CONSTITUTIONAL AMENDMENT

1   House   BILL NO. 299

2   INTRODUCED BY Wm.E.Boharski

3   Simpkins Wells Bergman Joe Grinde

4   A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN Hayne

5   AMENDMENT TO ARTICLE II, SECTION 4, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE Knox

6   STATE, A LOCAL GOVERNMENTAL ENTITY OR SUBDIVISION OF THE STATE, OR ONE OF THEIR

7   EDUCATIONAL INSTITUTIONS MAY NOT GRANT PREFERENTIAL TREATMENT TO AN INDIVIDUAL OR

8   GROUP ON THE BASIS OF RACE, COLOR, ETHNICITY, NATIONAL ORIGIN, OR SEX IN PUBLIC

9   EMPLOYMENT, PUBLIC EDUCATION, OR PUBLIC CONTRACTING."

10

11   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12

13   **Section 1.** Article II, section 4, of The Constitution of the State of Montana is amended to read:

14   **"Section 4. Individual dignity. (1)** The dignity of the human being is inviolable. No person shall

15   be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or

16   institution shall discriminate against any person in the exercise of his civil or political rights on account of

17   race, color, sex, culture, social origin or condition, or political or religious ideas.

18   (2) (a) Neither the state nor a county, city, town, school or school district, special district, or other

19   local governmental entity or subdivision of the state, nor the state university system or other postsecondary

20   education institution of the state or of a local governmental entity or subdivision, shall grant preferential

21   treatment to an individual or group on the basis of race, color, ethnicity, national origin, or sex in public

22   employment, public education, or public contracting.

23   (b) Subsection (2)(a) does not prohibit bona fide qualifications based on sex that are reasonably

24   necessary to the normal operation of public employment, public education, or public contracting.

25   (c) Subsection (2)(a) does not prohibit a law or action necessary to establish or maintain eligibility

26   for a federal program if ineligibility would result in a loss of federal funds to the governmental entity subject

27   to the law or action.

28   (d) Subsection (2)(a) applies to the maximum extent allowed under the constitution and laws of

29   the United States, and a provision of this subsection (2) held invalid is severable from the remaining

30   provisions of this section."

1   NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the

2   qualified electors of Montana at the general election to be held in November 1998 by printing on the ballot

3   the full title of this act and the following:

4   []   FOR prohibiting state and local governments from giving preferential treatment in

5   employment, education, and contracting based on race, color, ethnicity, national origin, or sex.

6   []   AGAINST prohibiting state and local governments from giving preferential treatment in

7   employment, education, and contracting based on race, color, ethnicity, national origin, or sex.

8   -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for <u>HB0299, as introduced</u>

<u>DESCRIPTION OF PROPOSED LEGISLATION</u>:
A bill that submits to the qualified electors of Montana an amendment to Article ii, Section 4, of the Montana Constitution to provide that the state, a local governmental entity or subdivision of the state, or one of their educational institutions may not grant preferential treatment to an individual or group on the basis of race, color, ethnicity, national origin, or sex in public employment, public education, or public contracting.
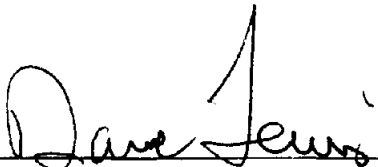
<u>ASSUMPTIONS</u>:
1.   The Office of the Secretary of State budgets for the voter information pamphlet each biennium so this bill will have no additional fiscal impact in the 1999 biennium.

<u>FISCAL IMPACT</u>:
Passage of HB 299 will have no fiscal impact on the state.

<u>LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:</u>
A companion bill, HB 303, amends specific statutes provided for in the constitutional amendment called for in HB 299. The fiscal note for HB 303 indicates a potential positive general fund impact from reduced mandatory tuition fee waivers.

_____ 1-27-97
DAVE LEWIS, BUDGET DIRECTOR   DATE
Office of Budget and Program Planning

_____
WILLIAM BOHARSKI, PRIMARY SPONSOR DATE

Fiscal Note for <u>HB0299, as introduced</u>

HB 299

CONSTITUTIONAL AMENDMENT

1 House BILL NO. 299

2 INTRODUCED BY Wm. E. Boharski

3 McGee Simpkins Wells Bergman, Joe Grind
   M. Hanson Hayne

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HB299
SECOND READING

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2   INTRODUCED BY Wm. E. Boharski

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