

1-1 By: Hughes S.B. No. 1699
1-2 (In the Senate - Filed March 11, 2021; March 26, 2021, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 14, 2021, reported favorably by the following vote: Yeas 7,
1-5 Nays 2; April 14, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Birdwell	X		
1-10	Campbell	X		
1-11	Hall	X		
1-12	Lucio	X		
1-13	Nelson	X		
1-14	Powell		X	
1-15	Schwertner	X		
1-16	Zaffirini		X	

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

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

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

1-22 SECTION 1. Section 51.9315, Education Code, is amended by
1-23 amending Subsection (a) and adding Subsection (g-1) to read as
1-24 follows:

1-25 Sec. 51.9315. PROTECTED EXPRESSION ON CAMPUS. (a) In this
1-26 section:

1-27 (1) "Benefit" includes:

1-28 (A) recognition by or registration with an
1-29 institution of higher education;

1-30 (B) the use of an institution of higher
1-31 education's facilities for meetings or speaking purposes;

1-32 (C) the use of channels of communication
1-33 controlled by an institution of higher education; and

1-34 (D) funding sources made generally available to
1-35 student organizations at an institution of higher education.

1-36 (2) "Expressive activities" means any speech or
1-37 expressive conduct protected by the First Amendment to the United
1-38 States Constitution or by Section 8, Article I, Texas Constitution,
1-39 and includes assemblies, protests, speeches, the distribution of
1-40 written material, the carrying of signs, and the circulation of
1-41 petitions. The term does not include commercial speech.

1-42 (3) "Expressive rights" means the rights protected by
1-43 the First Amendment to the United States Constitution or by Section
1-44 8, Article I, Texas Constitution, including freedom of speech,
1-45 freedom of the press, freedom of association, and free exercise of
1-46 religion.

1-47 (4) [~~3~~] "Institution of higher education" has the
1-48 meaning assigned by Section 61.003.

1-49 (5) [~~4~~] "Student organization" includes any
1-50 organization that is composed mostly of students enrolled at an
1-51 institution of higher education and that receives a benefit from
1-52 the institution.

1-53 (g-1) An institution of higher education shall permit a
1-54 student organization formed for the purpose of exercising
1-55 expressive rights to establish and maintain membership and
1-56 leadership qualifications for the organization that further the
1-57 organization's purpose, including by requiring the organization's
1-58 leaders or members to:

1-59 (1) adhere to or comply with the organization's:

1-60 (A) sincerely held beliefs; or

1-61 (B) sincere standards of conduct; or

