

**ASSEMBLY, No. 424**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman DAVID R. MAYER**

**District 4 (Camden and Gloucester)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblyman JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman LOUIS M. MANZO**

**District 31 (Hudson)**

**Co-Sponsored by:**

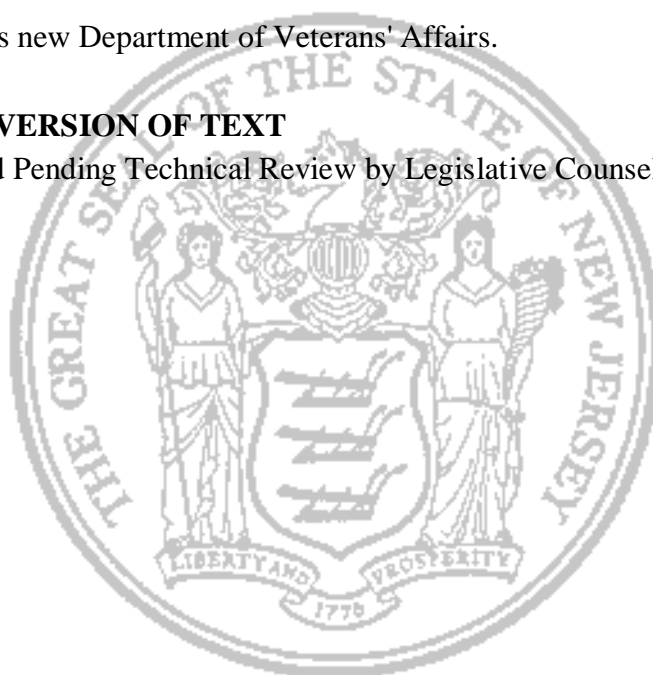
**Assemblymen Burzichelli, Stack and Moriarty**

**SYNOPSIS**

Establishes new Department of Veterans' Affairs.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



**(Sponsorship Updated As Of: 1/27/2006)**

1 AN ACT establishing a Department of Veterans' Affairs as a  
2 principal department in the Executive Branch of State  
3 government and creating new Title 38B of the New Jersey  
4 Statutes, revising various parts of the statutory law, and  
5 repealing various statutes.

6

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

9

10 1. (New section) This act shall be known and may be cited as  
11 the "New Jersey Veterans' Affairs Department Act."

12

13 2. (New section) There is established in the Executive Branch  
14 of the State government a principal department which shall be  
15 known as the Department of Veterans' Affairs.

16

17 3. (New section) As used in this act:

18 "Commissioner" means the Commissioner of the Department of  
19 Veterans' Affairs;

20 "Department" means the Department of Veterans' Affairs  
21 established by this act; and

22 "Veteran" means any person who has served in any branch of  
23 the Armed Forces of the United States for at least 90 days, except  
24 that if the term "veteran" is defined differently in any other  
25 provision of this act, any other statute, or in any federal statute, that  
26 definition shall be applicable for the purposes of those statutes.

27

28 4. (New section) The administrator and head of the department  
29 shall be a commissioner, who shall be known as the Commissioner  
30 of Veterans' Affairs, and who shall be an honorably discharged  
31 veteran qualified by training and experience to perform the duties of  
32 the office. The commissioner shall be appointed by the Governor  
33 with the advice and consent of the Senate and shall serve at the  
34 pleasure of the Governor during the Governor's term of office and  
35 until the appointment and qualification of the commissioner's  
36 successor. The entire time of the commissioner shall be devoted to  
37 the duties of the office and the commissioner shall receive such  
38 salary as shall be provided by law. Any vacancy occurring in the  
39 office of the commissioner shall be filled in the same manner as the  
40 original appointment.

41

42 5. (New section) The commissioner, as head of the department,  
43 shall have all of the functions, powers and duties heretofore vested  
44 in the Administrator of Veterans' Affairs of the Department of  
45 Military and Veterans' Affairs, previously designated in

**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 N.J.S.38A:3-2, and shall, in addition to the functions, powers and  
2 duties invested in the commissioner by this act or by any other law:
- 3 a. Administer the work of the department;
  - 4 b. Appoint and remove officers and other personnel employed  
5 within the department, subject to the provisions of Title 11A of the  
6 New Jersey Statutes and other applicable statutes, except as herein  
7 otherwise specifically provided;
  - 8 c. Have authority to organize and maintain an administrative  
9 division and to assign to employment therein secretarial, clerical  
10 and other assistants in the department or the commissioner's office  
11 as the internal operations of the department may require, in  
12 accordance with Title 11A of the New Jersey Statutes;
  - 13 d. Perform, exercise and discharge the functions, powers and  
14 duties of the department through such divisions as may be  
15 established by this act or otherwise by law;
  - 16 e. Organize the work of the department in divisions, not  
17 inconsistent with the provisions of this act, and in bureaus and other  
18 organizational units as the commissioner may determine to be  
19 necessary for efficient and effective operation;
  - 20 f. Adopt, issue and promulgate, in the name of the department,  
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
22 (C.52:14B-1 et seq.), such rules and regulations as may be  
23 necessary to implement this act or as may be authorized by law;
  - 24 g. Formulate and adopt rules and regulations for the efficient  
25 conduct of the work and general administration of the department,  
26 its officers and employees;
  - 27 h. Institute or cause to be instituted legal proceedings or  
28 processes as necessary to properly enforce and give effect to any of  
29 the commissioner's powers or duties;
  - 30 i. Make an annual report to the Governor and to the Legislature  
31 of the department's operations, and render other reports as the  
32 Governor shall from time to time request or as may be required by  
33 law;
  - 34 j. Coordinate the activities of the department, and the several  
35 divisions and other agencies therein, in a manner designed to  
36 eliminate overlapping and duplicative functions;
  - 37 k. Integrate within the department, so far as practicable, all staff  
38 services of the department and of the several divisions and other  
39 agencies therein;
  - 40 l. Have access to all relevant files and records of other State  
41 agencies and require any officer or employee therein to provide  
42 information as necessary to assist in the performance of the  
43 functions of the department;
  - 44 m. Maintain suitable headquarters for the department and such  
45 other quarters as the commissioner shall deem necessary to the  
46 proper functioning of the department; and
  - 47 n. Perform such other functions as may be prescribed in this act  
48 or by any other law.

1       6. (New section) The commissioner may apply for and accept  
2 on behalf of the State any grants from the federal government or  
3 any agency thereof, or from any foundation, corporation,  
4 association or individual and may comply with the terms,  
5 conditions and limitations thereof, for any purposes of the  
6 department. Any money so received may be expended by the  
7 department, subject to any limitations imposed in such grants, to  
8 effect any of the purposes of the department, as the case may be,  
9 upon warrant of the Director of the Division of Budget and  
10 Accounting of the Department of the Treasury on vouchers certified  
11 and approved by the commissioner. The power herein granted shall  
12 be in addition to and shall in no way limit the authority granted to  
13 the commissioner by this act or any other existing law.

14  
15       7. (New section) The commissioner shall appoint a deputy  
16 commissioner who shall be designated to perform all of the powers,  
17 functions and duties of the commissioner during the absence or  
18 disability of the commissioner, and who shall perform such other  
19 duties as are assigned by the commissioner. Such appointment shall  
20 be subject to the approval of the Governor and shall be filed with  
21 the Secretary of State. The deputy commissioner shall be an  
22 honorably discharged veteran qualified by training and experience  
23 to perform the duties of the office.

24  
25       8. (New section) The department and the commissioner through  
26 the deputy commissioner, the directors, divisions, bureaus and  
27 offices shall administer the following principal functions:

- 28       a. The supervision and operation of State veterans' homes and  
29 cemeteries;  
30       b. The supervision and operation of the liaison office and the  
31 field offices which serve the federal Veterans' Affairs Medical  
32 Centers;  
33       c. The application for federal grants and programs;  
34       d. The administration of federally-funded training and  
35 rehabilitation programs; and  
36       e. The provision of current information to the general public on  
37 State and federal veterans' programs and benefits.

