



NEW YORK STATE SENATOR

Bill Perkins

## "The Quick & The Dead": Cemetery Reform in New York State

BILL PERKINS July 24, 2009

| ISSUE: **AUTHORITIES AND COMMISSIONS**

**Subject:** There are approximately 6,000 cemeteries in New York. Cemeteries are required to be operated only on a non-profit basis “to protect the well-being of its citizens, to promote the public welfare, to prevent cemeteries from falling into disrepair and dilapidation and to prevent cemeteries from becoming a burden upon the community.” Not-for-Profit Corporation Law (N-PCL) §1501. The New York State Cemetery Board, comprised of the Secretary of State, the Attorney General and the Department of Health, was created by statute in 1949 and presently regulates more than 1,800 not-for-profit cemetery corporations. The remaining 4,000 cemeteries are municipal, religious, family and private cemeteries, and are generally not subject to regulation by the Cemetery Board or the Department of State. N-PCL §1503. This hearing will examine the regulation of cemeteries in New York State to discover what, if any, reforms are necessary.

**Purpose:** This hearing will examine legislation regarding cemeteries currently in the Committee on Corporations, Authorities & Commissions and related issues. The Committee’s intent is to examine the current law, analyze the proposed reforms, and ascertain what additional legislation is needed. There are four bills under consideration. The

first bill S.3561, sponsored by Senator Craig Johnson, provides consumers with a cemetery bill of rights. The second bill S.4364-A, sponsored by Senator Aubertine, allows solvent cemeteries to buy insolvent cemeteries. The third bill S.5410, sponsored by Senator Klein, prohibits religious corporations that own cemeteries to sell monuments or memorials. The last bill S.5726, sponsored by Senator Klein, authorizes a cemetery corporation, under certain circumstances and upon approval by the cemetery board, to reacquire, resubdivide and resell plots owned by defunct burial societies and associations.

**Senate Standing Committee  
Corporations, Authorities and Commissions  
Senator Bill Perkins, Chair  
“ ‘The Quick and the Dead’ : Cemetery Reform in New York State”  
Location – Hearing Room B, Legislative Office Building  
Albany, New York 12247  
August 12, 2009 – 10:00 AM**

Reply Form: Testimony is by invitation only. Persons who require assistance or wish to be added to the Committee mailing list for the Senate Standing Committee on Corporations, Authorities and Commissions are requested to complete this form, and submit it to:

**Tom Briggs  
Office of Senator Bill Perkins, Chair  
Corporations, Authorities and Commissions Committee  
New York State Senate  
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