

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40356-LR-22H

Short Title: Ensure Nondiscrimination in Government. (Public)

Sponsors: Representative Echevarria.

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ENSURE NONDISCRIMINATION AND DIGNITY IN GOVERNMENT
HIRING, PROMOTION, TRAINING, AND WORKPLACES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 126-14.6 reads as rewritten:

"§ 126-14.6. Ensuring dignity and nondiscrimination in State government workplaces.

(a) The General Assembly finds that Article I, Section 1 of the Constitution of this State recognizes the equality and rights of all persons. Therefore, it is the intent of the General Assembly that State employees respect the dignity of others, acknowledge the right of others to express differing opinions, and the right to freedom of speech and association and that State agencies employ training methods and procedures to further that intent. Further, it is the public policy of this State that State employee hiring, promotion, and training shall be without regard to race or ethnicity, religion, or sex and that applications for State employment shall not inquire about race.

(b) For the purposes of this section, "promote" shall mean compelling State employees or contractors to affirm or profess belief in the concepts described in subsection (c) of this section.

~~(c) The concepts listed in this subsection shall not be promoted in State government workplaces or included as part of any State employee training program:~~

- ~~(1) One race or sex is inherently superior to another race or sex.~~
- ~~(2) An individual, solely by virtue of his or her race or sex, is inherently racist, sexist, or oppressive.~~
- ~~(3) An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.~~
- ~~(4) An individual's moral character is necessarily determined by his or her race or sex.~~
- ~~(5) An individual, solely by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex.~~
- ~~(6) Any individual, solely by virtue of his or her race or sex, should feel discomfort, guilt, anguish, or any other form of psychological distress.~~
- ~~(7) A meritocracy is inherently racist or sexist.~~
- ~~(8) The United States was created by members of a particular race or sex for the purpose of oppressing members of another race or sex.~~
- ~~(9) The United States government should be violently overthrown.~~
- ~~(10) Particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race or sex or to an individual because of the individual's race or sex.~~



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- (11) ~~The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups.~~
- (12) ~~All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness.~~
- (13) ~~Governments should deny to any person within the government's jurisdiction the equal protection of the law.~~

(c) The concepts listed in this subsection shall not be promoted in State government workplaces or included as part of any State employee training program, to wit that: one race, religion, ethnicity, or sex is inherently superior to another race, religion, ethnicity, or sex; an individual, solely by virtue of his or her race, religion, ethnicity, or sex, is inherently racist, sexist, oppressive, or inherently victimized; an individual should be discriminated against, receive adverse treatment, or receive favored treatment solely or partly because of his or her race, religion, ethnicity, or sex; an individual's moral character is necessarily determined by his or her race, religion, ethnicity, or sex; an individual, solely by virtue of his or her race, religion, ethnicity, or sex, bears responsibility for actions committed in the past by other members of the same race, religion, ethnicity, or sex; any individual, solely by virtue of his or her race, religion, ethnicity, or sex, should feel entitlement or feel discomfort, guilt, anguish, or any other form of psychological distress; a meritocracy is inherently racist or sexist; the United States was created by members of a particular race, religion, ethnicity, or sex for the purpose of oppressing members of another race, religion, ethnicity, or sex; the United States government should be violently overthrown; particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race, religion, ethnicity, or sex or to an individual because of the individual's race, religion, ethnicity, or sex; the rule of law does not exist but instead is a series of power relationships and struggles among racial, religious, ethnic, or other groups; all Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness; and governments should deny to any person within the government's jurisdiction the equal protection of the law.

(d) Nothing in this section prevents a private contractor who provides training to State employees from responding to questions that are raised by participants in the training and which pertain to the concepts in subsection (c) of this section. However, the private contractor must make it clear that the government employer does not endorse those concepts.

(e) This section does not apply to speech protected by the First Amendment of the U.S. Constitution.

(f) A violation of this section constitutes employment discrimination."

