

ASSEMBLY, No. 1419

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Assemblymen PASCRELL and STEELE

1 **AN ACT** concerning the qualification of certain persons as veterans for
2 certain purposes, and amending various parts of the statutory law.
3

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

6 1. N.J.S.11A:5-1 is amended to read as follows:

7 11A:5-1. Definitions. As used in this chapter:

8 a. "Disabled veteran" means any veteran who is eligible to be
9 compensated for a service-connected disability from war service by the
10 United States Veterans Administration or who receives or is entitled
11 to receive equivalent compensation for a service-connected disability
12 which arises out of military or naval service as set forth in this chapter
13 and who has submitted sufficient evidence of the record of disability
14 incurred in the line of duty to the commissioner on or before the
15 closing date for filing an application for an examination;

16 b. "Veteran" means any honorably discharged soldier, sailor, marine
17 or nurse who served in any army or navy of the allies of the United
18 States in World War I, between July 14, 1914 and November 11,
19 1918, or who served in any army or navy of the allies of the United
20 States in World War II, between September 1, 1939 and September 2,
21 1945 and who was inducted into that service through voluntary
22 enlistment, and was a citizen of the United States at the time of the
23 enlistment, and who did not renounce or lose his or her United States
24 citizenship; or any soldier, sailor, marine, airman, nurse or army field
25 clerk, who has served in the active military or naval service of the
26 United States and has been discharged or released under other than
27 dishonorable conditions from that service in any of the following wars
28 or conflicts and who has presented to the commissioner sufficient
29 evidence of the record of service on or before the closing date for
30 filing an application for an examination:

31 (1) World War I, between April 6, 1917 and November 11, 1918;

32 (2) World War II, on or after September 16, 1940, who shall have
33 served at least 90 days beginning on or before December 31, 1946 in

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 such active service, exclusive of any period of assignment for a course
2 of education or training under the Army Specialized Training Program
3 or the Navy College Training Program, which course was a
4 continuation of a civilian course and was pursued to completion, or as
5 a cadet or midshipman at one of the service academies; except that any
6 person receiving an actual service-incurred injury or disability shall be
7 classed a veteran whether or not that person has completed the 90-day
8 service;

9 (3) Korean conflict, on or after June 23, 1950, who shall have
10 served at least 90 days beginning on or before January 31, 1955, in
11 active service, exclusive of any period of assignment for a course of
12 education or training under the Army Specialized Training Program or
13 the Navy College Training Program, which course was a continuation
14 of a civilian course and was pursued to completion, or as a cadet or
15 midshipman at one of the service academies; except that any person
16 receiving an actual service-incurred injury or disability shall be classed
17 as a veteran, whether or not that person has completed the 90-day
18 service;

19 (4) Vietnam conflict, on or after December 31, 1960, who shall
20 have served at least 90 days beginning on or before May 7, 1975, in
21 active service, exclusive of any period of assignment for a course of
22 education or training under the Army Specialized Training Program or
23 the Navy College Training Program, which course was a continuation
24 of a civilian course and was pursued to completion, or as a cadet or
25 midshipman at one of the service academies, and exclusive of any
26 service performed pursuant to the provisions of section 511(d) of Title
27 10, United States Code, or exclusive of any service performed
28 pursuant to enlistment in the National Guard or the Army Reserve,
29 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast
30 Guard Reserve; except that any person receiving an actual
31 service-incurred injury or disability shall be classed as a veteran,
32 whether or not that person has completed the 90-day service as
33 provided;

34 (5) Lebanon peacekeeping mission, on or after September 26,
35 1982, who has served in Lebanon or on board any ship actively
36 engaged in patrolling the territorial waters of that nation for a period,
37 continuous or in the aggregate, of at least 14 days commencing on or
38 before December 1, 1987 or the date of termination of that mission, as
39 proclaimed by the President of the United States or Congress,
40 whichever date of termination is the latest, in such active service;
41 provided, that any person receiving an actual service-incurred injury
42 or disability shall be classed as a veteran whether or not that person
43 has completed the 14 days service as herein provided;

44 (6) Grenada peacekeeping mission, on or after October 23, 1983,
45 who has served in Grenada or on board any ship actively engaged in
46 patrolling the territorial waters of that nation for a period, continuous

1 or in the aggregate, of at least 14 days commencing on or before
2 November 21, 1983 or the date of termination of that mission, as
3 proclaimed by the President of the United States or Congress,
4 whichever date of termination is the latest, in such active service;
5 provided, that any person receiving an actual service-incurred injury
6 or disability shall be classed as a veteran whether or not that person
7 has completed the 14 days service as herein provided;

8 (7) Panama peacekeeping mission, on or after December 20, 1989
9 or the date of inception of that mission, as proclaimed by the President
10 of the United States or Congress, whichever date of inception is
11 earliest, who has served in Panama or on board any ship actively
12 engaged in patrolling the territorial waters of that nation for a period,
13 continuous or in the aggregate, of at least 14 days commencing on or
14 before January 31, 1990 or the date of termination of that mission, as
15 proclaimed by the President of the United States or Congress,
16 whichever date of termination is the latest, in such active service;
17 provided, that any person receiving an actual service-incurred injury
18 or disability shall be classed as a veteran whether or not that person
19 has completed the 14 days service as herein provided;

20 (8) Operation "Desert Shield/Desert Storm" mission in the Arabian
21 peninsula and the Persian Gulf, on or after August 2, 1990 or the date
22 of inception of that operation, as proclaimed by the President of the
23 United States or Congress, whichever date of inception is earliest, who
24 has served in the Arabian peninsula or on board any ship actively
25 engaged in patrolling the Persian Gulf for a period, continuous or in
26 the aggregate, of at least 14 days commencing on or before the date
27 of termination of that mission, as proclaimed by the President of the
28 United States, Congress or the Governor, whichever date of
29 termination is the latest, in such active service; provided, that any
30 person receiving an actual service-incurred injury or disability shall be
31 classed as a veteran whether or not that person has completed the 14
32 days service as herein provided[.].

