

**SENATE CHAMBER**

STATE OF OKLAHOMA

DISPOSITION BY SENATE

**FLOOR AMENDMENT**

No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1533, Page 1, Line 17 1/2, as follows:

By inserting new sections 2, 3, 4, 5, 6 and 7 to read as attached;

by renumbering subsequent sections and amending the title to conform.

Submitted by:

\_\_\_\_\_  
Senator Constance Johnson

Johnson(Constance)-AM-FA-SB1533  
2/28/2012 4:33 PM

1 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
2 as Section 821.10 of Title 70, unless there is created a duplication in numbering, reads as follows:

3 This act shall be known and may be cited as the “Collegiate Student-Athlete Bill of Rights”.

4 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
5 as Section 821.11 of Title 70, unless there is created a duplication in numbering, reads as follows:

6 For purposes of the Collegiate Student-Athlete Bill of Rights:

1           1. “Athletic program” means any intercollegiate athletic program operating at an institution of  
2 higher education in this state;

3           2. “Athletic association” means any organization that is responsible for governing  
4 intercollegiate athletic programs;

5           3. “Student-athlete” means any college student who participates in an institution of higher  
6 education’s intercollegiate athletic program;

7           4. “Cost of attendance” means an institution of higher education’s total annual in-state tuition  
8 and fees, room, board, books and all other expenses officially reported to the United States  
9 Department of Education associated with attendance at an institution of higher education;

10          5. ”Athletic scholarship shortfall” means the difference between an institution of higher  
11 education’s cost of attendance and the sum of a full grant-in-aid athletic scholarship plus any stipend  
12 excluding summer school, pre-season, post-season, tournament, and expense payments;

13          6. ”State trust fund” means the Collegiate Student-Athlete Bill of Rights Trust Fund created in  
14 Section 6 of this act; and

15          7. “Qualifying former football and men’s basketball student-athletes” means individuals  
16 determined by the State Regents to meet criteria established by the Regents to receive funds from the  
17 Collegiate Student-Athlete Bill of Rights Trust Fund.

18          SECTION 4.   NEW LAW   A new section of law to be codified in the Oklahoma Statutes  
19 as Section 821.12 of Title 70, unless there is created a duplication in numbering, reads as follows:

20          A. The State Regents for Higher Education shall ensure that all athletic programs:

21           1. Renew each athletic scholarship at an amount that is no less than the previous year as long  
22 as the athletic scholarship recipient maintains good academic, disciplinary, and participation  
23 standards. If a student-athlete’s athletic scholarship is not renewed for reasons other than failure to  
24 maintain good academic, disciplinary, or participation standards, then the institution of higher

1 education shall provide an equivalent scholarship that, combined with the total duration of the  
2 previous athletic scholarship received by the student-athlete, shall be provided for at least five (5)  
3 years or until the student-athlete receives his or her undergraduate degree, whichever is shorter, as  
4 long as the student-athlete maintains the academic performance level required of current student-  
5 athletes;

6 2. Conduct health screenings of all incoming student-athletes prior to allowing the student-  
7 athlete to participate in athletics, the screenings shall include, but are not limited to, screening for the  
8 sickle cell trait and heart abnormalities. Athletic programs shall also adopt and implement a program  
9 to prevent, assess, and treat sports-related concussions and dehydration;

10 3. Adopt and implement exercise and supervision guidelines for any student-athlete identified  
11 with a potentially life-threatening health condition; and

12 4. Conduct a financial and life skills workshop for all of first-year and third-year student-  
13 athletes at the beginning of the academic year. The workshop shall include, but is not limited to,  
14 information concerning financial aid, debt management, interest rates, personal credit scores, and a  
15 recommended budget for full and partial scholarship student-athletes living on and off campus  
16 during the academic school year and the summer based on the current year's cost of attendance. The  
17 workshop shall also include information on time management skills necessary for success as a  
18 student-athlete, available academic resources on campus, and the value of building relationships with  
19 the non-athletic campus community. Athletic programs that pay any of the fees described in Section  
20 4 of this act shall provide relevant financial guidance to the student-athletes that may become eligible  
21 to receive funds.

22 B. Any written agreement concerning athletic scholarships or grants-in-aid signed by both an  
23 athletic director and a student-athlete shall be legally binding on the institution of higher education.

