

43:15A-60.2

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Armed Conflict--termination dates)

NJSA: 43:15A-60.2

LAWS OF: 1995 **CHAPTER:** 406

BILL NO: A485

SPONSOR(S): Gibson & LoBiondo

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Veterans
SENATE: ---

AMENDED DURING PASSAGE: Yes **Amendments during passage denoted**
First reprint enacted **by superscript numbers**

DATE OF PASSAGE: **ASSEMBLY:** March 10, 1994
SENATE: December 21, 1995

DATE OF APPROVAL: January 10, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: Yes

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

[FIRST REPRINT]
ASSEMBLY, No. 485

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen GIBSON and LoBIONDO

1 AN ACT concerning the ¹[inception and termination dates of
2 certain periods of armed conflict as found in the laws of this
3 State and] qualification of certain persons as veterans for
4 certain purposes,¹ amending various parts of the statutory law
5 and supplementing P.L.1954, c.84 (C.43:15A-1 et seq.) and
6 article 1 of chapter 66 of Title 18A of the New Jersey
7 Statutes¹.

8
9 BE IT ENACTED *by the Senate and General Assembly of the*
10 *State of New Jersey:*

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

12 11A:5-1. Definitions. As used in this chapter:

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

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

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

39 (2) World War II, on or after September 16, 1940, who shall
40 have served at least 90 days beginning on or before December 31,
41 1946 in such active service, exclusive of any period of assignment
42 for a course of education or training under the Army Specialized
43 Training Program or the Navy College Training Program, which

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate floor amendments adopted October 19, 1995.

1 course was a continuation of a civilian course and was pursued to
2 completion, or as a cadet or midshipman at one of the service
3 academies; except that any person receiving an actual
4 service-incurred injury or disability shall be classed a veteran
5 whether or not that person has completed the 90-day service;

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

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

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

42 (6) Grenada peacekeeping mission, on or after [October 25,
43 1983] October 23, 1983, who has served in Grenada or on board
44 any ship actively engaged in patrolling the territorial waters of
45 that nation for a period, continuous or in the aggregate, of at
46 least 14 days commencing on or before November 21, 1983 or the
47 date of termination of that mission, as proclaimed by the
48 President of the United States[,] or Congress [or the Governor],
49 whichever date of termination is the latest, in such active
50 service; provided, that any person receiving an actual
51 service-incurred injury or disability shall be classed as a veteran
52 whether or not that person has completed the 14 days service as
53 herein provided;

54 (7) Panama peacekeeping mission, on or after December 20,

1 1989 or the date of inception of that mission, as proclaimed by
2 the President of the United States[,] or Congress [or the
3 Governor], whichever date of inception is earliest, who has served
4 in Panama or on board any ship actively engaged in patrolling the
5 territorial waters of that nation for a period, continuous or in the
6 aggregate, of at least 14 days commencing on or before January
7 31, 1990 or the date of termination of that mission, as proclaimed
8 by the President of the United States[,] or Congress [or the
9 Governor], whichever date of termination is the latest, in such
10 active service; provided, that any person receiving an actual
11 service-incurred injury or disability shall be classed as a veteran
12 whether or not that person has completed the 14 days service as
13 herein provided;

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

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

30 (cf: P.L.1991, c.390, s.1)

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

32 18A:66-2. As used in this article:

33 a. "Accumulated deductions" means the sum of all the
34 amounts, deducted from the compensation of a member or
35 contributed by or in behalf of the member, including interest
36 credited to January 1, 1956, standing to the credit of the
37 member's individual account in the annuity savings fund.

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

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

42 d. "Compensation" means the contractual salary, for services
43 as a teacher as defined in this article, which is in accordance
44 with established salary policies of the member's employer for all
45 employees in the same position but shall not include individual
46 salary adjustments which are granted primarily in anticipation of
47 the member's retirement or additional remuneration for
48 performing temporary or extracurricular duties beyond the
49 regular school day or the regular school year.

50 e. "Employer" means the State, the board of education or any
51 educational institution or agency of or within the State by which
52 a teacher is paid.

