

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 21, 2012

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 1728

By: Newberry and Eason McIntyre of the Senate and Denney of the House

Title: Human Rights Commission; Employment-based discrimination. File complaint with Attorney General. Emergency.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,



Newberry

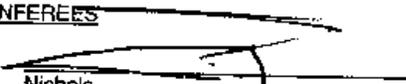


Johnson (Bob)



Jolley

SENATE CONFEREES



Nichols

Sparks

Ivester

HOUSE CONFEREES

Conference Committee Public Safety, Judiciary and Military Affairs

Senate Action **ADOPTED & PASSED** Date **MAY 23 2012** House Action _____ Date _____

epc

HOUSE CONFEREES

Jordan *Fred Jordan*

Martin (Steve) *Steve Martin*

McCullough *McCullough*

Moore _____

Morrisette _____

Roan *Paul D. Roan*

Roberts (Dustin) _____

Schwartz *Colby Schwartz*

Sherrer *Ben Sherrer*

Wesselhoft _____

Williams _____

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1728

6 By: Newberry and Eason McIntyre
7 of the Senate

8 and

9 Denney of the House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to discriminatory practices; amending
12 22 O.S. 2011, Section 34.4 and 34.5, which relate to
13 racial profiling; transferring certain
14 responsibilities of Oklahoma Human Rights Commission
15 to the Attorney General; creating the Oklahoma Anti-
16 Discrimination Act; providing short title; amending
17 25 O.S. 2011, Sections 1101, 1201, 1301, 1302, 1310,
18 1350, 1401, 1451, 1452, 1453, 1501, 1502, 1502.1,
19 1502.6, 1502.15, 1505.1, 1506.1, 1506.2, 1506.3,
20 1506.4, 1506.6, 1506.7, 1601, 1704, 1705 and 1706,
21 which relate to discrimination in employment,
22 discrimination in public accommodations,
23 discrimination in housing, the Human Rights
24 Commission, other discriminatory practices and local
commissions; specifying applicability of act for
remedies for certain discrimination or retaliation;
modifying definitions; prohibiting retaliation for
certain actions; transferring certain
responsibilities of Oklahoma Human Rights Commission
to the Attorney General; conforming language;
modifying certain complaint procedures; clarifying
statutory references; modifying definitions;
construing provisions; updating statutory outline;
modifying certain powers and duties of Attorney
General; transferring certain responsibilities of
Oklahoma Human Rights Commission to the Attorney
General; conforming language; modifying certain
complaint procedures; modifying procedures for
certain agreements; modifying procedures for filing

1 certain actions; modifying certain statute of
2 limitations; conforming language; modifying
3 eligibility for certain damages; updating statutory
4 references; modifying certain enforcement powers;
5 modifying certain definition; conforming language;
6 amending 73 O.S. 2011, Section 163.2, which relates
7 to deposit of funds; removing Human Rights Commission
8 from certain requirement; amending 74 O.S. 2011,
9 Sections 840-2.1, 840-5.5 and 954, which relate to
10 affirmative action, unclassified service and
11 discrimination in state employment; conforming
12 language; repealing 25 O.S. 2011, Sections 1502.2,
13 1502.3, 1502.4, 1502.5, 1502.7, 1502.8, 1502.9,
14 1502.10, 1502.11, 1502.12, 1502.13, 1502.14, 1503,
15 1504, 1505, 1506, 1506.5, 1506.8, 1507, 1508 and
16 1604, which relate to the Oklahoma Human Rights
17 Commission; repealing 74 O.S. 2011, Sections 952, 953
18 and 955, which relate to the Oklahoma Human Rights
19 Commission; providing for codification; providing an
20 effective date; and declaring an emergency.

21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. AMENDATORY 22 O.S. 2011, Section 34.4, is
23 amended to read as follows:

24 Section 34.4. Whenever a person who is stopped or arrested
believes the stop or arrest was in violation of Section ~~4~~ 34.3 of
this ~~act~~ title, that person may file a complaint with the ~~Oklahoma~~
~~Human Rights Commission~~ Attorney General and may also file a
complaint with the district attorney for the county in which the
stop or arrest occurred. A copy of the complaint shall be forwarded
to the arresting officer's employer by the ~~Commission~~ Attorney
General. The employer shall investigate the complaint for purposes
of disciplinary action and/or criminal prosecution.

1 SECTION 2. AMENDATORY 22 O.S. 2011, Section 34.5, is
2 amended to read as follows:

3 Section 34.5. A. The ~~Oklahoma Human Rights Commission~~ Attorney
4 General shall promulgate rules establishing procedures for filing a
5 racial profiling complaint with the ~~Oklahoma Human Rights Commission~~
6 Attorney General and the district attorney and the process for
7 delivering a copy of the complaint by the ~~Commission~~ Attorney
8 General to the employing agency. The ~~Commission~~ Attorney General,
9 in consultation with the Governor's Cabinet Secretary for Safety and
10 Security, shall promulgate forms for complaints of racial profiling.

11 B. The ~~Commission~~ Attorney General shall compile an annual
12 report of all complaints received for racial profiling and submit
13 the report on or before January 31 of each year to the Governor, the
14 President Pro Tempore of the Senate, and the Speaker of the House of
15 Representatives.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1100 of Title 25, unless there
18 is created a duplication in numbering, reads as follows:

19 Sections 1101 through 1706 of Title 25 of the Oklahoma Statutes
20 shall be known and may be cited as the "Oklahoma Anti-Discrimination
21 Act".

22 SECTION 4. AMENDATORY 25 O.S. 2011, Section 1101, is
23 amended to read as follows:

24

1 Section 1101. A. This act provides for exclusive remedies
2 within the state ~~of the policies for individuals alleging~~
3 discrimination in employment, housing and public accommodations on
4 the basis of race, color, national origin, sex, religion, creed,
5 age, disability or genetic information; and for retaliation against
6 employees who have opposed or reported discrimination or
7 participated in provisions available pursuant to the Oklahoma Anti-
8 Discrimination Act.

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

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

14 Section 1201. ~~In this act, unless the context otherwise~~
15 ~~requires,~~ As used in the Oklahoma Anti-Discrimination Act:

16 ~~(1) "Commission" means the Human Rights Commission created by 74~~
17 ~~Oklahoma Statutes, Section 952~~

18 1. "Attorney General" means the Oklahoma Attorney General's
19 Office of Civil Rights Enforcement;

20 ~~(2) "Commissioner" means a member of the Commission~~

21 2. "Conciliation" means the attempted resolution of issues
22 raised by a complaint or by the investigation of the complaint
23 through informal negotiations involving the aggrieved person, the
24 alleged discriminating party and the Attorney General;

1 ~~(3)~~ 3. "Conciliation agreement" means a written agreement
2 setting forth the resolution of the issues in conciliation;

3 4. "Discriminatory practice" means a practice designated as
4 discriminatory or retaliatory under the terms of this act;

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

7 ~~(5)~~ 6. "Person" includes an individual, association,
8 corporation, joint apprenticeship committee, joint-stock company,
9 labor union, legal representative, mutual company, partnership,
10 receiver, trust, trustee, trustee in bankruptcy, unincorporated
11 organization, any other legal or commercial entity, the state, or
12 any governmental entity or agency.

13 SECTION 6. AMENDATORY 25 O.S. 2011, Section 1301, is
14 amended to read as follows:

15 Section 1301. As used in ~~Section 1101 et seq.~~ Sections 1301
16 through 1350 of this title:

17 1. "Employer" means:

18 a. a legal entity, institution or organization that pays
19 one or more individuals a salary or wages for work
20 performance, or

21 b. a legal entity, institution or organization which
22 contracts or subcontracts with the state, a
23 governmental entity or a state agency to furnish
24 material or perform work.

1 Employer does not include a Native American tribe or a bona fide
2 membership club, other than a labor organization, that is exempt
3 from taxation under Title 26, Section 501(c) of the United States
4 Code;

5 2. "Employment agency" means a person regularly undertaking
6 with or without compensation to procure employees for an employer or
7 to procure for employees opportunities to work for an employer and
8 includes an agent of such a person;

9 3. "Labor organization" means:

10 a. an organization of any kind, an agency or employee
11 representation committee, group, association, or plan
12 in which employees participate and which exists for
13 the purpose, in whole or in part, of dealing with
14 employers concerning grievances, labor disputes,
15 wages, rates of pay, hours, or other terms or
16 conditions of employment,

17 b. a conference, general committee, joint or system
18 board, or joint council so engaged which is
19 subordinate to a national or international labor
20 organization, or

21 c. an agent of a labor organization;

22 4. "Individual with a disability" means a person who has a
23 physical or mental impairment which substantially limits one or more
24

1 of such person's major life activities, has a record of such an
2 impairment or is regarded as having such an impairment;

3 5. "Age discrimination in employment" means discrimination in
4 employment of persons who are at least forty (40) years of age;

5 6. "Sex", "because of sex" or "based on sex" includes, but is
6 not limited to, pregnancy, childbirth or related medical conditions;
7 women affected by pregnancy, childbirth or related medical
8 conditions shall be treated the same for all employment-related
9 purposes as other persons not so affected but similar in their
10 ability or inability to work;

11 7. "Genetic information" means information derived from the
12 results of a genetic test. "Genetic information" shall not include
13 family history, the results of a routine physical examination or
14 test, the results of a chemical, blood or urine analysis, the
15 results of a test to determine drug use, the results of a test for
16 the presence of the human immunodeficiency virus, or the results of
17 any other test commonly accepted in clinical practice at the time it
18 is ordered; ~~and~~

19 8. "Employee" means an individual who receives a salary or
20 wages from an employer. Employee shall not include independent
21 contractors; and

22 9. "Employment-based retaliation" means any adverse employment
23 action an employer takes against an employee because the employee
24 has opposed discriminatory practice or participates in the

1 provisions of Sections 1301 through 1350 of this title. Such
2 adverse employment actions include, but are not limited to,
3 disciplinary action, demotion or termination.

4 SECTION 7. AMENDATORY 25 O.S. 2011, Section 1302, is
5 amended to read as follows:

6 Section 1302. A. It is a discriminatory or retaliatory
7 practice for an employer:

8 1. To fail or refuse to hire, to discharge, or otherwise to
9 discriminate against an individual with respect to compensation or
10 the terms, conditions, privileges or responsibilities of employment,
11 because of race, color, religion, sex, national origin, age, genetic
12 information or disability, unless the employer can demonstrate that
13 accommodation for the disability would impose an undue hardship on
14 the operation of the business of such employer; or

15 2. To limit, segregate, or classify an employee or applicant
16 for employment in a way which would deprive or tend to deprive an
17 individual of employment opportunities or otherwise adversely affect
18 the status of an employee, because of race, color, religion, sex,
19 national origin, age, genetic information or disability, unless the
20 employer can demonstrate that accommodation for the disability would
21 impose an undue hardship on the operation of the business of such
22 employer; or

23 3. To engage in employment-based retaliation against an
24 employee because he or she has opposed or reported a discriminatory

1 practice, or because he or she has made a charge, filed a complaint,
2 testified, assisted or in any manner participated in an
3 investigation, proceeding or hearing pursuant to Sections 1301
4 through 1350 of this title or pursuant to federal law.

