

38A:3-1 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA: 38A:3-1 et al

(Defense,
Department of--
Reorganization of
Department of
Veterans Affairs
& Defense)

LAWS OF: 1987

CHAPTER: 444

Bill No: A3527

Sponsor(s): Genova and others

Date Introduced: December 18, 1986

Committee: Assembly: State Government; Appropriations

Senate: State Government, Federal & Interstate Relations and
Veterans Affairs

Amended during passage: Yes Amendments during passage by
asterisks

According to Governor's recommendations

Date of Passage: Assembly: September 14, 1987 Re-enacted
1/11/88

Senate: November 12, 1987 Re-enacted
1/11/88

Date of Approval: January 16, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 7/23/87 & 9/10/87

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: Yes

Following were printed:

Reports: No

Hearings: No

A2019 Enacted as 1987, c.365, effective 1/6/88.

974.90 New Jersey. Legislature. General Assembly. Selection Committee on
R424 Veterans Affairs
1987 Public meeting on A3527, held 1/22/87, 6/23/87, Trenton, 1987.

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ASSEMBLY, No. 3527

STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1986

By Assemblyman GENOVA, Assemblywoman COOPER, Assemblymen Colburn, Littell, Villane, Assemblywoman Donovan, Assemblymen Marsella, Rooney, Schuber, Bennett, Assemblywoman Smith, Assemblymen Azzolina, Loveys, Palaia, Kelly, Assemblywoman Crecco, Assemblymen Zecker, Schwartz, DiGaetano, Hendrickson, Paterniti, Pellecchia, Baer, McEnroe, Hudak, Bocchini, Muziani, Assemblywoman Ogden, Assemblymen Kline, Shinn, Riley, Rafferty, Chinnici, Martin, Miller, Gargiulo, Moran, Dario, Catrillo, Arango, Singer, Collins, Assemblywomen Kalik, Randall, Garvin, Assemblymen Deverin, Girgenti, Zangari, Rocco, Haytaian, Felice, Mazur, Foy, Pelly, Smith, Otlowski, Naples, Penn and Kavanaugh

AN ACT *****[establishing a Department of Veterans' Affairs]*****
****concerning the reorganization name of the Department of Defense to the Department of Veterans' Affairs and Defense and continuing it**** as a principal department in the Executive Branch of State government, *****[amending P. L. 1948, c. 448, and P. L. 1979, c. 443, supplementing chapter 52 of the Revised Statutes*,* repealing sections 40 ** [through 45]** **, 41 and 46** of P. L. 1944, c. 85 and]***** ****revising and repealing parts of the statutory law and**** making an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 *****[1. (New section) This act shall be known and may be cited as**
2 **the "New Jersey Veterans' Affairs Department Act.']******

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendments adopted August 3, 1987.**

****—Senate committee amendments adopted November 9, 1987.**

*****—Assembly amendments adopted in accordance with Governor's recommendations January 11, 1988.**

1 ***[2.]*** ***1.*** (New section) The Legislature finds and
1A declares:

2 a. Since the establishment of this State more than 200 years
3 ago, New Jersey's veterans have maintained their proud allegiance
4 to the United States and have fought and died to preserve and
5 protect our freedom and way of life;

6 b. Presently there are approximately 900,000 veterans **with*
7 *service in time of war or conflict** residing in New Jersey,
8 including more than 10,000 World War I veterans, 406,000 World
9 War II veterans, 202,000 veterans of the Korean conflict, 203,000
10 veterans of the Vietnam conflict, 30,000 women veterans, and
11 veterans of the Lebanon and Grenada peacekeeping missions;

12 c. The Departments of Higher Education, Human Services,
13 Labor, and Treasury provide special services and benefits to these
14 veterans and their dependents;

15 d. The Department of Human Services, which is the principal
16 government agency that serves this State's veterans, has done an
17 especially commendable job attending to this special group of resi-
18 dents;

19 e. Yet while 23 states in the United States have a separate
20 cabinet-level Department of Veterans' Affairs, New Jersey lacks
21 an executive department which is concerned ***[solely]*** ***pri-
22 marily*** with the needs and problems of veterans in this State;

23 f. It is in the public interest to incorporate **[all]** **various**
24 services and programs which pertain specifically to veterans and
25 their dependents into ***[a single]*** ***an*** executive depart-
26 ment which can serve their needs more efficiently than is possible at
27 present.

1 ***[3.]*** ***2.*** (New section) As used in ***[this act]***
1A ***chapter 3 of Title 38A of the New Jersey Statutes***:

2 ***[a. "Commissioner" means the Commissioner of the Depart-
3 ment of Veterans' Affairs;]***

4 ***[b.]*** ***a.*** "Department" means the Department of
5 Veterans' Affairs ***and Defense*** established ***[by this
5A act]*** *[*]***pursuant to N. J. S. 38A:3-1 et seq. as amended
5B by this 1987 amendatory and supplementary act*** *,*

6 ****[c.]*** ***b.*** "Veteran" means any person who has
7 served in any branch of the armed forces of the United States for
8 at least 90 days, except that if the term "veteran" is defined
9 differently in any of the statutes cited by this act or in any federal
10 statute, that definition shall be applicable for the purposes of those
10A statutes.*

1 ***[4. (New section) There is established in the Executive
2 Branch of the State government a principal department which shall
3 be known as the Department of Veterans' Affairs.]***

1 ***3. N. J. S. 38A :3-1 is amended to read as follows:

2 38A :3-1. The Department of *Veterans' Affairs and Defense*
3 shall be a principal department in the executive branch of the State
4 Government.***

1 ***[5.]*** ***4.*** (New section) The Division of Veterans'
2 Programs and Special Services in the Department of Human
3 Services, established pursuant to section 40 of P. L. 1944, c. 85 (C.
4 52:27C-40), is abolished and ***[the division together with]***
5 all its functions, powers, duties and employees ***[is reconstituted
6 as]*** ***are transferred to*** the Department of Veterans'
7 Affairs ***and Defense*** ***[established pursuant to this
8 act.]***

1 ***[6. (New section) The administrator and head of the department
2 shall be a commissioner, who shall be known as the Commissioner
3 of Veterans' Affairs, and who shall be *~~[a war]~~* *an honorably
4 discharged** veteran qualified by training and experience to per-
5 form the duties of **~~[his]~~** *the*** office. The commissioner
6 shall be appointed by the Governor with the advice and consent of
7 the Senate and shall serve at the pleasure of the Governor during
8 the Governor's term of office and until the appointment and quali-
9 fication of the commissioner's successor. **~~[He shall devote his]~~**
10 *The*** entire time *of the commissioner shall be devoted*** to
11 the duties of **~~[his]~~** *the*** office and *the commissioner***
12 shall receive such salary as shall be provided by law. Any vacancy
13 occurring in the office of the commissioner shall be filled in the same
14 manner as the original appointment.]***

1 ***[7. (New section) The commissioner, as head of the depart-
2 ment, shall have all of the functions, powers and duties heretofore
3 vested in the Director of the Division of Veterans' Programs and
4 Special Services and shall, in addition to the functions, powers and
5 duties invested in **~~[him]~~** *the commissioner*** by this act or
5A by any other law:

6 a. Administer the work of the department;

7 b. Appoint and remove officers and other personnel employed
8 within the department, subject to the provisions of Title 11A of
9 the New Jersey Statutes, and other applicable statutes, except as
10 herein otherwise specifically provided;

11 c. Have authority to organize and maintain an administrative
12 division and to assign to employment therein secretarial, clerical
13 and other assistants in the department *~~[of]~~* *or** **~~[his]~~** *the*

14 *commissioner's*** office ***[and]*** *as** the internal operations of the
 15 department may require, in accordance with Title 11A of the New
 15A Jersey Statutes;

16 d. Perform, exercise and discharge the functions, powers and
 17 duties of the department through such divisions as may be estab-
 18 lished by this act or otherwise by law;

19 e. Organize the work of the department in divisions, not incon-
 20 sistent with the provisions of this act, and in bureaus and other
 21 organizational units as **[he]**** *the commissioner*** may deter-
 22 mine to be necessary for efficient and effective operation;

23 f. Adopt, issue and promulgate, in the name of the department,
 24 pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410
 25 (C. 52:14B-1 et seq.), such rules and regulations as may be autho-
 26 rized by law;

27 g. Formulate and adopt rules and regulations for the efficient
 28 conduct of the work and general administration of the department,
 29 its officers and employees;

30 h. Institute or cause to be instituted legal proceedings or pro-
 31 cesses as necessary to properly enforce and give effect to any of
 32 **[his]**** *the commissioner's*** powers or duties;

33 i. Make an annual report to the Governor and to the Legislature
 34 of the department's operations, and render other reports as the
 35 Governor shall from time to time request or as may be required by
 36 law;

37 j. Coordinate the activities of the department, and the several
 38 divisions and other agencies therein, in a manner designed to
 39 eliminate overlapping and duplicative functions;

40 k. Integrate within the department, so far as practicable, all
 41 staff services of the department and of the several divisions and
 42 other agencies therein;

