S T A T E O F N E W Y O R K

731

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the religious corporations law, in relation to providing a means of incorporation for organized groups affiliated with the Hindu, Sikh and Islamic faiths

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

Section 1. The fourth undesignated paragraph of section 2 of the religious corporations law, as amended by chapter 674 of the laws of 1947, is amended to read as follows:

The term "clergyman" and the term "minister" include a duly authorized pastor, rector, priest, rabbi, PANDIT, SWAMI, GURU, GRANTHI, IMAM, MOULVI, MAULANA and a person having authority from, or in accordance with, the rules and regulations of the governing ecclesiastical body of the denomination or order, if any, to which the church belongs, or otherwise from the church or synagogue to preside over and direct the spiritual affairs of the church or synagogue.

S 2. The religious corporations law is amended by adding a new article 22 to read as follows:

ARTICLE 22

ORGANIZATIONS OF THE HINDU FAITH

SECTION 460. APPLICATION.
461. APPLICATION FOR INCORPORATION.
462. QUALIFICATION OF VOTERS.
463. NOTICE OF MEETING FOR INCORPORATION.
464. MEETING FOR INCORPORATION.
465. CHURCH GOVERNANCE.
466. CERTIFICATE OF INCORPORATION.
467. REINCORPORATION OF PRESENT INCORPORATED CHURCHES.

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

LBD03710-01-3

468. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS.
469. CORPORATE MEETINGS.

S 460. APPLICATION. 1. THIS ARTICLE APPLIES TO ANY UNINCORPORATED CHURCH AFFILIATED WITH THE HINDU FAITH, AND TO ANY HERETOFORE INCORPORATED CHURCH OR BODY, SO AFFILIATED, WHICH DESIRES TO REINCORPORATE PURSUANT TO THIS ARTICLE. INDEPENDENT CHURCHES MAY INCORPORATE OR REINCORPORATE UNDER THIS ARTICLE IN THE MANNER PROVIDED IN SECTIONS FOUR HUNDRED SIXTY-ONE AND FOUR HUNDRED SIXTY-SEVEN OF THIS ARTICLE, AND ALL THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO SUCH CHURCHES AS THE CONTEXT REQUIRES.

2. NOTHING HEREINAFTER PROVIDED SHALL PREVENT OR PROHIBIT ANY HERETOFORE INCORPORATED CHURCH OR BODY, AFFILIATED WITH THE HINDU FAITH FROM MAINTAINING AND CONTINUING THE RELATIONSHIP WHICH SUCH CHURCH OR BODY ENJOYED AT THE TIME OF THE EFFECTIVE DATE OF THIS ARTICLE SHOULD SUCH CHURCH OR BODY DETERMINE NOT TO REINCORPORATE PURSUANT TO THIS ARTICLE.

S 461. APPLICATION FOR INCORPORATION. ANY UNINCORPORATED CHURCH OR ANY HERETOFORE INCORPORATED CHURCH WISHING TO INCORPORATE UNDER THIS ARTICLE SHALL EXECUTE, ACKNOWLEDGE AND FILE A CERTIFICATE OF INCORPORATION AS HEREINAFTER PROVIDED.

S 462. QUALIFICATION OF VOTERS. THE FOLLOWING PARTIES AND NO OTHERS SHALL BE QUALIFIED VOTERS FOR ALL PURPOSES UNDER THIS ARTICLE: ALL PERSONS EIGHTEEN YEARS OF AGE OR OVER WHO ARE MEMBERS IN GOOD AND REGULAR STANDING OF THE CHURCH OR BODY BY ADMISSION INTO MEMBERSHIP THEREWITH, IN ACCORDANCE WITH THE STANDARDS FOR MEMBERSHIP IN THE LOCAL CHURCH AS DETERMINED BY THE LOCAL CHURCH ITSELF.

S 463. NOTICE OF MEETING FOR INCORPORATION. NOTICE OF A MEETING FOR THE PURPOSE OF INCORPORATING AN UNINCORPORATED CHURCH SHALL BE GIVEN AS FOLLOWS:

1. THE NOTICE SHALL BE IN WRITING AND SHALL STATE, IN SUBSTANCE, THAT A MEETING OF SUCH UNINCORPORATED CHURCH WILL BE HELD AT ITS USUAL PLACE OF WORSHIP AT A SPECIFIED DAY AND HOUR FOR THE PURPOSE OF INCORPORATING SUCH CHURCH AND ELECTING THREE OR MORE TRUSTEES, BUT NOT TO EXCEED FIFTEEN.

2. THE NOTICE MUST BE SIGNED BY AT LEAST SIX QUALIFIED VOTERS. A COPY OF SUCH NOTICE SHALL BE PUBLICLY READ AT EACH OF THE TWO CONSECUTIVE MAIN WORSHIP SERVICES, OF SUCH UNINCORPORATED CHURCH PRECEDING THE MEETING TO INCORPORATE, BY THE MINISTER OF SUCH CHURCH, OR IF NONE, BY THE CHURCH MEMBER WHO HAS BEEN DESIGNATED BY THE MEMBERSHIP OR OTHER AUTHORIZED BODY OF THE CHURCH TO CONDUCT THE WORSHIP SERVICE THAT DAY (THE "OFFICIATING MINISTER"); AND AT LEAST FIFTEEN DAYS BEFORE THE MEETING FOR INCORPORATION, A COPY OF SUCH NOTICE SHALL BE POSTED AT THE PLACE OF WORSHIP.

