



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

Hearing Testimony

Senate Committee on Universities, Technical Colleges, and Children and Families

August 27, 2019

Chairman Kooyenga and members of the Senate Committee on Universities, Technical Colleges, and Children and Families, thank you for affording me with the opportunity to testify on behalf of Senate Bill 117, the “Revised Uniform Athlete Agents Act of 2019.”

Prior to discussing the specifics of Senate Bill 117 and its accompanying amendment, it is imperative to provide committee members with background information.

Background information:

In 2000, the Uniform Law Commission approved the Uniform Athlete Agents Act and recommended it for enactment in all fifty states. Wisconsin enacted the provisions of the Uniform Athlete Agents Act in 2003. Wisconsin Act 150 (2004) garnered bipartisan support and was signed into law by Governor Jim Doyle. Since the law’s enactment, the only substantive changes Wisconsin has made relate to credentialing fees. As such, Wisconsin is well behind its peers when it comes to providing protections for student athletes.

In 2015, the Uniform Law Commission approved the Revised Uniform Athlete Agents Act—on which this legislation is based—and recommended it for enactment in all fifty states. The Revised Act modified consequential provisions of the Uniform Athlete Agents Act of 2000; Wisconsin, to date, has not adopted any of these recommended provisions. Senate Bill 117 seeks to adopt the changes recommended by the Uniform Law Commission, with some modifications.

Definition of Athlete-Agent

Senate Bill 117 adopts a new definition of the term athlete-agent; stipulates which licensed professionals are considered athlete-agents and which are not; requires applicants for registration as an athlete-agent to provide information that is not currently required (i.e., social media accounts; pending or approved applications in other states; criminal charges, etc.); adopts new standards for reciprocal registration; modifies the Department of Safety and Professional Services’ authority to discipline a registered athlete-agent (both those headquartered in Wisconsin and possessing a



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

reciprocal license); and expands an athlete-agent's duty to provide notice to the student athlete's educational institution.

Current Wisconsin law defines an athlete-agent to mean someone who: (a) enters into an agency contract with a student athlete; (b) recruits or solicits a student athlete to enter into a contract; (c) represents to the public that he or she is an athlete agent. The term does not include: certain relatives or guardians; an individual acting solely on behalf of a professional sports team or organization; or an individual who provides information but does not recruit or solicit the student athlete to enter into an agency contract.

Senate Bill 117 expands the term athlete-agent to mean, subject to two exceptions which are discussed below, any individual who:

- Recruits or solicits or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional athlete or member of a professional sports team.
- For compensation or expected compensation, advises the student athlete on certain financial or career decisions, unless the person is acting exclusively on as an employee of the educational institution for the benefit of the educational institution.
- For compensation or expected compensation, manages the business affairs of the student athlete by providing assistance with bills, payments, contracts or taxes.

Reciprocity Requirements

This legislation adopts a new standard for reciprocal registration. Currently, an individual registered as an athlete-agent in another state may become registered in Wisconsin by submitting a copy of the certificate and the application submitted in the other state. The application must have been submitted within the previous six months, must contain information substantially similar or more comprehensive than what Wisconsin requires, and must have been signed under penalty of perjury.

Senate Bill 117, as aforementioned, modifies the reciprocity standard by eliminating the requirement that the out-of-state application for registration was submitted in the



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

past six months, and generally requiring DSPS to issue a certification of registration if the applicant pays the registration fee and the following criteria are met:

- The applicant is registered in as an athlete-agent in another state, which has application and registration requirements that are substantially similar to or more restrictive than Wisconsin's requirements.
- The applicant submits all of the following: (a) a copy of the application for registration in the other state; (b) a statement identifying any material change in the information on the application, signed under penalty of perjury; and (c) a copy of the certificate of registration from the other state.

Additionally, Senate Bill 117 allows DSPS to cooperate with national organizations concerned with athlete-agent issues and other state agencies to develop a common registration form and determine which other state registration requirements are substantially similar to or more restrictive than Wisconsin's. The bill also allows DSPS to exchange information with those organizations and agencies.

Disciplinary Authority:

Current law authorizes DSPS to suspend, revoke, or refuse to renew a registration if the person has engaged in conduct that would justify denying an initial application for registration as an athlete-agent.

