

SENATE BILL NO. 942

February 26, 1998, Introduced by Senator GOUGEON and referred to the Committee on Families, Mental Health and Human Services.

A bill to amend 1939 PA 280, entitled "The social welfare act," (MCL 400.1 to 400.119b) by adding section 57i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 57I. (1) THE FAMILY INDEPENDENCE AGENCY SHALL COOPER-
2 ATE WITH RELIGIOUS ORGANIZATIONS TO ALLOW THOSE ORGANIZATIONS TO
3 COMPETE ON THE SAME BASIS AS ANY OTHER PRIVATE ORGANIZATIONS FOR
4 CONTRACTS TO PROVIDE SERVICES TO RECIPIENTS, INCLUDING, BUT NOT
5 LIMITED TO, MENTORING OR SUPPORTIVE SERVICES. THE FAMILY INDE-
6 PENDENCE AGENCY SHALL NOT DISCRIMINATE AGAINST A RELIGIOUS ORGAN-
7 IZATION THAT SEEKS A CONTRACT DESCRIBED IN THIS SUBSECTION ON THE
8 BASIS OF THE ORGANIZATION'S RELIGIOUS CHARACTER.

9 (2) BEFORE ESTABLISHING A PROGRAM IN A COMMUNITY THAT IS
10 DESIGNED TO OFFER SERVICES THAT ARE THE SAME AS OR SIMILAR TO
11 SERVICES THAT ARE ALREADY BEING OFFERED BY A COMMUNITY SERVICES

1 AGENCY IN THE COMMUNITY, THE FAMILY INDEPENDENCE AGENCY SHALL
2 DOCUMENT THE NEED FOR THE PROGRAM IN THE COMMUNITY AND SEND THE
3 DOCUMENTATION TO THE CHAIRPERSONS OF THE LEGISLATIVE STANDING
4 COMMITTEES IN THE SENATE AND THE HOUSE OF REPRESENTATIVES HAVING
5 JURISDICTION OVER MATTERS RELATING TO THE FAMILY INDEPENDENCE
6 AGENCY.

7 (3) EXCEPT AS OTHERWISE PROVIDED IN LAW, A RELIGIOUS ORGANI-
8 ZATION SHALL NOT DISCRIMINATE AGAINST AN INDIVIDUAL IN REGARD TO
9 RENDERING ASSISTANCE FUNDED BY THE FAMILY INDEPENDENCE AGENCY ON
10 THE BASIS OF RELIGION, A RELIGIOUS BELIEF, OR REFUSAL TO PARTICI-
11 PATE ACTIVELY IN A RELIGIOUS PRACTICE.

12 (4) A RELIGIOUS ORGANIZATION THAT ACCEPTS FUNDS FROM THE
13 FAMILY INDEPENDENCE AGENCY TO PROVIDE SERVICES DESCRIBED IN THIS
14 SECTION SHALL RETAIN ITS INDEPENDENCE FROM FEDERAL, STATE, AND
15 LOCAL GOVERNMENTS, INCLUDING THE RELIGIOUS ORGANIZATION'S CONTROL
16 OVER THE DEFINITION, DEVELOPMENT, PRACTICE, AND EXPRESSION OF ITS
17 RELIGIOUS BELIEFS. THE RELIGIOUS ORGANIZATION IS NOT REQUIRED TO
18 ALTER ITS FORM OF INTERNAL GOVERNANCE, TO REMOVE RELIGIOUS ART,
19 ICONS, SCRIPTURE, OR OTHER SYMBOLS IN ORDER TO BE ELIGIBLE TO
20 CONTRACT TO PROVIDE ASSISTANCE, OR TO ACCEPT CERTIFICATES, VOUCH-
21 ERS, OR OTHER FORMS OF DISBURSEMENT, FUNDED BY THE FAMILY INDE-
22 PENDENCE AGENCY.

23 (5) AS USED IN THIS SECTION:

24 (A) "COMMUNITY SERVICES AGENCY" MEANS AN ORGANIZATION THAT
25 MEETS ALL OF THE FOLLOWING CRITERIA AS DETERMINED BY THE FAMILY
26 INDEPENDENCE AGENCY:

1 (i) THE ORGANIZATION IS DESIGNED TO IMPROVE THE QUALITY OF
2 LIFE FOR COMMUNITY RESIDENTS, PARTICULARLY LOW-INCOME
3 INDIVIDUALS.

4 (ii) THE ORGANIZATION IS OPERATED FOR PUBLIC BENEFIT ON A
5 NOT-FOR-PROFIT BASIS, PRIMARILY FOR CHARITABLE, CIVIC, EDUCATION-
6 AL, RELIGIOUS, WELFARE, OR HEALTH PURPOSES.

7 (iii) THE ORGANIZATION IS NOT AN ENTITY OF CIVIL
8 GOVERNMENT.

9 (iv) NOT MORE THAN 5% OF THE ORGANIZATION'S EMPLOYEES
10 RECEIVE PAY FOR THEIR WORK.

11 (B) "RELIGIOUS ORGANIZATION" MEANS A CHURCH, ECCLESIASTICAL
12 CORPORATION, OR GROUP NOT ORGANIZED FOR PECUNIARY PROFIT THAT
13 GATHERS IN COMMON MEMBERSHIP FOR MUTUAL SUPPORT AND EDIFICATION
14 IN PIETY, RELIGIOUS OBSERVANCES, AND WORSHIP OF A SUPREME DEITY.