

# STATE OF NEW YORK

2606--A

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 to be located in  
5 any city, town or village shall be approved by the cemetery board when  
6 such mausoleum or columbarium shall be the only form of interment  
7 offered by a cemetery corporation, unless a management agreement has  
8 been entered into with an existing cemetery corporation regulated under  
9 this article, that will provide operational management of the mausoleum  
10 or columbarium, and the owner of the mausoleum or columbarium has  
11 reserved interment space and secured interment services in a cemetery  
12 regulated under this article, in order to assure continued perpetual  
13 care of the remains contained in the mausoleum or columbarium should  
14 such mausoleum or columbarium become abandoned or choose to cease oper-  
15 ations.

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

19 (7) have, enter into or perform a management contract with any entity  
20 other than a not-for-profit cemetery corporation; provided, however,  
21 that a not-for-profit cemetery corporation may enter into or perform a

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

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1 management contract with a private cemetery corporation provided such  
2 agreement or contract shall have first been authorized by the board of  
3 the not-for-profit cemetery corporation.

4 § 3. The general municipal law is amended by adding a new section 167  
5 to read as follows:

6 § 167. Prohibition of stand-alone mausoleum and columbarium. No munic-  
7 ipal corporation shall approve or authorize the construction of a mauso-  
8 leum or columbarium on property owned by the municipality where such  
9 mausoleum or columbarium shall be the only form of interment offered by  
10 a cemetery corporation, unless a management agreement has been entered  
11 into with an existing cemetery corporation regulated under article  
12 fifteen of the not-for-profit corporation law, that will provide opera-  
13 tional management of the mausoleum or columbarium, and the owner of the  
14 mausoleum or columbarium has reserved interment space and secured inter-  
15 ment services in a cemetery regulated under this article, in order to  
16 assure continued perpetual care of the remains contained in the mausole-  
17 um or columbarium should such mausoleum or columbarium become abandoned  
18 or choose to cease operations.

19 § 4. The town law is amended by adding a new section 292-b to read as  
20 follows:

21 § 292-b. Prohibition of stand-alone mausoleum and columbarium. No town  
22 shall approve or authorize the construction of a mausoleum or columbari-  
23 um on property owned by the town where such mausoleum or columbarium  
24 shall be the only form of interment offered for cemetery purposes unless  
25 a management agreement has been entered into with an existing cemetery  
26 corporation regulated under article fifteen of the not-for-profit corpo-  
27 ration law, that will provide operational management of the mausoleum or  
28 columbarium, and the owner of the mausoleum or columbarium has reserved  
29 interment space and secured interment services in a cemetery, in order  
30 to assure continued perpetual care of the remains contained in the  
31 mausoleum or columbarium should such mausoleum or columbarium become  
32 abandoned or choose to cease operations.

33 § 5. The village law is amended by adding a new section 15-1512 to  
34 read as follows:

35 § 15-1512 Prohibition of stand-alone mausoleum and columbarium. No  
36 village shall approve or authorize the construction of a mausoleum or  
37 columbarium on property owned by the village where such mausoleum or  
38 columbarium shall be the only form of interment offered for cemetery  
39 purposes unless a management agreement has been entered into with an  
40 existing cemetery corporation regulated under article fifteen of the  
41 not-for-profit corporation law, that will provide operational management  
42 of the mausoleum or columbarium, and the owner of the mausoleum or  
43 columbarium has reserved interment space and secured interment services  
44 in a cemetery regulated under this article, in order to assure continued  
45 perpetual care of the remains contained in the mausoleum or columbarium  
46 should such mausoleum or columbarium become abandoned or choose to cease  
47 operations.

48 § 6. The closing paragraph of section 7 of the religious corporations  
49 law, as added by chapter 560 of the laws of 1998, is amended to read as  
50 follows:

51 Only the provisions of subparagraphs (a) and (b) of the previous para-  
52 graph shall apply to religious corporations with thirty acres or less of  
53 real property dedicated to cemetery purposes, and only to the extent the  
54 sale or lease is of real property dedicated to cemetery purposes, and  
55 such cemeteries shall not engage in the sale of funeral home goods or  
56 services, except if such goods and services are otherwise permitted to

1 be sold by cemeteries. No religious corporation shall approve or author-  
2 ize the construction of a mausoleum or columbarium on property owned by  
3 the religious corporation where such mausoleum or columbarium shall be  
4 the only form of interment offered for cemetery purposes unless a  
5 management agreement has been entered into with an existing cemetery  
6 corporation regulated under article fifteen of the not-for-profit corpo-  
7 ration law, that will provide operational management of the mausoleum or  
8 columbarium, and the owner of the mausoleum or columbarium has reserved  
9 interment space and secured interment services in a cemetery regulated  
10 under this article, in order to assure continued perpetual care of the  
11 remains contained in the mausoleum or columbarium should such mausoleum  
12 or columbarium become abandoned or choose to cease operations.

13 § 7. This act shall take effect immediately.