

By: Hughes

S.B. No. 1699

A BILL TO BE ENTITLED

AN ACT

relating to the protection of expressive rights of student organizations at public institutions of higher education.

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

SECTION 1. Section 51.9315, Education Code, is amended by amending Subsection (a) and adding Subsection (g-1) to read as follows:

Sec. 51.9315. PROTECTED EXPRESSION ON CAMPUS. (a) In this section:

(1) "Benefit" includes:

(A) recognition by or registration with an institution of higher education;

(B) the use of an institution of higher education's facilities for meetings or speaking purposes;

(C) the use of channels of communication controlled by an institution of higher education; and

(D) funding sources made generally available to student organizations at an institution of higher education.

(2) "Expressive activities" means any speech or expressive conduct protected by the First Amendment to the United States Constitution or by Section 8, Article I, Texas Constitution, and includes assemblies, protests, speeches, the distribution of written material, the carrying of signs, and the circulation of petitions. The term does not include commercial speech.

1 (3) "Expressive rights" means the rights protected by
2 the First Amendment to the United States Constitution or by Section
3 8, Article I, Texas Constitution, including freedom of speech,
4 freedom of the press, freedom of association, and free exercise of
5 religion.

6 (4) [~~3~~] "Institution of higher education" has the
7 meaning assigned by Section 61.003.

8 (5) [~~4~~] "Student organization" includes any
9 organization that is composed mostly of students enrolled at an
10 institution of higher education and that receives a benefit from
11 the institution.

12 (g-1) An institution of higher education shall permit a
13 student organization formed for the purpose of exercising
14 expressive rights to establish and maintain membership and
15 leadership qualifications for the organization that further the
16 organization's purpose, including by requiring the organization's
17 leaders or members to:

18 (1) adhere to or comply with the organization's:

19 (A) sincerely held beliefs; or

20 (B) sincere standards of conduct; or

21 (2) be committed to furthering the organization's
22 mission or purpose.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as
25 provided by Section 39, Article III, Texas Constitution. If this
26 Act does not receive the vote necessary for immediate effect, this
27 Act takes effect September 1, 2021.