43 l. Have access to all relevant files and records of other State
 44 agencies and require any officer or employee therein to provide
 45 information as necessary to assist in the performance of the func-
 46 tions of the department;

47 m. Maintain suitable headquarters for the department and such
 48 other quarters as **[he]**** *the commissioner*** shall deem neces-
 49 sary to the proper functioning of the department; and

50 n. Perform such other functions as may be prescribed in this act
 51 or by any other law.】***

1 ***5. N. J. S. 38:3-2 is amended to read as follows:

2 38:3-2. The Department of *Veterans' Affairs and Defense* shall
 3 consist of:

- 4 (a) The Adjutant General;
- 5 (b) The deputy adjutant general;
- 6 (c) The assistant adjutant general, New Jersey Army National
7 Guard;
- 8 (d) The assistant adjutant general, New Jersey Air National
9 Guard;
- 10 (e) Such officers of the organized militia, active or inactive, au-
11 thorized by the Governor for duty therein;
- 12 (f) Such clerks and employees as may be required, who may be
13 detailed from the organized militia;
- 14 (g) State headquarters for selective service; **[and]**
- 15 (h) The organized militia;
- 16 (i) *The Administrator of Veterans' Affairs;*
- 17 (j) *The Director of the Division of Veterans' Administrative*
18 *Services;*
- 19 (k) *The Director of the Division of Veterans' Loans, Grants and*
20 *Services; and*
- 21 (1) *The Director of the Division of Veterans' Training, Informa-*
22 *tion and Referrals.*

1 6. Section 1 of P. L. 1973, c. 284 (C. 38:3-2.1) is amended to read
2 as follows:

3 1. The State Bureau for Surplus Property, in the Division of
4 Purchase and Property, State Department of the Treasury, to-
5 gether with its functions, powers and duties, is hereby transferred
6 to the Division of Civil Defense-Disaster Control in the State De-
7 partment of *Veterans' Affairs and Defense.*

1 7. N. J. S. 38A:3-3 is amended to read as follows:

2 38A:3-3. The head of the Department of *Veterans' Affairs and*
3 *Defense* shall be the Adjutant General, who shall be appointed with
4 the grade of major general of the line, New Jersey Army National
5 Guard, or major general, New Jersey Air National Guard, by the
6 Governor, with the advice and consent of the Senate, from:

7 (a) Federally recognized general officers in the national guard
8 who have served therein for the preceding 10 years; or

9 (b) Federally recognized commissioned officers in the national
10 guard, who have served therein for the preceding 10 years and are
11 now serving in a military grade not below that of a colonel, such
12 officers having the qualifications to become federally-recognized as
13 brigadier general of the line, New Jersey Army National Guard, or
14 brigadier general, New Jersey Air National Guard.

1 8. N. J. S. 38A:3-6 is amended to read as follows:

2 38A:3-6. Under the direction of the Governor, the Adjutant
3 General shall:

4 (a) Exercise control over the affairs of the Department of
5 *Veterans' Affairs and Defense* and in connection therewith make
6 and issue such regulations governing the work of the Department
7 of *Veterans' Affairs and Defense* and the conduct of its employees
8 as may, in his judgment, be necessary or desirable.

9 (b) Be the request officer of the Department of *Veterans' Affairs*
10 *and Defense* within the meaning of such term as defined in section
11 1 of P. L. 1944, c. 112 (C. 52:27B-1).

12 (c) Supervise, administer, coordinate and command State civil
13 defense and disaster control activities.

14 (d) Command the organized militia of the State, with respon-
15 sibility for recruiting, mobilization, administration, training,
16 discipline, equipping, supply and general efficiency thereof. He may
17 issue such regulations and delegate such command functions as he
18 shall deem necessary. The regulations so issued shall, insofar as
19 possible, conform to the federal laws and regulations concerning
20 the same.

21 (e) Maintain the archives and be the custodian of the records and
22 papers required, by laws or regulations, to be filed with the Depart-
23 ment of *Veterans' Affairs and Defense*.

24 (f) Supervise, administer and coordinate those activities of the
25 selective service system for which the Governor is responsible.

26 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
27 or in any other lawful manner, in the name of and for the use of the
28 State of New Jersey, all those parcels of land as shall be necessary
29 for armories and other militia facilities, and supervise the design,
30 construction, alteration, maintenance and repair of said property.

31 (h) Establish and maintain such headquarters as may be required
32 for the militia.

33 (i) Exercise the powers vested in him and perform such other
34 duties and functions as required of him by the Governor and by
35 federal and State laws and regulations.

36 (j) *Exercise all of the functions, powers and duties heretofore*
37 *vested in the Director of the Division on Veterans Programs and*
38 *Special Services.*

39 (k) *Appoint and remove officers and other personnel employed*
40 *within the department, subject to the provisions of N. J. S. 38A:3-8*
41 *and Title 11A of the New Jersey Statutes and other applicable*
42 *statutes, except as herein otherwise specifically provided.*

43 (1) *Have authority to organize and maintain an administrative*
44 *division and to assign to employment therein secretarial, clerical*
45 *and other assistants in the department or the Adjutant General's*
46 *Office for the purpose of providing centralized support to all*

47 segments of the department, including budgeting, personnel
48 administration and oversight of equal opportunity programs.

49 (m) Perform, exercise and discharge the functions, powers and
50 duties of the department through such divisions as may be estab-
51 lished by this act or otherwise by law.

52 (n) Organize the work of the department in divisions not incon-
53 sistent with the provisions of this act and in bureaus and other
54 organizational units as the Adjutant General may determine to be
55 necessary for efficient and effective operation.

56 (o) Adopt, issue and promulgate, in the name of the department,
57 pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410
58 (C. 52:14B-1 et seq.), such rules and regulations as may be au-
59 thorized by law.

60 (p) Institute, or cause to be instituted, legal proceedings or pro-
61 cesses as necessary to properly enforce and give effect to any of the
62 Adjutant General's powers or duties.

63 (q) Make an annual report to the Governor and to the Legislature
64 of the department's operations, and render other reports as the
65 Governor shall from time to time request or as may be required by
66 law.

67 (r) Coordinate the activities of the department, and the several
68 divisions and other agencies therein, in a manner designed to
69 eliminate overlapping and duplicative functions.

70 (s) Integrate within the department, so far as practicable, all
71 staff services of the department and of several divisions and other
72 agencies therein.

73 (t) Request access to all relevant files and records of other State
74 agencies, which may be made available to the Adjutant General by
75 the head of a State agency, and request, subject to the permission
76 of the head of the State agency, any officer or employee therein to
77 provide information as necessary to assist in the performance of
78 the functions of the department.

79 (u) Supervise and operate the State veterans' homes and ceme-
80 teries.

81 (v) Supervise and operate the liaison office and the field offices
82 which serve the federal Veterans' Affairs Medical Centers.

83 (w) Make application for federal grants and programs, other
84 than education grants or funds.

85 (x) Administer the federally-funded training and rehabilitation
86 programs, except for the administration of federally-funded educa-
87 tion and training programs set forth in 38 U. S. C. 36 et seq.

88 (y) Provide current information to the general public on State
89 and federal veterans' programs and benefits.

1 9. N. J. S. 38A :3-8 is amended to read as follows :

2 38A :3-8. The personnel of the Department of *Veterans' Affairs*
3 *and* Defense shall consist of the following classes of persons :

4 (a) Officers and enlisted members who are ordered to active duty
5 on a permanent duty status, with the pay allowances of their
6 grade and length of service in accordance with section 38A :4-3 of
7 this title.

8 (b) Classified civil service employees.

9 (c) Unclassified civil service employees, who may be relieved,
10 suspended or discharged for good cause. Such personnel shall be
11 administered as far as practicable under similar regulations as
12 those applicable to classified civil service, but shall be subject to
13 military discipline and control *as the Adjutant General deems*
14 *appropriate*, and shall include all personnel employed for the
15 maintenance of armories.

16 (d) Technicians paid from federal funds. Such personnel shall be
17 appointed by the Adjutant General, who shall determine their
18 salaries and who may relieve, suspend or discharge such persons
19 at any time for good cause, and shall be subject to military disci-
20 pline and control.

1 10. N. J. S. 38:3-11 is amended to read as follows :

2 38A :3-11. The Adjutant General shall have an appropriate seal
3 and have affixed an impression of the same to all certificates of
4 record issued from the Department of *Veterans' Affairs and*
5 Defense. Copies of any books, records, papers and documents, in
6 the Department of *Veterans' Affairs and* Defense certified by the
7 Adjutant General or other designed officer of the department, under
8 seal of the Department of *Veterans' Affairs and* Defense shall be
9 admitted as evidence in any court of the State, either civil or
10 military, with the same force and effect as if the original had been
11 produced.