38       Nothing in this section shall be construed as affecting or  
39 derogating from any provisions of law giving functions, powers and  
40 duties in these areas to other departments or agencies or as giving  
41 additional functions, powers and duties to the commissioner or the  
42 department.

43  
44       9. (New section) a. The Commissioner of the Department of  
45 Veterans' Affairs shall determine whether any person seeking to be  
46 considered a "veteran" or a "disabled veteran" under N.J.S.11A:5-1,  
47 N.J.S.18A:66-2, or a "veteran" under section 6 of P.L.1954, c.84  
48 (C.43:15A-6) or section 1 of P.L.1983, c.391 (C.43:16A-11.7),

1 meets the criteria set forth therein and shall be considered a veteran  
2 or disabled veteran, as appropriate, for the purposes of these laws.  
3 The commissioner shall adjudicate an appeal from any person  
4 disputing the decision of the commissioner as to whether a person is  
5 to be considered a veteran or disabled veteran, as appropriate, for  
6 the purposes of these laws. The commissioner shall promptly notify  
7 the public entity responsible for administering each such law of the  
8 determination of the commissioner, and the determination shall be  
9 binding on such public entities.

10 References in sections 4, 5 and 6 of P.L.2000, c.127 (C.18A:66-  
11 2.2, 43:15A-6.1 and 43:16A-11.7a) to the Adjutant General of the  
12 Department of Military and Veterans' Affairs shall be deemed to  
13 mean and refer to the Commissioner of the Department of Veterans'  
14 Affairs.

15  
16 10. (New section) The personnel of the Department of Veterans'  
17 Affairs shall consist of the following classes of persons:

18 Classified civil service employees.

19 Unclassified civil service employees, who may be relieved,  
20 suspended or discharged for good cause. Such personnel shall be  
21 administered as far as practicable under similar regulations as those  
22 applicable to classified civil service.

23  
24 11. (New section) The commissioner may demand and receive,  
25 for the services of the department, except for establishment of  
26 veteran status, such fees as the commissioner shall determine. The  
27 commissioner shall keep a true record and account of fees received  
28 pursuant to the authority in this section and shall pay the same into  
29 the State Treasury in the manner prescribed by law.

30  
31 12. (New section) The commissioner shall have an appropriate  
32 seal and have affixed an impression of the same to all certificates of  
33 record issued from the Department of Veterans' Affairs. Copies of  
34 any books, records, papers and documents in the Department of  
35 Veterans' Affairs certified by the commissioner or other designated  
36 officer of the department, under seal of the Department of Veterans'  
37 Affairs, shall be admitted as evidence in any court of the State,  
38 either civil or military, with the same force and effect as if the  
39 original had been produced.

40  
41 13. (New section) There is established in the department a  
42 Division of Veterans' Administrative Services, a Division of  
43 Veterans' Loans, Grants and Services, and a Division of Veterans'  
44 Training, Information and Referrals. These divisions, together  
45 with all their powers, functions, and duties, are continued and  
46 transferred from the Department of Military and Veterans' Affairs to  
47 the Department of Veterans' Affairs.

1       14. (New section) The Division of Veterans' Administrative  
2 Services shall:

3       a. Supervise and operate the New Jersey Veterans' Memorial  
4 Home-Menlo Park, the New Jersey Veterans' Memorial Home-  
5 Vineland and the New Jersey Veterans' Memorial Home-Paramus;  
6 and

7       b. Supervise and operate the New Jersey Veterans' Memorial  
8 Cemetery-Arnetown.  
9

10       15. (New section) The Division of Veterans' Administrative  
11 Services shall be under the immediate supervision of a director who  
12 shall be an honorably discharged veteran qualified by training and  
13 experience to direct the work of the division. The director shall be  
14 appointed by the commissioner, with the approval of the Governor,  
15 and shall serve at the pleasure of the commissioner.  
16

17       16. (New section) The Division of Veterans' Administrative  
18 Services is directed to establish a program to oversee the transfer of  
19 the remains of veterans from paupers' or potters' cemeteries to the  
20 Arnetown Veterans' Memorial Cemetery at the request of the  
21 veterans' next-of-kin, friends or fellow veterans. This service shall  
22 be provided without cost to the requester. As part of this program,  
23 the division shall also inform the general public that this service is  
24 available and explain the procedure for requesting that the remains  
25 be transferred to the Arnetown Veterans' Memorial Cemetery.

26       The program developed by the division as part of the Department  
27 of Military and Veterans' Affairs for the above stated purpose is  
28 continued and transferred to the Department of Veterans' Affairs.  
29

30       17. (New section) There is established in the Division of  
31 Veterans' Administrative Services a program to assist an eligible  
32 family member of a veteran who is already in a New Jersey  
33 veterans' memorial home or an eligible family member of a veteran  
34 who is about to enter such a home in being appointed as guardian of  
35 the veteran. In the event that a family member of a veteran who is  
36 already in a New Jersey veterans' memorial home or is about to  
37 enter such a home is not willing or available to serve as guardian of  
38 that veteran, some other interested person closely associated with  
39 the veteran shall be eligible for assistance in being appointed as  
40 guardian under the program herein established. The assistance  
41 provided to a family member of a veteran or to some other  
42 interested and eligible person associated with a veteran shall be in  
43 the form of both technical and financial support.

44       The commissioner shall develop economic criteria for  
45 determining eligibility for financial assistance pursuant to the  
46 program established by this section.

47       The program developed by the division as part of the Department  
48 of Military and Veterans' Affairs for the above stated purpose is

1 continued and transferred to the Department of Veterans' Affairs.

2

3 18. (New section) The Division of Veterans' Loans, Grants and  
4 Services shall:

5 a. Administer the Blind Veterans' Allowance Program  
6 established pursuant to R.S.38:18-1 et seq.;

7 b. Administer the Paraplegic and Hemiplegic Allowance  
8 Program established pursuant to P.L.1947, c.263 (C.38:18A-1 et  
9 seq.);

10 c. Maintain a continuous liaison with the Association of Blind  
11 Veterans and other similar State and national veterans' associations  
12 and organizations;

13 d. Provide all necessary assistance to the Agent Orange  
14 Commission upon request;

15 e. Administer the veterans' loan authority established pursuant to  
16 P.L.1944, c.126 (C.38:23B-1 et seq.);

17 f. Supervise and operate the liaison and field offices which serve  
18 the federal Veterans' Administration Centers at Lyons and East  
19 Orange; and

20 g. Compete for all grants, private and federal that would fund  
21 programs to benefit the State's veterans and their dependents.

22

23 19. (New section) The Division of Veterans' Loans, Grants and  
24 Services shall be under the immediate supervision of a director who  
25 shall be an honorably discharged veteran qualified by training and  
26 experience to direct the work of the division. The director shall be  
27 appointed by the commissioner, with the approval of the Governor,  
28 and shall serve at the pleasure of the commissioner.

29

30 20. (New section) The Division of Veterans' Training,  
31 Information and Referrals shall:

32 a. Administer the operations of the Vietnam Veterans' Outreach  
33 Program;

34 b. Administer all federal and State training and rehabilitation  
35 programs not administered by other State departments;

36 c. Provide current information to the general public on federal  
37 and State veterans' programs and benefits; and

38 d. Provide a continuous liaison between the department and the  
39 Department of Education and the Commission on Higher Education  
40 to insure that veterans or their dependents seeking to apply for  
41 educational programs for veterans or their dependents are referred  
42 to the appropriate State office and provided with the information,  
43 forms and assistance necessary to apply for those programs.

44

45 21. (New section) The Division of Veterans' Training,  
46 Information and Referrals shall be under the immediate supervision  
47 of a director who shall be an honorably discharged veteran qualified  
48 by training and experience to direct the work of the division. The

1 director shall be appointed by the commissioner, with the approval  
2 of the Governor, and shall serve at the pleasure of the  
3 commissioner.  
4

5 22. (New section) a. Each director of a division in the  
6 department shall receive such salary as may be established by the  
7 commissioner with the approval of the Commissioner of Personnel  
8 and the Director of the Division of Budget and Accounting in the  
9 Department of Treasury.

