

HOUSE BILL NO. 635

INTRODUCED BY G. NIKOLAKAKOS, S. FITZPATRICK, B. LER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HUMAN RIGHTS LAWS; PROHIBITING STATE OR LOCAL GOVERNMENT AGENCIES FROM FUNDING, ESTABLISHING, OR SUPPORTING DIVERSITY, EQUITY, AND INCLUSION PROGRAMS; AND DEFINING "DIVERSITY, EQUITY, AND INCLUSION PROGRAM"."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Prohibition of diversity, equity, and inclusion programs in state and

local government -- definition. (1) A state or local government agency may not:

- (a) require an employee to engage in a diversity, equity, and inclusion program;
- (b) spend public funds on a diversity, equity, and inclusion program;
- (c) spend public funds to acquire services, supplies, information technology, or goods for a diversity, equity, and inclusion program; or
- (d) establish, support, sustain, or employ an office or individual whose duties include coordinating, creating, developing, designing, implementing, organizing, or promoting a diversity, equity, and inclusion program.

(2) Nothing in this section may be construed:

- (a) to prohibit a state or local government agency from adopting a policy or program to comply with federal law, with Title 49, chapters 2 and 3, or with applicable court orders;
- (b) to limit policies or programs designed to advance the educational goals set forth in Article X, section 1(2), of the Montana constitution; or
- (c) to interfere with the sovereignty of tribal nations, reservations, or education pertaining to the history of Montana's Indian people.

(3) This section does not preclude a state or local government agency from offering training on sexual harassment or from operating an office or employing staff whose purpose is to ensure compliance with

1 federal law, with Title 49, chapters 2 and 3, or with applicable court orders.

2 (4) For the purposes of this section, "diversity, equity, and inclusion program" means a program
3 that requires an employee of a state or local government agency to participate in or attend a training,
4 orientation, workshop, therapy, or similar activity that focuses on any of the following:

5 (a) describing or exposing structures, systems, relations of power, privilege, or subordination on
6 the basis of race, sex, color, gender, ethnicity, gender identity, or sexual orientation;

7 (b) describing methods to identify, dismantle, or oppose structures, systems, relations of power,
8 privilege, or subordination on the basis of race, sex, color, gender, ethnicity, gender identity, or sexual
9 orientation;

10 (c) justifying differential treatment or benefit on the basis of race, sex, color, gender, ethnicity,
11 gender identity, or sexual orientation; or

12 (d) advancing theories of unconscious or implicit bias, cultural appropriation, transgenderism,
13 microaggression, microinvalidation, group marginalization, antiracism, systemic oppression, ethnocentrism,
14 structural racism or inequity, social justice, disparate impact, gender identity or theory, or any concept
15 substantially related to any of these theories.

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17 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as a new
18 chapter in Title 49, and the provisions of Title 49 apply to [section 1].

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