

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1541

6 By: Murphey

7 COMMITTEE SUBSTITUTE

8 An Act relating to executive entity consolidations;
9 enacting the Government Reduction Act of 2011;
10 amending 25 O.S. 2001, Sections 1502, 1502.1, 1502.2,
11 1502.3, 1502.4, 1502.5, 1502.6, 1502.7, 1502.8,
12 1502.9, 1502.10, 1502.11, 1502.12, 1502.13, 1502.14,
13 1502.15, 1503, 1504, 1505, 1505.1, 1506, 1506.1,
14 1506.5, 1506.6, 1506.7, 1506.8, 1507, 1508, 1601,
15 1604, 1704, 1705, 1706 and 1901, which relate to
16 discrimination; making the Human Rights Commission a
17 division within the Office of the Attorney General;
18 transferring rule-making authority to the Attorney
19 General; removing certain authorization requirement;
20 modifying hearing procedure; modifying recipients of
21 dismissal orders; modifying person authorized to
22 eliminate discriminatory practice; amending 74 O.S.
23 2001, Sections 952, 953 and 954, which relate to the
24 Oklahoma Human Rights Commission; placing the
Oklahoma Human Rights Commission under the authority
of the Office of Attorney General; providing for
transfer of property and other items; providing for
transfer of monies; providing for contractual rights
and responsibilities; providing for rules; requiring
budgetary savings; making the Human Rights Commission
a division of the Office of Attorney General;
modifying duties; modifying hearing procedure;
providing that employees remain in the classified
service; removing obsolete language; placing the
Oklahoma Center for the Advancement of Science and
Technology under the authority of the Department of
Commerce; providing for transfer of property and
other items; providing for transfer of personnel and
related benefits; providing for transfer of monies;

1 providing for contractual rights and
2 responsibilities; providing for rules; requiring
3 budgetary savings; placing the Oklahoma Industrial
4 Finance Authority under the authority of the
5 Department of Commerce; providing for transfer of
6 property and other items; providing for transfer of
7 personnel and related benefits; providing for
8 transfer of monies; providing for contractual rights
9 and responsibilities; providing for rules; requiring
10 budgetary savings; providing for codification;
11 providing for noncodification; providing an effective
12 date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Government
Reduction Act of 2011".

SECTION 2. AMENDATORY 25 O.S. 2001, Section 1502, is
amended to read as follows:

Section 1502. A. A person claiming to be aggrieved by a
discriminatory practice, ~~his~~ the attorney of the person, the
Attorney General, or a nonprofit organization chartered for the
purpose of combating discrimination ~~or a member of the Commission~~,
may file with the ~~Commission~~ Human Rights Division of the Office of
the Attorney General a written sworn complaint stating that a
discriminatory practice has been committed, and setting forth the
facts upon which the complaint is based, and setting forth facts

1 sufficient to enable the ~~Commission~~ Division to identify the person
2 charged, hereinafter called the respondent. The ~~Commission or a~~
3 ~~member of the Commission or the staff~~ Division shall promptly
4 furnish the respondent with a copy of the complaint and shall
5 promptly investigate the allegations of discriminatory practice set
6 forth in the complaint. The complaint must be filed within one
7 hundred eighty (180) days after the alleged discriminatory practice
8 occurs.

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

17 C. The complainant, within thirty (30) days after receiving a
18 copy of an order dismissing the complaint, may file with the
19 ~~Commission~~ Division an application for reconsideration of the order.
20 Upon such application, the ~~Commission or a designated member of the~~
21 ~~Commission~~ Division shall make a new determination whether there is
22 a reasonable cause to believe that the respondent has engaged in a
23 discriminatory practice. If it is determined within thirty (30)
24 days after the application is filed that there is no reasonable

1 cause to believe that the respondent has engaged in a discriminatory
2 practice, the ~~Commission~~ Division shall issue an order dismissing
3 the complaint and furnish a copy of the order to the complainant,
4 the respondent, ~~the Attorney General~~, and such other public officers
5 and persons as the ~~Commission~~ Division deems proper.

6 D. This section does not apply to persons claiming to be
7 aggrieved by a discriminatory housing practice to the extent that it
8 is inconsistent with specific provisions of this act relating to a
9 discriminatory housing complaint.

10 SECTION 3. AMENDATORY 25 O.S. 2001, Section 1502.1, is
11 amended to read as follows:

12 Section 1502.1 If, at any time after the filing of a verified
13 charge, the ~~Commission~~ Human Rights Division of the Office of the
14 Attorney General has reason to believe that a respondent has engaged
15 in any unlawful discriminatory practice, the ~~Commission~~ Division may
16 file a petition in the district court in a county in which the
17 subject of the complaint occurs, or in a county in which a
18 respondent resides or transacts business, seeking appropriate
19 temporary injunctive relief against the respondent pending final
20 determination of proceedings pursuant to this act, including an
21 order or decree restraining him from doing an act tending to render
22 ineffectual an order the ~~Commission~~ Division may enter with respect
23 to the complaint. The court shall have power to grant injunctive
24 relief or a restraining order as it deems just and proper, but no

1 relief or order shall be granted except by consent of the respondent
2 or after hearing upon notice to the respondent and a finding by the
3 court that there is reasonable cause to believe that the respondent
4 has engaged in a discriminatory practice. Except as modified by
5 this section, the Oklahoma rules of civil procedure shall apply to
6 an application, and the district court shall have authority to grant
7 or deny the relief sought on conditions as it deems just and
8 equitable. This section is subject to the provisions of Section ~~13~~
9 1502.7 of this ~~act~~ title.

10 SECTION 4. AMENDATORY 25 O.S. 2001, Section 1502.2, is
11 amended to read as follows:

12 Section 1502.2 A. The ~~Commission~~ Human Rights Division of the
13 Office of the Attorney General shall investigate alleged
14 discriminatory housing practices.

15 B. A complaint must be:

- 16 1. In writing;
- 17 2. Under oath; and
- 18 3. In the form prescribed by the ~~Commission~~ Division.

19 C. An aggrieved person may, not later than one (1) year after
20 an alleged discriminatory housing practice has occurred or
21 terminated, whichever is later, file a complaint with the ~~Commission~~
22 Division alleging the discriminatory housing practice.

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1 D. Not later than one (1) year after an alleged discriminatory
2 housing practice has occurred or terminated, whichever is later, the
3 ~~Commission~~ Division may file its own complaint.

4 E. A complaint may be amended at any time.

5 F. On the filing of a complaint the ~~Commission~~ Division shall:

6 1. Give the aggrieved person notice that the complaint has been
7 received;

8 2. Advise the aggrieved person of the time limits and choice of
9 forums pursuant to this act; and

10 3. Not later than the 20th day after the filing of the
11 complaint or the identification of an additional respondent pursuant
12 to Section ~~11~~ 1502.5 of this ~~act~~ title, serve on each respondent:

13 a. a notice identifying the alleged discriminatory
14 housing practice and advising the respondent of the
15 procedural rights and obligations of a respondent
16 pursuant to this act, and

17 b. a copy of the original complaint.

