

By: Tepper

H.B. No. 1046

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the use of political tests by public institutions of higher education.

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

SECTION 1. Subchapter 2, Chapter 51, Education Code, is amended by adding Section 51.9316 to read as follows:

Sec. 51.9316. POLITICAL TESTS PROHIBITED. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education may not require an employee or student or an applicant for employment with or admission to the institution, as a condition of employment, promotion, or admission, to identify a commitment to or make a statement of personal belief supporting any specific partisan, political, or ideological set of beliefs, including an ideology or movement that promotes the differential treatment of any individual or group based on race or ethnicity, such as:

(1) an initiative or formulation of diversity, equity, and inclusion beyond what is necessary to uphold the equal protection of the laws under the Fourteenth Amendment to the United States Constitution; or

(2) a theory or practice that asserts that systems or institutions upholding the equal protection of the laws under the Fourteenth Amendment to the United States Constitution are racist,

1 oppressive, or otherwise unjust.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2023.