

HOUSE BILL NO. 638

INTRODUCED BY R. GREGG, G. OVERSTREET, E. BYRNE, C. SCHOMER, C. COCHRAN, T. MILLETT, C.  
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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING HUMAN RIGHTS LAWS; PROHIBITING  
A STATE OR LOCAL GOVERNMENT AGENCY FROM REQUIRING OR REQUESTING A DIVERSITY  
STATEMENT OR GRANTING ANY PREFERENTIAL TREATMENT BASED ON THE SUBMISSION OF A  
DIVERSITY STATEMENT; PROVIDING AN EXCEPTION; AND PROVIDING DEFINITIONS."

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

**NEW SECTION. Section 1. Diversity statements prohibited -- exception.** (1) A state or local  
government agency may not require, request, solicit, or compel a person to provide a diversity statement.

(2) A state or local government agency may not grant any form of preferential consideration or  
treatment to a person who, with or without solicitation from the state or local government agency, provides a  
diversity statement.

(3) If federal law requires a state or local government agency to accept or require a diversity  
statement, then the state or local government agency:

(a) may accept the diversity statement only to the extent required under federal law; ~~and~~

(b) shall limit consideration of the information contained in the diversity statement to the extent  
necessary to satisfy the requirement under federal law;

(c) may not accept or require the statement if it conflicts with equal protection under Article XIV of  
the U.S. Constitution or any federal equal protection laws.

(4) Nothing in this section limits or prohibits a state or local government agency from establishing  
policies that are necessary to comply with state or federal law, including laws relating to prohibited  
discrimination and harassment.

**NEW SECTION. Section 2. Definitions.** As used in [sections 1 through 2], unless the context clearly

1 indicates otherwise, the following definitions apply:

2 (1) "Diversity statement" means a submission, statement, or document that promotes or is  
3 intended to promote differential treatment based on an individual's race, color, ethnicity, sex, sexual orientation,  
4 national origin, religion, or gender identity.

5 (2) "State or local government agency" means:

6 (a) any branch, department, office, board, bureau, commission, agency, university unit, college, or  
7 other instrumentality of state government; or

8 (b) a county, city, town, school district, or other unit of local government and any instrumentality of  
9 local government.

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11 NEW SECTION. Section 3. Codification instruction. [Sections 1 through 2] are intended to be  
12 codified as a new chapter in Title 49, and the provisions of Title 49 apply to [sections 1 through 2].

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