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

7035

2009-2010 Regular Sessions

I N A S S E M B L Y

March 18, 2009

Introduced by M. of A. WEISENBERG, RAIA -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, in relation to appointing unpaid consumer representatives as non-voting advisers to the cemetery board

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

Section 1. Subparagraph 4 of paragraph (a) of section 1504 of the not-for-profit corporation law, as added by chapter 871 of the laws of 1977, is amended to read as follows:

(4) Technical, legal or other services shall be performed in so far as practicable by personnel of the departments of state, law and health without additional compensation but the board may employ and compensate within appropriations available therefor such assistants and employees as may be necessary to carry out the provisions of this section and may prescribe their powers and duties. EACH MEMBER OF SUCH BOARD SHALL APPOINT AS AN ADVISER TO THE BOARD A REPRESENTATIVE OF CONSUMER INTERESTS, HAVING NO PECUNIARY INTEREST, AFFILIATION OR OTHER ASSOCIATION, DIRECT OR INDIRECT, OTHER THAN AS CONSUMERS, WITH ANY BUSINESS AFFECTING THE DISPOSAL OR BURIAL OF DECEASED HUMAN BEINGS, AS THE APPOINTING MEMBER OF THE BOARD SHALL DETERMINE. THE TERM OF EACH MEMBER SHALL BE THREE YEARS, OR UNTIL A SUCCESSOR IS APPOINTED, AND VACANCIES SHALL BE FILLED FOR THE UNEXPIRED TERM ONLY. THE SECRETARY OF STATE MAY REMOVE ANY ADVISER TO THE BOARD FOR MISCONDUCT, INCOMPETENCE OR NEGLECT OF DUTY AFTER SUCH ADVISER SHALL HAVE BEEN GIVEN A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON. THE ADVISERS SHALL BE INVITED TO ATTEND ALL BOARD MEETINGS AND SHALL PROVIDE A CONSUMER PERSPECTIVE ON ISSUES BEFORE THE BOARD, SHALL BRING TO THE BOARD'S ATTENTION ISSUES AFFECTING CEMETERY CONSUMERS AND SHALL PERFORM SUCH OTHER DUTIES AS THE BOARD DECIDES. THEY SHALL RECEIVE NO COMPENSATION, BUT EACH SHALL BE ENTITLED TO RECEIVE HIS REASONABLE EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF HIS DUTIES.

S 2. This act shall take effect immediately.

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

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