

## **CHAPTER VII**

### **THE TEMPORAL GOODS OF THE CHURCH**

“To pursue its proper purposes, the Catholic Church by innate right is able to acquire, retain, administer, and alienate temporal goods independently from civil power. The proper purposes are principally: to order divine worship, to care for the decent support of the clergy and other ministers, and to exercise works of the sacred apostolate and of charity, especially toward the needy” (can. 1254).

#### **SECTION I: ADMINISTRATION OF ECCLESIASTICAL PROPERTY**

**243**    §1. In the Diocese of Bismarck, each parish and institution subject to the jurisdiction of the Diocesan Bishop shall be organized according to the civil laws of the State of North Dakota as distinct nonprofit entities.

          §2. The organizing documents of these distinct nonprofit entities have the same force of law as these statutes.

          §3. The organizing documents of non-parish Diocesan entities shall be prepared and adopted on an *ad hoc* basis and shall be approved by Diocesan legal counsel in writing prior to organization.

**244**    Each entity is to be administered in full compliance with the provisions of Canon Law, the Synodal Statutes of this Diocese, and the civil laws of the State of North Dakota.

**245**    Responsibility for the administration of ecclesiastical property shall be vested in the pastor of a parish, or those equivalent in law, who have been appointed by the Diocesan Bishop.

**246**    §1. Ownership of property and furnishings in the buildings and on the grounds of a parish or Diocesan institution shall be deemed to be vested in the appropriate entity unless private ownership is previously and specifically declared in writing and is on file at the Chancery and at the institution or parish.

          §2. Donations from the faithful or from any society or organization for use in a parish or Diocesan institution are to be considered property of the appropriate entity. A priest or, in the event of his death, his heirs, may not remove or claim such property.

          §3. Before beginning their function, pastors and administrators have a duty to prepare and sign an accurate and clear canonical inventory in accord with can. 1283 which shall be updated annually.

**247 §1.** No entity may legitimately be founded under civil law which bears the name Catholic or represents itself as Catholic or is in any way sponsored by a parish or institution of this Diocese without the express prior written approval of the Diocesan Bishop.

**§2.** Priests are forbidden to accept membership in organizations without prior written permission of the Diocesan Bishop or his delegate.

**248 §1.** All deeds shall first be recorded with the Recorder for the County in which the real estate described in each deed is situated, and then shall be sent to the Chancery together with Abstracts and Title Insurance Policies for permanent filing.

**§2.** Abstracts of Title or Title Insurance Policies for all real estate must evidence marketable title.

**249** An accurate set of financial books which are kept posted and which show all receipts and expenditures shall be maintained for each entity, according to the specific directions of the Diocesan Bishop and in compliance with civil laws. All parishes and trustee corporations are to use the currently adopted common software.

**250** All property, including all buildings with their furnishings, must be included in the Diocesan property and liability insurance program. All pastors, parochial administrators, and others designated to administer Diocesan property must keep current with insurance premium payments. They are to inform the insurance carrier of changes which measurably affect the appraised value of their property and also follow prudent maintenance and repairs along with all prescribed directives as they are published.

**251** For each expenditure, including any combination of expenditures for the same purpose, exceeding \$10,000, the appropriate Diocesan regulations must be followed as found in the Building Policy (Appendix 26) of the Diocese of Bismarck, the Resolution Policy of the Diocese of Bismarck (Appendix 29) and the Diocese of Bismarck Contract Review Policy, which can be found on the Diocesan website. (Appendix 37)

**252 §1.** All parishes must put excess operating funds of more than 90 days on deposit with the Parish Expansion Fund (Appendix 30) and must be invested according to the Current Deposit Policy found on the Diocesan website. This includes general savings accounts and restricted savings accounts. This does not apply to Foundation accounts.

**§2.** Long term or excess funds not needed for three years or more may be invested with The Catholic Foundation of Western North Dakota (hereafter Foundation) in an agency account.

