

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1728 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Lee Denney \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1728

By: Newberry and Eason McIntyre  
of the Senate

7 and

Denney of the House

8  
9  
10 PROPOSED COMMITTEE SUBSTITUTE

11 [ discriminatory practices - complaint procedures -

12 Human Rights Commission - Attorney General -

13 emergency ]

14  
15  
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 25 O.S. 2011, Section 1101, is  
18 amended to read as follows:

19 Section 1101. A. This act provides for exclusive remedies  
20 within the state ~~of the policies for individuals alleging~~ alleged  
21 discrimination in employment on the basis of race, color, national  
22 origin, sex, religion, creed, age, disability or genetic  
23 information.

1 B. This act shall be construed according to the fair import of  
2 its terms to further the general purposes stated in this section and  
3 the special purposes of the particular provision involved.

4 SECTION 2. AMENDATORY 25 O.S. 2011, Section 1201, is  
5 amended to read as follows:

6 Section 1201. In this act, unless the context otherwise  
7 requires, 7:

8 ~~(1) "Commission" means the Human Rights Commission created by 74~~  
9 ~~Oklahoma Statutes, Section 952~~ 1. "Attorney General" means the  
10 Oklahoma Attorney General's Office of Civil Rights Enforcement;

11 ~~(2) "Commissioner" means a member of the Commission~~ 2.  
12 "Conciliation" means the attempted resolution of issues raised by a  
13 complaint or by the investigation of the complaint through informal  
14 negotiations involving the aggrieved person, the alleged  
15 discriminating party and the Attorney General;

16 ~~(3)~~ 3. "Conciliation agreement" means a written agreement  
17 setting forth the resolution of the issues in conciliation;

18 4. "Discriminatory practice" means a practice designated as  
19 discriminatory under the terms of this act;

20 ~~(4)~~ 5. "National origin" includes the national origin of an  
21 ancestor; and

22 ~~(5)~~ 6. "Person" includes an individual, association,  
23 corporation, joint apprenticeship committee, joint-stock company,  
24 labor union, legal representative, mutual company, partnership,

1 receiver, trust, trustee, trustee in bankruptcy, unincorporated  
2 organization, any other legal or commercial entity, the state, or  
3 any governmental entity or agency.

4 SECTION 3. AMENDATORY 25 O.S. 2011, Section 1310, is  
5 amended to read as follows:

6 Section 1310. Nothing contained in Section 1101 et seq. of this  
7 title requires an employer, employment agency, labor organization,  
8 or joint labor-management committee subject to Section 1101 et seq.  
9 of this title to grant preferential treatment to an individual or to  
10 a group because of race, color, religion, sex, national origin, age,  
11 disability, or genetic information of the individual or group on  
12 account of an imbalance which may exist with respect to the total  
13 number or percentage of persons of any race, color, religion, sex,  
14 national origin, age, disability, or genetic information employed by  
15 an employer, referred or classified for employment by an employment  
16 agency or labor organization, admitted to membership or classified  
17 by a labor organization, or admitted to, or employed in, an  
18 apprenticeship, or other training or retraining program, in  
19 comparison with the total number or percentage of persons of the  
20 race, color, religion, sex, national origin, age, disability, or  
21 genetic information in the state or a community, section, or other  
22 area, or in the available work force in the state or a community,  
23 section, or other area. However, it is not a discriminatory  
24 practice for a person subject to Section 1101 et seq. of this title

1 to adopt and carry out a plan to eliminate or reduce imbalance with  
2 respect to race, color, religion, sex, national origin, age,  
3 disability, or genetic information if the plan has been filed with,  
4 and not disapproved by, the Oklahoma Human Rights Commission under  
5 regulations of the Commission and the Commission has not disapproved  
6 the plan Attorney General.

7 SECTION 4. AMENDATORY 25 O.S. 2011, Section 1350, is  
8 amended to read as follows:

9 Section 1350. A. A cause of action for employment-based  
10 discrimination is hereby created and any common law remedies are  
11 hereby abolished.

12 B. In order to have standing in a court of law to allege  
13 discrimination arising from an employment-related matter, in a cause  
14 of action against an employer for discrimination based on race,  
15 color, religion, sex, national origin, age, disability, genetic  
16 information with respect to the employee, or retaliation, an  
17 aggrieved party must, within one hundred eighty (180) days from the  
18 last date of alleged discrimination, file a complaint with the  
19 Attorney General or a charge of discrimination in employment with  
20 the Oklahoma Human Rights Commission or the Equal Employment  
21 Opportunity Commission alleging the basis of discrimination believed  
22 to have been perpetrated on the aggrieved party. Upon completion of  
23 any investigation, the Oklahoma Human Rights Commission shall  
24 transmit the results of any administrative hearing and determination

1 ~~to the Equal Employment Opportunity Commission or issue the~~  
2 ~~complaining party a Notice of a Right to Sue~~ A complaint filed with  
3 the Attorney General shall conform to the requirements set forth in  
4 Section 1502 of this title.

5 C. Should a ~~charge of~~ discrimination complaint be filed with  
6 the ~~Oklahoma Human Rights Commission~~ Attorney General pursuant to  
7 this section and not be resolved to the satisfaction of the ~~charging~~  
8 ~~party~~ complainant within one hundred eighty (180) days from the date  
9 of filing of such ~~charge~~ complaint, the ~~Commission, upon request of~~  
10 ~~any party shall issue a Notice of a Right to Sue, which must be~~  
11 ~~first obtained in order to~~ complainant may commence a civil action  
12 under this section.

13 D. All civil actions brought pursuant to a ~~Notice of a Right to~~  
14 ~~Sue from the Oklahoma Human Rights Commission for redress against~~  
15 ~~any person who is alleged to have discriminated against the charging~~  
16 ~~party and against any person named as respondent in the charge~~  
17 subsection C of this section shall be commenced in the district  
18 court of this state for the county in which the unlawful employment  
19 practice is alleged to have been committed.

20 E. Either party in any such action shall be entitled to a jury  
21 trial of any facts in dispute in the action.

22 F. The defending party may allege any defense that is available  
23 under federal law, including, but not limited to, Title VII of the  
24 Civil Rights Act of 1964, the Age Discrimination in Employment Act,

1 the Pregnancy Discrimination Act, the ~~Rehabilitation~~ Rehabilitation  
2 Act, the Americans with Disabilities Act, or the Genetic Information  
3 Nondiscrimination Act.

