An Act

ENROLLED HOUSE
BILL NO. 2873

By: Newell, Bennett and Kern of the House

and

Treat, Newberry and Sharp of the Senate

An Act relating to public education; defining certain terms; prohibiting a public institution of higher education from denying a religious student association certain benefits; prohibiting public institution of higher education from substantially burdening a student's exercise of religion; providing for exceptions; permitting student to assert certain claims or defenses; providing for certain construction; providing for codification; and providing an effective date.

SUBJECT: Exercise of religion by higher education students

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

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

As used in Sections 1 through 5 of this act:

1. "Benefit" includes, without limitation:

a. recognition,

b. registration,

c. the use of facilities of the public institution of higher education for meetings or speaking purposes,

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

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

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

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

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

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

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

c. pressures a student either:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Actually furthers that interest; and

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

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

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

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

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

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

Passed the House of Representatives the 20th day of May, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of May, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd

day of May, 20 14, at 3:00 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 28th

day of May, 20 14, at 1:26 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th

day of May, 20 14, at 2:54 o'clock P. M.

By: Chris Benge