

11A:5-1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 64

NJSA: 11A:5-1 (Extends certain benefits to veterans-of Operation Northern and Southern Watch)

BILL NO: S1139 (Substituted for A2441)

SPONSOR(S): Littell and others

DATE INTRODUCED: February 23, 2004

COMMITTEE: **ASSEMBLY:** Military and Veterans Affairs; Appropriations
SENATE: State Government; Budget and Appropriations

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** February 24, 2005

SENATE: December 13, 2004

DATE OF APPROVAL: April 7, 2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) Original version of bill enacted

S1139

[SPONSOR'S STATEMENT:](#) (Begins on page 29 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [1-13-2005\(Mil & VA\)](#)
[2-7-2005\(Approp\)](#)

SENATE: Yes [10-18-2004\(State Govt\)](#)
[12-6-2004\(Bud & App\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

A2441

[SPONSOR'S STATEMENT:](#) (Begins on page 29 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [1-13-2005\(Mil & VA\)](#)
[2-7-2005\(Approp\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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P.L. 2005, CHAPTER 64, *approved April 7, 2005*
Senate, No. 1139

1 **AN ACT** extending certain benefits to veterans of Operations Northern
2 and Southern Watch and amending various parts of the statutory
3 law.

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

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

9 11A:5-1. As used in this chapter: "Disabled veteran" means any
10 veteran who is eligible to be compensated for a service-connected
11 disability from war service by the United States Veterans
12 Administration or who receives or is entitled to receive equivalent
13 compensation for a service-connected disability which arises out of
14 military or naval service as set forth in this chapter and who has
15 submitted sufficient evidence of the record of disability incurred in the
16 line of duty to the Adjutant General of the Department of Military and
17 Veterans' Affairs on or before the closing date for filing an application
18 for an examination;

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

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

36 (2) World War II, on or after September 16, 1940, who shall have
37 served at least 90 days beginning on or before December 31, 1946 in
38 such active service, exclusive of any period of assignment 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 as

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

Matter underlined thus is new matter.

1 a cadet or midshipman at one of the service academies; except that any
2 person receiving an actual service-incurred injury or disability shall be
3 classed a veteran whether or not that person has completed the 90-day
4 service;

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

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

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

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

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

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

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

39 (10) Operation Northern Watch and Operation Southern Watch, on
40 or after August 27, 1992, or the date of inception of that operation, as
41 proclaimed by the President of the United States, Congress or United
42 States Secretary of Defense, whichever date of inception is earliest,
43 who served in the theater of operation, including in the Arabian
44 peninsula and the Persian Gulf, and in direct support of that operation
45 for a period, continuously or in the aggregate, of at least 14 days in
46 such active, service commencing on or before the date of termination

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

7 ~~[(10)]~~ (11) Operation "Restore Hope" in Somalia, on or after
8 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, who has served in Somalia or on board any
11 ship actively engaged in patrolling the territorial waters of that nation
12 for a period, continuously or in the aggregate, of at least 14 days in
13 such active service commencing on or before March 31, 1994;
14 provided that any person receiving an actual service-incurred injury or
15 disability shall be classed as a veteran whether or not that person has
16 completed the 14-day service as herein provided;

17 ~~[(11)]~~ (12) Operations "Joint Endeavor" and "Joint Guard" in the
18 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
19 who served in such active service in direct support of one or both of
20 the operations for at least 14 days, continuously or in the aggregate,
21 commencing on or before June 20, 1998, and (1) was deployed in that
22 nation or in another area in the region, or (2) was on board a United
23 States naval vessel operating in the Adriatic Sea, or (3) operated in
24 airspace above the Republic of Bosnia and Herzegovina; provided that
25 any person receiving an actual service-incurred injury or disability shall
26 be classed as a veteran whether or not that person completed the
27 14-day service requirement;

28 ~~[(12)]~~ (13) Operation "Uphold Democracy" in Haiti, on or after
29 September 19, 1994, who served in Haiti or on board any ship actively
30 engaged in patrolling the territorial waters of that nation for a period,
31 continuously or in the aggregate, of at least 14 days in such active
32 service commencing on or before March 31, 1995, and who received
33 an Armed Forces Expeditionary Medal for such service; provided, that
34 any person receiving an actual service-incurred injury or disability shall
35 be classed as a veteran whether or not that person has completed the
36 14 days' service as herein provided or received an Armed Forces
37 Expeditionary Medal;

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

1 and

2 ~~[(14)]~~ (15) Operation "Iraqi Freedom", on or after the date the
3 President of the United States or the United States Secretary of
4 Defense designates as the inception date of that operation, who served
5 in Iraq or in another area in the region in direct support of that
6 operation for a period, continuously or in the aggregate, of at least 14
7 days in such active service commencing on or before the date the
8 President of the United States or the United States Secretary of
9 Defense designates as the termination date of that operation; provided,
10 that any person receiving an actual service-incurred injury or disability
11 while engaged in such service shall be classed as a veteran whether or
12 not that person has completed the 14 days' service as herein provided.

13 c. "War service" means service by a veteran in any war or conflict
14 described in this chapter during the periods specified.

15 (cf: P.L.2003, c.197, s.1)

16

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

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

19 a. "Accumulated deductions" means the sum of all the amounts,
20 deducted from the compensation of a member or contributed by or in
21 behalf of the member, including interest credited to January 1, 1956,
22 standing to the credit of the member's individual account in the annuity
23 savings fund.

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

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

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

35 e. "Employer" means the State, the board of education or any
36 educational institution or agency of or within the State by which a
37 teacher is paid.

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

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

- 1 h. "Pension" means payments for life derived from appropriations
2 made by the State or employers to the Teachers' Pension and Annuity
3 Fund.
- 4 i. "Annuity reserve" means the present value of all payments to be
5 made on account of any annuity or benefit in lieu of an annuity,
6 granted under the provisions of this article, computed on the basis of
7 such mortality tables recommended by the actuary as the board of
8 trustees adopts, with regular interest.
- 9 j. "Pension reserve" means the present value of all payments to be
10 made on account of any pension or benefit in lieu of a pension granted
11 to a member from the Teachers' Pension and Annuity Fund, computed
12 on the basis of such mortality tables recommended by the actuary as
13 the board of trustees adopts, with regular interest.
- 14 k. "Present-entrant" means any member of the Teachers' Pension
15 and Annuity Fund who had established status as a "present-entrant
16 member" of said fund prior to January 1, 1956.
- 17 l. "Rate of contribution initially certified" means the rate of
18 contribution certified by the retirement system in accordance with
19 N.J.S.18A:66-29.
- 20 m. "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 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 n. "Retirement allowance" means the pension plus the annuity.
- 29 o. "School service" means any service as a "teacher" as defined in
30 this section.
- 31 p. "Teacher" means any regular teacher, special teacher, helping
32 teacher, teacher clerk, principal, vice-principal, supervisor, supervising
33 principal, director, superintendent, city superintendent, assistant city
34 superintendent, county superintendent, State Commissioner or
35 Assistant Commissioner of Education, members of the State
36 Department of Education who are certificated, unclassified
37 professional staff and other members of the teaching or professional
38 staff of any class, public school, high school, normal school, model
39 school, training school, vocational school, truant reformatory school,
40 or parental school, and of any and all classes or schools within the
41 State conducted under the order and superintendence, and wholly or
42 partly at the expense of the State Board of Education, of a duly
43 elected or appointed board of education, board of school directors, or
44 board of trustees of the State or of any school district or normal
45 school district thereof, and any persons under contract or engagement
46 to perform one or more of these functions. It shall also mean any

1 person who serves, while on an approved leave of absence from
2 regular duties as a teacher, as an officer of a local, county or State
3 labor organization which represents, or is affiliated with an
4 organization which represents, teachers as defined in this subsection.
5 No person shall be deemed a teacher within the meaning of this article
6 who is a substitute teacher. In all cases of doubt the board of trustees
7 shall determine whether any person is a teacher as defined in this
8 article.

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

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

34 (1) The Indian wars and uprisings during any of the periods
35 recognized by the War Department of the United States as periods of
36 active hostility;

37 (2) The Spanish-American War between April 20, 1898, and April
38 11, 1899;

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

42 (4) The Peking relief expedition between June 20, 1900, and May
43 27, 1902;

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

46 (6) The army of Cuban pacification between October 6, 1906, and

1 April 1, 1909;

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

4 (8) The Mexican border patrol, having actually participated in
5 engagements against Mexicans between April 12, 1911, and June 16,
6 1919;

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

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

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

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

44 (13) Vietnam conflict, on or after December 31, 1960, and on or
45 prior to May 7, 1975, who shall have served at least 90 days in such
46 active service, exclusive of any period of assignment (1) for a course

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

13 (14) Lebanon peacekeeping mission, on or after September 26,
14 1982, who has served in Lebanon 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 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 (15) Grenada peacekeeping mission, on or after October 23, 1983,
24 who has served in Grenada or on board any ship actively engaged in
25 patrolling the territorial waters of that nation for a period, continuous
26 or in the aggregate, of at least 14 days commencing on or before
27 November 21, 1983 or the date of termination of that mission, as
28 proclaimed by the President of the United States or Congress,
29 whichever date of termination is the latest, in such active service;
30 provided, that any person receiving an actual service-incurred injury
31 or disability shall be classed as a veteran whether or not that person
32 has completed the 14 days' service as herein provided;

33 (16) Panama peacekeeping mission, on or after December 20, 1989
34 or the date of inception of that mission, as proclaimed by the President
35 of the United States or Congress, whichever date of inception is
36 earliest, who has served in Panama or on board any ship actively
37 engaged in patrolling the territorial waters of that nation for a period,
38 continuous or in the aggregate, of at least 14 days commencing on or
39 before January 31, 1990 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 (17) Operation "Desert Shield/Desert Storm" mission in the
46 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or

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

12 (18) Operation Northern Watch and Operation Southern Watch, on
13 or after August 27, 1992, or the date of inception of that operation, as
14 proclaimed by the President of the United States, Congress or United
15 States Secretary of Defense, whichever date of inception is earliest,
16 who served in the theater of operation, including in the Arabian
17 peninsula and the Persian Gulf, and in direct support of that operation
18 for a period, continuously or in the aggregate, of at least 14 days in
19 such active service, commencing on or before the date of termination
20 of the operation, as proclaimed by the President of the United States,
21 Congresses or United States Secretary of Defense, whichever date of
22 termination is latest; provided, that any person receiving an actual
23 service-incurred injury or disability while engaged in such service shall
24 be classed as a veteran whether or not that person has completed the
25 14 days' service as herein provided;

26 **[(18)]** (19) Operation "Restore Hope" in Somalia, on or after
27 December 5, 1992, or the date of inception of that operation as
28 proclaimed by the President of the United States or the Congress,
29 whichever date is earliest, who has served in Somalia or on board any
30 ship actively engaged in patrolling the territorial waters of that nation
31 for a period, continuously or in the aggregate, of at least 14 days in
32 such active service commencing on or before March 31, 1994;
33 provided that any person receiving an actual service-incurred injury or
34 disability shall be classed as a veteran whether or not that person has
35 completed the 14-day service as herein provided;

36 **[(19)]** (20) Operations "Joint Endeavor" and "Joint Guard" in the
37 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
38 who served in such active service in direct support of one or both of
39 the operations for at least 14 days, continuously or in the aggregate,
40 commencing on or before June 20, 1998, and (1) was deployed in that
41 nation or in another area in the region, or (2) was on board a United
42 States naval vessel operating in the Adriatic Sea, or (3) operated in
43 airspace above the Republic of Bosnia and Herzegovina; provided that
44 any person receiving an actual service-incurred injury or disability shall
45 be classed as a veteran whether or not that person completed the
46 14-day service requirement.

1 [(20)] (21) Operation "Enduring Freedom", on or after September
2 11, 2001, who served in a theater of operation and in direct support
3 of that operation for a period, continuously or in the aggregate, of at
4 least 14 days in such active service commencing on or before the date
5 the President of the United States or the United States Secretary of
6 Defense designates as the termination date of that operation; provided,
7 that any person receiving an actual service-incurred injury or disability
8 while engaged in such service shall be classed as a veteran whether or
9 not that person has completed the 14 days' service as herein provided;
10 and

11 [(21)] (22) Operation "Iraqi Freedom", on or after the date the
12 President of the United States or the United States Secretary of
13 Defense designates as the inception date of that operation, who served
14 in Iraq or in another area in the region in direct support of that
15 operation for a period, continuously or in the aggregate, of at least 14
16 days in such active service commencing on or before the date the
17 President of the United States or the United States Secretary of
18 Defense designates as the termination date of that operation; provided,
19 that any person receiving an actual service-incurred injury or disability
20 while engaged in such service shall be classed as a veteran whether or
21 not that person has completed the 14 days' service as herein provided.

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

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

33 t. (1) "Widower," for employees of the State, means the man to
34 whom a member was married, or a domestic partner as defined in
35 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
36 date of her death and to whom she continued to be married or a
37 domestic partner until the date of her death and who was receiving at
38 least one-half of his 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 widower will be considered terminated by marriage of, or
42 establishment of a domestic partnership by, the widower subsequent
43 to the death of the member. In the event of the payment of an
44 accidental death benefit, the five-year qualification shall be waived.

45 (2) Subject to the provisions of paragraph (3) of this subsection,
46 "widower," for employees of public employers other than the State,

1 means the man to whom a member was married at least five years
2 before the date of her death and to whom she continued to be married
3 until the date of her death and who was receiving at least one-half of
4 his support from the member in the 12-month period immediately
5 preceding the member's death or the accident which was the direct
6 cause of the member's death. The dependency of such a widower shall
7 be considered terminated by marriage of the widower subsequent to
8 the death of the member. In the event of the payment of an accidental
9 death benefit, the five-year qualification shall be waived.

10 (3) A public employer other than the State may adopt a resolution
11 providing that the term "widower" as defined in paragraph (2) of this
12 subsection shall include domestic partners as provided in paragraph (1)
13 of this subsection.

14 u. (1) "Widow," for employees of the State, means the woman to
15 whom a member was married, or a domestic partner as defined in
16 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
17 date of his death and to whom he continued to be married or a
18 domestic partner until the date of his death and who was receiving at
19 least one-half of her support from the member in the 12-month period
20 immediately preceding the member's death or the accident which was
21 the direct cause of the member's death. The dependency of such a
22 widow will be considered terminated by the marriage of, or
23 establishment of a domestic partnership by, the widow subsequent to
24 the member's death. In the event of the payment of an accidental death
25 benefit, the five-year qualification shall be waived.

26 (2) Subject to the provisions of paragraph (3) of this subsection,
27 "widow," for employees of public employers other than the State,
28 means the woman to whom a member was married at least five years
29 before the date of his death and to whom he continued to be married
30 until the date of his death and who was receiving at least one-half of
31 her support from the member in the 12-month period immediately
32 preceding the member's death or the accident which was the direct
33 cause of the member's death. The dependency of such a widow shall
34 be considered terminated by the marriage of the widow subsequent to
35 the member's death. In the event of the payment of an accidental death
36 benefit, the five-year qualification shall be waived.