4 G. If it is determined in such action that the defendant or  
5 defendants in such action have discriminated against the ~~charging~~  
6 ~~party~~ plaintiff as charged in the petition, the court may enjoin the  
7 defendant or defendants from engaging in such unlawful employment  
8 practice charged in the petition, ~~the court may enjoin respondent~~  
9 ~~from engaging in such unlawful practice~~ and order such affirmative  
10 action as ~~reinstatement~~ reinstatement or hiring of employees. A  
11 prevailing ~~aggrieved party~~ plaintiff shall also be entitled to  
12 backpay and, where the court finds by clear and convincing evidence  
13 that the defendant engaged in discriminatory practice with malice,  
14 an additional amount as liquidated damages not to exceed the amount  
15 of backpay awarded. Interim earnings or amounts earnable with  
16 reasonable diligence by the person discriminated against shall  
17 operate to reduce the backpay otherwise allowable. If an individual  
18 was refused employment or advancement, was suspended ~~and/or~~ or was  
19 discharged for legitimate reasons other than discrimination as  
20 provided by this act, then no order of the court shall require the  
21 hiring, reinstatement or promotion of that individual as an  
22 employee, nor shall it order payment of any backpay.

1 H. ~~In any action or proceeding under this section, the court~~  
2 ~~may allow a prevailing plaintiff or defendant a reasonable attorney~~  
3 ~~fee.~~

4 ~~I.~~ No action may be filed in district court as provided in this  
5 section more than ninety (90) days after ~~receiving a Notice of a~~  
6 ~~Right to Sue from the Oklahoma Human Rights Commission~~ the  
7 expiration of the one-hundred-eighty-day period set forth in  
8 subsection C of this section.

9 SECTION 5. AMENDATORY 25 O.S. 2011, Section 1451, is  
10 amended to read as follows:

11 Section 1451. A. As used in Sections 1451 through 1453 of this  
12 title:

13 1. "Elderly person" means any natural person fifty-five (55)  
14 years of age or older;

15 2. "Dwelling" means:

16 a. any building, structure, or part of a building or  
17 structure that is occupied as, or designed or intended  
18 for occupancy as, a residence by one or more families,  
19 or

20 b. any vacant land that is offered for sale or lease for  
21 the construction or location of a building, structure,  
22 or part of a building or structure described in  
23 subparagraph a of this paragraph;



1       3. "Person" includes one or more individuals, corporations,  
2 partnerships, associations, labor organizations, legal  
3 representatives, mutual companies, joint-stock companies, trusts,  
4 unincorporated organizations, trustees, trustees in bankruptcy,  
5 receivers and fiduciaries, the state, and all political subdivisions  
6 and agencies thereof;

7       4. "Restrictive covenants" means any specification limiting the  
8 transfer, rental, or lease of any dwelling because of race, color,  
9 religion, sex, national origin, age, disability, or familial status;

10       5. "Discriminatory housing practices" means an act that is  
11 prohibited pursuant to Section 1452 of this title;

12       6. "Disability" means a mental or physical impairment that  
13 substantially limits at least one major life activity, when there is  
14 a record of such an impairment, or the individual is regarded as  
15 having such an impairment. The term does not include current  
16 illegal use of or addiction to any drug or illegal or federally  
17 controlled substance. For purposes of Sections 1451 through 1453 of  
18 this title, "an individual with a disability" or "disability" does  
19 not apply to an individual because of sexual orientation or the  
20 sexual preference of the individual or because that individual is a  
21 transvestite;

22       7. "Unlawful discriminatory practice because of age" means an  
23 act prohibited pursuant to Section 1452 of this title against a  
24

1 person at least eighteen (18) years of age or older solely on that  
2 basis;

3 8. "Aggrieved person" means any person who:

4 a. claims to have been injured by a discriminatory  
5 housing practice, or

6 b. believes that he or she will be injured by a  
7 discriminatory housing practice that is about to  
8 occur;

9 9. "Complainant" means a person, ~~the Commission, or~~ including  
10 but not limited to the Attorney General, who files a complaint  
11 pursuant to Section 1452 of this title;

12 10. ~~"Commission" means the Oklahoma Human Rights Commission;~~

13 11. ~~"Conciliation" means the attempted resolution of issues  
14 raised by a complaint or by the investigation of the complaint,  
15 through informal negotiations involving the aggrieved person, the  
16 respondent, and the Commission;~~

17 12. ~~"Conciliation agreement" means a written agreement setting  
18 forth the resolution of the issues in conciliation;~~

19 13. ~~"Discriminatory housing practice" means an act prohibited  
20 by Section 1452 of this title;~~

21 14. 11. "Family" includes a single individual;

22 15. 12. "Respondent" means:  
23  
24

1 a. the person accused of a violation of Sections 1451  
2 through 1453 of this title in a complaint of a  
3 discriminatory housing practice, or

4 b. any person identified as an additional or substitute  
5 respondent pursuant to Section 1502.5 of this title or  
6 an agent of an additional or substitute respondent;  
7 and

8 ~~16.~~ 13. "To rent" means to lease, to sublease, to let, or to  
9 otherwise grant for a consideration the right to occupy premises not  
10 owned by the occupant.

11 B. For purposes of Sections 1451 through 1453 of this title, a  
12 discriminatory act is committed because of familial status only if  
13 the act is committed because the person who is the subject of  
14 discrimination is:

15 1. Pregnant;

16 2. Domiciled with an individual less than eighteen (18) years  
17 of age in regard to whom the person:

18 a. is the parent or legal custodian, or

19 b. has the written permission of the parent or legal  
20 custodian for domicile with that person; or

21 3. In the process of obtaining legal custody of an individual  
22 less than eighteen (18) years of age.

23 SECTION 6. AMENDATORY 25 O.S. 2011, Section 1452, is  
24 amended to read as follows:

1 Section 1452. A. It shall be an unlawful discriminatory  
2 housing practice for any person, or any agent or employee of such  
3 person:

4 1. To refuse to sell or rent after the making of a bona fide  
5 offer, or to refuse to negotiate for the sale or rental of any  
6 housing, or otherwise make unavailable or deny any housing because  
7 of race, color, religion, gender, national origin, age, familial  
8 status, or disability;

9 2. To discriminate against any person in the terms, conditions,  
10 or privileges of sale or rental of housing, or in the provision of  
11 services or facilities in connection with any housing because of  
12 race, color, religion, gender, national origin, age, familial  
13 status, or disability;

14 3. To make, print, publish, or cause to be made, printed, or  
15 published any notice, statement, or advertisement, with respect to  
16 the sale or rental of housing that indicates any preference,  
17 limitation, discrimination, or intention to make any such  
18 preference, limitation, or discrimination because of race, color,  
19 religion, gender, national origin, age, familial status, or  
20 disability;

21 4. To represent to any person, for reasons of discrimination,  
22 that any housing is not available for inspection, sale, or rental  
23 when such housing is in fact so available because of race, color,  
24

