

ASSEMBLY, No. 697

STATE OF NEW JERSEY

218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 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:*
7

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)
36

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

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 brain or who has suffered amputation of both hands, both feet or
2 one hand and one foot, or who has lost the use of both feet or both
3 legs, due to multiple sclerosis, sustained through enemy action, or
4 accident, or resulting from disease contracted while in such active
5 military or naval service, shall be paid for the term of his life, and
6 upon his death his surviving spouse shall be paid, the sum of
7 \$750.00 annually in monthly payments. Such payments shall be
8 due and payable from the date of discharge or release of the soldier
9 if application therefor shall be made within one year from the date
10 of such discharge or release. If the application shall be made after
11 one year from the date of discharge or release of the soldier, 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 after April 9, 1985, regardless
19 of the date of the surviving spouse's application. Accrued payments
20 to the date of certification shall be paid in one lump sum. The
21 Division of Veterans Programs in the Department of Military and
22 Veterans' Affairs shall notify all surviving spouses who are certified
23 and receiving annual compensation pursuant to this section on the
24 effective date of this act, P.L. , c. (pending before the
25 Legislature as this bill), of the provisions of this act, and shall
26 ensure that the accrued payments are paid in one lump sum within
27 90 days of the effective date.

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

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

36
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 on the effective date and thereafter.

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42 STATEMENT

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

1 spouse will be entitled to the annual compensation from that date
2 forward, again regardless of the date of the application. Surviving
3 spouses were first made eligible for this benefit on April 9, 1985 by
4 P.L.1985, c.116.

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

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