

**ASSEMBLY, No. 1026**

---

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

---

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**SYNOPSIS**

Changes definition of veteran and eliminates requirement of service during specified dates or in specified locations for certain pension benefits.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the definition of veteran for certain pension  
2       benefits and amending various parts of the statutory law.

3

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

6

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

8       18A:66-2. As used in this article:

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

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

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

18       d. (1) "Compensation" means the contractual salary, for  
19 services as a teacher as defined in this article, which is in  
20 accordance with established salary policies of the member's  
21 employer for all employees in the same position but shall not  
22 include individual salary adjustments which are granted primarily in  
23 anticipation of the member's retirement or additional remuneration  
24 for performing temporary or extracurricular duties beyond the  
25 regular school day or the regular school year.

26       (2) In the case of a person who becomes a member of the  
27 retirement system on or after July 1, 2007, "compensation" means  
28 the amount of the contractual salary equivalent to the annual  
29 maximum wage contribution base for Social Security, pursuant to  
30 the Federal Insurance Contributions Act, for services as a teacher as  
31 defined in this article, which is in accordance with established  
32 salary policies of the member's employer for all employees in the  
33 same position but shall not include individual salary adjustments  
34 which are granted primarily in anticipation of the member's  
35 retirement or additional remuneration for performing temporary or  
36 extracurricular duties beyond the regular school day or the regular  
37 school year. This paragraph shall not apply to a person who at the  
38 time of enrollment in the retirement system on or after July 1, 2007  
39 transfers service credit from another State-administered retirement  
40 system pursuant to N.J.S.18A:66-15.1, but shall apply to a former  
41 member of the retirement system who has been granted a retirement  
42 allowance and is reenrolled in the retirement system on or after July  
43 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed  
44 again in a position that makes the person eligible to be a member of  
45 the retirement system.

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

Matter underlined thus is new matter.

1 For the period of July 1, 2009 through June 30, 2011,  
2 "contractual salary" for State employees shall include wage  
3 increases under a collective negotiations agreement notwithstanding  
4 that, by amendment to that collective negotiations agreement, the  
5 effective date of the contractual increase has been deferred. For the  
6 purpose of this paragraph, "State employee" means an employee in  
7 the Executive Branch of State government of New Jersey.

8 e. "Employer" means the State, the board of education or any  
9 educational institution or agency of or within the State by which a  
10 teacher is paid.

11 f. (1) "Final compensation" means the average annual  
12 compensation for which contributions are made for the three years  
13 of creditable service in New Jersey immediately preceding the  
14 member's retirement or death, or it shall mean the average annual  
15 compensation for New Jersey service for which contributions are  
16 made during any three fiscal years of his or her membership  
17 providing the largest possible benefit to the member or the  
18 member's beneficiary.

19 (2) In the case of a person who becomes a member of the  
20 retirement system on or after the effective date of P.L.2010, c.1,  
21 "final compensation" means the average annual compensation for  
22 which contributions are made for the five years of creditable service  
23 in New Jersey immediately preceding the member's retirement or  
24 death, or it shall mean the average annual compensation for New  
25 Jersey service for which contributions are made during any five  
26 fiscal years of his or her membership providing the largest possible  
27 benefit to the member or the member's beneficiary.

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

30 h. "Pension" means payments for life derived from  
31 appropriations made by the State or employers to the Teachers'  
32 Pension and Annuity Fund.

