

Senate Resolution 42

By: Senators Stoner of the 6th, Golden of the 8th, Butler of the 55th, Powell of the 23rd, Meyer von Bremen of the 12th and others

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 separate charitable
 3 affiliates of religious or sectarian organizations pursuant to contracts for the provision of
 4 such services and to provide for conditions and requirements relative to such contracts; to
 5 provide that the General Assembly may appropriate federal funds received by the state; to
 6 provide for the submission of this amendment for ratification or rejection; and for other
 7 purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

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

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

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

24 (2) Any such separate charitable affiliate of a religious or sectarian organization which
 25 receives such public funds shall provide an annual accounting of the use of such funds
 26 in such manner as provided by law and shall be subject to audit by the state regarding the
 27 expenditure of 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 separate charitable affiliate of a religious or sectarian organization that
 6 advocates or promotes the overthrow of the government of the United States of America
 7 or the principles upon 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 separate charitable affiliate of a religious or
 13 sectarian organization provide actual and valuable services and consideration to the state
 14 or its department or agency in return for such public funds;

15 (7) Such separate charitable affiliate of a religious or sectarian organization receiving
 16 such funds must be exempt from federal income taxes under the provisions of 26 U.S.C.
 17 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 SECTION 2.

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

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

28 SECTION 3.

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

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

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