5 B. This section does not apply to the employment of an
6 individual by his or her parents, spouse, or child or to employment
7 in the domestic service of the employer.

8 SECTION 8. AMENDATORY 25 O.S. 2011, Section 1310, is
9 amended to read as follows:

10 Section 1310. Nothing contained in ~~Section 1101 et seq. of this~~
11 ~~title~~ the Oklahoma Anti-Discrimination Act requires an employer,
12 employment agency, labor organization, or joint labor-management
13 committee subject to ~~Section 1101 et seq. of this title~~ the Oklahoma
14 Anti-Discrimination Act to grant preferential treatment to an
15 individual or to a group because of race, color, religion, sex,
16 national origin, age, disability, or genetic information of the
17 individual or group on account of an imbalance which may exist with
18 respect to the total number or percentage of persons of any race,
19 color, religion, sex, national origin, age, disability, or genetic
20 information employed by an employer, referred or classified for
21 employment by an employment agency or labor organization, admitted
22 to membership or classified by a labor organization, or admitted to,
23 or employed in, an apprenticeship, or other training or retraining
24 program, in comparison with the total number or percentage of

1 persons of the race, color, religion, sex, national origin, age,
2 disability, or genetic information in the state or a community,
3 section, or other area, or in the available work force in the state
4 or a community, section, or other area. However, it is not a
5 discriminatory practice for a person subject to ~~Section 1101 et seq.~~
6 ~~of this title~~ the Oklahoma Anti-Discrimination Act to voluntarily
7 adopt and carry out a plan to eliminate or reduce imbalance with
8 respect to race, color, religion, sex, national origin, age,
9 disability, or genetic information if the plan has been filed with,
10 and not disapproved by, the ~~Oklahoma Human Rights Commission~~ under
11 ~~regulations of the Commission and the Commission has not disapproved~~
12 ~~the plan~~ Attorney General.

13 SECTION 9. AMENDATORY 25 O.S. 2011, Section 1350, is
14 amended to read as follows:

15 Section 1350. A. A cause of action for employment-based
16 discrimination and employment-based retaliation is hereby created
17 and any common law remedies are hereby abolished.

18 B. In order to have standing in a court of law to allege
19 discrimination arising from an employment-related matter, in a cause
20 of action against an employer for discrimination based on race,
21 color, religion, sex, national origin, age, disability, genetic
22 information with respect to the employee, or employment-based
23 retaliation, an aggrieved party first must, within one hundred
24 eighty (180) days from the last date of alleged discrimination, file

1 ~~a charge of discrimination in employment with the Oklahoma Human~~
2 ~~Rights Commission or the Equal Employment Opportunity Commission~~
3 complaint with the Attorney General alleging the basis of
4 discrimination believed to have been perpetrated on the aggrieved
5 party. ~~Upon completion of any investigation, the Oklahoma Human~~
6 ~~Rights Commission shall transmit the results of any administrative~~
7 ~~hearing and determination to the Equal Employment Opportunity~~
8 ~~Commission or issue the complaining party a Notice of a Right to Sue~~
9 A complaint filed with the Attorney General shall conform to the
10 requirements set forth in Section 1502 of this title.

11 C. Should a ~~charge of discrimination or employment-based~~
12 retaliation complaint be filed with the ~~Oklahoma Human Rights~~
13 ~~Commission~~ Attorney General pursuant to this section and not be
14 resolved to the satisfaction of the ~~charging party within one~~
15 ~~hundred eighty (180) days from the date of filing of such charge~~
16 complainant, the ~~Commission~~ Attorney General, upon request of any
17 party shall issue a Notice of a Right to Sue, which must be first
18 obtained ~~in order to~~ before a complainant may commence a civil
19 action under this section.

20 D. All civil actions brought pursuant to a ~~Notice of a Right to~~
21 ~~Sue from the Oklahoma Human Rights Commission for redress against~~
22 ~~any person who is alleged to have discriminated against the charging~~
23 ~~party and against any person named as respondent in the charge~~
24 subsection C of this section shall be commenced in the district

1 court of this state for the county in which the unlawful employment
2 practice is alleged to have been committed.

3 E. Either party in any such action shall be entitled to a jury
4 trial of any facts in dispute in the action if otherwise entitled to
5 a jury trial under state law.

6 F. The defending party may allege any defense that is available
7 under federal law, including, but not limited to, Title VII of the
8 Civil Rights Act of 1964, the Age Discrimination in Employment Act,
9 the Pregnancy Discrimination Act, the ~~Rehabilitation~~ Rehabilitation
10 Act, the Americans with Disabilities Act, or the Genetic Information
11 Nondiscrimination Act.

12 G. If it is determined in such action that the defendant or
13 defendants in such action have discriminated against the ~~charging~~
14 ~~party~~ plaintiff as charged in the petition, the court may enjoin the
15 defendant or defendants from engaging in such unlawful employment
16 practice charged in the petition, ~~the court may enjoin respondent~~
17 ~~from engaging in such unlawful practice~~ and order such affirmative
18 action as ~~reinstatement~~ reinstatement or hiring of employees. A
19 prevailing ~~aggrieved party~~ plaintiff shall also be entitled to
20 backpay and an additional amount as liquidated damages. Interim
21 earnings or amounts earnable with reasonable diligence by the person
22 discriminated against shall operate to reduce the backpay otherwise
23 allowable. If an individual was refused employment or advancement,
24 was suspended ~~and/or~~ or was discharged for legitimate reasons other

1 than discrimination as provided by this act, then no order of the
2 court shall require the hiring, reinstatement or promotion of that
3 individual as an employee, nor shall it order payment of any
4 backpay.

5 H. In any action or proceeding under this section, the court
6 may allow a prevailing plaintiff or defendant a reasonable attorney
7 fee.

8 I. No action may be filed in district court as provided in this
9 section more than ninety (90) days after receiving a Notice of a
10 Right to Sue from the ~~Oklahoma Human Rights Commission~~ Attorney
11 General.

12 SECTION 10. AMENDATORY 25 O.S. 2011, Section 1401, is
13 amended to read as follows:

14 As used in ~~this act unless the context requires otherwise~~
15 Sections 1401 and 1402 of this title:

16 ~~(1)~~ 1. "Place of public accommodation" includes any place,
17 store or other establishment, either licensed or unlicensed, which
18 supplies goods or services to the general public or which solicits
19 or accepts the patronage or trade of the general public or which is
20 supported directly or indirectly by government funds; except that,
21 ~~(i)~~ a private club is not a place of public accommodation, if its
22 policies are determined by its members and its facilities or
23 services are available only to its members and their bona fide
24 guests; and

1 ~~(2)~~ 2. "Place of public accommodation" does not include barber
2 shops or beauty shops or privately-owned resort or amusement
3 establishments or an establishment located within a building which
4 contains not more than five rooms for rent or hire and which is
5 actually occupied by the proprietor of the establishment as his
6 residence.

7 SECTION 11. AMENDATORY 25 O.S. 2011, Section 1451, is
8 amended to read as follows:

9 Section 1451. A. As used in Sections 1451 through 1453 of this
10 title:

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

13 2. "Dwelling" means:

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

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

22 3. "Person" includes one or more individuals, corporations,
23 partnerships, associations, labor organizations, legal
24 representatives, mutual companies, joint-stock companies, trusts,

1 unincorporated organizations, trustees, trustees in bankruptcy,
2 receivers and fiduciaries, the state, and all political subdivisions
3 and agencies thereof;

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

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

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

19 ~~7.~~ 6. "Unlawful discriminatory practice because of age" means
20 an act prohibited pursuant to Section 1452 of this title against a
21 person at least eighteen (18) years of age or older solely on that
22 basis;

23 ~~8.~~ 7. "Aggrieved person" means any person who:
24

- 1 a. claims to have been injured by a discriminatory
2 housing practice, or
3 b. believes that he or she will be injured by a
4 discriminatory housing practice that is about to
5 occur;

6 ~~9.~~ 8. "Complainant" means a person, ~~the Commission, or~~
7 including but not limited to the Attorney General, who files a
8 complaint pursuant to Section 1452 of this title;

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

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

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

16 ~~13.~~ 9. "Discriminatory housing practice" means an act
17 prohibited by Section 1452 of this title;

18 ~~14.~~ 10. "Family" includes a single individual;

19 ~~15.~~ 11. "Respondent" means:

20 a. the person accused of a violation of Sections 1451
21 through 1453 of this title in a complaint of a
22 discriminatory housing practice, ~~or~~

23 b. ~~any person identified as an additional or substitute~~
24 ~~respondent pursuant to Section 1502.5 of this title or~~

1 ~~an agent of an additional or substitute respondent;~~

2 and

3 ~~16.~~ 12. "To rent" means to lease, to sublease, to let, or to
4 otherwise grant for a consideration the right to occupy premises not
5 owned by the occupant.

6 B. For purposes of Sections 1451 through 1453 of this title, a
7 discriminatory act is committed because of familial status only if
8 the act is committed because the person who is the subject of
9 discrimination is:

10 1. Pregnant;

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

13 a. is the parent or legal custodian, or

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

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

18 SECTION 12. AMENDATORY 25 O.S. 2011, Section 1452, is
19 amended to read as follows:

20 Section 1452. A. It shall be an unlawful discriminatory
21 housing practice for any person, or any agent or employee of such
22 person:

23 1. To refuse to sell or rent after the making of a bona fide
24 offer, or to refuse to negotiate for the sale or rental of any

1 housing, or otherwise make unavailable or deny any housing because
2 of race, color, religion, gender, national origin, age, familial
3 status, or disability;

4 2. To discriminate against any person in the terms, conditions,
5 or privileges of sale or rental of housing, or in the provision of
6 services or facilities in connection with any housing because of
7 race, color, religion, gender, national origin, age, familial
8 status, or disability;

9 3. To ~~make, print, publish, or~~ cause to be made, printed, or
10 published any notice, statement, or advertisement, with respect to
11 the sale or rental of housing that indicates any preference,
12 limitation, discrimination, or intention to make any such
13 preference, limitation, or discrimination because of race, color,
14 religion, gender, national origin, age, familial status, or
15 disability; nothing herein shall be construed to mean that printing
16 or publishing such matter for a third party is an unlawful
17 discriminatory housing practice.