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

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

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

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

- 1       m. "Regular interest" shall mean interest as determined by the  
2       State Treasurer, after consultation with the Directors of the  
3       Divisions of Investment and Pensions, the board of trustees and the  
4       actuary. It shall bear a reasonable relationship to the percentage rate  
5       of earnings on investments based on the market value of assets but  
6       shall not exceed the assumed percentage rate of increase applied to  
7       salaries plus 3%, provided however that the board of trustees shall  
8       not set the average percentage rate of increase applied to salaries  
9       below 6%.
- 10      n. "Retirement allowance" means the pension plus the annuity.
- 11      o. "School service" means any service as a "teacher" as defined  
12      in this section.
- 13      p. "Teacher" means any regular teacher, special teacher,  
14      helping teacher, teacher clerk, principal, vice-principal, supervisor,  
15      supervising principal, director, superintendent, city superintendent,  
16      assistant city superintendent, county superintendent, State  
17      Commissioner or Assistant Commissioner of Education, members  
18      of the State Department of Education who are certificated,  
19      unclassified professional staff and other members of the teaching or  
20      professional staff of any class, public school, renaissance school  
21      project established pursuant to P.L.2011, c.176 (C.18A:36C-  
22      1 et seq.) upon commencement of employment, high school, normal  
23      school, model school, training school, vocational school, truant  
24      reformatory school, or parental school, and of any and all classes or  
25      schools within the State conducted under the order and  
26      superintendence, and wholly or partly at the expense of the State  
27      Board of Education, of a duly elected or appointed board of  
28      education, board of school directors, or board of trustees of the  
29      State or of any school district or normal school district thereof, and  
30      any persons under contract or engagement to perform one or more  
31      of these functions. It shall also mean any person who serves, while  
32      on an approved leave of absence from regular duties as a teacher, as  
33      an officer of a local, county or State labor organization which  
34      represents, or is affiliated with an organization which represents,  
35      teachers as defined in this subsection. No person shall be deemed a  
36      teacher within the meaning of this article who is a substitute  
37      teacher. In all cases of doubt the board of trustees shall determine  
38      whether any person is a teacher as defined in this article.
- 39      q. "Teachers' Pension and Annuity Fund," hereinafter referred  
40      to as the "retirement system" or "system," is the corporate name of  
41      the arrangement for the payment of retirement allowances and other  
42      benefits under the provisions of this article, including the several  
43      funds placed under said system. By that name all its business shall  
44      be transacted, its funds invested, warrants for money drawn, and  
45      payments made and all of its cash and securities and other property  
46      held.
- 47      r. "Veteran" means any [honorably discharged officer, soldier,  
48      sailor, airman, marine or nurse who served in any Army, Air Force

1 or Navy of the Allies of the United States in World War I between  
2 July 14, 1914, and November 11, 1918, or who served in any Army,  
3 Air Force or Navy of the Allies of the United States in World War  
4 II, between September 1, 1939, and September 2, 1945, and who  
5 was inducted into such service through voluntary enlistment, and  
6 was a citizen of the United States at the time of such enlistment, and  
7 who did not, during or by reason of such service, renounce or lose  
8 United States citizenship, and any officer, soldier, sailor, marine,  
9 airman, nurse or army field clerk who has served in the active  
10 military or naval service of the United States and has or shall be **]**  
11 citizen and resident of this State discharged or released **[therefrom]**  
12 under conditions other than dishonorable**],** in any of the following  
13 wars, uprisings, insurrections, expeditions or emergencies**]** from  
14 active duty in the Armed Forces of the United States, a Reserve  
15 component thereof, or the New Jersey National Guard in a federal  
16 active duty status, as defined in N.J.S.38A:1-1, and who has  
17 presented to the retirement system evidence of such record of  
18 service in form and content satisfactory to said retirement system**[:**

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

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

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

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

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

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

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

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

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

40 (10) World War II, between September 16, 1940, and  
41 December 31, 1946, who shall have served at least 90 days in such  
42 active service, exclusive of any period of assignment (1) for a  
43 course of education or training under the Army Specialized  
44 Training Program or the Navy College Training Program, which  
45 course was a continuation of a civilian course and was pursued to  
46 completion, or (2) as a cadet or midshipman at one of the service  
47 academies, any part of which 90 days was served between said

1 dates; provided that any person receiving an actual service-incurred  
2 injury or disability shall be classed as a veteran, whether or not that  
3 person has completed the 90-day service as herein provided;

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

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

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

45 (14) Lebanon peacekeeping mission, on or after September 26,  
46 1982, who has served in Lebanon or on board any ship actively  
47 engaged in patrolling the territorial waters of that nation for a  
48 period, continuous or in the aggregate, of at least 14 days

1 commencing on or before December 1, 1987 or the date of  
2 termination of that mission, as proclaimed by the President of the  
3 United States or Congress, whichever date of termination is the  
4 latest, in such active service; provided, that any person receiving an  
5 actual service-incurred injury or disability shall be classed as a  
6 veteran whether or not that person has completed the 14 days'  
7 service as herein provided;

