

Dear Chairman Barker, Vice-Chairman Macheers, Ranking Member Carmichael and other Judiciary Committee Members:

My name is Rev. Dr. Eric Laverentz. I serve as the Senior Pastor of Cornerstone Presbyterian Church in Overland Park, Kansas. It is also my privilege to serve the people of Kansas as a member of the Kansas Human Rights Commission.

Until last August, I served as the Pastor of the Presbyterian Church of Stanley in Overland Park. I have changed churches. However, I pastor most of the same people with largely the same staff. Although we trust God to make all things work for good for those called according to His purpose, we are the unfortunate victims of a legal battle brought upon by representatives of our former denomination. At that time we were congregation of roughly 1050 members, with an average Sunday morning attendance of around 400.

In October of 2014 our congregation voted 79% to 21% to disaffiliate from the Presbyterian Church (USA) and affiliate with Covenant Order of Evangelical Presbyterians or ECO for short. The vote of our Trustees and Elders, our corporate board, to recommend that change was also nearly unanimous.

Before the vote local representatives of our former denomination sued our officers and congregation to control the corporation registered with the State of Kansas. Following the vote, despite the lawsuit, enthusiasm ran high. Despite predictions otherwise, financial giving was particularly strong. PCOS enjoyed its greatest giving ever in November and December. We remain today a strong congregation with a bright future but we have no home.

This is because this past July the denomination's lawsuit against was decided by a Johnson Country District Court judge on behalf of the plaintiff who awarded control the State of Kansas corporation to a couple dozen members of the Presbyterian Church of Stanley who remained committed to our former denomination. Judge Kevin Moriarty's decision did indeed find that there was no implied property trust between our church and the PC (USA). 40 pages of his decision built toward that conclusion. However, at the end of his conclusion he asked the

question “Who is the Presbyterian Church of Stanley?” Judge Moriarty, for whom I personally have a great deal of respect, found that Kansas case law in the event of church schism, orders that the group whose values most reflect the traditional values of the former denomination are the rightful heirs to the legal corporation, no matter the relative size of the group. He awarded the corporate assets: building, finances, name and property to a small PC (USA) faction numbering no more than a couple dozen.

Congregations around the country are able to make this switch usually with considerably less trouble. We are the exception. A District Court judge ruled in a way that stripped the vast majority of the congregation not only of the corporate assets, including a building many of those members built with their own two hands, given tens of millions of dollars to build and maintain, seen their children baptized, raised, and married and loved ones buried.

The members of that congregation who voted to change denominations formed a new congregation, Cornerstone Presbyterian Church. We still average around 400 souls on Sunday morning worshipping in a movie theater and holding meetings and occupying staff space in borrowed and rented facilities. Our budget is only slightly less than it used to be. We are currently raising money to build a new facility. The Presbyterian Church of Stanley worships, on average I am told, less than a couple dozen in a 47,000 square foot facility.

It did not have to be this way. Indeed if this bill had been passed when it was first proposed four years ago, I would be telling a very different story.

We are asking you today to clarify Kansas law to fully embrace a ‘neutral principles’ approach to church property disputes. What ‘neutral principles’ asserts is that in the cases of church property disputes that local congregations and any kind of church hierarchy are treated in exactly the same manner as any other entity who has a dispute over property. ‘Neutral principles’ asserts that in legal questions of church property any ruling authority simply looks at what secular documents filed with state of Kansas reveal. Quite simply: whose name is on the title, who do the articles of incorporation state own the property, what do the by-laws say? Also, who has paid

the bills, the mortgage, who occupies the property? All we are asking is that churches be treated as anyone else with regard to property. This is the approach being adopted by most states currently. This 'neutral principles' approach has often been adopted in a back-ended way as the result of lawsuits and battles in the courts. I think we can all agree what we are better off with the courts not making the law but exercising the law that is enacted by the legislature. The Kansas Legislature has an opportunity to take a proactive posture that not only clarifies and simplifies Kansas law but will also potentially save thousands of Kansans the pain and trauma experienced by the Christians I serve as they watched their spiritual home taken away by a court decision.

The neutral principles approach has many strengths.

1. Disentangles the state from making theological judgments or judgments about what particular church rules happen to apply or are most important or whose theology most closely aligns with the denomination.
2. Protects the rights of Kansas citizens to make free decisions about what religious association they desire without threat of losing the assets their worshipping community has spent in some cases many lifetimes building up to serve the greater good.
3. Protects Kansas citizens from a 'tyranny of the minority' who have lost a corporate election or vote and seek redress to overturn the will of the majority. This bill protects congregations from a denomination and congregational minority hijacking a State of Kansas corporation.

Those who favor a hierarchical principles approach to church property law may claim that denominations have invested money and resources themselves in founding local congregations and so they deserve some claim over the congregation's financial assets. Neutral principles still allows for this. It would simply necessitate a change to the state-issued legal documents clarifying the question of ownership. This kind of clarity would only be a benefit to both congregation and denomination. Adopting the bill would also do nothing to jeopardize denominational ownership of property whose documents already state that such is the case.

Members of this most esteemed committee, I appreciate your work so very much. I am at heart a zealous defender of religious liberty and the rights of all people to worship and make the decisions and choices they feel lie in their best self-interest. We have a case in Kansas where we have back-ended into a law that is neither fair nor just. It is a law that few understand and a law that unnecessarily drags the state into religious conflict. It is not a matter of the state involving itself in a religious conflict. The state is already involved and I am asking you to work yourselves out of it. I urge you to increase the religious freedoms of all Kansans and adopt HB 2161.

Rev. Dr. Eric Laverentz

February 18, 2016