

By: Tinderholt

H.B. No. 3427

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to implement certain diversity, equity, and inclusion policies.

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

SECTION 1. Chapter 180, Local Government Code, is amended by adding Section 180.011 to read as follows:

Sec. 180.011. PROHIBITION ON CERTAIN DIVERSITY, EQUITY, AND INCLUSION POLICIES. (a) In this section, "diversity, equity, and inclusion policy" means an official policy of a political subdivision that:

(1) requires, encourages, or otherwise promotes hiring or employment practices or workforce composition based on race, sex, color, or ethnicity, other than through the use of color-blind, race-neutral, and sex-neutral hiring processes in accordance with any applicable state and federal antidiscrimination laws;

(2) requires, encourages, or otherwise promotes differential treatment or the provision of special benefits to individuals on the basis of race, sex, color, or ethnicity; or

(3) promotes a particular opinion referencing unconscious or implicit bias, cultural appropriation, allyship, transgender ideology, microaggressions, group marginalization, anti-racism, systemic oppression, social justice, intersectionality, neo-pronouns, heteronormativity, disparate

1 impact, gender theory, racial or sexual privilege, or any related
2 formulation of these concepts.

3 (b) Unless explicitly required by state or federal law, a
4 political subdivision may not:

5 (1) adopt or enforce a diversity, equity, and
6 inclusion policy; or

7 (2) coerce, compel, or require an employee to attend
8 or take part in a training based on a diversity, equity, and
9 inclusion policy.

10 (c) A person, including the attorney general, may bring an
11 action to enjoin a violation of Subsection (b) in a district court
12 in:

13 (1) Travis County; or

14 (2) the county in which the principal office of the
15 political subdivision in which the violation occurs is located.

16 (d) Any person who substantially prevails in an action under
17 Subsection (c) is entitled to an award of reasonable attorney's
18 fees and costs from the political subdivision. Governmental
19 immunity of a political subdivision to suit and from liability is
20 waived to the extent of liability created under Subsection (c).

21 (e) A political subdivision that is determined in an action
22 under Subsection (c) to have violated Subsection (b) may not
23 receive state grant funds for the two years following the date of
24 the determination. The comptroller shall adopt rules to implement
25 this subsection uniformly among the state agencies from which state
26 grant funds are distributed to political subdivisions.

27 SECTION 2. This Act takes effect September 1, 2025.