

SECOND REGULAR SESSION

SENATE BILL NO. 916

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAEFER.

Read 1st time January 13, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5934S.011

AN ACT

To repeal section 213.010, RSMo, and to enact in lieu thereof one new section relating to the protection of religious organizations under the Missouri human rights act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 213.010, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 213.010, to read as follows:

213.010. As used in this chapter, the following terms shall mean:

2 (1) "Age", an age of forty or more years but less than seventy years, except
3 that it shall not be an unlawful employment practice for an employer to require
4 the compulsory retirement of any person who has attained the age of sixty-five
5 and who, for the two-year period immediately before retirement, is employed in
6 a bona fide executive or high policy-making position, if such person is entitled to
7 an immediate nonforfeitable annual retirement benefit from a pension, profit
8 sharing, savings or deferred compensation plan, or any combination of such plans,
9 of the employer, which equals, in the aggregate, at least forty-four thousand
10 dollars;

11 (2) "Commission", the Missouri commission on human rights;

12 (3) "Complainant", a person who has filed a complaint with the
13 commission alleging that another person has engaged in a prohibited
14 discriminatory practice;

15 (4) "Disability", a physical or mental impairment which substantially
16 limits one or more of a person's major life activities, being regarded as having
17 such an impairment, or a record of having such an impairment, which with or
18 without reasonable accommodation does not interfere with performing the job,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 utilizing the place of public accommodation, or occupying the dwelling in
20 question. For purposes of this chapter, the term "disability" does not include
21 current, illegal use of or addiction to a controlled substance as such term is
22 defined by section 195.010; however, a person may be considered to have a
23 disability if that person:

24 (a) Has successfully completed a supervised drug rehabilitation program
25 and is no longer engaging in the illegal use of, and is not currently addicted to,
26 a controlled substance or has otherwise been rehabilitated successfully and is no
27 longer engaging in such use and is not currently addicted;

28 (b) Is participating in a supervised rehabilitation program and is no
29 longer engaging in illegal use of controlled substances; or

30 (c) Is erroneously regarded as currently illegally using, or being addicted
31 to, a controlled substance;

32 (5) "Discrimination", any unfair treatment based on race, color, religion,
33 national origin, ancestry, sex, age as it relates to employment, disability, or
34 familial status as it relates to housing;

35 (6) "Dwelling", any building, structure or portion thereof which is occupied
36 as, or designed or intended for occupancy as, a residence by one or more families,
37 and any vacant land which is offered for sale or lease for the construction or
38 location thereon of any such building, structure or portion thereof;

39 (7) "Employer" includes the state, or any political or civil subdivision
40 thereof, or any person employing six or more persons within the state, and any
41 person directly acting in the interest of an employer, but does not include
42 [corporations and associations owned and operated by religious or sectarian
43 groups] **a house of worship or other religious organization;**

44 (8) "Employment agency" includes any person or agency, public or private,
45 regularly undertaking with or without compensation to procure employees for an
46 employer or to procure for employees opportunities to work for an employer and
47 includes any person acting in the interest of such a person;

48 (9) "Executive director", the executive director of the Missouri commission
49 on human rights;

50 (10) "Familial status", one or more individuals who have not attained the
51 age of eighteen years being domiciled with:

52 (a) A parent or another person having legal custody of such individual; or

53 (b) The designee of such parent or other person having such custody, with
54 the written permission of such parent or other person. The protections afforded

55 against discrimination on the basis of familial status shall apply to any person
56 who is pregnant or is in the process of securing legal custody of any individual
57 who has not attained the age of eighteen years;

58 (11) "Human rights fund", a fund established to receive civil penalties as
59 required by federal regulations and as set forth by subdivision (2) of subsection
60 11 of section 213.075, and which will be disbursed to offset additional expenses
61 related to compliance with the Department of Housing and Urban Development
62 regulations;

63 (12) "Labor organization" includes any organization which exists for the
64 purpose, in whole or in part, of collective bargaining or of dealing with employers
65 concerning grievances, terms or conditions of employment, or for other mutual aid
66 or protection in relation to employment;

67 (13) "Local commissions", any commission or agency established prior to
68 August 13, 1986, by an ordinance or order adopted by the governing body of any
69 city, constitutional charter city, town, village, or county;

70 (14) "Person" includes one or more individuals, corporations, partnerships,
71 associations, organizations, labor organizations, legal representatives, mutual
72 companies, joint stock companies, trusts, trustees, trustees in bankruptcy,
73 receivers, fiduciaries, or other organized groups of persons;

74 (15) "Places of public accommodation", all places or businesses offering or
75 holding out to the general public, goods, services, privileges, facilities, advantages
76 or accommodations for the peace, comfort, health, welfare and safety of the
77 general public or such public places providing food, shelter, recreation and
78 amusement, including, but not limited to:

79 (a) Any inn, hotel, motel, or other establishment which provides lodging
80 to transient guests, other than an establishment located within a building which
81 contains not more than five rooms for rent or hire and which is actually occupied
82 by the proprietor of such establishment as his residence;

83 (b) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or
84 other facility principally engaged in selling food for consumption on the premises,
85 including, but not limited to, any such facility located on the premises of any
86 retail establishment;

87 (c) Any gasoline station, including all facilities located on the premises of
88 such gasoline station and made available to the patrons thereof;

89 (d) Any motion picture house, theater, concert hall, sports arena, stadium,
90 or other place of exhibition or entertainment;

91 (e) Any public facility owned, operated, or managed by or on behalf of this
92 state or any agency or subdivision thereof, or any public corporation; and any
93 such facility supported in whole or in part by public funds;

94 (f) Any establishment which is physically located within the premises of
95 any establishment otherwise covered by this section or within the premises of
96 which is physically located any such covered establishment, and which holds itself
97 out as serving patrons of such covered establishment;

98 (16) **"Religious organization", a nonprofit organization that is:**

99 (a) **A house of worship, including but not limited to, a church,**
100 **convention, denomination, congregation, association, diocese,**
101 **conference, council, synagogue, mosque, or temple;**

102 (b) **A religious group, society, corporation, association, entity,**
103 **partnership, order, preschool, school, institution of higher education,**
104 **ministry, charity, social service provider, children's home, clinic,**
105 **hospital or other health care facility, hospice, elder care facility, or**
106 **crisis pregnancy center, whether or not connected to or affiliated with**
107 **a church, convention, denomination or other organization of churches,**
108 **and associated counseling, courses, and teaching, where said**
109 **organization holds itself out to the public in whole or in part as**
110 **religious and its purposes and activities are in whole or in part**
111 **religious; or**

112 (c) **Any clergy, religious leader, minister, officer, manager,**
113 **employee, member, or volunteer of any entity described in paragraph**
114 **(a) or (b) of this subdivision, while acting in the scope of his or her**
115 **office, employment, or duties of position;**

116 (17) "Rent" includes to lease, to sublease, to let and otherwise to grant for
117 consideration the right to occupy premises not owned by the occupant;

118 [(17)] (18) "Respondent", a person who is alleged to have engaged in a
119 prohibited discriminatory practice in a complaint filed with the commission;

120 [(18)] (19) "Unlawful discriminatory practice", any act that is unlawful
121 under this chapter.

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