STATE OF NEW YORK

3024--B

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sens. COMRIE, HARCKHAM, KENNEDY, KRUEGER, MATTERA, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the not-for-profit corporation law, in relation to authorizing memorial lands facilities

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

Section 1. The not-for-profit corporation law is amended by adding a new section 1506-f to read as follows:

§ 1506-f. Memorial lands facility.

(a) Any person who operates an entity on land, that is primarily used only for the respectful disposition of cremated and naturally organically reduced remains shall hold a valid memorial lands facility permit issued and approved by the cemetery board.

(b) To receive a memorial lands facility permit the operator of a memorial lands facility shall be a not-for-profit corporation subject to the regulatory oversight of the cemetery board, incorporated in the state, that shall file with the department and adhere to an operation plan for the maintenance of the land and the disposition of cremated and naturally organically reduced remains. The operation plan shall include the following:

(1) Evidence of a perpetual conservation easement, as defined under section 49-0303 the environmental conservation law, held by a not-for-profit conservation organization or public body or evidence that such lands are cemetery lands;

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

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(2) A commitment that no crematory or columbarium shall be constructed on the memorial lands facility;

(3) Any plans for a proposed or existing natural organic reduction facility;

(4) A copy of the form contract between the memorial lands facility and the consumer that permits the disposition of cremated and naturally organically reduced remains; and

(5) The rules and regulations for the memorial lands facility which governs and shall include but not be limited to, access to the land.

(c) An entity holding a memorial lands facility permit shall be subject to any regulations pertaining to disposal of cremated or naturally organically reduced remains or disposal thereof in this article.

(d) As a condition of approval for such permit, the operator shall provide certification to the cemetery board that such activities conform with existing local zoning laws and ordinances.

(e) The cemetery board is authorized to promulgate any rules and regulations as may be necessary to implement and administer the provisions of this section.

§ 2. This act shall take effect immediately.