S 464. MEETING FOR INCORPORATION. 1. AT THE MEETING FOR INCORPORATION HELD IN PURSUANCE OF SUCH NOTICE, ONLY QUALIFIED VOTERS SHALL BE ELIGIBLE TO VOTE.

2. THE PRESENCE OF ONE-THIRD OF THE QUALIFIED VOTERS OR SIX QUALIFIED VOTERS, WHICHEVER NUMBER IS HIGHER, SHALL BE NECESSARY TO CONSTITUTE A QUORUM OF SUCH MEETING. THE ACTION OF THE MEETING UPON ANY MATTER OR QUESTION SHALL BE DECIDED BY A MAJORITY OF THE QUALIFIED VOTERS PRESENT.

3. THE MINISTER OF THE CHURCH, OR IF NONE, THE OFFICIATING MINISTER, SHALL ACT AS PRESIDING OFFICER OF THE MEETING TO INCORPORATE. THE PRESIDING OFFICER SHALL CALL THE MEETING TO ORDER AND SHALL BE THE JUDGE OF THE QUALIFICATION OF VOTERS.

4. SUCH MEETING SHALL DECIDE BY BALLOT WHETHER THE CHURCH SHALL BE INCORPORATED, THE NAME OF THE PROPOSED CORPORATION, THE NAMES OF THE INITIAL TRUSTEES, AND THE DATE, NOT MORE THAN FIFTEEN MONTHS THEREAFTER,

ON WHICH THE FIRST ANNUAL ELECTION OR AFFIRMATION OF THE TRUSTEES THEREOF AFTER SUCH MEETING SHALL BE HELD. THE TRUSTEES SHALL HOLD OFFICE UNTIL THEIR SUCCESSORS ARE ELECTED OR AFFIRMED.

5. AT THE MEETING FOR INCORPORATION, A CONSTITUTION AND BY-LAWS SHALL BE ADOPTED SETTING FORTH A FORM OF CHURCH GOVERNANCE THAT IS CONSISTENT WITH SECTION FOUR HUNDRED SIXTY-FIVE OF THIS ARTICLE.

S 465. CHURCH GOVERNANCE. 1. A CHURCH INCORPORATED UNDER THIS SECTION SHALL PROVIDE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR TRUSTEES TO BE ELECTED OR APPOINTED AT LARGE, OR BY VIRTUE OF THEIR OFFICE. THERE SHALL BE A MINIMUM OF THREE TRUSTEES. TO THE EXTENT PRACTICABLE, TERMS OF OFFICE SHALL BE FOR THREE YEARS AND STAGGERED. TERMS MAY BE CONSECUTIVE.

2. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR OFFICERS OF THE CORPORATION TO BE ELECTED OR APPOINTED AT LARGE OR BY VIRTUE OF THEIR OFFICE. THE PRESIDENT AND SECRETARY SHALL NOT BE THE SAME PERSON. TO THE EXTENT PRACTICABLE, TERMS OF OFFICE SHALL BE FOR THREE YEARS AND STAGGERED. TERMS MAY BE CONSECUTIVE.

3. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR SPIRITUAL OVERSIGHT OF THE CHURCH BY AN ELDERSHIP BOARD OR A SENIOR PANDIT, SWAMI, GURU OR SOME COMBINATION OF THE ABOVE. TERMS OF OFFICE MAY BE DEFINITE OR INDEFINITE AS THE BY-LAWS MAY SPECIFY.

4. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR PERIODIC AFFIRMATION OF APPOINTIVE POSITIONS BY A DESIGNATED BODY OR BOARD.

S 466. CERTIFICATE OF INCORPORATION. 1. IF AT THE MEETING FOR INCORPORATION IT SHALL BE DECIDED THAT SUCH UNINCORPORATED CHURCH SHALL BECOME INCORPORATED, THE PRESIDING OFFICER OF THE MEETING AND TWO OTHERS SHALL EXECUTE AND ACKNOWLEDGE A CERTIFICATE OF INCORPORATION, IN WHICH SHALL BE STATED THE NAME OR TITLE BY WHICH SUCH BODY SHALL BE KNOWN IN THE LAW; THE PURPOSE OF ITS ORGANIZATION; THE NAMES AND ADDRESSES OF THE INITIAL TRUSTEES, THE COUNTY, TOWN OR CITY IN WHICH ITS PRINCIPAL PLACE OF WORSHIP IS OR IS INTENDED TO BE LOCATED; AND A STATEMENT THAT THE CHURCH IS IN AFFILIATION WITH THE HINDU FAITH.

