

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

ASSEMBLY, No. 1200

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

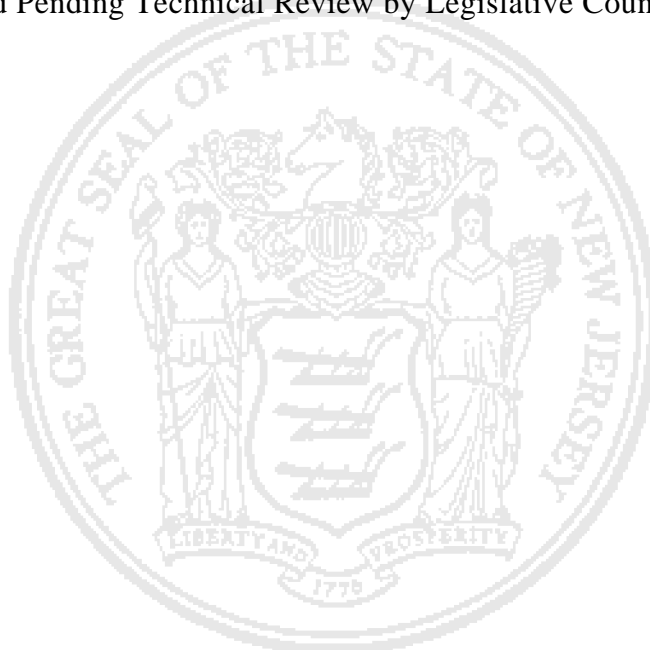
**Assemblymen Chatzidakis, LeFevre, Conaway, Connors, Corodemus,
Thompson, Malone and Arnone**

SYNOPSIS

Provides that Department of Military and Veterans' Affairs shall determine status of veterans in certain cases.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the determination of the status of persons as
2 veterans or disabled veterans, amending Title 11A of the New
3 Jersey Statutes and supplementing various parts of the statutory
4 law.

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

8
9 1. (New section) a. The Adjutant General of the Department of
10 Military and Veterans' Affairs shall determine whether any person
11 seeking to be considered a "veteran" or a "disabled veteran" under
12 N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of
13 P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391
14 (C.43:16A-11.7), meets the criteria set forth therein and shall be
15 considered a veteran or disabled veteran, as appropriate, for the
16 purposes of these laws. The Adjutant General of the Department of
17 Military and Veterans' Affairs shall adjudicate an appeal from any
18 person disputing the decision of the Adjutant General as to whether a
19 person is to be considered a veteran or disabled veteran, as
20 appropriate, for the purposes of these laws, or a decision of the
21 assessor of a taxing district as to whether the person is to be
22 considered a "veteran" under section 1 of P.L.1963, c.171 (C.54:4-
23 8.10), or as having "a service-connected disability" under section 1 of
24 P.L.1948, c.259 (C.54:4-3.30). The Adjutant General shall promptly
25 notify the public entity responsible for administering each such law of
26 the determination of the Adjutant General, and the determination shall
27 be binding on such public entities.

28 b. The Adjutant General of the Department of Military and
29 Veterans' Affairs shall promulgate, in accordance with the
30 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et
31 seq.), rules and regulations to effectuate the purposes of this act.

32
33 2. N.J.S.11A:5-1 is amended to read as follows:

34 11A:5-1. Definitions. As used in this chapter:

35 a. "Disabled veteran" means any veteran who is eligible to be
36 compensated for a service-connected disability from war service by the
37 United States Veterans Administration or who receives or is entitled
38 to receive equivalent compensation for a service-connected disability
39 which arises out of military or naval service as set forth in this chapter
40 and who has submitted sufficient evidence of the record of disability
41 incurred in the line of duty to the **[commissioner]** Adjutant General of
42 the Department of Military and Veterans' Affairs on or before the
43 closing date for filing an application for an examination;

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

Matter underlined thus is new matter.

1 b. "Veteran" means any honorably discharged soldier, sailor,
2 marine or nurse who served in any army or navy of the allies of the
3 United States in World War I, between July 14, 1914 and November
4 11, 1918, or who served in any army or navy of the allies of the United
5 States in World War II, between September 1, 1939 and September 2,
6 1945 and who was inducted into that service through voluntary
7 enlistment, and was a citizen of the United States at the time of the
8 enlistment, and who did not renounce or lose his or her United States
9 citizenship; or any soldier, sailor, marine, airman, nurse or army field
10 clerk, who has served in the active military or naval service of the
11 United States and has been discharged or released under other than
12 dishonorable conditions from that service in any of the following wars
13 or conflicts and who has presented to the [commissioner] Adjutant
14 General of the Department of Military and Veterans' Affairs sufficient
15 evidence of the record of service on or before the closing date for
16 filing an application for an examination:

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

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

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

38 (4) Vietnam conflict, on or after December 31, 1960, who shall
39 have served at least 90 days beginning on or before May 7, 1975, in
40 active service, exclusive of any period of assignment for a course of
41 education or training under the Army Specialized Training Program or
42 the Navy College Training Program, which course was a continuation
43 of a civilian course and was pursued to completion, or as a cadet or
44 midshipman at one of the service academies, and exclusive of any
45 service performed pursuant to the provisions of section 511(d) of Title
46 10, United States Code, or exclusive of any service performed

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

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

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

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

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

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

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

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

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

33 (cf: P.L.1998, c.49, s.1)

34

35 3. (New section) The Adjutant General of the Department of
36 Military and Veterans' Affairs shall be responsible for determining
37 whether any person seeking to be considered a "veteran" or a "disabled
38 veteran" under N.J.S.11A:5-1, for the purpose of receiving civil
39 service preference, meets the criteria set forth therein and adjudicating
40 an appeal from any person disputing this determination. The
41 determination of the Adjutant General shall apply only prospectively
42 from the date of initial determination or date of determination from an
43 appeal, as appropriate, and shall be binding upon the Department of
44 Personnel.

1 4. (New section) The Adjutant General of the Department of
2 Military and Veterans' Affairs shall be responsible for determining
3 whether any person seeking to be considered a "veteran" under
4 N.J.S.18A:66-2, for the purpose of eligibility for a veteran's retirement
5 allowance, meets the criteria set forth therein and adjudicating an
6 appeal from any person disputing this determination. The
7 determination of the Adjutant General shall be binding upon the
8 Division of Pensions and Benefits.

