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SENATE BILL NO. 1212

Offered January 10, 2001

Prefiled January 10, 2001

A BILL to amend the Code of Virginia by adding a section numbered 11-35.1, relating to procurement contracts with religious organizations.

Patron—Hanger

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 11-35.1 as follows:****§ 11-35.1. Procurement contracts with religious organizations.**

A. Notwithstanding the provisions of §§ 11-44 and 11-51, agencies of the Commonwealth 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 religious character; such are hereinafter known as faith-based organizations. 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 proposals, contracts, and purchase orders prominently display a nondiscrimination statement indicating that the state, pursuant to this section, 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 a 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 his objection, access to equivalent goods, services, or disbursements from an alternative provider. The state agency shall provide each recipient with a notice in bold face type that states: "Neither the agency's selection of a charitable or faith-based provider of services nor the expenditure of funds under this contract is an endorsement of the provider's charitable or religious character, practices, or expression. No provider of services may discriminate against you on the basis of religion, a religious belief, or your refusal to actively participate in a religious practice. If you object to a particular provider because of its religious character, you may request assignment to a different provider. If you believe that your rights have been violated, please discuss the complaint with your provider or notify the appropriate person as indicated in this form."

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. Funds provided for expenditure pursuant to contracts with state agencies shall not be spent for sectarian worship, instruction, or proselytizing; however, 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 funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and

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SB1212

59 *programs funded with public funds shall be subject to audit by the state.*

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