33 (g) "Operation Restore Hope" in Somalia, on or after December 5,
34 1992 or the date of inception of that operation, as proclaimed by the
35 President of the United States or Congress, whichever date of
36 inception is earliest, who has served in Somalia or on board any ship
37 actively engaged in patrolling the territorial waters of that nation for
38 a period, continuous or in the aggregate, of at least 14 days
39 commencing on or before March 31, 1994 or the date of termination
40 of that operation, as proclaimed by the President of the United States
41 or Congress, whichever date of termination is latest, in such active
42 service; provided that any person receiving an actual service-incurred
43 injury or disability shall be classed as a veteran whether or not that
44 person has completed the 14 days service as herein provided.

1 c. "War service" means service by a veteran in any war or conflict
2 described in this chapter during the periods specified.
3 (cf: P.L.1995, c.406, s.1)

4

5 2. N.J.S.18A:66-2 is amended to read as follows:

6 18A:66-2. As used in this article:

7 a. "Accumulated deductions" means the sum of all the amounts,
8 deducted from the compensation of a member or contributed by or in
9 behalf of the member, including interest credited to January 1, 1956,
10 standing to the credit of the member's individual account in the annuity
11 savings fund.

12 b. "Annuity" means payments for life derived from the accumulated
13 deductions of a member as provided in this article.

14 c. "Beneficiary" means any person receiving a retirement allowance
15 or other benefit as provided in this article.

16 d. "Compensation" means the contractual salary, for services as a
17 teacher as defined in this article, which is in accordance with
18 established salary policies of the member's employer for all employees
19 in the same position but shall not include individual salary adjustments
20 which are granted primarily in anticipation of the member's retirement
21 or additional remuneration for performing temporary or extracurricular
22 duties beyond the regular school day or the regular school year.

23 e. "Employer" means the State, the board of education or any
24 educational institution or agency of or within the State by which a
25 teacher is paid.

26 f. "Final compensation" means the average annual compensation
27 for which contributions are made for the three years of creditable
28 service in New Jersey immediately preceding the member's retirement
29 or death, or it shall mean the average annual compensation for New
30 Jersey service for which contributions are made during any three fiscal
31 years of his or her membership providing the largest possible benefit
32 to the member or the member's beneficiary.

33 g. "Fiscal year" means any year commencing with July 1, and
34 ending with June 30, next following.

35 h. "Pension" means payments for life derived from appropriations
36 made by the State or employers to the Teachers' Pension and Annuity
37 Fund.

38 i. "Annuity reserve" means the present value of all payments to be
39 made on account of any annuity or benefit in lieu of an annuity,
40 granted under the provisions of this article, computed on the basis of
41 such mortality tables recommended by the actuary as the board of
42 trustees adopts, with regular interest.

43 j. "Pension reserve" means the present value of all payments to be
44 made on account of any pension or benefit in lieu of a pension granted
45 to a member from the Teachers' Pension and Annuity Fund, computed
46 on the basis of such mortality tables recommended by the actuary as

1 the board of trustees adopts, with regular interest.

2 k. "Present-entrant" means any member of the Teachers' Pension
3 and Annuity Fund who had established status as a "present-entrant
4 member" of said fund prior to January 1, 1956.

5 l. "Rate of contribution initially certified" means the rate of
6 contribution certified by the retirement system in accordance with
7 N.J.S.18A:66-29.

8 m. "Regular interest" shall mean interest as determined by the State
9 Treasurer, after consultation with the Directors of the Divisions of
10 Investment and Pensions, the board of trustees and the actuary. It
11 shall bear a reasonable relationship to the percentage rate of earnings
12 on investments based on the market value of assets but shall not
13 exceed the assumed percentage rate of increase applied to salaries plus
14 3%, provided however that the board of trustees shall not set the
15 average percentage rate of increase applied to salaries below 6%.

16 n. "Retirement allowance" means the pension plus the annuity.

17 o. "School service" means any service as a "teacher" as defined in
18 this section.

19 p. "Teacher" means any regular teacher, special teacher, helping
20 teacher, teacher clerk, principal, vice-principal, supervisor, supervising
21 principal, director, superintendent, city superintendent, assistant city
22 superintendent, county superintendent, State Commissioner or
23 Assistant Commissioner of Education, members of the State
24 Department of Education who are certificated, unclassified
25 professional staff and other members of the teaching or professional
26 staff of any class, public school, high school, normal school, model
27 school, training school, vocational school, truant reformatory school,
28 or parental school, and of any and all classes or schools within the
29 State conducted under the order and superintendence, and wholly or
30 partly at the expense of the State Board of Education, of a duly
31 elected or appointed board of education, board of school directors, or
32 board of trustees of the State or of any school district or normal
33 school district thereof, and any persons under contract or engagement
34 to perform one or more of these functions. It shall also mean any
35 person who serves, while on an approved leave of absence from
36 regular duties as a teacher, as an officer of a local, county or State
37 labor organization which represents, or is affiliated with an
38 organization which represents, teachers as defined in this subsection.
39 No person shall be deemed a teacher within the meaning of this article
40 who is a substitute teacher. In all cases of doubt the board of trustees
41 shall determine whether any person is a teacher as defined in this
42 article.

43 q. "Teachers' Pension and Annuity Fund," hereinafter referred to
44 as the "retirement system" or "system," is the corporate name of the
45 arrangement for the payment of retirement allowances and other
46 benefits under the provisions of this article, including the several funds

1 placed under said system. By that name all its business shall be
2 transacted, its funds invested, warrants for money drawn, and
3 payments made and all of its cash and securities and other property
4 held.

