



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature
Second Regular Session

HCR2056: preferential treatment; discrimination; prohibition

Sponsor: Representative Montenegro, LD 29

Committee on Government

Overview

Refers a proposition to the voters relating to discrimination.

History

[Article II, Section 36](#) of the Arizona Constitution prohibits Arizona from granting preferential treatment to or discriminating against an individual or group based on race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting. The Constitution further states that preferential treatment or discrimination prohibitions do 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 monies to this state.

Provisions

1. Prohibits Arizona from compelling an applicant, employee or contractor to endorse giving preferential treatment to or discriminating against an individual based on race or ethnicity as a condition of hiring, promoting or contracting decisions.
2. Stipulates that Arizona is not permitted to disadvantage or treat differently on the basis of race or ethnicity an individual from among a pool of applicants, students, employees or contract recipients when making an admitting, contracting, hiring or promoting decision.
3. Specifies that any action that would otherwise be prohibited and that is taken in accordance with federal requirements must be limited to advertising, communication or outreach efforts.
4. Prohibits Arizona from implementing any disciplinary policy or action that treats an individual student or group of students differently on the basis of race or ethnicity.
5. Asserts that access to facilities, grounds or services of Arizona may not be conditioned on race or ethnicity of an individual or group.
6. Declares that, to uphold the United States Constitution as the supreme law of the land, this state deems any requirements that Arizona practice racial discrimination inconsistent with the 14th Amendment of the United States Constitution and subject to the prohibitions outlined in the Arizona Constitution relating to the authority to exercise sovereign authority against federal action.
7. Specifies that preferential treatment and discrimination prohibitions do not prohibit qualifications based on tribal membership as part of a program established to serve members of Indian tribes.

8. Outlines the specifics for what it means to compel an applicant, contractor or employee to endorse giving preferential treatment or discriminating on the basis of race or ethnicity for the purposes of eligibility for federal programs.
9. Asserts that this Act does not prevent Arizona from requiring applicants, contractors or employees to do any of the following:
 - a) disclose or discuss the content of their scholarly research or creative works;
 - b) certify compliance with state and federal antidiscrimination law; or
 - c) discuss services, pedagogical approaches or experiences with students or individuals with mental or physical disabilities.
10. Establishes that an applicant or employee is allowed to provide any information related to preferential treatment or discrimination on their own initiative.
11. Directs the Secretary of State to submit this proposition to the voters at the next general election.
12. Makes technical and conforming changes.

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| <input type="checkbox"/> Prop 105 (45 votes) | <input type="checkbox"/> Prop 108 (40 votes) | <input type="checkbox"/> Emergency (40 votes) | <input type="checkbox"/> Fiscal Note |
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