**253** All entities seeking financing for a capital project will include the request for financing as part of the Resolution Policy as referenced in Statute 251. The financing request will be reviewed by and is the primary responsibility of the Parish Expansion Fund Board in accordance with the Diocese of Bismarck Parish Expansion Fund Loan Policy and Guidelines found on the Diocesan website. Requests may also be made directly to the Diocesan Finance Council for non-parish entities.

## **SECTION II: PARISH ADMINISTRATION**

**254 §1.** Each entity is to complete the following annual reports and submit them to the Diocesan Bishop on the respective Diocesan forms, which are found on the Diocesan website, on or before September 30th of each fiscal year:

- 1° Statement of Financial Position;
- 2° Statement of Financial Activities;
- 3° Financial Statement Certification;
- 4°; Canonical Inventory;
- 5° Annual Statistical Report, with the names of each member of the appropriate entities' Finance Council;
- 6° Financial Review Verification Report, with the signatures of the Pastor, and Finance Council members, following the Parish Account and Financial Control Guidelines and including a listing of the dates when the appropriate entities' Finance Council met in the preceding fiscal year and since the end of that fiscal year;
- 7° Budget for the recently completed fiscal year and for the next fiscal year with an attestation that the appropriate entity's Finance Council has reviewed and discussed with the Pastor the aforementioned budgets.

**§2.** The monitoring of compliance with this Statute is the responsibility of the Diocese's Office of Parish Resources under the Fiscal Office and is validated by the Diocese's Internal Auditor who reports to the Diocesan Bishop and the Vicar General/Moderator of the Curia.

**255 §1.** No pastor or parochial administrator may grant signature authority to other persons as signers on any financial account. (Appendix 31)

**§2.** The signature of the pastor must be on the checking account of any parish society using the parish name and tax ID number. The pastor need not, however, sign the checks but he must receive a copy of the monthly account summary.

**256 §1.** Pastors are to see that an Annual Financial Activities Report shall be published and made available to each parishioner for each parish on or before October 1st of each fiscal year.

**§2.** Pastors are to send a copy of the published financial report to the Chancery with the required annual reports mentioned in Statute 254. Sample reports are found on the Diocesan website.

**257 §1.** The Diocese of Bismarck will perform a financial review of both the parish and trustee corporation which will consist of reviewing financial best practices. This will be done on a scheduled basis or when deemed necessary and will include all organizations operating under the federal tax ID of the parish and trustee corporation. The questionnaires involved, which are found on the Diocesan website, will be the following:

- 1° Financial & Internal Control Review Questionnaire;
- 2° Mass Stipend and Stole Fee Questionnaire;
- 3° Concern Questionnaire.

**§2.** Catholic schools and school systems within the Diocese of Bismarck will receive an annual financial audit by a third-party vendor. This will be done on a scheduled basis, or when deemed necessary by the Diocesan Bishop.

**258** The Bishop of Bismarck will communicate the annual housing allowance for the upcoming calendar year, prior to the beginning of each calendar year. (Appendix 32)

**259** The Christian faithful have a strict obligation to assist with the regular and sufficient financial support that enables the pastor to pay the ordinary expenses of parochial administration from ordinary revenue.

### **SECTION III: SALARIES AND COMPENSATIONS**

**260 §1.** The annual salary to be paid to priests who are assigned to work in the service of the Diocese of Bismarck and to religious sisters who are teaching in the schools and institutions of this Diocese will be approved by the Diocesan Bishop.

**§2.** Clergy assistance remuneration is set only by the Bishop of Bismarck.

**261 §1.** The parish shall provide for the support of the priest or priests assigned to it by the Diocesan Bishop. This support shall include the following:

**1°** the payment of a salary and related benefits as determined by the Diocesan Bishop;

**2°** a suitable rectory, together with the necessary and customary furnishings;

**3°** household expenses, including the salary for adequate domestic help.

**§2.** In accord with Statute 91, stole fees are to be recorded in the parish accounting software using the specific income account for stole fees. All stole fees belong to the parish.

