



FLOOR AMENDMENT NO. _____

BY: Kuempel

1 Amend C.S.S.B. 17 (house committee report) as follows:

2 (1) On page 2, strike lines 1 through 21 and substitute the
3 following:

4 (1) influencing hiring or employment practices at the
5 institution with respect to race, sex, color, or ethnicity, other
6 than through the use of color-blind and sex-neutral hiring
7 processes in accordance with any applicable state and federal
8 antidiscrimination laws;

9 (2) promoting differential treatment of or providing
10 special benefits to individuals on the basis of race, sex, color,
11 or ethnicity;

12 (3) promoting policies or procedures designed or
13 implemented in reference to race, sex, color, or ethnicity, other
14 than policies or procedures approved in writing by the
15 institution's general counsel and the Texas Higher Education
16 Coordinating Board for the sole purpose of ensuring compliance
17 with any applicable court order or state or federal law; or

18 (4) conducting trainings, programs, or activities
19 designed or implemented in reference to race, sex, color,
20 ethnicity, gender identity, or sexual orientation, other than
21 trainings, programs, or activities developed by an attorney and
22 approved in writing by the institution's general counsel and the
23 Texas Higher Education Coordinating Board for the sole purpose of
24 ensuring compliance with any applicable court order or state or
25 federal law.

1 (2) On page 2, lines 24 and 25, strike "or as provided by
2 Subsection (c)".

3 (3) On page 4, strike lines 1 through 12 and substitute the
4 following:

5 (c) Nothing in this section may be construed to limit or
6 prohibit an institution of higher education or an employee of an
7 institution of higher education from, for purposes of applying for
8 a grant or complying with the terms of accreditation by an
9 accrediting agency, submitting to the grantor or accrediting
10 agency a statement that:

11 (1) highlights the institution's work in supporting:

12 (A) first-generation college students;

13 (B) low-income students; or

14 (C) underserved student populations; or

15 (2) certifies compliance with state and federal
16 antidiscrimination laws.

17 (4) On page 5, between lines 11 and 12, insert the following:

18 (g) The state auditor shall periodically conduct a
19 compliance audit of each institution of higher education to
20 determine whether the institution has spent state money in
21 violation of this section. The state auditor shall adopt a
22 schedule by which the state auditor will conduct compliance audits
23 under this subsection. The schedule must ensure that each
24 institution of higher education is audited at least once every
25 four years.

26 (h) If the state auditor determines pursuant to a compliance
27 audit conducted under Subsection (g) that an institution of higher
28 education has spent state money in violation of this section, the
29 institution:

30 (1) must cure the violation not later than the 180th day
31 after the date on which the determination is made; and

1 (2) if the institution fails to cure the violation during
2 the period described by Subdivision (1), is ineligible to receive
3 formula funding increases, institutional enhancements, or
4 exceptional items during the state fiscal biennium immediately
5 following the state fiscal biennium in which the determination is
6 made.

7 (i) A student or employee of an institution of higher
8 education who is required to participate in training in violation
9 of Subsection (b) (1) (E) may bring an action against the institution
10 for injunctive or declaratory relief.