1 11. (New section) The Administrator of Veterans' Affairs shall
2 be an honorably discharged veteran qualified by training and
3 experience to perform the duties of the office and shall be appointed
4 by the Governor with the advice and consent of the Senate. The
5 administrator shall, under the supervision of the Adjutant General,
6 direct and oversee the activities of the Director of the Division of
7 Veterans' Administrative Services, the Director of the Division
8 of Veterans' Loans, Grants and Services and the Director of the
9 Division of Veterans' Training, Information and Referrals.***

1 ***[8.]*** **12.*** (New section) The ***[commissioner]***
2 ***Adjutant General*** may apply for and accept on behalf
3 of the State any grants from the federal government or any

3A agency thereof, or from any foundation, corporation, associa-
 4 tion or individual, **except for education grants or federal funds*
 4A *for education grants,** and may comply with the terms, conditions
 5 and limitations thereof, for any purposes of the department. Any
 6 money so received may be expended by the department, subject to
 7 any limitations imposed in such grants**,** to effect any of the
 8 purposes of the department, as the case may be, upon warrant of
 9 the Director of the Division of Budget and Accounting of the De-
 10 partment of the Treasury on vouchers certified and approved by
 11 the commissioner. The power herein granted shall be in addition
 12 to and shall in no way limit the authority granted to the commis-
 13 sioner by this act or any other existing law.

1 ***[9. (New section) The commissioner shall appoint a deputy
 2 commissioner, who shall be designated to perform all of the powers,
 3 functions and duties of the commissioner during the absence or
 4 disability of the commissioner, and who shall perform such other
 5 duties as are assigned by the commissioner. Such appointment
 6 shall be subject to the approval of the Governor and shall be filed
 7 with the Secretary of State. The deputy commissioner shall be *[a
 8 person]* **an honorably discharged veteran** qualified by training
 9 and experience to perform the duties of the office.]***

1 ***[10. (New section) The department and the commissioner
 2 through the deputy commissioner, the directors, divisions, bureaus
 3 and offices shall administer the following principal functions:

4 a. The supervision and operation of State veterans' homes and
 5 cemeteries;

6 b. The supervision and operation of the liaison office and the
 7 field offices which serve the federal Veterans' Affairs Medical
 8 Centers;

9 c. The application for federal grants and programs **other than*
 10 *education grants or funds**;

11 *[d. The administration of federally-funded educational assis-
 12 tance programs and education grants;]*

13 *[e.]* **d.** The administration of federally-funded training and
 14 rehabilitation programs*, *except for the administration of federal-*
 15 *ly-funded education and training programs set forth in 38 U. S. C.*
 16 *36 et seq.**; and

17 *[f.]* **e.** The provision of current information to the general
 18 public on State and federal veterans' programs and benefits.

19 However, nothing in this section shall be construed as affecting
 20 or derogating from any provisions of law giving functions, powers
 21 and duties in these areas to other departments or agencies **or** as
 22 giving additional functions, powers and duties to the commissioner
 23 or the department.]***

1 ****[11.** (New section) The department shall organize and admin-
 2 ister a program of voluntary commitments by employers through-
 3 out the State to participate in a plan of veteran's preference in
 4 private employment and reemployment.

1 12. (New section) The plan of veterans' preference in private
 2 employment shall provide for the fixing of a quota of veterans
 3 by the commissioner for all participating employers, but may not
 4 require any employed worker to be discharged. The plan shall
 5 also provide for the classification of disabled veterans in occu-
 6 pations for which they would not be handicapped, and for first
 7 preference in such occupations for such disabled veterans.

1 13. (New section) In the organization and administration of the
 2 employment quota preference plan, the commissioner, through
 3 appropriate federal, State and local agencies, shall:

4 a. Enroll employers who voluntarily commit themselves to the
 5 plan and certify the right of such employers to approved forms
 6 of public recognition;

7 b. Register veterans desiring employment, according to their
 8 occupational experience and capacities;

9 c. Register labor unions which are willing to participate through
 10 appropriate adjustment of their membership and other require-
 11 ments, and certify the right of such unions to approved forms
 12 of public recognition;

13 d. Receive requests for workers from all participating em-
 14 ployers; and

15 e. Either refer qualified veterans (with preference to the dis-
 16 abled) in response to such requisitions or certify that veterans
 17 are not available.

1 14. (New section) The department shall review and approve
 2 or disapprove all policies and work programs of State depart-
 3 ments, agencies and instrumentalities relating to war veterans'
 4 welfare, services or activities. No such activity or work program
 5 shall be undertaken or continued after disapproval by the de-
 6 partment without specific authorization from the Governor.]**

1 ***13. (New section) The department shall organize and admin-
 2 ister a program of voluntary commitments by employers through-
 3 out the State to participate in a plan of veterans' preference in
 4 private employment and reemployment.

1 14. (New section) The plan of veterans' preference in private
 2 employment shall provide for the fixing of a quota of veterans by
 3 the Adjutant General for all participating employers, but may not
 4 require any employed worker to be discharged. The plan shall also
 5 provide for the classification of disabled veterans in occupations

6 for which they would not be handicapped, and for first preference
7 in such occupations for such disabled veterans.

1 15. (New section) In the organization and administration of the
2 employment quota preference plan, the Adjutant General, through
3 appropriate federal, State and local agencies, shall:

4 a. Enroll employers who voluntarily commit themselves to the
5 plan and certify the right of such employers to approved forms of
6 public recognition;

7 b. Register veterans desiring employment, according to their
8 occupational experience and capacities;

9 c. Register labor unions which are willing to participate through
10 appropriate adjustment of their membership and other require-
11 ments, and certify the right of such unions to approved forms of
12 public recognition;

13 d. Receive requests for workers from all participating em-
14 ployers; and

15 e. Either refer qualified veterans (with preference to the dis-
16 abled) in response to such requisitions or certify that veterans are
17 not available.

1 16. (New section) The department shall review and approve or
2 disapprove all policies and work programs of State departments,
3 agencies and instrumentalities relating to veterans' welfare,
4 services or activities. No such activity or work program shall be
5 undertaken or continued after disapproval by the department
6 without specific authorization from the Governor.***

1 **[15.]** ***[**11.**]** ***17.** (New section) The
2 *Veteran* *Veterans'* Services Council, established pursuant to
3 *section 22 of* P. L. 1948, c. 448 (C. 13:1B-20), together with all its
4 powers, functions and duties, is continued and transferred to the
5 Department of Veterans' Affairs ***and Defense***. This act
6 shall not affect the terms of office of the present members of the
7 **commission** **council**, except that if there are less than
8 two women members of the council following the enactment of this
9 1987 amendatory and supplementary act, the Governor shall
10 appoint such members upon the expiration of the terms of two male
11 members.

1 **[16.]** ***[**12.**]** ***18.** Section 22 of P. L. 1948, c.
2 448 (C. 13:1B-20) is amended to read as follows:

3 22. There shall be within the [Division of Veterans' Services]
4 *Department of Veterans' Affairs *** and Defense****, a Veterans'
5 Services Council which shall consist of nine members *and shall in-*
6 *clude no less than two women*. Each member of the council shall be
7 a *war* veteran, and shall be appointed by the Governor, with
8 the advice and consent of the Senate, for a term of four years and
9 shall serve until his successor has been appointed and has qualified,

10 except that of the first appointments hereunder, two shall be for a
 11 term of one year, two for two years, two for three years, and three
 12 for four years. **All appointments to the council shall be made in
 12A consultation with the leaders of all federally-chartered veterans
 12B organizations in the State.**

13 Each Governor shall designate one of the members of the
 14 council as chairman of such council. Any member of the council
 15 so designated shall serve as such chairman at the pleasure of the
 16 Governor designating him and until his successor has been desig-
 17 nated. The chairman of the council shall be its presiding officer.

18 Any vacancies in the membership of said council occurring other
 19 than by expiration of term shall be filled by the Governor, with
 20 the advice and consent of the Senate, for the unexpired term only.
 21 Any member of the council may be removed from office by the
 22 Governor, for cause, upon notice and opportunity to be heard.

23 The members of the council shall serve without compensation
 24 but shall be reimbursed for necessary expenses incurred in the
 25 performance of their duties.

1 ***[17. (New section) The MIA-POW Dependents Educational**
 2 **Program, established pursuant to P. L. 1975, c. 331 (C. 18A:71-61**
 3 **et seq.), shall be administered by the Department of Veterans'**
 4 **Affairs.]***

1 ***[18. (New section) The Veterans' Tuition Credit Program,**
 2 **established pursuant to P. L. 1975, c. 356 (C. 18A:71-64 et seq.),**
 3 **shall be administered by the Department of Veterans' Affairs.**

1 19. (New section) The Vietnam Veteran Tuition Aid Program,
 2 established pursuant to P. L. 1985, c. 114 (C. 18A:71-76.1 et seq.),
 3 shall be administered by the Department of Veterans' Affairs.]*

1 ***[20.]* **[*17.*]** ***[*13.**]** ***19.**** (New section)
 2 The Veterans' Facilities Council, established pursuant to P. L.
 3 1971, c. 344 (C. 30:6AA-11 et seq.), together with all its powers,
 4 functions and duties, is continued and transferred to the Depart-
 5 ment of Veterans' Affairs *****and Defense*****. This act shall not
 6 affect the terms of office of the present members of the council.

