

ASSEMBLY, No. 2533

STATE OF NEW JERSEY

INTRODUCED DECEMBER 5, 1996

By Assemblymen CARROLL, O'TOOLE, Garrett,
Assemblywoman Crecco, Assemblymen Bucco, Gregg and
Weingarten

1 AN ACT concerning the awarding of preferences for employment and
2 other benefits based upon certain characteristics and supplementing
3 Title 10 of the Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. The Legislature finds and declares that all officially sanctioned
9 discrimination based upon characteristics such as race, religion,
10 ethnicity, and national origin is contrary to the basic tenets of
11 American society. Individual merit, not membership in a favored or
12 disfavored group, is the only reasonable basis for differentiation
13 between people. It is fundamentally unjust for any individual to suffer
14 an officially mandated burden, or to obtain an unjustified and
15 unmerited benefit, solely on the basis of one's membership in an ethnic
16 or racial class. Quotas, goals, set-asides, preferences, or other
17 methods for taking irrational and irrelevant considerations like race or
18 ethnicity into account are contrary to basic notions of fairness, justice
19 and fair play.

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21 2. Neither any public entity of the State of New Jersey nor any
22 entity receiving public funds shall use race, ethnicity, sex, color, or
23 national origin as a basis for awarding any preferences to an applicant
24 for employment, for promotion, for admission to school, or for any
25 other benefit.

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27 3. Any private entity which is authorized or directed, by a law
28 enacted prior to the effective date of this act, to grant any preference
29 on the basis of race, sex, ethnicity or national origin shall cease to
30 grant such preference as of that effective date.

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32 4. Nothing in this act shall be construed as prohibiting
33 classifications based on sex which are reasonably necessary to the
34 normal operation of the State's system of public employment or public
35 education.

1 While the State should retain the power to institute narrowly
2 tailored race-based action to further compelling State interests in the
3 face of persistent and unyielding discrimination, the State of New
4 Jersey has the duty to promote equal opportunity and fairness
5 regardless of race, gender, sexual preference, age, religious belief or
6 physical condition. This bill is not intended in any way to create any
7 favored class, rather it is intended to eliminate the hodgepodge of
8 preferences based upon irrational characteristics which erode the
9 fundamental American notion of equality under the law.

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14 Prohibits public and certain private affirmative action programs based
15 upon race, ethnicity, sex, color or national origin.