53 f. "Final compensation" means the average annual
54 compensation for which contributions are made for the three

- 1 years of creditable service in New Jersey immediately preceding
2 the member's retirement or death, or it shall mean the average
3 annual compensation for New Jersey service for which
4 contributions are made during any three fiscal years of his or her
5 membership providing the largest possible benefit to the member
6 or the member's beneficiary.
- 7 g. "Fiscal year" means any year commencing with July 1, and
8 ending with June 30, next following.
- 9 h. "Pension" means payments for life derived from
10 appropriations made by the State or employers to the Teachers'
11 Pension and Annuity Fund.
- 12 i. "Annuity reserve" means the present value of all payments
13 to be made on account of any annuity or benefit in lieu of an
14 annuity, granted under the provisions of this article, computed on
15 the basis of such mortality tables recommended by the actuary as
16 the board of trustees adopts, with regular interest.
- 17 j. "Pension reserve" means the present value of all payments
18 to be made on account of any pension or benefit in lieu of a
19 pension granted to a member from the Teachers' Pension and
20 Annuity Fund, computed on the basis of such mortality tables
21 recommended by the actuary as the board of trustees adopts,
22 with regular interest.
- 23 k. "Present-entrant" means any member of the Teachers'
24 Pension and Annuity Fund who had established status as a
25 "present-entrant member" of said fund prior to January 1, 1956.
- 26 l. "Rate of contribution initially certified" means the rate of
27 contribution certified by the retirement system in accordance
28 with N.J.S.18A:66-29.
- 29 m. "Regular interest" shall mean interest as determined by
30 the State Treasurer, after consultation with the Directors of the
31 Divisions of Investment and Pensions, the board of trustees and
32 the actuary. It shall bear a reasonable relationship to the
33 percentage rate of earnings on investments based on the market
34 value of assets but shall not exceed the assumed percentage rate
35 of increase applied to salaries plus 3%, provided however that the
36 board of trustees shall not set the average percentage rate of
37 increase applied to salaries below 6%.
- 38 n. "Retirement allowance" means the pension plus the annuity.
- 39 o. "School service" means any service as a "teacher" as
40 defined in this section.
- 41 p. "Teacher" means any regular teacher, special teacher,
42 helping teacher, teacher clerk, principal, vice-principal,
43 supervisor, supervising principal, director, superintendent, city
44 superintendent, assistant city superintendent, county
45 superintendent, State Commissioner or Assistant Commissioner
46 of Education, members of the State Department of Education
47 who are certificated, unclassified professional staff and other
48 members of the teaching or professional staff of any class, public
49 school, high school, normal school, model school, training school,
50 vocational school, truant reformatory school, or parental school,
51 and of any and all classes or schools within the State conducted
52 under the order and superintendence, and wholly or partly at the
53 expense of the State Board of Education, of a duly elected or
54 appointed board of education, board of school directors, or board

1 of trustees of the State or of any school district or normal school
2 district thereof, and any persons under contract or engagement to
3 perform one or more of these functions. It shall also mean any
4 person who serves, while on an approved leave of absence from
5 regular duties as a teacher, as an officer of a local, county or
6 State labor organization which represents, or is affiliated with an
7 organization which represents, teachers as defined in this
8 subsection. No person shall be deemed a teacher within the
9 meaning of this article who is a substitute teacher. In all cases of
10 doubt the board of trustees shall determine whether any person is
11 a teacher as defined in this article.

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

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

38 (1) The Indian wars and uprisings during any of the periods
39 recognized by the War Department of the United States as
40 periods of active hostility;

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

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

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

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

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

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

54 (8) The Mexican border patrol, having actually participated in

1 engagements against Mexicans between April 12, 1911, and
2 June 16, 1919;

