

**SENATE BILL NO. 2392**

Introduced by

Senators Wobbema, Hogue, Myrdal, Paulson

Representatives D. Johnston, Steiner

1 A BILL for an Act to create and enact a new chapter to title 15, a new chapter to title 15.1, a new  
2 section to chapter 54-10, and a new chapter to title 54 of the North Dakota Century Code,  
3 relating to the regulation of prohibited discriminatory practices; and to provide for a legislative  
4 management report.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new chapter to title 15 of the North Dakota Century Code is created and  
7 enacted as follows:

8 **Definitions.**

9 As used in this chapter:

- 10 1. "Board" means the state board of higher education.
- 11 2. "Personal identity characteristic" means an individual's race, color, ethnicity, sex,  
12 sexual orientation, national origin, religion, or gender identity.
- 13 3. a. "Prohibited discriminatory practice" means engaging in or maintaining a policy,  
14 procedure, practice, program, office, initiative, or required training that:
- 15 (1) Asserts one personal identity characteristic is inherently superior or inferior  
16 to another personal identity characteristic.
- 17 (2) Asserts an individual, by virtue of the individual's personal identity  
18 characteristics, is inherently privileged, oppressed, racist, sexist,  
19 oppressive, or a victim, whether consciously or unconsciously.
- 20 (3) Asserts an individual should be discriminated against in violation of Title VI,  
21 Title VII, and Title IX, receive adverse treatment, be advanced, or receive  
22 beneficial treatment because of the individual's personal identity  
23 characteristics.

- 1           (4) Asserts an individual's moral character is determined by the individual's  
2           personal identity characteristics.
- 3           (5) Asserts an individual, by virtue of the individual's personal identity  
4           characteristics, bears responsibility for actions committed in the past by  
5           other individuals with the same personal identity characteristics.
- 6           (6) Asserts an individual should feel discomfort, guilt, anguish, or other  
7           psychological distress solely because of the individual's personal identity  
8           characteristics.
- 9           (7) Asserts that meritocracy is inherently racist or sexist.
- 10          (8) Asserts that sociopolitical structures are inherently a series of power  
11          relationships and struggles among racial groups.
- 12          (9) Promotes resentment between, or resentment of, individuals by virtue of  
13          their personal identity characteristics.
- 14          (10) Ascribes values, morals, or ethical codes, privileges, or beliefs to an  
15          individual because of the individual's race, color, ethnicity, sex, sexual  
16          orientation, national origin, or gender identity.
- 17          (11) Considers an individual's personal identity characteristics in determining  
18          receipt of state financial aid or other state financial assistance, including a  
19          scholarship award or tuition waiver.
- 20          (12) Is referred to or named diversity, equity, and inclusion.
- 21          (13) Based on an individual's personal identity characteristics:
- 22               (a) Promotes differential treatment of an individual without an important  
23               government interest;
- 24               (b) Influences employment decisions of an individual other than through  
25               the use of neutral hiring processes with regard to personal identity  
26               characteristics and in accordance with federal law;
- 27               (c) Influences an individual's admission to, advancement in, or graduation  
28               from an institution, the public education system, or an academic  
29               program; or
- 30               (d) Influences an individual's participation in an institution-sponsored or  
31               public education system-sponsored program.

- 1            b. The term does not include policies or procedures required by state or federal law,  
2            including laws relating to prohibited discrimination or harassment.
- 3            4. "Prohibited submission" means a submission, statement, or document that requires an  
4            individual to articulate the individual's position, view, contribution, effort, or experience  
5            regarding a policy, program, or initiative that promotes differential treatment based on  
6            an individual's personal identity characteristics.
- 7            5. "Prohibited training" means a mandatory instructional program, including an in-person  
8            or online seminar, discussion group, workshop, and related materials which an  
9            institution requires the institution's employees, prospective employees, students, or  
10           prospective students to attend and which promotes prohibited discriminatory practices.
- 11           6. "Student success and support" means an office, division, employment position, or  
12           other unit of an institution established or maintained to provide support, guidance, and  
13           resources that equip all students, including all students at higher risk of not completing  
14           a certificate or degree, with experiences and opportunities for success in each  
15           student's academic and career goals, and without excluding individuals on the basis of  
16           an individual's personal identity characteristics.
- 17           7. "Title VI" means Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]
- 18           8. "Title VII" means Title VII of the Civil Rights Act of 1964 [42 U.S.C. 2000e et seq.]
- 19           9. "Title IX" means Title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et  
20           seq.]