10 b. In the event that a director is appointed from persons holding  
11 positions in the career service of the State, the director shall retain,  
12 during his or her tenure in such position, any rights or protection  
13 provided that person by Title 11A, Civil Service, of the New Jersey  
14 Statutes or any pension law or retirement system.  
15

16 23. (New section) a. As used in this section and sections 24  
17 through 36, inclusive, of this act:

18 "Advisory council" means the advisory council of a veterans'  
19 facility or of the veterans' cemetery.

20 "Member" means a person admitted to and receiving care in a  
21 veterans' facility.

22 "Veteran" means a person who has been honorably discharged  
23 from the active military service of the United States.

24 "Veterans' facility" means any home, institution, hospital, or part  
25 thereof, the admission to which is under the jurisdiction of the  
26 Department of Veterans' Affairs.

27 b. Subject to the provisions of this section, the Commissioner of  
28 the Department of Veterans' Affairs is authorized, directed and  
29 empowered to take such actions, and to issue such reasonable rules  
30 and regulations, as may be necessary for carrying out the purposes  
31 of sections 24 through 36, inclusive, of this act, including  
32 specifically the following:

33 (1) To provide standards and procedures for application and  
34 determination of eligibility for admission to veterans' facilities;

35 (2) To establish standards and methods for designating the  
36 veterans' facility in which an eligible person shall receive care and  
37 treatment consistent with available services and individual needs  
38 and circumstances;

39 (3) To establish standards of care, treatment and discipline  
40 governing the relationships between the veterans' facilities and  
41 persons admitted thereto;

42 (4) To establish standards and procedures for determination and  
43 payment of such amounts, if any, which members shall be required  
44 to contribute toward the cost of care and treatment in accordance  
45 with their financial ability, basing such determination upon a  
46 formula of financial ability to pay promulgated annually, provided,  
47 however, that the amount so determined shall first be approved by  
48 the Director of the Division of Budget and Accounting in the



1 Department of the Treasury;

2 (5) To negotiate and enter into agreements or contracts with the  
3 Veterans Administration or any other appropriate State or federal  
4 agency, and to organize the work of the veterans' facilities, giving  
5 due regard to the opinion of the advisory councils, in any manner  
6 consistent with law to comply with the reasonable requirements of  
7 such State and federal agencies, in order to secure the maximum  
8 financial assistance and services for carrying out the purposes of  
9 sections 24 through 36, inclusive, of this act.

10

11 24. (New section) All applications for admission to a veterans'  
12 facility shall be made to, and in the manner and form prescribed by,  
13 the commissioner. The applicant shall provide a statement that the  
14 applicant will accept placement in the facility designated by the  
15 commissioner and will abide by the rules, regulations and discipline  
16 of the facility to which admitted.

17

18 25. (New section) The following persons, if they are without  
19 sufficient financial ability to provide for their support and necessary  
20 care in the community, may be admitted to a veterans' facility:

21 a. A disabled veteran who has been a resident of New Jersey for  
22 at least two years prior to the date of application;

23 b. The spouse of any person who has been admitted to a  
24 veterans' facility, provided that the spouse is not less than 50 years  
25 of age and has been married to such person for a period of not less  
26 than 10 years;

27 c. The surviving spouse of a person who died an honorable  
28 death while in the active military service of the United States, or  
29 who was a disabled veteran at the time of death, provided that the  
30 surviving spouse was the person's spouse at the time of the person's  
31 service or was married to the person not less than 10 years prior to  
32 the date of application and has not married since the person's death,  
33 and provided that the surviving spouse has been a resident of New  
34 Jersey for at least two years prior to the date of application; and

35 d. The parent of a person who was a resident of New Jersey at  
36 the time of entry into, and who died an honorable death in time of  
37 war or emergency while in, the active military service of the United  
38 States, provided that the parent has been a resident of New Jersey  
39 for at least two years prior to the date of application.

40 This section shall not be construed to prevent a veteran who  
41 actually served in a New Jersey military organization, and who is  
42 qualified for admission except for the required period of State  
43 residence, from being admitted to a veterans' facility, but preference  
44 shall be given to persons who have been residents of the State for a  
45 period of at least two years prior to application.

46

47 26. (New section) Any disabled veteran who is in distress may  
48 be admitted to a veterans' facility for a temporary period in

1 accordance with rules and regulations promulgated by the  
2 commissioner.

3

4 27. (New section) A person admitted to a veterans' facility shall  
5 be entitled to all of its benefits and be furnished with clothing,  
6 subsistence, medical and surgical attendance, necessary to promote  
7 his or her health and welfare in accordance with the rules and  
8 regulations of the commissioner.

9

10 28. (New section) Any member may be removed from a  
11 veterans' facility on being restored to ability to promote his or her  
12 own support and welfare in the community, or for immorality, or  
13 for fraud or willful misrepresentation, or refusal to abide by the  
14 rules, regulations and discipline of the veterans' facility.

15

16 29. (New section) The commissioner may from time to time  
17 request that the Commissioner of Human Services designate any  
18 State hospital for the care of the mentally ill, or a part thereof, as a  
19 treatment unit for veterans who require such care and who are  
20 eligible for admission to a veterans' facility. Upon making such  
21 designation the Commissioner of Human Services shall cause to be  
22 filed with the commissioner and the Secretary of State a certificate  
23 setting forth the fact thereof, a description of the precise treatment  
24 unit so designated and its location.

25

26 30. (New section) Admission of a veteran to a treatment unit as  
27 designated pursuant to section 29 of this act shall require:

28 a. A determination by the Department of Human Services that  
29 such veteran is mentally ill in accordance with the appropriate  
30 provisions of Title 30 of the Revised Statutes; and

31 b. A determination by the commissioner that such veteran is  
32 eligible for admission to a veterans' facility.

33 A veteran may be admitted to such treatment unit upon voluntary  
34 application, commitment or transfer.

35

36 31. (New section) The commissioner is authorized and  
37 empowered to accept and receive funds from the United States  
38 Government or any agency thereof, and to accept and receive  
39 payments from all members, their family, relatives and friends,  
40 towards the cost of care and treatment as provided in the rules and  
41 regulations pertaining thereto.

42

43 32. (New section) a. Except in the case of an emergency  
44 condition, the commissioner shall not implement a decision to close  
45 an existing veterans' facility or to privatize any services, functions  
46 or units of an existing facility, if the commissioner finds that the  
47 decision shall result in the abolition of 100 or more non-vacant,  
48 full-time positions in the career service at the existing facility or

1 facilities affected by the decision, unless the commissioner has  
2 complied with the procedures set forth in this section.

3 b. The commissioner shall conduct at least one public hearing  
4 which shall be held in the region in which the facility is located, or  
5 a central location designated by the commissioner if more than one  
6 facility is affected by the decision, to provide an opportunity for the  
7 public to submit testimony on the proposed closing or privatization.  
8 The hearing shall be conducted at least 45 days in advance of a  
9 facility closure, or at least 30 days prior to the issuance of a Request  
10 for Proposal. For a facility closure, the public hearing shall be held  
11 within 15 days of publication of a Notice of Intent to close a facility  
12 by the commissioner. The commissioner shall select a publicly  
13 convenient location for the hearing and shall give all persons the  
14 opportunity to testify in person or to submit written testimony.

15 c. The Notice of Intent to close a facility shall be mailed,  
16 telephoned, telegraphed or hand delivered to at least two  
17 newspapers for publication, at least one of which shall be within the  
18 geographic boundaries of the county where the facility is located.  
19 Failure to comply with the requirements of this subsection shall not  
20 invalidate or delay any facility closure.

