

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 364
PROPOSED COMMITTEE SUBSTITUTE S364-PCS45332-TU-8

Short Title: Nondiscrim & Dignity in State Work.

(Public)

Sponsors:

Referred to:

March 27, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE STATE HUMAN RESOURCES ACT TO PROHIBIT
3 COMPELLED SPEECH WHEN AN INDIVIDUAL SEEKS STATE GOVERNMENT
4 EMPLOYMENT AND TO DEMONSTRATE THE GENERAL ASSEMBLY'S INTENT
5 THAT STATE EMPLOYEES RECOGNIZE THE EQUALITY AND RIGHTS OF ALL
6 PERSONS AND TO PROHIBIT STATE GOVERNMENT WORKPLACES FROM
7 PROMOTING CERTAIN CONCEPTS THAT ARE CONTRARY TO THAT INTENT.

8 The General Assembly of North Carolina enacts:

9
10 **PART I. PROHIBIT STATE GOVERNMENT FROM COMPELLING CERTAIN**
11 **FORMS OF EMPLOYEE SPEECH**

12 **SECTION 1.(a)** Article 5 of Chapter 126 of the General Statutes is amended by
13 adding a new section to read:

14 "**§ 126-14.5. Compelled speech prohibited.**

15 (a) Each State agency, department, and institution shall comply with the following:

- 16 (1) Refrain from soliciting or requiring an applicant for employment to endorse
17 or opine about beliefs, affiliations, ideals, or principles regarding matters of
18 contemporary political debate or social action as a condition of employment.
19 (2) Refrain from soliciting or requiring an applicant for employment to describe
20 the applicant's actions in support of, or in opposition to, the beliefs,
21 affiliations, ideals, or principles identified in subdivision (1) of this
22 subsection.

23 (b) Nothing in subsection (a) shall infringe on the ability of an applicant for employment
24 to voluntarily opine or speak regarding any matter, including matters of contemporary political
25 debate or social action.

26 (c) No application for employment shall inquire into matters prohibited as compelled
27 speech under this section.

28 (d) Nothing in this section shall be construed to:

- 29 (1) Prohibit discussion with or questions to an applicant regarding the content of
30 the applicant's resume.
31 (2) Affect the ability of the prospective employing agency from complying with
32 applicable federal or State law, including employment oaths, appointment
33 affidavits, and licensure and certification requirements.
34 (3) Apply to speech protected by the First Amendment of the U.S. Constitution."

35 **SECTION 1.(b)** G.S. 126-5 is amended by adding a new subsection to read:



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1 "(c19) Notwithstanding any provision of law to the contrary, G.S. 126-14.5 shall apply to all
2 nonexempt State employees in the executive branch."

4 **PART II. DIGNITY IN STATE GOVERNMENT WORKPLACES**

5 **SECTION 2.(a)** Article 5 of Chapter 126 of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 126-14.6. Ensuring dignity and nondiscrimination in State government workplaces.**

8 (a) The General Assembly finds that Article I, Section 1 of the Constitution of this State
9 recognizes the equality and rights of all persons. Therefore, it is the intent of the General
10 Assembly that State employees respect the dignity of others, acknowledge the right of others to
11 express differing opinions, and the right to freedom of speech and association and that State
12 agencies employ training methods and procedures to further that intent.

13 (b) For the purposes of this section, "promote" shall mean compelling State employees
14 to affirm or profess belief in the concepts described in subsection (c) of this section.

15 (c) The concepts listed in this subsection shall not be promoted in State government
16 workplaces or included as part of any State employee training program:

17 (1) One race or sex is inherently superior to another race or sex.

18 (2) An individual, solely by virtue of his or her race or sex, is inherently racist,
19 sexist, or oppressive.

20 (3) An individual should be discriminated against or receive adverse treatment
21 solely or partly because of his or her race or sex.

22 (4) An individual's moral character is necessarily determined by his or her race or
23 sex.

24 (5) An individual, solely by virtue of his or her race or sex, bears responsibility
25 for actions committed in the past by other members of the same race or sex.

26 (6) Any individual, solely by virtue of his or her race or sex, should feel
27 discomfort, guilt, anguish, or any other form of psychological distress.

28 (7) A meritocracy is inherently racist or sexist.

29 (8) The United States was created by members of a particular race or sex for the
30 purpose of oppressing members of another race or sex.

31 (9) The United States government should be violently overthrown.

32 (10) Particular character traits, values, moral or ethical codes, privileges, or beliefs
33 should be ascribed to a race or sex or to an individual because of the
34 individual's race or sex.

35 (11) The rule of law does not exist, but instead is a series of power relationships
36 and struggles among racial or other groups.

37 (12) All Americans are not created equal and are not endowed by their Creator with
38 certain unalienable rights, including life, liberty, and the pursuit of happiness.

39 (13) Governments should deny to any person within the government's jurisdiction
40 the equal protection of the law.

41 (d) Nothing in this section prevents a private contractor who provides training to State
42 employees from responding to questions that are raised by participants in the training and which
43 pertain to the concepts in subsection (c) of this section. However, the private contractor must
44 make it clear that the State government employer does not endorse those concepts.

45 (e) This section does not apply to speech protected by the First Amendment of the U.S.
46 Constitution."

47 **SECTION 2.(b)** G.S. 126-5 is amended by adding a new subsection to read:

48 "(c19) Notwithstanding any provision of law to the contrary, G.S. 126-14.6 shall apply to all
49 nonexempt State employees in the executive branch."

51 **PART III. MISCELLANEOUS**

1 **SECTION 3.(a)** If any section or provision of this act is declared unconstitutional or
2 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
3 the part so declared to be unconstitutional or invalid.

4 **SECTION 3.(b)** This act is effective when it becomes law.