1 C. Athletic programs shall grant any other institution of higher education's request for  
2 permission to contact a student-athlete according to its athletic association's rules if such permission  
3 is requested in writing by the student-athlete interested in transferring to another institution of higher  
4 education. Athletic programs shall approve all student-athletes' written request to transfer to another  
5 institution of higher education without any restrictions, conditions, or residency requirements.

6 D. Institutions of higher education shall provide student-athletes the same rights as other  
7 students in regards to all matters related to possible adverse or disciplinary actions including, but not  
8 limited to, such matters involving athletics.

9 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
10 as Section 821.13 of Title 70, unless there is created a duplication in numbering, reads as follows:

11 A. 1. Any athletic program that issues athletic scholarships and receives an average of at least  
12 Ten Million Dollars (\$10,000,000.00) in annual television revenue shall provide Five Hundred  
13 Thousand Dollars (\$500,000.00) each year to be deposited in the state trust fund for the purpose of  
14 paying for medical insurance premiums. Any funds not expended to purchase medical insurance  
15 premiums shall pay for medical expenses for former student-athletes that suffered a sports-related  
16 injury while participating in the athletic program. Funds shall be made available to former student-  
17 athletes in the order of claims submitted to the State Regents as trustees.

18 a. Funds required to be paid to the state trust fund shall be in addition to current  
19 levels of funding for student-athlete medical expenditures or medical benefits  
20 provided to or on behalf of student-athletes by an athletic program. The amount  
21 of funds required in this section shall be adjusted annually according to the  
22 United States Bureau of Labor Statistics' medical care index.

23 b. Institutions of higher education that do not comply with provisions of this  
24 subsection shall be held liable for medical expenses incurred by student-athletes

1 which would have been covered by the purchase of a medical insurance plan as  
2 provided in this subsection and shall pay fine of Five Hundred Dollars  
3 (\$500.00) for each day that student-athletes are not covered by a medical  
4 insurance plan beginning August 1, 2013. All fines are due by the state's  
5 regular tax deadline for institutions of higher education, and a late fee of five  
6 percent (5%) per business day will be assessed for each day that the fine is not  
7 paid.

8 2. Athletic programs receiving less than Ten Million Dollars (\$10,000,000.00) in annual  
9 television revenue may submit a fee and medical fund waiver application to the State Regents and  
10 upon verification of the amount of annual television revenue received, shall not be required to  
11 comply with the requirements of this act.

12 B. Each athletic program shall pay to the state trust fund an annual fee equal to fifty percent  
13 (50%) of the cost of attendance multiplied by the total number of football and men's basketball  
14 student-athletes that receive an athletic scholarship. Qualifying former football and men's basketball  
15 student-athletes shall receive an equal portion of their athletic program's total annual fees deposited  
16 in the state trust fund. Funds provided to former football and men's basketball student-athletes who  
17 have not completed their undergraduate degree shall be used, up to the annual cost of attendance to  
18 continue their education, any funds remaining after the cost of attendance is paid shall be disbursed  
19 directly to the former student athlete. All other qualifying former football and men's basketball  
20 student-athletes whose athletic eligibility is exhausted shall receive the total portion funds after they  
21 complete their undergraduate degree and are no longer enrolled as an undergraduate student at an  
22 institution of higher education.

23 1. Funds distributed to eligible former football and men's basketball student-athletes pursuing  
24 their undergraduate degree shall be in the form of reimbursements for all expenses required by their

1 school including tuition, fees, and books. Funds for all other expenses including room, board, and  
2 incidentals shall be disbursed in monthly installments for the duration of the academic school year.  
3 In addition, qualifying former football and men's basketball student-athletes can opt to receive these  
4 funds for classes they are enrolled in during any summer and/or winter session that takes place  
5 outside of the regular academic school year.

6 2. Funds distributed to former football and men's basketball student-athletes that complete  
7 their degree will be paid in twelve (12) equal monthly installments after their eligibility to receive  
8 funds from the state trust fund is officially verified by the State Regents as trustees.

9 3. Former football and men's basketball student-athletes that were granted rights as described  
10 in subsection D of this section and lost at least one season of athletic eligibility for disciplinary  
11 reasons shall not be eligible for any of the funds described in this section.

12 C. 1. Each athletic program shall be assessed an annual fee based on the highest athletic  
13 scholarship shortfall for the 2012-2013 school year among the institutions of higher education  
14 affected by this act. The annual fee shall equal the appropriate athletic scholarship shortfall amount  
15 as defined in this act plus interest based on each year's unsubsidized federal Stafford Loan interest  
16 rate multiplied by the total number of football and men's basketball student-athletes that receive an  
17 athletic scholarship at any point during the school year. The annual fee amount shall be adjusted  
18 annually according to the Consumer Price Index. Athletic programs shall pay the annual fee to the  
19 trust fund commissioned to receive fees on behalf of the state.

