

COMMITTEE ON GOVERNMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO H.C.R. 2019

(Reference to printed concurrent resolution)

1 Strike everything after the resolving clause and insert:

2 "1. Article II, Constitution of Arizona, is proposed to be amended by
3 adding section 36 as follows if approved by the voters and on proclamation of
4 the Governor:

5 36. Preferential treatment or discrimination prohibited;
6 exceptions; definition

7 SECTION 36. A. THIS STATE SHALL NOT GRANT PREFERENTIAL
8 TREATMENT TO OR DISCRIMINATE AGAINST ANY INDIVIDUAL OR GROUP ON
9 THE BASIS OF RACE, SEX, COLOR, ETHNICITY OR NATIONAL ORIGIN IN
10 THE OPERATION OF PUBLIC EMPLOYMENT, PUBLIC EDUCATION OR PUBLIC
11 CONTRACTING.

12 B. THIS SECTION DOES NOT:

13 1. PROHIBIT BONA FIDE QUALIFICATIONS BASED ON SEX THAT ARE
14 REASONABLY NECESSARY TO THE NORMAL OPERATION OF PUBLIC
15 EMPLOYMENT, PUBLIC EDUCATION OR PUBLIC CONTRACTING.

16 2. PROHIBIT ACTION THAT MUST BE TAKEN TO ESTABLISH OR
17 MAINTAIN ELIGIBILITY FOR ANY FEDERAL PROGRAM, IF INELIGIBILITY
18 WOULD RESULT IN A LOSS OF FEDERAL MONIES TO THIS STATE.

19 3. INVALIDATE ANY COURT ORDER OR CONSENT DECREE THAT IS IN
20 FORCE AS OF THE EFFECTIVE DATE OF THIS SECTION.

21 C. THE REMEDIES AVAILABLE FOR A VIOLATION OF THIS SECTION
22 ARE THE SAME, REGARDLESS OF THE INJURED PARTY'S RACE, SEX, COLOR,
23 ETHNICITY OR NATIONAL ORIGIN, AS ARE OTHERWISE AVAILABLE FOR A
24 VIOLATION OF THE EXISTING ANTIDISCRIMINATION LAWS OF THIS STATE.

25 D. THIS SECTION APPLIES ONLY TO ACTIONS THAT ARE TAKEN
26 AFTER THE EFFECTIVE DATE OF THIS SECTION.

27 E. THIS SECTION IS SELF-EXECUTING.

28 F. FOR THE PURPOSES OF THIS SECTION, "STATE" INCLUDES THIS

1 STATE, A CITY, TOWN OR COUNTY, A PUBLIC UNIVERSITY, INCLUDING THE
2 UNIVERSITY OF ARIZONA, ARIZONA STATE UNIVERSITY AND NORTHERN
3 ARIZONA UNIVERSITY, A COMMUNITY COLLEGE DISTRICT, A SCHOOL
4 DISTRICT, A SPECIAL DISTRICT OR ANY OTHER POLITICAL SUBDIVISION
5 IN THIS STATE.

6 2. The Secretary of State shall submit this proposition to the voters
7 at the next general election as provided by article XXI, Constitution of
8 Arizona."

9 Amend title to conform

and, as so amended, it do pass

SAMUEL T. CRUMP, SR.
Chairman

hcr2019-se-gov
6/10/09
H:jmb