

2007 DRAFTING REQUEST

Senate Joint Resolution

Received: 12/27/2007

Received By: smiller

Wanted: Soon

Identical to LRB:

For: Glenn Grothman (608) 266-7513

By/Representing: jolene

This file may be shown to any legislator: NO

Drafter: smiller

May Contact:

Addl. Drafters:

Subject: Constitutional Amendments

Extra Copies:

Submit via email: YES

Requester's email: Sen.Grothman@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

prohibit affirmative action, const amd

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 01/11/2008	kfollett 01/15/2008		_____			
/1	dkennedy 02/05/2008		rschluet 01/15/2008	_____	cduerst 01/15/2008	sbasford 02/28/2008	

FE Sent For: N/A

<END>

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/?	smiller	1/15 f 1/15					
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FE Sent For:

<END>



Michigan Compiled Laws Complete Through PA 168, 171, 173, 177-179, 183-188, 205-208, and 214-216 of 2007

House: Adjourned until Wednesday, January 16, 2008 1:30:00 PM

Senate: Adjourned until Wednesday, January 16, 2008 10:00:00 AM

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	Constitution-I
	Article I § 26

Article I § 26

linkable printable

STATE CONSTITUTION (EXCERPT) CONSTITUTION OF MICHIGAN OF 1963

§ 26 Affirmative action programs.

Sec. 26.

(1) The University of Michigan, Michigan State University, Wayne State University, and any other public college or university, community college, or school district shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

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

(3) For the purposes of this section "state" includes, but is not necessarily limited to, the state itself, any city, county, any public college, university, or community college, school district, or other political subdivision or governmental instrumentality of or within the State of Michigan not included in sub-section 1.

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

(5) 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.

(6) The remedies available for violations of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise available for violations of Michigan anti-discrimination law.

(7) This section shall be self-executing. If any part or parts of this section are found to be in conflict with the United States Constitution or federal law, the section shall be implemented to the maximum extent that the United States Constitution and federal law permit. Any provision held invalid shall be severable from the remaining portions of this section.

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(8) This section applies only to action taken after the effective date of this section.

(9) This section does not invalidate any court order or consent decree that is in force as of the effective date of this section.

History: Add. Init., approved Nov. 7, 2006, Eff. Dec. 23, 2006

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SRM:lgf

Soon

2007 SENATE JOINT RESOLUTION

DN

ReGen

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

X *de* 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.

X A proposed constitutional amendment requires adoption by ^{two} 2 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.

1 ***Be it further resolved, That*** this proposed amendment be referred to the
2 legislature to be chosen at the next general election and that it be published for 3
3 months previous to the time of holding such election.

4 (END)

D-Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3731/7dn

Siem: kjf

Date

X This constitutional amendment is patterned after Michigan's Constitution, article I, section 26, which was approved in November 2006.

X Enactment of this constitutional amendment would require the legislature to repeal or amend several dozen Wisconsin statutes that grant preferences to particular classes of persons. This draft does not exempt any of the classes of persons who currently enjoy preferences under those statutes.

Stephen R. Miller
Chief
Phone: (608) 267-2175
E-mail: steve.miller@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3731/1dn
SRM:kjf:rs

January 15, 2008

This constitutional amendment is patterned after Michigan's Constitution, article I, section 26, which was approved in November 2006.

Enactment of this constitutional amendment would require the legislature to repeal or amend several dozen Wisconsin statutes that grant preferences to particular classes of persons. This draft does not exempt any of the classes of persons who currently enjoy preferences under those statutes.

Stephen R. Miller

Chief

Phone: (608) 267-2175

E-mail: steve.miller@legis.wisconsin.gov

Basford, Sarah

From: Sen.Grothman
Sent: Thursday, February 28, 2008 12:31 PM
To: LRB.Legal
Subject: Please send the Bill Jacket for LRB 3731 to Senator Grothman's office - 20-South. Thanks!