5 r. "Veteran" means any honorably discharged officer, soldier,
6 sailor, airman, marine or nurse who served in any Army, Air Force or
7 Navy of the Allies of the United States in World War I between July
8 14, 1914, and November 11, 1918, or who served in any Army, Air
9 Force or Navy of the Allies of the United States in World War II,
10 between September 1, 1939, and September 2, 1945, and who was
11 inducted into such service through voluntary enlistment, and was a
12 citizen of the United States at the time of such enlistment, and who did
13 not, during or by reason of such service, renounce or lose United
14 States citizenship, and any officer, soldier, sailor, marine, airman,
15 nurse or army field clerk who has served in the active military or naval
16 service of the United States and has or shall be discharged or released
17 therefrom under conditions other than dishonorable, in any of the
18 following wars, uprisings, insurrections, expeditions or emergencies,
19 and who has presented to the retirement system evidence of such
20 record of service in form and content satisfactory to said retirement
21 system:

22 (1) The Indian wars and uprisings during any of the periods
23 recognized by the War Department of the United States as periods of
24 active hostility;

25 (2) The Spanish-American War between April 20, 1898, and April
26 11, 1899;

27 (3) The Philippine insurrections and expeditions during the periods
28 recognized by the War Department of the United States as of active
29 hostility from February 4, 1899, to the end of 1913;

30 (4) The Peking relief expedition between June 20, 1900, and May
31 27, 1902;

32 (5) The army of Cuban occupation between July 18, 1898, and
33 May 20, 1902;

34 (6) The army of Cuban pacification between October 6, 1906, and
35 April 1, 1909;

36 (7) The Mexican punitive expedition between March 14, 1916, and
37 February 7, 1917;

38 (8) The Mexican border patrol, having actually participated in
39 engagements against Mexicans between April 12, 1911, and June 16,
40 1919;

41 (9) World War I, between April 6, 1917, and November 11, 1918;

42 (10) World War II, between September 16, 1940, and December
43 31, 1946, who shall have served at least 90 days in such active service,
44 exclusive of any period of assignment (1) for a course of education or
45 training under the Army Specialized Training Program or the Navy
46 College Training Program, which course was a continuation of a

1 civilian course and was pursued to completion, or (2) as a cadet or
2 midshipman at one of the service academies, any part of which 90 days
3 was served between said dates; provided that any person receiving an
4 actual service-incurred injury or disability shall be classed as a veteran,
5 whether or not that person has completed the 90-day service as herein
6 provided;

7 (11) Korean conflict on or after June 23, 1950, and on or prior to
8 January 31, 1955, who shall have served at least 90 days in such active
9 service, exclusive of any period of assignment (1) for a course of
10 education or training under the Army Specialized Training Program or
11 the Navy College Training Program, which course was a continuation
12 of a civilian course and was pursued to completion, or (2) as a cadet
13 or midshipman at one of the service academies, any part of which 90
14 days was served between said dates; provided that any person
15 receiving an actual service-incurred injury or disability shall be classed
16 as a veteran, whether or not that person has completed the 90-day
17 service as herein provided; and provided further that any member
18 classed as a veteran pursuant to this subsection prior to August 1,
19 1966, shall continue to be classed as a veteran, whether or not that
20 person completed the 90-day service between said dates as herein
21 provided;

22 (12) Vietnam conflict, on or after December 31, 1960, and on or
23 prior to May 7, 1975, who shall have served at least 90 days in such
24 active service, exclusive of any period of assignment (1) for a course
25 of education or training under the Army Specialized Training Program
26 or the Navy College Training Program, which course was a
27 continuation of a civilian course and was pursued to completion, or (2)
28 as a cadet or midshipman at one of the service academies, any part of
29 which 90 days was served between said dates; and exclusive of any
30 service performed pursuant to the provisions of section 511(d) of Title
31 10, United States Code, pursuant to an enlistment in the Army
32 National Guard or as a reserve for service in the Army Reserve, Naval
33 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
34 Reserve; provided that any person receiving an actual service-incurred
35 injury or disability shall be classed as a veteran, whether or not that
36 person has completed the 90-day service as herein provided;

37 (13) Lebanon peacekeeping mission, on or after September 26,
38 1982, who has served in Lebanon or on board any ship actively
39 engaged in patrolling the territorial waters of that nation for a period,
40 continuous or in the aggregate, of at least 14 days commencing on or
41 before December 1, 1987 or the date of termination of that mission, as
42 proclaimed by the President of the United States or Congress,
43 whichever date of termination is the latest, in such active service;
44 provided, that any person receiving an actual service-incurred injury
45 or disability shall be classed as a veteran whether or not that person
46 has completed the 14 days' service as herein provided;

1 (14) Grenada peacekeeping mission, on or after October 23, 1983,
2 who has served in Grenada or on board any ship actively engaged in
3 patrolling the territorial waters of that nation for a period, continuous
4 or in the aggregate, of at least 14 days commencing on or before
5 November 21, 1983 or the date of termination of that mission, as
6 proclaimed by the President of the United States or Congress,
7 whichever date of termination is the latest, in such active service;
8 provided, that any person receiving an actual service-incurred injury
9 or disability shall be classed as a veteran whether or not that person
10 has completed the 14 days' service as herein provided;

11 (15) Panama peacekeeping mission, on or after December 20, 1989
12 or the date of inception of that mission, as proclaimed by the
13 President of the United States or Congress, whichever date of
14 inception is earliest, who has served in Panama or on board any ship
15 actively engaged in patrolling the territorial waters of that nation for
16 a period, continuous or in the aggregate, of at least 14 days
17 commencing on or before January 31, 1990 or the date of termination
18 of that mission, as proclaimed by the President of the United States or
19 Congress, whichever date of termination is the latest, in such active
20 service; provided, that any person receiving an actual service-incurred
21 injury or disability shall be classed as a veteran whether or not that
22 person has completed the 14 days' service as herein provided;

23 (16) Operation "Desert Shield/Desert Storm" mission in the
24 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
25 the date of inception of that operation, as proclaimed by the President
26 of the United States or Congress, whichever date of inception is
27 earliest, who has served in the Arabian peninsula or on board any ship
28 actively engaged in patrolling the Persian Gulf for a period, continuous
29 or in the aggregate, of at least 14 days commencing on or before the
30 date of termination of that mission, as proclaimed by the President of
31 the United States, Congress or the Governor, whichever date of
32 termination is the latest, in such active service; provided, that any
33 person receiving an actual service-incurred injury or disability shall be
34 classed as a veteran whether or not that person has completed the 14
35 days' service as herein provided[.]:

36 (17) "Operation Restore Hope" in Somalia, on or after December
37 5, 1992 or the date of inception of that operation, as proclaimed by the
38 President of the United States or Congress, whichever date of
39 inception is earliest, who has served in Somalia or on board any ship
40 actively engaged in patrolling the territorial waters of that nation for
41 a period, continuous or in the aggregate, of at least 14 days
42 commencing on or before March 31, 1994 or the date of termination
43 of that operation, as proclaimed by the President of the United States
44 or Congress, whichever date of termination is latest, in such active
45 service; provided that any person receiving an actual service-incurred
46 injury or disability shall be classed as a veteran whether or not that

1 person has completed the 14 days' service as herein provided.

