

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3723 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Terry ODonnell \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3723

By: O'Donnell

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to higher education; defining  
9 diversity, equity, and inclusion office; directing  
10 the governing board of each institution of higher  
11 education to avoid certain acts; providing  
12 exceptions; prohibiting adoption of certain policies  
13 and procedures; clarifying exceptions to prohibited  
14 acts; prohibiting certain spending of appropriated  
15 monies; requiring testimony to confirm compliance;  
16 directing the State Auditor and Inspector to develop,  
17 schedule, and conduct compliance audit of  
18 institutions; providing procedure for noncompliance;  
19 permitting injunctive or declaratory relief for  
20 students and employees; directing the Oklahoma State  
21 Regents for Higher Education in collaboration with  
22 institutions of higher education to conduct study;  
23 providing for codification; and providing an  
24 effective date.

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 3235.1 of Title 70, unless there  
is created a duplication in numbering, reads as follows:

1 As used in this act, "diversity, equity, and inclusion office"  
2 means an office, division, or other unit of an institution of higher  
3 education established for the purpose of:

4 1. Influencing hiring or employment practices at the  
5 institution with respect to race, sex, color, or ethnicity, other  
6 than through the use of color-blind and sex-neutral hiring processes  
7 in accordance with any applicable state and federal  
8 antidiscrimination laws;

9 2. Promoting differential treatment of or providing special  
10 benefits to individuals on the basis of race, color, or ethnicity;

11 3. Promoting policies or procedures designed or implemented in  
12 reference to race, color, or ethnicity, other than policies or  
13 procedures approved in writing by the institution's general counsel  
14 and the Oklahoma State Regents for Higher Education for the sole  
15 purpose of ensuring compliance with any applicable court order or  
16 state or federal law; or

17 4. Conducting trainings, programs, or activities designed or  
18 implemented in reference to race, color, ethnicity, gender identity,  
19 or sexual orientation, other than trainings, programs, or activities  
20 developed by an attorney and approved in writing by the  
21 institution's general counsel and the Oklahoma State Regents for  
22 Higher Education for the sole purpose of ensuring compliance with  
23 any applicable court order or state or federal law.

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3235.2 of Title 70, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The governing board of an institution of higher education  
5 shall ensure that each unit of the institution:

6 1. Does not, except as required by federal law:

7 a. establish or maintain a diversity, equity, and  
8 inclusion office,

9 b. hire or assign an employee of the institution or  
10 contract with a third party to perform the duties of a  
11 diversity, equity, and inclusion office,

12 c. compel, require, induce, or solicit any person to  
13 provide a diversity, equity, and inclusion statement  
14 or give preferential consideration to any person based  
15 on the provision of a diversity, equity, and inclusion  
16 statement,

17 d. give preference on the basis of race, sex, color,  
18 ethnicity, or national origin to an applicant for  
19 employment, an employee, or a participant in any  
20 function of the institution, or

21 e. require as a condition of enrolling at the institution  
22 or performing any institution function any person to  
23 participate in diversity, equity, and inclusion  
24 training, which:

1 (1) includes a training, program, or activity  
2 designed or implemented in reference to race,  
3 color, ethnicity, gender identity, or sexual  
4 orientation, and

5 (2) does not include a training, program, or activity  
6 developed by an attorney and approved in writing  
7 by the institution's general counsel and the  
8 Oklahoma State Regents for Higher Education for  
9 the sole purpose of ensuring compliance with any  
10 applicable court order or state or federal law;  
11 and

12 2. Adopts policies and procedures for appropriately  
13 disciplining, including by termination, an employee or contractor of  
14 the institution who engages in conduct in violation of this  
15 subsection.

16 B. Nothing in this act may be construed to limit or prohibit an  
17 institution of higher education or an employee of an institution of  
18 higher education from, for purposes of applying for a grant or  
19 complying with the terms of accreditation by an accrediting agency,  
20 submitting to the grantor or accrediting agency a statement that:

21 1. Highlights the institution's work in supporting:

- 22 a. first-generation college students,
- 23 b. low-income students, or
- 24 c. underserved student populations; or

1           2. Certifies compliance with state and federal  
2 antidiscrimination laws.

3           C. Paragraph 1 of subsection A of this section may not be  
4 construed to apply to:

5           1. Academic course instruction;

6           2. Scholarly research or creative work by an institution of  
7 higher education's students, faculty, or other research personnel or  
8 the dissemination of that research or work;

9           3. An activity of a student organization registered with or  
10 recognized by an institution of higher education;

11           4. Guest speakers or performers on short-term engagements;

12           5. A policy, practice, procedure, program, or activity to  
13 enhance student academic achievement or postgraduate outcomes that  
14 is designed and implemented without regard to race, sex, color, or  
15 ethnicity;

16           6. Data collection; or

17           7. Student recruitment or admissions.

18           D. An institution of higher education may not spend money  
19 appropriated to the institution for a state fiscal year until the  
20 governing board of the institution submits to the Legislature and  
21 Oklahoma State Regents for Higher Education a report certifying the  
22 board's compliance with this act during the preceding state fiscal  
23 year.

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1 E. In the interim between each regular session of the  
2 Legislature, the governing board of each institution of higher  
3 education, or the board's designee, shall testify before the  
4 standing legislative committees with primary jurisdiction over  
5 higher education at a public hearing of the committee regarding the  
6 board's compliance with this section.

7 SECTION 3. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 3235.3 of Title 70, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. The State Auditor and Inspector shall periodically conduct a  
11 compliance audit of each institution of higher education to  
12 determine whether the institution has spent state money in violation  
13 of this act. The State Auditor and Inspector shall adopt a schedule  
14 by which the State Auditor and Inspector will conduct compliance  
15 audits under this act. The schedule must ensure that each  
16 institution of higher education is audited at least once every four  
17 (4) years.

18 B. If the State Auditor and Inspector determines pursuant to a  
19 compliance audit conducted under subsection A of this section that  
20 an institution of higher education has spent state money in  
21 violation of this act, the institution:

22 1. Must cure the violation not later than one hundred eighty  
23 (180) days after the date on which the determination is made; and  
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1           2. If the institution fails to cure the violation during the  
2 period described by paragraph 1 of this subsection, that institution  
3 shall be ineligible to receive formula funding increases,  
4 institutional enhancements, or exceptional items during the state  
5 fiscal year immediately following the state fiscal year in which the  
6 determination is made.

7           SECTION 4.           NEW LAW           A new section of law to be codified  
8 in the Oklahoma Statutes as Section 3235.4 of Title 70, unless there  
9 is created a duplication in numbering, reads as follows:

10           A student or employee of an institution of higher education who  
11 is required to participate in training in violation of Section 2 of  
12 this act may bring an action against the institution for injunctive  
13 or declaratory relief.

14           SECTION 5.           NEW LAW           A new section of law to be codified  
15 in the Oklahoma Statutes as Section 3235.5 of Title 70, unless there  
16 is created a duplication in numbering, reads as follows:

17           The Oklahoma State Regents for Higher Education, in coordination  
18 with institutions of higher education, shall conduct an annual study  
19 to identify the impact of the implementation of this act on the  
20 application rate, acceptance rate, matriculation rate, retention  
21 rate, grade point average, and graduation rate of students at  
22 institutions of higher education, disaggregated by race, sex, and  
23 ethnicity. Not later than December 1 of each year, the Oklahoma  
24 State Regents for Higher Education shall submit to the Legislature a



1 report on the results of the study and any recommendations for  
2 legislative or other action.

3 SECTION 6. This act shall become effective November 1, 2024.

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