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

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

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

45 (18) Operation Northern Watch and Operation Southern Watch,  
46 on or after August 27, 1992, or the date of inception of that  
47 operation, as proclaimed by the President of the United States,  
48 Congress or United States Secretary of Defense, whichever date of

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

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

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

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

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



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

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

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

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

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

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

46 u. (1) "Widow," for employees of the State, means the woman  
47 to whom a member was married, or a domestic partner as defined in  
48 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before

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

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

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

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

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

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

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

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

44 (cf: P.L.2018, c.129, s.1)

45  
46 2. Section 6 of P.L.1954, c.84 (C.43:15A-6) is amended to read  
47 as follows:

48 6. As used in this act:

- 1       a. "Accumulated deductions" means the sum of all the  
2 amounts, deducted from the compensation of a member or  
3 contributed by or on behalf of the member, standing to the credit of  
4 the member's individual account in the annuity savings fund.
- 5       b. "Annuity" means payments for life derived from the  
6 accumulated deductions of a member as provided in this act.
- 7       c. "Annuity reserve" means the present value of all payments  
8 to be made on account of any annuity or benefit in lieu of an  
9 annuity, granted under the provisions of this act, computed on the  
10 basis of such mortality tables recommended by the actuary as the  
11 board of trustees adopts, with regular interest.
- 12       d. "Beneficiary" means any person receiving a retirement  
13 allowance or other benefit as provided in this act.
- 14       e. "Child" means a deceased member's unmarried child either  
15 (1) under the age of 18 or (2) of any age who, at the time of the  
16 member's death, is disabled because of an intellectual disability or  
17 physical incapacity, is unable to do any substantial, gainful work  
18 because of the impairment and the impairment has lasted or can be  
19 expected to last for a continuous period of not less than 12 months,  
20 as affirmed by the medical board.
- 21       f. "Parent" shall mean the parent of a member who was  
22 receiving at least 1/2 of the parent's support from the member in the  
23 12-month period immediately preceding the member's death or the  
24 accident which was the direct cause of the member's death. The  
25 dependency of such a parent will be considered terminated by  
26 marriage of the parent subsequent to the death of the member.
- 27       g. (1) "Widower," for employees of the State, means the man  
28 to whom a member was married, or a domestic partner as defined in  
29 section 3 of P.L.2003, c.246 (C.26:8A-3), at least five years before  
30 the date of her death and to whom she continued to be married or a  
31 domestic partner until the date of her death and who was receiving  
32 at least 1/2 of his support from the member in the 12-month period  
33 immediately preceding the member's death or the accident which  
34 was the direct cause of the member's death. The dependency of such  
35 a widower will be considered terminated by marriage of, or  
36 establishment of a domestic partnership by, the widower subsequent  
37 to the death of the member. In the event of the payment of an  
38 accidental death benefit, the five-year qualification shall be waived.
- 39       (2) Subject to the provisions of paragraph (3) of this subsection,  
40 "widower," for employees of public employers other than the State,  
41 means the man to whom a member was married at least five years  
42 before the date of her death and to whom she continued to be  
43 married until the date of her death and who was receiving at least  
44 1/2 of his support from the member in the 12-month period  
45 immediately preceding the member's death or the accident which  
46 was the direct cause of the member's death. The dependency of such  
47 a widower shall be considered terminated by marriage of the  
48 widower subsequent to the death of the member. In the event of the

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

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

7 h. (1) "Final compensation" means the average annual  
8 compensation for which contributions are made for the three years  
9 of creditable service in New Jersey immediately preceding the  
10 member's retirement or death, or it shall mean the average annual  
11 compensation for New Jersey service for which contributions are  
12 made during any three fiscal years of his or her membership  
13 providing the largest possible benefit to the member or the  
14 member's beneficiary.

15 (2) In the case of a person who becomes a member of the  
16 retirement system on or after the effective date of P.L.2010, c.1,  
17 "final compensation" means the average annual compensation for  
18 which contributions are made for the five years of creditable service  
19 in New Jersey immediately preceding the member's retirement or  
20 death, or it shall mean the average annual compensation for New  
21 Jersey service for which contributions are made during any five  
22 fiscal years of his or her membership providing the largest possible  
23 benefit to the member or the member's beneficiary.

