

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0314.01 Michele Hanigsberg

HOUSE BILL 01-1214

HOUSE SPONSORSHIP

Groff, Dean, Larson, Marshall, Sanchez, and Stafford

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING GUIDELINES FOR STATE CONTRACTS WITH CHARITABLE**
102 **ORGANIZATIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires the executive director of the department of personnel to establish rules for state agencies when they contract with religious and charitable organizations for the administration, implementation, or operation of any aspect of a program or service. Specifies that these rules will apply to all governmental bodies of the executive branch of this state. Specifies what provisions that the state rules shall include.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Part 1 of article 102 of title 24, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4 **24-102-102. State rules - contracting with religious or**
5 **charitable organizations.** (1) THE EXECUTIVE DIRECTOR SHALL
6 PROMULGATE RULES, CONSISTENT WITH SECTION 4 OF ARTICLE II OF THE
7 COLORADO CONSTITUTION, THAT ESTABLISH GUIDELINES FOR ALL
8 GOVERNMENTAL BODIES OF THE EXECUTIVE BRANCH OF THIS STATE WHEN
9 THEY CONTRACT WITH RELIGIOUS OR CHARITABLE ORGANIZATIONS FOR THE
10 ADMINISTRATION, IMPLEMENTATION, OR OPERATION OF ANY ASPECT OF
11 ANY PROGRAM OR SERVICE. THE RULES SHALL INCLUDE, BUT NEED NOT BE
12 LIMITED TO, THE FOLLOWING:

13 (a) A RELIGIOUS OR CHARITABLE ORGANIZATION SHALL BE ELIGIBLE
14 TO BE A CONTRACTOR ON THE SAME BASIS AS ANY OTHER PRIVATE
15 ORGANIZATION;

16 (b) THE CONTRACTOR RETAINS ITS INDEPENDENCE FROM STATE AND
17 LOCAL GOVERNMENTS, INCLUDING THE CONTRACTOR'S CONTROL OVER THE
18 DEFINITION, DEVELOPMENT, PRACTICE, AND EXPRESSION OF ITS
19 CHARITABLE OR RELIGIOUS BELIEFS;

20 (c) A GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS
21 STATE CONTRACTING WITH A RELIGIOUS OR CHARITABLE ORGANIZATION
22 SHALL NOT REQUIRE, AS A TERM OF ANY CONTRACT, THE RELIGIOUS OR
23 CHARITABLE ORGANIZATION TO ALTER ITS FORM OF INTERNAL
24 GOVERNANCE OR TO REMOVE RELIGIOUS ART, ICONS, SCRIPTURE, OR OTHER
25 SYMBOLS;

26 (d) PARTICIPANTS IN ANY PROGRAM ADMINISTERED BY OR
27 RECIPIENTS OF ANY SERVICE PROVIDED BY A RELIGIOUS OR CHARITABLE

1 ORGANIZATION SHALL NOT BE DISCRIMINATED AGAINST BY THE RELIGIOUS
2 OR CHARITABLE ORGANIZATION ON THE BASIS OF RELIGION, RELIGIOUS
3 BELIEF, OR A PARTICIPANT'S OR RECIPIENT'S REFUSAL TO ACTIVELY
4 PARTICIPATE IN A RELIGIOUS PRACTICE;

5 (e) IF A PROGRAM PARTICIPANT OR SERVICE RECIPIENT OBJECTS TO
6 A PARTICULAR PROVIDER BECAUSE OF THE PROVIDER'S RELIGIOUS
7 CHARACTER, THE PARTICIPANT MAY REQUEST ASSIGNMENT TO A DIFFERENT
8 PROVIDER;

9 (f) A RELIGIOUS ORGANIZATION THAT CONTRACTS WITH ANY
10 GOVERNMENTAL BODY OF THE EXECUTIVE BRANCH OF THIS STATE BY
11 CONTRACTING WITH THE GOVERNMENTAL BODY DOES NOT LOSE THE
12 EXEMPTION PROVIDED UNDER 42 U.S.C. 2000e-1(a) REGARDING
13 EMPLOYMENT PRACTICES;

14 (g) A RELIGIOUS OR CHARITABLE ORGANIZATION SHALL NOT
15 EXPEND MONEYS RECEIVED FROM A GOVERNMENTAL BODY OF THE
16 EXECUTIVE BRANCH OF THIS STATE TO PROVIDE SERVICES OR ADMINISTER
17 A PROGRAM ON SECTARIAN WORSHIP, INSTRUCTION, OR PROSELYTIZATION;

18 (h) MONEYS RECEIVED BY A RELIGIOUS ORGANIZATION PURSUANT
19 TO A CONTRACT WITH ANY GOVERNMENTAL BODY OF THE EXECUTIVE
20 BRANCH OF THIS STATE SHALL NOT BE USED TO PURCHASE REAL PROPERTY
21 OR FOR CAPITAL CONSTRUCTION UNLESS REQUIRED UNDER THE CONTRACT;

22 (i) A RELIGIOUS OR CHARITABLE ORGANIZATION SHALL SEGREGATE
23 ALL GOVERNMENT MONEYS RECEIVED PURSUANT TO ANY CONTRACT.
24 ONLY MONEYS PROVIDED BY THE GOVERNMENT PURSUANT TO A CONTRACT
25 SHALL BE SUBJECT TO AUDIT UNDER THE CONTRACT.

26 (2) "GOVERNMENTAL BODY", AS USED IN THIS SECTION, SHALL
27 HAVE THE SAME MEANING AS DEFINED IN SECTION 24-101-301 (10).

1 **SECTION 2. Applicability.** This act shall apply to contracts
2 executed on or after August 1, 2001.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.