

SENATE BILL NO. 222

INTRODUCED BY J. TREBAS, B. MITCHELL, K. BOGNER

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE MONTANA INDIVIDUAL FREEDOM ACT; PROVIDING THAT CERTAIN MANDATORY TRAININGS ARE PROHIBITED AS A CONDITION OF EMPLOYMENT; REQUIRING CONTRACTORS AND VENDORS OF THE STATE TO INCLUDE NONDISCRIMINATION PROVISIONS IN PROCUREMENT CONTRACTS REGARDING CERTAIN TRAININGS; PROVIDING FOR A TRANSITION PERIOD; AND AMENDING SECTIONS 18-5-604 AND 49-3-207, MCA."

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

NEW SECTION. **Section 1. Short title.** [Sections 1 and 2] may be cited as the "Montana Individual Freedom Act".

NEW SECTION. **Section 2. Certain mandatory trainings prohibited as a condition of employment.** (1) It is an unlawful discriminatory practice for the state or any of its political subdivisions to subject an individual, as a condition of employment, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels the individual to believe any of the following concepts:

- (a) members of one class are morally superior to members of another class;
- (b) an individual, by virtue of the individual's class, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (c) an individual's moral character or status as either privileged or oppressed is necessarily determined by the individual's class;
- (d) an individual, by virtue of the individual's class, bears responsibility for or should be discriminated against or receive adverse treatment because of actions committed in the past by other members of the same class;
- (e) an individual, by virtue of the individual's class, should be discriminated against or receive

adverse treatment to achieve diversity, equity, or inclusion;

(f) an individual, by virtue of the individual's class, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same class; or

(g) virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist or were created by members of a particular class to oppress members of another class.

(2) An employer may provide training or instruction on the concepts listed in subsection (1) if the training or instruction is given in an objective manner without endorsement of the concepts.

(3) As used in this section:

(a) "Class" refers to the categories listed in 49-1-102 that pertain to civil rights, including race, creed, religion, color, sex, physical or mental disability, age, and national origin.

(b) "Employer" means:

(i) the state or any of its political subdivisions; or

(ii) a contractor or vendor holding a procurement or public works contract with the state or any of its political subdivisions.

Section 3. Section 18-5-604, MCA, is amended to read:

"18-5-604. Procurement requirements. (1) The technology access clause, referred to in 18-5-603(3), must be developed by the department of administration and must require compliance with nonvisual access standards developed by the state. The access clause and the nondiscrimination language required in 49-3-207(1) must be inserted in all contracts for the procurement of information technology by, or for the use of, state agencies.

(2) The nonvisual access standards developed pursuant to subsection (1) must include specifications that are necessary to fulfill the assurances contained in 18-5-603 and must include the following minimum specifications:

(a) Effective, interactive control and use of the technology, including the operating system, applications programs, and format of the data presented, are readily adaptable to nonvisual means.

(b) The technology equipped for nonvisual access must be compatible with information technology used by other individuals with whom the blind or visually impaired individual may interact or exchange electronic information.

(c) Nonvisual access technology must be integrated into networks used to share communications among employees, program participants, and the public.

(d) The technology for nonvisual access must have the capability of providing equivalent access by nonvisual means to telecommunications or other interconnected network services used by persons who are not blind or visually impaired."

Section 4. Section 49-3-207, MCA, is amended to read:

"49-3-207. Nondiscrimination provision in all public contracts provisions in public and procurement contracts. (1) Every state or local contract or subcontract for construction of public buildings or for other public work or for goods or services must contain a provision that all hiring must be on the basis of merit and qualifications and a provision that there may not be discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the contract.

(2) A contractor holding a contract pursuant to subsection (1) shall comply with the provisions of [section 2] for the duration of the contract.

(3) A vendor holding a procurement contract with the state or any of its political subdivisions shall comply with the provisions of [section 2] for the duration of the contract.

(4) For the purposes of subsection (3), the terms "contract", "procurement", and "vendor" have the same meaning as provided in 18-4-123."

NEW SECTION. Section 5. Transition. The state, any political subdivision of the state, or any contractor or vendor who has a written policy or contract in violation of [section 2] shall bring the policy into compliance with [this act] or terminate the contract by January 1, 2024.

NEW SECTION. Section 6. Codification instruction. [Section 2] is intended to be codified as an

1 integral part of Title 49, chapter 2, part 3, and the provisions of Title 49, chapter 2, part 3, apply to [section 2].

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3 NEW SECTION. **Section 7. Severability.** If a part of [this act] is invalid, all valid parts that are
4 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
5 the part remains in effect in all valid applications that are severable from the invalid applications.

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