Committee Report

CONSENT CALENDAR

January 28, 2020

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Education to which was referred HB 1505,

AN ACT relative to compensation of college athletes.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. David Luneau

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Education**
Bill Number:	**HB 1505**
Title:	**relative to compensation of college athletes.**
Date:	**January 28, 2020**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2020-0089h**

STATEMENT OF INTENT

This bill allows college athletes to seek compensation for their name, image, and likeness; and to seek representation from an attorney or agent. It also enables, but does not mandate, an institution of higher education in the state to provide compensation to athletes. This bill is modeled after the language signed into law in California last year and introduced in over a dozen other states. In April 2021, the National Collegiate Athletic Association (NCAA) plans to announce new rules to provide college athletes with the rights guaranteed by this bill. The amendment moves the effective date of this bill to July 2022, after the new NCAA rules take effect, in order to give the legislature time to amend the policy if necessary. The committee feels that this bill will promote economic opportunity and fairness for the college athletes of New Hampshire and recommends that the bill pass as amended.

Vote 20-0.

Rep. David Luneau
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 1505, relative to compensation of college athletes. **OUGHT TO PASS WITH AMENDMENT.** Rep. David Luneau for Education. This bill allows college athletes to seek compensation for their name, image, and likeness; and to seek representation from an attorney or agent. It also enables, but does not mandate, an institution of higher education in the state to provide compensation to athletes. This bill is modeled after the language signed into law in California last year and introduced in over a dozen other states. In April 2021, the National Collegiate Athletic Association (NCAA) plans to announce new rules to provide college athletes with the rights guaranteed by this bill. The amendment moves the effective date of this bill to July 2022, after the new NCAA rules take effect, in order to give the legislature time to amend the policy if necessary. The committee feels that this bill will promote economic opportunity and fairness for the college athletes of New Hampshire and recommends that the bill pass as amended. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

Rep. Muscatel, Graf. 12
Rep. Ladd, Graf. 4
Rep. Luneau, Merr. 10
January 15, 2020
2020-0089h
05/10

Amendment to HB 1505

Amend RSA 356-D:2, II(c) as inserted by section 2 of the bill by replacing it with the following:

(c) Professional representation provided by athlete agents, financial advisors, and/or attorneys shall be by persons licensed or registered by the state.

Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2022.

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Vote 20-0. Edited by Researcher

Rep. David Luneau
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Education — Lunea

BILL NUMBER: HB 1505

TITLE: Relative to compensation of college athletes

DATE: 1/28 CONSENT CALENDAR: YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS W/ AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. 0084

STATEMENT OF INTENT:

HB 1505

This bill allows college athletes to seek compensation for their name, image and likeness, and to seek representation from an attorney or agent. It also enables, but does not mandate, an institution of higher education in the state to provide compensation to athletes. This bill is modeled after the language signed into law in California last year and introduced in over a dozen other states. In April 2021, the NCAA plans to announce new rules to provide college athletes with the rights guaranteed by this bill. The amendment moves the effective date of this bill to July 2022, after the new NCAA rules take effect, in order to give the legislature time to amend the policy if necessary. The committee feels that this bill will promote economic opportunity and fairness for the college athletes of New Hampshire and recommends that the bill pass as amended.

LUNEAU

COMMITTEE VOTE: 20-0

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. _____
For the Committee

Rev. 02/01/07 - Yellow

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1505

BILL TITLE: relative to compensation of college athletes.

DATE: January 28, 2020

LOB ROOM: 207

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. Luneau	Seconded by Rep. Mullen	AM Vote: 20-0
Amendment # 2020-0089h		
Moved by Rep. Ladd	Seconded by Rep. Luneau	Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1505

BILL TITLE: relative to compensation of college athletes.

DATE: 1/28

LOB ROOM: 207

MOTION: (Please check one box)

☑ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # 0089 *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. Luneau Seconded by Rep. Mullen Vote: 20-9

MOTION: (Please check one box)

☑ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # 0089A *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. LADD Seconded by Rep. Luneau Vote: 20-0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ *(if offered)*

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: X **YES** ____ **NO**

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: Linda L Tanner

Rep Linda Tanner, Clerk

(1)

1/2/2020 10:38:23 AM
Roll Call Committee Registers Report

Amend

2020 SESSION

Education Relative to compensation of college athletes

Bill #: 1505 **Motion:** OTP **AM #:** 0089h **Exec Session Date:** 1/28

Members	YEAS	Nays	NV
Myler, Mel Chairman	20		
Luneau, David J. Vice Chairman	1		
Shaw, Barbara E.	2		
Cornell, Patricia	3		
Doherty, David B.	4		
Le, ~~Tamara N.~~ DAVIS	5		
Tanner, Linda L. Clerk	6		
Ellison, Arthur S.	7		
Mullen, Sue M.	8		
Riel, Cole J.	9		
Vallone, Mark	10		
Woodcock, Stephen L.	11		
Ladd, Rick M.	12		
Cordelli, Glenn	13		
Elliott, Robert J.	14		
Boehm, Ralph G.	15		
Wolf, Dan H.	16		
Allard, James C.	17		
Forsythe, Robert L.	18		
Lekas, Alicia D.	19		
TOTAL VOTE:	20	0	

(2)

1/2/2020 10:38:23 AM
Roll Call Committee Registers Report

2020 SESSION

Education

Relative to compensation of college athletes.

