

By: Smithee, Heflin

H.B. No. 2639

A BILL TO BE ENTITLED

AN ACT

1
2 relating to risk management programs for members of fraternities
3 and other student organizations at public and private postsecondary
4 educational institutions and to certain insurance requirements for
5 fraternities.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
8 amended by adding Section 51.9361 to read as follows:

9 Sec. 51.9361. RISK MANAGEMENT PROGRAMS FOR MEMBERS OF
10 FRATERNITIES AND OTHER STUDENT ORGANIZATIONS. (a) In this
11 section:

12 (1) "Pledge" means a person who has been accepted by or
13 is in the process of qualifying for membership in a fraternity.

14 (2) "Postsecondary educational institution" has the
15 meaning assigned by Section 51.936.

16 (b) This section applies only to a fraternity that is
17 registered at a postsecondary educational institution and that is
18 composed mostly of students enrolled at the institution.
19 Notwithstanding Section 1.001(a), this section applies to each
20 postsecondary educational institution at which is registered one or
21 more fraternities.

22 (c) Not later than the 30th day after the first day of the
23 fall semester of each academic year, a postsecondary educational
24 institution shall provide a risk management program for members of

1 fraternities and of any other student organization registered at
2 the institution. Each current officer, advisor, and pledge of a
3 fraternity and any current fraternity member who has not previously
4 attended a program provided under this section must attend the
5 program. A member of any other student organization registered at
6 the institution may attend the program.

7 (d) A program under this section may address any issue
8 determined by the postsecondary educational institution and must
9 address:

10 (1) possession and use of alcoholic beverages and
11 illegal drugs, including penalties that may be imposed for
12 possession or use;

13 (2) hazing;

14 (3) sexual abuse and harassment;

15 (4) fire and other safety issues, including the
16 possession and use of a firearm or other weapon or of an explosive
17 device;

18 (5) conduct of parties and other events held by a
19 fraternity or other student organization; and

20 (6) adoption by a fraternity or other student
21 organization of a risk management policy.

22 (e) A postsecondary educational institution shall:

23 (1) provide notice of a program provided under this
24 section to each student organization registered at the institution;
25 and

26 (2) include in the notice information concerning
27 persons associated with a fraternity who are required under this

1 section to attend the program.

2 (f) A postsecondary educational institution shall take
3 attendance at a program provided under this section and shall,
4 until at least the fifth anniversary of the date of the program,
5 maintain a record of that attendance and of notice provided under
6 Subsection (e).

7 SECTION 2. (a) The Texas Department of Insurance shall
8 conduct a study concerning:

9 (1) the levels and types of insurance coverage
10 fraternities at institutions of higher education in this state are
11 required to carry by the fraternities' chartering or national
12 organizations;

13 (2) the availability and affordability of the levels
14 and types of insurance coverage described by Subdivision (1) of
15 this subsection; and

16 (3) whether the levels and types of insurance coverage
17 described by Subdivision (1) of this subsection are available in
18 this state under:

19 (A) insurance policies issued by insurers
20 authorized to engage in the business of insurance in this state or
21 by eligible surplus lines insurers; or

22 (B) independently procured contracts of
23 insurance.

24 (b) Not later than January 1, 2009, the Texas Department of
25 Insurance shall submit to the governor, the lieutenant governor,
26 the speaker of the house of representatives, and the standing
27 committees in the senate and the house of representatives that have

1 jurisdiction over insurance and higher education a written report
2 summarizing the results of the study conducted under Subsection (a)
3 of this section.

4 SECTION 3. Section 51.9361, Education Code, as added by
5 this Act, applies to a risk management program at public and private
6 postsecondary educational institutions beginning with the 2008
7 fall semester.

8 SECTION 4. This Act takes effect September 1, 2007.