SECTION 1.(b) G.S. 126-34.02(b) reads as rewritten:

"(b) The following issues may be heard as contested cases after completion of the agency grievance procedure and the Office of State Human Resources review:

- (1) Discrimination or harassment. – An applicant for State employment, a State employee, or former State employee may allege discrimination or harassment based on race, religion, color, ethnicity, national origin, sex, age, disability, genetic information, or political affiliation if the employee believes that he or she has been discriminated against in his or her application for employment or in the terms and conditions of the employee's employment, or in the termination of his or her employment. A violation of G.S. 126-14.6 constitutes employment discrimination under this subsection.

...."

SECTION 2. Part 4 of Article 7 of Chapter 160A of the General Statutes is amended by adding the following new sections to read:

"§ 160A-170. Compelled speech prohibited.

- (a) Each city agency and department shall comply with the following:

(1) Refrain from soliciting or requiring an applicant for employment to endorse or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition of employment.

(2) Refrain from soliciting or requiring an applicant for employment to describe the applicant's actions in support of, or in opposition to, the beliefs, affiliations, ideals, or principles identified in subdivision (1) of this subsection.

(b) Nothing in subsection (a) of this section shall infringe on the ability of an applicant for employment to voluntarily opine or speak regarding any matter, including matters of contemporary political debate or social action.

(c) No application for employment shall inquire into matters prohibited as compelled speech under this section.

(d) Nothing in this section shall be construed to:

(1) Prohibit discussion with or questions to an applicant regarding the content of the applicant's resume, curriculum vitae, or other written work or oral remarks.

(2) Affect the ability of the prospective employing agency from complying with applicable federal or State law, including employment oaths, appointment affidavits, and licensure and certification requirements.

(3) Apply to speech protected by the First Amendment of the U.S. Constitution.

"§ 160A-170.1. Ensuring dignity and nondiscrimination in municipal government workplaces.

(a) The General Assembly finds that Article I, Section 1 of the Constitution of this State recognizes the equality and rights of all persons. Therefore, it is the intent of the General Assembly that city employees respect the dignity of others, acknowledge the right of others to express differing opinions, and the right to freedom of speech and association and that municipal agencies employ training methods and procedures to further that intent.

(b) For the purposes of this section, "promote" shall mean compelling city employees or contractors to affirm or profess belief in the concepts described in subsection (c) of this section.

(c) The concepts listed in this subsection shall not be promoted in city government workplaces or included as part of any city employee training program, to wit that: one race, religion, ethnicity, or sex is inherently superior to another race, religion, ethnicity, or sex; an individual, solely by virtue of his or her race, religion, ethnicity, or sex, is inherently racist, sexist, oppressive, or inherently victimized; an individual should be discriminated against, receive adverse treatment, or receive favored treatment solely or partly because of his or her race, religion, ethnicity, or sex; an individual's moral character is necessarily determined by his or her race, religion, ethnicity, or sex; an individual, solely by virtue of his or her race, religion, ethnicity, or sex, bears responsibility for actions committed in the past by other members of the same race, religion, ethnicity, or sex; any individual, solely by virtue of his or her race, religion, ethnicity, or sex, should feel entitlement or feel discomfort, guilt, anguish, or any other form of psychological distress; a meritocracy is inherently racist or sexist; the United States was created by members of a particular race, religion, ethnicity, or sex for the purpose of oppressing members of another race, religion, ethnicity, or sex; the United States government should be violently overthrown; particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race, religion, ethnicity, or sex or to an individual because of the individual's race, religion, ethnicity, or sex; the rule of law does not exist but instead is a series of power relationships and struggles among racial, religious, ethnic, or other groups; all Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness; and governments should deny to any person within the government's jurisdiction the equal protection of the law.

(d) Nothing in this section prevents a private contractor who provides training to municipal employees from responding to questions that are raised by participants in the training

and which pertain to the concepts in subsection (c) of this section. However, the private contractor must make it clear that the government employer does not endorse those concepts.

(e) This section does not apply to speech protected by the First Amendment of the U.S. Constitution.

(f) Employee hiring, promotion, and training shall be without regard to race, religion, ethnicity, and sex, and applications for employment shall not inquire about race.

(g) A violation of this section constitutes employment discrimination."

SECTION 3. Part 4 of Article 5 of Chapter 153A of the General Statutes is amended by adding the following new sections to read:

"§ 153A-100. Compelled speech prohibited.

