

6334

I N S E N A T E

January 27, 2012

Introduced by Sen. LAVALLE -- 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 and the education law, in relation to the discovery and disposition of human remains and funerary objects; and to amend the parks, recreation and historic preservation law, in relation to requiring certain notice and consultation prior to the undertaking of certain projects

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "unmarked burial site protection act".

3 S 2. Legislative findings and declaration. The legislature finds and
4 declares that the sanctity of human burial sites is an intrinsic and
5 paramount value among all cultural and religious traditions which prac-
6 tice the custom of burying the dead. The legislature further finds that
7 there are numerous unmarked burial sites throughout the state, many of
8 which are of great cultural and historical significance to the people of
9 the state, particularly to members of the cultural and religious groups
10 affiliated with them. Such sites are vulnerable to unintentional
11 disturbance in the course of construction and other activities as well
12 as deliberate vandalism and looting. Such disturbance constitutes a
13 severe offense against the descendants of the dead and the beliefs and
14 traditions of the culturally-affiliated groups.

15 The legislature finds and declares that existing laws are inadequate
16 to protect these unmarked burial sites from disturbance, and that New
17 York is one of the very few states which heretofore has provided no
18 express statutory protection for unmarked burial sites. It is therefore
19 declared to be the purpose of this act to ensure that human remains and
20 associated funerary artifacts remain undisturbed to the maximum extent
21 practicable, and are treated with the utmost respect consistent with the
22 wishes of lineal descendants and culturally-affiliated groups.

23 S 3. Section 1503 of the not-for-profit corporation law is amended by
24 adding a new paragraph (c) to read as follows:

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

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1 (C) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (C) OF SECTION FIFTEEN
2 HUNDRED SEVEN AND PARAGRAPH (M) OF SECTION FIFTEEN HUNDRED TEN OF THIS
3 ARTICLE, THIS ARTICLE DOES NOT APPLY TO A BURIAL SITE AS DEFINED IN
4 PARAGRAPH (A) OF SECTION FIFTEEN HUNDRED EIGHTEEN OF THIS ARTICLE.

5 S 4. The not-for-profit corporation law is amended by adding a new
6 section 1518 to read as follows:

7 S 1518. DISCOVERY AND DISPOSITION OF HUMAN REMAINS AND FUNERARY OBJECTS.

8 (A) DEFINITIONS. AS USED IN THIS SECTION:

9 (1) "BURIAL SITE" MEANS ANY LOCATION IN WHICH HUMAN REMAINS ARE INTER-
10 RED, WHICH IS NOT A CEMETERY SUBJECT TO PROVISIONS OF THIS CHAPTER, THE
11 RELIGIOUS CORPORATION LAW, THE GENERAL MUNICIPAL LAW, THE COUNTY LAW,
12 THE TOWN LAW OR THE VILLAGE LAW.

13 (2) "COMMITTEE" MEANS THE NATIVE AMERICAN BURIAL SITE REVIEW COMMITTEE
14 CREATED BY PARAGRAPH (C) OF THIS SECTION.

15 (3) "CULTURALLY-AFFILIATED GROUP" MEANS ANY GROUP, INCLUDING AN INDIAN
16 TRIBE, WHOSE PAST OR PRESENT GOVERNMENT, OR TRADITIONAL CULTURE OR RELI-
17 GION WAS OR IS AFFILIATED WITH HUMAN REMAINS OR FUNERARY OBJECTS WHICH
18 ARE THE SUBJECT OF THIS SECTION. SUCH GROUP SHALL INCLUDE AN INDIAN
19 TRIBE WHOSE ABORIGINAL TERRITORY, AS DEFINED BY THE COMMITTEE, INCLUDES
20 THE LOCATION OF A BURIAL SITE CONTAINING NATIVE AMERICAN HUMAN REMAINS
21 OR FUNERARY OBJECTS.

22 (4) "FORENSIC ANTHROPOLOGIST" MEANS A PERSON QUALIFIED IN THE MEDI-
23 COLEGAL INVESTIGATION/EXAMINATION OF HUMAN SKELETAL REMAINS.