2 "Veteran" also means any honorably discharged member of the
3 American Merchant Marine who served during World War II and is
4 declared by the United States Department of Defense to be eligible for
5 federal veterans' benefits.

6 s. "Child" means a deceased member's unmarried child either (a)
7 under the age of 18 or (b) of any age who, at the time of the member's
8 death, is disabled because of mental retardation or physical incapacity,
9 is unable to do any substantial, gainful work because of the impairment
10 and the impairment has lasted or can be expected to last for a
11 continuous period of not less than 12 months, as affirmed by the
12 medical board.

13 t. "Widower" means the man to whom a member was married at
14 least five years before the date of her death and to whom she
15 continued to be married until the date of her death and who was
16 receiving at least one-half of his support from the member in the
17 12-month period immediately preceding the member's death or the
18 accident which was the direct cause of the member's death. The
19 dependency of such a widower will be considered terminated by
20 marriage of the widower subsequent to the death of the member. In
21 the event of the payment of an accidental death benefit, the five-year
22 qualification shall be waived.

23 u. "Widow" means the woman to whom a member was married at
24 least five years before the date of his death and to whom he continued
25 to be married until the date of his death and who was receiving at least
26 one-half of her support from the member in the 12-month period
27 immediately preceding the member's death or the accident which was
28 the direct cause of the member's death. The dependency of such a
29 widow will be considered terminated by the marriage of the widow
30 subsequent to the member's death. In the event of the payment of an
31 accidental death benefit, the five-year qualification shall be waived.

32 v. "Parent" means the parent of a member who was receiving at
33 least one-half of the parent's support from the member in the 12-month
34 period immediately preceding the member's death or the accident
35 which was the direct cause of the member's death. The dependency of
36 such a parent will be considered terminated by marriage of the parent
37 subsequent to the death of the member.

38 w. "Medical board" means the board of physicians provided for in
39 N.J.S.18A:66-56.

40 (cf: P.L.1995, c.406, s.2)

41

42 3. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read as
43 follows:

44 6. As used in this act:

45 a. "Accumulated deductions" means the sum of all the amounts,
46 deducted from the compensation of a member or contributed by or on

1 behalf of the member, standing to the credit of the member's individual
2 account in the annuity savings fund.

3 b. "Annuity" means payments for life derived from the accumulated
4 deductions of a member as provided in this act.

5 c. "Annuity reserve" means the present value of all payments to be
6 made on account of any annuity or benefit in lieu of an annuity,
7 granted under the provisions of this act, computed on the basis of such
8 mortality tables recommended by the actuary as the board of trustees
9 adopts, with regular interest.

10 d. "Beneficiary" means any person receiving a retirement allowance
11 or other benefit as provided in this act.

12 e. "Child" means a deceased member's unmarried child either (1)
13 under the age of 18 or (2) of any age who, at the time of the member's
14 death, is disabled because of mental retardation or physical incapacity,
15 is unable to do any substantial, gainful work because of the impairment
16 and the impairment has lasted or can be expected to last for a
17 continuous period of not less than 12 months, as affirmed by the
18 medical board.

19 f. "Parent" shall mean the parent of a member who was receiving
20 at least 1/2 of the parent's support from the member in the 12-month
21 period immediately preceding the member's death or the accident
22 which was the direct cause of the member's death. The dependency of
23 such a parent will be considered terminated by marriage of the parent
24 subsequent to the death of the member.

25 g. "Widower" means the man to whom a member was married at
26 least five years before the date of her death and to whom she
27 continued to be married until the date of her death and who was
28 receiving at least 1/2 of his support from the member in the 12-month
29 period immediately preceding the member's death or the accident
30 which was the direct cause of the member's death. The dependency of
31 such a widower will be considered terminated by marriage of the
32 widower subsequent to the death of the member. In the event of the
33 payment of an accidental death benefit, the five-year qualification shall
34 be waived.

35 h. "Final compensation" means the average annual compensation
36 for which contributions are made for the three years of creditable
37 service in New Jersey immediately preceding the member's retirement
38 or death, or it shall mean the average annual compensation for New
39 Jersey service for which contributions are made during any three fiscal
40 years of his or her membership providing the largest possible benefit
41 to the member or the member's beneficiary.

42 i. "Fiscal year" means any year commencing with July 1 and ending
43 with June 30 next following.

44 j. "Medical board" shall mean the board of physicians provided for
45 in section 17 (C.43:15A-17).

46 k. "Pension" means payments for life derived from appropriations

1 made by the employer as provided in this act.

2 1. "Pension reserve" means the present value of all payments to be
3 made on account of any pension or benefit in lieu of a pension granted
4 under the provisions of this act, computed on the basis of such
5 mortality tables recommended by the actuary as the board of trustees
6 adopts, with regular interest.

7 m. "Public Employees' Retirement System of New Jersey,"
8 hereinafter referred to as the "retirement system" or "system," is the
9 corporate name of the arrangement for the payment of retirement
10 allowances and other benefits under the provisions of this act including
11 the several funds placed under said system. By that name all of its
12 business shall be transacted, its funds invested, warrants for money
13 drawn, and payments made and all of its cash and securities and other
14 property held.

15 n. "Regular interest" shall mean interest as determined by the State
16 Treasurer, after consultation with the Directors of the Divisions of
17 Investment and Pensions, the board of trustees and the actuary. It
18 shall bear a reasonable relationship to the percentage rate of earnings
19 on investments based on the market value of the assets but shall not
20 exceed the assumed percentage rate of increase applied to salaries plus
21 3%, provided however that the board of trustees shall not set the
22 average percentage rate of increase applied to salaries below 6%.

23 o. "Retirement allowance" means the pension plus the annuity.