21 d. The commissioner shall prepare a report setting forth a fiscal  
22 impact analysis, policy rationale and summary of the testimony  
23 received at any hearing held pursuant to this section. This report  
24 shall be submitted to the chairman of the Joint Budget Oversight  
25 Committee within five days of the issuance of a Notice of Intent to  
26 Award or within 30 days following the last scheduled public  
27 hearing for a facility closure.

28  
29 33. (New section) There are established in the Department of  
30 Veterans' Affairs four advisory councils known as:

31 a. The New Jersey Veterans' Memorial Home Advisory Council-  
32 Menlo Park;

33 b. The New Jersey Veterans' Memorial Home Advisory Council-  
34 Vineland;

35 c. The New Jersey Veterans' Memorial Home Advisory Council-  
36 Paramus; and

37 d. The New Jersey Veterans' Memorial Cemetery Advisory  
38 Council-Arneytown.

39 Each advisory council shall consist of seven members, at least  
40 five of whom are veterans, to be appointed by the commissioner  
41 with the approval of the Governor. The term of each council  
42 member, except for the initial members, shall be three years  
43 commencing on July 1 and ending on June 30 of the third year  
44 thereafter, and any vacancy shall be filled for the unexpired term  
45 only.

46 The members of the advisory council shall receive no  
47 compensation for their services but shall be reimbursed for actual  
48 expenditures incurred in the performance of duty. They are subject

1 to removal by the commissioner at any time for good and sufficient  
2 cause.

3 The councils, together with all their functions, powers, and  
4 duties, are continued and transferred from the Department of  
5 Military and Veterans' Affairs to the Department of Veterans'  
6 Affairs. This act shall not affect the terms of office of the present  
7 members of the councils.

8

9 34. (New section) Subject to the provisions of this act and  
10 under general policies established by the commissioner, the  
11 advisory councils of the veterans' facilities shall:

12 a. Recommend standards and procedures for application and  
13 termination of eligibility for admission to veterans' facilities;

14 b. Recommend standards and methods for designating the  
15 veterans' facility in which an eligible person shall receive care and  
16 treatment consistent with available services and individual needs  
17 and circumstances;

18 c. Recommend standards of care, treatment and discipline  
19 governing the relationships between the veterans' facilities and  
20 persons admitted thereto; and

21 d. Recommend standards and procedures for determination and  
22 payment of amounts which members may be required to contribute  
23 toward the cost of care and treatment in accordance with their  
24 financial ability.

25

26 35. (New section) Subject to the provisions of this act and  
27 under general policies established by the commissioner, the New  
28 Jersey Veterans' Memorial Cemetery Advisory Council-Arneytown  
29 shall:

30 a. Recommend standards and procedures for application and  
31 determination of eligibility for interment in the veterans' cemetery;  
32 and

33 b. Advise the commissioner regarding operating policies and  
34 procedures as they apply to veterans' family members, funeral  
35 directors, and the relationship of the veterans' cemetery with the  
36 other veterans' facilities.

37

38 36. (New section) Moneys, choses in action and effects  
39 deposited by a member in trust with the veterans' facility and  
40 unclaimed at the death of the member, dying intestate, shall be  
41 deemed to be the property of the veterans' facility. Such property  
42 shall be held in trust for three years following the death of the  
43 depositor, with power to invest the funds and to use the income for  
44 the benefit of the members as the advisory council of the veterans'  
45 facility and the commissioner deem most advisable.

46 Upon claim made within three years following the death of the  
47 depositor and sustained by legal proof, the sufficiency of which  
48 shall be determined by the advisory council of the veterans' facility

1 and the commissioner, such property shall be paid over to the  
2 claimant entitled thereto upon acknowledging, executing and  
3 delivering a proper release and discharge.

4 Such property remaining unclaimed three years after the death of  
5 its depositor shall be deemed to be the property of and subject to the  
6 absolute control and disposal of the veterans' facility, to be used for  
7 such purposes as the advisory council of the veterans' facility and  
8 the commissioner may deem most advisable.

9  
10 37. (New section) In conjunction with the New Jersey Veterans'  
11 Memorial Home Advisory Council-Menlo Park, the New Jersey  
12 Veterans' Memorial Home Advisory Council-Vineland, the New  
13 Jersey Veterans' Memorial Home Advisory Council-Paramus, the  
14 New Jersey Veterans' Memorial Cemetery Advisory Council-  
15 Arnetown, any reference in any law, contract or document to the  
16 Adjutant General of the Department of Military and Veterans'  
17 Affairs or the department shall be deemed to mean and refer to the  
18 Commissioner of the Department of Veterans' Affairs or the  
19 Department of Veterans' Affairs.

20  
21 38. (New section) a. The department shall organize and  
22 administer a program of voluntary commitments by employers  
23 throughout the State to participate in a plan of veterans' preference  
24 in private employment and reemployment. The program organized  
25 and administered by the Department of Military and Veterans'  
26 Affairs is continued and transferred to the Department of Veterans'  
27 Affairs.

28 b. The plan of veterans' preference in private employment shall  
29 provide for the fixing of a quota of veterans by the commissioner  
30 for all participating employers, but may not require any employed  
31 worker to be discharged. The plan shall also provide for the  
32 classification of disabled veterans in occupations for which they  
33 would not be handicapped, and for first preference in such  
34 occupations for such disabled veterans.

35 c. In the organization and administration of the employment  
36 quota preference plan, the commissioner, through appropriate  
37 federal, State and local agencies, shall:

38 Enroll employers who voluntarily commit themselves to the plan  
39 and certify the right of such employers to approved forms of public  
40 recognition;

41 Register veterans desiring employment, according to their  
42 occupational experience and capacities;

43 Register labor unions which are willing to participate through  
44 appropriate adjustment of their membership and other requirements,  
45 and certify the right of such unions to approved forms of public  
46 recognition;

47 Receive requests for workers from all participating employers;  
48 and

1       Either refer qualified veterans, with preference to the disabled, in  
2 response to such requisitions or certify that veterans are not  
3 available.

4  
5       39. (New section) The department shall review and approve or  
6 disapprove all policies and work programs of State departments,  
7 agencies and instrumentalities relating to veterans' welfare, services  
8 or activities. No such activity or work program shall be undertaken  
9 or continued after disapproval by the department without specific  
10 authorization from the Governor.

11  
12       40. (New section) a. As used in this section:

13       "Approved course of study" means any curriculum or any  
14 combination of unit courses or subjects pursued at an educational  
15 institution which is accepted for Veteran's Educational Assistance  
16 pursuant to federal law.

17       "Approved educational institution" means (1) any academic,  
18 professional or vocational school operating within this State or (2)  
19 any graduate level school operating within the United States or (3)  
20 any academic, professional or vocational school operating outside  
21 of this State; provided that the institution shall have made a prior  
22 written agreement to accept the tuition credit and reimbursement  
23 provided for in this section; provided further, that no more than  
24 20% of the eligible veterans under subparagraphs (1) and (3) of this  
25 paragraph shall attend an approved educational institution operating  
26 outside of this State. To qualify as an "approved educational  
27 institution" under this section, an institution shall have been  
28 approved for Veteran's Educational Assistance pursuant to federal  
29 law.

30       "Eligible veteran" means any veteran of the Armed Forces of the  
31 United States residing in New Jersey who is or was eligible for  
32 Veteran's Educational Assistance pursuant to federal law and who  
33 (1) was domiciled in New Jersey at the time of induction into the  
34 armed forces, or (2) has been domiciled in New Jersey for a period  
35 of not less than 12 consecutive months prior to the date of  
36 application, exclusive of any time spent on active duty.

