

P.L. 2003, CHAPTER 197, *approved December 16, 2003*
Assembly, No. 3564

1 **AN ACT** concerning the qualifications of certain persons as veterans
2 for certain purposes, 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

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

8 11A:5-1. Definitions. As used in this chapter:

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

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

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

35 (2) World War II, on or after September 16, 1940, who shall have
36 served at least 90 days beginning on or before December 31, 1946 in
37 such active service, exclusive of any period of assignment for a course
38 of education or training under the Army Specialized Training Program
39 or the Navy College Training Program, which course was a
40 continuation of a civilian course and was pursued to completion, or as
41 a cadet or midshipman at one of the service academies; except that any

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 person receiving an actual service-incurred injury or disability shall be
2 classed a veteran whether or not that person has completed the 90-day
3 service;

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

14 (4) Lebanon crisis, on or after July 1, 1958, who has served in
15 Lebanon or on board any ship actively engaged in patrolling the
16 territorial waters of that nation for a period, continuous or in the
17 aggregate, of at least 14 days commencing on or before November 1,
18 1958 or the date of termination of that conflict, as proclaimed by the
19 President of the United States or Congress, whichever date of
20 termination is the latest, in such active service; provided, that any
21 person receiving an actual service-incurred injury or disability shall be
22 classed as a veteran whether or not that person has completed the
23 14 days' service as herein provided;

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

39 (6) Lebanon peacekeeping mission, on or after September 26,
40 1982, who has served in Lebanon or on board any ship actively
41 engaged in patrolling the territorial waters of that nation for a period,
42 continuous or in the aggregate, of at least 14 days commencing on or
43 before December 1, 1987 or the date of termination of that mission, as
44 proclaimed by the President of the United States or Congress,
45 whichever date of termination is the latest, in such active service;
46 provided, that any person receiving an actual service-incurred injury

1 or disability shall be classed as a veteran whether or not that person
2 has completed the 14 days' service as herein provided;

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

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

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

38 (10) Operation "Restore Hope" in Somalia, [commencing] on or
39 after December 5, 1992, or the date of inception of that operation as
40 proclaimed by the President of the United States or the Congress,
41 whichever date is earliest, [and terminating on] who has served in
42 Somalia or on board any ship actively engaged in patrolling the
43 territorial waters of that nation for a period, continuously or in the
44 aggregate, of at least 14 days in such active service commencing on or
45 before March 31, 1994 [, or the date of termination as proclaimed by
46 the President of the United States or the Congress, whichever date is

1 latest, who served for at least 14 days, continuously or in the
2 aggregate, in Somalia or on board any ship actively engaged in
3 patrolling the territorial waters of that nation during the specified
4 period]; provided that any person receiving an actual service-incurred
5 injury or disability shall be classed as a veteran whether or not that
6 person has completed the 14-day service as herein provided;

7 (11) Operations "Joint Endeavor" and "Joint Guard" in the Republic
8 of Bosnia and Herzegovina, [commencing] on or after November 20,
9 1995 [or December 20, 1996, as the case may be, and terminating on
10 December 20, 1996 or on such date as the United States Secretary of
11 Defense may designate, as the case may be], who served in such active
12 service in direct support of one or both of the operations for at least
13 14 days, continuously or in the aggregate, commencing on or before
14 June 20, 1998, and (1) was deployed in that nation or in another area
15 in the region, or (2) was on board a United States naval vessel
16 operating in the Adriatic Sea, or (3) operated in airspace above the
17 Republic of Bosnia and Herzegovina; provided that any person
18 receiving an actual service-incurred injury or disability shall be classed
19 as a veteran whether or not that person completed the 14-day service
20 requirement; [and]

21 (12) Operation "Uphold Democracy" in Haiti, [commencing] on
22 or after September 19, 1994 [and terminating on or before March 31,
23 1995] , who served in Haiti or on board any ship actively engaged in
24 patrolling the territorial waters of that nation for a period,
25 continuously or in the aggregate, of at least 14 days in such active
26 service commencing on or before March 31, 1995, and who received
27 an Armed Forces Expeditionary Medal for such service; provided, that
28 any person receiving an actual service-incurred injury or disability shall
29 be classed as a veteran whether or not that person has completed the
30 14 days' service as herein provided or received an Armed Forces
31 Expeditionary Medal;

32 (13) Operation "Enduring Freedom", on or after September 11,
33 2001, who served in a theater of operation and in direct support of
34 that operation for a period, continuously or in the aggregate, of at
35 least 14 days in such active service commencing on or before the date
36 the President of the United States or the United States Secretary of
37 Defense designates as the termination date of that operation; provided,
38 that any person receiving an actual service-incurred injury or disability
39 while engaged in such service shall be classed as a veteran whether or
40 not that person has completed the 14 days' service as herein provided;
41 and

42 (14) Operation "Iraqi Freedom", on or after the date the President
43 of the United States or the United States Secretary of Defense
44 designates as the inception date of that operation, who served in Iraq
45 or in another area in the region in direct support of that operation for
46 a period, continuously or in the aggregate, of at least 14 days in such

1 active service commencing on or before the date the President of the
2 United States or the United States Secretary of Defense designates as
3 the termination date of that operation; provided, that any person
4 receiving an actual service-incurred injury or disability while engaged
5 in such service shall be classed as a veteran whether or not that person
6 has completed the 14-days' service as herein provided.

7 c. "War service" means service by a veteran in any war or conflict
8 described in this chapter during the periods specified.
9 (cf: P.L.2001, c.127, s.1)

10
11 2. N.J.S.18A:66-2 is amended to read as follows:

12 18A:66-2. As used in this article:

13 a. "Accumulated deductions" means the sum of all the amounts,
14 deducted from the compensation of a member or contributed by or in
15 behalf of the member, including interest credited to January 1, 1956,
16 standing to the credit of the member's individual account in the annuity
17 savings fund.

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

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

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

29 e. "Employer" means the State, the board of education or any
30 educational institution or agency of or within the State by which a
31 teacher is paid.

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

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

41 h. "Pension" means payments for life derived from appropriations
42 made by the State or employers to the Teachers' Pension and Annuity
43 Fund.

44 i. "Annuity reserve" means the present value of all payments to be
45 made on account of any annuity or benefit in lieu of an annuity,
46 granted under the provisions of this article, computed on the basis of

- 1 such mortality tables recommended by the actuary as the board of
2 trustees adopts, with regular interest.
- 3 j. "Pension reserve" means the present value of all payments to be
4 made on account of any pension or benefit in lieu of a pension granted
5 to a member from the Teachers' Pension and Annuity Fund, computed
6 on the basis of such mortality tables recommended by the actuary as
7 the board of trustees adopts, with regular interest.
- 8 k. "Present-entrant" means any member of the Teachers' Pension
9 and Annuity Fund who had established status as a "present-entrant
10 member" of said fund prior to January 1, 1956.
- 11 l. "Rate of contribution initially certified" means the rate of
12 contribution certified by the retirement system in accordance with
13 N.J.S.18A:66-29.
- 14 m. "Regular interest" shall mean interest as determined by the State
15 Treasurer, after consultation with the Directors of the Divisions of
16 Investment and Pensions, the board of trustees and the actuary. It
17 shall bear a reasonable relationship to the percentage rate of earnings
18 on investments based on the market value of assets but shall not
19 exceed the assumed percentage rate of increase applied to salaries plus
20 3%, provided however that the board of trustees shall not set the
21 average percentage rate of increase applied to salaries below 6%.
- 22 n. "Retirement allowance" means the pension plus the annuity.
- 23 o. "School service" means any service as a "teacher" as defined in
24 this section.
- 25 p. "Teacher" means any regular teacher, special teacher, helping
26 teacher, teacher clerk, principal, vice-principal, supervisor, supervising
27 principal, director, superintendent, city superintendent, assistant city
28 superintendent, county superintendent, State Commissioner or
29 Assistant Commissioner of Education, members of the State
30 Department of Education who are certificated, unclassified
31 professional staff and other members of the teaching or professional
32 staff of any class, public school, high school, normal school, model
33 school, training school, vocational school, truant reformatory school,
34 or parental school, and of any and all classes or schools within the
35 State conducted under the order and superintendence, and wholly or
36 partly at the expense of the State Board of Education, of a duly
37 elected or appointed board of education, board of school directors, or
38 board of trustees of the State or of any school district or normal
39 school district thereof, and any persons under contract or engagement
40 to perform one or more of these functions. It shall also mean any
41 person who serves, while on an approved leave of absence from
42 regular duties as a teacher, as an officer of a local, county or State
43 labor organization which represents, or is affiliated with an
44 organization which represents, teachers as defined in this subsection.
45 No person shall be deemed a teacher within the meaning of this article
46 who is a substitute teacher. In all cases of doubt the board of trustees

1 shall determine whether any person is a teacher as defined in this
2 article.

3 q. "Teachers' Pension and Annuity Fund," hereinafter referred to
4 as the "retirement system" or "system," is the corporate name of the
5 arrangement for the payment of retirement allowances and other
6 benefits under the provisions of this article, including the several funds
7 placed under said system. By that name all its business shall be
8 transacted, its funds invested, warrants for money drawn, and
9 payments made and all of its cash and securities and other property
10 held.

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

28 (1) The Indian wars and uprisings during any of the periods
29 recognized by the War Department of the United States as periods of
30 active hostility;

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

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

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

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

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

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

44 (8) The Mexican border patrol, having actually participated in
45 engagements against Mexicans between April 12, 1911, and June 16,
46 1919;

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

2 (10) World War II, between September 16, 1940, and
3 December 31, 1946, who shall have served at least 90 days in such
4 active service, exclusive of any period of assignment (1) for a course
5 of education or training under the Army Specialized Training Program
6 or the Navy College Training Program, which course was a
7 continuation of a civilian course and was pursued to completion, or (2)
8 as a cadet or midshipman at one of the service academies, any part of
9 which 90 days was served between said dates; provided that any
10 person receiving an actual service-incurred injury or disability shall be
11 classed as a veteran, whether or not that person has completed the
12 90-day service as herein provided;

13 (11) Korean conflict on or after June 23, 1950, and on or prior to
14 January 31, 1955, who shall have served at least 90 days in such active
15 service, exclusive of any period of assignment (1) for a course of
16 education or training under the Army Specialized Training Program or
17 the Navy College Training Program, which course was a continuation
18 of a civilian course and was pursued to completion, or (2) as a cadet
19 or midshipman at one of the service academies, any part of which
20 90 days was served between said dates; provided that any person
21 receiving an actual service-incurred injury or disability shall be classed
22 as a veteran, whether or not that person has completed the 90-day
23 service as herein provided; and provided further that any member
24 classed as a veteran pursuant to this subsection prior to August 1,
25 1966, shall continue to be classed as a veteran, whether or not that
26 person completed the 90-day service between said dates as herein
27 provided;

28 (12) Lebanon crisis, on or after July 1, 1958, who has served in
29 Lebanon or on board any ship actively engaged in patrolling the
30 territorial waters of that nation for a period, continuous or in the
31 aggregate, of at least 14 days commencing on or before November 1,
32 1958 or the date of termination of that conflict, as proclaimed by the
33 President of the United States or Congress, whichever date of
34 termination is the latest, in such active service; provided, that any
35 person receiving an actual service-incurred injury or disability shall be
36 classed as a veteran whether or not that person has completed the
37 14 days' service as herein provided;

