

Date of Hearing: June 25, 2019

ASSEMBLY COMMITTEE ON ARTS, ENTERTAINMENT, SPORTS, TOURISM, AND
INTERNET MEDIA

Kansen Chu, Chair

SB 206 (Skinner) – As Amended June 20, 2019

SENATE VOTE: 31-5

SUBJECT: Collegiate athletics: Fair Pay to Play Act.

SUMMARY: This bill would allow college student athletes to earn compensation for the use of their own name, image, or likeness and also obtain professional representation such as a sports agent, in relation to their college athletics. Specifically, **this bill:**

- 1) Prohibits any entity with authority over intercollegiate athletics from preventing a student athlete from receiving compensation for the use of their own name, image, or likeness.
- 2) Prohibits any entity with authority over intercollegiate athletics from preventing a student athlete from obtaining professional representation in relation to their college athletics, provided that the professional representation is in compliance with federal law and is performed by persons licensed by the state.
- 3) Prohibits any group with authority over intercollegiate athletics from preventing a postsecondary educational institution from participating in intercollegiate athletics as a consequence of that institution allowing its student-athletes to earn athletic endorsements.
- 4) Prohibits the revocation of a student-athlete's scholarship as a consequence of receiving endorsements, or as a consequence of obtaining professional representation as authorized under these provisions.
- 5) Defines "postsecondary educational institutions" as any campus at the University of California (UC), the California State University (CSU), the California Community Colleges, independent institutions of higher education, and private postsecondary educational institutions.
- 6) States that the statute shall not become effective until January 1, 2023.

EXISTING LAW:

- 1) Enacts the Student Athlete Bill of Rights, which requires intercollegiate athletics at four-year institutions of higher education that receive, on average, \$10 million or more in annual revenue derived from media rights, to comply with the prescribed requirements related to student athletes' rights. These requirements include provisions concerning when intercollegiate athletic programs are required to renew scholarships, cover health insurance costs, and cover medical treatment expenses for student athletes who have experienced a sports-related injury.
- 2) Prohibits any person from giving, offering, promising or attempting to give money or other item of value to a student athlete or member of the athlete's immediate family to induce,

encourage or reward a student athlete's application, enrollment or attendance at a public or private institution of higher education to participate in intercollegiate sporting activities.

- 3) Prohibits any person from giving, offering, promising, or attempting to give any money or other things of value to any particular student athlete or member of the immediate family of the student athlete for either of the following purposes:
 - a) To induce, encourage, or reward the student athlete's application, enrollment, or attendance, at a public or private institution of postsecondary education in order to have the athlete participate in intercollegiate sporting events, contests, exhibitions, or programs at that institution.
 - b) To induce, encourage, or reward the student athlete's participation in an intercollegiate sporting event, contest, exhibition, or program. These provisions do not apply to student athletes who receive any money or other thing of value from a higher education institution offered in accordance with the official written policy of that institution, which is in compliance with the bylaws of the National Collegiate Athletic Association (NCAA).
- 4) Defines "student athlete" as an individual who attends an elementary, junior high, high school, or postsecondary educational institution, and who participates in any interscholastic athletic program in California, including an individual who receives scholarship funds for his or her athletic participation and an individual who does not receive scholarship funds for his or her athletic participation.

FISCAL EFFECT: According to the Senate Committee on Appropriations:

- Compliance staff: the CSU indicates that additional compliance staff would be needed for each of its 21 National Collegiate Athletic Association (NCAA) Division I and Division II athletic programs at a cost ranging from \$3.2 million to \$4.2 million. The UC has six NCAA Division I athletic programs and one NCAA Division II athletic program and indicates it would need additional staff for each program at a cost ranging from \$1.0 million to \$1.4 million General Fund.
- NCAA penalties: the UC indicates that the total cost of the fines could range from \$175,000 to up to \$1.8 million, while the CSU estimates total fines from \$525,000 to up to \$5.3 million.
- Revenue losses: the CSU estimates systemwide revenue losses to be anywhere from \$9 million to \$15 million as a result of this measure. The UC indicates revenue losses for being out of compliance with the NCAA as well but the actual figures are unknown and would vary based on campus and conference affiliation.