37 (3) A public employer other than the State may adopt a resolution
38 providing that the term "widower" as defined in paragraph (2) of this
39 subsection shall include domestic partners as provided in paragraph (1)
40 of this subsection.

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

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

3 x. (1) "Spouse," for employees of the State, means the husband or
4 wife, or domestic partner as defined in section 3 of P.L.2003, c.246
5 (C.26:8A-3), of a member.

6 (2) Subject to the provisions of paragraph (1) of this subsection,
7 "spouse," for employees of public employers other than the State,
8 means the husband or wife of a member.

9 (3) A public employer other than the State may adopt a resolution
10 providing that the term "spouse" as defined in paragraph (2) of this
11 subsection shall include domestic partners as provided in paragraph (1)
12 of this subsection.

13 (cf: P.L.2003, c.246, s.45)

14

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

17 6. As used in this act:

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

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

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

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

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

38 f. "Parent" shall mean the parent of a member who was receiving
39 at least 1/2 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 g. (1) "Widower," for employees of the State, means the man to
45 whom a member was married, or a domestic partner as defined in
46 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the

1 date of her death and to whom she continued to be married or a
2 domestic partner until the date of her death and who was receiving at
3 least 1/2 of his support from the member in the 12-month period
4 immediately preceding the member's death or the accident which was
5 the direct cause of the member's death. The dependency of such a
6 widower will be considered terminated by marriage of, or
7 establishment of a domestic partnership by, the widower subsequent
8 to the death of the member. In the event of the payment of an
9 accidental death benefit, the five-year qualification shall be waived.

10 (2) Subject to the provisions of paragraph (3) of this subsection,
11 "widower," for employees of public employers other than the State,
12 means the man to whom a member was married at least five years
13 before the date of her death and to whom she continued to be married
14 until the date of her death and who was receiving at least 1/2 of his
15 support from the member in the 12-month period immediately
16 preceding the member's death or the accident which was the direct
17 cause of the member's death. The dependency of such a widower shall
18 be considered terminated by marriage of the widower subsequent to
19 the death of the member. In the event of the payment of an accidental
20 death benefit, the five-year qualification shall be waived.

21 (3) A public employer other than the State may adopt a resolution
22 providing that the term "widower" as defined in paragraph (2) of this
23 subsection shall include domestic partners as provided in paragraph (1)
24 of this subsection.

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

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

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

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

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

43 m. "Public Employees' Retirement System of New Jersey,"
44 hereinafter referred to as the "retirement system" or "system," is the
45 corporate name of the arrangement for the payment of retirement
46 allowances and other benefits under the provisions of this act including

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

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

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

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

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

34 (2) The Spanish-American War between April 20, 1898, and April
35 11, 1899;

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

39 (4) The Peking relief expedition between June 20, 1900, and May
40 27, 1902;

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

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

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

1 (8) The Mexican border patrol, having actually participated in
2 engagements against Mexicans between April 12, 1911, and June 16,
3 1919;

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

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

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

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

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

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

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

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

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

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

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

9 (18) Operation Northern Watch and Operation Southern Watch, on
10 or after August 27, 1992, or the date of inception of that operation, as
11 proclaimed by the President of the United States, Congress or United
12 States Secretary of Defense, whichever date of inception is earliest,
13 who served in the theater of operation, including in the Arabian
14 peninsula and the Persian Gulf, and in direct support of that operation
15 for a period, continuously or in the aggregate, of at least 14 days in
16 such active service, commencing on or before the date of termination
17 of that operation, as proclaimed by the President of the United States,
18 Congress or United States Secretary of Defense, whichever date of
19 termination is the latest; provided, that any person receiving an actual
20 service-incurred injury or disability while engaged in such service shall
21 be classed as a veteran whether or not that person has completed the
22 14 days' service as herein provided;

23 **[(18)]** (19) Operation "Restore Hope" in Somalia, on or after
24 December 5, 1992, or the date of inception of that operation as
25 proclaimed by the President of the United States or the Congress,
26 whichever date is earliest, who has served in Somalia or on board any
27 ship actively engaged in patrolling the territorial waters of that nation
28 for a period, continuously or in the aggregate, of at least 14 days in
29 such active service commencing on or before March 31, 1994;
30 provided that any person receiving an actual service-incurred injury or
31 disability shall be classed as a veteran whether or not that person has
32 completed the 14-day service as herein provided;

33 **[(19)]** (20) Operations "Joint Endeavor" and "Joint Guard" in the
34 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
35 who served in such active service in direct support of one or both of
36 the operations for at least 14 days, continuously or in the aggregate,
37 commencing on or before June 20, 1998 and (1) was deployed in that
38 nation or in another area in the region, or (2) was on board a United
39 States naval vessel operating in the Adriatic Sea, or (3) operated in
40 airspace above the Republic of Bosnia and Herzegovina; provided that
41 any person receiving an actual service-incurred injury or disability shall
42 be classed as a veteran whether or not that person completed the
43 14-day service requirement;

44 **[(20)]** (21) Operation "Enduring Freedom", on or after September
45 11, 2001, who served in a theater of operation and in direct support
46 of that operation for a period, continuously or in the aggregate, of at

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

8 ~~[(21)]~~ (22) Operation "Iraqi Freedom", on or after the date the
9 President of the United States or the United States Secretary of
10 Defense designates as the inception date of that operation, who served
11 in Iraq or in another area in the region in direct support of that
12 operation for a period, continuously or in the aggregate, of at least 14
13 days in such active service commencing on or before the date the
14 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 "Veteran" also means any honorably discharged member of the
20 American Merchant Marine who served during World War II and is
21 declared by the United States Department of Defense to be eligible for
22 federal veterans' benefits.

23 q. (1) "Widow," for employees of the State, means the woman to
24 whom a member was married, or a domestic partner as defined in
25 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
26 date of his death and to whom he continued to be married or a
27 domestic partner until the date of his death and who was receiving at
28 least 1/2 of her support from the member in the 12-month period
29 immediately preceding the member's death or the accident which was
30 the direct cause of the member's death. The dependency of such a
31 widow will be considered terminated by the marriage of, or
32 establishment of a domestic partnership by, the widow subsequent to
33 the member's death. In the event of the payment of an accidental death
34 benefit, the five-year qualification shall be waived.

35 (2) Subject to the provisions of paragraph (3) of this subsection,
36 "widow," for employees of public employers other than the State,
37 means the woman to whom a member was married at least five years
38 before the date of his death and to whom he continued to be married
39 until the date of his death and who was receiving at least 1/2 of her
40 support from the member in the 12-month period immediately
41 preceding the member's death or the accident which was the direct
42 cause of the member's death. The dependency of such a widow shall
43 be considered terminated by the marriage of the widow subsequent to
44 the member's death. In the event of the payment of an accidental death
45 benefit, the five-year qualification shall be waived.

46 (3) A public employer other than the State may adopt a resolution

1 providing that the term "widow" as defined in paragraph (2) of this
2 subsection shall include domestic partners as provided in paragraph (1)
3 of this subsection.

4 r. "Compensation" means the base or contractual salary, for
5 services as an employee, which is in accordance with established salary
6 policies of the member's employer for all employees in the same
7 position but shall not include individual salary adjustments which are
8 granted primarily in anticipation of the member's retirement or
9 additional remuneration for performing temporary or extracurricular
10 duties beyond the regular workday or the regular work year. In cases
11 where salary includes maintenance, the retirement system shall fix the
12 value of that part of the salary not paid in money which shall be
13 considered under this act.

14 (cf: P.L.2003, c.246, s.42)

15

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

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

35 (1) The Indian wars and uprisings during any of the periods
36 recognized by the War Department of the United States as periods of
37 active hostility;

38 (2) The Spanish-American War between April 20, 1898, and April
39 11, 1899;

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

43 (4) The Peking relief expedition between June 20, 1900, and May
44 27, 1902;

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

- 1 (6) The army of Cuban pacification between October 6, 1906, and
2 April 1, 1909;
- 3 (7) The Mexican punitive expedition between March 14, 1916, and
4 February 7, 1917;
- 5 (8) The Mexican border patrol, having actually participated in
6 engagements against Mexicans between April 12, 1911, and June 16,
7 1919;
- 8 (9) World War I between April 6, 1917, and November 11, 1918;
- 9 (10) World War II, between September 16, 1940, and December
10 31, 1946, who shall have served at least 90 days in such active service,
11 exclusive of any period of assignment (1) for a course of education or
12 training under the Army Specialized Training Program or the Navy
13 College Training program which course was a continuation of a
14 civilian course and was pursued to completion, or (2) as a cadet or
15 midshipman at one of the service academies any part of which 90 days
16 was served between said dates; provided, that any person receiving an
17 actual service-incurred injury or disability shall be classed as a veteran
18 whether or not that person has completed the 90-day service as herein
19 provided;
- 20 (11) Korean conflict on or after June 23, 1950, and on or prior to
21 January 31, 1955, who shall have served at least 90 days in such active
22 service, exclusive of any period of assignment (1) for a course of
23 education or training under the Army Specialized Training Program or
24 the Navy College Training Program which course was a continuation
25 of a civilian course and was pursued to completion, or (2) as a cadet
26 or midshipman at one of the service academies, any part of which 90
27 days was served between said dates; provided, that any person
28 receiving an actual service-incurred injury or disability shall be classed
29 as a veteran whether or not that person has completed the 90-day
30 service as herein provided; and provided further, that any member
31 classed as a veteran pursuant to this subparagraph prior to August 1,
32 1966, shall continue to be classed as a veteran whether or not the
33 member completed the 90-day service between said dates as herein
34 provided;
- 35 (12) Lebanon crisis, on or after July 1, 1958, who has served in
36 Lebanon or on board any ship actively engaged in patrolling the
37 territorial waters of that nation for a period, continuous or in the
38 aggregate, of at least 14 days commencing on or before November 1,
39 1958 or the date of termination of that conflict, as proclaimed by the
40 President of the United States or Congress, whichever date of
41 termination is the latest, in such active service; provided, that any
42 person receiving an actual service-incurred injury or disability shall be
43 classed as a veteran whether or not that person has completed the 14
44 days' service as herein provided;
- 45 (13) Vietnam conflict on or after December 31, 1960, and on or
46 prior to May 7, 1975, who shall have served at least 90 days in such

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

14 (14) Lebanon peacekeeping mission, on or after September 26,
15 1982, who has served in Lebanon or on board any ship actively
16 engaged in patrolling the territorial waters of that nation for a period,
17 continuous or in the aggregate, of at least 14 days commencing on or
18 before December 1, 1987 or 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 (15) Grenada peacekeeping mission, on or after October 23, 1983,
25 who has served in Grenada or on board any ship actively engaged in
26 patrolling the territorial waters of that nation for a period, continuous
27 or in the aggregate, of at least 14 days commencing on or before
28 November 21, 1983 or the date of termination of that mission, as
29 proclaimed by the President of the United States or Congress,
30 whichever date of termination is the latest, in such active service;
31 provided, that any person receiving an actual service-incurred injury
32 or disability shall be classed as a veteran whether or not that person
33 has completed the 14 days' service as herein provided;

34 (16) 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 (17) Operation "Desert Shield/Desert Storm" mission in the

1 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
2 the date of inception of that operation, as proclaimed by the President
3 of the United States or Congress, whichever date of inception is
4 earliest, who has served in the Arabian peninsula or on board any ship
5 actively engaged in patrolling the Persian Gulf for a period, continuous
6 or in the aggregate, of at least 14 days commencing on or before the
7 date of termination of that mission, as proclaimed by the President of
8 the United States or Congress, whichever date of termination is the
9 latest, in such active service; provided, that any person receiving an
10 actual service-incurred injury or disability shall be classed as a veteran
11 whether or not that person has completed the 14 days' service as
12 herein provided;

13 (18) Operation Northern Watch and Operation Southern Watch, on
14 or after August 27, 1992, or the date of inception of that operation, as
15 proclaimed by the President of the United States, Congress or United
16 States Secretary of Defense, whichever date of inception is earliest,
17 who served in the theater of operation, including in the Arabian
18 peninsula and the Persian Gulf, and in direct support of that operation
19 for a period, continuously or in the aggregate, of at least 14 days in
20 such active service, commencing on or before the date of termination
21 of that operation, as proclaimed by the President of the United States,
22 Congress or United States Secretary of Defense, whichever date of
23 termination is the latest; provided, that any person receiving an actual
24 service-incurred injury or disability while engaged in such service shall
25 be classed as a veteran whether or not that person has completed the
26 14 days' service as herein provided;

27 **[(18)]** (19) Operation "Restore Hope" in Somalia, on or after
28 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, who has served in Somalia or on board any
31 ship actively engaged in patrolling the territorial waters of that nation
32 for a period, continuously or in the aggregate, of at least 14 days in
33 such active service commencing on or before March 31, 1994;
34 provided that any person receiving an actual service-incurred injury or
35 disability shall be classed as a veteran whether or not that person has
36 completed the 14-day service as herein provided;

37 **[(19)]** (20) Operations "Joint Endeavor" and "Joint Guard" in the
38 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
39 who served in such active service in direct support of one or both of
40 the operations for at least 14 days, continuously or in the aggregate,
41 commencing on or before June 20, 1998, and (1) was deployed in that
42 nation or in another area in the region, or (2) was on board a United
43 States naval vessel operating in the Adriatic Sea, or (3) operated in
44 airspace above the Republic of Bosnia and Herzegovina; provided that
45 any person receiving an actual service-incurred injury or disability shall
46 be classed as a veteran whether or not that person completed the

1 14-day service requirement;

2 ~~[(20)]~~ (21) Operation "Enduring Freedom", on or after September
3 11, 2001, who served in a theater of operation and in direct support
4 of that operation for a period, continuously or in the aggregate, of at
5 least 14 days in such active service commencing on or before the date
6 the President of the United States or the United States Secretary of
7 Defense designates as the termination date of that operation; provided,
8 that any person receiving an actual service-incurred injury or disability
9 while engaged in such service shall be classed as a veteran whether or
10 not that person has completed the 14 days' service as herein provided;
11 and

12 ~~[(21)]~~ (22) Operation "Iraqi Freedom", on or after the date the
13 President of the United States or the United States Secretary of
14 Defense designates as the inception date of that operation, who served
15 in Iraq or in another area in the region in direct support of that
16 operation for a period, continuously or in the aggregate, of at least 14
17 days in such active service commencing on or before the date the
18 President of the United States or the United States Secretary of
19 Defense designates as the termination date of that operation; provided,
20 that any person receiving an actual service-incurred injury or disability
21 while engaged in such service shall be classed as a veteran whether or
22 not that person has completed the 14 days' service as herein provided.

