

8029

I N   S E N A T E

June 7, 2016

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Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

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

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

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

10     S 167. PROHIBITION OF STAND-ALONE MAUSOLEUM AND COLUMBARIUM. NO MUNIC-  
11 IPAL CORPORATION SHALL APPROVE OR AUTHORIZE THE CONSTRUCTION OF A MAUSO-  
12 LEUM OR COLUMBARIUM ON PROPERTY OWNED BY THE MUNICIPALITY WHERE SUCH  
13 MAUSOLEUM OR COLUMBARIUM SHALL BE THE ONLY FORM OF INTERMENT OFFERED FOR  
14 CEMETERY PURPOSES.

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

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

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

24     S 15-1512 PROHIBITION OF STAND-ALONE MAUSOLEUM AND COLUMBARIUM. NO  
25 VILLAGE SHALL APPROVE OR AUTHORIZE THE CONSTRUCTION OF A MAUSOLEUM OR  
26 COLUMBARIUM ON PROPERTY OWNED BY THE VILLAGE WHERE SUCH MAUSOLEUM OR

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

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1 COLUMBARIUM SHALL BE THE ONLY FORM OF INTERMENT OFFERED FOR CEMETERY  
2 PURPOSES.

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

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

16 S 6. This act shall take effect immediately.