HOUSE CONCURRENT RESOLUTION 2019

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, BY ADDING SECTION 36, CONSTITUTION OF ARIZONA; RELATING TO PREFERENTIAL TREATMENT OR DISCRIMINATION PROHIBITION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

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

   36. Preferential treatment or discrimination prohibited; exceptions; definition

   SECTION 36. A. THIS STATE SHALL NOT GRANT PREFERENTIAL TREATMENT TO OR DISCRIMINATE AGAINST 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.

   B. THIS SECTION DOES NOT:
   1. PROHIBIT BONA FIDE QUALIFICATIONS BASED ON SEX THAT ARE REASONABLY NECESSARY TO THE NORMAL OPERATION OF PUBLIC EMPLOYMENT, PUBLIC EDUCATION OR PUBLIC CONTRACTING.
   2. PROHIBIT ACTION THAT MUST BE TAKEN TO ESTABLISH OR MAINTAIN ELIGIBILITY FOR ANY FEDERAL PROGRAM, IF INELIGIBILITY WOULD RESULT IN A LOSS OF FEDERAL MONIES TO THIS STATE.
   3. INVALIDATE ANY COURT ORDER OR CONSENT DECREE THAT IS IN FORCE AS OF THE EFFECTIVE DATE OF THIS SECTION.

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

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

   E. THIS SECTION IS SELF-EXECUTING.

   F. FOR THE PURPOSES OF THIS SECTION, "STATE" INCLUDES THIS STATE, A CITY, TOWN OR COUNTY, A PUBLIC UNIVERSITY, INCLUDING THE UNIVERSITY OF ARIZONA, ARIZONA STATE UNIVERSITY AND NORTHERN ARIZONA UNIVERSITY, A COMMUNITY COLLEGE DISTRICT, A SCHOOL DISTRICT, A SPECIAL DISTRICT OR ANY OTHER POLITICAL SUBDIVISION IN THIS STATE.

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

PASSED BY THE HOUSE JUNE 18, 2009.

PASSED BY THE SENATE JUNE 22, 2009.