

## Senate Resolution 375

By: Senators Stoner of the 6th, Golden of the 8th, Brown of the 26th, Seay of the 34th,  
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 revising Paragraph VII 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 or  
13 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 this state and any separate charitable affiliate of a religious or  
18 sectarian organization. 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, either  
21 directly or indirectly, by any such separate charitable affiliate of a religious or sectarian  
22 organization for sectarian worship, religious instruction, or proselytizing;

23 (2) Any such separate charitable affiliate of a religious or sectarian organization which  
24 receives such public funds shall provide an annual accounting of the use of such funds in  
25 such a manner as provided by law and shall be subject to audit by this state regarding the  
26 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 12  
 3 education;

4 (4) No contract shall be entered by this state or any department or agency of this state  
 5 with any separate charitable affiliate of a religious or sectarian organization that advocates  
 6 or promotes the overthrow of the government of the United States of America or the  
 7 principles upon which the United States of America were 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 shall require that the separate charitable affiliate of a religious or  
 13 sectarian organization provide actual and valuable services and consideration to this 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 shall 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 this  
 21 state pursuant to such contract."

## 22 SECTION 2.

23 Article III, Section IX of the Constitution is amended by adding a new paragraph to read as  
 24 follows:

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