

18A:66-71.1

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 18A:66-71.1 (Veterans—amend statutes to conform with Federal Law)

LAWS OF: 1991 **CHAPTER:** 390

Bill No: A1423/A1849

Sponsor(s): Doyle and Roma

Date Introduced: Pre-filed

Committee: Assembly: Veterans & Military Affairs; Appropriation
Senate: Revenue; Senior Citizens and Veteran Affairs

Amended during passage: Yes Assembly Committee Substitute (2R) enacted

Date of Passage: Assembly: January 29, 1991
Senate: January 6, 1992

Date of Approval: January 16, 1992

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes 9-13-90 & 1-17-91
Senate: Yes 12-5-91 & 4-25-91

Fiscal Note: Yes

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/dgw

[SECOND REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1423 and 1849

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 13, 1990

Sponsored by Assemblymen DOYLE, DORIA,
ROCCO, ROMA, SCHWARTZ and Assemblywoman Cooper

1 AN ACT conforming the dates of World War II, the Korean
2 Conflict and Vietnam era as found in the laws of this State to
3 the dates as found in federal law, providing for the extension of
4 eligibility for certain benefits to veterans of certain
5 peacekeeping operations of the Armed Forces of the United
6 States and amending and supplementing various parts of the
7 statutory law.

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;

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 Assembly AAP committee amendments adopted January 17, 1991.

² Senate floor amendments adopted December 19, 1991.

1 (2) World War II, on or after September 16, 1940, who shall
2 have served at least 90 days beginning on or before [September 2,
3 1945] December 31, 1946 in such active service, exclusive of any
4 period [assigned] of assignment for a course of education or
5 training under the Army Specialized Training Program or the
6 Navy College Training Program, which course was a continuation
7 of a civilian course and was pursued to completion, or as a cadet
8 or midshipman at one of the service academies; except that any
9 person receiving an actual service-incurred injury or disability
10 shall be classed a veteran whether or not that person has
11 completed the 90-day service;

12 (3) Korean conflict, on or after June 23, 1950, who shall have
13 served at least 90 days beginning on or before [July 27, 1953]
14 January 31, 1955, in active service, exclusive of any period
15 [assigned] of assignment for a course of education or training
16 under the Army Specialized Training Program or the Navy
17 College Training Program, which course was a continuation of a
18 civilian course and was pursued to completion, or as a cadet or
19 midshipman at one of the service academies; except that any
20 person receiving an actual service-incurred injury or disability
21 shall be classed as a veteran, whether or not that person has
22 completed the 90-day service;

23 (4) Vietnam conflict, on or after December 31, 1960, who shall
24 have served at least 90 days beginning on or before [August 1,
25 1974] May 7, 1975, in active service, exclusive of any period
26 [assigned] of assignment for a course of education or training
27 under the Army Specialized Training Program or the Navy
28 College Training Program, which course was a continuation of a
29 civilian course and was pursued to completion, or as a cadet or
30 midshipman at one of the service academies, and exclusive of any
31 service performed pursuant to the provisions of section 511(d) of
32 Title 10, United States Code, or exclusive of any service
33 performed pursuant to enlistment in the National Guard or the
34 Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps
35 Reserve, or Coast Guard Reserve; except that any person
36 receiving an actual service-incurred injury or disability shall be
37 classed as a veteran, whether or not that person has completed
38 the 90-day service as provided;

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

1 (6) Grenada peacekeeping mission, on or after October 25,
2 1983, who has served in Grenada or on board any ship actively
3 engaged in patrolling the territorial waters of that nation for a
4 period, continuous or in the aggregate, of at least 14 days
5 commencing on or before the date of termination of that mission,
6 as proclaimed by the President of the United States, Congress or
7 the Governor, whichever date of termination is the latest, in such
8 active service; provided, that any person receiving an actual
9 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 (7) Panama peacekeeping mission, on or after the date of
13 inception of that mission, as proclaimed by the President of the
14 United States, Congress or the Governor, whichever date of
15 inception is earliest, who has served in Panama or on board any
16 ship actively engaged in patrolling the territorial waters of that
17 nation for a period, continuous or in the aggregate, of at least 14
18 days commencing on or before the date of termination of that
19 mission, as proclaimed by the President of the United States,
20 Congress or the Governor, whichever date of termination is the
21 latest, in such active service; provided, that any person receiving
22 an actual service-incurred injury or disability shall be classed as
23 a veteran whether or not that person has completed the 14 days
24 service as herein provided¹;

25 (8) Operation "Desert Shield/Desert Storm" mission in the
26 Arabian peninsula and the Persian Gulf, on or after the date of
27 inception of that operation, as proclaimed by the President of the
28 United States, Congress or the Governor, whichever date of
29 inception is earliest, who has served in the Arabian peninsula or
30 on board any ship actively engaged in patrolling the Persian Gulf
31 for a period, continuous or in the aggregate, of at least 14 days
32 commencing on or before the date of termination of that mission,
33 as proclaimed by the President of the United States, Congress or
34 the Governor, whichever date of termination is the latest, in such
35 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 provided¹ .

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

41 (cf: N.J.S.11A:5-1)

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

43 18A:66-2. As used in this article:

44 a. "Accumulated deductions" means the sum of all the
45 amounts, deducted from the compensation of a member or
46 contributed by [him] or in [his] behalf of the member, including
47 interest credited to January 1, 1956, standing to the credit of
48 [his] the member's individual account in the annuity savings fund.

49 b. "Annuity" means payments for life derived from the

1 accumulated deductions of a member as provided in this article.

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

4 d. "Compensation" means the contractual salary, for services
5 as a teacher as defined in this article, which is in accordance
6 with established salary policies of the member's employer for all
7 employees in the same position but shall not include individual
8 salary adjustments which are granted primarily in anticipation of
9 the member's retirement or additional remuneration for
10 performing temporary or extracurricular duties beyond the
11 regular school day or the regular school year.

12 e. "Employer" means the State, the board of education or any
13 educational institution or agency of or within the State by which
14 a teacher is paid.

15 f. "Final compensation" means the average annual
16 compensation for which contributions are made for the three
17 years of creditable service in New Jersey immediately preceding
18 [his] the member's retirement or death, or it shall mean the
19 average annual compensation for New Jersey service for which
20 contributions are made during any three fiscal years of his or her
21 membership providing the largest possible benefit to the member
22 or [his] the member's beneficiary.

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

25 h. "Pension" means payments for life derived from
26 appropriations made by the State or employers to the Teachers'
27 Pension and Annuity Fund.

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

33 j. "Pension reserve" means the present value of all payments
34 to be made on account of any pension or benefit in lieu of a
35 pension granted to a member from the Teachers' Pension and
36 Annuity Fund, computed on the basis of such mortality tables
37 recommended by the actuary as the board of trustees adopts,
38 with regular interest.

39 k. "Present-entrant" means any member of the Teachers'
40 Pension and Annuity Fund who has established status as a
41 "present-entrant member" of said fund prior to January 1, 1956.

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

45 m. "Regular interest" shall mean interest as determined
46 annually by the State Treasurer after consultation with the
47 directors of the Divisions of Investment and Pensions and the
48 actuary of the fund. It shall bear a reasonable relationship to the
49 percentage rate of earnings on investments but shall not exceed

1 105% of such percentage rate.

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

3 o. "School service" means any service as a "teacher" as
4 defined in this section.

5 p. "Teacher" means any regular teacher, special teacher,
6 helping teacher, teacher clerk, principal, vice-principal,
7 supervisor, supervising principal, director, superintendent, city
8 superintendent, assistant city superintendent, county
9 superintendent, State Commissioner or Assistant Commissioner
10 of Education, members of the State Department of Education
11 who are certificated, unclassified professional staff and other
12 members of the teaching or professional staff of any class, public
13 school, high school, normal school, model school, training school,
14 vocational school, truant reformatory school, or parental school,
15 and of any and all classes or schools within the State conducted
16 under the order and superintendence, and wholly or partly at the
17 expense of the State Board of Education, of a duly elected or
18 appointed board of education, board of school directors, or board
19 of trustees of the State or of any school district or normal school
20 district thereof, and any persons under contract or engagement to
21 perform one or more of these functions. It shall also mean any
22 person who serves, while on an approved leave of absence from
23 regular duties as a teacher, as an officer of a local, county or
24 State labor organization which represents, or is affiliated with an
25 organization which represents, teachers as defined in this
26 subsection. No person shall be deemed a teacher within the
27 meaning of this article who is a substitute teacher. In all cases of
28 doubt the board of trustees shall determine whether any person is
29 a teacher as defined in this article.

30 q. "Teachers' Pension and Annuity Fund," hereinafter referred
31 to as the "retirement system," is the corporate name of the
32 arrangement for the payment of retirement allowances and other
33 benefits under the provisions of this article, including the several
34 funds placed under said system. By that name all its business
35 shall be transacted, its funds invested, warrants for money drawn,
36 and payments made and all of its cash and securities and other
37 property held.