37       b. For the purposes of this section:

38       An institutional trade or technical course offered at a  
39 nonaccredited school on a clock-hour basis involving shop practice  
40 as an integral part thereof shall be considered a full-time course  
41 when a minimum of 30 hours per week of attendance is required  
42 with no more than two and one-half hours of rest periods per week  
43 and no more than three hours of supervised study per week allowed;

44       An institutional course offered at a nonaccredited school on a  
45 clock-hour basis in which theoretical or classroom instruction  
46 predominates shall be considered a full-time course when a  
47 minimum of 25 hours per week net of instruction, which may  
48 include customary intervals not to exceed 10 minutes between hours

1 of instruction, is required and no more than three hours of  
2 supervised study per week is allowed;

3 An institutional trade or technical course offered at an accredited  
4 school on a clock-hour basis which leads to a standard trade or  
5 technical degree and involves shop practice as an integral part  
6 thereof shall be considered a full-time course when a minimum of  
7 22 hours per week of attendance is required with no more than two  
8 and one-half hours of rest periods per week and no more than three  
9 hours of supervised study per week allowed;

10 An institutional course offered at an accredited school on a  
11 clock-hour basis which leads to a standard trade or technical degree  
12 in which theoretical or classroom instruction predominates shall be  
13 considered a full-time course when a minimum of 18 hours per  
14 week of instruction, which may include customary intervals not to  
15 exceed 10 minutes between hours of instruction, is required and no  
16 more than two and one-half hours of supervised study is allowed;

17 An academic high school course requiring 16 units for a full  
18 course shall be considered a full-time course when a minimum of  
19 four units per year is required, with a unit defined to be not less  
20 than 120 60-minute hours or their equivalent of study in any subject  
21 in one academic year; and

22 An institutional undergraduate course offered by a college or  
23 university on a quarter- or semester-hour basis shall be considered a  
24 full-time course when a minimum of 14 semester hours or the  
25 equivalent thereof, for which credit is granted toward a standard  
26 college degree, including those for which no credit is granted but  
27 which are required to be taken to correct an educational deficiency,  
28 is required, except that when the college or university certifies,  
29 upon the request of the department, that (1) full-time tuition is  
30 charged to all undergraduate students carrying a minimum of less  
31 than 14 semester hours or the equivalent thereof or (2) all  
32 undergraduate students carrying a minimum of less than 14  
33 semester hours or the equivalent thereof are considered to be  
34 pursuing a full-time course for other administrative purposes, then  
35 such an institutional undergraduate course offered by the college or  
36 university with the minimum number of semester hours shall be  
37 considered a full-time course, but in the event the minimum number  
38 of semester hours is less than 12 semester hours or the equivalent  
39 thereof, then 12 semester hours or the equivalent thereof shall be  
40 considered a full-time course.

41 Each eligible veteran may select an approved course of study at  
42 any approved educational institution selected by the veteran, which  
43 will accept and retain the veteran as a student or trainee in any field  
44 or branch of knowledge which the institution finds him or her  
45 qualified to undertake or pursue.

46 c. Any eligible veteran who desires tuition credit pursuant to this  
47 section, within eight years from the date of (a) separation from  
48 active duty or (b) March 3, 1976, whichever is later, shall submit an

1 application to the Department of Veterans' Affairs which shall be in  
2 a form and contain information as the department shall prescribe.  
3 The department shall approve the application unless it finds that the  
4 veteran is ineligible for or not entitled to tuition credit or that the  
5 veteran's course of study is not approved pursuant to this section, or  
6 that he or she has already been approved. The department shall  
7 notify the veteran and the veteran's selected educational institution  
8 of the approval of the application.

9 d. Each eligible veteran shall be entitled to tuition credit  
10 pursuant to this section in accordance with the following schedule:

11 (1) For a period of one semester, or the equivalent thereof in  
12 part-time tuition credit, in the case of educational institutions  
13 regularly operated on the semester system, for each three months or  
14 fraction thereof of the veteran's service on active duty after  
15 December 31, 1960 and before May 7, 1975. If an eligible veteran  
16 has served a period of 18 months or more on active duty during  
17 such period of time, the veteran shall be entitled to tuition credit  
18 pursuant to this section for a period of eight semesters, or the  
19 equivalent thereof in part-time tuition credit. The maximum credit  
20 hereunder shall be for a period of eight semesters; or

21 (2) For a period of one-quarter, or the equivalent thereof in part-  
22 time tuition credit, in the case of educational institutions regularly  
23 operated on the quarter system, for each two months or fraction  
24 thereof of the veteran's service on active duty after December 31,  
25 1960 and before May 7, 1975. If an eligible veteran has served a  
26 period of 18 months or more on active duty during that period of  
27 time, the veteran shall be entitled to tuition credit pursuant to this  
28 section a period of 12 quarters. The maximum credit hereunder  
29 shall be for a period of 12 quarters; or

30 (3) For a period of one and one-half months of any tuition  
31 period, or the equivalent thereof in part-time tuition credit, in the  
32 case of educational institutions not operated on the quarter or  
33 semester system, for each month or fraction thereof of the veteran's  
34 service on active duty after December 31, 1960 and before May 7,  
35 1975. If an eligible veteran has served a period of 18 months or  
36 more on active duty during that period of time, the veteran shall be  
37 entitled to tuition credit pursuant to this section for 36 months of  
38 tuition credit, or the equivalent thereof in part-time tuition credit.  
39 The maximum credit hereunder shall be for a period of 36 months.

40 e. If an eligible veteran shall change the veteran's program of  
41 study from an educational institution regularly operated on the  
42 quarter or semester system or otherwise to an educational institution  
43 regularly operated on a different system, the remainder of the credit  
44 shall accordingly be redistributed by the department in such manner  
45 as to carry out the intent of this section.

46 f. Benefits hereunder shall be in the form of tuition credits  
47 limited by the lesser of full tuition or:

48 for educational institutions regularly operated on the semester



- 1 system, \$200 per semester.
- 2 for educational institutions regularly operated on the quarter
- 3 system, \$100 per quarter.
- 4 for educational institutions not regularly operated on the
- 5 semester or quarter system, \$400 per full school year prorated on an
- 6 equal basis as the Department of Veterans' Affairs shall determine.
- 7 For veterans pursuing a program of part-time education, the
- 8 tuition credit shall be in such amounts as the department shall
- 9 determine. These veterans shall be eligible to receive awards
- 10 during summer terms, provided that the total award during the
- 11 period from September 1 to August 31 of any academic year does
- 12 not exceed the amount of assistance a full-time student at the same
- 13 institution would receive.
- 14 g. Reimbursement for tuition credit shall be made by the State
- 15 Treasurer to the approved educational institution upon certification
- 16 by the institution that the veteran is enrolled for the current period
- 17 and upon certification by the Department of Veterans' Affairs that
- 18 the veteran is both eligible and entitled to tuition credit hereunder
- 19 subject to the provisions of this section. Reimbursement for tuition
- 20 credit shall be made out of funds accumulated from the State
- 21 Lottery.
- 22 h. Any benefits granted to eligible veterans pursuant to this
- 23 section shall not be considered income or an asset in determining
- 24 financial need for any financial assistance for higher education
- 25 provided pursuant to Title 18A of the New Jersey Statutes.
- 26 i. In the event that the amount appropriated in any fiscal year is
- 27 insufficient to carry out in full the provisions of this section, the
- 28 department shall apportion the amount among the eligible veterans
- 29 applying for tuition credit in proportion to the amount each veteran
- 30 would be allocated if the full amount were appropriated.
- 31
- 32 41. (New section) a. As used in this section:
- 33 "Vietnam veteran" means a resident of this State who:
- 34 served in the Armed Forces of the United States in Southeast
- 35 Asia in the Vietnam conflict and received a Vietnam Service
- 36 Ribbon or an Armed Forces Expeditionary Medal;
- 37 was honorably discharged or generally discharged under
- 38 honorable conditions; and
- 39 was domiciled in New Jersey on April 9, 1985, for a period of
- 40 not less than two consecutive years, exclusive of any time spent on
- 41 active duty.
- 42 b. A Vietnam veteran, upon being accepted to pursue a course of
- 43 study for an initial undergraduate degree in a public institution of
- 44 higher education of this State as enumerated in N.J.S.18A:62-1,
- 45 shall be entitled to tuition assistance, while enrolled as a student in
- 46 good standing at that college, in an amount up to the full tuition
- 47 cost as determined by the Department of Veterans' Affairs pursuant
- 48 to this section.

