

1 **SENATE FLOOR VERSION**

2 February 28, 2011

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE JOINT
6 RESOLUTION NO. 15

By: Johnson (Rob) of the Senate

and

Jackson of the House

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9 A Joint Resolution directing the Secretary of State
10 to refer to the people for their approval or
11 rejection a proposed amendment to the Oklahoma
12 Constitution by adding a new Section 36 to Article
13 II; prohibiting certain preferential treatment or
14 discrimination; stating applicability of act;
15 construing provisions; defining term; providing
16 remedies; providing ballot title; and directing
17 filing.

18 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
19 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

20 SECTION 1. The Secretary of State shall refer to the people for
21 their approval or rejection, as and in the manner provided by law,
22 the following proposed amendment to the Oklahoma Constitution by
23 adding a new Section 36 to Article II to read as follows:

24 Section 36. A. The state shall not grant preferential
treatment to, or discriminate against, any individual or group on
the basis of race, color, sex, ethnicity or national origin in the

1 operation of public employment, public education or public
2 contracting.

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

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

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

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

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

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

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

4 BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

12 SHALL THE PROPOSAL BE APPROVED?

13 FOR THE PROPOSAL - YES _____

14 AGAINST THE PROPOSAL - NO _____

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-11 - DO
21 PASS, As Amended and Coauthored.

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