ENROLLED SENATE JOINT RESOLUTION 15

ENACTED BY THE FIRST REGULAR SESSION OF THE

53RD LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 759

LEGISLATIVE REFERENDUM NUMBER 359

RECEIVED: May 3, 2011

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 15

By: Johnson (Rob) and Shortey of the Senate

and

Osborn, Jackson, Trebilcock, Bennett, Grau, Faught, Ritze, Derby, and McCullough of the House

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

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

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

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

Legislative Referendum No. ____ State Question No. ____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

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

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____

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

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

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2011.

Presiding Officer of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

3rd **day of** May, **20** 11,

at 12:15 **o'clock** P. **M.**

By: Michelle R. Dary