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

26 j. "Medical board" shall mean the board of physicians  
27 provided for in section 17 of P.L.1954, c.84 (C.43:15A-17).

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

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

35 m. "Public Employees' Retirement System of New Jersey,"  
36 hereinafter referred to as the "retirement system" or "system," is the  
37 corporate name of the arrangement for the payment of retirement  
38 allowances and other benefits under the provisions of this act  
39 including the several funds placed under said system. By that name  
40 all of its business shall be transacted, its funds invested, warrants  
41 for money drawn, and payments made and all of its cash and  
42 securities and other property held.

43 n. "Regular interest" shall mean interest as determined by the  
44 State Treasurer, after consultation with the Directors of the  
45 Divisions of Investment and Pensions, the board of trustees and the  
46 actuary. It shall bear a reasonable relationship to the percentage rate  
47 of earnings on investments based on the market value of the assets  
48 but shall not exceed the assumed percentage rate of increase applied

1 to salaries plus 3%, provided however that the board of trustees  
2 shall not set the average percentage rate of increase applied to  
3 salaries below 6%.

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

5 p. "Veteran" means any [honorably discharged officer, soldier,  
6 sailor, airman, marine or nurse who served in any Army, Air Force  
7 or Navy of the Allies of the United States in World War I, between  
8 July 14, 1914, and November 11, 1918, or who served in any Army,  
9 Air Force or Navy of the Allies of the United States in World War  
10 II, between September 1, 1939, and September 2, 1945, and who  
11 was inducted into such service through voluntary enlistment, and  
12 was a citizen of the United States at the time of such enlistment, and  
13 who did not, during or by reason of such service, renounce or lose  
14 United States citizenship, and any officer, soldier, sailor, marine,  
15 airman, nurse or army field clerk, who has served in the active  
16 military or naval service of the United States and has or shall be]  
17 citizen and resident of this State discharged or released [therefrom]  
18 under conditions other than dishonorable, [in any of the following  
19 wars, uprisings, insurrections, expeditions, or emergencies] from  
20 active duty in the Armed Forces of the United States, a Reserve  
21 component thereof, or the New Jersey National Guard in a federal  
22 active duty status, as defined in N.J.S.38A:1-1, and who has  
23 presented to the retirement system evidence of such record of  
24 service in form and content satisfactory to said retirement system:

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

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

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

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

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

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

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

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

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

46 (10) World War II, between September 16, 1940, and  
47 December 31, 1946, who shall have served at least 90 days in such

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

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

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

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

1 disability shall be classed as a veteran whether or not that person  
2 has completed the 90 days' service as herein provided;

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

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

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

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

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

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

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

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

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



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

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

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

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

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

45       r. (1) "Compensation" means the base or contractual salary,  
46 for services as an employee, which is in accordance with  
47 established salary policies of the member's employer for all  
48 employees in the same position but shall not include individual

1 salary adjustments which are granted primarily in anticipation of  
2 the member's retirement or additional remuneration for performing  
3 temporary or extracurricular duties beyond the regular workday or  
4 the regular work year.

5 (2) In the case of a person who becomes a member of the  
6 retirement system on or after July 1, 2007, "compensation" means  
7 the amount of base or contractual salary equivalent to the annual  
8 maximum wage contribution base for Social Security, pursuant to  
9 the Federal Insurance Contributions Act, for services as an  
10 employee, which is in accordance with established salary policies of  
11 the member's employer for all employees in the same position but  
12 shall not include individual salary adjustments which are granted  
13 primarily in anticipation of the member's retirement or additional  
14 remuneration for performing temporary or extracurricular duties  
15 beyond the regular workday or the regular work year. This  
16 paragraph shall not apply to a person who at the time of enrollment  
17 in the retirement system on or after July 1, 2007 transfers service  
18 credit from another State-administered retirement system pursuant  
19 to section 14 of P.L.1954, c.84 (C.43:15A-14), but shall apply to a  
20 former member of the retirement system who has been granted a  
21 retirement allowance and is reenrolled in the retirement system on  
22 or after July 1, 2007 pursuant to section 27 of P.L.1966, c.217  
23 (C.43:15A-57.2) after becoming employed again in a position that  
24 makes the person eligible to be a member of the retirement system.

