

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 1085, Page 1, Section TITLE, Lines 3-4,

2 by striking "the social transition of minors in public
3 schools" and inserting in lieu thereof the following:

4 "discriminatory practices"; and

5 Further amend said bill, page 4, section 167.172, line
6 112, by inserting after all of said line the following:

7 "213.010. As used in this chapter, the following terms
8 shall mean:

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

21 (2) "Because" or "because of", as it relates to the
22 adverse decision or action, the protected criterion was the
23 motivating factor;

24 (3) "Commission", the Missouri commission on human
25 rights;

26 (4) "Complainant", a person who has filed a complaint
27 with the commission alleging that another person has engaged
28 in a prohibited discriminatory practice;

29 (5) "Disability", a physical or mental impairment
30 which substantially limits one or more of a person's major
31 life activities, being regarded as having such an
32 impairment, or a record of having such an impairment, which
33 with or without reasonable accommodation does not interfere
34 with performing the job, utilizing the place of public
35 accommodation, or occupying the dwelling in question. For
36 purposes of this chapter, the term "disability" does not
37 include current, illegal use of or addiction to a controlled
38 substance as such term is defined by section 195.010;
39 however, a person may be considered to have a disability if
40 that person:

41 (a) Has successfully completed a supervised drug
42 rehabilitation program and is no longer engaging in the
43 illegal use of, and is not currently addicted to, a
44 controlled substance or has otherwise been rehabilitated
45 successfully and is no longer engaging in such use and is
46 not currently addicted;

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

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

52 (6) "Discrimination", conduct proscribed herein, taken
53 because of race, color, religion, national origin, ancestry,
54 sex, sexual orientation, or age as it relates to employment,
55 disability, or familial status as it relates to housing;

56 (7) "Dwelling", any building, structure or portion
57 thereof which is occupied as, or designed or intended for
58 occupancy as, a residence by one or more families, and any

59 vacant land which is offered for sale or lease for the
60 construction or location thereon of any such building,
61 structure or portion thereof;

62 (8) "Employer", a person engaged in an industry
63 affecting commerce who has six or more employees for each
64 working day in each of twenty or more calendar weeks in the
65 current or preceding calendar year, and shall include the
66 state, or any political or civil subdivision thereof, or any
67 person employing six or more persons within the state but
68 does not include corporations and associations owned or
69 operated by religious or sectarian organizations.

70 "Employer" shall not include:

71 (a) The United States;

72 (b) A corporation wholly owned by the government of
73 the United States;

74 (c) An individual employed by an employer;

75 (d) An Indian tribe;

76 (e) Any department or agency of the District of
77 Columbia subject by statute to procedures of the competitive
78 service, as defined in 5 U.S.C. Section 2101; or

79 (f) A bona fide private membership club, other than a
80 labor organization, that is exempt from taxation under 26
81 U.S.C. Section 501(c);

82 (9) "Employment agency" includes any person or agency,
83 public or private, regularly undertaking with or without
84 compensation to procure employees for an employer or to
85 procure for employees opportunities to work for an employer;

86 (10) "Executive director", the executive director of
87 the Missouri commission on human rights;

88 (11) "Familial status", one or more individuals who
89 have not attained the age of eighteen years being domiciled
90 with:

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

93 (b) The designee of such parent or other person having
94 such custody, with the written permission of such parent or
95 other person. The protections afforded against
96 discrimination because of familial status shall apply to any
97 person who is pregnant or is in the process of securing
98 legal custody of any individual who has not attained the age
99 of eighteen years;

100 (12) "Human rights fund", a fund established to
101 receive civil penalties as required by federal regulations
102 and as set forth by subdivision (2) of subsection 11 of
103 section 213.075, and which will be disbursed to offset
104 additional expenses related to compliance with the
105 Department of Housing and Urban Development regulations;

106 (13) "Labor organization" includes any organization
107 which exists for the purpose, in whole or in part, of
108 collective bargaining or of dealing with employers
109 concerning grievances, terms or conditions of employment, or
110 for other mutual aid or protection in relation to employment;

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

115 (15) "Person" includes one or more individuals,
116 corporations, partnerships, associations, organizations,
117 labor organizations, legal representatives, mutual
118 companies, joint stock companies, trusts, trustees, trustees
119 in bankruptcy, receivers, fiduciaries, or other organized
120 groups of persons;

121 (16) "Places of public accommodation", all places or
122 businesses offering or holding out to the general public,
123 goods, services, privileges, facilities, advantages or

124 accommodations for the peace, comfort, health, welfare and
125 safety of the general public or such public places providing
126 food, shelter, recreation and amusement, including, but not
127 limited to:

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

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

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

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

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

149 (f) Any establishment which is physically located
150 within the premises of any establishment otherwise covered
151 by this section or within the premises of which is
152 physically located any such covered establishment, and which
153 holds itself out as serving patrons of such covered
154 establishment;

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

158 (18) "Respondent", a person who is alleged to have
159 engaged in a prohibited discriminatory practice in a
160 complaint filed with the commission;

161 (19) "Sexual orientation", male or female
162 heterosexuality, homosexuality, or bisexuality by
163 inclination, practice, identity, or expression;

164 [(19)] (20) "The motivating factor", the employee's
165 protected classification actually played a role in the
166 adverse action or decision and had a determinative influence
167 on the adverse decision or action;

168 [(20)] (21) "Unlawful discriminatory practice", any
169 act that is unlawful under this chapter.

