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

10650

I N A S S E M B L Y

June 10, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Duprey) -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the not-for-profit corporation law, the general municipal law, the town law, the village law and the religious corporations law, in relation to prohibiting certain stand-alone mausoleum and columbarium

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

Section 1. Section 1506 of the not-for-profit corporation law is amended by adding a new paragraph (m) to read as follows:

(M) PROHIBITION OF STAND-ALONE MAUSOLEUM AND COLUMBARIUM. NO APPLICATION FOR THE CONSTRUCTION OF A MAUSOLEUM OR COLUMBARIUM SHALL BE APPROVED BY THE CEMETERY BOARD TO BE LOCATED IN ANY CITY, TOWN OR VILLAGE WHERE SUCH MAUSOLEUM OR COLUMBARIUM SHALL BE THE ONLY FORM OF INTERMENT OFFERED BY A CEMETERY CORPORATION.

S 2. The general municipal law is amended by adding a new section 167 to read as follows:

S 167. PROHIBITION OF STAND-ALONE MAUSOLEUM AND COLUMBARIUM. NO MUNICIPAL CORPORATION SHALL APPROVE OR AUTHORIZE THE CONSTRUCTION OF A MAUSOLEUM OR COLUMBARIUM ON PROPERTY OWNED BY THE MUNICIPALITY WHERE SUCH MAUSOLEUM OR COLUMBARIUM SHALL BE THE ONLY FORM OF INTERMENT OFFERED FOR CEMETERY PURPOSES.

S 3. The town law is amended by adding a new section 292-b to read as follows:

S 292-B. PROHIBITION OF STAND-ALONE MAUSOLEUM AND COLUMBARIUM. NO TOWN SHALL APPROVE OR AUTHORIZE THE CONSTRUCTION OF A MAUSOLEUM OR COLUMBARIUM ON PROPERTY OWNED BY THE TOWN WHERE SUCH MAUSOLEUM OR COLUMBARIUM SHALL BE THE ONLY FORM OF INTERMENT OFFERED FOR CEMETERY PURPOSES.

S 4. The village law is amended by adding a new section 15-1512 to read as follows:

S 15-1512 PROHIBITION OF STAND-ALONE MAUSOLEUM AND COLUMBARIUM. NO VILLAGE SHALL APPROVE OR AUTHORIZE THE CONSTRUCTION OF A MAUSOLEUM OR

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

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COLUMBARIUM ON PROPERTY OWNED BY THE VILLAGE WHERE SUCH MAUSOLEUM OR COLUMBARIUM SHALL BE THE ONLY FORM OF INTERMENT OFFERED FOR CEMETERY PURPOSES.

S 5. The closing paragraph of section 7 of the religious corporations law, as added by chapter 560 of the laws of 1998, is amended to read as follows:

Only the provisions of subparagraphs (a) and (b) of the previous paragraph shall apply to religious corporations with thirty acres or less of real property dedicated to cemetery purposes, and only to the extent the sale or lease is of real property dedicated to cemetery purposes, and such cemeteries shall not engage in the sale of funeral home goods or services, except if such goods and services are otherwise permitted to be sold by cemeteries. NO RELIGIOUS CORPORATION SHALL APPROVE OR AUTHORIZE THE CONSTRUCTION OF A MAUSOLEUM OR COLUMBARIUM ON PROPERTY OWNED BY THE RELIGIOUS CORPORATION WHERE SUCH MAUSOLEUM OR COLUMBARIUM SHALL BE THE ONLY FORM OF INTERMENT OFFERED FOR CEMETERY PURPOSES.

S 6. This act shall take effect immediately.