

2020 Regular Session

SENATE BILL NO. 239

BY SENATOR CONNICK

AMUSEMENTS/SPORTS. Provides relative to compensation for student athletes participating in intercollegiate athletics. (See Act)

1 AN ACT

2 To enact Subpart A-1 of Part I of Chapter 10 of Title 17 of the Louisiana Revised Statutes

3 of 1950, to be comprised of R.S. 17:2061 through 2063, relative to intercollegiate

4 athletics; to provide relative to the compensation of student athletes; to provide

5 relative to compliance with certain national athletic association rules, requirements,

6 and standards; to provide with respect to a student athlete's scholarship, professional

7 and legal representation, and contractual rights and responsibilities; to provide

8 relative to athletic program contracts; to provide for a task force to review the matter

9 of compensation for student athletes and to provide for the membership and reporting

10 requirements of the task force; to provide for effectiveness; and to provide for related

11 matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Subpart A-1 of Part I of Chapter 10 of Title 17 of the Louisiana Revised

14 Statutes of 1950, be comprised of R.S. 17:2061 through 2063, is hereby enacted to read as

15 follows:

16 **SUBPART A-1. COLLEGE AND UNIVERSITY ATHLETICS**

17 **§2061. Definitions**

1 As used in this Subpart, the following terms and phrases shall have the
2 following meanings, unless the context clearly indicates otherwise:

3 (1) "Cost of attendance" means the annual total amount it costs a
4 student to attend a postsecondary educational institution as defined by the
5 Higher Education Act of 1965, 20 U.S.C. 108711.

6 (2) "Postsecondary educational institution" means a four-year Louisiana
7 public postsecondary institution or a regionally accredited nonpublic college or
8 university that is a member of the Louisiana Association of Private Colleges and
9 Universities.

10 (3) "Student athlete" means a student enrolled in a postsecondary
11 institution who participates in intercollegiate athletics.

12 §2062. Compensation for students participating in intercollegiate athletics

13 A.(1) Notwithstanding the provisions of R.S. 17:2504 or any other law to
14 the contrary, a postsecondary educational institution shall not uphold any rule,
15 requirement, standard, or other limitation that prevents a student participating
16 in intercollegiate athletics from earning compensation as a result of the use of
17 the student's name, image, or likeness.

18 (2) Earning compensation from the use of a student's name, image, or
19 likeness shall not affect the student's eligibility for a scholarship.

20 B. An athletic association, conference, or other group or organization
21 with authority over intercollegiate athletics, including the National Collegiate
22 Athletic Association, shall not prevent a student athlete from earning
23 compensation as a result of the use of the student's name, image, or likeness.

24 C. An athletic association, conference, or other group or organization
25 with authority over intercollegiate athletics, including the National Collegiate
26 Athletic Association, shall not prevent a postsecondary educational institution
27 from participating in intercollegiate athletics as a result of compensating a
28 student athlete for the use of the student's name, image, or likeness.

29 D. A postsecondary educational institution, athletic association,

1 conference, or other group or organization with authority over intercollegiate
2 athletics shall not provide a prospective student athlete with compensation in
3 relation to the athlete's name, image, or likeness.

4 E.(1) A postsecondary educational institution, athletic association,
5 conference, or other group or organization with authority over intercollegiate
6 athletics shall not prevent a student athlete from obtaining professional
7 representation in relation to contracts or legal matters, including representation
8 provided by an athlete agent or legal representation provided by an attorney.

9 (2)(a)(i) Professional representation obtained by a student athlete must
10 be from persons registered with or licensed by the state.

11 (ii) Representation provided by an athlete agent shall be by persons
12 registered with the state in accordance with, and in compliance with, the
13 provisions of R.S. 4:420 et seq.

14 (iii) An athlete agent representing a student athlete shall comply with the
15 federal Sports Agent Responsibility and Trust Act, 15 U.S.C. 7801 - 7807, in his
16 relationship with a student athlete.

17 (b) Legal representation of a student athlete shall be by an attorney duly
18 licensed to practice law in this state.

19 F. A scholarship from the postsecondary educational institution in which
20 a student is enrolled that provides the cost of attendance at the institution is not
21 compensation for purposes of this Section. A student's scholarship shall not be
22 revoked as a result of earning compensation or obtaining professional or legal
23 representation pursuant to this Section.

24 G.(1)(a) A student athlete shall not enter into a contract providing
25 compensation to the athlete for use of his name, image, or likeness if a provision
26 of the contract is in conflict with a provision of a contract of the postsecondary
27 educational institution's athletic program. Any contract entered into in violation
28 of this Subparagraph shall be void.

29 (b) A postsecondary educational institution asserting a conflict between

1 the student athlete's contract and the team contract shall disclose the provisions
2 that are in conflict to the student athlete or the student athlete's professional or
3 legal representation.

4 (2) A student athlete who enters into a contract providing compensation
5 to the athlete for use of his name, image, or likeness shall disclose the contract
6 to the designated official of the postsecondary educational institution in which
7 he is enrolled.

