

# Inter-County Association of Western New York

*Representing the Counties of Allegany, Cattaraugus, Cayuga, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Tompkins, Wayne, Wyoming, and Yates.*

## **RESOLUTION NO. 2023-03-IC**

### **RESOLUTION OPPOSING SENATE BILL S.9517 AND ASSEMBLY BILL A.10644 IN RELATION TO CERTAIN DUTIES AND RESPONSIBILITIES OF CEMETERY CORPORATIONS AS TOO FINANCIALLY BURDENSOME**

**Sponsored By:** Wyoming County

**Moved By:** Ellen Grant (Wyoming)

**Seconded By:** James Brick (Wyoming)

**WHEREAS**, Senate Bill S.9517 and Assembly Bill A.10644 propose another layer of rules and regulations on cemetery corporations under the Not-for-Profit Corporation Law; and

**WHEREAS**, This legislation would require cemetery associations to carry liability insurance to cover claims filed if someone is injured or is killed by the collapse of any cemetery monument or marker; it would also require a cemetery corporation to carry liability insurance for monuments and other embellishments on a plot or cemetery lot; and

**WHEREAS**, Activities like excavating a grave, setting concrete vaults, excavating foundations, concrete pouring, monument installation, maintenance and use of heavy machinery would require guidance from a licensed engineer; and

**WHEREAS**, Cemeteries would also be required to remain available for grave openings and interments outside of normal business hours in the case of persons belonging to a religious and/or ethnic tradition that requires burial or interment prior to sunset on the date of the person's death; and

**WHEREAS**, Those cemetery corporations that maintain and designate a burial section for persons of a particular religious belief or ethnic tradition would be required to appoint an inspector to ensure the cemetery is in compliance with the applicable rules and regulations governing those religious beliefs or ethnic traditions with respect to burials; inspectors would be appointed in consultation with local religious leaders; and

**WHEREAS**, This legislation also requires the cemetery corporation to disclose to a person purchasing a plot in the cemetery the condition of the soil under such lot, plot or part thereof, including but not limited to the existence of groundwater or any other defects or past disturbances which may substantially impair or alter the natural condition of the soil; and

**WHEREAS**, This legislation would create a huge financial burden upon the small rural cemetery corporations in Wyoming County by requiring them to hire a licensed engineer or excavating company to perform excavation work in the cemetery, purchase additional liability insurance to insure monuments and other embellishments belonging to individual plot owners, hire a religious inspector, and compensate cemetery employees to keep the premises open after normal business hours for grave openings and interments outside normal business hours; and

**WHEREAS,** This legislation would also require the cemetery corporation to contract for services to determine the soil conditions creating an additional financial burden on them, and

**WHEREAS,** The rural cemetery corporations of Wyoming County do not have adequate funds to support the additional financial burden this legislation would impose upon them; now, therefore **BE IT RESOLVED,** That the members of Inter-County Association of Western New York (ICAWNY) hereby opposes Senate Bill S.9517 and Assembly Bill A.10644 and the amendments to the Not-for Profit Corporation Law contained therein; and be it

**FURTHER RESOLVED,** That the Secretary of Inter-County Association of Western New York shall forward copies of this resolution to Governor Kathy Hochul, New York State Congressional Delegation, New York State Legislation in Western New York, Inter-County Association of Western New York and the New York State Association of Counties and all others deemed necessary and proper.

This is to Certify that I, the undersigned, Secretary of the Inter-County Association of Western New York, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Association at a session held on the 17<sup>th</sup> day of February 2023 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Inter-County Association of Western New York dated February 17, 2023.



Lisa K. Casey  
Inter-County Association of Western New York

Sponsored by: Wyoming County, Moved by: Ellen Grant (*Wyoming*), Seconded by: James Brick (*Wyoming*).

