A 8520 O'Donnell  Same as S 5857 RULES
Governor Program # 24
Domestic Relations Law
TITLE....Relates to the ability to marry; amends a chapter of the laws of 2011, as proposed in legislative bill number A. 8354, in relation to the statutory construction of such chapter

Currently on Assembly Committee Agenda
Judiciary (WEINSTEIN)
OFF THE FLOOR, Friday, June 24, 2011

Currently on Assembly Committee Agenda
Rules (SILVER)
OFF THE FLOOR, Friday, June 24, 2011

ROOM 342 CAP
06/24/11 referred to judiciary
06/24/11 reported referred to rules
06/24/11 reported
06/24/11 rules report cal.631
06/24/11 ordered to third reading rules cal.631
06/24/11 message of necessity - 3 day message
06/24/11 passed assembly
06/24/11 delivered to senate
06/24/11 ORDERED TO THIRD READING
CAL.1548
06/24/11 MESSAGE OF NECESSITY
06/24/11 PASSED SENATE
06/24/11 RETURNED TO ASSEMBLY
06/24/11 delivered to governor
06/24/11 signed chap.96
STATE OF NEW YORK

8520

2011-2012 Regular Sessions

IN ASSEMBLY

June 24, 2011

Introduced by M. of A. O’DONNELL -- (at request of the Governor) -- read once and referred to the Committee on Judiciary

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:

Section 1. Section 10-b of the domestic relations law, as added by 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the domestic relations law relating to the ability to marry, as proposed in legislative bill number A. 8354, is REPEALED and a new section 10-b is added to read as follows:

§ 10-b. Religious exception. 1. Notwithstanding any state, local or municipal law, rule, regulation, ordinance, or other provision of law to the contrary, a religious entity as defined under the education law or section two of the religious corporations law, or a corporation incorporated under the benevolent orders law or described in the benevolent orders law but formed under any other law of this state, or a not-for-profit corporation operated, supervised, or controlled by a religious corporation, or any employee thereof, being managed, directed, or supervised by or in conjunction with a religious corporation, benevolent order, or a not-for-profit corporation as described in this subdivision, shall not be required to provide services, accommodations, advantages, facilities, goods, or privileges for the solemnization or celebration of a marriage. Any such refusal to provide services, accommodations, advantages, facilities, goods, or privileges shall not create any civil claim or cause of action or result in any state or local government action to penalize, withhold benefits, or discriminate against such religious corporation, benevolent order, a not-for-profit corporation operated,

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

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supervised, or controlled by a religious corporation, or any employee
thereof being managed, directed, or supervised by or in conjunction with
a religious corporation, benevolent order, or a not-for-profit corpo-
ration.

2. Notwithstanding any state, local or municipal law or rule, regu-
lation, ordinance, or other provision of law to the contrary, nothing in
this article shall limit or diminish the right, pursuant to subdivision
eleven of section two hundred ninety-six of the executive law, of any
religious or denominational institution or organization, or any organ-
ization operated for charitable or educational purposes, which is oper-
ated, supervised or controlled by or in connection with a religious
organization, to limit employment or sales or rental of housing accommo-
dations or admission to or give preference to persons of the same reli-
gion or denomination or from taking such action as is calculated by such
organization to promote the religious principles for which it is estab-
lished or maintained.

3. Nothing in this section shall be deemed or construed to limit the
protections and exemptions otherwise provided to religious organizations
under section three of article one of the constitution of the state of
New York.

§ 2. Subdivision 1-a of section 11 of the domestic relations law, as
added by 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, is amended to read as follows:

1-a. A refusal by a clergyman or minister as defined in section two of
the religious corporations law, or Society for Ethical Culture leader to
solemnize any marriage under this subdivision shall not create a civil
claim or cause of action or result in any state or local government
action to penalize, withhold benefits or discriminate against such cler-
gyman or minister.

§ 3. 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, is amended by adding a new section 5-a to read as
follows:

§ 5-a. This act is to be construed as a whole, and all parts of it are
to be read and construed together. If any part of this act shall be
adjudged by any court of competent jurisdiction to be invalid, the
remainder of this act shall be invalidated. Nothing herein shall be
construed to affect the parties' right to appeal the matter.

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