**262** The funds of diocesan or parish entities are not to be used for purchasing personal articles or gifts of any kind for the priest or priests and other employees.

**263** Salaries, benefits and household expense costs of a parish with an attached mission or missions shall be shared equitably by the parish and mission or missions. Items specific to a parish will be paid by that parish. Samples of cost sharing agreements can be found on the Diocesan website.

**264** It is the right of the pastor to hire and determine the proper salaries and benefits to be paid to parish lay employees, after consultation with the parish finance council and in accord with Catholic principles and the directives of this Diocese. The Diocese will maintain resources to assist parishes with all phases of an employment relationship including compensation levels and job descriptions.

**265** §1. For regular full-time personnel (40 hours per week, or 2080 hours annually) and regular part-time personnel (20 hours or more but less than 40 hours per week, or between 1040 and 2080 hours annually), as the employer, the parish is required to pay for its employees the following:

1° Salaries, and the parish shall make all contributions and withholdings required by federal, state and local law;

2° 401(k) contribution per the Diocesan retirement plan;

3° Health insurance premiums as determined by the Diocesan health care plan;

4° Annual ND Workforce Safety compensation insurance premiums.

§2. For health insurance and other related insurances (dental and vision where applicable), full time will be considered at 30 or more hours per week and 20 through 29 hours per week will be considered 50% employment.

**266** Each position shall have a written job-description with minimum qualifications identified. At least annually each person shall be provided a written, formal evaluation of performance based on the position description and goals and objectives of the position.

**267** The parish shall maintain for each employee, including clergy, a personnel file which includes all required diocesan, state, and federal documents. All Form I-9s are to be filed together and shall be kept separate from personnel files. Any HIPPA related documents are also to be filed separately.

#### **SECTION IV: MASS STIPENDS**

**268** The proper handling of Mass stipends constitutes a grave obligation in conscience for the priests to whom they are entrusted, and the discharge of this obligation shall be governed by the precepts of can. 945-958 and the Statutes of this Section. (Appendix 18)

**269** The following norms, based upon the Universal Law of the Church, are to give guidance to the practice of Mass offerings in the Diocese of Bismarck, especially for clergy and parish staff. A "Mass offering" includes both the intention and the stipend, which are distinct.<sup>1</sup>

**270** §1. In virtue of the directive given in can. 952 §1, the following is the established Mass stipend for this Diocese: \$10.00.

§2. No one may demand or suggest that a higher offering is to be made.

§3. A priest who agrees to offer Mass for a specific intention is morally and canonically bound to do so, even if no stipend is offered.

§4. When either a single offering or large cumulative offerings are received as Mass stipends and no specific number of Masses is requested, the total amount of the offerings shall be divided by the amount in paragraph 1 of this Statute.

**§5.** Any offering over \$10.00 wherein the donor only wishes one Mass intention may be retained by the Parish or sent to the Chancery office where the remainder will be applied for general Mass intentions.

**§6.** Offerings less than the customary amount should not be refused and may not be augmented.

**271 §1.** A Priest is allowed by Universal Law to receive only one stipend per day for a Mass offered with a stipend attached. Beyond his first Mass he may celebrate, but not concelebrate, additional Masses each with a Mass intention, but each stipend attached to these additional Masses must be forwarded to the Chancery of the Diocese of Bismarck.<sup>2</sup>

**§2.** The only exception to the above is Christmas Day, when a priest may retain one stipend for every Mass intention he offers.

**§3.** Stipends are not to be paid in advance to individual priests out of any stipend account in a parish. While transactions by individual parishioners can be freely arranged, parish accounts are to pay out Mass stipends only after the attached intention has been satisfied.

