

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 364

2018 Regular Session

Ward

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

COLLEGES/UNIVERSITIES. Provides for free speech on public postsecondary education institution campuses. (gov sig)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Redefines "expressive activities" to apply to groups as well as individuals.
2. Provides exclusion for certain commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 364 Reengrossed

2018 Regular Session

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Proposed law provides that expressive activities at a public postsecondary education institution are protected.

Proposed law defines "expressive activities" to include any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the Constitution of the United States of America and by the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions.

Excludes from the definition of "expressive activities" commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

Proposed law provides that institutions may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored in service of significant institutional interest.

Proposed law provides for freedom of association and provides that a public postsecondary education institution shall not deny a belief-based student organization any benefit or privilege available to any other student organization.

Proposed law requires each public postsecondary education institution to develop policies, regulation, and expectations of students regarding free expression and association on campus that are consistent with proposed law and the policies of the management board. Requires that the policies be made public in the institution's handbook, on its website, and through student orientation and be provided to all materials, programs, and procedures provided to all employees and student.

Proposed law requires the postsecondary education management boards, in consultation with the Board of Regents, to develop and adopt policies on free expression that contain the following:

- (1) A statement that the primary function of an institution of postsecondary education is the discovery, improvement, transmission, and dissemination of knowledge and in

order to fulfill the function, each institution must strive to ensure the fullest degree of intellectual freedom and free expression.

- (2) A statement that it is not the proper role of an institution to shield individuals from speech protected by the United States Constitution.
- (3) A provision that students and faculty have the freedom to discuss any topic in a manner of expression that is permitted by the United States Constitution and the Louisiana Constitution. Additionally provides that limits on time, place, and manner of expression shall be consistent with proposed law and must be necessary to achieve a significant institutional interest. Further provides that such restrictions shall be published and provide ample alternative means of expression.
- (4) A provision that students and faculty shall be permitted to assemble and engage in spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the institution.
- (5) A provision that any person lawfully present on a campus may protest or demonstrate there. Protests and demonstrations that infringe upon the constitutional rights of others or create a substantial and material disruption to the functioning of the institution shall not be permitted.
- (6) A provision that the public areas of campus are traditional public forums, open on the same terms to any speaker.
- (7) A provision that the adopted policy supersedes and nullifies any existing provisions in the policies and regulations of any institution that restrict speech on campus.

Proposed law requires each public postsecondary education institution to submit a report to the governor and the legislature by January 1, 2019, on the implementation of proposed law.

Further requires each institution to submit an annual report to the governor and the legislature regarding barriers to, or incidents against, free expression that occurred at the institution and actions taken in response.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3399.31-3399.37)

Thomas L. Tyler
Deputy Chief of Staff