38 (13) Vietnam conflict, on or after December 31, 1960, and on or
39 prior to May 7, 1975, who shall have served at least 90 days in such
40 active service, exclusive of any period of assignment (1) for a course
41 of education or training under the Army Specialized Training Program
42 or the Navy College Training Program, which course was a
43 continuation of a civilian course and was pursued to completion, or (2)
44 as a cadet or midshipman at one of the service academies, any part of
45 which 90 days was served between said dates; and exclusive of any
46 service performed pursuant to the provisions of section 511(d) of Title

1 10, United States Code, pursuant to an enlistment in the Army
2 National Guard or as a reserve for service in the Army Reserve, Naval
3 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
4 Reserve; provided that any person receiving an actual service-incurred
5 injury or disability shall be classed as a veteran, whether or not that
6 person has completed the 90-day service as herein provided;

7 (14) Lebanon peacekeeping mission, on or after September 26,
8 1982, who has served in Lebanon or on board any ship actively
9 engaged in patrolling the territorial waters of that nation for a period,
10 continuous or in the aggregate, of at least 14 days commencing on or
11 before December 1, 1987 or the date of termination of that mission, as
12 proclaimed by the President of the United States or Congress,
13 whichever date of termination is the latest, in such active service;
14 provided, that any person receiving an actual service-incurred injury
15 or disability shall be classed as a veteran whether or not that person
16 has completed the 14 days' service as herein provided;

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

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

39 (17) Operation "Desert Shield/Desert Storm" mission in the
40 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
41 the date of inception of that operation, as proclaimed by the President
42 of the United States or Congress, whichever date of inception is
43 earliest, who has served in the Arabian peninsula or on board any ship
44 actively engaged in patrolling the Persian Gulf for a period, continuous
45 or in the aggregate, of at least 14 days commencing on or before the
46 date of termination of that mission, as proclaimed by the President of

1 the United States or Congress, whichever date of termination is the
2 latest, in such active service; provided, that any person receiving an
3 actual service-incurred injury or disability shall be classed as a veteran
4 whether or not that person has completed the 14 days' service as
5 herein provided;

6 (18) Operation "Restore Hope" in Somalia, [commencing] on or
7 after December 5, 1992, or the date of inception of that operation as
8 proclaimed by the President of the United States or the Congress,
9 whichever date is earliest, [and terminating on] who has served in
10 Somalia or on board any ship actively engaged in patrolling the
11 territorial waters of that nation for a period, continuously or in the
12 aggregate, of at least 14 days in such active service commencing on or
13 before March 31, 1994 [, or the date of termination as proclaimed by
14 the President of the United States or the Congress, whichever date is
15 latest, who served for at least 14 days, continuously or in the
16 aggregate, in Somalia or on board any ship actively engaged in
17 patrolling the territorial waters of that nation during the specified
18 period]; 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-day service as herein provided;

21 (19) Operations "Joint Endeavor" and "Joint Guard" in the
22 Republic of Bosnia and Herzegovina, [commencing] on or after
23 November 20, 1995 [or December 20, 1996, as the case may be, and
24 terminating on December 20, 1996 or on such date as the United
25 States Secretary of Defense may designate, as the case may be], who
26 served in such active service in direct support of one or both of the
27 operations for at least 14 days, continuously or in the aggregate,
28 commencing on or before June 20, 1998, and (1) was deployed in that
29 nation or in another area in the region, or (2) was on board a United
30 States naval vessel operating in the Adriatic Sea, or (3) operated in
31 airspace above the Republic of Bosnia and Herzegovina; provided that
32 any person receiving an actual service-incurred injury or disability shall
33 be classed as a veteran whether or not that person completed the
34 14-day service requirement;

35 (20) Operation "Enduring Freedom", on or after September 11,
36 2001, who served in a theater of operation and in direct support of
37 that operation for a period, continuously or in the aggregate, of at
38 least 14 days in such active service commencing on or before the date
39 the President of the United States or the United States Secretary of
40 Defense designates as the termination date of that operation; provided,
41 that any person receiving an actual service-incurred injury or disability
42 while engaged in such service shall be classed as a veteran whether or
43 not that person has completed the 14 days' service as herein provided;
44 and

45 (21) Operation "Iraqi Freedom", on or after the date the President
46 of the United States or the United States Secretary of Defense

1 designates as the inception date of that operation, who served in Iraq
2 or in another area in the region in direct support of that operation for
3 a period, continuously or in the aggregate, of at least 14 days in such
4 active service commencing on or before the date the President of the
5 United States or the United States Secretary of Defense designates as
6 the termination date of that operation; provided, that any person
7 receiving an actual service-incurred injury or disability while engaged
8 in such service shall be classed as a veteran whether or not that person
9 has completed the 14-days' service as herein provided.

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

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

21 t. "Widower" means the man to whom a member was married at
22 least five years before the date of her death and to whom she
23 continued to be married until the date of her death and who was
24 receiving at least one-half of his support from the member in the
25 12-month period immediately preceding the member's death or the
26 accident which was the direct cause of the member's death. The
27 dependency of such a widower will be considered terminated by
28 marriage of the widower subsequent to the death of the member. In
29 the event of the payment of an accidental death benefit, the five-year
30 qualification shall be waived.

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

40 v. "Parent" means the parent of a member who was receiving at
41 least one-half of the parent's support from the member in the 12-month
42 period immediately preceding the member's death or the accident
43 which was the direct cause of the member's death. The dependency of
44 such a parent will be considered terminated by marriage of the parent
45 subsequent to the death of the member.

46 w. "Medical board" means the board of physicians provided for in

1 N.J.S.18A:66-56.

2 (cf: P.L.2001, c.128, s.1)

3

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

6 6. As used in this act:

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

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

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

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

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

27 f. "Parent" shall mean the parent of a member who was receiving
28 at least 1/2 of the parent's 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 parent will be considered terminated by marriage of the parent
32 subsequent to the death of the member.

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

43 h. "Final compensation" means the average annual compensation
44 for which contributions are made for the three years of creditable
45 service in New Jersey immediately preceding the member's retirement
46 or death, or it shall mean the average annual compensation for New

1 Jersey service for which contributions are made during any three fiscal
2 years of his or her membership providing the largest possible benefit
3 to the member or the member's beneficiary.

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

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

8 k. "Pension" means payments for life derived from appropriations
9 made by the employer as provided in this act.

10 l. "Pension reserve" means the present value of all payments to be
11 made on account of any pension or benefit in lieu of a pension granted
12 under the provisions of this act, computed on the basis of such
13 mortality tables recommended by the actuary as the board of trustees
14 adopts, with regular interest.

15 m. "Public Employees' Retirement System of New Jersey,"
16 hereinafter referred to as the "retirement system" or "system," is the
17 corporate name of the arrangement for the payment of retirement
18 allowances and other benefits under the provisions of this act including
19 the several funds placed under said system. By that name all of its
20 business shall be transacted, its funds invested, warrants for money
21 drawn, and payments made and all of its cash and securities and other
22 property held.

23 n. "Regular interest" shall mean interest as determined by the State
24 Treasurer, after consultation with the Directors of the Divisions of
25 Investment and Pensions, the board of trustees and the actuary. It
26 shall bear a reasonable relationship to the percentage rate of earnings
27 on investments based on the market value of the assets but shall not
28 exceed the assumed percentage rate of increase applied to salaries plus
29 3%, provided however that the board of trustees shall not set the
30 average percentage rate of increase applied to salaries below 6%.

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

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

1 record of service in form and content satisfactory to said retirement
2 system:

3 (1) The Indian wars and uprisings during any of the periods
4 recognized by the War Department of the United States as periods of
5 active hostility;

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

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

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

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

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

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

19 (8) The Mexican border patrol, having actually participated in
20 engagements against Mexicans between April 12, 1911, and June 16,
21 1919;

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

23 (10) World War II, between September 16, 1940, and
24 December 31, 1946, who shall have served at least 90 days in such
25 active service, exclusive of any period of assignment (1) for a course
26 of education or training under the Army Specialized Training Program
27 or the Navy College Training Program which course was a
28 continuation of a civilian course and was pursued to completion, or (2)
29 as a cadet or midshipman at one of the service academies any part of
30 which 90 days was served between said dates; 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
33 90-day service as herein provided;

34 (11) Korean conflict on or after June 23, 1950, and on or prior to
35 January 31, 1955, who shall have served at least 90 days in such active
36 service, exclusive of any period of assignment (1) for a course of
37 education or training under the Army Specialized Training Program or
38 the Navy College Training Program which course was a continuation
39 of a civilian course and was pursued to completion, or (2) as a cadet
40 or midshipman at one of the service academies, any part of which
41 90 days was served between said dates; provided, that any person
42 receiving an actual service-incurred injury or disability shall be classed
43 as a veteran whether or not that person has completed the 90-day
44 service as herein provided; and provided further, that any member
45 classed as a veteran pursuant to this paragraph prior to August 1,
46 1966, shall continue to be classed as a veteran whether or not that

1 person completed the 90-day service between said dates as herein
2 provided;

3 (12) Lebanon crisis, on or after July 1, 1958, who has served in
4 Lebanon or on board any ship actively engaged in patrolling the
5 territorial waters of that nation for a period, continuous or in the
6 aggregate, of at least 14 days commencing on or before November 1,
7 1958 or the date of termination of that conflict, as proclaimed by the
8 President of the United States or Congress, whichever date of
9 termination is the latest, in such active service; provided, that any
10 person receiving an actual service-incurred injury or disability shall be
11 classed as a veteran whether or not that person has completed the
12 14 days' service as herein provided;

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

28 (14) Lebanon peacekeeping mission, on or after September 26,
29 1982, who has served in Lebanon or on board any ship actively
30 engaged in patrolling the territorial waters of that nation for a period,
31 continuous or in the aggregate, of at least 14 days commencing on or
32 before December 1, 1987 or the date of termination of that mission, as
33 proclaimed by the President of the United States or Congress,
34 whichever date of termination is the latest, in such active service;
35 provided, that any person receiving an actual service-incurred injury
36 or disability shall be classed as a veteran whether or not that person
37 has completed the 14 days' service as herein provided;

38 (15) Grenada peacekeeping mission, on or after October 23, 1983,
39 who has served in Grenada or on board any ship actively engaged in
40 patrolling the territorial waters of that nation for a period, continuous
41 or in the aggregate, of at least 14 days commencing on or before
42 November 21, 1983 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 (16) Panama peacekeeping mission, on or after December 20, 1989
3 or the date of inception of that mission, as proclaimed by the President
4 of the United States or Congress, whichever date of inception is
5 earliest, who has served in Panama or on board any ship actively
6 engaged in patrolling the territorial waters of that nation for a period,
7 continuous or in the aggregate, of at least 14 days commencing on or
8 before January 31, 1990 or the date of termination of that mission, as
9 proclaimed by the President of the United States or Congress,
10 whichever date of termination is the latest, in such active service;
11 provided, that any person receiving an actual service-incurred injury
12 or disability shall be classed as a veteran whether or not that person
13 has completed the 14 days' service as herein provided;

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

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

42 (19) Operations "Joint Endeavor" and "Joint Guard" in the Republic
43 of Bosnia and Herzegovina, [commencing] on or after November 20,
44 1995 [or December 20, 1996, as the case may be, and terminating on
45 December 20, 1996 or on such date as the United States Secretary of
46 Defense may designate, as the case may be], who served in such active

1 service in direct support of one or both of the operations for at least
2 14 days, continuously or in the aggregate, commencing on or before
3 June 20, 1998, and (1) was deployed in that nation or in another area
4 in the region, or (2) was on board a United States naval vessel
5 operating in the Adriatic Sea, or (3) operated in airspace above the
6 Republic of Bosnia and Herzegovina; provided that any person
7 receiving an actual service-incurred injury or disability shall be classed
8 as a veteran whether or not that person completed the 14-day service
9 requirement;

10 (20) Operation "Enduring Freedom", on or after September 11,
11 2001, who served in a theater of operation and in direct support of
12 that operation for a period, continuously or in the aggregate, of at
13 least 14 days in such active service commencing on or before the date
14 the President of the United States or the United States Secretary of
15 Defense designates as the termination date of that operation; provided,
16 that any person receiving an actual service-incurred injury or disability
17 while engaged in such service shall be classed as a veteran whether or
18 not that person has completed the 14 days' service as herein provided;
19 and

20 (21) Operation "Iraqi Freedom", on or after the date the President
21 of the United States or the United States Secretary of Defense
22 designates as the inception date of that operation, who served in Iraq
23 or in another area in the region in direct support of that operation for
24 a period, continuously or in the aggregate, of at least 14 days in such
25 active service commencing on or before the date the President of the
26 United States or the United States Secretary of Defense designates as
27 the termination date of that operation; provided, that any person
28 receiving an actual service-incurred injury or disability while engaged
29 in such service shall be classed as a veteran whether or not that person
30 has completed the 14-days' service as herein provided.