**272** A Parish may only accept as many Mass offerings as it is able to satisfy within a year. Parishes that are currently holding unsatisfied Mass offerings beyond what can be satisfied in one year should immediately make arrangements to have these Mass offerings sent to the Chancery where arrangements can be made for their timely fulfillment. Mass offerings sent to the Chancery should include the intention, attached stipend, date received, and name of the person making the offering.<sup>3</sup>

**273 §1.** Pastors and parochial administrators are obliged to offer one *Missa pro populo*, or Mass intention for the people, on Sundays and all Holy Days of Obligation observed in the Diocese. Such an intention is a requirement of his office and a stipend is not to be included. However, he is able to retain a stipend for one additional Mass celebrated on the same day. In addition, when several parishes are involved under the care of one priest, he is bound to apply only one Mass for all the people entrusted to him.<sup>4</sup>

**§2.** The *Missa pro populo* may be delegated in a manner in keeping with the requirement of can. 534 §1.

**274** The Apostolic See allows that, under very specific conditions, Mass offerings can be collectively offered at a single Mass by one celebrant. This is referred to as a collective intention. The following are the conditions, which are not negotiable:

**1°** Donors must be informed of and consent to the combining of their offerings before such a Mass is celebrated;

**2°** The place and location of the Mass is to be announced or at least made known to all donors;

**3°** There is only to be two such Masses per week per celebrant;

**4°** The celebrant can only keep the customary stipend for one Mass and remaining stipends must be sent to the Chancery. All intentions included in the collective intention are to be considered fulfilled.<sup>5</sup>

**275 §1.** Bequests for Masses left in wills or money in any way contributed for Masses are deemed to have been given for Masses to be celebrated at the amount stated in Statute 270, unless the testator or donor clearly indicates otherwise.

**§2.** Whenever there is a persistent doubt in a particular case concerning the proper fulfillment of Mass bequests, or Mass offerings connected with pious wills, the matter is to be referred to the Diocesan Bishop.

**276** Priests are forbidden to accept pious foundations or trusts for Masses or for any other works of piety without the express prior written approval of the Diocesan Bishop. Permission will not be given to accept foundations that involve perpetual obligations.

**277** The family of the deceased and other custodians of Mass intentions are to be instructed regarding their obligation to safeguard Mass offerings left with them or at a funeral home. The offerings together with any cards, letters, or notes which indicate the intention of the donors are to be given to a priest or an approved ecclesiastical agency as promptly as possible.

**278** The family of the deceased, the executor of wills, or any other lay official has no authority to interpret the mind of the donor of Mass stipends in any way that is contrary to the prescripts of Canon Law or to the dispositions of these Statutes.

**279 §1.** The parish office is to be responsible for the handling of Mass offerings given by parishioners and is to keep accurate and up-to-date registers for Mass offerings; this ensures fiscal transparency and lessens the burden upon clergy. However, it is acknowledged that individual priests may need to handle various private requests, such as those from family or those for private Masses. In these cases, they are to keep their own registers.

**§2.** Special attention should be given to noting collective intentions and any intentions or stipends forwarded to the Chancery.

**§3.** Parish registers of Mass offerings are to be made available to the local Ordinary upon his request, particularly during his pastoral visit and along with other sacramental registers. Electronic registers are acceptable provided routine backups are arranged and paper copies are made available when requested.<sup>6</sup>

## **SECTION V: DIOCESAN COLLECTIONS**

**280 §1.** Diocesan, national, universal, and special Church collections are to be taken up in the parishes on the day and in the manner prescribed by the Diocesan Bishop in the signed Diocesan Collections Agreement forms. (Appendix 33)

**§2.** Pastors are directed to send a separate check for each collection, made payable to the Diocese of Bismarck, which are to be recorded in separate diocesan accounts for each fund and prescribed in the Diocesan Collections Agreement forms.

**281** An appropriate announcement concerning each Diocesan, national, universal, and special Church collection is to be made to the Christian faithful at all Masses on the Sunday preceding the collection.