Bill #: HB 1505 **Motion:** OTP **AM #:** 0089h **Exec Session Date:** 1/28

Members	YEAS	Nays	NV
Myler, Mel Chairman	20		
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Lekas, Alicia D.	19		
TOTAL VOTE:	20	0	

Rep. Muscatel, Graf. 12
Rep. Ladd, Graf. 4
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January 15, 2020
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Amend the bill by replacing section 3 with the following:

3 Effective Date. This act shall take effect July 1, 2022.

Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1505

BILL TITLE: **relative to compensation of college athletes.**

DATE: **January 15, 2020**

LOB ROOM: **207** **Time Public Hearing Called to Order:** **10:00 a.m.**

Time Adjourned: **11:00 a.m.**

Committee Members: **Reps. Myler, Luneau, Tanner, Cornell, Doherty, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Wolf, Forsythe and A. Lekas**

Bill Sponsors:

Rep. Muscatel	**Rep. Griffith**	**Rep. W. Pearson**
Rep. Kenney	**Rep. Indruk**	**Rep. Luneau**

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(11.) Rep. Muscatel. Intent to allow college athletes to profit off their own skills as others do
Athletes sacrifice time, dedication, and efforts yet cannot benefit from any of their skills
This law has been introduced in CA. FL NY others
As a financial student I can make money on my name, what I write, etc. Athletes can not
NCAA and the school profit greatly from the work of the athlete and yet they cannot make money off setting up a camp in the summer, monetizing their skills and their name
NCAA is working on the issue, but nothing has developed to date.
Flexible on the time line of 60 days
College athletes get the rights they deserve.

(2.) Rep. Myler—currently athletes cannot earn money if they participate in college athletics
Answer: We do not want to interfere with the actual participation in the program.
Question: On scholarship the Quid pro Quo is you get money for college for participating?
Answer: Scholarships are the usual exchange but many schools like Dartmouth do not have scholarships DIII and DII schools as well.
The highest paid staff is often the coaches.

(3.) Rep. Lekas -
Question: What will NCAA do if we pass this bill?
Answer: NCAA have threatened but is a clear antitrust issue.
Rep. Cornell:
Question: On an academic scholarship could they run a tutoring class for money and could get reimbursed?
Answer: YES

(4.) Rep. Woodcock –
Question: All colleges, all athletes, all divisions?
Answer: Yes

Rep. Doherty –
Question: Any limit on compensation?
Answer: No

Rep. Wolf –

Rep. Wolf (Continued)
Question: Are you allowed to teach at a camp?
Answer: Yes, but you can't get money for your name.

Rep. Elliott -
Question: Why did you make this a partisan bill all sponsors are Democrats?
Answer: No intent.
Rep. Vallone –
Question: What do you mean by 'licensing by the state'?
Answer: Intent is to allow individuals to seek an agent or lawyer must be explored how that would be implemented this is model legislation.

Rep. Cordelli –
Question: An elite athlete would get more for summer work because of their name. Ans not sure. Follow up athletes get extra work on campus how does that work. Ans. Yes NCAA rules violation Boehm compensation should come from endorsements instead of the college (make work) is an issue?
Answer: This is enabling legislation I'm concerned with name and likeness.

Rep. Wolf –
Question: Not whether college pays but outside compensation?
Answer: Enabling with both college and outside.

Rep. Ladd -
Division III cannot give athletic scholarships but academic scholarships.
Had relatives that were involved in college athletics and scholarships.
See athletics going professional down through colleges and even secondary level
Athletics is big money I am worried about the athletes. They sacrifice a great deal including their body. What does the school receive vs the athlete? When UNH wins does the school receive more money? We need to address this issue.
Will athletes form a union? This needs to be a nationwide solution.
I believe there should be some compensation to the athlete.

Rep. Mullen –
What are your concerns about this bill?
Answer: My concerns are where are we going as a nation, we need conformity across all divisions. I'm worried about the role of agents.

Rep. Elliott –
This bill shifts the job for oversight of athletics to the legislature is that what you want?
Answer: It is a huge industry, tons of money involved, if NCAA can't do it, we need to.
Our job is K-college and therefore involves how students and athletes are being treated fairly.

Rep. Boehm –
Question: Olympics have a problem with ads between those from college vs professional?
Answer: We need to deal with this.

Rep. Doherty -
There are stories about dark money to kids from boosters etc. from big money colleges. Is this bill better than what we have now?
Answer: We should do what we can make better? We need an awareness to this issue.

Rep. Wolf -
Question: Do we now get our job into compensation of academics and compensations?
Answer: We are talking apples and oranges.

Rep. Horn -

First two speakers said everything I wanted to say
NCAA doesn't have any incentive to change anything.
If states pass legislation NCAA will move on this issue.
NCAA profits off the backs of athletes. Compensation would help families who have sacrificed money and time as well for the early stages of the athlete's development.

Rep. Elliott -
Question: In bill reads secondary education athletes' exemptions to collegiate and state athletic association is it our job to take their place?
Answer: It is our duty to address issues where there is unfair situation

***Marty Scarano - Athletic Director for UNH**
See written testimony
We believe the State should take no action until July 2021 date to align with the rules of NCAA action.

Rep. Myler -
Question: If someone buys a jersey with an athlete's name who profits?
Answer: UNH athletics and UNH.

Rep. Lekas -
Question: If we pass legislation, but effective date is moved to July 2021 would it be ok?
Answer: Yes.

Rep. Boehm -
Question: What is the NCAA thinking?
Answer: institutions are concerned about this issue. NCAA is getting pressure.

Rep. Wolf -
Question: If we pass legislation, but don't know what NCAA will or won't do are, we in conflict?
Answer: That is the question to all. It would be hard for legislation action if there is a conflict given our time lines.

Rep. Doherty –
Question: Delaying the bill hasn't stopped other states. Why is different with NH?
Answer: CA has put time line out from legislation.

Rep. Mullen-
Question: If students are compensated would UNH lose money?
Answer: Yes on some level like the jersey sale. Would prefer third party compensation.

Rep. Willis Griffith -
Was a college athlete that went into semi pro.
We get offered meals and miss meals at the college. We are members of the community and can't receive compensation from them. You can't use your own name to coach or tutor. This model legislation so it will meet conformity.

Rep. Tanner - How does compensation effect the team? It is already there.

Respectfully Submitted:

Rep. Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 1505

BILL TITLE: **relative to compensation of college athletes.**

DATE: 1/15/2020

ROOM: **207** **Time Public Hearing Called to Order:** 9:58

Time Adjourned: 11:10

(please circle if present)

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1. Rep. Muscatel — Sponsor — proponent.
2. Rep Ladd — support w/ concerns
3. Rep Horn — support
4. * Marty Scarano — UNH — Athletic Director
5. Rep Willis Griffith — support

Judy Johnston

From: Linda Tanner <reptanner@gmail.com>
Sent: Wednesday, January 15, 2020 11:10 AM
To: Judy Johnston
Subject: Ed comm 1505 Muscatel. Intent to allow college athletes to profit off their own skills as others do Athletes sacrifice time, dedication, and efforts yet can not benefit from any of their skills This law has been introduced in CA. FL NY others As a fina...

