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"An emotional welcome for new legislation," The Star-Ledger, 2-5-09, p. 15

"Honor in death," Burlington County Times, 2-5-09, p. 1, 5.

"Corzine approves vets groups to take cremains," Gloucester County times, 2-5-09

"New law aids veterans' burial," Courier-Post, 2-5-09

LAW/RWH

[First Reprint]

ASSEMBLY, No. 2613

STATE OF NEW JERSEY
213th LEGISLATURE

INTRODUCED MAY 12, 2008

Sponsored by:

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

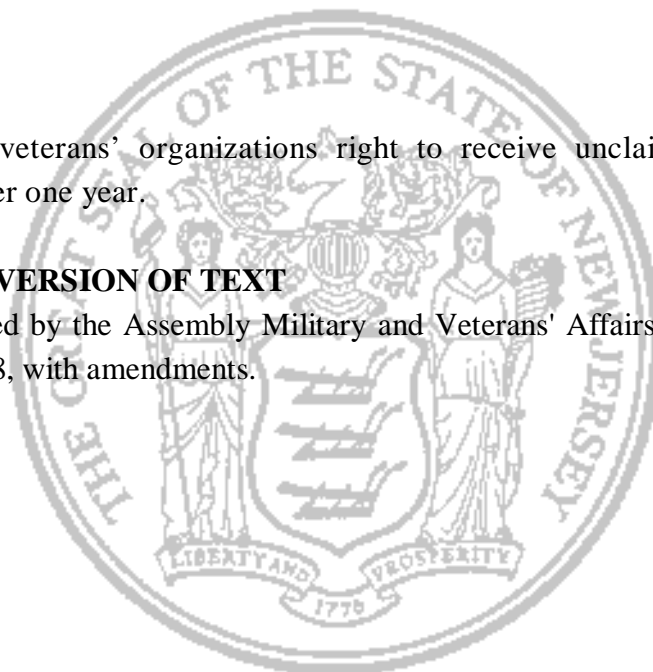
**Assemblymen O'Scanlon, Van Pelt, Vas, Moriarty, Conaway, Senators
Van Drew, Madden, Adler, Stack, Vitale and Allen**

SYNOPSIS

Provides veterans' organizations right to receive unclaimed veterans' cremains after one year.

CURRENT VERSION OF TEXT

As reported by the Assembly Military and Veterans' Affairs Committee on June 12, 2008, with amendments.



(Sponsorship Updated As Of: 12/16/2008)

1 AN ACT concerning unclaimed veterans' cremains, amending
2 P.L.1983, c.385 and supplementing chapter 3 of Title 38A of the
3 New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 2 of P.L.1983, c. 385 (C.26:7-18.2) is amended to
9 read as follows:

10 2. **[A]** a. Except as provided by subsection b. of this section, a
11 person may dispose of the cremains of a dead human body which
12 have not been claimed by a relative or friend of the deceased within
13 one year from the date of cremation upon certification, to the
14 commissioner's satisfaction, that a diligent effort has been made to
15 identify, locate and notify a relative or friend of the deceased within
16 that one year period. A diligent effort shall include a certified
17 letter, return receipt requested, mailed to the person who authorized
18 the cremation.

19 As used in this section, "cremains" means that substance which
20 remains after the cremation of a dead human body.

21 b. A funeral director, licensed pursuant to P.L.1952, c. 340
22 (C.45:7-32 et seq.), **[may]** shall¹ grant a **'qualified'** veterans'
23 organization the right to receive the cremains of a veteran which
24 have not been claimed by a relative or friend of the deceased within
25 **'[six months]** one year¹ after cremation upon certification, to the
26 commissioner's satisfaction, that a diligent effort ¹, as defined in
27 subsection a. of this section, ¹ has been made to identify, locate and
28 notify a relative or friend of the deceased within that **'[six month]**
29 one year¹ period.

