

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **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)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

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

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

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

13 B. THIS SECTION DOES NOT:

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

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

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

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

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

29 E. THIS SECTION IS SELF-EXECUTING.

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

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