

1 **SENATE FLOOR VERSION**

2 March 31, 2014

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 2873

6 By: Newell, Bennett and Kern of
7 the House

8 and

9 Treat of the Senate

10 **[public education - denying a religious student
11 association certain benefits - public institution of
12 higher education - codification - effective date]**

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2119 of Title 70, unless there
16 is created a duplication in numbering, reads as follows:

17 As used in Sections 1 through 5 of this act:

18 1. "Benefit" includes, without limitation:

- 19 a. recognition,
- 20 b. registration,
- 21 c. the use of facilities of the public institution of
22 higher education for meetings or speaking purposes,
- 23 d. the use of channels of communication of the public
24 institution of higher education, and

1 e. funding sources that are otherwise available to other
2 student associations in the public institution of
3 higher education;

4 2. "Exercise of religion" includes without limitation the
5 practice or observance of religion as interpreted under state law or
6 the First Amendment of the United States Constitution, whichever
7 interpretation is broader;

8 3. "Public institution of higher education" includes any
9 institution that is a member of The Oklahoma State System of Higher
10 Education or of a technology center school district;

11 4. "Substantially burdens" includes without limitation an
12 action by a public institution of higher education which directly or
13 indirectly:

14 a. constrains or inhibits conduct or expression that
15 reflects a student's sincerely held religious beliefs,

16 b. denies a student an opportunity to engage in religious
17 activities, or

18 c. pressures a student either:

19 (1) to not engage in conduct or expression motivated
20 by a sincerely held religious belief, or

21 (2) to engage in conduct or expression contrary to a
22 sincerely held religious belief;

23 5. "Student" means a person who is enrolled full-time or part-
24 time in a public institution of higher education; and

1 6. "Religious student association" means an association of
2 students organized around shared religious beliefs.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2119.1 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. No public institution of higher education may take any
7 action or enforce any policy that would deny a religious student
8 association any benefit available to any other student association,
9 or discriminate against a religious student association with respect
10 to such benefit, based on that association's requirement that its
11 leaders or members:

12 1. Adhere to the association's sincerely held religious
13 beliefs;

14 2. Comply with the association's sincere religious observance
15 requirements;

16 3. Comply with the association's sincere religious standards of
17 conduct; or

18 4. Be committed to furthering the association's religious
19 missions,

20 as such religious beliefs, observance requirements, standards of
21 conduct or missions are defined by the religious student
22 association, or the religion upon which the association is based.

23 B. The legal standard provided in subsection B of Section 3 of
24 this act shall not apply to this section.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2119.2 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 A. In addition to the protections provided in Section 2 of this
5 act, no public institution of higher education may substantially
6 burden a student's exercise of religion, even if the burden results
7 from a rule of general applicability, except as provided in
8 subsection B of this section.

9 B. A public institution of higher education may substantially
10 burden a student's exercise of religion only if that institution
11 demonstrates that application of the burden to the student:

12 1. Is in furtherance of a compelling interest of the public
13 institution of higher education;

14 2. Actually furthers that interest; and

15 3. Is the least restrictive means of furthering that interest.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2119.3 of Title 70, unless there
18 is created a duplication in numbering, reads as follows:

19 A student or religious student association aggrieved by a
20 violation of Section 2 or 3 of this act may assert that violation as
21 a claim or defense in a judicial or administrative proceeding
22 against the public institution of higher education and obtain
23 appropriate relief, including damages, against that institution from
24 a court or administrative body.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2119.4 of Title 70, unless there
3 is created a duplication in numbering, reads as follows:

4 These provisions shall be construed in favor of a broad
5 protection of religious freedom, to the maximum extent permitted by
6 their terms and by the Constitutions of this state and the United
7 States of America.

8 SECTION 6. This act shall become effective November 1, 2014.

9 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
10 March 31, 2014 - DO PASS AS AMENDED

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