

Introduced by

Representatives Eckre, Meier, Timm

Senators Christmann, Fischer, Trenbeath

1 A concurrent resolution to create and enact a new section to article I of the Constitution of North
2 Dakota, relating to discrimination and preferential treatment based on sex, race, color, ethnicity,
3 or national origin.

4 **STATEMENT OF INTENT**

5 This amendment would provide that the state may not discriminate against or grant preferential
6 treatment to any individual or group on the basis of sex, race, color, ethnicity, or national origin
7 in public employment, public education, or public contracting.

8 **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE**
9 **SENATE CONCURRING THEREIN:**

10 That the following proposed new section to article I of the Constitution of North Dakota
11 is agreed to and must be submitted to the qualified electors of North Dakota at the general
12 election to be held in 2004, in accordance with section 16 of article IV of the Constitution of
13 North Dakota.

14 **SECTION 1.** A new section to article I of the Constitution of North Dakota is created
15 and enacted as follows:

16 The state or any political subdivision in this state may not discriminate against or grant
17 preferential treatment to any individual or group on the basis of sex, race, color, ethnicity, or
18 national origin in the operation of public employment, public education, or public contracting.

19 This section does not prohibit bona fide qualifications based on sex which are reasonably
20 necessary to the normal operation of public employment, public education, or public
21 contracting, does not prohibit action that must be taken to establish or maintain eligibility for any
22 federal program if ineligibility would result in a loss of federal funds to the state, does not
23 invalidate any court order or consent decree that is in effect on the effective date of this section,
24 and does not apply to actions taken before the effective date of this section. The remedies
25 available for violations of this section are the same, regardless of the injured party's sex, race,

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- 1 color, ethnicity, or national origin, as are otherwise available for violations under this state's law.
- 2 This section is self-executing and must be implemented to the maximum extent that federal law
- 3 and the Constitution of the United States permit and any portion of this section that is held to be
- 4 invalid is severable.