

38:18-2 et al

LEGISLATIVE HISTORY CHECKLIST

**NJSA:** 38:18-2 et al (Blind soldiers-annuity program extend to surviving spouse)

**LAWS OF:** 1985 **CHAPTER:** 116

**Bill No:** A499

**Sponsor(s):** Doyle

**Date Introduced:** Pre-filed

**Committee:** **Assembly:** State Government, Civil Service, Elections, Pensions and Veteran Affairs  
**Senate:** State Government, Federal and Interstate Relations and Veteran Affairs

**Amended during passage:** Yes Amendments during passage denoted by asterisks.

**Date of Passage:** **Assembly:** Jun. 18, 1984  
**Senate:** Jan. 24, 1985

**Date of Approval:** April 9, 1985

**Following statements are attached if available:**

**Sponsor statement:** Yes (see below)

**Committee statement:** **Assembly** Yes  
**Senate** Yes

**Fiscal Note:** Yes

**Veto Message:** No

**Message on Signing:** ~~No~~ **Yes.**

**Following were printed:**

**Reports:** No

**Hearings:** No

**Sponsor's Statement:**

This bill extends eligibility for the \$750.00 annuity, which is payable to a resident veteran who loses his sight in the active wartime service of the United States, to the surviving spouse of the soldier, so long as that spouse remains unmarried.

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[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 499

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman DOYLE

AN ACT concerning compensation for the surviving spouse of certain soldiers and amending R. S. 38:18-2\*, P. L. 1947, c. 263, P. L. 1954, c. 213\* and P. L. 1956, c. 166.

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

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

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

15 **\*\****[The surviving spouse of a soldier receiving compensation*  
16 *under this section shall cease to be eligible for this compensation*  
17 *upon remarriage.]\*\**

1 2. Section 1 of P. L. 1956, c. 166 (C. 38:18-4) is amended to read  
2 as follows:

3 1. Any soldier *or surviving spouse* receiving compensation pur-  
4 suant to the provisions of **[the act to which this act is a supple-**

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Assembly committee amendments adopted February 23, 1984.**

**\*\*—Senate committee amendments adopted December 13, 1984.**

5 ment] \*[,]\* *R. S. 38:18-1 et seq.* and who is required to, and who  
 6 does, move without the State for reasons of health or employment  
 7 shall notwithstanding such nonresidence be entitled to continue to  
 8 receive such compensation. In the event such soldier *or surviving*  
 9 *spouse* becomes entitled to compensation from the State to which he  
 10 moves pursuant to an act of such State substantially similar to  
 11 this act and the act to which this act is a supplement, such compen-  
 12 sation shall immediately cease, unless such soldier *or surviving*  
 13 *spouse* shall elect to receive such compensation to the exclusion  
 14 of the compensation of the State to which he moves.

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

3 2. A veteran who served in the active military or naval forces  
 4 of the United States and who is suffering from paraplegia and  
 5 has permanent paralysis of both legs and lower parts of the body,  
 6 or who is suffering from osteochondritis and has permanent loss  
 7 of the use of both legs, or who is suffering from hemiplegia and  
 8 has permanent paralysis of one leg and one arm or either side of  
 9-10 the body, resulting from injury to the spinal cord, skeletal struc-  
 11 ture, or brain or who has suffered amputation of both hands, both  
 12 feet or one hand and one foot, or who has lost the use of both  
 13 feet or both legs, due to multiple sclerosis, sustained through enemy  
 14 action, or accident, or resulting from disease contracted while in  
 15 such active military or naval service, shall be paid for the term of  
 16 his life, *and upon his death his surviving spouse shall be paid*, the  
 17 sum of \$750.00 annually in monthly payments. Such payments  
 18 shall be due and payable from the date of [his] discharge or  
 19 *release of the soldier* if application therefor shall be made within  
 20 one year from the date of such discharge or release. If the applica-  
 21 tion shall be made after one year from the date of [his] discharge  
 22 or *release of the soldier*, such payment shall be due and payable  
 23 from the date of such application. Accrued payments to the date of  
 24 certification shall be paid in one lump sum.

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

32 \*\*[The surviving spouse of a veteran receiving compensation  
 33 under this section shall cease to be eligible for this compensation  
 34 upon remarriage.]\*\*

1 4. Section 1 of P. L. 1954, c. 213 (C. 38:18A-4) is amended to read  
2 as follows:

3 1. Any veteran *or surviving spouse* receiving payments pursuant  
4 to the provisions of **the act to which this act is a supplement**  
5 *P. L. 1947, c. 263 (C. 38:18A-1 et seq.)* and who is required to, and  
6 who does, move without the State for reasons of health or employ-  
7 ment, and any veteran who heretofore was receiving payments  
8 pursuant to the provisions of **the act to which this act is a supple-**  
9 **ment** *P. L. 1947, c. 263 (C. 38:18A-1 et seq.)* and who was re-  
10 quired to, and who did, move without the State for reasons of  
11 health or employment, shall notwithstanding such nonresidence be  
12 entitled to continue to receive such payments. In the event such  
13 veteran *or surviving spouse* becomes entitled to payments from the  
14 State to which he moves pursuant to an act of such State sub-  
15 stantially similar to this act and **the act to which this act is a**  
16 **supplement** *P. L. 1947, c. 263 (C. 38:18A-1 et seq.)*, such payments  
17 shall immediately cease, unless such veteran *or surviving spouse*  
18 shall elect to receive such payments to the exclusion of the pay-  
19 ments of the State to which he moves.\*

1 \***[3.]**\* \*5.\* This act shall take effect immediately.