21           **Prohibition on the use of certain submissions in higher education - Exceptions -**

22           **Report to legislative management.**

- 23           1. Except as provided in subsections 3 and 5, an institution may not require, request,  
24           solicit, or compel a prohibited submission as a certification or condition before taking  
25           action with respect to:
- 26           a. Employment, including decisions regarding:
- 27               (1) Hiring;
- 28               (2) Terms of employment;
- 29               (3) Benefits;
- 30               (4) Compensation;
- 31               (5) Seniority status;

- 1           (6) Tenure or continuing status;  
2           (7) Promotion;  
3           (8) Performance reviews;  
4           (9) Transfer;  
5           (10) Termination; or  
6           (11) Appointment.
- 7           b. Admission to, advancement in, or graduation from an institution or an academic  
8           program.
- 9           c. Participation in an institution-sponsored program.
- 10          d. Qualification for or receipt of state financial aid or other state financial assistance.
- 11          2. An institution may not grant a form of preferential consideration to an individual who,  
12          with or without solicitation from the institution, provides a prohibited submission for  
13          consideration for any action described in subsection 1.
- 14          3. If federal law requires an institution to accept or require a prohibited submission, the  
15          institution:
- 16           a. May accept the prohibited submission only to the extent required under federal  
17           law; and
- 18           b. Shall limit consideration of the information contained in the prohibited submission  
19           to the extent necessary to satisfy the requirement under federal law.
- 20          4. For a required prohibited submission under subsection 3, an institution shall:
- 21           a. Prepare a report to the board detailing the circumstances under which a  
22           prohibited submission is required; and
- 23           b. Publish the report on the institution's website in a conspicuous location.
- 24          5. This section does not limit or prohibit an institution's authority to establish policies that:
- 25           a. Are necessary to comply with state or federal law, including laws relating to  
26           prohibited discrimination or harassment;
- 27           b. Require disclosure of an employee's academic research, classroom teaching, or  
28           coursework; or
- 29           c. Require an applicant for employment, tenure, or promotion to disclose or discuss  
30           the applicant's:
- 31           (1) Research;

- 1                   (2) Teaching agenda;
- 2                   (3) Artistic creations; or
- 3                   (4) Pedagogical approaches or experiences with students of all learning
- 4                   abilities.
- 5           6. Beginning on July 1, 2026, the board shall conduct a biennial review of each institution
- 6                   of higher education's compliance with this section. If the board identifies a violation of
- 7                   this section, the board shall:
- 8                   a. On or before thirty days after the day on which the board identifies the violation,
- 9                   work with the institution to create a remediation plan; and
- 10                  b. Provide the institution one hundred eighty days after the day of the creation of the
- 11                   remediation plan to cure the violation.
- 12           7. On or before November first of each even-numbered year, the board shall prepare and
- 13                   submit a report to the legislative management on:
- 14                   a. The review process and each institution's compliance determination; or
- 15                   b. The remediation plan and progress under subsection 6 if a violation is identified.
- 16           8. The legislative assembly may withhold future state appropriations to an institution that
- 17                   fails to cure a violation of this section within the time provided under subsection 6.
- 18           9. The board shall make rules to establish a procedure for accepting and processing an
- 19                   individual's complaint against an institution for an alleged violation of this section.

20           **Prohibition on the use of certain training in higher education - Exceptions - Report to**  
21 **legislative management.**

- 22           1. An institution may not require prohibited training.
- 23           2. An institution shall train annually the institution's faculty and staff on academic
- 24                   freedom and freedom of speech in accordance with state or federal law.
- 25           3. This section does not limit or prohibit an institution's authority to establish policies
- 26                   necessary to comply with state or federal law, including laws relating to prohibited
- 27                   discrimination or harassment.
- 28           4. Beginning on July 1, 2026, the board shall conduct a biennial review of each
- 29                   institution's compliance with this section. If the board identifies a violation of this
- 30                   section, the board shall:

- 1           a. On or before thirty days after the day on which the board identifies the violation,
- 2                 work with the institution to create a remediation plan; and
- 3           b. Provide the institution one hundred eighty days after the day of the creation of the
- 4                 remediation plan to cure the violation.
- 5        5. On or before November first of each even-numbered year, the board shall prepare and
- 6           submit a report to the legislative management on:
- 7           a. The review process and each institution's compliance determination; or
- 8           b. The remediation plan and progress under subsection 4 if a violation is identified.
- 9        6. The legislative assembly may withhold future state appropriations to an institution that
- 10           fails to cure a violation of this section within the time provided under subsection 4.
- 11        7. The board shall make rules to establish a procedure for accepting and processing an
- 12           individual's complaint against an institution for an alleged violation of this section.

