STATE OF NEW YORK

11294

IN ASSEMBLY

May 8, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Stern) -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the veterans' services law, in relation to the appointment of the memorial affairs coordinator; to amend the general municipal law, in relation to the burial indigent members of the uniformed services of the United States; and to amend the public health law, in relation to the disposition of the remains of veterans

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The veterans' services law is amended by adding a new article 4 to read as follows:

ARTICLE 4

MEMORIAL AFFAIRS

Section 44. Memorial affairs coordinator.

§ 44. Memorial affairs coordinator. 1. As used in this section, the following terms shall have the following meanings:

(a) "burial" means all the legal methods of disposing of the remains of a deceased person, including, but not limited to, cremation, burial at sea, and medical school donation;

(b) "custodian" means any person, organization, or state or local government agency in possession of human remains, such as a funeral director, undertaker or funeral firm, medical examiner or coroner, law enforcement agencies, or medical, educational, and correctional facilities;

(c) "dignified burial" means a deceased person's remains are interred in a final resting place, including but not limited to a national cemetery, a state veteran's cemetery, or a private cemetery;

(d) "eligible person" means any service member or veteran or spouse, child, parent or other relation of a service member or veteran eligible for burial benefits under chapters 23 and 24 of title 38 of the United States Code or any provision of state law or local law; and

(e) "local coordinators" means a person, association or commission designated under section one hundred forty-eight of the general municipal law.

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

LBD15813-01-6

2. The state commissioner shall appoint a "memorial affairs coordinator" whose general duties shall include:

(a) serving as a liaison between the United States Department of Veterans Affairs, relevant state and local agencies, custodians, and local coordinators to facilitate the dignified burial of deceased service members, veterans and other eligible persons in the state;

(b) proving information to custodians regarding the funeral, burial and memorial benefits available for the burial of eligible persons and to outline procedures to be followed;

(c) developing and maintaining a clearinghouse of information and resources for survivors of deceased service members, veterans and other eligible persons, regarding federal, state and local benefits that assist with funeral, burial and memorial costs;

(d) conducting outreach to veterans service organizations for the purpose of encouraging the participation of such organizations in funeral and burial services as provided in section one hundred forty-eight of the general municipal law and section forty-two hundred three of the public health law and connecting such organizations to custodians and local coordinators. The memorial affairs coordinator shall maintain a list of veterans service organizations that have agreed to be available to provide such services and the areas of the state in which such organizations operate. Such list shall be made available to custodians and local coordinators;

(e) providing training and assistance to local coordinators regarding their duties and responsibilities under section one hundred forty-eight of the general municipal law, all training courses shall be developed by the memorial affairs coordinator and an initial course of training shall be scheduled for local coordinators within ninety days of the department's receipt of the notification provided by a local coordinator under section one hundred forty-eight of the general municipal law, thereafter all local coordinators shall annually receive supplemental trainings provided by the department.

(f) developing a statewide program for the purpose of supporting counties and the city of New York in providing and maintaining appropriate headstones or markers under section one hundred forty-eight of the general municipal law including assistance with applications for headstones or markers available at the expense of the United States under section 2306 of title 38 of the United States Code; and

(g) planning or promoting events, activities, or programs that memorialize service members and veterans or support the dedication or preservation of military and veteran memorials including encouraging the participation of local governments in the veterans memorial registry established under section twenty-nine-a of this chapter.

3. The memorial affairs coordinator shall:

(a) help facilitate the disposition of remains pursuant to the program established in section forty-two hundred three of the public health law;

(b) provide information to custodians regarding points of contact and resources available through the United States Department of Veterans Affairs for assisting with researching veteran status for indigent and deceased veterans whose remains are unclaimed;

(c) develop and disseminate to custodians uniform guidelines, procedures and best practices for identifying deceased individuals as eligible persons, locating the next of kin of an eligible person and facilitating the burial of such persons;

(d) coordinate and implement data-sharing agreements with federal, state and local government agencies and private entities to identify veterans and other eligible persons whose remains are unclaimed; and

(e) develop a comprehensive estimate of all deceased veterans and other eligible persons whose remains are unclaimed awaiting burial in the state and a plan for facilitating the internment of such persons.