25 In cases where salary includes maintenance, the retirement  
26 system shall fix the value of that part of the salary not paid in  
27 money which shall be considered under this act.

28 For the period of July 1, 2009 through June 30, 2011,  
29 "contractual salary" for State employees shall include across the  
30 board negotiated wage increases under a collective negotiations  
31 agreement that were payable to all State employees covered by that  
32 agreement notwithstanding that, by amendment to that collective  
33 negotiations agreement, the effective date of the contractual  
34 increase has been deferred. For the purpose of this paragraph,  
35 "State employee" means an employee in the Executive Branch or  
36 the Judicial Branch of State government of New Jersey or an  
37 employee of the State University authorized to participate in the  
38 system under subsection b. of section 73 of P.L.1954, c.84  
39 (C.43:15A-73), but shall not include employees of agencies  
40 authorized to participate in the system under subsections a., c., d.,  
41 e., f., and g. of section 73 of P.L.1954, c.84 (C.43:15A-73) or under  
42 P.L.1990, c.25 (C.43:15A-73.2 et al.).

43 For the period of July 1, 2009 through June 30, 2011,  
44 "contractual salary" for county and municipal employees shall  
45 include across the board negotiated wage increases under a  
46 collective negotiations agreement that were payable to all county or  
47 all municipal employees covered by that agreement notwithstanding  
48 that, by amendment to that collective negotiations agreement which

1 has been filed with the Division of Pensions and Benefits, the  
2 effective date of the contractual increase has been deferred. For the  
3 purpose of this paragraph, "county and municipal employees"  
4 means all persons employed by a county or municipality in this  
5 State.

6 (cf: P.L.2010, c.50, s.71)

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

10 1. For purposes of this act "veteran" means any [honorably  
11 discharged officer, soldier, sailor, airman, marine or nurse who  
12 served in any Army, Air Force or Navy of the Allies of the United  
13 States in World War I, between July 14, 1914, and November 11,  
14 1918, or who served in any Army, Air Force or Navy of the Allies  
15 of the United States in World War II, between September 1, 1939,  
16 and September 2, 1945, and who was inducted into such service  
17 through voluntary enlistment, and was a citizen of the United States  
18 at the time of such enlistment, and who did not, during or by reason  
19 of such service, renounce or lose United States citizenship, and any  
20 officer, soldier, sailor, marine, airman, nurse or army field clerk,  
21 who has served in the active military or naval service of the United  
22 States and has or shall be] citizen and resident of this State  
23 discharged or released [therefrom] under conditions other than  
24 dishonorable[, in any of the following wars, uprisings,  
25 insurrections, expeditions, or emergencies] from active duty in the  
26 Armed Forces of the United States, a Reserve component thereof, or  
27 the New Jersey National Guard in a federal active duty status, as  
28 defined in N.J.S.38A:1-1, and who has presented to the retirement  
29 system evidence of such record of service in form and content  
30 satisfactory to said retirement system[:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46 (21) Operation "Enduring Freedom", on or after September 11,  
47 2001, who served in a theater of operation and in direct support of  
48 that operation for a period, continuously or in the aggregate, of at

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

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

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

24 (cf: P.L.2005, c.64, s.4)

25  
26 4. Section 3 of P.L.1965, c.89 (C.53:5A-3) is amended to read  
27 as follows:

28 3. As used in this act:

29 a. "Aggregate contributions" means the sum of all the amounts,  
30 deducted from the salary of a member or contributed by him or on  
31 his behalf, standing to the credit of his individual account in the  
32 Annuity Savings Fund. Interest credited on contributions to the  
33 former "State Police Retirement and Benevolent Fund" shall be  
34 included in a member's aggregate contributions.

35 b. "Annuity" means payments for life derived from the  
36 aggregate contributions of a member.

37 c. "Annuity reserve" means the present value of all payments  
38 to be made on account of any annuity or benefit in lieu of an  
39 annuity, computed upon the basis of such mortality tables  
40 recommended by the actuary as the board of trustees adopts and  
41 regular interest.

42 d. "Beneficiary" means any person entitled to receive any  
43 benefit pursuant to the provisions of this act by reason of the death  
44 of a member or retirant.

