

STATE OF NEW YORK

3726--B

2019-2020 Regular Sessions

IN ASSEMBLY

January 30, 2019

Introduced by M. of A. DINOWITZ, HYNDMAN, JEAN-PIERRE, CRUZ, RAIA, JONES
-- read once and referred to the Committee on Ways and Means --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee -- reported and referred to the Commit-
tee on Ways and Means -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to providing an exemption for
tangible personal property and services sold by a cemetery

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

1 Section 1. Declaration of policy. The people of this state have a
2 vital interest in the maintenance and preservation of cemetery corpo-
3 rations to prevent them from becoming a burden upon local governments
4 and the community. The preservation of cemetery funds is vital to the
5 long-term maintenance and preservation of these burial grounds to
6 prevent abandonment and dilapidation. In order to preserve this order,
7 and the uniqueness of cemetery corporations, clarifications of cemetery
8 sales tax collections are necessary.

9 § 2. Subdivision (a) of section 1115 of the tax law is amended by
10 adding a new paragraph 7-a to read as follows:

11 (7-a) Tangible personal property and services with charges and rates
12 that have been submitted and approved by the state cemetery board and
13 that are sold by a cemetery for the exclusive use on the grounds and in
14 the buildings of the cemetery corporation including but not limited to
15 the additional services provided by a cemetery as defined in paragraph
16 (b) of section fifteen hundred nine of the not-for-profit corporation
17 law and for the maintenance and preservation of lots, plots and parts
18 thereof.

19 § 3. Subdivision (a) of section 1116 of the tax law is amended by
20 adding a new paragraph 10 to read as follows:

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

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1 (10) A cemetery corporation, as defined in paragraph (a) of section
2 fifteen hundred two of the not-for-profit corporation law, including but
3 not limited to those cemeteries regulated by the religious corporations
4 law where it is the purchaser, user, or consumer, or where it is the
5 vendor of services or property exclusively to be used on the grounds or
6 buildings of the corporation.

7 § 4. This act shall take effect immediately.