38 r. "Veteran" means any honorably discharged officer, soldier,
39 sailor, airman, marine or nurse who served in any Army, Air
40 Force or Navy of the Allies of the United States in World War I
41 between July 14, 1914, and November 11, 1918, or who served in
42 any Army, Air Force or Navy of the Allies of the United States in
43 World War II, between September 1, 1939, and September 2, 1945,
44 and who was inducted into such service through voluntary
45 enlistment, and was a citizen of the United States at the time of
46 such enlistment, and who did not, during or by reason of such
47 service, renounce or lose [his] United States citizenship, and any
48 officer, soldier, sailor, marine, airman, nurse or army field clerk
49 who has served in the active military or naval service of the

1 United States and has or shall be discharged or released
2 therefrom under conditions other than dishonorable, in any of the
3 following wars, uprisings, insurrections, expeditions or
4 emergencies, and who has presented to the retirement system
5 evidence of such record of service in form and content
6 satisfactory to said retirement system:

7 (1) The Indian wars and uprisings during any of the periods
8 recognized by the War Department of the United States as
9 periods of active hostility;

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

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

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

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

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

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

23 (8) The Mexican border patrol, having actually participated in
24 engagements against Mexicans between April 12, 1911, and June
25 16, 1919;

26 (9) World War I, between April 6, 1917, and November 11,
27 1918;

28 (10) World War II, between September 16, 1940, and
29 [September 2, 1945] December 31, 1946, who shall have served at
30 least 90 days in such active service, exclusive of any period [he
31 was assigned] of assignment (1) for a course of education or
32 training under the Army Specialized Training Program or the
33 Navy College Training Program, which course was a continuation
34 of [his] a civilian course and was pursued to completion, or (2) as
35 a cadet or midshipman at one of the service academies, any part
36 of which 90 days was served between said dates; provided that
37 any person receiving an actual service-incurred injury or
38 disability shall be classed as a veteran, whether or not [he] that
39 person has completed the 90-day service as herein provided;

40 (11) Korean conflict on or after June 23, 1950, and on or prior
41 to [July 27, 1953] January 31, 1955, who shall have served at least
42 90 days in such active service, exclusive of any period [he was
43 assigned] of assignment (1) for a course of education or training
44 under the Army Specialized Training Program or the Navy
45 College Training Program, which course was a continuation of
46 [his] a civilian course and was pursued to completion, or (2) as
47 a cadet or midshipman at one of the service academies, any part of
48 which 90 days was served between said dates; provided that any
49 person receiving an actual service-incurred injury or disability

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

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

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

36 (14) Grenada peacekeeping mission, on or after October 25,
37 1983, who has served in Grenada or on board any ship actively
38 engaged in patrolling the territorial waters of that nation for a
39 period, continuous or in the aggregate, of at least 14 days
40 commencing on or before the date of termination of that mission,
41 as proclaimed by the President of the United States, Congress or
42 the Governor, whichever date of termination is the latest, in such
43 active 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 the date of
48 inception of that mission, as proclaimed by the President of the
49 United States, Congress or the Governor, whichever date of

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

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

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

32 t. "Widower" means the man to whom a member was married
33 at least five years before the date of her death and to whom she
34 continued to be married until the date of her death and who was
35 receiving at least one-half of his support from the member in the
36 12-month period immediately preceding the member's death or
37 the accident which was the direct cause of the member's death.
38 The dependency of such a widower will be considered terminated
39 by marriage of the widower subsequent to the death of the
40 member. In the event of the payment of an accidental death
41 benefit, the five-year qualification shall be waived.

42 u. "Widow" means the woman to whom a member was married
43 at least five years before the date of his death and to whom he
44 continued to be married until the date of his death and who was
45 receiving at least one-half of her support from the member in the
46 12-month period immediately preceding the member's death or
47 the accident which was the direct cause of the member's death.
48 The dependency of such a widow will be considered terminated by
49 the marriage of the widow subsequent to the member's death. In

1 the event of the payment of an accidental death benefit, the
2 five-year qualification shall be waived.

3 v. "Parent" means the parent of a member who was receiving
4 at least one-half of [his] the parent's support from the member
5 in the 12-month period immediately preceding the member's
6 death or the accident which was the direct cause of the
7 member's death. The dependency of such a parent will be
8 considered terminated by marriage of the parent subsequent to
9 the death of the member.

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

12 (cf: P.L.1989, c.198, s.1)

13 3. (New section) a. A retiree of the system who meets the
14 definition of a veteran pursuant to this act, or the surviving
15 spouse of a retiree, shall be eligible to receive the special
16 veterans' retirement allowance pursuant to N.J.S.18A:66-71 in
17 lieu of the retirement allowance that a retiree, or the surviving
18 spouse of a retiree, is receiving on the effective date of this act.

19 b. The provisions of section 7 of P.L.1969, c.169 (C.43:3B-8)
20 shall not apply to ¹[N.J.S.18A:66-71] the benefit increase that
21 results from this 1990 amendatory and supplementary act¹, and
22 the annual cost of living adjustment received by widows and
23 widowers under P.L.1958, c.143 (C.43:3B-1 et seq) shall be
24 calculated as of the date of retirement of a retiree of the
25 system. The State shall pay the additional costs arising from any
26 increase in the cost of living adjustment received by a retiree of
27 the system who meets the definition of a veteran as a result of
28 this act or the surviving spouse of a retiree.

29 c. No retiree of the system who meets the definition of a
30 veteran pursuant to this act, or the surviving spouse of a retiree,
31 shall be granted a retroactive payment based upon the difference
32 between the retirement allowance that the retiree of the system,
33 or the surviving spouse of the retiree, would have received if that
34 retiree of the system had met the definition of a veteran on the
35 date of retirement and the retirement allowance that the retiree
36 of the system, or the surviving spouse of the retiree, has received
37 from the date of retirement to the effective date of this act.

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

40 6. As used in this act:

41 a. "Accumulated deductions" means the sum of all the
42 amounts, deducted from the compensation of a member or
43 contributed by [him] or on [his] behalf of the member, standing to
44 the credit of [his] the member's individual account in the annuity
45 savings fund.

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

48 c. "Annuity reserve" means the present value of all payments
49 to be made on account of any annuity or benefit in lieu of an

- 1 annuity, granted under the provisions of this act, computed on the
2 basis of such mortality tables recommended by the actuary as the
3 board of trustees adopts, with regular interest.
- 4 d. "Beneficiary" means any person receiving a retirement
5 allowance or other benefit as provided in this act.
- 6 e. "Child" means a deceased member's unmarried child either
7 (1) under the age of 18 or (2) of any age who, at the time of the
8 member's death, is disabled because of mental retardation or
9 physical incapacity, is unable to do any substantial, gainful work
10 because of the impairment and [his] the impairment has lasted or
11 can be expected to last for a continuous period of not less than 12
12 months, as affirmed by the medical board.
- 13 f. "Parent" shall mean the parent of a member who was
14 receiving at least 1/2 of [his] the parent's support from the
15 member in the 12-month period immediately preceding the
16 member's death or the accident which was the direct cause of
17 the member's death. The dependency of such a parent will be
18 considered terminated by marriage of the parent subsequent to
19 the death of the member.
- 20 g. "Widower" means the man to whom a member was married
21 at least five years before the date of her death and to whom she
22 continued to be married until the date of her death and who was
23 receiving at least 1/2 of his support from the member in the 12
24 month period immediately preceding the member's death or the
25 accident which was the direct cause of the member's death. The
26 dependency of such a widower will be considered terminated by
27 marriage of the widower subsequent to the death of the member.
28 In the event of the payment of an accidental death benefit, the
29 five year qualification shall be waived.
- 30 h. "Final compensation" means the average annual
31 compensation for which contributions are made for the three
32 years of creditable service in New Jersey immediately preceding
33 [his] the member's retirement or death, or it shall mean the
34 average annual compensation for New Jersey service for which
35 contributions are made during any three fiscal years of his or her
36 membership providing the largest possible benefit to the member
37 or [his] the member's beneficiary.
- 38 i. "Fiscal year" means any year commencing with July 1 and
39 ending with June 30 next following.
- 40 j. "Medical board" shall mean the board of physicians provided
41 for in section 17 (C.43:15A-17).
- 42 k. "Pension" means payments for life derived from
43 appropriations made by the employer as provided in this act.
- 44 l. "Pension reserve" means the present value of all payments
45 to be made on account of any pension or benefit in lieu of a
46 pension granted under the provisions of this act, computed on the
47 basis of such mortality tables recommended by the actuary as the
48 board of trustees adopts, with regular interest.
- 49 m. "Public Employees' Retirement System of New Jersey,"

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

8 n. "Regular interest" shall mean interest as determined
9 annually by the State Treasurer after consultation with the
10 Directors of the Divisions of Investment and Pensions and the
11 actuary of the system. It shall bear a reasonable relationship to
12 the percentage rate of earnings on investments but shall not
13 exceed 105% of such percentage rate.

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

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

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

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

41 (4) The Peking relief expedition between June 20, 1900, and
42 May 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,
46 and April 1, 1909;

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

49 (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
5 [September 2, 1945] December 31, 1946, who shall have served at
6 least 90 days in such active service, exclusive of any period [he
7 was assigned] of assignment (1) for a course of education or
8 training under the Army Specialized Training Program or the
9 Navy College Training Program which course was a continuation
10 of [his] a civilian course and was pursued to completion, or (2) as
11 a cadet or midshipman at one of the service academies any part
12 of which 90 days was served between said dates; provided, that
13 any person receiving an actual service-incurred injury or
14 disability shall be classed as a veteran whether or not [he] that
15 person has completed the 90-day service as herein provided[.];

16 (11) Korean conflict on or after June 23, 1950, and on or prior
17 to [July 27, 1953] January 31, 1955, who shall have served at least
18 90 days in such active service, exclusive of any period [he was
19 assigned] of assignment (1) for a course of education or training
20 under the Army Specialized Training Program or the Navy
21 College Training Program which course was a continuation of
22 [his] a civilian course and was pursued to completion, or (2) as a
23 cadet or midshipman at one of the service academies, any part of
24 which 90 days was served between said dates; provided, that any
25 person receiving an actual service-incurred injury or disability
26 shall be classed as a veteran whether or not [he] that person has
27 completed the 90-day service as herein provided; and provided
28 further, that any member classed as a veteran pursuant to this
29 subparagraph prior to August 1, 1966, shall continue to be classed
30 as a veteran whether or not [he] that person completed the
31 90-day service between said dates as herein provided[.];

