

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 400

By: Pruitt

AS INTRODUCED

An Act relating to state contracts; prohibiting discrimination by the Department of Human Services against certain organizations in contracting for provision of goods, services, or disbursements to recipients; prohibiting imposition of certain contract conditions or discouragement of certain freedoms; requiring certain nondiscrimination statements on certain documents and nondiscriminatory treatment with respect to certain listings and processes; requiring review and revision of rules and internal procedures to require equal consideration for inclusion in specified processes; requiring certain reasonable effort to achieve equity of recipient access among providers; declaring independence of organizations with regard to certain matters; prohibiting the Department of Human Services from requiring certain actions of contractors or prospective contractors; providing opportunity for recipient objection to provision of services by certain 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 certain 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. The Department of Human Services in carrying out the provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not discriminate against an organization authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code, that is,

or that applies to be, a bidder, supplier, or vendor. The Department of Human Services, when preparing to make or making acquisitions, shall not impose conditions relating to the religious character of such 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. The Department of Human Services 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 organizations authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code.

C. The Department of Human Services shall review and revise all rules and internal procedures to ensure that organizations authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code 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 the Department of Human Services to solicit a bid or proposal or make an acquisition.

D. The Department of Human Services shall make every reasonable effort to ensure that recipients of goods, services, or disbursements pursuant to a contract between the Department of Human Services and an organization authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code 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 Department.

E. An organization authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code contracting with the Department of Human Services shall retain its independence from the Department of Human Services as to the

organization's control over the definition, development, practice, and expression of its religious beliefs. The Department of Human Services shall not require any such 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, the Department.

F. If a person, who applies for or receives goods, services, or disbursements provided pursuant to a contract between the Department of Human Services and an organization authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code, objects to the religious character of the provider from which the person receives or would receive the goods, services, or disbursements, the Department of Human Services 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 Department of Human Services shall provide notice to recipients of the right to object pursuant to this subsection and the procedures for so doing.

G. An organization authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code contracting with the Department of Human Services 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 the Department of Human Services 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. Organizations authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code contracting with the Department of Human Services 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 such 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 an organization authorized to provide services pursuant to subsection (b) of Section 604a of Title 42 of the United States Code from any opportunity to make a bid or proposal or contract on the grounds that such 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, 2001.

48-1-841

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