



October 29, 2019

Barry Alvarez, Athletic Director  
Camp Randall Stadium  
University of Wisconsin–Madison  
1440 Monroe Street  
Madison, WI 53711

Dear Athletic Director Alvarez,

Representatives Shankland (D - Stevens Point), Tusler (R - Harrison), Crowley (D - Milwaukee), and I have drafted a bipartisan bill addressing student athlete compensation that we hope will bring Wisconsin's legislative voice into the growing national dialogue on the topic. I have enclosed the latest draft of the bill for you to review. In its third revision, we have incorporated input provided by UW–Madison, UW System, and Marquette University.

I know that fifty states creating fifty different sets of rules is not a workable solution; however, I also believe that it is critical for Wisconsin to weigh in on the future of college student athlete compensation and recruitment. We cannot afford to sit this discussion out. Wisconsin needs to stand up and be a leader on the right way to move forward on this issue.

I agree with your strong stance in the media that we cannot permit states like California and New York to dictate the rules of the game and run roughshod over Wisconsin. We must continue to do what's best for amateur student athletes and communicate to the national college sports community that we will push for an ethical solution that permits students as much individual freedom as possible while maintaining the integrity of college sports.

Here is a summary of the legislation in the most recent revision:

- The bill provides that student athletes at public or private colleges may not be barred by their college or athletic association from earning compensation for the use of their name, image, or likeness. Additionally, student athletes may not be penalized for earning such compensation, which would include the loss of scholarship.
- In order to protect colleges from reprisals from the NCAA, the bill also prohibits an athletic association from penalizing an institution for allowing student athletes to earn compensation for the use of their name, image, or likeness.
- The bill explicitly prohibits colleges and the NCAA from compensating a student for use of that student's name, image, or likeness.
- The bill preserves a student's rights to legal representation and freedom of association by barring colleges and the NCAA from preventing a student from obtaining professional representation in relation to contracts or legal matters, including representation by athlete agents or legal representation by attorneys.

- The bill is scheduled to take effect on July 1, 2023, six months after California's similar proposed law would take effect. This delay would allow colleges and the NCAA to hammer out any implementation issues with California prior to Wisconsin's effective date. This delay also provides us with
- The bill requires student athletes to report any name, image, or likeness use contract they enter into to the NCAA and the institution they are enrolled in. The bill also permits an institution to prohibit a student from entering into a contract that would harm the institution, such as by entering into a contract with an organization that would harm the institution's brand or by entering into a contract that conflicts with a preexisting contract of the institution with another third party.
- The bill permits institutions and the NCAA to continue to prohibit students in their first year at an institution (freshmen and transfer) from earning compensation from the use of their name, image, or likeness. The bill also specifically prohibits institutions and the NCAA from acting as intermediaries between students and third parties in arranging for such compensation. These two provisions will help to mitigate the effects of the bill on student recruitment.

I have already had the opportunity to discuss this issue with your deputy, Chris McIntosh, and Marquette University's Athletic Director Bill Scholl. I sincerely hope that we can work together on this to advance a Wisconsin based approach on the national level. I know that you're extremely busy; however, if you would like to meet with me personally I would be more than happy to arrange that.

As we intend to publicly release our bill next Thursday, November 7, I encourage you to provide us with feedback you might have prior to that day. As always, the bill must also be vetted by committee with a public hearing prior to it becoming law.

I look forward to working with you to advance Wisconsin's position on this critical issue.

Sincerely,

A handwritten signature in black ink that reads "David J. Murphy". The signature is written in a cursive, flowing style.

Dave Murphy

Enclosure:

LRB-3708/P3 relating to student athletes participating in intercollegiate athletics.

cc:

Rebecca Blank, Chancellor, UW-Madison

Professor Peter Miller, UW-Madison Athletic Board Chair

Professor Terry Warfield, UW-Madison University Committee Chair