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

35 q. "Widow" means the woman to whom a member was married at
36 least five years before the date of his death and to whom he continued
37 to be married until the date of his death and who was receiving at least
38 1/2 of her support from the member in the 12-month period
39 immediately preceding the member's death or the accident which was
40 the direct cause of the member's death. The dependency of such a
41 widow will be considered terminated by the marriage of the widow
42 subsequent to the member's death. In the event of the payment of an
43 accidental death benefit, the five-year qualification shall be waived.

44 r. "Compensation" means the base or contractual salary, for
45 services as an employee, which is in accordance with established salary
46 policies of the member's employer for all employees in the same

1 position but shall not include individual salary adjustments which are
2 granted primarily in anticipation of the member's retirement or
3 additional remuneration for performing temporary or extracurricular
4 duties beyond the regular workday or the regular work year. In cases
5 where salary includes maintenance, the retirement system shall fix the
6 value of that part of the salary not paid in money which shall be
7 considered under this act.

8 (cf: P.L.2001, c.128, s.2)

9
10 4. Section 1 of P.L.1983, c.391 (C.43:16A-11.7) is amended to
11 read as follows:

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

29 (1) The Indian wars and uprisings during any of the periods
30 recognized by the War Department of the United States as periods of
31 active hostility;

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

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

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

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

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

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

45 (8) The Mexican border patrol, having actually participated in
46 engagements against Mexicans between April 12, 1911, and June 16,

1 1919;

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

3 (10) World War II, between September 16, 1940, and
4 December 31, 1946, who shall have served at least 90 days in such
5 active service, exclusive of any period of assignment (1) for a course
6 of education or training under the Army Specialized Training Program
7 or the Navy College Training program which course was a
8 continuation of a civilian course and was pursued to completion, or (2)
9 as a cadet or midshipman at one of the service academies any part of
10 which 90 days was served between said dates; provided, that any
11 person receiving an actual service-incurred injury or disability shall be
12 classed as a veteran whether or not that person has completed the
13 90-day service as herein provided;

14 (11) Korean conflict on or after June 23, 1950, and on or prior to
15 January 31, 1955, who shall have served at least 90 days in such active
16 service, exclusive of any period of assignment (1) for a course of
17 education or training under the Army Specialized Training Program or
18 the Navy College Training Program which course was a continuation
19 of a civilian course and was pursued to completion, or (2) as a cadet
20 or midshipman at one of the service academies, any part of which
21 90 days was served between said dates; provided, that any person
22 receiving an actual service-incurred injury or disability shall be classed
23 as a veteran whether or not that person has completed the 90-day
24 service as herein provided; and provided further, that any member
25 classed as a veteran pursuant to this subparagraph prior to August 1,
26 1966, shall continue to be classed as a veteran whether or not the
27 member completed the 90-day service between said dates as herein
28 provided;

29 (12) Lebanon crisis, on or after July 1, 1958, who has served in
30 Lebanon or on board any ship actively engaged in patrolling the
31 territorial waters of that nation for a period, continuous or in the
32 aggregate, of at least 14 days commencing on or before November 1,
33 1958 or the date of termination of that conflict, as proclaimed by the
34 President of the United States or Congress, whichever date of
35 termination is the latest, in such active service; provided, that any
36 person receiving an actual service-incurred injury or disability shall be
37 classed as a veteran whether or not that person has completed the 14
38 days' service as herein provided;

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

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

8 (14) Lebanon peacekeeping mission, on or after September 26,
9 1982, who has served in Lebanon or on board any ship actively
10 engaged in patrolling the territorial waters of that nation for a period,
11 continuous or in the aggregate, of at least 14 days commencing on or
12 before December 1, 1987 or the date of termination of that mission, as
13 proclaimed by the President of the United States or Congress,
14 whichever date of termination is the latest, in such active service;
15 provided, that any person receiving an actual service-incurred injury
16 or disability shall be classed as a veteran whether or not that person
17 has completed the 14 days' service as herein provided;

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

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

40 (17) Operation "Desert Shield/Desert Storm" mission in the
41 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
42 the date of inception of that operation, as proclaimed by the President
43 of the United States or Congress, whichever date of inception is
44 earliest, who has served in the Arabian peninsula or on board any ship
45 actively engaged in patrolling the Persian Gulf for a period, continuous
46 or in the aggregate, of at least 14 days commencing on or before the

1 date of termination of that mission, as proclaimed by the President of
2 the United States or Congress, whichever date of termination is the
3 latest, in such active service; 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 14 days' service as
6 herein provided;

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

22 (19) Operations "Joint Endeavor" and "Joint Guard" in the Republic
23 of Bosnia and Herzegovina, [commencing] on or after November 20,
24 1995 [or December 20, 1996, as the case may be, and terminating on
25 December 20, 1996 or on such date as the United States Secretary of
26 Defense may designate, as the case may be], who served in such active
27 service in direct support of one or both of the operations for at least
28 14 days, continuously or in the aggregate, commencing on or before
29 June 20, 1998, and (1) was deployed in that nation or in another area
30 in the region, or (2) was on board a United States naval vessel
31 operating in the Adriatic Sea, or (3) operated in airspace above the
32 Republic of Bosnia and Herzegovina; provided that any person
33 receiving an actual service-incurred injury or disability shall be classed
34 as a veteran whether or not that person completed the 14-day service
35 requirement;

36 (20) Operation "Enduring Freedom", on or after September 11,
37 2001, who served in a theater of operation and in direct support of
38 that operation for a period, continuously or in the aggregate, of at
39 least 14 days in such active service commencing on or before the date
40 the President of the United States or the United States Secretary of
41 Defense designates as the termination date of that operation; provided,
42 that any person receiving an actual service-incurred injury or disability
43 while engaged in such service shall be classed as a veteran whether or
44 not that person has completed the 14 days' service as herein provided;
45 and

46 (21) Operation "Iraqi Freedom", on or after the date the President

1 of the United States or the United States Secretary of Defense
2 designates as the inception date of that operation, who served in Iraq
3 or in another area in the region in direct support of that operation for
4 a period, continuously or in the aggregate, of at least 14 days in such
5 active service commencing on or before the date the President of the
6 United States or the United States Secretary of Defense designates as
7 the termination date of that operation; provided, that any person
8 receiving an actual service-incurred injury or disability while engaged
9 in such service shall be classed as a veteran whether or not that person
10 has completed the 14-days' service as herein provided.

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

15 (cf: P.L.2001, c.128, s.4)

16

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

19 1. (a) "Active service in time of war" means active service at some
20 time during one of the following periods:

21 Operation "Iraqi Freedom", on or after the date the President of the
22 United States or the United States Secretary of Defense designates as
23 the inception date of that operation, who served in Iraq or in another
24 area in the region in direct support of that operation for a period,
25 continuously or in the aggregate, of at least 14 days in such active
26 service commencing on or before the date the President of the United
27 States or the United States Secretary of Defense designates as the
28 termination date of that operation; provided, that any person receiving
29 an actual service-incurred injury or disability while engaged in such
30 service shall be classed as a veteran whether or not that person has
31 completed the 14-days' service as herein provided;

32 Operation "Enduring Freedom", on or after September 11, 2001,
33 who served in a theater of operation and in direct support of that
34 operation for a period, continuously or in the aggregate, of at least
35 14 days in such active service commencing on or before the date the
36 President of the United States or the United States Secretary of
37 Defense designates as the termination date of that operation; provided,
38 that any person receiving an actual service-incurred injury or disability
39 while engaged in such service shall be classed as a veteran whether or
40 not that person has completed the 14 days' service as herein provided;

41 Operation "Restore Hope" in Somalia, [commencing] on or after
42 December 5, 1992, or the date of inception of that operation as
43 proclaimed by the President of the United States or the Congress,
44 whichever date is earliest, [and terminating on] who has served in
45 Somalia or on board any ship actively engaged in patrolling the
46 territorial waters of that nation for a period, continuously or in the

1 aggregate, of at least 14 days in such active service commencing on or
2 before March 31, 1994 [, or the date of termination as proclaimed by
3 the President of the United States or the Congress, whichever date is
4 latest, who served for at least 14 days, continuously or in the
5 aggregate, in Somalia or on board any ship actively engaged in
6 patrolling the territorial waters of that nation during the specified
7 period]; 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 14-day service as herein provided;

10 Operations "Joint Endeavor" and "Joint Guard" in the Republic of
11 Bosnia and Herzegovina, [commencing] on or after November 20,
12 1995 [or December 20, 1996, as the case may be, and terminating on
13 December 20, 1996 or on such date as the United States Secretary of
14 Defense may designate, as the case may be], who served in such active
15 service in direct support of one or both of the operations for at least
16 14 days, continuously or in the aggregate, commencing on or before
17 June 20, 1998, and (1) was deployed in that nation or in another area
18 in the region, or (2) was on board a United States naval vessel
19 operating in the Adriatic Sea, or (3) operated in airspace above the
20 Republic of Bosnia and Herzegovina; provided that any person
21 receiving an actual service-incurred injury or disability shall be classed
22 as a veteran whether or not that person completed the 14-day service
23 requirement;

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

37 The Panama peacekeeping mission, on or after December 20, 1989
38 or the date of inception of that mission, as proclaimed by the President
39 of the United States or Congress, whichever date of inception is
40 earliest, who has served in Panama or on board any ship actively
41 engaged in patrolling the territorial waters of that nation for a period,
42 continuous or in the aggregate, of at least 14 days commencing on or
43 before January 31, 1990 or the date of termination of that mission, as
44 proclaimed by the President of the United States or Congress,
45 whichever date of termination is the latest, in such active service;
46 provided, that any person receiving an actual service-incurred injury

1 or disability shall be classed as a veteran whether or not that person
2 has completed the 14 days' service as herein provided;

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

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

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

24 The Lebanon crisis, on or after July 1, 1958, who has served in
25 Lebanon or on board any ship actively engaged in patrolling the
26 territorial waters of that nation for a period, continuous or in the
27 aggregate, of at least 14 days commencing on or before November 1,
28 1958 or the date of termination of that conflict, as proclaimed by the
29 President of the United States or Congress, 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
33 14 days' service as herein provided;

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

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

36 World War I, April 6, 1917 to November 11, 1918, and in the case
37 of service with the United States military forces in Russia, April 6,
38 1917 to April 1, 1920;

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

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

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

46 (c) "Collector" means the collector or receiver of taxes of a taxing

1 district.

