

REFERENCE TITLE: public monies; ideology training; prohibition

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1694

Introduced by
Senators Hoffman: Borrelli, Kern, Wadsack; Representatives Heap, Jones,
McGarr

AN ACT

AMENDING TITLE 35, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
4; RELATING TO PUBLIC MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 35, chapter 2, Arizona Revised Statutes, is
3 amended by adding article 4, to read:

4 ARTICLE 4. PROHIBITED EXPENDITURE OF PUBLIC MONIES

5 35-351. Prohibited expenditure of public monies; diversity;
6 equity; inclusion; cause of action; definitions

7 A. A PUBLIC ENTITY SHALL NOT:

8 1. REQUIRE AN EMPLOYEE TO ENGAGE IN A DIVERSITY, EQUITY AND
9 INCLUSION PROGRAM.

10 2. SPEND PUBLIC MONIES ON A DIVERSITY, EQUITY AND INCLUSION
11 PROGRAM.

12 3. ENTER INTO OR RENEW A CONTRACT WITH A COMPANY THAT PARTICIPATES
13 IN A DIVERSITY, EQUITY AND INCLUSION PROGRAM.

14 4. SPEND PUBLIC MONIES TO ACQUIRE SERVICES, SUPPLIES, INFORMATION
15 TECHNOLOGY OR GOODS FOR A DIVERSITY, EQUITY AND INCLUSION PROGRAM.

16 5. ESTABLISH, SUPPORT, SUSTAIN OR EMPLOY AN OFFICE OR INDIVIDUAL
17 WHOSE DUTIES INCLUDE COORDINATING, CREATING, DEVELOPING, DESIGNING,
18 IMPLEMENTING, ORGANIZING, PLANNING OR PROMOTING DIVERSITY, EQUITY AND
19 INCLUSION PROGRAMS.

20 6. EXCEPT AS REQUIRED BY FEDERAL LAW:

21 (a) ADVANCE OR ADOPT ANY POLICY OR PROCEDURE DESIGNED TO INFLUENCE
22 THE COMPOSITION OF ITS WORKFORCE ON THE BASIS OF RACE, SEX OR COLOR.

23 (b) ADVANCE OR ADOPT ANY POLICY OR PROCEDURE DESIGNED OR
24 IMPLEMENTED ON THE BASIS OF RACE, SEX OR COLOR.

25 7. PROMOTE OR ADOPT ANY THEORY OF UNCONSCIOUS OR IMPLICIT BIAS,
26 CULTURAL APPROPRIATION, ALLYSHIP, TRANSGENDERISM, MICROAGGRESSIONS,
27 MICROINVALIDATION, GROUP MARGINALIZATION, ANTI-RACISM, SYSTEMIC
28 OPPRESSION, ETHNOCENTRISM, STRUCTURAL RACISM OR INEQUITY, SOCIAL JUSTICE,
29 INTERSECTIONALITY, NEOPRONOUNS, INCLUSIVE LANGUAGE, HETERONORMATIVITY,
30 DISPARATE IMPACT, GENDER IDENTITY OR THEORY, RACIAL OR SEXUAL PRIVILEGE OR
31 ANY RELATED THEORY AS THE OFFICIAL POSITION OF THE PUBLIC ENTITY.

32 B. AN EMPLOYEE OF A PUBLIC ENTITY WHO IS REQUIRED TO PARTICIPATE IN
33 A DIVERSITY, EQUITY AND INCLUSION PROGRAM MAY BRING AN ACTION AGAINST THE
34 PUBLIC ENTITY. IF THE EMPLOYEE DEMONSTRATES THAT THE PUBLIC ENTITY
35 VIOLATED THIS SECTION, THE EMPLOYEE IS ENTITLED TO INJUNCTIVE RELIEF.

36 C. THIS SECTION DOES NOT PRECLUDE A PUBLIC ENTITY FROM:

37 1. OFFERING TRAINING ON SEXUAL HARASSMENT.

38 2. OPERATING AN OFFICE STAFFED BY, OR EMPLOYING, LICENSED ATTORNEYS
39 AND LEGAL SUPPORT STAFF WHOSE SOLE PURPOSE IS ENSURING COMPLIANCE WITH
40 FEDERAL LAW OR AN APPLICABLE COURT ORDER.

41 D. FOR THE PURPOSES OF THIS SECTION:

42 1. "DIVERSITY, EQUITY AND INCLUSION PROGRAM" MEANS A PROGRAM THAT
43 REQUIRES AN EMPLOYEE OF A PUBLIC ENTITY TO PARTICIPATE IN OR ATTEND A
44 TRAINING, ORIENTATION, WORKSHOP, THERAPY OR SIMILAR ACTIVITY THAT FOCUSES
45 ON ANY OF THE FOLLOWING:

- 1 (a) DESCRIBING OR EXPOSING STRUCTURES, SYSTEMS, RELATIONS OF POWER,
2 PRIVILEGE OR SUBORDINATION ON THE BASIS OF RACE, SEX, COLOR, GENDER,
3 ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.
- 4 (b) DESCRIBING METHODS TO IDENTIFY, DISMANTLE OR OPPOSE STRUCTURES,
5 SYSTEMS, RELATIONS OF POWER, PRIVILEGE OR SUBORDINATION ON THE BASIS OF
6 RACE, SEX, COLOR, GENDER, ETHNICITY, GENDER IDENTITY OR SEXUAL
7 ORIENTATION.
- 8 (c) JUSTIFYING DIFFERENTIAL TREATMENT OR BENEFIT ON THE BASIS OF
9 SEX, COLOR, GENDER, ETHNICITY, GENDER IDENTITY OR SEXUAL ORIENTATION.
- 10 (d) ADVANCING THEORIES OF UNCONSCIOUS OR IMPLICIT BIAS, CULTURAL
11 APPROPRIATION, ALLYSHIP, TRANSGENDERISM, MICROAGGRESSIONS,
12 MICROINVALIDATION, GROUP MARGINALIZATION, ANTI-RACISM, SYSTEMIC
13 OPPRESSION, ETHNOCENTRISM, STRUCTURAL RACISM OR INEQUITY, SOCIAL JUSTICE,
14 INTERSECTIONALITY, NEOPRONOUNS, INCLUSIVE LANGUAGE, HETERONORMATIVITY,
15 DISPARATE IMPACT, GENDER IDENTITY OR THEORY, RACIAL OR SEXUAL PRIVILEGE OR
16 ANY CONCEPT SUBSTANTIALLY RELATED TO ANY OF THESE THEORIES.
- 17 2. "PUBLIC ENTITY" MEANS:
- 18 (a) THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR AN AGENCY,
19 BOARD, COMMISSION OR DEPARTMENT OF THIS STATE OR A POLITICAL SUBDIVISION
20 OF THIS STATE.
- 21 (b) INCLUDES THE UNIVERSITIES UNDER THE JURISDICTION OF THE ARIZONA
22 BOARD OF REGENTS AND COMMUNITY COLLEGE DISTRICTS AS DEFINED IN SECTION
23 15-1401.