

BILL ANALYSIS

S.B. 1138
By: Duncan
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is a concern over the number of injuries and fatalities occurring as a result of hazing, drinking, or other activities associated with fraternities.

S.B. 1138 requires institutions of higher education to provide a risk management program for members and advisors of student organizations registered at the institution. The bill makes attendance at this risk management seminar mandatory for certain individuals. In addition, the bill requires the Texas Department of Insurance to study what insurance is currently available to fraternities. The study must consider levels and types of coverage and methods of attainment, and to report the findings to certain elected officials not later than January 1, 2009.

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: Amend Subchapter Z, Chapter 51 of the Education Code, by adding Section 51.9361, relating to risk management programs for members and advisors of student organizations. Defines "advisor" and "postsecondary educational institution."

Provides that this section applies only to a student organization that is registered at a postsecondary educational institution (institution) and that is composed mostly of students enrolled at the institution. Provides that this section applies to each institution at which is registered one or more student organizations

Requires an institution, at least once during each academic year, to provide a risk management program (program) for members of any other student organization registered at the institution. Provides that any member of a student organization who is not otherwise required to attend is authorized to attend the program.

Provides that unless a postsecondary educational institution requires each student organization registered at the institution to have representatives of the organization attend a program under this section, the institution shall adopt a policy that specifies one or more of those student organizations or types of student organizations that are required to have representatives attend. Provides that the selection of student organizations or types of student organizations under the policy must be based on the institution's determination that those organizations or types of organizations could particularly benefit from risk management guidance. Provides that each advisor who has not previously attended a program under this section and each person serving in a designated officer position of a student organization that is required to have representatives attend a program under this section shall attend the program. Provides that an institution may allow an advisor, other than a faculty or staff member of the institution, to satisfy the attendance requirements prescribed by this subsection through completion of an appropriate computer-based risk assessment program.

Provides that the institution may designate not more than four officer positions of a student organization, such as the president, membership chair, risk management chair, social chair, or pledge class or new member chair. Provides that if a student organization does not have an

officer position described by this subsection or if an officer position described by Subsection (d) is vacant, the institution shall, to the extent practicable, identify and designate an equivalent officer position, and the person serving in that officer position shall attend the program.

Provides that each advisor or officer required by Subsection (d) to attend a program shall report on the program's contents at a meeting of the full membership of the student organization the advisor or officer represented at the program. Provides that a program may address any issue determined appropriate by the postsecondary educational institution and must address specific requirements and provisions that are listed.

Provides that a postsecondary educational institution shall provide notice of a program to student organizations in the manner determined by the institution. Provides that a postsecondary educational institution shall take attendance at a program in the manner determined appropriate by the institution and may, as provided by a policy adopted by the institution, impose reasonable sanctions on a person who is required to attend the program and fails to attend. Provides that the institution shall, until at least the third anniversary of the date of the program, maintain in an appropriate location at the institution a record of that attendance and of notice provided under Subsection (h).

SECTION 2: Provides that the Texas Department of Insurance shall conduct a study concerning: the levels and types of insurance coverage fraternities at institutions of higher education in this state are required to carry by the fraternities' chartering or national organizations; the availability and affordability of the levels and types of insurance coverage described by Subdivision (1) of this subsection. This study must also have information detailing whether the levels and types of insurance coverage described by Subdivision (1) of this subsection 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 under independently procured contracts of insurance. Provides that not later than January 1, 2009, the Texas Department of Insurance shall submit to certain parties a written report summarizing the results of the study conducted under Subsection (a) of this section.

SECTION 3: Provides that Section 51.9361, Education Code, as added by this Act, applies to a risk management program at public and private institutions beginning with the 2008 fall semester.

SECTION 4: Effective date.

EFFECTIVE DATE

This Act takes effect September 1, 2007.