9
10 5. (New section) The Adjutant General of the Department of
11 Military and Veterans' Affairs shall be responsible for determining
12 whether any person seeking to be considered a "veteran" under section
13 6 of P.L.1954, c.84 (C.43:15A-6), for the purpose of eligibility for a
14 veteran's retirement allowance, meets the criteria set forth therein and
15 adjudicating an appeal from any person disputing this determination.
16 The determination of the Adjutant General shall be binding upon the
17 Division of Pensions and Benefits.

18
19 6. (New section) The Adjutant General of the Department of
20 Military and Veterans' Affairs shall be responsible for determining
21 whether any person seeking to be considered a "veteran" under section
22 1 of P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing
23 military service credit, meets the criteria set forth therein and
24 adjudicating an appeal from any person disputing this determination.
25 The determination of the Adjutant General shall be binding upon the
26 Division of Pensions and Benefits.

27
28 7. (New section) The Adjutant General of the Department of
29 Military and Veterans' Affairs shall adjudicate an appeal from any
30 person disputing a decision of the assessor of a taxing district as to
31 whether the person is to be considered a "veteran" under section 1 of
32 P.L.1963, c.171 (C.54:4-8.10) for the purpose of receiving a property
33 tax deduction. The determination of the Adjutant General shall be
34 binding upon the assessor of the taxing district.

35
36 8. (New section) The Adjutant General of the Department of
37 Military and Veterans' Affairs shall adjudicate an appeal from any
38 person disputing a decision of the assessor of a taxing district as to
39 whether the person is to be considered as having "a service-connected
40 disability" under section 1 of P.L.1948, c.259 (C.54:4-3.30) for the
41 purpose of receiving a property tax exemption. The determination of
42 the Adjutant General shall be binding upon the assessor of the taxing
43 district.

44
45 9. This act shall take effect on the first day of the sixth month after
46 enactment.

STATEMENT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

This bill gives the Adjutant General in the Department of Military and Veterans' Affairs responsibility for determining whether an individual meets the criteria to be considered a "veteran" or "disabled veteran" under N.J.S.A.11A:5-1 for purposes of receiving a civil service preference; or as a "veteran" under N.J.S.A.18A:66-2 or N.J.S.A.43:15A-6 for the purpose of eligibility for a veteran's retirement allowance from the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System, respectively, or N.J.S.A.43:16A-11.7 for the purpose of purchasing military service credit in the Police and Firemen's Retirement System. The Adjutant General would also be responsible for all appeals of the above determinations. It also provides that the Adjutant General will adjudicate an appeal from any person disputing a decision of the assessor of a taxing district as to whether the person is to be considered a "veteran" under section 1 of P.L.1963, c.171 (C.54:4-8.10) for the purpose of receiving a property tax deduction or as having "a service-connected disability" under section 1 of P.L.1948, c.259 (C.54:4-3.30) for the purpose of receiving a property tax exemption. The bill requires the Adjutant General to promptly notify the entity responsible for administering a law of such determination. Such determination would be binding on the public entity responsible for administering the law. Currently, the public entity responsible for administering each of these laws determines whether or not a person meets the criteria set forth therein. However, the Department of Military and Veteran's Affairs possesses greater expertise to make this determination or, in the case of a property tax deduction or exemption, to adjudicate an appeal. In addition, the department would be better able to counsel veterans regarding the documentation necessary to establish eligibility for these benefits.

ASSEMBLY COMMERCE, TOURISM, GAMING AND
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1200

STATE OF NEW JERSEY

DATED: JANUARY 27, 2000

The Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee reports favorably Assembly Bill No. 1200.

This bill gives the Adjutant General of the Department of Military and Veterans' Affairs the responsibility for determining whether an individual meets the criteria to be considered a "veteran" or "disabled veteran" for the purpose of receiving a civil service preference; or as a "veteran" for the purpose of eligibility for a veteran's retirement allowance from the Teachers' Pension and Annuity Fund or the Public Employees' Retirement System, or for the purpose of purchasing military service credit in the Police and Firemen's Retirement System. The Adjutant General would also be responsible for all appeals of the above determinations.

The bill also provides that the Adjutant General will adjudicate an appeal from any person disputing a decision of the assessor of a taxing district as to whether the person is to be considered a "veteran" for the purpose of receiving a property tax deduction or as having a "service-connected disability" for the purpose of receiving a property tax exemption.

The bill requires the Adjutant General to promptly notify the public entity responsible for administering the relevant law of each determination. The determination would be binding on the public entity responsible for administering the law.

The committee noted that one of the positive effects of the bill is that one agency, the Department of Military and Veteran's Affairs, will make the initial and/or final determination (as the case may be) of "veteran" and "disabled veteran" status, and whether or not a disability is "service-connected", for all of the State's major veteran's benefits. Currently, the public entity responsible for administering each of these benefits determines whether or not a person meets the criteria set forth therein.

This bill was prefiled for introduction in the 2000-2001 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY, No. 1200

STATE OF NEW JERSEY 209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

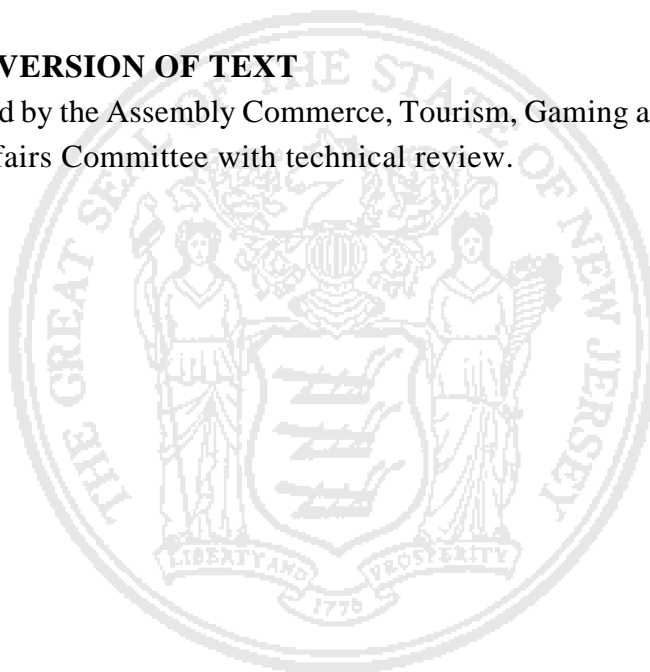
**Assemblymen Chatzidakis, LeFevre, Conaway, Connors, Corodemus,
Thompson, Malone and Arnone**

SYNOPSIS

Provides that Department of Military and Veterans' Affairs shall determine status of veterans in certain cases.

