

By: Duncan

S.B. No. 1138

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.