30 ¹A qualified veterans' organization which takes possession of
31 cremains pursuant to this section shall dispose of the cremains by
32 scattering them at sea or by interring them on land in a dignified
33 manner at the State-operated, Brigadier General William C. Doyle
34 Memorial Cemetery, if the individual is eligible for interment at
35 that facility.

36 As used in this section, "qualified veterans' organization" means
37 a veterans' organization that qualifies as a section 501(c)(3) or
38 501(c)(19) tax exempt organization under the Internal Revenue
39 Code, or a federally chartered Veterans' Service Organization.

40 c. A funeral home or mortuary, or an agent of the funeral home
41 or mortuary, or a funeral director, or qualified veterans'
42 organization, shall not be liable for damages in any civil action
43 arising out of the disposal of cremains pursuant to this section

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 12, 2008.

1 unless the damages are the result of gross negligence or willful
2 misconduct.¹

3 (cf: P.L.1983, c. 385, s. 2)

4
5 2. (New Section) ¹a.¹ A funeral director, licensed pursuant to
6 P.L.1952, c 340 (C.45:7-32 et seq.), ¹~~['may']~~ ¹shall¹ grant a
7 ¹'qualified' veterans' organization¹, as defined in subsection b. of
8 section 2 of P.L.1983, c.385 (C.26:7-18.2).¹ the right to receive the
9 cremains of a veteran which have not been claimed by a relative or
10 friend of the deceased within ¹~~['six months']~~ ¹one year¹ after
11 cremation upon certification, to the satisfaction of the
12 Commissioner of Health and Senior Services, that a diligent effort¹,
13 as defined in subsection a. of section 2 of P.L.1983, c.385 (C.26:7-
14 18.2).¹ has been made to identify, locate and notify a relative or
15 friend of the deceased within that ¹~~['six month']~~ ¹one year¹ period, as
16 provided under section 2 of P.L.1983, c.385 (C.26:7-18.2).

17 ¹'A qualified veterans' organization which takes possession of
18 cremains pursuant to this section shall dispose of the cremains by
19 scattering them at sea or by interring them on land in a dignified
20 manner at the State-operated, Brigadier General William C. Doyle
21 Memorial Cemetery, if the individual is eligible for interment at
22 that facility.

23 b. A funeral home or mortuary, or an agent of the funeral home
24 or mortuary, or a funeral director, or qualified veterans'
25 organization, shall not be liable for damages in any civil action
26 arising out of the disposal of cremains pursuant to this section
27 unless the damages are the result of gross negligence or willful
28 misconduct.¹

29
30 3. This act shall take effect on the ¹~~['60th']~~ ¹first¹ day ¹of the
31 fifth month¹ after enactment.

ASSEMBLY, No. 2613

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED MAY 12, 2008

Sponsored by:

Assemblyman JACK CONNERS

District 7 (Burlington and Camden)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Assemblywoman CHARLOTTE VANDERVALK

District 39 (Bergen)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

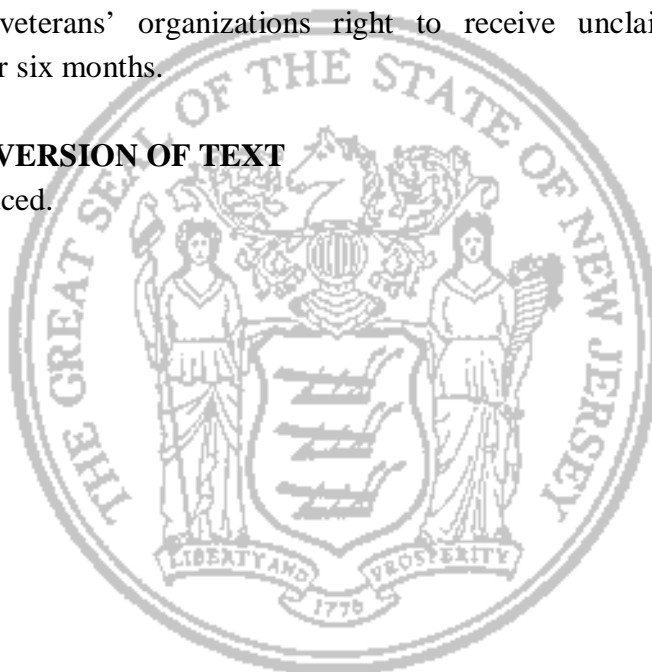
Assemblymen O'Scanlon and Van Pelt

SYNOPSIS

Provides veterans' organizations right to receive unclaimed veterans' cremains after six months.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2008)

