

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 463*

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

Sponsors: Representatives Collins, Bert Jones, Rogers, and Millis (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

March 27, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE LEGISLATIVE COMMISSION ON THE FAIR TREATMENT
3 OF 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
19 commit a 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
23 North Carolina pertaining to the system of college athletics, its governance, and control by
24 membership organizations, including, but not limited to, the National Collegiate Athletic
25 Association, and to concerns over the welfare and operation of the system to the long-term
26 detriment of the students 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
29 North Carolina System to ensure fairness and equal opportunity in all aspects of their
30 experience but in particular while participating in athletic activities for these institutions and to
31 take appropriate legislative action where needed to ensure fairness and equal opportunity; Now,
32 therefore,

33 The General Assembly of North Carolina enacts:

34 **SECTION 1.(a)** The Legislative Commission on the Fair Treatment of College
35 Student-Athletes is created. The purpose of the Commission is to examine the needs and



1 concerns of college students participating in athletics on behalf of the constituent institutions of
2 The University of North Carolina and to propose appropriate legislation where needed to
3 implement the objectives of this Commission.

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

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

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

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

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

- 18 (1) Physical and mental health and safety concerns arising out of participation in
19 athletic competition or resulting from injuries sustained during athletic
20 competition, including, but not limited to, concussions and other
21 life-impacting injuries.
- 22 (2) Long-term physical and mental health and wellness issues grounded in
23 participation in athletic competition but not manifesting until later in an
24 athlete's life, and the ability of former athletes to receive adequate long-term
25 treatment for these issues.
- 26 (3) The need for full-time enrolled college students to have adequate time to
27 devote to educational responsibilities separate and apart from time demands
28 for athletic competition.
- 29 (4) Educational opportunities for choosing majors and classes consistent with
30 the nonathletic participating students' opportunities at a constituent
31 institution, including, but not limited to, academic choices and
32 extracurricular abilities to participate in internships and study abroad.
- 33 (5) The right to receive academic instruction from qualified faculty members at
34 the constituent institutions and to be taught at an academic level consistent
35 with the standards of accredited higher education institutions.
- 36 (6) The right to a fair and impartial hearing and the right to be independently
37 represented before being disciplined for alleged eligibility rules violations by
38 any school, conference, or membership association governing participation
39 in college athletics.
- 40 (7) In exchange for his or her participation on behalf of any constituent
41 institution, a fair and adequate financial aid or scholarship assistance
42 package to the extent financial aid or scholarship sources are provided to
43 selected students in exchange for their participation on institutional athletic
44 teams.
- 45 (8) Consideration of remuneration or profit-sharing for student athletes for the
46 use by institutional or commercial entities of the students' image, or other
47 identifiable source, such as television rights or collegiate apparel that
48 produce commercial profit for the institutions, membership associations, or
49 commercial entities.
- 50 (9) The right of students participating in college athletics to be adequately
51 represented by attorneys, agents, or financial advisors throughout their

1 college careers (as do all other students) without being subject to losing their
2 eligibility to participate in college athletics.

3 (10) A review of regulatory rules and punishments imposed on student athletes
4 by any governing membership organization, including, but not limited to, the
5 National Collegiate Athletic Association, that limits a student's ability to
6 transfer between schools, or participate on college athletic teams by
7 restricting the student's ability to engage in outside work or compensatory
8 services.

9 (11) The obligation of the university to provide the means for a student-athlete to
10 finish their academic requirements to obtain an undergraduate degree after
11 their athletic eligibility or athletic scholarship has expired.

12 (12) Any other issue the Commission deems relevant based on testimony or
13 evidence presented to the Commission.

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

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

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

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