

House Bill 6085
Sponsor: Rep. Michael C. Murphy
**Committee: Family and Children
Services**

Complete to 5-24-02

A SUMMARY OF HOUSE BILL 6085 AS INTRODUCED 5-16-02

The bill would create the Community-Based Facilitator's office within the Department of Management and Budget. The office would evaluate and report to the appropriate standing committees in the House and Senate dealing with human service issues on governmental collaborations with religious, community, and nonprofit organizations. In addition, other duties of the office would include:

- Developing methods for the organizations to effectively participate in the state's procurement process.
- Providing technical assistance and instructions in grant and proposal writing.
- Providing assistance in applying for state and federal grants.
- Providing education on state and federal regulations and guidelines regarding the organizations' collaboration with the state.
- Monitoring the progress of proposed governmental collaborations.
- Providing intervention and mediation services.

Under the bill, the DMB would designate a liaison to provide religious, community, or nonprofit organizations with educational and technical assistance regarding program activities, and the preparation of applications for grants, cooperative agreements, contracts, and procurements. In addition, the liaison would gather information regarding state and national innovations, analyze obstacles to partnering with the Family Independence Agency (FIA), and work with county FIA boards to develop relationships with religious, community, and nonprofit organizations. In addition, the liaison would report his or her activities to the director and the legislature, and include in the report any recommendations regarding a change in rules or policy that concern the contracting out of human service matters with religious, community, or nonprofit organizations.

In addition, the bill would permit a state agency or department to contract with a religious, community, or nonprofit organization to administer a program that would be created under the bill or perform a duty of the FIA. The bill would allow a religious, community, or nonprofit organization to receive certificates, vouchers, or other forms of indirect disbursement under a program created under the act on the same basis as any other nongovernmental provider without

impairing the religious character of the organization, or without diminishing the religious freedom of those receiving assistance. Furthermore, any state or local government agency that receives funds under the act could not discriminate against an organization that provides assistance on the basis that the organization is religious or has a religious character.

A religious organization could not commingle state or federal funds received with any funds the organization receives for its religious purposes. Federal and state funds would have to be maintained in a separate account and would be audited and accounted for separately. An organization that contracts with the state to provide assistance would be subject to the same regulations as any other nongovernmental agency that contracts with the state to account for the use of funds provided under the bill.

Any direct funds provided through a contract to a religious, community, or nonprofit organization to provide assistance could not be expended for sectarian instruction, worship, or proselytization (to convert persons from one religion to another). If the organization offered any of these activities, it would have to be voluntary for the recipients and be offered separately from any program receiving funds.

The bill specifies that a religious organization that contracts with the state would retain its autonomy from the state and local government if it uses its own funds for its religious activities. The religious organization would retain control over the definition, development, practice, and expression of its religious belief, and would also retain control of its employment policies in a manner consistent with section 702 of Title VII of the federal Civil Rights Act of 1964. The bill notes that this would not be intended to expand the existing exemption to allow religious discrimination in employment practices while using public funds. In addition, any exemption under state or federal civil rights laws would apply only to a religious organization's use of its own private funds. Furthermore, the state could not require a religious, community, or nonprofit organization to alter its form of internal governance or to remove any religious art, icons, scripture or other symbols due to their religious nature in order to provide assistance or accept certificates, vouchers, or other forms of disbursement.

If a recipient objected to the religious character of the organization from which he or she receives assistance, the state or local governmental agency would have to provide the recipient, within a reasonable period of time, accessible alternative assistance that he or she does not object to on religious grounds. The alternative assistance would have to be at least of the same value as the initial assistance provided by the charitable or religious organization. In addition, an organization that contracted with the FIA would be prohibited from discriminating against an individual who receives benefits based on religion, religious belief, or a refusal to hold a particular religious belief.

The bill defines an "intermediate grantor" to mean a nongovernmental organization acting under a grant or other agreement with the federal, state, or any local government. Under the bill, if an intermediate grantor were given the authority to select a nongovernmental organization to provide assistance under the bill, the intermediate grantor would have the same duties as the

government has when selecting or dealing with subgrantors. If the intermediate grantor were a religious, community, or nonprofit organization, it would retain all of the rights afforded to a similar organization under the bill

The bill would be repealed on September 30, 2006.

Analyst: M. Wolf

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.