45 e. "Board of trustees" or "board" means the board provided for  
46 in section 30 of this act.

47 f. "Child" means a deceased member's or retirant's unmarried  
48 child either (a) under the age of 18, or (b) 18 years of age or older

1 and enrolled in a secondary school, or (c) under the age of 24 and  
2 enrolled in a degree program in an institution of higher education  
3 for at least 12 credit hours in each semester, provided that the  
4 member died in active service as a result of an accident met in the  
5 actual performance of duty at some definite time and place, and the  
6 death was not the result of the member's willful misconduct, or (d)  
7 of any age who, at the time of the member's or retirant's death, is  
8 disabled because of an intellectual disability or physical incapacity,  
9 is unable to do any substantial, gainful work because of the  
10 impairment and his impairment has lasted or can be expected to last  
11 for a continuous period of not less than 12 months, as affirmed by  
12 the medical board.

13 g. "Creditable service" means service rendered for which credit  
14 is allowed on the basis of contributions made by the member or the  
15 State.

16 h. "Parent" means the parent of a member who was receiving at  
17 least one-half of his support from the member in the 12-month  
18 period immediately preceding the member's death or the accident  
19 which was the direct cause of the member's death. The dependency  
20 of such a parent will be considered terminated by marriage of the  
21 parent subsequent to the death of the member.

22 i. (1) "Final compensation" means the average compensation  
23 received by the member in the last 12 months of creditable service  
24 preceding his retirement or death. Such term includes the value of  
25 the member's maintenance allowance for this same period.

26 (2) In the case of a person who becomes a member of the  
27 retirement system on or after the effective date of P.L.2010, c.1,  
28 "final compensation" means the average annual compensation for  
29 service for which contributions are made during any three fiscal  
30 years of membership providing the largest possible benefit to the  
31 member or the member's beneficiary. Such term includes the value  
32 of the member's maintenance allowance for this same period.

33 j. (1) "Final salary" means the average salary received by the  
34 member in the last 12 months of creditable service preceding his  
35 retirement or death. Such term shall not include the value of the  
36 member's maintenance allowance.

37 (2) In the case of a person who becomes a member of the  
38 retirement system on or after the effective date of P.L.2010, c.1,  
39 "final salary" means the average annual salary for service for which  
40 contributions are made during any three fiscal years of membership  
41 providing the largest possible benefit to the member or the  
42 member's beneficiary. Such term shall not include the value of the  
43 member's maintenance allowance.

44 k. "Fiscal year" means any year commencing with July 1 and  
45 ending with June 30 next following.

46 l. "Medical board" means the board of physicians provided for  
47 in section 30 of this act.



- 1       m. "Member" means any full-time, commissioned officer, non-  
2       commissioned officer or trooper of the Division of State Police of  
3       the Department of Law and Public Safety of the State of New Jersey  
4       enrolled in the retirement system established by this act.
- 5       n. "Pension" means payment for life derived from contributions  
6       by the State.
- 7       o. "Pension reserve" means the present value of all payments to  
8       be made on account of any pension or benefit in lieu of any pension  
9       computed on the basis of such mortality tables recommended by the  
10      actuary as shall be adopted by the board of trustees and regular  
11      interest.
- 12      p. "Regular interest" means interest as determined by the State  
13      Treasurer, after consultation with the Directors of the Divisions of  
14      Investment and Pensions, the board of trustees and the actuary. It  
15      shall bear a reasonable relationship to the percentage rate of  
16      earnings on investments based on the market value of the assets but  
17      shall not exceed the assumed percentage rate of increase applied to  
18      salaries plus 3%, provided however that the board of trustees shall  
19      not set the average percentage rate of increase applied to salaries  
20      below 6%.
- 21      q. "Retirant" means any former member receiving a retirement  
22      allowance as provided by this act.
- 23      r. "Retirement allowance" means the pension plus the annuity.
- 24      s. "State Police Retirement System of New Jersey," herein also  
25      referred to as the "retirement system" or "system," is the corporate  
26      name of the arrangement for the payment of retirement allowances  
27      and of the benefits under the provisions of this act including the  
28      several funds placed under said system. By that name, all of its  
29      business shall be transacted, its funds invested, warrants for moneys  
30      drawn, and payments made and all of its cash and securities and  
31      other property held. All assets held in the name of the former "State  
32      Police Retirement and Benevolent Fund" shall be transferred to the  
33      retirement system established by this act.
- 34      t. "Surviving spouse" means the person to whom a member or  
35      a retirant was married, or a domestic partner as defined in section 3  
36      of P.L.2003, c.246 (C.26:8A-3), on the date of the death of the  
37      member or retirant. The dependency of such a surviving spouse will  
38      be considered terminated by the marriage of, or establishment of a  
39      domestic partnership by, the surviving spouse subsequent to the  
40      member's or the retirant's death, except that in the event of the  
41      payment of accidental death benefits, pursuant to section 14 of  
42      P.L.1965, c.89 (C.53:5A-14), the dependency of such a surviving  
43      spouse or domestic partner will not be considered terminated by the  
44      marriage of, or establishment of a domestic partnership by, the  
45      surviving spouse subsequent to the member's death.
- 46      u. (1) "Compensation" for purposes of computing pension  
47      contributions means the base salary, for services as a member as  
48      defined in this act, which is in accordance with established salary

