

ASSEMBLY, No. 2702

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Assemblyman JOHN ARMATO

District 2 (Atlantic)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman WAYNE P. DEANGELO

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Assemblywoman Speight

SYNOPSIS

Provides for increase and annual adjustment in allowance paid to war veterans with certain service-connected disabilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/13/2020)

1 **AN ACT** providing for an increase and annual adjustment to the
2 allowance paid to veterans with certain wartime service-
3 connected disabilities, and amending various parts of the
4 statutory law.

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

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

10 38:18-1. As used in this chapter the word **["soldier"]**
11 “veteran” means and includes any officer, soldier, sailor, marine,
12 airman, nurse or any other person, male or female, regularly
13 enlisted or inducted, who was or shall have been a part of the
14 military or naval forces of the United States, and who took part in
15 any war in which the United States was engaged, or who took part
16 or shall have taken part in the **[present]** wars with the governments
17 of Japan, Germany and Italy, or any of them, including any member
18 of the American Merchant Marine who is declared by the United
19 States Department of Defense to be eligible for federal veterans'
20 benefits, or who served or shall have served in the active military or
21 naval service of the United States in time of emergency as herein
22 defined, and who was a resident of this State at the time he was or
23 shall be commissioned, enlisted, inducted, appointed or mustered
24 into the military or naval service of the United States, and who has
25 been or shall have been given an honorable or ordinary discharge or
26 release therefrom, and continues to be a resident of this State.

27 As used herein the term "in time of emergency" shall mean and
28 include any time after June 23, 1950, and on or prior to January 31,
29 1955.

30 (cf: P.L.1991, c.389, s.13)

31

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

33 38:18-2. a. A **["soldier"]** veteran, who has sustained a total loss
34 of sight as a result of his service during any of the wars mentioned
35 in section 1 of this chapter, shall be paid for the term of his life, and
36 upon his death his surviving spouse shall be paid, provided that the
37 **["soldier"]** veteran or surviving spouse shall continue as a resident of
38 this State, the sum of **[\$750.00]** \$1,500 annually, in monthly
39 payments. Such payments shall be due and payable from the date of
40 discharge or release of the **["soldier"]** veteran if application therefor
41 shall be made within one year from the date of such discharge or
42 release. If the application shall be made one year from the date of
43 discharge or release of the **["soldier"]** veteran such payments shall be
44 due and payable from the date of such application. Accrued
45 payments to the date of certification shall be paid in one lump sum.

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.

b. The amount of the annual payment provided for in subsection a. of this section shall be adjusted annually by the State Treasurer in direct proportion to the percent change in the Consumer Price Index over a 12-month period beginning November 1 and ending October 31. For the purpose of this subsection, "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, New York-Northern New Jersey-Long Island Metropolitan Area, All Items (1982-84=100), as published by the Bureau of Labor Statistics in the United States Department of Labor. The State Treasurer shall determine the amount of the adjustment by December 1 of each year and the adjustment shall become effective for payments to be made during the calendar year following the determination, beginning with payments made on or after January 1 of each calendar year. An adjustment in the annual payment shall be made only if the percent change in the Consumer Price Index for the period specified is greater than zero. If the reference base of the index is changed, the index used to determine the Consumer Price Index shall be the index converted to the new base by standard statistical methods. The first adjustment shall not be made sooner than twelve full months following the effective date of P.L. , c. (pending before the Legislature as this bill).

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

3. R.S.38:18-3 is amended to read as follows:

38:18-3. Evidence of the service and disability mentioned in this chapter shall be furnished to the Division of Veterans Services of the Department of [Economic Development] Military and Veterans Affairs, which shall examine the same and upon being satisfied that the service was performed and the soldier has been rendered totally blind as a result thereof, shall so certify to the [State Comptroller] Director of the Division of Budget and Accounting who shall, upon receipt thereof, draw **[his]** a warrant on the State Treasurer in favor of the applicant in a bulk sum for any accrued payments and in the annual sum **[of \$750.00 annually]** provided in R.S.38:18-2, which the State Treasurer shall pay out of the money appropriated therefor by the Legislature.

(cf: P.L.1971, c.329, s.2)

4. Section 1 of P.L.1956, c.166 (C.38:18-4) is amended to read as follows:

1. Any **[soldier] veteran** or surviving spouse receiving compensation pursuant to the provisions of R.S. 38:18-1 et seq. and who is required to, and who does, move without the State for reasons of health or employment shall notwithstanding such nonresidence be entitled to continue to receive such compensation. In the event such **[soldier] veteran** or surviving spouse becomes entitled to compensation from the state to which he moves pursuant

1 to an act of such state substantially similar to this act and the act to
2 which this act is a supplement, such compensation shall
3 immediately cease, unless such **【soldier】** veteran or surviving
4 spouse shall elect to receive such compensation to the exclusion of
5 the compensation of the state to which he moves.