1 religion, gender, national origin, age, familial status, or  
2 disability;

3 5. To deny any person access to, or membership or participation  
4 in, a multiple-listing service, real estate brokers' organization or  
5 other service, organization, or facility relating to the business of  
6 selling or renting dwellings, or discriminate against a person in  
7 the terms or conditions of access, membership, or participation in  
8 such an organization, service, or facility because of race, color,  
9 religion, gender, national origin, age, familial status, or  
10 disability;

11 6. To include in any transfer, sale, rental, or lease of  
12 housing any restrictive covenant that discriminates, or for any  
13 person to honor or exercise, or attempt to honor or exercise, any  
14 discriminatory covenant pertaining to housing because of race,  
15 color, religion, gender, national origin, age, familial status, or  
16 disability;

17 7. To refuse to consider the income of both applicants when  
18 both applicants seek to buy or lease housing because of race, color,  
19 religion, gender, national origin, age, familial status, or  
20 disability;

21 8. To refuse to consider as a valid source of income any public  
22 assistance, alimony, or child support, awarded by a court, when that  
23 source can be verified as to its amount, length of time received,  
24

1 regularity, or receipt because of race, color, religion, gender,  
2 national origin, age, familial status, or disability;

3 9. To discriminate against a person in the terms, conditions,  
4 or privileges relating to the obtaining or use of financial  
5 assistance for the acquisition, construction, rehabilitation,  
6 repair, or maintenance of any housing because of race, color,  
7 religion, gender, national origin, age, familial status, or  
8 disability;

9 10. To discharge, demote, or discriminate in matters of  
10 compensation or working conditions against any employee or agent  
11 because of the obedience of the employee or agent to the provisions  
12 of this section;

13 11. To solicit or attempt to solicit the listing of housing for  
14 sale or lease, by door to door solicitation, in person, or by  
15 telephone, or by distribution of circulars, if one of the purposes  
16 is to change the racial composition of the neighborhood;

17 12. To knowingly induce or attempt to induce another person to  
18 transfer an interest in real property, or to discourage another  
19 person from purchasing real property, by representations regarding  
20 the existing or potential proximity of real property owned, used, or  
21 occupied by persons of any particular race, color, religion, gender,  
22 national origin, age, familial status or disability, or to represent  
23 that such existing or potential proximity shall or may result in:

24 a. the lowering of property values,

1           b. a change in the racial, religious, or ethnic character  
2           of the block, neighborhood, or area in which the  
3           property is located,

4           c. an increase in criminal or antisocial behavior in the  
5           area, or

6           d. a decline in quality of the schools serving the area;

7       13. To refuse to rent or lease housing to a blind, deaf, or  
8 disabled person on the basis of the person's use or possession of a  
9 bona fide, properly trained guide, signal, or service dog;

10       14. To demand the payment of an additional nonrefundable fee or  
11 an unreasonable deposit for rent from a blind, deaf, or disabled  
12 person for such dog. Such blind, deaf, or disabled person may be  
13 liable for any damage done to the dwelling by such dog; and

14       15. a. to discriminate in the sale or rental or otherwise  
15           make available or deny a dwelling to any buyer or  
16           renter because of a disability of:

17           (1) that buyer or renter,

18           (2) a person residing in or intending to reside in  
19           that dwelling after it is sold, rented, or made  
20           available, or

21           (3) any person associated with that buyer or renter,  
22           or

23       b. to discriminate against any person in the terms,  
24       conditions, or privileges of sale or rental of a

1 dwelling or in the provision of services or facilities  
2 in connection with the dwelling because of a  
3 disability of:

4 (1) that person,

5 (2) a person residing in or intending to reside in  
6 that dwelling after it is so sold, rented, or  
7 made available, or

8 (3) any person associated with that person~~+~~.

9 ~~16.~~ B. 1. For purposes of disability discrimination in housing  
10 pursuant to Sections 1451 through 1453 of this title, discrimination  
11 includes:

12 a. a refusal to permit, at the expense of the disabled  
13 person, reasonable modifications of existing premises  
14 occupied or to be occupied by the person if the  
15 modifications may be necessary to afford the person  
16 full enjoyment of the premises, provided that such  
17 person also provides a surety bond guaranteeing  
18 restoration of the premises to their prior condition,  
19 if necessary to make the premises suitable for  
20 nondisabled tenants,

21 b. a refusal to make reasonable accommodations in rules,  
22 policies, practices, or services, when the  
23 accommodations may be necessary to afford the person  
24 equal opportunity to use and enjoy a dwelling, or



1 c. in connection with the design and construction of  
2 covered multifamily dwellings for first occupancy  
3 thirty (30) months after the date of enactment of the  
4 federal Fair Housing Amendments Act of 1988 (Public  
5 Law 100-430), a failure to design and construct those  
6 dwellings in a manner that:

7 (1) the public use and common use portions of the  
8 dwellings are readily accessible to and usable by  
9 disabled persons,

10 (2) all the doors designed to allow passage into and  
11 within all premises within the dwellings are  
12 sufficiently wide to allow passage by disabled  
13 persons in wheelchairs, ~~and~~

14 (3) all premises within the dwellings contain the  
15 following features of adaptive design:

16 (a) an accessible route into and through the  
17 dwelling,

18 (b) light switches, electrical outlets,  
19 thermostats, and other environmental  
20 controls in accessible locations,

21 (c) reinforcements in bathroom walls to allow  
22 later installation of grab bars, and  
23  
24

1 (d) usable kitchen and bathrooms so that an  
2 individual in a wheelchair can maneuver  
3 about the space, and

4 (4) compliance with the appropriate requirements of  
5 the American National Standard for buildings and  
6 facilities providing accessibility and usability  
7 for physically disabled people, commonly cited as  
8 "ANSI A 117.1", suffices to satisfy the  
9 requirements of division (3) of this  
10 subparagraph~~r~~.

11 ~~(5) as~~

12 2. As used in this subsection, the term "covered multifamily  
13 dwellings" means:

14 ~~(a)~~ a. buildings consisting of four or more units if the  
15 buildings have one or more elevators, and

16 ~~(b)~~ b. ground floor units in other buildings consisting of  
17 four or more units~~r~~.

18 ~~(6) nothing~~

19 3. Nothing in this subsection requires that a dwelling be made  
20 available to an individual whose tenancy would constitute a direct  
21 threat to the health or safety of other individuals or whose tenancy  
22 would result in substantial physical damage to the property of  
23 others~~r~~.

1       ~~17.~~ C. 1. A person whose business includes engaging in  
2 residential real estate related transactions may not discriminate  
3 against a person in making a real estate related transaction  
4 available or in the terms or conditions of a real estate related  
5 transaction because of race, color, religion, gender, disability,  
6 familial status, national origin or age.

