

Exhibit H

~~To prevent discriminatory treatment of any religious entity on the basis of views concerning marriage.~~

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2016

By: Representative Gunn

To: Judiciary B

~~EXECUTIVE ORDER~~ HOUSE BILL NO. 1523

~~ORDER PREVENTING GOVERNMENT DISCRIMINATION AGAINST ANY RELIGIOUS ENTITY ON THE BASIS OF VIEWS CONCERNING MARRIAGE.~~

~~WHEREAS,~~

AN ACT TO CREATE THE RELIGIOUS LIBERTY ACCOMMODATIONS ACT; TO DESIGNATE CERTAIN RELIGIOUS BELIEFS OR MORAL CONVICTIONS THAT ARE PROTECTED; TO PROVIDE CERTAIN PROTECTIONS REGARDING A SINCERELY HELD RELIGIOUS BELIEF OR MORAL CONVICTION FOR PERSONS, RELIGIOUS ORGANIZATIONS AND PRIVATE ASSOCIATIONS; TO DEFINE A DISCRIMINATORY ACTION FOR PURPOSES OF THIS ACT; TO PROVIDE THAT A PERSON MAY ASSERT A VIOLATION OF THIS ACT AS A CLAIM AGAINST THE GOVERNMENT; TO PROVIDE CERTAIN REMEDIES; TO REQUIRE A PERSON BRINGING A CLAIM UNDER THIS ACT TO DO SO NOT LATER THAN TWO YEARS AFTER THE DISCRIMINATORY ACTION WAS TAKEN; TO PROVIDE CERTAIN DEFINITIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF

MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the “Religious

Liberty Accommodations Act.”

SECTION 2. The Mississippi Legislature finds the following:

(~~1~~a) Leading legal scholars concur that ~~government imposition of~~conflicts

between same-sex marriage ~~will infringe on the right to~~and religious liberty ~~unless government acts to prevent or alleviate those infringements.~~are real and should be addressed through
legislation;

(b) After the legalization of same-sex marriage, religious adoption and foster care agencies in Massachusetts, Illinois and the District of Columbia were forced to close because of their sincerely held religious beliefs about marriage. Further, a religious educational institution in Massachusetts was threatened by the government with loss of its accreditation because of its sincerely held religious beliefs about marriage, and small family-owned wedding businesses in Oregon, Washington, Iowa, New York and elsewhere have endured fines or financial penalties or have been forced to close because they operated consistent with their sincerely held religious beliefs about marriage;

(c) Citizens of the this state hold a wide range of reasonable views on the issue of same-sex marriage, and maintaining the state's commitment to religious freedom when faced with these good-faith differences of opinion is vital;

(2d) ~~The United States~~ Our nation has a long and honorable history of respecting and accommodating the religious freedom rights of its people, dating from before the American Revolution to the present. For example, laws have protected the right of Quakers and other pacifists to serve the nation as ~~non-combatants in time~~ noncombatants in times of war, the right of Jews and other Sabbath observers to dedicate their time to God and family instead of ~~work~~ working on their Sabbath; and the right of religious organizations to ~~employ persons of the same beliefs to more effectively~~ provide charitable services to the public; consistent with their beliefs by hiring individuals who share the same beliefs;

~~(3) Nevertheless, in 2015, when asked whether a religious school could lose its tax-exempt status for opposing same-sex marriage, the Solicitor General of the United States admitted to the United States Supreme Court that "it's certainly going to be an issue".~~

(4e) Protecting religious freedom from government intrusion is a state interest of the highest order. ~~Government is obligated to take measures that advance~~ Legislation advances this interest by remedying, deterring, and preventing government interference with religious exercise in a way that complements the protections mandated by the ~~First Amendment to the Constitution of the United States and [STATE CONSTITUTIONAL PROVISIONS].~~ state and federal constitutions;

