

SENATE, No. 2684

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JULY 9, 2020

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Requires DMVA provide central website registry of unclaimed veteran cremains for veteran organization locating services; Requires funeral director report possession of unclaimed veteran cremains.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning unclaimed cremains of veterans and amending
2 P.L.1983, c.385, P.L.2009, c.14, and N.J.S.38A:3-6.

3

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

6

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

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

18 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
19 32 et seq.), who, after due diligence to find a relative or friend of the
20 deceased, is knowingly in possession of the unclaimed cremains of a
21 veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-6.3),
22 shall notify the New Jersey Department of Military and Veterans
23 Affairs, by written or electronic communication, of the location and
24 identity of such cremains one year after the date of cremation.

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

27 b. A funeral director[, licensed pursuant to P.L.1952, c.340
28 (C.45:7-32 et seq.),] shall grant a qualified veterans' organization the
29 right to receive the cremains of a veteran which have not been
30 claimed by a relative or friend of the deceased within one year after
31 cremation upon certification, to the commissioner's satisfaction, that
32 a diligent effort, as defined in subsection a. of this section, has been
33 made to identify, locate and notify a relative or friend of the deceased
34 within that one-year period.

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

41 As used in this section, "qualified veterans' organization" means a
42 veterans' organization that qualifies as a section 501(c)(3) or
43 501(c)(19) tax exempt organization under the Internal Revenue Code,
44 or a federally chartered Veterans' Service Organization.

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 c. A funeral home or mortuary, or an agent of the funeral home
2 or mortuary, or a funeral director, or qualified veterans'
3 organization, shall not be liable for damages in any civil action
4 arising out of the disposal of cremains pursuant to this section unless
5 the damages are the result of gross negligence or willful misconduct.
6 (cf: P.L.2009, c.14, s.1)

7
8 2. Section 2 of P.L.2009, c.14 (C.38A:3-2b4) is amended to read
9 as follows:

10 2. a. A funeral director, licensed pursuant to P.L.1952, c.340
11 (C.45:7-32 et seq.), shall grant a qualified veterans' organization, as
12 defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-
13 18.2), the right to receive the cremains of a veteran which have not
14 been claimed by a relative or friend of the deceased within one year
15 after cremation upon certification, to the satisfaction of the
16 Commissioner of Health and Senior Services, that a diligent effort,
17 as defined in subsection a. of section 2 of P.L.1983, c.385 (C.26:7-
18 18.2), has been made to identify, locate and notify a relative or friend
19 of the deceased within that one-year period, as provided under
20 section 2 of P.L.1983, c.385 (C.26:7-18.2).

21 A funeral director, licensed pursuant to P.L.1952, c.340 (C.45:7-
22 32 et seq.), who, after due diligence to find a relative or friend of the
23 deceased, is knowingly in possession of the unclaimed cremains of a
24 veteran, as defined by section 1 of P.L.1989, c.162 (C.38A:3-6.3),
25 shall notify the New Jersey Department of Military and Veterans
26 Affairs, by written or electronic communication, of the location and
27 identity of such cremains one year after the date of cremation.

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

34 b. A funeral home or mortuary, or an agent of the funeral home
35 or mortuary, or a funeral director, or qualified veterans' organization,
36 shall not be liable for damages in any civil action arising out of the
37 disposal of cremains pursuant to this section unless the damages are
38 the result of gross negligence or willful misconduct.
39 (cf: P.L.2009, c.14, s.2)

40
41 3. N.J.S. 38A:3-6 is amended to read as follows:

42 38A:3-6. Under the direction of the Governor, the Adjutant
43 General shall:

44 (a) Exercise control over the affairs of the Department of Military
45 and Veterans' Affairs and in connection therewith make and issue
46 such regulations governing the work of the Department of Military
47 and Veterans' Affairs and the conduct of its employees as may, in his
48 judgment, be necessary or desirable.