32 (12) Vietnam conflict on or after December 31, 1960, and on
33 or prior to [the date of termination as proclaimed by the
34 Governor] May 7, 1975, who shall have served at least 90 days in
35 such active service, exclusive of any period [he was assigned] of
36 assignment (1) for a course of education or training under the
37 Army Specialized Training Program or the Navy College Training
38 Program which course was a continuation of [his] a civilian course
39 and was pursued to completion, or (2) as a cadet or midshipman at
40 one of the service academies, any part of which 90 days was
41 served between said dates; and exclusive of any service
42 performed pursuant to the provisions of section 511 (d) of Title
43 10, United States Code, pursuant to an enlistment in the Army
44 National Guard or as a reserve for service in the Army Reserve,
45 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or
46 Coast Guard Reserve; provided, that any person receiving an
47 actual service-incurred injury or disability shall be classed as a
48 veteran whether or not [he] that person has completed the 90
49 days service as herein provided;

1 (13) Lebanon peacekeeping mission, on or after September 26,
2 1982, who has served in Lebanon or on board any ship actively
3 engaged in patrolling the territorial waters of that nation for a
4 period, continuous or in the aggregate, of at least 14 days
5 commencing on or before the date of termination of that mission,
6 as proclaimed by the President of the United States, Congress or
7 the Governor, whichever date of termination is the latest, in such
8 active service; provided, that any person receiving an actual
9 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 (14) Grenada peacekeeping mission, on or after October 25,
13 1983, who has served in Grenada or on board any ship actively
14 engaged in patrolling the territorial waters of that nation for a
15 period, continuous or in the aggregate, of at least 14 days
16 commencing on or before the date of termination of that mission,
17 as proclaimed by the President of the United States, Congress or
18 the Governor, whichever date of termination is the latest, in such
19 active service; provided, that any person receiving an actual
20 service-incurred injury or disability shall be classed as a veteran
21 whether or not that person has completed the 14 days service as
22 herein provided;

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

36 (16) Operation "Desert Shield/Desert Storm" mission in the
37 Arabian peninsula and the Persian Gulf, on or after the date of
38 inception of that operation, as proclaimed by the President of the
39 United States, Congress or the Governor, whichever date of
40 inception is earliest, who has served in the Arabian peninsula or
41 on board any ship actively engaged in patrolling the Persian Gulf
42 for a period, continuous or in the aggregate, of at least 14 days
43 commencing on or before the date of termination of that mission,
44 as proclaimed by the President of the United States, Congress or
45 the Governor, whichever date of termination is the latest, in such
46 active 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 ¹ .

1 q. "Widow" means the woman to whom a member was married
2 at least five years before the date of his death and to whom he
3 continued to be married until the date of his death and who was
4 receiving at least 1/2 of her 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 widow will be considered terminated by
8 the marriage of the widow subsequent to the member's death. In
9 the event of the payment of an accidental death benefit, the
10 five-year qualification shall be waived.

11 r. "Compensation" means the base or contractual salary, for
12 services as an employee, which is in accordance with established
13 salary policies of the member's employer for all employees in the
14 same position but shall not include individual salary adjustments
15 which are granted primarily in anticipation of the member's
16 retirement or additional remuneration for performing temporary
17 or extracurricular duties beyond the regular work day or the
18 regular work year. In cases where salary includes maintenance,
19 the retirement system shall fix the value of that part of the
20 salary not paid in money which shall be considered under this act.
21 (cf: P.L.1972, c.166, s.3)

22 5. (New section) a. A retiree of the system who meets the
23 definition of a veteran pursuant to this act, or the surviving
24 spouse of a retiree, shall be eligible to receive the special
25 veterans' retirement allowance pursuant to section 61 of
26 P.L.1954, c.84 (C.43:15A-61) in lieu of the retirement allowance
27 that a retiree, or the surviving spouse of a retiree, is receiving on
28 the effective date of this act.

29 b. The provisions of section 7 of P.L.1969, c.169 (C.43:3B-8)
30 shall not apply to ¹[section 61 of P.L.1954, c.84 (C.43:15A-61)]
31 the benefit increase that results from this 1990 amendatory and
32 supplementary act¹, and the annual cost of living adjustment
33 received by widows and widowers under P.L.1958, c.143
34 (C.43:3B-1 et seq) shall be calculated as of the date of
35 retirement of a retiree of the system. The State shall pay the
36 additional costs arising from any increase in the cost of living
37 adjustment received by a retiree of the system who meets the
38 definition of a veteran as a result of this act or the surviving
39 spouse of a retiree.

40 c. No retiree of the system who meets the definition of a
41 veteran pursuant to this act, or the surviving spouse of a retiree,
42 shall be granted a retroactive payment based upon the difference
43 between the retirement allowance that the retiree of the system,
44 or the surviving spouse of the retiree, would have received if that
45 retiree of the system had met the definition of a veteran on the
46 date of retirement and the retirement allowance that the retiree
47 of the system, or the surviving spouse of the retiree, has received
48 from the date of retirement to the effective date of this act.

49 6. Section 1 of P.L.1983, c.391 (C.43:16A-11.7) is amended to

1 read as follows:

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

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

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

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

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

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

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

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

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

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

40 (10) World War II, between September 16, 1940, and
41 [September 2, 1945] December 31, 1946, who shall have served at
42 least 90 days in such active service, exclusive of any period [he
43 was assigned] of assignment (1) for a course of education or
44 training under the Army Specialized Training Program or the
45 Navy College Training program which course was a continuation
46 of [his] a civilian course and was pursued to completion, or (2) as
47 a cadet or midshipman at one of the service academies any part
48 of which 90 days was served between said dates; provided, that
49 any person receiving an actual service-incurred injury or

1 disability shall be classed as a veteran whether or not [he] that
2 person has completed the 90-day service as herein provided;

3 (11) Korean conflict on or after June 23, 1950, and on or prior
4 to [July 27, 1953,] January 31, 1955, who shall have served at
5 least 90 days in such active service, exclusive of any period [he
6 was assigned] of assignment (1) for a course of education or
7 training under the Army Specialized Training Program or the
8 Navy College Training Program which course was a continuation
9 of [his] a civilian course and was pursued to completion, or (2) as
10 a cadet or midshipman at one of the service academies, any part
11 of which 90 days was served between said dates; provided, that
12 any person receiving an actual service-incurred injury or
13 disability shall be classed as a veteran whether or not [he] that
14 person has completed the 90-day service as herein provided; and
15 provided further, that any member classed as a veteran pursuant
16 to this subparagraph prior to August 1, 1966, shall continue to be
17 classed as a veteran whether or not [he] the member completed
18 the 90-day service between said dates as herein provided;

19 (12) Vietnam conflict on or after December 31, 1960, and on
20 or prior to [the date of termination as proclaimed by the
21 Governor] May 7, 1975, who shall have served at least 90 days in
22 such active service, exclusive of any period [he was assigned] of
23 assignment (1) for a course of education or training under the
24 Army Specialized Training Program or the Navy College Training
25 Program which course was a continuation of [his] a civilian course
26 and was pursued to completion, or (2) as a cadet or midshipman at
27 one of the service academies, any part of which 90 days was
28 served between said dates; and exclusive of any service
29 performed pursuant to the provisions of section 511 (d) of Title
30 10, United States Code, pursuant to an enlistment in the Army
31 National Guard or as a reserve for service in the Army Reserve,
32 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or
33 Coast Guard Reserve; provided, that any person receiving an
34 actual service-incurred injury or disability shall be classed as a
35 veteran whether or not [he] that person has completed the 90
36 days' service as herein provided;

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

48 (14) Grenada peacekeeping mission, on or after October 25,
49 1983, who has served in Grenada or on board any ship actively

1 engaged in patrolling the territorial waters of that nation for a
2 period, continuous or in the aggregate, of at least 14 days
3 commencing on or before the date of termination of that mission,
4 as proclaimed by the President of the United States, Congress or
5 the 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 (15) Panama peacekeeping mission, on or after the date of
11 inception of that mission, as proclaimed by the President of the
12 United States, Congress or the Governor, whichever date of
13 inception is earliest, who has served in Panama or on board any
14 ship actively engaged in patrolling the territorial waters of that
15 nation for a period, continuous or in the aggregate, of at least 14
16 days commencing on or before the date of termination of that
17 mission, as proclaimed by the President of the United States,
18 Congress or the Governor, whichever date of termination is the
19 latest, in such active service; provided, that any person receiving
20 an actual service-incurred injury or disability shall be classed as
21 a veteran whether or not that person has completed the 14 days
22 service as herein provided¹;

23 (16) Operation "Desert Shield/Desert Storm" mission in the
24 Arabian peninsula and the Persian Gulf, on or after the date of
25 inception of that operation, as proclaimed by the President of the
26 United States, Congress or the Governor, whichever date of
27 inception is earliest, who has served in the Arabian peninsula or
28 on board any ship actively engaged in patrolling the Persian Gulf
29 for a period, continuous or in the aggregate, of at least 14 days
30 commencing on or before the date of termination of that mission,
31 as proclaimed by the President of the United States, Congress or
32 the Governor, whichever date of termination is the latest, in such
33 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 provided¹ .

37 (cf: P.L.1983, c.391, s.1)

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

40 1. As used in this act:

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

43 ¹Operation "Desert Shield/Desert Storm" mission in the
44 Arabian peninsula and the Persian Gulf, on or after the date of
45 inception of that operation, as proclaimed by the President of the
46 United States, Congress or the Governor, whichever date of
47 inception is earliest, who has served in the Arabian peninsula or
48 on board any ship actively engaged in patrolling the Persian Gulf
49 for a period, continuous or in the aggregate, of at least 14 days

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

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

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

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

43 The Vietnam conflict, December 31, 1960, to [the date of
44 termination as proclaimed by the Governor] May 7, 1975;

45 The Korean conflict, June 23, 1950 to [July 27, 1953]
46 January 31, 1955;

47 World War II, [December 7, 1941] September 16, 1940 to
48 [September 2, 1945] December 31, 1946;

49 World War I, April 6, 1917 to November 11, 1918, and in the

1 case of service with the United States military forces in Russia,
2 April 6, 1917 to April 1, 1920;

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

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

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

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

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

28 (e) "Pre-tax year" means the particular calendar year
29 immediately preceding the "tax year."