24 (5) "FUNERARY OBJECTS" MEANS ANY ITEM OR ITEMS REASONABLY BELIEVED TO
25 HAVE BEEN PLACED WITH HUMAN REMAINS AT THE TIME OF BURIAL, INCLUDING BUT
26 NOT LIMITED TO BURIAL MARKERS, ITEMS OF PERSONAL ADORNMENT, VESSELS,
27 BEADS, TOOLS, IMPLEMENTS, CEREMONIAL OBJECTS AND OTHER ARTIFACTS.

28 (6) "HUMAN REMAINS" MEANS THE REMAINS OF ANY PART OF THE BODY OF A
29 DECEASED PERSON.

30 (7) "INDIAN TRIBE" MEANS ANY NATIVE AMERICAN TRIBE, NATION OR GROUP
31 RECOGNIZED BY THE UNITED STATES OF AMERICA OR THE STATE OF NEW YORK.

32 (8) "LINEAL DESCENDANT" MEANS A GENEALOGICAL DESCENDANT ESTABLISHED BY
33 ORAL TRADITION OR WRITTEN RECORD.

34 (9) "STATE ARCHAEOLOGIST" MEANS THE PERSON APPOINTED TO SUCH OFFICE
35 PURSUANT TO SECTION TWO HUNDRED THIRTY-FIVE OF THE EDUCATION LAW.

36 (B) APPLICABILITY. THIS SECTION SHALL APPLY TO ALL LANDS WITHIN THE
37 STATE, EXCEPT FOR LANDS LOCATED UPON ANY INDIAN RESERVATION LOCATED
38 WHOLLY OR PARTLY WITHIN THE STATE.

39 (C) NATIVE AMERICAN BURIAL SITE REVIEW COMMITTEE. THERE IS HEREBY
40 ESTABLISHED A NATIVE AMERICAN BURIAL SITE REVIEW COMMITTEE CONSISTING OF
41 THE FOLLOWING: ONE MEMBER TO BE APPOINTED BY EACH OF THE INDIAN TRIBES
42 IN THE STATE AS THE OFFICIAL REPRESENTATIVES FOR THE PURPOSES OF THE
43 NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT; THE STATE
44 ARCHAEOLOGIST; A FORENSIC ANTHROPOLOGIST; THE CHAIR OF THE HUMAN REMAINS
45 COMMITTEE OR OTHER DESIGNEE OF THE NEW YORK ARCHAEOLOGICAL COUNCIL; AND
46 ONE MEMBER WITH EXPERTISE IN THE FIELD OF HISTORIC PRESERVATION
47 APPOINTED BY THE COMMISSIONER OF THE OFFICE OF PARKS, RECREATION AND
48 HISTORIC PRESERVATION. THE COMMITTEE SHALL ELECT A CHAIRPERSON FROM
49 AMONG ITS MEMBERS. THE MEMBERS WHO ARE NOT PUBLIC EMPLOYEES SHALL BE
50 REIMBURSED BY THE STATE FOR THEIR REASONABLE AND NECESSARY EXPENSES
51 INCURRED IN THE PERFORMANCE OF COMMITTEE FUNCTIONS. IT SHALL BE THE
52 FUNCTION OF THE COMMITTEE TO DETERMINE THE LINEAL DESCENDANTS AND/OR
53 CULTURALLY-AFFILIATED GROUPS FOR NATIVE AMERICAN HUMAN REMAINS AND
54 FUNERARY OBJECTS SUBJECT TO THIS SECTION, AND TO PROVIDE NOTICE TO SUCH
55 DESCENDANTS AND/OR GROUPS AS PROVIDED IN THIS SECTION. THE STATE
56 ARCHAEOLOGIST SHALL PREPARE, AND THE COMMITTEE SHALL ADOPT, STANDARD

1 PROCEDURES FOR DETERMINING THE LINEAL DESCENDANTS AND CULTURALLY-AFFILI-
2 ATED GROUPS FOR HUMAN REMAINS AS REQUIRED BY THIS SECTION, INCLUDING
3 ACCEPTABLE TYPES OF PROOF OF SUCH DESCENT AND AFFILIATION.

