

1-1 By: Perry S.B. No. 1711
 1-2 (In the Senate - Filed March 7, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 13, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 10, Nays 1; April 13, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1711 By: Hughes

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the protection of expressive activities at public
 1-24 institutions of higher education.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section [51.9315](#), Education Code, is amended by
 1-27 amending Subsection (g) and adding Subsections (k), (l), (m), and
 1-28 (n) to read as follows:

1-29 (g) An institution of higher education may not take action
 1-30 against a student organization or deny the organization any benefit
 1-31 generally available to other student organizations at the
 1-32 institution on the basis of:

1-33 (1) a political, religious, philosophical,
 1-34 ideological, or academic viewpoint expressed by the organization or
 1-35 of any expressive activities of the organization; or

1-36 (2) a requirement of the organization that the
 1-37 organization's leaders or members:

1-38 (A) affirm and adhere to the organization's
 1-39 sincerely held beliefs; or

1-40 (B) comply with the organization's standards of
 1-41 conduct; or

1-42 (C) further the organization's mission or
 1-43 purpose.

1-44 (k) Not later than the first anniversary of the date a
 1-45 person or student organization's expressive rights were allegedly
 1-46 violated by an institution of higher education under this section,
 1-47 the person or organization may bring an action against the
 1-48 institution for:

1-49 (1) a declaratory judgment under Chapter [37](#), Civil
 1-50 Practice and Remedies Code; or

1-51 (2) an injunction to prevent the institution from
 1-52 further violating this section.

1-53 (l) For purposes of computing the limitation period under
 1-54 Subsection (k), each day of a continuing violation of this section,
 1-55 including each day a rule or policy of an institution of higher
 1-56 education that violates this section remains in effect, constitutes
 1-57 a separate violation.

1-58 (m) A person or student organization may raise a violation
 1-59 of this section against the person or organization as a defense or
 1-60 counterclaim in any relevant civil, administrative, or

2-1 disciplinary proceedings brought against the person or
2-2 organization by the institution of higher education.

2-3 (n) An institution of higher education's sovereign immunity
2-4 to suit and from liability is waived and abolished to the extent of
2-5 liability created under this section.

2-6 SECTION 2. Section [51.9315](#), Education Code, as amended by
2-7 this Act, applies only to a cause of action that accrues on or after
2-8 the effective date of this Act. A cause of action that accrued
2-9 before the effective date of this Act is governed by the law in
2-10 effect immediately before the effective date of this Act, and that
2-11 law is continued in effect for that purpose.

2-12 SECTION 3. This Act takes effect September 1, 2023.

2-13 * * * * *