

8122

2015-2016 Regular Sessions

I N A S S E M B L Y

June 9, 2015

Introduced by M. of A. BRENNAN -- read once and referred 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:

1 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:

2 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.

3 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.

468. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS.

469. CORPORATE MEETINGS.

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

LBD01928-01-5

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

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

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

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

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

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

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

41 S 464. MEETING FOR INCORPORATION. 1. AT THE MEETING FOR INCORPORATION
42 HELD IN PURSUANCE OF SUCH NOTICE, ONLY QUALIFIED VOTERS SHALL BE ELIGI-
43 BLE TO VOTE.

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

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

52 4. SUCH MEETING SHALL DECIDE BY BALLOT WHETHER THE CHURCH SHALL BE
53 INCORPORATED, THE NAME OF THE PROPOSED CORPORATION, THE NAMES OF THE
54 INITIAL TRUSTEES, AND THE DATE, NOT MORE THAN FIFTEEN MONTHS THEREAFTER,
55 ON WHICH THE FIRST ANNUAL ELECTION OR AFFIRMATION OF THE TRUSTEES THERE-

1 OF AFTER SUCH MEETING SHALL BE HELD. THE TRUSTEES SHALL HOLD OFFICE
2 UNTIL THEIR SUCCESSORS ARE ELECTED OR AFFIRMED.

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

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

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

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

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

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

33 2. ON FILING SUCH CERTIFICATE IN THE OFFICE OF THE COUNTY CLERK OF THE
34 COUNTY IN WHICH THE PRINCIPAL OFFICE OR PLACE OF WORSHIP OF THE CORPO-
35 RATION IS OR IS INTENDED TO BE LOCATED, SUCH CHURCH SHALL BE A CORPO-
36 RATION BY THE NAME STATED IN THE CERTIFICATE OF INCORPORATION.

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

49 2. THE REINCORPORATED CORPORATION SHALL BE DEEMED A CONTINUATION OF
50 THE PREVIOUSLY ORGANIZED CORPORATION, BUT THEREAFTER IT SHALL HAVE ONLY
51 SUCH RIGHTS AND POWERS AND BE SUBJECT ONLY TO SUCH OBLIGATIONS AS ANY
52 CORPORATION CREATED UNDER THIS ARTICLE, PROVIDED, HOWEVER, THAT ALL
53 PROPERTY RIGHTS AND LIABILITIES OF THE PREVIOUSLY ORGANIZED CORPORATION
54 SHALL BE VESTED IN AND ASSUMED BY THE REINCORPORATED CORPORATION. THE
55 CORPORATE BY-LAWS AND OFFICERS OF THE REINCORPORATED CORPORATION SHALL
56 BE THE SAME AS THOSE OF ITS PREDECESSOR UNTIL CHANGED PURSUANT TO THE

1 SAID BY-LAWS, PROVIDED THEY CONFORM TO THE PROVISIONS OF SECTION FOUR
2 HUNDRED SIXTY-FIVE OF THIS ARTICLE.

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

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

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

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

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

18 S 3. The religious corporations law is amended by adding a new article
19 23 to read as follows:

20 ARTICLE 23

21 ORGANIZATIONS OF THE SIKH FAITH

22 SECTION 470. APPLICATION.

23 471. APPLICATION FOR INCORPORATION.

24 472. QUALIFICATION OF VOTERS.

25 473. NOTICE OF MEETING FOR INCORPORATION.

26 474. MEETING FOR INCORPORATION.

27 475. CHURCH GOVERNANCE.

28 476. CERTIFICATE OF INCORPORATION.

29 477. REINCORPORATION OF PRESENT INCORPORATED CHURCHES.

30 478. TIME, PLACE AND NOTICE OF CORPORATE MEETINGS.

31 479. CORPORATE MEETINGS.

32 S 470. APPLICATION. 1. THIS ARTICLE APPLIES TO ANY UNINCORPORATED
33 CHURCH AFFILIATED WITH THE SIKH FAITH, AND TO ANY HERETOFORE INCORPO-
34 RATED CHURCH OR BODY, SO AFFILIATED, WHICH DESIRES TO REINCORPORATE
35 PURSUANT TO THIS ARTICLE. INDEPENDENT CHURCHES MAY INCORPORATE OR REIN-
36 CORPORATE UNDER THIS ARTICLE IN THE MANNER PROVIDED IN SECTIONS FOUR
37 HUNDRED SEVENTY-ONE AND FOUR HUNDRED SEVENTY-SEVEN OF THIS ARTICLE, AND
38 ALL THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO SUCH CHURCHES AS THE
39 CONTEXT REQUIRES.

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

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

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

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

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

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

18 S 474. MEETING FOR INCORPORATION. 1. AT THE MEETING FOR INCORPORATION
19 HELD IN PURSUANCE OF SUCH NOTICE, ONLY QUALIFIED VOTERS SHALL BE ELIGI-
20 BLE TO VOTE.

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

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

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

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

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

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

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

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

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

10 2. ON FILING SUCH CERTIFICATE IN THE OFFICE OF THE COUNTY CLERK OF THE
11 COUNTY IN WHICH THE PRINCIPAL OFFICE OR PLACE OF WORSHIP OF THE CORPO-
12 RATION IS OR IS INTENDED TO BE LOCATED, SUCH CHURCH SHALL BE A CORPO-
13 RATION BY THE NAME STATED IN THE CERTIFICATE OF INCORPORATION.

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

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

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

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

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

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

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

51 S 4. The religious corporations law is amended by adding a new article
52 24 to read as follows:

53 ARTICLE 24

54 ORGANIZATIONS OF THE ISLAMIC FAITH

55 SECTION 480. APPLICATION.

56 481. 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.

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

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

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

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

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

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

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

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

41 2. ON FILING SUCH CERTIFICATE IN THE OFFICE OF THE COUNTY CLERK OF THE
42 COUNTY IN WHICH THE PRINCIPAL OFFICE OR PLACE OF WORSHIP OF THE CORPO-
43 RATION IS OR IS INTENDED TO BE LOCATED, SUCH CHURCH SHALL BE A CORPO-
44 RATION BY THE NAME STATED IN THE CERTIFICATE OF INCORPORATION.

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

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

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

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

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

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

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

26 S 5. This act shall take effect immediately.