

LEGISLATIVE FISCAL ESTIMATE:

No

VETO MESSAGE:

No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

Susan K. Livio - For The Star-ledger, 'New laws give veterans homes more rights in emergencies', South Jersey Times (online), 18 Sep 2021 007

RH/CL

P.L. 2021, CHAPTER 216, *approved September 16, 2021*
Assembly, No. 5851 (*First Reprint*)

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.).
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

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

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AMV committee amendments adopted June 14, 2021.

CHAPTER 216
(CORRECTED COPY)

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

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

C.38A:3-2b2.2 Guardian may remove veteran from memorial home.

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

2. This act shall take effect immediately.

Approved September 16, 2021.

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.).

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

8
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.

23
24 2. This act shall take effect immediately.

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27 STATEMENT

28
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.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5851

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2021

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 5851.

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

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

COMMITTEE AMENDMENTS

The committee amended the bill to remove references to a state of emergency. The provisions of the bill will only apply during a public health emergency.

SENATE, No. 3905

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 10, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Co-Sponsored by:

Senators Connors and Cruz-Perez

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/15/2021)

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.).

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

8
9 1. Whenever a state of emergency or public health emergency
10 is declared by the Governor pursuant to P.L.1942, c.251
11 (C.App.A:9-33 et seq.) or the "Emergency Health Powers Act,"
12 P.L.2005, c.222 (C.26:13-1 et seq.), each veteran's guardian
13 appointed pursuant to section 1 of P.L.1993, c.281 (C.38A:3-2b2 et
14 seq.), or each person otherwise having the veteran's power of
15 attorney, shall be allowed to remove the veteran from the veterans'
16 memorial home pursuant to procedures established under
17 Department of Military and Veterans' Affairs rules and regulations,
18 except the department shall allow for an initial extension of up to 30
19 days and one additional extension of up to 30 days. The resident
20 veteran shall be required to continue to pay the care and
21 maintenance fee while on temporary furlough to hold a bed.
22 Regular operating procedures shall resume at the conclusion of the
23 state of emergency or public health emergency.

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25 2. This act shall take effect immediately.

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28 STATEMENT

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

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

SENATE MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

SENATE, No. 3905

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 2021

The Senate Military and Veterans Affairs Committee reports favorably and with committee amendments Senate Bill No. 3905.

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

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

COMMITTEE AMENDMENTS

The committee amended the bill to remove references to a state of emergency. The provisions of the bill will only apply during a public health emergency.

Governor Murphy Takes Action on Legislation

09/16/2021

TRENTON – Today, Governor Murphy signed the following bills into law:

A-5121/S-3287 (Coughlin, Zwicker, Karabinchak/Singleton, Smith) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes

A-5849/S-3918 (Carter, Tucker, Vainieri Huttel/Lagana, Turner) – Requires Adjutant General of DMVA send weekly reports to Commissioner of DOH on status of veterans' homes in State during every future public health emergency; requires such reports through December 31, 2021

A-5850/S-3906 (Armato, Mazzeo, Conaway/Gopal, Lagana) – Requires DMVA veterans' memorial homes to hold quarterly town hall meetings with veterans' guardians

A-5851/S-3905 (Swain, Tully, Freiman/Gopal, Lagana) – Allows veteran's guardian to remove veteran from DMVA veterans' memorial home under certain emergency circumstances

A-5852/S-3904 (Houghtaling, Johnson, Chaparro/Gopal, Lagana) – Requires DMVA veterans' memorial homes to communicate with veterans' guardians via at least two communication means

A-5853/S-3903 (Danielsen, Mejia, Jimenez/Diegnan, Vitale) – Requires administrator and assistant administrator at State veterans' memorial home have prior work experience in clinical setting

A-5854/S-3907 (Mazzeo, Armato, Chaparro/Gopal, Lagana) – Requires position of resident advocate at each State veterans' memorial home

A-5855/S-3908 (Tucker, Speight, Vainieri Huttel/Cruz-Perez) – Requires DMVA veterans' facilities provide payroll-based journal information to NJ Long-Term Care Ombudsman

A-5856/S-3909 (Zwicker, Jimenez, Conaway/Vitale, Diegnan) – Requires Director of Division of Veterans' Healthcare Services in DMVA to have prior clinical and long-term care experience