24 p. "Veteran" means any honorably discharged officer, soldier,
25 sailor, airman, marine or nurse who served in any Army, Air Force or
26 Navy of the Allies of the United States in World War I, between July
27 14, 1914, and November 11, 1918, or who served in any Army, Air
28 Force or Navy of the Allies of the United States in World War II,
29 between September 1, 1939, and September 2, 1945, and who was
30 inducted into such service through voluntary enlistment, and was a
31 citizen of the United States at the time of such enlistment, and who did
32 not, during or by reason of such service, renounce or lose United
33 States citizenship, and any officer, soldier, sailor, marine, airman,
34 nurse or army field clerk, who has served in the active military or naval
35 service of the United States and has or shall be discharged or released
36 therefrom under conditions other than dishonorable, in any of the
37 following wars, uprisings, insurrections, expeditions, or emergencies,
38 and who has presented to the retirement system evidence of such
39 record of service in form and content satisfactory to said retirement
40 system:

41 (1) The Indian wars and uprisings during any of the periods
42 recognized by the War Department of the United States as periods of
43 active hostility;

44 (2) The Spanish-American War between April 20, 1898, and April
45 11, 1899;

46 (3) The Philippine insurrections and expeditions during the periods

1 recognized by the War Department of the United States as of active
2 hostility from February 4, 1899, to the end of 1913;

3 (4) The Peking relief expedition between June 20, 1900, and May
4 27, 1902;

5 (5) The army of Cuban occupation between July 18, 1898, and
6 May 20, 1902;

7 (6) The army of Cuban pacification between October 6, 1906, and
8 April 1, 1909;

9 (7) The Mexican punitive expedition between March 14, 1916, and
10 February 7, 1917;

11 (8) The Mexican border patrol, having actually participated in
12 engagements against Mexicans between April 12, 1911, and June 16,
13 1919;

14 (9) World War I, between April 6, 1917, and November 11, 1918;

15 (10) World War II, between September 16, 1940, and December
16 31, 1946, who shall have served at least 90 days in such active service,
17 exclusive of any period of assignment (1) for a course of education or
18 training under the Army Specialized Training Program or the Navy
19 College Training Program which course was a continuation of a
20 civilian course and was pursued to completion, or (2) as a cadet or
21 midshipman at one of the service academies any part of which 90 days
22 was served between said dates; provided, that any person receiving an
23 actual service-incurred injury or disability shall be classed as a veteran
24 whether or not that person has completed the 90-day service as herein
25 provided;

26 (11) Korean conflict on or after June 23, 1950, and on or prior to
27 January 31, 1955, who shall have served at least 90 days in such active
28 service, exclusive of any period of assignment (1) for a course of
29 education or training under the Army Specialized Training Program or
30 the Navy College Training Program which course was a continuation
31 of a civilian course and was pursued to completion, or (2) as a cadet
32 or midshipman at one of the service academies, any part of which 90
33 days was served between said dates; provided, that any person
34 receiving an actual service-incurred injury or disability shall be classed
35 as a veteran whether or not that person has completed the 90-day
36 service as herein provided; and provided further, that any member
37 classed as a veteran pursuant to this paragraph prior to August 1,
38 1966, shall continue to be classed as a veteran whether or not that
39 person completed the 90-day service between said dates as herein
40 provided;

41 (12) Vietnam conflict on or after December 31, 1960, and on or
42 prior to May 7, 1975, who shall have served at least 90 days in such
43 active service, exclusive of any period of assignment (1) for a course
44 of education or training under the Army Specialized Training Program
45 or the Navy College Training Program which course was a
46 continuation of a civilian course and was pursued to completion, or (2)

1 as a cadet or midshipman at one of the service academies, any part of
2 which 90 days was served between said dates; and exclusive of any
3 service performed pursuant to the provisions of section 511(d) of Title
4 10, United States Code, pursuant to an enlistment in the Army
5 National Guard or as a reserve for service in the Army Reserve, Naval
6 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
7 Reserve; provided, that any person receiving an actual service-incurred
8 injury or disability shall be classed as a veteran whether or not that
9 person has completed the 90 days' service as herein provided;

10 (13) Lebanon peacekeeping mission, on or after September 26,
11 1982, who has served in Lebanon or on board any ship actively
12 engaged in patrolling the territorial waters of that nation for a period,
13 continuous or in the aggregate, of at least 14 days commencing on or
14 before December 1, 1987 or the date of termination of that mission, as
15 proclaimed by the President of the United States or Congress,
16 whichever date of termination is the latest, in such active service;
17 provided, that any person receiving an actual service-incurred injury
18 or disability shall be classed as a veteran whether or not that person
19 has completed the 14 days' service as herein provided;

20 (14) Grenada peacekeeping mission, on or after October 23, 1983,
21 who has served in Grenada or on board any ship actively engaged in
22 patrolling the territorial waters of that nation for a period, continuous
23 or in the aggregate, of at least 14 days commencing on or before
24 November 21, 1983 or the date of termination of that mission, as
25 proclaimed by the President of the United States or Congress,
26 whichever date of termination is the latest, in such active service;
27 provided, that any person receiving an actual service-incurred injury
28 or disability shall be classed as a veteran whether or not that person
29 has completed the 14 days' service as herein provided;

30 (15) Panama peacekeeping mission, on or after December 20, 1989
31 or the date of inception of that mission, as proclaimed by the President
32 of the United States or Congress, whichever date of inception is
33 earliest, who has served in Panama or on board any ship actively
34 engaged in patrolling the territorial waters of that nation for a period,
35 continuous or in the aggregate, of at least 14 days commencing on or
36 before January 31, 1990 or the date of termination of that mission, as
37 proclaimed by the President of the United States or Congress,
38 whichever date of termination is the latest, in such active service;
39 provided, that any person receiving an actual service-incurred injury
40 or disability shall be classed as a veteran whether or not that person
41 has completed the 14 days' service as herein provided;

42 (16) Operation "Desert Shield/Desert Storm" mission in the
43 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
44 the date of inception of that operation, as proclaimed by the President
45 of the United States, Congress or the Governor, whichever date of
46 inception is earliest, who has served in the Arabian peninsula or on

1 board any ship actively engaged in patrolling the Persian Gulf for a
2 period, continuous or in the aggregate, of at least 14 days commencing
3 on or before the date of termination of that mission, as proclaimed by
4 the President of the United States, Congress or the Governor,
5 whichever date of termination is the latest, in such active service;
6 provided, that any person receiving an actual service-incurred injury
7 or disability shall be classed as a veteran whether or not that person
8 has completed the 14 days' service as herein provided[.]:

9 (17) "Operation Restore Hope" in Somalia, on or after December
10 5, 1992 or the date of inception of that operation, as proclaimed by the
11 President of the United States or Congress, whichever date of
12 inception is earliest, who has served in Somalia or on board any ship
13 actively engaged in patrolling the territorial waters of that nation for
14 a period, continuous or in the aggregate, of at least 14 days
15 commencing on or before March 31, 1994 or the date of termination
16 of that operation, as proclaimed by the President of the United States
17 or Congress, whichever date of termination is latest, in such active
18 service; provided that any person receiving an actual service-incurred
19 injury or disability shall be classed as a veteran whether or not that
20 person has completed the 14 days' service as herein provided.