COMMENTS:

- 1) *Author and supporters statement of need for legislation: Student athletes need to financially strike while the iron is hot and draw compensation for their performance in collegiate athletics. It is only fair because it is the athletes who are the draw in these hugely profitable activities.*

According to the Author, “Athletes face severe repercussions if they receive compensation from sponsorship deals or use their own image for financial gain. Collegiate athletes are the only group of students who are barred in such a way. Collegiate athletes have lost eligibility to participate in their sport for things such as accepting groceries and assistance with rent, meanwhile the NCAA generates billions of dollars every year. The NCAA president Mark Emmert made over 3 million dollars on salary just last year meanwhile many athletes who put their bodies on the line struggle to make ends meet.” The California-Hawaii State Conference of the NAACP supports based on their belief that, “For many athletes, college is the only time they may profit from their participation in sports. The NCAA reveals less than 1% of women’s college basketball players will make it to the WNBA, and less than 2% of men’s college basketball, football, and soccer will ever play professionally.”

The bill’s cosponsor, The Alliance for Boys and Men of Color, writes in support to say, “Many collegiate athletes are participating without a guaranteed scholarship or no scholarship at all. Scholarships may be revoked for poor performance in their respective sport or failure to participate in ‘voluntary’ workouts. University studies have found that athletes are spending 32 to 44 hours a week on their respective sports. The time commitment athletes dedicate make it practically impossible for athletes to obtain outside employment to provide for themselves or families.” They add that, “Universities and the National Collegiate Athletic Association (NCAA) currently make huge amounts of money from TV deals and corporate sponsorships of their athletic teams, often profiting from young athletes who do not receive compensation for their hard work. This exploitation disproportionately affects students of color and students from low-income families. SB 206 will give young athletes the dignity of a fair wage.”

The American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, adds in support, “In addition, (under SB 206) athletes cannot be prohibited from consulting with an agent. This is important for allowing college athletes to prepare for their future in professional athletics. While universities are intended to be centers of academia, some athletes are enrolled solely to participate in sports before they transition to the professional level. It is critical that they are provided with guidance along this route and are not misled by those who may be in compliance with NCAA standards, but do not have the athlete’s best interests in mind. Sports agents act on behalf of the athletes they represent, and therefore, should not be shunned while college athletes are at the crucial preliminary stages of their careers.”

Finally, Teamsters write to share their belief that, “The ‘Fair Pay to Play Act’ is principally about fairness. We believe that athletes should have a financial avenue to provide for their families without facing loss of their athletic scholarship.”

2) *Background:*

- a) *What is the NCAA?* The NCAA is a voluntary, membership association of nearly 1,300 colleges and universities, athletics conferences and sports organizations that administer intercollegiate athletics. Although the NCAA promotes intercollegiate athletics and student-athletes, its core function is to create rules and ensure a level playing field in intercollegiate athletic competition. Representatives from member schools and conferences propose, debate, and vote on bylaws that govern the association. The NCAA

enforces these rules, which govern, among other things, student-athlete financial aid, employment, and transfer eligibility.

“The Intercollegiate Athletic Association, the predecessor of the NCAA, was founded in 1906 to address the violence then plaguing college football. More broadly, the founders sought to set national standards for all collegiate sports. From the outset, the organization emphasized education and upholding amateurism. It adopted the NCAA name in 1910. The NCAA constitution states that the organization’s purpose is —to maintain intercollegiate athletics as an integral part of the educational program and the athlete as an integral part of the student body and, by so doing, retain a clear line of demarcation between intercollegiate athletics and professional sports. To achieve its goals, the NCAA issues and enforces rules that govern aspects such as recruiting, eligibility, academic standards, and the requirements for schools to be classified as Division I, II, or III.” (Lush, *Reclaiming Student Athletes’ Rights to Their Names, Images and Likeness Post O’Bannon v NCAA*, 2015 *Southern California Interdisciplinary Law Journal* Vol. 24:767.)

