

By: Krause

H.B. No. 360

A BILL TO BE ENTITLED

AN ACT

relating to withholding state funding from a public or private institution of higher education that requires student organizations to allow student participation regardless of status or beliefs.

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. WITHHOLDING STATE FUNDING FROM INSTITUTIONS REGULATING STUDENT ORGANIZATION MEMBERSHIP. (a) In this section:

(1) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(2) "Religious student organization" means a student organization whose charter, bylaws, mission statement, policies, or practices indicate that the organization is guided or motivated by religion.

(3) "Student organization" includes any organization that is composed mostly of students enrolled at an institution of higher education or a private or independent institution of higher education and that:

(A) is registered with the institution;

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

1 (C) is otherwise recognized as a student
2 organization by the institution.

3 (b) An institution of higher education or private or
4 independent institution of higher education may not receive any
5 state funding for a fiscal year following a year in which the
6 institution requires a student organization, including a religious
7 student organization, to allow any student enrolled at the
8 institution to participate in the organization, regardless of the
9 student's beliefs or status, including race, gender, and sexual
10 orientation.

11 (c) An institution of higher education or private or
12 independent institution of higher education with a policy requiring
13 a religious student organization to allow any student enrolled at
14 the institution to participate in the organization, regardless of
15 the student's status or beliefs, violates the organization's
16 members' First Amendment rights guaranteed by the United States
17 Constitution, including the rights of free exercise of religion and
18 of freedom of association.

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