CURRENT VERSION OF TEXT

As reported by the Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee with technical review.



1 AN ACT concerning the determination of the status of persons as
2 veterans or disabled veterans, amending Title 11A of the New
3 Jersey Statutes and supplementing various parts of the statutory
4 law.

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

8
9 1. (New section) a. The Adjutant General of the Department of
10 Military and Veterans' Affairs shall determine whether any person
11 seeking to be considered a "veteran" or a "disabled veteran" under
12 N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of
13 P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391
14 (C.43:16A-11.7), meets the criteria set forth therein and shall be
15 considered a veteran or disabled veteran, as appropriate, for the
16 purposes of these laws. The Adjutant General of the Department of
17 Military and Veterans' Affairs shall adjudicate an appeal from any
18 person disputing the decision of the Adjutant General as to whether a
19 person is to be considered a veteran or disabled veteran, as
20 appropriate, for the purposes of these laws, or a decision of the
21 assessor of a taxing district as to whether the person is to be
22 considered a "veteran" under section 1 of P.L.1963, c.171 (C.54:4-
23 8.10), or as having "a service-connected disability" under section 1 of
24 P.L.1948, c.259 (C.54:4-3.30). The Adjutant General shall promptly
25 notify the public entity responsible for administering each such law of
26 the determination of the Adjutant General, and the determination shall
27 be binding on such public entities.

28 b. The Adjutant General of the Department of Military and
29 Veterans' Affairs shall promulgate, in accordance with the
30 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et
31 seq.), rules and regulations to effectuate the purposes of this act.

32
33 2. N.J.S.11A:5-1 is amended to read as follows:

34 11A:5-1. Definitions. As used in this chapter:

35 a. "Disabled veteran" means any veteran who is eligible to be
36 compensated for a service-connected disability from war service by the
37 United States Veterans Administration or who receives or is entitled
38 to receive equivalent compensation for a service-connected disability
39 which arises out of military or naval service as set forth in this chapter
40 and who has submitted sufficient evidence of the record of disability
41 incurred in the line of duty to the **[commissioner]** Adjutant General of
42 the Department of Military and Veterans' Affairs on or before the
43 closing date for filing an application for an examination;

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

Matter underlined thus is new matter.

1 b. "Veteran" means any honorably discharged soldier, sailor,
2 marine or nurse who served in any army or navy of the allies of the
3 United States in World War I, between July 14, 1914 and
4 November 11, 1918, or who served in any army or navy of the allies
5 of the United States in World War II, between September 1, 1939 and
6 September 2, 1945 and who was inducted into that service through
7 voluntary enlistment, and was a citizen of the United States at the time
8 of the enlistment, and who did not renounce or lose his or her United
9 States citizenship; or any soldier, sailor, marine, airman, nurse or army
10 field clerk, who has served in the active military or naval service of the
11 United States and has been discharged or released under other than
12 dishonorable conditions from that service in any of the following wars
13 or conflicts and who has presented to the [commissioner] Adjutant
14 General of the Department of Military and Veterans' Affairs sufficient
15 evidence of the record of service on or before the closing date for
16 filing an application for an examination:

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

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

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

38 (4) Vietnam conflict, on or after December 31, 1960, who shall
39 have served at least 90 days beginning on or before May 7, 1975, in
40 active service, exclusive of any period of assignment for a course of
41 education or training under the Army Specialized Training Program or
42 the Navy College Training Program, which course was a continuation
43 of a civilian course and was pursued to completion, or as a cadet or
44 midshipman at one of the service academies, and exclusive of any
45 service performed pursuant to the provisions of section 511(d) of Title
46 10, United States Code, or exclusive of any service performed

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

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

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

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

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

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

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

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

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

33 (cf: P.L.1998, c.49, s.1)

34

35 3. (New section) The Adjutant General of the Department of
36 Military and Veterans' Affairs shall be responsible for determining
37 whether any person seeking to be considered a "veteran" or a "disabled
38 veteran" under N.J.S.11A:5-1, for the purpose of receiving civil
39 service preference, meets the criteria set forth therein and adjudicating
40 an appeal from any person disputing this determination. The
41 determination of the Adjutant General shall apply only prospectively
42 from the date of initial determination or date of determination from an
43 appeal, as appropriate, and shall be binding upon the Department of
44 Personnel.

1 4. (New section) The Adjutant General of the Department of
2 Military and Veterans' Affairs shall be responsible for determining
3 whether any person seeking to be considered a "veteran" under
4 N.J.S.18A:66-2, for the purpose of eligibility for a veteran's retirement
5 allowance, meets the criteria set forth therein and adjudicating an
6 appeal from any person disputing this determination. The
7 determination of the Adjutant General shall be binding upon the
8 Division of Pensions and Benefits.

9
10 5. (New section) The Adjutant General of the Department of
11 Military and Veterans' Affairs shall be responsible for determining
12 whether any person seeking to be considered a "veteran" under section
13 6 of P.L.1954, c.84 (C.43:15A-6), for the purpose of eligibility for a
14 veteran's retirement allowance, meets the criteria set forth therein and
15 adjudicating an appeal from any person disputing this determination.
16 The determination of the Adjutant General shall be binding upon the
17 Division of Pensions and Benefits.

18
19 6. (New section) The Adjutant General of the Department of
20 Military and Veterans' Affairs shall be responsible for determining
21 whether any person seeking to be considered a "veteran" under section
22 1 of P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing
23 military service credit, meets the criteria set forth therein and
24 adjudicating an appeal from any person disputing this determination.
25 The determination of the Adjutant General shall be binding upon the
26 Division of Pensions and Benefits.

