

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Rose

H.B. No. 4189

A BILL TO BE ENTITLED

AN ACT

relating to the conduct of compliance programs by institutions of higher education.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.971 to read as follows:

Sec. 51.971. COMPLIANCE PROGRAM. (a) In this section:

(1) "Compliance program" means a process to assess and ensure compliance by the officers and employees of an institution of higher education with applicable laws, rules, regulations, and policies, including matters of:

(A) ethics and standards of conduct;

(B) financial reporting;

(C) internal accounting controls; or

(D) auditing.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) An institution of higher education that maintains a compliance program may establish procedures, such as a telephone hotline, to permit private access to the compliance program office and to preserve the confidentiality of communications and the anonymity of a person making a compliance report or participating in a compliance investigation.

(c) The following are confidential:

1           (1) information that directly or indirectly reveals  
2 the identity of an individual who made a report to the compliance  
3 program office of an institution of higher education, sought  
4 guidance from the office, or participated in an investigation  
5 conducted under the compliance program; and

6           (2) information that directly or indirectly reveals  
7 the identity of an individual as a person who is alleged to have or  
8 may have planned, initiated, or participated in activities that are  
9 the subject of a report made to the compliance program office of an  
10 institution of higher education if, after completing an  
11 investigation, the office determines the report to be  
12 unsubstantiated or without merit.

13           (d) Subsection (c) does not apply to information related to  
14 an individual who consents to disclosure of the information.

15           (e) Information produced in a compliance program  
16 investigation the release of which would interfere with an ongoing  
17 compliance investigation is excepted from disclosure under Chapter  
18 552, Government Code.

19           (f) Information made confidential or excepted from public  
20 disclosure by this section may be made available to a law  
21 enforcement agency or prosecutor for official purposes of the  
22 agency or prosecutor upon proper request made in compliance with  
23 applicable law and procedure.

24           SECTION 2. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2009.

ADOPTED

FLOOR AMENDMENT NO. 1 MAY 27 2009

BY: Wendy H Davis

Lotay Spaul  
Secretary of the Senate

Amend HB 4189 (senate committee printing) by adding the appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. This Act shall be known as the Jamie Schanbaum Act.

SECTION \_\_\_\_\_. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.9192 to read as follows:

Sec. 51.9192. BACTERIAL MENINGITIS VACCINATION REQUIRED FOR CERTAIN STUDENTS; EXCEPTIONS. (a) In this section:

(1) "Health practitioner" means any person authorized by law to administer an immunization.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003.

(b) This section applies only to a first-time student of an institution of higher education or private or independent institution of higher education, including a transfer student, who resides in, or has applied for on-campus housing and been approved to reside in, an on-campus dormitory or other on-campus student housing facility at the institution.

(c) Except as provided by Subsection (d), a student to whom this section applies or a parent or guardian of the student must provide to the institution, at the time and in the manner prescribed by rules adopted by the Texas Higher Education Coordinating Board, a certificate signed by a health practitioner evidencing that the student has been vaccinated against bacterial meningitis.

(d) A student to whom this section applies or a parent or

1 guardian of the student is not required to comply with  
2 Subsection (c) if the student or a parent or guardian of the  
3 student submits to the institution:

4 (1) an affidavit or a certificate signed by a  
5 physician who is duly registered and licensed to practice  
6 medicine in the United States in which it is stated that, in the  
7 physician's opinion, the vaccination required would be injurious  
8 to the health and well-being of the student; or

9 (2) an affidavit signed by the student stating that  
10 the student declines the vaccination for bacterial meningitis  
11 for reasons of conscience, including a religious belief, except  
12 that the exemption provided by this subdivision does not apply  
13 during a disaster or public health emergency, terrorist attack,  
14 hostile military or paramilitary action, or extraordinary law  
15 enforcement emergency declared by an appropriate official or  
16 other authority and in effect for the location of the  
17 institution the student attends.

18 (e) The Texas Higher Education Coordinating Board, in  
19 consultation with institutions of higher education and private  
20 or independent institutions of higher education, shall adopt  
21 rules for the administration of this section, including rules  
22 establishing the date by which a student who is required to  
23 comply with Subsection (c) must have received the vaccination  
24 required by that subsection, which may not be later than the  
25 date the student initially moves into an on-campus dormitory or  
26 other on-campus student housing facility at an institution.

27 SECTION \_\_\_\_. Section 51.9192, Education Code, as added  
28 by this Act, applies only to first-time students enrolling in  
29 public or private or independent institutions of higher  
30 education in this state on or after January 1, 2010.



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 28, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

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

**IN RE: HB4189** by Rose (Relating to the conduct of compliance programs by institutions of higher education.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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Provisions of the bill would allow institutions of higher education that maintain a compliance program to establish procedures to provide private access to a compliance office, maintain anonymity of individuals who make a compliance report or participate in a compliance investigation, and preserve confidentiality of communications.

Under provisions of the bill, certain information would be confidential if the related individual does not consent to its disclosure. Information produced that would interfere with an ongoing compliance investigation would be excepted from disclosure under Government Code Chapter 552. The information would be available to a law enforcement agency or prosecutor for official purposes.

Under provisions of the bill, before registering a student must provide a certificate evidencing that the student has been vaccinated against bacterial meningitis. The bill applies to first-time students, including transfer students, who reside in an on-campus dormitory or housing facility at the institution. A student is not required to comply if an affidavit or a certificate is presented stating that the vaccination would be injurious to the health and well-being of the student or stating that the vaccination has been declined for reasons of conscience. The bill would be known as the Jamie Schanbaum Act.

Provisions of the bill would be implemented within current resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 758 Texas State University System, 768 Texas Tech University System Administration, 769 University of North Texas System Administration, 781 Higher Education Coordinating Board, 783 University of Houston System Administration

**LBB Staff:** JOB, KK, RT, SSh



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 14, 2009**

**TO:** Honorable Judith Zaffirini, Chair, Senate Committee on Higher Education

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

**IN RE: HB4189** by Rose (Relating to the conduct of compliance programs by institutions of higher education.), **As Engrossed**

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**LBB Staff:** JOB, KK, RT, SSh



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 30, 2009**

**TO:** Honorable Dan Branch, Chair, House Committee on Higher Education

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

**IN RE: HB4189** by Rose (relating to the conduct of compliance programs by institutions of higher education.), **Committee Report 1st House, Substituted**

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**LBB Staff:** JOB, KK, RT, SSh



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**April 21, 2009**

**TO:** Honorable Dan Branch, Chair, House Committee on Higher Education

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

**IN RE: HB4189** by Rose (Relating to the conduct of compliance programs by institutions of higher education.), **As Introduced**

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