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College athletes get the rights they deserve Myler—currently athletes can not earn money if they participate in college athletics Ans. We do not want interfere with the actual participation in the program On scholarship the Quid pro Quo is you get money for college for participating ANS. Scholarships are the usual exchange but many schools like Dartmouth do not have scholarships DIII andDII schools as well The highest paid staff is often the coaches Lekas what will NCAA do if we pass this bill Ans NCAA have threatened but is a clear anti trust issue Cornell On an academic scholarship could they run a tutoring class for money and could get reimbursed. Ans YES Woodcock all colleges all athletes all divisions ans. Yes Doherty any limit on compensation ans. No Wolf are you allowed to teach at a camp.. Ans.Yes but you can't get money for your name Elliot why did you make this a partisan bill all sponsors are Dems ans No intent Vallone what do you mean by 'licensing by the state' ans intent is to allow individuals to seek an agent or lawyer has to be explored how that would be implemented this is model legislation Cordelli an elite athlete would get more for summer work because of their name. Ans not sure. Follow up athletes get extra work on campus how does that work. Ans. Yes NCAA rules violation Boehm compensation should come from endorsements instead of the college (make work) is an issue ans this is enabling legislation I'm concerned with name and likeness Wolf not whether college pays but outside compensation ans. Enabling with both college and outside

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Tanner How does compensation effect the team? It is already there.

Testimony

DARTMOUTH
BIG GREEN

Harry Sheehy
Director of Athletics and Recreation
6083 Alumni Gym, Hanover, NH 03755
Office: (603) 646-2465
Fax: (603) 646-3348
Harry.Sheehy@Dartmouth.edu

January 27, 2020

Representative Mel Myler
Chair, NH House Education Committee
Merrimack County, District 10

Dear Representative Myler,

I understand your committee will be conducting a hearing tomorrow on House Bill 1505 which would allow college athletes to receive compensation for use of the athlete's name, image, or likeness. I am writing to convey Dartmouth College's view on this legislation to the committee.

While we agree with the basic principle that student-athletes should be able to market their name, image, and likeness, we are extremely concerned about the timing of implementation. The current effective date (60 days after its passage) would cause New Hampshire to be the first and only state with this kind of legislation in effect, which would have significant unintended consequences for all of our state's colleges and universities and their student-athletes. For example, if the state acts before the NCAA, any student accepting compensation would be ineligible to compete due to current NCAA rules. We strongly believe our institutions and, most important, our student-athletes would be best served if the start date was delayed to allow the NCAA and/or the Federal government an opportunity to enact regulations and/or legislation that would provide a consistent national standard.

In addition, we believe it is imperative that any legislation include appropriate safeguards to prevent the most severe of the unintended consequences – local businesses offering financial incentives to prospective student-athletes, creating a de facto "bidding war" in which athletic recruits choose colleges not based on what is the best fit for her or him educationally, but rather on which school is offering the most incentives.

I am grateful for your committee's consideration of our views on this important issue. If I can provide any additional information that would be helpful, please let me know.

Sincerely,

Harry Sheehy
Director of Athletics & Recreation

4

NH HB 1505

UNH agrees that student-athletes (SA) are entitled to their name, image and likeness (NIL) rights similar to any other student. While the NCAA has not acted on this in the past, they currently have a very clearly established timeline to pass meaningful legislation to address these issues. (http://www.ncaa.org/about/taking-action#next)

UNH Athletics prefers that the State of New Hampshire allow the NCAA legislative process to proceed per its established timeline. Based on this timeline, legislation would be voted on at the NCAA Convention in January 2021 and would be approved by the Council and effective as of April 2021. Further, UNH believes the State of New Hampshire should take no action regarding this matter until such time that the new NCAA legislation has been enacted. At the very least, we hope HB 1505 would have a July 2021 effective date. A July 2020 effective date would ensure the state would be sued by the NCAA as it has publicly stated.

Justification:

There are *significant ramifications* around this issue that need to be addressed by those intimately familiar with the inner workings of NCAA institutions, particularly surrounding the recruiting process. On the surface, allowing SA's to profit from their NIL makes complete sense. However, one of the major concerns is how this will affect the recruiting environment. Were this bill to pass, local businesses would be able to offer a wide variety of inducements (cash, cars, services etc.) to a prospective student-athlete (PSA) to endorse their business. Therefore, a PSA would be choosing where to attend college not based on what is the best fit for him or her academically, but which school is offering them more amenities.

In this environment, it is not difficult to see what happens next. For example, if the SA is given less playing time for any number of reasons (private health issues/injuries, academic concerns, disciplinary issues etc.), the local business sponsoring him or her would have leverage to encourage, at best, or force, at worst, the SA to compete when it is not in his or her best interest.

This legislation would also pit colleges and universities from the state of New Hampshire against other institutions in a de facto 'bidding war' for prospects. This is not something we would want to endorse or adhere to. UNH Athletics has always conducted itself with integrity and remained "Above the fray."

These issues need to be addressed before legislation, either State, Federal or NCAA, is enacted.

