

HOUSE BILL 1272

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3lr2886
CF 3lr2287

By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2013

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland College Sports Fans and Athletes Bill of Rights**

3 FOR the purpose of establishing a Maryland College Sports Fans and Athletes Bill of
4 Rights; providing that the final decision concerning the membership or
5 association of certain institutions of higher education with certain athletics
6 organizations rests with the governing board of that institution; defining certain
7 terms; providing for the application of this Act; specifying certain
8 responsibilities for certain public institutions of higher education and the
9 athletic programs with regard to student athletes; specifying certain rights for
10 student athletes at certain public institutions of higher education; providing
11 that certain provisions of this Act may not take effect until the Secretary of
12 Higher Education makes a certain certification to the Legislative Policy
13 Committee of the General Assembly; and generally relating to the Maryland
14 College Sports Fans and Athletes Bill of Rights.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 12–104(a), 14–101(a), and 14–402(a)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2012 Supplement)

20 BY adding to
21 Article – Education
22 Section 12–104(o), 14–104(s), and 14–404(i); and 15–201 through 15–204 to be
23 under the new subtitle “Subtitle 2. Student Athletes Bill of Rights”
24 Annotated Code of Maryland
25 (2008 Replacement Volume and 2012 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1

Article – Education

2 12–104.

3 (a) In addition to any other powers granted and duties imposed by this title,
4 and subject to the provisions of Title 11 of this article and any other restriction
5 imposed by law by specific reference to the University System of Maryland, or by any
6 trust agreement involving a pledge of property or money, the Board of Regents has the
7 powers and duties set forth in this section.

8 **(O) A FINAL DECISION REGARDING A CONSTITUENT INSTITUTION’S**
9 **MEMBERSHIP OR ASSOCIATION WITH THE NATIONAL COLLEGIATE ATHLETIC**
10 **ASSOCIATION OR A CONSTITUENT INSTITUTION’S MEMBERSHIP IN AN ATHLETIC**
11 **CONFERENCE RESTS SOLELY WITH THE BOARD OF REGENTS.**

12 14–101.

13 (a) (1) There is a body corporate and politic known as Morgan State
14 University.

15 (2) The University is an instrumentality of the State and a public
16 corporation.

17 (3) The University is an independent unit of State government.

18 (4) The exercise by the University of the powers conferred by this
19 subtitle is the performance of an essential public function.

20 14–104.

21 **(S) A FINAL DECISION REGARDING THE UNIVERSITY’S MEMBERSHIP OR**
22 **ASSOCIATION WITH THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION OR**
23 **THE UNIVERSITY’S MEMBERSHIP IN AN ATHLETIC CONFERENCE RESTS SOLELY**
24 **WITH THE BOARD OF REGENTS.**

25 14–402.

26 (a) The government of St. Mary’s College of Maryland is vested in the Board
27 of Trustees of St. Mary’s College of Maryland.

28 14–404.

29 **(I) A FINAL DECISION REGARDING THE COLLEGE’S MEMBERSHIP OR**
30 **ASSOCIATION WITH THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION OR**
31 **THE COLLEGE’S MEMBERSHIP IN AN ATHLETIC CONFERENCE RESTS SOLELY**
32 **WITH THE BOARD OF TRUSTEES.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article – Education**

4 **SUBTITLE 2. STUDENT ATHLETES BILL OF RIGHTS.**

5 **15-201.**

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “ATHLETIC ASSOCIATION” MEANS ANY ORGANIZATION THAT IS
9 RESPONSIBLE FOR GOVERNING INTERCOLLEGIATE ATHLETIC PROGRAMS.

10 (C) “ATHLETIC PROGRAM” MEANS AN INTERCOLLEGIATE ATHLETIC
11 PROGRAM AT AN INSTITUTION OF HIGHER EDUCATION.

12 (D) “STUDENT ATHLETE” MEANS ANY COLLEGE STUDENT WHO
13 PARTICIPATES IN AN INTERCOLLEGIATE ATHLETIC PROGRAM OF AN
14 INSTITUTION OF HIGHER EDUCATION.

15 **15-202.**

16 THIS SUBTITLE APPLIES TO EACH PUBLIC INSTITUTION OF HIGHER
17 EDUCATION IN THE STATE THAT MAINTAINS AN INTERCOLLEGIATE ATHLETIC
18 PROGRAM.

19 **15-203.**

20 A STUDENT ATHLETE WHOSE ATHLETIC SCHOLARSHIP IS NOT RENEWED
21 FOR CAUSE BY AN ATHLETIC PROGRAM MAY NOT RECEIVE BENEFITS UNDER
22 THIS SUBTITLE, BUT MAY APPEAL A DECISION TO DENY BENEFITS AS
23 APPROPRIATE TO:

24 (1) THE JUDICIAL AUTHORITY ESTABLISHED BY THE
25 INSTITUTION THE STUDENT ATTENDS TO RESOLVE STUDENT GRIEVANCES; OR

26 (2) THE ATHLETIC CONFERENCE OR ASSOCIATION OF WHICH THE
27 INSTITUTION OF HIGHER EDUCATION THAT THE STUDENT ATTENDS IS A
28 MEMBER.

29 **15-204.**

1 **(A) AN INSTITUTION OF HIGHER EDUCATION SHALL GRANT A STUDENT**
2 **ATHLETE THE SAME RIGHTS AS OTHER STUDENTS WITH REGARD TO MATTERS**
3 **RELATED TO POSSIBLE ADVERSE OR DISCIPLINARY ACTIONS, INCLUDING**
4 **ACTIONS INVOLVING ATHLETICALLY RELATED FINANCIAL AID.**

5 **(B) AN ATHLETIC PROGRAM SHALL RESPOND WITHIN 7 BUSINESS DAYS**
6 **WITH AN ANSWER TO A STUDENT ATHLETE'S WRITTEN REQUEST TO TRANSFER**
7 **TO ANOTHER INSTITUTION OF HIGHER EDUCATION.**

8 **(C) AN INSTITUTION OF HIGHER EDUCATION TO WHICH THIS SECTION**
9 **APPLIES SHALL RELY EXCLUSIVELY ON REVENUE DERIVED FROM MEDIA**
10 **RIGHTS FOR INTERCOLLEGIATE ATHLETICS TO DEFRAY ANY COSTS ACCRUED**
11 **UNDER THIS SUBTITLE.**

12 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act may
13 not take effect until the Secretary of Higher Education certifies to the Legislative
14 Policy Committee of the General Assembly that a majority of the states represented by
15 the members of the athletic conference to which an institution of higher education
16 subject to Section 2 of this Act belongs have enacted a law that is in substantial
17 conformity to the provisions set forth in Title 15, Subtitle 2 of the Education Article, as
18 enacted by Section 2 of this Act.

19 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
20 Section 3 of this Act, this Act shall take effect October 1, 2013.