21 "Veteran" also means any honorably discharged member of the
22 American Merchant Marine who served during World War II and is
23 declared by the United States Department of Defense to be eligible for
24 federal veterans' benefits.

25 q. "Widow" means the woman to whom a member was married at
26 least five years before the date of his death and to whom he continued
27 to be married until the date of his death and who was receiving at least
28 1/2 of her support from the member in the 12-month period
29 immediately preceding the member's death or the accident which was
30 the direct cause of the member's death. The dependency of such a
31 widow will be considered terminated by the marriage of the widow
32 subsequent to the member's death. In the event of the payment of an
33 accidental death benefit, the five-year qualification shall be waived.

34 r. "Compensation" means the base or contractual salary, for
35 services as an employee, which is in accordance with established salary
36 policies of the member's employer for all employees in the same
37 position but shall not include individual salary adjustments which are
38 granted primarily in anticipation of the member's retirement or
39 additional remuneration for performing temporary or extracurricular
40 duties beyond the regular workday or the regular work year. In cases
41 where salary includes maintenance, the retirement system shall fix the
42 value of that part of the salary not paid in money which shall be
43 considered under this act.

44 (cf: P.L.1995, c.406, s.3)

1 4. Section 1 of P.L.1983, c.391 (C.43:16A-11.7) is amended to
2 read as follows:

3 1. For purposes of this act "veteran" means any honorably
4 discharged officer, soldier, sailor, airman, marine or nurse who served
5 in any Army, Air Force or Navy of the Allies of the United States in
6 World War I, between July 14, 1914, and November 11, 1918, or who
7 served in any Army, Air Force or Navy of the Allies of the United
8 States in World War II, between September 1, 1939, and September
9 2, 1945, and who was inducted into such service through voluntary
10 enlistment, and was a citizen of the United States at the time of such
11 enlistment, and who did not, during or by reason of such service,
12 renounce or lose United States citizenship, and any officer, soldier,
13 sailor, marine, airman, nurse or army field clerk, who has served in the
14 active military or naval service of the United States and has or shall be
15 discharged or released therefrom under conditions other than
16 dishonorable, in any of the following wars, uprisings, insurrections,
17 expeditions, or emergencies, and who has presented to the retirement
18 system evidence of such record of service in form and content
19 satisfactory to said retirement system:

20 (1) The Indian wars and uprisings during any of the periods
21 recognized by the War Department of the United States as periods of
22 active hostility;

23 (2) The Spanish-American War between April 20, 1898, and April
24 11, 1899;

25 (3) The Philippine insurrections and expeditions during the periods
26 recognized by the War Department of the United States as of active
27 hostility from February 4, 1899, to the end of 1913;

28 (4) The Peking relief expedition between June 20, 1900, and May
29 27, 1902;

30 (5) The army of Cuban occupation between July 18, 1898, and
31 May 20, 1902;

32 (6) The army of Cuban pacification between October 6, 1906, and
33 April 1, 1909;

34 (7) The Mexican punitive expedition between March 14, 1916, and
35 February 7, 1917;

36 (8) The Mexican border patrol, having actually participated in
37 engagements against Mexicans between April 12, 1911, and June 16,
38 1919;

39 (9) World War I between April 6, 1917, and November 11, 1918;

40 (10) World War II, between September 16, 1940, and December
41 31, 1946, who shall have served at least 90 days in such active service,
42 exclusive of any period of assignment (1) for a course of education or
43 training under the Army Specialized Training Program or the Navy
44 College Training program which course was a continuation of a
45 civilian course and was pursued to completion, or (2) as a cadet or
46 midshipman at one of the service academies any part of which 90 days

1 was served between said dates; provided, that any person receiving an
2 actual service-incurred injury or disability shall be classed as a veteran
3 whether or not that person has completed the 90-day service as herein
4 provided;

5 (11) Korean conflict on or after June 23, 1950, and on or prior to
6 January 31, 1955, who shall have served at least 90 days in such active
7 service, exclusive of any period of assignment (1) for a course of
8 education or training under the Army Specialized Training Program or
9 the Navy College Training Program which course was a continuation
10 of a civilian course and was pursued to completion, or (2) as a cadet
11 or midshipman at one of the service academies, any part of which 90
12 days was served between said dates; provided, that any person
13 receiving an actual service-incurred injury or disability shall be classed
14 as a veteran whether or not that person has completed the 90-day
15 service as herein provided; and provided further, that any member
16 classed as a veteran pursuant to this subparagraph prior to August 1,
17 1966, shall continue to be classed as a veteran whether or not the
18 member completed the 90-day service between said dates as herein
19 provided;

20 (12) Vietnam conflict on or after December 31, 1960, and on or
21 prior to May 7, 1975, who shall have served at least 90 days in such
22 active service, exclusive of any period of assignment (1) for a course
23 of education or training under the Army Specialized Training Program
24 or the Navy College Training Program which course was a
25 continuation of a civilian course and was pursued to completion, or (2)
26 as a cadet or midshipman at one of the service academies, any part of
27 which 90 days was served between said dates; and exclusive of any
28 service performed pursuant to the provisions of section 511 (d) of
29 Title 10, United States Code, pursuant to an enlistment in the Army
30 National Guard or as a reserve for service in the Army Reserve, Naval
31 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
32 Reserve; provided, that any person receiving an actual service-incurred
33 injury or disability shall be classed as a veteran whether or not that
34 person has completed the 90 days' service as herein provided;

