

BILL ANALYSIS

H.B. 487
By: Chavez
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Universities should promote the freedom of speech, because a lively marketplace of ideas is essential to the intellectual development of students. 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. The anti-abortion group, Justice For All, had to face numerous obstacles when attempting to display an anti-abortion display at the University of Texas at Austin.

The purpose of HB 487 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 free of speech. HB 487 also 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

SECTION 1. States that 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.

SECTION 2. Effective date.

EFFECTIVE DATE

This Act takes effect immediately if it receives a two-thirds vote of all 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, 2005.