1 c. A Vietnam veteran upon being accepted to pursue a course of  
2 study for an initial undergraduate degree at an independent college  
3 or university located in the State shall be entitled to tuition  
4 assistance, while enrolled as a student in good standing at that  
5 college or university, in an amount as determined by the  
6 Department of Veterans' Affairs pursuant to this section, but in an  
7 amount not more than the tuition charged at Rutgers, The State  
8 University.

9 d. A tuition award shall not be granted pursuant to this section,  
10 unless the Vietnam veteran has applied for all other available State  
11 or federal student financial aid.

12 e. Eligibility for this program shall be limited to a period of five  
13 years from April 9, 1985. A Vietnam veteran shall be eligible for a  
14 tuition award for four academic years, unless the veteran is enrolled  
15 in an undergraduate program regularly requiring five academic  
16 years for completion, in which case the veteran shall be entitled to a  
17 tuition award for a fifth year.

18  
19 42. (New section) a. Any dependent of a prisoner of war or a  
20 person missing in action, upon being accepted to pursue a course of  
21 undergraduate study in any private institution of higher education in  
22 this State or in any public institution of higher education of this  
23 State as enumerated in N.J.S.18A:62-1, shall be allowed to obtain a  
24 bachelor's degree, or certificate of completion, for so long as he is  
25 eligible, free of tuition. Once a person qualifies as a dependent  
26 under this section, there shall be no situation such as the return of  
27 the parent or the reported death of the parent that will terminate the  
28 eligibility of the dependent to the benefits under this section.

29 b. As used in this section:

30 "Dependent" means any child born before, during or after the  
31 period of time the child's parent was a prisoner of war or a person  
32 missing in action, or any child legally adopted or in the legal  
33 custody of the parent prior to, during or after the time the parent  
34 was a prisoner of war or a person missing in action.

35 "Prisoner of war" and "person missing in action" means any  
36 person who was a resident of this State at the time he or she entered  
37 service of the United States Armed Forces, or whose official  
38 residence is within this State, and who, while serving in said United  
39 States Armed Forces, has been declared to be a prisoner of war, or  
40 to be a person missing in action as established by the Secretary of  
41 Defense after January 1, 1960.

42  
43 43. (New section) a. References in R.S.38:20-3 concerning  
44 educational grants for war orphans; section 2 of P.L.1999, c.276  
45 (C.34:1B-176) concerning information for veterans on the  
46 assistance programs of the New Jersey Economic Development  
47 Authority; section 44 of P.L.2003, c.79 (C.27:23-47) concerning the  
48 maintenance of the Vietnam Veterans' Memorial; and section 2 of

1 P.L.1999, c.92 (C.54A:9-25.16) concerning the Korean Veterans'  
2 Memorial Committee; and section 3 of P.L.2003, c.105 (C.26:2H-  
3 94) concerning certain health care facilities, to the Adjutant General  
4 and the Department of Military and Veterans' Affairs shall be  
5 deemed to mean and refer to the Commissioner of the Department  
6 of Veterans' Affairs and the Department of Veterans' Affairs.

7 b. The veterans' loan authority, established pursuant to  
8 P.L.1944, c.126 (C.38:23B-1 et seq.), together with all its functions,  
9 powers and duties, is transferred to the Department of Veterans'  
10 Affairs.

11 The veterans' services council, established pursuant to P.L.1948,  
12 c.448 (C.13:1B-20 et seq.), together with all its functions, powers  
13 and duties, is transferred to the Department of Veterans' Affairs.

14 c. References in section 2 of P.L.1989, c.334 (C.18A:73-20.3)  
15 concerning collections by the New Jersey State Museum; section 1  
16 of P.L.2001, c.302 (C.18A:7C-4.1) concerning the "Operation  
17 Recognition" program; section 16 of P.L.1974, c.30 (C.19:31-6.4)  
18 concerning voter registration forms; and section 1 of P.L.1999,  
19 c.120 (C.27:1A-5.16) concerning the Blue Star Memorial Highway  
20 Council, to the Adjutant General and the Department of Military  
21 and Veterans' Affairs shall be deemed to mean and refer to the  
22 Adjutant General and the Department of Military Affairs.

23 d. Whenever any statute shall refer to veterans' matters in the  
24 Department of Veterans' Affairs and Defense, the same shall mean  
25 and refer to the Department of Veterans' Affairs. Whenever any  
26 statute refers to veterans' matters in the Department of Military and  
27 Veterans' Affairs, the same shall mean and refer to the Department  
28 of Veterans' Affairs.

29  
30 44. (New section) The transfers directed by this act shall be  
31 made in accordance with the "State Agency Transfer Act,"  
32 P.L.1971, c. 375 (C. 52:14D-1 et seq.).

33  
34 45. N.J.S.38A:2-2 is amended to read as follows:

35 38A:2-2. The staff of the Governor shall consist of:

36 (a) Executive: The Adjutant General of the State Department of  
37 Military [and Veterans'] Affairs.

38 (b) Personnel: Such aides as may be appointed or detailed by  
39 the Governor from among the officers of the organized militia, in a  
40 grade not higher than the one held in the organized militia or in  
41 federal service, whose term of office, unless sooner terminated,  
42 shall expire with that of the Governor who shall have appointed or  
43 detailed them.

44 (cf: P.L.1988, c.138, s.2)

45  
46 46. N.J.S.38A:3-1 is amended to read as follows:

47 38A:3-1. The Department of Military [and Veterans'] Affairs

1 shall be a principal department in the executive branch of the State  
2 Government.

3 (cf: P.L.1988, c.138, s.4)

4  
5 47. Section 33 of P.L.1988, c.138 (C.38A:3-1a) is amended to  
6 read as follows:

7 33. Whenever any statute shall refer to the Department of  
8 Defense or the Department of Veterans' Affairs and Defense, the  
9 same shall mean the Department of Military [and Veterans'] Affairs;  
10 except as provided in section 43 of P.L. , c. (C. )(now pending  
11 before the Legislature as this bill).

12 (cf: P.L.1988, c.138, s.33)

13  
14 48. Section 2 of P.L.1987, c.444 (C.38A:3-1.2) is amended to  
15 read as follows:

16 2. As used in chapter 3 of Title 38A of the New Jersey Statutes[:

17 a. "Department"], "department" means the Department of  
18 Military [and Veterans'] Affairs established pursuant to  
19 N.J.S.38A:3-1 et seq., as amended[;

20 b. "Veteran" means any person who has served in any branch of  
21 the armed forces of the United States for at least 90 days, except  
22 that if the term "veteran" is defined differently in any of the statutes  
23 cited by this act or in any federal statute, that definition shall be  
24 applicable for the purposes of those statutes].

25 (cf: P.L.1987, c.138, s.3)

26  
27 49. N.J.S.38A:3-2 is amended to read as follows:

28 38A:3-2. The Department of Military [and Veterans'] Affairs  
29 shall consist of:

30 (a) The Adjutant General;

31 (b) The deputy adjutant general;

32 (c) The assistant adjutant general, New Jersey Army National  
33 Guard;

34 (d) The assistant adjutant general, New Jersey Air National  
35 Guard;

36 (e) Such officers of the organized militia, active or inactive,  
37 authorized by the Governor for duty therein;

38 (f) Such clerks and employees as may be required, who may be  
39 detailed from the organized militia;

40 (g) State headquarters for selective service; and

41 (h) The organized militia[;

42 (i) The Administrator of Veterans' Affairs;

43 (j) The Director of the Division of Veterans' Administrative  
44 Services;

45 (k) The Director of the Division of Veterans' Loans, Grants and

1 Services; and

2 (l) The Director of the Division of Veterans' Training,  
3 Information and Referrals].

