

CHAPTER 235 LAWS OF N. J. 1968

APPROVED 7-31-68

SENATE, No. 782

STATE OF NEW JERSEY

INTRODUCED MAY 20, 1968

By Senators STOUT, CRABIEL and WHITE

(Without Reference)

AN ACT concerning The United Methodist Church, supplementing Title 16 of the Revised Statutes, and repealing chapters 9 and 10 of Title 16 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. When so authorized and directed by the charge conference of
2 any unincorporated local church duly organized in accordance with
3 the Discipline of The United Methodist Church, the board of
4 trustees may incorporate, or if incorporated may reincorporate,
5 such church in the following manner:

6 a. Pursuant to a resolution adopted by such board of trustees, a
7 meeting of the membership of such church shall be called by notice
8 in writing signed by the president or secretary of such board.
9 Such notice shall state that at a specified date, time and place a
10 meeting will be held for the purpose of incorporating or rein-
11 corporating such church, selecting a name therefor and electing
12 trustees thereof. Such notice shall be posted conspicuously at the
13 main entrance of the usual place of worship at least 10 days prior
14 to the date of such meeting, and shall be read at each of the 2
15 morning services of worship, at least 1 week apart, preceding the
16 date of such meeting.

17 b. At such meeting the district superintendent, or by his written
18 designation the pastor, shall preside, and a secretary shall be
19 elected to record the proceedings.

20 c. If at such meeting the members present and voting shall
21 determine by resolution to incorporate or reincorporate such
22 church, they shall similarly determine the name of the incorporated
23 church and the number of its trustees which shall be 3, 6 or 9. Such
24 members shall elect the number of trustees, decided upon, which
25 trustees shall be not less than 21 years of age, and $\frac{2}{3}$ of whom
26 shall be full members of The United Methodist Church. One-third

27 of such trustees shall be elected to hold office until the end of the
28 annual conference year in which elected, $\frac{1}{3}$ until the end of the
29 next succeeding annual conference year, and $\frac{1}{3}$ until the end of
30 the second succeeding annual conference year.

1 2. Whenever a local church of The United Methodist Church
2 shall have resolved to incorporate or reincorporate at a meeting
3 held for such purpose, as provided by section 1 of this act, the duly
4 elected trustees shall execute and acknowledge, before any person
5 authorized to take acknowledgement of deeds, a certificate of in-
6 corporation setting forth:

7 a. The place and date of such meeting;

8 b. The name of the incorporated church and the municipality
9 and county in which it is located;

10 c. The names and respective periods of office of the trustees
11 elected;

12 d. A statement that the members of the corporation shall be the
13 members of the charge conference of such church as constituted in
14 accordance with the Discipline of The United Methodist Church;

15 e. A statement that the corporation shall support the doctrine,
16 and it, and all its property, both real and personal shall be subject
17 to the laws, usages, and ministerial appointments of The United
18 Methodist Church as are now or shall be from time to time estab-
19 lished, made, and declared by the lawful authority of The United
20 Methodist Church; and

21 f. The approval of the district superintendent of that district of
22 the annual conference in which such local church is located.

23 Upon the filing of such certificate in the office of the clerk of
24 the county in which such local church is located and in the office of
25 the Secretary of State, such local church shall be a corporation by
26 the name stated in such certificate, and the persons therein stated
27 to be the elected trustees of such incorporated local church shall
28 be authorized to serve for the terms for which they were elected
29 and until their successors have been duly elected and qualified.

1 3. Any society, conference, board, association or other organiza-
2 tion connected with The United Methodist Church may incorporate,
3 or if incorporated may reincorporate, in the following manner:

4 a. At least 10 days notice shall be given to the members stating
5 that at a specified date, time and place a meeting will be held for
6 the purpose of incorporating or reincorporating such organization,
7 selecting a name therefor and electing trustees thereof to serve as
8 directors of the corporation. Such notice shall be in writing and
9 signed by at least 6 of such members.

10 b. If at such meeting the members present and voting shall
11 determine by resolution to incorporate or reincorporate such or-
12 ganization, they shall similarly determine the name of the corpora-
13 tion, and the number and terms of office of the trustees. Such
14 members shall elect the number of trustees so determined, and
15 shall provide for the time and place of the annual corporate meet-
16 ing at which the annual election of trustees will be held.

17 c. The duly elected trustees of such organization shall execute
18 and acknowledge, before any person authorized to take acknowledg-
19 ment of deeds, a certificate of incorporation setting forth the name
20 of the corporation, the names of the trustees and their terms of
21 office, and such other provisions as adopted by vote of the members
22 at such meeting to govern the business of the corporation. Upon
23 the filing of such certificate in the office of the Secretary of State
24 such organization shall be a corporation by the name stated in
25 such certificate.