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

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

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

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

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

48 1. A citizen and resident of this State who has died or shall die
49 while on active duty in time of war in any branch of the Armed

1 Forces of the United States; or

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

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

11 (k) "Cooperative" means a housing corporation or association
12 incorporated or organized under the laws of New Jersey which
13 entitles a shareholder thereof to possess and occupy for dwelling
14 purposes a house, apartment or other structure owned or leased
15 by the corporation or association;

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

22 (cf: P.L.1989, c.252, s.5.)

23 8. This act shall take effect ²[immediately] upon the
24 enactment into law of P.L. , c. (C.) (now pending before the
25 Legislature as Senate, No. 277 of 1990)².

26

27

28

VETERANS

29

30 Extends service dates of World War II, and the Korean and
31 Vietnam conflicts to include the dates in federal law; extends
32 benefits to veterans of Lebanon, Grenada and Panama
33 peace-keeping missions.

ASSEMBLY, No. 1423

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen DOYLE and ROMA

1 AN ACT conforming the dates of World War II, the Korean
2 Conflict and Vietnam era as found in the laws of this State to
3 the dates as found in federal law, providing for the extension
4 of eligibility for certain benefits to veterans of certain
5 peacekeeping operations of the Armed Forces of the United
6 States and amending N.J.S.11A:5-1, N.J.S.18A:66-2, P.L.1954,
7 c.84, P.L.1983, c.391, and P.L.1963, c.171.

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;

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

Matter underlined thus is new matter.

1 (2) World War II, on or after September 16, 1940, who shall
2 have served at least 90 days beginning on or before [September 2,
3 1945] December 31, 1946 in such active service, exclusive of any
4 period [assigned] of assignment for a course of education or
5 training under the Army Specialized Training Program or the
6 Navy College Training Program, which course was a continuation
7 of a civilian course and was pursued to completion, or as a cadet
8 or midshipman at one of the service academies; except that any
9 person receiving an actual service-incurred injury or disability
10 shall be classed a veteran whether or not that person has
11 completed the 90-day service;

12 (3) Korean conflict, on or after June 23, 1950, who shall have
13 served at least 90 days beginning on or before [July 27, 1953]
14 January 31, 1955, in active service, exclusive of any period
15 [assigned] of assignment for a course of education or training
16 under the Army Specialized Training Program or the Navy
17 College Training Program, which course was a continuation of a
18 civilian course and was pursued to completion, or as a cadet or
19 midshipman at one of the service academies; except that any
20 person receiving an actual service-incurred injury or disability
21 shall be classed as a veteran, whether or not that person has
22 completed the 90-day service;

23 (4) Vietnam conflict, on or after December 31, 1960, who shall
24 have served at least 90 days beginning on or before [August 1,
25 1974] May 7, 1975, in active service, exclusive of any period
26 [assigned] of assignment for a course of education or training
27 under the Army Specialized Training Program or the Navy
28 College Training Program, which course was a continuation of a
29 civilian course and was pursued to completion, or as a cadet or
30 midshipman at one of the service academies, and exclusive of any
31 service performed pursuant to the provisions of section 511(d) of
32 Title 10, United States Code, or exclusive of any service
33 performed pursuant to enlistment in the National Guard or the
34 Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps
35 Reserve, or Coast Guard Reserve; except that any person
36 receiving an actual service-incurred injury or disability shall be
37 classed as a veteran, whether or not that person has completed
38 the 90-day service as provided;

39 (5) Lebanon peacekeeping mission, after September 26, 1982,
40 who has served in Lebanon or on board any ship actively engaged
41 in patrolling the territorial waters of that nation for a period,
42 continuous or in the aggregate, of at least 90 days commencing
43 on or before the date of termination of that mission, as
44 proclaimed by the President of the United States, Congress or the
45 Governor, whichever date of termination is the latest, in such
46 active 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 90 days service as

1 herein provided;

2 (6) Grenada peacekeeping mission, on or after October 25,
3 1983, who has served in Grenada or on board any ship actively
4 engaged in patrolling the territorial waters of that nation for a
5 period, continuous or in the aggregate, of at least 90 days
6 commencing on or before the date of termination of that mission,
7 as proclaimed by the President of the United States, Congress or
8 the Governor, whichever date of termination is the latest, in such
9 active service; provided, that any person receiving an actual
10 service-incurred injury or disability shall be classed as a veteran
11 whether or not that person has completed the 90 days service as
12 herein provided;

13 c. "War service" means service by a veteran in any war or
14 conflict described in this chapter during the periods specified.
15 (cf: N.J.S.11A:5-1)

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

17 18A:66-2. As used in this article:

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

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

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

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

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

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

48 h. "Pension" means payments for life derived from

1 appropriations made by the State or employers to the Teachers'
2 Pension and Annuity Fund.

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

8 j. "Pension reserve" means the present value of all payments
9 to be made on account of any pension or benefit in lieu of a
10 pension granted to a member from the Teachers' Pension and
11 Annuity Fund, computed on the basis of such mortality tables
12 recommended by the actuary as the board of trustees adopts,
13 with regular interest.

14 k. "Present-entrant" means any member of the Teachers'
15 Pension and Annuity Fund who had established status as a
16 "present-entrant 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
19 with N.J.S.18A:66-29.

20 m. "Regular interest" shall mean interest as determined
21 annually by the State Treasurer after consultation with the
22 directors of the Divisions of Investment and Pensions and the
23 actuary of the fund. It shall bear a reasonable relationship to the
24 percentage rate of earnings on investments but shall not exceed
25 105% of such percentage rate.

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

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

29 p. "Teacher" means any regular teacher, special teacher,
30 helping teacher, teacher clerk, principal, vice-principal,
31 supervisor, supervising principal, director, superintendent, city
32 superintendent, assistant city superintendent, county
33 superintendent, State Commissioner or Assistant Commissioner
34 of Education, members of the State Department of Education
35 who are certificated, unclassified professional staff and other
36 members of the teaching or professional staff of any class, public
37 school, high school, normal school, model school, training school,
38 vocational school, truant reformatory school, or parental school,
39 and of any and all classes or schools within the State conducted
40 under the order and superintendence, and wholly or partly at the
41 expense of the State Board of Education, of a duly elected or
42 appointed board of education, board of school directors, or board
43 of trustees of the State or of any school district or normal school
44 district thereof, and any persons under contract or engagement to
45 perform one or more of these functions. No person shall be
46 deemed a teacher within the meaning of this article who is a
47 substitute teacher. In all cases of doubt the board of trustees
48 shall determine whether any person is a teacher as defined in this

1 article.

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

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

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

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

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

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

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

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

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

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

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

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

1 [September 2, 1945] December 31, 1946, who shall have served at
2 least 90 days in such active service, exclusive of any period [he
3 was assigned] of assignment (1) for a course of education or
4 training under the Army Specialized Training Program or the
5 Navy College Training Program, which course was a continuation
6 of [his] a civilian course and was pursued to completion, or (2) as
7 a cadet or midshipman at one of the service academies, any part
8 of which 90 days was served between said dates; provided that
9 any person receiving an actual service-incurred injury or
10 disability shall be classed as a veteran, whether or not [he] that
11 person has completed the 90-day service as herein provided;

12 (11) Korean conflict on or after June 23, 1950, and on or prior
13 to [July 27, 1953] January 31, 1955, who shall have served at least
14 90 days in such active service, exclusive of any period [he was
15 assigned] of assignment (1) for a course of education or training
16 under the Army Specialized Training Program or the Navy
17 College Training Program, which course was a continuation of
18 [his] a civilian course and was pursued to completion, or (2) as a
19 cadet or midshipman at one of the service academies, any part of
20 which 90 days was served between said dates; provided that any
21 person receiving an actual service-incurred injury or disability
22 shall be classed as a veteran, whether or not [he] that person has
23 completed the 90-day service as herein provided; and provided
24 further that any member classed as a veteran pursuant to this
25 subsection prior to August 1, 1966, shall continue to be classed as
26 a veteran, whether or not [he] that person completed the 90-day
27 service between said dates as herein provided;

28 (12) Vietnam conflict, on or after December 31, 1960, and on
29 or prior to [the date of termination as proclaimed by the
30 Governor] May 7, 1975, who shall have served at least 90 days in
31 such active service, exclusive of any period [he was assigned] of
32 assignment (1) for a course of education or training under the
33 Army Specialized Training Program or the Navy College Training
34 Program, which course was a continuation of [his] a civilian
35 course and was pursued to completion, or (2) as a cadet or
36 midshipman at one of the service academies, any part of which 90
37 days was served between said dates; and exclusive of any service
38 performed pursuant to the provisions of section 511(d) of Title 10,
39 United States Code, pursuant to an enlistment in the Army
40 National Guard or as a reserve for service in the Army Reserve,
41 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or
42 Coast Guard Reserve; provided that any person receiving an
43 actual service-incurred injury or disability shall be classed as a
44 veteran, whether or not [he] that person has completed the
45 90-day service as provided;

46 (13) Lebanon peacekeeping mission, after September 26, 1982,
47 who has served in Lebanon or on board any ship actively engaged
48 in patrolling the territorial waters of that nation for a period,

1 continuous or in the aggregate, of at least 90 days commencing
2 on or before the date of termination of that mission, as
3 proclaimed by the President of the United States, Congress or the
4 Governor, whichever date of termination is the latest, in such
5 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 90 days service as
8 herein provided;

9 (14) Grenada peacekeeping mission, on or after October 25,
10 1983, who has served in Grenada or on board any ship actively
11 engaged in patrolling the territorial waters of that nation for a
12 period, continuous or in the aggregate, of at least 90 days
13 commencing on or before the date of termination of that mission,
14 as proclaimed by the President of the United States, Congress or
15 the Governor, whichever date of termination is the latest, in such
16 active service; provided, that any person receiving an actual
17 service-incurred injury or disability shall be classed as a veteran
18 whether or not that person has completed the 90 days service as
19 herein provided.