35 (13) Lebanon peacekeeping mission, on or after September 26,
36 1982, who has served in Lebanon or on board any ship actively
37 engaged in patrolling the territorial waters of that nation for a period,
38 continuous or in the aggregate, of at least 14 days commencing on or
39 before December 1, 1987 or the date of termination of that mission, as
40 proclaimed by the President of the United States or Congress,
41 whichever date of termination is the latest, in such active service;
42 provided, that any person receiving an actual service-incurred injury
43 or disability shall be classed as a veteran whether or not that person
44 has completed the 14 days service as herein provided;

45 (14) Grenada peacekeeping mission, on or after October 23, 1983,
46 who has served in Grenada or on board any ship actively engaged in

1 patrolling the territorial waters of that nation for a period, continuous
2 or in the aggregate, of at least 14 days commencing on or before
3 November 21, 1983 or the date of termination of that mission, as
4 proclaimed by the President of the United States or Congress,
5 whichever date of termination is the latest, in such active service;
6 provided, that any person receiving an actual service-incurred injury
7 or disability shall be classed as a veteran whether or not that person
8 has completed the 14 days service as herein provided;

9 (15) Panama peacekeeping mission, on or after December 20, 1989
10 or the date of inception of that mission, as proclaimed by the President
11 of the United States or Congress, whichever date of inception is
12 earliest, who has served in Panama or on board any ship actively
13 engaged in patrolling the territorial waters of that nation for a period,
14 continuous or in the aggregate, of at least 14 days commencing on or
15 before January 31, 1990 or the date of termination of that mission, as
16 proclaimed by the President of the United States or Congress,
17 whichever date of termination is the latest, in such active service;
18 provided, that any person receiving an actual service-incurred injury
19 or disability shall be classed as a veteran whether or not that person
20 has completed the 14 days service as herein provided;

21 (16) Operation "Desert Shield/Desert Storm" mission in the
22 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
23 the date of inception of that operation, as proclaimed by the President
24 of the United States or Congress, whichever date of inception is
25 earliest, who has served in the Arabian peninsula or on board any ship
26 actively engaged in patrolling the Persian Gulf for a period, continuous
27 or in the aggregate, of at least 14 days commencing on or before the
28 date of termination of that mission, as proclaimed by the President of
29 the United States, Congress or the Governor, whichever date of
30 termination is the latest, in such active service; provided, that any
31 person receiving an actual service-incurred injury or disability shall be
32 classed as a veteran whether or not that person has completed the 14
33 days service as herein provided[.]:

34 (17) "Operation Restore Hope" in Somalia, on or after December
35 5, 1992 or the date of inception of that operation, as proclaimed by the
36 President of the United States or Congress, whichever date of
37 inception is earliest, who has served in Somalia or on board any ship
38 actively engaged in patrolling the territorial waters of that nation for
39 a period, continuous or in the aggregate, of at least 14 days
40 commencing on or before March 31, 1994 or the date of termination
41 of that operation, as proclaimed by the President of the United States
42 or Congress, whichever date of termination is latest, in such active
43 service; provided that any person receiving an actual service-incurred
44 injury or disability shall be classed as a veteran whether or not that
45 person has completed the 14 days service as herein provided.

46 "Veteran" also means any honorably discharged member of the

1 American Merchant Marine who served during World War II and is
2 declared by the United States Department of Defense to be eligible for
3 federal veterans' benefits.

4 (cf: P.L.1995, c.406, s.4)

5

6 5. Section 1 of P.L.1963, c.171 (C.54:4-8.10) is amended to read
7 as follows:

8 1. As used in this act:

9 (a) "Active service in time of war" means active service at some
10 time during one of the following periods:

11 "Operation Restore Hope" in Somalia, on or after December 5,
12 1992 or the date of inception of that operation, as proclaimed by the
13 President of the United States or Congress, whichever date of
14 inception is earliest, who has served in Somalia or on board any ship
15 actively engaged in patrolling the territorial waters of that nation for
16 a period, continuous or in the aggregate, of at least 14 days
17 commencing on or before March 31, 1994 or the date of termination
18 of that operation, as proclaimed by the President of the United States
19 or Congress, whichever date of termination is latest, in such active
20 service; provided that any person receiving an actual service-incurred
21 injury or disability shall be classed as a veteran whether or not that
22 person has completed the 14 days service as herein provided;

23 Operation "Desert Shield/Desert Storm" mission in the Arabian
24 peninsula and the Persian Gulf, on or after August 2, 1990 or the date
25 of inception of that operation, as proclaimed by the President of the
26 United States or Congress, whichever date of inception is earliest, who
27 has served in the Arabian peninsula or on board any ship actively
28 engaged in patrolling the Persian Gulf for a period, continuous or in
29 the aggregate, of at least 14 days commencing on or before the date
30 of termination of that mission, as proclaimed by the President of the
31 United States, Congress or the Governor, whichever date of
32 termination is the latest, in such active service; provided, that any
33 person receiving an actual service-incurred injury or disability shall be
34 classed as a veteran whether or not that person has completed the 14
35 days service as herein provided;

36 The Panama peacekeeping mission, on or after December 20, 1989
37 or the date of inception of that mission, as proclaimed by the President
38 of the United States or Congress, whichever date of inception is
39 earliest, who has served in Panama or on board any ship actively
40 engaged in patrolling the territorial waters of that nation for a period,
41 continuous or in the aggregate, of at least 14 days commencing on or
42 before January 31, 1990 or the date of termination of that mission, as
43 proclaimed by the President of the United States or Congress,
44 whichever date of termination is the latest, in such active service;
45 provided, that any person receiving an actual service-incurred injury
46 or disability shall be classed as a veteran whether or not that person

1 has completed the 14 days service as herein provided;

2 The Grenada peacekeeping mission, on or after October 23, 1983,
3 who has served in Grenada or on board any ship actively engaged in
4 patrolling the territorial waters of that nation for a period, continuous
5 or in the aggregate, of at least 14 days commencing on or before
6 November 21, 1983 or the date of termination of that mission as
7 proclaimed by the President of the United States or Congress,
8 whichever date of termination is the latest, in such active service;
9 provided, that any person receiving an actual service-incurred injury
10 or disability shall be classed as a veteran whether or not that person
11 has completed the 14 days service as herein provided;