170 213.055. 1. It shall be an unlawful employment
171 practice:

172 (1) For an employer, because of the race, color,
173 religion, national origin, sex, sexual orientation,
174 ancestry, age or disability of any individual:

175 (a) To fail or refuse to hire or to discharge any
176 individual, or otherwise to discriminate against any
177 individual with respect to his compensation, terms,
178 conditions, or privileges of employment, because of such
179 individual's race, color, religion, national origin, sex,
180 sexual orientation, ancestry, age or disability;

181 (b) To limit, segregate, or classify his employees or
182 his employment applicants in any way which would deprive or
183 tend to deprive any individual of employment opportunities
184 or otherwise adversely affect his status as an employee,
185 because of such individual's race, color, religion, national
186 origin, sex, sexual orientation, ancestry, age or disability;

187 (2) For a labor organization to exclude or to expel
188 from its membership any individual or to discriminate in any
189 way against any of its members or against any employer or
190 any individual employed by an employer because of race,
191 color, religion, national origin, sex, sexual orientation,
192 ancestry, age or disability of any individual; or to limit,
193 segregate, or classify its membership, or to classify or
194 fail or refuse to refer for employment any individual, in
195 any way which would deprive or tend to deprive any
196 individual of employment opportunities, or would limit such
197 employment opportunities or otherwise adversely affect his
198 status as an employee or as an applicant for employment,
199 because of such individual's race, color, religion, national
200 origin, sex, sexual orientation, ancestry, age or
201 disability; or for any employer, labor organization, or
202 joint labor-management committee controlling apprenticeship
203 or other training or retraining, including on-the-job
204 training programs to discriminate against any individual
205 because of his race, color, religion, national origin, sex,
206 sexual orientation, ancestry, age or disability in admission
207 to, or employment in, any program established to provide
208 apprenticeship or other training;

209 (3) For any employer or employment agency to print or
210 circulate or cause to be printed or circulated any
211 statement, advertisement or publication, or to use any form
212 of application for employment or to make any inquiry in
213 connection with prospective employment, which expresses,
214 directly or indirectly, any limitation, specification, or
215 discrimination, because of race, color, religion, national
216 origin, sex, sexual orientation, ancestry, age or disability
217 unless based upon a bona fide occupational qualification or
218 for an employment agency to fail or refuse to refer for
219 employment, or otherwise to discriminate against, any

220 individual because of his or her race, color, religion,
221 national origin, sex, sexual orientation, ancestry, age as
222 it relates to employment, or disability, or to classify or
223 refer for employment any individual because of his or her
224 race, color, religion, national origin, sex, sexual
225 orientation, ancestry, age or disability.

226 2. Notwithstanding any other provision of this
227 chapter, it shall not be an unlawful employment practice for
228 an employer to apply different standards of compensation, or
229 different terms, conditions or privileges of employment
230 pursuant to a bona fide seniority or merit system, or a
231 system which measures earnings by quantity or quality of
232 production or to employees who work in different locations,
233 provided that such differences or such systems are not the
234 result of an intention or a design to discriminate, and are
235 not used to discriminate, because of race, color, religion,
236 sex, sexual orientation, national origin, ancestry, age or
237 disability, nor shall it be an unlawful employment practice
238 for an employer to give and to act upon the results of any
239 professionally developed ability test, provided that such
240 test, its administration, or action upon the results
241 thereof, is not designed, intended or used to discriminate
242 because of race, color, religion, national origin, sex,
243 sexual orientation, ancestry, age or disability.

244 3. Nothing contained in this chapter shall be
245 interpreted to require any employer, employment agency,
246 labor organization, or joint labor-management committee
247 subject to this chapter to grant preferential treatment to
248 any individual or to any group because of the race, color,
249 religion, national origin, sex, sexual orientation,
250 ancestry, age or disability of such individual or group on
251 account of an imbalance which may exist with respect to the
252 total number or percentage of persons of any race, color,

253 religion, national origin, sex, sexual orientation,
254 ancestry, age or disability employed by any employer,
255 referred or classified for employment by any employment
256 agency or labor organization, admitted to membership or
257 classified by any labor organization, or admitted to or
258 employed in any apprenticeship or other training program, in
259 comparison with the total number or percentage of persons of
260 such race, color, religion, national origin, sex, sexual
261 orientation, ancestry, age or disability in any community,
262 state, section, or other area, or in the available workforce
263 in any community, state, section, or other area.

264 4. Notwithstanding any other provision of this
265 chapter, it shall not be an unlawful employment practice for
266 the state or any political subdivision of the state to
267 comply with the provisions of 29 U.S.C. Section 623 relating
268 to employment as firefighters or law enforcement officers.";
269 and

270 Further amend the title and enacting clause accordingly.