years beginning on or after January 1,		
8	1995 but before January 1, 1996:			
9	If the taxable income is:		The tax is:	
10	Not over \$20,000.00.....	1.700%	of taxable income	
11	Over \$20,000.00 but not			
12	over \$50,000.00.....		\$340.00	plus 2.125% of
13	the			
14			excess over \$20,000.00	
15	Over \$50,000.00 but not			
16	over \$70,000.00.....	\$977.50	plus 2.975%	of the
17			excess over \$50,000.00	
18	Over \$70,000.00 but not			
19	over \$80,000.00.....		\$1,572.50	plus 4.250%
20	of the			
21			excess over \$70,000.00	
22	Over \$80,000.00 but not			
23	over \$150,000.00.....		\$1,997.50	plus 6.013%
24	of the			
25			excess over \$80,000.00	
26	Over \$150,000.00	\$6,206.60	plus 6.580%	of the
27			excess over \$150,000.00	
28	(4)	for taxable years beginning on or after January 1,		
29	1996 but before January 1, 2004:			
30	If the taxable income is:		The tax is:	
31	Not over \$20,000.00.....	1.400%	of taxable income	
32	Over \$20,000.00 but not			
33	over \$50,000.00.....		\$280.00	plus 1.750% of
34	the			
35			excess over \$20,000.00	
36	Over \$50,000.00 but not			
37	over \$70,000.00.....		\$805.00	plus 2.450% of
38	the			
39			excess over \$50,000.00	
40	Over \$70,000.00 but not			
41	over \$80,000.00.....		\$1,295.50	plus 3.500%
42	of the			
43			excess over \$70,000.00	
44	Over \$80,000.00 but not			
45	over \$150,000.00.....		\$1,645.00	plus 5.525%
46	of the			

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

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

1 Over \$1,000,000.00... \$72,657.50 plus
2 10.750% of the
3 excess over \$1,000,000.00
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, 1995 but
44 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
7	the	
8		excess over \$35,000.00
9	Over \$40,000.00 but not	
10	over \$75,000.00.....	\$871.25 plus 6.013% of
11	the	
12		excess over \$40,000.00
13	Over \$75,000.00	\$2,975.80 plus 6.580%
14	of the	
15		excess over \$75,000.00
16	(4) for taxable years beginning on or after January 1,	
17	1996 but before January 1, 2004:	
18	If the taxable income is:	The tax is:
19	Not over \$20,000.00.....	1.400% of taxable income
20	Over \$20,000.00 but not	
21	over \$35,000.00.....	\$280.00 plus 1.750% of
22	the	
23		excess over \$20,000.00
24	Over \$35,000.00 but not	
25	over \$40,000.00.....	\$542.50 plus 3.500% of
26	the	
27		excess over \$35,000.00
28	Over \$40,000.00 but not	
29	over \$75,000.00.....	\$717.50 plus 5.525% of
30	the	
31		excess over \$40,000.00
32	Over \$75,000.00.....	\$2,651.25 plus 6.370%
33	of the	
34		excess over \$75,000.00
35	(5) for taxable years beginning on or after January 1,	
36	2004 but before January 1, 2018:	
37	If the taxable income is:	The tax is:
38	Not over \$20,000.00.....	1.400% of taxable income
39	Over \$20,000.00 but not	
40	over \$35,000.00.....	\$280.00 plus 1.750% of
41	the	
42		excess over \$20,000.00
43	Over \$35,000.00 but not	
44	over \$40,000.00.....	\$542.50 plus 3.500% of
45	the	
46		excess over \$35,000.00

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

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

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

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

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

45 f. An employer maintaining an office or transacting business
 46 within this State and making payment of any salaries, wages and

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

11
12 37. The provisions of this act shall be severable. If any provision
13 of this act or its application is held invalid, that invalidity shall not
14 affect other provisions or applications that can be given effect
15 without the invalid provision or application.

16
17 38. This act shall take effect on the first day of the fourth month
18 next following the date of enactment, but the Attorney General may
19 take any anticipatory action in advance thereof as shall be necessary
20 for the implementation of this act.

21 22 23 STATEMENT

24
25 This bill builds confidence in State, county, and municipal
26 agencies. The bill also ensures that entities open to the public
27 remain safe and accessible to all New Jersey residents, regardless
28 of immigration status.

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

44 In addition, the bill prohibits law enforcement agencies from
45 making agency or department databases available to anyone or any
46 entity for the purpose of immigration enforcement or investigation

1 or enforcement of any federal program requiring registration of
2 individuals on the basis of race, gender, sexual orientation, religion,
3 immigration status, citizenship, or national or ethnic origin. Any
4 agreements made prior to the bill's enactment that require an
5 agency or department database to be available to federal
6 immigration authorities are to be void.

7 The bill also prohibits State, county, and municipal law
8 enforcement agencies from providing assistance to federal
9 immigration authorities by:

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

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

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

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

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