

Amendment to HB 1788-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT holding state contracts with DEI provisions to be void as a matter of law and
4 establishing a right of action for citizens where public entities or state agencies
5 engage with contracts with DEI provisions.
6

7 Amend RSA 21-I:114, III as inserted by section 2 of the bill by replacing it with the following:

8

9 ***III. Any citizen shall be entitled to bring a cause of action against any public entity,***
10 ***state agency, or political subdivision that has violated any part of this subdivision. Any***
11 ***citizen that can demonstrate such public entity, state agency, or political subdivision has***
12 ***violated any provision of this subdivision shall be entitled to declaratory relief, injunctive***
13 ***relief, and reasonable attorney's fees in any action brought against such district or***
14 ***administrative unit.***

15

16 Amend RSA 186:77, V and VI as inserted by section 4 of the bill by replacing it with the following:

17

18 V. Citizens residing within a school district or school administrative unit shall be entitled to
19 bring causes of action against any public school, school district, or school administrative unit that
20 has violated any part of this subdivision. Any citizen that can demonstrate such school, school
21 district, or school administrative unit has violated any provision of this subdivision shall be entitled
22 to declaratory relief, injunctive relief, and reasonable attorney's fees in any action brought against
23 such district or administrative unit.

24

25 VI. The department of education shall be required to conduct good-faith investigations of a
26 facially credible report of violations of this subdivision by any citizen residing within the school
27 district or school administrative unit. Any citizen that can demonstrate that the department has
28 engaged in a sustained pattern of categorically declining to investigate credible reports of violations
29 of this subdivision shall be empowered to bring a cause of action against the department in superior
30 court, and shall be entitled to declaratory relief, injunctive relief, and reasonable attorney's fees,
31 regardless of whether the citizen has brought any action against the department under paragraphs
IV or V.

Amendment to HB 1788-FN
- Page 2 -

2026-0453h

AMENDED ANALYSIS

This bill:

I. Requires courts to find that contracts that include DEI-related provisions are void as a matter of law.

II. Allows citizens to sue public entities or state agencies for engaging in, or failing to investigate allegations of, contracts with DEI-related provisions.