

1 Section 36. A. The state shall not grant preferential
2 treatment to, or discriminate against, any individual or group on
3 the basis of race, color, sex, ethnicity or national origin in the
4 operation of public employment, public education or public
5 contracting.

6 B. This section shall apply only to action taken after the
7 effective date of this section.

8 C. Nothing in this section shall be interpreted as prohibiting
9 bona fide qualifications based on sex that are reasonably necessary
10 to the normal operation of public employment, public education or
11 public contracting.

12 D. Nothing in this section shall be interpreted as invalidating
13 any court order or consent decree that is in force as of the
14 effective date of this section.

15 E. Nothing in this section shall be interpreted as prohibiting
16 action that must be taken to establish or maintain eligibility for
17 any federal program, where ineligibility would result in a loss of
18 federal funds to the state.

19 F. For the purposes of this section, "state" shall include, but
20 not be limited to, the state itself or an agency, institution,
21 instrumentality, or political subdivision of the state.

22 G. The remedies available for violations of this section shall
23 be the same, regardless of the injured party's race, color, sex,
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1 ethnicity or national origin, as are otherwise available for
2 violations of the antidiscrimination laws of this state.

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

6 BALLOT TITLE

7 Legislative Referendum No. _____ State Question No. _____

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This measure amends the Oklahoma Constitution. It adds a new
10 Section 36 to Article II. It will not allow special treatment
11 or discrimination based on race or sex in public employment,
12 education or contracts. It gives exceptions for some
13 situations. It sets out remedies for violations.

14 SHALL THE PROPOSAL BE APPROVED?

15 FOR THE PROPOSAL - YES _____

16 AGAINST THE PROPOSAL - NO _____

17 SECTION 3. The President Pro Tempore of the Senate shall,
18 immediately after the passage of this resolution, prepare and file
19 one copy thereof, including the Ballot Title set forth in SECTION 2
20 hereof, with the Secretary of State and one copy with the Attorney
21 General.

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23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-07-2011 - DO PASS,
24 As Coauthored.