(a) Each county agency and department shall comply with the following:

(1) Refrain from soliciting or requiring an applicant for employment to endorse or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition of employment.

(2) Refrain from soliciting or requiring an applicant for employment to describe the applicant's actions in support of, or in opposition to, the beliefs, affiliations, ideals, or principles identified in subdivision (1) of this subsection.

(b) Nothing in subsection (a) of this section shall infringe on the ability of an applicant for employment to voluntarily opine or speak regarding any matter, including matters of contemporary political debate or social action.

(c) No application for employment shall inquire into matters prohibited as compelled speech under this section.

(d) Nothing in this section shall be construed to:

(1) Prohibit discussion with or questions to an applicant regarding the content of the applicant's resume, curriculum vitae, or other written work or oral remarks.

(2) Affect the ability of the prospective employing agency from complying with applicable federal or State law, including employment oaths, appointment affidavits, and licensure and certification requirements.

(3) Apply to speech protected by the First Amendment of the U.S. Constitution.

(e) A violation of this section constitutes employment discrimination.

"§ 153A-100.1. Ensuring dignity and nondiscrimination in county government workplaces.

(a) The General Assembly finds that Article I, Section 1 of the Constitution of this State recognizes the equality and rights of all persons. Therefore, it is the intent of the General Assembly that county employees respect the dignity of others, acknowledge the right of others to express differing opinions, and the right to freedom of speech and association and that county agencies employ training methods and procedures to further that intent.

(b) For the purposes of this section, "promote" shall mean compelling county employees or contractors to affirm or profess belief in the concepts described in subsection (c) of this section.

(c) The concepts listed in this subsection shall not be promoted in county government workplaces or included as part of any county employee training program, to wit that: one race, religion, ethnicity, or sex is inherently superior to another race, religion, ethnicity, or sex; an individual, solely by virtue of his or her race, religion, ethnicity, or sex, is inherently racist, sexist, oppressive, or inherently victimized; an individual should be discriminated against, receive adverse treatment, or receive favored treatment solely or partly because of his or her race, religion, ethnicity, or sex; an individual's moral character is necessarily determined by his or her race, religion, ethnicity, or sex; an individual, solely by virtue of his or her race, religion, ethnicity, or sex, bears responsibility for actions committed in the past by other members of the same race, religion, ethnicity, or sex; any individual, solely by virtue of his or her race, religion, ethnicity, or sex, should feel entitlement or feel discomfort, guilt, anguish, or any other form of psychological distress; a meritocracy is inherently racist or sexist; the United States was created

by members of a particular race, religion, ethnicity, or sex for the purpose of oppressing members of another race, religion, ethnicity, or sex; the United States government should be violently overthrown; particular character traits, values, moral or ethical codes, privileges, or beliefs should be ascribed to a race, religion, ethnicity, or sex or to an individual because of the individual's race, religion, ethnicity, or sex; the rule of law does not exist but instead is a series of power relationships and struggles among racial, religious, ethnic, or other groups; all Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including life, liberty, and the pursuit of happiness; and governments should deny to any person within the government's jurisdiction the equal protection of the law.

(d) Nothing in this section prevents a private contractor who provides training to county employees from responding to questions that are raised by participants in the training and which pertain to the concepts in subsection (c) of this section. However, the private contractor must make it clear that the government employer does not endorse those concepts.

(e) This section does not apply to speech protected by the First Amendment of the U.S. Constitution.

(f) Employee hiring, promotion, and training shall be without regard to race, religion, ethnicity, or sex, and applications for employment shall not inquire about race.

(g) A violation of this section constitutes employment discrimination."

SECTION 4. Article 10 of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-162.8. No public funds for discriminatory programs.

(a) No State agency, unit of local government, or non-State entity may use any State funds or public monies to promote, support, fund, implement, or maintain discriminatory programs. For the purposes of this section, a "discriminatory program" means a program promoting the concepts listed in subsection (c) of G.S. 153A-100.1.

(b) No State agency, unit of local government, or non-State entity shall apply for, accept, or utilize federal funds, grants, or other financial assistance that require compliance with discriminatory programs. Any existing programs funded through such means shall be discontinued unless continued participation is expressly required by federal law.

