

STATE OF NEW YORK

3952

2019-2020 Regular Sessions

IN SENATE

February 21, 2019

Introduced by Sen. BROOKS -- 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, in relation to the merger of certain cemetery corporations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (c) of section 1506 of the not-for-profit corpo-
2 ration law, as added by chapter 871 of 1977, is amended and a new para-
3 graph (n) is added to read as follows:

4 (c) Cemeteries in Kings, Queens, Rockland, Westchester, Nassau,
5 Suffolk, Putnam and Erie counties. A cemetery corporation shall not
6 take by deed, devise or otherwise any land in the counties of Kings,
7 Queens, Rockland, Westchester, Nassau, Suffolk, Putnam or Erie for ceme-
8 tery purposes, or set apart any ground therefor in any of such counties,
9 unless the consent of the board of supervisors or legislative body ther-
10 eof, or of the city council of the city of New York, in respect to Kings
11 or Queens county, be first obtained except as provided in paragraph (n)
12 of this section. Such consent may be granted upon such conditions and
13 under such regulations and restrictions as the public health and welfare
14 may require. Notice of application for such consent shall be published,
15 once a week for six weeks, in the newspapers designated to publish the
16 session laws and in such other newspapers published in the county as
17 such board or body may direct, stating the time when the application
18 will be made, a brief description of the lands proposed to be acquired,
19 their location and the area thereof. Any person interested therein may
20 be heard on such presentation. If such consent is granted the corpo-
21 ration may take and hold the lands designated therein. The consent shall
22 not authorize any one corporation to take or hold more than two hundred
23 and fifty acres of land except as provided in paragraph (n) of this
24 section. Nothing contained in this subdivision shall prevent any reli-

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

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1 gious corporation in existence on April fifteenth, eighteen hundred
2 fifty-four, in any of said counties from using as heretofore any burial
3 ground then belonging to it within such county. Such board or body,
4 from time to time, may make such regulation as to burials in any ceme-
5 tery in the county as the public health may require.

6 (n) The provisions of this section shall not operate to prevent any
7 two cemeteries located in Suffolk county with contiguous or adjacent
8 land dedicated for cemetery purposes and previously operating as public
9 cemetery corporations, from effectuating a merger of such cemeteries
10 where their total acreage does not exceed three hundred twenty-five
11 acres.

12 § 2. This act shall take effect immediately.