

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 396

By: Jolley of the Senate

and

Osborn of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to civil rights enforcement; amending
12 22 O.S. 2011, Section 34.4, which relates to racial
13 profiling; authorizing filing of complaints with the
14 Attorney General's Office of Civil Rights
15 Enforcement; amending 22 O.S. 2011, Section 34.5,
16 which relates to procedures for filing racial
17 profiling complaints; transferring duties to the
18 Attorney General's Office of Civil Rights
19 Enforcement; amending 25 O.S. 2011, Section 1201,
20 which relates to discrimination; modifying
21 definitions; amending 25 O.S. 2011, Section 1310,
22 which relates to discriminatory employment practices;
23 transferring certain duties to the Attorney General's
24 Office of Civil Rights Enforcement; amending 25 O.S.
 2011, Section 1350, which relates to cause of action
 for employment-based discrimination; transferring
 duties to Attorney General's Office of Civil Rights
 Enforcement; amending 25 O.S. 2011, Sections 1451,
 1452 and 1453, which relate to housing
 discrimination; transferring certain duties to the
 Attorney General's Office of Civil Rights
 Enforcement; deleting certain statutory reference;
 amending 25 O.S. 2011, Sections 1501, 1502, 1502.1,
 1502.2, 1502.3, 1502.4, 1502.6, 1502.7, 1502.15,
 1505.1, 1506.1, 1506.3, 1506.4, 1506.7, 1506.8, 1507,
 1508, 1604, 1705 and 1706, which relate to housing
 discrimination and civil actions; transferring duties

1 to the Attorney General's Office of Civil Rights
2 Enforcement; modifying statutory references;
3 providing for the promulgation of certain rules;
4 deleting certain complaint and investigation
5 procedures; providing certification upon a finding of
6 discriminatory practice by a contracting agency;
7 amending 73 O.S. 2011, 163.2, which relates to state
8 agency rent collections; removing reference to the
9 Human Rights Commission; amending 74 O.S. 2011,
10 Section 840-5.5, as amended by Section 917, Chapter
11 304, O.S.L. 2012 (74 O.S. Supp. 2012, Section 840-
12 5.5), which relates to unclassified service; removing
13 certain position; amending 74 O.S. 2011, Section 954,
14 which relates to discrimination in state employment;
15 transferring certain investigative duties to the
16 Attorney General's Office of Civil Rights
17 Enforcement; repealing 25 O.S. 2011, Sections 1502.8,
18 1502.9, 1502.10, 1502.11, 1502.12, 1502.13, 1502.14,
19 1503, 1504, 1505, 1506 and 1506.5, which relate to
20 the Oklahoma Human Rights Commission; repealing 74
21 O.S. 2011, Sections 952, as amended by Section 932,
22 Chapter 304, O.S.L. 2012, 953 and 955 (74 O.S. Supp.
23 2012, Section 952), which relate to the Oklahoma
24 Human Rights Commission; and declaring an emergency.

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

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

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~~ Attorney General's Office of Civil Rights Commission
Enforcement 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

1 the ~~Commission~~ Attorney General's Office of Civil Rights
2 Enforcement. The employer shall investigate the complaint for
3 purposes of disciplinary action and/or criminal prosecution.

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

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

16 B. The ~~Commission~~ Attorney General shall compile an annual
17 report of all complaints received for racial profiling and submit
18 the report on or before January 31 of each year to the Governor, the
19 President Pro Tempore of the Senate, and the Speaker of the House of
20 Representatives.

21 SECTION 3. AMENDATORY 25 O.S. 2011, Section 1201, is
22 amended to read as follows:

23 Section 1201. In ~~this act~~ Section 1101 et seq. of this title,
24 unless the context otherwise requires 7:

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

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

~~(3) 1. "Discriminatory practice" means a practice designated as
discriminatory under the terms of this act;~~

~~(4) 2. "National origin" includes the national origin of an
ancestor; and~~

~~(5) 3. "Person" includes an individual, association,
corporation, joint apprenticeship committee, joint stock company,
labor union, legal representative, mutual company, partnership,
receiver, trust, trustee, trustee in bankruptcy, unincorporated
organization, any other legal or commercial entity, the state, or
any governmental entity or agency.~~

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

Section 1310. Nothing contained in Section 1101 et seq. of this
title requires an employer, employment agency, labor organization,
or joint labor-management committee subject to Section 1101 et seq.
of this title to grant preferential treatment to an individual or to
a group because of race, color, religion, sex, national origin, age,
disability, or genetic information of the individual or group on
account of an imbalance which may exist with respect to the total
number or percentage of persons of any race, color, religion, sex,
national origin, age, disability, or genetic information employed by

1 an employer, referred or classified for employment by an employment
2 agency or labor organization, admitted to membership or classified
3 by a labor organization, or admitted to, or employed in, an
4 apprenticeship, or other training or retraining program, in
5 comparison with the total number or percentage of persons of the
6 race, color, religion, sex, national origin, age, disability, or
7 genetic information in the state or a community, section, or other
8 area, or in the available work force in the state or a community,
9 section, or other area. However, it is not a discriminatory
10 practice for a person subject to Section 1101 et seq. of this title
11 to adopt and carry out a plan to eliminate or reduce imbalance with
12 respect to race, color, religion, sex, national origin, age,
13 disability, or genetic information if the plan has been filed with
14 the ~~Oklahoma Human~~ Attorney General's Office of Civil Rights
15 ~~Commission under regulations of the Commission and the Commission~~
16 ~~has not disapproved the plan~~ Enforcement.

17 SECTION 5. AMENDATORY 25 O.S. 2011, Section 1350, is
18 amended to read as follows:

19 Section 1350. A. A cause of action for employment-based
20 discrimination is hereby created and any common law remedies are
21 hereby abolished.

22 B. In order to have standing in a court of law to allege
23 discrimination arising from an employment-related matter, in a cause
24 of action against an employer for discrimination based on race,

1 color, religion, sex, national origin, age, disability, genetic
2 information with respect to the employee, or retaliation, an
3 aggrieved party must, within one hundred eighty (180) days from the
4 last date of alleged discrimination, file a charge of discrimination
5 in employment with the ~~Oklahoma Human~~ Attorney General's Office of
6 Civil Rights Commission Enforcement or the Equal Employment
7 Opportunity Commission alleging the basis of discrimination believed
8 to have been perpetrated on the aggrieved party. Upon completion of
9 any investigation, the ~~Oklahoma Human~~ Attorney General's Office of
10 Civil Rights Commission ~~shall~~ Enforcement may transmit the results
11 of any administrative hearing and determination to the Equal
12 Employment Opportunity Commission or issue the complaining party a
13 Notice of a Right to Sue.

14 C. Should a charge of discrimination be filed with the ~~Oklahoma~~
15 ~~Human~~ Attorney General's Office of Civil Rights Commission
16 Enforcement and not be resolved to the satisfaction of the charging
17 party within one hundred eighty (180) days from the date of filing
18 of such charge, the ~~Commission~~ Attorney General's Office of Civil
19 Rights Enforcement, upon request of any party shall issue a Notice
20 of a Right to Sue, which must be first obtained in order to commence
21 a civil action under this section.