13           **Prohibited discriminatory practices - Restrictions - Exceptions - Report to legislative**  
14 **management.**

- 15        1. An institution may not:
- 16           a. Engage in prohibited discriminatory practices.
- 17           b. Take, express, or assert a position or opinion on anti-racism, bias, critical race
- 18                 theory, implicit bias, intersectionality, racial privilege, or a prohibited
- 19                 discriminatory practice.
- 20           c. Establish or maintain an office, division, employment position, or other unit of an
- 21                 institution established to implement, develop, plan, or promote campus policies,
- 22                 procedures, practices, programs, or initiatives regarding prohibited discriminatory
- 23                 practices.
- 24           d. Employ or assign an employee or a third party whose duties for an institution
- 25                 include coordinating, creating, developing, designing, implementing, organizing,
- 26                 planning, or promoting policies, programming, training, practices, activities, and
- 27                 procedures relating to prohibited discriminatory practices.
- 28        2. An institution shall:
- 29           a. Ensure that all students have access to programs providing student success and
- 30                 support.

- 1            b. Publish the titles and syllabi of all mandatory courses, seminars, classes,
- 2            workshops, and training sessions on the institution's website in an online
- 3            database readily searchable by the public.
- 4            c. Annually train employees on the separation of personal political advocacy from
- 5            an institution's business and employment activities.
- 6            d. Develop strategies, including inviting speakers, to promote viewpoint diversity.
- 7            e. Establish policies and procedures to include opportunities for education and
- 8            research on free speech and civic education.
- 9            3. Beginning on July 1, 2026, the board shall conduct a biennial review of each
- 10           institution's compliance with this section. If the board identifies a violation of this
- 11           section, the board shall:
- 12           a. On or before thirty days after the day on which the board identifies the violation,
- 13           work with the institution to create a remediation plan; and
- 14           b. Provide the institution one hundred eighty days after the day of the creation of the
- 15           remediation plan to cure the violation.
- 16           4. On or before November first of each even-numbered year, the board shall prepare and
- 17           submit a report to the legislative management on:
- 18           a. The review process and each institution's compliance determination; or
- 19           b. The remediation plan and progress under subsection 3 if a violation is identified.
- 20           5. The legislative assembly may withhold future state appropriations to an institution that
- 21           fails to cure a violation of this section within the time provided under subsection 3.
- 22           6. The board shall make rules to establish a procedure for accepting and processing an
- 23           individual's complaint against an institution for an alleged violation of this section.

24            **SECTION 2.** A new chapter to title 15.1 of the North Dakota Century Code is created and  
25 enacted as follows:

26            **Definitions.**

27            As used in this chapter:

- 28            1. "Board" means the board of a school district.
- 29            2. "Department" means the department of public instruction.
- 30            3. "Personal identity characteristic" means an individual's race, color, ethnicity, sex,
- 31            sexual orientation, national origin, religion, or gender identity.

- 1           4.   a.   "Prohibited discriminatory practice" means engaging in or maintaining a policy,  
2                   procedure, practice, program, office, initiative, or required training that:  
3                   (1)   Asserts one personal identity characteristic is inherently superior or inferior  
4                   to another personal identity characteristic.  
5                   (2)   Asserts an individual, by virtue of the individual's personal identity  
6                   characteristics, is inherently privileged, oppressed, racist, sexist,  
7                   oppressive, or a victim, whether consciously or unconsciously.  
8                   (3)   Asserts an individual should be discriminated against in violation of Title VI,  
9                   Title VII, and Title IX, receive adverse treatment, be advanced, or receive  
10                  beneficial treatment because of the individual's personal identity  
11                  characteristics.  
12                  (4)   Asserts an individual's moral character is determined by the individual's  
13                  personal identity characteristics.  
14                  (5)   Asserts an individual, by virtue of the individual's personal identity  
15                  characteristics, bears responsibility for actions committed in the past by  
16                  other individuals with the same personal identity characteristics.  
17                  (6)   Asserts an individual should feel discomfort, guilt, anguish, or other  
18                  psychological distress solely because of the individual's personal identity  
19                  characteristics.  
20                  (7)   Asserts that meritocracy is inherently racist or sexist.  
21                  (8)   Asserts that sociopolitical structures are inherently a series of power  
22                  relationships and struggles among racial groups.  
23                  (9)   Promotes resentment between, or resentment of, individuals by virtue of  
24                  their personal identity characteristics.  
25                  (10) Ascribes values, morals, or ethical codes, privileges, or beliefs to an  
26                  individual because of the individual's race, color, ethnicity, sex, sexual  
27                  orientation, national origin, or gender identity.  
28                  (11) Considers an individual's personal identity characteristics in determining  
29                  receipt of state financial aid or other state financial assistance, including a  
30                  scholarship award or tuition waiver.  
31                  (12) Is referred to or named diversity, equity, and inclusion.