A2613 CONNERS, MILAM

2

1 AN ACT concerning unclaimed veterans' cremains, amending
2 P.L.1983, c.385 and supplementing chapter 3 of Title 38A of the
3 New Jersey Statutes.

4

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

7

8 1. Section 2 of P.L.1983, c. 385 (C.26:7-18.2) is amended to
9 read as follows:

10 2. **[A]** a. Except as provided by subsection b. of this section, a
11 person may dispose of the cremains of a dead human body which
12 have not been claimed by a relative or friend of the deceased within
13 one year from the date of cremation upon certification, to the
14 commissioner's satisfaction, that a diligent effort has been made to
15 identify, locate and notify a relative or friend of the deceased within
16 that one year period. A diligent effort shall include a certified
17 letter, return receipt requested, mailed to the person who authorized
18 the cremation.

19 As used in this section, "cremains" means that substance which
20 remains after the cremation of a dead human body.

21 b. A funeral director, licensed pursuant to P.L.1952, c. 340
22 (C.45:7-32 et seq.), may grant a veterans' organization the right to
23 receive the cremains of a veteran which have not been claimed by a
24 relative or friend of the deceased within six months after cremation
25 upon certification, to the commissioner's satisfaction, that a diligent
26 effort has been made to identify, locate and notify a relative or
27 friend of the deceased within that six month period.

28 (cf: P.L.1983, c. 385, s. 2)

29

30 2. (New Section) A funeral director, licensed pursuant to
31 P.L.1952, c. 340 (C.45:7-32 et seq.), may grant a veterans'
32 organization the right to receive the cremains of a veteran which
33 have not been claimed by a relative or friend of the deceased within
34 six months after cremation upon certification, to the satisfaction of
35 the Commissioner of Health and Senior Services, that a diligent
36 effort has been made to identify, locate and notify a relative or
37 friend of the deceased within that six month period, as provided
38 under section 2 of P.L.1983, c.385 (C.26:7-18.2).

39

40 3. This act shall take effect on the 60th day after enactment.

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.

STATEMENT

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This bill provides veterans' organizations the right to receive the remains of a veteran which have not been claimed by a relative or friend of the deceased within six months after cremation upon certification, to the Commissioner of Health and Senior Services' satisfaction, that a diligent effort has been made to identify, locate and notify a relative or friend of the deceased within that six month period.

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Currently, under section 2 of P.L.1983, c.385 (C.26:7-18.2), remains which have not been claimed by a relative or friend may be disposed of within one year after the date of cremation. By reducing the time period in which veterans' organizations may receive veterans' unclaimed remains, veterans' organizations will be in a better position to provide proper, expedited burials befitting the servicemen and women who served this nation, and this State, during years of peace and in times of war.

ASSEMBLY MILITARY AND VETERANS' AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2613

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2008

The Assembly Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly, No. 2613.

This bill provides veterans' organizations the right to receive the cremains of a veteran which have not been claimed by a relative or friend of the deceased within six months after cremation upon certification, to the Commissioner of Health and Senior Services' satisfaction, that a diligent effort has been made to identify, locate and notify a relative or friend of the deceased within that six month period.

Currently, under N.J.S.A. 26:7-18.2, cremains which have not been claimed by a relative or friend may be disposed of within one year after the date of cremation. By reducing the time period in which veterans' organizations may receive veterans' unclaimed cremains, veterans' organizations will be in a better position to provide proper, expedited burials befitting the servicemen and women who served this nation, and this State, during years of peace and in times of war.

