

ASSEMBLY, No. 5851

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 3, 2021

Sponsored by:

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Allows veteran's guardian to remove veteran from DMVA veterans' memorial home under certain emergency circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the ability of guardians to remove veterans
2 residing in Department of Military and Veterans' Affairs
3 memorial homes under certain emergencies and supplementing
4 P.L.1993, c.281 (C.38A:3-2b2 et seq.).

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

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9 1. Whenever a state of emergency or public health emergency is
10 declared by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-
11 33 et seq.) or the "Emergency Health Powers Act," P.L.2005, c.222
12 (C.26:13-1 et seq.), each veteran's guardian appointed pursuant to
13 section 1 of P.L.1993, c.281 (C.38A:3-2b2 et seq.), or each person
14 otherwise having the veteran's power of attorney, shall be allowed to
15 remove the veteran from the veterans' memorial home pursuant to
16 procedures established under Department of Military and Veterans'
17 Affairs rules and regulations, except the department shall allow for
18 an initial extension of up to 30 days and one additional extension of
19 up to 30 days. The resident veteran shall be required to continue to
20 pay the care and maintenance fee while on temporary furlough to
21 hold a bed. Regular operating procedures shall resume at the
22 conclusion of the state of emergency or public health emergency.

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24 2. This act shall take effect immediately.

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27 STATEMENT

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29 Under current law, a family member or other person may be
30 appointed as the guardian of a veteran residing in a Department of
31 Military and Veterans' Affairs (DMVA) memorial home.

32 This bill would allow the veteran's guardian to remove the veteran
33 from the veterans' memorial home under certain emergency
34 circumstances. Under the bill, whenever a state of emergency or
35 public health emergency is declared by the Governor under
36 emergency powers, each veteran's guardian, or each person
37 otherwise having the veteran's power of attorney, would be allowed
38 to remove the veteran from the veterans' memorial home pursuant to
39 procedures established under DMVA rules and regulations. The
40 department would be required to allow for an initial extension of up
41 to 30 days and one additional extension of up to 30 days. The resident
42 veteran would be required to continue to pay the care and
43 maintenance fee while on temporary furlough to hold a bed. Regular
44 operating procedures would resume at the conclusion of the state of
45 emergency or public health emergency.