

House Resolution 1457

By: Representatives Skipper of the 116<sup>th</sup>, Smyre of the 111<sup>th</sup>, and Porter of the 119<sup>th</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to authorize the General Assembly by  
 2 general law to provide for public funding of social services provided by religious or sectarian  
 3 organizations pursuant to contracts for the provision of such services and to provide for  
 4 conditions and requirements relative to such contracts; to provide that the General Assembly  
 5 may appropriate federal funds received by the state; to provide for the submission of this  
 6 amendment for ratification or rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 8 SECTION 1.

9 Article I, Section II of the Constitution is amended by striking Paragraph VII in its entirety  
 10 and inserting in lieu thereof a new Paragraph VII to read as follows:

11 "Paragraph VII. *Separation of church and state.* (a) Except as provided in subparagraph  
 12 (b) of this Paragraph, no No money shall ever be taken from the public treasury, directly  
 13 or indirectly, in aid of any church, sect, cult, or religious denomination or of any sectarian  
 14 institution.

15 (b) The General Assembly is authorized to provide by general law for the public funding  
 16 of social services to be provided pursuant to a contract between the State of Georgia or any  
 17 department or agency of the state and any religious or sectarian organization or separate  
 18 charitable affiliate thereof. Each such contract shall be subject to the following terms and  
 19 conditions:

20 (1) No public funds received pursuant to such contract shall be used or expended,  
 21 either directly or indirectly, by any such religious or sectarian organization or affiliate for  
 22 sectarian worship, religious instruction, or proselytizing;

23 (2) Any such religious or sectarian organization or affiliate which receives such public  
 24 funds shall provide an annual accounting of the use of such funds in such manner as  
 25 provided by law and shall be subject to audit by the state regarding the expenditure of  
 26 such funds;

1 (3) No public funds provided pursuant to such contract shall be used to pay tuition or  
 2 other expenses at any private, religious, or parochial school for grade one through grade  
 3 12 education;

4 (4) No contract shall be entered by the state or any department or agency of the state  
 5 with any religious or sectarian organization or affiliate that advocates or promotes the  
 6 overthrow of the government of the United States of America or the principles upon  
 7 which the United States of America was founded;

8 (5) No contract shall be valid or effective until and unless the state funds for such  
 9 contract have specifically been appropriated in a general appropriations Act or  
 10 supplemental appropriations Act by line item appropriation specifically identifying and  
 11 describing such contract;

12 (6) Such contract must require that the religious or sectarian organization or separate  
 13 charitable affiliate thereof provide actual and valuable services and consideration to the  
 14 state or its department or agency in return for such public funds;

15 (7) Such religious or sectarian organization or separate charitable affiliate thereof  
 16 receiving such funds must be exempt from federal income taxes under the provisions of  
 17 12 U.S.C. Section 501(c)(3); and

18 (8) Nothing in this Paragraph shall be construed to authorize an entity receiving or  
 19 contracting for such public funds to discriminate against any person on the basis of race,  
 20 religion, sex, or national origin in connection with providing the services on behalf of the  
 21 state pursuant to such contract."

## 22

### 23 SECTION 2.

24 Article III, Section IX of the Constitution is amended by inserting at the end thereof a new  
 25 Paragraph to read as follows:

26 "Paragraph VIII. *Appropriation of federal funds authorized.* The General Assembly is  
 27 authorized to provide in the general appropriations Act or any supplementary  
 28 appropriations Act for the appropriations of federal funds received by the state."

### 29 SECTION 3.

30 The above proposed amendment to the Constitution shall be published and submitted as  
 31 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
 32 above proposed amendment shall have written or printed thereon the following:

1     " YES    Shall the Constitution be amended so as to authorize the General Assembly  
2                    by general law to provide for public funding of social services provided by  
3      NO    religious or sectarian organizations pursuant to contracts for the provision  
4                    of such services, to provide for conditions and requirements relative to such  
5                    contracts, and to authorize the General Assembly to appropriate federal  
                    funds received by the state?"

6   All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."  
7   All persons desiring to vote against ratifying the proposed amendment shall vote "No." If  
8   such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall  
9   become a part of the Constitution of this state.