

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

2356--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. CUSICK, COLTON, BENEDETTO, GUNTHER, REILLY, SCHIMMINGER, WEISENBERG, SCHIMEL, M. MILLER, LUPARDO, ZEBROWSKI, MAGNARELLI, WEPRIN, HOOPER -- Multi-Sponsored by -- M. of A. CRESPO, MAGEE, McDONOUGH, MCENENY -- read once and referred to the Committee on Codes -- reference changed to the Committee on Corporations, Authorities and Commissions -- 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:

1 Section 1. Paragraph (j) of section 1517 of the not-for-profit corpo-
2 ration law is relettered paragraph (k) and a new paragraph (j) is added
3 to read as follows:
4 (J) DISPOSITION OF UNCLAIMED CREMATED REMAINS OF A VETERAN. (1) PURSU-
5 ANT TO THE REQUIREMENTS OF PARAGRAPH (I) OF THIS SECTION, IF, UPON
6 COMPLETION OF THE CREMATION PROCESS, THE CEMETERY CORPORATION HAS NOT
7 BEEN INSTRUCTED TO ARRANGE FOR THE INTERMENT, ENTOMBMENT, INURNMENT OR
8 SCATTERING OF THE CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN AND
9 PROVIDED A DILIGENT EFFORT HAS BEEN MADE TO LOCATE AND NOTIFY THE NEXT
10 OF KIN OR AUTHORIZING AGENT THAT SIGNED THE CREMATION AUTHORIZATION FOR
11 THE DECEASED VETERAN, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM THE
12 DATE OF THE CREMATION, WHERE THE AUTHORIZING AGENT HAS NOT INSTRUCTED
13 THE CEMETERY CORPORATION TO ARRANGE FOR THE FINAL DISPOSITION OF THE
14 CREMAINS OR CLAIMED THE CREMAINS, THE CEMETERY CORPORATION MAY ALSO
15 DISPOSE OF THE CREMAINS IN ANY MANNER PERMITTED BY THIS SECTION OR BY
16 RELINQUISHING POSSESSION OF VETERANS' CREMAINS FOR DISPOSITION BY A
17 VETERANS' ORGANIZATION THAT QUALIFIES AS A SECTION 501(C)(3) OR
18 501(C)(19) TAX EXEMPT ORGANIZATION UNDER THE INTERNAL REVENUE CODE, OR A
19 FEDERALLY CHARTERED VETERANS' SERVICE ORGANIZATION. THE CEMETERY CORPO-
20 RATION, HOWEVER, SHALL KEEP A PERMANENT RECORD IDENTIFYING THE VETERANS'

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

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1 ORGANIZATION RECEIVING THE REMAINS AND THE SITE DESIGNATED FOR FINAL
2 DISPOSITION BY THE ORGANIZATION. THE METHOD OF DISPOSITION SHALL BE MADE
3 PURSUANT TO THIS SECTION AND SHALL BE DIRECTED TO A SECTION OF A CEME-
4 TERY CORPORATION WHERE VETERANS ARE MEMORIALIZED BY A VETERAN'S MARKER
5 IF ELIGIBLE, A VETERANS' SECTION OF A CEMETERY CORPORATION OR A VETER-
6 ANS' CEMETERY IF THE DECEASED VETERAN IS ELIGIBLE FOR INTERMENT IN SUCH
7 A MANNER. SUCH INTERMENT, ENTOMBMENT, INURNMENT OR SCATTERING OF THE
8 CREMAINS OF AN INDIVIDUAL KNOWN TO BE A VETERAN BY SUCH A VETERANS'
9 ORGANIZATION SHALL OCCUR WITHIN SIXTY DAYS. THE AUTHORIZING AGENT SHALL
10 BE RESPONSIBLE FOR REIMBURSING THE CEMETERY CORPORATION OR THE VETERANS'
11 ORGANIZATION FOR ALL REASONABLE EXPENSES INCURRED IN DISPOSING OF THE
12 CREMAINS. UPON DISPOSITION OF THE CREMAINS, THE CEMETERY CORPORATION AND
13 THE VETERANS' ORGANIZATION AS DEFINED IN THIS SECTION SHALL BE
14 DISCHARGED FROM ANY LEGAL OBLIGATION OR LIABILITY CONCERNING THE
15 CREMAINS. EXCEPT WITH THE EXPRESS WRITTEN PERMISSION OF THE AUTHORIZING
16 AGENT, NO PERSON SHALL:

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

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

27 S 2. This act shall take effect November 11, 2012.