

BILL ANALYSIS

H.B. 2639
By: Smithee
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law does not require colleges to offer a risk management program for campus organizations. HB 2639 would require postsecondary educational institutions to offer a risk management program during the beginning of each fall semester and to keep records of attendance for the program. The bill would require each current officer, advisor, and pledge of a fraternity and any current member who has not previously attended the program to attend. Members of any other student organization registered at the institution would also be allowed to attend the program.

H.B. 2639 would require the Texas Department of Insurance to conduct a study concerning the levels and types of insurance coverage fraternities at institutions of higher education in Texas are required to carry by the fraternities' national or chartering organizations, the availability and affordability of the levels and types of insurance coverage, and whether such coverage is readily available in Texas.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1: Subchapter Z, Chapter 51 of the Education Code is amended by adding Section 51.9361 related to risk management programs for members of fraternities and other student organizations at postsecondary educational institutions and to certain insurance requirements for fraternities. Defines "pledge" and "postsecondary educational institution." Specifies which fraternities and institutions the bill applies to. Requires a postsecondary educational institution to provide a risk management program for members of fraternities and of any other student organization registered at the institution. Specifies that this program must take place not later than the 30th day after the first day of the fall semester of each academic year. Requires that each current officer, advisor, and pledge of a fraternity and any current member who has not previously attended a program provided under this section must attend the program. Provides that a member of any other student organization registered at the institution may attend the program.

The program may address any issue determined by the postsecondary educational institution and must include possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed; hazing; sexual abuse and harassment; fire and other safety issues, including the possession and use of a firearm, weapon, or explosive device; conduct of parties and other events; and adoption of a risk management policy. The postsecondary educational institution shall provide notice of the program to each student organization registered at the institution and include in the notice information concerning persons associated with a fraternity who are required to attend. Requires the institution to take attendance and to maintain a record of attendance and of notice until at least the fifth anniversary of the date of the program.

SECTION 2: Directs the Texas Department of Insurance to conduct a study concerning the levels and types of insurance coverage fraternities at institutions of higher education in Texas are required to carry by the fraternities' national or chartering organizations. Requires the study to include the availability and affordability of the levels and types of insurance coverage, and

whether the levels and types of coverage are available in this state under insurance policies issued by insurers authorized to engage in the business of insurance in this state or by eligible surplus lines insurers or by independently procured contracts of insurance. Requires TDI to submit a written report summarizing the results of the study to the governor, lieutenant governor, speaker, and the standing committees in the senate and house of representatives that have jurisdiction over insurance and higher education. This report must be submitted by January 1, 2009.

SECTION 3: Applies the section added by this Act to a risk management program at public and private postsecondary educational institutions beginning with the 2008 fall semester.

SECTION 4: Effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2007.