6 (cf: P.L.1985, c.116, s.2)

7
8 5. Section 2 of P.L.1947, c.263 (C.38:18A-2) is amended to
9 read as follows:

10 2. a. A veteran who served in the active military or naval
11 forces of the United States and who has paraplegia and permanent
12 paralysis of both legs and lower parts of the body, or who has
13 osteochondritis and permanent loss of the use of both legs, or who
14 has hemiplegia and permanent paralysis of one leg and one arm or
15 either side of the body, resulting from injury to the spinal cord,
16 skeletal structure, or brain, or who has had both hands, both feet, or
17 one hand and one foot amputated, or who has lost the use of both
18 feet or both legs, due to multiple sclerosis, sustained through enemy
19 action, or accident, or resulting from disease contracted while in
20 active military or naval service, shall be paid for the term of the
21 veteran's life, and upon the veteran's death the surviving spouse,
22 domestic partner, or partner in civil union shall be paid, the sum of
23 **【\$750】** \$1,500 annually in monthly payments. Such payments shall
24 be due and payable from the date of discharge or release of the
25 veteran if application therefor shall be made within one year from
26 the date of such discharge or release. If the application shall be
27 made after one year from the date of discharge or release of the
28 veteran, such payment shall be due and payable from the date of
29 such application. Accrued payments to the date of certification shall
30 be paid in one lump sum.

31 b. The amount of the annual payment provided for in
32 subsection a. of this section shall be adjusted annually by the State
33 Treasurer in direct proportion to the percent change in the
34 Consumer Price Index over a 12-month period beginning November
35 1 and ending October 31. For the purpose of this subsection,
36 "Consumer Price Index" means the Consumer Price Index for All
37 Urban Consumers, New York-Northern New Jersey-Long Island
38 Metropolitan Area, All Items (1982-84=100), as published by the
39 Bureau of Labor Statistics in the United States Department of
40 Labor. The State Treasurer shall determine the amount of the
41 adjustment by December 1 of each year and the adjustment shall
42 become effective for payments to be made during the calendar year
43 following the determination, beginning with payments made on or
44 after January 1 of each calendar year. An adjustment in the annual
45 payment shall be made only if the percent change in the Consumer
46 Price Index for the period specified is greater than zero. If the
47 reference base of the index is changed, the index used to determine
48 the Consumer Price Index shall be the index converted to the new

1 base by standard statistical methods. The first adjustment shall not
2 be made sooner than twelve full months following the effective date
3 of P.L. , c. (pending before the Legislature as this bill).

4 c. Nothing in P.L.1947, c.263 (C.38:18A-1 et seq.) shall be
5 intended to include paraplegia or hemiplegia resulting from
6 locomotor ataxia or other forms of syphilis of the central nervous
7 system or from chronic alcohol use disorder, or to include other
8 forms of disease resulting from the veteran's own misconduct which
9 may produce signs and symptoms similar to those resulting from
10 paraplegia, osteochondritis, hemiplegia, or multiple sclerosis.

11 (cf: P.L.2017, c.131, s.146)

12
13 6. Section 3 of P.L.1947, c.263 (C.38:18A-3) is amended to
14 read as follows:

15 3. Evidence of the service and disability mentioned in this act
16 shall be furnished to the Division of **【Veterans'】** Veterans Services
17 of the Department of **【Human Services】** Military and Veterans
18 Affairs, which shall examine the same and upon being satisfied that
19 the service was performed and the veteran has been rendered
20 permanently paralyzed or has permanently lost the use of both legs,
21 or has suffered amputation, as defined in section 2 of this act, shall
22 so certify to the Director of the Division of Budget and Accounting
23 in the Department of the Treasury, who shall, upon receipt thereof,
24 draw **【his】** a warrant on the State Treasurer in favor of the
25 applicant in the annual sum **【of \$750.00 annually】** provided in
26 section 2 of P.L.1947, c.263 (C.38:18A-2), which the State
27 Treasurer shall pay out of the money appropriated therefor by the
28 Legislature.

29 (cf: P.L.1981, c.424, s.3)

30
31 7. This act shall take effect immediately, and shall be
32 applicable to payments payable on or after the first day of the
33 second month following enactment.

34 35 36 STATEMENT

37
38 This bill would increase the annual payments by the State to
39 veterans with certain wartime service-connected disabilities.
40 Currently, a blind veteran receives \$750 annually under the Blind
41 Veterans' Allowance Program. The State has not changed this
42 amount since 1971. A veteran with certain other described
43 disabilities also receives \$750 annually under the Paraplegic and
44 Hemiplegic Veterans' Allowance Program. The State has not
45 changed this amount since 1981. This bill increases those annual
46 payments to \$1,500.

47 The bill also provides for an annual adjustment to this allowance
48 in direct proportion to the percent change in the Consumer Price

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1 Index over each 12-month period beginning November 1 and
2 ending October 31. The "Consumer Price Index" is defined as the
3 Consumer Price Index for All Urban Consumers, New York-
4 Northern New Jersey-Long Island Metropolitan Area, All Items
5 (1982-84=100), as published by the Bureau of Labor Statistics in
6 the United States Department of Labor. The bill requires the State
7 Treasurer to make an adjustment only if the percent change in the
8 Consumer Price Index results in an increase in the allowance. The
9 State Treasurer will not reduce the allowance if the Consumer Price
10 Index experiences a decline.