

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 1638

4
5 By: Representatives Pickett, Bond
6 By: Senator Argue

For An Act To Be Entitled

10 AN ACT TO CREATE PROPERTY LAWS APPLICABLE TO
11 RELIGIOUS ASSOCIATIONS OR RELIGIOUS CORPORATIONS
12 IN THE STATE OF ARKANSAS THAT ARE ORGANIZED UNDER
13 RELIGIOUS DENOMINATIONS IN WHICH PROPERTY IS HELD
14 IN TRUST FOR THE GENERAL RELIGIOUS DENOMINATION;
15 AND FOR OTHER PURPOSES.

Subtitle

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18 TO CREATE PROPERTY LAWS APPLICABLE TO
19 RELIGIOUS ASSOCIATIONS OR RELIGIOUS
20 CORPORATIONS.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Definitions.

As used in this act:

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27 (1) "Religious association" means an association of persons
28 organized for religious purposes which is organized under or otherwise
29 subject to the jurisdiction of a religious denomination;

30 (2) "Religious corporation" means a not for profit religious
31 entity incorporated under the laws of the State of Arkansas and organized
32 under or otherwise subject to the jurisdiction of a religious denomination;
33 and

34 (3) "Religious denomination" means a religious organization that
35 unites local congregations in a single legal and administrative body.
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SECTION 2. Scope of act.

This act applies to every religious association or religious corporation formed in this state by a church that is subject to the jurisdiction of a religious denomination in which property is held in trust for the general religious denomination, including, but not limited to, churches organized under the jurisdiction of the United Methodist Church, the African Methodist Episcopal Church, the African Methodist Episcopal Church Zion, the Christian Methodist Episcopal Church, the Cumberland Presbyterian Church, and the Presbyterian Church USA.

SECTION 3. Holding of Property.

All assets owned by any religious association or corporation subject to this act, whether incorporated, unincorporated, or abandoned:

(1) Shall be held in trust for the religious denomination under which the church is organized; and

(2) Are subject to the laws, usage, and ministerial appointments of the religious denomination under which it is organized, as from time to time authorized and declared by the supreme legislative body of that denomination.

SECTION 4. Absence of trust clause.

The absence of a trust clause in any deed or other conveyance, or in any endowment, or contract executed before the effective date of this act does not relieve or exclude a religious association or religious corporation in any way from the laws of the religious denomination under which it is organized or this part if intent of the founders, later congregations or governing bodies of the religious association or religious corporation to be subject to the laws of the religious denomination is indicated by:

(1) The conveyance of the assets to the directors, trustees, or governing body of the religious association or religious corporation, or any of its predecessors;

(2) The use of the name, customs, and polity of the religious denomination under which it is organized in such a way as to be known to the community as part of this denomination; or

(3) The acceptance of the pastorate of ministers appointed by the religious denomination under which it is organized or employed by other

persons who have supervisory authority from the religious denomination in the area in which the religious association or religious corporation is located.

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