(5) ~~This state has a tradition of cooperating with various charitable, religious, and private organizations in providing social services. Religious organizations and individuals, in particular, have a lengthy and distinguished history, which predates the state's involvement, in providing critical social services. Religious organizations display particular excellence when providing these services and thus provide substantial benefit to the residents of this state.~~

(f) Protecting the religious freedom of faith-based charities and educational institutions serves the state's compelling interest in providing essential social services to the poor, and educational opportunities to the next generation. This is also consistent with the state's long tradition of cooperating with religious organizations when providing these critical services;

(6g) ~~Further, the Governor signed into law [STATE RFRA] in [YEAR].~~ This state enacted the Religious Freedom Restoration Act in 2014, making clear that: ~~Government shall not~~ it is unlawful to substantially burden a person's exercise of religion, even if the burden results from a facially neutral rule of general applicability, unless ~~it demonstrates~~ that application of the burden to the person is both:

(i) in furtherance of a compelling governmental interest, and (a)

~~In furtherance of a compelling governmental interest; and~~

(~~b~~ii) ~~The~~ the least restrictive means of furthering that compelling governmental interest.;

(~~7~~h) Laws and government actions that protect the free exercise of religious beliefs and moral convictions about marriage and human sexuality will encourage private citizens and institutions to demonstrate tolerance for those beliefs and convictions and therefore contribute to a more respectful, diverse; and peaceful society.;

(i) In a pluralistic society, in which people of good faith hold more than one view of marriage, it is possible for the government to recognize same-sex marriage without forcing persons with sincerely held religious beliefs or moral convictions to conform.

SECTION 3. The sincerely held religious beliefs or moral convictions protected by this act are the belief or conviction that:

~~NOW THEREFORE, I, [NAME], Governor of the [State/Commonwealth] of [NAME], by virtue of the authority vested by the Constitution and the laws of [STATE], do hereby order and direct as follows:~~

~~**SEC. 1. GENERAL PROTECTION OF THE FREE EXERCISE OF RELIGIOUS BELIEFS AND MORAL CONVICTIONS.**~~

~~(a) IN GENERAL.— Notwithstanding any Order to the contrary, the State Government is prohibited from taking any action inconsistent with the restrictions placed upon the State Government by the United States constitution, [or] the [STATE] constitution [or State RFRA], or any other state law, against a person wholly or partially on the basis that such person believes or sincerely acts in accordance with a religious belief or moral conviction that:~~

(~~1~~a) ~~marriage~~Marriage is or should be recognized as the union of one man and one woman;

(2b) ~~sexual~~Sexual relations are properly reserved to such a marriage; ~~or~~and

(3c) ~~male~~Male (man) or female (woman) refer to an individual’s immutable

biological sex as objectively determined by anatomy and genetics ~~by~~at time of birth.

~~SEC. 2. SPECIFIC PROTECTIONS FOR PERSONS, RELIGIOUS SOCIAL SERVICE ORGANIZATIONS, AND PRIVATE ASSOCIATIONS.~~

(a) ~~SPECIFIC PROTECTIONS FOR RELIGIOUS ORGANIZATIONS.—~~

~~Notwithstanding any Order to the contrary, the State Government~~SECTION 4. (1) The state government shall not take any discriminatory action against a religious organization wholly or partially on the basis that such organization ~~has declined;~~

~~or will decline~~(a) Solemnizes or declines to solemnize any marriage, or provides or declines to provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration or recognition of any marriage, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.~~3 of this act;

(b) ~~SPECIFIC PROTECTIONS FOR RELIGIOUS STAFFING.—~~

~~Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a~~Makes any employment-related decision including, but not limited to, the decision whether or not to hire, terminate or discipline an individual whose conduct or religious beliefs are inconsistent with those of the religious organization, ~~wholly or partially on the basis that such organization made or will make any employment-related decision~~ based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in ~~in~~ Section ~~1.~~3 of this act;
or

~~(c) SPECIFIC PROTECTIONS FOR RELIGIOUS HOUSING PROVIDERS.—~~ Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization wholly or partially on the basis that such organization lawfully made or will make Makes any decision concerning the sale, rental, ~~advertisement,~~ occupancy of, or terms and conditions, ~~or occupancy of~~ occupying a dwelling or other housing under its control, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section 13 of this act.