7       ~~b.~~ 2. In this section, "residential real estate related  
8 transaction" means:

9           ~~(1)~~ a. making or purchasing loans or providing other  
10 financial assistance:

11           ~~(a)~~ (1) to purchase, construct, improve, repair, or  
12 maintain a dwelling, or

13           ~~(b)~~ (2) to secure residential real estate, or

14           ~~(2)~~ b. selling, brokering, or appraising residential  
15 real property.

16       ~~B.~~ D. This section does not prohibit discrimination against a  
17 person because the person has been convicted under federal law or  
18 the law of any state of the illegal manufacture or distribution of a  
19 controlled substance.

20       ~~C.~~ E. No other categories or classes of persons are protected  
21 pursuant to Sections 1451 through 1453 of this title. The ~~Oklahoma~~  
22 ~~Human Rights Commission~~ Attorney General shall have no authority or  
23 jurisdiction to act on complaints based on any kind of  
24 discrimination other than those kinds of discrimination prohibited

1 pursuant to Section 1101 et seq. of this title or any other  
2 specifically authorized by law.

3 SECTION 7. AMENDATORY 25 O.S. 2011, Section 1453, is  
4 amended to read as follows:

5 Section 1453. A. Nothing provided for in Sections 1451 through  
6 1453 of this title shall:

7 1. Prohibit a religious organization, association, or society,  
8 or any nonprofit institution or organization operated, supervised,  
9 or controlled by or in conjunction with a religious organization,  
10 association, or society, from limiting the sale, rental, or  
11 occupancy of housing which it owns or operates for other than a  
12 commercial purpose to persons of the same religion, or from giving  
13 preferences to such persons, unless membership in such religion is  
14 restricted on account of race, color, or national origin. Nor shall  
15 anything in Sections 1451, 1452, 1453, 1501, ~~1505~~ and 1505.1 of this  
16 title apply to a private membership club which is a bona fide club  
17 and which is exempt from taxation pursuant to Section 501(c) of the  
18 Internal Revenue Code of 1954;

19 2. Prohibit a religious organization, association, or society,  
20 or a nonprofit institution or organization operated, supervised, or  
21 controlled by or in conjunction with a religious organization,  
22 association, or society, from:

23  
24

- 1 a. limiting the sale, rental, or occupancy of dwellings  
2 that it owns or operates for other than a commercial  
3 purpose to persons of the same religion, or  
4 b. giving preference to persons of the same religion,  
5 unless membership in the religion is restricted  
6 because of race, color, or national origin; or

7 3. Prohibit a private club not open to the public that, as an  
8 incident to its primary purpose, provides lodging that it owns or  
9 operates for other than a commercial purpose from limiting the  
10 rental or occupancy of that lodging to its members or from giving  
11 preference to its members~~7~~.

12 ~~4. B.~~ Nothing provided for in Sections 1451 through 1453 of  
13 this title relating to familial status applies to housing for older  
14 persons. As used in this section, "housing for older persons" means  
15 housing:

16 a. ~~that the Oklahoma Human Rights Commission determines~~

17 1. That is specifically designed and operated to assist elderly  
18 persons pursuant to a federal or state program~~7~~;

19 b. ~~intended~~

20 2. Intended for, and solely occupied by, persons sixty-two (62)  
21 years of age or older~~7~~; or

22 c. ~~intended~~

1        3. Intended and operated for occupancy by at least one person  
2 fifty-five (55) years of age or older per unit ~~as determined by~~  
3 ~~Commission rules~~.

4        ~~5.~~ a.

5        C. 1. Subject to ~~subdivision (b)~~ division (2) of ~~division (1)~~  
6 subparagraph a of this ~~subparagraph~~ paragraph, Sections 1451 through  
7 1453 of this title do not apply to:

8        ~~(1)~~ a. the sale or rental of a single-family house sold or  
9 rented by an owner if:

10        ~~(a)~~ (1) the owner does not:

11        ~~(i)~~ (a) own more than three ~~(3)~~ single-family houses  
12 at any one time, or

13        ~~(ii)~~ (b) own any interest in, or is there owned or  
14 reserved on his or her behalf, pursuant to  
15 any express or voluntary agreement, title to  
16 or any right to any part of the proceeds from  
17 the sale or rental of more than three ~~(3)~~  
18 single-family houses at any one time, and

19        ~~(b)~~ (2) the house was sold or rented without:

20        ~~(i)~~ (a) the use of the sales or rental facilities or  
21 services of a real estate broker, agent, or  
22 salesman licensed pursuant to the Oklahoma  
23 Real Estate License Code, or of an employee  
24 or agent of a licensed broker, agent, or

1 salesman, or the facilities or services of  
2 the owner of a dwelling designed or intended  
3 for occupancy by five ~~(5)~~ or more families,  
4 or

5 ~~(ii)~~ (b) the publication, posting, or mailing of a  
6 notice, statement, or advertisement

7 prohibited by Section 1452 of this title, or

8 ~~(2)~~ b. the sale or rental of rooms or units in a dwelling  
9 containing living quarters occupied or intended to be  
10 occupied by no more than four ~~(4)~~ families living  
11 independently of each other, if the owner maintains  
12 and occupies one of the living quarters as the owner's  
13 residence~~7.~~

14 ~~b.~~ 2. The exemption in ~~division (1)~~ of subparagraph a of ~~this~~  
15 paragraph 1 of this subsection applies to only one sale or rental in  
16 a twenty-four-month period, if the owner was not the most recent  
17 resident of the house at the time of the sale or rental~~7.~~

18 ~~6.~~ D. Nothing provided for in Sections 1451 through 1453 of  
19 this title shall prohibit a person engaged in the business of  
20 furnishing appraisals of real property from taking into  
21 consideration factors other than race, color, age, religion, gender,  
22 disability, familial status, or national origin~~7.~~

23 ~~7.~~ E. Nothing provided for in Sections 1451 through 1453 of  
24 this title shall affect a reasonable local or state restriction on

1 the maximum number of occupants permitted to occupy a dwelling or  
2 restriction relating to health or safety standards~~;~~.

3 ~~8.~~ F. Nothing provided for in Sections 1451 through 1453 of  
4 this title shall prevent or restrict the sale, lease, rental,  
5 transfer, or development of housing designed or intended for the use  
6 of the disabled~~;~~.

7 ~~9.~~ G. Nothing provided for in Sections 1451 through 1453 of  
8 this title shall affect a requirement of nondiscrimination in any  
9 other state or federal law~~;~~.

10 ~~10.~~ H. Nothing provided for in Sections 1451 through 1453 of  
11 this title shall prohibit the transfer of property by will,  
12 intestate succession, or by gift.