2. ON FILING SUCH CERTIFICATE IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE OR PLACE OF WORSHIP OF THE CORPORATION IS OR IS INTENDED TO BE LOCATED, SUCH CHURCH SHALL BE A CORPORATION BY THE NAME STATED IN THE CERTIFICATE OF INCORPORATION.

S 467. REINCORPORATION OF PRESENT INCORPORATED CHURCHES. 1. ANY CHURCH HERETOFORE INCORPORATED MAY, SUBJECT TO RESTRICTIONS AND LIMITATIONS OF EXISTING LAWS, REINCORPORATE UNDER THE PROVISIONS OF THIS ARTICLE, BY FILING IN THE COUNTY CLERK'S OFFICE IN THE COUNTY IN WHICH ITS PRINCIPAL PLACE OF WORSHIP IS LOCATED, A CERTIFICATE, SIGNED AND ACKNOWLEDGED BY ALL THE TRUSTEES OF SAID CHURCH IN OFFICE AT THE TIME OF SUCH REINCORPORATION, SETTING FORTH THAT THE SAID CHURCH BY A MAJORITY VOTE OF THE MEMBERS PRESENT AT A DULY CALLED MEETING OF THE MEMBERSHIP, AS DETERMINED BY THE BY-LAWS OF THE EXISTING CORPORATION, DESIRES TO REINCORPORATE UNDER THE PROVISIONS OF THIS ARTICLE. SUCH CERTIFICATE SHALL SET FORTH THOSE ITEMS SPECIFIED IN SECTION FOUR HUNDRED SIXTY-SIX OF THIS ARTICLE.

2. THE REINCORPORATED CORPORATION SHALL BE DEEMED A CONTINUATION OF THE PREVIOUSLY ORGANIZED CORPORATION, BUT THEREAFTER IT SHALL HAVE ONLY SUCH RIGHTS AND POWERS AND BE SUBJECT ONLY TO SUCH OBLIGATIONS AS ANY CORPORATION CREATED UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL PROPERTY RIGHTS AND LIABILITIES OF THE PREVIOUSLY ORGANIZED CORPORATION SHALL BE VESTED IN AND ASSUMED BY THE REINCORPORATED CORPORATION. THE CORPORATE BY-LAWS AND OFFICERS OF THE REINCORPORATED CORPORATION SHALL

BE THE SAME AS THOSE OF ITS PREDECESSOR UNTIL CHANGED PURSUANT TO THE SAID BY-LAWS, PROVIDED THEY CONFORM TO THE PROVISIONS OF SECTION FOUR HUNDRED SIXTY-FIVE OF THIS ARTICLE.

S 468. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS. 1. THE BY-LAWS SHALL MAKE PROVISIONS FOR AN ANNUAL CORPORATE MEETING AND FOR GIVING APPROPRIATE NOTICE TO EACH VOTING MEMBER OF THE DATE AND PLACE OF EACH SUCH MEETING.

2. NOTICES OF ANY SPECIAL MEETING SHALL STATE THE PURPOSE OR PURPOSES FOR WHICH THE MEETING IS CALLED AND NO BUSINESS SHALL BE TRANSACTED AT SUCH SPECIAL MEETING EXCEPT THAT CONTAINED IN SUCH NOTICE.

S 469. CORPORATE MEETINGS. 1. EACH CHURCH SHALL DETERMINE THE REQUIREMENTS FOR A QUORUM IN THEIR BY-LAWS THAT SHALL NOT EXCEED FIFTY PERCENT OF THE MEMBERS.

2. THE ACTION OF THE MEETING UPON ANY MATTER OR QUESTION SHALL BE DECIDED IN A MANNER PROVIDED BY THE BY-LAWS.

3. THE PRESIDING OFFICER OF ANY MEETING SHALL BE THE SENIOR PANDIT, SWAMI OR GURU OF THE CHURCH OR IF NONE, AS SHALL BE SET FORTH IN THE BY-LAWS OF THE CHURCH.

S 3. The religious corporations law is amended by adding a new article 23 to read as follows:

ARTICLE 23

ORGANIZATIONS OF THE SIKH FAITH

SECTION 470. APPLICATION.
471. APPLICATION FOR INCORPORATION.
472. QUALIFICATION OF VOTERS.
473. NOTICE OF MEETING FOR INCORPORATION.
474. MEETING FOR INCORPORATION.
475. CHURCH GOVERNANCE.
476. CERTIFICATE OF INCORPORATION.
477. REINCORPORATION OF PRESENT INCORPORATED CHURCHES.
478. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS.
479. CORPORATE MEETINGS.

S 470. APPLICATION. 1. THIS ARTICLE APPLIES TO ANY UNINCORPORATED CHURCH AFFILIATED WITH THE SIKH FAITH, AND TO ANY HERETOFORE INCORPORATED CHURCH OR BODY, SO AFFILIATED, WHICH DESIRES TO REINCORPORATE PURSUANT TO THIS ARTICLE. INDEPENDENT CHURCHES MAY INCORPORATE OR REINCORPORATE UNDER THIS ARTICLE IN THE MANNER PROVIDED IN SECTIONS FOUR HUNDRED SEVENTY-ONE AND FOUR HUNDRED SEVENTY-SEVEN OF THIS ARTICLE, AND ALL THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO SUCH CHURCHES AS THE CONTEXT REQUIRES.

