

HOUSE BILL No. 6085

May 16, 2002, Introduced by Reps. Murphy, McConico, Gielegthem, Phillips, Garza, Bernero, Rison, Quarles, Schauer, Williams, Waters and Hardman and referred to the Committee on Family and Children Services.

A bill to create the community-based facilitator's office in the executive branch; to prescribe its powers and duties; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The community-based facilitator's office is
2 created as an autonomous entity within the department of manage-
3 ment and budget.

4 (2) The community-based facilitator's office shall do all of
5 the following:

6 (a) Complete an evaluation of religious, community, and non-
7 profit organizations and government collaborations currently in
8 place within the state and, not later than 2 years after the
9 office has been established, provide a report to the house and
10 senate standing committees dealing with human services that
11 includes all of the following information:

1 (i) The number of religious, community, and nonprofit
2 organizations that applied for contracts with the state during
3 the fiscal year starting October 1, 1999 and ending September 30,
4 2000.

5 (ii) The number of religious, community, and nonprofit
6 organizations that have contracts with the state.

7 (iii) The types of services needed by religious, community,
8 and nonprofit organizations from a state office.

9 (iv) Information on the types of initiatives or programs
10 started by other states in the area of religious, community, and
11 nonprofit organizations and government collaboratives.

12 (v) Information on the type of training or education needs
13 identified to assist religious, community, and nonprofit organi-
14 zations in successful collaboration with the state in the area of
15 human services.

16 (b) Develop methods for religious, community, and nonprofit
17 organizations to utilize to effectively participate in the
18 state's procurement process.

19 (c) Provide technical assistance and instruction in grant
20 and proposal writing to religious, community, and nonprofit
21 organizations.

22 (d) Assist religious, community, and nonprofit organizations
23 in applying for state and federal grants.

24 (e) Provide education on state and federal regulations and
25 guidelines to religious, community, and nonprofit organizations
26 related to their collaboration with the state.

1 (f) Monitor the progress of various proposals related to
2 religious, community, and nonprofit organizations and government
3 collaboratives.

4 (g) Provide intervention and mediation services for reli-
5 gious, community, and nonprofit organizations in their collabora-
6 tions with the state.

7 (h) Provide any other necessary services to religious, com-
8 munity, and nonprofit organizations to assist in their collabora-
9 tions with the state.

10 (3) The department of management and budget shall designate
11 a liaison to provide charitable choice education, technical
12 assistance, and other information that will be available to reli-
13 gious, community, and nonprofit organizations regarding the pro-
14 gram activities of the department and the preparation of applica-
15 tions or proposals for grants, cooperative agreements, contracts,
16 and procurement. The liaison shall be knowledgeable of national
17 and state community collaboratives and public and private funding
18 sources for programs and services for the poor. The liaison
19 shall be respectful and willing to work with all religious, com-
20 munity, and nonprofit organizations and resources in Michigan.
21 The liaison shall gather information concerning state and
22 national innovations, analyze obstacles to partnering with the
23 family independence agency, and work with county family indepen-
24 dence agency boards to develop and maintain relationships with
25 religious, community, and nonprofit organizations. The liaison
26 shall submit an annual report on the liaison's yearly activities
27 to the director and the legislature. The report shall include

1 recommendations regarding a need for a change in the rules or
2 policy concerning human service contracting with religious, com-
3 munity, and nonprofit organizations.

4 Sec. 2. It is the intent of the legislature to provide
5 assistance to needy individuals and families in the most effec-
6 tive and efficient manner; to prohibit discrimination against
7 religious, community, and nonprofit organizations on the basis of
8 religion in the administration and distribution of government
9 assistance under covered programs; to allow religious, community,
10 and nonprofit organizations to assist in the administration and
11 distribution of assistance without impairing their religious
12 character; and to protect the religious freedom of those in need
13 who are eligible for governmental aid by expanding their opportu-
14 nity to choose to receive services from a diversity of religious,
15 community, and nonprofit organizations in a manner consistent
16 with the free exercise and establishment clauses of the United
17 States constitution.

18 Sec. 3. (1) A state agency or department may contract with
19 a religious, community, or nonprofit organization to administer a
20 program created under this act or to perform a duty of the family
21 independence agency under this act. A state agency or department
22 may use direct or indirect funding mechanisms to contract with a
23 religious, community, or nonprofit organization, agency, or
24 entity as provided in this section. Federal, state, or local
25 government funds or other direct or indirect assistance received
26 by a religious, community, or nonprofit organization to provide
27 services under this act constitutes aid to individuals and

1 families in need, the ultimate beneficiaries of such services,
2 and not support for, or endorsement of, religion or the
3 organization's religious beliefs or practices.