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

27 (cf: P.L.2003, c.197, s.4)

28

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

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

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

44 Operation "Enduring Freedom", on or after September 11, 2001,
45 who served in a theater of operation and in direct support of that
46 operation for a period, continuously or in the aggregate, of at least 14

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

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

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

28 Operation Northern Watch and Operation Southern Watch, on or
29 after August 27, 1992, or the date of inception of that operation, as
30 proclaimed by the President of the United States, Congress or United
31 States Secretary of Defense, whichever date of inception is earliest,
32 who served in the theater of operation, including in the Arabian
33 peninsula and the Persian Gulf, and in direct support of that operation
34 for a period, continuously or in the aggregate, of at least 14 days in
35 such active service, commencing on or before the date of termination
36 as proclaimed by the President of the United States, Congress or
37 United States Secretary of Defense, whichever date of termination is
38 the latest; provided, that any person receiving an actual
39 service-incurred injury or disability while engaged in such service shall
40 be classed as a veteran whether or not that person has completed the
41 14 days' service as herein provided;

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

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

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

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

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

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

42 The Lebanon crisis, on or after July 1, 1958, who has served in
43 Lebanon or on board any ship actively engaged in patrolling the
44 territorial waters of that nation for a period, continuous or in the
45 aggregate, of at least 14 days commencing on or before November 1,
46 1958 or the date of termination of that conflict, as proclaimed by the

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

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

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

8 World War I, April 6, 1917 to November 11, 1918, and in the case
9 of service with the United States military forces in Russia, April 6,
10 1917 to April 1, 1920;

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

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

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

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

20 (d) "Honorably discharged or released under honorable
21 circumstances from active service in time of war," means and includes
22 every form of separation from active, full-time duty with military or
23 naval pay and allowances in some branch of the Armed Forces of the
24 United States in time of war, other than those marked "dishonorable,"
25 "undesirable," "bad conduct," "by sentence of general court martial,"
26 "by sentence of summary court martial" or similar expression
27 indicating that the discharge or release was not under honorable
28 circumstances. A disenrollment certificate or other form of release
29 terminating temporary service in a military or naval branch of the
30 armed forces rendered on a voluntary and part-time basis without pay,
31 or a release from or deferment of induction into the active military or
32 naval service shall not be deemed to be included in the aforementioned
33 phrase.

34 (e) "Pre-tax year" means the particular calendar year immediately
35 preceding the "tax year."

36 (f) "Resident" means one legally domiciled within the State of New
37 Jersey. Mere seasonal or temporary residence within the State, of
38 whatever duration, shall not constitute domicile within the State for
39 the purposes of this act. Absence from this State for a period of 12
40 months shall be prima facie evidence of abandonment of domicile in
41 this State. The burden of establishing legal domicile within the State
42 shall be upon the claimant.

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

45 (h) "Veteran" means any citizen and resident of this State
46 honorably discharged or released under honorable circumstances from

1 active service in time of war in any branch of the Armed Forces of the
2 United States.

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

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

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

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

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

19 (k) "Cooperative" means a housing corporation or association
20 incorporated or organized under the laws of New Jersey which entitles
21 a shareholder thereof to possess and occupy for dwelling purposes a
22 house, apartment or other structure owned or leased by the
23 corporation or association.

24 (l) "Mutual housing corporation" means a corporation
25 not-for-profit incorporated under the laws of New Jersey on a mutual
26 or cooperative basis within the scope of section 607 of the "National
27 Defense Housing Act," Pub.L.76-849 (42 U.S.C.s.1521 et seq.), which
28 acquired a National Defense Housing Project pursuant to that act.

29 (cf: P.L.2003, c.197, s.5)

30

31 6. This act shall take effect immediately, and section 1 shall apply
32 to eligible lists prepared on or after the effective date and section 5
33 shall apply to the tax year next following enactment.

34

35

36

STATEMENT

37

38 This bill amends several statutes to include members of Operation
39 Northern Watch and Southern Watch as veterans for the purposes of
40 civil service hiring preferences, the purchase of service credit and the
41 calculation of retirant benefits in the Public Employees' Retirement
42 System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the
43 purchase of service credit in the Police and Firemen's Retirement
44 System (PFRS), and the receipt of a property tax deduction or
45 exemption.

46 Operation Northern Watch and Operation Southern Watch is the

1 name given to the mission that monitors and controls airspace above
2 and below the 33rd parallel in Iraq, the so called "no-fly zones". The
3 operation stemmed from Desert Storm and included forces from the
4 United States, France, Great Britain and Saudi Arabia. The forces
5 monitored compliance with United Nations Security Council
6 Resolutions, in response to Saddam Hussein's attacks on Shiite rebels
7 and civilians in Iraq.

8

9

10

11

12 Extends certain benefits to veterans of Operations Northern and
13 Southern Watch.

SENATE, No. 1139

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 23, 2004

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

Senator JOSEPH CONIGLIO

District 38 (Bergen)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Co-Sponsored by:

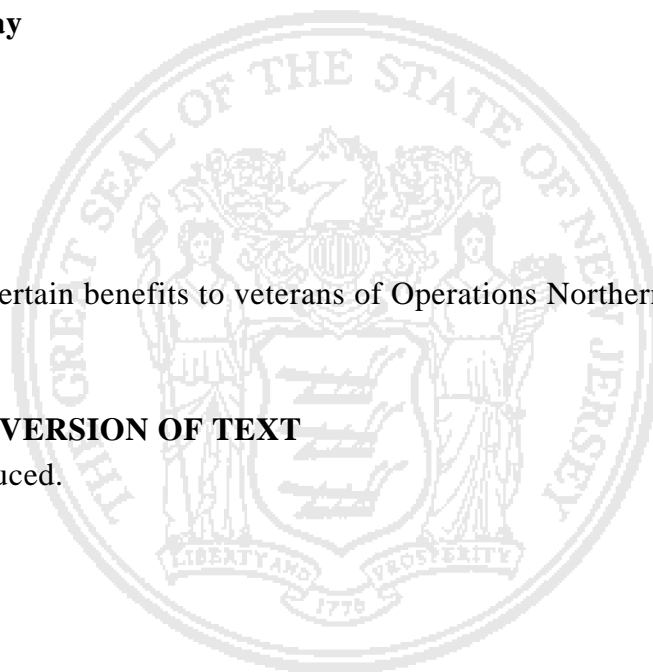
Senators Buono, Bark, Bryant, Bucco, Doria, James, Kavanaugh, T.Kean, Kenny, Lance, Sarlo, Sweeney, Turner, Assemblymen Gusciora, Diegnan, Assemblywomen Cruz-Perez, Watson Coleman, Assemblymen Wisniewski and Conaway

SYNOPSIS

Extends certain benefits to veterans of Operations Northern and Southern Watch.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2005)

S1139 LITTELL, CONIGLIO

2

1 AN ACT extending certain benefits to veterans of Operations Northern
2 and Southern Watch and amending various parts of the statutory
3 law.

4

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

7

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

9 11A:5-1. As used in this chapter: "Disabled veteran" means any
10 veteran who is eligible to be compensated for a service-connected
11 disability from war service by the United States Veterans
12 Administration or who receives or is entitled to receive equivalent
13 compensation for a service-connected disability which arises out of
14 military or naval service as set forth in this chapter and who has
15 submitted sufficient evidence of the record of disability incurred in the
16 line of duty to the Adjutant General of the Department of Military and
17 Veterans' Affairs on or before the closing date for filing an application
18 for an examination;

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

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

36 (2) World War II, on or after September 16, 1940, who shall have
37 served at least 90 days beginning on or before December 31, 1946 in
38 such active service, exclusive of any period of assignment 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 as
42 a cadet or midshipman at one of the service academies; except that any
43 person receiving an actual service-incurred injury or disability shall be

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

Matter underlined thus is new matter.

S1139 LITTELL, CONIGLIO

1 classed a veteran whether or not that person has completed the 90-day
2 service;

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

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

23 (5) Vietnam conflict, on or after December 31, 1960, who shall
24 have served at least 90 days beginning on or before May 7, 1975, in
25 active service, exclusive of any period of assignment for a course of
26 education or training under the Army Specialized Training Program or
27 the Navy College Training Program, which course was a continuation
28 of a civilian course and was pursued to completion, or as a cadet or
29 midshipman at one of the service academies, and exclusive of any
30 service performed pursuant to the provisions of section 511(d) of Title
31 10, United States Code, or exclusive of any service performed
32 pursuant to enlistment in the National Guard or the Army Reserve,
33 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast
34 Guard Reserve; except 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 90-day service as
37 provided;

38 (6) Lebanon peacekeeping mission, on or after September 26,
39 1982, who has served in Lebanon or on board any ship actively
40 engaged in patrolling the territorial waters of that nation for a period,
41 continuous or in the aggregate, of at least 14 days commencing on or
42 before December 1, 1987 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

S1139 LITTELL, CONIGLIO

4

1 has completed the 14 days' service as herein provided;

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

12 (8) Panama peacekeeping mission, on or after December 20, 1989
13 or the date of inception of that mission, as proclaimed by the President
14 of the United States or Congress, whichever date of inception is
15 earliest, who has served in Panama or on board any ship actively
16 engaged in patrolling the territorial waters of that nation for a period,
17 continuous or in the aggregate, of at least 14 days commencing on or
18 before January 31, 1990 or 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 (9) 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 (10) Operation Northern Watch and Operation Southern Watch, on
38 or after August 27, 1992, or the date of inception of that operation, as
39 proclaimed by the President of the United States, Congress or United
40 States Secretary of Defense, whichever date of inception is earliest,
41 who served in the theater of operation, including in the Arabian
42 peninsula and the Persian Gulf, and in direct support of that operation
43 for a period, continuously or in the aggregate, of at least 14 days in
44 such active, service commencing on or before the date of termination
45 of that operation, as proclaimed by the President of the United States,
46 Congress or United States Secretary of Defense, whichever date of

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

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

15 [(11)] (12) Operations "Joint Endeavor" and "Joint Guard" in the
16 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
17 who served in such active service in direct support of one or both of
18 the operations for at least 14 days, continuously or in the aggregate,
19 commencing on or before June 20, 1998, and (1) was deployed in that
20 nation or in another area in the region, or (2) was on board a United
21 States naval vessel operating in the Adriatic Sea, or (3) operated in
22 airspace above the Republic of Bosnia and Herzegovina; provided that
23 any person receiving an actual service-incurred injury or disability shall
24 be classed as a veteran whether or not that person completed the
25 14-day service requirement;

26 [(12)] (13) Operation "Uphold Democracy" in Haiti, on or after
27 September 19, 1994, who served in Haiti or on board any ship actively
28 engaged in patrolling the territorial waters of that nation for a period,
29 continuously or in the aggregate, of at least 14 days in such active
30 service commencing on or before March 31, 1995, and who received
31 an Armed Forces Expeditionary Medal for such service; 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 has completed the
34 14 days' service as herein provided or received an Armed Forces
35 Expeditionary Medal;

36 [(13)] (14) Operation "Enduring Freedom", on or after September
37 11, 2001, who served in a theater of operation and in direct support
38 of 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 [(14)] (15) Operation "Iraqi Freedom", on or after the date the

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

11 c. "War service" means service by a veteran in any war or conflict
12 described in this chapter during the periods specified.

13 (cf: P.L.2003, c.197, s.1)

14

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

16 18A:66-2. As used in this article:

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

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

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

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

33 e. "Employer" means the State, the board of education or any
34 educational institution or agency of or within the State by which a
35 teacher is paid.

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

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

45 h. "Pension" means payments for life derived from appropriations
46 made by the State or employers to the Teachers' Pension and Annuity

1 Fund.

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

7 j. "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 to a member from the Teachers' Pension and Annuity Fund, computed
10 on the basis of such mortality tables recommended by the actuary as
11 the board of trustees adopts, with regular interest.

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

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

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

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

27 o. "School service" means any service as a "teacher" as defined in
28 this section.

29 p. "Teacher" means any regular teacher, special teacher, helping
30 teacher, teacher clerk, principal, vice-principal, supervisor, supervising
31 principal, director, superintendent, city superintendent, assistant city
32 superintendent, county superintendent, State Commissioner or
33 Assistant Commissioner of Education, members of the State
34 Department of Education who are certificated, unclassified
35 professional staff and other members of the teaching or professional
36 staff of any class, public school, high school, normal school, model
37 school, training school, vocational school, truant reformatory school,
38 or parental school, and of any and all classes or schools within the
39 State conducted under the order and superintendence, and wholly or
40 partly at the expense of the State Board of Education, of a duly
41 elected or appointed board of education, board of school directors, or
42 board of trustees of the State or of any school district or normal
43 school district thereof, and any persons under contract or engagement
44 to perform one or more of these functions. It shall also mean any
45 person who serves, while on an approved leave of absence from
46 regular duties as a teacher, as an officer of a local, county or State

1 labor organization which represents, or is affiliated with an
2 organization which represents, teachers as defined in this subsection.
3 No person shall be deemed a teacher within the meaning of this article
4 who is a substitute teacher. In all cases of doubt the board of trustees
5 shall determine whether any person is a teacher as defined in this
6 article.

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

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

32 (1) The Indian wars and uprisings during any of the periods
33 recognized by the War Department of the United States as periods of
34 active hostility;

35 (2) The Spanish-American War between April 20, 1898, and April
36 11, 1899;

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

40 (4) The Peking relief expedition between June 20, 1900, and May
41 27, 1902;

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

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

46 (7) The Mexican punitive expedition between March 14, 1916, and

1 February 7, 1917;

2 (8) The Mexican border patrol, having actually participated in
3 engagements against Mexicans between April 12, 1911, and June 16,
4 1919;

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

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

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

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

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

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

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

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

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

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

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

10 (18) Operation Northern Watch and Operation Southern Watch, on
11 or after August 27, 1992, or the date of inception of that operation, as
12 proclaimed by the President of the United States, Congress or United
13 States Secretary of Defense, whichever date of inception is earliest,
14 who served in the theater of operation, including in the Arabian
15 peninsula and the Persian Gulf, and in direct support of that operation
16 for a period, continuously or in the aggregate, of at least 14 days in
17 such active service, commencing on or before the date of termination
18 of the operation, as proclaimed by the President of the United States,
19 Congresses or United States Secretary of Defense, whichever date of
20 termination is latest; provided, that any person receiving an actual
21 service-incurred injury or disability while engaged in such service shall
22 be classed as a veteran whether or not that person has completed the
23 14 days' service as herein provided;

24 ~~[(18)]~~ (19) Operation "Restore Hope" in Somalia, on or after
25 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, who has served in Somalia or on board any
28 ship actively engaged in patrolling the territorial waters of that nation
29 for a period, continuously or in the aggregate, of at least 14 days in
30 such active service commencing on or before March 31, 1994;
31 provided that any person receiving an actual service-incurred injury or
32 disability shall be classed as a veteran whether or not that person has
33 completed the 14-day service as herein provided;

34 ~~[(19)]~~ (20) Operations "Joint Endeavor" and "Joint Guard" in the
35 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
36 who served in such active service in direct support of one or both of
37 the operations for at least 14 days, continuously or in the aggregate,
38 commencing on or before June 20, 1998, and (1) was deployed in that
39 nation or in another area in the region, or (2) was on board a United
40 States naval vessel operating in the Adriatic Sea, or (3) operated in
41 airspace above the Republic of Bosnia and Herzegovina; provided that
42 any person receiving an actual service-incurred injury or disability shall
43 be classed as a veteran whether or not that person completed the
44 14-day service requirement.