18 SECTION 5. AMENDATORY 25 O.S. 2001, Section 1502.3, is
19 amended to read as follows:

20 Section 1502.3 A. Not later than the 10th day after receipt of
21 the notice and copy pursuant to paragraph 3 of subsection F of
22 Section ~~8~~ 1502.2 of this ~~act~~ title, a respondent may file an answer
23 to the complaint.

24 B. An answer must be:

- 1 1. In writing;
- 2 2. Under oath; and
- 3 3. In the form prescribed by the ~~Commission~~ Human Rights
- 4 Division of the Office of the Attorney General.

5 C. An answer may be amended at any time.

6 D. An answer does not inhibit the investigation of a complaint.

7 SECTION 6. AMENDATORY 25 O.S. 2001, Section 1502.4, is
8 amended to read as follows:

9 Section 1502.4 A. If the federal government has referred a
10 complaint to the ~~Commission~~ Human Rights Division of the Office of
11 the Attorney General or has deferred jurisdiction over the subject
12 matter of the complaint to the ~~Commission~~ Division, the ~~Commission~~
13 Division shall promptly investigate the allegations set forth in the
14 complaint.

15 B. The ~~Commission~~ Division shall investigate all complaints and
16 except as provided by subsection C of this section, shall complete
17 an investigation not later than the 100th day after the date the
18 complaint is filed, or if it is unable to complete the investigation
19 within the one-hundred-day period, shall dispose of all
20 administrative proceedings related to the investigation not later
21 than one (1) year after the date the complaint is filed.

22 C. If the ~~Commission~~ Division is unable to complete an
23 investigation within the time periods prescribed by subsection B of
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1 this section, the ~~Commission~~ Division shall notify the complainant
2 and the respondent in writing of the reasons for the delay.

3 SECTION 7. AMENDATORY 25 O.S. 2001, Section 1502.5, is
4 amended to read as follows:

5 Section 1502.5 A. The ~~Commission~~ Human Rights Division of the
6 Office of the Attorney General may join a person not named in the
7 complaint as an additional or substitute respondent if in the course
8 of the investigation the ~~Commission~~ Division determines that the
9 person should be accused of a discriminatory housing practice.

10 B. In addition to the information required in the notice
11 pursuant to paragraph 3 of subsection F of Section ~~§~~ 1502.2 of this
12 ~~act~~ title, the ~~Commission~~ Division shall include in a notice to a
13 respondent joined pursuant to this section an explanation of the
14 basis for the determination that the person is properly joined as a
15 respondent.

16 SECTION 8. AMENDATORY 25 O.S. 2001, Section 1502.6, is
17 amended to read as follows:

18 Section 1502.6 A. The ~~Commission~~ Human Rights Division of the
19 Office of the Attorney General shall, during the period beginning
20 with the filing of a complaint and ending with the filing of a
21 charge or a dismissal by the ~~Commission~~ Division, to the extent
22 feasible, engage in conciliation with respect to the complaint.

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1 B. A conciliation agreement is an agreement between a
2 respondent and the complainant and is subject to ~~Commission~~ Division
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 Division determines that disclosure is not necessary to further the
11 purpose of this act.

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

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

20 SECTION 9. AMENDATORY 25 O.S. 2001, Section 1502.7, is
21 amended to read as follows:

22 Section 1502.7 A. If the ~~Commission~~ Human Rights Division of
23 the Office of the Attorney General concludes at any time following
24 the filing of a discriminatory housing complaint that prompt

1 judicial action is necessary to carry out the purposes of this act,
2 the ~~Commission~~ Division may ~~authorize~~ also file a civil action for
3 appropriate temporary or preliminary relief pending final
4 disposition of the complaint.

5 ~~B. On receipt of the Commission's authorization, the Attorney~~
6 ~~General shall promptly file the action.~~

7 ~~C.~~ A temporary restraining order or other order granting
8 preliminary or temporary relief on a discriminatory housing
9 complaint filed under this section is governed by the provisions of
10 Section 1502.1 of this title and the applicable Oklahoma rules of
11 civil procedure.

12 ~~D.~~ C. The filing of a civil action pursuant to this section
13 does not affect the initiation or continuation of administrative
14 proceeding pursuant to Section 1503 of this title.

15 SECTION 10. AMENDATORY 25 O.S. 2001, Section 1502.8, is
16 amended to read as follows:

17 Section 1502.8 A. The ~~Commission~~ Human Rights Division of the
18 Office of the Attorney General shall prepare a final investigative
19 report showing:

- 20 1. The name and dates of contact with witnesses;
- 21 2. A summary of correspondence and other contacts with the
22 aggrieved person and the respondent showing the dates of the
23 correspondence and contacts;
- 24 3. A summary description of other pertinent records;

1 4. A summary of witness statements; and

2 5. Answers to interrogatories.

3 B. A final report pursuant to this section may be amended if
4 additional evidence is discovered.

5 SECTION 11. AMENDATORY 25 O.S. 2001, Section 1502.9, is
6 amended to read as follows:

7 Section 1502.9 A. The ~~Commission~~ Human Rights Division of the
8 Office of the Attorney General shall determine based on the facts
9 whether reasonable cause exists to believe that a discriminatory
10 housing practice has occurred or is about to occur.

11 B. The ~~Commission~~ Division shall make the determination
12 pursuant to subsection A of this section not later than the 100th
13 day after the date a complaint is filed unless:

14 1. It is impracticable to make the determination; or

15 2. The ~~Commission~~ Division has approved a conciliation
16 agreement relating to the complaint.

17 C. If it is impracticable to make the determination within the
18 time period provided by subsection B of this section, the ~~Commission~~
19 Division shall notify the complainant and respondent in writing of
20 the reasons for the delay.

21 D. If the ~~Commission~~ Division determines that reasonable cause
22 exists to believe that a discriminatory housing practice has
23 occurred or is about to occur, the ~~Commission~~ Division shall, except
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1 as provided by Section ~~17~~ 1502.11 of this ~~act~~ title, immediately
2 issue a charge on behalf of the aggrieved person.

3 SECTION 12. AMENDATORY 25 O.S. 2001, Section 1502.10, is
4 amended to read as follows:

5 Section 1502.10 A. A charge issued pursuant to Section ~~15~~
6 1502.9 of this ~~act~~ title:

7 1. Must consist of a short and plain statement of the facts on
8 which the ~~Commission~~ Human Rights Division of the Office of the
9 Attorney General has found reasonable cause to believe that a
10 discriminatory housing practice has occurred or is about to occur;

11 2. Must be based on the final investigative report; and

12 3. Need not be limited to the facts or grounds alleged in the
13 complaint.