2 (d) "Honorably discharged or released under honorable
3 circumstances from active service in time of war," means and includes
4 every form of separation from active, full-time duty with military or
5 naval pay and allowances in some branch of the Armed Forces of the
6 United States in time of war, other than those marked "dishonorable,"
7 "undesirable," "bad conduct," "by sentence of general court martial,"
8 "by sentence of summary court martial" or similar expression
9 indicating that the discharge or release was not under honorable
10 circumstances. A disenrollment certificate or other form of release
11 terminating temporary service in a military or naval branch of the
12 armed forces rendered on a voluntary and part-time basis without pay,
13 or a release from or deferment of induction into the active military or
14 naval service shall not be deemed to be included in the aforementioned
15 phrase.

16 (e) "Pre-tax year" means the particular calendar year immediately
17 preceding the "tax year."

18 (f) "Resident" means one legally domiciled within the State of New
19 Jersey. Mere seasonal or temporary residence within the State, of
20 whatever duration, shall not constitute domicile within the State for
21 the purposes of this act. Absence from this State for a period of 12
22 months shall be prima facie evidence of abandonment of domicile in
23 this State. The burden of establishing legal domicile within the State
24 shall be upon the claimant.

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

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

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

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

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

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

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

1 (k) "Cooperative" means a housing corporation or association
2 incorporated or organized under the laws of New Jersey which entitles
3 a shareholder thereof to possess and occupy for dwelling purposes a
4 house, apartment or other structure owned or leased by the
5 corporation or association.

6 (l) "Mutual housing corporation" means a corporation
7 not-for-profit incorporated under the laws of New Jersey on a mutual
8 or cooperative basis within the scope of section 607 of the "National
9 Defense Housing Act," Pub.L.76-849 (42 U.S.C.s.1521 et seq.), which
10 acquired a National Defense Housing Project pursuant to that act.
11 (cf: P.L.2001, c.127, s.6)

12

13 6. This act shall take effect immediately, but section 6 shall remain
14 inoperative until January 1 next after enactment.

15

16

17

STATEMENT

18

19 This bill extends eligibility for certain veterans' benefits to veterans
20 of Operations "Enduring Freedom" and "Iraqi Freedom" who served
21 at least 14 days in the theater of operations of those campaigns.

22 The benefits such a person would be eligible for include absolute
23 civil service preference under Title 11A of the New Jersey Statutes, a
24 veteran's retirement allowance under the Teachers' Pension and
25 Annuity Fund (TPAF) or the Public Employees' Retirement System
26 (PERS), and the purchase of additional military service credit in the
27 Police and Firemen's Retirement System (PFRS), TPAF and PERS.
28 An eligible person would also be entitled to the annual property tax
29 deduction provided for by Article VIII of the New Jersey Constitution
30 (\$200 in tax year 2002 and \$250 in each tax year thereafter) or a
31 property tax exemption if the eligible person has a total and permanent
32 service-incurred disability.

33 Finally, the bill also makes technical changes and updates to
34 descriptions of what constitutes service during certain past operations.

35

36

37

38

39 Extends eligibility for State veterans' benefits to veterans of
40 Operations Enduring Freedom and Iraqi Freedom.

ASSEMBLY, No. 3564

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED MAY 8, 2003

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman CRAIG A. STANLEY

District 28 (Essex)

Co-Sponsored by:

**Assemblymen Ahearn, Azzolina, Chivukula, Conaway, Conners,
Assemblywoman Cruz-Perez, Assemblymen Eagler, Fisher,
Assemblywoman Greenstein, Assemblymen Gregg, Guear, Gusciora,
Assemblywoman Heck, Assemblyman Johnson, Assemblywoman Previte,
Assemblymen R.Smith, Van Drew, Cryan, Doria, Impoveduto, McKeon,
Assemblywomen Perez-Cinciarelli, Quigley, Assemblymen Wisniewski,
Barnes, Caraballo, Diegnan, Edwards, Egan, Green, Hackett, Payne,
Assemblywoman Pou, Assemblymen Sarlo and Steele**

SYNOPSIS

Extends eligibility for State veterans' benefits to veterans of Operations Enduring Freedom and Iraqi Freedom.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/16/2003)

A3564 BURZICHELLI, STANLEY

2

1 AN ACT concerning the qualifications of certain persons as veterans
2 for certain purposes, 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
7 1. N.J.S.11A:5-1 is amended to read as follows:

8 11A:5-1. Definitions. As used in this chapter:

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

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

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

35 (2) World War II, on or after September 16, 1940, who shall have
36 served at least 90 days beginning on or before December 31, 1946 in
37 such active service, exclusive of any period of assignment for a course
38 of education or training under the Army Specialized Training Program
39 or the Navy College Training Program, which course was a
40 continuation of a civilian course and was pursued to completion, or as
41 a cadet or midshipman at one of the service academies; except that any
42 person receiving an actual service-incurred injury or disability shall be
43 classed a veteran whether or not that person has completed the 90-day

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 service;

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

12 (4) Lebanon crisis, on or after July 1, 1958, who has served in
13 Lebanon or on board any ship actively engaged in patrolling the
14 territorial waters of that nation for a period, continuous or in the
15 aggregate, of at least 14 days commencing on or before November 1,
16 1958 or the date of termination of that conflict, as proclaimed by the
17 President of the United States or Congress, whichever date of
18 termination is the latest, in such active service; provided, that any
19 person receiving an actual service-incurred injury or disability shall be
20 classed as a veteran whether or not that person has completed the
21 14 days' service as herein provided;

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

37 (6) 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 (7) 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 (8) Panama peacekeeping mission, on or after December 20, 1989
12 or the date of inception of that mission, as proclaimed by the President
13 of the United States or Congress, whichever date of inception is
14 earliest, who has served in Panama or on board any ship actively
15 engaged in patrolling the territorial waters of that nation for a period,
16 continuous or in the aggregate, of at least 14 days commencing on or
17 before January 31, 1990 or the date of termination of that mission, as
18 proclaimed by the President of the United States or Congress,
19 whichever date of termination is the latest, in such active service;
20 provided, that any person receiving an actual service-incurred injury
21 or disability shall be classed as a veteran whether or not that person
22 has completed the 14 days' service as herein provided;

23 (9) 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 or Congress, whichever date of termination is the latest,
32 in such active service; provided, that any person receiving an actual
33 service-incurred injury or disability shall be classed as a veteran
34 whether or not that person has completed the 14 days' service as
35 herein provided;

36 (10) Operation "Restore Hope" in Somalia, [commencing] on or
37 after December 5, 1992, or the date of inception of that operation as
38 proclaimed by the President of the United States or the Congress,
39 whichever date is earliest, [and terminating on] who has served in
40 Somalia or on board any ship actively engaged in patrolling the
41 territorial waters of that nation for a period, continuously or in the
42 aggregate, of at least 14 days in such active service commencing on or
43 before March 31, 1994 [, or the date of termination as proclaimed by
44 the President of the United States or the Congress, whichever date is
45 latest, who served for at least 14 days, continuously or in the
46 aggregate, in Somalia or on board any ship actively engaged in

1 patrolling the territorial waters of that nation during the specified
2 period]; provided that any person receiving an actual service-incurred
3 injury or disability shall be classed as a veteran whether or not that
4 person has completed the 14-day service as herein provided;

5 (11) Operations "Joint Endeavor" and "Joint Guard" in the Republic
6 of Bosnia and Herzegovina, [commencing] on or after November 20,
7 1995 [or December 20, 1996, as the case may be, and terminating on
8 December 20, 1996 or on such date as the United States Secretary of
9 Defense may designate, as the case may be], who served in such active
10 service in direct support of one or both of the operations for at least
11 14 days, continuously or in the aggregate, commencing on or before
12 June 20, 1998, and (1) was deployed in that nation or in another area
13 in the region, or (2) was on board a United States naval vessel
14 operating in the Adriatic Sea, or (3) operated in airspace above the
15 Republic of Bosnia and Herzegovina; provided that any person
16 receiving an actual service-incurred injury or disability shall be classed
17 as a veteran whether or not that person completed the 14-day service
18 requirement; [and]

19 (12) Operation "Uphold Democracy" in Haiti, [commencing] on
20 or after September 19, 1994 [and terminating on or before March 31,
21 1995] , who served in Haiti or on board any ship actively engaged in
22 patrolling the territorial waters of that nation for a period,
23 continuously or in the aggregate, of at least 14 days in such active
24 service commencing on or before March 31, 1995, and who received
25 an Armed Forces Expeditionary Medal for such service; provided, that
26 any person receiving an actual service-incurred injury or disability shall
27 be classed as a veteran whether or not that person has completed the
28 14 days' service as herein provided or received an Armed Forces
29 Expeditionary Medal;

30 (13) Operation "Enduring Freedom", on or after September 11,
31 2001, who served in a theater of operation and in direct support of
32 that operation for a period, continuously or in the aggregate, of at
33 least 14 days in such active service commencing on or before the date
34 the President of the United States or the United States Secretary of
35 Defense designates as the termination date of that operation; provided,
36 that any person receiving an actual service-incurred injury or disability
37 while engaged in such service shall be classed as a veteran whether or
38 not that person has completed the 14 days' service as herein provided;
39 and

40 (14) Operation "Iraqi Freedom", on or after the date the President
41 of the United States or the United States Secretary of Defense
42 designates as the inception date of that operation, who served in Iraq
43 or in another area in the region in direct support of that operation for
44 a period, continuously or in the aggregate, of at least 14 days in such
45 active service commencing on or before the date the President of the
46 United States or the United States Secretary of Defense designates as

1 the termination date of that operation; provided, that any person
2 receiving an actual service-incurred injury or disability while engaged
3 in such service shall be classed as a veteran whether or not that person
4 has completed the 14-days' service as herein provided.

5 c. "War service" means service by a veteran in any war or conflict
6 described in this chapter during the periods specified.
7 (cf: P.L.2001, c.127, s.1)

8
9 2. N.J.S.18A:66-2 is amended to read as follows:

10 18A:66-2. As used in this article:

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

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

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

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

27 e. "Employer" means the State, the board of education or any
28 educational institution or agency of or within the State by which a
29 teacher is paid.

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

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

39 h. "Pension" means payments for life derived from appropriations
40 made by the State or employers to the Teachers' Pension and Annuity
41 Fund.