22 D. All civil actions brought pursuant to a Notice of a Right to
23 Sue from the ~~Oklahoma Human~~ Attorney General's Office of Civil
24 Rights Commission Enforcement for redress against any person who is

1 alleged to have discriminated against the charging party and against
2 any person named as respondent in the charge shall be commenced in
3 the district court of this state for the county in which the
4 unlawful employment practice is alleged to have been committed.

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

7 F. The defending party may allege any defense that is available
8 under Title VII of the Civil Rights Act of 1964, the Age
9 Discrimination in Employment Act, the Pregnancy Discrimination Act,
10 the ~~Rehabilitation~~ Rehabilitation Act, the Americans with
11 Disabilities Act, or the Genetic Information 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 as charged in the petition, the court may enjoin the defendant
15 or defendants from engaging in such unlawful employment practice
16 charged in the petition, the court may enjoin respondent from
17 engaging in such unlawful practice and order such affirmative action
18 as reinstatement or hiring of employees. A prevailing aggrieved
19 party shall also be entitled to backpay and an additional amount as
20 liquidated damages. Interim earnings or amounts earnable with
21 reasonable diligence by the person discriminated against shall
22 operate to reduce the backpay otherwise allowable. If an individual
23 was refused employment or advancement, was suspended and/or was
24 discharged for legitimate reasons other than discrimination as

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

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

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

11 SECTION 6. AMENDATORY 25 O.S. 2011, Section 1451, is
12 amended to read as follows:

13 Section 1451. A. As used in Sections 1451 through 1453 of this
14 title:

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

17 2. "Dwelling" means:

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

22 b. any vacant land that is offered for sale or lease for
23 the construction or location of a building, structure,
24

1 or part of a building or structure described in
2 subparagraph a of this paragraph;

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

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

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

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

1 7. "Unlawful discriminatory practice because of age" means an
2 act prohibited pursuant to Section 1452 of this title against a
3 person at least eighteen (18) years of age or older solely on that
4 basis;

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

6 a. claims to have been injured by a discriminatory
7 housing practice, or

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

11 9. "Complainant" means a person, ~~the Commission,~~ or the
12 Attorney General, who files a complaint pursuant to Section 1452 of
13 this title;

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

15 ~~11.~~ "Conciliation" means the attempted resolution of issues
16 raised by a complaint or by the investigation of the complaint,
17 through informal negotiations involving the aggrieved person, the
18 respondent, and the ~~Commission~~ Attorney General's Office of Civil
19 Rights Enforcement;

20 ~~12.~~ 11. "Conciliation agreement" means a written agreement
21 setting forth the resolution of the issues in conciliation;

22 ~~13.~~ 12. "Discriminatory housing practice" means an act
23 prohibited by Section 1452 of this title;

24 ~~14.~~ 13. "Family" includes a single individual;

~~15.~~ 14. "Respondent" means:

- a. the person accused of a violation of Sections 1451 through 1453 of this title in a complaint of a discriminatory housing practice, or
- b. any person identified as an additional or substitute respondent pursuant to Section 1502.5 of this title or an agent of an additional or substitute respondent; and

~~16.~~ 15. "To rent" means to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.

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

1. Pregnant;
2. Domiciled with an individual less than eighteen (18) years of age in regard to whom the person:
 - a. is the parent or legal custodian, or
 - b. has the written permission of the parent or legal custodian for domicile with that person; or
3. In the process of obtaining legal custody of an individual less than eighteen (18) years of age.

1 SECTION 7. AMENDATORY 25 O.S. 2011, Section 1452, is
2 amended to read as follows:

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

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

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

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

23 4. To represent to any person, for reasons of discrimination,
24 that any housing is not available for inspection, sale, or rental

1 when such housing is in fact so available because of race, color,
2 religion, gender, national origin, age, familial status, or
3 disability;

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

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

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

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

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

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

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

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

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

24 a. the lowering of property values,

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

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

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

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

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

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

17 (1) that buyer or renter,

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

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

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

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

4 (1) that person,

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

8 (3) any person associated with that person;

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

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

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

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

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

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

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

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

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

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

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

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

11 (5) as used in this subsection, the term "covered
12 multifamily dwellings" means:

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

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

18 (6) nothing in this subsection requires that a
19 dwelling be made available to an individual whose
20 tenancy would constitute a direct threat to the
21 health or safety of other individuals or whose
22 tenancy would result in substantial physical
23 damage to the property of others; or
24

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

8 b. In this section, "residential real estate related
9 transaction" means:

10 (1) making or purchasing loans or providing other
11 financial assistance:

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

14 (b) to secure residential real estate, or

15 (2) selling, brokering, or appraising residential
16 real property.

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

21 C. No other categories or classes of persons are protected
22 pursuant to Sections 1451 through 1453 of this title. The ~~Oklahoma~~
23 ~~Human~~ Attorney General's Office of Civil Rights Commission
24 Enforcement shall have no authority or jurisdiction to act on

1 complaints based on any kind of discrimination other than those
2 kinds of discrimination prohibited pursuant to Section 1101 et seq.
3 of this title or any other specifically authorized by law.

4 SECTION 8. AMENDATORY 25 O.S. 2011, Section 1453, is
5 amended to read as follows:

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

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

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

17 1. That the Oklahoma Human Attorney General's Office of Civil
18 Rights ~~Commission~~ Enforcement determines is specifically designed
19 and operated to assist elderly persons pursuant to a federal or
20 state program~~7i~~

21 ~~b.~~ ~~intended~~

22 2. Intended for, and solely occupied by, persons sixty-two (62)
23 years of age or older~~7i~~ or

24 ~~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, of the Attorney General's Office of Civil Rights
4 Enforcement.

5 ~~5. a.~~

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

9 ~~(1)~~

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

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

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

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

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

23 ~~(i)~~ (a) the use of the sales or rental facilities or
24 services of a real estate broker, agent, or

1 salesman licensed pursuant to the Oklahoma
2 Real Estate License Code, or of an employee
3 or agent of a licensed broker, agent, or
4 salesman, or the facilities or services of
5 the owner of a dwelling designed or intended
6 for occupancy by five ~~(5)~~ or more families,
7 or

8 ~~(ii)~~ (b) the publication, posting, or mailing of a
9 notice, statement, or advertisement
10 prohibited by Section 1452 of this title, or

11 ~~(2)~~

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

18 ~~b.~~ the

19 2. The exemption in ~~division (1)~~ of subparagraph a of paragraph
20 1 of this ~~paragraph~~ subsection applies to only one sale or rental in
21 a twenty-four-month period, if the owner was not the most recent
22 resident of the house at the time of the sale or rental~~7.~~

23 ~~6.~~ D. Nothing provided for in Sections 1451 through 1453 of
24 this title shall prohibit a person engaged in the business of

1 furnishing appraisals of real property from taking into
2 consideration factors other than race, color, age, religion, gender,
3 disability, familial status, or national origin~~+~~.