1 4. Any local church of, or any other organization connected with,
2 The United Methodist Church now or hereafter incorporated may
3 alter or amend its certificate of incorporation in the same manner
4 as provided by this act for the incorporation of a local church or
5 of such other organization; provided, however, that the notice of
6 meeting shall state the alterations or amendments to be considered;
7 and provided, further, that no alteration or amendment shall be
8 inconsistent with the provisions of this act or the Discipline of
9 The United Methodist Church. Any such alteration or amendment
10 shall become operative when an amended certificate of incorpora-
11 tion has been executed and filed as provided by this act for an
12 original certificate of incorporation.

1 5. The by-laws of any local church of, or of any other organiza-
2 tion connected with, The United Methodist Church shall include
3 the Discipline of The United Methodist Church as from time to
4 time enacted, authorized, and declared by its general conference,
5 and no other by-law shall be adopted inconsistent with the pro-
6 visions of such Discipline.

1 6. An incorporated local church of, or other incorporated or-
2 ganization connected with, The United Methodist Church shall
3 have such powers as may be granted to and provided for a religious
4 corporation under the laws of this State.

1 7. The board of trustees of any local church of The United
2 Methodist Church shall consist of 3, 6 or 9 members, as may be
3 provided by the certificate of incorporation, each of whom shall be
4 not less than 21 years of age, and at least $\frac{2}{3}$ of whom shall be full
5 members of The United Methodist Church. The members of the

6 board of trustees shall be divided into 3 classes, each class having
7 an equal number of members, and the terms of office of one class
8 shall expire at the end of each annual conference year.

9 An election of trustees of a local church of The United Methodist
10 Church shall be held annually at a meeting of the charge conference.
11 Trustees shall be elected by the charge conference unless the
12 charge conference shall have previously ordered that election shall
13 be by the membership of the church. At least 10 days notice of
14 the time and place of meeting for election of trustees shall be given
15 to the members of the church in writing or from the pulpit or in
16 the weekly bulletin. Such notice shall be given by the pastor or
17 the charge conference or the district superintendent, and shall
18 state the names of those trustees whose successors are to be elected.

19 Trustees shall be elected to succeed those whose terms expire at
20 the end of the annual conference year in which such meeting is
21 held, and to fill a vacancy or vacancies in any other class which
22 has occurred since the last annual election; provided, however,
23 that a trustee may be elected to succeed himself. The persons
24 elected shall take office at the beginning of the ensuing annual
25 conference year, to serve for a term of 3 years or until their
26 successors have been duly elected and qualified; but any trustee
27 elected to fill a vacancy shall serve only for the term of such
28 vacancy.

29 Any vacancy in the board of trustees of a local church of The
30 United Methodist Church may be filled until the next annual elec-
31 tion by the charge conference of such church at any regular or
32 special meeting.

1 8. The trustees of an incorporated local church of The United
2 Methodist Church shall be the directors of the corporation, and
3 shall have the custody and control of all the temporalities and
4 property belonging to the corporation, and shall administer the
5 same in accordance with the Discipline, rules and usages of The
6 United Methodist Church and with the provisions of law relating
7 thereto. The trustees shall be responsible to the charge conference
8 of such church, and shall annually report in writing to the charge
9 conference upon those items required by the Discipline of The
10 United Methodist Church. The trustees shall not prevent or in-
11 terfere with the pastor or other duly authorized ministers of The
12 United Methodist Church in the use of the property of such church
13 for religious services or other proper meetings recognized by the
14 Discipline and usage of The United Methodist Church.

1 9. Any 2 or more local churches of The United Methodist Church
2 in this State may resolve to merge and become a single church in

3 accordance with a plan of merger proposed by the charge conference
4 of each of the merging churches. The terms and conditions of
5 such plan shall be stated in a resolution of each such charge
6 conference adopted by a majority vote of the members having a
7 right to vote who are present at a meeting of said members. Such
8 resolution, which shall include the name under which such merger
9 shall take place, shall be submitted to a meeting of the members
10 of each merging church, called by the pastor or the charge con-
11 ference or the district superintendent, provided that not less than
12 10 days notice of each meeting and its main purpose shall be given
13 to the members of each church in writing or from the pulpit or in
14 the weekly bulletin.

15 If a majority of the members of each church having the right to
16 vote, who are present and vote at such meetings, consent thereto,
17 a certificate thereof shall be made, executed and verified by the
18 chairman and secretary of each such meeting, and approved by
19 the district superintendent or superintendents. The certificates as
20 so executed, verified and approved on behalf of each of the merging
21 churches shall be filed in the office of the clerk of the county or
22 counties where such churches are located and in the office of the
23 Secretary of State. Thereupon such churches shall be merged,
24 and the merged church shall, by the name so adopted, be entitled
25 to and invested with all the real and personal property, rights,
26 powers, privileges and franchises belonging to each church so
27 merging, subject to all its debts, obligations and liabilities.