18 4. To represent to any person, for reasons of discrimination,
19 that any housing is not available for inspection, sale, or rental
20 when such housing is in fact so available because of race, color,
21 religion, gender, national origin, age, familial status, or
22 disability;

23 5. To deny any person access to, or membership or participation
24 in, a multiple-listing service, real estate brokers' organization or

1 other service, organization, or facility relating to the business of
2 selling or renting dwellings, or discriminate against a person in
3 the terms or conditions of access, membership, or participation in
4 such an organization, service, or facility because of race, color,
5 religion, gender, national origin, age, familial status, or
6 disability;

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

13 7. To refuse to consider the income of both applicants when
14 both applicants seek to buy or lease housing because of race, color,
15 religion, gender, national origin, age, familial status, or
16 disability;

17 8. To refuse to consider as a valid source of income any public
18 assistance, alimony, or child support, awarded by a court, when that
19 source can be verified as to its amount, length of time received,
20 regularity, or receipt because of race, color, religion, gender,
21 national origin, age, familial status, or disability;

22 9. To discriminate against a person in the terms, conditions,
23 or privileges relating to the obtaining or use of financial
24 assistance for the acquisition, construction, rehabilitation,

1 repair, or maintenance of any housing because of race, color,
2 religion, gender, national origin, age, familial status, or
3 disability;

4 10. To discharge, demote, or discriminate in matters of
5 compensation or working conditions against any employee or agent
6 because of the obedience of the employee or agent to the provisions
7 of this section;

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

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

- 19 a. the lowering of property values,
20 b. a change in the racial, religious, or ethnic character
21 of the block, neighborhood, or area in which the
22 property is located,
23 c. an increase in criminal or antisocial behavior in the
24 area, or

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

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

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

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

12 (1) that buyer or renter,

13 (2) a person residing in or intending to reside in
14 that dwelling after it is sold, rented, or made
15 available, or

16 (3) any person associated with that buyer or renter,
17 or

18 b. to discriminate against any person in the terms,
19 conditions, or privileges of sale or rental of a
20 dwelling or in the provision of services or facilities
21 in connection with the dwelling because of a
22 disability of:

23 (1) that person,

24

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

4 (3) any person associated with that person~~r~~.

5 ~~16.~~ B. 1. For purposes of disability discrimination in housing
6 pursuant to Sections 1451 through 1453 of this title, discrimination
7 includes:

- 8 a. a refusal to permit, at the expense of the disabled
9 person, reasonable modifications of existing premises
10 occupied or to be occupied by the person if the
11 modifications may be necessary to afford the person
12 full enjoyment of the premises, provided that such
13 person also provides a surety bond guaranteeing
14 restoration of the premises to their prior condition,
15 if necessary to make the premises suitable for
16 nondisabled tenants,
- 17 b. a refusal to make reasonable accommodations in rules,
18 policies, practices, or services, when the
19 accommodations may be necessary to afford the person
20 equal opportunity to use and enjoy a dwelling, or
- 21 c. in connection with the design and construction of
22 covered multifamily dwellings for first occupancy
23 thirty (30) months after the date of enactment of the
24 federal Fair Housing Amendments Act of 1988 (Public

1 Law 100-430), a failure to design and construct those
2 dwellings in a manner that:

3 (1) the public use and common use portions of the
4 dwellings are readily accessible to and usable by
5 disabled persons,

6 (2) all the doors designed to allow passage into and
7 within all premises within the dwellings are
8 sufficiently wide to allow passage by disabled
9 persons in wheelchairs, and

10 (3) all premises within the dwellings contain the
11 following features of adaptive design:

12 (a) an accessible route into and through the
13 dwelling,

14 (b) light switches, electrical outlets,
15 thermostats, and other environmental
16 controls in accessible locations,

17 (c) reinforcements in bathroom walls to allow
18 later installation of grab bars, and

19 (d) usable kitchen and bathrooms so that an
20 individual in a wheelchair can maneuver
21 about the space₇.

22 ~~(4) — compliance~~

23 Compliance with the appropriate requirements of
24 the American National Standard for buildings and

1 facilities providing accessibility and usability
2 for physically disabled people, commonly cited as
3 "ANSI A 117.1", suffices to satisfy the
4 requirements of this division ~~(3) of this~~
5 ~~subparagraph.~~

6 ~~(5) as~~

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

9 ~~(a)~~

10 a. buildings consisting of four or more units if the
11 buildings have one or more elevators, and

12 ~~(b)~~

13 b. ground floor units in other buildings consisting of
14 four or more units~~.~~

15 ~~(6) nothing~~

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

21 ~~17. a.~~

22 C. 1. A person whose business includes engaging in residential
23 real estate related transactions may not discriminate against a
24 person in making a real estate related transaction available or in

1 the terms or conditions of a real estate related transaction because
2 of race, color, religion, gender, disability, familial status,
3 national origin or age.

4 ~~b.~~

5 2. In this section, "residential real estate related
6 transaction" means:

7 ~~(1)~~

8 a. making or purchasing loans or providing other
9 financial assistance:

10 ~~(a)~~

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

13 ~~(b)~~

14 (2) to secure residential real estate, or

15 ~~(2)~~

16 b. selling, brokering, or appraising residential real
17 property.

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

22 ~~C.~~ E. No other categories or classes of persons are protected
23 pursuant to Sections 1451 through 1453 of this title. The ~~Oklahoma~~
24 ~~Human Rights Commission~~ Attorney General shall have no authority or

1 jurisdiction to act on complaints based on any kind of
2 discrimination other than those kinds of discrimination prohibited
3 pursuant to ~~Section 1101 et seq. of this title~~ the Oklahoma Anti-
4 Discrimination Act or any other specifically authorized by law.

5 SECTION 13. AMENDATORY 25 O.S. 2011, Section 1453, is
6 amended to read as follows:

7 Section 1453. A. Nothing provided for in Sections 1451 through
8 1453 of this title shall:

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

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

- 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)~~

9 a. the sale or rental of a single-family house sold or
10 rented by an owner if:

11 ~~(a)~~

12 (1) the owner does not:

13 ~~(i)~~

14 (a) own more than three ~~(3)~~ single-family houses
15 at any one time, or

16 ~~(ii)~~

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

24 ~~(b)~~

1 (2) the house was sold or rented without:

2 ~~(i)~~

3 (a) the use of the sales or rental facilities or
4 services of a real estate broker, agent, or
5 salesman licensed pursuant to the Oklahoma
6 Real Estate License Code, or of an employee
7 or agent of a licensed broker, agent, or
8 salesman, or the facilities or services of
9 the owner of a dwelling designed or intended
10 for occupancy by five ~~(5)~~ or more families,
11 or

12 ~~(ii)~~

13 (b) the publication, posting, or mailing of a
14 notice, statement, or advertisement
15 prohibited by Section 1452 of this title, or

16 ~~(2)~~

17 b. the sale or rental of rooms or units in a dwelling
18 containing living quarters occupied or intended to be
19 occupied by no more than four ~~(4)~~ families living
20 independently of each other, if the owner maintains
21 and occupies one of the living quarters as the owner's
22 residence7.

23 ~~b.~~

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

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

10 ~~7.~~ E. Nothing provided for in Sections 1451 through 1453 of
11 this title shall affect a reasonable local or state restriction on
12 the maximum number of occupants permitted to occupy a dwelling or
13 restriction relating to health or safety standards~~†.~~

14 ~~8.~~ F. Nothing provided for in Sections 1451 through 1453 of
15 this title shall prevent or restrict the sale, lease, rental,
16 transfer, or development of housing designed or intended for the use
17 of the disabled~~†.~~

18 ~~9.~~ G. Nothing provided for in Sections 1451 through 1453 of
19 this title shall affect a requirement of nondiscrimination in any
20 other state or federal law~~†.~~

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

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

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

7 1. ~~to promote the creation of local commissions on human~~
8 ~~rights, and to contract with individuals and state, local and other~~
9 ~~agencies, both public and private, including agencies of the federal~~
10 ~~government and of other states;~~

11 2. ~~to accept public grants or private gifts, bequests, or other~~
12 ~~payments;~~

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

17 4. 2. To furnish technical assistance requested by persons
18 subject to this act to further compliance with the act or an order
19 issued thereunder;

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

23 6. 3. To require answers to interrogatories, under the
24 procedures established by Section ~~3210~~ 3233 of Title 12 of the

1 Oklahoma Statutes, issue subpoenas, compel the attendance of
2 witnesses, examine witnesses under oath or affirmation, and require
3 the production of documents in connection with the investigation of
4 complaints filed under this act, said powers to be exercised only in
5 relation to areas directly and materially related to the complaint.
6 ~~The Commission may make rules authorizing any member or hearing~~
7 ~~examiner designated by order to pass upon a complaint after a~~
8 ~~hearing under Section 1503 of this title, and such decision must be~~
9 ~~approved in writing by a majority of the membership of the~~
10 ~~Commission~~ The Attorney General shall have access at any reasonable
11 time to premises, records and documents relevant to the complaint
12 and the right to examine, photograph and copy evidence, in
13 accordance with Section 3234 of Title 12 of the Oklahoma Statutes;

14 ~~7. to hear, and issue orders on, complaints involving state~~
15 ~~government agencies and departments on the same basis as complaints~~
16 ~~involving private employers; and~~

17 ~~8.~~ 4. To provide technical assistance and public information to
18 assist in preventing and eliminating discriminatory ~~housing~~
19 practices in housing, employment or public accommodations within
20 this state.

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

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

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

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

8 SECTION 15. AMENDATORY 25 O.S. 2011, Section 1502, is
9 amended to read as follows:

10 Section 1502. A. A person claiming to be aggrieved by a
11 discriminatory practice, ~~his~~ prohibited by the Oklahoma Anti-
12 Discrimination Act or the person's attorney, the Attorney General, a
13 ~~nonprofit organization chartered for the purpose of combatting~~
14 ~~discrimination or a member of the Commission,~~ may file with the
15 ~~Commission~~ Attorney General a written sworn complaint stating that a
16 discriminatory practice has been committed, and setting forth the
17 facts upon which the complaint is based, ~~and setting forth facts~~
18 ~~sufficient to enable the Commission to identify the person charged,~~
19 ~~hereinafter called the respondent. The Commission or a member of~~
20 ~~the Commission or the staff~~ Attorney General shall promptly ~~furnish~~
21 ~~the respondent with a copy of the~~ review each complaint and shall
22 ~~promptly investigate the allegations of discriminatory practice set~~
23 ~~forth in the~~ to determine if the complaint contains a sufficient
24 factual basis to warrant further investigation. ~~The~~ Any complaint

1 ~~must be filed pursuant to this section shall be filed~~ within one
2 hundred eighty (180) days after the final instance of the alleged
3 discriminatory practice occurs.

4 B. ~~If within sixty (60) days after the complaint is filed it is~~
5 ~~determined by the Commission or a member of the Commission or the~~
6 ~~staff that there is no reasonable cause to believe that the~~
7 ~~respondent has engaged in a discriminatory practice, the Commission~~
8 ~~shall issue an order dismissing the complaint and shall furnish a~~
9 ~~copy of the order to the complainant, the respondent, the Attorney~~
10 ~~General and such other public officers and persons as the Commission~~
11 ~~deems proper.~~

12 C. ~~The complainant, within thirty (30) days after receiving a~~
13 ~~copy of an order dismissing the complaint, may file with the~~
14 ~~Commission an application for reconsideration of the order. Upon~~
15 ~~such application, the Commission or a designated member of the~~
16 ~~Commission shall make a new determination whether there is a~~
17 ~~reasonable cause to believe that the respondent has engaged in a~~
18 ~~discriminatory practice. If it is determined within thirty (30)~~
19 ~~days after the application is filed that there is no reasonable~~
20 ~~cause to believe that the respondent has engaged in a discriminatory~~
21 ~~practice, the Commission shall issue an order dismissing the~~
22 ~~complaint and furnish a copy of the order to the complainant, the~~
23 ~~respondent, the Attorney General, and such other public officers and~~
24 ~~persons as the Commission deems proper.~~

1 ~~D. This section does not apply to persons claiming to be~~
2 ~~aggrieved by a discriminatory housing practice to the extent that it~~
3 ~~is inconsistent with specific provisions of this act relating to a~~
4 ~~discriminatory housing complaint~~ Complaints filed with the Attorney
5 General pursuant to this section shall be in writing, under oath,
6 and substantially in the form prescribed by the Attorney General.
7 Complaints shall include sufficient detail to enable the Attorney
8 General to identify and locate the party alleged to have committed
9 the discriminatory practice. Upon receiving a complaint, the
10 Attorney General shall promptly notify the complainant of receipt
11 and advise the complainant of the relevant time limits and choice of
12 forums available to the complainant pursuant to this act.