4 (cf: P.L.1988, c.138, s.6)

5

6 50. N.J.S.38A:3-3 is amended to read as follows:

7 38A:3-3. The head of the Department of Military [and  
8 Veterans'] Affairs shall be the Adjutant General, who shall be  
9 appointed with the grade of major general of the line, New Jersey  
10 Army National Guard, or major general, New Jersey Air National  
11 Guard, by the Governor, with the advice and consent of the Senate,  
12 from:

13 (a) Federally recognized general officers in the national guard  
14 who have served therein for the preceding 10 years; or

15 (b) Federally recognized commissioned officers in the national  
16 guard, who have served therein for the preceding 10 years and are  
17 now serving in a military grade not below that of a colonel, such  
18 officers having the qualifications to become federally-recognized as  
19 brigadier general of the line, New Jersey Army National Guard, or  
20 brigadier general, New Jersey Air National Guard.

21 (cf: P.L.1988, c.138, s.9)

22

23 51. N.J.S.38A:3-6 is amended to read as follows:

24 38A:3-6. Under the direction of the Governor, the Adjutant  
25 General shall:

26 (a) Exercise control over the affairs of the Department of  
27 Military [and Veterans'] Affairs and in connection therewith make  
28 and issue such regulations governing the work of the Department of  
29 Military [and Veterans'] Affairs and the conduct of its employees as  
30 may, in his judgment, be necessary or desirable.

31 (b) Be the request officer of the Department of Military [and  
32 Veterans'] Affairs within the meaning of such term as defined in  
33 section 1 of P.L.1944, c.112 (C.52:27B-1).

34 (c) (Deleted by amendment, P.L.1988, c.138.)

35 (d) Command the organized militia of the State, with  
36 responsibility for recruiting, mobilization, administration, training,  
37 discipline, equipping, supply and general efficiency thereof. He  
38 may issue such regulations and delegate such command functions as  
39 he shall deem necessary. The regulations so issued shall, insofar as  
40 possible, conform to the federal laws and regulations concerning the  
41 same.

42 (e) Maintain the archives and be the custodian of the records and  
43 papers required, by laws or regulations, to be filed with the  
44 Department of Military [and Veterans'] Affairs.

45 (f) Supervise, administer and coordinate those activities of the

- 1 selective service system for which the Governor is responsible.
- 2 (g) Acquire by gift, grant, purchase, exchange, eminent domain,  
3 or in any other lawful manner, in the name of and for the use of the  
4 State of New Jersey, all those parcels of land as shall be necessary  
5 for armories and other militia facilities, and supervise the design,  
6 construction, alteration, maintenance and repair of said property.
- 7 (h) Establish and maintain such headquarters as may be required  
8 for the militia.
- 9 (i) Exercise the powers vested in him and perform such other  
10 duties and functions as required of him by the Governor and by  
11 federal and State laws and regulations.
- 12 (j) [Exercise all of the functions, powers and duties heretofore  
13 vested in the Director of the Division on Veterans' Programs and  
14 Special Services.] Deleted by amendment, P.L. , c. (now  
15 pending before the Legislature as this bill).
- 16 (k) Appoint and remove officers and other personnel employed  
17 within the department, subject to the provisions of N.J.S.38A:3-8  
18 and Title 11A of the New Jersey Statutes and other applicable  
19 statutes, except as herein otherwise specifically provided.
- 20 (l) Have authority to organize and maintain an administrative  
21 division and to assign to employment therein secretarial, clerical  
22 and other assistants in the department or the Adjutant General's  
23 Office for the purpose of providing centralized support to all  
24 segments of the department, including budgeting, personnel  
25 administration and oversight of equal opportunity programs.
- 26 (m) Perform, exercise and discharge the functions, powers and  
27 duties of the department through such divisions as may be  
28 established by this act or otherwise by law.
- 29 (n) Organize the work of the department in divisions not  
30 inconsistent with the provisions of this act and in bureaus and other  
31 organizational units as the Adjutant General may determine to be  
32 necessary for efficient and effective operation.
- 33 (o) Adopt, issue and promulgate, in the name of the department,  
34 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
35 (C.52:14B-1 et seq.), such rules and regulations as may be  
36 authorized by law.
- 37 (p) Institute, or cause to be instituted, legal proceedings or  
38 processes as necessary to properly enforce and give effect to any of  
39 the Adjutant General's powers or duties.
- 40 (q) Make an annual report to the Governor and to the Legislature  
41 of the department's operations, and render other reports as the  
42 Governor shall from time to time request or as may be required by  
43 law.
- 44 (r) Coordinate the activities of the department, and the several  
45 divisions and other agencies therein, in a manner designed to  
46 eliminate overlapping and duplicative functions.
- 47 (s) Integrate within the department, so far as practicable, all staff

1 services of the department and of several divisions and other  
2 agencies therein.

3 (t) Request access to all relevant files and records of other State  
4 agencies, which may be made available to the Adjutant General by  
5 the head of a State agency, and request, subject to the permission of  
6 the head of the State agency, any officer or employee therein to  
7 provide information as necessary to assist in the performance of the  
8 functions of the department.

9 (u) [Supervise and operate the New Jersey Veterans' Memorial  
10 Home-Menlo Park, the New Jersey Veterans' Memorial Home-  
11 Vineland, the New Jersey Veterans' Memorial Home-Paramus and  
12 the New Jersey Veterans' Memorial Cemetery-Arnetown.]  
13 Deleted by amendment, P.L. , c. (now pending before the  
14 Legislature as this bill).

15 (v) [Supervise and operate the liaison office and the field offices  
16 which serve the federal Veterans' Affairs Medical Centers.]  
17 Deleted by amendment, P.L. , c. (now pending before the  
18 Legislature as this bill).

19 (w) Make application for federal grants and programs, other  
20 than education grants or funds.

21 (x) Administer the federally-funded training and rehabilitation  
22 programs, except for the administration of federally-funded  
23 education and training programs set forth in 38 U.S.C. s.36 et seq.

24 (y) [Provide current information to the general public on State  
25 and federal veterans' programs and benefits.] Deleted by  
26 amendment, P.L. , c. (now pending before the Legislature as this  
27 bill).

28 (cf: P.L.1988, c.138, s.10)

29

30 52. Section 41 of P.L.1994, c.182 (C.38A:3-6.19) is amended to  
31 read as follows:

32 41. The Adjutant General of the Department of Military [and  
33 Veterans'] Affairs shall:

34 a. cause copies of the voter registration forms and instructions  
35 furnished under subsection f. of section 16 of P.L.1974, c.30  
36 (C.19:31-6.4) to be displayed at each recruitment office of the New  
37 Jersey National Guard and to be made available to each person who,  
38 when appearing in person at such office to apply for enlistment in  
39 the Guard, may wish, on a voluntary basis, to register to vote;

40 b. provide for the continuous supply of the forms and  
41 instructions specified in subsection a. of this section to each such  
42 office; and

43 c. provide the forms and instructions specified in subsection a.  
44 of this section in both the English and Spanish languages to each  
45 recruitment office of the New Jersey National Guard which is

- 1 located in any county in which bilingual sample ballots must be
- 2 provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of
- 3 P.L.1965, c.29 (C.19:23-22.4).
- 4 (cf: P.L.1994, c.182, s.41)



1       53. N.J.S.38A:3-8 is amended to read as follows:

2       38A:3-8. The personnel of the Department of Military [and  
3 Veterans'] Affairs shall consist of the following classes of persons:

4       (a) Officers and enlisted members who are ordered to active  
5 duty on a permanent duty status, with the pay allowances of their  
6 grade and length of service in accordance with section 38A:4-3 of  
7 this title.

8       (b) Classified civil service employees.

9       (c) Unclassified civil service employees, who may be relieved,  
10 suspended or discharged for good cause. Such personnel shall be  
11 administered as far as practicable under similar regulations as those  
12 applicable to classified civil service, but shall be subject to military  
13 discipline and control as the Adjutant General deems appropriate,  
14 and shall include all personnel employed for the maintenance of  
15 armories.