20 2. The trust fund shall designate an equal portion of funds for qualifying former football and  
21 men's basketball student-athletes. The trust fund shall make direct payments to established student  
22 loan creditors on behalf of each qualifying former football and men's basketball student-athlete up to  
23 an amount equal to the scholarship shortfall plus the interest rate set in this act for each year that the  
24 qualifying former student-athlete received an athletic scholarship.

1 D. The state trust fund shall be administered by the State Regents with the following  
2 provisions:

3 1. Qualifying former football and men's basketball student-athletes shall authorize their  
4 respective institutions of higher education and/or student loan creditors to provide all necessary  
5 information to verify their state trust fund eligibility and for the proper distribution of funds. Within  
6 fifteen (15) days of receiving authorization from their former football and men's basketball student-  
7 athletes, institutions of higher education shall provide the information necessary for state trust fund  
8 trustees to evaluate former football and men's basketball student-athletes' eligibility to receive  
9 funds;

10 2. Prior to distributing funds to qualifying former football and men's basketball student-  
11 athletes, the state trust fund trustees shall deduct any estimated state and federal taxes. The state  
12 trust fund trustees shall send all estimated taxes to the appropriate government tax collection agency  
13 on behalf of the recipient;

14 3. State trust fund trustees shall develop a system for which institutions of higher education  
15 shall submit fees based on the provisions in this act;

16 4. Qualifying former football and men's basketball student-athletes shall receive funds as  
17 provided in this section proportional to the fees collected from their respective institution of higher  
18 education and prorated according to the number of years the student-athlete received an athletic  
19 scholarship; and

20 5. The state trust fund shall make public the amount of fees collected from each institution of  
21 higher education's athletic program and the amount distributed to qualifying former student-athletes,  
22 and shall submit a detailed report to the Legislature every three (3) years.

23 E. Athletic programs shall pay all fees required by this act by June 1 of each year beginning  
24 with June 1, 2013. Each athletic program shall pay a late fee of Fifteen Thousand Dollars

1 (\$15,000.00) for each day after the deadline that the fees remain unpaid. All fines shall be paid  
2 directly to the state trust fund and shall be distributed equally among the eligible fund recipients.

3 SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
4 as Section 821.14 of Title 70, unless there is created a duplication in numbering, reads as follows:

5 A. An amount equal to the annual fee paid as provided in subsection C of Section 4 of this act  
6 shall be set aside exclusively for achieving compliance with Title IX of Education Amendments of  
7 1972, Title 20 United States Code Sections 1681 through 1688. If Title IX compliance in athletics is  
8 achieved for a period of four (4) consecutive years, any funds not necessary to maintain Title IX  
9 compliance shall not be subject to the terms of this subsection.

10 B. Institutions of higher education that do not comply with this section shall pay a fine of One  
11 Thousand Dollars (\$1,000.00) for each day out of compliance. All fines are due by the state's  
12 regular tax deadline for institutions of higher education, and a late fee of five percent (5%) per day  
13 shall be assessed for each day that the fine is not paid.

14 SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes  
15 as Section 821.15 of Title 70, unless there is created a duplication in numbering, reads as follows:

16 A. There is hereby created a trust fund to be known as the "Collegiate Student-Athlete Bill of  
17 Rights Trust Fund". The Oklahoma State Regents for Higher Education shall be the trustees of the  
18 trust fund.

19 B. The State Regents shall utilize the trust fund to implement the provisions of this act.

20 C. The trust fund principal shall consist of monies the Legislature appropriates or transfers to  
21 the Oklahoma State Regents for Higher Education for the trust fund, the fees collected pursuant to  
22 Section 4 of this act, any fines collected pursuant to this act and any monies or assets contributed to  
23 the trust fund from any other source, public or private. The trust fund principal shall not be  
24 diminished for any reason except as provided in this act.



1           D. Notwithstanding other provisions of law, income and investment return on the trust fund  
2 principal shall accrue to the trust fund for use as provided by authorization of the trustees for the  
3 purposes provided in this act. No such income or investment return shall be used for administrative  
4 expenses; expenses incurred by the State Regents in the administration of the trust fund shall be paid  
5 from monies appropriated to the State Regents' coordinating board for their general operating  
6 budget.

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