

1-1 By: Duncan S.B. No. 1138
1-2 (In the Senate - Filed March 5, 2007; March 14, 2007, read
1-3 first time and referred to Subcommittee on Higher Education;
1-4 April 27, 2007, reported adversely, with favorable Committee
1-5 Substitute from Committee on Education by the following vote: Yeas
1-6 6, Nays 0; April 27, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1138 By: Averitt

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to risk management programs for members and advisors of
1-11 student organizations at public and private postsecondary
1-12 educational institutions and to certain insurance requirements for
1-13 fraternities.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subchapter Z, Chapter 51, Education Code, is
1-16 amended by adding Section 51.9361 to read as follows:

1-17 Sec. 51.9361. RISK MANAGEMENT PROGRAMS FOR MEMBERS AND
1-18 ADVISORS OF STUDENT ORGANIZATIONS. (a) In this section:

1-19 (1) "Advisor" means a person who:

1-20 (A) serves in an advisory capacity to a student
1-21 organization to provide guidance to the organization and its
1-22 members;

1-23 (B) is older than 21 years of age; and

1-24 (C) is not a student of the postsecondary
1-25 educational institution at which the student organization is
1-26 registered.

1-27 (2) "Postsecondary educational institution" means:

1-28 (A) an institution of higher education as defined
1-29 by Section 61.003, except that the term does not include a medical
1-30 and dental unit or other agency of higher education as those terms
1-31 are defined by that section; and

1-32 (B) a private or independent institution of
1-33 higher education as defined by Section 61.003, except that the term
1-34 does not include:

1-35 (i) a health-related institution; or

1-36 (ii) an institution that offers only
1-37 upper-division, graduate-level, or professional courses.

1-38 (b) This section applies only to a student organization that
1-39 is registered at a postsecondary educational institution and that
1-40 is composed mostly of students enrolled at the institution.
1-41 Notwithstanding Section 1.001(a), this section applies to each
1-42 postsecondary educational institution at which is registered one or
1-43 more student organizations.

1-44 (c) At least once during each academic year, a postsecondary
1-45 educational institution shall provide a risk management program for
1-46 members of student organizations registered at the institution.
1-47 Any member of a student organization who is not otherwise required
1-48 to attend may attend the program.

1-49 (d) Unless a postsecondary educational institution requires
1-50 each student organization registered at the institution to have
1-51 representatives of the organization attend a program under this
1-52 section, the institution shall adopt a policy that specifies one or
1-53 more of those student organizations or types of student
1-54 organizations that are required to have representatives attend.
1-55 The selection of student organizations or types of student
1-56 organizations under the policy must be based on the institution's
1-57 determination that those organizations or types of organizations
1-58 could particularly benefit from risk management guidance. Each
1-59 advisor who has not previously attended a program under this
1-60 section and each person serving in a designated officer position of
1-61 a student organization that is required to have representatives
1-62 attend a program under this section shall attend the program. An
1-63 institution may allow an advisor, other than a faculty or staff

2-1 member of the institution, to satisfy the attendance requirements
 2-2 prescribed by this subsection through completion of an appropriate
 2-3 computer-based risk assessment program.

2-4 (e) For purposes of Subsection (d), the institution may
 2-5 designate not more than four officer positions of a student
 2-6 organization, such as the president, membership chair, risk
 2-7 management chair, social chair, or pledge class or new member
 2-8 chair. If a student organization does not have an officer position
 2-9 described by this subsection or if an officer position described by
 2-10 Subsection (d) is vacant, the institution shall, to the extent
 2-11 practicable, identify and designate an equivalent officer
 2-12 position, and the person serving in that officer position shall
 2-13 attend the program.

2-14 (f) Each advisor or officer required by Subsection (d) to
 2-15 attend a program shall report on the program's contents at a meeting
 2-16 of the full membership of the student organization the advisor or
 2-17 officer represented at the program.

2-18 (g) A program under this section may address any issue
 2-19 determined appropriate by the postsecondary educational
 2-20 institution and must address:

2-21 (1) possession and use of alcoholic beverages and
 2-22 illegal drugs, including penalties that may be imposed for
 2-23 possession or use;

2-24 (2) hazing;

2-25 (3) sexual abuse and harassment;

2-26 (4) fire and other safety issues, including the
 2-27 possession and use of a firearm or other weapon or of an explosive
 2-28 device;

2-29 (5) travel to a destination outside the area in which
 2-30 the institution is located;

2-31 (6) behavior at parties and other events held by a
 2-32 student organization; and

2-33 (7) adoption by a student organization of a risk
 2-34 management policy.

2-35 (h) A postsecondary educational institution shall provide
 2-36 notice of a program under this section to student organizations in
 2-37 the manner determined by the institution.

2-38 (i) A postsecondary educational institution shall take
 2-39 attendance at a program provided under this section in the manner
 2-40 determined appropriate by the institution and may, as provided by a
 2-41 policy adopted by the institution, impose reasonable sanctions on a
 2-42 person who is required to attend the program and fails to attend.
 2-43 The institution shall, until at least the third anniversary of the
 2-44 date of the program, maintain in an appropriate location at the
 2-45 institution a record of that attendance and of notice provided
 2-46 under Subsection (h).

2-47 SECTION 2. (a) The Texas Department of Insurance shall
 2-48 conduct a study concerning:

2-49 (1) the levels and types of insurance coverage
 2-50 fraternities at institutions of higher education in this state are
 2-51 required to carry by the fraternities' chartering or national
 2-52 organizations;

2-53 (2) the availability and affordability of the levels
 2-54 and types of insurance coverage described by Subdivision (1) of
 2-55 this subsection; and

2-56 (3) whether the levels and types of insurance coverage
 2-57 described by Subdivision (1) of this subsection are available in
 2-58 this state under:

2-59 (A) insurance policies issued by insurers
 2-60 authorized to engage in the business of insurance in this state or
 2-61 by eligible surplus lines insurers; or

2-62 (B) independently procured contracts of
 2-63 insurance.

2-64 (b) Not later than January 1, 2009, the Texas Department of
 2-65 Insurance shall submit to the governor, the lieutenant governor,
 2-66 the speaker of the house of representatives, and the standing
 2-67 committees in the senate and the house of representatives that have
 2-68 jurisdiction over insurance and higher education a written report
 2-69 summarizing the results of the study conducted under Subsection (a)

3-1 of this section.

3-2 SECTION 3. Section 51.9361, Education Code, as added by
3-3 this Act, applies to a risk management program at public and private
3-4 postsecondary educational institutions beginning with the 2008
3-5 fall semester.

3-6 SECTION 4. This Act takes effect September 1, 2007.

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