- 1           (13) Based on an individual's personal identity characteristics:
- 2                   (a) Promotes differential treatment of an individual without an important
- 3                               government interest;
- 4                   (b) Influences employment decisions of an individual other than through
- 5                               the use of neutral hiring processes with regard to personal identity
- 6                               characteristics and in accordance with federal law;
- 7                   (c) Influences an individual's admission to, advancement in, or graduation
- 8                               from an institution, the public education system, or an academic
- 9                               program; or
- 10                  (d) Influences an individual's participation in an institution-sponsored or
- 11                               public education system-sponsored program.
- 12           b. The term does not include policies or procedures required by state or federal law,
- 13                               including laws relating to prohibited discrimination or harassment.
- 14           5. "Prohibited submission" means a submission, statement, or document that requires an
- 15                               individual to articulate the individual's position, view, contribution, effort, or experience
- 16                               regarding a policy, program, or initiative that promotes differential treatment based on
- 17                               an individual's personal identity characteristics.
- 18           6. "Title VI" means Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]
- 19           7. "Title VII" means Title VII of the Civil Rights Act of 1964 [42 U.S.C. 2000e et seq.]
- 20           8. "Title IX" means Title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et
- 21                               seq.]

22           **Prohibited discriminatory practices - Restrictions - Report to legislative management.**

- 23           1. The department, a school district, or board may not:
- 24                   a. Engage in prohibited discriminatory practices.
- 25                   b. Establish or maintain an office, division, or employment position established to
- 26                               implement, develop, plan, or promote policies, procedures, practices, programs,
- 27                               or initiatives regarding prohibited discriminatory practices; or
- 28                   c. Employ or assign an employee or a third party whose duties for the department,
- 29                               school district, or board include coordinating, creating, developing, designing,
- 30                               implementing, organizing, planning, or promoting policies, programming, training,

1                   practices, activities, and procedures relating to prohibited discriminatory  
2                   practices.

3           2. A school district shall ensure that all students have access to programs providing  
4           student success and support.

5           3. This section does not limit or prohibit the department, a school district, or a school  
6           board from establishing policies necessary to comply with state or federal law,  
7           including laws relating to prohibited discrimination or harassment.

8           4. If the department identifies a reported violation of this section, the department shall  
9           provide an update to the legislative management on a school district's or board's  
10          compliance with this section by November first of each even-numbered year.

11          5. The department shall establish a procedure for accepting and processing an  
12          individual's complaint against a board or school district for an alleged violation of this  
13          section.

14           **Prohibition on the use of certain submissions in public education - Exceptions -**  
15   **Report to legislative management.**

16          1. Except as provided in subsections 3 and 5, a school district may not require, request,  
17          solicit, or compel a prohibited submission as a certification or condition before taking  
18          action with respect to:

19          a. Employment, including decisions regarding:

20               (1) Hiring;

21               (2) Terms of employment;

22               (3) Benefits;

23               (4) Compensation;

24               (5) Seniority status;

25               (6) Tenure or continuing status;

26               (7) Promotion;

27               (8) Performance reviews;

28               (9) Transfer;

29               (10) Termination; or

30               (11) Appointment.

31          b. Enrollment or graduation from the district.

