



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Judiciary
Tuesday, February 25, 2020 at 12:15 p.m.

by
David A. K. Matlin, Athletic Director
University of Hawai'i at Mānoa
and
Patrick Guillen, Athletic Director
University of Hawai'i at Hilo

SB 2673 SD1 – RELATING TO INTERCOLLEGIATE ATHLETICS

Chair Rhoads, Vice Chair Keohokalole, and members of the committee:

Thank you for this opportunity to submit this joint testimony of the University of Hawai'i's athletic departments at Mānoa and at Hilo, in opposition to SB 2673 SD1.

SB 2673 SD1 would allow student athletes participating in collegiate athletics at the University of Hawai'i, and other postsecondary educational institutions, to be compensated for the use of their "name, image or likeness" (NIL). SB 2673 SD1 includes provisions that have requirements on the student-athletes, as well as on the educational institution, and athletics associations and conferences.

The issue being addressed in SB 2673 SD1, the compensating of student athletes for use of their NIL, is also before multiple other forums. Most significantly:

In 2019, the State of California passed legislation (SB206), and the NCAA announced its intent, to allow student athletes to be compensated for the use of their NIL. However, recognizing that there remains considerable development of how the legislation and/or NCAA intent is to be implemented, both are not scheduled to take effect in the near future to allow time for more work to be done on the issue.

Recently, at its convention in Anaheim, California, NCAA President, Mark Emmert stated that the NCAA working committee crafting new NIL rules is targeted to provide recommendations to the NCAA Board of Governors in April 2020. Those rules would be the basis for NCAA legislation to be voted on next January.

At the same time, various members of the U.S. Congress have indicated a willingness to have Congress involved in addressing the NIL issue. For example a bill has been introduced by Rep. Mark Walker (North Carolina) and a bipartisan working group headed by Sen. Chris Murphy (Connecticut) and Mitt Romney (Utah) has been announced.

While all movement is toward providing student athletes the opportunity to be compensated for use of their NIL, the changes are expected to have far reaching and significant impact across collegiate athletics. Recognizing the far reaching impact of the changes, and the complex and interrelated nature of collegiate athletics, the implementation dates for the changes have been deferred (i.e., 2023) to allow more time to define the rules under how it will be done.

The University of Hawai'i believes in the importance of continuing to make advancements for our student athletes and has actively participated in recent changes such as student athlete stipends and improved nutrition. There is more that we need to do and hopefully the new NCAA initiative will improve the collegiate experience.

While the recent developments regarding the NIL issues are important to address, it is imperative that we look after the interests of all of our student athletes and carefully avoid unintended consequences, but also implement any changes to provide the benefits intended.

It is for those reasons that the University of Hawai'i's recommendation is that Hawai'i-specific legislation be held off for now to allow it to benefit from the further definition of the issue that is ongoing. Allowing the time to have the issue develop more fully will benefit the eventual introduction of any needed legislation so that it better benefits the University of Hawai'i's student-athletes.

The University of Hawai'i at Mānoa Athletics Department and the University of Hawai'i at Hilo Athletics Department respectfully request that SB 2673 SD1 be held and thank you for your consideration of this joint testimony.