

Senate Bill 72

By: Senators Hill of the 6th, Kirk of the 13th, Jones of the 25th, Watson of the 1st, McKoon of the 29th and others

A BILL TO BE ENTITLED  
AN ACT

To amend Article 3 of Chapter 5 of Title 14 of the Official Code of Georgia Annotated, relating to corporations organized for religious, fraternal, or educational purposes, so as to change provisions relating to land conveyances to churches or religious societies; to urge the courts to consider disputes with regard to determining the property rights of churches or religious societies be resolved by a neutral principles analysis of all relevant matters; to provide for legislative findings; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

The General Assembly finds that state law regarding the property rights of churches and religious societies requires clarification and that the neutral principles analysis set forth by the United States Supreme Court in the case of *Jones v. Wolf*, 443 U.S. 595 (1979), should be considered by the courts of this state in resolving cases involving the property rights of churches or religious societies when the relationship between the local and national church or religious society is hierarchical.

**SECTION 2.**

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

"14-5-46.

(a) All deeds of conveyance executed before April 1, 1969, or thereafter for any lots of land within this state to any person or persons, to any church or religious society, or to trustees for the use of any church or religious society for the purpose of erecting churches or meeting houses shall be deemed to be valid and available in law for the intents, uses, and

purposes contained in the deeds of conveyance. All lots of land so conveyed shall be fully and absolutely vested in such church or religious society or in their respective trustees for the uses and purposes expressed in the deed to be held by them or their trustees for their use by succession, according to the mode of church government or rules of discipline exercised by such churches or religious societies.

(b) With regard to determining the property rights of any church or religious society, the courts of this state are urged to conduct a strictly neutral examination of all relevant factors, without giving preference to any one factor, including, but not limited to:

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

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

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

(4) The property rules of ecclesiastical entities."

### **SECTION 3.**

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

### **SECTION 4.**

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