

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5511 (Substitute H-2 as passed by the House)

Sponsor: Representative Kirk Profit

House Committee: Colleges and Universities

Senate Committee: Judiciary

Date Completed: 11-9-98

CONTENT

The bill would amend the Revised Judicature Act to provide that a person would be liable to an institution of higher education for \$10,000 or actual damages incurred, whichever was greater, if he or she interfered with "the prospective advantage accorded the institution of higher education by virtue of its relationship with an intercollegiate athletics governing organization" by promising or providing any improper gift or service to a student athlete or prospective student athlete or the immediate family of such an athlete. The college or university also could recover actual attorney fees and actual costs incurred in bringing the action.

"Institution of higher education" would mean a public university, college, or community college located in this State. "Improper gift or service" would mean any gift or service that a student athlete was prohibited from accepting under the rules of the college or university.

"Student athlete" would mean a person who engaged in, was eligible to engage in, or could be eligible to engage in any intercollegiate sporting event, contest, exhibition, or program. "Prospective student athlete" would mean a person who was being recruited to be a student athlete at an institution of higher education.

"Immediate family" would mean a person's spouse, child, parent, stepparent, grandparent, grandchild, brother, sister, parent-in-law, brother- or sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse or guardian of any of those persons.

Proposed MCL 600.2965

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State government. There could be additional revenue for community colleges (which are local units of government) and universities to the extent that violations occurred and damages were successfully collected.

Fiscal Analyst: E. Jeffries

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.