45 ~~[(20)]~~ (21) Operation "Enduring Freedom", on or after September
46 11, 2001, who served in a theater of operation and in direct support

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

9 ~~[(21)]~~ (22) Operation "Iraqi Freedom", on or after the date the
10 President of the United States or the United States Secretary of
11 Defense designates as the inception date of that operation, who served
12 in Iraq or in another area in the region in direct support of that
13 operation for a period, continuously or in the aggregate, of at least 14
14 days in such active service commencing on or before the date the
15 President of the United States or the United States Secretary of
16 Defense designates as the termination date of that operation; provided,
17 that any person receiving an actual service-incurred injury or disability
18 while engaged in such service shall be classed as a veteran whether or
19 not that person has completed the 14 days' service as herein provided.

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

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

31 t. (1) "Widower," for employees of the State, means the man to
32 whom a member was married, or a domestic partner as defined in
33 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
34 date of her death and to whom she continued to be married or a
35 domestic partner until the date of her death and who was receiving at
36 least one-half of his support from the member in the 12-month period
37 immediately preceding the member's death or the accident which was
38 the direct cause of the member's death. The dependency of such a
39 widower will be considered terminated by marriage of, or
40 establishment of a domestic partnership by, the widower subsequent
41 to the death of the member. In the event of the payment of an
42 accidental death benefit, the five-year qualification shall be waived.

43 (2) Subject to the provisions of paragraph (3) of this subsection,
44 "widower," for employees of public employers other than the State,
45 means the man to whom a member was married at least five years
46 before the date of her death and to whom she continued to be married

1 until the date of her death and who was receiving at least one-half of
2 his support from the member in the 12-month period immediately
3 preceding the member's death or the accident which was the direct
4 cause of the member's death. The dependency of such a widower shall
5 be considered terminated by marriage of the widower subsequent to
6 the death of the member. In the event of the payment of an accidental
7 death benefit, the five-year qualification shall be waived.

8 (3) A public employer other than the State may adopt a resolution
9 providing that the term "widower" as defined in paragraph (2) of this
10 subsection shall include domestic partners as provided in paragraph (1)
11 of this subsection.

12 u. (1) "Widow," for employees of the State, means the woman to
13 whom a member was married, or a domestic partner as defined in
14 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
15 date of his death and to whom he continued to be married or a
16 domestic partner until the date of his death and who was receiving at
17 least one-half of her support from the member in the 12-month period
18 immediately preceding the member's death or the accident which was
19 the direct cause of the member's death. The dependency of such a
20 widow will be considered terminated by the marriage of, or
21 establishment of a domestic partnership by, the widow subsequent to
22 the member's death. In the event of the payment of an accidental death
23 benefit, the five-year qualification shall be waived.

24 (2) Subject to the provisions of paragraph (3) of this subsection,
25 "widow," for employees of public employers other than the State,
26 means the woman to whom a member was married at least five years
27 before the date of his death and to whom he continued to be married
28 until the date of his death and who was receiving at least one-half of
29 her support from the member in the 12-month period immediately
30 preceding the member's death or the accident which was the direct
31 cause of the member's death. The dependency of such a widow shall
32 be considered terminated by the marriage of the widow subsequent to
33 the member's death. In the event of the payment of an accidental death
34 benefit, the five-year qualification shall be waived.

35 (3) A public employer other than the State may adopt a resolution
36 providing that the term "widower" as defined in paragraph (2) of this
37 subsection shall include domestic partners as provided in paragraph (1)
38 of this subsection.

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

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

1 x. (1) "Spouse," for employees of the State, means the husband or
2 wife, or domestic partner as defined in section 3 of P.L.2003, c.246
3 (C.26:8A-3), of a member.

4 (2) Subject to the provisions of paragraph (1) of this subsection,
5 "spouse," for employees of public employers other than the State,
6 means the husband or wife of a member.

7 (3) A public employer other than the State may adopt a resolution
8 providing that the term "spouse" as defined in paragraph (2) of this
9 subsection shall include domestic partners as provided in paragraph (1)
10 of this subsection.

11 (cf: P.L.2003, c.246, s.45)

12

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

15 6. As used in this act:

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

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

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

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

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

36 f. "Parent" shall mean the parent of a member who was receiving
37 at least 1/2 of the parent's support from the member in the 12-month
38 period immediately preceding the member's death or the accident
39 which was the direct cause of the member's death. The dependency of
40 such a parent will be considered terminated by marriage of the parent
41 subsequent to the death of the member.

42 g. (1) "Widower," for employees of the State, means the man to
43 whom a member was married, or a domestic partner as defined in
44 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
45 date of her death and to whom she continued to be married or a
46 domestic partner until the date of her death and who was receiving at

1 least 1/2 of his support from the member in the 12-month period
2 immediately preceding the member's death or the accident which was
3 the direct cause of the member's death. The dependency of such a
4 widower will be considered terminated by marriage of, or
5 establishment of a domestic partnership by, the widower subsequent
6 to the death of the member. In the event of the payment of an
7 accidental death benefit, the five-year qualification shall be waived.

8 (2) Subject to the provisions of paragraph (3) of this subsection,
9 "widower," for employees of public employers other than the State,
10 means the man to whom a member was married at least five years
11 before the date of her death and to whom she continued to be married
12 until the date of her death and who was receiving at least 1/2 of his
13 support from the member in the 12-month period immediately
14 preceding the member's death or the accident which was the direct
15 cause of the member's death. The dependency of such a widower shall
16 be considered terminated by marriage of the widower subsequent to
17 the death of the member. In the event of the payment of an accidental
18 death benefit, the five-year qualification shall be waived.

19 (3) A public employer other than the State may adopt a resolution
20 providing that the term "widower" as defined in paragraph (2) of this
21 subsection shall include domestic partners as provided in paragraph (1)
22 of this subsection.

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

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

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

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

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

41 m. "Public Employees' Retirement System of New Jersey,"
42 hereinafter referred to as the "retirement system" or "system," is the
43 corporate name of the arrangement for the payment of retirement
44 allowances and other benefits under the provisions of this act including
45 the several funds placed under said system. By that name all of its
46 business shall be transacted, its funds invested, warrants for money

1 drawn, and payments made and all of its cash and securities and other
2 property held.

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

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

12 p. "Veteran" means any honorably discharged officer, soldier,
13 sailor, airman, marine or nurse who served in any Army, Air Force or
14 Navy of the Allies of the United States in World War I, between July
15 14, 1914, and November 11, 1918, or who served in any Army, Air
16 Force or Navy of the Allies of the United States in World War II,
17 between September 1, 1939, and September 2, 1945, and who was
18 inducted into such service through voluntary enlistment, and was a
19 citizen of the United States at the time of such enlistment, and who did
20 not, during or by reason of such service, renounce or lose United
21 States citizenship, and any officer, soldier, sailor, marine, airman,
22 nurse or army field clerk, who has served in the active military or naval
23 service of the United States and has or shall be discharged or released
24 therefrom under conditions other than dishonorable, in any of the
25 following wars, uprisings, insurrections, expeditions, or emergencies,
26 and who has presented to the retirement system evidence of such
27 record of service in form and content satisfactory to said retirement
28 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 April
33 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 May
38 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 December
4 31, 1946, who shall have served at least 90 days in such active service,
5 exclusive of any period of assignment (1) for a course of education or
6 training under the Army Specialized Training Program or the Navy
7 College Training Program which course was a continuation of a
8 civilian course and was pursued to completion, or (2) as a cadet or
9 midshipman at one of the service academies any part of which 90 days
10 was served between said dates; provided, that any person receiving an
11 actual service-incurred injury or disability shall be classed as a veteran
12 whether or not that person has completed the 90-day service as herein
13 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 90
21 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 paragraph prior to August 1,
26 1966, shall continue to be classed as a veteran whether or not that
27 person 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 Title
2 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 Northern Watch and Operation Southern Watch, on
8 or after August 27, 1992, or the date of inception of that operation, as
9 proclaimed by the President of the United States, Congress or United
10 States Secretary of Defense, whichever date of inception is earliest,
11 who served in the theater of operation, including in the Arabian
12 peninsula and the Persian Gulf, and in direct support of that operation
13 for a period, continuously or in the aggregate, of at least 14 days in
14 such active service, commencing on or before the date of termination
15 of that operation, as proclaimed by the President of the United States,
16 Congress or United States Secretary of Defense, whichever date of
17 termination is the latest; provided, that any person receiving an actual
18 service-incurred injury or disability while engaged in such service shall
19 be classed as a veteran whether or not that person has completed the
20 14 days' service as herein provided;

21 ~~[(18)]~~ (19) Operation "Restore Hope" in Somalia, on or after
22 December 5, 1992, or the date of inception of that operation as
23 proclaimed by the President of the United States or the Congress,
24 whichever date is earliest, who has served in Somalia or on board any
25 ship actively engaged in patrolling the territorial waters of that nation
26 for a period, continuously or in the aggregate, of at least 14 days in
27 such active service commencing on or before March 31, 1994;
28 provided that any person receiving an actual service-incurred injury or
29 disability shall be classed as a veteran whether or not that person has
30 completed the 14-day service as herein provided;

31 ~~[(19)]~~ (20) Operations "Joint Endeavor" and "Joint Guard" in the
32 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
33 who served in such active service in direct support of one or both of
34 the operations for at least 14 days, continuously or in the aggregate,
35 commencing on or before June 20, 1998 and (1) was deployed in that
36 nation or in another area in the region, or (2) was on board a United
37 States naval vessel operating in the Adriatic Sea, or (3) operated in
38 airspace above the Republic of Bosnia and Herzegovina; provided that
39 any person receiving an actual service-incurred injury or disability shall
40 be classed as a veteran whether or not that person completed the
41 14-day service requirement;

42 ~~[(20)]~~ (21) Operation "Enduring Freedom", on or after September
43 11, 2001, who served in a theater of operation and in direct support
44 of that operation for a period, continuously or in the aggregate, of at
45 least 14 days in such active service commencing on or before the date
46 the President of the United States or the United States Secretary of

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

6 [(21)] (22) Operation "Iraqi Freedom", on or after the date the
7 President of the United States or the United States Secretary of
8 Defense designates as the inception date of that operation, who served
9 in Iraq or in another area in the region in direct support of that
10 operation for a period, continuously or in the aggregate, of at least 14
11 days in such active service commencing on or before the date the
12 President of the United States or the United States Secretary of
13 Defense designates as the termination date of that operation; provided,
14 that any person receiving an actual service-incurred injury or disability
15 while engaged in such service shall be classed as a veteran whether or
16 not that person has completed the 14 days' service as herein provided.

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

21 q. (1) "Widow," for employees of the State, means the woman to
22 whom a member was married, or a domestic partner as defined in
23 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
24 date of his death and to whom he continued to be married or a
25 domestic partner until the date of his death and who was receiving at
26 least 1/2 of her support from the member in the 12-month period
27 immediately preceding the member's death or the accident which was
28 the direct cause of the member's death. The dependency of such a
29 widow will be considered terminated by the marriage of, or
30 establishment of a domestic partnership by, the widow subsequent to
31 the member's death. In the event of the payment of an accidental death
32 benefit, the five-year qualification shall be waived.

33 (2) Subject to the provisions of paragraph (3) of this subsection,
34 "widow," for employees of public employers other than the State,
35 means the woman to whom a member was married at least five years
36 before the date of his death and to whom he continued to be married
37 until the date of his death and who was receiving at least 1/2 of her
38 support from the member in the 12-month period immediately
39 preceding the member's death or the accident which was the direct
40 cause of the member's death. The dependency of such a widow shall
41 be considered terminated by the marriage of the widow subsequent to
42 the member's death. In the event of the payment of an accidental death
43 benefit, the five-year qualification shall be waived.

44 (3) A public employer other than the State may adopt a resolution
45 providing that the term "widow" as defined in paragraph (2) of this
46 subsection shall include domestic partners as provided in paragraph (1)

1 of this subsection.

2 r. "Compensation" means the base or contractual salary, for
3 services as an employee, which is in accordance with established salary
4 policies of the member's employer for all employees in the same
5 position but shall not include individual salary adjustments which are
6 granted primarily in anticipation of the member's retirement or
7 additional remuneration for performing temporary or extracurricular
8 duties beyond the regular workday or the regular work year. In cases
9 where salary includes maintenance, the retirement system shall fix the
10 value of that part of the salary not paid in money which shall be
11 considered under this act.