- b) *Amateurism is a core principle of the NCAA.* “One of the NCAA’s main goals is to uphold the virtues of amateur sports. Such amateurism—or the practice of participating in a discipline without financial compensation—separates the NCAA from professional leagues where participants are paid to perform. In fact, an individual can lose amateur status if he or she is paid in any manner seemingly related to athletic ability and consequently lose NCAA eligibility.” (id)

As the United States Supreme Court noted in the *NCAA vs Board of Regents* decision, “What the NCAA and its member institutions market in this case is competition itself - contests between competing institutions. Of course, this would be completely ineffective if there were no rules on which the competitors agreed to create and define the competition to be marketed. A myriad of rules affecting such matters as the size of the field, the number of players on a team, and the extent to which physical violence is to be encouraged or proscribed, all must be agreed upon, and all restrain the manner in which institutions compete. Moreover, the NCAA seeks to market a particular brand of football - college football. The identification of this ‘product’ with an academic tradition differentiates [468 U.S. 85, 102] college football from and makes it more popular than professional sports to which it might otherwise be comparable, such as, for example, minor league baseball. In order to preserve the character and quality of the ‘product,’ athletes must not be paid, must be required to attend class, and the like. And the integrity of the ‘product’ cannot be preserved except by mutual agreement; if an institution adopted such restrictions unilaterally, its effectiveness as a competitor on the playing field might soon be destroyed. Thus, the NCAA plays a vital role in enabling college football to preserve its character, and as a result enables a product to be marketed which might otherwise be unavailable. In performing this role, its actions widen consumer choice - not only the choices available to sports fans but also those available to athletes - and hence can be viewed as procompetitive.” (*NCAA vs Board of Regents* [1984] 468 U.S. 85, 103).

- c) *How is this bill incompatible with NCAA bylaws?* As noted in the Senate Education Committee analysis, the NCAA maintains bylaws that regulate recruiting, scholarship levels, timing and methods of communication between institutions of higher education

and student athletes. Note: Athletes receiving a partial athletic scholarship or no athletic scholarship are subject to the same pay prohibitions as those that receive full athletic scholarships.

- i) *Financial Aid.* Currently, NCAA bylaws impose a number of restrictions on student athlete financial aid. Any student-athlete who receives financial aid other than that permitted by the Association shall not be eligible for intercollegiate athletics. Such payment is not allowed because it would be compensation based upon athletic skill, a preferential benefit not available to the general student population. As it stands, NCAA rules forbid a student-athlete from receiving preferential benefits or treatment because of the athlete's reputation, skill or potential to be a professional athlete.

Specifically prohibited financial aid, benefits and arrangements include, but are not limited to, the following:

- (1) An employment arrangement for a prospective student-athlete's relatives;
 - (2) Gift of clothing or equipment;
 - (3) Co-signing of loans;
 - (4) Providing loans to a prospective student-athlete's relatives or friends;
 - (5) Cash or like items;
 - (6) Any tangible items, including merchandise;
 - (7) Free or reduced-cost services, rentals or purchases of any type;
 - (8) Free or reduced-cost housing;
 - (9) Use of an institution's athletics equipment (e.g., for a high school all-star game);
 - (10) Sponsorship of or arrangement for an awards banquet for high school, preparatory school or two-year-college athletes by an institution, representatives of its athletics interests or its alumni groups or booster clubs; and
 - (11) Expenses for academic services (e.g., tutoring, test preparation) to assist in the completion of initial-eligibility or transfer-eligibility requirements or improvement of the prospective student-athlete's academic profile in conjunction with a waiver request.
- ii) *Cost of Attendance.* An institution shall not award financial aid to a student-athlete that exceeds the cost of attendance that normally is incurred by students enrolled in a comparable program at that institution. The "cost of attendance" is an amount calculated by an institutional financial aid office, using federal regulations, that includes the total cost of tuition and fees, room and board, books and supplies, transportation, and other expenses related to attendance at the institution. A student-athlete shall not be eligible to participate in intercollegiate athletics if he or she

receives financial aid that exceeds the value of the cost of attendance as defined in this Bylaw.

- iii) *Agents*. National Collegiate Athletic Association (NCAA) rules forbid student-athletes to agree, orally or in writing, to be represented by an agent or organization in the marketing of his or her athletic ability or reputation until after the completion of the last intercollegiate contest, including postseason games. The NCAA prohibition includes an agreement that is not effective until after the last game.

