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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3908

02/27/2020 Authored by Tabke, West, Her, Sundin, Koegel and others
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 compensation for student athletes for use
1.3 of athletes' name, image, or likeness; establishing a working group; proposing
1.4 coding for new law in Minnesota Statutes, chapter 135A.

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

1.6 Section 1. [135A.1915] LEGISLATIVE INTENT; STUDENT ATHLETE
1.7 COMPENSATION FOR USE OF STUDENTS' NAME, IMAGE, OR LIKENESS.

1.8 (a) It is the intent of the legislature to monitor the National Collegiate Athletic Association
1.9 (NCAA) working group created in May 2019 to examine issues relating to the use of a
1.10 student's name, image, and likeness and revisit this issue to implement significant findings
1.11 and recommendations of the NCAA working group in furtherance of the statutory changes
1.12 proposed by this bill.

1.13 (b) It is the intent of the legislature to continue to develop policies to ensure appropriate
1.14 protections are in place to avoid exploitation of student athletes, colleges, and universities.

1.15 (c) The legislature finds and declares that Minnesota's community colleges are two-year
1.16 institutions not governed by the NCAA. In acknowledgment of this, it is the intent of the
1.17 legislature to create a community college athlete name, image, and likeness working group
1.18 under section 135A.1917 to study the Minnesota College Athletic Conference's bylaws,
1.19 state and federal laws, and national athletic association bylaws regarding a community
1.20 college athlete's use of the athlete's name, image, and likeness for compensation. The working
1.21 group must report policy recommendations to the legislature and the Minnesota College
1.22 Athletic Conference by July 1, 2022.

2.1 Sec. 2. [135A.1916] COMPENSATION FOR STUDENT ATHLETES FOR THE
2.2 USE OF STUDENTS' NAME, IMAGE, OR LIKENESS.

2.3 Subdivision 1. **Definition.** For purposes of this section, "postsecondary educational
2.4 institution" means any campus of the University of Minnesota or the Minnesota state
2.5 universities, or a private postsecondary educational institution.

2.6 Subd. 2. **Compensation for student athletes.** (a) A postsecondary educational institution
2.7 shall not uphold any rule, requirement, standard, or other limitation that prevents a student
2.8 of that institution participating in intercollegiate athletics from earning compensation as a
2.9 result of the use of the student's name, image, or likeness. Earning compensation from the
2.10 use of a student's name, image, or likeness shall not affect the student's scholarship eligibility.

2.11 (b) An athletic association, conference, or other group or organization with authority
2.12 over intercollegiate athletics, including but not limited to the NCAA, shall not prevent a
2.13 student of a postsecondary educational institution participating in intercollegiate athletics
2.14 from earning compensation as a result of the use of the student's name, image, or likeness.

2.15 (c) An athletic association, conference, or other group or organization with authority
2.16 over intercollegiate athletics, including but not limited to the NCAA, shall not prevent a
2.17 postsecondary educational institution from participating in intercollegiate athletics as a
2.18 result of the compensation of a student athlete for the use of the student's name, image, or
2.19 likeness.

2.20 (d) A postsecondary educational institution, athletic association, conference, or other
2.21 group or organization with authority over intercollegiate athletics shall not provide a
2.22 prospective student athlete with compensation in relation to the athlete's name, image, or
2.23 likeness.

2.24 Subd. 3. **Professional representation.** (a) A postsecondary educational institution,
2.25 athletic association, conference, or other group or organization with authority over
2.26 intercollegiate athletics shall not prevent a Minnesota student participating in intercollegiate
2.27 athletics from obtaining professional representation in relation to contracts or legal matters,
2.28 including but not limited to representation provided by athlete agents or legal representation
2.29 provided by attorneys.

2.30 (b) Professional representation obtained by student athletes shall be from persons licensed
2.31 by the state. Professional representation provided by athlete agents shall be by persons
2.32 licensed pursuant to chapter 81A. Legal representation of student athletes shall be by
2.33 attorneys licensed pursuant to chapter 481.

3.1 (c) Athlete agents representing student athletes shall comply with the federal Sports
 3.2 Agent Responsibility and Trust Act, United States Code, title 15, chapter 104, section 7801,
 3.3 in their relationships with student athletes.

3.4 Subd. 4. **Scholarship is not compensation.** A scholarship from the postsecondary
 3.5 educational institution in which a student is enrolled that provides the student with the cost
 3.6 of attendance at that institution is not compensation for purposes of this section, and a
 3.7 scholarship shall not be revoked as a result of earning compensation or obtaining legal
 3.8 representation pursuant to this section.

3.9 Subd. 5. **Entering into a contract.** (a) A student athlete shall not enter into a contract
 3.10 providing compensation to the athlete for use of the athlete's name, image, or likeness if a
 3.11 provision of the contract is in conflict with a provision of the athlete's team contract.

3.12 (b) A student athlete who enters into a contract providing compensation to the athlete
 3.13 for use of the athlete's name, image, or likeness shall disclose the contract to an official of
 3.14 the institution, to be designated by the institution.

3.15 (c) An institution asserting a conflict described in paragraph (a) shall disclose to the
 3.16 athlete or the athlete's legal representation the relevant contractual provisions that are in
 3.17 conflict.

3.18 Subd. 6. **Team contract.** A team contract of a postsecondary educational institution's
 3.19 athletic program shall not prevent a student athlete from using the athlete's name, image,
 3.20 or likeness for a commercial purpose when the athlete is not engaged in official team
 3.21 activities. It is the intent of the legislature that this prohibition shall apply only to contracts
 3.22 entered into, modified, or renewed on or after the enactment of this section.

3.23 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.24 Sec. 3. **[135A.1917] WORKING GROUP.**

3.25 (a) The chancellor of the Minnesota State Colleges and Universities shall convene a
 3.26 community college athlete name, image, and likeness working group. The working group
 3.27 shall include but not be limited to the following members:

3.28 (1) a chancellor's office representative;

3.29 (2) a Minnesota College Athletic Conference representative;

3.30 (3) at least two community college student athletes;

3.31 (4) a community college athletic administrator;

4.1 (5) a community college athletic coach;

4.2 (6) a student representative from the Minnesota colleges;

4.3 (7) one member appointed by the speaker of the house; and

4.4 (8) one member appointed by the senate Rules Committee.

4.5 All appointments to the working group shall be completed on or before July 1, 2021.

4.6 (b) The working group shall:

4.7 (1) review existing Minnesota College Athletic Conference bylaws, state and federal
4.8 laws, and national athletic association bylaws regarding a college athlete's use of the athlete's
4.9 name, image, and likeness for compensation; and

4.10 (2) on or before July 1, 2022, submit a report to the Minnesota College Athletic
4.11 Conference and the legislature containing its findings and policy recommendations in
4.12 connection with its review pursuant to clause (1).

4.13 (c) This section expires July 1, 2026.