

Senate Bill 345

By: Senators Hill of the 6th, Hill of the 32nd, VanNess of the 43rd, Bethel of the 54th,
Watson of the 1st and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated,
2 relating to corporations organized for religious, fraternal, or educational purposes, so as to
3 provide for the policy of the state with regard to determining the property rights of religious
4 organizations; to provide that such disputes shall be resolved by a neutral principles analysis
5 of all relevant matters; to provide for related matters; to provide an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to
10 corporations organized for religious, fraternal, or educational purposes, is amended by adding
11 a new Code section to read as follows:

12 "14-5-46.1.

13 The State of Georgia shall not favor or give preferential treatment to any particular
14 ecclesiastical rule or ecclesiastical form of government with regard to determining the
15 property rights of religious organizations. This state adopts the neutral principles analysis
16 set forth by the United States Supreme Court in the case of *Jones v. Wolf*, 443 U.S. 595
17 (1979), as the method by which the courts of this state shall resolve cases involving the
18 property rights of religious organizations. Following a rule of strict religious neutrality,
19 property rights of religious organizations shall be determined by a neutral examination of
20 all relevant factors, including, but not limited to, the terms of the legal instruments
21 conveying the property in question; the corporate or organizational documents of the title
22 owner; generally applicable state corporation, property, and trust laws, including the laws
23 and requirements with regard to the creation of trusts, either express or implied; and the
24 property rules of ecclesiastical entities to the extent such rules do not conflict with
25 generally applicable state law."

26 **SECTION 2.**

S. B. 345

27 This Act shall become effective upon its approval by the Governor or upon its becoming law
28 without such approval.

29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.