

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE JOINT  
RESOLUTION NO. 1010

By: Graves

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Article XXIII of the Constitution of the State of Oklahoma by adding a new section to be designated as Section 12; providing for the elimination of affirmative action; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article XXIII of the Constitution of the State of Oklahoma by adding a new Section 12 to read as follows:

Section 12. A. The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

B. Nothing in this section shall be interpreted as:

1. Prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal operation of public employment, public education, or public contracting;

2. Invalidating any court order or consent decree which is in force as of the effective date of this section; or

3. Prohibiting action which must be taken to establish or maintain any federal program, where ineligibility would result in a loss of federal funds to the state.

C. The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of then-existing Oklahoma and discrimination law.

D. For the purposes of this section, "state" shall include, but not necessarily be limited to, the state itself, any municipality, county, The Oklahoma State System of Higher Education, school district, or any other political subdivision or governmental instrumentality of or within the state.

E. This section shall be self-executing. If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit. Any provision held invalid shall be severable from the remaining portions of this section.

F. This section shall apply only to action taken after this section's effective date.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_

State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a section to the State Constitution. It adds Section 12 to Article 23. It eliminates affirmative actions except in some cases. It allows certain remedies. It defines "state". It is self-executing. It does not apply to actions taken before the effective date of the new section.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

   / YES, FOR THE AMENDMENT

   / NO, AGAINST THE AMENDMENT

SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

46-1-6048

MCD