4 (D) DISCOVERY OF BURIAL SITE; REPORTING REQUIREMENTS. (1) ANY PERSON
5 WHO IN THE COURSE OF ANY GROUND-DISTURBING ACTIVITY DISCOVERS A BURIAL
6 SITE, HUMAN REMAINS OR FUNERARY OBJECTS SHALL IMMEDIATELY CEASE ANY
7 FURTHER DISTURBANCE OF SUCH SITE, REMAINS OR OBJECTS, AND SHALL IMME-
8 DIATELY REPORT SUCH DISCOVERY TO THE CORONER OR MEDICAL EXAMINER IN THE
9 COUNTY IN WHICH THE REMAINS WERE DISCOVERED. THE CORONER OR MEDICAL
10 EXAMINER SHALL WITHIN NINETY-SIX HOURS DETERMINE WHETHER ANY ACTIONS ARE
11 REQUIRED PURSUANT TO THE PROVISIONS OF ARTICLE SEVENTEEN-A OF THE COUNTY
12 LAW. IF ANY SUCH REMAINS APPEAR TO THE CORONER OR MEDICAL EXAMINER TO BE
13 MORE THAN FIFTY YEARS OLD, THE CORONER OR MEDICAL EXAMINER SHALL IMME-
14 DIATELY PROVIDE NOTICE OF THE DISCOVERY OF SUCH REMAINS TO THE STATE
15 ARCHAEOLOGIST, WHO SHALL IN TURN CONVEY EACH SUCH NOTICE TO THE OTHER
16 MEMBERS OF THE COMMITTEE. ANY INSPECTION OR EXAMINATION SHALL BE MADE
17 IN SITU EXCEPT AS NECESSARY TO COMPLY WITH SUCH ARTICLE SEVENTEEN-A OR
18 TO DETERMINE THE AGE OF THE REMAINS.

19 (2) THE STATE ARCHAEOLOGIST, OR SUCH QUALIFIED PERSON AS MAY BE DESIG-
20 NATED BY THE STATE ARCHAEOLOGIST, SHALL, UPON RECEIVING NOTICE FROM A
21 CORONER OR MEDICAL EXAMINER OF THE DISCOVERY OF HUMAN REMAINS, INSPECT
22 THE SITE, REMAINS AND/OR OBJECTS WHICH ARE THE SUBJECT OF SUCH NOTICE,
23 PREPARE A REPORT THEREON AND PROVIDE A COPY OF THE REPORT TO THE COMMIT-
24 TEE. THE REPORT SHALL BE BASED UPON PHYSICAL EXAMINATION OF THE DISCOV-
25 ERED BURIAL SITE, REMAINS AND/OR OBJECTS, AND SHALL CONTAIN THE STATE
26 ARCHAEOLOGIST'S CONCLUSION AS TO WHETHER SUCH SITE, REMAINS AND/OR
27 OBJECTS MAY BE OF NATIVE AMERICAN ORIGIN. IN PREPARING THE REPORT, THE
28 STATE ARCHAEOLOGIST MAY SEEK AND OBTAIN ASSISTANCE FROM ANY EMPLOYEE OF
29 THE REGENTS, FROM THE COMMITTEE, AND FROM THE OFFICE OF PARKS, RECRE-
30 ATION AND HISTORIC PRESERVATION.

31 (E) DETERMINATION OF AND NOTIFICATION TO LINEAL DESCENDANT OR CULTUR-
32 ALLY-AFFILIATED GROUP. (1) IF THE STATE ARCHAEOLOGIST, THE FORENSIC
33 ANTHROPOLOGIST AND THE COMMITTEE AGREE THAT THE BURIAL SITE DOES NOT
34 WHOLLY OR PARTLY CONTAIN HUMAN REMAINS OR FUNERARY OBJECTS THAT ARE OF
35 NATIVE AMERICAN ORIGIN, IT SHALL BE THE RESPONSIBILITY OF THE STATE
36 ARCHAEOLOGIST TO DETERMINE, AS SOON AS PRACTICABLE, WHETHER THERE IS ANY
37 REASONABLY ASCERTAINABLE LINEAL DESCENDANT OR CULTURALLY-AFFILIATED
38 GROUP WITH RESPECT TO SUCH SITE, REMAINS OR OBJECTS AND, IMMEDIATELY
39 UPON MAKING SUCH DETERMINATION, TO PROVIDE NOTICE TO SUCH DESCENDANTS OR
40 GROUP OF THE REPORTED DISCOVERY.