If NH HB 1505 passes and becomes effective July 1, 2020:

- UNH (and all other Division I, II and III colleges in NH) would be required to enforce a State law that is in direct opposition to NCAA legislation. Specifically:
    - Any student-athlete receiving compensation (cash, services or goods) for the use of their name, image and likeness would be ineligible per NCAA rules. State law would require that we certify them as eligible provided they meet all other eligibility requirements. We would therefore be allowing SA's to compete despite their being ineligible per NCAA rules.
    - The same situation would result from any SA who enters into an oral or written contract with an agent.
- Result:

- The very students the State is seeking to help, would be harmed by not being allowed to compete.
- NCAA violations with fines to the institution potentially as high as $25,000 PER CASE
- Postseason ban from all NCAA competitions (FCS playoffs, March Madness, NCAA Frozen Four etc.)
- Forfeiture of all contests in which ineligible SA participated
- Severe financial repercussions for intercollegiate athletics

- The law would require UNH employees to certify students as eligible despite those employees having direct knowledge of facts which would make them ineligible per NCAA rules. Additionally, coaches would be allowing SA's to compete despite having knowledge of their being in violation of NCAA rules. This would result in Level I or II violations (the most severe NCAA violations) committed knowingly by staff members (coaches and staff). Per NCAA case precedent, it is very likely we the employees, could face show-cause penalties from one to five years thereby jeopardizing our careers and livelihood.

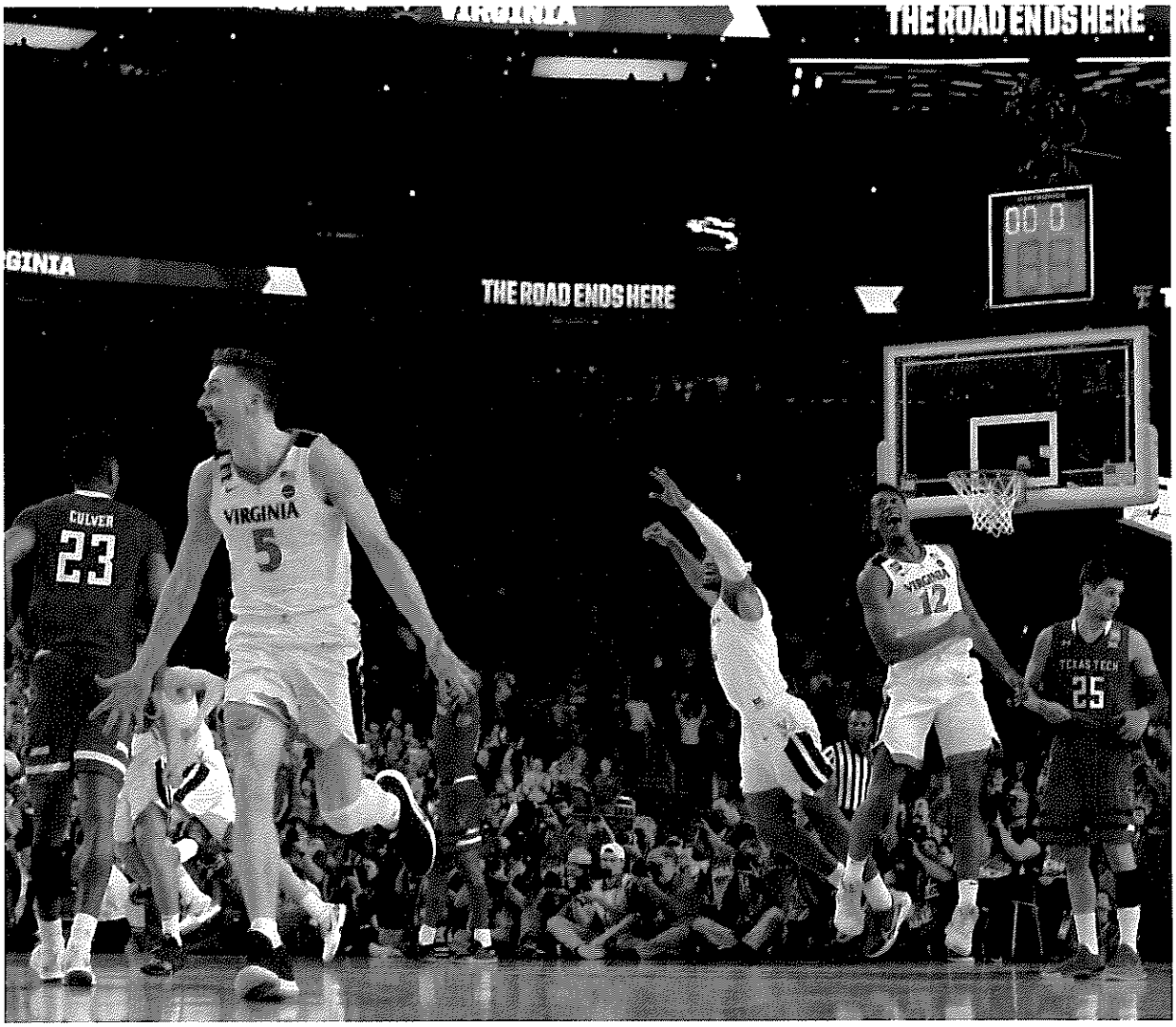
Summary:

The above rationale doesn't preclude action, but any action needs to be in sync with the NCAA and all other member institutions. These are legitimate concerns which would have a significant effect on college athletics; particularly and singularly New Hampshire institutions if enacted before 2021. State and Federal agencies should require the NCAA to enact change by a specific date but they should not act autonomously.

Include a statement about agents and how their first priority would be their business and they would not always have the student's best interest in mind.

‘The myth of amateurism’: Va. considers le athletes earn money from name, image an

By **Bob Lewis** - January 13, 2020



Kyle Guy, #5, and De'Andre Hunter, #12, of the Virginia Cavaliers, celebrate their team's 85-77 win over the Texas Tech Red Raiders to win the Championship game at U.S. Bank Stadium on April 08, 2019 in Minneapolis, Minnesota. (Photo by Streeter Lecka/Getty Images)

Athletes at Virginia colleges, unpaid stars in one of America’s richest sports entertainme compensated for the first time for the commercial use of their names, images and likene legislation.

Three bills, one by a Democrat and two by Republicans, await action in the just-opened 2 are similar to a 2019 California law that entitles college sports stars to a share of the billi sales of video games, apparel, videos, memorabilia and other merchandise tied to their i

It’s part of the growing challenge facing the nation’s dominant intercollegiate sports san Collegiate Athletics Association, from legislation, litigation and scandals. Virginia joins a least seven states now considering so-called “name-image-likeness” bills since Californi last summer according to Tim Nevius, a New York lawyer who specializes in representin

families.

