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BAN DISCRIMINATION AGAINST CERTAIN PRIVATE ORGANIZATIONS

House Bill 5059

Sponsor: Rep. Robert Gosselin

Committee: Civil Law and the Judiciary

Complete to 11-8-01

A SUMMARY OF HOUSE BILL 5059 AS INTRODUCED 9-20-01

The bill would create a new act that would prohibit the state, or a political subdivision of the state, from discriminating against a private organization or a charitable funding organization, based on the organization's beliefs, expression of beliefs, or exercise of rights protected by the U.S. or state constitution. Under the bill, a "private organization" would be defined to mean an organization whose purpose was to provide an educational program for boys and young adults to build character, train in the responsibilities of participating citizenship, and prepare young people to make ethical and moral choices over their lifetimes by instilling the values of duty to God and country, helping other people at all times, and keeping physically strong, mentally awake, and morally straight. A "charitable foundation organization" would be defined to mean the United Way.

Prohibited Actions. The following actions by the state or a political subdivision of the state would be prohibited under the bill:

- Denial of equal access to public property by a private organization, based on that organization's beliefs, expression of beliefs, or exercise of rights protected by the U.S. or state constitution.
- Denial or withdrawal of public money from a private or charitable funding organization, based on that organization's beliefs, expression of beliefs, or exercise of rights protected by the U.S. or state constitution.
- Except as necessary to comply with an administrative or judicial finding of unlawful discrimination under federal or state law, compel or attempt to compel a private organization to hire, employ, enroll, or accept as a member, volunteer, or employee an individual based on the individual's beliefs regarding religion or sexual orientation.

The following actions by the charitable funding organization, or United Way, would be prohibited:

- Denial or withdrawal of funding from a private organization, based on the private organization's beliefs, expression of beliefs, or exercise of rights protected by the U.S. or state constitution, if the charitable funding organization obtained the money used for funding private

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organizations from soliciting voluntary charitable contributions from state employees, or the charitable fund organization obtained the money used for funding private organizations from soliciting voluntary charitable contributions from employees of a political subdivision of the state (defined under the bill to mean a county, city, township, village, school district, or other governmental unit).

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.