4. The annual report required by subdivision seventeen of section four of this chapter shall contain a description of the activities of the memorial affairs coordinators' activities undertaken since the last annual report, the number of burials facilitated by the memorial affairs coordinator pursuant to this section or reported to the coordinator under section one hundred forty-eight of the general municipal law or section forty-two hundred three of the public health law and any recommendations of the department for the improvement of the programs established under this section or the administration of funeral, burial and memorial benefits to eligible persons by the state.

§ 2. Paragraphs (a) and (d) of subdivision 1 of section 148 of the general municipal law, paragraph (a) as amended by section 62 of part PP of chapter 56 of the laws of 2022, and paragraph (d) as amended by chapter 613 of the laws of 1986, are amended to read as follows:

(a) The [~~board of supervisors~~] governing body in each of the counties, [~~or the board of estimate~~] and the governing body in the city of New York, shall designate some proper person, association or commission, other than that designated for the care of burial of public charges or criminals, who shall cause to be interred the body of any member of the uniformed services of the United States who (i) was honorably discharged from such service or (ii) had a qualifying condition, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or (iii) was a discharged LGBT veteran, as defined in section one of the veterans' services law, and received a discharge other than bad conduct or dishonorable from such service, or the body of any minor child or either parent, or the spouse or unremarried surviving spouse of any such member of the uniformed services of the United States, if such person shall hereafter die in a county or in the city of New York without leaving sufficient means to defray [~~his or her~~] their funeral expenses.

(d) Such interment shall not be made in a cemetery or cemetery plot used exclusively for the burial of needy persons deceased, and the [~~board of supervisors~~] governing body of each county [~~is~~] and the city of New York are hereby authorized and empowered to purchase and acquire lands, or to appropriate money for the purchase and acquisition of lands, for a cemetery or cemetery plot for the burial of any such persons and also to provide for the care, maintenance or improvement of any cemetery or plot where such persons are buried or may hereafter be buried.

§ 3. Paragraph (e) of subdivision 1-a of section 148 of the general municipal law, as added by chapter 29 of the laws of 2016, is amended to read as follows:

(e) A congressionally chartered veterans' organization determining in good faith that it cannot financially bear the costs of the requested funeral and burial services as described in paragraph (b) of this subdivision, and declaring in good faith to the requesting county or the city of New York that the organization is unable to pay for these expenses, shall not be required by the county or the city of New York to initially fund these requested services. The person, association or commission, designated pursuant to this section shall notify the memorial affairs

coordinator and the Director of the United States Department of Veterans Affairs regional office for the area in which the veteran died and, pursuant to existing programs, work with such coordinator or director to immediately complete arrangements for burial of such veteran in a national cemetery or, State or Tribal veterans cemetery.

§ 4. Paragraphs (c) and (e) of subdivision 2 of section 148 of the general municipal law, paragraph (c) as amended by chapter 265 of the laws of 1990, and paragraph (e) as amended by chapter 322 of the laws of 2021, are amended to read as follows:

(c) Such headstone shall be of such design and material as shall be approved by the [~~board of supervisors~~] governing body of the county or the city of New York. The memorial affairs coordinators shall issue guidelines for governing bodies in approving such headstones.

(e) The [~~board of supervisors~~] governing body of the county or the city of New York of which such deceased person was a resident at the time of [~~his or her~~] death is hereby authorized and directed to audit the account and pay the expenses of such burial and headstone, and a reasonable sum for the services and necessary expenses of the person, association or commission so designated. In case such person shall be at the time of [~~his or her~~] death an incarcerated individual of any state institution, including state hospitals and soldiers' homes, or any institution, supported by the state and supported by public expense therein, the expense of such burial and headstone shall be a charge upon the county of [~~his or her~~] their legal residence.

§ 5. Subdivision 3 of section 148 of the general municipal law, as added by chapter 871 of the laws of 1948, is amended and a new subdivision 4 is added to read as follows:

3. Reports. (a) It shall be the duty of the person, association, or commission in this section provided, [~~prior to the annual meeting of the board of supervisors to~~] to promptly inform the commissioner of veterans' services of their designation or appointment by the governing body pursuant to subdivision one-a of this section, in a form and manner to be prescribed by the commissioner.