13 C. If the Attorney General determines upon preliminary review
14 of the complaint and any accompanying materials that a sufficient
15 factual basis exists to warrant further investigation of the
16 discriminatory practice alleged in the complaint, the Attorney
17 General shall notify the complainant and shall notify the party
18 against whom the allegations are made, hereafter termed the
19 "respondent", as set forth in subsection D of this section, and
20 shall promptly investigate those allegations of discriminatory
21 practice set forth in the complaint. If, after the preliminary
22 review, the Attorney General concludes that the complaint does not
23 set forth a sufficient factual basis to warrant further
24 investigation, the Attorney General shall notify the complainant of

1 this conclusion and advise the complainant as to other options
2 available to him or her pursuant to this act.

3 D. If a complaint filed with the Attorney General pursuant to
4 this section sets forth a sufficient factual basis to warrant
5 further investigation, the Attorney General shall transmit to the
6 respondent a notice identifying the alleged discriminatory practice
7 and advising the respondent of the procedural rights and obligations
8 of a respondent pursuant to this act, and a copy of the complaint.
9 No later than thirty (30) days following receipt of the notice and
10 copy of the complaint, the respondent shall file with the Attorney
11 General an answer to the allegations set forth in the complaint.
12 The respondent's answer shall be in writing and signed by the
13 respondent.

14 SECTION 16. AMENDATORY 25 O.S. 2011, Section 1502.1, is
15 amended to read as follows:

16 Section 1502.1. If, at any time after the ~~filing~~ receipt of a
17 ~~verified charge~~ complaint, the ~~Commission~~ Attorney General has
18 reason to believe that a respondent has engaged in any unlawful
19 discriminatory practice, the ~~Commission~~ Attorney General may file a
20 petition in the district court in a county in which the subject of
21 the complaint occurs, or in a county in which a respondent resides
22 or transacts business, seeking appropriate temporary injunctive
23 relief against the respondent pending final determination of
24 proceedings pursuant to this act, ~~including an order or decree~~

1 ~~restraining him from doing an act tending to render ineffectual an~~
2 ~~order the Commission may enter with respect to the complaint. The~~
3 court shall have power to grant injunctive relief or a restraining
4 order as it deems just and proper, but no relief or order shall be
5 granted except by consent of the respondent or after hearing upon
6 notice to the respondent and a finding by the court that there is
7 reasonable cause to believe that the respondent has engaged in a
8 discriminatory practice. ~~Except as modified by this section, the~~
9 ~~Oklahoma rules of civil procedure shall apply to an application, and~~
10 ~~the district court shall have authority to grant or deny the relief~~
11 ~~sought on conditions as it deems just and equitable. This section~~
12 ~~is subject to the provisions of Section 13 of this act.~~

13 SECTION 17. AMENDATORY 25 O.S. 2011, Section 1502.6, is
14 amended to read as follows:

15 Section 1502.6. A. The Commission Attorney General shall,
16 ~~during the period beginning with the filing of a complaint and~~
17 ~~ending with the filing of a charge or a dismissal by the Commission,~~
18 ~~to the extent feasible~~ before filing any court action or issuing a
19 cease and desist order, engage with the parties in a conciliation
20 process with respect to the complaint. If the parties, through the
21 conciliation process, are successful in resolving their dispute, the
22 terms of resolution shall be memorialized in a written conciliation
23 agreement, subject to approval by the Attorney General. Upon such
24 approval, the Attorney General shall close the complaint file.

1 B. ~~A conciliation agreement is an agreement between a~~
2 ~~respondent and the complainant and is subject to Commission~~
3 ~~approval.~~

4 C. A conciliation agreement may provide for binding arbitration
5 or other method of dispute resolution. Dispute resolution that
6 results from a conciliation agreement may authorize appropriate
7 relief, including monetary relief.

8 D. ~~A conciliation agreement shall be made public unless the~~
9 ~~complainant and respondent agree otherwise, and the Commission~~
10 ~~determines that disclosure is not necessary to further the purpose~~
11 ~~of this act.~~

12 E. C. The Attorney General shall not make public, without the
13 written consent of both the complainant and the respondent,
14 information concerning the agreement or efforts in a particular case
15 to eliminate a discriminatory practice by conciliation; provided
16 however, consent shall not be required to make public that a
17 conciliation agreement has been reached. At any time in its
18 discretion, the Attorney General shall periodically investigate
19 whether the terms of the conciliation agreement are being complied
20 with by the respondent, and shall take appropriate action as
21 authorized by this act to assure compliance.

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

1 ~~F.~~ E. After completion of the Commission's investigation, the
2 Commission shall make available to the aggrieved person and the
3 respondent, at any time, information derived from the investigation
4 and the final investigation report relating to that investigation.

5 SECTION 18. AMENDATORY 25 O.S. 2011, Section 1502.15, is
6 amended to read as follows:

7 Section 1502.15. A. ~~If a timely election is made pursuant to~~
8 ~~Section 20 of this act, the Commission shall authorize, and not~~
9 ~~later than the 30th day after the election is made, following its~~
10 investigation, the Attorney General determines that reasonable cause
11 exists to believe that the respondent engaged in a discriminatory
12 practice in violation of this act, the Attorney General shall may
13 file, a civil enforcement action on behalf of the aggrieved person
14 in a district court seeking relief pursuant to this section for such
15 violations.

16 B. Venue for an action filed pursuant to this section is in the
17 county in which the alleged discriminatory ~~housing~~ practice
18 occurred, or in a county where the respondent resides or transacts
19 business.

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

21 D. If the court finds that a discriminatory ~~housing~~ practice
22 has occurred or is about to occur, the court may grant as relief any
23 relief ~~that a court may grant in a civil action pursuant to Section~~
24 ~~26 of this act~~ that is available pursuant to Sections 1301 through

1 1350 of this title, Sections 1401 and 1402 of this title, or
2 Sections 1451 through 1453 of this title.

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

7 SECTION 19. AMENDATORY 25 O.S. 2011, Section 1505.1, is
8 amended to read as follows:

9 Section 1505.1. If the ~~Commission upon final determination~~
10 ~~finds~~ Attorney General determines that an act of housing
11 discrimination pursuant to Section ~~2~~ 1452 of this ~~act~~ title has been
12 committed by a person holding a real estate license pursuant to
13 state law, the ~~Commission~~ Attorney General will certify its
14 determination to the licensing agency. Unless such determination of
15 discriminatory practice is reversed in the course of judicial
16 review, a final determination is binding on the licensing agency.
17 Such agency shall take appropriate administrative action, including
18 suspension or revocation of the license of the respondent.

19 SECTION 20. AMENDATORY 25 O.S. 2011, Section 1506.1, is
20 amended to read as follows:

21 Section 1506.1. A. An aggrieved person may file a civil action
22 in district court for alleged violations of Sections 1401 and 1402
23 of this title or Sections 1451 through 1453 of this title not later
24 than ~~the second year~~ two (2) years after the ~~occurrence~~ last date of

1 the ~~termination of an alleged discriminatory housing practice, or~~
2 ~~the breach of a conciliation agreement entered into pursuant to this~~
3 ~~act, whichever occurs last, to obtain appropriate relief with~~
4 ~~respect to the discriminatory housing practice or breach violation.~~

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

10 ~~C.~~ An aggrieved person may file an action pursuant to this
11 section whether or not a complaint has been filed pursuant to
12 ~~Section 8 of~~ this act and without regard to the status of any such
13 ~~complaint filed pursuant to this section.~~

14 ~~D.~~ C. If the ~~Commission~~ Attorney General has obtained a
15 conciliation agreement with the consent of an aggrieved person, the
16 aggrieved person may not file an action pursuant to this section
17 with respect to the alleged discriminatory ~~housing~~ practice that
18 forms the basis for the complaint except to enforce the terms of the
19 agreement. Such actions shall not be filed later than two (2) years
20 after the last date of the alleged violation of the conciliation
21 agreement.

22 ~~E.~~ D. An aggrieved person may not file an action pursuant to
23 this section with respect to an alleged discriminatory ~~housing~~
24 practice that forms the basis of a ~~charge issued by the Commission~~

1 ~~if the Commission has begun a hearing on the record pursuant to this~~
2 ~~act with respect to the charge civil enforcement action initiated by~~
3 ~~the Attorney General for violations of this act.~~

4 SECTION 21. AMENDATORY 25 O.S. 2011, Section 1506.2, is
5 amended to read as follows:

6 Section 1506.2. On application by a person alleging a
7 discriminatory ~~housing~~ practice or by a person against whom such a
8 practice is alleged, the court may appoint an attorney for the
9 person.

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

12 Section 1506.3. In an action pursuant to ~~Section 24~~ Sections
13 1502.15 or 1506.1 of this ~~act~~ title, if the court finds that a
14 discriminatory ~~housing~~ practice has occurred or is about to occur,
15 the court may award to the prevailing plaintiff or aggrieved person:

- 16 1. Actual ~~and punitive~~ damages;
- 17 2. Reasonable ~~attorneys~~ attorney fees;
- 18 3. Court costs; and
- 19 4. Subject to Section ~~27~~ 1506.4 of this ~~act~~ title, ~~any a~~
20 permanent or temporary injunction, temporary restraining order, or
21 other order, including an order enjoining the defendant from
22 engaging in the practice or ordering appropriate affirmative action.

23 SECTION 23. AMENDATORY 25 O.S. 2011, Section 1506.4, is
24 amended to read as follows:

1 Section 1506.4. Relief granted pursuant to Section ~~26~~ 1506.3 of
2 this ~~act~~ title, does not affect a contract, sale, encumbrance, or
3 lease that:

- 4 1. Was consummated before the granting of the relief; and
- 5 2. Involved a bona fide purchaser, encumbrancer, or tenant who
6 did not have actual notice of the filing of a complaint pursuant to
7 this act or a civil action pursuant to Section 1506.1 of this
8 ~~section~~ title.

9 SECTION 24. AMENDATORY 25 O.S. 2011, Section 1506.6, is
10 amended to read as follows:

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

- 15 1. A person is engaged in pattern or practice of resistance to
16 the full enjoyment of any right granted by this act; or
- 17 2. A person has been denied any right granted by this act and
18 that denial raises an issue of general public importance.

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

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

24

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

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

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

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

9 C. A person may intervene in an action pursuant to this section
10 if the person is:

11 1. An aggrieved person to the discriminatory ~~housing~~ practice;
12 or

13 2. A party to a conciliation agreement concerning the
14 discriminatory ~~housing~~ practice.