14 B. Not later than the 20th day after the ~~Commission~~ Division
15 issues a charge, the ~~Commission~~ Division shall send a copy of a
16 charge with information concerning the election pursuant to Section
17 ~~20~~ 1502.14 of this ~~act~~ title to:

18 1. Each respondent, together with a notice of the opportunity
19 for a hearing provided by Section 1503 of this title; and

20 2. Each aggrieved person on whose behalf the complaint was
21 filed.

22 SECTION 13. AMENDATORY 25 O.S. 2001, Section 1502.11, is
23 amended to read as follows:

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1 Section 1502.11 If the ~~Commission~~ Human Rights Division of the
2 Office of the Attorney General determines that the matter involves
3 the legality of a state or local zoning or other land use law or
4 ordinance, the ~~Commission may not issue a charge and~~ Division shall
5 immediately refer the matter to the Attorney General for appropriate
6 action.

7 SECTION 14. AMENDATORY 25 O.S. 2001, Section 1502.12, is
8 amended to read as follows:

9 Section 1502.12 A. If the ~~Commission~~ Human Rights Division of
10 the Office of the Attorney General determines that no reasonable
11 cause exists to believe that a discriminatory housing practice has
12 occurred or is about to occur, the ~~Commission~~ Division shall
13 promptly dismiss the complaint.

14 B. The ~~Commission~~ Division shall make public disclosure of each
15 dismissal pursuant to this section.

16 SECTION 15. AMENDATORY 25 O.S. 2001, Section 1502.13, is
17 amended to read as follows:

18 Section 1502.13 The ~~Commission~~ Human Rights Division of the
19 Office of the Attorney General may not issue a charge pursuant to
20 this section regarding an alleged discriminatory housing practice
21 after the beginning of the trial of a civil action ~~commenced~~
22 commenced by the aggrieved party under federal or state law seeking
23 relief with respect to that discriminatory housing practice.

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1 SECTION 16. AMENDATORY 25 O.S. 2001, Section 1502.14, is
2 amended to read as follows:

3 Section 1502.14 A. A complainant, a respondent, or an
4 aggrieved person on whose behalf the complaint was filed may elect
5 to have the claims asserted in that charge decided in a civil action
6 as provided by Section ~~21~~ 1502.15 of this ~~act~~ title.

7 B. The election ~~must~~ shall be made not later than the 20th day
8 after the date of receipt by the electing person of service pursuant
9 to subsection B of Section ~~16~~ 1502.10 of this ~~act~~ title or, in the
10 case of the ~~Commission~~ Human Rights Division of the Office of the
11 Attorney General, not later than the 20th day after the date the
12 charge was issued.

13 C. The person making the election shall give notice to the
14 ~~Commission~~ Division and to all other complainants and respondents to
15 whom the charge relates.

16 SECTION 17. AMENDATORY 25 O.S. 2001, Section 1502.15, is
17 amended to read as follows:

18 Section 1502.15 A. If a timely election is made pursuant to
19 Section ~~20~~ 1502.14 of this ~~act~~ title, the ~~Commission~~ Human Rights
20 Division of the Office of the Attorney General shall authorize, and
21 not later than the 30th day after the election is made, the Attorney
22 General shall file, a civil action on behalf of the aggrieved person
23 in a district court seeking relief pursuant to this section.

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1 B. Venue for an action pursuant to this section is in the
2 county in which the alleged discriminatory housing practice
3 occurred, or in a county where the respondent resides or transacts
4 business.

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

6 D. If the court finds that a discriminatory housing practice
7 has occurred or is about to occur, the court may grant as relief any
8 relief that a court may grant in a civil action pursuant to Section
9 ~~26~~ 1506.3 of this ~~act~~ title.

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

14 SECTION 18. AMENDATORY 25 O.S. 2001, Section 1503, is
15 amended to read as follows:

16 Section 1503. A. After the ~~Commission~~ Human Rights Division of
17 the Office of the Attorney General has completed its investigation
18 and exhausted efforts of settlement, conciliation, and persuasion,
19 unless the ~~Commission~~ Division has issued an order dismissing the
20 complaint or within thirty (30) days after an application for review
21 is filed under subsection C of Section 1502 of this title, the
22 ~~Commission~~ Division shall serve on the respondent by certified mail
23 a written notice, together with a copy of the complaint as it may
24 have been amended requiring the respondent to answer the allegations

1 of the complaint at a hearing before a ~~member of the Commission or~~
2 hearing examiner designated by order of the Commission Division to
3 decide the complaint, at a time and place specified in the notice.
4 A copy of the notice shall be furnished to the complainant ~~and the~~
5 ~~Attorney General~~. The notice shall conform to and the hearing shall
6 be conducted in accordance with the ~~Oklahoma~~ Administrative
7 Procedures Act. ~~The decision must be approved in writing by a~~
8 ~~majority of the Commission.~~

9 B. ~~A member of the Commission who investigated the complaint~~
10 ~~shall not preside at the hearing nor participate in the subsequent~~
11 ~~deliberation of the Commission in deciding the case.~~

12 C. The respondent may file an answer with the ~~Commission~~
13 Division as prescribed by the rules of the ~~Commission~~ Division. The
14 ~~Commission~~ Division shall furnish a copy of the answer to the
15 complainant and any other party to the proceeding. The ~~Commission~~
16 Division or the complainant may amend a complaint and the respondent
17 may amend an answer at any time prior to the issuance of an order
18 based on the complaint, but no order shall be issued unless the
19 respondent has had the opportunity of a hearing on the complaint or
20 amendment on which the order is based.

21 D. C. The case in support of the complaint shall be presented
22 at the hearing by the ~~Commission~~ Division staff.

23 E. D. A respondent who has filed an answer or whose default in
24 answering has been set aside for good cause shown may appear at the

1 hearing with or without representation, may examine and
2 cross-examine witnesses and the complainant, and may offer evidence.
3 The complainant or the Attorney General may intervene, examine and
4 cross-examine witnesses, and may present evidence.

5 ~~F.~~ E. If the respondent fails to answer the complaint, the
6 ~~Commission~~ Division may enter ~~his~~ the respondent's default and the
7 hearing shall proceed on the evidence in support of the complaint.
8 The default may be set aside for good cause shown upon equitable
9 terms and conditions.

10 ~~G.~~ F. Testimony taken at the hearing shall be under oath and
11 preserved by either audio tape or transcription as determined by the
12 ~~Commissioner~~ Attorney General or hearing examiner designated by
13 order to hear the complaint; provided a party shall be able to have
14 the proceedings transcribed at such party's own cost. The
15 ~~Commission~~ Division shall furnish transcripts of the hearing upon
16 payment of the costs by such party requesting the transcripts.
17 After the hearing, in its discretion, the ~~Commission~~ Division upon
18 notice to all parties affording an opportunity to be heard may take
19 further evidence or hear argument.

20 ~~H.~~ G. The ~~Commission~~ Division shall abide by the provisions of
21 this section in a discriminatory housing complaint only if an
22 election is not made pursuant to Section ~~20~~ 1502.14 of this ~~act~~
23 title.