The bills, by Del. Jason Miyares, R-Virginia Beach, Del. Marcus Simon, D-Fairfax, and Sen Spotsylvania, achieve the same objective: prohibiting a school or any athletic conference interfering with a student-athlete's ability to earn money from a person or business that athlete's name, likeness or image. The NCAA and collegiate conferences currently forbid sanctioned sports from receiving payments from companies that pocket billions of dolla accomplishments and identities of the nominally amateur competitors.

The bills also would allow college athletes the right to engage agents or attorneys to hel marketing and licensing, while prohibiting various conferences and associations or their from declaring the student-athletes ineligible or revoking their scholarships.

"It's outrageous that colleges can generate millions – actually, billions – from these athle kids can't even afford to buy a plane ticket to go home and see their families," said Miyar

A lawyer by profession, Miyares questions how one class of students is somehow denied because of anachronistic notions of amateur athletics.

"If we were dealing with poetry majors or philosophy majors who were among the best i and win competitions, they're able to accept money for that," he said. "The NCAA has be this issue."



Virginia Cavaliers quarterback Bryce Perkins, #3, rushes past Jarrod Hewitt, #5, of the Virginia Tech Hokies in the second half during a game at Charlottesville.(Photo by Ryan M. Kelly/Getty Images)

Philosophy or poetry competitions don't fill massive stadiums and showplace arenas jam thousands for season tickets, Miyares noted. They don't land television contracts worth even billions of dollars. Their coaches, instructors or advisers don't bank millions annual

Athletes at big-time sports schools see a system awash in cash where their share is limit varies in value from thousands to tens of thousands of dollars a year, depending on the i required to put in 40-50 hours a week in practice, film study and, during their sport's se game venues on top of academic study and class time. Should they take a handout from booster, they subject their school to NCAA penalties and risk being ruled ineligible. They on to pro leagues making millions of dollars playing the same sports.

The California law forced the NCAA last October to take a first step toward allowing limi college athletes for use of their identities. The NCAA's Board of Governors directed leade divisions (the largest schools to the smallest) to update their bylaws and policies on the i consistent with the collegiate model." It would not include compensation from their coll

Athletics representatives at the University of Virginia and Virginia Tech – both members eminent Atlantic Coast Conference – would not comment. A Virginia Tech spokesman re

Mercury to the ACC's headquarters, where there was no response to a request for comm inquiry to the NCAA which, through a spokeswoman, declined to comment.

Virginia Commonwealth University said in a statement that it "supports the concept of p athletes the opportunity to benefit from the use of their name, image and likeness." VCU legislation and wants to "keep VCU student-athletes "on par with those in states that ha legislation."

The legislation offers something for the political left and the right. Because it addresses of bigtime college sports say disproportionately penalizes poor and minority athletes, it Miyares said that he believes conservatives and libertarians will warm to it because it ch universal access to free markets.

Nevius, a former NCAA infractions investigator who left a lucrative position as a labor an a major U.S. firm to open his own practice representing college athletes and their familie moving behind the athletes' position. Headlines about federal investigations into the coll scandal involving celebrity and wealthy families' alleged efforts secure their children's ac universities — including intercollegiate athletics programs — have cast an unflattering li

"We've seen significant efforts through legislation, litigation and public pressure in the p student-athletes," said Nevius, who founded the nonprofit College Athlete Advocacy Initi college athletes and their families.

Besides Virginia, he said, he knows of NIL bills now pending in Florida, New York, Pennsy Carolina, Illinois and Michigan with more likely. And while it's easier than it was to push was a decade ago, it's still challenging to rebut the NCAA's powerful messaging capabiliti

"It's still difficult to appeal to the public on certain points because the NCAA is a multibil machine that continues, through so many communications channels, to perpetuate wha amateurism," Nevius said.

(Read the bills: HB300, HB811 and SB464)

Bob Lewis

Bob Lewis covered Virginia government and politics for 20 years for The Associated Press. Now retired from McGuireWoods, he is a columnist for the Virginia Mercury. He can be reached at rqlewisjr@gmail.com.

NCAA's Poor Excuses for Prohibition On College Athlete Compensation

It Would Ruin Competitive Balance and Harm Smaller Colleges - False

- The 9th Circuit upheld ruling (O'Bannon v NCAA): NCAA's limit on compensation does NOT create competitive balance and stated that virtually all economists agree. The recent Alston v. NCAA case discarded this claim finding the NCAA had no evidence whatsoever.
- NCAA allows Division I players receiving a $300k 5-yr scholarship to compete in championships against Division I Ivy League athletes receiving $0.
- Economic study (by Andy Schwarz):
  - 99.3% of top 100 football recruits between 2002-2011 chose teams in the power conferences
  - Historically, over 90% of football teams that finish in the top 25 rankings and over 90% of the basketball teams that make it to the Final Four are from the power conferences.
  - 2.6% of NCAA schools have won 60% of all men's basketball championships.
- Big 12 Commissioner Bob Bowlsby": competitive equity is largely an "illusion"

Compensation Limits Are Necessary to Preserve "Nonrevenue" sports – False

- If this were true, the 736 athletic programs with 263,000 athletes that operate in NCAA Divisions II & III would not exist
  - These teams are all "nonrevenue"
  - Subsidies from high-revenue football and basketball teams aren't present
  - Latest FBI investigation revealed schools use "nonrevenue" sports to generate substantial donation revenue.
- Exploding revenue had underwhelming or inverse impact on athlete participation in California
  - Division I revenues increase 290% between 2003-2016 from $219 million/year to $635 million/year (participation actually **decreased 11%** during this time)
  - Division II revenues increased 635% between 2003-2016 from $17 million/year to $111 million/year (participation only increased 46% during this time)
- Athletic directors will still have full control of spending, compensation would be optional.

Changing Compensation Rules Would Violate Title IX - False

- Female athletes would benefit because Title IX would require it.
- Female athletes currently receive matching funds for optional player stipends (since 2015).

College Athletes Already Get Enough...

