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## OFFICE OF FAITH AND COMMUNITY LIAISON

### House Bill 4157 (Substitute H-5) First Analysis (3-8-01)

**Sponsor: Rep. Doug Hart**  
**Committee: Family and Children  
Services**

#### ***THE APPARENT PROBLEM:***

Views on welfare have changed in this country in the past few years. For example, the federal welfare reforms of 1996, designed to “end welfare as we know it,” also incorporated “Charitable Choice” rules, which were designed to encourage faith-based organizations to team up with public welfare services. It was intended, under these reforms, that the religious integrity of organizations that accepted government funds would be protected. At the same time, the rights of recipients who received help were to be protected from religious coercion. Reportedly, the provisions of Charitable Choice have been carried out aggressively in some states, such as Texas. Other states lag behind, because, in many cases, many faith-based organizations that might otherwise benefit from the program don’t know how to apply for funds.

In January, 2001, shortly after taking office, President George W. Bush outlined a series of tax changes to encourage charitable giving to religious and other community organizations. The president also announced the establishment of a new office, the White House Office of Faith-based and Community Initiatives, to help religious organizations that combat alcoholism, drug addiction, and other social ills. In addition, a new national advisory board on this subject is to be appointed. These actions are said to be part of a plan to coordinate public financing of faith-based social services and to integrate religious groups into the government’s effort’s to help people in need. They will work toward eliminating regulatory obstacles to allow religious groups to participate in programs paid for by the federal government. It has been suggested that Michigan establish a community liaison within the executive branch similar to the one established at the federal level. The liaison would work with the faith community.

#### ***THE CONTENT OF THE BILL:***

The bill would create a new act to establish an “Office of Faith and Community Liaison” as an

autonomous entity within the Department of Management and Budget (DMB). The governor would appoint a faith and community liaison, who would be the executive director of the office. He or she would have to be knowledgeable about national and state faith- and community-based organization-government collaboratives and about public and private funding sources for programs and services for the poor, and also be a person who demonstrated respect for, and willingness to work with, all faith organizations and resources in Michigan.

The office of faith and community liaison would be required to:

- provide charitable choice education to state agencies and faith and community organizations that provide human services and initiatives that serve the needy;
- participate in hearings and meetings concerning how state agencies relate to Michigan faith communities;
- gather information concerning state and national innovations regarding faith and community organizations partnering with state agencies in other states;
- analyze obstacles to faith and community organizations partnering with state agencies;
- submit an annual report on the liaison’s yearly activities to the governor, the director of the DMB, and the legislature. The report would have to include recommendations regarding a need for a change in the rules or policy concerning human service contracting with faith and community based organizations.

The bill states that the office could not receive more than \$200,000 annually in state funds.

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The act would be repealed effective December 31, 2004.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency estimates that the provisions of House Bill 4157 would result in a cost to the state for the creation and maintenance of the proposed Office of Faith and Community Liaison. The following types of operational costs could be expected: salaries and fringe benefits, travel, telephones, training and education, postage, printing, office supplies, equipment, maintenance, contractual services, rent, and technology-related costs. The exact cost would depend primarily on the number of staff in the office. The HFA notes that the bill specifies that no more than \$200,000 in state funds could be spent by the office annually. However, the bill does not prohibit the use of private or federal funding. (3-8-01)

### ***ARGUMENTS:***

#### ***For:***

Thousands of religious and community organizations across the state provide services for the poor and help combat drug addiction, alcoholism and other social ills. However, although Congress passed laws in 1996 that allow religious groups to compete for contracts from the federal Department of Health and Human Services, many still find it difficult to obtain government funds for their programs, according to representatives of these organizations who testified before the House Family and Children Services Committee. Most agreed that cooperation is needed between government and religious and community organizations that help the poor. A liaison, it is said, would be beneficial in providing information on government programs.

#### ***For:***

Many faith-based organizations are enthusiastic about increased government support so that seemingly intractable social problems can be tackled. The establishment of an Office of Faith and Community Liaison would be a first step toward recognizing the faith-based organizations that provide social services. In the future, the office could work toward removing the regulations that keep the organizations from receiving state money and contracts for programs that aid the needy, and in showing these organizations how to cut through the ubiquitous red tape.

#### ***Response:***

As written, the bill has no funding provisions for the operation of the proposed Office of Faith and

Community Liaison. Moreover, the bill is vague regarding the duties of the proposed office, specifying only that it would – among other things – provide charitable choice education to state agencies and faith and community organizations that provide human services and initiatives that serve the needy. The bill does not specify how the office is to help faith-based organizations apply for, and provide, social services.

#### ***Rebuttal:***

Supporters of the legislation point out that the purpose of the office would not be that of providing social services to these organizations, nor helping them in writing grants or applying for social services. Instead, it is intended that the office serve an educational role. For example, in addition to its information-gathering role, it would act as a clearinghouse to supply faith and community organizations with the names of organizations that do provide specific types of services.

#### ***Against:***

The bill is unnecessary. Strong partnerships and channels of communication already exist between faith-based organizations and the state (liaisons on the governor's staff are involved with faith-based and community organizations), and organizations that meet the eligibility criteria do receive government funds for their programs. In any case, mixing religious based organizations and politics has long been considered taboo. Moreover, the bill's vagueness concerning the responsibilities of the proposed Office of Faith and Community Liaison gives cause for concern, since it could ultimately involve state government in activities that aren't permitted under the constitution. For example, services provided by a tax-funded state official whose duties were to cultivate relationships between government and religion would violate the First Amendment prohibition against government involvement in religion.

#### ***Against:***

In written testimony presented to the House Committee on Children and Family Services, the ACLU and other organizations protested against public tax money being provided to religious organizations which, since they are exempt from many civil rights laws, may discriminate in employment practices. They also suggest that the proposed legislation be amended to include the following safeguards: an assurance that secular alternatives are available; a prohibition against proselytizing as part of a program; and a requirement

that faith-based programs be held to the same outcomes standards as state programs.

***POSITIONS:***

The Center for Public Justice supports the bill. (3-7-01)

David's House, an organization that provides Christian residential care for developmentally disabled adults, supports the bill. (3-7-01)

The Christian Business Network International supports the bill. (3-7-01)

The American Family Coalition (AFL) supports the bill. (3-7-01)

The Empowerment Network supports the bill. (3-7-01)

The Department of Management and Budget (DMB) is neutral on the bill. (3-7-01)

The North Kent Service Center, a food pantry located in Kent County, has no position on the bill. (3-7-01)

The American Civil Liberties Union (ACLU) opposes the bill. (3-7-01)

The Michigan Jewish Conference opposes the bill and maintains that creating an Office of Faith and Community Liaison is unnecessary. (3-7-01)

Analyst: R. Young

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■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.