

SENATE, No. 913

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANURARY 27, 2020

Sponsored by:

Senator CHRISTOPHER J. CONNORS
District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

Senators Cruz-Perez and Pennacchio

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

As introduced.



(Sponsorship Updated As Of: 2/24/2020)

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 on or after April 9, 1985,
26 regardless of the date of the surviving spouse's application.
27 Accrued payments to the date of certification shall be paid in one
28 lump sum. The Division of Veterans Programs in the Department of
29 Military and Veterans' Affairs shall notify all surviving spouses
30 who are certified and receiving annual compensation pursuant to
31 this section on the effective date of this act, P.L. , c. (pending
32 before the Legislature as this bill), of the provisions of this act, and
33 shall ensure that the accrued payments are paid in one lump sum
34 within 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 has paraplegia and permanent
41 paralysis of both legs and lower parts of the body, or who has
42 osteochondritis and permanent loss of the use of both legs, or who
43 has hemiplegia and permanent paralysis of one leg and one arm or
44 either side of the body, resulting from injury to the spinal cord,
45 skeletal structure, or brain, or who has had 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 amputated, or who has lost the use of both
2 feet or both legs, due to multiple sclerosis, sustained through enemy
3 action, or accident, or resulting from disease contracted while in
4 active military or naval service, shall be paid for the term of the
5 veteran's life, and upon the veteran's death the surviving spouse,
6 domestic partner, or partner in civil union shall be paid, the sum of
7 \$750 annually in monthly payments. Such payments shall be due
8 and payable from the date of discharge or release of the veteran if
9 application therefor shall be made within one year from the date of
10 such discharge or release. If the application shall be made after one
11 year from the date of discharge or release of the veteran, such
12 payment shall be due and payable from the date of such application.
13 Accrued payments to the date of certification shall be paid in one
14 lump sum.

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

28 Nothing in P.L.1947, c.263 (C.38:18A-1 et seq.) shall be
29 intended to include paraplegia or hemiplegia resulting from
30 locomotor ataxia or other forms of syphilis of the central nervous
31 system or from chronic alcohol use disorder, or to include other
32 forms of disease resulting from the veteran's own misconduct which
33 may produce signs and symptoms similar to those resulting from
34 paraplegia, osteochondritis, hemiplegia, or multiple sclerosis.
35 (cf: P.L.2017, c.131, s.146)

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

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STATEMENT

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45 This bill requires the payment of the \$750 annual compensation
46 payable to a surviving spouse of a blind or severely disabled
47 wartime veteran to begin from April 9, 1985 for veterans who died
48 before that date and from the date of the veteran's death, regardless

1 of when the surviving spouse files the application for this benefit,
2 for veterans who died on or after that date. Surviving spouses were
3 first made eligible for this benefit on April 9, 1985 by P.L.1985,
4 c.116. 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.

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