

ASSEMBLY, No. 915

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblywoman DIANNE C. GOVE

District 9 (Atlantic, Burlington and Ocean)

Assemblyman BRIAN E. RUMPF

District 9 (Atlantic, Burlington and Ocean)

SYNOPSIS

Makes annual compensation paid to surviving spouses of certain blind or disabled veterans payable from date of veteran's death.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning annual compensation for surviving spouses of
2 certain blind and disabled veterans and amending R.S.38:18-2
3 and P.L.1947, c.263.

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

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8 1. R.S.38:18-2 is amended to read as follows:

9 38:18-2. A soldier, who has sustained a total loss of sight as a
10 result of his service during any of the wars mentioned in section 1
11 of this chapter, shall be paid for the term of his life, and upon his
12 death his surviving spouse shall be paid, provided that the soldier or
13 surviving spouse shall continue as a resident of this State, the sum
14 of \$750.00 annually, in monthly payments. Such payments shall be
15 due and payable from the date of discharge or release of the soldier
16 if application therefor shall be made within one year from the date
17 of such discharge or release. If the application shall be made one
18 year from the date of discharge or release of the soldier such
19 payments shall be due and payable from the date of such
20 application. Accrued payments to the date of certification shall be
21 paid in one lump sum.

22 Payments pursuant to this section shall be due and payable to an
23 eligible surviving spouse from (1) April 9, 1985 in the event the
24 veteran's death occurred prior to that date, or (2) the date of the
25 veteran's death if the death occurred after April 9, 1985, regardless
26 of the date of the surviving spouse's application. Accrued payments
27 to the date of certification shall be paid in one lump sum. The
28 Division of Veterans Programs in the Department of Military and
29 Veterans' Affairs shall notify all surviving spouses who are certified
30 and receiving annual compensation pursuant to this section on the
31 effective date of this act, P.L. , c. (pending before the
32 Legislature as this bill), of the provisions of this act, and shall
33 ensure that the accrued payments are paid in one lump sum within
34 90 days of the effective date.

35 (cf: P.L.1985, c.116, s.1)

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37 2. Section 2 of P.L.1947, c.263 (C.38:18A-2) is amended to
38 read as follows:

39 2. A veteran who served in the active military or naval forces
40 of the United States and who is suffering from paraplegia and has
41 permanent paralysis of both legs and lower parts of the body, or
42 who is suffering from osteochondritis and has permanent loss of the
43 use of both legs, or who is suffering from hemiplegia and has
44 permanent paralysis of one leg and one arm or either side of the
45 body, resulting from injury to the spinal cord, skeletal structure, or
46 brain or who has suffered amputation of both hands, both feet or

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 one hand and one foot, or who has lost the use of both feet or both
2 legs, due to multiple sclerosis, sustained through enemy action, or
3 accident, or resulting from disease contracted while in such active
4 military or naval service, shall be paid for the term of his life, and
5 upon his death his surviving spouse shall be paid, the sum of
6 \$750.00 annually in monthly payments. Such payments shall be
7 due and payable from the date of discharge or release of the soldier
8 if application therefor shall be made within one year from the date
9 of such discharge or release. If the application shall be made after
10 one year from the date of discharge or release of the soldier, such
11 payment shall be due and payable from the date of such application.
12 Accrued payments to the date of certification shall be paid in one
13 lump sum.

14 Payments pursuant to this section shall be due and payable to an
15 eligible surviving spouse from (1) April 9, 1985 in the event the
16 veteran's death occurred prior to that date, or (2) the date of the
17 veteran's death if the death occurred after April 9, 1985, regardless
18 of the date of the surviving spouse's application. Accrued payments
19 to the date of certification shall be paid in one lump sum. The
20 Division of Veterans Programs in the Department of Military and
21 Veterans' Affairs shall notify all surviving spouses who are certified
22 and receiving annual compensation pursuant to this section on the
23 effective date of this act, P.L. _____, c. _____ (pending before the
24 Legislature as this bill), of the provisions of this act, and shall
25 ensure that the accrued payments are paid in one lump sum within
26 90 days of the effective date.

27 Nothing in this act shall be intended to include paraplegia or
28 hemiplegia resulting from locomotor ataxia or other forms of
29 syphilis of the central nervous system or from chronic alcoholism,
30 or to include other forms of disease resulting from the veteran's own
31 misconduct which may produce signs and symptoms similar to
32 those resulting from paraplegia, osteochondritis, hemiplegia or
33 multiple sclerosis.

34 (cf: P.L.1985, c.116, s.3)

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36 3. This act shall take effect immediately and shall be applicable
37 to surviving spouses receiving payments pursuant to R.S.38:18-1 et
38 seq. and P.L.1947, c.263 on the effective date and thereafter.

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STATEMENT

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43 This bill requires the payment of the \$750 annual compensation
44 payable to a surviving spouse of a blind or severely disabled
45 wartime veteran to begin from the date of the veteran's death,
46 regardless of when the surviving spouse files the application for this
47 benefit. If the veteran died before April 9, 1985, the surviving
48 spouse will be entitled to the annual compensation from that date

1 forward, again regardless of the date of the application. Surviving
2 spouses were first made eligible for this benefit on April 9, 1985 by
3 P.L.1985, c.116.

4 Under current regulations of the Department of Military and
5 Veterans' Affairs, a surviving spouse is eligible for this benefit from
6 the date of application which for a variety of reasons may be years
7 after the veteran's death. A surviving spouse should not be unfairly
8 denied this benefit due simply to lack of knowledge about the
9 benefit or forgetting to file due to the grief and disruption that
10 occurs following a spouse's death.

11 This lifetime benefit is statutorily available to a veteran who was
12 blinded in service during any war including specifically World War
13 II and the Korean Conflict, or who was severely disabled as a result
14 of service during any war including specifically World War II, the
15 Korean conflict, or Vietnam, although the department has made this
16 benefit available to veterans who served in other wars or military
17 emergencies. A veteran who applied for this benefit within one
18 year of military discharge received payments beginning with that
19 year. A veteran who applied after that received payments from the
20 date of application presumably because the veteran became blind or
21 severely disabled years after discharge as a result of the injury or
22 disease suffered during the wartime service. This same requirement
23 that payments begin from the date of application should not apply to
24 surviving spouses because at the time of the veteran's death it is
25 known that he or she was blind or severely disabled as a result of
26 wartime service.