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

5044--B

2011-2012 Regular Sessions

I N A S S E M B L Y

February 10, 2011

Introduced by M. of A. WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the not-for-profit corporation law, in relation to appointing unpaid consumer representatives as non-voting members of the state cemetery board advisory council

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

Section 1. Paragraph (b) of section 1507-a of the not-for-profit corporation law, as added by chapter 895 of the laws of 1990, is amended to read as follows:

(b) The advisory council shall be composed of a member designated by the secretary of state, a member designated by the attorney general, a member designated by the commissioner of health, a member designated by the comptroller [and], a member designated by the commissioner of taxation and finance, AND ONE MEMBER APPOINTED BY EACH OF THE FOREGOING DESIGNATING OFFICIALS, ALL OF WHOM SHALL BE REPRESENTATIVES OF CONSUMER INTERESTS. The appointees to the advisory council shall not be employees of the department of state, department of law, department of health, department of audit and control or department of taxation and finance. THE MEMBERS REPRESENTING CONSUMER INTERESTS SHALL HAVE 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 BOARD SHALL DETERMINE. Each of the members shall serve for a term of two years, provided, however, that the first appointments by the comptroller and commissioner of taxation and finance shall serve for a term of one year. THE INITIAL TERMS OF THE MEMBERS

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

LBD04096-03-2

REPRESENTING CONSUMER INTERESTS SHALL END ON THE SAME DATE AS THE MEMBERS APPOINTED BY THE COMPTROLLER AND COMMISSIONER OF TAXATION AND FINANCE. Vacancies occurring other than by expiration of term shall be filled in the same manner as the original appointments for the balance of the unexpired term. THE SECRETARY OF STATE MAY REMOVE ANY MEMBER REPRESENTING CONSUMER INTERESTS FOR MISCONDUCT, INCOMPETENCE OR NEGLECT OF DUTY AFTER SUCH MEMBER SHALL HAVE BEEN GIVEN A WRITTEN STATEMENT OF THE CHARGES AND AN OPPORTUNITY TO BE HEARD THEREON. Persons designated or appointed to the advisory council shall have demonstrated a long-standing interest, knowledge and experience in the care and preservation of gravesites. THE MEMBERS REPRESENTING CONSUMER INTERESTS 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. THE MEMBERS REPRESENTING CONSUMER INTERESTS SHALL RECEIVE NO COMPENSATION, BUT EACH SHALL BE ENTITLED TO RECEIVE HIS REASONABLE EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF HIS DUTIES. One member shall be elected chairman of the advisory council by a majority vote of the members of such council.

S 2. This act shall take effect immediately.