

SESSION OF 2014

**SUPPLEMENTAL NOTE ON HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 18**

As Amended by House Committee on Judiciary

**Brief\***

House Sub. for SB 18 would direct courts to apply a neutral principles of law analysis to any church property dispute, including disputes between congregation members arising out of competing claims to church property and disputes arising from a congregation's decision to change its denominational affiliation. The bill would further direct that such analysis rely on objective, well-established concepts of trust and property law, which could include examination of a deed, local church charter, state statute, or corporate governance documents in a completely secular manner, in the same manner as for any other property dispute. The bill would define "church" as "any church, religious sect or organization established on the basis of a community of faith and belief, and doctrines and practices of a religious character."

**Background**

SB 18 was introduced by the Senate Judiciary Committee at the request of Attorney General Derek Schmidt. As introduced, the bill contained provisions related to temporary injunctions and temporary restraining orders.

In the 2013 Senate Judiciary Committee, representatives of the Attorney General appeared in support of the bill, as introduced. Representatives of the Kansas Association of Counties and the Riley County Counselor's

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Office requested amendments related to the original subject matter of the bill.

The Senate Committee amended the bill by making technical and substantive changes related to the original content of the bill.

In the 2013 House Judiciary Committee, representatives of the Attorney General and the Kansas Association of Counties testified in support of the bill. Written testimony supporting the bill was submitted by a representative of the Riley County Counselor's Office and a different Attorney General representative. A private citizen submitted written testimony regarding the bill.

The House Committee amended the language of SB 18 and added this amended language to SB 20. The House Committee then recommended for passage a substitute bill for SB 18, regarding church property disputes.

The House Committee had previously held an informational hearing on the concept of the substitute bill. At the hearing, Representative McPherson and the senior pastor of Colonial Presbyterian Church testified as proponents. A representative of the Presbyterian Lay Committee and two attorneys submitted written proponent testimony. A representative of the Presbytery of Southern Kansas submitted written opponent testimony.

The bill was withdrawn from the 2013 House calendar and rereferred to the House Committee on Judiciary.

In the 2014 House Committee on Judiciary, Representative McPherson testified in support of the bill. Written proponent testimony was received from representatives of Colonial Presbyterian Church, the Presbyterian Lay Committee, and two attorneys. Written opponent testimony was received from a representative of the Presbytery of Southern Kansas.

The House Committee adopted an amendment offered by Representative McPherson clarifying the guidelines for a neutral principles of law analysis.

No fiscal note for the substitute bill was available when the House Committee took action.