Senate Bill 117 expands DSPS's authority to discipline an athlete-agent holding a Wisconsin registration that is not a reciprocal registration. If such an individual engages in conduct that would justify denying the application for registration, the bill authorizes DSPS to take any of the actions authorized under current law.

Agency Contracts:

This bill adds new requirements for agency contracts. The following additional requirements are adopted in the bill but not required under current law:

- An agency contract must contain a statement that the athlete-agent is registered as an athlete-agent in Wisconsin and a list of all other states in which the person is registered as an athlete-agent.
- Any agency contract must be accompanied by a separate record signed by the student athlete or parent or guardian, if the student is a minor. The athlete-agent must give a copy of the agency contract to the student athlete, or parent or guardian if appropriate.



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

- If the student is a minor, the notice must be signed by the parent or guardian, and the language of the notice must be revised accordingly.

Notice to Educational Institutions:

Currently, an athlete-agent must provide certain notice to the athletic director of an educational institution after entering into an agency contract with a student athlete. Senate Bill 117 adds the following notice requirements:

- If an athlete-agent enters into an agency contract, and the student athlete subsequently enrolls at an educational institution, the athlete-agent must notify the athletic director of the agency contract within seventy-two hours after the agent knew or should have known that the student enrolled.
- If an athlete-agent has a prior relationship with a student athlete who enrolls in an educational institution and receives an athletic scholarship, the athlete-agent must notify the institution of the relationship not later than ten days after the enrollment, under certain circumstances.
- An athlete-agent must notify the athletic director in writing before communicating or attempting to communicate with a student athlete, or the student's parent or guardian if the student is a minor; to influence the person to enter into an agency contract; or any other individual to have that person influence the student athlete or a parent or guardian to enter into an agency contract.
- Lastly, an athlete-agent must notify the athletic director if a student athlete communicates or attempts to communicate with the athlete-agent, or if another individual does so on behalf of a student athlete.

Modifications

Senate Bill 117 makes the following modifications to the Revised Uniform Athlete-Agents Act:

- The bill would not adopt an interstate compact for disciplining athlete-agents, as it requires approval from seven states. Instead, the bill provides DSPS with the ability to develop guidelines for disciplining athlete-agents.
- The required notice to educational institutions is exempt from disclosure under certain provisions of the state's open records law. This provision was included because many of Wisconsin's collegiate athletes who pursue careers in professional sports are in contact with athlete-agents, attend private institutions. Private institutions are not subject to the state's open



ROBERT BROOKS

STATE REPRESENTATIVE • 60TH ASSEMBLY DISTRICT

records laws and we wanted to protect the privacy rights of those student-athletes.

- Lastly, the Wisconsin Department of Safety and Professional Services is allowed to cooperate with the national organizations concerned with athlete-agent issues and other state agencies to develop a common registration form and determine which other state registration requirements are substantially similar to or more restrictive than Wisconsin.

Amendment

In September 2017, the Federal Bureau of Investigation arrested ten individuals related to a college basketball corruption scandal, including four assistant basketball coaches and the director of global marketing for Adidas for bribery. At the heart of the scandal, the government alleged that representatives from Adidas illegally promised six-figure payments to the families of high school student-athletes in exchange for their commitments to schools sponsored by the shoe company and that coaches steered college student-athletes to financial advisors in anticipation of lucrative NBA careers.

As a result of these indictments, the NCAA established the Commission on College Basketball, chaired by Dr. Condoleezza Rice, "to fully examine critical aspects of Division I men's basketball. The Rice Commission made its recommendations to the NCAA which, in turn, amendments its bylaws on August 8, 2019.

The change to the NCAA bylaws, which this amendment addresses, apply on to high school and college student-athletes playing basketball. They provide student-athletes with more freedom and flexibility to explore the possibility of going professional while retaining their collegiate eligibility; minimize the leverage of harmful outside influences on student-athletes; make the NCAA investigations and infractions process more efficient and binding; and set stronger penalties for schools and individuals who break the rules.

The NCAA stated the rationale for the change in part: "Elite high school prospective student-athletes and college student-athletes need earlier professional advice to determine whether it is in their best interests to declare for the NBA draft or whether college basketball offers a superior pathway."

