

By: Tepper

H.B. No. 144

A BILL TO BE ENTITLED

AN ACT

relating to the implementation of diversity, equity, and inclusion initiatives by certain governmental entities.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 621 to read as follows:

CHAPTER 621. PROHIBITION ON CERTAIN DIVERSITY, EQUITY, AND INCLUSION INITIATIVES

Sec. 621.001. DEFINITIONS. In this chapter:

(1) "Diversity, equity, and inclusion office" means an office, division, or other unit of a governmental entity established for the purpose of:

(A) influencing hiring or employment practices at the entity with respect to race, sex, color, or ethnicity, other than through the use of color-blind and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;

(B) promoting differential treatment or providing special benefits to individuals on the basis of race, sex, color, or ethnicity;

(C) promoting policies or procedures designed or implemented in reference to race, color, or ethnicity, other than policies or procedures implemented for the purpose of ensuring compliance with any applicable federal law; or

1 (D) conducting trainings, programs, or
2 activities designed or implemented in reference to race, color,
3 ethnicity, gender identity, or sexual orientation, other than
4 trainings, programs, or activities conducted for the purpose of
5 ensuring compliance with any applicable court order or state or
6 federal law.

7 (2) "Governmental entity" has the meaning assigned by
8 Section 620.001, Government Code, except that the term also
9 includes a school district or open-enrollment charter school.

10 Sec. 621.002. APPLICABILITY OF CHAPTER. This chapter does
11 not apply to an institution of higher education.

12 Sec. 621.003. RESPONSIBILITY OF GOVERNMENTAL ENTITY
13 REGARDING DIVERSITY, EQUITY, AND INCLUSION INITIATIVES. (a) A
14 governmental entity shall ensure that each unit of the entity:

15 (1) does not, except as required by federal law:

16 (A) establish or maintain a diversity, equity,
17 and inclusion office;

18 (B) hire or assign an employee of the entity or
19 contract with a third party to perform the duties of a diversity,
20 equity, and inclusion office;

21 (C) compel, require, induce, or solicit any
22 person to provide a diversity, equity, and inclusion statement or
23 give preferential consideration to any person based on the
24 provision of a diversity, equity, and inclusion statement;

25 (D) give preference on the basis of race, sex,
26 color, ethnicity, or national origin to an applicant for
27 employment, an employee, or a participant in any function of the

1 entity; or

2 (E) require as a condition of employment any
3 person to participate in diversity, equity, and inclusion training,
4 which:

5 (i) includes a training, program, or
6 activity designed or implemented in reference to race, color,
7 ethnicity, gender identity, or sexual orientation; and

8 (ii) does not include a training, program,
9 or activity developed for the purpose of ensuring compliance with
10 any applicable federal law; and

11 (2) adopts policies and procedures for appropriately
12 disciplining, including by termination, an employee or contractor
13 of the entity who engages in conduct in violation of Subdivision
14 (1).

15 (b) Subsection (a)(1) may not be construed to apply to:

16 (1) academic course instruction;

17 (2) scholarly research or a creative work by a school
18 district's or open-enrollment charter school's students or faculty;

19 (3) an activity of a student organization registered
20 with or recognized by a school district or open-enrollment charter
21 school;

22 (4) guest speakers or performers on short-term
23 engagements;

24 (5) a program or activity to enhance student academic
25 achievement or postgraduate outcomes that allows participation
26 without regard to race, sex, color, or ethnicity; or

27 (6) data collection.

1 (c) An employee of a governmental entity who is required to
2 participate in training in violation of Subsection (a)(1)(E) may
3 bring an action against the entity for injunctive and declaratory
4 relief.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect on the 91st day after the last day of the
10 legislative session.