- Having less than equal civil rights is never enough.
- Athletes receiving a partial or no athletic scholarship are subject to identical pay prohibitions.

College Sports Are Amateur - False

- NCAA's former Executive Director, Walter Byers: "Collegiate amateurism is not a moral issue; it is an economic camouflage for monopoly practice."
- NCAA sports revenue increase: $4 billion in 2003 to $12.6 billion in 2017
- NCAA is making over $1 billion this year on basketball post-season tournament alone
- UCLA struck $280 million Under Armour deal that requires players to advertise logos on bodies
- College football coach salaries reached $8 million in 2018
- UCLA paid over $12 million to buy out a coach it fired for poor performance

Support OTP on HB 1505 to Provide College Athletes Economic Freedom and Civil Rights!

Yes on HB 1505:
"The Fair Pay to Play Act"

College Athlete Pay Ban Violates Economic Freedom

- Pay ban violates the capitalistic principle of free markets protected by antitrust laws
- NCAA's compensation limits harm thousands of New Hampshire college athletes and have been ruled illegal in 2014, 2015, and 2019 (*O'Bannon v. NCAA, Alston v. NCAA*)
- NCAA group boycott would violate federal antitrust laws:
- College athletes should be able to use their own name, image, likeness, and athletics reputation to start a small business or earn money
    - Under current rules, players were even barred from promoting a fundraiser for teammate who died during hazardous workout
- College athletes are not free to secure legal representation to protect their financial interests

HB 1505 Guarantees Equal Economic Freedoms

- Allows college athletes to use their name, image, likeness, and athletics reputation to earn compensation
- Allows athletes to seek guidance of agent
- Eliminates cap on compensation universities may provide athletes

College Athlete Pay Ban is a Civil Rights Injustice

- Majority of NH NCAA athletes are from protected classes (women and minorities), suffer negative disparate impact from pay ban
- NH civil rights law states that "discrimination not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the state and its inhabitants"
- Brown v Board of Education: "Separate is not Equal"; college athletes should have the same economic freedoms granted to regular students and other US citizens.
- Exploitation: African Americans represent about 60% of revenue athletes yet suffer the lowest graduation rates
- Pay ban denies female athletes compensation that would be required under Title IX
- 2017 Study: Racial resentment against African Americans is primary factor fueling opposition to increasing compensation to college athletes
- Players are people, not property, yet they are not free to secure legal representation or use their own name, image, likeness, and athletics reputation to earn money

HB 1505 Guarantees Equal Rights

- Allows college athletes to use their name, image, likeness, and athletics reputation to earn compensation
- Allows athletes to seek the guidance of an agent
- Prohibits the NCAA from excluding NH colleges for complying with this HB 1505

Support OTP on HB 1505 to Provide College Athletes Economic Freedom and Civil Rights!

The New York Times https://nyti.ms/2sl7UMB

After California Law, Statehouses Push to Expand Rights of College Athletes

More than two dozen states are expected to debate issues like whether college athletes can cut endorsement deals or hire agents. The N.C.A.A. says a patchwork of rules could jeopardize competition.



By Alan Blinder

Jan. 13, 2020 Updated 1:05 p.m. ET

NEW ORLEANS — The lawmakers filled a room near the Florida State Capitol before lunch on Monday, around the time Clemson and Louisiana State football players received their wake-up calls on the morning of the national championship game.

But for all of the frenzy in New Orleans, the site of Monday night's game, the legislators had gathered in Tallahassee to study an issue with far broader repercussions than the crowning of one season's champion: whether states should try to force the National Collegiate Athletic Association to allow college athletes to profit from their fame.

There are more meetings to come: During the most lucrative time of year for college sports, from the day of the football championship through the basketball bonanza known as March Madness, and beyond, lawmakers are poised to have the N.C.A.A.'s principles and policies under siege in legislative sessions from coast to coast.

The debates that are expected in more than two dozen states — including Florida, Georgia, Minnesota, New York, Pennsylvania, South Carolina and Washington — could accelerate political and legal reckonings for the generations-old notion that college athletes should not be able to profit from their names, images or likenesses, a philosophy that has largely held as billions of dollars have flowed through the N.C.A.A. and its member schools. The matter also extends to the nation's capital, where more lawmakers are scrutinizing the N.C.A.A. and signaling that Congress could intervene.

"2020, I think, will be the most important year for college athletes' rights to date," said Ramogi Huma, the president of the College Athletes Players Association, an advocacy group tied to the failed 2015 attempt to allow football players at Northwestern to collectively bargain with the university. "Things will either begin to cement for college athletes or against college athletes on the state and federal levels."

The N.C.A.A. said in October that the organization was open to rewriting its rules, but it offered no details, and substantive changes are expected to be months in the making, at minimum. By then, the debate could be even more fragmented, and the nation's colleges and universities could be confronting a medley of laws that vary from one state to the next — potentially providing the foundation of a legal challenge by the N.C.A.A., which has warned that differing laws would compromise athletic competition.

"It's looking like what is developing is a patchwork of different rules that might arise in various states, and we've consistently said it's difficult, if not impossible, to have national championships where you have different rules in different states," Donald M. Remy, the N.C.A.A.'s chief operating officer, said in an interview on Friday.

Although the N.C.A.A's limits on college athletes have been a subject of fierce dispute for more than a decade, the clashes over them were largely confined to the courts, not statehouses. Then last September, in what amounted to a government-

backed attack on the N.C.A.A.'s amateurism model, California passed a law designed to guarantee that students would be able to cut endorsement deals and hire agents.

The approval of the California measure, which is scheduled to take effect in 2023, inspired a scramble across the country to follow suit, whether to remedy an inequity or simply to block California from gaining a future advantage. Some of the proposals are essentially replicas of the California law, which passed unanimously in the state's legislative chambers. Others seek to go further — like a New York proposal that would give student-athletes a share of ticket revenues — or faster, including a bill in Florida that would impose California-like mandates as soon as this summer.

In a handful of states, the proposals already seem stalled, stymied by inattention or disinterest by the most powerful figures in the state governments. In other places, though, like Florida, bipartisan coalitions have encouraged supporters of expanded student-athlete compensation.

