

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 854

STATE OF NEW JERSEY
220th LEGISLATURE

ADOPTED JANUARY 23, 2023

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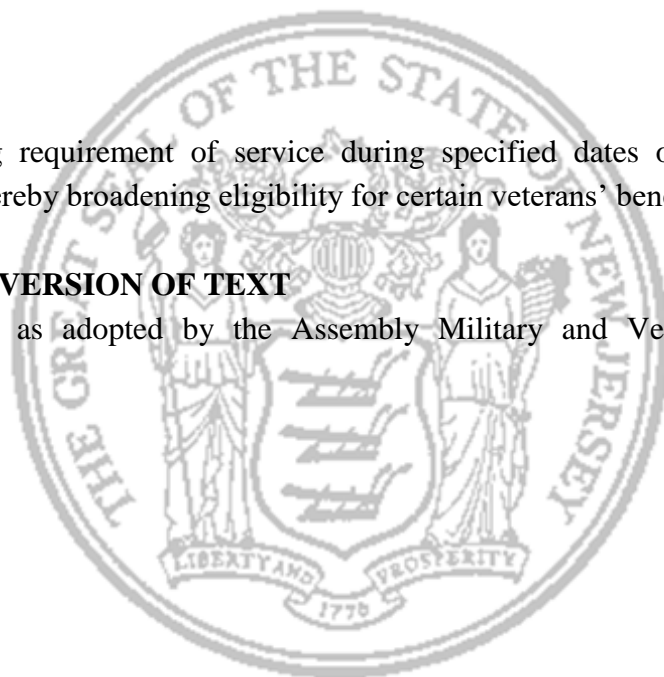
Wimberly and S.Kean

SYNOPSIS

Removing requirement of service during specified dates or in specified locations, thereby broadening eligibility for certain veterans' benefits.

CURRENT VERSION OF TEXT

Substitute as adopted by the Assembly Military and Veterans' Affairs Committee.



(Sponsorship Updated As Of: 2/27/2023)

1 **AN ACT** concerning eligibility for certain veterans' benefits,
2 amending and repealing various parts of the statutory law and
3 supplementing Title 11A of the New Jersey Statutes.
4

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

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

9 11A:5-1. As used in this chapter:

10 a. "Disabled veteran" means any veteran who is eligible to be
11 compensated for a service-connected disability **[from war service]**
12 by the United States **[Veterans Administration]** Department of
13 Veterans Affairs or who receives or is entitled to receive equivalent
14 compensation for a service-connected disability **[which arises out**
15 **of military or naval service as set forth in this chapter]** and who has
16 submitted sufficient evidence of the record of disability **[incurred in**
17 **the line of duty]** to the Adjutant General of the Department of
18 Military and Veterans' Affairs and received a determination of
19 status no later than eight days prior to the issuance of an
20 employment list, for which that individual received a passing score
21 on an examination;

22 b. "Veteran" means any **[honorably discharged soldier, sailor,**
23 **marine or nurse who served in any army or navy of the allies of the**
24 **United States in World War I, between July 14, 1914 and November**
25 **11, 1918, or who served in any army or navy of the allies of the**
26 **United States in World War II, between September 1, 1939 and**
27 **September 2, 1945 and who was inducted into that service through**
28 **voluntary enlistment, and was a citizen of the United States at the**
29 **time of the enlistment, and who did not renounce or lose his or her**
30 **United States citizenship; or any soldier, sailor, marine, airman,**
31 **nurse or army field clerk who has served in the active military or**
32 **naval service of the United States]** person who (1) served at least 90
33 days of active service in the Armed Forces of the United States,
34 excluding any period of service for basic training or as a cadet or
35 midshipman at one of the service academies, or (2) served as a
36 member of a Reserve Component of the Armed Forces of the United
37 States for an entire period for which called to federal active service,
38 not including active duty for training, and has been discharged or
39 released therefrom under conditions other than dishonorable
40 **[conditions from that service in any of the following wars or**
41 **conflicts]** and who has presented to the Adjutant General of the
42 Department of Military and Veterans' Affairs sufficient evidence of
43 the record of service and received a determination of status no later

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 than eight days prior to the issuance of an employment list, for
2 which that individual received a passing score on an examination [:

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

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

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

25 (4) 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 (5) Vietnam conflict, on or after December 31, 1960, who shall
36 have served at least 90 days beginning on or before May 7, 1975 in
37 active service, exclusive of any period of assignment for a course of
38 education or training under the Army Specialized Training Program
39 or the Navy College Training Program, which course was a
40 continuation of a civilian course and was pursued to completion, or
41 as a cadet or midshipman at one of the service academies, and
42 exclusive of any service performed pursuant to the provisions of
43 section 511(d) of Title 10, United States Code, or exclusive of any
44 service performed pursuant to enlistment in the National Guard or
45 the Army Reserve, Naval Reserve, Air Force Reserve, Marine
46 Corps Reserve, or Coast Guard Reserve; except that any person
47 receiving an actual service-incurred injury or disability shall be

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

3 (6) 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 (7) 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 (8) 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 (9) 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 (10) 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 (11) 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 the 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 (12) 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 (13) Operation "Uphold Democracy" in Haiti, on or after
40 September 19, 1994, who served in Haiti or on board any ship
41 actively engaged in patrolling the territorial waters of that nation for
42 a period, continuously or in the aggregate, of at least 14 days in
43 such active service commencing on or before March 31, 1995 and
44 who received an Armed Forces Expeditionary Medal for such
45 service; provided that any person receiving an actual service-
46 incurred injury or disability shall be classed as a veteran whether or
47 not that person has completed the 14 days' service as herein
48 provided or received an Armed Forces Expeditionary Medal;

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

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

23 (16) In a campaign or expedition for which a medal has been
24 authorized and recognized by the Veterans' Preference Act of 1944,
25 as amended and codified under Title 5, United States Code, for civil
26 service preference and which has been awarded to the veteran.

27 c. "War service" means service by a veteran in any war or
28 conflict described in this chapter during the periods specified¹.

29 A person who served fewer than 90 days of active service or who
30 served less than the entire period to which called to federal active
31 service shall be classed as a veteran if that person has been discharged
32 or released under conditions other than dishonorable as a result of a
33 service-connected disability incurred as a result of such service.

34 (cf: P.L.2021, c.429, s.1)

35

36 2. N.J.S.11A:5-3 is amended to read as follows:

37 11A:5-3. Parent and spouse of veteran who has died in service.
38 A parent and spouse of any veteran who died while in, and as a
39 result of, federal active service and who would have qualified under
40 this chapter as a veteran, shall be entitled to a disabled veterans'
41 preference. Where both a parent and spouse survive, the exercise of
42 the preference by one shall suspend the right of any other so long as
43 the first individual who exercises preference remains in the employ
44 of the State or any political subdivision operating under the
45 provisions of this title.

46 (cf: N.J.S.11A:5-3)

47

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

1 11A:5-11. A veteran with any physical disability caused by
2 **【wounds or injuries received in the line of duty in the military or**
3 **naval forces of the United States during war service set forth in**
4 **N.J.S.11A:5-1】** an injury, disease or disability incurred as a result of
5 active service in the Armed Forces of the United States or a Reserve
6 Component thereof, shall not be discriminated against in an
7 examination, classification or appointment because of the disability,
8 unless this disability, in the opinion of the Civil Service
9 Commission, would incapacitate the veteran from properly
10 performing the duties of the office, position or employment for
11 which applied.

12 (cf: P.L.2017, c.131, s.9)

13

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

15 18A:66-2. As used in this article:

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

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

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

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

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

1 allowance and is reenrolled in the retirement system on or after July
2 1, 2007 pursuant to N.J.S.18A:66-53.2 after becoming employed
3 again in a position that makes the person eligible to be a member of
4 the retirement system.

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

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

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

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

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

34 h. "Pension" means payments for life derived from
35 appropriations made by the State or employers to the Teachers'
36 Pension and Annuity Fund.