- 1           c. Participation in district-sponsored programs.
- 2           d. Qualification for or receipt of state financial aid or other state financial assistance.
- 3        2. A school district may not grant any form of preferential consideration to an individual
- 4           who, with or without solicitation from the district, provides a prohibited submission for
- 5           consideration for any action described in subsection 1.
- 6        3. If federal law requires a school district to accept or require a prohibited submission,
- 7           the school district:
- 8           a. May accept the prohibited submission only to the extent required under federal
- 9           law; and
- 10          b. Shall limit consideration of the information contained in the prohibited submission
- 11           to the extent necessary to satisfy the requirement under federal law.
- 12        4. For a required prohibited submission under subsection 3, a school district shall provide
- 13           a report to the department detailing the circumstances under which a prohibited
- 14           submission under subsection 3 is required.
- 15        5. This section does not limit or prohibit a school district's authority to establish policies
- 16           that:
- 17           a. Are necessary to comply with state or federal law, including laws relating to
- 18           prohibited discrimination or harassment; or
- 19           b. Require an applicant for employment, tenure, continuing status, or promotion to
- 20           disclose or discuss the applicant's:
- 21                (1) Teaching record;
- 22                (2) Artistic creations; or
- 23                (3) Pedagogical approaches or experiences with students of all learning
- 24                    abilities.
- 25        6. If the department identifies a reported violation of this section, the department shall
- 26           provide a report to the legislative management on a district's compliance with this
- 27           section by November first of each even-numbered year.
- 28        7. The department shall establish a procedure for accepting and processing an
- 29           individual's complaint against a school district for an alleged violation of this section.

30        **SECTION 3.** A new section to chapter 54-10 of the North Dakota Century Code is created  
31 and enacted as follows:

1        **Prohibited discriminatory practice - Violation - Report to legislative management.**

2        The auditor shall report compliance with section 4 of this Act by establishing a process to  
3 receive and audit each violation and shall report to the legislative management, upon request,  
4 on the findings and recommendations under this section.

5        **SECTION 4.** A new chapter to title 54 of the North Dakota Century Code is created and  
6 enacted as follows:

7        **Definitions.**

8        As used in this chapter:

9        1. "Executive agency director" means the director of an executive branch agency who, at  
10 the direction of the governor, carries out state business.

11        2. "Government employer" means a political subdivision or any department, division,  
12 agency, commission, board, council, committee, authority, or any other institution of  
13 the state. The term does not include school districts or institutions under the control of  
14 the state board of higher education.

15        3. "Personal identity characteristic" means an individual's race, color, ethnicity, sex,  
16 sexual orientation, national origin, religion, or gender identity.

17        4. a. "Prohibited discriminatory practice" means engaging in or maintaining a policy,  
18 procedure, practice, program, office, initiative, or required training that:

19            (1) Asserts one personal identity characteristic is inherently superior or inferior  
20 to another personal identity characteristic.

21            (2) Asserts an individual, by virtue of the individual's personal identity  
22 characteristics, is inherently privileged, oppressed, racist, sexist,  
23 oppressive, or a victim, whether consciously or unconsciously.

24            (3) Asserts an individual should be discriminated against in violation of Title VI,  
25 Title VII, and Title IX, receive adverse treatment, be advanced, or receive  
26 beneficial treatment because of the individual's personal identity  
27 characteristics.

28            (4) Asserts an individual's moral character is determined by the individual's  
29 personal identity characteristics.

- 1           (5) Asserts an individual, by virtue of the individual's personal identity  
2           characteristics, bears responsibility for actions committed in the past by  
3           other individuals with the same personal identity characteristics.
- 4           (6) Asserts an individual should feel discomfort, guilt, anguish, or other  
5           psychological distress solely because of the individual's personal identity  
6           characteristics.
- 7           (7) Asserts that meritocracy is inherently racist or sexist.
- 8           (8) Asserts that sociopolitical structures are inherently a series of power  
9           relationships and struggles among racial groups.
- 10          (9) Promotes resentment between, or resentment of, individuals by virtue of  
11          their personal identity characteristics.
- 12          (10) Ascribes values, morals, or ethical codes, privileges, or beliefs to an  
13          individual because of the individual's race, color, ethnicity, sex, sexual  
14          orientation, national origin, or gender identity.
- 15          (11) Considers an individual's personal identity characteristics in determining  
16          receipt of state financial assistance.
- 17          (12) Is referred to or named diversity, equity, and inclusion.
- 18          (13) Based on an individual's personal identity characteristics:
- 19               (a) Promotes differential treatment of an individual without an important  
20               government interest;
- 21               (b) Influences employment decisions of an individual other than through  
22               the use of neutral hiring processes with regard to personal identity  
23               characteristics and in accordance with federal law; or
- 24               (c) Influences an individual's participation in an institution-sponsored  
25               program.
- 26          b. The term does not include policies or procedures required by state or federal law,  
27          including laws relating to prohibited discrimination or harassment.
- 28          5. "Prohibited submission" means a submission, statement, or document that requires an  
29          individual to articulate the individual's position, view, contribution, effort, or experience  
30          regarding a policy, program, or initiative that promotes differential treatment based on  
31          an individual's personal identity characteristics.