(b) The person, association, or commission in this section provided, shall make an annual report to such [~~board of supervisors~~] governing body of all the applications since the last annual report for burial and the erection of tombstones as provided herein, together with the amounts allowed. All applications herein referred to shall accompany said annual report and be placed and kept on file with the [~~board of supervisors~~] governing body. A copy of the annual report shall be transmitted to the memorial affairs coordinator and copies of any applications herein referred shall be made available to the coordinator upon request.

4. Definitions. As used in this section:

(a) "governing body" means the board of supervisors or the elected county legislative body of a county or the city council in the city of New York; and

(b) "memorial affairs coordinator" or "coordinator" shall mean the memorial affairs coordinator of the department of veterans' services appointed under section forty-four of the veterans' services law.

§ 6. Paragraph (f) of subdivision 1 of section 4203 of the public health law, as amended by chapter 444 of the laws of 2010, is amended and two new paragraphs (g) and (h) are added to read as follows:

(f) "local veterans' service agencies" shall [~~have the meaning set forth in section three hundred fifty-seven of the executive law~~] mean a county or a city veterans' service agency established under section fourteen of the veterans' services law.

(g) "state veterans' cemeteries" means a cemetery established under section twenty-four of the veterans' services law.

(h) "memorial affairs coordinator" or "coordinator" shall mean the memorial affairs coordinator of the department of veterans' services appointed under section forty-four of the veterans' services law.

§ 7. Paragraph (a) of subdivision 3 of section 4203 of the public health law, as amended by chapter 34 of the laws of 2023, is amended to read as follows:

(a) Notwithstanding any law or regulation to the contrary, nothing in this section shall prevent a funeral director, undertaker or funeral firm from sharing information with the United States department of veterans affairs (VA), the department of veterans' services, a local veterans' service agency, a veterans' service organization, a national cemetery, or county veterans cemetery for the purpose of determining whether the cremated or naturally organically reduced remains are those of a veteran. If a funeral director, undertaker or funeral firm has reason to believe that the remains belong to a veteran or other eligible person as defined in section forty-four of the veterans' services law, the funeral director, undertaker or funeral firm shall at a minimum notify the department of veterans' services.

§ 8. Paragraph (b) of subdivision 4 of section 4203 of the public health law, as added by chapter 444 of the laws of 2010, is amended and a new paragraph (c) is added to read as follows:

(b) The method of disposition shall be made pursuant to section forty-two hundred two of this title in a national cemetery, a county veterans cemetery, a state veterans cemetery, 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 veterans' cemetery if the deceased veteran is eligible for interment in such a manner.

(c) If a funeral director, undertaker or funeral firm does not relinquish possession of the cremated or naturally organically reduced remains to a veterans' service organization, such funeral director, undertaker or funeral firm shall, before disposing of the remains, notify the memorial affairs coordinator and the Director of the United States Department of Veterans Affairs regional office for the area in which the veteran died and work with such coordinator or director to immediately complete arrangements for burial of such veteran in a national cemetery or, State or Tribal veterans cemetery.

§ 9. Subdivisions 6 and 7 of section 4203 of the public health law, as amended by chapter 34 of the laws of 2023, are amended to read as follows:

6. The estate of the decedent shall be responsible for reimbursing a funeral director, undertaker, funeral firm or veterans' service organization for all reasonable expenses incurred in relation to the disposition of such cremated or naturally organically reduced remains. Where the decedent has died without leaving sufficient means to defray the cost of funeral and burial expenses, the memorial affairs coordinator shall offer assistance to a funeral director, undertaker, funeral firm or veterans' service organization in obtaining any reimbursement to which such individuals or organizations may be entitled under federal or state law.

7. A funeral director, undertaker or funeral firm shall establish and maintain a record identifying the veterans' service organization receiving the cremated or naturally organically reduced remains and the site designated for final disposition of the cremated or naturally organ-

ically reduced remains. **A copy of such record shall be transmitted to the memorial affairs coordinator.**

§ 10. Nothing in this act shall be construed as affecting the lawful designation of a proper person, association or commission pursuant to section 148 of the general municipal law made prior to the effective date of this act. A person, association, or commission so designated shall inform the commissioner of veterans' services of their designation, by the governing body of the county, or the board of estimate in the city of New York or such other person or body lawfully acting in place of the former board of estimate in the city of New York, in a form and manner to be prescribed by the commissioner of veterans' services, within thirty days of the effective date of this act.

§ 11. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.