



HOUSE BILL 171: Equality in State Agencies/Prohibition on DEI.

2025-2026 General Assembly

Committee:		Date:	July 29, 2025
Introduced by:	Reps. B. Jones, N. Jackson, Lowery, Eddins	Prepared by:	Michael Johnston*
Analysis of:	Ratified		Staff Attorney

OVERVIEW: *House Bill 171 would do all of the following:*

- *Prohibit State agencies from promoting, supporting, implementing, or maintaining workplace diversity, equity, and inclusion (DEI) programs, policies or initiatives.*
- *Prohibit a State agency or unit of local government from: (1) using State funds or public monies to promote, fund, implement, or maintain DEI initiatives or programs, and (2) applying for, accepting, or utilizing federal funds, grants, or other assistance that require compliance with DEI policies, initiatives, or mandates.*
- *Modify the penalty provisions in the State Budget Act and Local Government Budget and Fiscal Control Act.*

CURRENT LAW: The State Budget Act establishes the procedures for preparing the recommended State budget, enacting the State budget, and administering the State budget. Its provisions generally apply to every State agency, unless specifically exempted, and to every non-State entity that receives or expends any State funds. No State agency or non-State entity can expend any State funds except in accordance with an act of appropriation and the requirements of the State Budget Act. G.S. 143C-1-1.

The following penalties apply to violations of the State Budget Act:

- Class 1 misdemeanor to knowingly and willfully do one or more of the following:
 - Withdraw funds from the State treasury for any purpose not authorized by an act of appropriation.
 - Approve any fraudulent, erroneous, or otherwise invalid claim or bill to be paid from an appropriation.
 - Make a written statement, give a certificate, issue a report, or utter a document required by this Chapter, any portion of which is false.
 - Fail or refuse to perform a duty imposed by this Chapter.
- Class A1 misdemeanor for a person to make a false statement regarding any overdue tax debts.
- Forfeiture of Office or Employment – An appointed officer or employee of the State or a political subdivision of the State forfeits his or her office or employment upon conviction of an offense. Elected officers are subject to impeachment.
- Civil Liability – A person who is convicted is liable in a civil action for any damages suffered by the State.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

House Bill 171

Page 2

The Local Government Budget and Fiscal Control Act requires units of local government to conform to certain standards with respect to financial matters, with oversight being provided by the Local Government Commission. The standards cover all aspects of finance, from budget adoption to accounting practices to long-term debt issuance. The act applies to municipalities, counties, and public authorities.

The following violations of the Local Government Budget and Fiscal Control Act result in a Class 3 misdemeanor, a fine of not more than \$1,000, forfeiting one's office or employment, and being personally liable for civil damages:

- Approving any claim or bill knowing it to be fraudulent, erroneous, or otherwise invalid.
- Making any written statement, giving any certificate, issuing any report, or uttering any other document knowing that any portion of it is false.
- Willfully failing or refusing to perform any duty imposed upon the person by this Chapter.

Embezzlement of funds can also result in forfeiture of one's office and being forever barred from holding any office or place of trust in North Carolina.

BILL ANALYSIS:

No DEI in State Government Workplaces

Section 1.1(a) would create G.S. 126-14.7 to prohibit State agencies from promoting, supporting, implementing, or maintaining diversity, equity, and inclusion (DEI). This includes use of DEI in State government hirings and employment; maintaining DEI staff positions or offices; and offering or requiring DEI training.

It would create definitions for "Differential Treatment," "Diversity, equity, and inclusion or DEI" and "Protected characteristic."

The State Auditor would be required to conduct periodic compliance audits to determine violations of this section and report those violations to the General Assembly, the Joint Legislative Commission on Governmental Operations, and the Attorney General.

The following penalties or remedies would apply:

- A State officer or employee would be subject to removal from office or employment.
- A knowing and willful violation would be subject to a civil penalty not to exceed \$5,000 for each violation. The Attorney General could bring an action in superior court to collect the penalty which would be placed in the Civil Penalty and Forfeiture Fund.
- An employee or former employee of a State agency could bring a civil action for damages to the employee or former employee resulting from violation of this section. Any person who has been denied employment because of a violation of this section could bring a civil action seeking injunctive or declaratory relief and reasonable attorneys' fees and costs if the person prevails in the civil action. The action could be brought in the county in which all or a substantial part of the acts or omissions occurred. Before bringing a civil action, the person would be required to submit a written grievance to the State agency, and if the State agency takes the requested corrective action, the State agency would not be liable in the civil action.