~~(d) SPECIFIC PROTECTIONS FOR SHELTERS.—~~ Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a religious organization that offers housing or related services for the prevention and non-emergency treatment of juvenile delinquency, substance abuse recovery, assistance to victims of crime or abuse, alleviation of homelessness, or for any charitable purpose, wholly or partially on the basis that such organization made or will make any decision concerning the admission, advertisement, terms and conditions, or occupancy of such housing or related services based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.

~~(e2) SPECIFIC PROTECTIONS FOR RELIGIOUS ADOPTION AGENCIES.—~~ Notwithstanding any Order to the contrary, the State Government The state government shall not take any discriminatory action against a religious organization that advertises, provides, or facilitates adoption or foster care, wholly or partially on the basis that such organization has provided or declined to provide any adoption or foster care service, or

related service ~~[under state law]~~, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act.

~~(3)~~ ~~SPECIFIC PROTECTIONS FOR FOSTER AND ADOPTIVE PARENTS.~~— ~~Notwithstanding any Order to the contrary, the State Government~~ The state government shall not take any discriminatory action against a person ~~granted custody by who~~ the state grants custody of a foster or adoptive child, or who seeks from the state custody of a foster or adoptive child, wholly or partially on the basis ~~of that~~ the person ~~guiding, directing, instructing, or raising~~ guides, instructs or raises a child, or intends to guide, instruct, or raise a child based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act.

~~(4)~~ ~~SPECIFIC PROTECTIONS FOR COUNSELING SERVICE PROVIDERS.~~— ~~Notwithstanding any Order to the contrary, the State Government~~ The state government shall not take any discriminatory action against a person ~~engaged in the provision of psychological, psychiatric, fertility, marital, child, or family counseling, treatment, or services,~~ wholly or partially on the basis that the person ~~has provided or declined to provide such counseling, treatment, or service~~ declines to participate in the provision of treatments, counseling, or surgeries related to sex reassignment or gender identity transitioning or declines to participate in the provision of psychological, counseling, or fertility services based upon ~~or consistent with~~ a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act. This subsection (4) shall not be construed to allow any person to deny visitation, recognition of a designated representative for health care decision-making, or emergency medical treatment necessary to cure an illness or injury as required by law.

~~(h5) SPECIFIC PROTECTIONS FOR EDUCATORS AND STUDENTS.—~~

~~Notwithstanding any Order to the contrary, the State Government~~ The state government shall not take any discriminatory action against a person ~~receiving or engaging in the provision of educational services, including but not limited to pre-k through university education, whether performed at a public or private school, remotely, or at a home,~~ wholly or partially on the basis that ~~such~~ the person has ~~studied, treated, expressed opinions on, taught or will teach educational subjects~~ provided or declined to provide the following services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, celebration, or recognition of any marriage, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.~~ 3 of this act:

~~(i) SPECIFIC PROTECTIONS FOR CLERKS AND MAGISTRATES.—~~

~~Notwithstanding any Order to the contrary, a clerk, register of deeds, judge, or magistrate employed by or acting on behalf of the State Government may seek recusal from performing or licensing lawful marriages based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1. Such recusal shall be upon notice to [state agency] and the State Government shall not take any discriminatory action wholly or partially on the basis of such recusal.~~

(a) Photography, poetry, videography, disc-jockey services, wedding planning, printing, publishing or similar marriage-related goods or services; or

(b) Floral arrangements, dress making, cake or pastry artistry, assembly-hall or other wedding-venue rentals, limousine or other car-service

rentals, jewelry sales and services, or similar marriage-related services,
accommodations, facilities or goods.