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1 ~~I.~~ H. A hearing pursuant to this section may not continue
2 regarding any alleged discriminatory housing practice after the
3 beginning of the trial of a civil action commenced by the aggrieved
4 person pursuant to federal or state law seeking relief with respect
5 to that discriminatory housing practice.

6 SECTION 19. AMENDATORY 25 O.S. 2001, Section 1504, is
7 amended to read as follows:

8 Section 1504. If the Human Rights Division of the Office of the
9 Attorney General determines that the respondent has not engaged in a
10 discriminatory practice, the ~~Commission~~ Division shall state its
11 findings of fact and conclusions of law, and shall dismiss the
12 complaint by order and furnish a copy of the order to the
13 complainant, and the respondent ~~and the Attorney General.~~

14 SECTION 20. AMENDATORY 25 O.S. 2001, Section 1505, is
15 amended to read as follows:

16 Section 1505. A. If the ~~Commission~~ Human Rights Division of
17 the Office of the Attorney General determines from a review of all
18 of the evidence that the respondent has engaged in a discriminatory
19 practice, the ~~Commission~~ Division shall state its findings of fact
20 and conclusions of law and ~~a member of the Commission designated by~~
21 ~~the chairman or the staff~~ Attorney General shall endeavor to
22 eliminate the discriminatory practice by conference, conciliation,
23 and persuasion. The terms of a conciliation agreement reached with
24 the respondent may require ~~him~~ the respondent to refrain in the

1 future from committing discriminatory practices of the type stated
2 in the agreement and to take such affirmative action as in the
3 judgment of the ~~Commission~~ Division will carry out the purposes of
4 this act. If a conciliation agreement is entered into, the
5 ~~Commission~~ Division shall issue an order stating its terms and
6 furnish a copy of the order to the complainant, and the respondent,
7 ~~and the Attorney General~~. Except for the fact of the consummation
8 of a conciliation agreement, neither the ~~Commission~~ Division nor any
9 officer or employee thereof shall make public, without the written
10 consent of the complainant and the respondent, information
11 concerning the agreement or efforts in a particular case to
12 eliminate a discriminatory practice by conference, conciliation, or
13 persuasion. At any time in its discretion but not later than one
14 (1) year from the date of a conciliation agreement, the ~~Commission~~
15 Division shall investigate whether the terms of the agreement are
16 being complied with by the respondent, the ~~Commission~~ Division shall
17 take appropriate action as authorized by this act to assure
18 compliance.

19 B. If the ~~Commission~~ Division is unable to eliminate the
20 discriminatory practice by conference, conciliation, or persuasion,
21 it shall issue an order requiring the respondent to cease and desist
22 from the discriminatory practice and to take such affirmative action
23 as in the judgment of the ~~Commission~~ Division will carry out the
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1 purposes of this act. A copy of the order shall be delivered to the
2 respondent, and the complainant ~~and the Attorney General~~.

3 C. Affirmative action ordered under subsection B of this
4 section may include but is not limited to:

5 1. Hiring or reinstatement of employees with or without back
6 pay (less amount earned or earnable with reasonable diligence by
7 such employees);

8 2. Admission or restoration of individuals to union membership,
9 admission to or participation in a guidance program, apprenticeship
10 training or retraining program, on-the-job training program, or
11 other occupational training or retraining program, with the
12 utilization of objective criteria in the admission of individuals to
13 such program;

14 3. Admission of individuals to a public accommodation;

15 4. Reporting as to the manner of compliance;

16 5. Posting notices in conspicuous places in respondent's place
17 of business in form prescribed by the ~~Commission~~ Division and
18 inclusion of such notices in advertising material;

19 6. Awarding costs, including attorneys fees, to:

20 a. a prevailing complaining party, or

21 b. the party complained against, if the ~~Commission~~
22 Division determines that the complaint is clearly
23 frivolous, or

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1 c. the party complained against, if the district court
2 determines that the complaint is frivolous and that
3 the ~~Commission~~ Division dealt with the party
4 complained against in a willful, wanton and oppressive
5 manner, in which case, the ~~Commission~~ Division shall
6 be ordered to pay such costs and attorneys fees; and

7 7. Ordering a person to rehire, reinstate, and provide back pay
8 to any employee or agent discriminated against because of obedience
9 to the laws prohibiting discriminatory practices in housing.

10 D. In the case of a respondent who is found by the ~~Commission~~
11 Division to have engaged in a discriminatory practice in the course
12 of performing under a contract or subcontract with the state or any
13 governmental entity, or agency thereof, if the discriminatory
14 practice was authorized, requested, commanded, performed or
15 recklessly tolerated by the board of directors of the respondent or
16 by a high managerial agent acting within the scope of his
17 employment, the ~~Commission~~ Division shall so certify to the
18 contracting agency. Unless the ~~Commission's~~ Division's finding of a
19 discriminatory practice is upheld in the course of judicial review
20 under Section 1506 of this title, the finding of discrimination is
21 not binding on the contracting agency.

22 E. If the ~~Commission~~ Division determines that a respondent has
23 engaged in or is about to engage in a discriminatory housing
24 practice, the ~~Commission~~ Division may order the appropriate relief,

1 including actual damages, reasonable attorneys fees, court costs,
2 and other injunctive or equitable relief.

3 1. To vindicate the public interest, the ~~Commission~~ Division
4 may assess a civil penalty against the respondent in an amount that
5 does not exceed:

6 a. Ten Thousand Dollars (\$10,000.00), if the respondent
7 has been adjudged by order of the ~~Commission~~ Division
8 or a court to have committed a prior discriminatory
9 housing practice,

10 b. except as provided by paragraph 2 of this subsection,
11 Twenty-five Thousand Dollars (\$25,000.00), if the
12 respondent has been adjudged by order of the
13 ~~Commission~~ Division or a court to have committed one
14 other discriminatory housing practice during the five-
15 year period ending on the date of the filing of the
16 charge, and

17 c. except as provided by paragraph 2 of this subsection,
18 Fifty Thousand Dollars (\$50,000.00), if the respondent
19 has been adjudged by order of the ~~Commission~~ Division
20 or a court to have committed two or more
21 discriminatory housing practices during the seven-year
22 period ending on the date of the filing of the charge.

23 2. If the acts constituting the discriminatory housing practice
24 that is the object of the charge are committed by the same

1 individual who has been previously adjudged to have committed acts
2 constituting a discriminatory housing practice, the civil penalties
3 in subparagraph b and c of paragraph 1 of this subsection may be
4 imposed without regard to the period of time within which any other
5 discriminatory housing practice occurred.

6 3. ~~At the request of the Commission, the~~ The Attorney General
7 shall sue to recover a civil penalty due pursuant to this section.
8 Funds collected pursuant to this section shall be paid to the State
9 Treasurer for deposit in the State Treasury to the credit of the
10 Fair Housing Fund.