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

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

15 (11) Korean conflict on or after June 23, 1950, and on or prior
16 to January 31, 1955, who shall have served at least 90 days in
17 such active service, exclusive of any period of assignment (1) for
18 a course of education or training under the Army Specialized
19 Training Program or the Navy College Training Program, which
20 course was a continuation of a civilian course and was pursued to
21 completion, or (2) as a cadet or midshipman at one of the service
22 academies, any part of which 90 days was served between said
23 dates; provided that any person receiving an actual
24 service-incurred injury or disability shall be classed as a veteran,
25 whether or not that person has completed the 90-day service as
26 herein provided; and provided further that any member classed as
27 a veteran pursuant to this subsection prior to August 1, 1966,
28 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) Vietnam conflict, on or after December 31, 1960, and on
32 or prior to May 7, 1975, who shall have served at least 90 days in
33 such active service, exclusive of any period of assignment (1) for
34 a course of education or training under the Army Specialized
35 Training Program or the Navy College Training Program, which
36 course was a continuation of a civilian course and was pursued to
37 completion, or (2) as a cadet or midshipman at one of the service
38 academies, any part of which 90 days was served between said
39 dates; and exclusive of any service performed pursuant to the
40 provisions of section 511(d) of Title 10, United States Code,
41 pursuant to an enlistment in the Army National Guard or as a
42 reserve for service in the Army Reserve, Naval Reserve, Air
43 Force Reserve, Marine Corps Reserve, or Coast Guard Reserve;
44 provided that any person receiving an actual service-incurred
45 injury or disability shall be classed as a veteran, whether or not
46 that person has completed the 90-day service as herein provided;

47 (13) Lebanon peacekeeping mission, on or after September 26,
48 1982, who has served in Lebanon or on board any ship actively
49 engaged in patrolling the territorial waters of that nation for a
50 period, continuous or in the aggregate, of at least 14 days
51 commencing on or before December 1, 1987 or the date of
52 termination of that mission, as proclaimed by the President of
53 the United States[,] or Congress [or the Governor], whichever
54 date of termination is the latest, in such active service; provided,

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

4 (14) Grenada peacekeeping mission, on or after [October 25,
5 1983] October 23, 1983, who has served in Grenada or on board
6 any ship actively engaged in patrolling the territorial waters of
7 that nation for a period, continuous or in the aggregate, of at
8 least 14 days commencing on or before November 21, 1983 or the
9 date of termination of that mission, as proclaimed by the
10 President of the United States[,] or Congress [or the Governor],
11 whichever date of termination is the latest, in such active
12 service; provided, that any person receiving an actual
13 service-incurred injury or disability shall be classed as a veteran
14 whether or not that person has completed the 14 days' service as
15 herein provided;

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

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

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

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

1 t. "Widower" means the man to whom a member was married
2 at least five years before the date of her death and to whom she
3 continued to be married until the date of her death and who was
4 receiving at least one-half of his support from the member in the
5 12-month period immediately preceding the member's death or
6 the accident which was the direct cause of the member's death.
7 The dependency of such a widower will be considered terminated
8 by marriage of the widower subsequent to the death of the
9 member. In the event of the payment of an accidental death
10 benefit, the five-year qualification shall be waived.

11 u. "Widow" means the woman to whom a member was married
12 at least five years before the date of his death and to whom he
13 continued to be married until the date of his death and who was
14 receiving at least one-half of her support from the member in the
15 12-month period immediately preceding the member's death or
16 the accident which was the direct cause of the member's death.
17 The dependency of such a widow will be considered terminated by
18 the marriage of the widow subsequent to the member's death. In
19 the event of the payment of an accidental death benefit, the
20 five-year qualification shall be waived.

21 v. "Parent" means the parent of a member who was receiving
22 at least one-half of the parent's support from the member in the
23 12-month period immediately preceding the member's death or
24 the accident which was the direct cause of the member's death.
25 The dependency of such a parent will be considered terminated by
26 marriage of the parent subsequent to the death of the member.

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

29 (cf: P.L.1992, c.125, s.1)

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

32 6. As used in this act:

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

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

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

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

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

53 f. "Parent" shall mean the parent of a member who was
54 receiving at least 1/2 of the parent's support from the member in

