

The House Committee on Judiciary offers the following substitute to SB 345:

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 change provisions relating to land conveyances to churches or religious societies; to urge the
4 courts to consider disputes with regard to determining the property rights of churches or
5 religious societies be resolved by a neutral principles analysis of all relevant matters; to
6 provide for legislative findings; to provide for related matters; to provide an effective date;
7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

16 **SECTION 2.**

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

21 "14-5-46.

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

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

31 (b) With regard to determining the property rights of any church or religious society, the
32 courts of this state are urged to conduct a neutral examination of all relevant factors,
33 including, but not limited to:

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

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

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

38 (4) The property rules of ecclesiastical entities."

39 **SECTION 3.**

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

42 **SECTION 4.**

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