STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE JOINT RESOLUTION 1023

By: Jordan

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by adding new Sections 2A, 2B, 2C and 2D to Article I; allowing religious organization, private business or individual to refuse certain acts that violate a sincerely held religious belief; prohibiting civil or criminal cause of action due to refusal; barring state action to penalize an organization or individual that refuses; defining term; construing resolution provisions in favor of a wide protection of religious beliefs; prohibiting licensing entity from denying, revoking or suspending a license based on religious beliefs; disallowing licensing entity from penalizing licensee based on religious beliefs; permitting private child-placing agency to refuse participation in any placement that violates written religious convictions or policies of the agency; prohibiting denial, revocation or suspension of agency license due to refusal; barring an action by the state or a private party to penalize or recover damages against agency; directing state to accredit individual or organization that meets certain standards; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 56TH 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 Constitution of the State of Oklahoma by adding a new Section 2A to Article I thereof, to read as follows:

A. A religious organization, an organization supervised by or controlled by or in connection with a religious organization, an authorized official or individual employed by a religious organization while acting in the scope of that employment, any other private business or individual shall not be required to solemnize or recognize any marriage or the natural consequences thereof or provide services, accommodations, facilities, goods or privileges for a purpose related to the solemnization, recognition, formation or celebration of any marriage or the natural consequences thereof if the action would cause the organization or individual to violate a sincerely held religious belief.

B. A refusal to provide services, accommodations, facilities, goods or privileges under subsection A of this section shall not be the basis for any civil or criminal cause of action. A refusal to provide services, accommodations, facilities, goods or privileges also shall not be the basis for any action by the state or a political subdivision of the state to penalize or withhold benefits or privileges, including tax exemptions, governmental contracts,
grants or licenses, from any religious organization, private business or individual.

C. As used in Sections 2A and 2D of Article I of the Oklahoma Constitution, "religious organization" means:

1. A nonprofit religious corporation, association, educational institution or society;

2. An entity operated, supervised or controlled by, or connected with a nonprofit religious corporation, association, educational institution or society; or

3. Any corporation or association constituting a wholly owned subsidiary, affiliate or agency of any nonprofit religious organization, association, educational institution or society.

A "religious organization" includes but shall not be limited to a nonprofit organization that is a house of worship, a religious group, society corporation, association, entity, partnership, order, preschool, school, institution of higher education, ministry, charity, social service provider, children’s home, hospital or other health care facility, hospice, elder care facility or crisis pregnancy center, and associated counseling, courses and teaching, where such organization holds itself out to the public in whole or in part as religious and its purposes and activities are in whole or in part religious; and includes any clergy, authorized official, officer, manager, employee, member or volunteer of any entity.
described herein, while acting in the scope of his or her office,
employment or duties of position.

D. Courts shall broadly construe the provisions of Sections 2A, 2B, 2C and 2D of Article I of the Oklahoma Constitution in favor of a wide protection of religious beliefs, exercise and conscience to the maximum extent permitted by terms of this section, the United States Constitution and the Oklahoma Constitution. Nothing in this section repeals or supersedes any provision of the Oklahoma Constitution or Oklahoma Statutes that is equally or more protective of religious beliefs or practices.

SECTION 2. 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 Constitution of the State of Oklahoma by adding a new Section 2B to Article I thereof, to read as follows:

Notwithstanding other provisions of the Oklahoma Constitution or Oklahoma Statutes to the contrary, a state or local government department, agency, board, commission or entity, a state or local government official or another accrediting, certifying, registering or licensing entity shall not:

1. Deny, revoke or suspend a professional or business license based on any act or refusal to act by the licensee pursuant to the protections provided by Section 2A of Article I of the Oklahoma Constitution; or
2. Penalize, discipline, censure, disadvantage, discriminate against or retaliate against a licensee who holds a professional or business license based on any act or refusal to act by the licensee pursuant to the protections provided by Section 2A of Article I of the Oklahoma Constitution.

SECTION 3. 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 Constitution of the State of Oklahoma by adding a new Section 2C to Article I thereof, to read as follows:

A. To the extent allowed by federal law, no private child-placing agency shall be required to perform, assist, counsel, recommend, consent to, refer or participate in any placement of a child for foster care or adoption when the proposed placement would violate the written religious or moral convictions or policies of the agency.

B. The Oklahoma Department of Human Services shall not deny an application for an initial license or renewal of a license or revoke the license of a private child-placing agency because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring or participating in a placement that violates the written religious or moral convictions or policies of the agency.
C. A state or local government department, agency, board, commission or entity shall not deny a private child-placing agency any grant, contract or participation in a government program because of the agency's objection to performing, assisting, counseling, recommending, consenting to, referring or participating in a placement that violates the written religious or moral convictions or policies of the agency.

D. Refusal of a private child-placing agency to perform, assist, counsel, recommend, consent to, refer or participate in a placement that violates the written religious or moral convictions or policies of the agency shall not form the basis of any action for damages.

SECTION 4. 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 Constitution of the State of Oklahoma by adding a new Section 2D to Article I thereof, to read as follows:

The state and any political subdivision of the state shall consider accredited, for purposes of state law, any individual clergy, religious leader or religious organization that would be accredited but for the accrediting agency’s reliance on standards that preclude accreditation on the basis of such person’s or organization’s moral conviction, beliefs or the lawful expression of
those beliefs, including sincerely held religious beliefs regarding marriage, family or sexuality.

SECTION 5. The Ballot Title for the proposed Constitutional amendments as set forth in SECTIONS 1, 2, 3 and 4 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 resolution amends the Oklahoma Constitution. It would allow a religious organization, authorized official, private business or individual to refuse to solemnize or recognize any marriage or provide goods or services related to the marriage that violate a sincerely held religious belief. It would prohibit a civil or criminal cause of action. It would also preclude any action by the state attempting to penalize an organization or individual based on the refusal. It would provide a definition for a religious organization. It would require courts to broadly construe all provisions of the resolution in favor of a wide protection of religious beliefs. The amendment would bar a licensing or certifying entity from denying, revoking or suspending a professional or business license based on religious beliefs. It would permit a private child-placing agency to refuse to participate in any child placement that would violate the written religious or moral
convictions or policies of the agency. It would also prohibit an action by the state to penalize the agency and any action for damages. It would require the state to accredit individual clergy or religious organizations that would otherwise be accredited but for the beliefs of the person or organization.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

SECTION 6. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 5 hereof, with the Secretary of State and one copy with the Attorney General.

56-1-6362 AMM 01/09/17