

38:20-1

LEGISLATIVE HISTORY CHECKLIST

NJSA 38:20-1

COPY NO. 2

Laws of 1975 Chapter 225

Bill No. A1077

Sponsor(s) Hamilton & others

Date Introduced Jan. 31, 1974

Committee: Assembly Education

Senate -----

Amended during passage Yes Amendments during passage denoted by asterisks

Date of passage: Assembly May 13, 1974; re-enacted April 10, 1975

Senate June 13, 1974; re-enacted April 21, 1975

Date of approval Oct. 15, 1975

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate No

Fiscal Note Yes

Veto message Yes

Message on signing No

Following were printed:

Reports No

Hearings No

Do Not Remove From Library
DEPOSITORY COPY

10/4/76

MAY 1977

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1077

225

STATE OF N. J. TR 75

10-15-75

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblymen HAMILTON, PATERO, HYNES, FROUDE,
BORNHEIMER, OTLOWSKI, KARCHER, RIZZOLO, FORAN
and WEIDEL

Referred to Committee on Education

AN ACT concerning the education of war orphans and amending
R. S. 38:20-1.

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

1 1. R. S. 38:20-1 is amended to read as follows:

2 38:20-1. For the purpose of this chapter, the term "war
3 orphans" shall mean and include any child between the ages of
4 16 and 21 years, domiciled in this State for at least 12 months prior
5 to the time of application for benefits under this chapter, who being
6 otherwise qualified is the child of any resident of this State who
7 was killed in action or died from other causes while a member of
8 the Armed Forces of the United States in time of war or emergency,
9 *or who **[has been]** ****is*** officially listed as **[a "Prisoner of War"**
10 **or]** **"Missing In Action"** by the Department of Defense or who*
11 *died or shall hereafter die of disease or disability resulting from*
12 *such war or emergency service.*

13 As used in this act, "war" shall mean World War I, being any
14 time between April 6, 1917, to July 2, 1921, and World War II, being
15 any time between September 16, 1940, and September 2, 1945.

16 As used in this act, the term "in time of emergency" shall mean
17 and include any time after June 23, 1950, and prior to the termina-
18 tion, suspension or revocation of the proclamation of the existence
19 of a national emergency issued by the President of the United
20 States on December 16, 1950, or termination of the existence of such
21 national emergency by appropriate action of the President or
22 Congress of the United States; *the term "in time of emergency"*
23 *shall also mean and include any time ****of armed hostility or con-***
24 *flict with a foreign adversary****** after December 31, 1960, and prior*
25 *to the termination of the existence of such ****[national emer-***
26 *gency]**** ****such armed hostility or conflict with a foreign adver-*****
27 *sary****** by appropriate action of the President or Congress of the*
28 *United States.*

1 2. This act shall take effect immediately.

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

LAW LIBRARY COPY
DO NOT REMOVE

ASSEMBLY, No. 1077

STATE OF NEW JERSEY

INTRODUCED JANUARY 31, 1974

By Assemblymen HAMILTON, PATERO, HYNES, FROUDE,
BORNHEIMER, OTLOWSKI, KARCHER, RIZZOLO,
FORAN and WEIDEL

Referred to Committee on Education

AN ACT concerning the education of war orphans and amending
R. S. 38:20-1.

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

1 1. R. S. 38:20-1 is amended to read as follows:

2 38:20-1. For the purpose of this chapter, the term "war
3 orphans" shall mean and include any child between the ages of
4 16 and 21 years, domiciled in this State for at least 12 months prior
5 to the time of application for benefits under this chapter, who being
6 otherwise qualified is the child of any resident of this State who
7 was killed in action or died from other causes while a member of
8 the Armed Forces of the United States in time of war or emergency,
9 *or who has been officially listed as a "Prisoner of War" or*
10 *"Missing In Action" by the Department of Defense* or who died or
11 shall hereafter die of disease or disability resulting from such war
12 or emergency service.

