

By: Senator(s) Hill, Caughman

To: Universities and
Colleges; Accountability,
Efficiency, Transparency

SENATE BILL NO. 2050

1 AN ACT TO PROHIBIT ANY PUBLIC UNIVERSITY OR COMMUNITY COLLEGE
2 FROM IMPLEMENTING A POLICY THAT VIOLATES FIRST AMENDMENT RIGHTS OF
3 SPEECH, RELIGION AND ASSOCIATION ON BEHALF OF STUDENTS AND
4 FACULTY; TO REQUIRE THAT IF A PUBLIC UNIVERSITY OR COMMUNITY
5 COLLEGE IS IMPLEMENTING AN UNCONSTITUTIONAL POLICY RELATING TO
6 FREE SPEECH, RELIGION OR ASSOCIATION, THE GOVERNOR SHALL NOTIFY
7 THE PRESIDENT OF THE UNIVERSITY OR COLLEGE OF THE NONCOMPLIANCE
8 AND THE STATE FISCAL OFFICER SHALL WITHHOLD ALL STATE FUNDING FOR
9 SUCH UNIVERSITY OR COLLEGE UNTIL SUCH TIME AS IT IS IN COMPLIANCE
10 WITH THE REQUIREMENTS OF LAW; AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** (1) The Legislature finds that:

13 (a) The First Amendment to the United States
14 Constitution protects both speech and religious liberty. The
15 amendment contains the freedom of speech clause which prohibits
16 the government from infringing on political, religious, social and
17 artistic speech. The free exercise clause prohibits the
18 government from interfering with the right to worship as one sees
19 fit, and the establishment clause prohibits the government from
20 establishing a religion;

21 (b) While both public and private institutions should
22 protect and encourage free speech, publicly funded universities



23 and colleges are legally obligated to do so. The United States
24 Supreme Court has affirmed this First Amendment right repeatedly:
25 including for religious speech and activities (*Widmar v. Vincent*,
26 *454 U.S. 263 (1981)*). Concluded the Court: "With respect to
27 persons entitled to be there, our cases leave no doubt that the
28 First Amendment rights of speech and association extend to the
29 campuses of state universities; and

30 (c) Recent reports from the Foundation for Individual
31 Rights in Education have indicated that certain Mississippi public
32 universities have policies that both clear and substantially
33 restrict the freedom of speech and are unconstitutional. If we
34 want a free nation that respects all beliefs, we must demand that
35 students have the right to express themselves as protected by the
36 First Amendment.

37 (2) No public university or community college in the State
38 of Mississippi shall develop or implement a policy that violates
39 the First Amendment to the United States Constitution rights of
40 speech and religion and association on behalf of students and
41 faculty.

42 (3) If the Governor receives notification or otherwise has
43 knowledge that a public university or community college in the
44 State of Mississippi is enforcing a policy that violates the First
45 Amendment rights of speech, religion and association as prohibited
46 by subsection (2) of this section, as confirmed by the Office of



47 Attorney General, the Governor shall notify the president of the
48 university or community college in writing that:

49 (i) He has information indicating that the
50 university or college is not in compliance with the requirements
51 of subsection (2) of this section; and

52 (ii) The university or college has thirty (30)
53 days to show to the satisfaction of the Governor that it is in
54 compliance with the requirements of subsection (2) of this
55 section; and

56 (iii) If the university or college does not meet
57 the requirements of subsection (2) of this section, the Governor
58 shall direct the State Fiscal Officer to withhold all state funds
59 for the support of such university or college until such time as
60 the university or college complies with requirements of this
61 section; and

62 (iv) The State Fiscal Officer, upon receipt of
63 notification from the Governor that a university or community
64 college is not in compliance with the requirements of subsection
65 (2) of this section, shall withhold the payment specified in
66 paragraph (b) of this subsection until such time as it is in
67 compliance with the requirements of subsection (2) of this
68 section, as determined by the Governor.

69 **SECTION 2.** This act shall take effect and be in force from
70 and after July 1, 2020.