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

- 1 j. "Pension reserve" means the present value of all payments to be
2 made on account of any pension or benefit in lieu of a pension granted
3 to a member from the Teachers' Pension and Annuity Fund, computed
4 on the basis of such mortality tables recommended by the actuary as
5 the board of trustees adopts, with regular interest.
- 6 k. "Present-entrant" means any member of the Teachers' Pension
7 and Annuity Fund who had established status as a "present-entrant
8 member" of said fund prior to January 1, 1956.
- 9 l. "Rate of contribution initially certified" means the rate of
10 contribution certified by the retirement system in accordance with
11 N.J.S.18A:66-29.
- 12 m. "Regular interest" shall mean interest as determined by the State
13 Treasurer, after consultation with the Directors of the Divisions of
14 Investment and Pensions, the board of trustees and the actuary. It
15 shall bear a reasonable relationship to the percentage rate of earnings
16 on investments based on the market value of assets but shall not
17 exceed the assumed percentage rate of increase applied to salaries plus
18 3%, provided however that the board of trustees shall not set the
19 average percentage rate of increase applied to salaries below 6%.
- 20 n. "Retirement allowance" means the pension plus the annuity.
- 21 o. "School service" means any service as a "teacher" as defined in
22 this section.
- 23 p. "Teacher" means any regular teacher, special teacher, helping
24 teacher, teacher clerk, principal, vice-principal, supervisor, supervising
25 principal, director, superintendent, city superintendent, assistant city
26 superintendent, county superintendent, State Commissioner or
27 Assistant Commissioner of Education, members of the State
28 Department of Education who are certificated, unclassified
29 professional staff and other members of the teaching or professional
30 staff of any class, public school, high school, normal school, model
31 school, training school, vocational school, truant reformatory school,
32 or parental school, and of any and all classes or schools within the
33 State conducted under the order and superintendence, and wholly or
34 partly at the expense of the State Board of Education, of a duly
35 elected or appointed board of education, board of school directors, or
36 board of trustees of the State or of any school district or normal
37 school district thereof, and any persons under contract or engagement
38 to perform one or more of these functions. It shall also mean any
39 person who serves, while on an approved leave of absence from
40 regular duties as a teacher, as an officer of a local, county or State
41 labor organization which represents, or is affiliated with an
42 organization which represents, teachers as defined in this subsection.
43 No person shall be deemed a teacher within the meaning of this article
44 who is a substitute teacher. In all cases of doubt the board of trustees
45 shall determine whether any person is a teacher as defined in this
46 article.

1 q. "Teachers' Pension and Annuity Fund," hereinafter referred to
2 as the "retirement system" or "system," is the corporate name of the
3 arrangement for the payment of retirement allowances and other
4 benefits under the provisions of this article, including the several funds
5 placed under said system. By that name all its business shall be
6 transacted, its funds invested, warrants for money drawn, and
7 payments made and all of its cash and securities and other property
8 held.

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

26 (1) The Indian wars and uprisings during any of the periods
27 recognized by the War Department of the United States as periods of
28 active hostility;

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

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

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

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

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

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

42 (8) The Mexican border patrol, having actually participated in
43 engagements against Mexicans between April 12, 1911, and June 16,
44 1919;

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

46 (10) World War II, between September 16, 1940, and

1 December 31, 1946, who shall have served at least 90 days in such
2 active service, exclusive of any period of assignment (1) for a course
3 of education or training under the Army Specialized Training Program
4 or the Navy College Training Program, which course was a
5 continuation of a civilian course and was pursued to completion, or (2)
6 as a cadet or midshipman at one of the service academies, any part of
7 which 90 days was served between said dates; provided that any
8 person receiving an actual service-incurred injury or disability shall be
9 classed as a veteran, whether or not that person has completed the
10 90-day service as herein provided;

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

26 (12) Lebanon crisis, on or after July 1, 1958, who has served in
27 Lebanon or on board any ship actively engaged in patrolling the
28 territorial waters of that nation for a period, continuous or in the
29 aggregate, of at least 14 days commencing on or before November 1,
30 1958 or the date of termination of that conflict, as proclaimed by the
31 President of the United States or Congress, 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
35 14 days' service as herein provided;

36 (13) Vietnam conflict, on or after December 31, 1960, and on or
37 prior to May 7, 1975, who shall have served at least 90 days in such
38 active service, exclusive of any period of assignment (1) for a course
39 of education or training under the Army Specialized Training Program
40 or the Navy College Training Program, which course was a
41 continuation of a civilian course and was pursued to completion, or (2)
42 as a cadet or midshipman at one of the service academies, any part of
43 which 90 days was served between said dates; and exclusive of any
44 service performed pursuant to the provisions of section 511(d) of Title
45 10, United States Code, pursuant to an enlistment in the Army
46 National Guard or as a reserve for service in the Army Reserve, Naval

1 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
2 Reserve; provided that any person receiving an actual service-incurred
3 injury or disability shall be classed as a veteran, whether or not that
4 person has completed the 90-day service as herein provided;

5 (14) Lebanon peacekeeping mission, on or after September 26,
6 1982, who has served in Lebanon or on board any ship actively
7 engaged in patrolling the territorial waters of that nation for a period,
8 continuous or in the aggregate, of at least 14 days commencing on or
9 before December 1, 1987 or the date of termination of that mission, as
10 proclaimed by the President of the United States or Congress,
11 whichever date of termination is the latest, in such active service;
12 provided, that any person receiving an actual service-incurred injury
13 or disability shall be classed as a veteran whether or not that person
14 has completed the 14 days' service as herein provided;

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

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

37 (17) Operation "Desert Shield/Desert Storm" mission in the
38 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
39 the date of inception of that operation, as proclaimed by the President
40 of the United States or Congress, whichever date of inception is
41 earliest, who has served in the Arabian peninsula or on board any ship
42 actively engaged in patrolling the Persian Gulf for a period, continuous
43 or in the aggregate, of at least 14 days commencing on or before the
44 date of termination of that mission, as proclaimed by the President of
45 the United States or Congress, whichever date of termination is the
46 latest, in such active service; provided, that any person receiving an

1 actual service-incurred injury or disability shall be classed as a veteran
2 whether or not that person has completed the 14 days' service as
3 herein provided;

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

19 (19) Operations "Joint Endeavor" and "Joint Guard" in the
20 Republic of Bosnia and Herzegovina, [commencing] on or after
21 November 20, 1995 [or December 20, 1996, as the case may be, and
22 terminating on December 20, 1996 or on such date as the United
23 States Secretary of Defense may designate, as the case may be], who
24 served in such active service in direct support of one or both of the
25 operations for at least 14 days, continuously or in the aggregate,
26 commencing on or before June 20, 1998, and (1) was deployed in that
27 nation or in another area in the region, or (2) was on board a United
28 States naval vessel operating in the Adriatic Sea, or (3) operated in
29 airspace above the Republic of Bosnia and Herzegovina; provided that
30 any person receiving an actual service-incurred injury or disability shall
31 be classed as a veteran whether or not that person completed the
32 14-day service requirement;

33 (20) Operation "Enduring Freedom", on or after September 11,
34 2001, who served in a theater of operation and in direct support of
35 that operation for a period, continuously or in the aggregate, of at
36 least 14 days in such active service commencing on or before the date
37 the President of the United States or the United States Secretary of
38 Defense designates as the termination date of that operation; provided,
39 that any person receiving an actual service-incurred injury or disability
40 while engaged in such service shall be classed as a veteran whether or
41 not that person has completed the 14 days' service as herein provided;
42 and

43 (21) Operation "Iraqi Freedom", on or after the date the President
44 of the United States or the United States Secretary of Defense
45 designates as the inception date of that operation, who served in Iraq
46 or in another area in the region in direct support of that operation for

1 a period, continuously or in the aggregate, of at least 14 days in such
2 active service commencing on or before the date the President of the
3 United States or the United States Secretary of Defense designates as
4 the termination date of that operation; provided, that any person
5 receiving an actual service-incurred injury or disability while engaged
6 in such service shall be classed as a veteran whether or not that person
7 has completed the 14-days' service as herein provided.

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

12 s. "Child" means a deceased member's unmarried child either (a)
13 under the age of 18 or (b) 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 t. "Widower" means the man to whom a member was married at
20 least five years before the date of her death and to whom she
21 continued to be married until the date of her death and who was
22 receiving at least one-half of his support from the member in the
23 12-month period immediately preceding the member's death or the
24 accident which was the direct cause of the member's death. The
25 dependency of such a widower will be considered terminated by
26 marriage of the widower subsequent to the death of the member. In
27 the event of the payment of an accidental death benefit, the five-year
28 qualification shall be waived.

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

38 v. "Parent" means the parent of a member who was receiving at
39 least one-half of the parent's support from the member in the 12-month
40 period immediately preceding the member's death or the accident
41 which was the direct cause of the member's death. The dependency of
42 such a parent will be considered terminated by marriage of the parent
43 subsequent to the death of the member.

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

46 (cf: P.L.2001, c.128, s.1)

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

3 6. As used in this act:

4 a. "Accumulated deductions" means the sum of all the amounts,
5 deducted from the compensation of a member or contributed by or on
6 behalf of the member, standing to the credit of the member's individual
7 account in the annuity savings fund.

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

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

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

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

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

30 g. "Widower" means the man to whom a member was married at
31 least five years before the date of her death and to whom she
32 continued to be married until the date of her death and who was
33 receiving at least 1/2 of his 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 widower will be considered terminated by marriage of the
37 widower subsequent to the death of the member. In the event of the
38 payment of an accidental death benefit, the five-year qualification shall
39 be waived.

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

- 1 i. "Fiscal year" means any year commencing with July 1 and ending
2 with June 30 next following.
- 3 j. "Medical board" shall mean the board of physicians provided for
4 in section 17 (C.43:15A-17).
- 5 k. "Pension" means payments for life derived from appropriations
6 made by the employer as provided in this act.
- 7 l. "Pension reserve" means the present value of all payments to be
8 made on account of any pension or benefit in lieu of a pension granted
9 under the provisions of this act, computed on the basis of such
10 mortality tables recommended by the actuary as the board of trustees
11 adopts, with regular interest.
- 12 m. "Public Employees' Retirement System of New Jersey,"
13 hereinafter referred to as the "retirement system" or "system," is the
14 corporate name of the arrangement for the payment of retirement
15 allowances and other benefits under the provisions of this act including
16 the several funds placed under said system. By that name all of its
17 business shall be transacted, its funds invested, warrants for money
18 drawn, and payments made and all of its cash and securities and other
19 property held.
- 20 n. "Regular interest" shall mean interest as determined by the State
21 Treasurer, after consultation with the Directors of the Divisions of
22 Investment and Pensions, the board of trustees and the actuary. It
23 shall bear a reasonable relationship to the percentage rate of earnings
24 on investments based on the market value of the assets but shall not
25 exceed the assumed percentage rate of increase applied to salaries plus
26 3%, provided however that the board of trustees shall not set the
27 average percentage rate of increase applied to salaries below 6%.
- 28 o. "Retirement allowance" means the pension plus the annuity.
- 29 p. "Veteran" means any honorably discharged officer, soldier,
30 sailor, airman, marine or nurse who served in any Army, Air Force or
31 Navy of the Allies of the United States in World War I, between
32 July 14, 1914, and November 11, 1918, or who served in any Army,
33 Air Force or Navy of the Allies of the United States in World War II,
34 between September 1, 1939, and September 2, 1945, and who was
35 inducted into such service through voluntary enlistment, and was a
36 citizen of the United States at the time of such enlistment, and who did
37 not, during or by reason of such service, renounce or lose United
38 States citizenship, and any officer, soldier, sailor, marine, airman,
39 nurse or army field clerk, who has served in the active military or naval
40 service of the United States and has or shall be discharged or released
41 therefrom under conditions other than dishonorable, in any of the
42 following wars, uprisings, insurrections, expeditions, or emergencies,
43 and who has presented to the retirement system evidence of such
44 record of service in form and content satisfactory to said retirement
45 system:
- 46 (1) The Indian wars and uprisings during any of the periods