27
28 7. (New section) The Adjutant General of the Department of
29 Military and Veterans' Affairs shall adjudicate an appeal from any
30 person disputing a decision of the assessor of a taxing district as to
31 whether the person is to be considered a "veteran" under section 1 of
32 P.L.1963, c.171 (C.54:4-8.10) for the purpose of receiving a property
33 tax deduction. The determination of the Adjutant General shall be
34 binding upon the assessor of the taxing district.

35
36 8. (New section) The Adjutant General of the Department of
37 Military and Veterans' Affairs shall adjudicate an appeal from any
38 person disputing a decision of the assessor of a taxing district as to
39 whether the person is to be considered as having "a service-connected
40 disability" under section 1 of P.L.1948, c.259 (C.54:4-3.30) for the
41 purpose of receiving a property tax exemption. The determination of
42 the Adjutant General shall be binding upon the assessor of the taxing
43 district.

44
45 9. This act shall take effect on the first day of the sixth month after
46 enactment.

[First Reprint]

ASSEMBLY, No. 1200

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

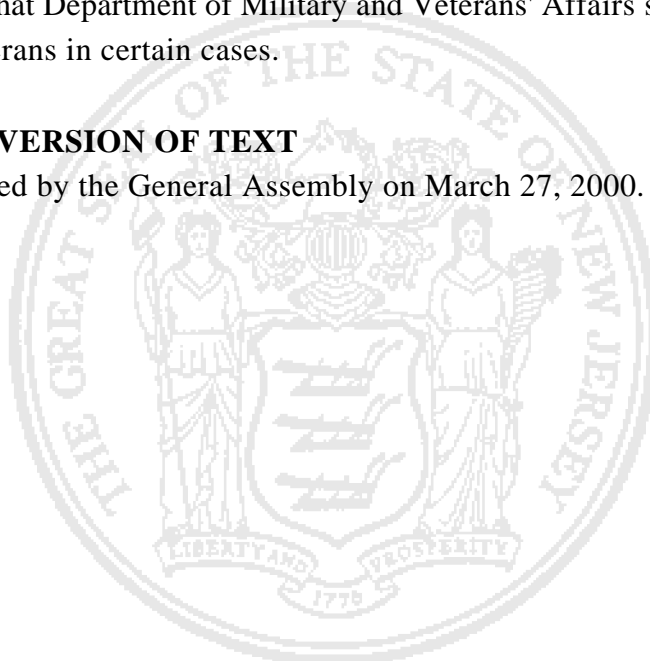
**Assemblymen Chatzidakis, LeFevre, Conaway, Connors, Corodemus,
Thompson, Malone and Arnone**

SYNOPSIS

Provides that Department of Military and Veterans' Affairs shall determine status of veterans in certain cases.

CURRENT VERSION OF TEXT

As amended by the General Assembly on March 27, 2000.



1 AN ACT concerning the determination of the status of persons as
2 veterans or disabled veterans, amending Title 11A of the New
3 Jersey Statutes and supplementing various parts of the statutory
4 law.

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

8
9 1. (New section) a. The Adjutant General of the Department of
10 Military and Veterans' Affairs shall determine whether any person
11 seeking to be considered a "veteran" or a "disabled veteran" under
12 N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of
13 P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391
14 (C.43:16A-11.7), meets the criteria set forth therein and shall be
15 considered a veteran or disabled veteran, as appropriate, for the
16 purposes of these laws. The Adjutant General of the Department of
17 Military and Veterans' Affairs shall adjudicate an appeal from any
18 person disputing the decision of the Adjutant General as to whether a
19 person is to be considered a veteran or disabled veteran, as
20 appropriate, for the purposes of these laws, or a decision of the
21 assessor of a taxing district as to whether the person is to be
22 considered a "veteran" under section 1 of P.L.1963, c.171 (C.54:4-
23 8.10), or as having "a service-connected disability" under section 1 of
24 P.L.1948, c.259 (C.54:4-3.30). The Adjutant General shall promptly
25 notify the public entity responsible for administering each such law of
26 the determination of the Adjutant General, and the determination shall
27 be binding on such public entities.

28 b. The Adjutant General of the Department of Military and
29 Veterans' Affairs shall promulgate, in accordance with the
30 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et
31 seq.), rules and regulations to effectuate the purposes of this act.

32
33 2. N.J.S.11A:5-1 is amended to read as follows:

34 11A:5-1. Definitions. As used in this chapter:

35 a. "Disabled veteran" means any veteran who is eligible to be
36 compensated for a service-connected disability from war service by the
37 United States Veterans Administration or who receives or is entitled
38 to receive equivalent compensation for a service-connected disability
39 which arises out of military or naval service as set forth in this chapter
40 and who has submitted sufficient evidence of the record of disability
41 incurred in the line of duty to the **[commissioner]** Adjutant General of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted March 27, 2000.

1 the Department of Military and Veterans' Affairs on or before the
2 closing date for filing an application for an examination;

3 b. "Veteran" means any honorably discharged soldier, sailor,
4 marine or nurse who served in any army or navy of the allies of the
5 United States in World War I, between July 14, 1914 and
6 November 11, 1918, or who served in any army or navy of the allies
7 of the United States in World War II, between September 1, 1939 and
8 September 2, 1945 and who was inducted into that service through
9 voluntary enlistment, and was a citizen of the United States at the time
10 of the enlistment, and who did not renounce or lose his or her United
11 States citizenship; or any soldier, sailor, marine, airman, nurse or army
12 field clerk, who has served in the active military or naval service of the
13 United States and has been discharged or released under other than
14 dishonorable conditions from that service in any of the following wars
15 or conflicts and who has presented to the [commissioner] Adjutant
16 General of the Department of Military and Veterans' Affairs sufficient
17 evidence of the record of service on or before the closing date for
18 filing an application for an examination:

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

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

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

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

1 service performed pursuant to the provisions of section 511(d) of Title
2 10, United States Code, or exclusive of any service performed
3 pursuant to enlistment in the National Guard or the Army Reserve,
4 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast
5 Guard Reserve; except 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-day service as
8 provided;

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

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

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

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

1 the aggregate, of at least 14 days commencing on or before the date
2 of termination of that mission, as proclaimed by the President of the
3 United States or Congress, whichever date of termination is the latest,
4 in such 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;

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

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

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

35 (cf: P.L.1998, c.49, s.1)

36

37 3. (New section) The Adjutant General of the Department of
38 Military and Veterans' Affairs shall be responsible for determining
39 whether any person seeking to be considered a "veteran" or a "disabled
40 veteran" under N.J.S.11A:5-1, for the purpose of receiving civil
41 service preference, meets the criteria set forth therein and adjudicating
42 an appeal from any person disputing this determination. The
43 determination of the Adjutant General shall apply only prospectively
44 from the date of initial determination or date of determination from an
45 appeal, as appropriate, and shall be binding upon the Department of
46 Personnel.

