

House Bill No. 2161

Dear Chairman Barker, Vice-Chairman Macheers, Ranking Member Carmichael and other house judiciary committee members:

My name is Doug Edwards. I am a former member of a church that endured a legal case that was decided on ecclesiastical rules rather than well-established property laws. I am a proponent of House Bill No. 2161.

This bill will protect church congregations against national denominational organizations that continually rewrite ecclesiastical rules that promote only their interests as they seek to punish those who choose to disaffiliate with any particular denomination. One of these "rules" is in direct conflict to existing civil and legal laws regarding real property. In 1983, 4 years after our church was established, a rule was inserted into the Book of Order that claimed the property belonged to the denomination and not the congregation that held legal title to the property. Although our church never acknowledged that rule through any legal instrument, the denomination claimed ownership via their ecclesiastical rules.

House Bill No. 2161 will continue to allow congregations to freely associate with any denomination and submit to any theological interpretations they desire. However, it also protects congregations from the unreasonable seizure of property where no "legal" claims exists. If a congregation wishes to enter to a legally binding agreement with a denomination regarding property rights, that option remains through a variety of legal means. Without this clarification, congregations are left wondering what "special language" has been inserted into a denominational document that may impact their legal rights to retain the property given the ever changing "rules" that may be written by the denomination.

In our congregation we began the process of exploring the decisions of the denomination and questioning the changes that were being made to 200+ years of accepted theology based on the teachings of John Calvin and John Knox. The constantly changing shifts in theological beliefs that had been core to Presbyterianism seemed to be in direct contrast to many of our core beliefs. As many other Presbyterian congregations had already disaffiliated from the national denomination, we decided to enter into a period of discernment to consider our position and response to these theological changes.

However, as all of the theological rules of this action were co-mingled with property law and the corporate laws, it became clear that the ability to disaffiliate would be challenging based on the uncertainty in Kansas Law regarding property held by a charitable organization.

As a former Elder and Trustee of the congregation, I was part of the corporate structure that had responsibilities for remaining compliant with all civil and legal obligations. This included, financial stewardship, maintaining insurance on the property, adhering to all HR laws, building inspections, fire code compliance, day care licensing, corporation filings, etc. The business of operating a church is based on laws of the land. To allow a national denomination to insert rules into a an ever changing Book of Order that are in direct conflict with state laws

regarding property means that any group of Elders and Trustees cannot properly fulfill their duties to the congregation as directed by the Corporate bylaws and state laws.

This bill will ensure that all congregations can rely on long established legal precedents when dealing with disputes that involve property.

In our case, the judge ruled that the denomination had no legal claim to the property after our congregation voted to leave the PCUSA by an 80% to 20% margin. However, due to lack of clarity in existing state laws, the judge relied on ecclesiastical rules to determine who should retain ownership of the property. Using these ecclesiastical rules, the judge determined that the 20% minority vote who were loyal to the national denomination were to awarded the property. These ecclesiastical rules are maintained in a document called "Book of Order", which is subject to change every 2 years and often sees 10-20 major changes every 2 years. The authors of these changes are primarily denominational centric people looking to protect their privileged position at the regional and national offices.

In order to provide certainty and clarity to charitable organizations that seek to disaffiliate with a national organization, Kansas must adopt a Neutral Principles of law regarding church property.

Thank you for allowing me the opportunity to present supporting information regarding House Bill 2161.

Respectfully,

Doug Edwards