13 As used in this act, "war" shall mean World War I, being any
14 time between April 6, 1917, to July 2, 1921, and World War II, being
15 any time between September 16, 1940, and September 2, 1945.

16 As used in this act, the term "in time of emergency" shall mean
17 and include any time after June 23, 1950, and prior to the termina-
18 tion, suspension or revocation of the proclamation of the existence
19 of a national emergency issued by the President of the United
20 States on December 16, 1950, or termination of the existence of such
21 national emergency by appropriate action of the President or
22 Congress of the United States; *the term "in time of emergency"*
23 *shall also mean and include any time after December 31, 1960, and*
24 *prior to the termination of the existence of such national emergency*
25 *by appropriate action of the President or Congress of the United*
26 *States.*

1 2. This act shall take effect immediately.

A1077 (1974)

2

STATEMENT

This bill would extend the \$500.00 a year benefit payable to War Orphans under the existing War Orphan Scholarship Program to any child whose parent was killed during the Vietnam Conflict and would further extend the existing Program to cover any child of a serviceman or woman who has been listed as a "Prisoner of War" or "Missing in Action" by the Department of Defense.

LA: 100-1000000

FISCAL NOTE TO
ASSEMBLY, No. 1077

STATE OF NEW JERSEY

DATED: APRIL 16, 1974

Assembly Bill No. 1077 would extend the \$500.00 a year benefit payable to war orphans under the existing War Orphans Scholarship Program to any child whose parent was killed during the Vietnam Conflict and would further extend the existing Program to cover any child of a serviceman or woman who has been listed as a "Prisoner of War" or "Missing in Action" by the Department of Defense.

The Bureau of Veterans Services can provide no information as to how many children in New Jersey might qualify for benefits if this legislation were enacted. However, it is the bureau's thinking that few, if any, would qualify for several years.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 7, 1975

ASSEMBLY BILL NO. 1077 (OCR)

TO THE GENERAL ASSEMBLY:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1077 (OCR), with my objections, for reconsideration.

This bill is intended to extend to children of New Jersey residents who were killed in action or died from other causes while a member of the Armed Forces of the United States during the Viet Nam Conflict or are officially listed as persons missing in action during that Conflict, the same educational benefits that are now afforded to children of New Jersey residents who died during or from diseases or disabilities resulting from service in the Armed Forces of the United States in World War I, World War II, and the Korean Conflict. I am in full agreement with the purpose of this bill. The families of those men and women who have given their life or remain missing as the result of serving the United States during the Viet Nam Conflict have and will continue to suffer emotional and financial hardship. Financial aid to the children of these families so they may seek and obtain an education beyond high school is one way for the State to relieve the financial hardship that they incur.

However, a technical deficiency exists in the bill which would prevent it from achieving its laudable purpose. The definition of "in time of emergency" is amended to mean and include "any time after December 21, 1960, and prior to the termination of the existence of such national emergency by appropriate action of the President or Congress of the United States." (Emphasis added) The Viet Nam Conflict was never proclaimed by the President or Congress as a state of national emergency and, accordingly, never terminated as a national emergency by either. Hence, the bill is defective since it mistakenly assumes and relies upon the Viet Nam Conflict having been declared a "national emergency." To successfully extend the benefits of R.S. 38:20-1, et seq., to children of persons who died or are missing in action as the result of service

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

- 2 -

in the Viet Nam Conflict, a definition of that period of hostility or armed conflict which makes no reference to a national emergency must be used.

Accordingly, I herewith return Assembly Bill No. 1077 (OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 23 - After "time" insert "of armed hostility or conflict with a foreign adversary"

Page 1, Section 1, Line 24 - Delete "national emergency" and insert in lieu thereof "such armed hostility or conflict with a foreign adversary"

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Donald Lan

EXECUTIVE SECRETARY TO THE GOVERNOR