1 ***[21.]* **[*18.*]** ***[*14.**]** ***20.**** (New section)
 2 The Blind Veterans' Allowance Program, established pursuant to
 3 R. S. 38:18-1 et seq., shall be administered by the Department of
 4 Veterans' Affairs *****and Defense*****.

1 ***[22.]* **[*19.*]** ***[*15.**]** ***21.**** (New section)
 2 The Paraplegic and Hemiplegic Veterans' Allowance Program,
 3 established pursuant to P. L. 1947, c. 263 (C. 38:18A-1 et seq.),
 4 shall be administered by the Department of Veterans' Affairs
 5 *****and Defense*****.

1 ***[23. (New section) The program of Veterans' Orphans Educa-**
 2 **tion Grants, established pursuant to R. S. 38:20-1 et seq., shall**
 3 **be administered by the Department of Veterans' Affairs.]***

1 ***[24.]*** ****[*20.*]**** *****[**16.**]***** **22.** (New section)
 2 The veterans' loan authority, established pursuant to P. L. 1944, c.
 3 126 (C. 38:23B-1 et seq.), together with all its functions, powers
 4 and duties, is continued and transferred to the Department of
 5 Veterans' Affairs ***and Defense***.

1 ***[25.]*** ****[*21.*]**** *****[**17.**]***** **23.** (New section)
 2 The Vietnam Veterans' Memorial Committee, established pursuant
 3 to section 2 of P. L. 1985, c. 494, together with all its powers, func-
 4 tions and duties, is continued and transferred to the Department
 5 of Veterans' Affairs ***and Defense***. The act shall not affect
 6 the terms of office of the present members of the commission.

1 ***[26.]*** ****[*22.*]**** *****[**18.**]***** **24.** (New section)
 2 The New Jersey Veterans' Cemetery at Arneytown, built in part
 3 ****[of]**** **by** funds appropriated pursuant to P. L. 1985, c. 149,
 4 shall be administered by the Department of Veterans' Affairs
 5 ***and Defense***.

1 ***[27.]*** ****[*23.*]**** *****[**19.**]***** **25.** (New section)
 2 The ***[Vietnam Veterans' Special Services Council and the]***
 3 Vietnam Veterans' Outreach Program, first funded by State
 4 moneys during fiscal year 1984 pursuant to P. L. 1983, c. 240,
 5 ***[together with the council's functions and duties,]*** shall be
 6 administered by the Department of Veterans' Affairs ***and
 7 Defense***.

1 ***[28.]** (New section) The Agent Orange Commission, established
 2 pursuant to P. L. 1979, c. 443, together with its powers, functions
 3 and duties, is continued and transferred to the Department of
 4 Veterans' Affairs. This act shall not affect the goals of the com-
 5 mission or the terms of office of its members.

1 29. Section 3 of P. L. 1979, c. 443 is amended to read as follows:

2 3. There is established *in the Department of Veterans' Affairs*
 3 an Agent Orange Commission which shall be composed of seven
 4 members to be appointed by the Governor of whom at least four
 5 shall be Vietnam era veterans. The members of the commission
 6 shall serve without compensation but shall be entitled to reim-
 7 bursement by the commission for expenses necessarily incurred
 8 in the performance of their duties. The commission shall employ
 9 an executive director and such clerical support as is necessary
 10 to effectuate the purposes of this act.]*

1 ***26. (New section) The Agent Orange Commission, established
 2 pursuant to P. L. 1979, c. 443, together with its powers, functions
 3 and duties, is continued and transferred to the Department of
 4 Veterans' Affairs and Defense. This act shall not affect the goals
 5 of the commission or the terms of office of its members.

1 27. Section 3 of P. L. 1979, c. 443 is amended to read as follows:

2 3. There is established *in the Department of Veterans' Affairs*
3 *and Defense* an Agent Orange Commission which shall be composed
4 of nine members to be appointed by the Governor of whom at least
5 four shall be Vietnam era veterans. The members of the commis-
6 sion shall serve without compensation but shall be entitled to
7 reimbursement by the commission for expenses necessarily incurred
8 in the performance of their duties. The commission shall employ
9 an executive director and such clerical support as is necessary to
10 effectuate the purposes of this act.***

1 ***[30.]*** ****[*24.*]**** *****[**20.**]***** ***28.*** Section 5 of P. L.
1A 1979, c. 443 is amended to read as follows:

2 5. The Division of **[Veterans Programs and Special Services in**
3 **the Department of Human Services]** ****Veterans'**** *Loans,*
4 *Grants and Services in the Department of Veterans' Affairs* ****and*
5 *Defense**** shall render all assistance requested by the commission
6 to effectuate the purposes of this act.

1 ***[31.]*** ****[*25.*]**** *****[**21.**]***** ***29.*** (New section)

2 There is established in the department a Division of ****Veter-*
3 *ans'**** Administrative Services, a Division of ****Veterans'****
4 *Loans, Grants and Services,* and a Division of ***[Education,]***
5 ****Veterans'**** Training ***[and]*** *,* Information *and Re-*
6 *ferrals*.*

1 ***[32.]*** ****[*26.*]**** *****[**22.**]***** ***30.*** (New section)

1A The Division of ****Veterans'**** Administrative Services shall:

2 *****[a.]** Provide centralized support to all segments of the depart-
3 ment, including budgeting, personnel administration and oversight
4 of equal opportunity programs;***

5 *****[b.]***** ****a.**** Supervise and operate the State Veterans'
6 homes at Menlo Park, Vineland and Paramus; and

7 *****[c.]***** ****b.**** Supervise and operate the New Jersey
8 Veterans' Cemetery at Arneytown.

1 ***[33.]*** ****[*27.*]**** *****[**23.**]***** ***31.*** (New section)

2 The Division of ****Veterans'**** Administrative Services shall be
3 under the immediate supervision of a director who shall be ***[a]***
4 *an honorably discharged* veteran qualified by training and
5 experience to direct the work of the division. The director shall be
6 appointed by the *****[commissioner]***** ****Adjutant Gen-*
7 *eral**** **, with the approval of the Governor, and shall serve at
8 the pleasure of the *****[commissioner]***** ****Adjutant General****.

1 ***[34.]*** ****[*28.*]**** *****[**24.**]***** ***32.*** (New section)

2 The Division of ****Veterans'**** Loans, Grants and Services shall:

3 a. Administer the Blind Veterans' Allowance Program;

4 b. Administer the Paraplegic and Hemiplegic Allowance Pro-
5 gram;

- 6 c. Maintain a continuous liaison with the Association of Blind
7 Veterans and other similar State and national veterans' associa-
8 tions and organizations;
- 9 d. Provide all necessary assistance to the Agent Orange Com-
10 mission *upon request*;
- 11 e. Administer the veterans' loan authority;
- 12 f. Supervise and operate the liaison and field offices which
13 serve the federal Veterans' Administration Centers at Lyons and
14 East Orange; *and*
- 15 g. **[Administer the program of voluntary commitments by em-
16 ployers to participate in a plan of veterans' preference in private
17 employment; and**
- 18 h. **]** *Compete for all grants, private and federal, other than
19 education grants,* that would fund programs to benefit the State's
20 veterans and their dependents.
- 1 **[35.]** **[29.]** **[25.]** **33.** (New section)
2 The Division of *Veterans'* Loans, Grants and Services shall
3 be under the immediate supervision of a director who shall be
4 **[a]** *an honorably discharged* veteran qualified by training and
5 experience to direct the work of the division. The director shall be
6 appointed by the **[commissioner]** *Adjutant General*,
7 with the approval of the Governor, and shall serve at the pleasure
8 of the **[commissioner]** *Adjutant General*.
- 1 **[36.]** **[30.]** **[26.]** **34.** (New section)
2 The Division of *Veterans'* **[Education,]** Training
2A **[and]** *Information and Referrals* shall:
3 **[a.** Administer the federally-funded Veterans' Educational
4 Assistance Program;
5 b. Administer the Veterans' Orphans Fund Educational Grant;
6 c. Administer the Vietnam Veterans' Tuition Aid Program;
7 d. Administer the Veterans' Tuition Credit Program;
8 e. Administer the MIA-POW Dependents Educational Pro-
9 gram;]
10 **[f.]** *a.* Administer the operations of **[the Vietnam
11 Veterans' Special Services Council and]** the Vietnam Veterans'
12 Outreach Program;
13 **[g.]** *b.* Administer all **[other]** federal and State training
14 and rehabilitation programs **[; and]** *not administered by other
15 State departments;*
16 **[h.]** *c.* Provide current information to the general public
17 on federal and State veterans' programs and benefits **[.]**; *and*
18 *d.* Provide a continuous liaison between the department and
19 the Department of Education and the Department of Higher

20 *Education to insure that veterans or their dependents seeking*
 21 *to apply for educational programs for veterans or their dependents*
 22 *are referred to the appropriate State office and provided with the*
 23 *information, forms and assistance necessary to apply for those*
 24 *programs.**

1 ***[37.]*** ****[*31.*]**** *****[**27.**]***** ****35.**** (New section)
 2 The Division of ***[Education,]*** ****Veterans'**** Training
 3 ***[and]*** *,* Information **and Referrals** shall be under the im-
 4 mediate supervision of a director who shall be ***[a]*** **an honorably*
 5 *discharged** veteran qualified by training and experience to direct
 6 the work of the division. The director shall be appointed by the
 7 *****[commissioner]***** ****Adjutant General****, with the approval
 8 of the Governor, and shall serve at the pleasure of the *****[com-**
 9 **missioner]***** ****Adjutant General****.