12 (cf: P.L.2003, c.246, s.42)

13

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

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

33 (1) The Indian wars and uprisings during any of the periods
34 recognized by the War Department of the United States as periods of
35 active hostility;

36 (2) The Spanish-American War between April 20, 1898, and April
37 11, 1899;

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

41 (4) The Peking relief expedition between June 20, 1900, and May
42 27, 1902;

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

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

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

3 (8) The Mexican border patrol, having actually participated in
4 engagements against Mexicans between April 12, 1911, and June 16,
5 1919;

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

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

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

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

43 (13) Vietnam conflict on or after December 31, 1960, and on or
44 prior to May 7, 1975, who shall have served at least 90 days in such
45 active service, exclusive of any period of assignment (1) for a course
46 of education or training under the Army Specialized Training Program

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

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

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

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

44 (17) Operation "Desert Shield/Desert Storm" mission in the
45 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
46 the date of inception of that operation, as proclaimed by the President

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

11 (18) Operation Northern Watch and Operation Southern Watch, on
12 or after August 27, 1992, or the date of inception of that operation, as
13 proclaimed by the President of the United States, Congress or United
14 States Secretary of Defense, whichever date of inception is earliest,
15 who served in the theater of operation, including in the Arabian
16 peninsula and the Persian Gulf, and in direct support of that operation
17 for a period, continuously or in the aggregate, of at least 14 days in
18 such active service, commencing on or before the date of termination
19 of that operation, as proclaimed by the President of the United States,
20 Congress or United States Secretary of Defense, whichever date of
21 termination is the latest; provided, that any person receiving an actual
22 service-incurred injury or disability while engaged in such service shall
23 be classed as a veteran whether or not that person has completed the
24 14 days' service as herein provided;

25 [(18)] (19) Operation "Restore Hope" in Somalia, on or after
26 December 5, 1992, or the date of inception of that operation as
27 proclaimed by the President of the United States or the Congress,
28 whichever date is earliest, who has served in Somalia or on board any
29 ship actively engaged in patrolling the territorial waters of that nation
30 for a period, continuously or in the aggregate, of at least 14 days in
31 such active service commencing on or before March 31, 1994;
32 provided that any person receiving an actual service-incurred injury or
33 disability shall be classed as a veteran whether or not that person has
34 completed the 14-day service as herein provided;

35 [(19)] (20) Operations "Joint Endeavor" and "Joint Guard" in the
36 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
37 who served in such active service in direct support of one or both of
38 the operations for at least 14 days, continuously or in the aggregate,
39 commencing on or before June 20, 1998, and (1) was deployed in that
40 nation or in another area in the region, or (2) was on board a United
41 States naval vessel operating in the Adriatic Sea, or (3) operated in
42 airspace above the Republic of Bosnia and Herzegovina; provided that
43 any person receiving an actual service-incurred injury or disability shall
44 be classed as a veteran whether or not that person completed the
45 14-day service requirement;

46 [(20)] (21) Operation "Enduring Freedom", on or after September

1 11, 2001, who served in a theater of operation and in direct support
2 of that operation for a period, continuously or in the aggregate, of at
3 least 14 days in such active service commencing on or before the date
4 the President of the United States or the United States Secretary of
5 Defense designates as the termination date of that operation; provided,
6 that any person receiving an actual service-incurred injury or disability
7 while engaged in such service shall be classed as a veteran whether or
8 not that person has completed the 14 days' service as herein provided;
9 and

10 ~~[(21)]~~ (22) Operation "Iraqi Freedom", on or after the date the
11 President of the United States or the United States Secretary of
12 Defense designates as the inception date of that operation, who served
13 in Iraq or in another area in the region in direct support of that
14 operation for a period, continuously or in the aggregate, of at least 14
15 days in such active service commencing on or before the date the
16 President of the United States or the United States Secretary of
17 Defense designates as the termination date of that operation; provided,
18 that any person receiving an actual service-incurred injury or disability
19 while engaged in such service shall be classed as a veteran whether or
20 not that person has completed the 14 days' service as herein provided.

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

25 (cf: P.L.2003, c.197, s.4)

26

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

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

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

42 Operation "Enduring Freedom", on or after September 11, 2001,
43 who served in a theater of operation and in direct support of that
44 operation for a period, continuously or in the aggregate, of at least 14
45 days in such active service commencing on or before the date the
46 President of the United States or the United States Secretary of

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

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

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

26 Operation Northern Watch and Operation Southern Watch, on or
27 after August 27, 1992, or the date of inception of that operation, as
28 proclaimed by the President of the United States, Congress or United
29 States Secretary of Defense, whichever date of inception is earliest,
30 who served in the theater of operation, including in the Arabian
31 peninsula and the Persian Gulf, and in direct support of that operation
32 for a period, continuously or in the aggregate, of at least 14 days in
33 such active service, commencing on or before the date of termination
34 as proclaimed by the President of the United States, Congress or
35 United States Secretary of Defense, whichever date of termination is
36 the latest; provided, that any person receiving an actual
37 service-incurred injury or disability while engaged in such service shall
38 be classed as a veteran whether or not that person has completed the
39 14 days' service as herein provided;

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

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

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

29 The Lebanon peacekeeping mission, on or after September 26, 1982,
30 who has served in Lebanon or on board any ship actively engaged in
31 patrolling the territorial waters of that nation for a period, continuous
32 or in the aggregate, of at least 14 days commencing on or before
33 December 1, 1987 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 The Vietnam conflict, December 31, 1960, to May 7, 1975;

40 The Lebanon crisis, on or after July 1, 1958, who has served in
41 Lebanon or on board any ship actively engaged in patrolling the
42 territorial waters of that nation for a period, continuous or in the
43 aggregate, of at least 14 days commencing on or before November 1,
44 1958 or the date of termination of that conflict, as proclaimed by the
45 President of the United States or Congress, whichever date of
46 termination is the latest, in such active service; provided, that any

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

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

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

6 World War I, April 6, 1917 to November 11, 1918, and in the case
7 of service with the United States military forces in Russia, April 6,
8 1917 to April 1, 1920;

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

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

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

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

18 (d) "Honorably discharged or released under honorable
19 circumstances from active service in time of war," means and includes
20 every form of separation from active, full-time duty with military or
21 naval pay and allowances in some branch of the Armed Forces of the
22 United States in time of war, other than those marked "dishonorable,"
23 "undesirable," "bad conduct," "by sentence of general court martial,"
24 "by sentence of summary court martial" or similar expression
25 indicating that the discharge or release was not under honorable
26 circumstances. A disenrollment certificate or other form of release
27 terminating temporary service in a military or naval branch of the
28 armed forces rendered on a voluntary and part-time basis without pay,
29 or a release from or deferment of induction into the active military or
30 naval service shall not be deemed to be included in the aforementioned
31 phrase.

32 (e) "Pre-tax year" means the particular calendar year immediately
33 preceding the "tax year."

34 (f) "Resident" means one legally domiciled within the State of New
35 Jersey. Mere seasonal or temporary residence within the State, of
36 whatever duration, shall not constitute domicile within the State for
37 the purposes of this act. Absence from this State for a period of 12
38 months shall be prima facie evidence of abandonment of domicile in
39 this State. The burden of establishing legal domicile within the State
40 shall be upon the claimant.

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

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

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

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

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

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

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

17 (k) "Cooperative" means a housing corporation or association
18 incorporated or organized under the laws of New Jersey which entitles
19 a shareholder thereof to possess and occupy for dwelling purposes a
20 house, apartment or other structure owned or leased by the
21 corporation or association.

22 (l) "Mutual housing corporation" means a corporation
23 not-for-profit incorporated under the laws of New Jersey on a mutual
24 or cooperative basis within the scope of section 607 of the "National
25 Defense Housing Act," Pub.L.76-849 (42 U.S.C.s.1521 et seq.), which
26 acquired a National Defense Housing Project pursuant to that act.

27 (cf: P.L.2003, c.197, s.5)

28
29 6. This act shall take effect immediately, and section 1 shall apply
30 to eligible lists prepared on or after the effective date and section 5
31 shall apply to the tax year next following enactment.

32
33
34 STATEMENT

35
36 This bill amends several statutes to include members of Operation
37 Northern Watch and Southern Watch as veterans for the purposes of
38 civil service hiring preferences, the purchase of service credit and the
39 calculation of retirant benefits in the Public Employees' Retirement
40 System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the
41 purchase of service credit in the Police and Firemen's Retirement
42 System (PFRS), and the receipt of a property tax deduction or
43 exemption.

44 Operation Northern Watch and Operation Southern Watch is the
45 name given to the mission that monitors and controls airspace above
46 and below the 33rd parallel in Iraq, the so called "no-fly zones". The

1 operation stemmed from Desert Storm and included forces from the
2 United States, France, Great Britain and Saudi Arabia. The forces
3 monitored compliance with United Nations Security Council
4 Resolutions, in response to Saddam Hussein's attacks on Shiite rebels
5 and civilians in Iraq.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 1139

STATE OF NEW JERSEY

DATED: JANUARY 13, 2005

The Assembly Military and Veterans' Affairs Committee reports favorably Senate, No. 1139.

This bill amends several statutes to define members of Operations Northern Watch and Southern Watch as veterans for the purposes of civil service hiring preferences, the purchase of service credit and the calculation of retirant benefits in the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the purchase of service credit in the Police and Firemen's Retirement System (PFRS), and the receipt of a property tax deduction or exemption.

Operation Northern Watch and Operation Southern Watch are the names given to the missions that monitored and controlled airspace above and below the 33rd parallel in Iraq, otherwise known as "no-fly zones."

This bill is identical to Assembly, No.2441 of 2004.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1139

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Assembly Appropriations Committee reports favorably Senate Bill No. 1139.

Senate Bill No. 1139 amends several statutes to define members of Operations Northern Watch and Southern Watch as veterans for the purposes of civil service hiring preferences, the purchase of service credit and the calculation of retirant benefits in the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the purchase of service credit in the Police and Firemen's Retirement System (PFRS), and the receipt of a property tax deduction or exemption.

Operation Northern Watch and Operation Southern Watch are the names given to the missions that monitored and controlled airspace above and below the 33rd parallel in Iraq, otherwise known as "no-fly zones."

As reported, this bill is identical to Assembly, No.2441, as also reported by the committee.

FISCAL IMPACT:

In the fiscal note to this bill, the Division of Pensions and Benefits estimated a first year cost of \$171,315, mostly for the veterans' property tax deduction paid by the State Property Tax Relief Fund. The costs will increase in the third year after enactment due to a two year lag for pension costs. The annual costs are than estimated at \$310,000 in the third year and \$318,000 in the fourth year after enactment, encompassing employer contributions.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1139

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2004

The Senate State Government Committee reports favorably Senate, No. 1139.

This bill amends several statutes to define members of Operation Northern Watch and Southern Watch as veterans for the purposes of civil service hiring preferences, the purchase of service credit and the calculation of retirant benefits in the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the purchase of service credit in the Police and Firemen's Retirement System (PFRS), and the receipt of a property tax deduction or exemption.

Operation Northern Watch and Operation Southern Watch is the name given to the mission that monitored and controled airspace above and below the 33rd parallel in Iraq, the so called "no-fly zones".

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1139

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2004

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1139.

This bill amends several statutes to provide that persons who, as members of the United States Armed Forces, participated in Operations Northern Watch or Southern Watch shall be classified as veterans for purposes of eligibility to receive certain benefits under State law. "Operation Northern Watch" and "Operation Southern Watch" are the names given to the missions that monitored and controlled airspace above and below the 33rd parallel in Iraq, the so-called "no-fly zones".

The benefits for which these individuals could become qualified by being reclassified as veterans are: civil service hiring preference; the right to purchase service credit in, and eligibility for special retiree benefits from, the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF); the right to purchase service credit in the Police and Firemen's Retirement System (PFRS); and the veterans' property tax deduction or exemption.

At its April 30, 2004 meeting, the Pension and Health Benefit Review Commission recommended enactment of this legislation.

FISCAL IMPACT

The State reimburses municipalities for any reduction in property tax receipts attributable to claims for the \$250 veterans' property tax deduction. The Executive projects that over 1,400 persons will be reclassified as veterans under this bill. Assuming that the newly reclassified veterans claim the deduction at the same rate as other qualified veterans (47%), the State's cost of reimbursing municipalities for their claims is estimated at about \$170,000, beginning in the first year following enactment. The State does not reimburse municipalities for reductions in property tax receipts attributable to claims for the property tax exemption allowed to 100% disabled veterans.

The legislation will also entail increased annual employer contributions to provide additional reserve funding for PERS and TPAF veterans' benefits; the first year in which this increase in contributions is imposed will be the third year after enactment. The Division of Pensions and Benefits estimates the first-year increase at

roughly \$88,000 for the State and \$51,000 for local governments;
these amounts will rise gradually in subsequent years.

FISCAL NOTE
SENATE, No. 1139
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: DECEMBER 21, 2004

SUMMARY

Synopsis: Extends certain benefits to veterans of Operations Northern and Southern Watch.

Type of Impact: Expenditure increase, State General Fund.
Expenditure increase, Property Tax Relief Fund.
Expenditure increase, Local Governments.

Agencies Affected: Department of the Treasury, Division of Pensions and Benefits.
Division of Taxation. Municipal Governments.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
<i>Pensions</i>	\$0	\$0	\$87,575
<i>Property Tax</i>	\$171,315	\$171,315	\$171,315
Local Cost			
<i>Pensions</i>	\$0	\$0	\$51,485
<i>Property Tax</i>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL	\$171,315	\$171,315	\$310,375

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! 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 PERS or TPAF, to those who served in Operation Northern Watch and Southern Watch.
- ! There is a two year lag from the date additional pension liabilities are valued to the date they are actually billed. Thus, except for the initial year's cost of implementation, the increased pension cost arising from this bill will not be due until Year 3.
- ! Based on 2002 actuarial valuation reports, annual additional pension contributions are estimated at \$87,575 in State contributions and \$51,485 in local contributions. A 5.95 percent annual inflationary rise in normal costs is assumed.

- ! Estimated cost of \$171,315 to the Property Tax Relief Fund is based on 1,458 additional military personnel who either are now combat veterans as a result of Operation Northern Watch or Operation Southern Watch or will eventually become so. Approximately 47 percent of these new veterans would claim the veteran's property tax deduction.
- ! It is not assumed that any additional claimants would take the property tax exemption for 100 percent disabled veterans.

BILL DESCRIPTION

Senate Bill No. 1139 of 2004 extends the eligibility for various veterans' benefits to include those who served in Operation Northern Watch and Southern Watch for the purposes of civil service hiring preferences, for the purchase of service credit and the calculation of retirant benefits in the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF), for the purchase of service credit in the Police and Firemen's Retirement System (PFRS), and for the receipt of a property tax deduction or exemption, a person served in an area of a war zone or other military emergency. This bill permits a greater number of individuals to receive the benefits specified.

This bill provides that a person will be considered a veteran if he or she served in Operation Northern Watch and Southern Watch. These operations monitor and control airspace above and below the 33rd parallel in Iraq, called "no-fly zones."

FISCAL ANALYSIS

EXECUTIVE BRANCH

Based on information provided by the Divisions of Pensions and Benefits and Taxation in the Department of the Treasury the total cost of this bill is estimated at \$171,315 in the first year following enactment.

Additional Pension Liabilities

Based on an estimated additional 37 PERS - State, 79 PERS - Local and 18 TPAF members qualifying as veterans under this bill, the Division of Pensions and Benefits estimates total additional employer pension contributions at \$139,059. This total includes \$87,575 in State costs and \$51,484 in local costs. This estimate is based on 2002 actuarial valuation reports.

These costs are expected to increase in subsequent years proportionately to assumed salary increases of 5.95 percent. Pension costs would rise to \$147,332 in Year 4 and to \$156,100 in Year 5.

The division estimated no cost to implement the provisions of this bill

\$250 Property Tax Deduction

Approximately 1,458 additional veterans may be eligible for the \$250 property tax deduction under the provisions of this bill that broaden the definition of "veteran," resulting in an estimated \$171,315 increase in expenditures from the State "Property Tax Relief Fund" to reimburse municipalities for their forgone property tax collections. The OLS assumes a 47 percent participation rate. The property tax deduction takes effect in the next tax year following enactment. The division assumes that the active duty time would be about one year. Thus, the annual cost would be cumulative.