I am happy to answer any questions you might have regarding Senate Bill 117.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Senate Committee on Universities, Technical Colleges, Children and Families
State Senator André Jacque
August 27, 2019*

Chairman Kooyenga and Committee Members,

Thank you for holding this hearing on Senate Bill 117, relating to adopting revisions to the state's uniform athlete agents act, and the opportunity to submit written testimony. I am happy to join Rep. Brooks in bringing forward these sensible updates to ensure strong protections for student athletes and apologize that I am unable to join you in person.

In 2000, the Uniform Law Commission approved the Uniform Athlete Agents Act and recommended it for enactment in all fifty states in response to numerous incidents of student athletes being victimized by unscrupulous agents. Wisconsin enacted the provisions of the Uniform Athlete Agents Act in 2003. Since the law's enactment, the only substantive changes Wisconsin has made to its Act have been with regard to credentialing fees.

In 2015, the Uniform Law Commission approved the Revised Uniform Athlete Agents Act and recommended it for enactment in all fifty states. The Revised Act modified various provisions of the Uniform Athlete Agent Act. Wisconsin has not adopted any of the provisions of the Revised Act. This legislation seeks to adopt the changes recommended by the Uniform Law Commission, including a simple amendment we have already introduced adopting the RUAAA language to allow Wisconsin student athletes to benefit from the NCAA's updated bylaws.

Under current law, a person may not act as an athlete agent in Wisconsin unless the person is registered with the Department of Safety and Professional Services. This bill expands the definition of "athlete agent" to include an individual who does any of the following:

- Directly or indirectly attempts to influence the choice of an athlete agent or the choice to enter into an agency contract or both by a student athlete.
- For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.
- For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.
- In anticipation of representing a student athlete for a purpose related to the student athlete's participation in athletics, gives anything of value to the student athlete or another person; serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

The bill requires that certain additional information be submitted to DSSPS in an application for registration as an athlete agent, including:

- The applicant's social media accounts.
- Whether, within the prior 15 years, the applicant has been a defendant or respondent in a civil proceeding.
- Whether the applicant has an unsatisfied judgement or a judgement of continuing effect.
- Whether, within the prior ten years, the applicant was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt.
- Each state in which the applicant is registered or has applied for registration as an athlete agent.
- Details concerning the applicant's certification or registration by a professional league or players association, including the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

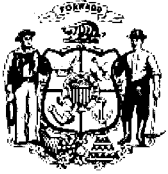
The bill makes a number of changes to the requirements for reciprocal registration of out-of-state athlete agents. The bill also requires that an agency contract between an athlete agent and a student athlete specify the states in which the athlete agent is registered and be accompanied by an acknowledgement of the student athlete that signing the agency contract may make the student athlete ineligible to participate in athletics at an educational institution.

The bill authorizes a student athlete, in addition to an educational institution, to bring a civil action against an athlete agent for damages caused by a violation of the laws governing athlete agents. The bill specifies the conditions under which the civil action may be brought.

The bill also prohibits an athlete agent from encouraging another person to engage in conduct the athlete agent is prohibited from doing by law.

Finally, the bill extends application of the laws governing athlete agents and their duties to and interactions with student athletes to the parent or guardian of a student athlete if the student athlete is a minor.

Thank you for your consideration of Senate Bill 117.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Senate Committee on Universities, Technical Colleges, Children and Families
State Senator André Jacque
August 27, 2019*

Chairman Kooyenga and Committee Members,

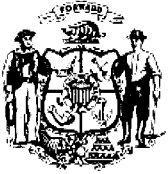
Thank you for holding this hearing on Senate Bill 117, relating to adopting revisions to the state's uniform athlete agents act, and the opportunity to submit written testimony. I am happy to join Rep. Brooks in bringing forward these sensible updates to ensure strong protections for student athletes and apologize that I am unable to join you in person.

In 2000, the Uniform Law Commission approved the Uniform Athlete Agents Act and recommended it for enactment in all fifty states in response to numerous incidents of student athletes being victimized by unscrupulous agents. Wisconsin enacted the provisions of the Uniform Athlete Agents Act in 2003. Since the law's enactment, the only substantive changes Wisconsin has made to its Act have been with regard to credentialing fees.