- 1 recognized by the War Department of the United States as periods of
2 active hostility;
- 3 (2) The Spanish-American War between April 20, 1898, and
4 April 11, 1899;
- 5 (3) The Philippine insurrections and expeditions during the periods
6 recognized by the War Department of the United States as of active
7 hostility from February 4, 1899, to the end of 1913;
- 8 (4) The Peking relief expedition between June 20, 1900, and
9 May 27, 1902;
- 10 (5) The army of Cuban occupation between July 18, 1898, and
11 May 20, 1902;
- 12 (6) The army of Cuban pacification between October 6, 1906, and
13 April 1, 1909;
- 14 (7) The Mexican punitive expedition between March 14, 1916, and
15 February 7, 1917;
- 16 (8) The Mexican border patrol, having actually participated in
17 engagements against Mexicans between April 12, 1911, and June 16,
18 1919;
- 19 (9) World War I, between April 6, 1917, and November 11, 1918;
- 20 (10) World War II, between September 16, 1940, and
21 December 31, 1946, 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; provided, that any
28 person receiving an actual service-incurred injury or disability shall be
29 classed as a veteran whether or not that person has completed the
30 90-day service as herein provided;
- 31 (11) Korean conflict on or after June 23, 1950, and on or prior to
32 January 31, 1955, who shall have served at least 90 days in such active
33 service, exclusive of any period of assignment (1) for a course of
34 education or training under the Army Specialized Training Program or
35 the Navy College Training Program which course was a continuation
36 of a civilian course and was pursued to completion, or (2) as a cadet
37 or midshipman at one of the service academies, any part of which
38 90 days was served between said dates; provided, that any person
39 receiving an actual service-incurred injury or disability shall be classed
40 as a veteran whether or not that person has completed the 90-day
41 service as herein provided; and provided further, that any member
42 classed as a veteran pursuant to this paragraph prior to August 1,
43 1966, shall continue to be classed as a veteran whether or not that
44 person completed the 90-day service between said dates as herein
45 provided;
- 46 (12) Lebanon crisis, on or after July 1, 1958, who has served in

1 Lebanon or on board any ship actively engaged in patrolling the
2 territorial waters of that nation for a period, continuous or in the
3 aggregate, of at least 14 days commencing on or before November 1,
4 1958 or the date of termination of that conflict, as proclaimed by the
5 President of the United States or Congress, whichever date of
6 termination is the latest, in such active service; provided, that any
7 person receiving an actual service-incurred injury or disability shall be
8 classed as a veteran whether or not that person has completed the
9 14 days' service as herein provided;

10 (13) Vietnam conflict on or after December 31, 1960, and on or
11 prior to May 7, 1975, who shall have served at least 90 days in such
12 active service, exclusive of any period of assignment (1) for a course
13 of education or training under the Army Specialized Training Program
14 or the Navy College Training Program which course was a
15 continuation of a civilian course and was pursued to completion, or (2)
16 as a cadet or midshipman at one of the service academies, any part of
17 which 90 days was served between said dates; and exclusive of any
18 service performed pursuant to the provisions of section 511(d) of Title
19 10, United States Code, pursuant to an enlistment in the Army
20 National Guard or as a reserve for service in the Army Reserve, Naval
21 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
22 Reserve; provided, that any person receiving an actual service-incurred
23 injury or disability shall be classed as a veteran whether or not that
24 person has completed the 90 days' service as herein provided;

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

35 (15) Grenada peacekeeping mission, on or after October 23, 1983,
36 who has served in Grenada or on board any ship actively engaged in
37 patrolling the territorial waters of that nation for a period, continuous
38 or in the aggregate, of at least 14 days commencing on or before
39 November 21, 1983 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 (16) Panama peacekeeping mission, on or after December 20, 1989
46 or the date of inception of that mission, as proclaimed by the President

1 of the United States or Congress, whichever date of inception is
2 earliest, who has served in Panama or on board any ship actively
3 engaged in patrolling the territorial waters of that nation for a period,
4 continuous or in the aggregate, of at least 14 days commencing on or
5 before January 31, 1990 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 (17) Operation "Desert Shield/Desert Storm" mission in the
12 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
13 the date of inception of that operation, as proclaimed by the President
14 of the United States[,] or Congress [or the Governor], whichever
15 date of inception is earliest, who has served in the Arabian peninsula
16 or on board any ship actively engaged in patrolling the Persian Gulf for
17 a period, continuous or in the aggregate, of at least 14 days
18 commencing on or before the date of termination of that mission, as
19 proclaimed by the President of the United States or Congress,
20 whichever date of termination is the latest, in such active service;
21 provided, that any person receiving an actual service-incurred injury
22 or disability shall be classed as a veteran whether or not that person
23 has completed the 14 days' service as herein provided;

24 (18) Operation "Restore Hope" in Somalia, [commencing] on or
25 after December 5, 1992, or the date of inception of that operation as
26 proclaimed by the President of the United States or the Congress,
27 whichever date is earliest, [and terminating on] who has served in
28 Somalia or on board any ship actively engaged in patrolling the
29 territorial waters of that nation for a period, continuously or in the
30 aggregate, of at least 14 days in such active service commencing on or
31 before March 31, 1994 [, or the date of termination as proclaimed by
32 the President of the United States or the Congress, whichever date is
33 latest, who served for at least 14 days, continuously or in the
34 aggregate, in Somalia or on board any ship actively engaged in
35 patrolling the territorial waters of that nation during the specified
36 period]; provided that any person receiving an actual service-incurred
37 injury or disability shall be classed as a veteran whether or not that
38 person has completed the 14-day service as herein provided;

39 (19) Operations "Joint Endeavor" and "Joint Guard" in the Republic
40 of Bosnia and Herzegovina, [commencing] on or after November 20,
41 1995 [or December 20, 1996, as the case may be, and terminating on
42 December 20, 1996 or on such date as the United States Secretary of
43 Defense may designate, as the case may be], who served in such active
44 service in direct support of one or both of the operations for at least
45 14 days, continuously or in the aggregate, commencing on or before
46 June 20, 1998, and (1) was deployed in that nation or in another area

1 in the region, or (2) was on board a United States naval vessel
2 operating in the Adriatic Sea, or (3) operated in airspace above the
3 Republic of Bosnia and Herzegovina; provided that any person
4 receiving an actual service-incurred injury or disability shall be classed
5 as a veteran whether or not that person completed the 14-day service
6 requirement;

7 (20) Operation "Enduring Freedom", on or after September 11,
8 2001, who served in a theater of operation and in direct support of
9 that operation for a period, continuously or in the aggregate, of at
10 least 14 days in such active service commencing on or before the date
11 the President of the United States or the United States Secretary of
12 Defense designates as the termination date of that operation; provided,
13 that any person receiving an actual service-incurred injury or disability
14 while engaged in such service shall be classed as a veteran whether or
15 not that person has completed the 14 days' service as herein provided;
16 and

17 (21) Operation "Iraqi Freedom", on or after the date the President
18 of the United States or the United States Secretary of Defense
19 designates as the inception date of that operation, who served in Iraq
20 or in another area in the region in direct support of that operation for
21 a period, continuously or in the aggregate, of at least 14 days in such
22 active service commencing on or before the date the President of the
23 United States or the United States Secretary of Defense designates as
24 the termination date of that operation; provided, that any person
25 receiving an actual service-incurred injury or disability while engaged
26 in such service shall be classed as a veteran whether or not that person
27 has completed the 14-days' service as herein provided.

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

32 q. "Widow" means the woman to whom a member was married at
33 least five years before the date of his death and to whom he continued
34 to be married until the date of his death and who was receiving at least
35 1/2 of her support from the member in the 12-month period
36 immediately preceding the member's death or the accident which was
37 the direct cause of the member's death. The dependency of such a
38 widow will be considered terminated by the marriage of the widow
39 subsequent to the member's death. In the event of the payment of an
40 accidental death benefit, the five-year qualification shall be waived.

41 r. "Compensation" means the base or contractual salary, for
42 services as an employee, which is in accordance with established salary
43 policies of the member's employer for all employees in the same
44 position but shall not include individual salary adjustments which are
45 granted primarily in anticipation of the member's retirement or
46 additional remuneration for performing temporary or extracurricular

1 duties beyond the regular workday or the regular work year. In cases
2 where salary includes maintenance, the retirement system shall fix the
3 value of that part of the salary not paid in money which shall be
4 considered under this act.

5 (cf: P.L.2001, c.128, s.2)

6

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

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

26 (1) The Indian wars and uprisings during any of the periods
27 recognized by the War Department of the United States as periods of
28 active hostility;

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

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

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

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

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

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

42 (8) The Mexican border patrol, having actually participated in
43 engagements against Mexicans between April 12, 1911, and June 16,
44 1919;

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

46 (10) World War II, between September 16, 1940, and

1 December 31, 1946, who shall have served at least 90 days in such
2 active service, exclusive of any period of assignment (1) for a course
3 of education or training under the Army Specialized Training Program
4 or the Navy College Training program which course was a
5 continuation of a civilian course and was pursued to completion, or (2)
6 as a cadet or midshipman at one of the service academies any part of
7 which 90 days was served between said dates; provided, that any
8 person receiving an actual service-incurred injury or disability shall be
9 classed as a veteran whether or not that person has completed the
10 90-day service as herein provided;

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

26 (12) Lebanon crisis, on or after July 1, 1958, who has served in
27 Lebanon or on board any ship actively engaged in patrolling the
28 territorial waters of that nation for a period, continuous or in the
29 aggregate, of at least 14 days commencing on or before November 1,
30 1958 or the date of termination of that conflict, as proclaimed by the
31 President of the United States or Congress, 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 (13) Vietnam conflict on or after December 31, 1960, and on or
37 prior to May 7, 1975, who shall have served at least 90 days in such
38 active service, exclusive of any period of assignment (1) for a course
39 of education or training under the Army Specialized Training Program
40 or the Navy College Training Program which course was a
41 continuation of a civilian course and was pursued to completion, or (2)
42 as a cadet or midshipman at one of the service academies, any part of
43 which 90 days was served between said dates; and exclusive of any
44 service performed pursuant to the provisions of section 511 (d) of
45 Title 10, United States Code, pursuant to an enlistment in the Army
46 National Guard or as a reserve for service in the Army Reserve, Naval

1 Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard
2 Reserve; provided, that any person receiving an actual service-incurred
3 injury or disability shall be classed as a veteran whether or not that
4 person has completed the 90 days' service as herein provided;

5 (14) Lebanon peacekeeping mission, on or after September 26,
6 1982, who has served in Lebanon or on board any ship actively
7 engaged in patrolling the territorial waters of that nation for a period,
8 continuous or in the aggregate, of at least 14 days commencing on or
9 before December 1, 1987 or the date of termination of that mission, as
10 proclaimed by the President of the United States or Congress,
11 whichever date of termination is the latest, in such active service;
12 provided, that any person receiving an actual service-incurred injury
13 or disability shall be classed as a veteran whether or not that person
14 has completed the 14 days' service as herein provided;

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

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

37 (17) Operation "Desert Shield/Desert Storm" mission in the
38 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
39 the date of inception of that operation, as proclaimed by the President
40 of the United States or Congress, whichever date of inception is
41 earliest, who has served in the Arabian peninsula or on board any ship
42 actively engaged in patrolling the Persian Gulf for a period, continuous
43 or in the aggregate, of at least 14 days commencing on or before the
44 date of termination of that mission, as proclaimed by the President of
45 the United States or Congress, whichever date of termination is the
46 latest, in such active service; provided, that any person receiving an

1 actual service-incurred injury or disability shall be classed as a veteran
2 whether or not that person has completed the 14 days' service as
3 herein provided;

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

19 (19) Operations "Joint Endeavor" and "Joint Guard" in the Republic
20 of Bosnia and Herzegovina, [commencing] on or after November 20,
21 1995 [or December 20, 1996, as the case may be, and terminating on
22 December 20, 1996 or on such date as the United States Secretary of
23 Defense may designate, as the case may be], who served in such active
24 service in direct support of one or both of the operations for at least
25 14 days, continuously or in the aggregate, commencing on or before
26 June 20, 1998, and (1) was deployed in that nation or in another area
27 in the region, or (2) was on board a United States naval vessel
28 operating in the Adriatic Sea, or (3) operated in airspace above the
29 Republic of Bosnia and Herzegovina; provided that any person
30 receiving an actual service-incurred injury or disability shall be classed
31 as a veteran whether or not that person completed the 14-day service
32 requirement;

33 (20) Operation "Enduring Freedom", on or after September 11,
34 2001, who served in a theater of operation and in direct support of
35 that operation for a period, continuously or in the aggregate, of at
36 least 14 days in such active service commencing on or before the date
37 the President of the United States or the United States Secretary of
38 Defense designates as the termination date of that operation; provided,
39 that any person receiving an actual service-incurred injury or disability
40 while engaged in such service shall be classed as a veteran whether or
41 not that person has completed the 14 days' service as herein provided;
42 and

43 (21) Operation "Iraqi Freedom", on or after the date the President
44 of the United States or the United States Secretary of Defense
45 designates as the inception date of that operation, who served in Iraq
46 or in another area in the region in direct support of that operation for

1 a period, continuously or in the aggregate, of at least 14 days in such
2 active service commencing on or before the date the President of the
3 United States or the United States Secretary of Defense designates as
4 the termination date of that operation; provided, that any person
5 receiving an actual service-incurred injury or disability while engaged
6 in such service shall be classed as a veteran whether or not that person
7 has completed the 14-days' service as herein provided.