41 (2) IF THE STATE ARCHAEOLOGIST, THE FORENSIC ANTHROPOLOGIST AND THE
42 COMMITTEE AGREE THAT THE BURIAL SITE WHOLLY OR PARTLY CONTAINS HUMAN
43 REMAINS OR FUNERARY OBJECTS THAT MAY BE OF NATIVE AMERICAN ORIGIN, IT
44 SHALL BE THE RESPONSIBILITY OF THE COMMITTEE TO DETERMINE THE LINEAL
45 DESCENDANTS OR CULTURALLY-AFFILIATED GROUPS. SUCH DETERMINATION SHALL BE
46 MADE AS SOON AS PRACTICABLE AFTER THE COMMITTEE RECEIVES A REPORT FROM
47 THE STATE ARCHAEOLOGIST CONCERNING THE BURIAL SITE. IMMEDIATELY UPON
48 MAKING SUCH DETERMINATION, THE COMMITTEE SHALL PROVIDE WRITTEN NOTIFICA-
49 TION TO SUCH DESCENDANTS OR GROUPS OF THE REPORTED DISCOVERY.

50 (3) THE COMMITTEE SHALL HAVE THE RIGHT OF POSSESSION AND STEWARDSHIP
51 OF NATIVE AMERICAN HUMAN REMAINS AND FUNERARY OBJECTS FROM THE TIME IT
52 RECEIVES NOTIFICATION FROM THE STATE ARCHAEOLOGIST PURSUANT TO PARAGRAPH
53 (D) OF THIS SECTION UNTIL THE LINEAL DESCENDANTS AND/OR CULTURALLY-AFFI-
54 LIATED GROUPS RECEIVE NOTIFICATION FROM THE COMMITTEE PURSUANT TO THIS
55 PARAGRAPH, AT WHICH TIME SUCH LINEAL DESCENDANTS AND/OR CULTURALLY-AFFI-
56 LIATED GROUPS SHALL HAVE THE RIGHT OF POSSESSION AND STEWARDSHIP OF SUCH

1 REMAINS AND OBJECTS. UPON NOTIFICATION TO SUCH LINEAL DESCENDANTS OR
2 CULTURALLY-AFFILIATED GROUPS PURSUANT TO THIS PARAGRAPH, OWNERSHIP OF
3 AND RESPONSIBILITY FOR THE HUMAN REMAINS AND FUNERARY OBJECTS SHALL VEST
4 EXCLUSIVELY IN SUCH DESCENDANTS OR GROUPS, WHICH SHALL HAVE EXCLUSIVE
5 AUTHORITY TO DETERMINE THEIR DISPOSITION.

6 (4) THE COMMITTEE SHALL ESTABLISH PROCEDURES FOR MAKING THE DETERMI-
7 NATION AS TO WHETHER DISCOVERED HUMAN REMAINS OR FUNERARY OBJECTS MAY BE
8 OF NATIVE AMERICAN ORIGIN WHEN THE STATE ARCHAEOLOGIST AND THE COMMITTEE
9 CAN NOT COME TO AGREEMENT.

10 (5) WHERE A BURIAL SITE CONTAINS BOTH NATIVE AMERICAN AND NON-NATIVE
11 AMERICAN HUMAN REMAINS OR FUNERARY OBJECTS, THE COMMITTEE SHALL BE
12 RESPONSIBLE FOR THE NATIVE AMERICAN BURIALS AT THE SITE, AND THE STATE
13 ARCHAEOLOGIST SHALL BE RESPONSIBLE FOR ALL OTHER BURIALS AT THE SITE.

14 (F) DISPOSITION OF REMAINS AND OBJECTS. (1) WITHIN TEN DAYS AFTER
15 NOTIFICATION BY THE STATE ARCHAEOLOGIST TO A LINEAL DESCENDANT OR
16 CULTURALLY-AFFILIATED GROUP, OTHER THAN AN INDIAN TRIBE OF THE DISCOVERY
17 OF A BURIAL SITE, THE DESCENDANT OR GROUP SHALL ADVISE THE STATE ARCHAEO-
18 OLOGIST AS TO THE PREFERRED DISPOSITION OF THE DISCOVERED REMAINS OR
19 OBJECTS. THE STATE ARCHAEOLOGIST SHALL TO THE MAXIMUM EXTENT PRACTICABLE
20 FACILITATE SUCH PREFERRED DISPOSITION, WHICH MAY CONSIST OF REINTERMENT
21 AND PROTECTION OF THE BURIAL SITE OR DISINTERMENT AND REBURIAL OR OTHER
22 DISPOSITION AS DETERMINED.