16       (d) Technicians paid from federal funds. Such personnel shall  
17 be appointed by the Adjutant General, who shall determine their  
18 salaries and who may relieve, suspend or discharge such persons at  
19 any time for good cause, and shall be subject to military discipline  
20 and control.

21       (cf: P.L.1988, c.138, s.11)

22

23       54. N.J.S.38A:3-10 is amended to read as follows:

24       38A:3-10. The Adjutant General may demand and receive, for  
25 the services herein enumerated, except for those in proof of  
26 pension[, establishment of veteran status,] and exemption from jury  
27 duty, or in lieu of lost discharges, the following fees:

28       (a) For every search made in his office for the military record of  
29 any member or former member of the armed forces, including any  
30 member of the American Merchant Marine during World War II  
31 who is declared by the United States Department of Defense to be  
32 eligible for federal veterans' benefits, the sum of \$1.00.

33       (b) For the furnishing of every certified copy of such record, the  
34 sum of \$2.00.

35       The Adjutant General shall keep a true record and account of  
36 fees received under the provisions of this section and shall pay the  
37 same into the State Treasury in the manner prescribed by law.

38       (cf: P.L.1991, c.389, s.21)

39

40       55. N.J.S.38A:3-11 is amended to read as follows:

41       38A:3-11. The Adjutant General shall have an appropriate seal  
42 and have affixed an impression of the same to all certificates of  
43 record issued from the Department of Military [and Veterans']  
44 Affairs. Copies of any books, records, papers and documents, in the  
45 Department of Military [and Veterans'] Affairs certified by the  
46 Adjutant General or other designated officer of the department,

1 under seal of the Department of Military [and Veterans'] Affairs  
2 shall be admitted as evidence in any court of the State, either civil  
3 or military, with the same force and effect as if the original had  
4 been produced.

5 (cf: P.L.1988, c.138, s.12)

6  
7 56. Section 2 of P.L.1992, c.86 (C.38A:3-16) is amended to read  
8 as follows:

9 2. The Council on Armed Forces and Veterans' Affairs  
10 established in the Department of Commerce and Economic  
11 Development pursuant to P.L.1983, c.61 (C.52:27H-45 et seq.) is  
12 hereby transferred to and established in the Department of Military  
13 [and Veterans'] Affairs. The council shall consist of 10 members:  
14 two to be appointed by the President of the Senate from the  
15 members thereof, no more than one of whom shall be from the same  
16 political party; two to be appointed by the Speaker of the General  
17 Assembly from the members thereof, no more than one of whom  
18 shall be from the same political party; the Adjutant General of the  
19 Department of Military [and Veterans'] Affairs, the Commissioner  
20 of Commerce, Energy and Economic Development, and the  
21 Commissioner of Labor, or their designees; and three public  
22 members to be appointed by the Governor, with the advice and  
23 consent of the Senate. Members of the Legislature shall serve on  
24 the commission for the two-year legislative term during which they  
25 are appointed. Each public member shall serve for a term of three  
26 years from the date of the member's appointment and until the  
27 member's successor is appointed and qualified. Vacancies resulting  
28 from causes other than by expiration of term shall be filled for the  
29 unexpired term only and shall be filled in the same manner as the  
30 original appointments were made.

31 (cf: P.L.1992, c.86, s.2)

32  
33 57. N.J.S.38A:10-3 is amended to read as follows:

34 38A:10-3. The military courts for the militia of this State shall  
35 be constituted like similar courts of the armed forces of the United  
36 States. They shall have the jurisdiction and powers, except as to  
37 punishments, and shall follow the forms and procedures provided  
38 for those courts. The convening authority for such military courts  
39 and maximum punishments authorized shall be as prescribed by  
40 federal and State laws and regulations applicable to the national  
41 guard; provided, however, that special courts-martial may be  
42 convened only with the approval of the Adjutant General,  
43 Department of Military [and Veterans'] Affairs.

44 (cf: P.L.1988, c.138, s.13)

45  
46 58. N.J.S.38A:12-4 is amended to read as follows:

1 38A:12-4. The Adjutant General, on behalf of the State is  
2 authorized to make application for, and accept from, the federal  
3 government, or any agency thereof, a grant of money to pay part, or  
4 all of the cost of constructing armories or other military [and  
5 veterans'] facilities.

6 There shall be appropriated to the State Department of Military  
7 [and Veterans'] Affairs from time to time, such sums as may be  
8 necessary to meet the State's share, or the entire cost of such  
9 construction, when included in any annual or supplemental  
10 appropriation act.

11 (cf: P.L.1988, c.138, s.16)

12  
13 59. Section 2 of P.L.1968, c.278 (C.38A:13-9) is amended to  
14 read as follows:

15 2. The death benefit provided for in section 1 of this act shall  
16 not be payable where there is a lump sum death benefit payable as a  
17 result of the deceased militiaman's membership in a public  
18 employees' pension system, or when the militiaman was detailed to  
19 the Department of Military [and Veterans'] Affairs in a permanent  
20 duty status and entitled to benefits out of Federal funds.

21 (cf: P.L.1988, c.138, s.19)

22  
23 60. Sections 1, 11, 13 through 16, and 29 through 37 of  
24 P.L.1987, c.444 (C.38A:3-1.1, 38A:3-4.1, 38A:3-12 through 38A:3-  
25 15, 38A:3-2a through 38A:3-2i);

26 section 2 of P.L.1973, c.284 (C.38A:3-2.2);

27 section 2 of P.L.1989, c.135 (C.38A:3-2b1);

28 sections 1 and 2 of P.L.1993, c.281 (C.38A:3-2b2 and 38A:3-  
29 2b3);

30 section 14 of P.L.1991, c.273 (C.38A:3-2d1);

31 section 1 of P.L.2000, c.127 (C.38A:3-6a);

32 sections 1 through 16 of P.L.1989, c.162 (C.38A:3-6.3 through  
33 38A:3-6.18);

34 sections 3 through 17 of P.L.1999, c.46 (C.38A:3-23 through  
35 38A:3-37); and

36 sections 5 and 6 of P.L.1996, c.150 (C.38A:3-6.4a and 38A:3-  
37 6.4b), are hereby repealed.

38  
39 61. This act shall take effect 120 days following enactment,  
40 except that such anticipatory administrative action may be taken in  
41 advance as shall be deemed necessary for the implementation of this  
42 act.

43  
44  
45 STATEMENT  
46

1       This bill creates a new Department of Veterans' Affairs as a  
2       principal department in the Executive Branch of State government.  
3       All divisions and programs concerning veterans now in the  
4       Department of Military and Veterans' Affairs are continued and  
5       transferred to the new Department of Veterans' Affairs. This bill  
6       creates no new divisions or programs. All the bill's provisions exist  
7       in current law and have been duplicated in this bill to provide for  
8       their recodification in a new Title 38B. Corresponding provisions  
9       of current law now codified in Title 38A are repealed.

10       New Jersey's veterans have maintained their proud allegiance to  
11       the United States and have fought and died to preserve and protect  
12       our freedom and way of life. Presently, there are approximately  
13       650,000 veterans with service in time of war or conflict residing in  
14       New Jersey. The Department of Military and Veterans' Affairs,  
15       which is the principal government agency that serves this State's  
16       veterans, has done an especially commendable job attending to this  
17       special group of residents. However, the department has significant  
18       priorities with regard to maintaining the strength and readiness of  
19       the National Guard and providing for homeland security. While  
20       many other states in the United States have a separate cabinet-level  
21       department for veterans' affairs, New Jersey lacks an executive  
22       department which is concerned primarily with the needs and  
23       problems of veterans in this State. It is in the public interest to  
24       incorporate various services and programs which pertain  
25       specifically to veterans and their dependents into an executive  
26       department which can serve their specific and special needs more  
27       efficiently than is possible at present.