

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 18 2007

Atty. Gen. Dew
Secretary of the Senate

By: Smithee (Duncan)

H.B. No. 2639

Substitute for the following H.B. No. 2639:

By: WX

C.H.4B. No. 2639

A BILL TO BE ENTITLED

AN ACT

relating to risk management programs for members and advisors of student organizations at public and private postsecondary educational institutions and to certain insurance requirements for fraternities.

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

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

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

(1) "Advisor" means a person who:

(A) serves in an advisory capacity to a student organization to provide guidance to the organization and its members;

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

(C) is not a student of the postsecondary educational institution at which the student organization is registered.

(2) "Postsecondary educational institution" means:

(A) an institution of higher education as defined

by Section 61.003, except that the term does not include a medical and dental unit or other agency of higher education as those terms are defined by that section; and

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

(i) a health-related institution; or

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

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

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

(d) 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.

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. 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. 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.

(e) For purposes of Subsection (d), 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. 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.

(f) 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.

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

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

(2) hazing;

(3) sexual abuse and harassment;

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

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

(6) behavior at parties and other events held by a student organization; and

(7) adoption by a student organization of a risk management policy.

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

(i) A postsecondary educational institution shall take attendance at a program provided under this section 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. 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. (a) The Texas Department of Insurance shall conduct a study concerning:

(1) 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;

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

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

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

(B) independently procured contracts of insurance.

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

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 14, 2007

TO: Honorable Judith Zaffirini, Chair, Senate Committee on S/C on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2639** by Smithee (Relating to risk management programs for members and advisors of student organizations at public and private postsecondary educational institutions and to certain insurance requirements for fraternities.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would require each student organization registered at the institution to have representatives of the organization attend a risk management program provided by the institution at less once a year. Health-related institutions, and institutions that offer only upper-division, graduate level or professional courses would not be required to provide the risk management program. Advisors of student organizations, who have not previously attended a risk management program, would also be required to attend. An institution may allow an advisor to complete a computer-based risk assessment program to satisfy the attendance requirements. The institution may impose reasonable sanctions on a person who does not attend the program. Provisions of the bill would be implemented within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, MN, RT, GO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 13, 2007

TO: Honorable Judith Zaffirini, Chair, Senate Committee on S/C on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2639 by Smithee (Relating to risk management programs for members of fraternities and other student organizations at public and private postsecondary educational institutions and to certain insurance requirements for fraternities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would require a risk management program for members of fraternities and of any other student organization registered at the institution. Each current officer, advisor, and pledge of a fraternity and any current fraternity member who has not previously attended the program would be required to attend. The program must address possession and use of alcoholic beverages and illegal drugs, hazing, sexual abuse and harassment, fire and other safety issues, conduct at parties and other events held by the fraternity or other student organization, and adoption of a risk management policy. The institution would be required to provide notice of the program to each registered student organization and include information concerning persons associated with a fraternity who are required to attend. The institution would be required to make a record of attendance and notification for five years following the start of the program. The bill will take effect September 1, 2007 with changes to the fall 2008 semester. Higher education institutions would implement provisions of this bill within current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, MN, RT, GO

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 9, 2007

TO: Honorable Geanie Morrison, Chair, House Committee on Higher Education

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2639 by Smithee (Relating to risk management programs for members of fraternities and other student organizations at public and private postsecondary educational institutions and to certain insurance requirements for fraternities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would require a risk management program for members of fraternities and of any other student organization registered at the institution. Each current officer, advisor, and pledge of a fraternity and any current fraternity member who has not previously attended the program would be required to attend. The program must address possession and use of alcoholic beverages and illegal drugs, hazing, sexual abuse and harassment, fire and other safety issues, conduct at parties and other events held by the fraternity or other student organization, and adoption of a risk management policy. The institution would be required to provide notice of the program to each registered student organization and include information concerning persons associated with a fraternity who are required to attend. The institution would be required to make a record of attendance and notification for five years following the start of the program. The bill will take effect September 1, 2007 with changes to the fall 2008 semester. Higher education institutions would implement provisions of this bill within current resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

LBB Staff: JOB, MN, RT, GO

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