4 (2) A state agency or department may contract with a reli-
5 gious, community, or nonprofit organization, or allow it to
6 receive certificates, vouchers, or other forms of indirect dis-
7 bursement under a program created under this act on the same
8 basis as any other nongovernmental provider without impairing the
9 religious character of the religious, community, or nonprofit
10 organization, or without diminishing the religious freedom of
11 beneficiaries of assistance funded under such a program. A state
12 or local government agency receiving funds under this act shall
13 not discriminate against an organization that provides assistance
14 under, or applies to provide assistance under, a program adminis-
15 tered under this act on the basis that the organization is reli-
16 gious or of a religious nature.

17 Sec. 4. A religious, community, or nonprofit organization
18 shall not commingle state or federal funds received under this
19 act with funds that religious organization receives for its reli-
20 gious purpose. Federal and state funds received under this act
21 shall be maintained in a separate account and audited and
22 accounted for separately. A religious, community, or nonprofit
23 organization contracting with the state to provide assistance is
24 subject to the same regulations as any other nongovernmental
25 organization contracting with the state to account in accordance
26 with generally accepted accounting principles for the use of
27 funds provided under a program administered under this act.

1 Sec. 5. A religious organization that contracts with a
2 state agency or department to administer programs retains its
3 autonomy from the state and local government if that religious
4 organization is using its own funds while acting on religious
5 activities. A religious organization shall retain control over
6 the definition, development, practice, and expression of its
7 religious belief and control over its employment policies, con-
8 sistent with section 702 of title VII of the civil rights act of
9 1964, 78 Stat. 255, 42 U.S.C. 2000e-1a. However, the provisions
10 of this section are not intended to expand the existing exemption
11 to allow discrimination in employment policies while using public
12 funds. Any exemption under the federal or state civil rights act
13 applies only to a religious organization's use of its own private
14 funds.

15 Sec. 6. The state shall not require a religious, community,
16 or nonprofit organization to alter its form of internal govern-
17 ance or remove religious art, icons, scripture, or other symbols
18 due to their religious nature in order to provide assistance, or
19 to accept certificates, vouchers, or other forms of disbursement,
20 funded under this act.

21 Sec. 7. (1) If a recipient has an objection to the reli-
22 gious character of the organization from which the recipient
23 receives, or would receive, assistance funded under a program
24 under this act, the appropriate state or local governmental
25 entity shall provide the recipient, if otherwise eligible for
26 assistance, within a reasonable period of time after the date of

1 the objection, assistance that meets both of the following
2 requirements:

3 (a) Provides an alternative that is accessible to the recip-
4 ient, and unobjectionable to the recipient on religious grounds.

5 (b) Has value that is not less than the value of the assist-
6 ance that the recipient would have received from the religious,
7 community, or nonprofit organization.

8 (2) The state shall provide notice to recipients of their
9 rights under this section.

10 Sec. 8. A religious, community, or nonprofit organization
11 under contract with the family independence agency or providing
12 assistance through a voucher, certificate, or other indirect
13 means shall not discriminate against an individual receiving ben-
14 efits through a program established under this act on the basis
15 of religion, a religious belief, or a refusal to hold a religious
16 belief.

17 Sec. 9. A religious, community, or nonprofit organization
18 that seeks to enforce its rights under this section may assert a
19 civil action for injunctive relief exclusively in an appropriate
20 state court against the official or agency that allegedly vio-
21 lates this section.

22 Sec. 10. Direct funds provided through a contract to a
23 religious, community, or nonprofit organization to provide
24 assistance under a program administered under this act shall not
25 be expended for sectarian instruction, worship, or
26 proselytization. If the religious, community, or nonprofit
27 organization offers that activity, the activity shall be

1 voluntary for recipients and offered separately from any program
2 funded under this act. A religious, community, or nonprofit
3 organization shall sign a certificate certifying that the organi-
4 zation is aware of and will comply with this subsection. The
5 certificate shall be filed with the government agency that dis-
6 burses the funds.

7 Sec. 11. If an intermediate grantor is given the authority
8 to select a nongovernmental organization to provide assistance
9 under this act, the intermediate grantor has the same duties
10 under this section as the government when selecting or dealing
11 with subgrantors. If the intermediate grantor is a religious,
12 community, or nonprofit organization, that intermediate grantor
13 shall retain all rights of a religious, community, or nonprofit
14 organization under this section. As used in this section,
15 "intermediate grantor" means a nongovernmental organization
16 acting under a contract with the state or local government.

17 Sec. 12. This act is repealed effective September 30,
18 2006.