12 The Lebanon peacekeeping mission, on or after September 26, 1982,
13 who has served in Lebanon or on board any ship actively engaged in
14 patrolling the territorial waters of that nation for a period, continuous
15 or in the aggregate, of at least 14 days commencing on or before
16 December 1, 1987 or the date of termination of that mission, as
17 proclaimed by the President of the United States or Congress,
18 whichever date of termination is the latest, in such active service;
19 provided, that any person receiving an actual service-incurred injury
20 or disability shall be classed as a veteran whether or not that person
21 has completed the 14 days service as herein provided;

22 The Vietnam conflict, December 31, 1960, to May 7, 1975;

23 The Korean conflict, June 23, 1950 to January 31, 1955;

24 World War II, September 16, 1940 to December 31, 1946;

25 World War I, April 6, 1917 to November 11, 1918, and in the case
26 of service with the United States military forces in Russia, April 6,
27 1917 to April 1, 1920;

28 Spanish-American War, April 21, 1898 to August 13, 1898;

29 Civil War, April 15, 1861 to May 26, 1865; or, as to any
30 subsequent war, during the period from the date of declaration of war
31 to the date on which actual hostilities shall cease.

32 (b) "Assessor" means the assessor, board of assessors or any other
33 official or body of a taxing district charged with the duty of assessing
34 real and personal property for the purpose of general taxation.

35 (c) "Collector" means the collector or receiver of taxes of a taxing
36 district.

37 (d) "Honorable discharged or released under honorable
38 circumstances from active service in time of war," means and includes
39 every form of separation from active, full-time duty with military or
40 naval pay and allowances in some branch of the Armed Forces of the
41 United States in time of war, other than those marked "dishonorable,"
42 "undesirable," "bad conduct," "by sentence of general court martial,"
43 "by sentence of summary court martial" or similar expression
44 indicating that the discharge or release was not under honorable
45 circumstances. A disenrollment certificate or other form of release
46 terminating temporary service in a military or naval branch of the

1 armed forces rendered on a voluntary and part-time basis without pay,
2 or a release from or deferment of induction into the active military or
3 naval service shall not be deemed to be included in the aforementioned
4 phrase.

5 (e) "Pre-tax year" means the particular calendar year immediately
6 preceding the "tax year."

7 (f) "Resident" means one legally domiciled within the State of New
8 Jersey. Mere seasonal or temporary residence within the State, of
9 whatever duration, shall not constitute domicile within the State for
10 the purposes of this act. Absence from this State for a period of 12
11 months shall be *prima facie* evidence of abandonment of domicile in
12 this State. The burden of establishing legal domicile within the State
13 shall be upon the claimant.

14 (g) "Tax year" means the particular calendar year in which the
15 general property tax is due and payable.

16 (h) "Veteran" means any citizen and resident of this State
17 honorably discharged or released under honorable circumstances from
18 active service in time of war in any branch of the Armed Forces of the
19 United States.

20 (i) "Veteran's deduction" means the deduction against the taxes
21 payable by any person, allowable pursuant to this act.

22 (j) "Surviving spouse" means the surviving wife or husband of any
23 of the following, while he or she is a resident of this State, during
24 widowhood or widowerhood:

25 1. A citizen and resident of this State who has died or shall die
26 while on active duty in time of war in any branch of the Armed Forces
27 of the United States; or

28 2. A citizen and resident of this State who has had or shall
29 hereafter have active service in time of war in any branch of the Armed
30 Forces of the United States and who died or shall die while on active
31 duty in a branch of the Armed Forces of the United States; or

32 3. A citizen and resident of this State who has been or may
33 hereafter be honorably discharged or released under honorable
34 circumstances from active service in time of war in any branch of the
35 Armed Forces of the United States.

36 (k) "Cooperative" means a housing corporation or association
37 incorporated or organized under the laws of New Jersey which entitles
38 a shareholder thereof to possess and occupy for dwelling purposes a
39 house, apartment or other structure owned or leased by the
40 corporation or association;

41 (l) "Mutual housing corporation" means a corporation
42 not-for-profit incorporated under the laws of New Jersey on a mutual
43 or cooperative basis within the scope of section 607 of the "National
44 Defense Housing Act," Pub. L.76-849 (42 U.S.C. { 1521 et seq.),

1 which acquired a National Defense Housing Project pursuant to that
2 act.

3 (cf: P.L.1995, c.406, s.5)

4

5 6. This act shall take effect immediately.

6

7

8 STATEMENT

9

10 This bill amends existing law to insure that veterans who served in
11 "Operation Restore Hope" in Somalia and who meet the criteria set
12 forth in the bill are eligible for certain State benefits. The bill
13 establishes in law certain inception and termination dates for that
14 operation.

15 The bill amends five sections of law: the definition of "veteran" for
16 the purpose of eligibility for civil service preference; the definition of
17 "veteran" for the purpose of eligibility for enhanced benefits in the
18 Teachers' Pension and Annuity Fund (TPAF) and the Public
19 Employees' Retirement System (PERS) and for the purpose of
20 purchasing service credit for military service by members of the Police
21 and Firemen's Retirement System (PFRS); and the definition of
22 "veteran" for the purpose of eligibility for the annual veterans personal
23 property tax deduction.

24 The bill establishes December 5, 1992 as the inception date of
25 "Operation Restore Hope," or the date of inception of that operation,
26 as proclaimed by the President of the United States or Congress,
27 whichever date of inception is the earliest. The bill establishes March
28 31, 1994 as the termination date of "Operation Restore Hope," or the
29 date of termination of that operation, as proclaimed by the President
30 of the United States or Congress, whichever date of termination is the
31 latest.

32 These dates have been recognized by the United States Department
33 of Defense as the inception and termination dates of this operation for
34 the purpose of establishing eligibility for the Armed Forces
35 Expeditionary Medal for members of the United States armed forces
36 who participated in this operation.

37

38

39

40

41 Establishes inception and termination date for "Operation Restore
42 Hope" for eligibility for certain State benefits.