8 H. A team contract of a postsecondary educational institution's athletic
9 program shall not prevent a student athlete from using his name, image, or
10 likeness for a commercial purpose when the athlete is not engaged in official
11 team activities.

12 I. The provisions of this Section shall apply only to contracts entered
13 into, modified, or renewed after January 1, 2023.

14 §2063. Task force on student athlete compensation

15 A. The commissioner of higher education shall convene the College and
16 University Athlete Compensation Task Force to review existing state and
17 federal laws and national athletic association bylaws and examine issues
18 regarding a student athlete's use of his name, image, and likeness for
19 compensation.

20 B. The task force shall be composed of the following members:

21 (1) The commissioner of higher education, or his designee, who shall
22 serve as chair.

23 (2) The chairman of the Board of Supervisors of Louisiana State
24 University and Agricultural and Mechanical College, or his designee.

25 (3) The chairman of the Board of Supervisors of Southern University and
26 Agricultural and Mechanical College, or his designee.

27 (4) The chairman of the Board of Supervisors for the University of
28 Louisiana System, or his designee.

29 (5) The chairman of the Board of Supervisors of Community and

1 Technical Colleges, or his designee.

2 (6) The president of the Louisiana State University System, or his
3 designee.

4 (7) The president of the Southern University System, or his designee.

5 (8) The president of the University of Louisiana System, or his designee.

6 (9) The president of the Louisiana Community and Technical College
7 System, or his designee.

8 (10) Five members who are college athletic coaches, one appointed by the
9 president of each postsecondary education system.

10 (11) Three members who are student athletes, appointed by the
11 commissioner of higher education.

12 (12) Three members who are institution athletic administrators,
13 appointed by the commissioner of higher education, one of whom shall be an
14 athletic compliance administrator.

15 (13) The executive director of the Louisiana High School Athletic
16 Association.

17 C. Task force members shall serve without compensation but may
18 receive such per diem and reimbursement of expenses as may be provided by
19 the appointing authority or the entity they are appointed to represent.

20 D. The task force shall submit a report to the legislature regarding its
21 findings and recommendations not later than August 1, 2021, at which time the
22 task force shall terminate.

23 Section 2. The provisions of R.S. 17:2061 and 2062 as provided in this Act shall
24 become effective on January 1, 2023.

25 Section 3. The provisions of R.S. 17:2063 as provided in this Act shall become
26 effective upon signature of the governor or, if not signed by the governor, upon expiration
27 of the time for bills to become law without signature by the governor, as provided by Article
28 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
29 approved by the legislature, this Act shall become effective on the day following such

1 approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

DIGEST

SB 239 Original 2020 Regular Session Connick

Proposed law provides with respect to compensation for students who participate in intercollegiate athletics as follows:

- (1) Prohibits a postsecondary educational institution from upholding any rule, requirement, standard, or other limitation that prevents a student athlete from earning compensation from the use of his name, image, or likeness.
- (2) Compensation earned by a student athlete from the use of his name, image, or likeness shall not affect his eligibility for a scholarship.
- (3) An athletic association, conference, or other group or organization, including the NCAA, shall not prevent a student athlete from earning compensation from the use of his name, image, or likeness.
- (4) An athletic association, conference, or other group or organization, including the National Collegiate Athletic Association (NCAA) shall not prevent a postsecondary educational institution from participating in intercollegiate athletics as a result of the compensation of a student athlete for use of his name, image, or likeness.
- (5) Prohibits a postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics from providing a prospective student with compensation in relation to his name, image, or likeness.
- (6) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not prevent a student athlete from obtaining professional representation or legal representation.
- (7) Professional representation obtained by a student athlete must be by a person registered by the state in accordance with applicable law.
- (8) Legal representation obtained by a student athlete shall be by an attorney licensed to practice law in La.
- (9) An athlete agent representing a student athlete must comply with applicable state and federal law.
- (10) A scholarship from the postsecondary educational institution in which the student athlete is enrolled that provides the cost of attendance at the institution is not considered compensation and a scholarship cannot be revoked if the student athlete earns compensation or obtains professional or legal representation.
- (11) A student athlete cannot enter into a contract providing compensation for his name, likeness, or image if the contract conflicts with a contract of the postsecondary educational institutions's athletic program.
- (12) A student athlete who enters into a contract providing compensation for his name, likeness, or image must disclose the contract to the postsecondary educational institution in which he is enrolled.

- (13) A team contract of a postsecondary educational institution's athletic program shall not prevent a student athlete from using his name, image, or likeness for a commercial purpose when the athlete is not engaged in official team activities.

These provisions shall become effective on January 1, 2023.

Proposed law creates the College and University Athlete Compensation Task Force to review existing state and federal laws and national athletic association bylaws and examine issues regarding a student athlete's use of his name, image, or likeness for compensation. The task force includes representation from the postsecondary education management boards and systems, coaches, athletic administrators, student athletes, and the La. High School Athletic Association. Requires the task force to report its findings and recommendations to the legislature by August 1, 2021, at which time the task force terminates.

These provisions are effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:2061 - 2063)