

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

463B0137

## SENATE JOINT RESOLUTION NO. 3

Introduced by: Senators Aker, Albers, Drake, Frederick, Halverson, Staggers, Vitter, and Whiting and Representatives Hassard, Apa, Crisp, Diedrich, Madden, Napoli, Pummel, Van Gerpen, Wick, and Windhorst

1 A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election  
2 an amendment to Article VI of the Constitution of the State of South Dakota, relating to  
3 public employment, public education, and public contracting.

4 BE IT RESOLVED BY THE SENATE OF THE STATE OF SOUTH DAKOTA, THE  
5 HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

6 Section 1. That at the next general election held in the state, the following amendment to  
7 Article VI of the Constitution of the State of South Dakota, as set forth in section 2 of this Joint  
8 Resolution, which is hereby agreed to, shall be submitted to the electors of the state for approval.

9 Section 2. That Article VI of the Constitution of the State of South Dakota, be amended by  
10 adding thereto a NEW SECTION to read as follows:

11 § 28. The state may not discriminate against, or grant preferential treatment to, any individual  
12 or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public  
13 employment, public education, or public contracting. Nothing in this section may be interpreted  
14 as prohibiting bona fide qualifications based on sex which are reasonably necessary to the normal  
15 operation of public employment, public education, or public contracting. Nothing in this section

1 may be interpreted as invalidating any court order or consent decree which is in force as of the  
2 effective date of this section. Nothing in this section may be interpreted as prohibiting action  
3 which must be taken to establish or maintain eligibility for any federal program, if ineligibility  
4 would result in a loss of federal funds to the state. For the purposes of this section, state includes  
5 the state itself, any city, county, city and county, public university, school district, special district,  
6 or any other political subdivision of the state. The remedies available for violations of this  
7 section are the same, regardless of the injured party's race, sex, color, ethnicity, or national  
8 origin, as are otherwise available for violations of laws prohibiting discrimination.