House Bill 171

Page 3

It provides that nothing in this section should be construed to: (1) restrict free speech under the First Amendment, (2) prohibit compliance with applicable State and federal laws, (3) alter the relationship between the State and an American Indian tribe, (4) apply to the North Carolina Commission on Indian Affairs and Indian education services and positions, or (5) prohibit the celebration of any holiday, observance, or remembrance.

This section also has a severability clause.

Section 1.1(b) provides that newly created G.S. 126-14.7 would apply to nonexempt State employees in the executive branch (except nonexempt employees of The University of North Carolina and nonexempt employees of the Community Colleges System Office).

Section 1.1 would become effective July 1, 2026, and would apply to acts or omissions occurring on or after that date. All State agencies would be required to develop forms, rules, and procedures to comply with the written grievance provisions enacted by this section.

No Public Funds for DEI

Section 1.2(a) would create G.S. 143-162.8, which would prohibit a State agency or unit of local government from doing the following:

- Using State funds or public monies to promote, fund, implement, or maintain DEI initiatives or programs.
- Applying for, accepting, or utilizing federal funds, grants, or other assistance that require compliance with DEI policies, initiatives, or mandates. Existing programs funded in these ways must be discontinued unless federal law requires continued participation.

These prohibitions would include using State funds or public monies to: utilize DEI in hirings, employment, or the awarding of contracts; offer or require DEI training; and maintain DEI offices or dedicated staff positions.

Nothing in this section should be construed to: (1) restrict free speech under the First Amendment, (2) prohibit compliance with applicable State and federal laws, or (3) alter the relationship between the State and an American Indian tribe.

This section should not be construed to apply to the following:

- Guest speakers or performers.
- Data collection.
- The North Carolina State Commission of Indian Affairs.
- Indian education services and positions.
- The celebration of any holiday, observance, or remembrance.

The following penalties would apply and would be in addition to liability under any other law:

- Knowing and willful violations would be subject to a civil penalty not to exceed \$10,000 per violation. The Attorney General could bring a civil action to collect the penalty in superior court, and it would be placed in the Civil Penalty and Forfeiture Fund.
- The civil penalty provisions of the State Budget Act and the Local Government Finance Act.
- An employee or former employee of a State agency or unit of local government could bring a civil action for damages to the employee or former employee resulting from violation of this section.

House Bill 171

Page 4

Any person who has been denied employment because of a violation of this section could bring a civil action seeking injunctive or declaratory relief and reasonable attorneys' fees and costs if the person prevails in the civil action. The action could be brought in the county in which all or a substantial part of the acts or omissions occurred. Before bringing a civil action, the person would be required to submit a written grievance to the State agency or unit of local government, and if the State agency or unit of local government takes the requested corrective action, the State agency or unit of local government would not be liable in the civil action.

Beginning February 1, 2026, and annually thereafter, each State agency and unit of local government would be required to prepare a report detailing efforts to comply with these provisions and identify when policies were revised or prohibited because they conflict with these provisions. The report would be posted to the entity's website and submitted to the State Auditor. The State Auditor would then report this information to the General Assembly and the Joint Legislative Commission on Governmental Operations annually.

The State Auditor would be required to conduct periodic compliance audits to determine violations. The State Auditor would be required to report any violation to the Attorney General for civil enforcement action, would be required to report all violations to the Joint Legislative Commission on Governmental Operations, and if appropriate, report an individual violation to the Local Government Commission.

This section also has a severability clause.

Section 1.2 would become effective July 1, 2026, and would apply to acts or omissions occurring on or after that date. All State agencies and units of local government would be required to develop forms, rules, and procedures to comply with the written grievance provisions enacted by this section.

Section 1.3(a) would amend the State Budget Act to provide that a State agency must attempt to recoup the misspent funds by all lawful means available, including filing a civil action. It would also require the Governor to report the facts leading to the suspension of a State Officer or employee of the Executive Branch to the district attorney for the county in which all or a substantial part of the violation occurred and the Attorney General.

Section 1.3(b) provides that the Local Government Commission, after suspending a local officer or employee for refusing to comply with the Local Government Finance Act, would be required to report the circumstances to the Attorney General and the district attorney for the county in which all or a substantial part of the noncompliance occurred.

Section 1.3(c) describes the consequences of violating G.S. 143-162.8: a civil penalty not to exceed \$10,000 per violation and offending officers and employees would be subject to removal from office or employment and would be liable for damages. The local government or entity receiving public funds would also have a duty to recoup the misspent funds.

EFFECTIVE DATE: Except as otherwise provided, this act would become effective December 1, 2025, and would apply to acts or omissions occurring on or after that date.

**Brad Krehely, Staff Attorney for the Legislative Analysis Division, substantially contributed to this summary.*