

By: Krause, King of Parker

H.B. No. 360

Substitute the following for H.B. No. 360:

By: Branch

C.S.H.B. No. 360

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements of public institutions of higher education regarding student organization membership.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9362 to read as follows:

Sec. 51.9362. CERTAIN REQUIREMENTS OF PUBLIC INSTITUTIONS REGARDING STUDENT ORGANIZATION MEMBERSHIP. (a) It is the policy of this state to promote diversity of thought and the marketplace of ideas on the campuses of public institutions of higher education in this state, including by:

(1) protecting the rights of freedom of speech and freedom of association guaranteed by the constitutions of the United States and of this state so that all students of those institutions may assemble peaceably for a specific stated purpose and goal; and

(2) ensuring that those rights are not unnecessarily restricted or impeded by rules or policies adopted by those institutions.

(b) In this section:

(1) "Institution of higher education" has the meaning assigned by Section 61.003.

(2) "Religious student organization" means a student organization whose charter, bylaws, mission statement, policies,

1 or practices indicate that the organization is guided or motivated
2 by religion.

3 (3) "Student organization" includes any organization
4 that is composed mostly of students enrolled at an institution of
5 higher education and that:

6 (A) is registered with the institution;

7 (B) receives student organization resource fee
8 revenues or other funding from the institution; or

9 (C) is otherwise recognized as a student
10 organization by the institution.

11 (c) An institution of higher education is subject to a
12 penalty under Subsection (e) if the institution requires a student
13 organization, including a religious student organization, to
14 accept for membership in the organization a student:

15 (1) who demonstrates opposition to the organization's
16 stated beliefs and purposes; or

17 (2) whose membership in the organization:

18 (A) would affect in a significant way the
19 organization's ability to advocate public or private viewpoints; or

20 (B) is designed for the subversive intent of
21 undermining the organization's ability to assemble for its stated
22 purposes.

23 (d) An institution of higher education with a policy
24 requiring a religious student organization to allow any student
25 enrolled at the institution to participate in the organization,
26 regardless of the student's beliefs, violates the organization's
27 members' First Amendment rights guaranteed by the United States

1 Constitution, including the rights of free exercise of religion and
2 of freedom of association.

3 (e) If the comptroller determines that an institution of
4 higher education has incurred a penalty for a violation of
5 Subsection (c), the comptroller shall assess the penalty in an
6 amount equal to the total amount of student activity fees collected
7 by the institution in the academic year in which the violation
8 occurred. The comptroller shall collect the penalty by withholding
9 the amount of the penalty from the undedicated general revenue
10 appropriated by the legislature to the institution in the fiscal
11 year in which the penalty is assessed or, if necessary, in the next
12 fiscal year.

13 SECTION 2. This Act takes effect September 1, 2013.