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:

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

(c) Cemeteries in Kings, Queens, Rockland, Westchester, Nassau, Suffolk, Putnam and Erie counties. A cemetery corporation shall not take by deed, devise or otherwise any land in the counties of Kings, Queens, Rockland, Westchester, Nassau, Suffolk, Putnam or Erie for cemetery purposes, or set apart any ground therefor in any of such counties, unless the consent of the board of supervisors or legislative body thereof, or of the city council of the city of New York, in respect to Kings or Queens county, be first obtained **except as provided in paragraph (n) of this section**. Such consent may be granted upon such conditions and under such regulations and restrictions as the public health and welfare may require. Notice of application for such consent shall be published, once a week for six weeks, in the newspapers designated to publish the session laws and in such other newspapers published in the county as such board or body may direct, stating the time when the application will be made, a brief description of the lands proposed to be acquired, their location and the area thereof. Any person interested therein may be heard on such presentation. If such consent is granted the corporation may take and hold the lands designated therein. The consent shall not authorize any one corporation to take or hold more than two hundred and fifty acres of land **except as provided in paragraph (n) of this 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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gious corporation in existence on April fifteenth, eighteen hundred fifty-four, in any of said counties from using as heretofore any burial ground then belonging to it within such county. Such board or body, from time to time, may make such regulation as to burials in any cemetery in the county as the public health may require.

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

§ 2. This act shall take effect immediately.