

SENATE JOINT RESOLUTION NO. SJ0004

Wyoming civil rights amendment.

Sponsored by: Senator(s) Hicks, Christensen and Driskill
and Representative(s) Lindholm, Miller and
Steinmetz

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to prohibit discrimination against and to ban
3 preferential treatment to groups or individuals based on
4 their race, sex, color, ethnicity or national origin for
5 public employment, public education or public contracting
6 purposes.

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8 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
9 *two-thirds of all the members of the two houses, voting*
10 *separately, concurring therein:*

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12 **Section 1.** The following proposal to amend Wyoming
13 Constitution, Article 1, by creating a new Section 40 is
14 proposed for submission to the electors of the State of
15 Wyoming at the next general election for approval or

1 rejection to become valid as a part of the Constitution if
2 ratified by a majority of the electors at the election:

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4 **Article 1, Section 40. Discrimination and**
5 **preferential treatment prohibited.**

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7 (a) Public entities shall not discriminate against or
8 grant preferential treatment to any individual or group on
9 the basis of race, sex, color, ethnicity or national origin
10 in the operation of public employment, public education or
11 public contracting.

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13 (b) As used in this section, "public entity"
14 includes, but is not limited to, the state of Wyoming and
15 any of its branches, agencies, municipalities, counties,
16 school districts, political subdivisions, special
17 districts, community college districts and the University
18 of Wyoming.

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20 (c) This section does not prohibit action that must
21 be taken to establish or maintain eligibility for any
22 federal program if ineligibility would result in a loss of
23 federal funds.

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2 (d) This section shall not be interpreted to prohibit
3 bona fide qualifications based on sex that are reasonably
4 necessary to the normal operation of public employment,
5 public education or public contracting.

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7 (e) The remedies available for violations of this
8 section shall be the same, regardless of the injured
9 party's race, sex, color, ethnicity or national origin.

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11 (f) If any part or parts of this section are found to
12 be in conflict with the United States constitution or
13 federal law, the section shall be implemented to the
14 maximum extent that the United States constitution and
15 federal law permit. Any provision held invalid shall be
16 severable from the remaining portions of this section.

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18 (g) This section applies only to action taken after
19 the effective date of this section.

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21 (h) This section does not invalidate any court order
22 or consent decree that is in force as of the effective date
23 of this section.

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2 **Section 2.** That the Secretary of State shall endorse
3 the following statement on the proposed amendment:

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5 The adoption of this amendment will prohibit public
6 entities from discriminating against or granting
7 preferential treatment to groups or individuals based on
8 their race, sex, color, ethnicity or national origin for
9 public employment, public education or public contracting
10 purposes. Public entities affected by the proposal include
11 the state of Wyoming and any of its branches, agencies,
12 municipalities, counties, school districts, political
13 subdivisions, special districts, community college
14 districts and the University of Wyoming.

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(END)