1 ***[38.]*** ****[*32.*]**** *****[**28.**]***** ****36.**** (New section)
 2 Each director shall receive such salary as may be established by
 3 the *****[commissioner]***** ****Adjutant General**** with the
 4 approval of the Commissioner of Personnel and the Director of the
 5 Division of Budget and Accounting.

1 ***[39.]*** ****[*33.*]**** *****[**29.**]***** ****37.**** (New section)
 2 In the event that a director is appointed from persons holding
 3 positions in the ***[classified]*** **career** service of the State, the
 4 director shall retain, during his or her tenure in such ***[positions]***
 5 **position**, any rights or protection provided that person by Title
 6 11A, Civil Service, of the New Jersey Statutes or any pension law
 7 or retirement system.

1 ***[40.]*** ****[*34.*]**** *****[**30.**]***** ****38.**** (New section)
 2 Sections 40 ****[through]**** ***[45]*** **, *****[41 and]***** **
 3 ****through**** *46* of P. L. 1944, c. 85 (C. 52:27C-40 ****[to]****
 4 *****[****, 52:27C-41 **and**]***** ****through**** ***[52:27C-45]***
 5 *52:27C-46*) are repealed.

1 ***[41.]*** ****[*35.*]**** *****[**31.**]***** ****39.**** (New section)
 2 The transfers directed by this act, except as otherwise provided
 3 herein, shall be made in accordance with the "State Agency
 4 Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

1 ***[42.]*** ****[*36.*]**** *****[**32.**]***** ****40.**** (New section)
 2 In addition to the funds transferred to the department by this act,
 3 there is appropriated the sum of \$1,000,000.00, or as much thereof
 4 as may be necessary, from the General Fund to be allocated for the
 5 implementation of this act.

1 ***[43.]*** ****[*37.*]**** *****[**33.**]***** ****41.**** This act shall take
 2 effect ****immediately**** *****[upon the]***** ****[enactment into law**
 3 of P. L., c. . . . (C.) (now pending before the

4 Legislature as **Assembly Committee Substitute for** Assembly
 5 **[Bill No.]* *Bill Nos.* 2019 *2080* of 1986)*** *****[**effective**
 6 *date of an act abolishing a principal department existing on the*
 7 *date of enactment of this act or of an act merging two or more*
 8 *principal departments of State Government existing on the date of*
 9 *enactment of this act, or upon the effective date of a constitutional*
 10 *amendment approved by the voters increasing the limit on the*
 11 *number of principal departments of State Government, whichever*
 12 *comes first.**]*****

VETERANS

Establishes a Department of Veterans' Affairs, appropriates
 \$1,000,000.

3 the Commissioner of Personnel and the Director of the Division
4 of Budget and Accounting.

1 39. (New section) In the event that a director is appointed
2 from persons holding positions in the classified service of the
3 State, the director shall retain, during his or her tenure in such
4 positions, any rights or protection provided that person by Title
5 11A, Civil Service, of the New Jersey Statutes or any pension
6 law or retirement system.

1 40. (New section) Sections 40 through 45 of P. L. 1944, c. 85
2 (C. 52:27C-40 to 52:27C-45) are repealed.

1 41. (New section) The transfers directed by this act, except
2 as otherwise provided herein, shall be made in accordance with
3 the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1
4 et seq.).

1 42. (New section) In addition to the funds transferred to the
2 department by this act, there is appropriated the sum of
3 \$1,000,000.00, or as much thereof as may be necessary, from the
4 General Fund to be allocated for the implementation of this act.

1 43. This act shall take effect upon the enactment into law of
2 P. L. , c. (C.) (now pending before the
3 Legislature as Assembly Bill No. 2019 of 1986).

STATEMENT

This bill establishes a Department of Veterans' Affairs as a principal department in the Executive Branch of State Government. The current Division of Veterans' Programs and Special Services, located in the Department of Human Services, is abolished and reconstituted as the nucleus of the new Department of Veterans' Affairs. The bill is made contingent on the enactment of Assembly Bill No. 2019 of 1986 which abolishes the Department of Energy.

VETERANS

Establishes a Department of Veterans' Affairs, appropriates \$1,000,000.

112

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ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3527

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JULY 23, 1987

The Assembly State Government Committee reports favorably and with committee amendments Assembly Bill No. 3527.

As amended, this bill establishes the Department of Veterans' Affairs as a principal department in the executive branch of State Government. The current Division of Veterans' Programs and Special Services, located in the Department of Human Services, is abolished by this bill and reconstituted as the nucleus of the new department.

The bill establishes three specific divisions within the department, each of which is headed by a director: (1) the Division of Administrative Services, to provide centralized support to all segments of the department as well as supervise and operate the State veterans' homes and the New Jersey Veterans' Cemetery at Arneytown; (2) the Division of Loans, Grants and Services, to administer disabled veterans' allowance programs and the veterans' loan authority as well as to supervise and operate the liaison and field offices which serve the federal Veterans' Administrative Centers in the State; and (3) the Division of Training, Information and Referrals, to administer all federal and State training and rehabilitation programs not administered by other State departments and to provide information on and referrals between the department and other departments currently administering educational programs for veterans or their dependents.

The committee amended the bill to: (1) define the term "veteran" as any person who has served in any branch of the armed forces of the United States for at least 90 days, except that if the term "veteran" is defined differently in any of the statutes cited by this act or in federal law, that definition shall be applicable for the purposes of those statutes; (2) delete the provision which would have required the Agent Orange Commission to be placed under the jurisdiction of the department; (3) delete the provisions of the bill which would have transferred the administration of educational programs for veterans or their dependents from the departments of Education and Higher Education to the Department of Veterans' Affairs, and instead require

that that department provide a continuous liaison and referral between it and the departments currently administering educational programs for veterans or their dependents; (4) provide that all subsequent appointments to the Veterans' Services Council by the Governor shall be made in consultation with the leaders of all federally-chartered veterans organizations in the State; and (5) provide that the commissioner, the deputy commissioner and the division directors of the department shall be honorably discharged veterans.

The bill appropriates \$1 million to establish the department.

The act takes effect on the enactment into law of the Assembly Committee Substitute for Assembly Bill Nos. 2019 and 2080 of 1986, which abolishes the Department of Energy.

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ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3527

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: SEPTEMBER 10, 1987

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3527 OCR.

Assembly Bill No. 3527 (OCR) establishes the Department of Veterans' Affairs in the executive branch of State Government. The current Division of Veterans' Programs and Special Services in the Department of Human Services is abolished by this bill and is reconstituted as the nucleus of the new department. The department is to be comprised of three divisions: Division of Administrative; the Division of Loans, Grants and Services; and the Division of Training, Information and Referrals.

The bill takes effect on the enactment of the Assembly Committee Substitute for Assembly Bill Nos. 2019 and 2080, currently pending before the Senate.

FISCAL IMPACT:

All funds currently appropriated to the Division of Veterans' Programs and Special Services would be transferred to the new department, in addition to a \$1,000,000.00 General Fund appropriation to implement the act.

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SENATE STATE GOVERNMENT AND FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3527

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1987

The Senate State Government Committee reports favorably and with committee amendments Assembly Bill No. 3527 OCR.

This bill creates a Department of Veterans' Affairs in the executive branch of State Government. The Division of Veterans' Programs and Special Services, located in the Department of Human Services, is abolished and reconstituted as the nucleus of the new department. The Veterans' Facilities Council, the veterans' loan authority, the Veterans' Services Council, and the Vietnam Veterans' Memorial Committee are transferred to the department. In addition, the bill provides that the Blind Veterans' Allowance Program, the Paraplegic and Hemiplegic Veterans' Allowance Program, and the Vietnam Veterans' Outreach Program shall be administered by the department.

The bill establishes three divisions within the department: a Division of Administrative Services, to provide centralized support to all segments of the department and to supervise and operate the State veterans' homes at Menlo Park, Vineland and Paramus and the New Jersey Veterans' Cemetery at Arneytown; a Division of Loans, Grants and Services, to administer disabled veterans' allowance programs and the veterans' loan authority and to supervise and operate the liaison and field offices which serve the federal Veterans' Administration Centers in the State; and a Division of Training, Information and Referrals, to administer the Vietnam Veterans' Outreach Program and federal and State training and rehabilitation programs not administered by other State departments, and to provide current information to the general public on federal and State veterans' programs and benefits.

