

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40A:9-49 (Unclaimed bodies--relieve county of certain expenses)

LAWS OF: 1985 **CHAPTER:** 438

BILL NO: A2175

Sponsor(s): Haytaian and others

Date Introduced: June 21, 1984

Committee: Assembly: County Government and Regional Authorities
Senate: County and Municipal Government

Amended during passage: No

Date of Passage: **Assembly:** May 13, 1985
Senate: December 12, 1985

Date of Approval: January 13, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes
Senate Yes

Fiscal Note: Yes

Veto Message: No

Message on Signing: ~~No~~ YES

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 2175

STATE OF NEW JERSEY

INTRODUCED JUNE 21, 1984

By Assemblymen HAYTAIAN, LITTELL, WEIDEL and ZIMMER

AN ACT concerning the cost of disposing of certain unclaimed bodies and amending N. J. S. 40A:9-49.

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

1 1. N. J. S. 40A:9-49 is amended to read as follows:

2 The county medical examiner upon taking charge of unidentified
3 or unclaimed dead bodies shall make burial arrangements. If the
4 decedent left [no ascertainable estate, the cost of the burial shall be
5 borne by the county but if] an *ascertainable* estate able to pay for
6 the burial [is found], the cost thereof certified by the official in
7 charge[,] shall be payable out of such estate. *If the decedent left*
8 *no ascertainable estate able to pay for the burial the cost of burial*
9 *shall be borne:*

10 *a. if the decedent was an adult or emancipated child with sur-*
11 *living spouse by the surviving spouse,*

12 *b. if the decedent was an unemancipated child with a surviving*
13 *parent, by the surviving parent, or*

14 *c. if there is no surviving spouse or parent, as applicable, by the*
15 *county.*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is relieve counties from the burden of paying for the burial of unclaimed bodies when there is a surviving spouse, in the case of an adult or emancipated child, or surviving parent, in the case of an unemancipated child. Under N. J. S.

Matter printed in italics thus is new matter.

40A :9-49, the cost of burial of persons whose bodies are unclaimed and who left no ascertainable estate able to pay the cost of burial must be borne by the county. The bill would amend this section to provide that, when a decedent's estate, if any, is not sufficient, the surviving spouse, in the case of an adult or emancipated child, or parent, in the case of an unemancipated child, shall bear this expense.

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ASSEMBLY COUNTY GOVERNMENT AND
REGIONAL AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2175

STATE OF NEW JERSEY

DATED: DECEMBER 13, 1984

Assembly Bill No. 2175 would amend N. J. S. 40A:9-49 to alter the burden of paying for the burial of unclaimed bodies.

Currently, each county is responsible for the cost of burying persons whose bodies are unclaimed and who left no ascertainable estate able to pay for the cost of the burial. Under the provisions of the bill, if the decedent left no ascertainable estate able to pay for the burial, the cost shall be paid by a surviving spouse, in the case of an adult or emancipated child, or surviving parent, in the case of an emancipated child. Only if there is no surviving spouse or parent, as appropriate, would the county be responsible for paying for the burial cost.

The committee reported the bill favorably.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2175

STATE OF NEW JERSEY

DATED: DECEMBER 5, 1985

Assembly Bill No. 2175 amends N. J. S. 40A:9-49 to relieve counties from the burden of paying for the burial of certain unclaimed bodies when there is a surviving spouse or surviving parent.

Under the provisions of the bill, if a decedent does not leave an ascertainable estate sufficient to pay the cost of burial, the cost is to be paid by a surviving spouse, in the case of an adult or an emancipated child, or a surviving parent, in the case of an unemancipated child. Only in those instances where there is no ascertainable estate sufficient to cover the costs of burial and there is no surviving spouse or parent, as appropriate, is the county responsible for paying for the burial of the unclaimed body.

Currently, the law requires the county to bear of the cost of burying unclaimed bodies when there is no ascertainable estate to cover those costs.

FISCAL NOTE TO
ASSEMBLY, No. 2175

STATE OF NEW JERSEY

DATED: AUGUST 9, 1985

Assembly Bill No. 2175 of 1984 would relieve counties from the cost of paying for the burial of unclaimed bodies in certain instances. The bill provides that when a decedent's estate is not sufficient to cover this cost, that surviving spouse or, in the case of an unemancipated child, the surviving parent bear this expense.

The Department of Law and Public Safety states that counties make approximately 100 burials of this type annually, at an average cost of \$400 per burial. The annual savings to the counties following enactment of this bill could total approximately \$40,000, according to the department.

The Office of Legislative Services concurs.

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

A-1509, sponsored by Assemblyman Robert E. Littell, R-Sussex, which authorizes sled dog races and working dog exhibitions, sponsored by authorized organizations.

A-1873, sponsored by Assemblyman Martin A. Herman, D-Salem, which amends the definition of "fiduciary" so that nontestamentary trustees will be entitled to compensation in the same manner as testamentary trustees or guardians.

A testamentary trust is one created in a will, while a nontestamentary trust is one created while the creator is still alive.

A-1913, sponsored by Assemblyman Wayne R. Bryant, D-Camden, which amends the definition of "blighted area" within the Urban Renewal Corporation and Association Law of 1961 and the Urban Renewal Nonprofit Corporation Law of 1965 to include areas designated as Urban Enterprise Zones. The effect of the bill is to make urban renewal corporations undertaking development projects in Urban Enterprise Zones eligible for a Fox-Lance real estate tax exemption.

A-1927, sponsored by Assemblyman Harry A. McEnroe, D-Essex, which exempts the governing body of a county from the public bidding requirements of the Local Public Contracts Law when purchasing materials and services for a law library to be used by the courts in the county.

A-2140, sponsored by Assemblyman John E. Rooney, R-Bergen, which permits the Family Division of the Superior Court to order a juvenile to be examined by a speech language pathologist before being judged delinquent.

A-2175, sponsored by Assemblyman Garabed Haytaian, R-Warren, which alters, under certain circumstances, the burden of paying for the burial of an unclaimed body from the county to the surviving spouse or surviving parent.