

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS45195-LH-50A (02/07)

Short Title: Study/Fair Treatment of College Athletes. (Public)

Sponsors: Senators Daniel, Bishop, and Tarte (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT OF
3 COLLEGE STUDENT-ATHLETES.

4 Whereas, college athletics is a multimillion dollar industry across the United States;
5 and

6 Whereas, college athletics in North Carolina is a major economic and entertainment
7 resource through which the State, local governments, the business community, and public
8 educational institutions financially benefit; and

9 Whereas, most of the constituent institutions of The University of North Carolina
10 participate in athletic competitions in North Carolina and around the country in a wide range of
11 sports; and

12 Whereas, these athletic teams at each constituent institution are comprised of
13 individually enrolled full-time students; and

14 Whereas, these students, participating on athletic teams provided as extracurricular
15 activities for them, are enrolled for the primary purpose of receiving a college education
16 subsidized in part by the taxpayers of North Carolina; and

17 Whereas, while receiving the benefits of playing competitive collegiate sports and in
18 some cases financial assistance for the cost of attending college, these students in return commit a
19 substantial amount of time, talent, and resources for the benefit (both financially and
20 promotionally) of the institutions they compete for as well as organizations and businesses
21 profiting from their athletic competition; and

22 Whereas, numerous issues and court cases have arisen around the country and in North
23 Carolina pertaining to the system of college athletics, its governance, and control by membership
24 organizations, including, but not limited to, the National Collegiate Athletic Association, and to
25 concerns over the welfare and operation of the system to the long-term detriment of the students
26 participating in college athletics; and

27 Whereas, the General Assembly of North Carolina has a responsibility to the young
28 men and women enrolled in the State institutions of higher learning within the University of North
29 Carolina System to ensure fairness and equal opportunity in all aspects of their experience but in
30 particular while participating in athletic activities for these institutions and to take appropriate
31 legislative action where needed to ensure fairness and equal opportunity; Now, therefore,
32 The General Assembly of North Carolina enacts:

33 **SECTION 1.(a)** The Legislative Commission on the Fair Treatment of College
34 Student-Athletes is created. The purpose of the Commission is to examine the needs and concerns
35 of college students participating in athletics on behalf of the constituent institutions of The



1 University of North Carolina and to propose appropriate legislation where needed to implement
2 the objectives of this Commission.

3 **SECTION 1.(b)** The Commission shall consist of six members of the Senate,
4 appointed by the President Pro Tempore of the Senate with political parties represented in
5 proportion to the legislative makeup, and six members of the House of Representatives, appointed
6 by the Speaker of the House of Representatives with political parties represented in proportion to
7 the legislative makeup.

8 Vacancies on the Commission shall be filled by the same appointing authority that
9 made the initial appointment.

10 **SECTION 1.(c)** The Lieutenant Governor shall be an ex officio voting member and
11 shall also serve as the chair of the Commission. The Commission shall meet upon the call of the
12 chair.

13 **SECTION 1.(d)** A quorum shall be a majority of the Commission members.

14 **SECTION 2.** The Commission shall study issues related to the provision of health
15 insurance, sports injuries and nonsports injuries, unionization, and profit-sharing for student
16 athletes. In its study, the Commission shall consider all of the following:

- 17 (1) Physical and mental health and safety concerns arising out of participation in
18 athletic competition or resulting from injuries sustained during athletic
19 competition, including, but not limited to, concussions and other life-impacting
20 injuries.
- 21 (2) Long-term physical and mental health and wellness issues grounded in
22 participation in athletic competition but not manifesting until later in an
23 athlete's life, and the ability of former athletes to receive adequate long-term
24 treatment for these issues.
- 25 (3) The need for full-time enrolled college students to have adequate time to devote
26 to educational responsibilities separate and apart from time demands for athletic
27 competition.
- 28 (4) Educational opportunities for choosing majors and classes consistent with the
29 nonathletic participating students' opportunities at a constituent institution,
30 including, but not limited to, academic choices and extracurricular abilities to
31 participate in internships and study abroad.
- 32 (5) The right to receive academic instruction from qualified faculty members at the
33 constituent institutions and to be taught at an academic level consistent with the
34 standards of accredited higher education institutions.
- 35 (6) The right to a fair and impartial hearing and the right to be independently
36 represented before being disciplined for alleged eligibility rules violations by
37 any school, conference, or membership association governing participation in
38 college athletics.
- 39 (7) In exchange for his or her participation on behalf of any constituent institution,
40 a fair and adequate financial aid or scholarship assistance package to the extent
41 financial aid or scholarship sources are provided to selected students in
42 exchange for their participation on institutional athletic teams.
- 43 (8) Consideration of remuneration or profit-sharing for student athletes for the use
44 by institutional or commercial entities of the students' image, or other
45 identifiable source, such as television rights or collegiate apparel that produce
46 commercial profit for the institutions, membership associations, or commercial
47 entities.
- 48 (9) The right of students participating in college athletics to be adequately
49 represented by attorneys, agents, or financial advisors throughout their college
50 careers (as do all other students) without being subject to losing their eligibility
51 to participate in college athletics.

- 1 (10) A review of regulatory rules and punishments imposed on student athletes by
2 any governing membership organization, including, but not limited to, the
3 National Collegiate Athletic Association, that limits a student's ability to
4 transfer between schools, or participate on college athletic teams by restricting
5 the student's ability to engage in outside work or compensatory services.
- 6 (11) The obligation of the university to provide the means for a student-athlete to
7 finish their academic requirements to obtain an undergraduate degree after their
8 athletic eligibility or athletic scholarship has expired.
- 9 (12) Any other issue the Commission deems relevant based on testimony or
10 evidence presented to the Commission.

11 **SECTION 3.** The Commission, while in the discharge of its official duties, may
12 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
13 Commission may meet in the Legislative Building or the Legislative Office Building. Members of
14 the Commission shall receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1
15 or G.S. 138-6 as appropriate.

16 The Legislative Services Commission, through the Legislative Services Officer, shall
17 assign professional staff to assist the Commission in its work. The Senate shall assign clerical staff
18 to the Commission, and the expenses relating to the clerical employees shall be borne by the
19 Commission. The Commission may contract for professional, clerical, or consultant services, as
20 provided by G.S. 120-32.02.

21 **SECTION 4.** The Commission shall submit an interim report on the results of its
22 study, including any proposed legislation, by December 1, 2017, to the members of the Senate and
23 the House of Representatives by filing a copy of the report with the Office of the President Pro
24 Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the
25 Legislative Library. The Commission shall submit a final report on the results of its study,
26 including any proposed legislation, by April 1, 2018, to the members of the Senate and the House
27 of Representatives, by filing a copy of the report with the Office of the President Pro Tempore of
28 the Senate, the Office of the Speaker of the House of Representatives, and the Legislative Library.
29 The Commission shall terminate upon the convening of the 2019 General Assembly or upon the
30 filing of its final report, whichever occurs first.

31 **SECTION 5.** This act becomes effective July 1, 2017.