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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3329

02/13/2020 Authored by West, Koegel and Jurgens The bill was read for the first time and referred to the Higher Education Finance and Policy Division

1.1 A bill for an act
1.2 relating to higher education; allowing student athletes various rights to
1.3 compensation and representation; proposing coding for new law in Minnesota
1.4 Statutes, chapter 135A.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. [135A.184] STUDENT ATHLETE COMPENSATION AND
1.7 REPRESENTATION.

1.8 Subdivision 1. Applicability. (a) This section applies to:

1.9 (1) institutions governed by the Board of Trustees of the Minnesota State Colleges and
1.10 Universities;

1.11 (2) private postsecondary institutions that offer in-person courses on a campus located
1.12 in Minnesota; and

1.13 (3) institutions governed by the Board of Regents of the University of Minnesota.

1.14 (b) This section applies only to contracts entered into, modified, or renewed on or after
1.15 the enactment of this section.

1.16 Subd. 2. Compensation. (a) A postsecondary educational institution must not uphold
1.17 any rule, requirement, standard, or other limitation that prevents a student of that institution
1.18 from fully participating in intercollegiate athletics and earning compensation as a result of
1.19 the use of the student's name, image, or likeness rights or the student's athletic reputation.
1.20 Earning compensation from the use of a student's name, image, or likeness rights or the
1.21 student's athletic reputation must not affect a student's scholarship eligibility or renewal.

2.1 (b) An athletic association, conference, or other group or organization with authority
2.2 over intercollegiate athletics, including but not limited to the National Collegiate Athletic
2.3 Association, must not prevent a student of a postsecondary educational institution from
2.4 fully participating in intercollegiate athletics without penalty and earning compensation as
2.5 a result of the student's use of his or her name, image, or likeness rights or his or her athletic
2.6 reputation.

2.7 (c) An athletic association, conference, or other group or organization with authority
2.8 over intercollegiate athletics, including but not limited to the National Collegiate Athletic
2.9 Association, must not prevent a postsecondary educational institution from fully participating
2.10 in intercollegiate athletics without penalty as a result of a student's use of his or her name,
2.11 image, or likeness rights or his or her athletic reputation.

2.12 (d) For purposes of this section, an athletics grant-in-aid or a stipend scholarship from
2.13 a postsecondary educational institution in which a student is enrolled is not compensation
2.14 for use of a student's name, image, and likeness rights or a student's athletic reputation; and
2.15 an athletics grant-in-aid or stipend scholarship must not be revoked or reduced as a result
2.16 of a student earning compensation pursuant to this section.

2.17 Subd. 3. **Representation.** (a) A postsecondary educational institution, athletic association,
2.18 conference, or other group or organization with authority over intercollegiate athletics must
2.19 not interfere with or prevent a student from fully participating in intercollegiate athletics
2.20 for obtaining professional representation in relation to contracts or legal matters, including
2.21 but not limited to representation provided by athlete agents, financial advisors, or legal
2.22 representation provided by attorneys.

2.23 (b) An athletic association, conference, or other group or organization with authority
2.24 over intercollegiate athletics, including but not limited to the National Collegiate Athletic
2.25 Association, must not prevent a postsecondary educational institution from fully participating
2.26 in intercollegiate athletics without penalty as a result of a college athlete obtaining
2.27 professional representation in relation to contracts or legal matters, including but not limited
2.28 to representation provided by athlete agents, financial advisors, or legal representation
2.29 provided by attorneys.

2.30 (c) Professional representation provided by athlete agents, financial advisors, or attorneys
2.31 must be by persons licensed by the state.

2.32 Subd. 4. **Contracts.** (a) A college athlete must not enter into an apparel contract providing
2.33 compensation to the athlete for use of the athlete's name, image, or likeness rights which
2.34 requires a student to display a sponsor's apparel or otherwise advertises for the sponsor

3.1 during official team activities if such provisions are in conflict with a provision of the
3.2 athlete's team contract.

3.3 (b) A college athlete who enters into a contract providing compensation to the athlete
3.4 for use of the athlete's name, image, or likeness rights or the athlete's athletic reputation
3.5 must disclose the contract to an official of the institution, to be designated by the institution.

3.6 (c) An institution asserting a conflict described in paragraph (a) must disclose to the
3.7 athlete and the athlete's legal representation, if applicable, the full contract the institution
3.8 asserts to be in conflict.

3.9 (d) A team contract of a postsecondary educational institution's athletic program must
3.10 not prevent a college athlete from receiving compensation for using the athlete's name,
3.11 image, or likeness rights for a commercial purpose when the athlete is not engaged in official
3.12 team activities.

3.13 Subd. 5. **Enforcement.** (a) In addition to the remedies otherwise provided by law, any
3.14 person injured by a violation of this section may bring a civil action and recover damages
3.15 and receive other equitable relief as determined by the court.

3.16 (b) A provision of any contract or agreement that is prohibited by this section or which
3.17 waives the provisions of this section is contrary to public policy and shall be void and
3.18 unenforceable. When a contract contains a provision that is void and unenforceable under
3.19 this paragraph, that provision must be severed from the other provisions of the contract that
3.20 may remain enforceable.

3.21 Subd. 6. **Severability.** The provisions of this section are severable. If any provision of
3.22 this section or its application is held invalid, that invalidity does not affect other provisions
3.23 or applications that can be given effect without the invalid provision or application.

3.24 **EFFECTIVE DATE.** This section is effective January 1, 2023.