2. NOTHING HEREINAFTER PROVIDED SHALL PREVENT OR PROHIBIT ANY HERETOFORE INCORPORATED CHURCH OR BODY, AFFILIATED WITH THE SIKH FAITH FROM MAINTAINING AND CONTINUING THE RELATIONSHIP WHICH SUCH CHURCH OR BODY ENJOYED AT THE TIME OF THE EFFECTIVE DATE OF THIS ARTICLE SHOULD SUCH CHURCH OR BODY DETERMINE NOT TO REINCORPORATE PURSUANT TO THIS ARTICLE.

S 471. APPLICATION FOR INCORPORATION. ANY UNINCORPORATED CHURCH OR ANY HERETOFORE INCORPORATED CHURCH WISHING TO INCORPORATE UNDER THIS ARTICLE SHALL EXECUTE, ACKNOWLEDGE AND FILE A CERTIFICATE OF INCORPORATION AS HEREINAFTER PROVIDED.

S 472. QUALIFICATION OF VOTERS. THE FOLLOWING PARTIES AND NO OTHERS SHALL BE QUALIFIED VOTERS FOR ALL PURPOSES UNDER THIS ARTICLE: ALL PERSONS EIGHTEEN YEARS OF AGE OR OVER WHO ARE MEMBERS IN GOOD AND REGULAR STANDING OF THE CHURCH OR BODY BY ADMISSION INTO MEMBERSHIP THEREWITH, IN ACCORDANCE WITH THE STANDARDS FOR MEMBERSHIP IN THE LOCAL CHURCH AS DETERMINED BY THE LOCAL CHURCH ITSELF.

S 473. NOTICE OF MEETING FOR INCORPORATION. NOTICE OF A MEETING FOR THE PURPOSE OF INCORPORATING AN UNINCORPORATED CHURCH SHALL BE GIVEN AS FOLLOWS:

1. THE NOTICE SHALL BE IN WRITING AND SHALL STATE, IN SUBSTANCE, THAT A MEETING OF SUCH UNINCORPORATED CHURCH WILL BE HELD AT ITS USUAL PLACE OF WORSHIP AT A SPECIFIED DAY AND HOUR FOR THE PURPOSE OF INCORPORATING SUCH CHURCH AND ELECTING THREE OR MORE TRUSTEES, BUT NOT TO EXCEED FIFTEEN.

2. THE NOTICE MUST BE SIGNED BY AT LEAST SIX QUALIFIED VOTERS. A COPY OF SUCH NOTICE SHALL BE PUBLICLY READ AT EACH OF THE TWO CONSECUTIVE MAIN WORSHIP SERVICES, OF SUCH UNINCORPORATED CHURCH PRECEDING THE MEETING TO INCORPORATE, BY THE MINISTER OF SUCH CHURCH, OR IF NONE, BY THE CHURCH MEMBER WHO HAS BEEN DESIGNATED BY THE MEMBERSHIP OR OTHER AUTHORIZED BODY OF THE CHURCH TO CONDUCT THE WORSHIP SERVICE THAT DAY (THE "OFFICIATING MINISTER"); AND AT LEAST FIFTEEN DAYS BEFORE THE MEETING FOR INCORPORATION, A COPY OF SUCH NOTICE SHALL BE POSTED AT THE PLACE OF WORSHIP.

S 474. MEETING FOR INCORPORATION. 1. AT THE MEETING FOR INCORPORATION HELD IN PURSUANCE OF SUCH NOTICE, ONLY QUALIFIED VOTERS SHALL BE ELIGIBLE TO VOTE.

2. THE PRESENCE OF ONE-THIRD OF THE QUALIFIED VOTERS OR SIX QUALIFIED VOTERS, WHICHEVER NUMBER IS HIGHER, SHALL BE NECESSARY TO CONSTITUTE A QUORUM OF SUCH MEETING. THE ACTION OF THE MEETING UPON ANY MATTER OR QUESTION SHALL BE DECIDED BY A MAJORITY OF THE QUALIFIED VOTERS PRESENT.

3. THE MINISTER OF THE CHURCH, OR IF NONE, THE OFFICIATING MINISTER, SHALL ACT AS PRESIDING OFFICER OF THE MEETING TO INCORPORATE. THE PRESIDING OFFICER SHALL CALL THE MEETING TO ORDER AND SHALL BE THE JUDGE OF THE QUALIFICATION OF VOTERS.

4. SUCH MEETING SHALL DECIDE BY BALLOT WHETHER THE CHURCH SHALL BE INCORPORATED, THE NAME OF THE PROPOSED CORPORATION, THE NAMES OF THE INITIAL TRUSTEES, AND THE DATE, NOT MORE THAN FIFTEEN MONTHS THEREAFTER, ON WHICH THE FIRST ANNUAL ELECTION OR AFFIRMATION OF THE TRUSTEES THEREOF AFTER SUCH MEETING SHALL BE HELD. THE TRUSTEES SHALL HOLD OFFICE UNTIL THEIR SUCCESSORS ARE ELECTED OR AFFIRMED.

