

NOT GERMANE

Senators Hill of the 6th and Shafer of the 48th offered the following amendment:

1 *Amend the Senate Special Judiciary Committee substitute to HB 1004 (LC 36 3608S) by*
 2 *inserting after "To" on line 1 "amend Article 3 of Chapter 5 of Title 14 of the Official Code*
 3 *of Georgia Annotated, relating to corporations organized for religious, fraternal, or*
 4 *educational purposes, so as to change provisions relating to land conveyances to churches*
 5 *or religious societies; to provide that disputes with regard to determining the property rights*
 6 *of churches or religious societies shall be resolved by a neutral principles analysis of all*
 7 *relevant matters; to provide for legislative findings; to"; by redesignating Sections 1*
 8 *through 12 as Sections 3 through 14, respectively; and by inserting after line 14 the*
 9 *following:*

SECTION 1.

10
 11 The General Assembly finds that state law regarding the property rights of churches and
 12 religious societies requires clarification and that the neutral principles analysis set forth by
 13 the United States Supreme Court in the case of *Jones v. Wolf*, 443 U.S. 595 (1979), should
 14 be partially codified as the method by which the courts of this state will resolve cases
 15 involving the property rights of churches or religious societies when the relationship between
 16 the local and national church is hierarchical.

SECTION 2.

17
 18 Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to
 19 corporations organized for religious, fraternal, or educational purposes, is amended by
 20 revising Code Section 14-5-46, relating to conveyances to churches or religious societies, as
 21 follows:

22 "14-5-46.

23 (a) All deeds of conveyance executed before April 1, 1969, or thereafter for any lots of
 24 land within this state to any person or persons, to any church or religious society, or to
 25 trustees for the use of any church or religious society for the purpose of erecting churches
 26 or meeting houses shall be deemed to be valid and available in law for the intents, uses, and
 27 purposes contained in the deeds of conveyance. All lots of land so conveyed shall be fully
 28 and absolutely vested in such church or religious society or in their respective trustees for
 29 the uses and purposes expressed in the deed to be held by them or their trustees for their
 30 use by succession, according to the mode of church government or rules of discipline
 31 exercised by such churches or religious societies.

32 (b) The State of Georgia shall follow a rule of strict religious neutrality that shall not favor
33 or give preferential treatment to any particular ecclesiastical rule or ecclesiastical mode of
34 government with regard to determining the property rights of any church or religious
35 society. Following a rule of strict religious neutrality, property rights of churches or
36 religious societies shall be determined by a neutral examination of all relevant factors,
37 including, but not limited to:

38 (1) The terms of the legal instruments conveying the property in question;

39 (2) The corporate or organizational documents of the title owner;

40 (3) State law relating to corporations, property, and the creation of and requirements for
41 express or implied trusts; and

42 (4) The property rules of ecclesiastical entities.

43 (c) The court shall make specific findings of fact and conclusions of law in support of
44 rulings made under subsection (b) of this Code section."

45 *By striking line 306 and inserting in lieu thereof the following:*

46 Sections 1 and 2 of this Act shall become effective upon its approval by the Governor or
47 upon its becoming law without such approval. The remainder of this Act shall become
48 effective on January 1, 2017.