

## **Department of Planning and Budget 2018 Fiscal Impact Statement**

**1. Bill Number:** HB 1274

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Delegate LaRock

**3. Committee:** Education

**4. Title:** Establish policies for protecting expressive activity on campuses of public institutions of higher education

- 5. Summary:** This bill establishes provisions for the protection of expressive activity on the campus of each of the Commonwealth's public institutions of higher education including:
- permitting any individual who wishes to engage in noncommercial expressive activity on campus to do so freely, as long as such expressive activity does not materially and substantially disrupt the functioning of the public institution of higher education; and,
  - prohibiting any public institution of higher education from:
    - (a) denying a student organization any benefitor privilege available to any other student organization, or otherwise discriminating against a student organization, on the basis of the expressive activity of the members of such organization; or,
    - (b) restricting a student organization's ability to require any leader or other member of such organization to affirm and adhere to the organization's sincerely held beliefs, comply with the organization's standards of conduct, or further the organization's self-defined mission or purpose.

This bill also permits individuals or organizations aggrieved under the provisions of this legislation to bring the institution of higher education to court. In addition, this proposed legislation waives the Commonwealth's immunity to federal lawsuit.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary (see Section 8)

**8. Fiscal Implications:** Public institutions of higher education should be able to absorb any costs resulting from the implementation of the policies required under this legislation using their existing resources. However, it is uncertain what additional costs the institutions and the Commonwealth could incur as a result of lawsuits initiated by individuals or organizations that believe that they have been aggrieved by an institution.

**9. Specific Agency or Political Subdivisions Affected:** Virginia's public institutions of higher education

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 01/17/18

c: Secretary of Education