13 SECTION 8. AMENDATORY 25 O.S. 2011, Section 1501, is  
14 amended to read as follows:

15 Section 1501. A. ~~Within the limitations provided by law, the~~  
16 ~~Human Rights Commission~~ To enforce the provisions of this act, and  
17 in addition to any other powers provided by the laws of this state,  
18 the Attorney General has the following ~~additional~~ powers:

19 1. ~~to promote the creation of local commissions on human~~  
20 ~~rights, and to contract with individuals and state, local and other~~  
21 ~~agencies, both public and private, including agencies of the federal~~  
22 ~~government and of other states;~~

23 2. ~~to accept public grants or private gifts, bequests, or other~~  
24 ~~payments;~~



1       ~~3.~~ To receive, investigate, seek to conciliate, ~~hold hearings~~  
2 ~~on, and pass~~ and, where conciliation is unsuccessful, initiate  
3 enforcement actions based upon complaints alleging violations of  
4 this act;

5       ~~4.~~ 2. To furnish technical assistance requested by persons  
6 subject to this act to further compliance with the act or an order  
7 issued thereunder;

8       ~~5. to make provisions for technical and clerical assistance to~~  
9 ~~an advisory committee or committees appointed in accordance with~~  
10 ~~subsection (b) of Section 953 of Title 74 of the Oklahoma Statutes;~~

11       ~~6.~~ 3. To require answers to interrogatories, under the  
12 procedures established by Section ~~3210~~ 3233 of Title 12 of the  
13 Oklahoma Statutes, issue subpoenas, compel the attendance of  
14 witnesses, examine witnesses under oath or affirmation, and require  
15 the production of documents in connection with the investigation of  
16 complaints filed under this act, said powers to be exercised only in  
17 relation to areas directly and materially related to the complaint.  
18 ~~The Commission may make rules authorizing any member or hearing~~  
19 ~~examiner designated by order to pass upon a complaint after a~~  
20 ~~hearing under Section 1503 of this title, and such decision must be~~  
21 ~~approved in writing by a majority of the membership of the~~  
22 ~~Commission~~ The Attorney General shall have access at any reasonable  
23 time to premises, records and documents relevant to the complaint

24

1 and the right to examine, photograph and copy evidence, in  
2 accordance with Section 3234 of Title 12 of the Oklahoma Statutes;

3 ~~7. to hear, and issue orders on, complaints involving state~~  
4 ~~government agencies and departments on the same basis as complaints~~  
5 ~~involving private employers; and~~

6 ~~8.~~ 4. To provide technical assistance and public information to  
7 assist in preventing and eliminating discriminatory housing  
8 practices in housing, employment or public accommodations within  
9 this state.

10 B. The ~~Commission~~ Attorney General shall:

11 1. At least annually, publish a written report recommending  
12 legislative or other action to carry out the purposes of this act as  
13 it relates to housing discrimination;

14 ~~2. make studies relating to the nature and extent of~~  
15 ~~discriminatory housing practices in this state; and~~

16 ~~3.~~ 2. Cooperate with and, as appropriate, may provide technical  
17 and other assistance to federal, state, local, and other public or  
18 private entities that are formulating or operating programs to  
19 prevent or eliminate discriminatory housing practices in housing,  
20 employment or public accommodations within this state.

21 SECTION 9. AMENDATORY 25 O.S. 2011, Section 1502, is  
22 amended to read as follows:

23 Section 1502. A. A person claiming to be aggrieved by a  
24 discriminatory practice pursuant to this act, his the person's

1 attorney, ~~the Attorney General,~~ or a nonprofit organization  
2 chartered for the purpose of combatting discrimination ~~or a member~~  
3 ~~of the Commission,~~ may file with the ~~Commission~~ Attorney General a  
4 written sworn complaint stating that a discriminatory practice has  
5 been committed, and setting forth the facts upon which the complaint  
6 is based, ~~and setting forth facts sufficient to enable the~~  
7 ~~Commission to identify the person charged, hereinafter called the~~  
8 ~~respondent. The Commission or a member of the Commission or the~~  
9 ~~staff~~ Attorney General shall promptly furnish the respondent with a  
10 ~~copy of the~~ review each complaint and shall promptly investigate the  
11 ~~allegations of discriminatory practice set forth in the~~ to determine  
12 if the complaint contains a sufficient factual basis to warrant  
13 further investigation. ~~The~~ Any complaint ~~must be filed~~ pursuant to  
14 this section shall be filed within one hundred eighty (180) days  
15 after the final instance of the alleged discriminatory practice  
16 occurs.

17 B. ~~If within sixty (60) days after the complaint is filed it is~~  
18 ~~determined by the Commission or a member of the Commission or the~~  
19 ~~staff that there is no reasonable cause to believe that the~~  
20 ~~respondent has engaged in a discriminatory practice, the Commission~~  
21 ~~shall issue an order dismissing the complaint and shall furnish a~~  
22 ~~copy of the order to the complainant, the respondent, the Attorney~~  
23 ~~General and such other public officers and persons as the Commission~~  
24 ~~deems proper.~~

1       ~~C. The complainant, within thirty (30) days after receiving a~~  
2 ~~copy of an order dismissing the complaint, may file with the~~  
3 ~~Commission an application for reconsideration of the order. Upon~~  
4 ~~such application, the Commission or a designated member of the~~  
5 ~~Commission shall make a new determination whether there is a~~  
6 ~~reasonable cause to believe that the respondent has engaged in a~~  
7 ~~discriminatory practice. If it is determined within thirty (30)~~  
8 ~~days after the application is filed that there is no reasonable~~  
9 ~~cause to believe that the respondent has engaged in a discriminatory~~  
10 ~~practice, the Commission shall issue an order dismissing the~~  
11 ~~complaint and furnish a copy of the order to the complainant, the~~  
12 ~~respondent, the Attorney General, and such other public officers and~~  
13 ~~persons as the Commission deems proper.~~

14       ~~D. This section does not apply to persons claiming to be~~  
15 ~~aggrieved by a discriminatory housing practice to the extent that it~~  
16 ~~is inconsistent with specific provisions of this act relating to a~~  
17 ~~discriminatory housing complaint Complaints filed with the Attorney~~  
18 ~~General pursuant to this section shall be in writing, under oath,~~  
19 ~~and substantially in the form prescribed by the Attorney General.~~  
20 ~~Complaints shall include sufficient detail to enable the Attorney~~  
21 ~~General to identify and locate the party alleged to have committed~~  
22 ~~the discriminatory practice. Upon receiving a complaint, the~~  
23 ~~Attorney General shall promptly notify the complainant of receipt~~  
24

1 and advise the complainant of the relevant time limits and choice of  
2 forums available to the complainant pursuant to this act.