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

27 t. "Widower" means the man to whom a member was married
28 at least five years before the date of her death and to whom she
29 continued to be married until the date of her death and who was
30 receiving at least one-half of his support from the member in the
31 12-month period immediately preceding the member's death or
32 the accident which was the direct cause of the member's death.
33 The dependency of such a widower will be considered terminated
34 by marriage of the widower subsequent to the death of the
35 member. In the event of the payment of an accidental death
36 benefit, the five-year qualification shall be waived.

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

47 v. "Parent" means the parent of a member who was receiving
48 at least one-half of [his] the parent's support from the member

1 in the 12-month period immediately preceding the member's
2 death or the accident which was the direct cause of the
3 member's death. The dependency of such a parent will be
4 considered terminated by marriage of the parent subsequent to
5 the death of the member.

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

8 (cf: P.L.1986, c.24, s.1)

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

11 6. As used in this act:

12 a. "Accumulated deductions" means the sum of all the
13 amounts, deducted from the compensation of a member or
14 contributed by [him] or on [his] behalf of the member, standing to
15 the credit of [his] the member's individual account in the annuity
16 savings fund.

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

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

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

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

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

40 g. "Widower" means the man to whom a member was married
41 at least five years before the date of her death and to whom she
42 continued to be married until the date of her death and who was
43 receiving at least 1/2 of his support from the member in the 12
44 month period immediately preceding the member's death or the
45 accident which was the direct cause of the member's death. The
46 dependency of such a widower will be considered terminated by
47 marriage of the widower subsequent to the death of the member.
48 In the event of the payment of an accidental death benefit, the

1 five year qualification shall be waived.

2 h. "Final compensation" means the average annual
3 compensation for which contributions are made for the three
4 years of creditable service in New Jersey immediately preceding
5 [his] the member's retirement or death, or it shall mean the
6 average annual compensation for New Jersey service for which
7 contributions are made during any three fiscal years of his or her
8 membership providing the largest possible benefit to the member
9 or [his] the member's beneficiary.

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

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

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

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

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

29 n. "Regular interest" shall mean interest as determined
30 annually by the State Treasurer after consultation with the
31 Directors of the Divisions of Investment and Pensions and the
32 actuary of the system. It shall bear a reasonable relationship to
33 the percentage rate of earnings on investments but shall not
34 exceed 105% of such percentage rate.

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

36 p. "Veteran" means any honorably discharged officer, soldier,
37 sailor, airman, marine or nurse who served in any Army, Air
38 Force or Navy of the Allies of the United States in World War I,
39 between July 14, 1914, and November 11, 1918, or who served in
40 any Army, Air Force or Navy of the Allies of the United States in
41 World War II, between September 1, 1939, and September 2, 1945,
42 and who was inducted into such service through voluntary
43 enlistment, and was a citizen of the United States at the time of
44 such enlistment, and who did not, during or by reason of such
45 service, renounce or lose [his] United States citizenship, and any
46 officer, soldier, sailor, marine, airman, nurse or army field clerk,
47 who has served in the active military or naval service of the
48 United States and has or shall be discharged or released

1 therefrom under conditions other than dishonorable, in any of the
2 following wars, uprisings, insurrections, expeditions, or
3 emergencies, and who has presented to the retirement system
4 evidence of such record of service in form and content
5 satisfactory to said retirement system:

6 (1) The Indian wars and uprisings during any of the periods
7 recognized by the War Department of the United States as
8 periods of active hostility;

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

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

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

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

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

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

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

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

26 (10) World War II, between September 16, 1940, and
27 [September 2, 1945] December 31, 1946, who shall have served at
28 least 90 days in such active service, exclusive of any period [he
29 was assigned] of assignment (1) for a course of education or
30 training under the Army Specialized Training Program or the
31 Navy College Training Program which course was a continuation
32 of [his] a civilian course and was pursued to completion, or (2) as
33 a cadet or midshipman at one of the service academies any part
34 of which 90 days was served between said dates; provided, that
35 any person receiving an actual service-incurred injury or
36 disability shall be classed as a veteran whether or not [he] that
37 person has completed the 90-day service as herein provided[.];

38 (11) Korean conflict on or after June 23, 1950, and on or prior
39 to [July 27, 1953] January 31, 1955, who shall have served at least
40 90 days in such active service, exclusive of any period [he was
41 assigned] of assignment (1) for a course of education or training
42 under the Army Specialized Training Program or the Navy
43 College Training Program which course was a continuation of
44 [his] a civilian course and was pursued to completion, or (2) as a
45 cadet or midshipman at one of the service academies, any part of
46 which 90 days was served between said dates; provided, that any
47 person receiving an actual service-incurred injury or disability
48 shall be classed as a veteran whether or not [he] that person has

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

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

24 (13) Lebanon peacekeeping mission, after September 26, 1982,
25 who has served in Lebanon or on board any ship actively engaged
26 in patrolling the territorial waters of that nation for a period,
27 continuous or in the aggregate, of at least 90 days commencing
28 on or before the date of termination of that mission, as
29 proclaimed by the President of the United States, Congress or the
30 Governor, whichever date of termination is the latest, in such
31 active service; provided, that any person receiving an actual
32 service-incurred injury or disability shall be classed as a veteran
33 whether or not that person has completed the 90 days service as
34 herein provided;

35 (14) Grenada peacekeeping mission, on or after October 25,
36 1983, who has served in Grenada or on board any ship actively
37 engaged in patrolling the territorial waters of that nation for a
38 period, continuous or in the aggregate, of at least 90 days
39 commencing on or before the date of termination of that mission,
40 as proclaimed by the President of the United States, Congress or
41 the Governor, whichever date of termination is the latest, in such
42 active service; provided, that any person receiving an actual
43 service-incurred injury or disability shall be classed as a veteran
44 whether or not that person has completed the 90 days service as
45 herein provided.

46 q. "Widow" means the woman to whom a member was married
47 at least five years before the date of his death and to whom he

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

9 r. "Compensation" means the base or contractual salary, for
10 services as an employee, which is in accordance with established
11 salary policies of the member's employer for all employees in the
12 same position but shall not include individual salary adjustments
13 which are granted primarily in anticipation of the member's
14 retirement or additional remuneration for performing temporary
15 or extracurricular duties beyond the regular work day or the
16 regular work year. In cases where salary includes maintenance,
17 the retirement system shall fix the value of that part of the
18 salary not paid in money which shall be considered under this act.
19 (cf: P.L.1972, c.166, s.3)

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

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

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

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

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

48 (4) The Peking relief expedition between June 20, 1900, and

1 May 27, 1902;

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

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

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

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

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

12 (10) World War II, between September 16, 1940, and
13 [September 2, 1945] December 31, 1946, who shall have served at
14 least 90 days in such active service, exclusive of any period [he
15 was assigned] of assignment (1) for a course of education or
16 training under the Army Specialized Training Program or the
17 Navy College Training Program which course was a continuation
18 of [his] a civilian course and was pursued to completion, or (2) as
19 a cadet or midshipman at one of the service academies any part
20 of which 90 days was served between said dates; provided, that
21 any person receiving an actual service-incurred injury or
22 disability shall be classed as a veteran whether or not [he] that
23 person has completed the 90-day service as herein provided;

24 (11) Korean conflict on or after June 23, 1950, and on or prior
25 to [July 27, 1953,] January 31, 1955, who shall have served at
26 least 90 days in such active service, exclusive of any period [he
27 was assigned] of assignment (1) for a course of education or
28 training under the Army Specialized Training Program or the
29 Navy College Training Program which course was a continuation
30 of [his] a civilian course and was pursued to completion, or (2) as
31 a cadet or midshipman at one of the service academies, any part
32 of which 90 days was served between said dates; provided, that
33 any person receiving an actual service-incurred injury or
34 disability shall be classed as a veteran whether or not [he] that
35 person has completed the 90-day service as herein provided; and
36 provided further, that any member classed as a veteran pursuant
37 to this subparagraph prior to August 1, 1966, shall continue to be
38 classed as a veteran whether or not [he] the member completed
39 the 90-day service between said dates as herein provided;

40 (12) Vietnam conflict on or after December 31, 1960, and on
41 or prior to [the date of termination as proclaimed by the
42 Governor] May 7, 1975, who shall have served at least 90 days in
43 such active service, exclusive of any period [he was assigned] of
44 assignment (1) for a course of education or training under the
45 Army Specialized Training Program or the Navy College Training
46 Program which course was a continuation of [his] a civilian course
47 and was pursued to completion, or (2) as a cadet or midshipman at
48 one of the service academies, any part of which 90 days was

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

10 (13) Lebanon peacekeeping mission, after September 26, 1982,
11 who has served in Lebanon or on board any ship actively engaged
12 in patrolling the territorial waters of that nation for a period,
13 continuous or in the aggregate, of at least 90 days commencing
14 on or before the date of termination of that mission, as
15 proclaimed by the President of the United States, Congress or the
16 Governor, whichever date of termination is the latest, in such
17 active service; provided, that any person receiving an actual
18 service-incurred injury or disability shall be classed as a veteran
19 whether or not that person has completed the 90 days service as
20 herein provided;

21 (14) Grenada peacekeeping mission, on or after October 25,
22 1983, who has served in Grenada or on board any ship actively
23 engaged in patrolling the territorial waters of that nation for a
24 period, continuous or in the aggregate, of at least 90 days
25 commencing on or before the date of termination of that mission,
26 as proclaimed by the President of the United States, Congress or
27 the Governor, whichever date of termination is the latest, in such
28 active service; provided, that any person receiving an actual
29 service-incurred injury or disability shall be classed as a veteran
30 whether or not that person has completed the 90 days service as
31 herein provided.

