

1-1 By: Buckingham S.B. No. 1151
 1-2 (In the Senate - Filed February 28, 2017; March 9, 2017,
 1-3 read first time and referred to Committee on Higher Education;
 1-4 May 5, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 4, Nays 2; May 5, 2017, sent
 1-6 to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Seliger	X			
1-9 West		X		
1-10 Bettencourt	X			
1-11 Buckingham	X			
1-12 Menéndez			X	
1-13 Taylor of Galveston	X			
1-14 Watson		X		
1-15				

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1151 By: Buckingham

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the protection of expressive activities at public
 1-20 institutions of higher education.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
 1-23 amended by adding Section 51.9315 to read as follows:

1-24 Sec. 51.9315. PROTECTED EXPRESSION ON CAMPUS. (a) In this
 1-25 section:

1-26 (1) "Expressive activities" means any speech or
 1-27 expressive conduct protected by the First Amendment to the United
 1-28 States Constitution or Section 8, Article I, Texas Constitution,
 1-29 and includes assemblies, protests, speeches, the distribution of
 1-30 written material, the carrying of signs, and the circulation of
 1-31 petitions.

1-32 (2) "Institution of higher education" has the meaning
 1-33 assigned by Section 61.003.

1-34 (b) Each institution of higher education shall adopt a
 1-35 policy detailing students' and employees' rights to engage in
 1-36 expressive activities at the institution. The policy must:

1-37 (1) prohibit:

1-38 (A) reducing a student's grade for engaging in
 1-39 expressive activities; and

1-40 (B) increasing a student's grade for engaging in
 1-41 expressive activities, unless a variety of expressive activities
 1-42 and viewpoints, including the viewpoints of any political party,
 1-43 qualify for the increase;

1-44 (2) include a grievance procedure for addressing
 1-45 complaints of a violation of this section;

1-46 (3) be approved by a majority vote of the institution's
 1-47 governing board before final adoption; and

1-48 (4) be posted on the institution's Internet website.

1-49 (c) Each institution of higher education shall inform
 1-50 students enrolled at and employees of the institution of the policy
 1-51 adopted under Subsection (b), including by:

1-52 (1) discussing the policy during student orientation;
 1-53 and

1-54 (2) annually distributing a copy of the policy to
 1-55 students and employees.

1-56 (d) An institution of higher education or any employee of
 1-57 the institution may not punish a student or employee in any manner
 1-58 for engaging in expressive activities.

1-59 SECTION 2. If any provision of this Act or its application
 1-60 to any person or circumstance is held invalid, the invalidity does

2-1 not affect other provisions or applications of this Act that can be
2-2 given effect without the invalid provision or application, and the
2-3 provisions of this Act are severable for this purpose.
2-4 SECTION 3. This Act takes effect September 1, 2017.

2-5

* * * * *