In 2015, the Uniform Law Commission approved the Revised Uniform Athlete Agents Act and recommended it for enactment in all fifty states. The Revised Act modified various provisions of the Uniform Athlete Agent Act. Wisconsin has not adopted any of the provisions of the Revised Act. This legislation seeks to adopt the changes recommended by the Uniform Law Commission, including a simple amendment we have already introduced adopting the RUAAA language to allow Wisconsin student athletes to benefit from the NCAA's updated bylaws.

Under current law, a person may not act as an athlete agent in Wisconsin unless the person is registered with the Department of Safety and Professional Services. This bill expands the definition of "athlete agent" to include an individual who does any of the following:

- Directly or indirectly attempts to influence the choice of an athlete agent or the choice to enter into an agency contract or both by a student athlete.
- For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.
- For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student athlete as a professional athlete or member of a professional sports team or organization.
- In anticipation of representing a student athlete for a purpose related to the student athlete's participation in athletics, gives anything of value to the student athlete or another person; serves the student athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or manages the business affairs of the student athlete by providing assistance with bills, payments, contracts, or taxes.



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

Phone: (608) 266-3512

Fax: (608) 282-3541

Sen.Jacque@legis.wi.gov

State Capitol · P.O. Box 7882

Madison, WI 53707-7882

The bill requires that certain additional information be submitted to DSPS in an application for registration as an athlete agent, including:

- The applicant's social media accounts.
- Whether, within the prior 15 years, the applicant has been a defendant or respondent in a civil proceeding.
- Whether the applicant has an unsatisfied judgement or a judgement of continuing effect.
- Whether, within the prior ten years, the applicant was adjudicated bankrupt or was an owner of a business that was adjudicated bankrupt.
- Each state in which the applicant is registered or has applied for registration as an athlete agent.
- Details concerning the applicant's certification or registration by a professional league or players association, including the date of any denial of an application for, suspension or revocation of, refusal to renew, withdrawal of, or termination of, the certification or registration or any reprimand or censure related to the certification or registration.

The bill makes a number of changes to the requirements for reciprocal registration of out-of-state athlete agents. The bill also requires that an agency contract between an athlete agent and a student athlete specify the states in which the athlete agent is registered and be accompanied by an acknowledgement of the student athlete that signing the agency contract may make the student athlete ineligible to participate in athletics at an educational institution.

The bill authorizes a student athlete, in addition to an educational institution, to bring a civil action against an athlete agent for damages caused by a violation of the laws governing athlete agents. The bill specifies the conditions under which the civil action may be brought.

The bill also prohibits an athlete agent from encouraging another person to engage in conduct the athlete agent is prohibited from doing by law.

Finally, the bill extends application of the laws governing athlete agents and their duties to and interactions with student athletes to the parent or guardian of a student athlete if the student athlete is a minor.

Thank you for your consideration of Senate Bill 117.



Katie Smith
Sr. Associate Athletic Director/SWA
University of Wisconsin Athletics
1440 Monroe Street
Madison, Wisconsin 53711
(608) 443-8960

**Senate Committee on Universities, Technical Colleges, Children & Families– Senate Bill
117 (SUPPORT)
Testimony provided by
Katie Smith,
University of Wisconsin Athletics
August 27, 2019**

Chair Kooyenga & Members of the Senate Committee on Universities, Technical Colleges
Children & Families,

Thank you for the opportunity to testify today in support of Senate Bill 117. My name is Katie Smith. I am the Senior Associate Athletic Director for Compliance and Senior Woman Administrator at the University of Wisconsin Athletic Department. I oversee all facets of the UW's daily compliance office operation, and serve as the staff liaison to the NCAA, Big Ten and WCHA.

With the immense amount of money at stake for a wide variety of professional athletes and those who represent them, the commercial marketplace in which athlete agents operate is extremely competitive. While seeking to best position one's clients and to maximize their potential income is both legal and good business practice, the recruitment of a student athlete while he or she is still enrolled in an educational institution can and will cause substantial eligibility problems for both the student athlete and the educational institution, which in turn lead to severe economic sanctions and loss of scholarships for the institution. The problem becomes worse where an unethical agent misleads a student, especially where the athlete is not aware of the possible effect of signing the agency agreement or where agency is established without notice to the athletic director of the institution. In an effort to address these problems, the Uniform Law Commission (ULC) drafted the Uniform Athlete Agents Act (UAAA), which was approved in 2000.