32 (cf: P.L.1983, c.391, s.1)

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

35 1. As used in this act:

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

38 Grenada peacekeeping mission, on or after October 25, 1983,
39 who has served in Grenada or on board any ship actively engaged
40 in patrolling the territorial waters of that nation for a period,
41 continuous or in the aggregate, of at least 90 days commencing
42 on or before the date of termination of that mission as
43 proclaimed by the President of the United States, Congress or the
44 Governor, whichever date of termination is the latest, in such
45 active service; provided, that any person receiving an actual
46 service-incurred injury or disability shall be classed as a veteran
47 whether or not that person has completed the 90 days service as
48 herein provided;

1 Lebanon peacekeeping mission, after September 26,1982, who
2 has served in Lebanon or on board any ship actively engaged in
3 patrolling the territorial waters of that nation for a period,
4 continuous or in the aggregate, of at least 90 days commencing
5 on or before the date of termination of that mission, as
6 proclaimed by the President of the United States, Congress or the
7 Governor, whichever date of termination is the latest, in such
8 active service; provided, that any person receiving an actual
9 service-incurred injury or disability shall be classed as a veteran
10 whether or not that person has completed the 90 days service as
11 herein provided;

12 The Vietnam conflict, December 31, 1960, to [the date of
13 termination as proclaimed by the Governor] May 7, 1975;

14 The Korean conflict, June 23, 1950 to [July 27, 1953]
15 January 31, 1955;

16 World War II, [December 7, 1941] September 16, 1940 to
17 September 2, 1945] December 31, 1946;

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

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

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

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

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

31 (d) "Honorably discharged or released under honorable
32 circumstances from active service in time of war," means and
33 includes every form of separation from active, full-time duty
34 with military or naval pay and allowances in some branch of the
35 Armed Forces of the united States in time of war, other than
36 those marked "dishonorable," "undesirable," "bad conduct," "by
37 sentence of general court martial," "by sentence of summary
38 court martial" or similar expression indicating that the discharge
39 or release was not under honorable circumstances. A
40 disenrollment certificate or other form of release terminating
41 temporary service in a military or naval branch of the armed
42 forces rendered on a voluntary and part-time basis without pay,
43 or a release from or deferment of induction into the active
44 military or naval service shall not be deemed to be included in
45 the aforementioned phrase.

46 (e) "Pre-tax year" means the particular calendar year
47 immediately preceding the "tax year."

48 (f) "Resident" means one legally domiciled within the State of

1 New Jersey. Mere seasonal or temporary residence within the
2 State, of whatever duration, shall not constitute domicile within
3 the State for the purposes of this act. Absence from this State
4 for a period of 12 months shall be prima facie evidence of
5 abandonment of domicile in this State. The burden of
6 establishing legal domicile within the State shall be upon the
7 claimant.

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

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

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

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

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

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

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

31 (cf: P.L.1985, c.515, s.6)

32 6. This act shall take effect immediately.

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35 STATEMENT

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37 The purpose of this bill is to extend the termination dates of
38 World War II, the Korean conflict and the Vietnam conflict
39 provided for currently in certain State laws to include the
40 termination dates provided for currently in federal law.

41 Five sections of State law which define the term "veteran" are
42 affected by this bill.

43 In the definition of "veteran" for the purpose of eligibility for
44 civil service preference, the termination date of World War II is
45 changed from September 2, 1945 to December 31, 1946, the
46 termination date of the Korean conflict is changed from July 27,
47 1953 to January 31, 1955, and the termination date of the
48 Vietnam conflict is changed from August 1, 1974 to May 7, 1975.

1 In the definition of "veteran" for the purpose of eligibility for
2 enhanced benefits in the Teachers' Pension and Annuity Fund
3 (TPAF), the Public Employees' Retirement System (PERS), and
4 the Police and Firemen's Retirement System (PFRS), the
5 termination date of World War II is changed from September 2,
6 1945 to December 31, 1946, the termination date of the Korean
7 conflict is changed from July 27, 1953 to January 31, 1955, and
8 the termination date of the Vietnam conflict is changed from the
9 date "proclaimed by the Governor" to May 7, 1975.

10 In the definition of "veteran" for the purpose of eligibility for
11 the veterans' property tax rebate, the inception date of World
12 War II is changed from December 7, 1941 to September 16, 1940
13 while the termination date is changed from September 2, 1945 to
14 December 31, 1946, the termination date of the Korean conflict
15 is changed from July 27, 1953 to January 31, 1955, and the
16 termination date of the Vietnam conflict is changed from the
17 date "proclaimed by the Governor" to May 7, 1975.

18 The bill also provides for the extension of eligibility for
19 benefits in each of these five areas to veterans of:

20 1) The Lebanon peacekeeping mission, after September 26,
21 1982, who have served in Lebanon or on board any ship actively
22 engaged in patrolling the territorial waters of that nation for a
23 period, continuous or in the aggregate, of at least 90 days
24 commencing on or before the date of termination of that mission,
25 as proclaimed by the President of the United States or the
26 Governor, whichever date of termination is latest; and

27 2) The Grenada peacekeeping mission, on or after October 25,
28 1983, who have served in Grenada 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 90 days
31 commencing on or before the date of termination of that mission,
32 as proclaimed by the President of the United States or the
33 Governor, whichever date of termination is latest.

34 Finally, the bill removes sexist language from the statutes
35 being amended, making them gender neutral.

36

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38

VETERANS

39

40 Extends the inception and termination dates of World War II, the
41 Korean Conflict and the Vietnam era to include the dates in
42 federal law.

ASSEMBLY, No. 1849
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1990 SESSION

By Assemblymen DORIA and ROCCO

1 AN ACT concerning the definition of veteran with respect to the
2 civil service veterans' preference and amending R.S.11:27-1.

3

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

6 1. R.S.11:27-1 is amended to read as follows:

7 11:27-1. As used in this subtitle: "Commission" means the
8 Civil Service Commission of this State.

9 "Appointing authority" means a commission, board, person or
10 group of persons having the power authorized by law or by
11 reason, of a lawfully delegated authority, to make appointments.

12 "War service" means service by a veteran, as hereinafter
13 defined, in any war, uprising, insurrection or expedition
14 mentioned in this section during the periods specified.

15 "Veteran with a record of disability incurred in line of duty"
16 means any veteran as hereinafter defined who is eligible under
17 the United States veterans' bureau qualifications for
18 compensation for service-connected disability from World War
19 service or who is receiving or who is entitled to receive
20 equivalent compensation for service-connected disability arising
21 out of such other military or naval service hereinafter defined,
22 and has presented to the Civil Service Commission of New
23 Jersey full and convincing evidence of such record of disability
24 incurred in line of duty on or before the announced closing date
25 for filing applications for a particular examination.

26 "Veteran" means any honorably discharged soldier, sailor,
27 marine or nurse who served in any army or navy of the allies of
28 the United States in World War 1, between July 14, 1914, and
29 November 11, 1918, or who served in any army or navy of the
30 allies of the United States in World War II, between September
31 1, 1939, and September 2, 1945, and who was inducted into such
32 service through voluntary enlistment, and was a citizen of the
33 United States at the time of such enlistment, and who did not,
34 during or by reason of such service, renounce or lose his United
35 States citizenship, and any soldier, sailor, marine, airman, nurse
36 or army field clerk, who has served in the active military or
37 naval service of the United States and has or shall be discharged
38 or released therefrom under conditions other than dishonorable,

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

Matter underlined thus is new matter.

1 in any of the following wars, uprisings, insurrections or
2 expeditions, and who has presented to the Civil Service
3 Commission of New Jersey full and convincing evidence of such
4 record of service on or before the announced closing date for
5 filing applications for a particular examination:

6 (1) The Indian wars and uprisings during any of the periods
7 recognized by the War Department of the United States as
8 periods of active hostility;

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

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

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

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

18 (6) The army of Cuban pacification between October 6, 1906,
19 and April, 1909;

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

22 (8) The Mexican border patrol, having actually participated in
23 engagements against Mexicans between April 12, 1911, and June
24 16, 1919;

25 (9) World War I between April 6, 1917, and November 11,
26 1918;

27 (10) World War II, after September 16, 1940, who shall have
28 served at least 90 days commencing on or before September 2,
29 1945, in such active service, exclusive of any period he was
30 assigned (1) for a course of education or training under the Army
31 Specialized Training Program or the Navy College Training
32 Program, which course was a continuation of his civilian course
33 and was pursued to completion, or (2) as a cadet or midshipman
34 at one of the service academies; provided, that any person
35 receiving an actual service-incurred injury or disability shall be
36 classed as a veteran whether or not he has completed the 90-day
37 service as herein provided.

38 (11) Korean conflict, after June 23, 1950, who shall have
39 served at least 90 days commencing on or before July 27, 1953,
40 in such active service, exclusive of any period he was assigned
41 (1) for a course of education or training under the Army
42 Specialized Training Program or the Navy College Training
43 Program which course was a continuation of his civilian course
44 and was pursued to completion, or (2) as a cadet or midshipman
45 at one of the service academies, any part of which 90 days was
46 served between said date; provided, that any person receiving an
47 actual service-incurred injury or disability shall be classed as a
48 veteran whether or not he has completed the 90-day service as
49 herein provided.

