

**FIRST ENGROSSMENT
with Senate Amendments**

ENGROSSED HOUSE BILL NO. 1435

Introduced by

Representatives DeKrey, Berg, Eckre, Grande, Koppang, Wrangham

1 A BILL for an Act to provide for a prohibition on discrimination and preferential treatment by the
2 state.

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

4 **SECTION 1. Discrimination or preferential treatment prohibited.**

5 1. The state may not discriminate against or grant preferential treatment to any
6 person on the basis of race, sex, color, ethnicity, or national origin in the operation
7 of public employment, public education, or public contracting. For purposes of this
8 section, "state" includes the state of North Dakota, its departments, agencies,
9 instrumentalities, and political subdivisions.

10 2. This section does not:

11 a. Prohibit bona fide qualifications based on sex which are reasonably
12 necessary to the normal operation of public employment, public education, or
13 public contracting;

14 b. Invalidate any court order or consent decree that is in force as of the effective
15 date of this Act;

16 c. Prohibit action that must be taken to establish or maintain eligibility for any
17 federal program in which ineligibility would result in a loss of federal funds to
18 the state;

19 d. Prohibit programs and policies at public and nonpublic institutions of higher
20 education intended to encourage diversity and provide opportunities for
21 members of disadvantaged or diverse groups in order to prepare students to
22 be knowledgeable, contributing members of an increasingly global,
23 multicultural society;

- 1 e. Preclude contracting standards that have a preferential effect for federally
2 recognized Indian tribes and tribal entities;
- 3 f. Prohibit an employment preference for enrolled members of federally
4 recognized Indian tribes whose principal duties are on behalf of state activity,
5 program, department, agency, instrumentality, or political subdivision that
6 primarily benefits Indians or federally recognized Indian tribes;
- 7 g. Prohibit an employment or contracting preference for enrolled members of
8 federally recognized Indian tribes under any contract funded in whole or in
9 part by the state where the principal activities of the contract are undertaken
10 on an Indian reservation within the state; or
- 11 h. Prohibit any educational program, including any program offering
12 scholarships or loans, which is intended to benefit primarily or exclusively
13 students who are economically disadvantaged and who are enrolled
14 members of federally recognized Indian tribes.
- 15 3. The remedies available for violations of this section must be the same, regardless
16 of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise
17 available for violations of the state's discrimination laws under chapter 14-02.4.