

House Bill 1407 (AS PASSED HOUSE AND SENATE)

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

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 style="text-align:center">**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;

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

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

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

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

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

18 (1) State and local government funds may be expended for administrative purposes  
19 incidental to the administration of such programs but neither state funds nor local  
20 government funds shall be distributed to any church, sect, cult, religious denomination,  
21 or sectarian institution, except as otherwise authorized by law or the Constitution of the  
22 State of Georgia.

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

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

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

33 (5) Organizations receiving funds to provide program assistance or services shall either  
34 be organized under Section 501(c)(3) of the United States Internal Revenue Code or shall  
35 agree to be subject to audit of the use of state and local funds pursuant to appropriate  
36 rules and regulations promulgated by the Department of Audits and Accounts for the  
37 administration of the terms of this Code section."