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

12 (cf: P.L.2001, c.128, s.4)

13
14 5. Section 1 of P.L.1963, c.171 (C.54:4-8.10) is amended to read
15 as follows:

16 1. (a) "Active service in time of war" means active service at some
17 time during one of the following periods:

18 Operation "Iraqi Freedom", on or after the date the President of the
19 United States or the United States Secretary of Defense designates as
20 the inception date of that operation, who served in Iraq or in another
21 area in the region in direct support of that operation for a period,
22 continuously or in the aggregate, of at least 14 days in such active
23 service commencing on or before the date the President of the United
24 States or the United States Secretary of Defense designates as the
25 termination date of that operation; provided, that any person receiving
26 an actual service-incurred injury or disability while engaged in such
27 service shall be classed as a veteran whether or not that person has
28 completed the 14-days' service as herein provided;

29 Operation "Enduring Freedom", on or after September 11, 2001,
30 who served in a theater of operation and in direct support of that
31 operation for a period, continuously or in the aggregate, of at least
32 14 days in such active service commencing on or before the date the
33 President of the United States or the United States Secretary of
34 Defense designates as the termination date of that operation; provided,
35 that any person receiving an actual service-incurred injury or disability
36 while engaged in such service shall be classed as a veteran whether or
37 not that person has completed the 14 days' service as herein provided;

38 Operation "Restore Hope" in Somalia, [commencing] on or after
39 December 5, 1992, or the date of inception of that operation as
40 proclaimed by the President of the United States or the Congress,
41 whichever date is earliest, [and terminating on] who has served in
42 Somalia or on board any ship actively engaged in patrolling the
43 territorial waters of that nation for a period, continuously or in the
44 aggregate, of at least 14 days in such active service commencing on or
45 before March 31, 1994 [, or the date of termination as proclaimed by
46 the President of the United States or the Congress, whichever date is

1 latest, who served for at least 14 days, continuously or in the
2 aggregate, in Somalia or on board any ship actively engaged in
3 patrolling the territorial waters of that nation during the specified
4 period]; provided that any person receiving an actual service-incurred
5 injury or disability shall be classed as a veteran whether or not that
6 person has completed the 14-day service as herein provided;

7 Operations "Joint Endeavor" and "Joint Guard" in the Republic of
8 Bosnia and Herzegovina, [commencing] on or after November 20,
9 1995 [or December 20, 1996, as the case may be, and terminating on
10 December 20, 1996 or on such date as the United States Secretary of
11 Defense may designate, as the case may be], who served in such active
12 service in direct support of one or both of the operations for at least
13 14 days, continuously or in the aggregate, commencing on or before
14 June 20, 1998, and (1) was deployed in that nation or in another area
15 in the region, or (2) was on board a United States naval vessel
16 operating in the Adriatic Sea, or (3) operated in airspace above the
17 Republic of Bosnia and Herzegovina; provided that any person
18 receiving an actual service-incurred injury or disability shall be classed
19 as a veteran whether or not that person completed the 14-day service
20 requirement;

21 Operation "Desert Shield/Desert Storm" mission in the Arabian
22 peninsula and the Persian Gulf, on or after August 2, 1990 or the date
23 of inception of that operation, as proclaimed by the President of the
24 United States or Congress, whichever date of inception is earliest, who
25 has served in the Arabian peninsula or on board any ship actively
26 engaged in patrolling the Persian Gulf for a period, continuous or in
27 the aggregate, of at least 14 days commencing on or before the date
28 of termination of that mission, as proclaimed by the President of the
29 United States or Congress, whichever date of termination is the latest,
30 in such active service; provided, 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 14 days' service as
33 herein provided;

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

46 The Grenada peacekeeping mission, on or after October 23, 1983,

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

10 The Lebanon peacekeeping mission, on or after September 26, 1982,
11 who has served in Lebanon or on board any ship actively engaged in
12 patrolling the territorial waters of that nation for a period, continuous
13 or in the aggregate, of at least 14 days commencing on or before
14 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 The Vietnam conflict, December 31, 1960, to May 7, 1975;

21 The Lebanon crisis, on or after July 1, 1958, who has served in
22 Lebanon or on board any ship actively engaged in patrolling the
23 territorial waters of that nation for a period, continuous or in the
24 aggregate, of at least 14 days commencing on or before November 1,
25 1958 or the date of termination of that conflict, as proclaimed by the
26 President of the United States or Congress, whichever date of
27 termination is the latest, in such active service; provided, that any
28 person receiving an actual service-incurred injury or disability shall be
29 classed as a veteran whether or not that person has completed the
30 14 days' service as herein provided;

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

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

33 World War I, April 6, 1917 to November 11, 1918, and in the case
34 of service with the United States military forces in Russia, April 6,
35 1917 to April 1, 1920;

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

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

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

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

45 (d) "Honorably discharged or released under honorable
46 circumstances from active service in time of war," means and includes

1 every form of separation from active, full-time duty with military or
2 naval pay and allowances in some branch of the Armed Forces of the
3 United States in time of war, other than those marked "dishonorable,"
4 "undesirable," "bad conduct," "by sentence of general court martial,"
5 "by sentence of summary court martial" or similar expression
6 indicating that the discharge or release was not under honorable
7 circumstances. A disenrollment certificate or other form of release
8 terminating temporary service in a military or naval branch of the
9 armed forces rendered on a voluntary and part-time basis without pay,
10 or a release from or deferment of induction into the active military or
11 naval service shall not be deemed to be included in the aforementioned
12 phrase.

13 (e) "Pre-tax year" means the particular calendar year immediately
14 preceding the "tax year."

15 (f) "Resident" means one legally domiciled within the State of New
16 Jersey. Mere seasonal or temporary residence within the State, of
17 whatever duration, shall not constitute domicile within the State for
18 the purposes of this act. Absence from this State for a period of 12
19 months shall be prima facie evidence of abandonment of domicile in
20 this State. The burden of establishing legal domicile within the State
21 shall be upon the claimant.

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

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

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

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

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

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

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

44 (k) "Cooperative" means a housing corporation or association
45 incorporated or organized under the laws of New Jersey which entitles
46 a shareholder thereof to possess and occupy for dwelling purposes a

1 house, apartment or other structure owned or leased by the
2 corporation or association.

3 (l) "Mutual housing corporation" means a corporation
4 not-for-profit incorporated under the laws of New Jersey on a mutual
5 or cooperative basis within the scope of section 607 of the "National
6 Defense Housing Act," Pub.L.76-849 (42 U.S.C.s.1521 et seq.), which
7 acquired a National Defense Housing Project pursuant to that act.
8 (cf: P.L.2001, c.127, s.6)

9

10 6. This act shall take effect immediately, but section 6 shall remain
11 inoperative until January 1 next after enactment.

12

13

14

STATEMENT

15

16 This bill extends eligibility for certain veterans' benefits to veterans
17 of Operations "Enduring Freedom" and "Iraqi Freedom" who served
18 at least 14 days in the theater of operations of those campaigns.

19 The benefits such a person would be eligible for include absolute
20 civil service preference under Title 11A of the New Jersey Statutes, a
21 veteran's retirement allowance under the Teachers' Pension and
22 Annuity Fund (TPAF) or the Public Employees' Retirement System
23 (PERS), and the purchase of additional military service credit in the
24 Police and Firemen's Retirement System (PFRS), TPAF and PERS.
25 An eligible person would also be entitled to the annual property tax
26 deduction provided for by Article VIII of the New Jersey Constitution
27 (\$200 in tax year 2002 and \$250 in each tax year thereafter) or a
28 property tax exemption if the eligible person has a total and permanent
29 service-incurred disability.

30 Finally, the bill also makes technical changes and updates to
31 descriptions of what constitutes service during certain past operations.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3564

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Budget Committee reports favorably Assembly Bill No. 3564.

Assembly Bill No. 3564 extends eligibility for certain veterans' benefits to veterans of Operations "Enduring Freedom" and "Iraqi Freedom" who served at least 14 days in the theater of operations of those campaigns.

The bill makes such a person eligible for benefits that include absolute civil service preference under Title 11A of the New Jersey Statutes, a veteran's retirement allowance under the Teachers' Pension and Annuity Fund (TPAF) or the Public Employees' Retirement System (PERS), and the purchase of additional military service credit in the Police and Firemen's Retirement System (PFRS), TPAF and PERS. An eligible person will also be entitled to the annual property tax deduction provided for by Article VIII of the New Jersey Constitution (\$200 in tax year 2002 and \$250 in each tax year thereafter) or a property tax exemption if the eligible person has a total and permanent service-incurred disability.

Finally, the bill also makes technical changes and updates to descriptions of what constitutes service during certain past operations.

FISCAL IMPACT:

No data are available on the number of persons who will become entitled to benefits under this bill.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3564

STATE OF NEW JERSEY

DATED: MAY 8, 2003

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly, No. 3564.

This bill extends eligibility for certain veterans' benefits to veterans of Operations "Enduring Freedom" and "Iraqi Freedom" who served at least 14 days in the theater of operations of those campaigns.

The benefits such a person would be eligible for include absolute civil service preference under Title 11A of the New Jersey Statutes, a veteran's retirement allowance under the Teachers' Pension and Annuity Fund (TPAF) or the Public Employees' Retirement System (PERS), and the purchase of additional military service credit in the Police and Firemen's Retirement System (PFRS), TPAF and PERS. An eligible person would also be entitled to the annual property tax deduction provided for by Article VIII of the New Jersey Constitution (\$250 in each tax year) or a property tax exemption if the eligible person has a total and permanent service-incurred disability.

Finally, the bill also makes technical changes and updates to descriptions of what constitutes service during certain past operations.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3564

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 3564.

This bill extends eligibility for certain veterans' benefits to veterans of Operations "Enduring Freedom" and "Iraqi Freedom" who served at least 14 days in the theater of operation of those campaigns and in direct support thereof.