15 SECTION 25. AMENDATORY 25 O.S. 2011, Section 1506.7, is
16 amended to read as follows:

17 Section 1506.7. The Attorney General ~~on behalf of the~~
18 ~~Commission or other party at whose request a subpoena is issued~~
19 ~~pursuant to this act,~~ may enforce the compliance with a subpoena or
20 seek to compel answers to interrogatories issued pursuant to Section
21 1501 of this title in appropriate proceedings in district court.

22 SECTION 26. AMENDATORY 25 O.S. 2011, Section 1601, is
23 amended to read as follows:

1 Section 1601. It is a discriminatory practice for a person, ~~or~~
2 ~~for two or more persons to conspire,;~~

3 ~~(1) to retaliate or discriminate against a person because he~~
4 ~~has opposed a discriminatory practice, or because he has made a~~
5 ~~charge, filed a complaint, testified, assisted, or participated in~~
6 ~~an investigation, proceeding, or hearing under this act;~~

7 ~~(2) to aid, abet, incite, or coerce a person to engage in a~~
8 ~~discriminatory practice;~~

9 ~~(3) 1. To willfully to interfere with the performance of a duty~~
10 ~~or the exercise of a power by the Commission or one of its members~~
11 ~~or representatives Attorney General; or~~

12 ~~(4) 2. To willfully to obstruct or prevent a person from~~
13 ~~complying with the provisions of this act or an order issued~~
14 ~~thereunder pursuant to this act, or with the provisions of a~~
15 ~~conciliation agreement approved by the Attorney General pursuant to~~
16 ~~this act.~~

17 SECTION 27. AMENDATORY 25 O.S. 2011, Section 1704, is
18 amended to read as follows:

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

21 1. To employ an executive director and other employees and
22 agents and fix their compensation;

23
24

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

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

6 4. To receive, initiate, investigate, and seek to conciliate
7 complaints alleging violations of ~~Section 1101 et seq. of this title~~
8 the Oklahoma Anti-Discrimination Act or of an ordinance prohibiting
9 discrimination because of race, color, religion, sex, national
10 origin, age, disability, or genetic information or legislation
11 establishing the commission;

12 5. To make studies appropriate to effectuate its purposes and
13 policies and to make the results thereof available to the public;
14 and

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

18 SECTION 28. AMENDATORY 25 O.S. 2011, Section 1705, is
19 amended to read as follows:

20 Section 1705. A. The ~~Oklahoma Human Rights Commission~~ Attorney
21 General:

22 1. Whether or not a complaint has been filed under the
23 provisions ~~of Section 1502 or 1704~~ of this title act, may refer a
24 matter involving discrimination because of race, color, religion,

1 sex, national origin, age, disability, or genetic information to a
2 local commission for investigation, study, and report; and

3 2. May refer a complaint alleging a violation of ~~Section 1101~~
4 ~~et seq. of this title~~ the Oklahoma Anti-Discrimination Act to a
5 local commission for:

6 a. investigation,

7 b. determination whether there is reasonable cause to
8 believe that the respondent has engaged in a
9 discriminatory practice, or

10 c. assistance in eliminating a discriminatory practice by
11 conference, conciliation, or persuasion.

12 B. Upon referral by the ~~Commission~~ Attorney General, the local
13 commission shall make a report and may make recommendations to the
14 ~~Commission~~ Attorney General and take other appropriate action within
15 the scope of its powers.

16 SECTION 29. AMENDATORY 25 O.S. 2011, Section 1706, is
17 amended to read as follows:

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

20 ~~(b)~~ B. At any time after a complaint under this ~~Act~~ act is
21 filed, the ~~State Commission~~ Attorney General may require a local
22 commission to transfer any related proceeding to the ~~State~~
23 ~~Commission~~ Attorney General. After the local commission is
24 requested to transfer a proceeding, the local commission has no

1 further jurisdiction over the proceeding except to take appropriate
2 action to implement the transfer to the ~~State Commission~~ Attorney
3 General.

4 SECTION 30. AMENDATORY 73 O.S. 2011, Section 163.2, is
5 amended to read as follows:

6 Section 163.2. Monies collected from private tenants in the
7 State Office Building in Tulsa, Oklahoma, through June 30, 1976, or
8 monies collected from lease agreement with state agencies entered
9 into subsequent to the date of this act, except the State Department
10 of Agriculture, the Supreme Court, the Commissioner of Narcotics and
11 Dangerous Drugs Control, ~~the Human Rights Commission~~, the Indian
12 Affairs Commission, the Water Resources Board, the Oklahoma
13 Educational Television Authority, the Oklahoma Department of
14 Commerce, the Department of Mental Health and Substance Abuse
15 Services, the Department of Labor, the University of Oklahoma and
16 the board of county commissioners of Tulsa County, shall be paid to
17 the State Treasurer for deposit to the General Revenue Fund. Monies
18 collected from any agency or institution of the government of the
19 United States are exempted from payment to the State Treasurer for
20 deposit to the General Revenue Fund.

21 SECTION 31. AMENDATORY 74 O.S. 2011, Section 840-2.1, is
22 amended to read as follows:

23 Section 840-2.1. A. All agencies, boards, commissions,
24 departments, and offices of each branch of state government, except

1 institutions within The Oklahoma State System of Higher Education,
2 shall submit an affirmative action plan to the Office of Personnel
3 Management annually by September 1 following the end of the fiscal
4 year ending June 30. Institutions within The Oklahoma State System
5 of Higher Education shall submit an affirmative action plan to the
6 Oklahoma State Regents for Higher Education in accordance with
7 standards established by the Oklahoma State Regents for Higher
8 Education.

9 B. Said plan for agencies of the executive branch, except
10 institutions within The Oklahoma State System of Higher Education,
11 is subject to the approval of the Administrator of the Office of
12 Personnel Management.

13 C. The Administrator of the Office of Personnel Management
14 shall analyze the affirmative action plans of executive branch
15 agencies and Equal Employment Opportunity Commission reports
16 prepared by such agencies, except institutions within The Oklahoma
17 State System of Higher Education, and, on or before March 1 of each
18 year, shall submit a report to the Speaker of the House of
19 Representatives, the President Pro Tempore of the Senate, and the
20 Governor. Said report shall state the efforts and progress made by
21 governmental entities in the area of affirmative action, including
22 the status of recruitment, hiring, and promotion of women, men and
23 minorities within job categories.

24

1 D. The provisions of this section shall not require an agency,
2 board, commission, department, or office of state government to
3 grant preferential treatment to an individual or group because of
4 race, color, religion, sex, national origin, age, or handicap
5 because of an imbalance which may exist in comparison with the
6 employment statistics of the area involved.

7 E. It is not a discriminatory practice for the appointing
8 authority of an entity subject to the provisions of this title to
9 adopt and implement an affirmative action plan to eliminate or
10 reduce imbalances with respect to women and minorities if the plan
11 has been approved by the Office of Personnel Management in
12 accordance with rules and guidelines adopted by the Office of
13 Personnel Management. For affirmative action purposes, any person
14 who lists American Indian as his race or national origin shall,
15 within thirty (30) days of his appointment, verify his tribal
16 affiliation by providing a certificate of Degree of Indian Blood
17 from the U.S. Department of Interior, Bureau of Indian Affairs, or
18 by providing the name and address of tribal officials who can verify
19 his tribal affiliation.

20 F. 1. The Administrator of the Office of Personnel Management
21 shall establish qualification requirements for personnel serving as
22 agency civil rights or affirmative action administrators, officers,
23 coordinators and other personnel responsible for civil rights
24 compliance or affirmative action for executive branch agencies.

1 Such qualification requirements shall include, but not be limited
2 to, knowledge of federal and state civil rights, affirmative action,
3 and equal employment laws and regulations. Such personnel shall be
4 subject to the training requirements specified by the Office of
5 Personnel Management. The Administrator shall be authorized to bill
6 agencies for the training of personnel professionals pursuant to
7 this paragraph to recover reasonable costs associated with the
8 training. Monies received for such training shall be deposited in
9 the Office of Personnel Management Revolving Fund. Expenditure of
10 such funds collected for the training shall be exempt from any
11 expenditure limit for the Office of Personnel Management established
12 by law. Effective December 1, 1995, complaints of alleged illegal
13 discrimination shall be investigated only by personnel trained
14 pursuant to the requirements of the Administrator, unless otherwise
15 provided by federal or state law. This paragraph shall not apply to
16 such personnel of the Oklahoma Merit Protection Commission ~~or the~~
17 ~~Oklahoma Human Rights Commission.~~

18 2. If, after notice, administrative hearing and determination,
19 pursuant to Article II of the Administrative Procedures Act, Section
20 308a et seq. of Title 75 of the Oklahoma Statutes, the Administrator
21 finds that an appointing authority of any executive branch agency
22 has failed to make significant progress toward affirmative action
23 goals, or has failed to appoint a civil rights administrator without
24 justifiable reasons, the Administrator may begin requiring remedies

1 as allowed by subsection G of this section and rules promulgated
2 thereto and appropriate to making progress toward affirmative action
3 goals. Such action shall remain in effect until the Administrator
4 determines that significant progress toward affirmative action goals
5 is being made. The provisions of law pertaining to the duties and
6 powers of any agency shall not be construed to deny the
7 Administrator the authority provided for in this paragraph, unless
8 the agency is specifically excluded by law from the provisions of
9 this paragraph.

10 G. 1. The Administrator of the Office of Personnel Management
11 shall develop rules for the imposition of appropriate remedies for
12 agencies in the executive branch of state government, excluding The
13 Oklahoma State System of Higher Education, when an agency has failed
14 to make significant progress toward affirmative action goals or has
15 been found to have a pattern of noncompliance with affirmative
16 action goals. If, pursuant to Article II of the Administrative
17 Procedures Act, the Administrator finds that an agency has failed to
18 make significant progress toward affirmative action goals or is
19 found to have a pattern of noncompliance with affirmative action
20 goals, remedies that the Administrator may impose shall include:

21 a. requiring noncomplying appointing authorities to
22 participate in programs for special recruiting
23 efforts,

24

- 1 b. development of training programs to enhance
2 promotability of minorities within agencies and
3 supervisory training in equal opportunity employment,
4 affirmative action, managing workplace diversity, and
5 c. mandatory review and approval of all hiring and
6 promotion decisions by an appointing authority by the
7 Administrator if the Administrator can document a
8 pattern of noncompliance in previous remedial actions
9 pursuant to this subsection or appointment of a full-
10 time affirmative action officer to any agency in
11 noncompliance with affirmative action remedies.

12 2. Effective July 1, 1995, if the Administrator determines that
13 a pattern of noncompliance with affirmative action goals exists at
14 an agency and that none of the remedies provided by paragraph 1 of
15 this subsection are appropriate and the Administrator determines the
16 Office of Personnel Management has sufficient resources, the
17 Administrator shall be empowered to remove personnel function(s)
18 relating to recruitment, hiring or promotion from the appointing
19 authority and to place that function with the Administrator of the
20 Office of Personnel Management as provided by this paragraph.
21 Removal of personnel function(s) shall occur only when a pattern of
22 noncompliance with the affirmative action plan can be documented and
23 a vote by two-thirds (2/3) of the Affirmative Action Council
24 recommends to the Administrator to remove personnel function(s).