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

19 (13) Lebanon peace-keeping mission, after September 26,
20 1982, who has served in Lebanon or on board any ship actively
21 engaged in patrolling the territorial waters of that nation for a
22 period, continuous or in the aggregate, of at least 90 days
23 commencing on or before the date of termination of that
24 mission, as proclaimed by the Governor, in such active service;
25 provided, that any person receiving an actual service-incurred
26 injury or disability shall be classed as a veteran whether or not
27 he has completed the 90 days service as herein provided.

28 (14) Grenada peace-keeping mission, on or after October 25,
29 1983, who has served in Grenada or on board any ship actively
30 engaged in patrolling the territorial waters of that nation for a
31 period, continuous or in the aggregate, of at least 90 days
32 commencing on or before the date of termination of that
33 mission, as proclaimed by the Governor, in such active service;
34 provided, that any person receiving an actual service-incurred
35 injury or disability shall be classed as a veteran whether or not
36 he has completed the 90 days service as herein provided.

37 2. This act shall take effect immediately.

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STATEMENT

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42 The purpose of this bill is to extend to the United States
43 Armed Forces veterans who have participated in the Lebanon
44 and Grenada peace-keeping missions the benefits accorded to
45 other veterans under the statutes governing civil service
46 employment.

A1849

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VETERANS

Changes the definition of "veteran" to include veterans who participated in the Lebanon and Grenada peace-keeping missions; gives these veterans benefits accorded other veterans if employed in civil service.

ASSEMBLY VETERANS AND MILITARY AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1423 and 1849

STATE OF NEW JERSEY

DATED: SEPTEMBER 13, 1990

The Assembly Veterans and Military Affairs Committee reports favorably Assembly Committee Substitute for, Assembly Nos. 1423 and 1849.

This committee substitute extends the termination dates of World War II, the Korean conflict and the Vietnam conflict provided for currently in certain State laws to include the termination dates provided for currently in federal law.

Five sections of State law which define the term "veteran" are affected by this committee substitute.

In the definition of "veteran" for the purpose of eligibility for civil service preference, the termination date of World War II is changed from September 2, 1945 to December 31, 1946, the termination date of the Korean conflict is changed from July 27, 1953 to January 31, 1955, and the termination date of the Vietnam conflict is changed from August 1, 1974 to May 7, 1975.

In 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), the termination date of World War II is changed from September 2, 1945 to December 31, 1946, the termination date of the Korean conflict is changed from July 27, 1953 to January 31, 1955, and the termination date of the Vietnam conflict is changed from the date "proclaimed by the Governor" to May 7, 1975.

In the definition of "veteran" for the purpose of eligibility for the veterans' property tax rebate, the inception date of World War II is changed from December 7, 1941 to September 16, 1940 while the termination date is changed from September 2, 1945 to December 31, 1946, the termination date of the Korean conflict is changed from July 27, 1953 to January 31, 1955, and the termination date of the Vietnam conflict is changed from the date "proclaimed by the Governor" to May 7, 1975.

The bill supplements the definition of "veteran" in TPAF and PERS to permit a retiree who meets the definition of a veteran as a result of this bill to be eligible to receive the special veterans' retirement allowance in lieu of the retirement allowance a retiree, or the surviving spouse of a retiree, is receiving on the day that the bill becomes law. The bill directs the State to pay the additional costs arising from any increase in the cost of living adjustment received by a retiree of the system who meets the definition of a veteran as a result of the bill. It prohibits, however, the granting of any retroactive payments to a retiree or the surviving spouse of a retiree.

The bill also provides for the extension of eligibility for benefits in each of these five areas to veterans of:

1) The Lebanon peacekeeping mission, on or after September 26, 1982, who have served in Lebanon or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is latest; and

2) The Grenada peacekeeping mission, on or after October 25, 1983, who have served in Grenada or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is latest.

3) The Panama peacekeeping mission, on or after the date of inception of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of inception is earliest, who have served in Panama or on board any ship actively engaged in patrolling the territorial waters of that nation for a period, continuous or in the aggregate, of at least 14 days commencing on or before the date of termination of that mission, as proclaimed by the President of the United States, Congress or the Governor, whichever date of termination is latest.

Finally, the bill removes sexist language from the statutes being amended, making them gender neutral.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1423 and 1849

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 17, 1991

The Assembly Appropriations Committee reports favorably Assembly Bill Nos. 1423 and 1849 Acs with committee amendments.

Assembly Bill Nos. 1423 and 1849 Acs, as amended, changes the definition of "veteran" in several places in State law to extend the termination dates of World War II, the Korean conflict and the Vietnam conflict to reflect the termination dates provided for currently in federal law. This change is made for the following purposes: eligibility for civil service preference; eligibility for enhanced benefits in the Teachers' Pension and Annuity Fund (TPAF) and the Public Employees' Retirement System (PERS); purchasing service credit for military service by members of the Police and Firemen's Retirement System (PFRS); and eligibility for the veterans' property tax deduction.

The bill supplements the definition of "veteran" in TPAF and PERS to permit a retiree who meets the definition of a veteran as a result of this bill to be eligible to receive the special veterans' retirement allowance in lieu of the retirement allowance a retiree, or the surviving spouse of a retiree, is receiving on the day that the bill becomes law. The bill directs the State to pay the additional costs arising from any increase in the cost of living adjustment received by a retiree of the system who meets the definition of a veteran as a result of the bill. It prohibits, however, the granting of any retroactive payments to a retiree or the surviving spouse of a retiree.

The bill, as amended, also provides for the extension of eligibility for benefits in these same areas to veterans of the Lebanon peacekeeping mission, the Grenada peacekeeping mission, the Panama peacekeeping mission and Operation "Desert Shield/Desert Storm" in the Arabian peninsula and Persian Gulf area.

FISCAL IMPACT

In a legislative fiscal estimate prepared for Assembly Bill 1423, the Office of Legislative Services concurred with the following executive branch estimates, while noting that there is no information available to confirm the number of persons who would become eligible for veterans' benefits due to this legislation. The Division of Taxation, in an estimate for similar legislation in the prior session, estimated that it would cost the State \$290,000 in FY 1990 to reimburse local taxing districts for the \$50 veterans property tax

deduction. This cost would decrease each year as the number of veterans qualifying declined. The Division of Pensions estimated the average additional cost of providing special veterans' benefits versus regular service retirement benefits at \$40,000 per person. Thus, for example, if 1,000 additional members qualify for veterans' benefits, the liability of TPAF and PERS would increase by \$40 million. This liability would be funded over a period of years.

The State would be liable for State employees in TPAF and PERS. In addition, the State would be liable for any additional costs to the Pension Adjustment Program for these additional retirees. The division states that the Pension Adjustment Program will increase to the extent veterans' benefits result in higher retirement allowances. The division estimates these costs to be 20 to 40 percent of the increase in the retirement benefit. If 1,000 additional members qualify, the cost for these members would be between \$8 and \$16 million.

In addition, the State would be liable for any increase in the Pension Adjustment Program, as a result of this legislation, for existing retirees who are retired and receiving a retirement benefit. These retirees would be eligible to receive the special veterans' retirement benefit and a COLA adjustment based upon this enhanced benefit.

The number of eligibles resulting from the amendment concerning Operation "Desert Shield/Desert Storm" is not known at this time.

COMMITTEE AMENDMENTS:

The Committee amended the bill to also extend eligibility of benefits to those veterans of Operation "Desert Shield/Desert Storm."

SENATE REVENUE, FINANCE AND
APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1423 and 1849

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1991

The Senate Revenue, Finance and Appropriations Committee reports favorably Assembly Bills Nos. 1423 and 1849 (ACS) (1R).

Assembly Bills Nos. 1423 and 1849 (ACS) (1R) change the definition of "veteran" in several places in State law to extend the termination dates of World War II, the Korean conflict and the Vietnam conflict to reflect the termination dates provided for currently in federal law. The substitute also changes the definition of "veteran" by including veterans of the Lebanon peacekeeping mission, the Grenada peacekeeping mission, the Panama peacekeeping mission and Operation "Desert Shield/Desert Storm". These changes are made for the following purposes: eligibility for civil service preference; eligibility for enhanced benefits in the Teachers' Pension and Annuity Fund (TPAF) and the Public Employees' Retirement System (PERS); purchasing service credit for military service by members of the Police and Firemen's Retirement System (PFRS); and eligibility for the veterans' property tax deduction.

The substitute supplements the definition of "veteran" in TPAF and PERS to permit a retiree who meets the definition of a veteran as a result of this substitute to be eligible to receive the special veterans' retirement allowance in lieu of the retirement allowance a retiree, or the surviving spouse of a retiree, is receiving on the day that the substitute becomes law. The substitute directs the State to pay the additional costs arising from any increase in the cost of living adjustment received by a retiree of the system who meets the definition of a veteran as a result of the substitute. It prohibits, however, the granting of any retroactive payments to a retiree or the surviving spouse of a retiree.

The substitute is identical to Senate Committee Substitute for Senate Bill No. 2195.

FISCAL IMPACT

The Division of Pensions estimates that this substitute will result in an annual increase of \$12,700,000 in payments to the pension systems by the State and local governments. Of this amount, \$7,300,000 will be paid by the State and \$5,400,000 will be paid by local governments. The Office of Legislative Services (OLS)

finds this estimate to be reasonable, but notes the difficulty in determining the number of pension fund members who may qualify as veterans under this substitute.

In addition, based upon information provided by the Division of Taxation for related legislation, the OLS estimates the additional annual State cost of providing the \$50 veterans' property tax deduction at about \$700,000.

SENATE SENIOR CITIZEN AND
VETERAN AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, Nos. 1423 and 1849

STATE OF NEW JERSEY

DATED: APRIL 25, 1991

The Senate Senior Citizen and Veteran Affairs Committee favorably reports the Assembly Committee Substitute for Assembly Bill Nos. 1423 and 1849 (1R).