11 4. A ~~Commission~~ Division order pursuant to this subsection ~~E of~~
12 ~~this section~~ does not affect a contract, sale, encumbrance, or lease
13 that:

- 14 a. was consummated before the ~~Commission~~ Division issued
15 the order, and
- 16 b. involved a bona fide purchaser, encumbrancer, or
17 tenant who did not have actual notice of the charge
18 filed pursuant to this act.

19 5. If the ~~Commission~~ Division issues an order with respect to a
20 discriminatory housing practice that occurred in the course of a
21 business subject to a licensing or regulation by a governmental
22 agency, the ~~Commission~~ Division shall, not later than the 30th day
23 after the date of the issuance of the order:

24

- 1 a. send copies of the findings and the order to the
2 governmental agency, and
3 b. recommend to the governmental agency appropriate
4 disciplinary action.

5 6. If the ~~Commission~~ Division issues an order against a
6 respondent against whom another order was issued within the
7 preceding five (5) years pursuant to this subsection ~~E of this~~
8 ~~section~~, the ~~Commission~~ Division shall ~~send~~ retain a copy of each
9 order issued pursuant to ~~that~~ this subsection ~~to the Attorney~~
10 ~~General~~.

11 7. No order issued pursuant to this section shall have any
12 legal effect, unless and until and to the extent that a district
13 court may issue a corresponding order pursuant to Section 1506 of
14 this title.

15 SECTION 21. AMENDATORY 25 O.S. 2001, Section 1505.1, is
16 amended to read as follows:

17 Section 1505.1 If the ~~Commission~~ Human Rights Division of the
18 Office of the Attorney General upon final determination finds that
19 an act of housing discrimination pursuant to Section ~~2~~ 1452 of this
20 ~~act~~ title has been committed by a person holding a real estate
21 license pursuant to state law, the ~~Commission will~~ Division shall
22 certify its determination to the licensing agency. Unless such
23 determination of discriminatory practice is reversed in the course
24 of judicial review, a final determination is binding on the

1 licensing agency. Such agency shall take appropriate administrative
2 action, including suspension or revocation of the license of the
3 respondent.

4 SECTION 22. AMENDATORY 25 O.S. 2001, Section 1506, is
5 amended to read as follows:

6 Section 1506. ~~(a)~~ A. The ~~Commission~~ Human Rights Division of
7 the Office of the Attorney General may petition for an order of the
8 district court for enforcement of an order issued by the ~~Commission~~
9 Division under Section 1505 of this title, in a proceeding brought
10 in the district court of the county in which the alleged
11 discriminatory practice which is the subject of the order occurs or
12 in which a respondent resides or transacts business.

13 ~~(b)~~ B. The proceeding for an enforcement order shall be a
14 review on the record without a jury and shall follow the procedures
15 of the Administrative Procedures Act unless the ~~Commission~~ Division,
16 complainant, or respondent requests the proceedings to be de novo.
17 If so requested, the proceeding for an enforcement order shall be a
18 de novo proceeding and shall follow the procedures of the courts of
19 this state applicable to a civil action. If the party requesting
20 the de novo proceeding is not the prevailing party in such
21 proceeding, the court shall award reasonable attorney fees and costs
22 of court to the prevailing party. The evidence in support of the
23 complaint may be presented by the complainant, ~~his~~ the complainant's
24 attorney, the ~~Commission or its attorney~~ Division, or the Attorney

1 General. The court shall have power to grant such temporary relief
2 or restraining order as it deems just, and to enter an order
3 enforcing the order of the ~~Commission~~ Division or restraining its
4 violation if the court finds that the preponderance of the evidence
5 supports such order of the ~~Commission~~ Division. All such
6 proceedings shall be heard and determined by the court, and any
7 appellate court, as expeditiously as possible.

8 (e) C. A proceeding under this section must be initiated within
9 thirty (30) days after the order of the ~~Commission~~ Division is
10 issued.

11 SECTION 23. AMENDATORY 25 O.S. 2001, Section 1506.1, is
12 amended to read as follows:

13 Section 1506.1 A. An aggrieved person may file a civil action
14 in district court not later than the second year after the
15 occurrence of the termination of an alleged discriminatory housing
16 practice, or the breach of a conciliation agreement entered into
17 pursuant to this act, whichever occurs last, to obtain appropriate
18 relief with respect to the discriminatory housing practice or
19 breach.

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

1 C. An aggrieved person may file an action pursuant to this
2 section whether or not a complaint has been filed pursuant to
3 Section ~~8~~ 1502.2 of this ~~act~~ title and without regard to the status
4 of any complaint filed pursuant to this section.

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

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

16 SECTION 24. AMENDATORY 25 O.S. 2001, Section 1506.5, is
17 amended to read as follows:

18 Section 1506.5 A. ~~On request of the Commission, the~~ The
19 Attorney General may intervene in an action pursuant to Section ~~24~~
20 1506.1 of this ~~act~~ title if the ~~Commission~~ Human Rights Division of
21 the Office of the Attorney General certifies that the case is of
22 general public importance.

23 B. The Attorney General may obtain the same relief available to
24 the Attorney General under Section ~~29~~ 1506.6 of this ~~act~~ title.

1 SECTION 25. AMENDATORY 25 O.S. 2001, Section 1506.6, is
2 amended to read as follows:

3 Section 1506.6 A. On request of the ~~Commission~~ Human Rights
4 Division of the Office of the Attorney General, the Attorney General
5 may file a civil action in district court for appropriate relief if
6 the ~~Commission~~ Division has reasonable cause to believe that:

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

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

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

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

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

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

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

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

24

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

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

7 SECTION 26. AMENDATORY 25 O.S. 2001, Section 1506.7, is
8 amended to read as follows:

9 Section 1506.7 The Attorney General on behalf of the ~~Commission~~
10 ~~or~~ other party at whose request a subpoena is issued pursuant to
11 this act, may enforce the subpoena in appropriate proceedings in
12 district court.

13 SECTION 27. AMENDATORY 25 O.S. 2001, Section 1506.8, is
14 amended to read as follows:

15 Section 1506.8 A court in a civil action brought pursuant to
16 this act or the ~~Commission~~ Human Rights Division of the Office of
17 the Attorney General in an administrative hearing pursuant to
18 Section 1503 of this title may award reasonable ~~attorneys~~ attorney
19 fees to the prevailing party and assess court costs against the
20 nonprevailing party.

21 SECTION 28. AMENDATORY 25 O.S. 2001, Section 1507, is
22 amended to read as follows:

23 Section 1507. ~~(a)~~ A. In connection with an investigation of a
24 complaint filed under this act, the ~~Commission~~ Human Rights Division

1 of the Office of the Attorney General or its designated
2 representative shall have access at any reasonable time to premises,
3 records and documents relevant to the complaint and the right to
4 examine, photograph and copy evidence, in accordance with the
5 ~~Oklahoma~~ Administrative Procedures Act.

