

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.

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Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2014.

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Presiding Officer of the Senate

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