- 1 (b) Be the request officer of the Department of Military and
2 Veterans' Affairs within the meaning of such term as defined in
3 section 1 of P.L.1944, c.112 (C.52:27B-1).
- 4 (c) (Deleted by amendment, P.L.1988, c.138.)
- 5 (d) Command the organized militia of the State, with
6 responsibility for recruiting, mobilization, administration, training,
7 discipline, equipping, supply and general efficiency thereof. He may
8 issue such regulations and delegate such command functions as he
9 shall deem necessary. The regulations so issued shall, insofar as
10 possible, conform to the federal laws and regulations concerning the
11 same.
- 12 (e) Maintain the archives and be the custodian of the records and
13 papers required, by laws or regulations, to be filed with the
14 Department of Military and Veterans' Affairs.
- 15 (f) Supervise, administer and coordinate those activities of the
16 selective service system for which the Governor is responsible.
- 17 (g) Acquire by gift, grant, purchase, exchange, eminent domain,
18 or in any other lawful manner, in the name of and for the use of the
19 State of New Jersey, all those parcels of land as shall be necessary
20 for armories and other militia facilities, and supervise the design,
21 construction, alteration, maintenance and repair of said property.
- 22 (h) Establish and maintain such headquarters as may be required
23 for the militia.
- 24 (i) Exercise the powers vested in him and perform such other
25 duties and functions as required of him by the Governor and by
26 federal and State laws and regulations.
- 27 (j) Exercise all of the functions, powers and duties heretofore
28 vested in the Director of the Division on Veterans' Programs and
29 Special Services.
- 30 (k) Appoint and remove officers and other personnel employed
31 within the department, subject to the provisions of N.J.S.38A:3-8 and
32 Title 11A of the New Jersey Statutes and other applicable statutes,
33 except as herein otherwise specifically provided.
- 34 (l) Have authority to organize and maintain an administrative
35 division and to assign to employment therein secretarial, clerical and
36 other assistants in the department or the Adjutant General's Office for
37 the purpose of providing centralized support to all segments of the
38 department, including budgeting, personnel administration and
39 oversight of equal opportunity programs.
- 40 (m) Perform, exercise and discharge the functions, powers and
41 duties of the department through such divisions as may be established
42 by this act or otherwise by law.
- 43 (n) Organize the work of the department in divisions not
44 inconsistent with the provisions of this act and in bureaus and other
45 organizational units as the Adjutant General may determine to be
46 necessary for efficient and effective operation.
- 47 (o) Adopt, issue and promulgate, in the name of the department,
48 pursuant to the "Administrative Procedure Act," P.L.1968, c.410

1 (C.52:14B-1 et seq.), such rules and regulations as may be authorized
2 by law.

3 (p) Institute, or cause to be instituted, legal proceedings or
4 processes as necessary to properly enforce and give effect to any of
5 the Adjutant General's powers or duties.

6 (q) Make an annual report to the Governor and to the Legislature
7 of the department's operations, and render other reports as the
8 Governor shall from time to time request or as may be required by
9 law.

10 (r) Coordinate the activities of the department, and the several
11 divisions and other agencies therein, in a manner designed to
12 eliminate overlapping and duplicative functions.

13 (s) Integrate within the department, so far as practicable, all staff
14 services of the department and of several divisions and other agencies
15 therein.

16 (t) Request access to all relevant files and records of other State
17 agencies, which may be made available to the Adjutant General by
18 the head of a State agency, and request, subject to the permission of
19 the head of the State agency, any officer or employee therein to
20 provide information as necessary to assist in the performance of the
21 functions of the department.

22 (u) Supervise and operate the New Jersey Veterans' Memorial
23 Home-Menlo Park, the New Jersey Veterans' Memorial Home-
24 Vineland, the New Jersey Veterans' Memorial Home-Paramus and
25 the New Jersey Veterans' Memorial Cemetery-Arneytown.

26 (v) Supervise and operate the liaison office and the field offices
27 which serve the federal Veterans' Affairs Medical Centers.

28 (w) Make application for federal grants and programs, other than
29 education grants or funds.

30 (x) Administer the federally-funded training and rehabilitation
31 programs, except for the administration of federally-funded
32 education and training programs set forth in 38 U.S.C. s.36 et seq.

33 (y) Provide current information to the general public on State and
34 federal veterans' programs and benefits; create a comprehensive
35 public webpage for women veterans that includes, but is not limited
36 to, the following information: veterans' legal rights, benefits, medical
37 and insurance issues, education, the transition from active service to
38 civilian life, and other resources available to veterans.