Wisconsin, along with over 40 other jurisdictions, accepted the ULC's recommendations and adopted the Uniform Athlete Agents Act into law (Wis. Stat 440.99 – 440.999). Since the enactment of the Uniform Athlete Agents Act, universities have worked tirelessly to ensure student athletes, athlete agents, and their athletic departments have complied with the law. Despite the legislation, however, problems have persisted nationwide. Agent recruitment of amateur athletes was and still is plagued by illegal inducements, misrepresentations, shady dealings, withheld information, and an overall lack of transparency. Most of these issues were and continue to be deliberately concealed by those involved due to the illegal nature of some of the conduct. As a result of these practices, however, many young, naïve athletes select



representation based on a lack of information and inducements offered in exchange for their commitments. Not surprisingly, this leads to many professional athletes finding themselves in financial ruin and suffering from poor advocacy.

In 2013, at the urging of multiple sports agents and numerous Division I athletic directors around the country, the Uniform Law Commission began a two-year process of drafting a strengthened piece of legislation proposed for adoption by individual states. Formally known as the Revised Uniform Athlete Agents Act, the new proposed legislation was designed to address deficiencies in the previous version of the law.

Among other things, the new legislation more clearly broadens the scope of the Act to apply to the wide variety of individuals who use various titles to describe the services they offer for professional athletes, thus capturing the great majority of people involved with the shady recruitment of young athletes. By enhancing these definitions to clearly broaden the applicability, it will be more difficult for those seeking to prey upon young athletes to circumvent the requirements of the law.

The new proposed legislation also injects transparency in the process by requiring additional relevant information to be provided under penalty of perjury upon registration in states in which an agent or other professional representative will recruit. This will enable athletes and their families to better understand the competency and track record of each professional representative by relying upon a credible source, rather than the representations of the individuals themselves.

Additionally, my office will be more empowered to work with young athletes to make educated decisions because the new proposed legislation requires those governed by the law to notify our staff prior to initiating contact with an athlete. This notice requirement should also make the law easier to enforce, as it will more frequently expose those seeking to avoid transparency and forthright dealings.

The Revised Uniform Athlete Agents Act (RUAAA) modernizes the Uniform Athlete Agents Act (UAAA) for the ever-evolving sports commercial marketplace and the increasing improper activity between athlete agents and student athletes. I strongly believe the adoption of the RUAAA through Senate Bill 117 will help to protect the interest of student athletes, academic institutions, and athlete agents by further regulating the activities of athlete agents.

I would like to thank Senator Jacque and Representative Brooks for introducing this legislation and I thank the committee for taking the time to consider this important bill. I would be happy to take questions at this time.

Sincerely,

Katie Smith

Sr. Associate Athletic Director/SWA
University of Wisconsin Athletics



**Statement from William Scholl, Athletic Director of Marquette University
Regarding Senate Bill 117 Related to Athlete Agents
Wisconsin State Senate Committee on Universities, Technical Colleges, Children and Families
August 27, 2019**

Good morning, Chairman Kooyenga and Committee Members, my name is Bill Scholl and I serve as Vice President and Director of Athletics at Marquette University. Thank you for the opportunity to provide a statement today. Marquette University supported the original Uniform Law Commission legislation that became 2003 Wisconsin Act 150 and we support Senate Bill 117.

Marquette University Athletics prides itself on providing an incredible educational experience for our students-athletes as evidenced in the most recent NCAA Graduation Success Rate of 95% compared to a Federal Graduation rate of 77% as reported in 2017-2018 for the 2011-2012 cohort.