(6) The state government shall not take any discriminatory action against a person wholly or partially on the basis that the person establishes sex-specific standards or policies concerning employee or student dress or grooming, or concerning access to restrooms, spas, baths, showers, dressing rooms, locker rooms, or other intimate facilities or settings, based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section 3 of this act.

~~(7) SPECIFIC PROTECTIONS FOR STATE EMPLOYEE SPEECH.—~~

~~Notwithstanding any Order to the contrary, the State Government~~The state government shall not take any discriminatory action against a state employee wholly or partially on the basis that such employee lawfully speaks, ~~acts, or declines to act~~ or engages in expressive conduct based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1~~3 of this act, so long as:

~~(1a)~~ If the employee's speech or expressive conduct occurs in the workplace, ~~or in the course of performing work duties,~~that speech or expressive conduct is consistent with the time, place, manner, and frequency of any other ~~non-harassing~~ expression of a religious, political, or moral belief or conviction allowed ~~by the State Government in the workplace or in the course of performing work duties;~~ or

~~(2b)~~ If the employee's speech or expressive conduct occurs outside the workplace, that speech or expressive conduct is in the employee's personal capacity, and outside the course of performing work duties.

~~(k) SPECIFIC PROTECTIONS FOR CERTAIN EXPRESSIVE ASSOCIATIONS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against non-profit expressive associations, including but not limited to, the Boy Scouts of America and similar organizations, youth clubs, fraternal organizations, civic associations, student clubs at all educational levels, adult support groups, and affinity groups and clubs, wholly or partially on the basis that such associations made or will make any membership or leadership decision, involving paid positions or not.~~

8) (a) Any person employed or acting on behalf of the state government who has authority to authorize or license marriages, including, but not limited to, clerks, registers of deeds or their deputies, may seek recusal from authorizing or licensing lawful marriages based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section ~~1.3~~ 3 of this act.

Any person making such recusal shall provide prior written notice to the State Registrar of Vital Records who shall keep a record of such recusal, and the state government shall not take any discriminatory action against that person wholly or partially on the basis of such recusal. The person who is recusing himself or herself shall take all necessary steps to ensure that the authorization and licensing of any legally valid marriage is not impeded or delayed as a result of any recusal.

~~(l) SPECIFIC PROTECTIONS FOR POLICIES CONCERNING INTIMATE FACILITIES AND SETTINGS.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a person wholly or partially on the basis that such person lawfully establishes sex-specific standards concerning employee, member, student, or customer dress or grooming, or access to restrooms, spas, baths, showers,~~

~~dressings rooms or other intimate facilities, based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~(m) SPECIFIC PROTECTIONS FOR CERTAIN EXPRESSIVE BUSINESSES.—Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely held business wholly or partially on the basis that it has lawfully provided or declined to provide:~~

~~(1b) photography, poetry, videography, DJ services, art, dress or clothes making, wedding planning, printing or publishing, or similar products or services~~Any person employed or acting on behalf of the state government who has authority to perform or solemnize marriages, including, but not limited to, judges, magistrates, justices of the peace or their deputies, may seek recusal from performing or solemnizing lawful marriages based upon or in a manner consistent with a sincerely held religious belief or moral conviction described in Section 1, or 3 of this act. Any person making such recusal shall provide prior written notice to the Administrative Office of Courts, and the state government shall not take any discriminatory action against that person wholly or partially on the basis of such recusal. The Administrative Office of Courts shall take all necessary steps to ensure that the performance or solemnization of any legally valid marriage is not impeded or delayed as a result of any recusal.

