By:  Perry S.B. No. 1711

(In the Senate - Filed March 7, 2023; March 16, 2023, read first time and referred to Committee on State Affairs; April 13, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 10, Nays 1; April 13, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia        X

Menéndez            X

Middleton       X

Parker          X

Perry           X

Schwertner      X

Zaffirini       X

COMMITTEE SUBSTITUTE FOR S.B. No. 1711 By:  Hughes

A BILL TO BE ENTITLED

AN ACT

relating to the protection of expressive activities 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 (g) and adding Subsections (k), (l), (m), and (n) to read as follows:

(g)  An institution of higher education may not take action against a student organization or deny the organization any benefit generally available to other student organizations at the institution on the basis of:

(1)  a political, religious, philosophical, ideological, or academic viewpoint expressed by the organization or of any expressive activities of the organization; or

(2)  a requirement of the organization that the organization's leaders or members:

(A)  affirm and adhere to the organization's sincerely held beliefs;

(B)  comply with the organization's standards of conduct; or

(C)  further the organization's mission or purpose.

(k)  Not later than the first anniversary of the date a person or student organization's expressive rights were allegedly violated by an institution of higher education under this section, the person or organization may bring an action against the institution for:

(1)  a declaratory judgment under Chapter 37, Civil Practice and Remedies Code; or

(2)  an injunction to prevent the institution from further violating this section.

(l)  For purposes of computing the limitation period under Subsection (k), each day of a continuing violation of this section, including each day a rule or policy of an institution of higher education that violates this section remains in effect, constitutes a separate violation.

(m)  A person or student organization may raise a violation of this section against the person or organization as a defense or counterclaim in any relevant civil, administrative, or disciplinary proceedings brought against the person or organization by the institution of higher education.

(n)  An institution of higher education's sovereign immunity to suit and from liability is waived and abolished to the extent of liability created under this section.

SECTION 2.  Section 51.9315, Education Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act.  A cause of action that accrued before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.

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