

State of Misconsin 2009 - 2010 LEGISLATURE **CORRECTED COPY** 

LRB-4690/1 SRM:kjf:ph

## **2009 SENATE JOINT RESOLUTION 71**

April 16, 2010 – Introduced by Senators Grothman and Darling, cosponsored by Representatives Tauchen, Nass, Vos, LeMahieu and Pridemore. Referred to Committee on Ethics Reform and Government Operations.

| 1 | <i>To create</i> section 27 of article I of the constitution; <b>relating to:</b> prohibiting the state |
|---|---|
| 2 | and local governments from discriminating against, or granting preferential                             |
| 3 | treatment to, an individual or group on the basis of race, sex, color, ancestry, or                     |
| 4 | national origin in the operation of public employment, public education, or                             |
| 5 | public contracting (first consideration).   |

## Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 2009 legislature on first consideration, prohibits the state and local governments 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:

2009 – 2010 Legislature

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

- 2 -

(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.

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 provisions. If another constitutional 13 amendment ratified by the people creates the number of any provision created in this 14 joint resolution, the chief of the legislative reference bureau shall determine the 15 sequencing and the numbering of the provisions whose numbers conflict.

16 Be it further resolved, That this proposed amendment be referred to the 17 legislature to be chosen at the next general election and that it be published for 3 18 months previous to the time of holding such election.

19

(END)