~~(2) floral arrangements, catering services, pastry or cake making, clothing or tailoring, limousine or car service or rentals, decorations, pastry or cake making, or similar products or services based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~(n) SPECIFIC PROTECTIONS FOR ASSEMBLY HALLS.—~~

~~Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely held business wholly or partially on the basis that it lawfully made or will make any decisions concerning the rental, advertisement, use, or terms and conditions of a pavilion, field, garden, farm, barn, dance or assembly hall, or similar facility based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~(o) SPECIFIC PROTECTIONS FOR BED AND BREAKFASTS.—~~

~~Notwithstanding any Order to the contrary, the State Government shall not take any discriminatory action against a closely held business engaged in the business of renting rooms at a bed and breakfast or similar sized facility wholly or partially on the basis that it lawfully made or will make any decisions concerning the rental, advertisement, occupancy, or terms and conditions of such facility based upon or consistent with a sincerely held religious belief or moral conviction described in Section 1.~~

~~SEC. 3. DISCRIMINATORY ACTION DEFINED.~~

~~(a) DISCRIMINATORY ACTION DEFINED.—~~SECTION 5. (1) As used in this Order~~act~~, discriminatory action ~~means and~~ includes any action taken by the ~~State Government~~state government to:

~~(1a) negatively alter~~Alter in any way the tax treatment of, or cause any tax, penalty, or payment to be assessed against, or deny, delay, ~~or~~ revoke, or otherwise make unavailable an exemption from taxation ~~under [state tax code or subsection]~~ of, any person referred to in Section 4 of this act;

(2b) ~~disallow~~ Disallow, deny or otherwise make unavailable a deduction for state tax purposes of any charitable contribution made to or by such person;

(3) ~~refuse to hire or promote, force to resign, fire, demote, sanction, discipline, materially alter the terms or conditions of employment, retaliate or take other adverse employment action against, a person employed or commissioned by the State Government.~~

(4c) ~~withhold~~ Withhold, reduce, exclude, terminate, ~~deny, or~~ materially alter the terms or conditions of, or otherwise make unavailable or deny any state grant, contract, subcontract, cooperative agreement, ~~or~~ guarantee, loan, scholarship, or other similar benefit from or to ~~any~~ such person;

(5d) ~~withhold~~ Withhold, reduce, exclude, terminate, ~~deny, or~~ materially alter the terms or conditions of, ~~any~~ or otherwise make unavailable or deny any entitlement or benefit under a state benefit program from or to ~~any~~ such person;

(6e) ~~impose~~ Impose, levy, or assess, a monetary fine, fee, penalty or injunction ~~not required by state statute; or~~

(7f) ~~withhold~~ Withhold, reduce, exclude, terminate, ~~deny, or~~ materially alter the terms or conditions of, ~~any~~ or otherwise make unavailable or deny any license, certification, accreditation, ~~licensing~~, custody award or agreement, diploma, grade, recognition, or ~~certification~~ other similar benefit, position, or status from or to any person; or

(g) Refuse to hire or promote, force to resign, fire, demote, sanction, discipline, materially alter the terms or conditions of employment, or

retaliate or take other adverse employment action against a person employed or commissioned by the state government.

(A2) ~~For purposes of state law, the State Government~~The state government shall consider accredited, licensed, or certified any person that would otherwise be accredited, licensed, or certified, respectively, for ~~such~~any purposes under state law but for a determination against such person wholly or partially on the basis that the person ~~speaking, acting, or declining to act based upon or consistent~~believes, speaks or acts in accordance with a sincerely held religious belief or moral conviction described in Section ~~13~~3 of this act.

SEC. 4. RELIEF.

(a) ~~ADMINISTRATIVE CLAIMS AND DEFENSES.~~ SECTION 6. (1) A person may assert ~~an actual or threatened~~a violation of this ~~Order~~act as a claim ~~or~~against the state government in any judicial or administrative proceeding or as defense in any judicial or administrative proceeding ~~before any department, commission, board, agency, school district, and/or political subdivision of the state and obtain compensatory damages, injunctive~~without regard to whether the proceeding is brought by or in the name of the state government, any private person or any other party.

(2) An action under this act may be commenced, and relief may be granted, in a court of the state without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

(3) Violations of this act which are properly governed by Chapter 46, Title 11, Mississippi Code of 1972, shall be brought in accordance with that chapter.

