

CHAPTER 229

AN ACT requiring the Department of Military and Veterans' Affairs to provide certain burial and cremation information to certain veteran organizations and county officers and municipal registers, and amending N.J.S.38A:3-6.

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

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

Powers, duties.

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

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

(b) Be the request officer of the Department of Military Affairs within the meaning of such term as defined in section 1 of P.L.1944, c.112 (C.52:27B-1).

(c) (Deleted by amendment, P.L.1988, c.138.)

(d) Command the organized militia of the State, with responsibility for recruiting, mobilization, administration, training, discipline, equipping, supply, and general efficiency thereof. The Adjutant General may issue such regulations and delegate such command functions as shall be deemed necessary. The regulations so issued shall, insofar as possible, conform to the federal laws and regulations concerning the same.

(e) Maintain the archives and be the custodian of the records and papers required, by laws or regulations, to be filed with the Department of Military Affairs.

(f) Supervise, administer, and coordinate those activities of the selective service system for which the Governor is responsible.

(g) Acquire by gift, grant, purchase, exchange, eminent domain, or in any other lawful manner, in the name of and for the use of the State of New Jersey, all those parcels of land as shall be necessary for armories and other militia facilities and supervise the design, construction, alteration, maintenance, and repair of said property.

(h) Establish and maintain such headquarters as may be required for the militia.

(i) Exercise the powers vested in him and perform such other duties and functions as required of him by the Governor and by federal and State laws and regulations.

(j) (Deleted by amendment, P.L. 2025, c.139)

(k) Appoint and remove officers and other personnel employed within the department, subject to the provisions of N.J.S.38A:3-8 and Title 11A of the New Jersey Statutes and other applicable statutes, except as herein otherwise specifically provided.

(l) Have authority to organize and maintain an administrative division and to assign to employment therein secretarial, clerical, and other assistants in the department or the Adjutant General's Office for the purpose of providing centralized support to all segments of the department, including budgeting, personnel administration, and oversight of equal opportunity programs.

(m) Perform, exercise, and discharge the functions, powers, and duties of the department through such divisions as may be established by this act or otherwise by law.

(n) Organize the work of the department in divisions not inconsistent with the provisions of this act, N.J.S.38A:21-1 et al., and in bureaus and other organizational units as the Adjutant General may determine to be necessary for efficient and effective operation.

(o) Adopt, issue, and promulgate, in the name of the department, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be authorized by law.

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

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

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

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

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

(u) (Deleted by amendment, P.L. 2025, c.139)

(v) (Deleted by amendment, P.L.2025, c.139)

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

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

(y) (Deleted by amendment, P.L.2025, c.139)

(z) (Deleted by amendment, P.L. 2025, c.139)

(aa) (Deleted by amendment, P.L. 2025, c.139)

(bb) (Deleted by amendment, P.L.2025, c.139)

(cc) (Deleted by amendment, P.L.2025, c.139)

(dd) (Deleted by amendment, P.L.2025, c.139)

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

(ff) Provide a monthly report to veteran organizations and the appropriate county officer and municipal register of the names of all persons buried or cremated in the State veteran cemeteries the previous month. The monthly reports and waivers may be transmitted and received electronically. As used in this section, "veteran organization" means a veteran 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. No burial or cremation information shall be released to a veteran organization or county officer until a representative of the person buried or cremated has signed a waiver permitting release of the information. The monthly reports and waivers shall not be considered a government record and shall not be accessible under the law commonly referred to as the open public records act, P.L.1963, c.73 (C.47:1A-1 et seq.).

2. This act shall take effect immediately.

Approved January 12, 2026.