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

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

- 1 k. "Present-entrant" means any member of the Teachers' Pension
2 and Annuity Fund who had established status as a "present-entrant
3 member" of said fund prior to January 1, 1956.
- 4 l. "Rate of contribution initially certified" means the rate of
5 contribution certified by the retirement system in accordance with
6 N.J.S.18A:66-29.
- 7 m. "Regular interest" shall mean interest as determined by the
8 State Treasurer, after consultation with the Directors of the
9 Divisions of Investment and Pensions, the board of trustees and the
10 actuary. It shall bear a reasonable relationship to the percentage
11 rate of earnings on investments based on the market value of assets
12 but shall not exceed the assumed percentage rate of increase applied
13 to salaries plus 3%, provided however that the board of trustees
14 shall not set the average percentage rate of increase applied to
15 salaries below 6%.
- 16 n. "Retirement allowance" means the pension plus the annuity.
- 17 o. "School service" means any service as a "teacher" as defined
18 in this section.
- 19 p. "Teacher" means any regular teacher, special teacher, helping
20 teacher, teacher clerk, principal, vice-principal, supervisor,
21 supervising principal, director, superintendent, city superintendent,
22 assistant city superintendent, county superintendent, State
23 Commissioner or Assistant Commissioner of Education, members
24 of the State Department of Education who are certificated,
25 unclassified professional staff and other members of the teaching or
26 professional staff of any class, public school, renaissance school
27 project established pursuant to P.L.2011, c.176 (C.18A:36C-1 et
28 seq.) upon commencement of employment, high school, normal
29 school, model school, training school, vocational school, truant
30 reformatory school, or parental school, and of any and all classes or
31 schools within the State conducted under the order and
32 superintendence, and wholly or partly at the expense of the State
33 Board of Education, of a duly elected or appointed board of
34 education, board of school directors, or board of trustees of the
35 State or of any school district or normal school district thereof, and
36 any persons under contract or engagement to perform one or more
37 of these functions. It shall also mean any person who serves, while
38 on an approved leave of absence from regular duties as a teacher, as
39 an officer of a local, county or State labor organization which
40 represents, or is affiliated with an organization which represents,
41 teachers as defined in this subsection. No person shall be deemed a
42 teacher within the meaning of this article who is a substitute
43 teacher. In all cases of doubt the board of trustees shall determine
44 whether any person is a teacher as defined in this article.
- 45 q. "Teachers' Pension and Annuity Fund," hereinafter referred to
46 as the "retirement system" or "system," is the corporate name of the
47 arrangement for the payment of retirement allowances and other
48 benefits under the provisions of this article, including the several

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

5 r. "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] person who (1) served
17 at least 90 days of active service in the Armed Forces of the United
18 States, excluding any period of service for basic training or as a cadet
19 or midshipman at one of the service academies, or (2) served as a
20 member of a Reserve Component of the Armed Forces of the United
21 States for an entire period for which called to federal active service,
22 not including active duty for training, and has [or shall be] been
23 discharged or released therefrom under conditions other than
24 dishonorable[, in any of the following wars, uprisings,
25 insurrections, expeditions or emergencies,] and who has presented
26 to the [retirement system] Adjutant General of the Department of
27 Military and Veterans' Affairs evidence of such record of service in
28 form and content satisfactory to [said retirement system]:

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

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

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

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

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

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

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

45 (8) The Mexican border patrol, having actually participated in
46 engagements against Mexicans between April 12, 1911, and June
47 16, 1919;

1 (9) World War I, between April 6, 1917, and November 11,
2 1918;

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

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

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

39 (13) Vietnam conflict, on or after December 31, 1960, and on or
40 prior to May 7, 1975, who shall have served at least 90 days in such
41 active service, exclusive of any period of assignment (1) for a
42 course of education or training under the Army Specialized
43 Training Program or the Navy College Training Program, which
44 course was a continuation of a civilian course and was pursued to
45 completion, or (2) as a cadet or midshipman at one of the service
46 academies, any part of which 90 days was served between said
47 dates; and exclusive of any service performed pursuant to the
48 provisions of section 511(d) of Title 10, United States Code,

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

7 (14) 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
10 period, continuous or in the aggregate, of at least 14 days
11 commencing on or before December 1, 1987 or the date of
12 termination of that mission, as proclaimed by the President of the
13 United States or Congress, whichever date of termination is the
14 latest, in such active service; provided, that any person receiving an
15 actual service-incurred injury or disability shall be classed as a
16 veteran whether or not that person has completed the 14 days'
17 service as herein provided;

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

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

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

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

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

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

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

43 (21) Operation "Enduring Freedom", on or after September 11,
44 2001, who served in a theater of operation and 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; and