6 ~~(b)~~ B. The ~~Commission~~ Division, by regulation, shall require
7 each person subject to this act which controls an apprenticeship or
8 other training program to keep all records reasonably necessary to
9 carry out the purposes of this act, including, but not limited to, a
10 list of applicants who wish to participate in such program,
11 including the chronological order in which applications were
12 received, and shall furnish to the ~~Commission~~ Division, upon
13 request, a detailed description of the manner in which persons are
14 selected to participate in the apprenticeship or other training
15 programs.

16 ~~(e)~~ C. A person who believes that the application ~~to him~~ of a
17 regulation or order issued under this section would result in undue
18 hardship may:

19 ~~(1)~~ 1. Apply to the ~~Commission~~ Division for an exemption from
20 the application of the regulation or order; or

21 ~~(2)~~ 2. Bring an action for a declaratory judgment under ~~75~~
22 ~~Oklahoma Statutes~~, Section 306 of Title 75 of the Oklahoma Statutes,
23 if appropriate, or may resist an enforcement application brought
24

1 ~~under 75 Oklahoma Statutes,~~ pursuant to subsection C of Section
2 315(3) of Title 75 of the Oklahoma Statutes.

3 ~~(d)~~ D. So as to avoid undue burden on persons subject to the
4 act, records and reports required by the ~~Commission~~ Division under
5 this section shall conform as near as may be to similar records and
6 reports required by federal law.

7 ~~(e)~~ E. It is unlawful for an officer or employee of the
8 ~~Commission~~ Division to make public with respect to a particular
9 person without his consent information obtained by the ~~Commission~~
10 Division pursuant to its authority under this section.

11 SECTION 29. AMENDATORY 25 O.S. 2001, Section 1508, is
12 amended to read as follows:

13 Section 1508. ~~(a)~~ A. Subpoenas shall issue in proceedings
14 under this act, as provided in the ~~Oklahoma~~ Administrative
15 Procedures Act. A subpoena so issued shall show on its face the
16 name and address of the party at whose request the subpoena was
17 issued. On petition of the individual to whom the subpoena is
18 directed and notice to the requesting party, the ~~Commission~~ Human
19 Rights Division of the Office of the Attorney General or an
20 individual designated pursuant to its rules may vacate or modify the
21 subpoena.

22 ~~(b)~~ B. Witnesses whose depositions are taken or who are
23 summoned before the ~~Commission~~ Division or its agents shall be
24

1 entitled to the same witness and mileage fees as are paid to
2 witnesses in the courts of the state.

3 SECTION 30. AMENDATORY 25 O.S. 2001, Section 1601, is
4 amended to read as follows:

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

7 ~~(1)~~ 1. To retaliate or discriminate against a person because he
8 has opposed a discriminatory practice, or because he has made a
9 charge, filed a complaint, testified, assisted, or participated in
10 an investigation, proceeding, or hearing under this act;

11 ~~(2)~~ 2. To aid, abet, incite, or coerce a person to engage in a
12 discriminatory practice;

13 ~~(3)~~ 3. Willfully to interfere with the performance of a duty or
14 the exercise of a power by the ~~Commission~~ Human Rights Division of
15 the Office of the Attorney General or one of its ~~members or~~
16 representatives; or

17 ~~(4)~~ 4. Willfully to obstruct or prevent a person from complying
18 with the provisions of this act or an order issued thereunder.

19 SECTION 31. AMENDATORY 25 O.S. 2001, Section 1604, is
20 amended to read as follows:

21 Section 1604. Upon receiving a certification made under Section
22 ~~505(e)~~ 1505 of this title, a contracting agency may take appropriate
23 action to:
24

1 ~~(1)~~ 1. Terminate a contract or portion thereof previously
2 entered into with the respondent, either absolutely or on condition
3 that the respondent carry out a program of compliance with the
4 provisions of this act~~;~~; and

5 ~~(2)~~ 2. Assist the state and all governmental entities and
6 agencies thereof to refrain from entering into further contracts, or
7 extensions or other modifications of existing contracts, with the
8 respondent until the ~~Commission~~ Human Rights Division of the Office
9 of the Attorney General is satisfied that the respondent will carry
10 out policies in compliance with the provisions of this act.

11 SECTION 32. AMENDATORY 25 O.S. 2001, Section 1704, is
12 amended to read as follows:

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

15 1. To employ an executive director and other employees and
16 agents and fix their compensation;

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

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

22 4. To receive, initiate, investigate, and seek to conciliate
23 complaints alleging violations of this act or of an ordinance
24 prohibiting discrimination because of race, color, religion, sex,

1 national origin, age, or handicap or legislation establishing the
2 commission;

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

6 6. To render at least annually a report, a copy of which shall
7 be furnished to the ~~State Commission~~ Human Rights Division of the
8 Office of the Attorney General.

9 SECTION 33. AMENDATORY 25 O.S. 2001, Section 1705, is
10 amended to read as follows:

11 Section 1705. A. The ~~State Commission~~ Human Rights Division of
12 the Office of the Attorney General:

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

18 2. May refer a complaint alleging a violation of this act to a
19 local commission for:

- 20 a. investigation,
- 21 b. determination whether there is reasonable cause to
22 believe that the respondent has engaged in a
23 discriminatory practice, or
- 24

1 c. assistance in eliminating a discriminatory practice by
2 conference, conciliation, or persuasion.

3 B. Upon referral by the ~~State Commission~~ Division, the local
4 commission shall make a report and may make recommendations to the
5 ~~State Commission~~ Division and take other appropriate action within
6 the scope of its powers.

7 SECTION 34. AMENDATORY 25 O.S. 2001, Section 1706, is
8 amended to read as follows:

9 Section 1706. ~~(a)~~ A. A local commission may refer a matter
10 under its jurisdiction to the ~~State Commission~~ Human Rights Division
11 of the Office of the Attorney General.

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

19 SECTION 35. AMENDATORY 25 O.S. 2001, Section 1901, is
20 amended to read as follows:

21 Section 1901. A. If a charge for discrimination in employment
22 on the basis of handicap is filed under the provisions of Sections
23 1101 through 1801 of ~~Title 25 of the Oklahoma Statutes~~ this title
24 and is not resolved to the satisfaction of the charging party within

1 one hundred eighty (180) days from the filing of such charge, the
2 charging party may commence an action for redress against any person
3 who is alleged to have discriminated against the charging party and
4 against any person named as respondent in the charge, such action to
5 be commenced in the district court of this state for the county in
6 which the unlawful employment practice is alleged to have been
7 committed.

8 B. Either party in any such action shall be entitled to a jury
9 trial of any facts in dispute in the action.

10 C. If it is determined in such action that the defendant or
11 defendants in such action have discriminated against the charging
12 party on the basis of handicap as charged in the petition, the
13 aggrieved party shall be entitled to nominal or actual damages.
14 Actual damages shall include, but are not limited to, reinstatement
15 or hiring, with or without backpay, or any other legal or equitable
16 relief as the court deems appropriate. Backpay liability shall not
17 accrue from a date more than two (2) years prior to the filing of
18 the charge with the ~~Oklahoma Human Rights Commission~~ Human Rights
19 Division of the Office of the Attorney General. Interim earnings or
20 amounts earnable with reasonable diligence by the person
21 discriminated against shall operate to reduce the backpay otherwise
22 allowable. No order of the court shall require the hiring or
23 reinstatement or promotion of an individual as an employee, or the
24 payment to ~~him~~ the individual of any backpay, if such individual was

1 refused employment or advancement or was suspended or discharged for
2 legitimate reasons other than discrimination on account of handicap.