Property Tax Exemption

The cost to expand the existing 100 percent disabled wartime veteran property tax exemption to include 100 percent disabled who served in these operations is estimated at zero. The State does not reimburse the municipalities for the cost of the property tax exemption allowed to totally disabled veterans and their qualifying surviving spouses.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate. The OLS notes, however, that the annual cost to the "Property Tax Relief Fund" may not necessarily be cumulative, as some members of the Reserves and National Guard may be called to serve two or more tours of duty.

The OLS observes that his bill may have state mandate/state pay implications because 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, a constitutional provision (Art. VIII, sec. 2, par. 5) provides that a law will not be an unfunded mandate 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.

ASSEMBLY, No. 2441

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED FEBRUARY 24, 2004

Sponsored by:

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Co-Sponsored by:

Assemblymen Gusciora, Diegnan, Assemblywomen Cruz-Perez, Watson

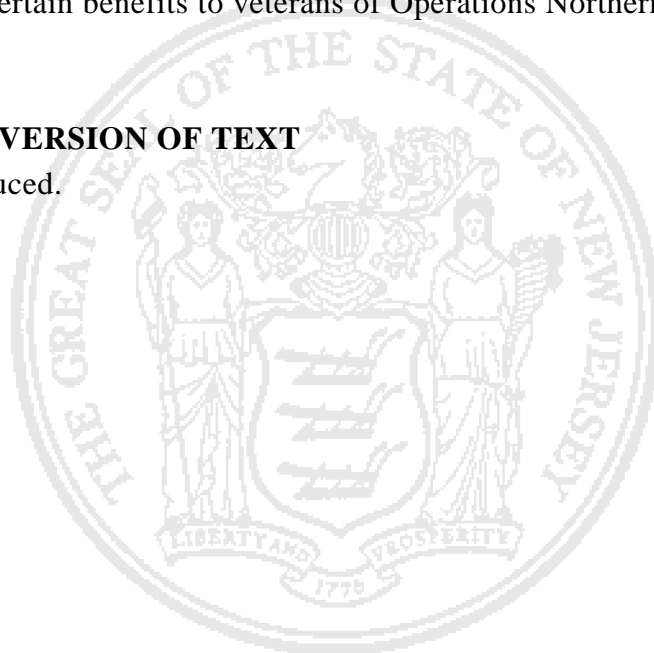
Coleman, Assemblymen Wisniewski and Conaway

SYNOPSIS

Extends certain benefits to veterans of Operations Northern and Southern Watch.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/25/2005)

1 AN ACT extending certain benefits to veterans of Operations Northern
2 and Southern Watch and amending various parts of the statutory
3 law.

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

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

9 11A:5-1. As used in this chapter: "Disabled veteran" means any
10 veteran who is eligible to be compensated for a service-connected
11 disability from war service by the United States Veterans
12 Administration or who receives or is entitled to receive equivalent
13 compensation for a service-connected disability which arises out of
14 military or naval service as set forth in this chapter and who has
15 submitted sufficient evidence of the record of disability incurred in the
16 line of duty to the Adjutant General of the Department of Military and
17 Veterans' Affairs on or before the closing date for filing an application
18 for an examination;

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

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

36 (2) World War II, on or after September 16, 1940, who shall have
37 served at least 90 days beginning on or before December 31, 1946 in
38 such active service, exclusive of any period of assignment 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 as
42 a cadet or midshipman at one of the service academies; except that any
43 person receiving an actual service-incurred injury or disability shall be

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

Matter underlined thus is new matter.

1 classed a veteran whether or not that person has completed the 90-day
2 service;

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

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

23 (5) Vietnam conflict, on or after December 31, 1960, who shall
24 have served at least 90 days beginning on or before May 7, 1975, in
25 active service, exclusive of any period of assignment for a course of
26 education or training under the Army Specialized Training Program or
27 the Navy College Training Program, which course was a continuation
28 of a civilian course and was pursued to completion, or as a cadet or
29 midshipman at one of the service academies, and exclusive of any
30 service performed pursuant to the provisions of section 511(d) of Title
31 10, United States Code, or exclusive of any service performed
32 pursuant to enlistment in the National Guard or the Army Reserve,
33 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast
34 Guard Reserve; except 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 90-day service as
37 provided;

38 (6) Lebanon peacekeeping mission, on or after September 26,
39 1982, who has served in Lebanon or on board any ship actively
40 engaged in patrolling the territorial waters of that nation for a period,
41 continuous or in the aggregate, of at least 14 days commencing on or
42 before December 1, 1987 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 (7) Grenada peacekeeping mission, on or after October 23, 1983,
3 who has served in Grenada or on board any ship actively engaged in
4 patrolling the territorial waters of that nation for a period, continuous
5 or in the aggregate, of at least 14 days commencing on or before
6 November 21, 1983 or the date of termination of that mission, as
7 proclaimed by the President of the United States or Congress,
8 whichever date of termination is the latest, in such active service;
9 provided, that any person receiving an actual service-incurred injury
10 or disability shall be classed as a veteran whether or not that person
11 has completed the 14 days' service as herein provided;

12 (8) Panama peacekeeping mission, on or after December 20, 1989
13 or the date of inception of that mission, as proclaimed by the President
14 of the United States or Congress, whichever date of inception is
15 earliest, who has served in Panama or on board any ship actively
16 engaged in patrolling the territorial waters of that nation for a period,
17 continuous or in the aggregate, of at least 14 days commencing on or
18 before January 31, 1990 or 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 (9) 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 (10) Operation Northern Watch and Operation Southern Watch, on
38 or after August 27, 1992, or the date of inception of that operation, as
39 proclaimed by the President of the United States, Congress or United
40 States Secretary of Defense, whichever date of inception is earliest,
41 who served in the theater of operation, including in the Arabian
42 peninsula and the Persian Gulf, and in direct support of that operation
43 for a period, continuously or in the aggregate, of at least 14 days in
44 such active service, commencing on or before the date of termination
45 of that operation, as proclaimed by the President of the United States,
46 Congress or United States Secretary of Defense, whichever date of

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

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

15 [(11)] (12) Operations "Joint Endeavor" and "Joint Guard" in the
16 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
17 who served in such active service in direct support of one or both of
18 the operations for at least 14 days, continuously or in the aggregate,
19 commencing on or before June 20, 1998, and (1) was deployed in that
20 nation or in another area in the region, or (2) was on board a United
21 States naval vessel operating in the Adriatic Sea, or (3) operated in
22 airspace above the Republic of Bosnia and Herzegovina; provided that
23 any person receiving an actual service-incurred injury or disability shall
24 be classed as a veteran whether or not that person completed the
25 14-day service requirement;

26 [(12)] (13) Operation "Uphold Democracy" in Haiti, on or after
27 September 19, 1994, who served in Haiti or on board any ship actively
28 engaged in patrolling the territorial waters of that nation for a period,
29 continuously or in the aggregate, of at least 14 days in such active
30 service commencing on or before March 31, 1995, and who received
31 an Armed Forces Expeditionary Medal for such service; 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 has completed the
34 14 days' service as herein provided or received an Armed Forces
35 Expeditionary Medal;

36 [(13)] (14) Operation "Enduring Freedom", on or after September
37 11, 2001, who served in a theater of operation and in direct support
38 of 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 [(14)] (15) Operation "Iraqi Freedom", on or after the date the

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

11 c. "War service" means service by a veteran in any war or conflict
12 described in this chapter during the periods specified.

13 (cf: P.L.2003, c.197, s.1)

14

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

16 18A:66-2. As used in this article:

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

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

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

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

33 e. "Employer" means the State, the board of education or any
34 educational institution or agency of or within the State by which a
35 teacher is paid.

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

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

45 h. "Pension" means payments for life derived from appropriations
46 made by the State or employers to the Teachers' Pension and Annuity

- 1 Fund.
- 2 i. "Annuity reserve" means the present value of all payments to be
3 made on account of any annuity or benefit in lieu of an annuity,
4 granted under the provisions of this article, computed on the basis of
5 such mortality tables recommended by the actuary as the board of
6 trustees adopts, with regular interest.
- 7 j. "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 to a member from the Teachers' Pension and Annuity Fund, computed
10 on the basis of such mortality tables recommended by the actuary as
11 the board of trustees adopts, with regular interest.
- 12 k. "Present-entrant" means any member of the Teachers' Pension
13 and Annuity Fund who had established status as a "present-entrant
14 member" of said fund prior to January 1, 1956.
- 15 l. "Rate of contribution initially certified" means the rate of
16 contribution certified by the retirement system in accordance with
17 N.J.S.18A:66-29.
- 18 m. "Regular interest" shall mean interest as determined by the State
19 Treasurer, after consultation with the Directors of the Divisions of
20 Investment and Pensions, the board of trustees and the actuary. It
21 shall bear a reasonable relationship to the percentage rate of earnings
22 on investments based on the market value of assets but shall not
23 exceed the assumed percentage rate of increase applied to salaries plus
24 3%, provided however that the board of trustees shall not set the
25 average percentage rate of increase applied to salaries below 6%.
- 26 n. "Retirement allowance" means the pension plus the annuity.
- 27 o. "School service" means any service as a "teacher" as defined in
28 this section.
- 29 p. "Teacher" means any regular teacher, special teacher, helping
30 teacher, teacher clerk, principal, vice-principal, supervisor, supervising
31 principal, director, superintendent, city superintendent, assistant city
32 superintendent, county superintendent, State Commissioner or
33 Assistant Commissioner of Education, members of the State
34 Department of Education who are certificated, unclassified
35 professional staff and other members of the teaching or professional
36 staff of any class, public school, high school, normal school, model
37 school, training school, vocational school, truant reformatory school,
38 or parental school, and of any and all classes or schools within the
39 State conducted under the order and superintendence, and wholly or
40 partly at the expense of the State Board of Education, of a duly
41 elected or appointed board of education, board of school directors, or
42 board of trustees of the State or of any school district or normal
43 school district thereof, and any persons under contract or engagement
44 to perform one or more of these functions. It shall also mean any
45 person who serves, while on an approved leave of absence from
46 regular duties as a teacher, as an officer of a local, county or State

1 labor organization which represents, or is affiliated with an
2 organization which represents, teachers as defined in this subsection.
3 No person shall be deemed a teacher within the meaning of this article
4 who is a substitute teacher. In all cases of doubt the board of trustees
5 shall determine whether any person is a teacher as defined in this
6 article.

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

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

32 (1) The Indian wars and uprisings during any of the periods
33 recognized by the War Department of the United States as periods of
34 active hostility;

35 (2) The Spanish-American War between April 20, 1898, and April
36 11, 1899;

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

40 (4) The Peking relief expedition between June 20, 1900, and May
41 27, 1902;

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

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

46 (7) The Mexican punitive expedition between March 14, 1916, and

1 February 7, 1917;

2 (8) The Mexican border patrol, having actually participated in
3 engagements against Mexicans between April 12, 1911, and June 16,
4 1919;

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

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

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

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

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

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

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

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

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

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

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

10 (18) Operation Northern Watch and Operation Southern Watch, on
11 or after August 27, 1992, or the date of inception of that operation, as
12 proclaimed by the President of the United States, Congress or United
13 States Secretary of Defense, whichever date of inception is earliest,
14 who served in the theater of operation, including in the Arabian
15 peninsula and the Persian Gulf, and in direct support of that operation
16 for a period, continuously or in the aggregate, of at least 14 days in
17 such active service, commencing on or before the date of termination
18 of the operation, as proclaimed by the President of the United States,
19 Congresses or United States Secretary of Defense, whichever date of
20 termination is latest; provided, that any person receiving an actual
21 service-incurred injury or disability while engaged in such service shall
22 be classed as a veteran whether or not that person has completed the
23 14 days' service as herein provided;

24 ~~[(18)]~~ (19) Operation "Restore Hope" in Somalia, on or after
25 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, who has served in Somalia or on board any
28 ship actively engaged in patrolling the territorial waters of that nation
29 for a period, continuously or in the aggregate, of at least 14 days in
30 such active service commencing on or before March 31, 1994;
31 provided that any person receiving an actual service-incurred injury or
32 disability shall be classed as a veteran whether or not that person has
33 completed the 14-day service as herein provided;

34 ~~[(19)]~~ (20) Operations "Joint Endeavor" and "Joint Guard" in the
35 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
36 who served in such active service in direct support of one or both of
37 the operations for at least 14 days, continuously or in the aggregate,
38 commencing on or before June 20, 1998, and (1) was deployed in that
39 nation or in another area in the region, or (2) was on board a United
40 States naval vessel operating in the Adriatic Sea, or (3) operated in
41 airspace above the Republic of Bosnia and Herzegovina; provided that
42 any person receiving an actual service-incurred injury or disability shall
43 be classed as a veteran whether or not that person completed the
44 14-day service requirement.

45 ~~[(20)]~~ (21) Operation "Enduring Freedom", on or after September
46 11, 2001, who served in a theater of operation and in direct support

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

9 ~~[(21)]~~ (22) Operation "Iraqi Freedom", on or after the date the
10 President of the United States or the United States Secretary of
11 Defense designates as the inception date of that operation, who served
12 in Iraq or in another area in the region in direct support of that
13 operation for a period, continuously or in the aggregate, of at least 14
14 days in such active service commencing on or before the date the
15 President of the United States or the United States Secretary of
16 Defense designates as the termination date of that operation; provided,
17 that any person receiving an actual service-incurred injury or disability
18 while engaged in such service shall be classed as a veteran whether or
19 not that person has completed the 14 days' service as herein provided.

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

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

31 t. (1) "Widower," for employees of the State, means the man to
32 whom a member was married, or a domestic partner as defined in
33 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
34 date of her death and to whom she continued to be married or a
35 domestic partner until the date of her death and who was receiving at
36 least one-half of his support from the member in the 12-month period
37 immediately preceding the member's death or the accident which was
38 the direct cause of the member's death. The dependency of such a
39 widower will be considered terminated by marriage of, or
40 establishment of a domestic partnership by, the widower subsequent
41 to the death of the member. In the event of the payment of an
42 accidental death benefit, the five-year qualification shall be waived.

43 (2) Subject to the provisions of paragraph (3) of this subsection,
44 "widower," for employees of public employers other than the State,
45 means the man to whom a member was married at least five years
46 before the date of her death and to whom she continued to be married

1 until the date of her death and who was receiving at least one-half of
2 his support from the member in the 12-month period immediately
3 preceding the member's death or the accident which was the direct
4 cause of the member's death. The dependency of such a widower shall
5 be considered terminated by marriage of the widower subsequent to
6 the death of the member. In the event of the payment of an accidental
7 death benefit, the five-year qualification shall be waived.

8 (3) A public employer other than the State may adopt a resolution
9 providing that the term "widower" as defined in paragraph (2) of this
10 subsection shall include domestic partners as provided in paragraph (1)
11 of this subsection.

