

Amendment 46



Colorado Legislative Council Staff
FISCAL IMPACT STATEMENT

Date: August 25, 2008

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BALLOT TITLE: DISCRIMINATION AND PREFERENTIAL TREATMENT BY GOVERNMENTS

Summary of Measure

Amendment 46 proposes amending the state constitution to prohibit Colorado governments from discriminating against, or granting preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, public education, or public contracting. The measure exempts federal programs, existing court orders and other legally binding agreements, as well as hiring decisions where gender is a required qualification. The remedies for violation of state anti-discrimination laws apply to violations of this amendment. Amendment 46 is self-executing so can be implemented without enabling legislation.

Assessment

The fiscal impact of Amendment 46 cannot be quantified because the number of programs affected by the amendment is unknown. Government agencies, including public colleges and universities, may have costs and/or savings to conform current programs and policies with the amendment. If the amendment passes, government agencies will need to determine its potential legal, policy, and programmatic impact. For instance, student admissions programs and financial aid grants that consider race, sex, color, ethnicity, or national origin as one of many factors in the admissions or financial aid process, will have to be changed so that these characteristics are no longer factors. Costs that may result from legal challenges to the measure cannot be estimated.