5. AT THE MEETING FOR INCORPORATION, A CONSTITUTION AND BY-LAWS SHALL BE ADOPTED SETTING FORTH A FORM OF CHURCH GOVERNANCE THAT IS CONSISTENT WITH SECTION FOUR HUNDRED SEVENTY-FIVE OF THIS ARTICLE.

S 475. CHURCH GOVERNANCE. 1. A CHURCH INCORPORATED UNDER THIS SECTION SHALL PROVIDE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR TRUSTEES TO BE ELECTED OR APPOINTED AT LARGE, OR BY VIRTUE OF THEIR OFFICE. THERE SHALL BE A MINIMUM OF THREE TRUSTEES. TO THE EXTENT PRACTICABLE, TERMS OF OFFICE SHALL BE FOR THREE YEARS AND STAGGERED. TERMS MAY BE CONSECUTIVE.

2. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR OFFICERS OF THE CORPORATION TO BE ELECTED OR APPOINTED AT LARGE OR BY VIRTUE OF THEIR OFFICE. THE PRESIDENT AND SECRETARY SHALL NOT BE THE SAME PERSON. TO THE EXTENT PRACTICABLE, TERMS OF OFFICE SHALL BE FOR THREE YEARS AND STAGGERED. TERMS MAY BE CONSECUTIVE.

3. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR SPIRITUAL OVERSIGHT OF THE CHURCH BY AN ELDERSHIP BOARD OR A SENIOR GRANTHI OR GURU OR SOME COMBINATION OF THE ABOVE. TERMS OF OFFICE MAY BE DEFINITE OR INDEFINITE AS THE BY-LAWS MAY SPECIFY.

4. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR PERIODIC AFFIRMATION OF APPOINTIVE POSITIONS BY A DESIGNATED BODY OR BOARD.

S 476. CERTIFICATE OF INCORPORATION. 1. IF AT THE MEETING FOR INCORPORATION IT SHALL BE DECIDED THAT SUCH UNINCORPORATED CHURCH SHALL BECOME INCORPORATED, THE PRESIDING OFFICER OF THE MEETING AND TWO OTHERS SHALL EXECUTE AND ACKNOWLEDGE A CERTIFICATE OF INCORPORATION, IN WHICH SHALL BE STATED THE NAME OR TITLE BY WHICH SUCH BODY SHALL BE KNOWN IN THE LAW; THE PURPOSE OF ITS ORGANIZATION; THE NAMES AND ADDRESSES OF THE INITIAL TRUSTEES, THE COUNTY, TOWN OR CITY IN WHICH ITS PRINCIPAL PLACE OF WORSHIP IS OR IS INTENDED TO BE LOCATED; AND A STATEMENT THAT THE CHURCH IS IN AFFILIATION WITH THE SIKH FAITH.

2. ON FILING SUCH CERTIFICATE IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE OR PLACE OF WORSHIP OF THE CORPORATION IS OR IS INTENDED TO BE LOCATED, SUCH CHURCH SHALL BE A CORPORATION BY THE NAME STATED IN THE CERTIFICATE OF INCORPORATION.

S 477. REINCORPORATION OF PRESENT INCORPORATED CHURCHES. 1. ANY CHURCH HERETOFORE INCORPORATED MAY, SUBJECT TO RESTRICTIONS AND LIMITATIONS OF EXISTING LAWS, REINCORPORATE UNDER THE PROVISIONS OF THIS ARTICLE, BY FILING IN THE COUNTY CLERK'S OFFICE IN THE COUNTY IN WHICH ITS PRINCIPAL PLACE OF WORSHIP IS LOCATED, A CERTIFICATE, SIGNED AND ACKNOWLEDGED BY ALL THE TRUSTEES OF SAID CHURCH IN OFFICE AT THE TIME OF SUCH REINCORPORATION, SETTING FORTH THAT THE SAID CHURCH BY A MAJORITY VOTE OF THE MEMBERS PRESENT AT A DULY CALLED MEETING OF THE MEMBERSHIP, AS DETERMINED BY THE BY-LAWS OF THE EXISTING CORPORATION, DESIRES TO REINCORPORATE UNDER THE PROVISIONS OF THIS ARTICLE. SUCH CERTIFICATE SHALL SET FORTH THOSE ITEMS SPECIFIED IN SECTION FOUR HUNDRED SEVENTY-SIX OF THIS ARTICLE.

2. THE REINCORPORATED CORPORATION SHALL BE DEEMED A CONTINUATION OF THE PREVIOUSLY ORGANIZED CORPORATION, BUT THEREAFTER IT SHALL HAVE ONLY SUCH RIGHTS AND POWERS AND BE SUBJECT ONLY TO SUCH OBLIGATIONS AS ANY CORPORATION CREATED UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL PROPERTY RIGHTS AND LIABILITIES OF THE PREVIOUSLY ORGANIZED CORPORATION SHALL BE VESTED IN AND ASSUMED BY THE REINCORPORATED CORPORATION. THE CORPORATE BY-LAWS AND OFFICERS OF THE REINCORPORATED CORPORATION SHALL BE THE SAME AS THOSE OF ITS PREDECESSOR UNTIL CHANGED PURSUANT TO THE SAID BY-LAWS, PROVIDED THEY CONFORM TO THE PROVISIONS OF SECTION FOUR HUNDRED SEVENTY-FIVE OF THIS ARTICLE.