The bill appropriates \$1 million to establish the department.

The committee amended the bill to: (1) make it gender-neutral; (2) remove provisions concerning an employment quota preference plan for veterans and restore such provisions in chapter 27 of Title 52 of the Revised Statutes; (3) delete the provision linking the creation of the department to the abolishment of the Department of Energy; and (4) conform it to Senate Bill No. 2929 Sca.

The act shall take effect upon the effective date of an act abolishing a principal department existing on the date of enactment of this act or of an act merging two or more principal departments of State Government existing on the date of enactment of this act, or upon the effective date of a constitutional amendment approved by the voters increasing the limit on the number of principal departments of State Government, whichever comes first.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 11, 1988

ASSEMBLY BILL NO. 3527 (2ND OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Assembly Bill No. 3527 (2nd OCR) with my objections for reconsideration.

This bill appropriates \$1 million from the General Fund and establishes a Cabinet level Department of Veterans' Affairs in the Executive Branch of State government. Pursuant to this legislation, the extant Division of Veterans Programs and Special Services in the Department of Human Services is abolished and reconstituted as the nucleus of this new department.

As with other Cabinet level positions, the Commissioner of the Department of Veterans' Affairs will be appointed by the Governor with the advice and consent of the Senate and shall serve at the pleasure of the Governor during the Governor's term of office and until the appointment and qualification of a successor. This legislation provides further that the Commissioner, as well as a deputy commissioner and three division directors, shall be honorably discharged veterans.

In addition, this bill calls for the establishment of three divisions within this newly created department: the Division of Administrative Services; the Division of Loans, Grants and Services; and the Division of Training, Information and Referrals.

In one sense, this bill--and this proposed Department--crystallize, perhaps more dramatically than ever before, a desire to acknowledge the sacrifices our veterans have made on our behalf. I wholeheartedly lend my support to this tribute. New Jersey is proud to be the home of almost one million veterans. As a nation and as a State, we owe them more than we can ever repay in the provision of social services or the creation of memorials.

Over the past few years, I have supported the building of a new veterans' nursing home, the addition of several veterans' service centers and the creation of New Jersey's first veterans' cemetery. In the current fiscal year, I have supported over \$27 million in funding for the current Division of Veterans Programs and Special Services within the Department of Human Services, as well

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

as additional funding for veterans' programs in the Departments of Higher Education, Labor and Treasury.

However, while I join in the sentiments that prompted this legislation, I question the efficacy of a separate department for veterans. Rather than creating an entirely new State department representing only veterans, I believe our veterans will be better served by transferring existing veterans' programs into the Department of Defense. This reorganized Cabinet level department will be entitled the Department of Veterans' Affairs and Defense.

In essence, I have incorporated both the substance and structure of the proposed Veterans' Affairs Department into the existing framework of the Department of Defense. More specifically, the reorganization of this department will consolidate services and programs currently provided by several State departments and should eliminate any duplication of these benefits. In addition, I have formally transferred all of the functions, powers and duties heretofore vested in the Division of Veterans Programs and Special Services in the Department of Human Services to this reorganized department. I have also placed the Agent Orange Commission under the purview of this department, consistent with the placement of similar veterans' programs. Finally, I have retained the three divisions proposed by this bill to administer veterans' affairs and have created an Administrator of Veterans' Affairs to oversee all of the veterans' programs in this reorganized department.

This Department, which represents a merging of both active and former members of the armed forces, has been tested and proven successful in other states. Moreover, it is my feeling that there exists a natural affinity between the veterans and National Guard--many of whom are themselves veterans. By consolidating these two related departments, I believe we can take advantage of an established relationship and better provide the services that our veterans need, consistent with the honor and dignity that they deserve.

Therefore, I herewith return Assembly Bill No. 3527 (2nd OCR) and recommend that it be amended as follows:

Page 1, Title, Line 1: After "Act" delete "establishing a
Department of Veterans' Affairs";
insert "concerning the reorganization
of the State government, changing the

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

name of the Department of Defense to
the Department of Veterans' Affairs
and Defense and continuing it"

Page 1, Title, Lines 3-5:

After "ment," delete remainder of
line 3, delete lines 4 and 5 in their
entirety; insert "revising and repealing
parts of the statutory law and"

Page 1, Section 1, Lines 1-2:

Delete lines 1 and 2 in their entirety

Page 1, Section 2, Line 1:

Delete "2." insert "1."

Page 2, Section 2, Line 21:

Delete "solely" insert "primarily"

Page 2, Section 2, Line 25:

Delete "a single" insert "an"

Page 2, Section 3, Line 1:

Delete "3." insert "2."; delete "this
act" insert "chapter 3 of Title 38A
of the New Jersey Statutes"

Page 2, Section 3, Lines 2-3:

Delete lines 2 and 3 in their entirety

Page 2, Section 3, Line 4:

Delete "b." insert "a."; after
"Affairs" insert "and Defense"

Page 2, Section 3, Line 5:

Delete "this act"; after ".]" insert
"pursuant to N.J.S. 38A:3-1 as amended
by this 1987 amendatory and supple-
mentary act"

Page 2, Section 3, Line 6:

Delete "c." insert "b."

Page 2, Section 4, Lines 1-3:

Delete lines 1 through 3 in their
entirety

Page 2, Section 4, After Line 3: Insert new section as follows:

"3. N.J.S. 38A:3-1 is amended to read as follows:

38A:3-1. The Department of Veterans' Affairs and Defense shall be a
principal department in the executive branch of the State Government."

Page 2, Section 5, Line 1:

Delete "5." insert "4."

Page 2, Section 5, Line 4:

After "and" delete "the division
together with"

Page 2, Section 5, Line 5:

Delete "is reconstituted as" insert
"are transferred to"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

4

Page 2, Section 5, Line 6: After "Affairs" insert "and Defense";
delete "established pursuant to this
act"

Page 3, Section 6, Lines 1-14: Delete in their entirety

Pages 3-4, Section 7, Lines 1-51: Delete in their entirety

Page 4, Section 7, After Line 51: Insert new sections as follows:

"5. N.J.S. 38:3-2 is amended to read as follows:

38:3-2. The Department of Veterans' Affairs and Defense shall consist of:

- (a) The Adjutant General;
- (b) The deputy adjutant general;
- (c) The assistant adjutant general, New Jersey Army National Guard;
- (d) The assistant adjutant general, New Jersey Air National Guard;
- (e) Such officers of the organized militia, active or inactive,

authorized by the Governor for duty therein;

(f) Such clerks and employees as may be required, who may be detailed
from the organized militia;

(g) State headquarters for selective service; [and]

(h) The organized militia;

(i) The Administrator of Veterans' Affairs;

(j) The Director of the Division of Veterans' Administrative Services;

(k) The Director of the Division of Veterans' Loans, Grants and

Services; and

(l) The Director of the Division of Veterans' Training, Information and
Referrals.

6. Section 1 of P.L. 1973, c.284 (C. 38:3-2.1) is amended to read as
follows:

1. The State Bureau for Surplus Property, in the Division of Purchase
and Property, State Department of the Treasury, together with its functions,
powers and duties, is hereby transferred to the Division of Civil Defense-
Disaster Control in the State Department of Veterans' Affairs and Defense.



STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

5

7. N.J.S. 38A:3-3 is amended to read as follows:

38A:3-3. The head of the Department of Veterans' Affairs and Defense shall be the Adjutant General, who shall be appointed with the grade of major general of the line, New Jersey Army National Guard, or major general, New Jersey Air National Guard, by the Governor, with the advice and consent of the Senate, from:

(a) Federally recognized general officers in the national guard who have served therein for the preceding 10 years; or

(b) Federally recognized commissioned officers in the national guard, who have served therein for the preceding 10 years and are now serving in a military grade not below that of a colonel, such officers having the qualifications to become federally-recognized as brigadier general of the line, New Jersey Army National Guard, or brigadier general, New Jersey Air National Guard.