1 4. (New section) The Adjutant General of the Department of
2 Military and Veterans' Affairs shall be responsible for determining
3 whether any person seeking to be considered a "veteran" under
4 N.J.S.18A:66-2, for the purpose of eligibility for a veteran's retirement
5 allowance, meets the criteria set forth therein and adjudicating an
6 appeal from any person disputing this determination. The
7 determination of the Adjutant General shall be binding upon the
8 Division of Pensions and Benefits.

9
10 5. (New section) The Adjutant General of the Department of
11 Military and Veterans' Affairs shall be responsible for determining
12 whether any person seeking to be considered a "veteran" under section
13 6 of P.L.1954, c.84 (C.43:15A-6), for the purpose of eligibility for a
14 veteran's retirement allowance, meets the criteria set forth therein and
15 adjudicating an appeal from any person disputing this determination.
16 The determination of the Adjutant General shall be binding upon the
17 Division of Pensions and Benefits.

18
19 6. (New section) The Adjutant General of the Department of
20 Military and Veterans' Affairs shall be responsible for determining
21 whether any person seeking to be considered a "veteran" under section
22 1 of P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing
23 military service credit, meets the criteria set forth therein and
24 adjudicating an appeal from any person disputing this determination.
25 The determination of the Adjutant General shall be binding upon the
26 Division of Pensions and Benefits.

27
28 ¹[7. (New section) The Adjutant General of the Department of
29 Military and Veterans' Affairs shall adjudicate an appeal from any
30 person disputing a decision of the assessor of a taxing district as to
31 whether the person is to be considered a "veteran" under section 1 of
32 P.L.1963, c.171 (C.54:4-8.10) for the purpose of receiving a property
33 tax deduction. The determination of the Adjutant General shall be
34 binding upon the assessor of the taxing district.]¹

35
36 ¹[8. (New section) The Adjutant General of the Department of
37 Military and Veterans' Affairs shall adjudicate an appeal from any
38 person disputing a decision of the assessor of a taxing district as to
39 whether the person is to be considered as having "a service-connected
40 disability" under section 1 of P.L.1948, c.259 (C.54:4-3.30) for the
41 purpose of receiving a property tax exemption. The determination of
42 the Adjutant General shall be binding upon the assessor of the taxing
43 district.]¹

44
45 ¹[9.] 7.¹ This act shall take effect on the first day of the sixth
46 month after enactment.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 1200

with Assembly Floor Amendments
(Proposed By Assemblyman AZZOLINA)

ADOPTED: MAY 11, 2000

Under current law, a county board of taxation adjudicates an appeal from a person disputing a decision of the assessor of a taxing district as to whether the person is to be considered a "veteran" for the purpose of receiving a property tax deduction, or as having a "service-connected disability" for the purpose of receiving a property tax exemption. The Tax Court adjudicates an appeal from a person disputing the decision of the county board of taxation. Appeals theoretically may be taken to the State Supreme Court.

As introduced, this bill had directed the Adjutant General of the Department of Military and Veterans' Affairs to adjudicate the appeal of an assessor's decision described above. This amendment removes the adjudicating authority that would have been given to the Adjutant General under the bill, thereby leaving the appeal process provided under current law unchanged.

STATEMENT TO
ASSEMBLY, No. 1200

with Assembly Floor Amendments
(Proposed By Assemblyman AZZOLINA)

ADOPTED: MARCH 27, 2000

Under current law, a county board of taxation adjudicates an appeal from a person disputing a decision of the assessor of a taxing district as to whether the person is to be considered a "veteran" for the purpose of receiving a property tax deduction, or as having a "service-connected disability" for the purpose of receiving a property tax exemption. The Tax Court adjudicates an appeal from a person disputing the decision of the county board of taxation. Appeals theoretically may be taken all the way to the State Supreme Court.

As written, the bill directs the Department of Military and Veterans' Affairs to adjudicate the appeals of assessors' decisions described above. The determination of the department would be final, with no further avenue for appeal. These amendments restore the appeal process as provided under current law.

[Second Reprint]

ASSEMBLY, No. 1200

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman JOSEPH AZZOLINA

District 13 (Middlesex and Monmouth)

Assemblyman GUY R. GREGG

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

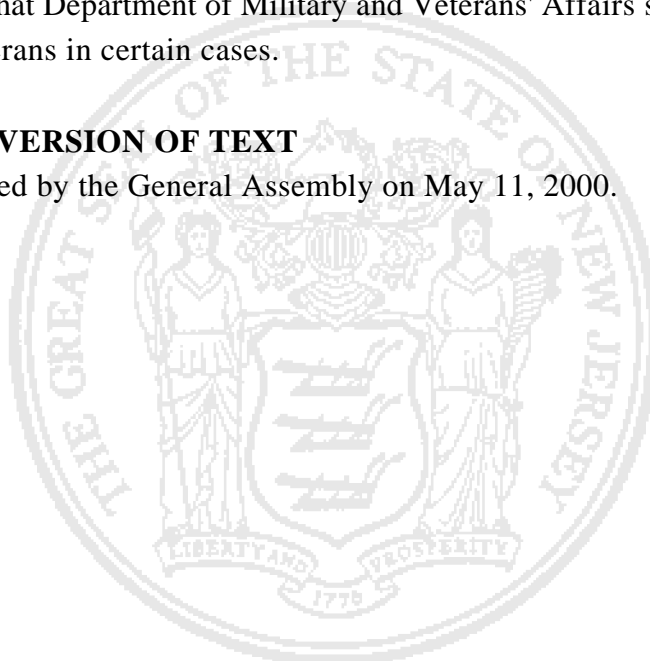
**Assemblymen Chatzidakis, LeFevre, Conaway, Connors, Corodemus,
Thompson, Malone, Arnone, Senators Singer and Rice**

SYNOPSIS

Provides that Department of Military and Veterans' Affairs shall determine status of veterans in certain cases.