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

8 ~~8.~~ F. Nothing provided for in Sections 1451 through 1453 of
9 this title shall prevent or restrict the sale, lease, rental,
10 transfer, or development of housing designed or intended for the use
11 of the disabled~~+~~.

12 ~~9.~~ G. Nothing provided for in Sections 1451 through 1453 of
13 this title shall affect a requirement of nondiscrimination in any
14 other state or federal law~~+~~.

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

18 SECTION 9. AMENDATORY 25 O.S. 2011, Section 1501, is
19 amended to read as follows:

20 Section 1501. A. Within the limitations provided by law, the
21 ~~Human~~ Attorney General's Office of Civil Rights Commission
22 Enforcement has the following additional powers:

23 1. To promote the creation of local commissions on human
24 rights, and to contract with individuals and state, local and other

1 agencies, both public and private, including agencies of the federal
2 government and of other states;

3 2. To accept public grants or private gifts, bequests, or other
4 payments;

5 3. To receive, investigate, seek to conciliate, hold hearings
6 on, and pass upon complaints alleging violations of ~~this act~~ Section
7 1101 et seq. of this title;

8 4. To furnish technical assistance requested by persons subject
9 to this act to further compliance with ~~the act~~ Section 1101 et seq.
10 of this title or an order issued thereunder;

11 5. To make provisions for technical and clerical assistance to
12 an advisory committee or committees appointed in accordance with
13 ~~subsection~~ paragraph (b) of Section 953 of Title 74 of the Oklahoma
14 Statutes;

15 6. To require answers to interrogatories, under the procedures
16 established by Section ~~3210~~ 3233 of Title 12 of the Oklahoma
17 Statutes, compel the attendance of witnesses, examine witnesses
18 under oath or affirmation, and require the production of documents
19 in connection with complaints filed under ~~this act~~ Section 1101 et
20 seq. of this title, said powers to be exercised only in relation to
21 areas directly and materially related to the complaint. ~~The~~
22 ~~Commission may make rules authorizing any member or hearing examiner~~
23 ~~designated by order to pass upon a complaint after a hearing under~~

1 ~~Section 1503 of this title, and such decision must be approved in~~
2 ~~writing by a majority of the membership of the Commission;~~

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

6 ~~8.~~ To provide technical assistance and public information to
7 assist in preventing and eliminating discriminatory housing
8 practices; and

9 8. To promulgate rules as necessary to implement the provisions
10 of Section 1101 et seq. of this title.

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

12 1. At least annually, publish a written report recommending
13 legislative or other action to carry out the purposes of ~~this act~~
14 Section 1101 et seq. of this title as it relates to housing
15 discrimination;

16 2. Make studies relating to the nature and extent of
17 discriminatory housing practices in this state; and

18 3. Cooperate with and, as appropriate, may provide technical
19 and other assistance to federal, state, local, and other public or
20 private entities that are formulating or operating programs to
21 prevent or eliminate discriminatory housing practices.

22 SECTION 10. AMENDATORY 25 O.S. 2011, Section 1502, is
23 amended to read as follows:
24

1 Section 1502. A. A person claiming to be aggrieved by a
2 discriminatory practice, his or her attorney, ~~the Attorney General,~~
3 or a nonprofit organization chartered for the purpose of combatting
4 discrimination ~~or a member of the Commission,~~ may file with the
5 ~~Commission~~ Attorney General's Office of Civil Rights Enforcement a
6 written sworn complaint stating that a discriminatory practice has
7 been committed, and setting forth the facts upon which the complaint
8 is based, and setting forth facts sufficient to enable the
9 ~~Commission~~ Attorney General to identify the person charged,
10 hereinafter called the respondent. The ~~Commission or a member of~~
11 ~~the Commission or the staff~~ Attorney General shall promptly furnish
12 the respondent with a copy of the complaint and shall promptly
13 investigate the allegations of discriminatory practice set forth in
14 the complaint. The complaint must be filed within one hundred
15 eighty (180) days after the alleged discriminatory practice occurs.

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

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

14 ~~D.~~ This section does not apply to persons claiming to be
15 aggrieved by a discriminatory housing practice to the extent that it
16 is inconsistent with specific provisions of ~~this act~~ Section 1101 et
17 seq. of this title relating to a discriminatory housing complaint.

18 SECTION 11. AMENDATORY 25 O.S. 2011, Section 1502.1, is
19 amended to read as follows:

20 Section 1502.1 If, at any time after the ~~filing~~ receipt of a
21 verified charge, the ~~Commission~~ Attorney General has reason to
22 believe that a respondent has engaged in any unlawful discriminatory
23 practice, the ~~Commission~~ Attorney General may file a petition in the
24 district court in a county in which the subject of the complaint

1 occurs, or in a county in which a respondent resides or transacts
2 business, seeking appropriate temporary injunctive relief against
3 the respondent pending final determination of proceedings pursuant
4 to ~~this act, including an order or decree restraining him from doing~~
5 ~~an act tending to render ineffectual an order the Commission may~~
6 ~~enter with respect to the complaint~~ Section 1101 et seq. of this
7 title. The court shall have power to grant injunctive relief or a
8 restraining order as it deems just and proper, but no relief or
9 order shall be granted except by consent of the respondent or after
10 hearing upon notice to the respondent and a finding by the court
11 that there is reasonable cause to believe that the respondent has
12 engaged in a discriminatory practice. Except as modified by this
13 section, the Oklahoma rules of civil procedure shall apply to an
14 application, and the district court shall have authority to grant or
15 deny the relief sought on conditions as it deems just and equitable.
16 This section is subject to the provisions of Section ~~13~~ 1502.7 of
17 this ~~act~~ title.

18 SECTION 12. AMENDATORY 25 O.S. 2011, Section 1502.2, is
19 amended to read as follows:

20 Section 1502.2 A. The ~~Commission shall~~ Attorney General may
21 investigate alleged discriminatory housing practices.

22 B. A complaint must be:

23 1. In writing;

24 2. Under oath; and

3. In the form prescribed by the ~~Commission~~ Attorney General.

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

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

E. A complaint may be amended at any time.

F. On the filing of a complaint the ~~Commission~~ Attorney General shall:

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

2. Advise the aggrieved person of the time limits and choice of forums pursuant to ~~this act~~ Section 1101 et seq. of this title; and

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

a. a notice identifying the alleged discriminatory housing practice and advising the respondent of the procedural rights and obligations of a respondent pursuant to ~~this act~~ Section 1101 et seq. of this title, and

b. a copy of the original complaint.

1 SECTION 13. AMENDATORY 25 O.S. 2011, Section 1502.3, is
2 amended to read as follows:

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

7 B. An answer must be:

8 1. In writing;

9 2. Under oath; and

10 3. In the form prescribed by the ~~Commission~~ Attorney General.

