2007 SENATE JOINT RESOLUTION 96

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

To create section 27 of article I of the constitution; relating to: prohibiting 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 (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.

Resolved by the senate, the assembly concurring, That:
SECTION 1. Section 27 of article I of the constitution is created to read:

[Article I]  Section 27 (1) Neither the state nor local governments shall discriminate against, or grant 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.

(2) This section 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.

(3) This section 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.

SECTION 2. Numbering of new provision. The new section 27 of article I of the constitution created in this joint resolution shall be designated by the next higher open whole section number in that article if, before the ratification by the people of the amendment proposed in this joint resolution, any other ratified amendment has created a section 27 of article I of the constitution of this state. If one or more joint resolutions create a section 27 of article I simultaneously with the ratification by the people of the amendment proposed in this joint resolution, the sections created shall be numbered and placed in a sequence so that the sections created by the joint resolution having the lowest enrolled joint resolution number have the numbers designated in that joint resolution and the sections created by the other joint resolutions have numbers that are in the same ascending order as are the numbers of the enrolled joint resolutions creating the sections.
Be it further resolved, That this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for 3 months previous to the time of holding such election.

(END)