COMMITTEE AMENDMENTS

The bill was amended to require that funeral directors grant veterans organizations and Veteran Service Organizations the right to receive the cremains. The amendments also specified that the veterans organizations receiving the cremains must be a 501(c)(3) or 501(c)(19) tax-exempt veterans organizations or federally chartered Veterans Service Organizations. The cremains must have been unclaimed for one-year, not six months, and the organization would have to certify, to the satisfaction of the Commissioner of Health and Senior Services, that a diligent effort was made to identify, locate, and notify a relative or friend of the deceased within that one-year period. The cremains must be scattered at sea or disposed of on land in a dignified manner at the Brigadier General William C. Doyle Memorial Cemetery. Funeral homes, mortuaries, funeral directors and the veterans organizations and federally chartered Veterans Service Organization, will have immunity from liability for disposal of cremains pursuant to the bill's provisions, unless damages were the result of gross negligence or

willful misconduct. The effective date was changed from 60 days to five months.

SENATE, No. 1579

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED APRIL 7, 2008

Sponsored by:

Senator JEFF VAN DREW

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Senators Adler and Stack

SYNOPSIS

Provides veterans' organizations right to receive unclaimed veterans' cremains after six months.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2008)

S1579 VAN DREW

2

1 AN ACT concerning unclaimed veterans' cremains, amending
2 P.L.1983, c.385 and supplementing chapter 3 of Title 38A of the
3 New Jersey Statutes.

4

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

7

8 1. Section 2 of P.L.1983, c. 385 (C.26:7-18.2) is amended to
9 read as follows:

10 2. **[A]** a. Except as provided by subsection b. of this section, a
11 person may dispose of the cremains of a dead human body which
12 have not been claimed by a relative or friend of the deceased within
13 one year from the date of cremation upon certification, to the
14 commissioner's satisfaction, that a diligent effort has been made to
15 identify, locate and notify a relative or friend of the deceased within
16 that one year period. A diligent effort shall include a certified
17 letter, return receipt requested, mailed to the person who authorized
18 the cremation.

19 As used in this section, "cremains" means that substance which
20 remains after the cremation of a dead human body.

21 b. A funeral director, licensed pursuant to P.L.1952, c. 340
22 (C.45:7-32 et seq.), may grant a veterans' organization the right to
23 receive the cremains of a veteran which have not been claimed by a
24 relative or friend of the deceased within six months after cremation
25 upon certification, to the commissioner's satisfaction, that a diligent
26 effort has been made to identify, locate and notify a relative or
27 friend of the deceased within that six month period.

28 (cf: P.L.1983, c. 385, s. 2)

29

30 2. (New Section) A funeral director, licensed pursuant to
31 P.L.1952, c. 340 (C.45:7-32 et seq.), may grant a veterans'
32 organization the right to receive the cremains of a veteran which
33 have not been claimed by a relative or friend of the deceased within
34 six months after cremation upon certification, to the satisfaction of
35 the Commissioner of Health and Senior Services, that a diligent
36 effort has been made to identify, locate and notify a relative or
37 friend of the deceased within that six month period, as provided
38 under section 2 of P.L.1983, c.385 (C.26:7-18.2).

39

40 3. This act shall take effect on the 60th day after enactment.

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.

STATEMENT

1

2

3

This bill provides veterans' organizations the right to receive the remains of a veteran which have not been claimed by a relative or friend of the deceased within six months after cremation upon certification, to the Commissioner of Health and Senior Services' satisfaction, that a diligent effort has been made to identify, locate and notify a relative or friend of the deceased within that six month period.

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Currently, under section 2 of P.L.1983, c.385 (C.26:7-18.2), remains which have not been claimed by a relative or friend may be disposed of within one year after the date of cremation. By reducing the time period in which veterans' organizations may receive veterans' unclaimed remains, veterans' organizations will be in a better position to provide proper, expedited burials befitting the servicemen and women who served this nation, and this State, during years of peace and in times of war.

SENATE LAW AND PUBLIC SAFETY AND VETERAN'S
AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 1579

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 2008

The Senate Law and Public Safety and Veterans' Affairs Committee reports favorably and with committee amendments Senate Bill No. 1579.