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ASSEMBLY, No. 499

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STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman DOYLE

AN ACT concerning compensation for the surviving spouse of certain soldiers and amending R. S. 38:18-2 and P. L. 1956, c. 166.

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

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

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

15     *The surviving spouse of a soldier receiving compensation under*  
16 *this section shall cease to be eligible for this compensation upon*  
17 *remarriage.*

1     2. Section 1 of P. L. 1956, c. 166 (C. 38.18-4) is amended to read  
2 as follows:

3     1. Any soldier *or surviving spouse* receiving compensation pur-  
4 suant to the provisions of [the act to which this act is a supple-  
5 ment], R. S. 38:18-1 *et seq.* and who is required to, and who does,

**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 printed in italics *thus* is new matter.

6 move without the State for reasons of health or employment shall  
7 notwithstanding such nonresidence be entitled to continue to receive  
8 such compensation. In the event such soldier *or surviving spouse*  
9 becomes entitled to compensation from the State to which he  
10 moves pursuant to an act of such State substantially similar to  
11 this act and the act to which this act is a supplement, such compen-  
12 sation shall immediately cease, unless such soldier *or surviving*  
13 *spouse* shall elect to receive such compensation to the exclusion  
14 of the compensation of the State to which he moves.

1 3. This act shall take effect immediately.

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#### STATEMENT

This bill extends eligibility for the \$750.00 annuity, which is pay-  
able to a resident veteran who loses his sight in the active wartime  
service of the United States, to the surviving spouse of the soldier,  
so long as that spouse remains unmarried.

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ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,  
ELECTIONS, PENSIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 499**  
with Assembly committee amendments

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**STATE OF NEW JERSEY**

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DATED: FEBRUARY 23, 1984

This bill extends eligibility for the \$750.00 annuity, which is payable to a resident veteran who loses his sight in the active wartime service of the United States or who has sustained any of several catastrophic injuries as a result of his active military or naval service, to the surviving spouse of the soldier, so long as that spouse remains unmarried.

COMMITTEE AMENDMENTS

The committee amended the bill to extend its coverage to surviving spouses of catastrophically injured veterans.

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SENATE STATE GOVERNMENT, FEDERAL AND  
INTERSTATE RELATIONS AND VETERANS AFFAIRS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 499**

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 13, 1984

This bill extends eligibility for the \$750.00 annuity, which is payable to a resident veteran who loses his sight in the active wartime service of the United States or who has sustained catastrophic injuries as a result of his active military or naval service, to the surviving spouse of the soldier.

The committee amended the bill to allow a surviving spouse receiving compensation to be eligible for this compensation upon remarriage.



FISCAL NOTE TO  
**ASSEMBLY, No. 499**  
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**STATE OF NEW JERSEY**

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DATED: SEPTEMBER 27, 1984

Assembly Bill No. 499 OCR of 1984 extends to the surviving spouse of a resident veteran, for as long as the spouse remains unmarried, eligibility for the \$750.00 annuity, which is payable to that veteran who loses his or her sight or sustains certain injuries which result in the loss of use of arms, legs, or other body functions.

As of July 1984, 277 persons were receiving a \$750.00 annuity according to the Division of Veterans Services. Assuming that all persons receiving this annuity are married, that there is little or no increase in the number of annuities, and that approximately 10% of those receiving annuities die, approximately \$21,000.00 in additional expenditures would be incurred in FY 1985, \$40,000.00 in FY 1986, and \$57,000.00 in FY 1987.

The Office of Legislative Services concurs with the above estimates however, it should be noted that there are considerably more veterans who have not applied for the annual \$750.00 benefit. New Jersey disabled veterans comprise 3.4% of the total number of disabled veterans nationally. Of the 2,274,627 disabled veterans (September, 1982) nearly 61,000 have an anatomical loss-limbs or have lost the use of their limbs. Thus, there may be 2,100 veterans residing in New Jersey who may qualify for the annual \$750.00 benefit, of which only 277 veterans receive benefits.

This fiscal note therefore is based on existing caseload data but notes that the potential cost would be more significant if eligible disabled veterans avail themselves of the \$750.00 annual benefit.

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This fiscal note has been prepared pursuant to P. L. 1980, c. 67.

A-499, sponsored by Assemblyman John P. Doyle, D-Ocean, extends the \$750 veterans annuity honorarium to the widow or widower of a veteran who suffered from certain disabilities, including blindness, certain forms of paralysis or other loss of the use of limbs, certain amputations, or the loss of the use of feet or legs due to multiple sclerosis contracted during military duty.

The honorarium would continue to be paid in the event of remarriage or shift of residence to another state, with the only restriction being that acceptance of another state's similar benefit program would require relinquishing the New Jersey payment.

The Governor also signed the following bills:

S-720/A-1416, sponsored by State Senator H. James Saxton, R-Burlington and Assemblyman William P. Schuber, R-Bergen, which increases the advertised bidding threshold for State contracts from \$2,500 to \$7,500.

S-1305, sponsored by State Senator Raymond J. Zane, D-Gloucester, which revises existing requirements and licensing fees for the netting of fish and sets non-resident fees at a level ten times that for residents, providing that the non-resident's home state charges higher licensing fees to New Jersey residents.

S-1614, also sponsored by Senator Zane, which revises the law governing inspections of steam or hot water boilers to permit inspections at intervals of more than 12 months at the discretion of the Commissioner of Labor when the equipment is part of a continuous processing operation. The bill would then permit inspections when the equipment was shut down for periodic maintenance.