

LOST

1 Senator Stoner of the 6th offered the following amendment:

2 Amend SR 49 by striking from line 1 of page 1 to the last line of such amendment and
3 inserting in lieu thereof the following:

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

11 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

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

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

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

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

27 (2) Any such separate charitable affiliate of a religious or sectarian organization which
28 receives such public funds shall provide an annual accounting of the use of such funds
29 in such manner as provided by law and shall be subject to audit by the state regarding the
30 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) Such separate charitable affiliate of a religious or sectarian organization receiving
19 such funds shall not discriminate on the basis of religious affiliation, belief, or exercise
20 in the delivery or purchase of services or goods or in its employment practices.'

21 **SECTION 2.**

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

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

27 **SECTION 3.**

28 The above proposed amendment to the Constitution shall be published and submitted as
29 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
30 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 such
10 amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
11 become a part of the Constitution of this state."