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

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

13 SECTION 14. AMENDATORY 25 O.S. 2011, Section 1502.4, is
14 amended to read as follows:

15 Section 1502.4 ~~A.~~ If the federal government has referred a
16 complaint to the ~~Commission~~ Attorney General or has deferred
17 jurisdiction over the subject matter of the complaint to the
18 ~~Commission~~ Attorney General, the ~~Commission~~ Attorney General shall
19 promptly investigate the allegations set forth in the complaint.

20 ~~B. The Commission shall investigate all complaints and except~~
21 ~~as provided by subsection C of this section, shall complete an~~
22 ~~investigation not later than the 100th day after the date the~~
23 ~~complaint is filed, or if it is unable to complete the investigation~~
24 ~~within the one-hundred-day period, shall dispose of all~~

1 ~~administrative proceedings related to the investigation not later~~
2 ~~than one (1) year after the date the complaint is filed.~~

3 ~~C. If the Commission is unable to complete an investigation~~
4 ~~within the time periods prescribed by subsection B of this section,~~
5 ~~the Commission shall notify the complainant and the respondent in~~
6 ~~writing of the reasons for the delay.~~

7 SECTION 15. AMENDATORY 25 O.S. 2011, Section 1502.6, is
8 amended to read as follows:

9 Section 1502.6 A. The ~~Commission shall~~ Attorney General may,
10 during the period beginning with the filing of a complaint and
11 ending with the filing of a charge or a dismissal by the ~~Commission~~
12 Attorney General's Office of Civil Rights Enforcement, to the extent
13 feasible, engage in conciliation with respect to the complaint.

14 B. A conciliation agreement is an agreement between a
15 respondent and the complainant and is subject to ~~Commission~~ the
16 Attorney General's approval.

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

21 D. A conciliation agreement shall be made public unless the
22 complainant and respondent agree otherwise, and the ~~Commission~~
23 Attorney General determines that disclosure is not necessary to
24 further the purpose of ~~this act~~ Section 1101 et seq. of this title.

1 E. Nothing said or done in the course of conciliation may be
2 made public or used as evidence in a subsequent proceeding pursuant
3 to ~~this act~~ Section 1101 et seq. of this title without the written
4 consent of the persons concerned.

5 F. After completion of ~~the Commission's~~ any investigation
6 conducted by the Attorney General, the ~~Commission~~ Attorney General
7 shall make available to the aggrieved person and the respondent, at
8 any time, information derived from the investigation and the final
9 investigation report relating to that investigation.

10 SECTION 16. AMENDATORY 25 O.S. 2011, Section 1502.7, is
11 amended to read as follows:

12 Section 1502.7 A. If the ~~Commission~~ Attorney General concludes
13 at any time following the filing of a discriminatory housing
14 complaint that prompt judicial action is necessary to carry out the
15 purposes of ~~this act~~ Section 1101 et seq. of this title, the
16 ~~Commission~~ Attorney General may ~~authorize~~ commence a civil action
17 for appropriate temporary or preliminary relief pending final
18 disposition of the complaint.

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

21 C. A temporary restraining order or other order granting
22 preliminary or temporary relief on a discriminatory housing
23 complaint filed under this section is governed by the provisions of
24

1 Section 1502.1 of this title and the applicable Oklahoma rules of
2 civil procedure.

3 ~~D. The filing of a civil action pursuant to this section does~~
4 ~~not affect the initiation or continuation of administrative~~
5 ~~proceeding pursuant to Section 1503 of this title.~~

6 SECTION 17. AMENDATORY 25 O.S. 2011, Section 1502.15, is
7 amended to read as follows:

8 Section 1502.15 A. ~~If a timely election is made pursuant to~~
9 ~~Section 20 of this act, the Commission shall authorize, and not~~
10 ~~later than the 30th day after the election is made, the The Attorney~~
11 General ~~shall~~ may file, a civil action on behalf of the aggrieved
12 person in a district court seeking relief pursuant to this section.

13 B. Venue for an action pursuant to this section is in the
14 county in which the alleged discriminatory housing practice
15 occurred, or in a county where the respondent resides or transacts
16 business.

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

18 D. If the court finds that a discriminatory housing practice
19 has occurred or is about to occur, the court may grant as relief any
20 relief that a court may grant in a civil action pursuant to Section
21 ~~26~~ 1506.3 of this ~~act~~ title.

22 E. If monetary relief is sought for the benefit of an aggrieved
23 person who does not intervene in the civil action, the court may not
24

1 award the monetary relief if that aggrieved person has not complied
2 with discovery orders entered by the court.

3 SECTION 18. AMENDATORY 25 O.S. 2011, Section 1505.1, is
4 amended to read as follows:

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

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

17 Section 1506.1 A. An aggrieved person may file a civil action
18 in district court not later than the second year after the
19 occurrence of the termination of an alleged discriminatory housing
20 practice, or the breach of a conciliation agreement entered into
21 pursuant to ~~this act~~ Section 1101 et seq. of this title, whichever
22 occurs last, to obtain appropriate relief with respect to the
23 discriminatory housing practice or breach.

1 B. The two-year period does not include any time during which
2 an administrative hearing pursuant to ~~this act~~ Section 1101 et seq.
3 of this title is pending with respect to a complaint or charge
4 pursuant to ~~this act~~ Section 1101 et seq. of this title based on the
5 discriminatory housing practice. This subsection does not apply to
6 actions arising from a breach of a conciliation agreement.

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

11 D. If the ~~Commission~~ Attorney General has obtained a
12 conciliation agreement with the consent of an aggrieved person, the
13 aggrieved person may not file an action pursuant to this section
14 with respect to the alleged discriminatory housing practice that
15 forms the basis for the complaint except to enforce the terms of the
16 agreement.

17 E. An aggrieved person may not file an action pursuant to this
18 section with respect to an alleged discriminatory housing practice
19 that forms the basis of a charge issued by the ~~Commission~~ Attorney
20 General if the ~~Commission~~ Attorney General has begun a hearing on
21 the record pursuant to ~~this act~~ Section 1101 et seq. of this title
22 with respect to the charge.

23 SECTION 20. AMENDATORY 25 O.S. 2011, Section 1506.3, is
24 amended to read as follows:

1 Section 1506.3 In an action pursuant to Section ~~24~~ 1101 et seq.
2 of this ~~act~~ title, if the court finds that a discriminatory housing
3 practice has occurred or is about to occur, the court may award to
4 the plaintiff:

- 5 1. Actual and punitive damages;
- 6 2. Reasonable ~~attorneys~~ attorney fees;
- 7 3. Court costs; and
- 8 4. Subject to Section ~~27~~ 1506.4 of this ~~act~~ title, any
9 permanent or temporary injunction, temporary restraining order, or
10 other order, including an order enjoining the defendant from
11 engaging in the practice or ordering appropriate affirmative action.

12 SECTION 21. AMENDATORY 25 O.S. 2011, Section 1506.4, is
13 amended to read as follows:

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

- 17 1. Was consummated before the granting of the relief; and
- 18 2. Involved a bona fide purchaser, encumbrancer, or tenant who
19 did not have actual notice of the filing of a complaint pursuant to
20 ~~this act~~ Section 1101 et seq. of this title or a civil action
21 pursuant to this section.

