

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1179

By: Pruitt

AS INTRODUCED

An Act relating to state contracts; prohibiting discrimination by state agencies against religious or faith-based organizations in contracting for provision of goods, services, or disbursements to recipients; prohibiting imposition of certain contract conditions or discouragement of religious freedom; requiring certain nondiscrimination statements on certain documents and nondiscriminatory treatment with respect to certain listings and processes; requiring certain reasonable effort to achieve equity of recipient access among providers; declaring independence of organizations from state with regard to certain matters; prohibiting state agencies from requiring certain actions of contractors or prospective contractors; providing opportunity for recipient objection to provision of services by faith-based organization, alternative thereto, and notice of right to object and objection procedures; prohibiting certain provider discrimination against recipients; prohibiting expenditures for certain purposes; making exception thereto; providing for certain accounting and auditing equity; restricting audits under certain circumstances; providing for statutory construction with respect to employment practices by faith-based organizations; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 583.1 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Agencies of this state shall not discriminate against an organization that is, or that applies to be, a bidder, supplier, or vendor on the basis that the organization has a religious character, hereinafter faith-based organization. State agencies, when preparing to make or making acquisitions, shall not impose conditions relating to the religious character of faith-based

organizations or impair or diminish or discourage the exercise of religious freedom by recipients of goods, services, or disbursements provided pursuant to such acquisitions.

B. State agencies shall ensure that all invitations to bid, requests for proposal, contracts, and purchase orders prominently display a nondiscrimination statement indicating that the state, pursuant to this act, does not discriminate against faith-based organizations.

C. State agencies shall review and revise all rules and internal procedures to ensure that faith-based organizations are given equal consideration for inclusion in bidder, supplier, and vendor listings and all other processes whereby prospective bidders, suppliers, and vendors are made aware of the intent of a state agency to solicit a bid or proposal or make an acquisition.

D. State agencies shall make every reasonable effort to ensure that recipients of goods, services, or disbursements pursuant to a contract between the state agency and a faith-based organization have access to the goods, services, or disbursements that is not more restrictive than the access provided recipients by other nongovernmental providers that contract with the agency.

E. A faith-based organization contracting with the state shall retain its independence from state government as to the religious organization's control over the definition, development, practice, and expression of its religious beliefs. State agencies shall not require any faith-based organization to alter its form of internal governance or to remove or conceal religious art, icons, scripture, or symbols in order to be eligible to contract with, or perform a contract with, a state agency.

F. If a person who applies for or receives goods, services, or disbursements provided pursuant to a contract between a state agency and a faith-based organization objects to the religious character of the provider from which the person receives or would receive the

goods, services, or disbursements, the state agency shall offer the person, within a reasonable period of time after the date of the objection, access to equivalent goods, services, or disbursements from an alternative provider. The state agency shall provide notice to recipients of the right to object pursuant to this subsection and the procedures for so doing.

G. A faith-based organization contracting with a state agency shall not discriminate against any recipient of goods, services, or disbursements pursuant to the contract on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, sex, or national origin.

H. Monies provided for expenditure pursuant to contracts with state agencies shall not be spent for sectarian worship, instruction, or proselytizing; provided, this prohibition shall not apply to expenditures pursuant to contracts, if any, for the services of chaplains.

I. Faith-based organizations contracting with state agencies shall be subject to the same rules as other organizations that contract with the state to account for the use of the monies provided; however, if the faith-based organization segregates public monies into separate accounts, only the accounts and programs funded with public monies shall be subject to audit by the state.

J. Nothing in this section shall be construed as barring or prohibiting a faith-based organization from any opportunity to make a bid or proposal or contract on the grounds that the faith-based organization has exercised its right pursuant to 42 U.S.C., Section 2000e-1, et seq., to employ persons of a particular religion.

SECTION 2. This act shall become effective November 1, 2000.