3 C. If the Attorney General determines upon preliminary review  
4 of the complaint and any accompanying materials that a sufficient  
5 factual basis exists to warrant further investigation of the  
6 discriminatory practices alleged in the complaint, the Attorney  
7 General shall forward a copy of the complaint to the alleged  
8 discriminating party, hereafter termed the "respondent", as set  
9 forth in subsection D of this section, and shall promptly  
10 investigate those allegations of discriminatory practice set forth  
11 in the complaint. If, after the preliminary review, the Attorney  
12 General concludes that the complaint does not set forth a sufficient  
13 factual basis to warrant further investigation, the Attorney General  
14 shall notify the complainant of this conclusion and advise the  
15 complainant as to other options available to him or her pursuant to  
16 this act.

17 D. If a complaint filed with the Attorney General pursuant to  
18 this section sets forth a sufficient factual basis to warrant  
19 further investigation, the Attorney General shall transmit to the  
20 respondent a notice identifying the alleged discriminatory practice  
21 and advising the respondent of the procedural rights and obligations  
22 of a respondent pursuant to this act, and a copy of the complaint.  
23 No later than fifteen (15) days following receipt of the notice and  
24 copy of the complaint, the respondent shall file with the Attorney

1 General an answer to the allegations set forth in the complaint.  
2 The respondent's answer shall be in writing, under oath and signed  
3 by the respondent.

4 SECTION 10. AMENDATORY 25 O.S. 2011, Section 1502.1, is  
5 amended to read as follows:

6 Section 1502.1 If, at any time after the ~~filing~~ receipt of a  
7 ~~verified charge~~ complaint, the ~~Commission~~ Attorney General has  
8 reason to believe that a respondent has engaged in any unlawful  
9 discriminatory practice, the ~~Commission~~ Attorney General may file a  
10 petition in the district court in a county in which the subject of  
11 the complaint occurs, or in a county in which a respondent resides  
12 or transacts business, seeking appropriate temporary injunctive  
13 relief against the respondent pending final determination of  
14 proceedings pursuant to this act, ~~including an order or decree~~  
15 ~~restraining him from doing an act tending to render ineffectual an~~  
16 ~~order the Commission may enter with respect to the complaint.~~ The  
17 court shall have power to grant injunctive relief or a restraining  
18 order as it deems just and proper, but no relief or order shall be  
19 granted except by consent of the respondent or after hearing upon  
20 notice to the respondent and a finding by the court that there is  
21 reasonable cause to believe that the respondent has engaged in a  
22 discriminatory practice. ~~Except as modified by this section, the~~  
23 ~~Oklahoma rules of civil procedure shall apply to an application, and~~  
24 ~~the district court shall have authority to grant or deny the relief~~

1 ~~sought on conditions as it deems just and equitable. This section~~  
2 ~~is subject to the provisions of Section 13 of this act.~~

3 SECTION 11. AMENDATORY 25 O.S. 2011, Section 1502.6, is  
4 amended to read as follows:

5 Section 1502.6 A. The ~~Commission~~ Attorney General shall,  
6 ~~during the period beginning with the filing of a complaint and~~  
7 ~~ending with the filing of a charge or a dismissal by the Commission,~~  
8 ~~to the extent feasible~~ before filing any court action or issuing a  
9 cease and desist order, engage with the parties in a conciliation  
10 process with respect to the complaint. If the parties, through the  
11 conciliation process, are successful in resolving their dispute, the  
12 terms of resolution shall be memorialized in a written conciliation  
13 agreement, subject to approval by the Attorney General. Upon such  
14 approval, the Attorney General shall close the complaint file.

15 B. ~~A conciliation agreement is an agreement between a~~  
16 ~~respondent and the complainant and is subject to Commission~~  
17 ~~approval.~~

18 C. A conciliation agreement may provide for binding arbitration  
19 or other method of dispute resolution. Dispute resolution that  
20 results from a conciliation agreement may authorize appropriate  
21 relief, including monetary relief.

22 D. ~~A conciliation agreement shall be made public unless the~~  
23 ~~complainant and respondent agree otherwise, and the Commission~~

24

1 ~~determines that disclosure is not necessary to further the purpose~~  
2 ~~of this act.~~

3 E. C. The Attorney General shall not make public, without the  
4 written consent of the complainant and the respondent, information  
5 concerning the agreement or efforts in a particular case to  
6 eliminate a discriminatory practice by conciliation; provided  
7 however, consent shall not be required to make public that a  
8 conciliation agreement has been reached. At any time in its  
9 discretion, the Attorney General shall periodically investigate  
10 whether the terms of the conciliation agreement are being complied  
11 with by the respondent, and shall take appropriate action as  
12 authorized by this act to assure compliance.

13 D. Nothing said or done in the course of conciliation may be  
14 made public or used as evidence in a subsequent proceeding pursuant  
15 to this act without the written consent of the persons concerned.

16 ~~F. After completion of the Commission's investigation, the~~  
17 ~~Commission shall make available to the aggrieved person and the~~  
18 ~~respondent, at any time, information derived from the investigation~~  
19 ~~and the final investigation report relating to that investigation.~~

20 SECTION 12. AMENDATORY 25 O.S. 2011, Section 1502.15, is  
21 amended to read as follows:

22 Section 1502.15 A. ~~If a timely election is made pursuant to~~  
23 ~~Section 20 of this act, the Commission shall authorize, and not~~  
24 ~~later than the 30th day after the election is made, following its~~



1 investigation, the Attorney General determines that reasonable cause  
2 exists to believe that the respondent engaged in a discriminatory  
3 practice in violation of this act, the Attorney General ~~shall~~ may  
4 file, a civil enforcement action on behalf of the aggrieved person  
5 in a district court seeking relief ~~pursuant to this section~~ for such  
6 violations.

7 B. Venue for an action filed pursuant to this section is in the  
8 county in which the alleged discriminatory ~~housing~~ practice  
9 occurred, or in a county where the respondent resides or transacts  
10 business.

11 C. An aggrieved person may intervene in the action.

12 D. If the court finds that a discriminatory ~~housing~~ practice  
13 has occurred or is about to occur, the court may grant ~~as relief~~ any  
14 relief ~~that a court may grant in a civil action pursuant to~~  
15 available under Section ~~26~~ 1506.3 of this ~~act~~ title.

16 E. If monetary relief is sought for the benefit of an aggrieved  
17 person who does not intervene in the civil action, the court may not  
18 award the monetary relief if that aggrieved person has not complied  
19 with discovery orders entered by the court.