NCAA rules forbid a student-athlete or his/her representative from negotiating or signing a playing contract in any sport in which the athlete intends to compete, or to market the name or image of the athlete.

- d) *Consequences of non-compliance with National Collegiate Athletic Association (NCAA) bylaws*. Violations of NCAA bylaws impact the eligibility of student-athletes, and the teams for which they play, for participation in NCAA competition. Violations may result in harsh penalties on the student, the team and the university. Penalties may include financial sanctions, repayment of monies received from NCAA championship competition, forfeiture of contests, and expulsion from the association.
- 3) *SB 206 applies to community colleges: By state law, community colleges cannot offer athletic scholarships to their athletes*. According to the Senate Education Committee analysis, this law is in place to make sure community colleges spend their financial resources on academic priorities while supporting more equitable competition across the system. Since community colleges are barred from offering athletic scholarships, this bill would allow community college student athletes to independently earn revenue on the basis of their name, image, and likeness in order to support themselves.
- 4) *Relevant court and administrative decisions*. This measure is the latest in a line of actions attempting to monetize student athletes' talents as collegiate athletes.
- a) The first major effort came in 2009 when Ed O'Bannon sued the NCAA for authorizing and profiting from use of his likeness and statistics from his years as a college basketball star in a video game without compensation. The case, *O'Bannon v. National Collegiate Athletic Association*, was filed as an antitrust class action lawsuit against the NCAA, in which the plaintiffs' challenged the NCAA's use of the images of its former student athletes for commercial purposes. The suit argued that former student athletes are entitled to financial compensation for the NCAA's use of their image. The NCAA maintained that providing such compensation would be a violation of its rules and bylaws. In 2014, an original ruling was made in favor of O'Bannon, holding that the NCAA's bylaws are a violation of antitrust law. However, in 2015, the Ninth Circuit Court of Appeals reversed the District Court's ruling, holding that under a rule of reason standard, the NCAA had a permissible purpose in upholding amateurism. *O'Bannon v. National Collegiate Athletic Association*, 802 F. 3d 1049, (9th Cir. 2015)
 - b) The next major effort came in 2014 when a group of Northwestern University football players attempted to declare themselves employees and unionize. It was a split decision of sorts, with the players being found at the district level to be employees, but the National Labor Relations Board (NLRB) denying recognition of their effort to unionize,

siding with the University and NCAA, who in part had asserted, “recognition of the players as employees violates long standing precedent” of amateurism.

- c) The most recent case is that of *Alston v. NCAA*, wherein the plaintiffs challenged the legality of the NCAA and its’ member institutions practice of capping grants-in-aid at the cost-of-attendance based on federal antitrust laws. Once again, the NCAA contended that the rules were necessary because they served several procompetitive purposes permissible under federal antitrust laws. The court ruling in favor of the plaintiffs, holding that the NCAA can no longer “limit non cash education-related benefits and academic awards,” while allowing the NCAA to retain a substantial amount of discretion over student-athlete compensation that is unrelated to education. The ruling also provided that the NCAA allow conferences could create their own rules and policies for scholarship, and allow student athletes to receive a scholarship valued at greater than the total cost of attendance. The case settled with the NCAA agreeing to pay the estimated 40,000 member class of former students \$208 million arrears. Because the NCAA had already changed their rules to allow institutions to offer full costs of attendance there were no future damages.
- 5) *Opposition concerns: violation of NCAA rules carries severe consequences.* The committee has heard from all segments of higher education who uniformly oppose this measure. Stanford University writes in opposition to this measure to say, “We share the author's interest in protecting and supporting the welfare of student-athletes. However, allowing student-athletes to receive compensation from their name, image, and likeness, would present serious challenges for higher education institutions and to the collegiate sports model. Stanford, like other universities with athletic programs across the US, has agreed to the bylaws of the National College Athletic Association (NCAA). This bill is in direct conflict with NCAA bylaws regarding the amateur status of student-athletes (Bylaw 12 .1.2 and 12.5 .2.1). . . . In addition, SB 206 is inconsistent with recent court rulings, first in *O'Bannon v. NCAA*, and more recently in *Alston v. NCAA* that determined that all student-athlete benefits must be tied directly to education purposes only. In fact, although the court in *Alston* ruled against the NCAA, the judge held that payments not tethered to education, like name, image, and likeness payments, are not permitted because they are "professional-level cash payments, unrelated to education, that could blur the distinction between college sports and professional sports and thereby negatively affect consumer demand for Division I basketball and FBS football."

