

5857

2011-2012 Regular Sessions

I N S E N A T E

June 24, 2011

Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the domestic relations law, in relation to the ability to marry; and to amend a chapter of the laws of 2011, amending the domestic relations law relating to the ability to marry, as proposed in legislative bill number A. 8354, in relation to the statutory construction of such chapter; and repealing certain provisions of the domestic relations law relating to parties to a marriage

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 10-b of the domestic relations law, as added by a
2 chapter of the laws of 2011, amending the domestic relations law relat-
3 ing to the ability to marry, as proposed in legislative bill number A.
4 8354, is REPEALED and a new section 10-b is added to read as follows:
5 S 10-B. RELIGIOUS EXCEPTION. 1. NOTWITHSTANDING ANY STATE, LOCAL OR
6 MUNICIPAL LAW, RULE, REGULATION, ORDINANCE, OR OTHER PROVISION OF LAW TO
7 THE CONTRARY, A RELIGIOUS ENTITY AS DEFINED UNDER THE EDUCATION LAW OR
8 SECTION TWO OF THE RELIGIOUS CORPORATIONS LAW, OR A CORPORATION INCORPO-
9 RATED UNDER THE BENEVOLENT ORDERS LAW OR DESCRIBED IN THE BENEVOLENT
10 ORDERS LAW BUT FORMED UNDER ANY OTHER LAW OF THIS STATE, OR A
11 NOT-FOR-PROFIT CORPORATION OPERATED, SUPERVISED, OR CONTROLLED BY A
12 RELIGIOUS CORPORATION, OR ANY EMPLOYEE THEREOF, BEING MANAGED, DIRECTED,
13 OR SUPERVISED BY OR IN CONJUNCTION WITH A RELIGIOUS CORPORATION, BENEVO-
14 LENT ORDER, OR A NOT-FOR-PROFIT CORPORATION AS DESCRIBED IN THIS SUBDI-
15 VISION, SHALL NOT BE REQUIRED TO PROVIDE SERVICES, ACCOMMODATIONS,
16 ADVANTAGES, FACILITIES, GOODS, OR PRIVILEGES FOR THE SOLEMNIZATION OR
17 CELEBRATION OF A MARRIAGE. ANY SUCH REFUSAL TO PROVIDE SERVICES, ACCOM-
18 MODATIONS, ADVANTAGES, FACILITIES, GOODS, OR PRIVILEGES SHALL NOT CREATE
19 ANY CIVIL CLAIM OR CAUSE OF ACTION OR RESULT IN ANY STATE OR LOCAL
20 GOVERNMENT ACTION TO PENALIZE, WITHHOLD BENEFITS, OR DISCRIMINATE

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

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1 AGAINST SUCH RELIGIOUS CORPORATION, BENEVOLENT ORDER, A NOT-FOR-PROFIT
2 CORPORATION OPERATED, SUPERVISED, OR CONTROLLED BY A RELIGIOUS CORPO-
3 RATION, OR ANY EMPLOYEE THEREOF BEING MANAGED, DIRECTED, OR SUPERVISED
4 BY OR IN CONJUNCTION WITH A RELIGIOUS CORPORATION, BENEVOLENT ORDER, OR
5 A NOT-FOR-PROFIT CORPORATION.

6 2. NOTWITHSTANDING ANY STATE, LOCAL OR MUNICIPAL LAW OR RULE, REGU-
7 LATION, ORDINANCE, OR OTHER PROVISION OF LAW TO THE CONTRARY, NOTHING IN
8 THIS ARTICLE SHALL LIMIT OR DIMINISH THE RIGHT, PURSUANT TO SUBDIVISION
9 ELEVEN OF SECTION TWO HUNDRED NINETY-SIX OF THE EXECUTIVE LAW, OF ANY
10 RELIGIOUS OR DENOMINATIONAL INSTITUTION OR ORGANIZATION, OR ANY ORGAN-
11 IZATION OPERATED FOR CHARITABLE OR EDUCATIONAL PURPOSES, WHICH IS OPER-
12 ATED, SUPERVISED OR CONTROLLED BY OR IN CONNECTION WITH A RELIGIOUS
13 ORGANIZATION, TO LIMIT EMPLOYMENT OR SALES OR RENTAL OF HOUSING ACCOMMO-
14 DATIONS OR ADMISSION TO OR GIVE PREFERENCE TO PERSONS OF THE SAME RELI-
15 GION OR DENOMINATION OR FROM TAKING SUCH ACTION AS IS CALCULATED BY SUCH
16 ORGANIZATION TO PROMOTE THE RELIGIOUS PRINCIPLES FOR WHICH IT IS ESTAB-
17 LISHED OR MAINTAINED.

18 3. NOTHING IN THIS SECTION SHALL BE DEEMED OR CONSTRUED TO LIMIT THE
19 PROTECTIONS AND EXEMPTIONS OTHERWISE PROVIDED TO RELIGIOUS ORGANIZATIONS
20 UNDER SECTION THREE OF ARTICLE ONE OF THE CONSTITUTION OF THE STATE OF
21 NEW YORK.

22 S 2. Subdivision 1-a of section 11 of the domestic relations law, as
23 added by a chapter of the laws of 2011, amending the domestic relations
24 law relating to the ability to marry, as proposed in legislative bill
25 number A.8354, is amended to read as follows:

26 1-a. A refusal by a clergyman or minister as defined in section two of
27 the religious corporations law, or Society for Ethical Culture leader to
28 solemnize any marriage under this subdivision shall not create a civil
29 claim or cause of action OR RESULT IN ANY STATE OR LOCAL GOVERNMENT
30 ACTION TO PENALIZE, WITHHOLD BENEFITS OR DISCRIMINATE AGAINST SUCH CLER-
31 GYMAN OR MINISTER.

32 S 3. A chapter of the laws of 2011, amending the domestic relations
33 law relating to the ability to marry, as proposed in legislative bill
34 number A. 8354, is amended by adding a new section 5-a to read as
35 follows:

36 S 5-A. THIS ACT IS TO BE CONSTRUED AS A WHOLE, AND ALL PARTS OF IT ARE
37 TO BE READ AND CONSTRUED TOGETHER. IF ANY PART OF THIS ACT SHALL BE
38 ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, THE
39 REMAINDER OF THIS ACT SHALL BE INVALIDATED. NOTHING HEREIN SHALL BE
40 CONSTRUED TO AFFECT THE PARTIES' RIGHT TO APPEAL THE MATTER.

41 S 4. This act shall take effect on the same date as such chapter of
42 the laws of 2011, takes effect.