8. N.J.S. 38A:3-6 is amended to read as follows:

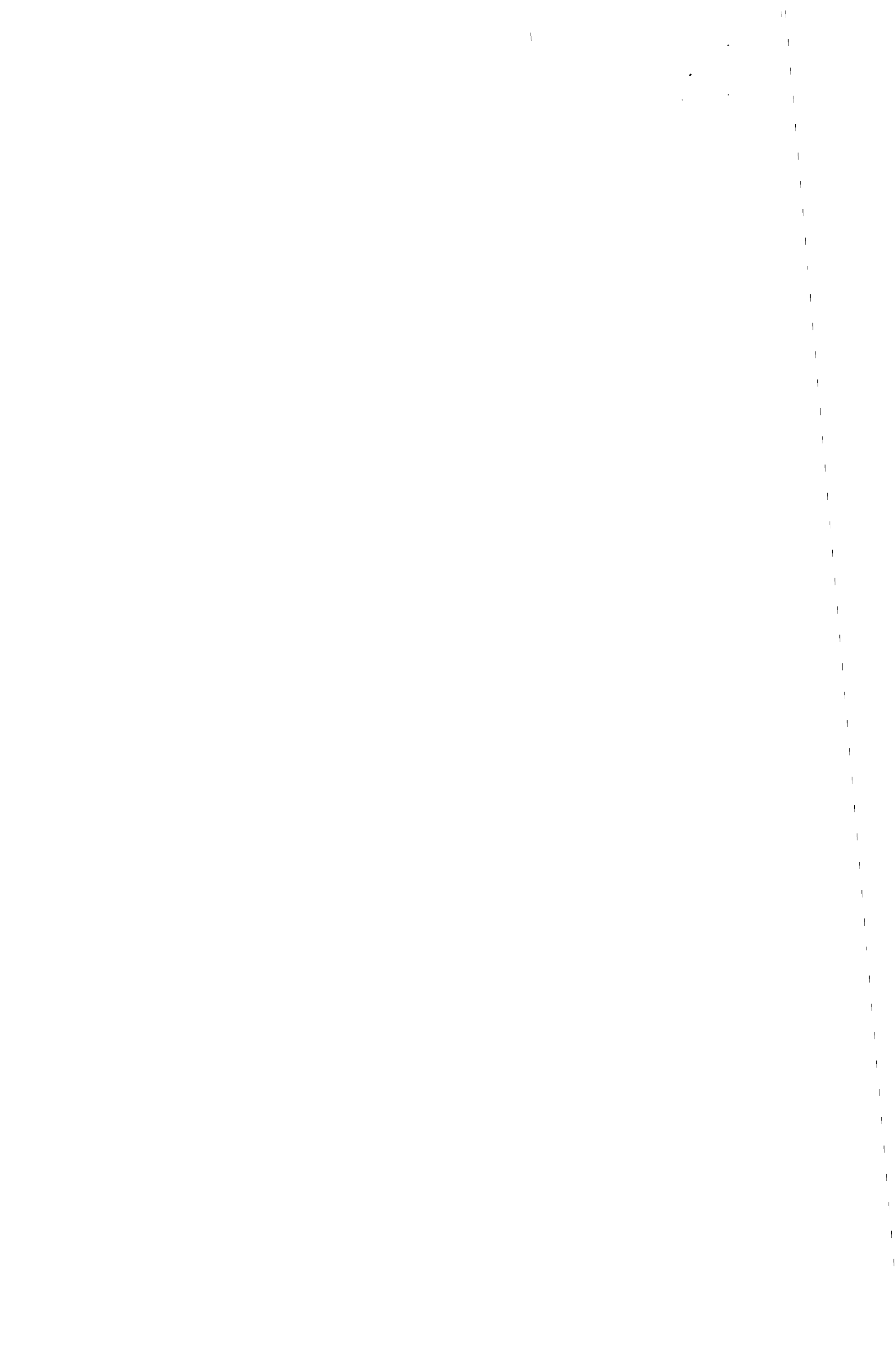
38A:3-6. Under the direction of the Governor, the Adjutant General shall:

(a) Exercise control over the affairs of the Department of Veterans' Affairs and Defense and in connection therewith make and issue such regulations governing the work of the Department of Veterans' Affairs and Defense and the conduct of its employees as may, in his judgment, be necessary or desirable.

(b) Be the request officer of the Department of Veterans' Affairs and Defense within the meaning of such term as defined in section 1 of P.L. 1944, c.112 (C. 52:27B-1).

(c) Supervise, administer, coordinate and command State civil defense and disaster control activities.

(d) Command the organized militia of the State, with responsibility for recruiting, mobilization, administration, training, discipline, equipping, supply and general efficiency thereof. He may issue such regulations and delegate such command functions as he shall deem necessary. The regulations so issued shall, insofar as possible, conform to the federal laws and regulations concerning the same.



STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

6

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Veterans' Affairs and Defense.

(f) Supervise, administer and coordinate those activities of the selective service system for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey, all those parcels of land as shall be necessary for armories and other militia facilities, and supervise the design, construction, alteration, maintenance and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by federal and State laws and regulations.

(j) Exercise all of the functions, powers and duties heretofore vested in the Director of the Division of Veterans Programs and Special Services.

(k) Appoint and remove officers and other personnel employed within the department, subject to the provisions of N.J.S. 38A:3-8 and Title 11A of the New Jersey Statutes and other applicable statutes, except as herein otherwise specifically provided.

(l) Have authority to organize and maintain an administrative division and to assign to employment therein secretarial, clerical and other assistants in the department or the Adjutant General's Office for the purpose of providing centralized support to all segments of the department, including budgeting, personnel administration and oversight of equal opportunity programs.

(m) Perform, exercise and discharge the functions, powers and duties of the department through such divisions as may be established by this act or otherwise by law.

(n) Organize the work of the department in divisions not inconsistent with the provisions of this act and in bureaus and other organizational units as the Adjutant General may determine to be necessary for efficient and effective operation.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

7

(o) Adopt, issue and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C. 52:14B-1 et seq.), such rules and regulations as may be authorized by law.

(p) Institute, or cause to be instituted, legal proceedings or processes as necessary to properly enforce and give effect to any of the Adjutant General's powers or duties.

(q) Make an annual report to the Governor and to the Legislature of the department's operations, and render other reports as the Governor shall from time to time request or as may be required by law.

(r) Coordinate the activities of the department, and the several divisions and other agencies therein, in a manner designed to eliminate overlapping and duplicative functions.

(s) Integrate within the department, so far as practicable, all staff services of the department and of several divisions and other agencies therein.

(t) Request access to all relevant files and records of other State agencies, which may be made available to the Adjutant General by the head of a State agency, and request, subject to the permission of the head of the State agency, any officer or employee therein to provide information as necessary to assist in the performance of the functions of the department.

(u) Supervise and operate the State veterans' homes and cemeteries.

(v) Supervise and operate the liaison office and the field offices which serve the federal Veterans' Affairs Medical Centers.

(w) Make application for federal grants and programs, other than education grants or funds.

(x) Administer the federally-funded training and rehabilitation programs, except for the administration of federally-funded education and training programs set forth in 38 U.S.C. 36 et seq.

(y) Provide current information to the general public on State and federal veterans' programs and benefits.

9. N.J.S. 38A:3-8 is amended to read as follows:

38A:3-8. The personnel of the Department of Veterans' Affairs and Defense shall consist of the following classes of persons:



STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

8

(a) Officers and enlisted members who are ordered to active duty on a permanent duty status, with the pay and allowances of their grade and length of service in accordance with section 38A:4-3 of this title.

(b) Classified civil service employees.

(c) Unclassified civil service employees, who may be relieved, suspended or discharged for good cause. Such personnel shall be administered as far as practicable under similar regulations as those applicable to classified civil services, but shall be subject to military discipline and control as the Adjutant General deems appropriate, and shall include all personnel employed for the maintenance of armories.

(d) Technicians paid from federal funds. Such personnel shall be appointed by the Adjutant General, who shall determine their salaries and who may relieve, suspend or discharge such persons at any time for good cause, and shall be subject to military discipline and control.

10. N.J.S. 38:3-11 is amended to read as follows:

38A:3-11. The Adjutant General shall have an appropriate seal and have affixed an impression of the same to all certificates of record issued from the Department of Veterans' Affairs and Defense. Copies of any books, records, papers and documents, in the Department of Veterans' Affairs and Defense certified by the Adjutant General or other designed officer of the department, under seal of the Department of Veterans' Affairs and Defense shall be admitted as evidence in any court of the State, either civil or military, with the same force and effect as if the original had been produced.

11. (New section) The Administrator of Veterans' Affairs shall be an honorably discharged veteran qualified by training and experience to perform the duties of the office and shall be appointed by the Governor with the advice and consent of the Senate. The administrator shall, under the supervision of the Adjutant General, direct and oversee the activities of the Director of the Division of Veterans' Administrative Services, the Director of the Division of Veterans' Loans, Grants and Services and the Director of the Division of Veterans' Training, Information and Referrals."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

9

Page 4, Section 8, Line 1

Delete "8." insert "12.";
delete "commissioner"; insert
"Adjutant General"

Pages 4-5, Section 9, Lines 1-9:

Delete in their entirety

Page 5, Section 10, Lines 1-23:

Delete in their entirety

Page 5, Section 10, After Line 23: Insert new sections as follows:

"13. (New section) The department shall organize and administer a program of voluntary commitments by employers throughout the State to participate in a plan of veterans' preference in private employment and reemployment.

14. (New section) The plan of veterans' preference in private employment shall provide for the fixing of a quota of veterans by the Adjutant General for all participating employers, but may not require any employed worker to be discharged. The plan shall also provide for the classification of disabled veterans in occupations for which they would not be handicapped, and for first preference in such occupations for such disabled veterans.

