

BILL ANALYSIS

Senate Research Center
80R17078 CAS-D

C.S.S.B. 1138
By: Duncan
Education
4/27/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There is a concern over the number of injuries and fatalities occurring as a result of hazing, drinking, or other activities associated with fraternities.

C.S.S.B. 1138 requires institutions of higher education to provide a risk management program for members and advisors of student organizations registered at the institution. The bill makes attendance at this risk management seminar mandatory for certain individuals. In addition, the bill requires the Texas Department of Insurance to study what insurance is currently available to fraternities. The study must consider levels and types of coverage and methods of attainment, and to report the findings to certain elected officials not later than January 1, 2009.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amend Subchapter Z, Chapter 51, Education Code, by adding Section 51.9361, as follows:

Sec. 51.9361. RISK MANAGEMENT PROGRAMS FOR MEMBERS AND ADVISORS OF STUDENT ORGANIZATIONS. (a) Defines "advisor" and "postsecondary educational institution."

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

(c) Requires an institution, at least once during each academic year, to provide a risk management program for members of fraternities and of any other student organization registered at the institution. Provides that any member of a student organization who is not otherwise required to attend is authorized to attend the program.

(d) Requires the institution to adopt a policy that specifies one or more of those student organizations or types of student organizations that are required to have representatives attend, unless an institution requires each student organization registered at the institution to have representatives of the organization attend a program under this section. Requires the selection of student organizations or types of student organizations under the policy to be based on the institution's determination that those organizations or types of organization could particularly benefit from risk management guidance. Requires 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 to attend the program. Authorizes an institution to 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) Authorizes the institution, for purposes of Subsection (d), to designate not more than four officer positions of a student organization, such as president, membership chair, risk management chair, social chair, or pledge class or new member chair. Requires an institution, 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, to identify and designate to the extent practicable an equivalent officer position, and requires the person serving in that officer position to attend the program.

(f) Requires each advisor or officer required by Subsection (d) to attend a program to 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) Authorizes a program under this subsection to address any issue determined by the institution. Requires the program to address possession and use of alcoholic beverages and illegal drugs, including penalties that may be imposed for possession or use; hazing; sexual abuse and harassment; fire and other safety issues, including the possession and use of a firearm or other weapon or of an explosive device; travel to a destination outside the area in which the institution is located; behavior at parties and other events held by a student organization; and adoption by a student organization of a risk management policy.

(h) Requires an institution to provide notice of a program under this section to student organizations in the manner determined by the institution.

(i) Requires an institution to take attendance at a program provided for under this section in the manner determined appropriate by the institution and authorizes it, as provided by a policy adopted by the institution, to impose reasonable sanctions on a person who is required to attend the program and fails to attend. Requires the institution, until at least the third anniversary of the date of the program, to maintain in an appropriate location at the institution a record of that attendance and of notice provided under Subsection (h).

SECTION 2. (a) Requires the Texas Department of Insurance (TDI) to conduct a study concerning the levels and types of coverage fraternities at institutions of higher education are required to carry by the fraternities' chartering or national organizations, availability and affordability, and the method used for attaining insurance.

(b) Requires TDI, not later than January 1, 2009, to 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. Provides that Section 51.9361, Education Code, as added by this Act, applies to a risk management program at public and private institutions beginning with the 2008 fall semester.

SECTION 4. Effective date: September 1, 2007.