- 1 the 12-month period immediately preceding the member's death
2 or the accident which was the direct cause of the member's
3 death. The dependency of such a parent will be considered
4 terminated by marriage of the parent subsequent to the death of
5 the member.
- 6 g. "Widower" means the man to whom a member was married
7 at least five years before the date of her death and to whom she
8 continued to be married until the date of her death and who was
9 receiving at least 1/2 of his support from the member in the
10 12-month period immediately preceding the member's death or
11 the accident which was the direct cause of the member's death.
12 The dependency of such a widower will be considered terminated
13 by marriage of the widower subsequent to the death of the
14 member. In the event of the payment of an accidental death
15 benefit, the five-year qualification shall be waived.
- 16 h. "Final compensation" means the average annual
17 compensation for which contributions are made for the three
18 years of creditable service in New Jersey immediately preceding
19 the member's retirement or death, or it shall mean the average
20 annual compensation for New Jersey service for which
21 contributions are made during any three fiscal years of his or her
22 membership providing the largest possible benefit to the member
23 or the member's beneficiary.
- 24 i. "Fiscal year" means any year commencing with July 1 and
25 ending with June 30 next following.
- 26 j. "Medical board" shall mean the board of physicians provided
27 for in section 17 (C.43:15A-17).
- 28 k. "Pension" means payments for life derived from
29 appropriations made by the employer as provided in this act.
- 30 l. "Pension reserve" means the present value of all payments
31 to be made on account of any pension or benefit in lieu of a
32 pension granted under the provisions of this act, computed on the
33 basis of such mortality tables recommended by the actuary as the
34 board of trustees adopts, with regular interest.
- 35 m. "Public Employees' Retirement System of New Jersey,"
36 hereinafter referred to as the "retirement system" or "system,"
37 is the corporate name of the arrangement for the payment of
38 retirement allowances and other benefits under the provisions of
39 this act including the several funds placed under said system. By
40 that name all of its business shall be transacted, its funds
41 invested, warrants for money drawn, and payments made and all
42 of its cash and securities and other property held.
- 43 n. "Regular interest" shall mean interest as determined by the
44 State Treasurer, after consultation with the Directors of the
45 Divisions of Investment and Pensions, the board of trustees and
46 the actuary. It shall bear a reasonable relationship to the
47 percentage rate of earnings on investments based on the market
48 value of the assets but shall not exceed the assumed percentage
49 rate of increase applied to salaries plus 3%, provided however
50 that the board of trustees shall not set the average percentage
51 rate of increase applied to salaries below 6%.
- 52 o. "Retirement allowance" means the pension plus the
53 annuity.
- 54 p. "Veteran" means any honorably discharged officer, soldier,

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

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

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

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

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

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

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

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

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

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

38 (10) World War II, between September 16, 1940, and December
39 31, 1946, who shall have served at least 90 days in such active
40 service, exclusive of any period of assignment (1) for a course of
41 education or training under the Army Specialized Training
42 Program or the Navy College Training Program which course was
43 a continuation of a civilian course and was pursued to completion,
44 or (2) as a cadet or midshipman at one of the service academies
45 any part of which 90 days was served between said dates;
46 provided, that any person receiving an actual service-incurred
47 injury or disability shall be classed as a veteran whether or not
48 that person has completed the 90-day service as herein provided;

49 (11) Korean conflict on or after June 23, 1950, and on or prior
50 to January 31, 1955, who shall have served at least 90 days in
51 such active service, exclusive of any period of assignment (1) for
52 a course of education or training under the Army Specialized
53 Training Program or the Navy College Training Program which
54 course was a continuation of a civilian course and was pursued to

1 completion, or (2) as a cadet or midshipman at one of the service
2 academies, any part of which 90 days was served between said
3 dates; 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 90-day service as
6 herein provided; and provided further, that any member classed
7 as a veteran pursuant to this paragraph prior to August 1, 1966,
8 shall continue to be classed as a veteran whether or not that
9 person completed the 90-day service between said dates as herein
10 provided;

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

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

38 (14) Grenada peacekeeping mission, on or after [October 25,
39 1983] October 23, 1983, who has served in Grenada or on board
40 any ship actively engaged in patrolling the territorial waters of
41 that nation for a period, continuous or in the aggregate, of at
42 least 14 days commencing on or before November 21, 1983 or the
43 date of termination of that mission, as proclaimed by the
44 President of the United States[,] or Congress [or the Governor],
45 whichever date of termination is the latest, in such active
46 service; provided, that any person receiving an actual
47 service-incurred injury or disability shall be classed as a veteran
48 whether or not that person has completed the 14 days' service as
49 herein provided;

50 (15) Panama peacekeeping mission, on or after December 20,
51 1989 or the date of inception of that mission, as proclaimed by
52 the President of the United States[,] or Congress [or the
53 Governor], whichever date of inception is earliest, who has served
54 in Panama or on board any ship actively engaged in patrolling the

