

HOUSE JOINT RESOLUTION H

June 24, 2021, Introduced by Rep. Thanedar and referred to the Committee on Government Operations.

A joint resolution proposing an amendment to the state constitution of 1963, by amending section 26 of article I, to remove the provisions that prohibit certain governmental entities from granting preferential treatment to an individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, education, or contracting.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to remove the provisions that prohibit

certain governmental entities from granting preferential treatment to an individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, education, or contracting, is proposed, agreed to, and submitted to the people of the state:

ARTICLE I

Sec. 26. (1) The University of Michigan, Michigan State University, Wayne State University, and any other public college or university, community college, or school district shall not discriminate against ~~or grant preferential treatment to~~ 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.

(2) The state shall not discriminate against ~~or grant preferential treatment to~~ 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.

(3) ~~For the purposes of~~ **As used in** this section, "state" includes, but is not necessarily limited to, ~~the~~ **this** state, ~~itself,~~ any city, ~~or~~ county, any public college, university, ~~or~~ community college, **or** school district, or **any** other political subdivision or governmental instrumentality of or within ~~the State of Michigan~~ **this state that is** not included in ~~sub-section 1-subsection (1)~~.

(4) This section does not prohibit action that must be taken to establish or maintain eligibility for any federal program, if ineligibility would result in a loss of federal funds to ~~the~~ **this** state.

(5) Nothing in this section shall be interpreted as

1 prohibiting bona fide qualifications based on sex that are
2 reasonably necessary to the normal operation of public employment,
3 public education, or public contracting.

4 (6) The remedies available for violations of this section
5 ~~shall be~~**are** the same, regardless of the injured party's race, sex,
6 color, ethnicity, or national origin, as are otherwise available
7 for violations of ~~Michigan anti-discrimination law.~~**the**
8 **antidiscrimination laws of this state.**

9 (7) This section ~~shall be~~**is** self-executing. If any part or
10 parts of this section are found to be in conflict with the United
11 States Constitution or federal law, ~~the~~**this** section shall be
12 implemented to the maximum extent that the United States
13 Constitution and federal law permit. Any provision held invalid
14 ~~shall be~~**is** severable from the remaining portions of this section.

15 (8) This section applies only to action taken after ~~the~~
16 ~~effective date of this section.~~**December 23, 2006.**

17 (9) This section does not invalidate any court order or
18 consent decree that is in force as of ~~the effective date of this~~
19 ~~section.~~**December 23, 2006.**

20 Resolved further, That the foregoing amendment shall be
21 submitted to the people of the state at the next general election
22 in the manner provided by law.