3 D. In any action or proceeding under this section the court
4 shall allow a prevailing party a reasonable ~~attorneys fee~~ attorney
5 fees.

6 E. No action shall be maintainable in district court as herein
7 provided more than two (2) years after a timely filing of a charge
8 with the ~~Oklahoma Human Rights Commission~~ Division.

9 SECTION 36. AMENDATORY 74 O.S. 2001, Section 952, is
10 amended to read as follows:

11 Section 952. ~~There is hereby created~~ A. Effective July 1,
12 2011, the Oklahoma Human Rights Commission. ~~Said Commission shall~~
13 ~~consist of nine (9) members appointed by the Governor by and with~~
14 ~~the advice and consent of the Senate. Initially, three of such~~
15 ~~members shall be appointed for a term of one (1) year, three for~~
16 ~~terms of two (2) years, and three for terms of three (3) years, and~~
17 ~~until their successors are appointed and confirmed. Thereafter all~~
18 ~~appointments to the Commission shall be for terms of three (3) years~~
19 ~~and until their successors are appointed and confirmed.~~

20 ~~In making such appointments to said Commission, consideration~~
21 ~~shall be given to making the membership broadly representative of~~
22 ~~the geographic areas of the state, the two major political parties~~
23 ~~in the state, and the several racial, religious, and ethnic groups~~
24 ~~residing in the state.~~

1 ~~The Office of Public Affairs shall provide a suitable office for~~
2 ~~said Commission for which the Commission shall pay an appropriate~~
3 ~~rental charge.~~

4 ~~The Commission shall meet regularly at least once per month and~~
5 ~~at such other times as may be set by the Chairman. Members of the~~
6 ~~Commission shall receive no salary, but shall be entitled to travel~~
7 ~~reimbursement as provided by the State Travel Reimbursement Act~~
8 shall be placed under the authority of the Office of the Attorney
9 General. Except as otherwise provided for in this section, the
10 transfer shall include all real property, buildings, furniture,
11 equipment, supplies, records, personnel, assets, current and future
12 liabilities, fund balances, encumbrances, obligations, and
13 indebtedness associated with the Oklahoma Human Rights Commission.

14 B. All employees of the Oklahoma Human Rights Commission on the
15 effective date of this act, including related liabilities for sick
16 leave, annual leave, holidays, unemployment benefits, and workers'
17 compensation benefits accruing prior to July 1, 2011, to such
18 personnel shall be transferred to the Office of the Attorney General
19 as of July 1, 2011. It is the intent of the Legislature that, to
20 the extent possible, the Office of the Attorney General ensure that
21 the employees retain pay and benefits, as much as possible,
22 including longevity, dependent insurance benefits, seniority,
23 rights, and other privileges or benefits.

1 C. Appropriate conveyances and other documents shall be
2 executed by January 1, 2012, to effectuate the transfer of property
3 owned by the Oklahoma Human Rights Commission to the Office of the
4 Attorney General.

5 D. Any monies donated or accruing to or in the name of the
6 Oklahoma Human Rights Commission after July 1, 2011, shall be
7 transferred to the Office of the Attorney General. Any other monies
8 from appropriations, fees, licenses, fines, penalties, or other
9 similar types of monies that accrue in any funds or accounts after
10 July 1, 2011, in the name of the Oklahoma Human Rights Commission or
11 maintained for the benefit of the Oklahoma Human Rights Commission
12 are transferred to the Office of the Attorney General.

13 E. The Office of the Attorney General shall succeed to any
14 contractual rights and responsibilities incurred by the Oklahoma
15 Human Rights Commission.

16 F. The rules of the Oklahoma Human Rights Commission that are
17 in effect on July 1, 2011, shall be enforceable by the Office of the
18 Attorney General until the Office establishes rules.

19 G. Each entity the functions and duties of which are
20 transferred pursuant to the provisions of this section shall take
21 such actions as are required to achieve a budgetary savings for the
22 fiscal year ending June 30, 2012, as a result of the efficiencies
23 resulting from such transfers and for each fiscal year thereafter.

1 SECTION 37. AMENDATORY 74 O.S. 2001, Section 953, is
2 amended to read as follows:

3 Section 953. It shall be the purpose of the ~~Oklahoma~~ Human
4 Rights ~~Commission~~ Division of the Office of the Attorney General to
5 work toward removing friction, eliminating discrimination, and
6 promoting unity and understanding among all the people of Oklahoma.
7 In furtherance of such purpose, the ~~Commission~~ Division shall:

8 ~~(a) annually choose from among its number a Chairman, who shall~~
9 ~~be the presiding officer at all meetings of the Commission and from~~
10 ~~time to time employ and fix the salaries of a Director, who shall~~
11 ~~attend and serve as secretary of all meetings of the Commission and~~
12 ~~shall be responsible for the execution and administration of the~~
13 ~~program and projects of the Commission authorized by law and adopted~~
14 ~~by the Commission in furtherance thereof, and who shall appoint~~
15 ~~other necessary part-time and full-time personnel; provided, the~~
16 ~~salaries of the Director and other personnel of the Commission shall~~
17 ~~not be more than, but may be less than, the amounts set forth in the~~
18 ~~appropriation to the agency.~~

19 ~~(b)~~ 1. Appoint an advisory committee or committees as it may
20 deem advisable in furtherance of its purpose; provided, members of
21 any such advisory committee, as such, shall receive no
22 compensation;

23 ~~(c)~~ 2. Alone and in cooperation with other organizations and
24 agencies, public and private, discourage discrimination and

1 encourage fair treatment of all persons regardless of race, color,
2 creed, national origin, age, handicap, or ancestry-;

3 ~~(d)~~ 3. Foster, conduct, and contract for research projects and
4 make studies into, and public reports on, discrimination in
5 Oklahoma; and serve in a consultative capacity to communities,
6 organizations, and businesses which desire the services of the
7 ~~Commission~~ Division; prepare and disseminate to private businesses
8 and industry its reports, findings and other pertinent facts and
9 information that may assist business and industry in promoting full
10 and open opportunity for all citizens-;

11 ~~(e)~~ 4. Receive and investigate complaints of discrimination and
12 recommend ways of eliminating any injustices occasioned thereby and
13 serve as a conciliator in regard thereto, and, in particular, shall
14 receive and investigate complaints of violations of Section 954 of
15 this title, relating to discrimination in state employment, and file
16 its findings with the Oklahoma Merit Protection Commission and the
17 Governor and serve in an advisory capacity in regard to
18 discrimination in state employment to the Governor and to said
19 ~~Commission~~ Division with the right to appear before said ~~Commission~~
20 Division in regard thereto-;

21 ~~(f)~~ 5. Have the power to hold hearings and request the
22 appearance of witnesses; the Attorney General shall advise and
23 represent the ~~Commission~~ Division in all legal matters and serve as
24 the attorney therefor-; and

1 ~~(g)~~ 6. Make a biennial report to the Governor and to the
2 Legislature of its activities under this act and may make
3 recommendations concerning needed additional legislation in the
4 field of human rights.