(c) The following definitions apply in this section:

(1) Non-State entity. – As defined in G.S. 143C-1-1.

(2) Public monies. – Funds from any source budgeted or expended by a local political subdivision of the State, including, but not limited to, revenue authorized by G.S. 153A-149 or G.S. 160A-209.

(3) State agency. – A unit of the executive, legislative, or judicial branch of State government, such as a department, institution, division, commission, board, council, community college, or The University of North Carolina system.

(4) State funds. – As defined in G.S. 143C-1-1. The term includes any monies received or held by a constituent institution of The University of North Carolina, including endowment funds as defined in G.S. 116-36 and institutional trust funds as defined in G.S. 116-36.1.

(5) Unit of local government. – As defined in G.S. 143C-1-1.

(d) The prohibitions contained in subsections (a) and (b) of this section include, but are not limited to, using State funds or public monies to do any of the following:

(1) Utilize discriminatory programs in employee hirings, trainings, or promotions; admissions; or the awarding of contracts.

(2) Maintain offices or dedicated staff positions (whether permanent, time-limited, full-time, part-time, or temporary) for discriminatory programs.

(e) Nothing in this section shall be construed to conflict with, restrict, limit, or infringe upon speech protected by the First Amendment of the U.S. Constitution.

(f) Nothing in this section shall be construed to conflict with or prohibit compliance with Title IX of the Education Amendments of 1972, as amended; the Americans with Disabilities Act, as amended; the Age Discrimination in Employment Act, as amended; Title VI of the Civil Rights Act of 1964; or other applicable State or federal law.

(g) This section shall not be construed to apply to any of the following:

(1) Academic course instruction.

(2) Scholarly research or a creative work by an institution of higher education's students, faculty, or other research personnel or the dissemination of that research or work.

(3) An activity of a student organization registered with or recognized by an institution of higher education.

(4) Guest speakers or performers on short-term engagements.

(5) A policy, practice, procedure, program, or activity to enhance student academic achievement or postgraduate outcomes that is designed and implemented without regard to race, sex, color, or ethnicity.

(6) Data collection.

(7) Bona fide qualifications based on sex which are reasonably necessary to the normal operation of public higher education, including, but not limited to:

a. Sports teams organized by sex.

b. Single-sex bathrooms and locker rooms.

c. Requiring a maintenance employee assigned to a single-sex locker room to be a member of that respective sex.

d. Fraternalities and sororities restricted to members of one sex.

e. Having single-sex housing options for students.

(h) It is a Class 1 misdemeanor for a person to knowingly and willfully violate this section.

(i) A violation of this section is subject to the applicable penalty provisions of Article 10 of Chapter 143C of the General Statutes, Article 11 of Chapter 159 of the General Statutes, G.S. 143C-6-22, or G.S. 159-183.

(j) The State Auditor shall conduct periodic compliance audits to determine whether there has been a violation of this section. If the State Auditor determines that a violation of this section has occurred, the determination shall be referred for prosecution by the district attorney of the county where all or a substantial part of the alleged violation occurred and reported to the Joint Legislative Commission on Governmental Operations or the Local Government Commission, as appropriate.

(k) Any person may bring a civil action for a violation of this section seeking injunctive or declaratory relief and the recovery of reasonable attorneys' fees and costs. The civil action shall be brought in the county in which all or a substantial part of the acts or omissions giving rise to the action occurred.

(l) An employee of a State agency, unit of local government, or non-State entity may bring a civil action for damages to the employee resulting from a violation of this section. The civil action may be brought in the county where the employee resides or in which all or a substantial part of the acts or omissions giving rise to the action occurred.

(m) The liability and penalty provisions contained in this section for violating its provisions are in addition to, and not in lieu of, liability under any other applicable provision of law or cause of action in consequence of the violation.

(n) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application."

1 **SECTION 5.** This act shall not modify or supersede existing federal, State, or local
2 law governing public accommodations, as defined in 42 U.S.C. § 2000a, or private
3 establishments exempt from such requirements.

4 **SECTION 6.** If any section or provision of this act is declared unconstitutional or
5 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
6 the part so declared to be unconstitutional or invalid.

7 **SECTION 7.** This act becomes effective July 1, 2025.