22 SECTION 22. AMENDATORY 25 O.S. 2011, Section 1506.7, is
23 amended to read as follows:

1 Section 1506.7 The Attorney General ~~on behalf of the Commission~~
2 ~~or other party at whose request a subpoena is issued~~ may issue
3 subpoenas pursuant to this act, Section 1101 et seq. of this title
4 and may enforce the subpoena in appropriate proceedings in district
5 court.

6 SECTION 23. AMENDATORY 25 O.S. 2011, Section 1506.8, is
7 amended to read as follows:

8 Section 1506.8 A court in a civil action brought pursuant to
9 ~~this act or the Commission in an administrative hearing pursuant to~~
10 ~~Section 1503 of this title~~ Section 1101 et seq. of this title may
11 award reasonable ~~attorneys~~ attorney fees to the prevailing party and
12 assess court costs against the nonprevailing party.

13 SECTION 24. AMENDATORY 25 O.S. 2011, Section 1507, is
14 amended to read as follows:

15 Section 1507. ~~(a)~~ In connection with an investigation of a
16 complaint filed under ~~this act~~ Section 1101 et seq. of this title,
17 ~~the Commission or its designated representative~~ Attorney General
18 shall have access at any reasonable time to premises, records and
19 documents relevant to the complaint and the right to examine,
20 photograph and copy evidence, in accordance with the Oklahoma
21 Administrative Procedures Act.

22 ~~(b) The Commission, by regulation, shall require each person~~
23 ~~subject to this act which controls an apprenticeship or other~~
24 ~~training program to keep all records reasonably necessary to carry~~

1 ~~out the purposes of this act, including, but not limited to, a list~~
2 ~~of applicants who wish to participate in such program, including the~~
3 ~~chronological order in which applications were received, and shall~~
4 ~~furnish to the Commission, upon request, a detailed description of~~
5 ~~the manner in which persons are selected to participate in the~~
6 ~~apprenticeship or other training programs.~~

7 ~~(c) A person who believes that the application to him of a~~
8 ~~regulation or order issued under this section would result in undue~~
9 ~~hardship may (1) apply to the Commission for an exemption from the~~
10 ~~application of the regulation or order or (2) bring an action for a~~
11 ~~declaratory judgment under 75 Oklahoma Statutes, Section 306, if~~
12 ~~appropriate, or may resist an enforcement application brought under~~
13 ~~75 Oklahoma Statutes, Section 315(3).~~

14 ~~(d) So as to avoid undue burden on persons subject to the act,~~
15 ~~records and reports required by the Commission under this section~~
16 ~~shall conform as near as may be to similar records and reports~~
17 ~~required by federal law.~~

18 ~~(e) It is unlawful for an officer or employee of the Commission~~
19 ~~to make public with respect to a particular person without his~~
20 ~~consent information obtained by the Commission pursuant to its~~
21 ~~authority under this section.~~

22 SECTION 25. AMENDATORY 25 O.S. 2011, Section 1508, is
23 amended to read as follows:
24

1 Section 1508. ~~(a)~~ A. Subpoenas shall issue in proceedings
2 under ~~this act~~, Section 1101 et seq. of this title as provided in
3 the Oklahoma Administrative Procedures Act. A subpoena so issued
4 shall show on its face the name and address of the party at whose
5 request the subpoena was issued. On petition of the individual to
6 whom the subpoena is directed and notice to the requesting party,
7 the ~~Commission or an individual designated pursuant to its rules~~
8 Attorney General may vacate or modify the subpoena.

9 ~~(b)~~ B. Witnesses whose depositions are taken or who are
10 summoned before the ~~Commission~~ Attorney General or ~~its agents~~
11 employees of the Attorney General's office shall be entitled to the
12 same witness and mileage fees as are paid to witnesses in the courts
13 of the state.

14 SECTION 26. AMENDATORY 25 O.S. 2011, Section 1604, is
15 amended to read as follows:

16 Section 1604. In the case of a respondent who is found by the
17 Attorney General to have engaged in a discriminatory practice in the
18 course of performing under a contract or subcontract with the state
19 or any governmental entity, or agency thereof, if the discriminatory
20 practice was authorized, requested, commanded, performed or
21 recklessly tolerated by the board of directors of the respondent or
22 by a high managerial agent acting within the scope of his or her
23 employment, the Attorney General shall so certify to the contracting
24 agency. Unless the Attorney General's finding of a discriminatory

1 practice is upheld in the course of judicial review, the finding of
2 discrimination is not binding on the contracting agency. Upon
3 receiving a certification made under ~~Section 505(e)~~ this section, a
4 contracting agency may take appropriate action to:

5 ~~(1)~~ 1. Terminate a contract or portion thereof previously
6 entered into with the respondent, either absolutely or on condition
7 that the respondent carry out a program of compliance with the
8 provisions of ~~this act~~, Section 1101 et seq. of this title; and

9 ~~(2)~~ 2. Assist the state and all governmental entities and
10 agencies thereof to refrain from entering into further contracts, or
11 extensions or other modifications of existing contracts, with the
12 respondent until the ~~Commission~~ Attorney General is satisfied that
13 the respondent will carry out policies in compliance with the
14 provisions of ~~this act~~ Section 1101 et seq. of this title.

15 SECTION 27. AMENDATORY 25 O.S. 2011, Section 1705, is
16 amended to read as follows:

17 Section 1705. A. ~~The Oklahoma Human Rights Commission~~ Attorney
18 General:

19 1. Whether or not a complaint has been filed under the
20 provisions of Section 1502 or 1704 of this title, may refer a matter
21 involving discrimination because of race, color, religion, sex,
22 national origin, age, disability, or genetic information to a local
23 commission for investigation, study, and report; and

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

- 3 a. investigation,
- 4 b. determination whether there is reasonable cause to
5 believe that the respondent has engaged in a
6 discriminatory practice, or
- 7 c. assistance in eliminating a discriminatory practice by
8 conference, conciliation, or persuasion.

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

13 SECTION 28. AMENDATORY 25 O.S. 2011, Section 1706, is
14 amended to read as follows:

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

17 ~~(b)~~ B. At any time after a complaint under ~~this Act~~ Section
18 1101 et seq. of this title is filed, the ~~State Commission~~ Attorney
19 General may require a local commission to transfer any related
20 proceeding to the ~~State Commission~~ Attorney General. After the
21 local commission is requested to transfer a proceeding, the local
22 commission has no further jurisdiction over the proceeding except to
23 take appropriate action to implement the transfer to the ~~State~~
24 ~~Commission~~ Attorney General.