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

17 A person who served fewer than 90 days of active service or who
18 served less than the entire period to which called to active service shall
19 be classed as a veteran if that person has been discharged or released
20 under conditions other than dishonorable as a result of a service-
21 connected disability incurred a result of such service.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (3) A public employer other than the State may adopt a
10 resolution providing that the term "spouse" as defined in paragraph
11 (2) of this subsection shall include domestic partners as provided in
12 paragraph (1) of this subsection.
13 (cf: P.L.2018, c.129, s.1)

14
15 5. N.J.S.18A:66-13 is amended to read as follows:

16 18A:66-13. Prior service credit. A member may file a detailed
17 statement of: a. school service and service in a similar capacity in
18 other states and in schools within and outside the United States
19 operated by a department of the United States Government for the
20 instruction of the children of United States Government officers and
21 employees, or b. other public employment in other states or with the
22 United States Government which would be eligible for credit in a
23 State-administered retirement system if the employment was with a
24 public employer in this State, or c. **【military service】** active service
25 in the Armed Forces of the United States or in a Reserve
26 Component thereof, rendered prior to becoming a member, for
27 which the member desires credit, and of such other facts as the
28 retirement system may require. The member may purchase credit
29 for all or a portion of the service evidenced in the statement up to
30 the nearest number of years and months, but not exceeding 10
31 years, provided however, that a member purchasing that maximum
32 credit may purchase up to five additional years **【for additional**
33 **military】** of active service **【qualifying the member as a veteran as**
34 **defined in N.J.S.18A:66-2】** in the Armed Forces of the United
35 States or a Reserve Component thereof. No application shall be
36 accepted for the purchase of credit for **【such】**: (1) a period of
37 service if, at the time of application, the member has a vested right
38 to retirement benefits in another retirement system based in whole
39 or in part upon that service; or (2) a period of active service in a
40 Reserve Component of the Armed Forces of the United States that
41 is concurrent with other service described in subsections a. and b. of
42 this section.

43 The member may purchase credit for the service by paying into
44 the annuity savings fund the amount required by applying the
45 factor, supplied by the actuary as being applicable to the member's
46 age at the time of the purchase, to the member's salary at that time,
47 or to the highest annual compensation for service in this State for
48 which contributions were made during any prior fiscal year of

1 membership, whichever is greater. The purchase may be made in
2 regular installments, equal to at least one-half the full normal
3 contribution to the retirement system, over a maximum period of 10
4 years. Neither the State nor the employer of a member who applies
5 to purchase credit for public employment with the United States
6 Government pursuant to subsection b. of this section or for military
7 service pursuant to subsection c. of this section shall be liable for
8 any payment to the retirement system on behalf of the member for
9 the purchase of this credit.

10 Notwithstanding any provision of this act to the contrary, a
11 member shall not be liable for any costs associated with the
12 financing of pension adjustment benefits and health care benefits
13 for retirees when purchasing credit for school service, public
14 employment in other states or with the United States Government,
15 or **【military】** active service in the Armed Forces of the United
16 States or a Reserve Component thereof.

17 Any member electing to purchase the service who retires prior to
18 completing payments as agreed with the retirement system will
19 receive pro rata credit for service purchased prior to the date of
20 retirement, but if the member so elects at the time of retirement, the
21 member may make the additional lump sum payment required at
22 that time to provide full credit.

23 Notwithstanding any other provision of law to the contrary,
24 service credit established in the retirement system by a member
25 through purchase in accordance with this section, which purchase
26 was made by an application submitted on or after the effective date
27 of P.L.2008, c.89, except a purchase for **【military】** active service in
28 the Armed Forces of the United States or a Reserve Component
29 thereof, shall not be eligible for consideration when service is used
30 to determine the qualification of the member for any health care
31 benefits coverage paid, in whole or in part, by a public employer
32 after the member's retirement.

33 (cf: P.L.2008, c.89, s.3)

34

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

37 6. As used in this act:

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

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

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

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

3 e. "Child" means a deceased member's unmarried child either
4 (1) under the age of 18 or (2) of any age who, at the time of the
5 member's death, is disabled because of an intellectual disability or
6 physical incapacity, is unable to do any substantial, gainful work
7 because of the impairment and the impairment has lasted or can be
8 expected to last for a continuous period of not less than 12 months,
9 as affirmed by the medical board.

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

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

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

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

44 h. (1) "Final compensation" means the average annual
45 compensation for which contributions are made for the three years
46 of creditable service in New Jersey immediately preceding the
47 member's retirement or death, or it shall mean the average annual
48 compensation for New Jersey service for which contributions are

1 made during any three fiscal years of his or her membership
2 providing the largest possible benefit to the member or the
3 member's beneficiary.