28 Title to the church property of the merging churches shall be
29 held in the trustees of the merged church elected in accordance
30 with the provisions of this act.

1 10. Any real property owned by a local church of The United
2 Methodist Church, or in which such local church has an interest,
3 shall be held, used, kept and maintained by such local church
4 subject to the Discipline and usage of The United Methodist
5 Church as from time to time authorized and declared by the general
6 conference and by the annual conference within whose bounds such
7 property is located.

8 Any such real property may be sold, transferred or mortgaged
9 by such local church only in accordance with the following pro-
10 cedure and conditions :

11 a. Notice of the proposed action, and the date, time and place
12 of a meeting at which it is to be considered, shall be given to the
13 members of such church in writing or from the pulpit or in the
14 weekly bulletin at least 10 days prior to such meeting. Such

15 notice shall be given by the pastor, the charge conference or the
16 district superintendent.

17 b. A resolution authorizing the proposed action shall be pre-
18 sented to the charge conference of such church. If adopted, such
19 resolution shall be presented for adoption by the members of such
20 church; provided, however, that a vote by the members of the
21 church shall not be required for the sale of property which was
22 conveyed to such church for sale and use of the proceeds for a
23 specific purpose.

24 c. Such resolution shall authorize and direct the board of trustees
25 of such church to take all necessary steps to carry out the action
26 authorized, and to cause to be executed any written instruments
27 required therefor.

28 d. The board of trustees, at any regular or special meeting, shall
29 take the action so directed and authorized, and adopt such resolu-
30 tions as may be necessary or required by law.

31 e. Written consent to the proposed action by the pastor of such
32 local church and the district superintendent shall be required, and
33 shall be affixed to the instrument of sale, conveyance, transfer or
34 mortgage.

1 11. The real estate on which a church building or parsonage of a
2 local church of The United Methodist Church is located shall not be
3 mortgaged or encumbered to provide for the current expense of
4 such church, nor shall the principal of the proceeds of the sale of
5 any such property be so used.

1 12. The written acknowledged consent by the appropriate district
2 superintendent to any sale, conveyance or transfer of real property
3 by a local church of, or by an organization connected with, The
4 United Methodist Church shall constitute a release and discharge
5 of such property from any right, title or interest of The United
6 Methodist Church, and in the case of a mortgage such consent shall
7 constitute a formal recognition of the priority of the mortgage
8 lien, whether or not the deed of conveyance to such local church
9 or organization contained a trust clause in favor of The United
10 Methodist Church.

1 13. All real and personal property belonging to or held in trust
2 for any local church of The United Methodist Church that has or
3 shall become abandoned shall vest in and become the property of
4 that annual conference of The United Methodist Church in which
5 such local church was located. This section shall not affect the
6 reversion or interest of any person in such property.

7 A local church of The United Methodist Church shall be regarded
8 as abandoned when its membership is so reduced that it has not

9 sufficient members to fill its offices, and when it has ceased to hold
 10 its regular meetings and to keep its relation with any charge having
 11 regular connection with an annual conference of The United
 12 Methodist Church for a period of 2 consecutive years.

13 The annual conference of The United Methodist Church in which
 14 any such abandoned local church was located may, in pursuance
 15 of a resolution by it, sell the property of any such abandoned local
 16 church and convey the same to the purchaser by deed in its corpo-
 17 rate name.

1 14. To be qualified to vote at a meeting of the charge conference,
 2 or at a meeting of the membership of a local church of, or organiza-
 3 tion connected with, The United Methodist Church, when such
 4 meeting is held for the purpose of incorporation, alteration or
 5 amendment of the certificate of incorporation, merger, election of
 6 trustees, or any action relating to the property of such church or
 7 organization, a person shall be a full member of such church or
 8 organization who is not less than 21 years of age. The presiding
 9 officer of any such meeting shall be the judge of the qualifications
 10 of voters, subject to appeal to the vote of the members present
 11 whose qualifications are not challenged. Such presiding officer shall
 12 receive the votes cast and declare the result of same.

13 Unless otherwise provided by this act, or by the certificate of
 14 incorporation or the by-laws of such local church or organization,
 15 elections and approval of actions shall be by a majority vote of the
 16 qualified voters present and voting. In elections of trustees a
 17 written individual ballot shall be used if so directed by vote of the
 18 members present, but cumulative voting shall be prohibited.

1 15. Chapters 9 and 10 of Title 16 of the Revised Statutes are
 2 repealed.

1 16. This act shall take effect immediately.

STATEMENT

On April 23, 1968 The Methodist Church and The Evangelical
 United Brethren Church united to form The United Methodist
 Church, as a result of which the former denominations will be
 subject to a common organization and polity. The purpose of this
 bill is to supplement the statutes pertaining to religious corpora-
 tions in order that there may be consistency between State law
 and the Discipline of The United Methodist Church.