

SENATE, No. 2115

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

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

3

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

6

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

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

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

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

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

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

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

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

Matter underlined thus is new matter.

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

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

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

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

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

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

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

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

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

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

1 m. "Regular interest" shall mean interest as determined by the
2 State Treasurer, after consultation with the Directors of the
3 Divisions of Investment and Pensions, the board of trustees and the
4 actuary. It shall bear a reasonable relationship to the percentage rate
5 of earnings on investments based on the market value of assets but
6 shall not exceed the assumed percentage rate of increase applied to
7 salaries plus 3%, provided however that the board of trustees shall
8 not set the average percentage rate of increase applied to salaries
9 below 6%.

10 n. "Retirement allowance" means the pension plus the annuity.

11 o. "School service" means any service as a "teacher" as defined
12 in this section.

13 p. "Teacher" means any regular teacher, special teacher,
14 helping teacher, teacher clerk, principal, vice-principal, supervisor,
15 supervising principal, director, superintendent, city superintendent,
16 assistant city superintendent, county superintendent, State
17 Commissioner or Assistant Commissioner of Education, members
18 of the State Department of Education who are certificated,
19 unclassified professional staff and other members of the teaching or
20 professional staff of any class, public school, renaissance school
21 project established pursuant to P.L.2011, c.176 (C.18A:36C-1 et
22 seq.) upon commencement of employment, high school, normal
23 school, model school, training school, vocational school, truant
24 reformatory school, or parental school, and of any and all classes or
25 schools within the State conducted under the order and
26 superintendence, and wholly or partly at the expense of the State
27 Board of Education, of a duly elected or appointed board of
28 education, board of school directors, or board of trustees of the
29 State or of any school district or normal school district thereof, and
30 any persons under contract or engagement to perform one or more
31 of these functions. It shall also mean any person who serves, while
32 on an approved leave of absence from regular duties as a teacher, as
33 an officer of a local, county or State labor organization which
34 represents, or is affiliated with an organization which represents,
35 teachers as defined in this subsection. No person shall be deemed a
36 teacher within the meaning of this article who is a substitute
37 teacher. In all cases of doubt the board of trustees shall determine
38 whether any person is a teacher as defined in this article.

39 q. "Teachers' Pension and Annuity Fund," hereinafter referred
40 to as the "retirement system" or "system," is the corporate name of
41 the arrangement for the payment of retirement allowances and other
42 benefits under the provisions of this article, including the several
43 funds placed under said system. By that name all its business shall
44 be transacted, its funds invested, warrants for money drawn, and
45 payments made and all of its cash and securities and other property
46 held.

47 r. "Veteran" means any [honorably discharged officer, soldier,
48 sailor, airman, marine or nurse who served in any Army, Air Force

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45

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

48 6. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25

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

28 3. As used in this act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (cf: P.L.2016, c.26, s.1)
6

7 5. This act shall take effect on the first day of the third month
8 after the date of enactment.
9

10
11 STATEMENT
12

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

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