4 (2) In the case of a person who becomes a member of the
5 retirement system on or after the effective date of P.L.2010, c.1,
6 "final compensation" means the average annual compensation for
7 which contributions are made for the five years of creditable service
8 in New Jersey immediately preceding the member's retirement or
9 death, or it shall mean the average annual compensation for New
10 Jersey service for which contributions are made during any five
11 fiscal years of his or her membership providing the largest possible
12 benefit to the member or the member's beneficiary.

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

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

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

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

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

32 n. "Regular interest" shall mean interest as determined by the
33 State Treasurer, after consultation with the Directors of the
34 Divisions of Investment and Pensions, the board of trustees and the
35 actuary. It shall bear a reasonable relationship to the percentage
36 rate of earnings on investments based on the market value of the
37 assets but shall not exceed the assumed percentage rate of increase
38 applied to salaries plus 3%, provided however that the board of
39 trustees shall not set the average percentage rate of increase applied
40 to salaries below 6%.

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

42 p. "Veteran" means any [honorably discharged officer, soldier,
43 sailor, airman, marine or nurse who served in any Army, Air Force
44 or Navy of the Allies of the United States in World War I, between
45 July 14, 1914, and November 11, 1918, or who served in any Army,
46 Air Force or Navy of the Allies of the United States in World War
47 II, between September 1, 1939, and September 2, 1945, and who
48 was inducted into such service through voluntary enlistment, and

1 was a citizen of the United States at the time of such enlistment, and
2 who did not, during or by reason of such service, renounce or lose
3 United States citizenship, and any officer, soldier, sailor, marine,
4 airman, nurse or army field clerk, who has served in the active
5 military or naval service of the United States **】** person who (1)
6 served at least 90 days of active service in the Armed Forces of the
7 United States, excluding any period of service for basic training or
8 as a cadet or midshipman at one of the service academies, or (2)
9 served as a member of a Reserve Component of the Armed Forces
10 of the United States for an entire period for which called to federal
11 active service, not including active duty for training, and has **【**or
12 shall be **】** been discharged or released therefrom under conditions
13 other than dishonorable **【**, in any of the following wars, uprisings,
14 insurrections, expeditions, or emergencies, **】** and who has presented
15 to the **【**retirement system **】** Adjutant General of the Department of
16 Military and Veterans' Affairs evidence of such record of service in
17 form and content satisfactory to **【**said retirement system:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (19) Operation "Restore Hope" in Somalia, on or after
12 December 5, 1992, or the date of inception of that operation as
13 proclaimed by the President of the United States or Congress,
14 whichever date is earliest, who has served in Somalia or on board
15 any ship actively engaged in patrolling the territorial waters of that
16 nation for a period, continuously or in the aggregate, of at least 14
17 days in such active service commencing on or before March 31,
18 1994; 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 14-day service as herein provided;

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

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

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

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

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

10 A person who served fewer than 90 days of active service or who
11 served less than the entire period to which called to active service
12 shall be classed as a veteran if that person has been discharged or
13 released under conditions other than dishonorable as a result of a
14 service-connected disability incurred as a result of such service.

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

27 (2) Subject to the provisions of paragraph (3) of this subsection,
28 "widow," for employees of public employers other than the State,
29 means the woman to whom a member was married at least five
30 years before the date of his death and to whom he continued to be
31 married until the date of his death and who was receiving at least
32 1/2 of her 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
35 such a widow shall be considered terminated by the marriage of the
36 widow subsequent to the member's death. In the event of the
37 payment of an accidental death benefit, the five-year qualification
38 shall be waived.

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

43 r. (1) "Compensation" means the base or contractual salary, for
44 services as an employee, which is in accordance with established
45 salary policies of the member's employer for all employees in the
46 same position but shall not include individual salary adjustments
47 which are granted primarily in anticipation of the member's
48 retirement or additional remuneration for performing temporary or

1 extracurricular duties beyond the regular workday or the regular
2 work year.