20 SECTION 13. AMENDATORY 25 O.S. 2011, Section 1505.1, is  
21 amended to read as follows:

22 Section 1505.1 ~~If the Commission upon final determination finds~~  
23 Attorney General determines that an act of housing discrimination  
24 pursuant to Section ~~2~~ 1452 of this ~~act~~ title has been committed by a

1 person holding a real estate license pursuant to state law, the  
2 ~~Commission~~ Attorney General will certify its determination to the  
3 licensing agency. Unless such determination of discriminatory  
4 practice is reversed in the course of judicial review, a final  
5 determination is binding on the licensing agency. Such agency shall  
6 take appropriate administrative action, including suspension or  
7 revocation of the license of the respondent.

8 SECTION 14. AMENDATORY 25 O.S. 2011, Section 1506.1, is  
9 amended to read as follows:

10 Section 1506.1 A. ~~An~~ Subject to the requirements of Section  
11 1350 of this title, an aggrieved person may file a civil action in  
12 district court not later than ~~the second year~~ two (2) years after  
13 the ~~occurrence~~ last date of the ~~termination of an~~ alleged  
14 discriminatory ~~housing~~ practice, or the breach of a conciliation  
15 agreement entered into pursuant to this act, whichever occurs last,  
16 to obtain appropriate relief with respect to the discriminatory  
17 ~~housing~~ practice or breach.

18 B. ~~The two-year period does not include any time during which~~  
19 ~~an administrative hearing pursuant to this act is pending with~~  
20 ~~respect to a complaint or charge pursuant to this act based on the~~  
21 ~~discriminatory housing practice. This subsection does not apply to~~  
22 ~~actions arising from a breach of a conciliation agreement.~~

23 C. ~~An~~ Subject to the requirements of Section 1350 of this  
24 title, an aggrieved person may file an action pursuant to this

1 section whether or not a complaint has been filed pursuant to  
2 ~~Section 8~~ of this act and without regard to the status of any such  
3 complaint ~~filed pursuant to this section.~~

4 ~~D.~~ C. If the ~~Commission~~ Attorney General has obtained a  
5 conciliation agreement with the consent of an aggrieved person, the  
6 aggrieved person may not file an action pursuant to this section  
7 with respect to the alleged discriminatory ~~housing~~ practice that  
8 forms the basis for the complaint except to enforce the terms of the  
9 agreement.

10 ~~E.~~ D. An aggrieved person may not file an action pursuant to  
11 this section with respect to an alleged discriminatory ~~housing~~  
12 practice that forms the basis of a ~~charge issued by the Commission~~  
13 ~~if the Commission has begun a hearing on the record pursuant to this~~  
14 ~~act with respect to the charge~~ civil enforcement action initiated by  
15 the Attorney General for violations of this act.

16 SECTION 15. AMENDATORY 25 O.S. 2011, Section 1506.2, is  
17 amended to read as follows:

18 Section 1506.2 On application by a person alleging a  
19 discriminatory ~~housing~~ practice or by a person against whom such a  
20 practice is alleged, the court may appoint an attorney for the  
21 person.

22 SECTION 16. AMENDATORY 25 O.S. 2011, Section 1506.3, is  
23 amended to read as follows:

24

1 Section 1506.3 In an action pursuant to ~~Section 24~~ Sections  
2 1502.15 or 1506.1 of this ~~act~~ title, if the court finds that a  
3 discriminatory ~~housing~~ practice has occurred or is about to occur,  
4 the court may award to the plaintiff or aggrieved person:

5 1. Actual and punitive damages;

6 ~~2. reasonable attorneys fees;~~

7 ~~3. court costs;~~ and

8 ~~4. 2.~~ Subject to Section ~~27~~ 1506.4 of this ~~act~~ title, ~~any a~~  
9 permanent or temporary injunction, temporary restraining order, or  
10 other order, including an order enjoining the defendant from  
11 engaging in the practice or ordering appropriate affirmative action.

12 SECTION 17. AMENDATORY 25 O.S. 2011, Section 1506.4, is  
13 amended to read as follows:

14 Section 1506.4 Relief granted pursuant to Section ~~26~~ 1506.3 of  
15 this ~~act~~ title, does not affect a contract, sale, encumbrance, or  
16 lease that:

17 1. Was consummated before the granting of the relief; and

18 2. Involved a bona fide purchaser, encumbrancer, or tenant who  
19 did not have actual notice of the filing of a complaint pursuant to  
20 this act or a civil action pursuant to Section 1506.1 of this  
21 ~~section~~ title.

22 SECTION 18. AMENDATORY 25 O.S. 2011, Section 1506.6, is  
23 amended to read as follows:

1 Section 1506.6 A. ~~On request of the Commission, the~~ The  
2 Attorney General may file a civil action in district court for  
3 appropriate relief if the ~~Commission~~ Attorney General has reasonable  
4 cause to believe that:

5 1. A person is engaged in pattern or practice of resistance to  
6 the full enjoyment of any right granted by this act; or

7 2. A person has been denied any right granted by this act and  
8 that denial raises an issue of general public importance.

9 B. In an action pursuant to this section the court may:

10 1. Award preventive relief, including a permanent or temporary  
11 ~~injunctive~~ injunction, restraining order, or other order against the  
12 person responsible for a violation of this act as necessary to  
13 assure the full enjoyment of the rights granted by this act;

14 2. Award other appropriate relief, including monetary damages,  
15 reasonable ~~attorneys~~ attorney fees, and court costs; and

16 3. To vindicate the public interest, assess a civil penalty  
17 against the respondent in an amount that does not exceed:

18 a. Fifty Thousand Dollars (\$50,000.00), for a first  
19 violation, and

20 b. One Hundred Thousand Dollars (\$100,000.00), for a  
21 second or subsequent violation.

22 C. A person may intervene in an action pursuant to this section  
23 if the person is:  
24

- 1 1. An aggrieved person to the discriminatory ~~housing~~ practice;  
2 or  
3 2. A party to a conciliation agreement concerning the  
4 discriminatory ~~housing~~ practice.

5 SECTION 19. AMENDATORY 25 O.S. 2011, Section 1506.7, is  
6 amended to read as follows:

7 Section 1506.7 The Attorney General ~~on behalf of the Commission~~  
8 ~~or other party at whose request a subpoena is issued pursuant to~~  
9 ~~this act,~~ may enforce the compliance with a subpoena or seek to  
10 compel answers to interrogatories issued pursuant to Section 1501 of  
11 this title in appropriate proceedings in district court.

