

SENATE BILL 42

By Summerville

AN ACT to amend Tennessee Code Annotated, Title 4; Title 7; Title 8; Title 12; Title 43; Title 45; Title 49 and Title 65, relative to discrimination and preferences in government.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 21, Part 1, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the “Tennessee Civil Rights Initiative Act”.

(b) As used in this section:

(1) “Sex” means only the male or female designation shown on a person’s birth certificate; and

(2) “State” means the state of Tennessee, any political subdivision thereof, all public higher education systems, including the University of Tennessee system, the board of regents, all school districts and any other entity or instrumentality of the state that derives its authority from the state.

(c) The state shall not discriminate nor grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of all aspects of public employment, public education or public contracting.

(d) Nothing in this section shall be construed to:

(1) Prohibit bona fide occupational qualifications based on sex as set out in § 4-21-406 that are reasonably necessary for the normal and efficient operation of public employment, public education or public contracting;

(2) Invalidate any court order or consent decree that is in full force and effect on the effective date of this section; or

(3) Prohibit action required to be taken to establish or maintain eligibility for any federal program or federally-funded program where ineligibility would result in a loss of federal funds to the state.

(e) The remedies available for a violation of this section shall be the same, regardless of the injured party's race, sex, color, ethnicity, or national origin, and shall be the same as provided by law for existing state laws prohibiting discrimination.

(f) Any right of action arising under this section, unless mediated by the parties, shall only be brought in a court of competent jurisdiction.

SECTION 2. This act shall take effect July 1, 2013, the public welfare requiring it.