

**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; or
- 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 3. The remedies available for violations of this section must be the same, regardless  
20 of the injured party's race, sex, color, ethnicity, or national origin, as are otherwise  
21 available for violations of the state's discrimination laws under chapter 14-02.4.