S 478. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS. 1. THE BY-LAWS SHALL MAKE PROVISION FOR AN ANNUAL CORPORATE MEETING AND FOR GIVING APPROPRIATE NOTICE TO EACH VOTING MEMBER OF THE DATE AND PLACE OF EACH SUCH MEETING.

2. NOTICES OF ANY SPECIAL MEETING SHALL STATE THE PURPOSE OR PURPOSES FOR WHICH THE MEETING IS CALLED AND NO BUSINESS SHALL BE TRANSACTED AT SUCH SPECIAL MEETING EXCEPT THAT CONTAINED IN SUCH NOTICE.

S 479. CORPORATE MEETINGS. 1. EACH CHURCH SHALL DETERMINE THE REQUIREMENTS FOR A QUORUM IN THEIR BY-LAWS THAT SHALL NOT EXCEED FIFTY PERCENT OF THE MEMBERS.

2. THE ACTION OF THE MEETING UPON ANY MATTER OR QUESTION SHALL BE DECIDED IN A MANNER PROVIDED BY THE BY-LAWS.

3. THE PRESIDING OFFICER OF ANY MEETING SHALL BE THE SENIOR GRANTHI OR GURU OF THE CHURCH OR IF NONE, AS SHALL BE SET FORTH IN THE BY-LAWS OF THE CHURCH.

S 4. The religious corporations law is amended by adding a new article 24 to read as follows:

ARTICLE 24

ORGANIZATIONS OF THE ISLAMIC FAITH

SECTION 480. APPLICATION.

481. APPLICATION FOR INCORPORATION.

482. QUALIFICATION OF VOTERS.
483. NOTICE OF MEETING FOR INCORPORATION.
484. MEETING FOR INCORPORATION.
485. CHURCH GOVERNANCE.
486. CERTIFICATE OF INCORPORATION.
487. REINCORPORATION OF PRESENT INCORPORATED CHURCHES.
488. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS.
489. CORPORATE MEETINGS.

S 480. APPLICATION. 1. THIS ARTICLE APPLIES TO ANY UNINCORPORATED CHURCH AFFILIATED WITH THE ISLAMIC FAITH, AND TO ANY HERETOFORE INCORPORATED CHURCH OR BODY, SO AFFILIATED, WHICH DESIRES TO REINCORPORATE PURSUANT TO THIS ARTICLE. INDEPENDENT CHURCHES MAY INCORPORATE OR REINCORPORATE UNDER THIS ARTICLE IN THE MANNER PROVIDED IN SECTIONS FOUR HUNDRED EIGHTY-ONE AND FOUR HUNDRED EIGHTY-SEVEN OF THIS ARTICLE, AND ALL THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO SUCH CHURCHES AS THE CONTEXT REQUIRES.

2. NOTHING HEREINAFTER PROVIDED SHALL PREVENT OR PROHIBIT ANY HERETOFORE INCORPORATED CHURCH OR BODY, AFFILIATED WITH THE ISLAMIC FAITH FROM MAINTAINING AND CONTINUING THE RELATIONSHIP WHICH SUCH CHURCH OR BODY ENJOYED AT THE TIME OF THE EFFECTIVE DATE OF THIS ARTICLE SHOULD SUCH CHURCH OR BODY DETERMINE NOT TO REINCORPORATE PURSUANT TO THIS ARTICLE.

S 481. APPLICATION FOR INCORPORATION. ANY UNINCORPORATED CHURCH OR ANY HERETOFORE INCORPORATED CHURCH WISHING TO INCORPORATE UNDER THIS ARTICLE SHALL EXECUTE, ACKNOWLEDGE AND FILE A CERTIFICATE OF INCORPORATION AS HEREINAFTER PROVIDED.

S 482. QUALIFICATION OF VOTERS. THE FOLLOWING PARTIES AND NO OTHERS SHALL BE QUALIFIED VOTERS FOR ALL PURPOSES UNDER THIS ARTICLE: ALL PERSONS EIGHTEEN YEARS OF AGE OR OVER WHO ARE MEMBERS IN GOOD AND REGULAR STANDING OF THE CHURCH OR BODY BY ADMISSION INTO MEMBERSHIP THEREWITH, IN ACCORDANCE WITH THE STANDARDS FOR MEMBERSHIP IN THE LOCAL CHURCH AS DETERMINED BY THE LOCAL CHURCH ITSELF.