12 SECTION 20. AMENDATORY 25 O.S. 2011, Section 1601, is  
13 amended to read as follows:

14 Section 1601. It is a discriminatory practice for a person, or  
15 for two or more persons to conspire~~7~~:

16 ~~(1) to~~ 1. To retaliate or discriminate against a person because  
17 he or she has opposed a discriminatory practice, or because he or  
18 she has made a charge, filed a complaint, testified, assisted, or  
19 participated in an investigation, proceeding, or hearing under this  
20 act;

21 ~~(2) to~~ 2. To aid, abet, incite, or coerce a person to engage in  
22 a discriminatory practice;

23  
24

1       ~~(3) willfully~~ 3. Willfully to interfere with the performance of  
2 a duty or the exercise of a power by the ~~Commission or one of its~~  
3 ~~members or representatives~~ Attorney General; or

4       ~~(4) willfully~~ 4. Willfully to obstruct or prevent a person from  
5 complying with the provisions of this act or an order issued  
6 thereunder, or with the provisions of a conciliation agreement  
7 approved by the Attorney General pursuant to this act.

8       SECTION 21.       AMENDATORY       25 O.S. 2011, Section 1704, is  
9 amended to read as follows:

10       Section 1704. A local commission may have the following powers  
11 in addition to powers authorized by other laws:

12       1. To employ an executive director and other employees and  
13 agents and fix their compensation;

14       2. To cooperate with individuals and state, local, and other  
15 agencies, both public and private, including agencies of the federal  
16 government and other states and municipalities;

17       3. To accept gifts, bequests, grants, or other payments, public  
18 or private, to help finance its activities;

19       4. To receive, initiate, investigate, and seek to conciliate  
20 complaints alleging violations of Section 1101 et seq. of this title  
21 or of an ordinance prohibiting discrimination because of race,  
22 color, religion, sex, national origin, age, disability, or genetic  
23 information or legislation establishing the commission;

1 5. To make studies appropriate to effectuate its purposes and  
2 policies and to make the results thereof available to the public;  
3 and

4 6. To render at least annually a report, a copy of which shall  
5 be furnished to the ~~Oklahoma Human Rights Commission~~ Attorney  
6 General.

7 SECTION 22. AMENDATORY 25 O.S. 2011, Section 1705, is  
8 amended to read as follows:

9 Section 1705. A. The ~~Oklahoma Human Rights Commission~~ Attorney  
10 General:

11 1. Whether or not a complaint has been filed under the  
12 provisions ~~of Section 1502 or 1704~~ of this title act, may refer a  
13 matter involving discrimination because of race, color, religion,  
14 sex, national origin, age, disability, or genetic information to a  
15 local commission for investigation, study, and report; and

16 2. May refer a complaint alleging a violation of Section 1101  
17 et seq. of this title to a local commission for:

- 18 a. investigation,
- 19 b. determination whether there is reasonable cause to  
20 believe that the respondent has engaged in a  
21 discriminatory practice, or
- 22 c. assistance in eliminating a discriminatory practice by  
23 conference, conciliation, or persuasion.

24



1 B. Upon referral by the ~~Commission~~ Attorney General, the local  
2 commission shall make a report and may make recommendations to the  
3 ~~Commission~~ Attorney General and take other appropriate action within  
4 the scope of its powers.

5 SECTION 23. AMENDATORY 25 O.S. 2011, Section 1706, is  
6 amended to read as follows:

7 Section 1706. ~~(a)~~ A. A local commission may refer a matter  
8 under its jurisdiction to the ~~State-Commission~~ Attorney General.

9 ~~(b)~~ B. At any time after a complaint under this ~~Act~~ act is  
10 filed, the ~~State-Commission~~ Attorney General may require a local  
11 commission to transfer any related proceeding to the ~~State~~  
12 ~~Commission~~ Attorney General. After the local commission is  
13 requested to transfer a proceeding, the local commission has no  
14 further jurisdiction over the proceeding except to take appropriate  
15 action to implement the transfer to the ~~State-Commission~~ Attorney  
16 General.

17 SECTION 24. AMENDATORY 74 O.S. 2011, Section 954, is  
18 amended to read as follows:

19 Section 954. It is hereby prohibited for any department or  
20 agency of the State of Oklahoma, or any official or employee of the  
21 same for and on behalf of the State of Oklahoma: to refuse to  
22 employ or to discharge any person, otherwise qualified, on account  
23 of race, color, creed, national origin, age, handicap, or ancestry;  
24 to discriminate for the same reasons in regard to tenure, terms, or

1 conditions of employment; to deny promotion or increase in  
2 compensation solely for these reasons; to publish an offer of  
3 employment based on such discrimination; to adopt or enforce any  
4 rule or employment policy which so discriminates as to any employee;  
5 or to seek such information as to any applicant or employee or to  
6 discriminate in the selection of personnel for training solely on  
7 such basis. These provisions shall be cumulative and in addition to  
8 existing laws relating to discrimination in the classified service.

9 It shall be the duty of the Oklahoma Merit Protection Commission  
10 to investigate, upon its own initiative, upon complaint filed by any  
11 aggrieved person, ~~or upon complaint filed by the Human Rights~~  
12 ~~Commission,~~ any violation of this section and to enforce compliance  
13 with the same, both in the classified and the nonclassified service.  
14 ~~The Human Rights Commission shall investigate, upon its own~~  
15 ~~initiative or on complaint filed with it, any such violation and may~~  
16 ~~file a formal complaint with the Oklahoma Merit Protection~~  
17 ~~Commission. When any complaint is filed by the Human Rights~~  
18 ~~Commission with the Oklahoma Merit Protection Commission, the~~  
19 ~~Oklahoma Merit Protection Commission shall set a hearing on the~~  
20 ~~same, at which hearing the Director of the Human Rights Commission,~~  
21 ~~or his representative, may appear and present the finding of the~~  
22 ~~Commission in regard to such violation. In the enforcement of this~~  
23 ~~section, the Oklahoma Merit Protection Commission shall follow the~~  
24 ~~provisions of existing laws relating to hearings, procedures, and~~

1 ~~notices, and shall have power to enforce its orders pertaining to~~  
2 ~~violations of this section as is provided by law in regard to the~~  
3 ~~classified service.~~

4 SECTION 25. REPEALER 25 O.S. 2011, Sections 1502.2,  
5 1502.3, 1502.4, 1502.5, 1502.7, 1502.8, 1502.9, 1502.10, 1502.11,  
6 1502.12, 1502.13, 1502.14, 1503, 1504, 1505, 1506, 1506.5, 1506.8,  
7 1507, 1508 and 1604, are hereby repealed.

8 SECTION 26. REPEALER 74 O.S. 2011, Sections 952, 953 and  
9 955, are hereby repealed.

10 SECTION 27. It being immediately necessary for the preservation  
11 of the public peace, health and safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

14

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