1 SECTION 29. AMENDATORY 73 O.S. 2011, Section 163.2, is
2 amended to read as follows:

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

18 SECTION 30. AMENDATORY 74 O.S. 2011, Section 840-5.5, as
19 amended by Section 917, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
20 2012, Section 840-5.5), is amended to read as follows:

21 Section 840-5.5 A. The following offices, positions, and
22 personnel shall be in the unclassified service and shall not be
23 placed under the classified service:
24

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

5 2. Members of boards and commissions, and heads of agencies;
6 also one principal assistant or deputy and one executive secretary
7 for each state agency;

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

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

14 5. All officers and employees of The Oklahoma State System of
15 Higher Education, State Board of Education and Oklahoma Department
16 of Career and Technology Education;

17 6. Persons employed in a professional or scientific capacity to
18 make or conduct a temporary and special inquiry, investigation, or
19 examination on behalf of the Legislature or a committee thereof or
20 by authority of the Governor. These appointments and authorizations
21 shall terminate on the first day of the regular legislative session
22 immediately following the appointment, if not terminated earlier.
23 However, nothing in this paragraph shall prevent the reauthorization
24

1 and reappointment of any such person. Any such appointment shall be
2 funded from the budget of the appointing authority;

3 7. Election officials and employees;

4 8. Temporary employees employed to work less than one thousand
5 (1,000) hours in any twelve-month period, and seasonal employees
6 employed by the Oklahoma Tourism and Recreation Department pursuant
7 to Section 2241 of this title who work less than one thousand six
8 hundred (1,600) hours in any twelve-month period;

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

- 11 a. administrative aides to the Commissioner,
- 12 b. executive secretaries to the Commissioner,
- 13 c. the Governor's representative of the Oklahoma Highway
14 Safety Office who shall be appointed by the Governor,
- 15 d. Highway Patrol Colonel,
- 16 e. Highway Patrol Lieutenant Colonel,
- 17 f. Director of Finance,
- 18 g. noncommissioned pilots,
- 19 h. Information Systems Administrator,
- 20 i. Law Enforcement Telecommunications System Specialist,
- 21 j. Director of Driver Compliance,
- 22 k. Director of Transportation Division,
- 23 l. Director of the Oklahoma Highway Safety Office,
- 24 m. Civil Rights Administrator,

1 n. Budget Analyst,
2 o. Comptroller,
3 p. Chaplain,
4 q. Helicopter Mechanic,
5 r. Director of Safety Compliance,
6 s. Human Resources Director,
7 t. Administrator of Department Services, and
8 u. a maximum of seven (7) positions for the purpose of
9 administering programs in the Oklahoma Highway Safety
10 Office, within full-time employee limitations of the
11 Department, employed with federal funding that is
12 continuing or indefinitely renewable. The
13 authorization for such positions shall be terminated
14 if the federal funding for positions is discontinued;
15 provided, any person appointed to a position prescribed in
16 subparagraph d or e of this paragraph shall have a right of return
17 to the classified commissioned position without any loss of rights,
18 privileges or benefits immediately upon completion of the duties in
19 the unclassified commissioned position;

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

22 11. Students who are employed on a part-time basis, which shall
23 be seventy-five percent (75%) of a normal forty-hour work week or
24 thirty (30) hours per week, or less, or on a full-time basis if the

1 employment is pursuant to a cooperative education program such as
2 that provided for under Title I IV-D of the Higher Education Act of
3 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
4 enrolled in:

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

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

23 13. Service substitute attendants who are needed to replace
24 museum and site attendants who are unavoidably absent. Service

1 substitutes may work as part-time or full-time relief for absentees
2 for a period of not more than four (4) weeks per year in the
3 Oklahoma Historical Society sites and museums; such substitutes will
4 not count towards the agency's full-time-equivalent (FTE) employee
5 limit;

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

8 15. Corporation Commission personnel occupying the following
9 offices and positions:

- 10 a. Administrative aides, and executive secretaries to the
11 Commissioners,
- 12 b. Directors of all the divisions, personnel managers and
13 comptrollers,
- 14 c. General Counsel,
- 15 d. Public Utility Division Chief Engineer,
- 16 e. Public Utility Division Chief Accountant,
- 17 f. Public Utility Division Chief Economist,
- 18 g. Public Utility Division Deputy Director,
- 19 h. Secretary of the Commission,
- 20 i. Deputy Conservation Director,
- 21 j. Manager of Pollution Abatement,
- 22 k. Manager of Field Operations,
- 23 l. Manager of Technical Services,
- 24 m. Public Utility Division Chief of Telecommunications,

- n. Director of Information Services,
- o. All Data Processing employees hired on or after September 1, 2005,
- p. All Public Utilities employees hired on or after September 1, 2007,
- q. All Regulatory Program Managers hired on or after September 1, 2007, and
- r. All Pipeline Safety Department employees hired on or after September 1, 2008;

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

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

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

18. Office of Management and Enterprise Services personnel occupying the following offices and positions:

- a. State Comptroller,

- b. Administrative Officers,
- c. Alternator Claims Auditor,
- d. Employees hired to fulfill state compliance agency requirements under Model Tribal Gaming Compacts,
- e. Employees of the Budget Division,
- f. Employees of the Fiscal and Research Division,
- g. Employees hired to work on the CORE Systems Project;
- and
- h. The following employees of the Information Services Division:
 - (1) Information Services Division Manager,
 - (2) Network Manager,
 - (3) Network Technicians,
 - (4) Security Manager,
 - (5) Contracts/Purchasing Manager,
 - (6) Operating and Applications Manager,
 - (7) Project Manager,
 - (8) Help Desk Manager,
 - (9) Help Desk Technicians,
 - (10) Quality Assurance Manager,
 - (11) ISD Analysts,
 - (12) CORE Manager,
 - (13) Enterprise System/Database Software Manager,
 - (14) Data Center Operations and Production Manager,

- 1 (15) Voice Communications Manager,
- 2 (16) Applications Development Manager,
- 3 (17) Projects Manager,
- 4 (18) PC's Manager,
- 5 (19) Servers Manager,
- 6 (20) Portal Manager,
- 7 (21) Procurement Specialists,
- 8 (22) Security Technicians,
- 9 (23) Enterprise Communications and Network
10 Administrator,
- 11 (24) Server Support Specialists,
- 12 (25) Senior Server Support Specialists,
- 13 (26) Systems Support Specialists,
- 14 (27) Senior Systems Support Specialists,
- 15 (28) Chief Technology Officer,
- 16 (29) Facility Manager,
- 17 (30) Application Development Specialists,
- 18 (31) Senior Application Development Specialists,
- 19 (32) Workstation Specialists,
- 20 (33) Senior Workstation Specialists,
- 21 (34) Cabling Infrastructure Administration,
- 22 (35) Planning Specialists,
- 23 (36) Senior Planning Specialists,
- 24 (37) Network Specialists,

1 (38) Senior Network Specialists,

2 (39) Voice Communication Specialists, and

3 (40) Senior Voice Communication Specialists;

4 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

9 22. The following positions and employees of the Oklahoma
10 School of Science and Mathematics:

11 a. positions for which the annual salary is Twenty-four
12 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
13 or more, as determined by the Office of Management and
14 Enterprise Services, provided no position shall become
15 unclassified because of any change in salary or grade
16 while it is occupied by a classified employee,