15. (New section) In the organization and administration of the employment quota preference plan, the Adjutant General, through appropriate federal, State and local agencies, shall:

a. Enroll employers who voluntarily commit themselves to the plan and certify the right of such employers to approved forms of public recognition;

b. Register veterans desiring employment, according to their occupational experience and capacities;

c. Register labor unions which are willing to participate through appropriate adjustment of their membership and other requirements, and certify the right of such unions to approved forms of public recognition;

d. Receive requests for workers from all participating employers; and

e. Either refer qualified veterans (with preference to the disabled) in response to such requisitions or certify that veterans are not available.

16. (New section) The department shall review and approve or disapprove all policies and work programs of State departments, agencies and

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

10

instrumentalities relating to veterans' welfare, services or activities. No such activity or work program shall be undertaken or continued after disapproval by the department without specific authorization from the Governor."

Page 6, Section 11, Line 1: Delete "11." insert "17."
Page 6, Section 11, Line 5: After "Affairs" insert "and Defense"
Page 6, Section 12, Line 1: Delete "12." insert "18."
Page 6, Section 12, Line 4: After "Affairs" insert "and Defense"
Page 7, Section 13, Line 1: Delete "13." insert "19."
Page 7, Section 13, Line 5: After "Affairs" insert "and Defense"
Page 7, Section 14, Line 1: Delete "14." insert "20."
Page 7, Section 14, Line 3: After "Affairs" insert "and Defense"
Page 7, Section 15, Line 1: Delete "15." insert "21."
Page 7, Section 15, Line 4: After "Affairs" insert "and Defense"
Page 7, Section 16, Line 1: Delete "16." insert "22."
Page 8, Section 16, Line 4: After "Affairs" insert "and Defense"
Page 8, Section 17, Line 1: Delete "17." insert "23."
Page 8, Section 17, Line 5: After "Affairs" insert "and Defense"
Page 8, Section 18, Line 1: Delete "18." insert "24."
Page 8, Section 18, Line 4: After "Affairs" insert "and Defense"
Page 8, Section 19, Line 1: Delete "19." insert "25."
Page 8, Section 19, Line 6: After "Affairs" insert "and Defense"
Page 8, Section 19, After Line 6: Insert new sections as follows:

"26. (New Section) The Agent Orange Commission, established pursuant to P.L. 1979, c. 443, together with its powers, functions and duties, is continued and transferred to the Department of Veterans' Affairs and Defense. This act shall not affect the goals of the commission or the terms of office of its members.

27. Section 3 of P.L. 1979, c. 443 is amended to read as follows:

3. There is established in the Department of Veterans' Affairs and Defense an Agent Orange Commission which shall be composed of seven members

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

11

to be appointed by the Governor of whom at least four shall be Vietnam era veterans. The members of the commission shall serve without compensation but shall be entitled to reimbursement by the commission for expenses necessarily incurred in the performance of their duties. The commission shall employ an executive director and such clerical support as is necessary to effectuate the purposes of this act."

<u>Page 8, Section 20, Line 1:</u>	Delete "20." insert "28."
<u>Page 8, Section 20, Line 3:</u>	After "Services]" insert "Veterans'"
<u>Page 8, Section 20, Line 4:</u>	After "Affairs'" insert "and Defense"
<u>Page 8, Section 21, Line 1:</u>	Delete "21." insert "29."
<u>Page 8, Section 21, Line 2:</u>	After "of" insert "Veterans'"
<u>Page 8, Section 21, Line 3:</u>	After "of" insert "Veterans'"
<u>Page 8, Section 21, Line 4:</u>	After "tion,]" insert "Veterans'"
<u>Page 9, Section 22, Line 1:</u>	Delete "22." insert "30."; after "of" insert "Veterans'"
<u>Page 9, Section 22, Lines 2-4:</u>	Delete in their entirety
<u>Page 9, Section 22, Line 5:</u>	Delete "b." insert "a."
<u>Page 9, Section 22, Line 7:</u>	Delete "c." insert "b."
<u>Page 9, Section 23, Line 1:</u>	Delete "23." insert "31." after "of" insert "Veterans'"
<u>Page 9, Section 23, Line 5:</u>	Delete "commissioner" insert "Adjutant General"
<u>Page 9, Section 23, Line 7:</u>	Delete "commissioner" insert "Adjutant General"
<u>Page 9, Section 24, Line 1:</u>	Delete "24." insert "32."; after "of" insert "Veterans'"
<u>Page 9, Section 25, Line 1:</u>	Delete "25." insert "33."; after "of" insert "Veterans'"
<u>Page 9, Section 25, Line 5:</u>	Delete "commissioner" insert "Adjutant General"
<u>Page 9, Section 25, Line 7:</u>	Delete "commissioner" insert "Adjutant General"
<u>Page 10, Section 26, Line 1:</u>	Delete "26." insert "34."; after "of" insert "Veterans'"

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

12

Page 10, Section 27, Line 1: Delete "27." insert "35."
Page 10, Section 27, Line 2: After "[Education,]" insert "Veterans"
Page 10, Section 27, Line 6: Delete "commissioner" insert "Adjutant
General"
Page 10, Section 27, Line 7: Delete "commissioner" insert "Adjutant
General"
Page 10, Section 28, Line 1: Delete "28." insert "36."
Page 10, Section 28, Line 2: Delete "commissioner" insert "Adjutant
General"
Page 10, Section 29, Line 1: Delete "29." insert "37."
Page 11, Section 30, Line 1: Delete "30." insert "38."
Page 11, Section 30, Line 2: After "[45] **," delete "41 and "
insert "through"
Page 11, Section 30, Line 3: After "[to] **" delete ", 52:27C-41
and" insert "through"
Page 11, Section 31, Line 1: Delete "31." insert "39."
Page 11, Section 32, Line 1: Delete "32." insert "40."
Page 11, Section 33, Line 1: Delete "33." insert "41."; after
"effect" insert "immediately.";
delete "upon the"
Page 11, Section 33, Lines 5-11: Delete in their entirety

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ Michael R. Cole ,

Chief Counsel



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: SAT., JAN. 16, 1988

Governor Thomas H. Kean today signed legislation to create a State Department of Veterans Affairs and Defense to enable New Jersey to "better provide the services that our Veterans need, consistent with the honor and dignity they deserve."

The Governor signed the legislation, A-3527, at a public ceremony at the National Guard Armory in Teaneck. The bill was sponsored by Assemblyman Peter Genova, R-Union.

Under the terms of the bill, the existing Division of Veterans Programs and Special Services in the Department of Human Services will be abolished and reconstituted as the nucleus of the new department.

The bill also provides for the establishment of three divisions within the Department: the Division of Administrative Services; the Division of Loans, Grants and Services, and the Division of Training, Information and Referrals.

The legislation appropriates \$1 million to implement the transfer from the Department of Human Services and establish the new Department.

"This legislation exemplifies more than ever before our desire to acknowledge the sacrifices our Veterans have made in our behalf," Kean said. "In New Jersey, more than 900,000 men and women are Veterans of the armed services --- individuals to whom we owe more than we can ever repay."

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The Governor pointed out that New Jersey has allocated \$27 million in the current State budget for Veterans programs and that in the past few years, his Administration has supported construction of a new Veterans' nursing home, the addition of several Veterans' service centers, and the creation of New Jersey's first Veterans' cemetery.

"The creation of the Department by this bill will allow the State to consolidate services and programs now scattered throughout several agencies of State Government and deliver those services more efficiently and economically," Kean said. "Our Veterans can only win under this new department."

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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN
609-292-8956 OR 292-6000 EXT. 207

TRENTON, N.J. 08625

Release: THURS., JAN. 7, 1988

A proposal to establish a State Department of Defense and Veterans' Affairs emerged from a meeting today of legislators and representatives of veterans' organizations with Governor Thomas H. Kean.

The new department recommendation is to be embodied in a conditional veto message to be delivered on Monday, January 11, by the Governor of a bill to create a State Department of Veterans.

"The Department of Defense will, under this proposal, take on the responsibilities and programs of the current Division of Veterans Services in the Department of Human Services," Kean said. "It will serve to greatly increase the identity of the veterans division by raising it to cabinet status and, at the same time, will greatly increase the identity of the many veterans' services programs available."

Kean said the proposal, which has the support of the veterans organizations in the state, will accomplish the goals and objectives of the supporters of the cabinet-level department while not expanding state government by adding a new department.

Assemblyman Peter Genova, R-Union, the Assembly sponsor of the department of veterans legislation, praised the new proposal.

"I am pleased to say that I have accomplished my goal, and that is to provide veterans in New Jersey with a single voice in Trenton," Genova said.

The Assemblyman met with the Governor's Chief Counsel Michael Cole to discuss ways in which to increase veterans' services after the Governor express reservations about creating an additional cabinet department.

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"The restructuring of the current Department of Defense to include veterans' affairs grew out of those discussions," Genova said.

Senator Francis McManimon, D-Mercer, the Senate sponsor of the bill, said:

"The cabinet level department will consolidate the various programs for veterans that are now scattered throughout state government and provide a unified voice for the men and women who have so loyally served their country. Combining the veterans' programs with the Department of Defense is a logical move that will benefit the former service personnel in a more efficient and effective manner."

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