As amended, Senate Bill No. 1579 allows funeral directors to grant certain veterans' associations the right to receive the cremains of a deceased veteran if the cremains have not been claimed by a relative or friend within a year from the cremation. The organization would have to certify, to the satisfaction of the Commissioner of Health and Senior Services, that a diligent effort was made to identify, locate and notify a relative or friend of the deceased within that one-year period. As introduced, the cremains would have had to go unclaimed for six-months. In addition, the veterans organization must qualify as a section 501 (c) (19) exempt organization under the Internal Revenue Code.

The amended bill specifies that the cremains must be scattered at sea or interred on land in a dignified manner.

The amended bill provides that funeral homes, mortuaries, and funeral directors are immune from civil liability for damages under the bill unless the damages were the result of gross negligence or willful misconduct.

The committee amended the bill to clarify that funeral directors may, but are not required to, grant veterans organization the right to receive the cremains. The veterans organization receiving the cremains must be tax-exempt. In addition, the cremains must have been unclaimed for one-year, and they must be scattered at sea or disposed of on land in a dignified manner. Finally, funeral homes, mortuaries and funeral directors have immunity from liability for disposal of cremains pursuant to the bill's provisions.

STATEMENT TO
[First Reprint]
SENATE, No. 1579

with Senate Floor Amendments
(Proposed By Senator VAN DREW)

ADOPTED: OCTOBER 23, 2008

Senate Bill No. 1579 (1R), as reported by the Senate Law and Public Safety and Veterans' Affairs Committee, allows funeral directors to grant certain veterans' associations the right to receive the cremains of a deceased veteran if the cremains have not been claimed by a relative or friend within a year from the cremation.

As reported by the committee, the bill gave funeral directors the option of granting veterans organizations the right to receive the cremains. Under these Senate amendments, the funeral director is required to grant a qualified veterans' organization the right to receive the cremains. The amendments define a "qualified veterans' organization" as a veterans' organization that qualifies as a section 501 (c)(3) or 501 (c)(19) tax exempt organization under the Internal Revenue Code, or a federally chartered Veterans' Service Organization.

As reported by the committee, the bill specifies that the cremains must be scattered at sea or interred on land in a dignified manner. These Senate amendments specify that the cremains may be interred on land only at the Brigadier General William C. Doyle Memorial Cemetery if the individual is eligible for interment at that facility.

The bill as reported also provided that funeral homes, mortuaries and funeral directors have immunity from liability for disposal of cremains pursuant to the bill's provisions. These Senate amendments extend that immunity to "qualified veterans' organizations."



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JON S. CORZINE
Governor

For Immediate Release:
Date: February 4, 2009

For More Information:
Robert Corrales

Phone: 609-777-2600

Governor Corzine Signs Bill To Allow Honorable Interment of Remains of Unclaimed Veterans

WRIGHTSTOWN - Governor Jon S. Corzine today signed legislation that will allow veterans' service organizations to receive the cremated remains of veterans for a proper burial if they remain unclaimed after one year.

"Every veteran who served and defended our nation deserves the dignity of a proper burial," said Governor Corzine. "This law ensures that all veterans are honored with the respect and dignity owed them by the State of New Jersey and the United States."

The bill, A2613/S1579, allows veterans' service organizations to receive cremains from funeral homes if unclaimed after one year. The veterans' organization would have to certify, to the satisfaction of the Commissioner of Health and Senior Services, that a diligent effort was made to identify, locate and notify a relative or friend of the deceased within that one-year period.

Roman P. Niedzwiedz, a decorated Vietnam veteran who was one of the earliest and most outspoken advocates for the legislation, called the bill signing a victory for all veterans.

"This bill means that no veteran will be forgotten," said Niedzwiedz, the 1st Vice President of Vietnam Veterans of America Chapter 899 in Bordentown.

