

05/14/2014 02:13:14 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2873

By: Newell of the House and Treat of the Senate

Title: Public education; prohibiting public institution of higher education from substantially burdening a student's exercise of religion; effective date.

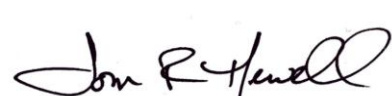
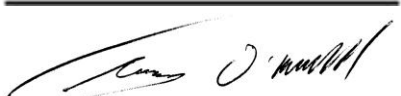
Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from Senate Amendment No. 1.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2873 CCR (A)
HOUSE CONFEREES

Biggs, Scott R.		Echols, Jon	
Grau, Randy		Inman, Scott	
Johnson, Dennis		Jordan, Fred	
Martin, Steve		McCall, Charles A.	
McCullough, Mark		Morrisette, Richard	
Newell, Tom		O'Donnell, Terry	
Russ, Todd		Sherrer, Ben	
Stiles, Aaron		Virgin, Emily	
Williams, Cory T.			

HB2873 CCR A

SENATE CONFEREES

Treat

Greyson

Ford

Allen

W. H. Allen

Brooks

AB

Ellis

Ellis

Garrison

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 ENGROSSED SENATE AMENDMENT
2 TO
3 ENGROSSED HOUSE
4 BILL NO. 2873
5 By: Newell, Bennett and Kern of
6 the House
7 and
8 Treat of the Senate
9
10 An Act relating to public education; defining certain
11 terms; prohibiting *****of higher education from
12 denying ***** from substantially burdening a
13 student's exercise of religion; providing for
14 exceptions; permitting *****for certain construction;
15 *****codification; and providing an effective date.
16
17 AUTHOR: Add the following Senate Coauthor: Newberry
18 AMENDMENT NO. 1. Page 1, strike the title to read
19 "[public education - denying a religious student
20 association certain benefits - public institution of
21 higher education - codification - effective date]"
22
23 Passed the Senate the 15th day of April, 2014.
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1 ENGROSSED HOUSE
2 BILL NO. 2873

By: Newell, Bennett and Kern of
the House

3 and

4 Treat of the Senate

5
6
7 An Act relating to public education; defining certain
8 terms; prohibiting a public institution of higher
9 education from denying a religious student
10 association certain benefits; prohibiting public
11 institution of higher education from substantially
12 burdening a student's exercise of religion; providing
13 for exceptions; permitting student to assert certain
14 claims or defenses; providing for certain
15 construction; providing for codification; and
16 providing an effective date.

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

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

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

22 1. "Benefit" includes, without limitation:

- 23 a. recognition,
- 24 b. registration,
- c. the use of facilities of the public institution of
higher education for meetings or speaking purposes,

1 d. the use of channels of communication of the public
2 institution of higher education, and

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

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

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

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

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

18 b. denies a student an opportunity to engage in religious
19 activities, or

20 c. pressures a student either:

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

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

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

3 6. "Religious student association" means an association of
4 students organized around shared religious beliefs.

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

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

14 1. Adhere to the association's sincerely held religious
15 beliefs;

16 2. Comply with the association's sincere religious observance
17 requirements;

18 3. Comply with the association's sincere religious standards of
19 conduct; or

20 4. Be committed to furthering the association's religious
21 missions,

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

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

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

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

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

14 1. Is in furtherance of a compelling interest of the public
15 institution of higher education;

16 2. Actually furthers that interest; and

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

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

21 A student or religious student association aggrieved by a
22 violation of Section 2 or 3 of this act may assert that violation as
23 a claim or defense in a judicial or administrative proceeding
24 against the public institution of higher education and obtain

1 appropriate relief, including damages, against that institution from
2 a court or administrative body.

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

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

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

11 Passed the House of Representatives the 10th day of March, 2014.

12

13 _____
14 Presiding Officer of the House
of Representatives

15 Passed the Senate the ____ day of _____, 2014.

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18 _____
Presiding Officer of the Senate

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