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

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

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

38 r. "Compensation" means the base or contractual salary, for
39 services as an employee, which is in accordance with established
40 salary policies of the member's employer for all employees in the
41 same position but shall not include individual salary adjustments
42 which are granted primarily in anticipation of the member's
43 retirement or additional remuneration for performing temporary
44 or extracurricular duties beyond the regular workday or the
45 regular work year. In cases where salary includes maintenance,
46 the retirement system shall fix the value of that part of the
47 salary not paid in money which shall be considered under this act.
48 (cf: P.L.1992, c.125, s.7)

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

51 1. For purposes of this act "veteran" means any honorably
52 discharged officer, soldier, sailor, airman, marine or nurse who
53 served in any Army, Air Force or Navy of the Allies of the United
54 States in World War I, between July 14, 1914, and November 11,

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

15 (1) The Indian wars and uprisings during any of the periods
16 recognized by the War Department of the United States as
17 periods of active hostility;

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

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

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

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

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

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

31 (8) The Mexican border patrol, having actually participated in
32 engagements against Mexicans between April 12, 1911, and June
33 16, 1919;

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

35 (10) World War II, between September 16, 1940, and December
36 31, 1946, who shall have served at least 90 days in such active
37 service, exclusive of any period of assignment (1) for a course of
38 education or training under the Army Specialized Training
39 Program or the Navy College Training program which course was
40 a continuation of a civilian course and was pursued to completion,
41 or (2) as a cadet or midshipman at one of the service academies
42 any part of which 90 days was served between said dates;
43 provided, that any person receiving an actual service-incurred
44 injury or disability shall be classed as a veteran whether or not
45 that person has completed the 90-day service as herein provided;

46 (11) Korean conflict on or after June 23, 1950, and on or prior
47 to January 31, 1955, who shall have served at least 90 days in
48 such active service, exclusive of any period of assignment (1) for
49 a course of education or training under the Army Specialized
50 Training Program or the Navy College Training Program which
51 course was a continuation of a civilian course and was pursued to
52 completion, or (2) as a cadet or midshipman at one of the service
53 academies, any part of which 90 days was served between said
54 dates; provided, that any person receiving an actual

1 service-incurred injury or disability shall be classed as a veteran
2 whether or not that person has completed the 90-day service as
3 herein provided; and provided further, that any member classed
4 as a veteran pursuant to this subparagraph prior to August 1,
5 1966, shall continue to be classed as a veteran whether or not the
6 member completed the 90-day service between said dates as
7 herein provided;

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

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

35 (14) Grenada peacekeeping mission, on or after [October 25,
36 1983] October 23, 1983, who has served in Grenada or on board
37 any ship actively engaged in patrolling the territorial waters of
38 that nation for a period, continuous or in the aggregate, of at
39 least 14 days commencing on or before November 21, 1983 or the
40 date of termination of that mission, as proclaimed by the
41 President of the United States[,] or Congress [or the Governor],
42 whichever date of termination is the latest, in such active
43 service; provided, that any person receiving an actual
44 service-incurred injury or disability shall be classed as a veteran
45 whether or not that person has completed the 14 days service as
46 herein provided;

47 (15) Panama peacekeeping mission, on or after December 20,
48 1989 or the date of inception of that mission, as proclaimed by
49 the President of the United States[,] or Congress [or the
50 Governor], whichever date of inception is earliest, who has served
51 in Panama or on board any ship actively engaged in patrolling the
52 territorial waters of that nation for a period, continuous or in the
53 aggregate, of at least 14 days commencing on or before January
54 31, 1990 or the date of termination of that mission, as proclaimed

1 by the President of the United States[,] or Congress [or the
2 Governor], whichever date of termination is the latest, in such
3 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 (16) Operation "Desert Shield/Desert Storm" mission in the
8 Arabian peninsula and the Persian Gulf, on or after August 2,
9 1990 or the date of inception of that operation, as proclaimed by
10 the President of the United States[,] or Congress [or the
11 Governor], whichever date of inception is earliest, who has served
12 in the Arabian peninsula or on board any ship actively engaged in
13 patrolling the Persian Gulf for a period, continuous or in the
14 aggregate, of at least 14 days commencing on or before the date
15 of termination of that mission, as proclaimed by the President of
16 the United States, Congress or the Governor, whichever date of
17 termination is the latest, in such active service; provided, that
18 any person receiving an actual service-incurred injury or
19 disability shall be classed as a veteran whether or not that person
20 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
24 eligible for federal veterans' benefits.

