

ASSEMBLY, No. 269

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN ARMATO

District 2 (Atlantic)

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SYNOPSIS

Provides civil service preference to military servicemembers who served in humanitarian Operations Provide Comfort and Provide Comfort II.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning civil service preference for veterans who
2 served in Operations Provide Comfort and Provide Comfort II
3 and amending N.J.S.11A:5-1.
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 by
12 the United States Veterans Administration or who receives or is
13 entitled to receive equivalent compensation for a service-connected
14 disability which arises out of military or naval service as set forth in
15 this chapter and who has submitted sufficient evidence of the record
16 of disability incurred in the line of duty to the Adjutant General of
17 the Department of Military and Veterans' Affairs and received a
18 determination of status no later than eight days prior to the issuance
19 of an employment list, for which that individual received a passing
20 score on an examination;

21 b. "Veteran" means any honorably discharged soldier, sailor,
22 marine or nurse who served in any army or navy of the allies of the
23 United States in World War I, between July 14, 1914 and November
24 11, 1918, or who served in any army or navy of the allies of the
25 United States in World War II, between September 1, 1939 and
26 September 2, 1945 and who was inducted into that service through
27 voluntary enlistment, and was a citizen of the United States at the
28 time of the enlistment, and who did not renounce or lose his or her
29 United States citizenship; or any soldier, sailor, marine, airman,
30 nurse or army field clerk, who has served in the active military or
31 naval service of the United States and has been discharged or
32 released under other than dishonorable conditions from that service
33 in any of the following wars or conflicts and who has presented to
34 the Adjutant General of the Department of Military and Veterans'
35 Affairs sufficient evidence of the record of service and received a
36 determination of status no later than eight days prior to the issuance
37 of an employment list, for which that individual received a passing
38 score on an examination:

39 (1) World War I, between April 6, 1917 and November 11,
40 1918;

41 (2) World War II, on or after September 16, 1940, who shall
42 have served at least 90 days beginning on or before December 31,
43 1946 in such active service, exclusive of any period of assignment
44 for a course of education or training under the Army Specialized
45 Training Program or the Navy College Training Program, which

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 course was a continuation of a civilian course and was pursued to
2 completion, or as a cadet or midshipman at one of the service
3 academies; except that any person receiving an actual service-
4 incurred injury or disability shall be classed a veteran whether or
5 not that person has completed the 90-day service;

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

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

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

41 (6) Lebanon peacekeeping mission, on or after September 26,
42 1982, who has served in Lebanon or on board any ship actively
43 engaged in patrolling the territorial waters of that nation for a
44 period, continuous or in the aggregate, of at least 14 days
45 commencing on or before December 1, 1987 or the date of
46 termination of that mission, as proclaimed by the President of the
47 United States or Congress, whichever date of termination is the
48 latest, in such active service; provided, that any person receiving an

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

4 (7) Grenada peacekeeping mission, on or after October 23,
5 1983, who has served in Grenada or on board any ship actively
6 engaged in patrolling the territorial waters of that nation for a
7 period, continuous or in the aggregate, of at least 14 days
8 commencing on or before November 21, 1983 or the date of
9 termination of that mission, as proclaimed by the President of the
10 United States or Congress, whichever date of termination is the
11 latest, in such active service; provided, that any person receiving an
12 actual service-incurred injury or disability shall be classed as a
13 veteran whether or not that person has completed the 14 days'
14 service as herein provided;

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

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

41 (10) Operations Provide Comfort and Provide Comfort II in
42 southeastern Turkey and northern Iraq, on or after April 5, 1991 or
43 the date of inception of that operation, as proclaimed by the
44 President of the United States or Congress, whichever date of
45 inception is earliest, who has served in southeastern Turkey or
46 northern Iraq for a period, continuous or in the aggregate, of at least
47 14 days commencing on or before December 31, 1996 or the date of
48 termination of that mission, as proclaimed by the President of the

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

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

21 **[(11)]** (12) Operation "Restore Hope" in Somalia, on or after
22 December 5, 1992, or the date of inception of that operation as
23 proclaimed by the President of the United States or the Congress,
24 whichever date is earliest, who has served in Somalia or on board
25 any ship actively engaged in patrolling the territorial waters of that
26 nation for a period, continuously or in the aggregate, of at least 14
27 days in such active service commencing on or before March 31,
28 1994; provided that any person receiving an actual service-incurred
29 injury or disability shall be classed as a veteran whether or not that
30 person has completed the 14-day service as herein provided;

31 **[(12)]** (13) Operations "Joint Endeavor" and "Joint Guard" in
32 the Republic of Bosnia and Herzegovina, on or after November 20,
33 1995, who served in such active service in direct support of one or
34 both of the operations for at least 14 days, continuously or in the
35 aggregate, commencing on or before June 20, 1998, and (1) was
36 deployed in that nation or in another area in the region, or (2) was
37 on board a United States naval vessel operating in the Adriatic Sea,
38 or (3) operated in airspace above the Republic of Bosnia and
39 Herzegovina; provided that any person receiving an actual service-
40 incurred injury or disability shall be classed as a veteran whether or
41 not that person completed the 14-day service requirement;

42 **[(13)]** (14) Operation "Uphold Democracy" in Haiti, on or after
43 September 19, 1994, who served in Haiti or on board any ship
44 actively engaged in patrolling the territorial waters of that nation for
45 a period, continuously or in the aggregate, of at least 14 days in
46 such active service commencing on or before March 31, 1995, and
47 who received an Armed Forces Expeditionary Medal for such
48 service; provided, that any person receiving an actual service-

1 incurred injury or disability shall be classed as a veteran whether or
2 not that person has completed the 14 days' service as herein
3 provided or received an Armed Forces Expeditionary Medal;

4 **[(14)]** (15) Operation "Enduring Freedom", on or after
5 September 11, 2001, who served in a theater of operation and in
6 direct support of that operation for a period, continuously or in the
7 aggregate, of at least 14 days in such active service commencing on
8 or before the date the President of the United States or the United
9 States Secretary of Defense designates as the termination date of
10 that operation; provided, that any person receiving an actual
11 service-incurred injury or disability while engaged in such service
12 shall be classed as a veteran whether or not that person has
13 completed the 14 days' service as herein provided; and

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

26 c. "War service" means service by a veteran in any war or
27 conflict described in this chapter during the periods specified.
28 (cf: P.L.2007, c.115, s.1)

29
30 2. This act shall take effect thirty days after the date of
31 enactment and shall apply to open competitive examinations held
32 after the effective date.

33 34 35 STATEMENT

36
37 This bill would provide civil service preference to military
38 servicemembers who served in Operations Provide Comfort and
39 Provide Comfort II, created in response to Kurds fleeing Saddam
40 Hussein's oppressive regime. The Provide Comfort operations were
41 part of a humanitarian mission of the United States in conjunction
42 with many other countries to provide Kurdish refugees with relief
43 supplies, to enforce a security zone to protect the Kurds on the
44 ground, and to enforce a no-fly zone over northern Iraq. Although
45 these operations may not be as widely recognized as more
46 traditional missions, at the time, the mission was the largest
47 humanitarian effort in history and it saved the lives of thousands of
48 people.