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 11, 2000.



(Sponsorship Updated As Of: 6/9/2000)

1 AN ACT concerning the determination of the status of persons as
2 veterans or disabled veterans, amending Title 11A of the New
3 Jersey Statutes and supplementing various parts of the statutory
4 law.

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

8
9 1. (New section) a. The Adjutant General of the Department of
10 Military and Veterans' Affairs shall determine whether any person
11 seeking to be considered a "veteran" or a "disabled veteran" under
12 N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of
13 P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391
14 (C.43:16A-11.7), meets the criteria set forth therein and shall be
15 considered a veteran or disabled veteran, as appropriate, for the
16 purposes of these laws. The Adjutant General of the Department of
17 Military and Veterans' Affairs shall adjudicate an appeal from any
18 person disputing the decision of the Adjutant General as to whether a
19 person is to be considered a veteran or disabled veteran, as
20 appropriate, for the purposes of these laws²[, or a decision of the
21 assessor of a taxing district as to whether the person is to be
22 considered a "veteran" under section 1 of P.L.1963, c.171 (C.54:4-
23 8.10), or as having "a service-connected disability" under section 1 of
24 P.L.1948, c.259 (C.54:4-3.30)]². The Adjutant General shall
25 promptly notify the public entity responsible for administering each
26 such law of the determination of the Adjutant General, and the
27 determination shall be binding on such public entities.

28 b. The Adjutant General of the Department of Military and
29 Veterans' Affairs shall promulgate, in accordance with the
30 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et
31 seq.), rules and regulations to effectuate the purposes of this act.

32
33 2. N.J.S.11A:5-1 is amended to read as follows:

34 11A:5-1. Definitions. As used in this chapter:

35 a. "Disabled veteran" means any veteran who is eligible to be
36 compensated for a service-connected disability from war service by the
37 United States Veterans Administration or who receives or is entitled
38 to receive equivalent compensation for a service-connected disability
39 which arises out of military or naval service as set forth in this chapter
40 and who has submitted sufficient evidence of the record of disability
41 incurred in the line of duty to the [commissioner] Adjutant General of

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted March 27, 2000.

² Assembly floor amendments adopted May 11, 2000.

1 the Department of Military and Veterans' Affairs on or before the
2 closing date for filing an application for an examination;

3 b. "Veteran" means any honorably discharged soldier, sailor,
4 marine or nurse who served in any army or navy of the allies of the
5 United States in World War I, between July 14, 1914 and
6 November 11, 1918, or who served in any army or navy of the allies
7 of the United States in World War II, between September 1, 1939 and
8 September 2, 1945 and who was inducted into that service through
9 voluntary enlistment, and was a citizen of the United States at the time
10 of the enlistment, and who did not renounce or lose his or her United
11 States citizenship; or any soldier, sailor, marine, airman, nurse or army
12 field clerk, who has served in the active military or naval service of the
13 United States and has been discharged or released under other than
14 dishonorable conditions from that service in any of the following wars
15 or conflicts and who has presented to the [commissioner] Adjutant
16 General of the Department of Military and Veterans' Affairs sufficient
17 evidence of the record of service on or before the closing date for
18 filing an application for an examination:

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

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

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

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

1 service performed pursuant to the provisions of section 511(d) of Title
2 10, United States Code, or exclusive of any service performed
3 pursuant to enlistment in the National Guard or the Army Reserve,
4 Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast
5 Guard Reserve; except 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-day service as
8 provided;

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

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

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

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

1 the aggregate, of at least 14 days commencing on or before the date
2 of termination of that mission, as proclaimed by the President of the
3 United States or Congress, whichever date of termination is the latest,
4 in such 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;

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

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

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

35 (cf: P.L.1998, c.49, s.1)

36

37 3. (New section) The Adjutant General of the Department of
38 Military and Veterans' Affairs shall be responsible for determining
39 whether any person seeking to be considered a "veteran" or a "disabled
40 veteran" under N.J.S.11A:5-1, for the purpose of receiving civil
41 service preference, meets the criteria set forth therein and adjudicating
42 an appeal from any person disputing this determination. The
43 determination of the Adjutant General shall apply only prospectively
44 from the date of initial determination or date of determination from an
45 appeal, as appropriate, and shall be binding upon the Department of
46 Personnel.

1 4. (New section) The Adjutant General of the Department of
2 Military and Veterans' Affairs shall be responsible for determining
3 whether any person seeking to be considered a "veteran" under
4 N.J.S.18A:66-2, for the purpose of eligibility for a veteran's retirement
5 allowance, meets the criteria set forth therein and adjudicating an
6 appeal from any person disputing this determination. The
7 determination of the Adjutant General shall be binding upon the
8 Division of Pensions and Benefits.

9
10 5. (New section) The Adjutant General of the Department of
11 Military and Veterans' Affairs shall be responsible for determining
12 whether any person seeking to be considered a "veteran" under section
13 6 of P.L.1954, c.84 (C.43:15A-6), for the purpose of eligibility for a
14 veteran's retirement allowance, meets the criteria set forth therein and
15 adjudicating an appeal from any person disputing this determination.
16 The determination of the Adjutant General shall be binding upon the
17 Division of Pensions and Benefits.

18
19 6. (New section) The Adjutant General of the Department of
20 Military and Veterans' Affairs shall be responsible for determining
21 whether any person seeking to be considered a "veteran" under section
22 1 of P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing
23 military service credit, meets the criteria set forth therein and
24 adjudicating an appeal from any person disputing this determination.
25 The determination of the Adjutant General shall be binding upon the
26 Division of Pensions and Benefits.