25 (cf: P.L.1991, c.390, s.6)

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

28 1. As used in this act:

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

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

45 The Panama peacekeeping mission, on or after December 20,
46 1989 or the date of inception of that mission, as proclaimed by
47 the President of the United States[,] or Congress [or the
48 Governor], whichever date of inception is earliest, who has served
49 in Panama or on board any ship actively engaged in patrolling the
50 territorial waters of that nation for a period, continuous or in the
51 aggregate, of at least 14 days commencing on or before January
52 31, 1990 or the date of termination of that mission, as proclaimed
53 by the President of the United States[,] or Congress [or the
54 Governor], whichever date of termination is the latest, in such

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

5 The Grenada peacekeeping mission, on or after [October 25,
6 1983] October 23, 1983, who has served in Grenada or on board
7 any ship actively engaged in patrolling the territorial waters of
8 that nation for a period, continuous or in the aggregate, of at
9 least 14 days commencing on or before November 21, 1983 or the
10 date of termination of that mission as proclaimed by the
11 President of the United States[,] or Congress [or the Governor],
12 whichever date of termination is the latest, in such active
13 service; provided, that any person receiving an actual
14 service-incurred injury or disability shall be classed as a veteran
15 whether or not that person has completed the 14 days service as
16 herein provided;

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

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

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

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

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

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

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

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

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

44 (d) "Honorably discharged or released under honorable
45 circumstances from active service in time of war," means and
46 includes every form of separation from active, full-time duty
47 with military or naval pay and allowances in some branch of the
48 Armed Forces of the United States in time of war, other than
49 those marked "dishonorable," "undesirable," "bad conduct," "by
50 sentence of general court martial," "by sentence of summary
51 court martial" or similar expression indicating that the discharge
52 or release was not under honorable circumstances. A
53 disenrollment certificate or other form of release terminating
54 temporary service in a military or naval branch of the armed

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

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

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

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

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

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

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

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

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

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

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

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

48 (cf: P.L.1991, c.390, s.7)

49 ¹⁶6. (New section) If, following application by a member of the
50 retirement system to purchase credit therein under any provision
51 of P.L.1954, c.84 (C.43:15A-1 et seq.), as amended and
52 supplemented, the member attains qualification as a veteran
53 member pursuant to the enactment of a law, the adoption of a
54 rule or regulation, the revision of an administrative

1 interpretation or application of such a rule or regulation, or any
 2 other official act, the member shall be permitted, upon written
 3 application to the retirement system within two years following
 4 the effective date of that law, rule, regulation, revision, or other
 5 act or within two years of the effective date of P.L. , c.
 6 (C.)(now pending before the Legislature as this bill),
 7 whichever is later, to terminate any remaining obligation to
 8 complete the purchase and to receive a return of all contributions
 9 deducted or other payments made on or after the effective date
 10 of the law, rule, regulation, revision, or other act in connection
 11 with the purchase. If any service has been credited under the
 12 retirement system to the member in connection with the
 13 purchase, the amount of that service so credited shall be reduced
 14 in proportion to the return to the member hereunder of any
 15 contributions or other payments.¹

16 ^{17.} (New section) If, following application by a member of the
 17 retirement system to purchase credit therein under any provision
 18 of article 1 of chapter 66 of Title 18A of the New Jersey
 19 Statutes, as amended and supplemented, the member attains
 20 qualification as a veteran member pursuant to the enactment of a
 21 law, the adoption of a rule or regulation, the revision of an
 22 administrative interpretation or application of such a rule or
 23 regulation, or any other official act, the member shall be
 24 permitted, upon written application to the retirement system
 25 within two years following the effective date of that law, rule,
 26 regulation, revision, or other act or within two years of the
 27 effective date of P.L. , c. (C.)(now pending before
 28 the Legislature as this bill), whichever is later, to terminate any
 29 remaining obligation to complete the purchase and to receive a
 30 return of all contributions deducted or other payments made on
 31 or after the effective date of the law, rule, regulation, revision,
 32 or other act in connection with the purchase. If any service has
 33 been credited under the retirement system to the member in
 34 connection with the purchase, the amount of that service so
 35 credited shall be reduced in proportion to the return to the
 36 member hereunder of any contributions or other payments.¹

37 ¹[6.] ^{8.}¹ This act shall take effect immediately.