The legislation requires the cremated remains to be scattered at sea or disposed of on land in a dignified manner at the Brig. General William C. Doyle Veterans Cemetery in Wrightstown. A group of volunteers from a number of the veterans' organization will serve on the New Jersey Mission of Honor Cremains Committee, which will coordinate the transfer of the cremains.

"It is particularly important that we do all we can to ensure that fallen service men and women are honorably received," said Assemblyman Jack Connors (D-Burlington), chairman of the Assembly Veterans and Military Affairs Committee. "Ensuring in the very least that an honorable veterans' organization is available to receive the cremains of every deceased New Jersey veteran is the least we can do to give a proper farewell for all service members who have sacrificed for our country."

In cases where the remains are to be buried at the Doyle Veterans Cemetery, the state Department of Military and Veterans Affairs (DMAVA) will play a key role in ensuring that the cremains are, in fact, that of a veteran, said Col. (Ret.) Stephen G. Abel, the Deputy Commissioner for Veterans Affairs. Abel said DMAVA will work with veterans' groups to ensure that all documents related to the military service record of the deceased are in order, as is required for interment in the Doyle Cemetery, the busiest state-operated veterans' cemetery in the United States.

"In doing that, we can guarantee that the veteran is laid to rest with proper military honors," Abel said. "We also will know the veterans cemetery is maintained as a place of honor."

"We have an obligation to ensure that the brave men and women who have donned a uniform to protect the freedoms of our nation are treated with every ounce of dignity and respect we can muster," said Assemblyman Matthew Milam (D-Cumberland/Atlantic/Cape May). "By ensuring veterans' organizations can claim the cremains of New Jersey's fallen heroes, we can guarantee that they will be well-received and that their memory and service will always be honored."

"This is the right thing to do for those who have served and sacrificed for our country," said Assemblywoman Nilsa Cruz-Perez (D-Camden). "It's painful to think that a veteran could go unclaimed and not be given a dignified farewell, and this ensures that now will not happen."

"Today's legislation allows those who died in the service of our country to be given a proper burial," said Assemblywoman Charlotte Vandervalk (R-

Bergen). "We owe them a debt of gratitude that can never be repaid. Trusting our veterans' organizations with ensuring a proper burial will provide the closure to which they are entitled."

In addition to the Vietnam Veterans of America and the Veterans of Foreign Wars, other veterans' organizations that supported the legislation include the American Legion, Disabled American Veterans, American Veterans, Catholic War Veterans, Jewish War Veterans and the Marine Corps League.

"The brave men and women who have sacrificed so much in defense of their country should be given a proper and honorable burial," said Senator Jeff Van Drew (D-Cape May/Cumberland/Atlantic). "However, when family members or loved ones cannot be reached, many times the cremated remains of these service-people are left forgotten on shelves, sometimes for years. This new law guarantees that, in cases when loved ones cannot be contacted, that veterans' organizations within the state will step in to give their fallen comrade appropriate final honors."

In enacting this legislation, New Jersey joins a handful of states that have passed laws to ensure proper military burials for unclaimed cremains. In 2007, Connecticut enacted similar legislation.

"As the generation of Americans who lived through and fought in World War II gets older, it's becoming more and more common for veterans to pass away without any identifiable next of kin," said Senator Fred Madden (D-Gloucester/Camden). "Rather than turn our backs on deceased veterans, we should ensure that they receive a burial fitting with their service to this country. This law gives veterans organizations, which have an established history of serving returning servicemen and women, the ability to honor the dedication and service of the deceased."

Primary sponsors of the legislation in the Assembly were Assemblymen Jack Conners (D-Burlington) and Mathew Milam (D-Cumberland/Atlantic/Cape May), and Assemblywomen Nilsa Cruz-Perez (D-Camden) and Charlotte Vandervalk (R-Bergen). Primary sponsors in the Senate were Senators Jeff Van Drew (D-Cape May/Cumberland/Atlantic) and Fred Madden (D-Gloucester/Camden).

###

Photos from Governor Corzine's public events are available in the Governor's Newsroom section on the State of New Jersey web page, <http://www.nj.gov/governor/news/>

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