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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 40  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 40's Bill Analysis](#)

**Version:** As Passed by the Senate

**Primary Sponsor:** Sens. Brenner and McColley

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill may minimally increase the administrative expenses of state institutions of higher education to adopt a specific policy on harassment that is consistent with the bill's definition of "harassment"; publicize free expression policies; develop and distribute materials, programs, and procedures related to those policies; and to report on any courses of action that were implemented in accordance with the bill's provisions regarding free expression on campus.
- Some institutions of higher education may forego some revenue due to the bill's prohibition on charging security fees to a student or a student group based on the content of their expression, the content of the expression of their invited guest, or the anticipated reaction to an invited guest's expression.

### Detailed Analysis

#### Summary of provisions with potential fiscal effects

The bill prescribes the manner in which state institutions of higher education regulate expression and peaceful assembly on campus. From a fiscal perspective, the bill most notably requires each state institution to adopt a specific policy on harassment that is consistent with the bill's definition of "harassment"; make public the policies, regulations, and expectations of students regarding free expression in its handbook, on its website, and in its student orientation programs; and report on any courses of action that were implemented in accordance with the bill's provisions. It also prohibits a state institution from charging security fees to a student or student group based on the content of their expression, the content of the expression of their invited guest, or the anticipated reaction to an invited guest's expression. These provisions are discussed below in more detail. Other provisions of the bill appear to have no direct fiscal effect.

## **Policy and reporting requirements**

The bill may minimally increase the administrative expenses of state institutions of higher education to comply with various policy and reporting requirements. In particular, each state institution must:

- Adopt a policy on harassment that is consistent and strictly adheres to the bill’s definition of “harassment”;
- Make public any policies, regulations, and expectations of students regarding free expression on campus in its handbook, on its website, and in its student orientation programs;
- Develop and distribute materials, programs, and procedures to ensure that all administrators, faculty, and any other employees who are responsible for the discipline or education of students understand the policies and regulations regarding free expression on campus;
- Report to the Governor, the Speaker of the House of Representatives, and the President of the Senate, within 180 days of the bill’s effective date, on the courses of action implemented in accordance with the bill’s provisions concerning free speech and post the report to its website. A state institution that is sued for an alleged violation of free expression rights must submit a supplemental report that includes a copy of the complaint within 30 days of the action.

## **Prohibition on charging security fees**

The bill prohibits state institutions of higher education from charging security fees to a student or a student group based on the content of the student or group’s expression, the content of the expression of their invited guest, or the anticipated reaction to an invited guest’s expression. State institutions may forego some revenue to the extent that they currently charge such fees.