

BILL ANALYSIS

C.S.H.B. 2447
By: Chavez
Higher Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Universities should promote freedom of speech, as a lively marketplace of ideas is essential to intellectual development. Unfortunately, many universities in Texas severely restrict this basic freedom with vague and arbitrarily enforced free speech codes. For instance, the University of Houston bans all “expressive activities” on campus, except in campus free speech zones that require prior approval before they are used by students. Anti-abortion group, Justice For All, has had to face numerous obstacles when attempting to display an anti-abortion display at the University of Texas, Austin.

The purpose of CSHB 2447 is to prevent overly broad, vague and discriminatory speech and assembly restrictions on campuses by ensuring that all campuses enact policies that do not infringe on a student’s right to freedom of speech. CSHB 2447 ensures that campuses can regulate time, place and assembly in order to preserve the normal academic and administrative functions of the university.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

CSHB 2447 amends Section 51.352, Education Code, by adding Subsection (g) to provide that the regulation of the time, place, and manner of speech and assembly by the governing board of an institution of higher education may not be more restrictive than necessary to protect normal academic and institutional activities.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 2447 modifies the original by replacing “state” in the caption with “public.” The substitute replaces “No regulation of time, place and manner of speech and assembly by a governing board shall be more restrictive than necessary to protect normal academic and institutional activities,” with “Regulation by the governing board of an institution of higher education of the time, place and manner of speech and assembly may not be more restrictive than necessary to protect normal academic and institutional activities.”