12 u. (1) "Widow," for employees of the State, means the woman to
13 whom a member was married, or a domestic partner as defined in
14 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
15 date of his death and to whom he continued to be married or a
16 domestic partner until the date of his death and who was receiving at
17 least one-half of her support from the member in the 12-month period
18 immediately preceding the member's death or the accident which was
19 the direct cause of the member's death. The dependency of such a
20 widow will be considered terminated by the marriage of, or
21 establishment of a domestic partnership by, the widow subsequent to
22 the member's death. In the event of the payment of an accidental death
23 benefit, the five-year qualification shall be waived.

24 (2) Subject to the provisions of paragraph (3) of this subsection,
25 "widow," for employees of public employers other than the State,
26 means the woman to whom a member was married at least five years
27 before the date of his death and to whom he continued to be married
28 until the date of his death and who was receiving at least one-half of
29 her support from the member in the 12-month period immediately
30 preceding the member's death or the accident which was the direct
31 cause of the member's death. The dependency of such a widow shall
32 be considered terminated by the marriage of the widow subsequent to
33 the member's death. In the event of the payment of an accidental death
34 benefit, the five-year qualification shall be waived.

35 (3) A public employer other than the State may adopt a resolution
36 providing that the term "widower" as defined in paragraph (2) of this
37 subsection shall include domestic partners as provided in paragraph (1)
38 of this subsection.

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

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

1 x. (1) "Spouse," for employees of the State, means the husband or
2 wife, or domestic partner as defined in section 3 of P.L.2003, c.246
3 (C.26:8A-3), of a member.

4 (2) Subject to the provisions of paragraph (1) of this subsection,
5 "spouse," for employees of public employers other than the State,
6 means the husband or wife of a member.

7 (3) A public employer other than the State may adopt a resolution
8 providing that the term "spouse" as defined in paragraph (2) of this
9 subsection shall include domestic partners as provided in paragraph (1)
10 of this subsection.

11 (cf: P.L.2003, c.246, s.45)

12

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

15 6. As used in this act:

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

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

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

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

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

36 f. "Parent" shall mean the parent of a member who was receiving
37 at least 1/2 of the parent's support from the member in the 12-month
38 period immediately preceding the member's death or the accident
39 which was the direct cause of the member's death. The dependency of
40 such a parent will be considered terminated by marriage of the parent
41 subsequent to the death of the member.

42 g. (1) "Widower," for employees of the State, means the man to
43 whom a member was married, or a domestic partner as defined in
44 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
45 date of her death and to whom she continued to be married or a
46 domestic partner until the date of her death and who was receiving at

1 least 1/2 of his support from the member in the 12-month period
2 immediately preceding the member's death or the accident which was
3 the direct cause of the member's death. The dependency of such a
4 widower will be considered terminated by marriage of, or
5 establishment of a domestic partnership by, the widower subsequent
6 to the death of the member. In the event of the payment of an
7 accidental death benefit, the five-year qualification shall be waived.

8 (2) Subject to the provisions of paragraph (3) of this subsection,
9 "widower," for employees of public employers other than the State,
10 means the man to whom a member was married at least five years
11 before the date of her death and to whom she continued to be married
12 until the date of her death and who was receiving at least 1/2 of his
13 support from the member in the 12-month period immediately
14 preceding the member's death or the accident which was the direct
15 cause of the member's death. The dependency of such a widower shall
16 be considered terminated by marriage of the widower subsequent to
17 the death of the member. In the event of the payment of an accidental
18 death benefit, the five-year qualification shall be waived.

19 (3) A public employer other than the State may adopt a resolution
20 providing that the term "widower" as defined in paragraph (2) of this
21 subsection shall include domestic partners as provided in paragraph (1)
22 of this subsection.

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

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

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

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

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

41 m. "Public Employees' Retirement System of New Jersey,"
42 hereinafter referred to as the "retirement system" or "system," is the
43 corporate name of the arrangement for the payment of retirement
44 allowances and other benefits under the provisions of this act including
45 the several funds placed under said system. By that name all of its
46 business shall be transacted, its funds invested, warrants for money

1 drawn, and payments made and all of its cash and securities and other
2 property held.

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

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

12 p. "Veteran" means any honorably discharged officer, soldier,
13 sailor, airman, marine or nurse who served in any Army, Air Force or
14 Navy of the Allies of the United States in World War I, between July
15 14, 1914, and November 11, 1918, or who served in any Army, Air
16 Force or Navy of the Allies of the United States in World War II,
17 between September 1, 1939, and September 2, 1945, and who was
18 inducted into such service through voluntary enlistment, and was a
19 citizen of the United States at the time of such enlistment, and who did
20 not, during or by reason of such service, renounce or lose United
21 States citizenship, and any officer, soldier, sailor, marine, airman,
22 nurse or army field clerk, who has served in the active military or naval
23 service of the United States and has or shall be discharged or released
24 therefrom under conditions other than dishonorable, in any of the
25 following wars, uprisings, insurrections, expeditions, or emergencies,
26 and who has presented to the retirement system evidence of such
27 record of service in form and content satisfactory to said retirement
28 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 April
33 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 May
38 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 December
4 31, 1946, who shall have served at least 90 days in such active service,
5 exclusive of any period of assignment (1) for a course of education or
6 training under the Army Specialized Training Program or the Navy
7 College Training Program which course was a continuation of a
8 civilian course and was pursued to completion, or (2) as a cadet or
9 midshipman at one of the service academies any part of which 90 days
10 was served between said dates; provided, that any person receiving an
11 actual service-incurred injury or disability shall be classed as a veteran
12 whether or not that person has completed the 90-day service as herein
13 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 90
21 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 paragraph prior to August 1,
26 1966, shall continue to be classed as a veteran whether or not that
27 person 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 Title
2 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 Northern Watch and Operation Southern Watch, on
8 or after August 27, 1992, or the date of inception of that operation, as
9 proclaimed by the President of the United States, Congress or United
10 States Secretary of Defense, whichever date of inception is earliest,
11 who served in the theater of operation, including in the Arabian
12 peninsula and the Persian Gulf, and in direct support of that operation
13 for a period, continuously or in the aggregate, of at least 14 days in
14 such active service, commencing on or before the date of termination
15 of that operation, as proclaimed by the President of the United States,
16 Congress or United States Secretary of Defense, whichever date of
17 termination is the latest; provided, that any person receiving an actual
18 service-incurred injury or disability while engaged in such service shall
19 be classed as a veteran whether or not that person has completed the
20 14 days' service as herein provided;

21 ~~[(18)]~~ (19) Operation "Restore Hope" in Somalia, on or after
22 December 5, 1992, or the date of inception of that operation as
23 proclaimed by the President of the United States or the Congress,
24 whichever date is earliest, who has served in Somalia or on board any
25 ship actively engaged in patrolling the territorial waters of that nation
26 for a period, continuously or in the aggregate, of at least 14 days in
27 such active service commencing on or before March 31, 1994;
28 provided that any person receiving an actual service-incurred injury or
29 disability shall be classed as a veteran whether or not that person has
30 completed the 14-day service as herein provided;

31 ~~[(19)]~~ (20) Operations "Joint Endeavor" and "Joint Guard" in the
32 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
33 who served in such active service in direct support of one or both of
34 the operations for at least 14 days, continuously or in the aggregate,
35 commencing on or before June 20, 1998 and (1) was deployed in that
36 nation or in another area in the region, or (2) was on board a United
37 States naval vessel operating in the Adriatic Sea, or (3) operated in
38 airspace above the Republic of Bosnia and Herzegovina; provided that
39 any person receiving an actual service-incurred injury or disability shall
40 be classed as a veteran whether or not that person completed the
41 14-day service requirement;

42 ~~[(20)]~~ (21) Operation "Enduring Freedom", on or after September
43 11, 2001, who served in a theater of operation and in direct support
44 of that operation for a period, continuously or in the aggregate, of at
45 least 14 days in such active service commencing on or before the date
46 the President of the United States or the United States Secretary of

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

6 [(21)] (22) Operation "Iraqi Freedom", on or after the date the
7 President of the United States or the United States Secretary of
8 Defense designates as the inception date of that operation, who served
9 in Iraq or in another area in the region in direct support of that
10 operation for a period, continuously or in the aggregate, of at least 14
11 days in such active service commencing on or before the date the
12 President of the United States or the United States Secretary of
13 Defense designates as the termination date of that operation; provided,
14 that any person receiving an actual service-incurred injury or disability
15 while engaged in such service shall be classed as a veteran whether or
16 not that person has completed the 14 days' service as herein provided.

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

21 q. (1) "Widow," for employees of the State, means the woman to
22 whom a member was married, or a domestic partner as defined in
23 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before the
24 date of his death and to whom he continued to be married or a
25 domestic partner until the date of his death and who was receiving at
26 least 1/2 of her support from the member in the 12-month period
27 immediately preceding the member's death or the accident which was
28 the direct cause of the member's death. The dependency of such a
29 widow will be considered terminated by the marriage of, or
30 establishment of a domestic partnership by, the widow subsequent to
31 the member's death. In the event of the payment of an accidental death
32 benefit, the five-year qualification shall be waived.

33 (2) Subject to the provisions of paragraph (3) of this subsection,
34 "widow," for employees of public employers other than the State,
35 means the woman to whom a member was married at least five years
36 before the date of his death and to whom he continued to be married
37 until the date of his death and who was receiving at least 1/2 of her
38 support from the member in the 12-month period immediately
39 preceding the member's death or the accident which was the direct
40 cause of the member's death. The dependency of such a widow shall
41 be considered terminated by the marriage of the widow subsequent to
42 the member's death. In the event of the payment of an accidental death
43 benefit, the five-year qualification shall be waived.

44 (3) A public employer other than the State may adopt a resolution
45 providing that the term "widow" as defined in paragraph (2) of this
46 subsection shall include domestic partners as provided in paragraph (1)

1 of this subsection.

2 r. "Compensation" means the base or contractual salary, for
3 services as an employee, which is in accordance with established salary
4 policies of the member's employer for all employees in the same
5 position but shall not include individual salary adjustments which are
6 granted primarily in anticipation of the member's retirement or
7 additional remuneration for performing temporary or extracurricular
8 duties beyond the regular workday or the regular work year. In cases
9 where salary includes maintenance, the retirement system shall fix the
10 value of that part of the salary not paid in money which shall be
11 considered under this act.

12 (cf: P.L.2003, c.246, s.42)

13

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

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

33 (1) The Indian wars and uprisings during any of the periods
34 recognized by the War Department of the United States as periods of
35 active hostility;

36 (2) The Spanish-American War between April 20, 1898, and April
37 11, 1899;

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

41 (4) The Peking relief expedition between June 20, 1900, and May
42 27, 1902;

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

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

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

3 (8) The Mexican border patrol, having actually participated in
4 engagements against Mexicans between April 12, 1911, and June 16,
5 1919;

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

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

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

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

43 (13) Vietnam conflict on or after December 31, 1960, and on or
44 prior to May 7, 1975, who shall have served at least 90 days in such
45 active service, exclusive of any period of assignment (1) for a course
46 of education or training under the Army Specialized Training Program

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

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

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

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

44 (17) Operation "Desert Shield/Desert Storm" mission in the
45 Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or
46 the date of inception of that operation, as proclaimed by the President

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

11 (18) Operation Northern Watch and Operation Southern Watch, on
12 or after August 27, 1992, or the date of inception of that operation, as
13 proclaimed by the President of the United States, Congress or United
14 States Secretary of Defense, whichever date of inception is earliest,
15 who served in the theater of operation, including in the Arabian
16 peninsula and the Persian Gulf, and in direct support of that operation
17 for a period, continuously or in the aggregate, of at least 14 days in
18 such active service, commencing on or before the date of termination
19 of that operation, as proclaimed by the President of the United States,
20 Congress or United States Secretary of Defense, whichever date of
21 termination is the latest; provided, that any person receiving an actual
22 service-incurred injury or disability while engaged in such service shall
23 be classed as a veteran whether or not that person has completed the
24 14 days' service as herein provided;

25 [(18)] (19) Operation "Restore Hope" in Somalia, on or after
26 December 5, 1992, or the date of inception of that operation as
27 proclaimed by the President of the United States or the Congress,
28 whichever date is earliest, who has served in Somalia or on board any
29 ship actively engaged in patrolling the territorial waters of that nation
30 for a period, continuously or in the aggregate, of at least 14 days in
31 such active service commencing on or before March 31, 1994;
32 provided that any person receiving an actual service-incurred injury or
33 disability shall be classed as a veteran whether or not that person has
34 completed the 14-day service as herein provided;

35 [(19)] (20) Operations "Joint Endeavor" and "Joint Guard" in the
36 Republic of Bosnia and Herzegovina, on or after November 20, 1995,
37 who served in such active service in direct support of one or both of
38 the operations for at least 14 days, continuously or in the aggregate,
39 commencing on or before June 20, 1998, and (1) was deployed in that
40 nation or in another area in the region, or (2) was on board a United
41 States naval vessel operating in the Adriatic Sea, or (3) operated in
42 airspace above the Republic of Bosnia and Herzegovina; provided that
43 any person receiving an actual service-incurred injury or disability shall
44 be classed as a veteran whether or not that person completed the
45 14-day service requirement;

46 [(20)] (21) Operation "Enduring Freedom", on or after September

1 11, 2001, who served in a theater of operation and in direct support
2 of that operation for a period, continuously or in the aggregate, of at
3 least 14 days in such active service commencing on or before the date
4 the President of the United States or the United States Secretary of
5 Defense designates as the termination date of that operation; provided,
6 that any person receiving an actual service-incurred injury or disability
7 while engaged in such service shall be classed as a veteran whether or
8 not that person has completed the 14 days' service as herein provided;
9 and

10 [(21)] (22) Operation "Iraqi Freedom", on or after the date the
11 President of the United States or the United States Secretary of
12 Defense designates as the inception date of that operation, who served
13 in Iraq or in another area in the region in direct support of that
14 operation for a period, continuously or in the aggregate, of at least 14
15 days in such active service commencing on or before the date the
16 President of the United States or the United States Secretary of
17 Defense designates as the termination date of that operation; provided,
18 that any person receiving an actual service-incurred injury or disability
19 while engaged in such service shall be classed as a veteran whether or
20 not that person has completed the 14 days' service as herein provided.

