

STATE OF NEW YORK

9170

IN SENATE

May 12, 2022

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to authorizing the maintenance of regulated cemeteries in cities

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

1 Section 1. The not-for-profit corporation law is amended by adding a
2 new section 1506-f to read as follows:

3 § 1506-f. Merged cemetery maintenance in cities.

4 (a) Upon application and approval by the cemetery board, any cemetery
5 corporation regulated under this article that merges with another ceme-
6 tery corporation regulated under this article and which is located in
7 any city, pursuant to section fifteen hundred six-d of this article,
8 shall make application for funds pursuant to paragraph (h) of section
9 fifteen hundred seven of this article and section ninety-seven-r of the
10 state finance law for maintenance of abandoned cemeteries. Within sixty
11 days of submission of a completed application, the cemetery board shall
12 approve or deny such application.

13 (b) Monies disbursed following such merger application for funds shall
14 be used exclusively for the purpose of the management and maintenance of
15 the cemetery located in the city for purposes such as the ordinary and
16 necessary care of a cemetery, including the removal of grass and weeds
17 and any related operations and maintenance equipment, the refilling of
18 graves, and the preservation, care, and fencing of a cemetery, demoli-
19 tion or restoration of any buildings or structures in disrepair, and
20 also including the care and restoration of crypts, niches, gravesites,
21 monuments, and memorials to allow for the repair and removal of danger-
22 ous conditions and to allow for improvement of maintenance of the city
23 cemetery.

24 (c) Any residual funds disbursed to a cemetery corporation for mainte-
25 nance and preservation of the cemetery located in a city must be
26 returned to the cemetery board for redeposit into the state cemetery

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

LBD15736-01-2

1 vandalism restoration, monument repair or removal and administration
2 fund established by section ninety-seven-r of the state finance law.

3 (d) Within ninety days of its receipt of disbursements, the cemetery
4 corporation shall make a report to the cemetery board setting forth
5 details of the maintenance and clean-up undertaken and the amount of
6 funds, if any, to be redeposited into the fund. If the maintenance and
7 clean-up have not been completed, or necessary equipment has not been
8 purchased, the reasons therefor shall be set forth, and the anticipated
9 date for a subsequent, final report shall be disclosed.

10 (e) Any cemetery corporation which assumes management and operation of
11 a cemetery located in any city through merger as authorized by section
12 fifteen hundred six-d of this article, shall be discharged from repay-
13 ment of any payments due from the city cemetery to its own funds from
14 previous operations and loans to itself including but not limited to any
15 and all permanent maintenance fund loans.

16 § 2. This act shall take effect immediately.