"All of us, we honestly believe that when your name, your image and your likeness are being used — and other entities are being compensated for it — it goes against everything we've learned about on capitalism and free markets," said Representative Kionne L. McGhee, the Democratic leader in the Florida House of Representatives and the chief sponsor of one of the bills that will be considered during the legislative session that will open on Tuesday.

Blake James, the athletic director at Miami, said he and others from the university in Coral Gables, Fla., were generally supportive of developing a way for student-athletes to monetize their reputations, but that they were urging refinements to legislation to try to curb potential abuses of the recruiting process.

It is less clear how the N.C.A.A. is trying to shape the debates in the states.

The organization sought to influence officials in California last year, but elected officials there criticized the strategy as imperious and ineffective. In the aftermath, some college sports executives were privately skeptical of the approach. Now, with

new threats looming, conference and university officials say the N.C.A.A. appears to have largely retreated from statehouses to focus its efforts on the federal government.

Paul Renner, the chairman of the Florida House Judiciary Committee, said that the N.C.A.A., as well as the Atlantic Coast and Southeastern conferences, declined to participate in Monday's meeting in Tallahassee. College sports officials insist, though, that conferences remain active in lobbying state governments, often through member schools.

"We're now in the political realm, which is a bit new for us," said Greg Sankey, the commissioner of the Southeastern Conference, which includes schools in several states where name, image and likeness proposals will be considered. "California, with the outcome, has certainly accelerated the conversation."

But Sankey, whose conference enjoys outsize prominence and influence, said he was "not convinced political solutions will ultimately give us the long-term approach we need" and feared that confusion was spreading through legislative offices, complicating and poisoning discussions around a policy issue with wide public appeal that defies party lines.

The popularity of college athletics and the bitter divisions between Democrats and Republicans, James suggested, created "almost a perfect storm to bring groups together."

"The situation in California," he added, "really just fast-tracked everything."

Unless Congress acts, the courts may become the central refuge for the N.C.A.A. and its allies. Although there has not yet been a challenge to the California law, legal experts said that a proliferation of new state statutes could spur a legal battle built around the Constitution's Commerce Clause, and that existing precedents suggested the N.C.A.A. could mount a viable case.

"The N.C.A.A. can make a strong argument that they cannot have a uniform, fair set of rules unless the states aren't allowed to institute their own rules because any state law would have the possibility of upsetting the integrity of college sports," said Gabe Feldman, the director of the Tulane Sports Law Program, based in New Orleans. "And there is something to be said for the argument."

For now, at least, the N.C.A.A. has a modest luxury of time, and the organization is expected to use part of a convention next week near Los Angeles to update officials from universities across the country. Remy urged lawmakers to see how, exactly, the N.C.A.A. recrafts its policies.

"The history shows that the membership, while it may not move fast enough — and that's one of the criticisms that has been launched against the N.C.A.A. governance process — it has demonstrated the ability to make changes," said Remy, the second-ranking official at the N.C.A.A.

Yet patience seems in short supply around state capitols where, some elected officials freely admit, they themselves have refined punting on policy matters into a high art.

"We want to move forward with legislation that will address this once and for all," said McGhee, the Florida legislator. "To wait for the N.C.A.A., it's almost as if we are asking ourselves to wait another 15 or 20 years. We're not prepared to wait that long."

Alan Blinder travels the country covering college sports and is based in Atlanta. In his previous role as a national correspondent, he reported from more than two dozen states. He joined The Times in 2013.
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325 views | Dec 17, 2019, 06:00am

Why The NCAA Should Act Swiftly And Meaningfully On Allowing College Athletes To Profit On Their Name, Image, and Likeness



Michael Rueda Contributor ⓘ
Leadership Strategy
I cover athletes and entertainers as leaders.



FILE - In this April 19, 2019, file photo, an athlete stands near a NCAA logo during a softball game ... [+] ASSOCIATED PR

In September, California Governor Gavin Newsom signed the Fair Pay to Play Act into law. As of January 1, 2023, California's law will enable college athletes in the State of California to profit on their name, image, and likeness. The change will allow college

athletes to receive compensation from activities such as promoting products and endorsing brands.

The law, which contradicts long-standing NCAA amateurism rules, propelled a flurry o similar proposed state legislation across the country. Some states expanded on California's law. New York, for example, would require colleges to fund "injured athlete accounts to provide financial benefits to athletes who suffer career-ending or long-term injuries. In Congress, bipartisan support for similar federal legislation emerged. Name, image, and likeness compensation also became a prevalent issue among Democratic presidential candidates.

Likely feeling pressure from the growing legislative activity, in late October, the NCAA'. governing board announced that it unanimously approved exploring changes to its amateurism rules to permit college athletes to benefit from the use of their name, imag and likeness. However, the NCAA's announcement left many questions unanswered. It did not contain specifics as to how and when the amateurism rules would change. Its carefully crafted language led some to believe that the NCAA would continue dragging feet on the issue.

Today In: Leadership

This month more federal action was announced. Senator Chris Murphy, D-Connecticut and Senator Mitt Romney, R-Utah, announced the formation of a bipartisan working group to review athlete compensation. The group will meet early next year to explore th necessary legislation.

With looming federal and state legislation, it is in the NCAA's best interest to act swiftly While California's law doesn't take effect until 2023, federal or other state legislation could come sooner. Conflicting state legislation on athlete compensation would create chaos and result in legal disputes. While federal law would be more practical, the NCA should pass its own meaningful rule changes with the appropriate input and buy-in fro athletes, school officials, and other stakeholders.

Permitting college athletes to profit from their name, image, and likeness will undoubtedly create new concerns and challenges for both colleges and athletes. Some

matters will be addressed by limitations and requirements contained in any new legislation. In California's law, athletes are prohibited from entering into contracts that conflict with school sponsorships, and athletes must hire state-licensed agents.