The University of Southern California (USC) also opposes this measure and instead urges reform at the national level, stating, “We believe that any reforms must be addressed at the national level through the NCAA. Any reforms approved at the state level would place the schools in that state at a competitive disadvantage with other national programs. According to USC, “There are two primary concerns with SB 206 relating to 1) conflicts with the National College Athletic Association (NCAA) bylaws 12.1.2 and NCAA bylaw 12.5.2.1 and 2) the impact on the teammates of any student athlete who takes advantage of this legislation, if enacted into state law. . . . SB 206 would encourage students to violate the NCAA bylaws, becoming athletically ineligible and putting athletic teams and athletic departments at risk. The NCAA has two bylaws that specifically prohibit participation in intercollegiate competition if they receive any outside compensation. In the past, when a single student has engaged any activity that violates the NCAA rules, the entire team and program are negatively impacted. In 2010, USC’s athletic program was investigated and punished for

NCAA rules violations by our football, men's basketball and women's tennis teams. As part of the investigation, two former USC athletes were found to have violated NCAA rules by accepting compensation from sports agents. The Trojan athletic program received some of the harshest penalties ever handed down to a Division 1 program.”

The California State University additionally points out that, under SB 206 the “CSU would be required to continue to provide athletic scholarships to students who would be ineligible to compete under NCAA rules. This bill could result in our students and our campuses being unable to participate in intercollegiate athletics, compromising an important element of the educational experience for our students.”

Finally, Association of Independent California Colleges and Universities (AICCU) echoes the above concerns and adds in their opposition, “The NCAA has announced the creation of a working group that will review the NCAA's policies around name, image and likeness. The group includes conference commissioners, student athletes from Division 1, 2 and 3, and other administrators for student-athletics. The group will examine modifications to current policies, and prepare a final report that will be released in October. We believe that SB 206 should be held in committee, in order for this work to conclude and for policymakers to then assess what changes to state law are appropriate without putting athletic programs and student-athletes at risk.”

- 6) *Request by NCAA and PAC-12 Conference to make SB 206 a two year bill in order to allow a NCAA NIL Task Force to complete its work on the issues raised in the bill.* The President of the NCAA has reached out to this Committee to request delay in hearing SB 206, asking “On behalf of the nearly 1,300 NCAA member colleges, universities and conferences, I write to request respectfully that the Committee on Arts, Entertainment, Sports, Tourism and Internet Media and the Committee on Higher Education postpone further consideration of Senate Bill 206, the Fair Pay to Play Act, while we review our rules. We recognize all of the efforts that have been undertaken to develop this bill in the context of complex issues related to the current collegiate model that have been the subject of litigation and much national debate. Nonetheless, when contrasted with current NCAA rules, as drafted the bill threatens to alter materially the principles of intercollegiate athletics and create local differences that would make it impossible to host fair national championships. As a result, it likely would have a negative impact on the exact student-athletes it intends to assist. We believe this initiative necessitates conversations and agreements among member universities and colleges about how we can constructively engage. We humbly ask that the California legislature provide NCAA member schools the time and opportunity to thoroughly assess issues surrounding student-athlete name, image and likeness (NIL), including potential unintended consequences that might arise if SB 206 is passed as written.

“In May 2019, the NCAA Board of Governors and I announced the creation of a working group to study potential processes whereby a student-athlete's NIL could be monetized in a fashion that would be consistent with the NCAA's core values, mission and principles. This group of Presidents, conference commissioners, athletics directors and other administrators and student athletes includes Dr. Tim White, Chancellor of the California State University System. The Board made clear that concepts by which student-athletes are considered employees and paid for their athletics participation will not be considered. The working group is expected to provide an update on its work to the Board of Governors at their August meeting and deliver a report to the Board in October. Even though SB 206 has a deferred

effective date of 2023, passage of the bill now will create confusion among prospective and current student-athletes and our membership. The impact of a prematurely passed bill would be difficult to untangle.”