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

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

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

41 For the period of July 1, 2009 through June 30, 2011,
42 "contractual salary" for county and municipal employees shall
43 include across the board negotiated wage increases under a
44 collective negotiations agreement that were payable to all county or
45 all municipal employees covered by that agreement notwithstanding
46 that, by amendment to that collective negotiations agreement which
47 has been filed with the Division of Pensions and Benefits, the
48 effective date of the contractual increase has been deferred. For the

1 purpose of this paragraph, "county and municipal employees"
2 means all persons employed by a county or municipality in this
3 State.

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

5

6 7. Section 4 of P.L.2001, c.127 (C.43:15A-24a) is amended to
7 read as follows:

8 4. The State shall be liable for any increased cost to local
9 government employers participating in the **【Public Employees'**
10 **Retirement System, established pursuant to P.L.1954, c.84**
11 **(C.43:15A-1 et seq.),】** retirement system as a result of the
12 provisions of **【this act, P.L.2001, c.127】** P.L. , c. (pending
13 before the Legislature as this bill).

14 (cf: P.L.2001, c.127, s.4)

15

16 8. Section 2 of P.L.1963, c.19 (C.43:15A-73.1) is amended to
17 read as follows:

18 2. A member may file a detailed statement of public
19 employment in other states or with the United States Government
20 which would be eligible for credit in a State-administered
21 retirement system if the employment was with a public employer in
22 this State, or of **【military】** active service in the Armed Forces of the
23 United States or in a Reserve Component thereof, or of service
24 resulting from initial appointment or employment on or after
25 January 1, 2002 with a bi-state or multi-state agency established
26 pursuant to an interstate compact to which the State is a party which
27 would be eligible for credit in a State-administered retirement
28 system if the employment was with a public employer in this State,
29 rendered prior to becoming a member, for which the member
30 desires credit, and of such other facts as the retirement system may
31 require. The member may purchase credit for all or a portion of the
32 service evidenced in the statement up to the nearest number of years
33 and months, but not exceeding 10 years, provided however, that a
34 member purchasing that maximum credit may purchase up to five
35 additional years **【for additional military】** of active service
36 **【qualifying the member as a veteran as defined in section 6 of**
37 **P.L.1954, c.84 (C.43:15A-6)】** in the Armed Forces of the United
38 States or a Reserve Component thereof. No application shall be
39 accepted for the purchase of credit for **【the】**: (1) a period of service
40 if, at the time of application, the member has a vested right to
41 retirement benefits in another retirement system based in whole or
42 in part upon that service; or (2) a period of active service in a
43 Reserve Component of the Armed Forces of the United States that
44 is concurrent with other service described in the preceding
45 paragraph. The member may purchase credit for the service by
46 paying into the annuity savings fund the amount required by
47 applying the factor, supplied by the actuary as being applicable to

1 the member's age at the time of the purchase, to the member's salary
2 at that time, or to the highest annual compensation for service in
3 this State for which contributions were made during any prior fiscal
4 year of membership, whichever is greater. The purchase may be
5 made in regular installments, equal to at least 1/2 of the full normal
6 contribution to the retirement system, over a maximum period of 10
7 years. The employer of a member who applies, pursuant to this
8 section, to purchase credit for public employment with the United
9 States Government or for **【military】** active service in the Armed
10 Forces of the United States or a Reserve Component thereof shall
11 not be liable for any payment to the retirement system on behalf of
12 the member for the purchase of this credit.

13 Notwithstanding any provision of this act to the contrary, a
14 member shall not be liable for any costs associated with the
15 financing of pension adjustment benefits and health care benefits
16 for retirees when purchasing credit for public employment in other
17 states or with the United States Government or **【military】** active
18 service in the Armed Forces of the United States or a Reserve
19 Component thereof or with a bi-state or multi-state agency.

20 Any member electing to make a purchase pursuant to this section
21 who retires prior to completing payments as agreed with the
22 retirement system will receive pro rata credit for the purchase prior
23 to the date of retirement, but if the member so elects at the time of
24 retirement, the member may make the additional lump sum payment
25 required at that time to provide full credit.

26 Notwithstanding any other provision of law to the contrary,
27 service credit established in the retirement system by a member
28 through purchase in accordance with this section, which purchase
29 was made by an application submitted on or after the effective date
30 of P.L.2008, c.89, except a purchase for **【military】** active service in
31 the Armed Forces of the United States or a Reserve Component
32 thereof, shall not be eligible for consideration when service is used
33 to determine the qualification of the member for any health care
34 benefits coverage paid, in whole or in part, by a public employer
35 after the member's retirement.