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

25 (cf: P.L.2003, c.197, s.4)

26

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

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

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

42 Operation "Enduring Freedom", on or after September 11, 2001,
43 who served in a theater of operation and in direct support of that
44 operation for a period, continuously or in the aggregate, of at least 14
45 days in such active service commencing on or before the date the
46 President of the United States or the United States Secretary of

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

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

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

26 Operation Northern Watch and Operation Southern Watch, on or
27 after August 27, 1992, or the date of inception of that operation, as
28 proclaimed by the President of the United States, Congress or United
29 States Secretary of Defense, whichever date of inception is earliest,
30 who served in the theater of operation, including in the Arabian
31 peninsula and the Persian Gulf, and in direct support of that operation
32 for a period, continuously or in the aggregate, of at least 14 days in
33 such active service, commencing on or before the date of termination
34 as proclaimed by the President of the United States, Congress or
35 United States Secretary of Defense, whichever date of termination is
36 the latest; provided, that any person receiving an actual
37 service-incurred injury or disability while engaged in such service shall
38 be classed as a veteran whether or not that person has completed the
39 14 days' service as herein provided;

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

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

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

29 The Lebanon peacekeeping mission, on or after September 26, 1982,
30 who has served in Lebanon or on board any ship actively engaged in
31 patrolling the territorial waters of that nation for a period, continuous
32 or in the aggregate, of at least 14 days commencing on or before
33 December 1, 1987 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 The Vietnam conflict, December 31, 1960, to May 7, 1975;

40 The Lebanon crisis, on or after July 1, 1958, who has served in
41 Lebanon or on board any ship actively engaged in patrolling the
42 territorial waters of that nation for a period, continuous or in the
43 aggregate, of at least 14 days commencing on or before November 1,
44 1958 or the date of termination of that conflict, as proclaimed by the
45 President of the United States or Congress, whichever date of
46 termination is the latest, in such active service; provided, that any

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

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

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

6 World War I, April 6, 1917 to November 11, 1918, and in the case
7 of service with the United States military forces in Russia, April 6,
8 1917 to April 1, 1920;

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

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

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

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

18 (d) "Honorably discharged or released under honorable
19 circumstances from active service in time of war," means and includes
20 every form of separation from active, full-time duty with military or
21 naval pay and allowances in some branch of the Armed Forces of the
22 United States in time of war, other than those marked "dishonorable,"
23 "undesirable," "bad conduct," "by sentence of general court martial,"
24 "by sentence of summary court martial" or similar expression
25 indicating that the discharge or release was not under honorable
26 circumstances. A disenrollment certificate or other form of release
27 terminating temporary service in a military or naval branch of the
28 armed forces rendered on a voluntary and part-time basis without pay,
29 or a release from or deferment of induction into the active military or
30 naval service shall not be deemed to be included in the aforementioned
31 phrase.

32 (e) "Pre-tax year" means the particular calendar year immediately
33 preceding the "tax year."

34 (f) "Resident" means one legally domiciled within the State of New
35 Jersey. Mere seasonal or temporary residence within the State, of
36 whatever duration, shall not constitute domicile within the State for
37 the purposes of this act. Absence from this State for a period of 12
38 months shall be prima facie evidence of abandonment of domicile in
39 this State. The burden of establishing legal domicile within the State
40 shall be upon the claimant.

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

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

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

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

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

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

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

17 (k) "Cooperative" means a housing corporation or association
18 incorporated or organized under the laws of New Jersey which entitles
19 a shareholder thereof to possess and occupy for dwelling purposes a
20 house, apartment or other structure owned or leased by the
21 corporation or association.

22 (l) "Mutual housing corporation" means a corporation
23 not-for-profit incorporated under the laws of New Jersey on a mutual
24 or cooperative basis within the scope of section 607 of the "National
25 Defense Housing Act," Pub.L.76-849 (42 U.S.C. s.1521 et seq.),
26 which acquired a National Defense Housing Project pursuant to that
27 act.

28 (cf: P.L.2003, c.197, s.5)

29
30 6. This act shall take effect immediately, and section 1 shall apply
31 to eligible lists prepared on or after the effective date and section 5
32 shall apply to the tax year next following enactment.

33
34
35 STATEMENT

36
37 This bill amends several statutes to include members of Operation
38 Northern Watch and Southern Watch as veterans for the purposes of
39 civil service hiring preferences, the purchase of service credit and the
40 calculation of retirant benefits in the Public Employees' Retirement
41 System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the
42 purchase of service credit in the Police and Firemen's Retirement
43 System (PFRS), and the receipt of a property tax deduction or
44 exemption.

45 Operation Northern Watch and Operation Southern Watch is the
46 name given to the mission that monitors and controls airspace above

1 and below the 33rd parallel in Iraq, the so called "no-fly zones". The
2 operation stemmed from Desert Storm and included forces from the
3 United States, France, Great Britain and Saudi Arabia. The forces
4 monitored compliance with United Nations Security Council
5 Resolutions, in response to Saddam Hussein's attacks on Shiite rebels
6 and civilians in Iraq.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2441

STATE OF NEW JERSEY

DATED: JANUARY 13, 2005

The Assembly Military and Veterans' Affairs Committee reports favorably Assembly, No. 2441.

This bill amends several statutes to define members of Operations Northern Watch and Southern Watch as veterans for the purposes of civil service hiring preferences, the purchase of service credit and the calculation of retirant benefits in the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the purchase of service credit in the Police and Firemen's Retirement System (PFRS), and the receipt of a property tax deduction or exemption.

Operation Northern Watch and Operation Southern Watch are the names given to the missions that monitored and controlled airspace above and below the 33rd parallel in Iraq, otherwise known as "no-fly zones."

This bill is identical to Senate, No.1139 of 2004.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2441

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2005

The Assembly Appropriations Committee reports favorably Assembly Bill No. 2441.

Assembly, No. 2441 amends several statutes to define members of Operations Northern Watch and Southern Watch as veterans for the purposes of civil service hiring preferences, the purchase of service credit and the calculation of retirant benefits in the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF), the purchase of service credit in the Police and Firemen's Retirement System (PFRS), and the receipt of a property tax deduction or exemption.

Operation Northern Watch and Operation Southern Watch are the names given to the missions that monitored and controlled airspace above and below the 33rd parallel in Iraq, otherwise known as "no-fly zones."

As reported, this bill is identical to Senate, No.1139, as also reported by the committee.

FISCAL IMPACT:

In the fiscal note to this bill, the Division of Pensions and Benefits estimated a first year cost of \$171,315, mostly for the veterans' property tax deduction paid by the State Property Tax Relief Fund. The costs will increase in the third year after enactment due to a two year lag for pension costs. The annual costs are than estimated at \$310,000 in the third year and \$318,000 in the fourth year after enactment, encompassing employer contributions.

FISCAL NOTE
ASSEMBLY, No. 2441
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: DECEMBER 14, 2004

SUMMARY

Synopsis: Extends certain benefits to veterans of Operations Northern and Southern Watch.

Type of Impact: Expenditure increase, State General Fund.
Expenditure increase, Property Tax Relief Fund.
Expenditure increase, Local Governments.

Agencies Affected: Department of the Treasury, Division of Pensions and Benefits.
Division of Taxation. Municipal Governments.

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost			
<i>Pensions</i>	\$0	\$0	\$87,575
<i>Property Tax</i>	\$171,315	\$171,315	\$171,315
Local Cost			
<i>Pensions</i>	\$0	\$0	\$51,485
<i>Property Tax</i>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
TOTAL	\$171,315	\$171,315	\$310,375

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! 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 PERS or TPAF, to those who served in Operation Northern Watch and Southern Watch.
- ! There is a two year lag from the date additional pension liabilities are valued to the date they are actually billed. Thus, except for the initial year's cost of implementation, the increased pension cost arising from this bill will not be due until Year 3.
- ! Based on 2002 actuarial valuation reports, annual additional pension contributions are estimated at \$87,575 in State contributions and \$51,485 in local contributions. A 5.95 percent annual inflationary rise in normal costs is assumed.

- ! Estimated cost of \$171,315 to the Property Tax Relief Fund is based on 1,458 additional military personnel who either are now combat veterans as a result of Operation Northern Watch or Operation Southern Watch or will eventually become so. Approximately 47 percent of these new veterans would claim the veteran's property tax deduction.
- ! It is not assumed that any additional claimants would take the property tax exemption for 100 percent disabled veterans.

BILL DESCRIPTION

Assembly Bill No. 2441 of 2004 extends the eligibility for various veterans' benefits to include those who served in Operation Northern Watch and Southern Watch for the purposes of civil service hiring preferences, for the purchase of service credit and the calculation of retirant benefits in the Public Employees' Retirement System (PERS) and Teachers' Pension and Annuity Fund (TPAF), for the purchase of service credit in the Police and Firemen's Retirement System (PFRS), and for the receipt of a property tax deduction or exemption, a person served in an area of a war zone or other military emergency. This bill permits a greater number of individuals to receive the benefits specified.

This bill provides that a person will be considered a veteran if he or she served in Operation Northern Watch and Southern Watch. These operations monitor and control airspace above and below the 33rd parallel in Iraq, called "no-fly zones."

FISCAL ANALYSIS

EXECUTIVE BRANCH

Based on information provided by the Divisions of Pensions and Benefits and Taxation in the Department of the Treasury the total cost of this bill is estimated at \$171,315 in the first year following enactment.

Additional Pension Liabilities

Based on an estimated additional 37 PERS - State, 79 PERS - Local and 18 TPAF members qualifying as veterans under this bill, the Division of Pensions and Benefits estimates total additional employer pension contributions at \$139,059. This total includes \$87,575 in State costs and \$51,484 in local costs. This estimate is based on 2002 actuarial valuation reports.

These costs are expected to increase in subsequent years proportionately to assumed salary increases of 5.95 percent. Pension costs would rise to \$147,332 in Year 4 and to \$156,100 in Year 5.

The division estimated no cost to implement the provisions of this bill.

\$250 Property Tax Deduction

Approximately 1,458 additional veterans may be eligible for the \$250 property tax deduction under the provisions of this bill that broaden the definition of "veteran," resulting in an estimated \$171,315 increase in expenditures from the State "Property Tax Relief Fund" to reimburse municipalities for their forgone property tax collections. The OLS assumes a 47 percent participation rate. The property tax deduction takes effect in the next tax year following enactment. The division assumes that the active duty time would be about one year. Thus, the annual cost would be cumulative.

Property Tax Exemption

The cost to expand the existing 100 percent disabled wartime veteran property tax exemption to include 100 percent disabled who served in these operations is estimated at zero. The State does not reimburse the municipalities for the cost of the property tax exemption allowed to totally disabled veterans and their qualifying surviving spouses.

OFFICE OF LEGISLATIVE SERVICES

The OLS concurs with the Executive estimate. The OLS notes, however, that the annual cost to the "Property Tax Relief Fund" may not necessarily be cumulative, as some members of the Reserves and National Guard may be called to serve two or more tours of duty.

The OLS observes that his bill may have state mandate/state pay implications because 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, a constitutional provision (Art. VIII, sec. 2, par. 5) provides that a law will not be an unfunded mandate 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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RELEASE: April 07, 2005

Codey Stands up for Veterans, National Guard Members

Acting Governor Signs Bills Providing and Extending Benefits

(TRENTON) – Acting Governor Richard J. Codey today signed S1139 and S250, which provide and extend benefits for New Jersey’s servicemen and women.

“This is the least we can do for the men and women who put their lives on the line to keep us safe and protect our freedom,” Codey said. “We recognize the enormous sacrifices they make and are committed to making life easier for them.”

S1139 extends veterans’ benefits to members of the Armed Forces who participated in operations Northern and Southern Iraq. The measure allows veterans of Operations Northern and Southern Watch – the military’s imposition of “no fly zones” over Iraq following the first Gulf War – to take advantage of benefits bestowed on other veterans.

Under the new law, veterans of the two operations would receive a property tax deduction or exemption and qualify for civil-service hiring preferences. Eligible veterans also would be able to purchase service credit for the Public Employees Retirement System, Teachers’ Pension and Annuity Fund, and the Police and Fireman’s Retirement System.

The bill’s sponsors include Senators Joseph Coniglio and Robert E. Littell, Assemblyman Jack Conners, and Assemblywomen Linda R. Greenstein and Alison Littell McHose.

“These soldiers risked their lives out on the battlefield so that we could continue to enjoy the many freedoms we have here at home,” said Coniglio, (D-Bergen). “Easing the job search and retirement benefit application process for these veterans is the least we can do to help those men and women who fought to make life easier for the rest of us.”

Approximately 1,500 additional veterans would be eligible for the property tax benefits under the new law, while 125 veterans would be eligible for the pension benefits.

“There is nothing we can ever do as legislators that would match the sacrifices our Armed Forces make for our country,” Littell (R-Hunterdon, Morris and Sussex) said. “They refuse to turn their backs on their country, we will not turn our backs on them. Our servicemen and women can be sure their contributions will live on in the legacy of freedom they leave behind.”

Conners (D-Camden) said: "Enhanced property tax and pension benefits are a small price to pay for the sacrifice these men and women made serving over the Iraqi 'no-fly zones,'" said Conners (D-Camden). "The increased benefits are just a small token of our appreciation to the New Jerseyans who served after the Gulf War."

Greenstein (D- Middlesex) agreed.

"Many New Jerseyans put their lives on hold to serve in Iraq after the Gulf War," Greenstein said. "It is only right that we provide Iraqi no-fly zone personnel the same benefits other veterans enjoy."

McHose (R- Hunterdon, Morris and Sussex) added: "Extending these benefits to the service men and women who fought in Operation Northern and Southern Watch is a small way to honor their bravery and dedication. We as a nation have an obligation to provide for our courageous soldiers who so valiantly defend the values of freedom and liberty."

S250 makes tax exempt the compensation New Jersey National Guard members receive to cover living expenses while serving on state active duty. The new law provides a New Jersey gross income tax exclusion for housing and food allowances received by guard members who are called up by the governor for emergencies. Stipends for cost-of-living expenses are provided to military personnel on duty away from their home base.

The bill's sponsors include Senators Coniglio and John A. Girgenti, and Assemblymen Douglas H. Fisher and Neil M. Cohen.

"The New Jersey National Guard is the state's first line of defense against any threats to safety," said Coniglio. "Income taxes are one of the last things these soldiers should have to worry about while they are working to defend the State's residents and historic landmarks."

Under current law, housing and food subsidies are not taxable when received by guard members serving by order of the U.S. Department of Defense or the President.

"We need to show our National Guard volunteers that New Jersey appreciates their service, whether they are serving under orders of the Governor or the President of the United States," said Girgenti, (D-Bergen and Passaic) "There is a difference in the benefits for federal and state active duty soldiers, but National Guard members provide the same services, and should be granted the same benefits."

Girgenti serves as the Chairman of the Senate Law, Public Safety and Veterans' Affairs Committee.

Of the more than 8,500 New Jersey National Guard members, approximately 2,000 are currently serving in under federal command in Iraq, Europe and Guantanamo Bay in Cuba.

"When called to active duty during a state emergency, guard members put their lives on hold to ensure our safety and to help New Jerseyans in need," said Fisher (D-Cumberland).

“In the interest of fairness and gratitude, living expenses should be exempted from state taxes.”

Cohen (D-Union) added: “Whether serving in New Jersey or overseas, National Guard personnel on active duty should not have their living expenses subjected to state tax. New Jersey's National Guard personnel are ready to serve their state and country at any time. Their tax status shouldn't depend on the physical location of their service.”