

ARKANSAS SENATE
92nd General Assembly - Regular Session, 2019
Amendment Form

Subtitle of Senate Bill No. 156

TO ESTABLISH THE FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT.

Amendment No. 1 to Senate Bill 156

Amend Senate Bill No. 156 as originally introduced:

Add Representatives Beck, Cloud, C. Cooper, Crawford, Gonzales, and Payton as cosponsors of the bill

AND

Page 1, delete line 13, and substitute the following:

"PROHIBITS ABRIDGING THE FREEDOM OF SPEECH; TO DECLARE AN EMERGENCY; AND FOR"

AND

Delete the subtitle in its entirety and substitute:

"TO ESTABLISH THE FORMING OPEN AND ROBUST UNIVERSITY MINDS (FORUM) ACT; AND TO DECLARE AN EMERGENCY."

AND

Delete SECTION 1 in its entirety

AND

Page 2, line 20, delete "SECTION 2" and substitute "SECTION 1"

AND

Page 2, delete line 26, and substitute the following:

"and Robust University Minds (FORUM) Act".

6-60-1002. Legislative intent.

The General Assembly finds that:

(1) The First Amendment of the United States Constitution and the Arkansas Constitution protect the rights of free speech, freedom of the press, freedom of religion, and freedom of association for all citizens;



(2) The United States Supreme Court has called public universities “peculiarly the marketplace of ideas,” Healy v. James, 408 U.S. 169, 180 (1972), where young adults learn to exercise these constitutional rights necessary to participate in our system of government and to tolerate the exercise of those rights by others, and there is “no room for the view that . . . First Amendment protections should apply with less force on college campuses than in the community at large,” Healy, 408 U.S. at 180;

(3) The exercise of First Amendment rights on the campuses of state-supported institutions of higher education in this state is a critical component of the education experience for students and requires that each state-supported institution of higher education in this state ensure free, robust, and uninhibited debate and deliberation by students, whether on or off campus;

(4) State-supported institutions of higher education in this state and elsewhere should provide adequate safeguards for the First Amendment rights of their students to avoid a stifling of expression on campus;

(5) The United States Supreme Court has warned that if state-supported institutions of higher education stifle student speech and prevent the open exchange of ideas on campus, “our civilization will stagnate and die”, Sweezy vs. New Hampshire, 354 U.S. 234, 250 (1957);

(6) A significant amount of taxpayer dollars is appropriated to state-supported institutions of higher education each year, and the General Assembly must ensure that all state-supported institutions of higher education receiving state funds recognize freedom of speech as a fundamental right for all; and

(7) State-supported institutions of higher education should strive to ensure the fullest degree of intellectual and academic freedom and free expression, and it is not the proper role of state-supported institutions of higher education to shield individuals from speech that is protected by the First Amendment to the United States Constitution, including without limitation ideas and opinions the individuals may find unwelcome, uncollegial, disagreeable, or even deeply offensive."

AND

Page 2, line 28, delete "6-60-1002" and substitute "6-60-1003"

AND

Page 4, line 6, delete "public" and substitute "campus community"

AND

Page 4, line 33, delete "6-60-1003" and substitute "6-60-1004"

AND

Page 4, delete line 34, and substitute the following:

"Expressive activities protected under this subchapter consist of speech and other conduct protected by the First Amendment to the United States Constitution, including without"

AND

Page 4, line 36, delete "verbal or written" and substitute "verbal, written, or electronic"

AND

Page 5, delete lines 5 through 7, and substitute the following:

- (5) Distributing literature;
- (6) Making comments to the media;
- (7) Carrying signs; and
- (8) Circulating petitions."

AND

Page 5, line 9, delete "6-60-1004" and substitute "6-60-1005"

AND

Page 5, line 11, delete "for" and substitute "for members of"

AND

Page 5, line 13, delete "designated" and substitute "designated outdoor"

AND

Page 5, line 16, delete "restrictions" and substitute "restrictions for outdoor areas of campus"

AND

Page 5, line 25, delete "An individual" and substitute "A member of the campus community"

AND

Page 5, line 26, delete "on the" and substitute "in an outdoor area of"

AND

Page 5, line 30, delete "materially and substantially disrupt" and substitute "materially and substantially disrupt, as defined under § 6-60-1003,"

AND

Page 5, line 33, delete "student" and substitute "campus community member"

AND

Page 6, line 1, delete "treats" and substitute "threats"

AND

Page 6, line 3, delete "§ 6-60-1002(5)" and substitute "§ 6-60-1003"

AND

Page 6, line 5, delete "substantially disrupts" and substitute "substantially disrupts, as defined under § 6-60-1003,"

AND

Page 6, delete lines 9 through 14

AND

Page 6, line 19, delete "belief-based"

AND

Page 6, line 20, delete "a belief-based" and substitute "an"

AND

Page 6, line 21, delete "expressive activities" and substitute "expression"

AND

Page 6, line 22, delete "the belief-based" and substitute "an"

AND

Page 6, delete line 25, and substitute "beliefs or statement of principles;"

AND

Page 6, line 26, delete "belief-based"

AND

Page 6, line 28, delete "belief-based"

AND

Page 6, delete lines 32 through 36

AND

Page 7, delete lines 1 through 32

AND

Page 7, line 33, delete "(b)"

AND

Page 8, line 10, delete "(a)"

AND

Page 8, line 11, delete "publicly post on its website, as well as"

AND

Page 8, line 14, delete "by December 1, 2020" and substitute "ninety (90) days after the effective date of this act"

AND

Page 8, delete lines 17 through 36

AND

Page 9, delete lines 1 through 8

AND

Page 9, delete line 17

AND

Page 9, line 18, delete "(C)" and substitute "(B)"

AND

Page 9, delete line 19, and substitute "(C) Expenses; and"

AND

Page 9, line 27, delete "(a)"

AND

Page 9, line 28, delete "one (1) year" and substitute "three (3) years"

AND

Page 9, delete lines 30 through 34

AND

Immediately following SECTION 2, add an additional section to read as follows:

"SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the exercise of First Amendment rights on campuses of state-supported institutions of higher education is critical to the education experience for students; that state-supported institutions of higher education should safeguard First Amendment rights of their students; that the General Assembly must ensure that all state-supported institutions of higher education receiving state funds recognize the freedom of speech as a fundamental right for all; and that this act is immediately necessary to ensure First Amendment rights are preserved for everyone on campuses of state-supported institutions of higher education. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

The Amendment was read the first time, rules suspended and read the second time and

By: Senator B. Ballinger

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Secretary