

PROPONENT TESTIMONY ON HOUSE BILL 660

Update to the Collegiate Student Athlete Law

House Civil Justice Committee

Tuesday, November 26, 2024

Chairman Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee, my name is Ross Bjork, and I am proud to serve as Sr. Vice President and Wolfe Foundation – Eugene Smith Endowed Director of Athletics at The Ohio State University. Thank you for the opportunity to provide proponent testimony on House Bill 660 (HB 660). We applaud Representatives Edwards and Mathews for advancing this bill to ensure Ohio's student-athletes are able to maximize their opportunities to earn compensation while providing key protections for both our students and institutions.

Last Monday, Governor DeWine signed Executive Order 2024-08D which provides Ohio's colleges and universities the ability to compensate student-athletes for the use of their name, image and likeness (NIL). Ohio State is grateful for Governor DeWine and Lt. Governor Husted's partnership and their ongoing commitment to ensure Ohio remains a national leader in the complex and ever-changing landscape of collegiate athletics.

While the Executive Order provides flexibility and a critical path to make certain our student-athletes and institutions in Ohio are on a fair and level playing field with those in other states, HB 660 will provide the necessary statutory framework needed as the NCAA and several athletic conferences, including the Big Ten, finalize the House vs NCAA Settlement agreement ("House settlement").

The House Case is the most transformational action in the history of collegiate athletics so please allow me to take a moment to provide the Committee with a brief update. Recently, the US District Court issued a preliminary approval of the settlement agreement, with a final decision expected to happen on April 7, 2025. The *House settlement* will provide the future model that will reshape collegiate athletics and bring much needed clarity for our universities, student-athletes, and NCAA Division I conferences. Once approved, there are three key changes that will go into effect on July 1, 2025:

1. **Institutional NIL Payments, also referred to as "revenue sharing" for student-athletes:** Ohio State and other universities will be permitted to directly compensate student-athletes for their NIL through non-exclusive NIL licensing agreements. Under the current process, student-athletes receive scholarships from institutions and can only be compensated for NIL agreements through external or third-party entities. The settlement will also allow the Autonomy Conferences to create new rules of engagement for how the new third-party NIL landscape will be structured.
2. **Roster and Scholarship Adjustments:** New NCAA roster limits will set a cap on the number of athletes eligible for each team, and programs will now be able to fund as many scholarships as there are roster spots.

3. **NIL Backpay for Eligible Athletes:** All Division 1 athletes who participated in collegiate sports between 2016 and 2024 will be eligible to receive backpay for NIL earnings.

Ohio State is committed to maintaining 36 intercollegiate sports and athletic scholarships for all 36 of our programs, while also fully funding the direct payments to student-athletes through the NIL revenue sharing agreement. In fact, after a thorough review of Title IX compliance, sponsorship trends, and a strong financial plan, I was excited to announce last week the addition of 91 new scholarships for both our women's and men's sports team.

Responding to the rapidly changing landscape of collegiate athletics requires an update to the College Student Athlete Law that the general assembly passed in 2021. HB 660 will help codify the Governor's Executive Order while providing other key protections for student-athletes and our universities, including:

- Authorizing a university to compensate a student-athlete for use of their NIL.
- Permitting student-athletes to obtain professional representation from an athlete agent or attorney.
- Prohibits an athletic authority, such as the NCAA or an athletic conference, from preventing or penalizing a school or student-athlete for compensating a student-athlete for NIL.
- Ensures that an institution's facilities, equipment, intellectual property, and copyrighted or trademarked property cannot be used for a student-athlete's NIL unless authorized by the university.
- Clarifies existing law that a student-athlete is not an employee if they receive compensation for use of their NIL.

I want to thank the bill sponsors, Representatives Mathews and Edwards, for working with us on several requested changes to the As Introduced version of the bill that we hope will be included in the bill. We believe these technical revisions will better clarify and align HB 660 with the requirements in the *House* settlement and we appreciate the Committee's consideration and support of these amendments.

Thank you for the opportunity to provide testimony in support of HB 660 and for your ongoing commitment to ensure the success of all our students and our great university. This bill sends a strong signal that the state of Ohio will continue to be a leader in collegiate athletics – I have spoken to many of my Ohio AD colleagues, and they feel the same way. Specifically for Ohio State, we want to excel in everything we do and continue to carry on the proud tradition that makes the Ohio State Buckeyes champions both on and off the field.

I will be happy to answer any questions you may have.