17 b. positions requiring certification by the State
18 Department of Education, and

19 c. positions and employees authorized to be in the
20 unclassified service of the state elsewhere in this
21 section or in subsection B of this section;

22 23. Office of Management and Enterprise Services employees
23 occupying the following positions:

24 a. the Carl Albert Internship Program Coordinator,

- b. one Administrative Assistant,
- c. one Workforce Planning Manager,
- d. Assistant Administrators,
- e. one Associate Administrator, and
- f. Division Directors;

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

- a. two Deputy Commissioners,
- b. two Executive Secretaries to the Commissioner,
- c. Chief of Staff,
- d. two Administrative Assistants,
- e. Information Systems Administrator,
- f. three Safety and Health Directors,
- g. Research Director,
- h. Employment Standards Director,
- i. Asbestos Director,
- j. General Counsel,
- k. one Legal Secretary,
- l. one Docket Clerk, and
- m. two Information Systems Application Specialists;

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

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

- a. Associate Director,

1 b. Secretary to the Associate Director, and

2 c. Assistant to the Executive Director;

3 27. ~~Oklahoma Human Rights Commission personnel occupying the~~
4 ~~position of Administrative Assistant;~~

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

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

13 ~~30.~~ 29. Alcoholic Beverage Laws Enforcement Commission
14 employees occupying the following positions:

15 a. three Administrative Service Assistant positions,
16 however, employees in such positions who are in the
17 unclassified service on June 4, 2003, may make an
18 election to be in the classified service without a
19 loss in salary by September 1, 2003, and

20 b. the Deputy Director position in addition to the one
21 authorized by paragraph 2 of this subsection;

22 ~~31.~~ 30. The Oklahoma State Bureau of Investigation employees
23 occupying the following positions:

24 a. five assistant directors,

- b. six special investigators,
- c. one information representative,
- d. one federally funded physical evidence technician,
- e. four federally funded laboratory analysts,
- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency,
- g. one executive secretary in addition to the one executive secretary authorized pursuant to paragraph 2 of this subsection,
- h. Child Abuse Response Team (CART) investigator,
- i. Child Abuse Response Team (CART) forensic interviewer, and
- j. nine administration and research positions and five data processing and information technology positions transferred from the Criminal Justice Resource Center pursuant to Section 150.17a of this title;

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

- a. Director of the Oklahoma Aeronautics Commission,
- b. five Department of Transportation Assistant Director positions,
- c. eight field division engineer positions,
- d. one pilot position,

1 e. five Project Manager Positions, and

2 f. five Transportation Coordinators;

3 ~~33.~~ 32. Commissioners of the Land Office employees occupying
4 the following positions:

5 a. Director of the Investments Division,

6 b. Assistant Director of the Investments Division,

7 c. one Administrative Assistant,

8 d. one Audit Tech position,

9 e. one Auditor I position,

10 f. two Accounting Tech I positions,

11 g. two Administrative Assistant I positions,

12 h. two Imaging Specialist positions,

13 i. one Information Systems Specialist position,

14 j. Director of Communications,

15 k. Director of Royalty Compliance,

16 l. Director of Mineral Management,

17 m. Director of Accounting,

18 n. Chief of Staff,

19 o. First Assistant Secretary,

20 p. Director of Real Estate Management,

21 q. one executive secretary,

22 r. one legal secretary, and

23 s. one legal assistant;

24

1 ~~34.~~ 33. Within the Oklahoma State Bureau of Narcotics and
2 Dangerous Drugs Control Commission, the following positions:

- 3 a. six Narcotics Agent positions and three Typist
4 Clerk/Spanish transcriptionists, including a Typist
5 Clerk Supervisor/Spanish transcriptionist, provided,
6 authorization for such positions shall be terminated
7 if the federal funding for the positions is
8 discontinued,
- 9 b. one executive secretary in addition to the one
10 authorized pursuant to paragraph 2 of this subsection,
- 11 c. one fiscal officer,
- 12 d. one full-time Programmer, and
- 13 e. one full-time Network Engineer;

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

20 ~~36.~~ 35. Within the Oklahoma Commission on Children and Youth
21 the following unclassified positions:

- 22 a. one Oversight Specialist and one Community Development
23 Planner,

- b. one State Plan Grant Coordinator, provided authorization for the position shall be terminated when federal support for the position by the United States Department of Education Early Intervention Program is discontinued,
- 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 Office of Management and Enterprise 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,

1. 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,
- o. eight construction consultants assigned to the Construction and Properties Division,
- p. one attorney assigned to the Construction and Properties Division,
- q. three positions assigned to the Information Services Division, which shall include one Information Technology Manager, one Applications Specialist and one Data Planning Specialist,
- r. four positions assigned to Fleet Management, which shall include one Deputy Fleet Manager and three Management Analysts,
- s. one Chief Auditor,
- t. one Assistant Director of Central Purchasing Division,
- u. one Professional Errors and Omissions Liability Adjuster,
- v. three Strategic Sourcing Managers,
- w. three Strategic Sourcing Assistant Managers, and
- x. two Printing Services Brokers;

1 ~~38.~~ 37. Oklahoma Water Resources Board personnel occupying the
2 following offices and positions:

- 3 a. four Water Quality Assistant Division Chiefs,
- 4 b. four Water Resources Division Chiefs, and
- 5 c. Director of Water Planning;

6 ~~39.~~ 38. J.D. McCarty Center for Children with Developmental
7 Disabilities personnel occupying the following offices and
8 positions:

- 9 a. Physical Therapists,
- 10 b. Physical Therapist Assistants,
- 11 c. Occupational Therapists,
- 12 d. Certified Occupational Therapist Aides, and
- 13 e. Speech Pathologists;

14 ~~40.~~ 39. The Development Officer, the Director of the State
15 Museum of History and the Cherokee Strip Regional Heritage Center
16 Director within the Oklahoma Historical Society;

17 ~~41.~~ 40. Oklahoma Department of Agriculture, Food, and Forestry
18 personnel occupying the following positions:

- 19 a. one Executive Secretary in addition to the Executive
20 Secretary authorized by paragraph 2 of this subsection
21 and one Executive Assistant,
- 22 b. nineteen Agricultural Marketing Coordinator III
23 positions,

- 1 c. temporary fire suppression personnel, regardless of
2 the number of hours worked, who are employed by the
3 Oklahoma Department of Agriculture, Food, and
4 Forestry; provided, however, notwithstanding the
5 provisions of any other section of law, the hours
6 worked by such employees shall not entitle such
7 employees to any benefits received by full-time
8 employees,
- 9 d. one Information Technology Specialist,
10 e. one Director of Administrative Services,
11 f. one Water Quality Consumer Complaint Coordinator,
12 g. one hydrologist position,
13 h. Public Information Office Director,
14 i. one Information Technology Technician,
15 j. Legal Services Director,
16 k. Animal Industry Services Director,
17 l. Agricultural Environmental Management Services
18 Director,
19 m. Forestry Services Director,
20 n. Plant Industry and Consumer Services Director,
21 o. one Grants Administrator position,
22 p. Director of Laboratory Services,
23 q. Chief of Communications,
24 r. Public Information Manager,