36 (cf: P.L.2008, c.89, s.4)

37

38 9. Section 3 of P.L.1991, c.153 (C.43:16A-11.11) is amended to
39 read as follows:

40 3. A member of the Police and Firemen's Retirement System
41 may file a detailed statement of public employment in other states
42 or with the United States Government which would be eligible for
43 credit in a State-administered retirement system if the employment
44 was with a public employer in this State, or of **【military service】**
45 active service in the Armed Forces of the United States or in a
46 Reserve Component thereof, rendered prior to becoming a member,
47 for which the member desires credit, and of such other facts as the
48 retirement system may require. The member may purchase credit

1 for all or a portion of the service evidenced in the statement up to
2 the nearest number of years and months, but not exceeding 10
3 years, provided however, that a member purchasing that maximum
4 credit may purchase up to five additional years **【for additional**
5 **military】** of active service **【qualifying the member as a veteran as**
6 **defined in section 1 of P.L.1983, c.391 (C.43:16A-11.7)】** in the
7 Armed Forces of the United States or a Reserve Component thereof.
8 No application shall be accepted for the purchase of credit for
9 **【the】**: (1) a period of service if, at the time of application, the
10 member has a vested right to retirement benefits in another
11 retirement system based in whole or in part upon that service; or (2)
12 a period of active service in a Reserve Component of the Armed
13 Forces of the United States that is concurrent with other service
14 described in the preceding paragraph.

15 The member may purchase credit for the service by paying into
16 the annuity savings fund the amount required by applying the
17 factor, supplied by the actuary as being applicable to the member's
18 age at the time of the purchase, to the member's salary at that time,
19 or to the highest annual compensation for service in this State for
20 which contributions were made during any prior fiscal year of
21 membership, whichever is greater. The purchase may be made in
22 regular installments equal to at least 1/2 of the full normal
23 contribution to the retirement system, over a maximum period of 10
24 years. The employer of a member who applies, pursuant to this
25 section, to purchase credit for public employment with the United
26 States Government or for military service in the Armed Forces of
27 the United States shall not be liable for any payment to the
28 retirement system on behalf of the member for the purchase of this
29 credit.

30 Notwithstanding any provision of this act to the contrary, a
31 member shall not be liable for any costs associated with the
32 financing of pension adjustment benefits and health care benefits
33 for retirees when purchasing credit for public employment in other
34 states or with the United States Government or **【military】** active
35 service in the Armed Forces of the United States or a Reserve
36 Component thereof.

37 Any member electing to purchase the service who retires prior to
38 completing payments as agreed with the retirement system will
39 receive pro rata credit for service purchased prior to the date of
40 retirement, but if the member so elects at the time of retirement, the
41 member may make the additional lump sum payment required at
42 that time to provide full credit.

43 (cf: P.L.1991, c.153, s.3)

44

45 10. (New section) Notwithstanding any other law to the
46 contrary, a resident of this State who is in active service in the
47 Armed Forces of the United States or is a member of a Reserve
48 Component thereof, and has not been discharged or released

1 therefrom, but who otherwise qualifies as a veteran, shall be eligible
2 for a civil service preference on the same basis as a veteran.
3 Instead of the evidence of discharge or release under conditions
4 other than dishonorable required to be provided to the Adjutant
5 General of the Department of Military and Veterans' Affairs
6 pursuant to N.J.S.11A:5-1, the applicant shall provide to the
7 Adjutant General, in a form and content the Adjutant General shall
8 deem appropriate, sufficient evidence of record of service as a
9 person who (1) served at least 90 days of active service in the
10 Armed Forces of the United States, excluding any period of service
11 for basic training or as a cadet or midshipman at one of the service
12 academies, or (2) served as a member of a Reserve Component of
13 the Armed Forces of the United States for an entire period for
14 which called to federal active service, not including active duty for
15 training.

16

17 11. N.J.S.11A:5-13, section 3 of P.L.2001, c.128 (C.43:15A-
18 24b), and section 1 of P.L.1983, c.391 (C.43:16A-11.7) are
19 repealed.

20

21 12. This act shall take effect immediately, but section 1 and
22 section 3 shall take effect on the 1st day of the calendar year
23 following approval by the voters of an authorizing amendment to
24 Article VII, Section I, paragraph 2 of the Constitution of the State
25 of New Jersey.