SECTION 7. Any person who successfully asserts a claim or defense under this act may recover:

(a) Declaratory relief;

(b) Injunctive relief to prevent or remedy a violation of this act or the effects of such a violation;

(c) Compensatory damages for pecuniary and nonpecuniary losses;

(d) Reasonable attorneys' fees and costs; and

~~relief, declaratory relief, or any~~(e) Any other appropriate relief ~~against the state~~except only declaratory relief and injunctive relief shall be available against a private person not acting under color of state law upon a successful assertion of a claim or defense under this act.

~~SEC. 5. RULES OF CONSTRUCTION.~~

SECTION 8. A person must bring an action to assert a claim under this act not later than two (2) years after the date that the person knew or should have known that a discriminatory action was taken against that person.

SECTION 9. (1) Sovereign, governmental and qualified immunities to suit and from liability are waived and abolished to the extent of liability created by Section 7 of this act, and a person may sue the state government, except state courts, for damages allowed by Section 7 of this act.

(2) Notwithstanding subsection (2) of this section, this section does not waive or abolish sovereign immunity to suit and from liability under the Eleventh Amendment to the United States Constitution.

~~(a) BROAD CONSTRUCTION.~~—SECTION 10. (1) This ~~Order~~act shall be construed in favor of a broad protection of free exercise of religious beliefs and moral

convictions, to the maximum extent permitted by the ~~terms of this Order and the United States~~ and ~~[STATE]~~state and federal constitutions.

(b2) ~~No REPEAL OR NARROW CONSTRUCTION. Nothing in this Order, including the enumeration of specific protections,~~The protection of free exercise of religious beliefs and moral convictions afforded by this act are in addition to the protections provided under federal law, state law, and the state and federal constitutions. Nothing in this act shall be construed to preempt or repeal any state or local law that is equally or more protective of free exercise of religious beliefs or moral convictions. Nothing in this act shall be construed to narrow the meaning or application of any ~~Order or State or Federal~~state or local law protecting free exercise of religious beliefs or moral convictions. Nothing in this ~~Order~~act shall be construed to prevent the ~~State Government~~state government from providing, either directly or through ~~a person~~an individual or entity not seeking protection under this ~~Order~~act, any benefit or service authorized under ~~State~~state law.

(3) This act applies to, and in cases of conflict supersedes, each statute of the state that impinges upon the free exercise of religious beliefs and moral convictions protected by this act, unless a conflicting statute is expressly made exempt from the application of this act. This act also applies to, and in cases of conflict supersedes, any ordinance, rule, regulation, order, opinion, decision, practice or other exercise of the state government's authority that impinges upon the free exercise of religious beliefs or moral convictions protected by this act.

SECTION 11. As used in Section 1 through 10 of this act, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(1) “State benefit program” means any program administered or funded by the state, or by any agent on behalf of the state, providing cash, payments, grants, contracts, loans or in-kind assistance.

(2) “State government” means:

(a) The State of Mississippi or a political subdivision of the state;

~~(c) RULE ON PREEMPTION—For purposes of state law, this Order shall be construed to preempt any local or municipal ordinance or resolution to the extent such ordinance or resolution conflicts with any protection of free exercise of religious beliefs or moral convictions provided by this Order. Nothing in this Order shall be construed to preempt or repeal any Order that is equally or more protective of free exercise of religious beliefs or moral convictions.~~

~~(d) SEVERABILITY.— If any provision of this Order or any application of such provision to any religious entity or circumstance is held to be invalid under law, the remainder of this Order and the application of the provision to any other religious entity or circumstance shall not be affected.~~

~~SEC. 6. DEFINITIONS.~~

In this Order:

~~(a) STATE BENEFIT PROGRAM.—The term “state benefit program” has the meaning given that term in [applicable state code].~~

~~(b) STATE GOVERNMENT.—The term “State Government” includes any department, commission, board, agency, school district, political subdivision, and/or agent of the state or any person acting under color of state law.~~ Any

agency of the state or of a political subdivision of the state, including a department, bureau, board, commission, council, court or public institution of higher education;

(c) Any person acting under color of state law; and

(d) Any private party or third party suing under or enforcing a law, ordinance, rule or regulation of the state or political subdivision of the state.

