STATE OF NEW YORK

9011--A

Cal. No. 1195

IN SENATE

May 4, 2022

Introduced by Sen. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend chapter 560 of the laws of 1998 amending the not-for-profit corporation law and other laws, relating to combinations of cemetery corporations and funeral entities, and the sale of monuments and memorials, in relation to the application of provisions of the not-for-profit corporation law and other laws to certain crematoriums located in the town of Tonawanda; and to repeal certain provisions of such chapter relating thereto

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

Section 1. The legislature finds and declares that the public health, safety and welfare of the residents of the state of New York in and around the town of Tonawanda is a matter of substantial state concern. The legislature also finds and declares that the state has a vital interest in the oversight of places of final disposition as well as the protection of its citizens directly affected by such places. The residents of the state in the town of Tonawanda have been subjected to heightened levels of air pollution due to aging and failing equipment at certain crematoriums. A crematorium located close to residential areas with a consistently poor record of complying with clean air laws, creating a hazardous environment for the citizens of the state is to a substantial degree a matter of state concern. Therefore, the provisions hereinafter prescribed are enacted and their necessity in the public interest is hereby declared as a matter of legislative determination.

§ 2. Subdivision 1 of section 14 of chapter 560 of the laws of 1998 amending the not-for-profit corporation law and other laws, relating to combinations of cemetery corporations and funeral entities, and the sale of monuments and memorials, as amended by chapter 513 of the laws of 2021, is amended to read as follows:

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

LBD15653-03-2

[~~1. The~~] **Provided that it is not a crematory or crematorium operated by a funeral entity in the town of Tonawanda that has been subject to a consent order issued by the department of environmental conservation, the** provisions of this act shall not apply to the operation of any crematory or crematorium, or act of cremation performed by a funeral entity after the effective date of this act, if the funeral entity:

a. operated such crematory or crematorium, or performed cremations prior to January 1, 1998; or

b. filed an application with the cemetery board for the operation of a crematory or crematorium prior to January 1, 1998.

§ 3. Subdivision 2 of section 14 of chapter 560 of the laws of 1998 amending the not-for-profit corporation law and other laws, relating to combinations of cemetery corporations and funeral entities, and the sale of monuments and memorials, is REPEALED.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.