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

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I N S E N A T E

March 25, 2010

Introduced by Sen. MORAHAN -- (at request of the Office of Mental Retardation and Developmental Disabilities) -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health and Developmental Disabilities

AN ACT to amend the not-for-profit corporation law, in relation to approval of certificates of incorporation by the commissioner of mental retardation and developmental disabilities; and repealing section 16.07 of the mental hygiene law relating thereto

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

Section 1. Section 16.07 of the mental hygiene law is REPEALED.

S 2. Paragraph (q) of section 404 of the not-for-profit corporation law, as amended by chapter 431 of the laws of 1993, is amended to read as follows:

(q) Every certificate of incorporation which includes among its corporate purposes or powers the establishment, or operation of a facility for which an operating certificate from the commissioner of mental health [or mental retardation and developmental disabilities] is required by article thirty-one [or sixteen] of the mental hygiene law, or the solicitation of contributions for any such purpose, shall have endorsed thereon or annexed thereto the approval of the commissioner of mental health [or mental retardation and developmental disabilities].

S 3. Subparagraph (i) of paragraph (a) of section 804 of the not-for-profit corporation law, as amended by chapter 139 of the laws of 1993, is amended to read as follows:

(i) A certificate of amendment shall not be filed if the amendment adds, changes or eliminates a purpose, power or provision the inclusion of which in a certificate of incorporation requires consent or approval of a governmental body or officer or any other person or body, or if the amendment changes the name of a corporation whose certificate of incorporation had such consent or approval endorsed thereon or annexed thereto, unless such consent or approval IS NO LONGER REQUIRED OR is endorsed on or annexed to the certificate of amendment.

S 4. 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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