

1 ENGROSSED SENATE
JOINT
2 RESOLUTION NO. 15

By: Johnson (Rob) and Shortey
of the Senate

3
4 and

Jackson of the House
5
6

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

14 BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
15 1ST SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

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

20 Section 36. A. The state shall not grant preferential
21 treatment to, or discriminate against, any individual or group on
22 the basis of race, color, sex, ethnicity or national origin in the
23 operation of public employment, public education or public
24 contracting.

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

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

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

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

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

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

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

BALLOT TITLE

1 Legislative Referendum No. _____ State Question No. _____

2 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

8 SHALL THE PROPOSAL BE APPROVED?

9 FOR THE PROPOSAL — YES _____

10 AGAINST THE PROPOSAL — NO _____

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

16 Passed the Senate the 8th day of March, 2011.

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18 _____
19 Presiding Officer of the Senate

20 Passed the House of Representatives the _____ day of _____,
21 2011.

22

23 _____
24 Presiding Officer of the House
of Representatives