1 policies of the State for all employees in the same position but shall  
2 not include individual salary adjustments which are granted  
3 primarily in anticipation of the member's retirement or additional  
4 remuneration for performing temporary duties beyond the regular  
5 workday or shift.

6 (2) In the case of a person who becomes a member of the  
7 retirement system on or after the effective date of P.L.2010, c.1,  
8 "compensation" means the amount of base salary equivalent to the  
9 annual maximum wage contribution base for Social Security,  
10 pursuant to the Federal Insurance Contributions Act, for services as  
11 a member as defined in this act, which is in accordance with  
12 established salary policies of the State for all employees in the same  
13 position but shall not include individual salary adjustments which  
14 are granted primarily in anticipation of the member's retirement or  
15 additional remuneration for performing temporary duties beyond  
16 the regular workday or shift.

17 v. "Veteran" means any [person who has served in the United  
18 States Armed Forces and has or shall be] citizen and resident of this  
19 State discharged or released [therefrom] under conditions other  
20 than dishonorable[, in any of the following wars or emergencies]  
21 from active duty in the Armed Forces of the United States, a  
22 Reserve component thereof, or the New Jersey National Guard in a  
23 federal active duty status, as defined in N.J.S.38A:1-1, and who has  
24 presented to the retirement system evidence of such record of  
25 service in form and content satisfactory to the retirement system[:

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

42 (2) Lebanon peacekeeping mission, on or after September 26,  
43 1982, who has served in Lebanon or on board any ship actively  
44 engaged in patrolling the territorial waters of that nation for a  
45 period, continuous or in the aggregate, of at least 14 days  
46 commencing on or before December 1, 1987 or the date of  
47 termination of that mission, as proclaimed by the President of the

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

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

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

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

43 (6) Operation Northern Watch and Operation Southern Watch,  
44 on or after August 27, 1992, or the date of inception of that  
45 operation, as proclaimed by the President of the United States,  
46 Congress or United States Secretary of Defense, whichever date of  
47 inception is earliest, who served in the theater of operation,  
48 including in the Arabian peninsula and the Persian Gulf, and in

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

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

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

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

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

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

5 (cf: P.L.2016, c.26, s.1)

6  
7 5. This act shall take effect on the first day of the third month  
8 after the date of enactment.

9  
10  
11 STATEMENT

12  
13 Under current law, to be considered a veteran and eligible for  
14 certain State pension benefits as a public employee, a person must  
15 have served during specific dates or in specific locations.

16 This bill changes the definition of veteran and removes the  
17 requirement of service during specified dates or in specified  
18 locations for the pension provisions of the Teachers' Pension and  
19 Annuity Fund, the Public Employees' Retirement System, the Police  
20 and Firemen's Retirement System, and the State Police Retirement  
21 System. Under this bill, a veteran will be defined as any citizen and  
22 resident of this State released under other than dishonorable  
23 conditions from active duty in the Armed Forces of the United  
24 States, a Reserve component thereof, or the New Jersey National  
25 Guard in a federal active duty status.