- 1           a. The term includes a submission, statement, or document that relates to a policy,  
2           program, or initiative regarding:  
3           (1) Anti-racism;  
4           (2) Bias;  
5           (3) Critical race theory;  
6           (4) Implicit bias;  
7           (5) Intersectionality;  
8           (6) Prohibited discriminatory practice; or  
9           (7) Racial privilege.
- 10          b. The term does not include a submission, statement, or document for an  
11          employment position if the submission, statement, or document relates to a bona  
12          fade occupational qualification for the position.
- 13          6. "Prohibited training" means a mandatory instructional program, including an in-person  
14          or online seminar, discussion group, workgroup, and related materials, which a  
15          government employer requires the employer's employees or prospective employees,  
16          to attend and which promotes prohibited discriminatory practices.
- 17          7. "Title VI" means Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]  
18          8. "Title VII" means Title VII of the Civil Rights Act of 1964 [42 U.S.C. 2000e et seq.]  
19          9. "Title IX" means Title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et  
20          seq.]

21           **Prohibition on the use of certain submissions by government employers -**

22           **Exceptions.**

- 23          1. Except as provided under subsection 3, a government employer may not require,  
24          request, solicit, or compel a prohibited submission as a certification or condition before  
25          taking action with respect to:
- 26          a. Employment, including decisions regarding:  
27          (1) Hiring;  
28          (2) Terms of employment;  
29          (3) Benefits;  
30          (4) Compensation;  
31          (5) Seniority status;

1           (6) Tenure or continuing status;

2           (7) Promotion;

3           (8) Performance reviews;

4           (9) Transfer;

5           (10) Termination; or

6           (11) Appointment.

7           b. Admissions and aid, including:

8                 (1) Admission to any state program;

9                 (2) Financial or other forms of state-administered aid or assistance; or

10                (3) Other benefits from the government employer for which an individual is  
11                         eligible.

12           2. A government employer may not grant any form of preferential consideration to an  
13                 individual who, with or without solicitation from the government employer, provides a  
14                 prohibited submission for any action described in subsection 1.

15           3. If federal law requires a government employer to accept or require a prohibited  
16                 submission, the government employer:

17                 a. May accept the prohibited submission only to the extent required under federal  
18                         law; and

19                 b. Shall limit consideration of the information contained in the prohibited submission  
20                         to the extent necessary to satisfy the requirement under federal law.

21           4. This section does not limit or prohibit a government employer from establishing  
22                 policies necessary to comply with state or federal law, including laws relating to  
23                 prohibited discrimination or harassment.

24           **Prohibition on the use of certain training by government employers - Exception.**

25           A government employer may not require prohibited training. This section does not limit or  
26           prohibit a government employer's authority to establish policies that are necessary to comply  
27           with state or federal law, including laws relating to prohibited discrimination or harassment.

28           **Prohibited discriminatory practices - Restrictions - Reporting.**

29           1. A government employer may not engage in prohibited discriminatory practices  
30                 including:

- 1           a. Establishing or maintaining an office, division, or employment position to  
2           implement, develop, plan, or promote practices relating to personal identity  
3           characteristics or prohibited discriminatory practices; or
- 4           b. Employing or assigning a third party whose duties for a government employer  
5           include coordinating, creating, developing, designing, implementing, organizing,  
6           planning, or promoting policies, programming, training, practices, activities, and  
7           procedures relating to personal identity characteristics.
- 8        2. This section does not apply to:
- 9           a. A federal grant or program that would otherwise require a government employer  
10          to engage in a prohibited discriminatory practice if the grant or program has been  
11          reviewed and approved by the government employer's executive director,  
12          legislative body, or governing body. A government employer's executive director,  
13          legislative body, or governing body shall report the reviewed and approved  
14          federal grant or program to the legislative management.
- 15          b. Policies that are necessary to comply with state or federal law, including laws  
16          relating to prohibited discrimination or harassment.
- 17        3. Beginning on July 1, 2025, each executive agency director shall conduct a review of  
18          existing agency programs and offices to determine if the program or office is in  
19          compliance with this section.
- 20          a. On or before August 1, 2026, and on or before August first of each even-  
21          numbered year thereafter, each executive agency director shall report on the  
22          compliance of agency programs and offices under this section to the governor.
- 23          b. On or before September first of each even-numbered year, the governor shall  
24          provide the reports under this section to the legislative management.