1 Removal of personnel function(s) shall terminate one (1) calendar
2 year after the Administrator removes such function(s) unless the
3 Administrator is able to demonstrate that the restoration of
4 personnel function(s) to the appointing authority will result in
5 further noncompliance with this section. A vote of two-thirds (2/3)
6 of the Council shall be necessary to continue the removal of
7 personnel function(s) by the Administrator for each additional year.
8 The Administrator must receive approval from the Director of the
9 Office of State Finance to develop recruitment, hiring and promotion
10 actions within budgetary constraints for the affected agencies. The
11 Administrator shall consult with the appointing authority about
12 personnel plans and actions, but the Administrator shall retain
13 final authority for personnel decisions within the scope of the
14 Administrator's authority for the period an agency is operating
15 under removal of the personnel function(s). Nothing in this section
16 shall prohibit the removal of a personnel function(s) remedy at any
17 time if the Administrator determines the appointing authority and
18 agency have the capability of reassuming the authority that was
19 removed. The provisions of law pertaining to the duties and powers
20 of any agency shall not be construed to deny the Administrator the
21 authority provided for in this paragraph, unless the agency is
22 specifically excluded by law from the provisions of this paragraph.
23 Upon removal of an agency's personnel function(s), the Administrator
24

1 may employ employees at the Office of Personnel Management to assume
2 the personnel function(s) of the agency as provided by this section.

3 H. 1. There is hereby created the Affirmative Action Review
4 Council to assist in the implementation of the state's equal
5 employment opportunity and affirmative action efforts mandated by
6 this section. The Administrator of the Office of Personnel
7 Management shall consult with and request the assistance of the
8 Council in developing standards that executive branch agencies shall
9 follow in adopting their affirmative action plans. The Council
10 shall review agency affirmative action plans and assist the
11 Administrator in preparing the annual status report for agencies on
12 equal employment opportunity and affirmative action required by this
13 section. Staff for the Council shall be provided by the Office of
14 Personnel Management.

15 2. The Affirmative Action Review Council shall consist of six
16 (6) members. The individuals making the appointment shall consider
17 experience in the field, theory, and application of human resources
18 management and affirmative action in making their appointments.
19 Members of the Council shall serve at the pleasure of the respective
20 individuals making the appointments. Two members of the Council
21 shall be appointed by the Governor, two members shall be appointed
22 by the Speaker of the House of Representatives, and two members
23 shall be appointed by the President Pro Tempore of the Senate.
24 Nothing shall preclude the appointment of members of the

1 Legislature. Each individual making appointments shall give
2 consideration to the diversity of the Council's membership when
3 making the appointments and shall not appoint more than one
4 individual who is an employee of the executive branch, excluding The
5 Oklahoma State System of Higher Education. The Governor shall
6 appoint the initial chair from among the Council's membership to
7 serve a two-year term. Thereafter, the chair shall be selected by
8 the Council from among its membership. The Council shall select a
9 vice-chair from among its membership. All members shall serve two-
10 year terms, unless removed prior to the expiration of a term by the
11 respective individual making the appointment. Any vacancy on the
12 Council shall be filled by the individual who made the original
13 appointment.

14 Except as provided in subparagraph b of paragraph 4 of this
15 subsection, a majority of the members of the Council shall
16 constitute a quorum to transact business, but no vacancy shall
17 impair the right of the remaining members to exercise all of the
18 powers of the Council and every act of a majority of the members
19 present shall be deemed the act of the Council.

20 3. Members of the Council shall receive no compensation for
21 serving on the Council, but shall be reimbursed for their necessary
22 travel expenses incurred in the performance of their duties in
23 accordance with the State Travel Reimbursement Act. Any member who
24 is employed in state government shall receive the reimbursement from

1 their employing entity. Any member who is not an employee of state
2 government shall receive the reimbursement from the Office of
3 Personnel Management.

4 4. a. The Council shall make any recommendations to the
5 Administrator, the Governor, the Speaker of the House
6 of Representatives or the President Pro Tempore of the
7 Senate the Council deems will assist in the attaining
8 of affirmative action goals for state government.

9 b. The Council shall review agency affirmative action
10 plans for compliance with the standards adopted by the
11 Administrator. The Council shall recommend that the
12 Administrator reject any agency plans which it finds
13 in noncompliance.

14 c. The Council shall request the Administrator to
15 investigate any agency that the Council believes has
16 violated equal employment opportunity or affirmative
17 action provisions of this section and to conduct
18 hearings to determine if such violations have
19 occurred. If the Administrator finds that an agency
20 is not in compliance with such law and the Council
21 believes that the noncompliance indicates a pattern of
22 noncompliance, the Council, upon a two-thirds vote of
23 its members, may recommend to the Administrator to act
24 in accordance with this section to compel the agency

1 to comply with equal employment opportunity and
2 affirmative action laws. If the Administrator decides
3 not to act on the Council's recommendation, the
4 Administrator shall respond in writing within thirty
5 (30) days of the Council's recommendation setting
6 forth the reasons why the Administrator has decided
7 not to act in accordance with said recommendation.

8 d. Any member who is an employee of an agency that is
9 subject to investigation pursuant to subparagraph b of
10 this paragraph shall disqualify himself or herself
11 from voting on the matter.

12 e. This paragraph applies to review of issues related to
13 affirmative action. This paragraph does not apply to
14 prohibited discrimination that is within the
15 jurisdiction of the Oklahoma Merit Protection
16 Commission or the ~~Oklahoma Human Rights Commission~~
17 Attorney General.

18 5. The Council shall not have authority to adopt rules pursuant
19 to the Administrative Procedures Act.

20 I. Affirmative action plans for the judicial branch of
21 government, except the Court of Criminal Appeals and the Workers'
22 Compensation Court, shall be prepared by the Administrative Director
23 of the Courts. The Court of Criminal Appeals shall prepare
24 affirmative action plans for the Court of Criminal Appeals. The

1 Administrator of the Workers' Compensation Court shall prepare
2 affirmative action plans for the Workers' Compensation Court.

3 J. The Administrator of the Office of Personnel Management is
4 hereby directed to adopt rules necessary to implement the provisions
5 of this section. Such rules regarding affirmative action plans
6 shall include, but not be limited to, a set of specific and result-
7 oriented programs to which an appointing authority commits himself
8 or herself to apply every good faith effort to achieve prompt and
9 full utilization of women and minorities at all levels and in all
10 segments of the work force where deficiencies exist. Such rules
11 shall also include separate provisions for affirmative plans for
12 agencies with fewer than fifteen full-time-equivalent employees.

13 SECTION 32. AMENDATORY 74 O.S. 2011, Section 840-5.5, is
14 amended to read as follows:

15 Section 840-5.5. A. The following offices, positions, and
16 personnel shall be in the unclassified service and shall not be
17 placed under the classified service:

18 1. Persons chosen by popular vote or appointment to fill an
19 elective office, and their employees, except the employees of the
20 Corporation Commission, the State Department of Education and the
21 Department of Labor;

22 2. Members of boards and commissions, and heads of agencies;
23 also one principal assistant or deputy and one executive secretary
24 for each state agency;

1 3. All judges, elected or appointed, and their employees;

2 4. Persons employed with one-time, limited duration, federal or
3 other grant funding that is not continuing or indefinitely
4 renewable. The length of the unclassified employment shall not
5 exceed the period of time for which that specific federal funding is
6 provided;

7 5. All officers and employees of The Oklahoma State System of
8 Higher Education, State Board of Education and Oklahoma Department
9 of Career and Technology Education;

10 6. Persons employed in a professional or scientific capacity to
11 make or conduct a temporary and special inquiry, investigation, or
12 examination on behalf of the Legislature or a committee thereof or
13 by authority of the Governor. These appointments and authorizations
14 shall terminate on the first day of the regular legislative session
15 immediately following the appointment, if not terminated earlier.
16 However, nothing in this paragraph shall prevent the reauthorization
17 and reappointment of any such person. Any such appointment shall be
18 funded from the budget of the appointing authority;

19 7. Election officials and employees;

20 8. Temporary employees employed to work less than one thousand
21 (1,000) hours in any twelve-month period, and seasonal employees
22 employed by the Oklahoma Tourism and Recreation Department pursuant
23 to Section 2241 of this title who work less than one thousand six
24 hundred (1,600) hours in any twelve-month period;

1 9. Department of Public Safety employees occupying the
2 following offices or positions:

- 3 a. administrative aides to the Commissioner,
- 4 b. executive secretaries to the Commissioner,
- 5 c. the Governor's representative of the Oklahoma Highway
6 Safety Office who shall be appointed by the Governor,
- 7 d. Highway Patrol Colonel,
- 8 e. Highway Patrol Lieutenant Colonel,
- 9 f. Director of Finance,
- 10 g. noncommissioned pilots,
- 11 h. Information Systems Administrator,
- 12 i. Law Enforcement Telecommunications System Specialist,
- 13 j. Director of Driver Compliance,
- 14 k. Director of Transportation Division,
- 15 l. Director of the Oklahoma Highway Safety Office,
- 16 m. Civil Rights Administrator,
- 17 n. Budget Analyst,
- 18 o. Comptroller,
- 19 p. Chaplain,
- 20 q. Helicopter Mechanic,
- 21 r. Director of Safety Compliance,
- 22 s. Human Resources Director,
- 23 t. Administrator of Department Services, and

1 u. a maximum of seven (7) positions for the purpose of
2 administering programs in the Oklahoma Highway Safety
3 Office, within full-time employee limitations of the
4 Department, employed with federal funding that is
5 continuing or indefinitely renewable. The
6 authorization for such positions shall be terminated
7 if the federal funding for positions is discontinued;
8 provided, any person appointed to a position prescribed in
9 subparagraph d or e of this paragraph shall have a right of return
10 to the classified commissioned position without any loss of rights,
11 privileges or benefits immediately upon completion of the duties in
12 the unclassified commissioned position;

13 10. Professional trainees only during the prescribed length of
14 their course of training or extension study;

15 11. Students who are employed on a part-time basis, which shall
16 be seventy-five percent (75%) of a normal forty-hour work week or
17 thirty (30) hours per week, or less, or on a full-time basis if the
18 employment is pursuant to a cooperative education program such as
19 that provided for under Title I IV-D of the Higher Education Act of
20 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
21 enrolled in:

22 a. an institution of higher learning within The Oklahoma
23 State System of Higher Education,
24

- 1 b. an institution of higher learning qualified to become
2 coordinated with The Oklahoma State System of Higher
3 Education. For purposes of this section, a student
4 shall be considered a regularly enrolled student if
5 the student is enrolled in a minimum of five (5) hours
6 of accredited graduate courses or a minimum of ten
7 (10) hours of accredited undergraduate courses,
8 provided, however, the student shall only be required
9 to be enrolled in a minimum of six (6) hours of
10 accredited undergraduate courses during the summer, or
11 c. high school students regularly enrolled in a high
12 school in Oklahoma and regularly attending classes
13 during such time of enrollment;

14 12. The spouses of personnel who are employed on a part-time
15 basis to assist or work as a relief for their spouses in the
16 Oklahoma Tourism and Recreation Department;