Other challenges will need to be addressed by the schools. College athletes are young people, many of whom have not had to properly manage personal finances, negotiate contracts, or hire agents or attorneys. Today, many university athletic departments already provide athletes with some life skills development training, which typically includes a financial literacy component. As a practical matter, these programs may nee to be supplemented to address new areas of concern and information gaps. Presumably universities have the personnel and resources to provide necessary services on campus but may need to consider requiring participation from their athletes and providing oth on-going support for the services to be effective.



Oklahoma safety Delarrin Turner-Yell (32) and his teammates collect the ball deep into Baylor ... [+] ASSOCIATED PRESS

Many who oppose changes to the NCAA's amateurism rules seem to isolate any benefit to athletes in high revenue-generating sports, like college football and basketball. However, there are real benefits for athletes in non-revenue generating sports and spo

where athletes are less likely to become professionals, and for female athletes. Take swimming and gymnastics, for example, where college athletes can create significant fame and potential for fortune while competing in the Olympics. There is no post-colle professional circuit with a considerable payday. These athletes must decide between lucrative sponsorship opportunities or competing in college. Missy Franklin, the five-time Olympic gold medalist, gave up money from sponsors to preserve her ability to swim in college. Katie Ledecky, former Stanford University swimmer and five-time Olympic gold medalist, forfeited her NCAA eligibility to sign a lucrative endorsement deal with swimwear company TYR.



Katelyn Ohashi of UCLA during an NCAA college gymnastics match, Friday, Jan. 4, 2019, in Los ... [+] ASSOCIATED PRESS

Then there is UCLA gymnast Katelyn Ohashi, whose impressive floor routines went vir this year. Ohashi was unable to monetize any of her newfound celebrity and marketability due to the NCAA's amateurism rules. "I was handcuffed by the NCAA's rules," Ohashi stated in a New York Times opinion video published in October.

The overwhelming majority of college athletes will not play professional sports or have national market appeal. The opportunity for most athletes to derive any financial benef

from the use of their name, image, and likeness will unlikely lead to windfall profits. Instead, it will lead to supplemental income, a savings cushion, or a head start on payir back student debt. As a result, meaningful change by the NCAA will ultimately lead to real-life benefits for college athletes fortunate enough profit on their name, image and likeness.

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To Register Opinion If Not Speaking

Bill # HB 1505 Date January 15, 2020

Committee Education

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Alvin See	London		Self	✓	
Rep John Potucek	Rock G-Derry				*
Rep. Greg Indruk	Hills. 34 (Nashua)			✓	
Rep Rick Ladd	Haverhill			✓	

Bill as Introduced

HB 1505 - AS INTRODUCED

2020 SESSION

20-2694
05/04

HOUSE BILL ***1505***

AN ACT relative to compensation of college athletes.

SPONSORS: Rep. Muscatel, Graf. 12; Rep. Griffith, Hills. 18; Rep. W. Pearson, Ches. 16; Rep. Kenney, Straf. 6; Rep. Indruk, Hills. 34; Rep. Luneau, Merr. 10

COMMITTEE: Education

ANALYSIS

This bill permits college athletes to receive compensation for use of the athlete's name, image, or likeness rights, or athletic reputation.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

20-2694
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to compensation of college athletes.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Statement of Purpose.

I. The general court seeks to help ensure college athletes have equal rights and economic freedoms afforded to all students and residents in the state of New Hampshire.

II. The general court recognizes the disproportionate negative impact that economic and legal restrictions have on African American and female college athletes.

III. College sports is a $14 billion dollar industry with millionaire coaches and lucrative apparel deals that require college athletes to advertise for commercial interests.

IV. Rules prohibiting college athlete compensation for use of name, image, and likeness rights, or athletics reputation do not bring forth competitive equity and cannot justify denying college athletes equal rights and economic freedom.

2 New Chapter; Compensation of College Athletes. Amend RSA by inserting after chapter 356-C the following new chapter:

CHAPTER 356-D

COMPENSATION OF COLLEGE ATHLETES

356-D:1 Definition. In this chapter, "postsecondary educational institution" means any campus of the university system of New Hampshire, the community college system of New Hampshire, an independent institution of higher education, or a private postsecondary educational institution.

356-D:2 Compensation of Athletes.

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

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

(c) An athletic association, conference, or other group or organization with authority over intercollegiate athletics, including, but not limited to, the National Collegiate Athletic

Association, shall not prevent a postsecondary educational institution from fully participating in intercollegiate athletics without penalty as a result of a student's use of his or her name, image, or likeness rights, or athletic reputation.

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

II.(a) A postsecondary educational institution, athletic association, conference, or other group or organization with authority over intercollegiate athletics shall not interfere with or prevent a student from fully participating in intercollegiate athletics for obtaining professional representation in relation to contracts or legal matters, including, but not limited to, representation provided by athlete agents, financial advisors, or legal representation provided by attorneys.

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

(c) Professional representation provided by athlete agents, financial advisors and/or attorneys shall be by persons licensed by the state.

III.(a) A college athlete shall not enter into an apparel contract providing compensation to the athlete for use of the athlete's name, image, or likeness rights which requires a student to display a sponsor's apparel or otherwise advertises for the sponsor during official team activities if such provisions are in conflict with a provision of the athlete's team contract.

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

(c) An institution asserting a conflict described in subparagraph (a) shall disclose to the athlete and the athlete's legal representation, if applicable, the full contract they assert to be in conflict.

IV. A team contract of a postsecondary educational institution's athletic program shall not prevent a college athlete from receiving compensation for using the athlete's name, image, or likeness rights for a commercial purpose when the athlete is not engaged in official team activities.

356-D:3 Applicability. This chapter shall apply to contracts entered into, modified, or renewed on or after July 1, 2020.

356-D:4 Severability. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

356-D:5 Enforcement.

I. Students, institutions of higher education, conferences, and state or local prosecutors seeking to prosecute violators shall not be deprived of any protections provided under New Hampshire law with respect to a controversy that arises in New Hampshire. The superior court shall have jurisdiction over any claim arising under this chapter.

II. Legal settlements shall not permit noncompliance with this chapter.

3 Effective Date. This act shall take effect 60 days after its passage.