- 7) *Recent amendments delete findings and declarations and recognize need to implement NCAA Task Force recommendations in the future through follow-up legislation.* The author has recently amended the findings and declarations out of the bill in recognition of their being reflective of student athlete experiences prior to recent changes in the law, rule changes made by the NCAA and court rulings, which have improved the situation of student athletes sufficiently as to call the findings into question.

In addition, the author has added intent language in recognition of the pending report of the NCAA task force on the issue of student’s name, image and likeness. This amendment comes in response to concern expressed by many parties, as detailed in comments 5 and 6 above, that passage of SB 206 by the Legislature while an ongoing internal process to address the same issues within the NCAA was premature and could create policy and implementation conflicts. In response, the bill now states the intention of the Legislature to revisit this issue to implement significant findings and recommendations of the NCAA working group while stressing the intent of the Legislature to continue to develop policies to ensure appropriate protections are in place to avoid exploitation of student-athletes and institutions of higher education.

- 8) *Committee comment: SB 206 takes us into uncharted territory.* Beyond Here there be Dragons - This was the warning that the ancient mapmakers would put on their maps to warn ships that they were about to enter into uncharted waters. While there might not be dragons, no one knows the impact of adoption of SB 206; not the Author, not the NCAA, not the Institutions of Higher Education (IHE) and not the students who will be impacted.

There are a couple of likely scenarios, the first of which is that the NCAA Task Force on NIL doubles down and denies student athletes any ability to monetize use of their name, likeness or image under the banner of amateurism. This has long been the NCAA position, recognized by the courts, including the US Supreme Court, and legal commentators as core to the mission of the NCAA. This rationale of the “student” athlete has successfully been offered to push back on attempts to pay students for their participation in collegiate athletics, while allowing expansion of educationally related benefits.

Another potential NCAA position would be that SB 206 is an unconstitutional interference with interstate trade and violates the First Amendment’s Dormant Commerce Clause. In order to determine whether a law violates a so-called “dormant” aspect of the Commerce Clause, the court first asks whether it discriminates on its face against interstate commerce. In this context, “discrimination” simply means differential treatment of in-state and out-of-state economic interests that benefits the former and burdens the latter. Given the potential differential treatment of California-based athletes being allowed to enter endorsement contracts, an argument may be made that this would place other states in a disadvantage in recruitment of athletes.

Another possible scenario is that the NCAA NIL Task Forces crafts some ability to monetize use of the student’s NIL. The NCAA has already shown itself able to adapt to changes and loosen its firm grip on issues addressed in SB 206. For instance, certain student athletes may

already use agents yet retaining their amateur status. (See analysis of AB 1518 (Chu), Legislation of the current session, for a discussion of this issue).

In addition, student athletes who are Olympians are able to accept prize money from the United States Olympic Committee and maintain eligibility to compete in NCAA events. It should be noted that they may not enter endorsement deals under NCAA rules, a point SB 206 supporters often make. However, it would not take much of a policy change to allow endorsements. Much of the groundwork has been laid by the USOC in how to maintain amateurism and allow endorsement contracts. Known as The Olympic Model, athletes may not expressly endorse products, but for instance, may be paid to wear a certain brand and receive free branded gear. The brand in turn, may not reference the athlete's team or status as an Olympian (or Spartan, Bulldog, Hornet or Golden Bear), but benefits from the association. This model has an added advantage of avoiding the Title IX problems and fairness issues of the IHEs paying athletes. Indeed, some movement in this direction has already been made when in 2014, after the *O'Bannon* decision, the NCAA changed its Student Athlete Statement rules and struck out the name and likeness language from the media waiver students sign, theoretically opening the door for some permitted use.