23 (2) WITHIN TEN DAYS AFTER NOTIFICATION BY THE COMMITTEE TO A LINEAL
24 DESCENDANT OR CULTURALLY-AFFILIATED GROUP OF THE DISCOVERY OF A BURIAL
25 SITE, THE DESCENDANT OR GROUP SHALL ADVISE THE COMMITTEE IN WRITING AS
26 TO THE PREFERRED DISPOSITION OF THE DISCOVERED REMAINS OR OBJECTS. THE
27 COMMITTEE SHALL TO THE MAXIMUM EXTENT PRACTICABLE FACILITATE SUCH
28 PREFERRED DISPOSITION, WHICH MAY CONSIST OF REINTERMENT AND PROTECTION
29 OF THE BURIAL SITE OR DISINTERMENT AND REBURIAL OR OTHER DISPOSITION AS
30 DETERMINED.

31 (G) DISPOSITION OF HUMAN REMAINS AND FUNERARY OBJECTS, GENERALLY. (1)
32 EXCEPT AS NECESSARY TO CARRY OUT THE PURPOSES OF THIS SECTION, BURIAL
33 SITES, HUMAN REMAINS AND FUNERARY OBJECTS SHALL REMAIN UNDISTURBED AFTER
34 DISCOVERY.

35 (2) UNLESS EXPRESS CONTRARY DIRECTION IS GIVEN BY THE COMMITTEE, A
36 CULTURALLY-AFFILIATED GROUP OR LINEAL DESCENDANT, THE PRESUMED DISPOSI-
37 TION OF HUMAN REMAINS AND FUNERARY OBJECTS SHALL BE THAT THEY REMAIN
38 UNDISTURBED WHERE BURIED, EXCEPT AS PROVIDED IN SUBPARAGRAPHS THREE AND
39 FOUR OF THIS PARAGRAPH.

40 (3) NOTWITHSTANDING SUBPARAGRAPH TWO OF THIS PARAGRAPH, WHERE THERE IS
41 NO PRACTICABLE MEANS OF MODIFYING THE ACTIVITY WHICH LED TO THE DISCOV-
42 ERY OF A BURIAL SITE, HUMAN REMAINS OR FUNERARY OBJECTS IN ORDER TO
43 AVOID DISTURBING SUCH SITE, REMAINS OR OBJECTS, THE REMAINS OR OBJECTS
44 SHALL BE REMOVED AND REINTERRED IN ACCORDANCE WITH THE DIRECTIONS OF THE
45 COMMITTEE, CULTURALLY-AFFILIATED GROUP, OR LINEAL DESCENDANT.

46 (4) NOTWITHSTANDING SUBPARAGRAPH TWO OF THIS PARAGRAPH, WHERE THE
47 STATE ARCHAEOLOGIST AND THE COMMITTEE HAVE BEEN UNABLE TO IDENTIFY THE
48 LINEAL DESCENDANT OR CULTURALLY-AFFILIATED GROUP FOR HUMAN REMAINS OR
49 FUNERARY OBJECTS, THE STATE ARCHAEOLOGIST SHALL DETERMINE THE APPROPRI-
50 ATE DISPOSITION OF SUCH REMAINS OR OBJECTS.

51 (H) PENALTIES. (1) ANY PERSON WHO FAILS TO REPORT THE DISCOVERY OF A
52 BURIAL SITE, HUMAN REMAINS OR FUNERARY OBJECTS AS REQUIRED BY PARAGRAPH
53 (D) OF THIS SECTION SHALL BE GUILTY OF A CLASS B MISDEMEANOR, AS DEFINED
54 IN THE PENAL LAW.

55 (2) ANY PERSON OTHER THAN THE STATE ARCHAEOLOGIST, OR A PERSON OR
56 GROUP WITH A RIGHT OF POSSESSION OR STEWARDSHIP PURSUANT TO THIS

1 SECTION, OR A DESIGNEE THEREOF, WHO INTENTIONALLY REMOVES HUMAN REMAINS
2 OR FUNERARY OBJECTS FROM A BURIAL SITE SHALL BE GUILTY OF A CLASS A
3 MISDEMEANOR, AS DEFINED IN THE PENAL LAW.