## **SECTION VI: CONFLICT OF INTEREST**

**282** The Diocese of Bismarck and all its entities are organized as nonprofit, tax-exempt organizations. Maintenance of the tax-exempt status, which involves being accountable and subject to scrutiny by the IRS as well as state regulatory and tax officials, is important both for continued financial stability and for public support. A Conflict-of-Interest Disclosure Statement shall annually be reviewed and signed, not only by directors, officers, and finance council members, but also all persons who might be described as “management personnel.” (Appendix 34)

## **SECTION VII: GIFT ACCEPTANCE GUIDELINES – UNSOLICITED GIFTS**

**283 §1.** All unsolicited gifts should be properly accepted, including written acknowledgment and appropriate tax correspondence, so that receipts are generated that fully comply with IRS regulations.

**§2.** Acceptance of a restricted gift imposes an obligation which must be clearly understood to comply with the terms established by the donor. Restricted gifts of cash or property cannot be accepted without the express approval of the Diocesan Bishop when the restriction obligates the entity to actions which may place undue burdens on it now or in the future, contains a perpetual condition, creates a conflict of interest, is inappropriate, or is meant for purposes outside the mission of the Diocese or one of its entities.

**§3.** If a restricted gift is deemed unacceptable by the Diocesan Bishop because of restrictions the donor has placed on its use, the donor should be informed immediately and provided with the opportunity to remove or modify the identified restrictions or revoke the gift altogether.

**§4.** Restricted gifts given by the faithful for a certain purpose can be applied only for that purpose.

**§5.** The Diocese of Bismarck Gift Acceptance Policy should be followed in every instance. This policy can be found on the Diocesan website.



## **SECTION VIII: PARISH AND SCHOOL FUNDRAISING**

**284** All special or extraordinary collections in schools, parishes, oratories, and chapels must have the express written permission of the Diocesan Bishop or his delegate. Permission is not necessary for ordinary collections such as Sundays, Holy Days, God's Share Appeal, or approved national collections.

**285** Solicitation of funds, fund-raising, fiscal appeals or fiscal campaigns by any priest, secular or religious, holding an assignment from the Diocesan Bishop or by a Diocesan or Catholic institution based in and operating within Diocesan boundaries must have the express written permission of the Diocesan Bishop or his delegate.

**286** As with every manner of receiving support for use by Diocesan or associated entities, all funds, once accepted, become the exclusive property of the Church and must be used for their intended purposes and, if applicable, all restrictions given by donors must be respected.<sup>7</sup>

**287** A request for any capital campaign that accompanies a capital project is to be included with the resolution attached to that project, as explained in Statute 251. Details on how to submit a written request and the Annual Fund-Raising Report are included in Appendix 35.

## **SECTION IX: PARISH FACILITY USAGE**

**288** The Diocese and parish entities must follow the Diocesan Facility Usage Policy when allowing facility use by groups not operating within the tax ID of the Diocese or a Diocesan parish or school. (Appendix 36)

**289** Only Diocesan or parish entity sponsored events can be held at church facilities. Exceptions to this norm may only be granted by the pastor or administrator and in accord with these Statutes, thus ensuring that the necessary insurance has been acquired and that the event is not contrary to the principles of the Faith.

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<sup>1</sup> See cann. 534, 905 and 945-958.

<sup>2</sup> See can. 951.

<sup>3</sup> See can. 953.

<sup>4</sup> See can. 534 as well as the Interpretation of 23 April 1987 made by the Pontifical Commission for the Authentic Interpretation of the Code of Canon Law.

<sup>5</sup> See the Decree on Mass Stipends promulgated by the Congregation for Clergy on 22 February 1991, which amends can. 948.

<sup>6</sup> See cann. 396-398 and 958 §2.

<sup>7</sup> North Dakota Century Code 10-33-21.7