ASSEMBLY BILL NO. **1131**
(Second Reprint)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1131 (Second Reprint) with my recommendations for reconsideration.

This bill proposes to change our current laws pertaining to the disposal of the cremains of a veteran, or an eligible spouse or dependent. Currently, P.L.1983, c.385 provides that the cremains of a dead human body which have not been claimed within one year from the date of cremation may be disposed of upon certification that a diligent effort has been made to identify, locate and notify a relative or friend of the deceased within that one-year period. Pursuant to subsection b. of section 2 of P.L.1983, c.385, a funeral director must grant a qualified veterans' organization the right to receive the cremains of a veteran, or the cremains of an eligible spouse or eligible dependent of a veteran, prior to disposing of the cremains. Current law further specifies the manner in which the qualified veterans' organization shall then dispose of the cremains.

This bill would require the New Jersey Electronic Death Registration System ("NJ-EDRS"), operated by the State registrar in the Department of Health ("DOH"), to provide electronic notification to the Department of Veterans Affairs ("DVA") of a veteran, or an eligible spouse or eligible dependent of a veteran, whose remains are cremated, upon completion of the death record and issuance of the cremation permit. Using these notifications, the bill requires the DVA to contact funeral homes on the first day of the 13th month after the date the cremation permit was issued to request information as to whether those cremains have been claimed. The bill further requires funeral directors to promptly respond to requests from the DVA for information as to

whether the cremains have been claimed. In the event a funeral home advises DVA that the cremains have not been claimed, DVA may assist the funeral home in contacting a qualified veterans' organization to coordinate the release of the remains to the qualified veterans' organization.

I applaud the bill's sponsors for working to set forth processes that ensure that the cremains of our veterans and their relatives are not abandoned. I am concerned, however, with the requirement mandating NJ-EDRS to provide DVA with notification of a veteran, or an eligible spouse or eligible dependent of a veteran, whose remains are cremated, upon completion of the death record and issuance of the cremation permit. While NJ-EDRS registers the data on all death certificates registered in the State, death certificates collect very limited family information. Demographic information and military dates of service and military status of family members are not collected. As such, there is no way of identifying an individual as an eligible spouse or dependent of a veteran, unless it is specifically provided.

Accordingly, I am recommending that this provision of the bill be modified to ensure that NJ-EDRS make this notification to DVA when the required information is available on NJ-EDRS. I am further recommending that the provision requiring DVA to use the notification provided to contact funeral homes for verification of the status of the cremains, be modified to instead require DVA to provide this information directly to qualified veterans organizations who may in turn coordinate directly with the applicable funeral homes for the release of the remains to the qualified veterans' organization consistent with the requirements of subsection b. of section 2 of P.L.1983, c.385 and section 2 of P.L.2009, c.14. This will ensure that the qualified veterans organizations are directly in contact with the funeral homes and

can take possession of the unidentified remains in a more timely and efficient manner.

Finally, I am recommending that the provision requiring the appearance and testimony of the Commissioner of DOH and the Commissioner of DVA be stricken from the bill in its entirety. Specifically, pursuant to the bill, if the NJ-EDRS system is not adapted to provide the notifications required by the bill by the first day of the seventh month next following the effective date of the bill, then the Commissioner of DOH is required to appear before the Assembly Military and Veterans Affairs Committee, the Senate Military and Veterans Affairs Committee, the Assembly Oversight, Reform, and Federal Relations Committee, or the Senate Legislative Oversight Committee, at the direction of the President of the Senate or the Speaker of the General Assembly, as applicable, to explain why the NJ-EDRS has not been adapted. A similar provision applies to the Commissioner of DVA if the department has not commenced using notifications from the NJ-EDRS to contact funeral homes. This provision is unwarranted as compliance with our laws is self-apparent. And I note that subjecting our commissioners to testimony is unnecessary to carry out the goal of ensuring the remains of our veterans and their relatives are not abandoned.

Therefore, I herewith return Assembly Bill No. 1131 (Second Reprint) and recommend that it be amended as follows:

Page 4, Section 1, Lines 44-45:	Delete ", made pursuant to subsection (s) of N.J.S.38A:21-5,"
Page 7, Section 2, Line 1:	Delete "in the case of" and insert "when information submitted to the NJ-EDRS identifies a decedent as"
Page 7, Section 2, Line 5:	After "include" insert ", to the extent available,"
Page 8, Section 3, Lines 5-6:	Delete ", made pursuant to subsection (2) of N.J.S.38A:21-5,"
Page 13, Section 4, Lines 19-21:	Delete in their entirety

Page 13, Section 4, Line 22:	Delete "cremation permit was issued" and insert "transmit information to a qualified veterans' organization, as defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-18.2), who may in turn"
Page 13, Section 4, Lines 26-27:	Delete "Commissioner of the Department of Veterans Affairs may assist the"
Page 13, Section 4, Lines 27-29:	Delete "in contacting a qualified veterans' organization, as defined in subsection b. of section 2 of P.L.1983, c.385 (C.26:7-18.2), to coordinate the" and insert "may"
Page 13, Section 5, Lines 35-48:	Delete in their entirety
Page 14, Section 5, Lines 1-18:	Delete in their entirety
Page 14, Section 6, Line 20:	Delete "6." and insert "5."
Page 14, Section 6, Line 21:	Delete "shall" and insert "may"
Page 14, Section 7, Line 26:	Delete "7." and insert "6."

Respectfully,

[seal]

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Chief Counsel to the Governor