

House Bill 1407

By: Representatives Smith of the 175th, Smith of the 19th, Turnquest of the 73rd and Dukes of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state
2 government in general, so as to provide that state government may, in the course of
3 participation in federal programs, under certain conditions administer and provide services
4 through contracts with charitable, religious, or private organizations; to provide that state
5 government may, in the course of participation in federal programs, under certain conditions
6 provide beneficiaries of assistance with certificates, vouchers, or other forms of disbursement
7 which are redeemable with charitable, religious, or private organizations; to provide for
8 legislative findings and determinations; to provide for limitations and conditions; to provide
9 for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to state government
13 in general, is amended by adding at its end a new Code Section 50-1-7 to read as follows:
14 "50-1-7.

15 (a) The General Assembly finds and determines that:

16 (1) Federal law now provides at 42 U.S.C.A. Section 604a, and may hereafter provide
17 under other federal laws, that subject to certain limitations states may:

18 (A) Administer and provide services under certain federal programs through contracts
19 with charitable, religious, or private organizations; and

20 (B) Provide beneficiaries of assistance under certain federal programs with certificates,
21 vouchers, or other forms of disbursement which are redeemable with such organizations
22 but that such authority shall not preempt any provision of a state constitution or state
23 statute that prohibits or restricts the expenditure of state funds in or by religious
24 organizations;

(2) Article I, Section II, Paragraph VII of the Georgia Constitution provides that no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect, cult, or religious denomination or of any sectarian institution;

(3) Article III, Section VI, Paragraph II(a)(3) of the Georgia Constitution provides that the General Assembly may provide by law for participation by the state and political subdivisions and instrumentalities of the state in federal programs and the compliance with laws relating thereto;

(4) Article III, Section IX, Paragraph II(c) of the Georgia Constitution provides that the General Assembly shall by general law provide for the regulation and management of the finance and fiscal administration of the state; and

(5) The provisions of this Code section are authorized under a reasonable construction of such provisions of federal law and the Georgia Constitution.

(b) To the extent authorized and contemplated by federal law, the State of Georgia and its departments, agencies, instrumentalities, and political subdivisions may, in the course of participation in federal programs, administer programs and provide assistance in the manner contemplated by 42 U.S.C.A. Section 604a, and any other similar federal law, subject to the following conditions:

(1) State and local government funds may be expended for administrative purposes incidental to the administration of such programs but neither state funds nor local government funds shall be distributed to any religious organization;

(2) If an individual objects to the religious character of an organization from which the individual receives, or would receive, program assistance or services, an alternative acceptable provider shall be made available to such individual;

(3) A religious organization providing program assistance or services shall not discriminate against an individual in rendering program assistance or services on the basis of religion, religious belief, or participation in or refusal to participate in a religious practice or rite; and

(4) No funds provided to a religious organization to provide program assistance or services shall be expended for sectarian worship, instruction, proselytization, or promotion of any particular system of faith or worship."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.