I also wanted to make you aware of some Marquette University Student-Athlete highlights for 2018-2019, these are as follows:

- Of Marquette's **320** student-athletes:
 - 68% have a Grade Point Average (GPA) of at least 3.0 (217 student-athletes total)
 - 31 earned a perfect 4.0, many of whom are repeat performers
 - 80 were inducted into the Chi Alpha Sigma National College Athlete Honor Society, which recognizes juniors and seniors who earn a varsity letter in their sport while maintaining a 3.4 or higher cumulative GPA.
- Additionally, Marquette University Student Athletes:
 - Performed 6,481 hours of community service at 86 locations around Milwaukee
 - Are supported by approximately 55 Academic Tutors and 3 Academic Enrichment Coaches on staff which contributed to 275 weekly appointments
 - Two student-athletes were recognized by the BIG EAST as the Scholar Athlete of the year for their sport.

The reason I mention all of this in the context of Senate Bill 117, adopting revisions to the state's uniform athlete agents act and providing a penalty is because only a handful of our student-athletes will go on to play professionally. As the Athletic Director for Marquette University I am proud of our student-athletes both on and off the court, field, course, or track. We invest heavily in our student-athletes academic success to propel their careers post-college. For those student-athletes where their career post-college may involve professional athletics it is important that they are not taken advantage of by unscrupulous individual's seeking to profit from their success. Thank you for allowing me to express the support of Marquette University for Senate Bill 117.



Committee on Universities, Technical Colleges, Children and Families-Senate Bill 117 (SUPPORT)

Testimony provided by Jessica Kumke,

University of Wisconsin-Milwaukee Athletics

August 27, 2019

Chair Kooyenga & Members of the Senate Committee on Universities, Technical Colleges, Children and Families,

I want to start by thanking the committee for the opportunity to speak today. My name is Jessica Kumke and I am the Associate Athletic Director for Compliance and Enrollment Services at the University of Wisconsin-Milwaukee. I oversee compliance for all our sports and serve as the liaison between Athletics and the offices of Financial Aid, Admissions and Registrar on-campus as well as to the Horizon League and NCAA on compliance matters.

I am here today on behalf of the University of Wisconsin-Milwaukee to voice our support for this legislation. The changes proposed by this bill will provide much greater transparency for student-athletes and athletic departments which will hopefully allow for better-informed decisions to be made by both. Our student-athletes at UWM have achieved great success not just in their sports but in the classroom as well. We have had a department-wide GPA of over a 3.0 for 38 semesters in a row and just had three of our teams receive Public Recognition awards from the NCAA for their most recent Academic Progress Rate. But even for our student-athletes who have achieved this great academic success, navigating professional athletics and agents as an 18-23-year-old, with limited knowledge of that world, can be overwhelming and intimidating. And unfortunately, not all agents have the best interest of these student-athletes in mind, as we have seen with the unfolding of events in recent years. By giving them and their families more information about the agent and their qualifications and history, the student-athlete can make a better decision for their future.

Along with the increased transparency, the notification process will also be very helpful to the athletic department. It will allow us to better understand what our student-athletes are hearing and seeing which puts us in a better position to help them navigate this process. It's also important to note that this is not just a football or basketball issue. During my time working in college athletics I have worked with student-athletes in track and field, baseball, men's and women's soccer and swimming that have all gone on to pursue careers in their sport after college. This is why the changes to the notification process are so important to athletic departments as well. With over 300 student-athletes in our department each year, it is impossible for me to be able to monitor all the potential agent interactions they may have. Thus, the requirement for the agent to notify the athletic department prior to contact with student-athletes will be extremely helpful in monitoring this area of NCAA rules.

All these positive changes are why I am here today to support Senate Bill 117. These changes will help protect our student-athletes and our institutions from unscrupulous actors who are trying to take advantage of the lack of knowledge and understanding of these young people. It will allow student-athletes to be in the best position possible to make the right choice for them and their family. It will allow institutions to better assist these student-athletes not just with navigating this process but also with their eligibility status and avoiding NCAA rule violations that could have a significant impact on both the student-athlete and institution. Seeing our student-athletes succeed in life beyond college is the goal of our athletic department and this bill will help us toward that end.

I would like to thank Senator Jacque and Representative Brooks for putting forth this legislation for consideration and for this Committee for taking the time to review and consider the bill. If you have any questions for me, I would be happy to answer those at this time.

