STATE OF NEW YORK

5784--B

2017-2018 Regular Sessions

IN ASSEMBLY

February 15, 2017

Introduced by M. of A. JONES, PHEFFER AMATO, CASTORINA, ERRIGO -- Multi-Sponsored by -- M. of A. COOK, GALEF -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

AN ACT to amend the not-for-profit corporation 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 to be located in any city, town or village shall be approved by the cemetery board when such mausoleum or columbarium shall be the only form of interment offered by a cemetery corporation, unless a management contract has been entered into with an existing cemetery corporation regulated under this article, that will provide operational management of the mausoleum or columbarium, and the owner of the mausoleum or columbarium has reserved interment space and secured interment services in a cemetery regulated under this article, in order to assure continued perpetual care of the remains contained in the mausoleum or columbarium should such mausoleum or columbarium become abandoned or choose to cease operations.

§ 2. Subparagraph 7 of paragraph (a) of section 1506-a of the not-for-profit corporation law, as added by chapter 560 of the laws of 1998, is amended to read as follows:

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

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(7) have, enter into or perform a management contract with any entity other than a not-for-profit cemetery corporation**; provided, however, that a not-for-profit cemetery corporation may enter into or perform a management contract with a private cemetery corporation for the operational management of a mausoleum or columbarium by such private cemetery corporation provided such contract shall have first been authorized by the board of the not-for-profit cemetery corporation**.

§ 3. 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 unless a management contract has been entered into with an existing cemetery corporation regulated under article fifteen of the not-for-profit corporation law, that will provide operational management of the mausoleum or columbarium, and the owner of the mausoleum or columbarium has reserved interment space and secured interment services in a cemetery regulated under this article, in order to assure continued perpetual care of the remains contained in the mausoleum or columbarium should such mausoleum or columbarium become abandoned or choose to cease operations.**

§ 4. This act shall take effect immediately.