This measure contains a three year delay in implementation, which if it is passed by the legislature and signed is intended to give time for adoption of rules, regulations and conforming legislation. Any action on the monetization of student athlete participation in NCAA competitions will take much consideration, strict oversight and cooperation from all impacted actors; The Legislature, NCAA, professional leagues, Institutions of Higher Education, athlete agents, commercial entities, and the athletes themselves. As one supporter, ironically a former NCAA official, wrote, "Over the years, we've seen numerous colleges and universities go to great lengths to circumvent the unfair rules that the NCAA places on student athletes. In the 2010 film, "Pony Excess," former NFL and Southern Methodist University (SMU) stars Eric Dickerson and Craig James talked openly about the 'slush funds' and large payments they regularly received while in college — and that they were not alone. SB 206 seeks to end these pay-to-play schemes by allowing collegiate athletes to make legitimate money from third-party sponsorship deals." We must be vigilant in our oversight to assure that those who would abuse the system, such as was seen at SMU and North Carolina and even our own USC, don't simply continue their under the table pay-to-play ways within this proposed NIL endorsement regime, least we prove the ancient cartographers right.

9) *Double referral.* Should the bill pass out of this committee it will be re-referred to the Assembly Committee on Higher Education.

10) *Prior and related legislation.*

a) AB 1518 (Chu) of the current session, would authorize an athlete agent to offer or provide money or any other thing of benefit or value to a student athlete if it is authorized by, and is in compliance with, an official written policy of the student athlete's school and the terms of the contract comply with the bylaws of the National Collegiate Athletic Association. AB 1518 is pending in the Senate Education Committee.

b) AB 1573 (Holden), of the current session, would add to the Student Athlete Bill of Rights (SABR) provisions authorizing institutions of higher education to establish a degree

completion fund, prepare notices containing pertinent data relating to the rights of students, as specified, and provisions prohibiting institutions of higher education from intentionally retaliating, as defined, against a student athlete as provided. AB 1573 passed out of this committee on a 7-0 vote and is currently pending in the Senate Education Committee.

- c) AB 2747 (Holden), of 2018, would have authorized college athletes to self-organize, as specified. Requires campuses to establish a process by which the complaints of student athletes may be reported and investigated, as specified. Prohibits a student athlete from being penalized for receiving gifts or income, as specified. Establishes and defines collegiate mandated reporters, as specified. (Status: Held in Senate Appropriations Committee.)
- d) AB 2220 (Bonta), of 2017, would have expanded the Student Athlete Bill of Rights (SABR) from four universities to all intercollegiate athletic programs that provide athletic scholarships, as defined, and would have removed the limitation in existing law for funding of SABR provisions to media rights revenues derived from the university athletic department. It would further have provided a private right of action, as specified, to college athletes who claim to have had any rights established under the SABR violated by an institution of higher education, including any of its personnel, as defined, and changed references from "student athlete" to "college athlete." (Status: Held in Senate Appropriations Committee.)
- e) AB 1435 (Gonzalez-Fletcher), of 2017, would have established the College Athlete Protection Act under the administration of the College Athlete Protection Commission, which would be established by the bill, for the protection of college or university athletes participating in intercollegiate athletic programs offered by institutions of higher education located in California. (Status: Held in the Senate Education Committee.)
- f) SB 1575 (Padilla), Chapter 625, Statutes of 2012 established the Student Athlete Bill of Rights, requiring public and private four-year universities that do not renew a student's athletic scholarship to provide an equivalent scholarship to that student, requiring an athletic program to be responsible for medical expenses of its student athletes resulting from their participation in the athletic program, and establishing a trust fund into which institutions of higher education that receive at least \$10 million in annual revenue from media rights for intercollegiate athletics contribute funds.
- g) SB 193 (Murray), of 2003, would have enacted the Student Athletes' Bill of Rights, which in essence, would have removed NCAA authority over California student athletes. The bill also sought to entitle student athletes to workers' compensation benefits, and require higher education institutions to report on student athletes annually, as specified. SB 193 was held in Assembly Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Boys and Men of Color
American Federation of State, County and Municipal Employees, AFL-CIO

California Hawaii State Conference of the NAACP
California Teamsters Public Affairs Council
1 individual

Oppose

Association Of Independent California Colleges & Universities (AICCU)
California State University, Office of the Chancellor
National Collegiate Athletic Association (NCAA)
Pac-12 Conference
Stanford University
University of Southern California

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