17 13. Service substitute attendants who are needed to replace
18 museum and site attendants who are unavoidably absent. Service
19 substitutes may work as part-time or full-time relief for absentees
20 for a period of not more than four (4) weeks per year in the
21 Oklahoma Historical Society sites and museums; such substitutes will
22 not count towards the agency's full-time-equivalent (FTE) employee
23 limit;

1 14. Employees of the Oklahoma House of Representatives, the
2 State Senate, or the Legislative Service Bureau;

3 15. Corporation Commission personnel occupying the following
4 offices and positions:

- 5 a. Administrative aides, and executive secretaries to the
6 Commissioners,
- 7 b. Directors of all the divisions, personnel managers and
8 comptrollers,
- 9 c. General Counsel,
- 10 d. Public Utility Division Chief Engineer,
- 11 e. Public Utility Division Chief Accountant,
- 12 f. Public Utility Division Chief Economist,
- 13 g. Public Utility Division Deputy Director,
- 14 h. Secretary of the Commission,
- 15 i. Deputy Conservation Director,
- 16 j. Manager of Pollution Abatement,
- 17 k. Manager of Field Operations,
- 18 l. Manager of Technical Services,
- 19 m. Public Utility Division Chief of Telecommunications,
- 20 n. Director of Information Services,
- 21 o. All Data Processing employees hired on or after
22 September 1, 2005,
- 23 p. All Public Utilities employees hired on or after
24 September 1, 2007,

1 q. All Regulatory Program Managers hired on or after
2 September 1, 2007, and

3 r. All Pipeline Safety Department employees hired on or
4 after September 1, 2008;

5 16. At the option of the employing agency, the Supervisor,
6 Director, or Educational Coordinator in any other state agency
7 having a primary responsibility to coordinate educational programs
8 operated for children in state institutions;

9 17. Department of Mental Health and Substance Abuse Services
10 personnel occupying the following offices and positions at each
11 facility:

12 a. Director of Facility,

13 b. Deputy Director for Administration,

14 c. Clinical Services Director,

15 d. Executive Secretary to Director, and

16 e. Directors or Heads of Departments or Services;

17 18. Office of State Finance personnel occupying the following
18 offices and positions:

19 a. State Comptroller,

20 b. Administrative Officers,

21 c. Alternator Claims Auditor,

22 d. Employees hired to fulfill state compliance agency
23 requirements under Model Tribal Gaming Compacts,

24 e. Employees of the Budget Division,

- 1 f. Employees of the Fiscal and Research Division,
2 g. Employees hired to work on the CORE Systems Project;
3 and
4 h. The following employees of the Information Services
5 Division:
6 (1) Information Services Division Manager,
7 (2) Network Manager,
8 (3) Network Technicians,
9 (4) Security Manager,
10 (5) Contracts/Purchasing Manager,
11 (6) Operating and Applications Manager,
12 (7) Project Manager,
13 (8) Help Desk Manager,
14 (9) Help Desk Technicians,
15 (10) Quality Assurance Manager,
16 (11) ISD Analysts,
17 (12) CORE Manager,
18 (13) Enterprise System/Database Software Manager,
19 (14) Data Center Operations and Production Manager,
20 (15) Voice Communications Manager,
21 (16) Applications Development Manager,
22 (17) Projects Manager,
23 (18) PC's Manager,
24 (19) Servers Manager,

- 1 (20) Portal Manager,
- 2 (21) Procurement Specialists,
- 3 (22) Security Technicians,
- 4 (23) Enterprise Communications and Network
- 5 Administrator,
- 6 (24) Server Support Specialists,
- 7 (25) Senior Server Support Specialists,
- 8 (26) Systems Support Specialists,
- 9 (27) Senior Systems Support Specialists,
- 10 (28) Chief Technology Officer,
- 11 (29) Facility Manager,
- 12 (30) Application Development Specialists,
- 13 (31) Senior Application Development Specialists,
- 14 (32) Workstation Specialists,
- 15 (33) Senior Workstation Specialists,
- 16 (34) Cabling Infrastructure Administration,
- 17 (35) Planning Specialists,
- 18 (36) Senior Planning Specialists,
- 19 (37) Network Specialists,
- 20 (38) Senior Network Specialists,
- 21 (39) Voice Communication Specialists, and
- 22 (40) Senior Voice Communication Specialists;
- 23 19. Employees of the Oklahoma Industrial Finance Authority;
- 24

1 20. Those positions so specified in the annual business plan of
2 the Oklahoma Department of Commerce;

3 21. Those positions so specified in the annual business plan of
4 the Oklahoma Center for the Advancement of Science and Technology;

5 22. The following positions and employees of the Oklahoma
6 School of Science and Mathematics:

- 7 a. positions for which the annual salary is Twenty-four
8 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
9 or more, as determined by the Office of Personnel
10 Management, provided no position shall become
11 unclassified because of any change in salary or grade
12 while it is occupied by a classified employee,
- 13 b. positions requiring certification by the State
14 Department of Education, and
- 15 c. positions and employees authorized to be in the
16 unclassified service of the state elsewhere in this
17 section or in subsection B of this section;

18 23. Office of Personnel Management employees occupying the
19 following positions:

- 20 a. the Carl Albert Internship Program Coordinator,
- 21 b. one Administrative Assistant,
- 22 c. one Workforce Planning Manager,
- 23 d. Assistant Administrators,
- 24 e. one Associate Administrator, and

1 f. Division Directors;

2 24. Department of Labor personnel occupying the following
3 offices and positions:

4 a. two Deputy Commissioners,

5 b. two Executive Secretaries to the Commissioner,

6 c. Chief of Staff,

7 d. two Administrative Assistants,

8 e. Information Systems Administrator,

9 f. three Safety and Health Directors,

10 g. Research Director,

11 h. Employment Standards Director,

12 i. Asbestos Director,

13 j. General Counsel,

14 k. one Legal Secretary,

15 l. one Docket Clerk, and

16 m. two Information Systems Application Specialists;

17 25. The State Bond Advisor and his or her employees;

18 26. The Oklahoma Employment Security Commission employees
19 occupying the following positions:

20 a. Associate Director,

21 b. Secretary to the Associate Director, and

22 c. Assistant to the Executive Director;

23 ~~27. Oklahoma Human Rights Commission personnel occupying the~~
24 ~~position of Administrative Assistant;~~

1 ~~28.~~ Officers and employees of the State Banking Department;

2 ~~29.~~ 28. Officers and employees of the University Hospitals
3 Authority except personnel in the state classified service pursuant
4 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
5 the University Hospitals Authority Model Personnel System created
6 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
7 Statutes or as otherwise provided for in Section 3213.2 of Title 63
8 of the Oklahoma Statutes;

9 ~~30.~~ 29. Alcoholic Beverage Laws Enforcement Commission
10 employees occupying the following positions:

- 11 a. three Administrative Service Assistant positions,
12 however, employees in such positions who are in the
13 unclassified service on June 4, 2003, may make an
14 election to be in the classified service without a
15 loss in salary by September 1, 2003, and
- 16 b. the Deputy Director position in addition to the one
17 authorized by paragraph 2 of this subsection;

18 ~~31.~~ 30. The Oklahoma State Bureau of Investigation employees
19 occupying the following positions:

- 20 a. five assistant directors,
- 21 b. six special investigators,
- 22 c. one information representative,
- 23 d. one federally funded physical evidence technician,
- 24 e. four federally funded laboratory analysts,

- 1 f. a maximum of fourteen positions employed for the
2 purpose of managing the automated information systems
3 of the agency,
- 4 g. one executive secretary in addition to the one
5 executive secretary authorized pursuant to paragraph 2
6 of this subsection,
- 7 h. Child Abuse Response Team (CART) investigator,
8 i. Child Abuse Response Team (CART) forensic interviewer,
9 and
- 10 j. nine administration and research positions and five
11 data processing and information technology positions
12 transferred from the Criminal Justice Resource Center
13 pursuant to Section 150.17a of this title;

14 ~~32.~~ 31. The Department of Transportation, the following
15 positions:

- 16 a. Director of the Oklahoma Aeronautics Commission,
17 b. five Department of Transportation Assistant Director
18 positions,
19 c. eight field division engineer positions,
20 d. one pilot position,
21 e. five Project Manager Positions, and
22 f. five Transportation Coordinators;

23 ~~33.~~ 32. Commissioners of the Land Office employees occupying
24 the following positions:

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division,
- c. one Administrative Assistant,
- d. one Audit Tech position,
- e. one Auditor I position,
- f. two Accounting Tech I positions,
- g. two Administrative Assistant I positions,
- h. two Imaging Specialist positions,
- i. one Information Systems Specialist position,
- j. Director of Communications,
- k. Director of Royalty Compliance,
- l. Director of Mineral Management,
- m. Director of Accounting,
- n. Chief of Staff,
- o. First Assistant Secretary,
- p. Director of Real Estate Management,
- q. one executive secretary,
- r. one legal secretary, and
- s. one legal assistant;

~~34.~~ 33. Within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, the following positions:

- a. six Narcotics Agent positions and three Typist Clerk/Spanish transcriptionists, including a Typist Clerk Supervisor/Spanish transcriptionist, provided,

1 authorization for such positions shall be terminated
2 if the federal funding for the positions is
3 discontinued,

4 b. one executive secretary in addition to the one
5 authorized pursuant to paragraph 2 of this subsection,

6 c. one fiscal officer,

7 d. one full-time Programmer, and

8 e. one full-time Network Engineer;

9 ~~35.~~ 34. The Military Department of the State of Oklahoma is
10 authorized such unclassified employees within full-time employee
11 limitations to work in any of the Department of Defense directed
12 youth programs, the State of Oklahoma Juvenile Justice youth
13 programs, those persons reimbursed from Armory Board or Billeting
14 Fund accounts, and skilled trade positions;

15 ~~36.~~ 35. Within the Oklahoma Commission on Children and Youth
16 the following unclassified positions:

17 a. one Oversight Specialist and one Community Development
18 Planner,

19 b. one State Plan Grant Coordinator, provided
20 authorization for the position shall be terminated
21 when federal support for the position by the United
22 States Department of Education Early Intervention
23 Program is discontinued,
24

- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection, and
- d. one Programs Manager;

~~37.~~ 36. The following positions and employees of the Department of Central Services:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,
- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. four Contracts Managers,
- i. one Associate Director,
- j. one specialized HiTech/Food Contracting Officer,
- k. one State Use Contracting Officer,
- l. one Property Distribution Administrator,
- m. three licensed architects assigned to the Construction and Properties Division,
- n. three licensed engineers assigned to the Construction and Properties Division,

- 1 o. eight construction consultants assigned to the
- 2 Construction and Properties Division,
- 3 p. one attorney assigned to the Construction and
- 4 Properties Division,
- 5 q. three positions assigned to the Information Services
- 6 Division, which shall include one Information
- 7 Technology Manager, one Applications Specialist and
- 8 one Data Planning Specialist,
- 9 r. four positions assigned to Fleet Management, which
- 10 shall include one Deputy Fleet Manager and three
- 11 Management Analysts,
- 12 s. one Chief Auditor,
- 13 t. one Assistant Director of Central Purchasing Division,
- 14 u. one Professional Errors and Omissions Liability
- 15 Adjuster,
- 16 v. three Strategic Sourcing Managers,
- 17 w. three Strategic Sourcing Assistant Managers, and
- 18 x. two Printing Services Brokers;