39 (z) Develop and administer the New Jersey Homeless Veterans
40 Grant Program established pursuant to section 3 of P.L.2013, c.239
41 (C.38A:3-6.2b).

42 (aa) Encourage and facilitate the registration of each service
43 member residing in New Jersey with the United States Department
44 of Veterans Affairs, or its successor agency. Registration shall take
45 place, as appropriate, when the service member returns from
46 deployment on federal active duty or is discharged or as soon as
47 possible thereafter. The term "service member" shall mean members

1 of the New Jersey National Guard and members of the United States
2 Armed Forces, or a Reserve component thereof, when the
3 information on each member is made available to the department.

4 (bb) Develop and coordinate a volunteer-based program
5 comprised of former servicemembers to assist and mentor veterans
6 who become involved with the criminal justice system, while
7 criminal proceedings are pending and afterward, in accessing
8 assistance to resolve the underlying problems that led or contributed
9 to the veteran's involvement with the criminal justice system
10 including, but not limited to, offering support and guidance, securing
11 housing, employment linkages, job training, education,
12 transportation, disability compensation claims, discharge status,
13 health care and other linkages available at the local, State and federal
14 level that can ease the challenge of reentry into civilian life. In
15 addition, the Adjutant General shall develop a registry of volunteer
16 mentors and make the registry available pursuant to P.L.2017, c.42
17 (C.2C:43-23 et al.).

18 (cc) Prepare and disseminate a directory of Veterans Diversion
19 Resource Program entities currently available within New Jersey
20 pursuant to P.L.2017, c.42 (C.2C:43-23 et al.).

21 (dd) Create a comprehensive public webpage for Gold Star
22 family members that includes, but is not limited to, the following
23 information: State benefits; State and county liaisons; a list of service
24 members from New Jersey killed in action; links to other Gold Star
25 family organizations; and such other information and resources as the
26 Adjutant General deems necessary and beneficial to a Gold Star
27 family member. A "Gold Star family member" means the spouse,
28 domestic partner, partner in a civil union, parent, brother, sister,
29 child, legal guardian, or other legal custodian, whether of the whole
30 or half blood, or by adoption.

31 (ee) Identify each New Jersey resident who enrolls in the United
32 States Military Academy, United States Naval Academy, United
33 States Coast Guard Academy, United States Merchant Marine
34 Academy, or United States Air Force Academy, and issue a New
35 Jersey State flag to that individual.

36 (ff) Develop and maintain an Internet-based central reporting
37 system to provide the location and identity of unclaimed cremains of
38 veterans, as provided to the department by funeral directors, licensed
39 pursuant to P.L.1952, c.340 (C.45:7-32 et seq.).

40 (cf: P.L.2019, c.283, s.1)

41
42 4. This act shall take effect immediately.
43

44 STATEMENT

45
46 According to qualified veterans organizations, cremains of
47 veterans have been abandoned on average 28 years, some as long as
48 50 years and others as long as 66 years. Currently, funeral directors

1 make a diligent effort to identify, locate and notify a relative or friend
2 of the deceased, but sometimes the remains go unclaimed.
3 Oftentimes this causes funeral directors to continuously store
4 remains until they are claimed and given a proper burial. Under a
5 2009 law, funeral directors were given permission to grant veteran
6 organizations and Veteran Service Organizations the right to receive
7 cremains of veterans that have been unclaimed for a year.

8 Under this bill, funeral directors will continue to make diligent
9 efforts to find a relative or loved one of the deceased. Any cremains
10 that remain one year after the date of cremation and the funeral
11 directors diligent efforts, will be recorded and the funeral directors
12 will notify the New Jersey Department of Military and Veterans
13 Affairs by written or electronic communication that they are in
14 possession of unclaimed cremains of veterans. The bill also requires
15 the Department of Military and Veterans Affairs to create and
16 maintain an Internet-based central reporting system of the location
17 and identity of unclaimed cremains of veterans.

18 Some veteran organizations and Veterans Service Organizations
19 currently spend an inordinate amount of volunteer time attempting to
20 locate the cremains of veterans. The central reporting system at the
21 Department of Military and Veterans Affairs will assist and facilitate
22 these organizations to locate unclaimed cremains of veterans. This
23 legislation will provide for the veterans to be laid to rest in a more
24 timely manner with the honor and respect that they deserve.