S 483. NOTICE OF MEETING FOR INCORPORATION. NOTICE OF A MEETING FOR THE PURPOSE OF INCORPORATING AN UNINCORPORATED CHURCH SHALL BE GIVEN AS FOLLOWS:

1. THE NOTICE SHALL BE IN WRITING AND SHALL STATE, IN SUBSTANCE, THAT A MEETING OF SUCH UNINCORPORATED CHURCH WILL BE HELD AT ITS USUAL PLACE OF WORSHIP AT A SPECIFIED DAY AND HOUR FOR THE PURPOSE OF INCORPORATING SUCH CHURCH AND ELECTING THREE OR MORE TRUSTEES, BUT NOT TO EXCEED FIFTEEN.

2. THE NOTICE MUST BE SIGNED BY AT LEAST SIX QUALIFIED VOTERS. A COPY OF SUCH NOTICE SHALL BE PUBLICLY READ AT EACH OF THE TWO CONSECUTIVE MAIN WORSHIP SERVICES, OF SUCH UNINCORPORATED CHURCH PRECEDING THE MEETING TO INCORPORATE, BY THE MINISTER OF SUCH CHURCH, OR IF NONE, BY THE CHURCH MEMBER WHO HAS BEEN DESIGNATED BY THE MEMBERSHIP OR OTHER AUTHORIZED BODY OF THE CHURCH TO CONDUCT THE WORSHIP SERVICE THAT DAY (THE "OFFICIATING MINISTER"); AND AT LEAST FIFTEEN DAYS BEFORE THE MEETING FOR INCORPORATION, A COPY OF SUCH NOTICE SHALL BE POSTED AT THE PLACE OF WORSHIP.

S 484. MEETING FOR INCORPORATION. 1. AT THE MEETING FOR INCORPORATION HELD IN PURSUANCE OF SUCH NOTICE, ONLY QUALIFIED VOTERS SHALL BE ELIGIBLE TO VOTE.

2. THE PRESENCE OF ONE-THIRD OF THE QUALIFIED VOTERS OR SIX QUALIFIED VOTERS, WHICHEVER NUMBER IS HIGHER, SHALL BE NECESSARY TO CONSTITUTE A QUORUM OF SUCH MEETING. THE ACTION OF THE MEETING UPON ANY MATTER OR QUESTION SHALL BE DECIDED BY A MAJORITY OF THE QUALIFIED VOTERS PRESENT.

3. THE MINISTER OF THE CHURCH, OR IF NONE, THE OFFICIATING MINISTER, SHALL ACT AS PRESIDING OFFICER OF THE MEETING TO INCORPORATE. THE PRESIDING OFFICER SHALL CALL THE MEETING TO ORDER AND SHALL BE THE JUDGE OF THE QUALIFICATION OF VOTERS.

4. SUCH MEETING SHALL DECIDE BY BALLOT WHETHER THE CHURCH SHALL BE INCORPORATED, THE NAME OF THE PROPOSED CORPORATION, THE NAMES OF THE INITIAL TRUSTEES, AND THE DATE, NOT MORE THAN FIFTEEN MONTHS THEREAFTER, ON WHICH THE FIRST ANNUAL ELECTION OR AFFIRMATION OF THE TRUSTEES THEREOF AFTER SUCH MEETING SHALL BE HELD. THE TRUSTEES SHALL HOLD OFFICE UNTIL THEIR SUCCESSORS ARE ELECTED OR AFFIRMED.

5. AT THE MEETING FOR INCORPORATION, A CONSTITUTION AND BY-LAWS SHALL BE ADOPTED SETTING FORTH A FORM OF CHURCH GOVERNANCE THAT IS CONSISTENT WITH SECTION FOUR HUNDRED EIGHTY-FIVE OF THIS ARTICLE.

S 485. CHURCH GOVERNANCE. 1. A CHURCH INCORPORATED UNDER THIS SECTION SHALL PROVIDE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR TRUSTEES TO BE ELECTED OR APPOINTED AT LARGE, OR BY VIRTUE OF THEIR OFFICE. THERE SHALL BE A MINIMUM OF THREE TRUSTEES. TO THE EXTENT PRACTICABLE, TERMS OF OFFICE SHALL BE FOR THREE YEARS AND STAGGERED. TERMS MAY BE CONSECUTIVE.

2. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR OFFICERS OF THE CORPORATION TO BE ELECTED OR APPOINTED AT LARGE OR BY VIRTUE OF THEIR OFFICE. THE PRESIDENT AND SECRETARY SHALL NOT BE THE SAME PERSON. TO THE EXTENT PRACTICABLE, TERMS OF OFFICE SHALL BE FOR THREE YEARS AND STAGGERED. TERMS MAY BE CONSECUTIVE.

3. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR SPIRITUAL OVERSIGHT OF THE CHURCH BY AN ELDERSHIP BOARD OR A SENIOR IMAM, MOULVI, MAULANA OR SOME COMBINATION OF THE ABOVE. TERMS OF OFFICE MAY BE DEFINITE OR INDEFINITE AS THE BY-LAWS MAY SPECIFY.

4. PROVISION SHALL ALSO BE MADE IN ITS CERTIFICATE OF INCORPORATION OR BY-LAWS FOR PERIODIC AFFIRMATION OF APPOINTIVE POSITIONS BY A DESIGNATED BODY OR BOARD.

