SENATE, No. 1345

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 10, 2020

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

AN ACT providing for an increase and annual adjustment to the allowance paid to veterans with certain wartime service-connected disabilities, and amending R.S.38:18-2, R.S.38:18-3, and P.L.1947, c.263.

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

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

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

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. (now pending before the Legislature as this bill).

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

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.

2. 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 in 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 in the Department of the Treasury 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)

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

2. a. A veteran who served in the active military or naval forces of the United States and who has paraplegia and permanent paralysis of both legs and lower parts of the body, or who has osteochondritis and permanent loss of the use of both legs, or who has hemiplegia and permanent paralysis of one leg and one arm or either side of the body, resulting from injury to the spinal cord, skeletal structure, or brain, or who has had both hands, both feet, or one hand and one foot amputated, or who has lost the use of both feet or both legs, due to multiple sclerosis, sustained through enemy action, or accident, or resulting from disease contracted while in active military or naval service, shall be paid for the term of the veteran's life, and upon the veteran's death the surviving spouse, domestic partner, or partner in civil union shall be paid, the sum of [$750] $1,500 annually in monthly payments. Such payments shall be due and payable from the date of discharge or release of the veteran if application therefor shall be made within one year from the date of such discharge or release. If the application shall be made after one year from the date of discharge or release of the veteran, such payment shall be due and payable from the date of such application. Accrued payments to the date of certification shall be paid in one lump sum.

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. (now pending before the Legislature as this bill).

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

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

3. Evidence of the service and disability mentioned in this act shall be furnished to the Division of **[**Veterans'**]** Veterans Services of the Department of **[**Human Services**]** Military and Veterans' Affairs, which shall examine the same and upon being satisfied that the service was performed and the veteran has been rendered permanently paralyzed or has permanently lost the use of both legs, or has suffered amputation, as defined in section 2 of this act, shall so certify to the Director of the Division of Budget and Accounting in the Department of the Treasury, who shall, upon receipt thereof, draw **[**his**]** a warrant on the State Treasurer in favor of the applicant in the annual sum **[**of $750.00 annually**]** provided in section 2 of P.L.1947, c.263 (C.38:18A-2), which the State Treasurer shall pay out of the money appropriated therefor by the Legislature.
(cf: P.L.1981, c.424, s.3)

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

STATEMENT

The State pays an annual allowance to soldiers and veterans with

certain wartime service-connected disabilities. Currently, a blind veteran receives $750 annually under the Blind Veterans' Allowance Program; this amount has not been changed since 1971. A veteran with certain other described disabilities also receives $750 annually under the Paraplegic and Hemiplegic Veterans' Allowance Program; this amount has not been changed since 1981. This bill increases these annual payments to $1,500.

The bill also provides for an annual adjustment in this allowance in direct proportion to the percent change in the Consumer Price Index over each 12-month period beginning November 1 and ending October 31. The "Consumer Price Index" is defined as 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 bill requires an adjustment to be made only if the percent change in the Consumer Price Index results in an increase in the allowance; the allowance will not be reduced if the index experiences a decline.

The purpose of this adjustment is to provide a mechanism for ensuring that, for the benefit of these disabled soldiers and veterans, the amount of this allowance keeps pace with cost-of-living increases.