38
 39
 40
 41
 42 Establishes inception and termination dates for certain
 43 peacekeeping missions and "Operation Desert Shield/Desert
 44 Storm"; permits cancellation of certain pension credit purchases.

ASSEMBLY VETERANS, MILITARY AFFAIRS AND
GAMING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 485

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 1994

The Assembly Veterans, Military Affairs and Gaming Committee reports favorably Assembly Bill No. 485.

This bill establishes in law certain inception and termination dates for the Lebanon, Grenada, and Panama peacekeeping missions and for Operation "Desert Shield/Desert Storm" in order to insure eligibility for certain State benefits for veterans of those missions.

The bill amends five sections of law: 1) the definition of "veteran" for the purpose of eligibility for civil service preference; 2) the definition of "veteran" for the purpose of eligibility for enhanced benefits in the Teachers' Pension and Annuity Fund (TPAF) and the Public Employees' Retirement System (PERS) and for the purpose of purchasing service credit for military service by members of the Police and Firemen's Retirement System (PFRS); and 3) the definition of "veteran" for the purpose of eligibility for the annual veterans personal property tax deduction.

The bill establishes: 1) December 1, 1987 as the termination date of the Lebanon peacekeeping mission (the inception date of September 26, 1982 is already provided for in each of the five statutes); 2) October 23, 1983 as the inception date of the Grenada peacekeeping mission (this is changed from the October 25, 1983 date now provided for in law) and November 21, 1983 as the termination date; 3) December 20, 1989 as the inception date for the Panama peacekeeping mission and January 31, 1990 as the termination date; and 4) August 2, 1990 as the inception date of Operation "Desert Shield/Desert Storm" (the termination date remains open). The termination dates for the Lebanon, Grenada, and Panama missions will be later if the termination dates proclaimed by the President or Congress are later than the specific dates noted above, and the inception dates of the Panama mission and Operation "Desert Shield/Desert Storm" will be earlier if the inception dates proclaimed by the President or Congress are earlier than the specific dates noted above.

These dates have been recognized by the United States Department of Defense as the inception and termination dates of these missions for the purpose of establishing eligibility for service medals for members of the United States armed forces who participated in these missions.

This bill was pre-filed for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

LEGISLATIVE FISCAL ESTIMATE TO

ASSEMBLY, No. 485

STATE OF NEW JERSEY

DATED: MARCH 21, 1994

Assembly Bill No. 485 of 1994 establishes certain inception and termination dates for the Lebanon, Grenada, and Panama peacekeeping missions and for Operation "Desert Shield/Desert Storm" in order to insure eligibility for certain State benefits for the veterans of those missions.

The bill amends five sections of law: 1) the definition of "veteran" for the purpose of eligibility for civil service preference; 2) the definition of "veteran" for the purpose of eligibility for enhanced benefits in the Teachers' Pension and Annuity Fund (TPAF) and the Public Employees' Retirement System (PERS) and for the purpose of purchasing service credit for military service by members of the Police and Firemen's Retirement System (PFRS); and 3) the definition of "veteran" for the purpose of eligibility for the annual veterans personal property tax rebate.

The bill establishes: 1) December 1, 1987 as the termination date of the Lebanon peacekeeping mission (the inception date of September 26, 1982 is already provided for in each of the five statutes); 2) October 23, 1983 as the inception date of the Grenada peacekeeping mission (this is changed from the October 25, 1983 date now provided for in law) and November 21, 1983 as the termination date ; 3) December 20, 1989 as the inception date for the Panama peacekeeping mission and January 31, 1990 as the termination date; and 4) August 2, 1990 as the inception date of Operation "Desert Shield/Desert Storm" (the termination date remains open). (The termination dates for the Lebanon, Grenada and Panama missions will be later if the termination dates proclaimed by the President or Congress are later than the specific dates noted above, and the inception dates of the Panama mission and Operation "Desert Shield/Desert Storm" will be earlier if the inception dates proclaimed by the President or Congress are earlier than the specific dates noted above.)

These dates have been recognized by the United States Department of Defense as the inception and termination dates of these missions for the purpose of establishing eligibility for service medals for members of the United States armed forces who participated in these missions.

