



<https://docs.google.com/forms/d/e/1FAIpQLSfU0l1WSdNHoXUz2uYdt4zf-ztmwuTz-rdKJ59WbJstj1Ylw/viewform>

February 24 2025

HB 0129 - FAV

Public Funding - Nonprofit Entities - Reporting

Dear Chair [Ben Barnes](#), Vice Chair [Anne R. Kaiser](#), and Members of the Appropriations Committee,

This is a common sense bill to require that non-profits which receive at least 50% of their funding from government sources provide a report to the General Assembly of how much money they received and how that money was spent. This public accountability can facilitate enforcement of state and federal non-discrimination laws when government financially supports a non-profit membership organization that discriminates.

As a general matter, the Supreme Court has long recognized that the Establishment Clause's prohibition on laws "respecting an establishment of religion" not only prevents the government from establishing an official religion, such as the Church of England, but also bars other types of support "respecting" an establishment. The Supreme Court has said that "for the men who wrote the Religion Clauses of the First Amendment the 'establishment' of a religion connoted sponsorship, financial support, and active involvement of the sovereign in religious activity." In *Everson*, rather than outlining a general test, the Supreme Court identified specific activities that would violate the Establishment Clause: The "establishment of religion" clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished

for entertaining or professing religious beliefs or disbeliefs, for church attendance or non-attendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.

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