S T A T E O F N E W Y O R K

6840--A

I N S E N A T E

February 12, 2010

Introduced by Sens. PARKER, ADDABBO, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the not-for-profit corporation law, in relation to disposition of unclaimed cremated remains of a veteran

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (j) of section 1517 of the not-for-profit corporation law is relettered paragraph (k) and a new paragraph (j) is added to read as follows:

(J) DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN. (1) PURSUANT TO THE REQUIREMENTS OF PARAGRAPH (I) OF THIS SECTION, IF, UPON COMPLETION OF THE CREMATION PROCESS, THE CEMETERY CORPORATION HAS NOT BEEN INSTRUCTED TO ARRANGE FOR THE INTERMENT, ENTOMBMENT, INURNMENT OR SCATTERING OF THE CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN AND PROVIDED A DILIGENT EFFORT HAS BEEN MADE TO LOCATE AND NOTIFY THE NEXT OF KIN OR AUTHORIZING AGENT THAT SIGNED THE CREMATION AUTHORIZATION FOR THE DECEASED VETERAN, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM THE DATE OF THE CREMATION, WHERE THE AUTHORIZING AGENT HAS NOT INSTRUCTED THE CEMETERY CORPORATION TO ARRANGE FOR THE FINAL DISPOSITION OF THE CREMAINS OR CLAIMED THE CREMAINS, THE CEMETERY CORPORATION MAY ALSO DISPOSE OF THE CREMAINS IN ANY MANNER PERMITTED BY THIS SECTION OR BY RELINQUISHING POSSESSION OF VETERANS' CREMAINS FOR DISPOSITION BY 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. THE CEMETERY CORPORATION, HOWEVER, SHALL KEEP A PERMANENT RECORD IDENTIFYING THE VETERANS' ORGANIZATION RECEIVING THE REMAINS AND THE SITE DESIGNATED FOR FINAL DISPOSITION BY THE ORGANIZATION. THE METHOD OF DISPOSITION SHALL BE MADE PURSUANT TO THIS SECTION AND SHALL BE DIRECTED TO A SECTION OF A CEMETERY CORPORATION WHERE VETERANS ARE MEMORIALIZED BY A VETERAN'S MARKER IF ELIGIBLE, A VETERANS' SECTION OF A CEMETERY CORPORATION OR A VETER-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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ANS' CEMETERY IF THE DECEASED VETERAN IS ELIGIBLE FOR INTERMENT IN SUCH A MANNER. SUCH INTERMENT, ENTOMBMENT, INURNMENT OR SCATTERING OF THE CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN BY SUCH A VETERANS' ORGANIZATION SHALL OCCUR WITHIN SIXTY DAYS. THE AUTHORIZING AGENT SHALL BE RESPONSIBLE FOR REIMBURSING THE CEMETERY CORPORATION OR THE VETERANS' ORGANIZATION FOR ALL REASONABLE EXPENSES INCURRED IN DISPOSING OF THE CREMAINS. UPON DISPOSITION OF THE CREMAINS, THE CEMETERY CORPORATION AND THE VETERANS' ORGANIZATION AS DEFINED IN THIS SECTION SHALL BE DISCHARGED FROM ANY LEGAL OBLIGATION OR LIABILITY CONCERNING THE CREMAINS. EXCEPT WITH THE EXPRESS WRITTEN PERMISSION OF THE AUTHORIZING AGENT, NO PERSON SHALL:

(I) DISPOSE OF CREMAINS IN A MANNER OR IN A LOCATION SO THAT THE CREMAINS ARE COMMINGLED WITH THOSE OF ANOTHER PERSON. THIS PROHIBITION SHALL NOT APPLY TO THE SCATTERING OF CREMAINS AT SEA, BY AIR, OR IN AN AREA LOCATED IN A CEMETERY AND USED EXCLUSIVELY FOR THOSE PURPOSES; AND (II) PLACE CREMAINS OF MORE THAN ONE PERSON IN THE SAME TEMPORARY CONTAINER OR URN.

(2) FOR THE PURPOSES OF THIS PARAGRAPH, "DILIGENT EFFORT" SHALL MEAN A REASONABLE EFFORT, AND INCLUDES A CERTIFIED LETTER, DELIVERY RECEIPT REQUESTED, MAILED TO THE NEXT OF KIN OR AUTHORIZING AGENT THAT SIGNED THE CREMATION AUTHORIZATION.

S 2. This act shall take effect November 11, 2010.