5 SECTION 38. AMENDATORY 74 O.S. 2001, Section 954, is
6 amended to read as follows:

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

21 It shall be the duty of the Oklahoma Merit Protection Commission
22 to investigate, upon its own initiative, upon complaint filed by any
23 aggrieved person, or upon complaint filed by the Human Rights
24 ~~Commission~~ Division of the Office of the Attorney General, any

1 violation of this section and to enforce compliance with the same,
2 both in the classified and the nonclassified service. The ~~Human~~
3 ~~Rights Commission~~ Division shall investigate, upon its own
4 initiative or on complaint filed with it, any such violation and may
5 file a formal complaint with the Oklahoma Merit Protection
6 Commission. When any complaint is filed by the ~~Human Rights~~
7 ~~Commission~~ Division with the Oklahoma Merit Protection Commission,
8 the Oklahoma Merit Protection Commission shall set a hearing on the
9 same, at which hearing the ~~Director of the Human Rights Commission~~
10 Attorney General, or ~~his~~ a representative of the Office of the
11 Attorney General, may appear and present the finding of the
12 ~~Commission~~ Division in regard to such violation. In the enforcement
13 of this section, the Oklahoma Merit Protection Commission shall
14 follow the provisions of existing laws relating to hearings,
15 procedures, and notices, and shall have power to enforce its orders
16 pertaining to violations of this section as is provided by law in
17 regard to the classified service.

18 SECTION 39. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 5060.44 of Title 74, unless
20 there is created a duplication in numbering, reads as follows:

21 A. Effective July 1, 2011, the Oklahoma Center for the
22 Advancement of Science and Technology shall be placed under the
23 authority of the Department of Commerce. Except as otherwise
24 provided for in this section, the transfer shall include all real

1 property, buildings, furniture, equipment, supplies, records,
2 personnel, assets, current and future liabilities, fund balances,
3 encumbrances, obligations, and indebtedness associated with the
4 Oklahoma Center for the Advancement of Science and Technology.

5 B. All employees of the Oklahoma Center for the Advancement of
6 Science and Technology on the effective date of this act, including
7 related liabilities for sick leave, annual leave, holidays,
8 unemployment benefits, and workers' compensation benefits accruing
9 prior to July 1, 2011, to such personnel shall be transferred to the
10 Department of Commerce as of July 1, 2011. It is the intent of the
11 Legislature that, to the extent possible, the Department of Commerce
12 ensure that the employees retain pay and benefits, as much as
13 possible, including longevity, dependent insurance benefits,
14 seniority, rights, and other privileges or benefits.

15 C. Appropriate conveyances and other documents shall be
16 executed by January 1, 2012, to effectuate the transfer of property
17 owned by the Oklahoma Center for the Advancement of Science and
18 Technology to the Department of Commerce.

19 D. Any monies donated or accruing to or in the name of the
20 Oklahoma Center for the Advancement of Science and Technology after
21 July 1, 2011, shall be transferred to the Department of Commerce.
22 Any other monies from appropriations, fees, licenses, fines,
23 penalties, or other similar types of monies that accrue in any funds
24 or accounts after July 1, 2011, in the name of the Oklahoma Center

1 for the Advancement of Science and Technology or maintained for the
2 benefit of the Oklahoma Center for the Advancement of Science and
3 Technology are transferred to the Department of Commerce.

4 E. The Department of Commerce shall succeed to any contractual
5 rights and responsibilities incurred by the Oklahoma Center for the
6 Advancement of Science and Technology.

7 F. The rules of the Oklahoma Center for the Advancement of
8 Science and Technology that are in effect on July 1, 2011, shall be
9 enforceable by the Department of Commerce until the Department
10 establishes rules.

11 G. Each entity the functions and duties of which are
12 transferred pursuant to the provisions of this section shall take
13 such actions as are required to achieve a budgetary savings for the
14 fiscal year ending June 30, 2012, as a result of the efficiencies
15 resulting from such transfers and for each fiscal year thereafter.

16 SECTION 40. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 879 of Title 74, unless there is
18 created a duplication in numbering, reads as follows:

19 A. Effective July 1, 2011, the Oklahoma Industrial Finance
20 Authority shall be placed under the authority of the Department of
21 Commerce. Except as otherwise provided for in this section, the
22 transfer shall include all real property, buildings, furniture,
23 equipment, supplies, records, personnel, assets, current and future
24 liabilities, fund balances, encumbrances, obligations, and

1 indebtedness associated with the Oklahoma Industrial Finance
2 Authority.

3 B. All employees of the Oklahoma Industrial Finance Authority
4 on the effective date of this act, including related liabilities for
5 sick leave, annual leave, holidays, unemployment benefits, and
6 workers' compensation benefits accruing prior to July 1, 2011, to
7 such personnel shall be transferred to the Department of Commerce as
8 of July 1, 2011. It is the intent of the Legislature that, to the
9 extent possible, the Department of Commerce ensure that the
10 employees retain pay and benefits, as much as possible, including
11 longevity, dependent insurance benefits, seniority, rights, and
12 other privileges or benefits.

13 C. Appropriate conveyances and other documents shall be
14 executed by January 1, 2012, to effectuate the transfer of property
15 owned by the Oklahoma Industrial Finance Authority to the Department
16 of Commerce.

17 D. Any monies donated or accruing to or in the name of the
18 Oklahoma Industrial Finance Authority after July 1, 2011, shall be
19 transferred to the Department of Commerce. Any other monies from
20 appropriations, fees, licenses, fines, penalties, or other similar
21 types of monies that accrue in any funds or accounts after July 1,
22 2010, in the name of the Oklahoma Industrial Finance Authority or
23 maintained for the benefit of the Oklahoma Industrial Finance
24 Authority are transferred to the Department of Commerce.

1 E. The Department of Commerce shall succeed to any contractual
2 rights and responsibilities incurred by the Oklahoma Industrial
3 Finance Authority.

4 F. The rules of the Oklahoma Industrial Finance Authority that
5 are in effect on July 1, 2011, shall be enforceable by the
6 Department of Commerce until the Department establishes rules.

7 G. Each entity the functions and duties of which are
8 transferred pursuant to the provisions of this section shall take
9 such actions as are required to achieve a budgetary savings for the
10 fiscal year ending June 30, 2012, as a result of the efficiencies
11 resulting from such transfers and for each fiscal year thereafter.

12 SECTION 41. This act shall become effective July 1, 2011.

13 SECTION 42. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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