Assembly Bill Nos. 1423 and 1849 ACS (1R) changes the definition of "veteran" in several places in State law to extend the termination dates of World War II, the Korean conflict and the Vietnam conflict to reflect the termination dates provided for currently in federal law. The bill also changes the definition of "veteran" by including veterans of the Lebanon peacekeeping mission, the Grenada peacekeeping mission, the Panama peacekeeping mission and Operation "Desert Shield/Desert Storm" in the Arabian peninsula and Persian Gulf area. These changes are made for the following purposes: eligibility for civil service preference; eligibility for enhanced benefits in the Teachers' Pension and Annuity Fund (TPAF) and the Public Employees' Retirement System (PERS); purchasing service credit for military service by members of the Police and Firemen's Retirement System (PFRS); and eligibility for the veterans' property tax deduction.

The bill supplements the definition of "veteran" in TPAF and PERS to permit a retiree who meets the definition of a veteran as a result of this bill to be eligible to receive the special veterans' retirement allowance in lieu of the retirement allowance a retiree, or the surviving spouse of a retiree, is receiving on the day that the bill becomes law. The bill directs the State to pay the additional costs arising from any increase in the cost of living adjustment received by a retiree of the system who meets the definition of a veteran as a result of the bill. It prohibits, however, the granting of any retroactive payments to a retiree or the surviving spouse of a retiree.

FISCAL NOTE TO
[FIRST REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1423 and 1849
STATE OF NEW JERSEY

DATED: October 29, 1991

The Assembly Committee Substitute (1R) for Assembly Bill Nos. 1423 and 1849 of 1990 extends the termination dates of World War II, the Korean conflict and the Vietnam conflict provided for currently in State law to include the termination dates provided for in federal law. The termination date of World War II would be changed from September 2, 1945 to December 31, 1946, the termination date of the Korean conflict would be changed from July 27, 1953 to January 31, 1955, and the termination date of the Vietnam conflict would be changed from August 1, 1974 to May 7, 1975. The State laws affected by this legislation cover eligibility for a property tax deduction, eligibility for civil service preference, eligibility for special veterans' benefits in the Teachers' Pension and Annuity System (TPAF) and the Public Employees' Retirement System (PERS), and eligibility for the purchase of military service credit in the Police and Firemen's Retirement System (PFRS). In addition, the bill provides for the extension of these benefits to veterans of the Lebanon, Grenada and Panama peacekeeping missions and to veterans of Operation "Desert Shield/Desert Storm". The State is required to pay for any additional costs arising from any increase in the cost-of-living adjustment received by a present retiree of TPAF or PERS who meets the definition of a veteran as result of this bill. The bill does not require retroactive payments to retirees or the surviving spouse of a retiree.

The Division of Taxation, in an estimate prepared before the bill was amended to include veterans of Operation "Desert Shield/Desert Storm", estimated the additional cost of providing the \$50 veterans' property tax deduction at \$550,000. This estimate was based on 11,000 additional veterans qualifying for this benefit. The division noted that this cost will decrease about 1.4 percent per year as the number of veterans qualifying declines. Although the division did not include veterans of Operation "Desert Shield/Desert Storm" in this estimate, the division, in an estimate prepared for Assembly Bill No. 4440 of 1991, estimated that about 5,000 New Jersey residents participated in Operation "Desert Shield/Desert Storm". Since approximately 60 percent of all veterans in New Jersey own homes, it can be estimated that the cost of providing the veterans' property tax deduction will increase about \$150,000, for a total cost of about \$700,000.

The Division of Pensions, in an estimate for similar legislation, ACS for Assembly Bills Nos. 14/2605 of 1988, stated that it had no information on which to estimate the number of individuals who

might qualify for additional pension benefits by this legislation. The division currently estimates the average additional cost of providing special veterans' benefits versus regular service retirement benefits at between \$30,000 to \$40,000 per person. Thus, for example, if 1,000 additional members qualify for veterans' benefits, the liability of TPAF and PERS would increase by between \$30 to \$40 million. This liability would be funded over a period of years.

The State would be liable for State employees in TPAF and PERS. In addition, the State would be liable for any additional costs to the Pension Adjustment Program for these additional retirees. The division states that the Pension Adjustment Program will increase to the extent veterans' benefits result in higher retirement allowances. The division estimates these costs to be 20 to 40 percent of the increase in the retirement benefit. If 1,000 additional members qualify, the cost for these members alone would be between \$6 and \$16 million.

In addition, the State would be liable for any increase in the Pension Adjustment Program, as a result of this legislation, for existing retirees who are retired and receiving a retirement benefit. These retirees would be eligible to receive the special veterans' retirement benefit and a COLA adjustment based upon this enhanced benefit.

The Office of Legislative Services concurs with these estimates but notes there is no information available to confirm the number of persons who would become eligible for veterans' benefits due to this legislation. The OLS notes that if the Division of Taxation estimate of 11,000 additional veterans qualifying for the property tax deduction is correct, an estimated 23,350 additional New Jersey residents would meet the definition for veteran status under this legislation. The OLS notes that according to the March 31, 1990 actuarial valuations of the TPAF and PERS there are 30,509 veteran members of these retirement systems, or approximately 4.4 percent of the total number of wartime veterans in the State. Applying this percentage to the estimated 23,350 additional veterans qualifying under this legislation, there could be as many as 1,027 additional members (State and local) of PERS and TPAF qualifying for veterans retirement benefits. The total liability of veterans' retirement benefits for active employees, based on 1,027 qualified retirees, would be between \$20.5 million and \$41.1 million. The OLS estimates the State liability, for State employees in PERS, to be about one-fourth of this amount, or between \$5.6 million and \$11.2 million. This estimate is based on the ratio of State employees to the total State population, ($92,899 / 7,730,188 = .012$) applied to the estimated 23,350 additional veterans. The OLS estimates the cost to local employers participating in PERS at between \$8.4 million and \$16.8 million.

The OLS notes that the State will also be liable for the additional cost to the TPAF for the next two years. The OLS estimates that approximately 327 additional local school district

employee members of TPAF will qualify. This estimate is based on the ratio of TPAF members to the total State population, ($113,964 / 7,730,188 = .014$) applied to the estimated 23,350 additional veterans. The OLS estimates the cost to the State on behalf of local school districts at between \$6.5 million and \$13.1 million. In addition, the State is liable for any increase in the cost of the Pension Adjustment Program. The OLS estimates this cost to be between \$4.1 million and \$16.4 million, for a total cost to the State of between \$16.2 million to \$40.7 million. The OLS also notes that there will be an additional cost to the Pension Adjustment Program for existing retirees who will now qualify for veterans benefits under this legislation. However, no estimate is available for this additional cost.

The OLS notes that this additional liability would be paid over a number of years as an increase in the annual normal contribution to fund PERS and TPAF.

The OLS also notes that the Department of Personnel will incur a small cost in revising various publications.

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

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, Nos. 1423 and 1849
STATE OF NEW JERSEY

DATED: November 14, 1990

The Assembly Committee Substitute for Assembly Bill Nos. 1423 and 1849 of 1990 extends the termination dates of World War II, the Korean conflict and the Vietnam conflict provided for currently in State law to include the termination dates provided for in federal law. The termination date of World War II would be changed from September 2, 1945 to December 31, 1946, the termination date of the Korean conflict would be changed from July 27, 1953 to January 31, 1955, and the termination date of the Vietnam conflict would be changed from August 1, 1974 to May 7, 1975. The State laws affected by this legislation cover eligibility for a property tax deduction, eligibility for civil service preference, eligibility for special veterans' benefits in the Teachers' Pension and Annuity System (TPAF) and the Public Employees' Retirement System (PERS), and eligibility for the purchase of military service credit in the Police and Firemen's Retirement System (PFRS). In addition, the bill provides for the extension of these benefits to veterans of the Lebanon, Grenada and Panama peacekeeping missions. The State is required to pay for any additional costs arising from any increase in the cost-of-living adjustment received by a present retiree of TPAF or PERS who meets the definition of a veteran as result of this bill. The bill does not require retroactive payments to retirees or the surviving spouse of a retiree.

The Division of Taxation, in an estimate for similar legislation, ACS for Assembly Bills Nos. 14/2605 of 1988, estimated that it would cost the State \$290,000 in FY 1990 to reimburse local taxing districts for the \$50 veterans property tax deduction. The division noted that this cost would decrease each year as the number of veterans qualifying declined.

In a fiscal note worksheet on the same bill, the Division of Pensions stated that it has no information on which to estimate the number of individuals who might be affected by this legislation. The division currently estimates the average additional cost of providing special veterans' benefits versus regular service retirement benefits at \$40,000 per person. Thus, for example, if 1,000 additional members qualify for veterans' benefits, the liability of TPAF and PERS would increase by \$40 million. This liability would be funded over a period of years.

The State would be liable for State employees in TPAF and PERS. In addition, the State would be liable for any additional costs to the Pension Adjustment Program for these additional retirees. The division states that the Pension Adjustment Program will increase to the extent veterans' benefits result in higher retirement

allowances. The division estimates these costs to be 20 to 40 percent of the increase in the retirement benefit. If 1,000 additional members qualify, the cost for these members alone would be between \$8 and \$16 million.

In addition, the State would be liable for any increase in the Pension Adjustment Program, as a result of this legislation, for existing retirees who are retired and receiving a retirement benefit. These retirees would be eligible to receive the special veterans' retirement benefit and a COLA adjustment based upon this enhanced benefit.

The Office of Legislative Services concurs with these estimates but notes there is no information available to confirm the number of persons who would become eligible for veterans' benefits due to this legislation. The OLS also notes that the Department of Personnel will incur a small cost in revising various publications.

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.