

BEFORE THE SENATE WORKFORCE & HIGHER EDUCATION COMMITTEE

**SENATOR TERRY JOHNSON
CHAIR**

**TESTIMONY
OF
BRUCE JOHNSON
PRESIDENT
INTER-UNIVERSITY COUNCIL OF OHIO**

June 9, 2021

The Public Universities of Ohio

The University of Akron
University of Cincinnati
Miami University
Ohio University
Wright State University

Bowling Green State University
Cleveland State University
Northeast Ohio Medical University
Shawnee State University
Youngstown State University

Central State University
Kent State University
The Ohio State University
The University of Toledo

Chair Johnson, Vice Chair Cirino, Ranking Minority Member Williams, and members of the Senate Workforce and Higher Education Committee, thank you for allowing me to submit written testimony today on Senate Bill 187 on behalf of the state's fourteen public universities, all of which are members of the Inter-University Council of Ohio (IUC). My name is Bruce Johnson, and I am the President of the IUC. The IUC was established in 1939 as a voluntary educational association of Ohio's public universities. It is committed to ensuring affordable opportunities for the more than 300,000 students attending our member institutions without sacrificing the quality of their education or experience.

I would like to begin by thanking the sponsor, Senator Antani, for his introduction of this bill. As you know, the legislation allows intercollegiate athletes to earn compensation from their name, image, or likeness (NIL). Under the bill, student-athletes will be able to receive financial benefits from their NIL and will be able to do so without jeopardizing their amateur or student athlete status. Considering anticipated U.S. Supreme Court action to clarify the legality of the NCAA's limits on student-athletes' education-related compensation and benefits and decide whether such restraints affect the "amateur" nature of college athletics and should be eliminated, the IUC believes now is the time to act in Ohio and to clearly articulate what we, as a state, think our state policy should be.

In 2019, California became the first state to pass NIL legislation. The "Fair Pay to Play Act" is set to become effective in mid-2023. Other states have followed with their own laws, including Colorado, Florida, New Jersey, Nebraska, and Michigan. Nearly 35 other states have NIL laws pending at various stages of the legislative process. Florida's law goes into effect on July 1. If schools are subject to varying state laws, it could create a competitive advantage – or disadvantage – in recruiting future athletes. Ohio's proposed legislation would take effect immediately upon the Governor's signature because of the emergency clause in the bill, putting Ohio on a more level playing field with some of the other state that already have acted.

The IUC believes Ohio should enact its own measure allowing student athletes within our borders to benefit in the same manner as athletes in other parts of the country where legislation already has been enacted for two primary reasons. First, so that we do not create a financial disadvantage for our student-athletes and, second, so that we do not create a recruiting disadvantage for our athletic programs. Ultimately federal legislation on this issue may be needed to achieve a more uniform approach, but it is unclear when that legislation may be passed. In the interim, action by the state of Ohio is necessary. If Ohio does not act in a timely manner, then our institutions will find it difficult to attract student athletes who will have the ability, under the laws of other states and at institutions in those states, to financially capitalize on their NIL. By allowing student athletes to capitalize on their NIL, they will be able to generate additional income for necessary expenses at whatever institution they may attend – and for those who do not receive full scholarships, that additional income will be helpful.

Ohio's public universities takes pride in how we serve our student-athletes, and in their work both on and off the field. They succeed academically just as they do athletically and the entire state benefits as a result. It is time that our student-athletes also benefit financially from their hard work. Senate Bill 187 lays out a commonsense approach allowing for just that – in a way that both safeguards the student's amateur status and protects the university. It protects the university by exempting its scholarships to the student-athlete from being considered compensation. It also establishes an exclusion prohibiting a student the right to use the name, trademarks, services marks, logos, symbols, or any other intellectual property, regardless of whether the intellectual property is registered with the appropriate authority, that belong to an institution. We believe these controls impose an appropriate level of oversight and protection for the institution while still permitting the student to benefit financially from his or her NIL.

Thank you, Mr. Chairman and members of the committee for your consideration of the IUC's testimony in support of Senate Bill 187. We ask for your favorable action on the bill.