27
28 ¹[7. (New section) The Adjutant General of the Department of
29 Military and Veterans' Affairs shall adjudicate an appeal from any
30 person disputing a decision of the assessor of a taxing district as to
31 whether the person is to be considered a "veteran" under section 1 of
32 P.L.1963, c.171 (C.54:4-8.10) for the purpose of receiving a property
33 tax deduction. The determination of the Adjutant General shall be
34 binding upon the assessor of the taxing district.]¹

35
36 ¹[8. (New section) The Adjutant General of the Department of
37 Military and Veterans' Affairs shall adjudicate an appeal from any
38 person disputing a decision of the assessor of a taxing district as to
39 whether the person is to be considered as having "a service-connected
40 disability" under section 1 of P.L.1948, c.259 (C.54:4-3.30) for the
41 purpose of receiving a property tax exemption. The determination of
42 the Adjutant General shall be binding upon the assessor of the taxing
43 district.]¹

44
45 ¹[9.] 7.¹ This act shall take effect on the first day of the sixth
46 month after enactment.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2375

with Assembly Floor Amendments
(Proposed By Assemblyman KELLY)

ADOPTED: JULY 13, 2000

These amendments require the Council on Affordable Housing (COAH) to establish procedures for a realistic opportunity review at the midpoint of the certification period, and to provide notice to the public. This amendment is necessary due to the longer period of substantive certification, from six years to 10 years, provided under the bill.

§1 - C.38A:3-6a
§3 - C.11A:5-1.1
§4 - C.18A:66-2.2
§5 - C.43:15A-6.1
§6 - C.43:16A-11.7a
§7 - Note to
§§1-6

P.L. 2000, CHAPTER 127, *approved September 21, 2000*
Assembly, No. 1200 (*Second Reprint*)

1 **AN ACT** concerning the determination of the status of persons as
2 veterans or disabled veterans, amending Title 11A of the New
3 Jersey Statutes and supplementing various parts of the statutory
4 law.

5

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

8

9 1. (New section) a. The Adjutant General of the Department of
10 Military and Veterans' Affairs shall determine whether any person
11 seeking to be considered a "veteran" or a "disabled veteran" under
12 N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of
13 P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391
14 (C.43:16A-11.7), meets the criteria set forth therein and shall be
15 considered a veteran or disabled veteran, as appropriate, for the
16 purposes of these laws. The Adjutant General of the Department of
17 Military and Veterans' Affairs shall adjudicate an appeal from any
18 person disputing the decision of the Adjutant General as to whether a
19 person is to be considered a veteran or disabled veteran, as
20 appropriate, for the purposes of these laws² [, or a decision of the
21 assessor of a taxing district as to whether the person is to be
22 considered a "veteran" under section 1 of P.L.1963, c.171 (C.54:4-
23 8.10), or as having "a service-connected disability" under section 1 of
24 P.L.1948, c.259 (C.54:4-3.30)]². The Adjutant General shall
25 promptly notify the public entity responsible for administering each
26 such law of the determination of the Adjutant General, and the
27 determination shall be binding on such public entities.

28 b. The Adjutant General of the Department of Military and
29 Veterans' Affairs shall promulgate, in accordance with the
30 "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et
31 seq.), rules and regulations to effectuate the purposes of this act.

32

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

34 11A:5-1. Definitions. As used in this chapter:

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted March 27, 2000.

² Assembly floor amendments adopted May 11, 2000.

1 a. "Disabled veteran" means any veteran who is eligible to be
2 compensated for a service-connected disability from war service by the
3 United States Veterans Administration or who receives or is entitled
4 to receive equivalent compensation for a service-connected disability
5 which arises out of military or naval service as set forth in this chapter
6 and who has submitted sufficient evidence of the record of disability
7 incurred in the line of duty to the [commissioner] Adjutant General of
8 the Department of Military and Veterans' Affairs on or before the
9 closing date for filing an application for an examination;

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

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

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

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

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

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

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

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

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

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

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

27 (10) Operations "Joint Endeavor" and "Joint Guard" in the
28 Republic of Bosnia and Herzegovina, commencing on or after
29 November 20, 1995 or December 20, 1996, as the case may be, and
30 terminating on December 20, 1996 or on such date as the United
31 States Secretary of Defense may designate, as the case may be, who
32 served in direct support of one or both of the operations for at least
33 14 days, continuously or in the aggregate, and (1) was deployed in that
34 nation or in another area in the region, or (2) was on board a United
35 States naval vessel operating in the Adriatic Sea, or (3) operated in
36 airspace above the Republic of Bosnia and Herzegovina; provided that
37 any person receiving an actual service-incurred injury or disability shall
38 be classed as a veteran whether or not that person completed the
39 14-day service requirement;

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

42 (cf: P.L.1998, c.49, s.1)

43

44 3. (New section) The Adjutant General of the Department of
45 Military and Veterans' Affairs shall be responsible for determining
46 whether any person seeking to be considered a "veteran" or a "disabled

1 veteran" under N.J.S.11A:5-1, for the purpose of receiving civil
2 service preference, meets the criteria set forth therein and adjudicating
3 an appeal from any person disputing this determination. The
4 determination of the Adjutant General shall apply only prospectively
5 from the date of initial determination or date of determination from an
6 appeal, as appropriate, and shall be binding upon the Department of
7 Personnel.

8
9 4. (New section) The Adjutant General of the Department of
10 Military and Veterans' Affairs shall be responsible for determining
11 whether any person seeking to be considered a "veteran" under
12 N.J.S.18A:66-2, for the purpose of eligibility for a veteran's retirement
13 allowance, meets the criteria set forth therein and adjudicating an
14 appeal from any person disputing this determination. The
15 determination of the Adjutant General shall be binding upon the
16 Division of Pensions and Benefits.

17
18 5. (New section) The Adjutant General of the Department of
19 Military and Veterans' Affairs shall be responsible for determining
20 whether any person seeking to be considered a "veteran" under section
21 6 of P.L.1954, c.84 (C.43:15A-6), for the purpose of eligibility for a
22 veteran's retirement allowance, meets the criteria set forth therein and
23 adjudicating an appeal from any person disputing this determination.
24 The determination of the Adjutant General shall be binding upon the
25 Division of Pensions and Benefits.

