

By: Cook

H.B. No. 729

A BILL TO BE ENTITLED

AN ACT

relating to property rights of certain religious organizations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 4, Property Code, is amended by adding Chapter 30 to read as follows:

CHAPTER 30. DIVISION OF PROPERTY OF CERTAIN RELIGIOUS ORGANIZATIONS

Sec. 230.001. DEFINITIONS. In this chapter:

(1) "Factional separation" means a disaffiliation of an organizational unit from its ruling body over one or more doctrinal positions that is temporally related to a disaffiliation of an aggregate of organizational units under the same ruling body over the same one or more doctrinal positions.

(2) "Hierarchical religious organization" means a church, synagogue, mosque, or other religious institution that:

(A) has as its primary purpose the propagation of religious beliefs;

(B) meets the standards for qualification as a religious organization under Section 11.20, Tax Code; and

(C) is organized into orders or ranks each subordinate to the one above it.

Sec. 30.002. APPLICABILITY. This chapter applies only to a hierarchical religious organization that has a factional separation.

1        Sec. 30.003. GENERAL RULE OF PROPERTY DIVISION. On  
2 application, notice, and hearing, a court shall order a division of  
3 the estate of the parties in a manner that the court considers just  
4 and right, having due regard for the rights of each party and any  
5 other interested person.

6        SECTION 2. This Act applies to a factional separation of a  
7 hierarchical religious organization as those terms are defined by  
8 Section 30.001, Property Code, as added by this Act, occurring on or  
9 after the effective date of this Act. A factional separation of a  
10 hierarchical religious organization as those terms are defined by  
11 Section 30.001, Property Code, as added by this Act, that occurs  
12 before the effective date of this Act is governed by the law in  
13 effect on the date that the application was filed, and the former  
14 law is continued in effect for that purpose.

15        SECTION 3. This Act takes effect September 1, 2009.