

By: Tepper

H.B. No. 1033

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of political tests by governmental entities and certain government contracts.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 620 to read as follows:

CHAPTER 620. PROHIBITION ON POLITICAL TESTS

Sec. 620.001. DEFINITIONS. In this section, "governmental entity" means:

(1) this state, a municipality, a county, or other political subdivision of this state; or

(2) any agency of this state, of a county, of a municipality, or of any other political subdivision of this state, including a department, bureau, board, commission, office, agency, council, school district, open-enrollment charter school, and public institution of higher education.

Sec. 620.002. POLITICAL TESTS PROHIBITED. (a) A governmental entity may not require any person to receive or participate in training, identify a commitment to, or make a statement of personal belief supporting any specific partisan, political, or ideological set of beliefs, including an ideology or movement that promotes the differential treatment of any individual or group based on race or ethnicity, such as:

(1) an initiative or formulation of diversity, equity,

1 and inclusion beyond what is necessary to uphold the equal
2 protection of the laws under the Fourteenth Amendment to the United
3 States Constitution; or

4 (2) a theory or practice that asserts that systems or
5 institutions upholding the equal protection of the laws under the
6 Fourteenth Amendment to the United States Constitution are racist,
7 oppressive, or otherwise unjust.

8 SECTION 2. Subtitle F, Title 10, Government Code, is
9 amended by adding Chapter 2275 to read as follows:

10 CHAPTER 2275. PROHIBITION ON CONTRACTS REQUIRING POLITICAL TESTS

11 Sec. 2275.001. DEFINITIONS. In this section, "governmental
12 entity" means:

13 (1) this state, a municipality, a county, or other
14 political subdivision of this state; or

15 (2) any agency of this state, of a county, of a
16 municipality, or of any other political subdivision of this state,
17 including a department, bureau, board, commission, office, agency,
18 council, school district, open-enrollment charter school, and
19 public institution of higher education.

20 Sec. 2275.002. PROHIBITED CONTRACTS. (a) A governmental
21 entity may not enter into a contract or other agreement with a
22 company or organization that requires an employee or student of a
23 governmental entity to receive or participate in training, identify
24 a commitment to, or make a statement of personal belief supporting
25 any specific partisan, political, or ideological set of beliefs,
26 including an ideology or movement that promotes the differential
27 treatment of any individual or group based on race or ethnicity,

1 such as:

2 (1) an initiative or formulation of diversity, equity,
3 and inclusion beyond what is necessary to uphold the equal
4 protection of the laws under the Fourteenth Amendment to the United
5 States Constitution; or

6 (2) a theory or practice that asserts that systems or
7 institutions upholding the equal protection of the laws under the
8 Fourteenth Amendment to the United States Constitution are racist,
9 oppressive, or otherwise unjust.

10 SECTION 3. Chapter 2275, Government Code, as added by this
11 Act, applies to a contract or agreement entered into on or after the
12 effective date of this Act.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2023.