

2007 SENATE JOINT RESOLUTION 96

February 29, 2008 – Introduced by Senators GROTHMAN, A. LASEE and LAZICH, cosponsored by Representatives TAUCHEN, PRIDEMORE, LOTHIAN, VOS, LEMAHIEU, HAHN, KLEEFISCH, KERKMAN, NEWCOMER, NYGREN, OWENS and TOWNSEND. Referred to Committee on Judiciary, Corrections, and Housing.

1 **To create** section 27 of article I of the constitution; **relating to:** prohibiting the state
2 from discriminating against, or granting preferential treatment to, an
3 individual or group on the basis of race, sex, color, ancestry, or national origin
4 in the operation of public employment, public education, or public contracting
5 (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2007 legislature on first consideration, prohibits the state from discriminating against, or granting preferential treatment to, an individual or group on the basis of race, sex, color, ancestry, or national origin in the operation of public employment, public education, or public contracting.

The amendment does not prohibit a bona fide qualification based on sex that is reasonably necessary to the normal operation of public employment, public education, or public contracting. It does not prohibit action that must be taken to establish or maintain eligibility for a federal program, if ineligibility would result in the loss of federal funds to the state.

A proposed constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

6 ***Resolved by the senate, the assembly concurring, That:***

1 **SECTION 1.** Section 27 of article I of the constitution is created to read:

2 [Article I] Section 27 (1) Neither the state nor local governments shall
3 discriminate against, or grant preferential treatment to, an individual or group on
4 the basis of race, sex, color, ancestry, or national origin in the operation of public
5 employment, public education, or public contracting.

6 (2) This section does not prohibit a bona fide qualification based on sex that is
7 reasonably necessary to the normal operation of public employment, public
8 education, or public contracting.

9 (3) This section does not prohibit action that must be taken to establish or
10 maintain eligibility for a federal program, if ineligibility would result in the loss of
11 federal funds to the state.

12 **SECTION 2. Numbering of new provision.** The new section 27 of article I of
13 the constitution created in this joint resolution shall be designated by the next higher
14 open whole section number in that article if, before the ratification by the people of
15 the amendment proposed in this joint resolution, any other ratified amendment has
16 created a section 27 of article I of the constitution of this state. If one or more joint
17 resolutions create a section 27 of article I simultaneously with the ratification by the
18 people of the amendment proposed in this joint resolution, the sections created shall
19 be numbered and placed in a sequence so that the sections created by the joint
20 resolution having the lowest enrolled joint resolution number have the numbers
21 designated in that joint resolution and the sections created by the other joint
22 resolutions have numbers that are in the same ascending order as are the numbers
23 of the enrolled joint resolutions creating the sections.

