

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 981

Short Title: Civil Rights Restoration Act.

(Public)

Sponsors: Representatives Hardy; Arnold, Berry, Cansler, Capps, Carpenter, Clary, Creech, Culp, Davis, Eddins, Gulley, Hall, Ives, Nichols, Rayfield, Sexton, Shubert, and Starnes.

Referred to: Judiciary I.

April 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT
2 THE STATE FROM DISCRIMINATING AGAINST, OR GRANTING
3 PREFERENTIAL TREATMENT TO, ANY INDIVIDUAL OR GROUP ON THE
4 BASIS OF RACE, GENDER, COLOR, ETHNICITY, OR NATIONAL ORIGIN IN
5 THE OPERATION OF PUBLIC EMPLOYMENT, PUBLIC EDUCATION, OR
6 PUBLIC CONTRACTING.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. Section 1 of Article I of the Constitution of North Carolina reads as
10 rewritten:

11 "Section 1. The equality and rights of persons.

12 (1) Inalienable rights. We hold it to be self-evident that all persons are created
13 equal; that they are endowed by their Creator with certain inalienable rights; that among
14 these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of
15 happiness.

16 (2) Discrimination and preferences prohibited. The State shall not discriminate
17 against, or grant preferential treatment to, any individual or group on the basis of race,
18 gender, color, ethnicity, or national origin in the operation of public employment, public

1 education, or public contracting. Nothing in this subsection shall be interpreted as
2 prohibiting bona fide qualifications based on gender that are reasonably necessary to the
3 normal operation of public employment, public education, or public contracting. Nothing
4 in this subsection shall be interpreted as invalidating any court order or consent decree
5 that is in force as of the effective date of this subsection. Nothing in this subsection shall
6 be interpreted as prohibiting action that must be taken to establish or maintain eligibility
7 for any federal program, where ineligibility would result in a loss of federal funds to the
8 State. If any remedies for violations of this subsection are available pursuant to any
9 antidiscrimination law under the General Statutes, those remedies set forth in the General
10 Statutes shall apply, regardless of the injured party's race, gender, color, ethnicity, or
11 national origin.

12 (3) Definition. For purposes of this section, 'State' means the State of North
13 Carolina and any agency, department, or political subdivision of the State.'

14 Section 2. The amendment set out in Section 1 of this act shall be submitted to
15 the qualified voters of the State at the general election in November 1998, which election
16 shall be conducted under the laws then governing elections in the State. Ballots, voting
17 systems, or both may be used in accordance with Chapter 163 of the General Statutes.
18 The question to be used in the voting systems and ballots shall be:

19 **"[] FOR [] AGAINST**

20 Constitutional amendment to prohibit the State from discriminating against, or
21 granting preferential treatment to, any individual or group on the basis of race, gender,
22 color, ethnicity, or national origin in the operation of public employment, public
23 education, or public contracting."

24 Section 3. If a majority of the votes cast on the question are in favor of the
25 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
26 amendment to the Secretary of State. The amendment becomes effective upon this
27 certification. The Secretary of State shall enroll the amendment so certified among the
28 permanent records of that office.

29 Section 4. If any part or parts of this act are found to be in conflict with federal
30 law or the United States Constitution, the section shall be implemented to the maximum
31 extent that federal law and the United States Constitution permit. Any provision held
32 invalid shall be severable from the remaining portions of this section.

33 Section 5. This act is effective when it becomes law and applies only to action
34 taken on or after that date.