The benefits for which a qualified veteran will become eligible under the bill include:

(1) For eligible public employees, absolute civil service preference under Title 11A of the New Jersey Statutes;

(2) For eligible members of the public employee pension systems, (a) the veteran's retirement allowance under the Teachers' Pension and Annuity Fund (TPAF) or the Public Employees' Retirement System (PERS), and (b) the right to purchase additional pension credit in the Police and Firemen's Retirement System (PFRS), TPAF or PERS; and

(3) For homeowners, entitlement to the annual property tax deduction provided for by Article VIII of the New Jersey Constitution (\$250 in each tax year) or a property tax exemption if the eligible person has a total and permanent service-incurred disability.

Of the two operations, service in which may qualify a person for benefits under the bill, (a) "Enduring Freedom" refers collectively to operations conducted abroad since September 11, 2001, in prosecution of the war against terror, including but not limited to operations conducted in Afghanistan, and (b) "Iraqi Freedom" refers to the operations in and around Iraq beginning in March, 2003 and still ongoing.

In addition to its broadening of veterans' benefit eligibility, the bill makes technical changes and updates to descriptions of what constitutes service during certain past military operations.

FISCAL IMPACT

The Division of Taxation estimates the cost to the Property Tax Relief Fund of reimbursing municipalities for allowance of the \$250 veterans' property tax deduction to claimants newly eligible under the bill at approximately \$1.8 million annually, beginning in FY2004. Revenue reductions to local governments may be assumed as additional claimants become eligible for the property tax exemption for

totally and permanently disabled veterans.

The Division of Pensions and Benefits estimates the overall cost of providing an enhanced retirement benefit to public employees newly qualified as veterans under the bill at about \$540,000 beginning in FY2005. Of this total cost, roughly \$200,000 would be attributable to local government employees and \$340,000 to State employees. The cost is projected to rise at the rate of six percent per year.

FISCAL NOTE
ASSEMBLY, No. 3564
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: FEBRUARY 3, 2004

SUMMARY

Synopsis: Extends eligibility for State veterans' benefits to veterans of Operations Enduring Freedom and Iraqi Freedom.

Type of Impact: Expenditure increase: State General Fund.
Expenditure increase: Property Tax Relief Fund.
Revenue reduction: Local Government entities.
Expenditure increase: Local Government entities.

Agencies Affected: Department of the Treasury, Division of Pensions and Benefits;
Department of Taxation. Local Government entities.

Executive Estimate

Fiscal Impact	<u>FY 2004</u>	<u>FY 2005</u>	<u>FY 2006</u>
State Cost	\$1,822,500	\$2,162,097	\$2,182,303
Local Cost	\$0	\$197,464	\$209,213
Local Revenue (Loss)	Unknown - See Comments Below		

- * The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- * OLS notes that due to the on-going nature of Operations "Enduring Freedom" and "Iraqi Freedom," the still-to-be determined force unit commitment and an unspecified "theater of operation" for Operation "Enduring Freedom," a substantial increase in costs may accrue to the State and local government entities should the number of State residents who become veterans of these operations increase in future years.
- * This bill broadens the eligibility for various veterans' benefits, including the \$250 annual property tax deduction, the property tax exemption for 100 percent disabled veterans, and enhanced veterans' retirement allowances for veterans who are members of the Public Employees' Retirement System (PERS) or the Teachers' Pension and Annuity Fund (TPAF) and who served during conflict in the theater of operations and in direct support of these two campaigns.
- * The Division of Taxation estimates a \$1.8 million increase in expenditures from the Property Tax Relief Fund to reimburse municipalities for their forgone property tax collections, beginning in FY 2004. OLS observes that the division's estimate assumes a 100 percent owner-occupancy rate among the estimated 7,290 newly eligible veterans. However, only

67 percent of currently eligible veterans take the property tax deduction. Assuming veterans of Operations "Enduring Freedom" and "Iraqi Freedom" participate in the \$250 property tax deduction at the same rate of other combat veterans, the amount of expenditures from the Property Tax Relief Fund would increase by \$1.2 million per year.

- * Revenue reductions to local government entities may be assumed as additional claimants take the property tax exemption for 100 percent disabled veterans.
- * The Division of Pensions and Benefits estimates the additional cost to the State-administered pension systems at \$537,061, beginning in FY 2005. The division assumes a 5.95 percent annual inflationary rise in costs.

BILL DESCRIPTION

Assembly Bill No. 3564 of 2003 extends eligibility for various combat veterans' benefits to veterans of Operations "Enduring Freedom" and "Iraqi Freedom" who serve a minimum of 14 days in the theater of operations and in direct support, of those campaigns.

The veterans' benefits include: (1) civil service preference; (2) veterans' retirement allowance under the Teachers' Pension and Annuity Fund (TPAF) or the Public Employees' Retirement System (PERS); (3) the purchase of additional military service credit in the Police and Firemen's Retirement System (PFRS), TPAF and PERS; (4) the annual property tax deduction of \$250 in each tax year or the property tax exemption provided for a veteran who is certified permanently 100 percent disabled; and (5) surviving spouse benefits for veterans killed in active service, including civil service preference and the property tax deduction or exemption.

FISCAL ANALYSIS

EXECUTIVE BRANCH

\$250 Property Tax Deduction

The Division of Taxation in the Department of the Treasury estimates expenditures from the Property Tax Relief Fund to increase by \$1.8 million annually, beginning in FY 2004, to reimburse municipalities for a loss in local revenue due to this property tax deduction. This figure is based on an estimated 7,290 additional veterans who would be eligible for the \$250 property tax deduction and assumes a 100 percent owner-occupancy rate among this group.

Property Tax Exemption

The division did not estimate the cost to expand the existing 100 percent disabled wartime veteran property tax exemption to include veterans of Operations "Enduring Freedom" and "Iraqi Freedom." The State does not reimburse the municipalities for the cost of the property tax exemption allowed to totally disabled veterans and qualifying surviving spouses.

Additional Pension Liabilities

The Division of Pensions and Benefits in the Department of the Treasury estimates the State and local cost to provide eligible State-administered pension system members with enhanced veterans' pension benefits at \$537,061, beginning in FY 2005. Of this amount, \$197,464 would accrue to local government entities. This pension cost is estimated to rise 5.95 percent annually

to \$569,017 and \$602,874 in FY 2006 and FY 2007, respectively. These costs are based on an estimated 569 additional members of the pension systems who would qualify for veterans' pension benefits, including 143 members in PERS - State, 303 members in PERS - Local, 70 members in the TPAF. The remaining 53 members are members of the PFRS and are eligible to purchase service credit but are not included as part of the total cost to the pension systems. Based on a Department of Personnel study, the division estimated that 7.8 percent, or 569, of the 7,290 additional State residents who would qualify as a veteran are members of State-administered pension systems.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate. OLS notes that at present, these ongoing missions do not have an assigned termination date and lack a specific number of armed force units committed to the operations. Also, Operation "Enduring Freedom" has an undetermined theater of operation. At this time it is estimated that relatively few New Jersey residents are involved in these operations. However, the number of veterans assigned to these operations may be expected to rise, opening the possibility that a substantial increase in costs may accrue to the State and local government entities. OLS will not be able to estimate the cost of this legislation until the termination of the operations.

OLS estimates a \$1.2 million increase in expenditures from the Property Tax Relief Fund to reimburse municipalities for the cost of the \$250 property tax deduction, assuming 67 percent or 4,885, of the estimated 7,290 eligible veterans take the deduction offered.

OLS notes that revenue reductions to local government entities may be assumed as additional claimants would take the property tax exemption for 100 percent disabled veterans.

This bill may have unfunded mandate implications since it could increase local government costs by allowing a greater number of individuals to qualify for enhanced veterans' pension benefits and property tax exemptions. However, the constitution (Art. VIII, sec. 2, par. 5) provides that a law will not be an unfunded mandate issue if there has been a public hearing, a fiscal analysis, and the bill passed by a 3/4 vote in each House of the Legislature.

Section: *State Government*

Analyst: *James F. Vari*
Senior Fiscal Analyst

Approved: *David J. Rosen*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

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Press Releases

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Governor McGreevey Signs Bill to Extend Veterans Benefits

Veterans Of Iraq And Afghanistan Made Eligible

(TRENTON)—Continuing his commitment to the courageous men and women who serve in the armed forces, Governor James E. McGreevey signed legislation that will provide veterans benefits to those who served in Iraq and Afghanistan.

“We have a moral obligation to help those who defend our freedom,” said McGreevey. “The brave men and women returning from the war against terrorism in Iraq or Afghanistan risked their lives for our Nation. Extending veterans’ benefits to these individuals is a tangible symbol of our appreciation. New Jersey will never forget their sacrifices.”

Assembly Bill 3564/Senate Bill 2822, sponsored by Assemblyman John J. Burzichelli (D-Gloucester), Assemblyman Craig A. Stanley (D-Essex), Senator Stephen M. Sweeney (D-Salem) and Senator Joseph Coniglio (D-Bergen), extends eligibility for certain veterans’ benefits to veterans of Operations “Enduring Freedom” and “Iraqi Freedom.” Veterans who served at least 14 days in the theater of operation of those campaigns and in direct support of those operations are eligible.

The benefits include Civil Service preference, veteran’s retirement allowance under the Teachers’ Pension and Annuity Fund or the Public Employees’ Retirement System, the ability to purchase additional military service credit in the Police and Firemen’s Retirement System, TPAF and PERS systems, and entitlement to the annual property tax deduction allotted to veterans.

“The brave men and women serving in combat theaters in Iraq and Afghanistan can now rest assured that when they come home, they’ll receive New Jersey’s full complement of veterans entitlements,” said Burzichelli. “Be it the veterans preference on civil service exams or the

veterans property tax deduction, those on the front lines in the fight against terror have earned their enhanced veterans status.”

“Our military personnel fighting overseas left their families behind for an uncertain future, and by providing these benefits, we are acknowledging their sacrifice,” said Stanley. “They have earned the status that qualifies them for veterans benefits and other considerations.”

“The benefits provided to veterans under this law will help the men and women who fought in the Iraqi and Afghani wars smoothly transition back to civilian life,” said Coniglio. “The men and women who are currently fighting for our country and our rights deserve our full support. It is only fitting that we acknowledge their sacrifices and achievements by passing this bill into law.”

“Our brave men and women have been overseas for months, waging a war on terror,” said Sweeney. “The veterans of this war are now recognized by law as veterans and are entitled to all the rights that they have earned.”

The bill is the latest in a series of measures the Governor has taken to demonstrate New Jersey’s support for veterans.

These measures include an additional \$13.3 million for the Veterans Property Tax Deduction program, resources for the three veterans memorial homes and many grant-in-aid programs and \$350,000 for the Vietnam Memorial and Educational Center programs. Also, the Doyle Cemetery will benefit from almost \$2 million in state aid and additional federal assistance that will allow for the hiring of more staff members and the Veterans Haven housing program will receive an appropriation of \$400,000 to support its important work on behalf of homeless veterans.

The Governor has also taken additional measures to improve the quality of life for New Jersey’s National Guard members. These measures include increasing pay for Guard members on State active duty from \$50 per day to a minimum of \$100 per day and increasing health benefits coverage for Guard members on State active duty and their immediate family members.

Also, the Governor signed an Executive Order which provides that New Jersey state employees who are called to active duty in response to the global war on terrorism will have full seniority and benefits when they return to their jobs and the New Jersey Department of Labor will provide job training through its one-stop career centers. Counselors will conduct special seminars for employers and job search workshops for returning Guard members.