S 486. CERTIFICATE OF INCORPORATION. 1. IF AT THE MEETING FOR INCORPORATION IT SHALL BE DECIDED THAT SUCH UNINCORPORATED CHURCH SHALL BECOME INCORPORATED, THE PRESIDING OFFICER OF THE MEETING AND TWO OTHERS SHALL EXECUTE AND ACKNOWLEDGE A CERTIFICATE OF INCORPORATION, IN WHICH SHALL BE STATED THE NAME OR TITLE BY WHICH SUCH BODY SHALL BE KNOWN IN THE LAW; THE PURPOSE OF ITS ORGANIZATION; THE NAMES AND ADDRESSES OF THE INITIAL TRUSTEES, THE COUNTY, TOWN OR CITY IN WHICH ITS PRINCIPAL PLACE OF WORSHIP IS OR IS INTENDED TO BE LOCATED; AND A STATEMENT THAT THE CHURCH IS IN AFFILIATION WITH THE ISLAMIC FAITH.

2. ON FILING SUCH CERTIFICATE IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY IN WHICH THE PRINCIPAL OFFICE OR PLACE OF WORSHIP OF THE CORPORATION IS OR IS INTENDED TO BE LOCATED, SUCH CHURCH SHALL BE A CORPORATION BY THE NAME STATED IN THE CERTIFICATE OF INCORPORATION.

S 487. REINCORPORATION OF PRESENT INCORPORATED CHURCHES. 1. ANY CHURCH HERETOFORE INCORPORATED MAY, SUBJECT TO RESTRICTIONS AND LIMITATIONS OF EXISTING LAWS, REINCORPORATE UNDER THE PROVISIONS OF THIS ARTICLE, BY FILING IN THE COUNTY CLERK'S OFFICE IN THE COUNTY IN WHICH ITS PRINCIPAL PLACE OF WORSHIP IS LOCATED, A CERTIFICATE, SIGNED AND ACKNOWLEDGED BY ALL THE TRUSTEES OF SAID CHURCH IN OFFICE AT THE TIME OF SUCH REINCORPORATION, SETTING FORTH THAT THE SAID CHURCH BY A MAJORITY VOTE OF THE MEMBERS PRESENT AT A DULY CALLED MEETING OF THE MEMBERSHIP, AS DETERMINED BY THE BY-LAWS OF THE EXISTING CORPORATION, DESIRES TO REINCORPORATE UNDER THE PROVISIONS OF THIS ARTICLE. SUCH CERTIFICATE SHALL SET FORTH THOSE ITEMS SPECIFIED IN SECTION FOUR HUNDRED EIGHTY-SIX OF THIS ARTICLE.

2. THE REINCORPORATED CORPORATION SHALL BE DEEMED A CONTINUATION OF THE PREVIOUSLY ORGANIZED CORPORATION, BUT THEREAFTER IT SHALL HAVE ONLY SUCH RIGHTS AND POWERS AND BE SUBJECT ONLY TO SUCH OBLIGATIONS AS ANY CORPORATION CREATED UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL PROPERTY RIGHTS AND LIABILITIES OF THE PREVIOUSLY ORGANIZED CORPORATION SHALL BE VESTED IN AND ASSUMED BY THE REINCORPORATED CORPORATION. THE CORPORATE BY-LAWS AND OFFICERS OF THE REINCORPORATED CORPORATION SHALL BE THE SAME AS THOSE OF ITS PREDECESSOR UNTIL CHANGED PURSUANT TO THE SAID BY-LAWS, PROVIDED THEY CONFORM TO THE PROVISIONS OF SECTION FOUR HUNDRED EIGHTY-FIVE OF THIS ARTICLE.

S 488. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS. 1. THE BY-LAWS SHALL MAKE PROVISION FOR AN ANNUAL CORPORATE MEETING AND FOR GIVING APPROPRIATE NOTICE TO EACH VOTING MEMBER OF THE DATE AND PLACE OF EACH SUCH MEETING.

2. NOTICES OF ANY SPECIAL MEETING SHALL STATE THE PURPOSE OR PURPOSES FOR WHICH THE MEETING IS CALLED AND NO BUSINESS SHALL BE TRANSACTED AT SUCH SPECIAL MEETING EXCEPT THAT CONTAINED IN SUCH NOTICE.

S 489. CORPORATE MEETINGS. 1. EACH CHURCH SHALL DETERMINE THE REQUIREMENTS FOR A QUORUM IN THEIR BY-LAWS THAT SHALL NOT EXCEED FIFTY PERCENT OF THE MEMBERS.

2. THE ACTION OF THE MEETING UPON ANY MATTER OR QUESTION SHALL BE DECIDED IN A MANNER PROVIDED BY THE BY-LAWS.

3. THE PRESIDING OFFICER OF ANY MEETING SHALL BE THE SENIOR IMAM, MOULVI OR MAULANA OF THE CHURCH OR IF NONE, AS SHALL BE SET FORTH IN THE BY-LAWS OF THE CHURCH.

S 5. This act shall take effect immediately.