- 1 s. Inventory/Supply Officer,
- 2 t. five Agriculture Field Inspector positions assigned
- 3 the responsibility for conducting inspections and
- 4 audits of agricultural grain storage warehouses. All
- 5 other Agriculture Field Inspector positions and
- 6 employees of the Oklahoma Department of Agriculture,
- 7 Food, and Forestry shall be classified and subject to
- 8 the provisions of the Merit System of Personnel
- 9 Administration. On November 1, 2002, all other
- 10 unclassified Agriculture Field Inspectors shall be
- 11 given status in the classified service as provided in
- 12 Section 840-4.2 of this title,
- 13 u. Rural Fire Coordinator,
- 14 v. one Agricultural Marketing Coordinator I,
- 15 w. Food Safety Division Director,
- 16 x. two Environmental Program Specialists,
- 17 y. two Scale Technicians,
- 18 z. two Plant Protection Specialists, and
- 19 aa. Chief Agent;

20 ~~42.~~ 41. The Contracts Administrator within the Oklahoma State

21 Employees Benefits Council;

22 ~~43.~~ 42. The Development Officer within the Oklahoma Department

23 of Libraries;

24

1 ~~44.~~ 43. Oklahoma Real Estate Commission personnel occupying the
2 following offices and positions:

3 a. Educational Program Director, and

4 b. Data Processing Manager;

5 ~~45.~~ 44. A Chief Consumer Credit Examiner for the Department of
6 Consumer Credit;

7 ~~46.~~ 45. All officers and employees of the Oklahoma Capitol
8 Complex and Centennial Commemoration Commission;

9 ~~47.~~ 46. All officers and employees of the Oklahoma Motor
10 Vehicle Commission;

11 ~~48.~~ 47. One Museum Archivist of The Will Rogers Memorial
12 Commission;

13 ~~49.~~ 48. One Fire Protection Engineer of the Office of the State
14 Fire Marshal;

15 ~~50.~~ 49. Acting incumbents employed pursuant to Section 209 of
16 Title 44 or Section 48 of Title 72 of the Oklahoma Statutes who
17 shall not be included in any limitation on full-time equivalency
18 imposed by law on an agency. Permanent classified employees may
19 request a leave of absence from classified status and accept an
20 unclassified appointment and compensation as an acting incumbent
21 with the same agency; provided, the leave shall expire no later than
22 two (2) years from the date of the acting incumbent appointment. An
23 appointing authority may establish unclassified positions and
24 appoint unclassified employees to perform the duties of a permanent

1 classified employee who is on leave of absence from a classified
2 position to serve as an acting incumbent. All unclassified
3 appointments created pursuant to this paragraph shall expire no
4 later than two (2) years from the date of appointment. Classified
5 employees accepting unclassified appointments and compensation
6 pursuant to this paragraph shall be entitled to participate without
7 interruption in any benefit programs available to classified
8 employees, including retirement and insurance programs. Immediately
9 upon termination of an unclassified appointment pursuant to this
10 paragraph, an employee on assignment from the classified service
11 shall have a right to be restored to the classified service and
12 reinstated to the former job family level and compensation plus any
13 adjustments and increases in salary or benefits which the employee
14 would have received but for the leave of absence;

15 ~~51.~~ 50. The Oklahoma Homeland Security Director and all other
16 positions assigned the responsibilities of working in the Oklahoma
17 Office of Homeland Security;

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

- 20 a. one surveillance supervisor,
- 21 b. one surveillance project monitor,
- 22 c. two bilingual interviewers,
- 23 d. eight senior interviewers, and
- 24 e. six interviewers;

1 ~~53.~~ 52. State Board of Licensure for Professional Engineers and
2 Land Surveyors personnel occupying the following offices and
3 positions:

4 a. one Director of Enforcement, and

5 b. two Board Investigators;

6 ~~54.~~ 53. One Information Systems Data Management Analyst of the
7 State and Education Employees Group Insurance Board;

8 ~~55.~~ 54. Two Management Information Systems positions of the
9 Office of Juvenile Affairs; and

10 ~~56.~~ 55. Heads of agencies, principal assistants or deputies and
11 executive secretaries of an agency that is consolidated into another
12 agency.

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

16 1. Licensed medical doctors, osteopathic physicians, dentists,
17 psychologists, and nurses;

18 2. Certified public accountants;

19 3. Licensed attorneys;

20 4. Licensed veterinarians; and

21 5. Licensed pharmacists.

22 C. Effective July 1, 1996, authorization for unclassified
23 offices, positions, or personnel contained in a bill or joint
24 resolution shall terminate June 30 of the ensuing fiscal year after

1 the authorization unless the authorization is codified in the
2 Oklahoma Statutes or the termination is otherwise provided in the
3 legislation.

4 D. The appointing authority of agencies participating in the
5 statewide information systems project may establish unclassified
6 positions and appoint unclassified employees to the project as
7 needed. Additional unclassified positions may be established, if
8 required, to appoint an unclassified employee to perform the duties
9 of a permanent classified employee who is temporarily absent from a
10 classified position as a result of assignment to this project. All
11 unclassified appointments under this authority shall expire no later
12 than December 31, 2007, and all unclassified positions established
13 to support the project shall be abolished. Both the positions and
14 appointments resulting from this authority shall be exempt from any
15 agency FTE limitations and any limits imposed on the number of
16 unclassified positions authorized. Permanent classified employees
17 may request a leave of absence from classified status and accept an
18 unclassified appointment and compensation with the same agency under
19 the provisions of this subsection; provided, the leave shall expire
20 no later than December 31, 2007. Employees accepting the
21 appointment and compensation shall be entitled to participate
22 without interruption in any benefit programs available to classified
23 employees, including retirement and insurance programs. Immediately
24 upon termination of an unclassified appointment pursuant to this

1 subsection, an employee on assignment from the classified service
2 shall have a right to be restored to the classified service and
3 reinstated to the former job family level and compensation plus any
4 adjustments and increases in salary or benefits which the employee
5 would have received but for the leave of absence.

6 SECTION 31. AMENDATORY 74 O.S. 2011, Section 954, is
7 amended to read as follows:

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

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

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

19 SECTION 32. REPEALER 25 O.S. 2011, Sections 1502.8,
20 1502.9, 1502.10, 1502.11, 1502.12, 1502.13, 1502.14, 1503, 1504,
21 1505, 1506 and 1506.5, are hereby repealed.

22 SECTION 33. REPEALER 74 O.S. 2011, Sections 952, as
23 amended by Section 932, Chapter 304, O.S.L. 2012, 953 and 955 (74
24 O.S. Supp. 2012, Section 952), are hereby repealed.

1 SECTION 34. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5
6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/03/2013 - DO
7 PASS, As Amended.
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