~~(e3)~~ **PERSON.**—The term “person”“Person” means:

~~(1a)~~ aA natural person, in his or her individual capacity, regardless of religious affiliation or lack thereof, or in his or her capacity as a member, officer, owner, volunteer, employee, manager, religious leader, clergy, or minister of any entity described in this ~~Section~~section;

~~(2b)~~ aA religious organization;

~~(3c)~~ aA sole proprietorship, or closely held ~~business or its owners, including sole proprietorships, companies, partnerships, ventures, associations, firms, corporations, cooperatives, trusts, and societies,~~company, partnership, association, organization, firm, corporation, cooperative, trust, society or other closely held entity operating with a sincerely held religious belief or moral conviction described in Section ~~12~~2 of this act; or

~~(4d)~~ ~~cooperatives~~Cooperatives, ventures, or enterprises comprised of two ~~(2)~~ or more individuals or entities described in this ~~Section regardless of non-profit or for-profit status~~subsection.

~~(d4)~~ **RELIGIOUS ORGANIZATION.**—The term “religious”“Religious organization” means:

~~(1) a religious group, corporation, association, educational institution, ministry, order, or society, and associated entities, regardless of whether its purposes and activities are deemed wholly or partly religious.~~

~~(2a) a~~ A house of worship, including, but not limited to, churches, synagogues, shrines, mosques, and temples;

(b) A religious group, corporation, association, school or educational institution, ministry, order, society or similar entity, regardless of whether it is integrated or affiliated with a church or other house of worship; and

~~(3c) any individual member, An~~ officer, owner, ~~volunteer,~~ employee, manager, religious leader, clergy, or minister of an entity or organization described in ~~the preceding subsections while acting within their scope of employment or duties of position or office~~ this subsection (4).

~~SEC. 7. SCOPE.~~

~~(a) All departments, commissions, boards, agencies, school districts, political subdivisions, and agents of the state are authorized and directed to cooperate with the implementations of the provisions of this Order.~~

~~SEC. 8. EFFECTIVE DATE.~~

~~(a) This Order is effective upon signature and shall remain in effect until amended, modified, terminated or rescinded.~~

(5) “Adoption or foster care” or “adoption or foster care service” means social services provided to or on behalf of children, including:

(a) Assisting abused or neglected children;

(b) Teaching children and parents occupational, homemaking and other domestic skills;

(c) Promoting foster parenting;

(d) Providing foster homes, residential care, group homes or temporary group shelters for children;

(e) Recruiting foster parents;

(f) Placing children in foster homes;

(g) Licensing foster homes;

(h) Promoting adoption or recruiting adoptive parents;

(i) Assisting adoptions or supporting adoptive families;

(j) Performing or assisting home studies;

(k) Assisting kinship guardianships or kinship caregivers;

(l) Providing family preservation services;

(m) Providing family support services; and

(n) Providing temporary family reunification services.

SECTION 12. The provisions of Sections 1 through 11 of this act shall be excluded from the application of Section 11-61-1.

SECTION 13. This act shall take effect and be in force from and after July 1, 2016.

~~IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of [STATE], at the Capitol, in the city of [CITY], on this [##]th day of [MONTH], 2015.~~

~~/s/ [NAME] _____~~

~~GOVERNOR OF [STATE]~~

-

Summary report:	
Litéra® Change-Pro 7.5.0.176 Document comparison done on 7/20/2016 4:25:23 PM	
Style name: PW Basic	
Intelligent Table Comparison: Active	
Original filename: ! COMPARE 1 - Exhibit G.docx	
Modified filename: ! COMPARE 2 - HB 1523.docx	
Changes:	
<u>Add</u>	258
Delete	244
Move From	42
<u>Move To</u>	42
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	586