19 ~~36.~~ 37. Oklahoma Water Resources Board personnel occupying the
20 following offices and positions:

- 21 a. four Water Quality Assistant Division Chiefs,
- 22 b. four Water Resources Division Chiefs, and
- 23 c. Director of Water Planning;

1 ~~39.~~ 38. J.D. McCarty Center for Children with Developmental
2 Disabilities personnel occupying the following offices and
3 positions:

- 4 a. Physical Therapists,
- 5 b. Physical Therapist Assistants,
- 6 c. Occupational Therapists,
- 7 d. Certified Occupational Therapist Aides, and
- 8 e. Speech Pathologists;

9 ~~40.~~ 39. The Development Officer, the Director of the State
10 Museum of History and the Cherokee Strip Regional Heritage Center
11 Director within the Oklahoma Historical Society;

12 ~~41.~~ 40. Oklahoma Department of Agriculture, Food, and Forestry
13 personnel occupying the following positions:

- 14 a. one Executive Secretary in addition to the Executive
15 Secretary authorized by paragraph 2 of this subsection
16 and one Executive Assistant,
- 17 b. nineteen Agricultural Marketing Coordinator III
18 positions,
- 19 c. temporary fire suppression personnel, regardless of
20 the number of hours worked, who are employed by the
21 Oklahoma Department of Agriculture, Food, and
22 Forestry; provided, however, notwithstanding the
23 provisions of any other section of law, the hours
24 worked by such employees shall not entitle such

1 employees to any benefits received by full-time
2 employees,

- 3 d. one Information Technology Specialist,
- 4 e. one Director of Administrative Services,
- 5 f. one Water Quality Consumer Complaint Coordinator,
- 6 g. one hydrologist position,
- 7 h. Public Information Office Director,
- 8 i. one Information Technology Technician,
- 9 j. Legal Services Director,
- 10 k. Animal Industry Services Director,
- 11 l. Agricultural Environmental Management Services
12 Director,
- 13 m. Forestry Services Director,
- 14 n. Plant Industry and Consumer Services Director,
- 15 o. one Grants Administrator position,
- 16 p. Director of Laboratory Services,
- 17 q. Chief of Communications,
- 18 r. Public Information Manager,
- 19 s. Inventory/Supply Officer,
- 20 t. five Agriculture Field Inspector positions assigned
21 the responsibility for conducting inspections and
22 audits of agricultural grain storage warehouses. All
23 other Agriculture Field Inspector positions and
24 employees of the Oklahoma Department of Agriculture,

1 Food, and Forestry shall be classified and subject to
2 the provisions of the Merit System of Personnel
3 Administration. On November 1, 2002, all other
4 unclassified Agriculture Field Inspectors shall be
5 given status in the classified service as provided in
6 Section 840-4.2 of this title,

- 7 u. Rural Fire Coordinator,
- 8 v. one Agricultural Marketing Coordinator I,
- 9 w. Food Safety Division Director,
- 10 x. two Environmental Program Specialists,
- 11 y. two Scale Technicians,
- 12 z. two Plant Protection Specialists, and
- 13 aa. Chief Agent;

14 ~~42.~~ 41. The Contracts Administrator within the Oklahoma State
15 Employees Benefits Council;

16 ~~43.~~ 42. The Development Officer within the Oklahoma Department
17 of Libraries;

18 ~~44.~~ 43. Oklahoma Real Estate Commission personnel occupying the
19 following offices and positions:

- 20 a. Educational Program Director, and
- 21 b. Data Processing Manager;

22 ~~45.~~ 44. A Chief Consumer Credit Examiner for the Department of
23 Consumer Credit;

1 ~~46.~~ 45. All officers and employees of the Oklahoma Capitol
2 Complex and Centennial Commemoration Commission;

3 ~~47.~~ 46. All officers and employees of the Oklahoma Motor
4 Vehicle Commission;

5 ~~48.~~ 47. One Museum Archivist of The Will Rogers Memorial
6 Commission;

7 ~~49.~~ 48. One Fire Protection Engineer of the Office of the State
8 Fire Marshal;

9 ~~50.~~ 49. Acting incumbents employed pursuant to Section 209 of
10 Title 44 or Section 48 of Title 72 of the Oklahoma Statutes who
11 shall not be included in any limitation on full-time equivalency
12 imposed by law on an agency. Permanent classified employees may
13 request a leave of absence from classified status and accept an
14 unclassified appointment and compensation as an acting incumbent
15 with the same agency; provided, the leave shall expire no later than
16 two (2) years from the date of the acting incumbent appointment. An
17 appointing authority may establish unclassified positions and
18 appoint unclassified employees to perform the duties of a permanent
19 classified employee who is on leave of absence from a classified
20 position to serve as an acting incumbent. All unclassified
21 appointments created pursuant to this paragraph shall expire no
22 later than two (2) years from the date of appointment. Classified
23 employees accepting unclassified appointments and compensation
24 pursuant to this paragraph shall be entitled to participate without

1 interruption in any benefit programs available to classified
2 employees, including retirement and insurance programs. Immediately
3 upon termination of an unclassified appointment pursuant to this
4 paragraph, an employee on assignment from the classified service
5 shall have a right to be restored to the classified service and
6 reinstated to the former job family level and compensation plus any
7 adjustments and increases in salary or benefits which the employee
8 would have received but for the leave of absence;

9 ~~51.~~ 50. The Oklahoma Homeland Security Director and all other
10 positions assigned the responsibilities of working in the Oklahoma
11 Office of Homeland Security;

12 ~~52.~~ 51. The following eighteen (18) positions in the State
13 Department of Health:

- 14 a. one surveillance supervisor,
- 15 b. one surveillance project monitor,
- 16 c. two bilingual interviewers,
- 17 d. eight senior interviewers, and
- 18 e. six interviewers;

19 ~~53.~~ 52. State Board of Licensure for Professional Engineers and
20 Land Surveyors personnel occupying the following offices and
21 positions:

- 22 a. one Director of Enforcement, and
- 23 b. two Board Investigators;

24

1 ~~54.~~ 53. One Information Systems Data Management Analyst of the
2 State and Education Employees Group Insurance Board;

3 ~~55.~~ 54. Two Management Information Systems positions of the
4 Office of Juvenile Affairs; and

5 ~~56.~~ 55. Heads of agencies, principal assistants or deputies and
6 executive secretaries of an agency that is consolidated into another
7 agency.

8 B. If an agency has the authority to employ personnel in the
9 following offices and positions, the appointing authority shall have
10 the discretion to appoint personnel to the unclassified service:

11 1. Licensed medical doctors, osteopathic physicians, dentists,
12 psychologists, and nurses;

13 2. Certified public accountants;

14 3. Licensed attorneys;

15 4. Licensed veterinarians; and

16 5. Licensed pharmacists.

17 C. Effective July 1, 1996, authorization for unclassified
18 offices, positions, or personnel contained in a bill or joint
19 resolution shall terminate June 30 of the ensuing fiscal year after
20 the authorization unless the authorization is codified in the
21 Oklahoma Statutes or the termination is otherwise provided in the
22 legislation.

23 D. The appointing authority of agencies participating in the
24 statewide information systems project may establish unclassified

1 positions and appoint unclassified employees to the project as
2 needed. Additional unclassified positions may be established, if
3 required, to appoint an unclassified employee to perform the duties
4 of a permanent classified employee who is temporarily absent from a
5 classified position as a result of assignment to this project. All
6 unclassified appointments under this authority shall expire no later
7 than December 31, 2007, and all unclassified positions established
8 to support the project shall be abolished. Both the positions and
9 appointments resulting from this authority shall be exempt from any
10 agency FTE limitations and any limits imposed on the number of
11 unclassified positions authorized. Permanent classified employees
12 may request a leave of absence from classified status and accept an
13 unclassified appointment and compensation with the same agency under
14 the provisions of this subsection; provided, the leave shall expire
15 no later than December 31, 2007. Employees accepting the
16 appointment and compensation shall be entitled to participate
17 without interruption in any benefit programs available to classified
18 employees, including retirement and insurance programs. Immediately
19 upon termination of an unclassified appointment pursuant to this
20 subsection, an employee on assignment from the classified service
21 shall have a right to be restored to the classified service and
22 reinstated to the former job family level and compensation plus any
23 adjustments and increases in salary or benefits which the employee
24 would have received but for the leave of absence.

1 SECTION 33. AMENDATORY 74 O.S. 2011, Section 954, is
2 amended to read as follows:

3 Section 954. It is hereby prohibited for any department or
4 agency of the State of Oklahoma, or any official or employee of the
5 same for and on behalf of the State of Oklahoma: to refuse to
6 employ or to discharge any person, otherwise qualified, on account
7 of race, color, creed, national origin, age, handicap, or ancestry;
8 to discriminate for the same reasons in regard to tenure, terms, or
9 conditions of employment; to deny promotion or increase in
10 compensation solely for these reasons; to publish an offer of
11 employment based on such discrimination; to adopt or enforce any
12 rule or employment policy which so discriminates as to any employee;
13 or to seek such information as to any applicant or employee or to
14 discriminate in the selection of personnel for training solely on
15 such basis. These provisions shall be cumulative and in addition to
16 existing laws relating to discrimination in the classified service.

17 It shall be the duty of the Oklahoma Merit Protection Commission
18 to investigate, upon its own initiative, or upon complaint filed by
19 any aggrieved person, ~~or upon complaint filed by the Human Rights~~
20 ~~Commission,~~ any violation of this section and to enforce compliance
21 with the same, both in the classified and the nonclassified service.
22 ~~The Human Rights Commission shall investigate, upon its own~~
23 ~~initiative or on complaint filed with it, any such violation and may~~
24 ~~file a formal complaint with the Oklahoma Merit Protection~~

1 ~~Commission. When any complaint is filed by the Human Rights~~
2 ~~Commission with the Oklahoma Merit Protection Commission, the~~
3 ~~Oklahoma Merit Protection Commission shall set a hearing on the~~
4 ~~same, at which hearing the Director of the Human Rights Commission,~~
5 ~~or his representative, may appear and present the finding of the~~
6 ~~Commission in regard to such violation. In the enforcement of this~~
7 ~~section, the Oklahoma Merit Protection Commission shall follow the~~
8 ~~provisions of existing laws relating to hearings, procedures, and~~
9 ~~notices, and shall have power to enforce its orders pertaining to~~
10 ~~violations of this section as is provided by law in regard to the~~
11 ~~classified service.~~

12 SECTION 34. REPEALER 25 O.S. 2011, Sections 1502.2,
13 1502.3, 1502.4, 1502.5, 1502.7, 1502.8, 1502.9, 1502.10, 1502.11,
14 1502.12, 1502.13, 1502.14, 1503, 1504, 1505, 1506, 1506.5, 1506.8,
15 1507, 1508 and 1604, are hereby repealed.

16 SECTION 35. REPEALER 74 O.S. 2011, Sections 952, 953 and
17 955, are hereby repealed.

18 SECTION 36. This act shall become effective July 1, 2012.

19 SECTION 37. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23
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