26
27 6. (New section) The Adjutant General of the Department of
28 Military and Veterans' Affairs shall be responsible for determining
29 whether any person seeking to be considered a "veteran" under section
30 1 of P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing
31 military service credit, meets the criteria set forth therein and
32 adjudicating an appeal from any person disputing this determination.
33 The determination of the Adjutant General shall be binding upon the
34 Division of Pensions and Benefits.

35
36 ¹[7. (New section) The Adjutant General of the Department of
37 Military and Veterans' Affairs shall adjudicate an appeal from any
38 person disputing a decision of the assessor of a taxing district as to
39 whether the person is to be considered a "veteran" under section 1 of
40 P.L.1963, c.171 (C.54:4-8.10) for the purpose of receiving a property
41 tax deduction. The determination of the Adjutant General shall be
42 binding upon the assessor of the taxing district.]¹

43
44 ¹[8. (New section) The Adjutant General of the Department of
45 Military and Veterans' Affairs shall adjudicate an appeal from any
46 person disputing a decision of the assessor of a taxing district as to

1 whether the person is to be considered as having "a service-connected
2 disability" under section 1 of P.L.1948, c.259 (C.54:4-3.30) for the
3 purpose of receiving a property tax exemption. The determination of
4 the Adjutant General shall be binding upon the assessor of the taxing
5 district.]¹

6

7 ¹[9.] 7¹ This act shall take effect on the first day of the sixth
8 month after enactment.

9

10

11

12

13 Provides that Department of Military and Veterans' Affairs shall
14 determine status of veterans in certain cases.

CHAPTER 127

AN ACT concerning the determination of the status of persons as veterans or disabled veterans, amending Title 11A of the New Jersey Statutes and supplementing various parts of the statutory law.

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

C.38A:3-6a Criteria for designation as "veteran," "disabled veteran."

1. a. The Adjutant General of the Department of Military and Veterans' Affairs shall determine whether any person seeking to be considered a "veteran" or a "disabled veteran" under N.J.S.11A:5-1, N.J.S.18A:66-2, or a "veteran" under section 6 of P.L.1954, c.84 (C.43:15A-6) or section 1 of P.L.1983, c.391 (C.43:16A-11.7), meets the criteria set forth therein and shall be considered a veteran or disabled veteran, as appropriate, for the purposes of these laws. The Adjutant General of the Department of Military and Veterans' Affairs shall adjudicate an appeal from any person disputing the decision of the Adjutant General as to whether a person is to be considered a veteran or disabled veteran, as appropriate, for the purposes of these laws. The Adjutant General shall promptly notify the public entity responsible for administering each such law of the determination of the Adjutant General, and the determination shall be binding on such public entities.

b. The Adjutant General of the Department of Military and Veterans' Affairs shall promulgate, in accordance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to effectuate the purposes of this act.

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

Definitions.

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

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

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

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

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

(3) Korean conflict, on or after June 23, 1950, who shall have served at least 90 days beginning on or before January 31, 1955, in active service, exclusive of any period of assignment for a course of education or training under the Army Specialized Training Program or the Navy College Training Program, which course was a continuation of a civilian course and was pursued

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

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

(5) Lebanon peacekeeping mission, on or after September 26, 1982, who has 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 December 1, 1987 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(6) Grenada peacekeeping mission, on or after October 23, 1983, who has 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 November 21, 1983 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(7) Panama peacekeeping mission, on or after December 20, 1989 or the date of inception of that mission, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has 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 January 31, 1990 or the date of termination of that mission, as proclaimed by the President of the United States or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

(8) Operation "Desert Shield/Desert Storm" mission in the Arabian peninsula and the Persian Gulf, on or after August 2, 1990 or the date of inception of that operation, as proclaimed by the President of the United States or Congress, whichever date of inception is earliest, who has served in the Arabian peninsula or on board any ship actively engaged in patrolling the Persian Gulf 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 or Congress, whichever date of termination is the latest, in such active service; provided, that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person has completed the 14 days' service as herein provided;

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

(10) Operations "Joint Endeavor" and "Joint Guard" in the Republic of Bosnia and

Herzegovina, commencing on or after November 20, 1995 or December 20, 1996, as the case may be, and terminating on December 20, 1996 or on such date as the United States Secretary of Defense may designate, as the case may be, who served in direct support of one or both of the operations for at least 14 days, continuously or in the aggregate, and (1) was deployed in that nation or in another area in the region, or (2) was on board a United States naval vessel operating in the Adriatic Sea, or (3) operated in airspace above the Republic of Bosnia and Herzegovina; provided that any person receiving an actual service-incurred injury or disability shall be classed as a veteran whether or not that person completed the 14-day service requirement;

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

C.11A:5-1.1 Veteran status determined for civil service preference.

3. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" or a "disabled veteran" under N.J.S.11A:5-1, for the purpose of receiving civil service preference, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall apply only prospectively from the date of initial determination or date of determination from an appeal, as appropriate, and shall be binding upon the Department of Personnel.

C.18A:66-2.2 Veteran status determined for retirement allowance.

4. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" under N.J.S.18A:66-2, for the purpose of eligibility for a veteran's retirement allowance, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall be binding upon the Division of Pensions and Benefits.

C.43:15A-6.1 Veteran status determined for retirement allowance.

5. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" under section 6 of P.L.1954, c.84 (C.43:15A-6), for the purpose of eligibility for a veteran's retirement allowance, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall be binding upon the Division of Pensions and Benefits.

C.43:16A-11.7a Veteran status determined for military service credit.

6. The Adjutant General of the Department of Military and Veterans' Affairs shall be responsible for determining whether any person seeking to be considered a "veteran" under section 1 of P.L.1983, c.391 (C.43:16A-11.7), for the purpose of purchasing military service credit, meets the criteria set forth therein and adjudicating an appeal from any person disputing this determination. The determination of the Adjutant General shall be binding upon the Division of Pensions and Benefits.

7. This act shall take effect on the first day of the sixth month after enactment.

Approved September 21, 2000.