4 (3) ANY PERSON WHO DEFACTES OR DESTROYS A BURIAL SITE, HUMAN REMAINS OR
5 FUNERARY OBJECTS, OR WHO POSSESSES HUMAN REMAINS OR FUNERARY OBJECTS
6 WITH INTENT TO SELL SUCH REMAINS OR ARTIFACTS, OR WHO SELLS OR ATTEMPTS
7 TO SELL HUMAN REMAINS OR FUNERARY OBJECTS, SHALL BE GUILTY OF A CLASS E
8 FELONY, AS DEFINED IN THE PENAL LAW.

9 (I) ENFORCEMENT. THE ATTORNEY GENERAL OR ANY AGGRIEVED PARTY, INCLUD-
10 ING THE COMMITTEE AND ANY LINEAL DESCENDANT OR CULTURALLY-AFFILIATED
11 GROUP, MAY BRING AN ACTION IN SUPREME COURT IN THE JUDICIAL DISTRICT
12 WHERE THE REMAINS OR OBJECTS COVERED BY THIS SECTION ARE LOCATED TO
13 ENJOIN VIOLATIONS OR THREATENED VIOLATIONS OF THIS SECTION, AND TO
14 RECOVER SUCH REMAINS OR OBJECTS, AND IN THE CASE OF AN AGGRIEVED PARTY,
15 COMPENSATORY AND PUNITIVE DAMAGES FOR SUCH VIOLATION.

16 S 5. Section 235 of the education law is amended to read as follows:

17 S 235. State science service. There shall be maintained in the
18 university a science service which shall be known as the state science
19 service and the state geologist, paleontologist, botanist [and], ento-
20 mologist, AND ARCHAEOLOGIST shall constitute its staff together with
21 such other scientists as the regents may employ or who are now employed
22 by them. This service is empowered and directed to make available its
23 services to all the departments of the state, and the residents of the
24 state under such rules and regulations as the regents may prescribe and
25 is empowered to engage in such scientific research as directed by law or
26 by the regents and shall cooperate with scientific units or agencies of
27 other states, the federal government, educational institutions and
28 industry in the discovery, analysis and dissemination of scientific
29 information. The director of the state museum shall also be the direc-
30 tor and head of the state science service and the staff of the service
31 shall be members of the staff of the state museum.

32 S 6. Section 14.09 of the parks, recreation and historic preservation
33 law is amended by adding a new subdivision 3 to read as follows:

34 3. PRIOR TO THE PREPARATION OR APPROVAL OF THE FINAL DESIGN OR PLAN OF
35 ANY PROJECT UNDERTAKEN BY A STATE AGENCY, OR PRIOR TO THE FUNDING OF ANY
36 PROJECT BY A STATE AGENCY, OR PRIOR TO AN ACTION OF APPROVAL OR ENTITLE-
37 MENT OF ANY PRIVATE PROJECT BY A STATE AGENCY, THE AGENCY'S PRESERVATION
38 OFFICER SHALL PERFORM A DILIGENT INQUIRY TO DETERMINE WHETHER ANY ASPECT
39 OF THE PROJECT MAY OR WILL EFFECT A DISTURBANCE OF A KNOWN OR SUSPECTED
40 BURIAL SITE FOR WHICH A CULTURALLY-AFFILIATED INDIAN TRIBE, GROUP OR
41 LINEAL DESCENDENT CAN BE IDENTIFIED. THE TERMS "BURIAL SITE", "CULTURAL-
42 LY-AFFILIATED" AND "INDIAN TRIBE" SHALL HAVE THE SAME MEANINGS AS
43 ASCRIBED TO SUCH TERMS IN PARAGRAPH (A) OF SECTION FIFTEEN HUNDRED EIGH-
44 TEEN OF THE NOT-FOR-PROFIT CORPORATION LAW. IN SUCH EVENT SUCH OFFICER
45 SHALL NOTIFY SUCH INDIAN TRIBE AND THE NATIVE AMERICAN BURIAL SITE
46 REVIEW COMMITTEE ESTABLISHED BY SECTION FIFTEEN HUNDRED EIGHTEEN OF THE
47 NOT-FOR-PROFIT CORPORATION LAW AND CONSULT WITH THE TRIBE AND SUCH
48 COMMITTEE TO DETERMINE HOW TO AVOID SUCH DISTURBANCE.

49 S 7. This act shall take effect on the first of January next succeed-
50 ing the date on which it shall have become a law.