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

5539

2011-2012 Regular Sessions

I N S E N A T E

May 31, 2011

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

AN ACT to repeal section 1516 of the not-for-profit corporations law relating to the sale of monuments by cemetery corporations

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

Section 1. Legislative findings and declarations. The legislature finds and declares that the state has a vital interest in the viability of cemeteries as not-for-profit entities, as well as the protection of its citizens against anti-competitive practices when making important and difficult decisions regarding the burial of loved ones, and of themselves in pre-planning situations. The legislature finds and declares that the law it passed in 1998 in an effort to protect its citizens against the combinations of interests in the management of cemeteries with interests in the management of funeral homes included a restriction against cemetery corporations from selling monuments, which has resulted in an anti-competitive practice. The legislature recognizes the necessity of rectifying this anti-competitive result, and also recognizes that the anti-competitive result has impeded the ability of cemeteries to remain financially viable and thus serve a vital state interest.

S 2. Section 1516 of the not-for-profit corporation law is REPEALED.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD11875-01-1