Neither the Departments of Personnel and Military and Veterans' Affairs nor the Division of Pensions and Benefits have information available to estimate the number of individuals who might be affected by this bill. However, the Office of Legislative Services (OLS) believes the number to be small because the date changes are relatively minor and for the Lebanon, Grenada and Panama peacekeeping missions, the number of military personnel involved was minor.

The Department of Personnel, in an estimate prepared for similar legislation (A-1842 of 1992), estimates it will cost approximately \$15,000 to update various forms and brochures, such as the job bulletin, and the Veterans' Preference file. The department states that it has no information available to estimate the number of individuals who might be affected by this legislation.

The OLS notes that special veterans retirement in the PERS is 50 percent of final compensation for veterans age 62 with 20 or more years of service. For members of TPAF special veterans retirement is 50 percent of final compensation for veterans age 60 with 20 or more years of service. The retirement formula for non-veterans is years of service divided by 60 multiplied by the member's highest three years' average salary. Depending on the individual member's circumstances, a veterans benefit can provide an enhancement of 50 percent over the non-veteran service retirement benefit. However, the OLS believes that on average the veteran benefit is probably only 20 percent greater.

The OLS estimates that the additional cost of a PERS member qualifying for the special veterans' retirement is about \$1,200 per year over the life of the retirement system or about 13 years. In present value dollars, the liability would be approximately \$9,900 more than a non-veteran service retirement. This cost would increase as the retiree became eligible for cost-of-living adjustments (COLA). The OLS estimates the present value of the future COLA adjustments at approximately \$6,000. The OLS notes that the special veterans' retirement in TPAF is slightly more costly because of the earlier retirement age.

The OLS also notes individuals who meet the qualifications of veteran under this bill or their surviving spouse will be entitled to a \$50 property tax exemption.

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

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

1 military or naval service shall not be deemed to be included in
2 the aforementioned phrase.

3 (e) "Pre-tax year" means the particular calendar year
4 immediately preceding the "tax year."

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

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

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

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

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

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

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

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

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

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

46 (cf: P.L.1991,c.390,s.7)

47 6. This act shall take effect immediately.

48

49

50

STATEMENT

51

52 The purpose of this bill is to establish in law certain inception
53 and termination dates for the Lebanon, Grenada, and Panama
54 peacekeeping missions and for Operation "Desert Shield/Desert

1 Storm" in order to insure eligibility for certain State benefits for
2 veterans of those missions.

3 The bill amends five sections of law: 1) the definition of
4 "veteran" for the purpose of eligibility for civil service
5 preference; 2) the definition of "veteran" for the purpose of
6 eligibility for enhanced benefits in the Teachers' Pension and
7 Annuity Fund (TPAF) and the Public Employees' Retirement
8 System (PERS) and for the purpose of purchasing service credit
9 for military service by members of the Police and Firemen's
10 Retirement System (PFRS); and 3) the definition of "veteran" for
11 the purpose of eligibility for the annual veterans personal
12 property tax rebate.

13 The bill establishes: 1) December 1, 1987 as the termination
14 date of the Lebanon peacekeeping mission (the inception date of
15 September 26, 1982 is already provided for in each of the five
16 statutes); 2) October 23, 1983 as the inception date of the
17 Grenada peacekeeping mission (this is changed from the October
18 25, 1983 date now provided for in law) and November 21, 1983 as
19 the termination date; 3) December 20, 1989 as the inception date
20 for the Panama peacekeeping mission and January 31, 1990 as the
21 termination date; and 4) August 2, 1990 as the inception date of
22 Operation "Desert Shield/Desert Storm" (the termination date
23 remains open). (The termination dates for the Lebanon, Grenada,
24 and Panama missions will be later if the termination dates
25 proclaimed by the President or Congress are later than the
26 specific dates noted above, and the inception dates of the
27 Panama mission and Operation "Desert Shield/Desert Storm" will
28 be earlier if the inception dates proclaimed by the President or
29 Congress are earlier than the specific dates noted above.)

30 These dates have been recognized by the United States
31 Department of Defense as the inception and termination dates of
32 these missions for the purpose of establishing eligibility for
33 service medals for members of the United States armed forces
34 who participated in these missions.

35

36

37

38

39 Establishes certain inception and termination dates for Lebanon,
40 Grenada and Panama peacekeeping missions and Operation
41 "Desert Shield/Desert Storm."