Sincerely,

Jessica Kumke
Associate Athletic Director-Compliance and Enrollment Services
University of Wisconsin-Milwaukee



Katie Smith
Sr. Associate Athletic Director/SWA
University of Wisconsin Athletics
1440 Monroe Street
Madison, Wisconsin 53711
(608) 443-8960

**Senate Committee on Universities, Technical Colleges, Children & Families– Senate Bill
117 (SUPPORT)**

**Testimony provided by
Katie Smith,
University of Wisconsin Athletics
August 27, 2019**

Chair Kooyenga & Members of the Senate Committee on Universities, Technical Colleges
Children & Families,

Thank you for the opportunity to testify today in support of Senate Bill 117. My name is Katie Smith. I am the Senior Associate Athletic Director for Compliance and Senior Woman Administrator at the University of Wisconsin Athletic Department. I oversee all facets of the UW's daily compliance office operation, and serve as the staff liaison to the NCAA, Big Ten and WCHA.

With the immense amount of money at stake for a wide variety of professional athletes and those who represent them, the commercial marketplace in which athlete agents operate is extremely competitive. While seeking to best position one's clients and to maximize their potential income is both legal and good business practice, the recruitment of a student athlete while he or she is still enrolled in an educational institution can and will cause substantial eligibility problems for both the student athlete and the educational institution, which in turn lead to severe economic sanctions and loss of scholarships for the institution. The problem becomes worse where an unethical agent misleads a student, especially where the athlete is not aware of the possible effect of signing the agency agreement or where agency is established without notice to the athletic director of the institution. In an effort to address these problems, the Uniform Law Commission (ULC) drafted the Uniform Athlete Agents Act (UAAA), which was approved in 2000.

Wisconsin, along with over 40 other jurisdictions, accepted the ULC's recommendations and adopted the Uniform Athlete Agents Act into law (Wis. Stat 440.99 – 440.999). Since the enactment of the Uniform Athlete Agents Act, universities have worked tirelessly to ensure student athletes, athlete agents, and their athletic departments have complied with the law. Despite the legislation, however, problems have persisted nationwide. Agent recruitment of amateur athletes was and still is plagued by illegal inducements, misrepresentations, shady dealings, withheld information, and an overall lack of transparency. Most of these issues were and continue to be deliberately concealed by those involved due to the illegal nature of some of the conduct. As a result of these practices, however, many young, naïve athletes select



representation based on a lack of information and inducements offered in exchange for their commitments. Not surprisingly, this leads to many professional athletes finding themselves in financial ruin and suffering from poor advocacy.

In 2013, at the urging of multiple sports agents and numerous Division I athletic directors around the country, the Uniform Law Commission began a two-year process of drafting a strengthened piece of legislation proposed for adoption by individual states. Formally known as the Revised Uniform Athlete Agents Act, the new proposed legislation was designed to address deficiencies in the previous version of the law.

Among other things, the new legislation more clearly broadens the scope of the Act to apply to the wide variety of individuals who use various titles to describe the services they offer for professional athletes, thus capturing the great majority of people involved with the shady recruitment of young athletes. By enhancing these definitions to clearly broaden the applicability, it will be more difficult for those seeking to prey upon young athletes to circumvent the requirements of the law.

The new proposed legislation also injects transparency in the process by requiring additional relevant information to be provided under penalty of perjury upon registration in states in which an agent or other professional representative will recruit. This will enable athletes and their families to better understand the competency and track record of each professional representative by relying upon a credible source, rather than the representations of the individuals themselves.

Additionally, my office will be more empowered to work with young athletes to make educated decisions because the new proposed legislation requires those governed by the law to notify our staff prior to initiating contact with an athlete. This notice requirement should also make the law easier to enforce, as it will more frequently expose those seeking to avoid transparency and forthright dealings.

The Revised Uniform Athlete Agents Act (RUAAA) modernizes the Uniform Athlete Agents Act (UAAA) for the ever-evolving sports commercial marketplace and the increasing improper activity between athlete agents and student athletes. I strongly believe the adoption of the RUAAA through Senate Bill 117 will help to protect the interest of student athletes, academic institutions, and athlete agents by further regulating the activities of athlete agents.

I would like to thank Senator Jacque and Representative Brooks for introducing this legislation and I thank the committee for taking the time to consider this important bill. I would be happy to take questions at this time.

Sincerely,

Katie Smith

Sr. Associate Athletic Director/SWA
University of Wisconsin Athletics