

STATEMENT OF
JEFFREY P. LONG
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BEFORE THE
HOUSE COMMITTEE ON JUDICIARY
FOR A HEARING ON
HOUSE BILL 2264

PRESENTED
February 18, 2021
3:30 p.m.

Good morning, Chairman Patton and distinguished Members of the committee. My name is Jeff Long, and I am honored and humbled to serve as the Director of Athletics at the University of Kansas since 2018.

Thank you for allowing me this opportunity to address you this afternoon in support of House Bill 2264.

College athletics continues to navigate uncharted waters and the future competitiveness of our University intercollegiate athletic programs in the State of Kansas could be at risk if we do not enact this bill. The Fair Pay to Play Act passed in California last year has accelerated the push to change NCAA rules that would provide student-athletes the opportunity to profit from their Name, Image and Likeness. After the Act was passed and signed into law in California, a number of other states began crafting legislation related to permitting student-athletes with an opportunity to monetize their Name, Image and Likeness – including Florida, whose similar bill is set to go into effect on July 1 of this year. In an effort to avoid being

at a competitive disadvantage when recruiting against universities located in states that will permit student-athletes to monetize their Name, Image and Likeness, our great State of Kansas must be ready with this bill or forever risk the future of our historically successful athletic programs. Currently at least 35 states have introduced, passed legislation or have bills pending on this subject matter, including states with Power Five conference schools, the highest level of Division I athletics. Without a state law in Kansas that permits student-athletes to monetize their Name, Image and Likeness, the University of Kansas and our fellow state universities will be placed at a disadvantage.

First, state laws on NIL will supersede the NCAA's rules which will create chaos in the recruitment of student-athletes from state-to-state. Second, without a Kansas law on NIL, institutions in Kansas will be left to follow the antiquated NCAA rules and be left at a significant disadvantage.

Kansas must be prepared to enact this bill to address this complex matter and allow our universities to remain competitive by preserving the integrity of the sports that each institution offers.

The definition of amateurism is in the process of changing in our country and we believe that when the process is complete, college sports will never look the same. While we do believe that NIL monetization will eventually be regulated at the Federal level, until that is formalized, we must have the ability for student-athletes in the State of Kansas to follow state rules that allow for the monetization of their Name, Image and Likeness. While we expected the NCAA to move on rules governing the matter last month, the process will now most likely not be complete before many state bills go into effect, some in a matter of months. If Congress fails

to pre-empt these individual state laws, as is possible, Kansas universities will be left to abide by the outdated NCAA rules. Each state bordering Kansas already has similar NIL bills pending, and we respectfully request that you pass HB 2264. This bill will permit each Kansas college or university competing across all three NCAA divisions with the opportunity to remain competitive in recruiting and in competition. And for KU, that means that each of our 18 sports would not be put at an unfair disadvantage.

While providing student-athletes with the opportunity to monetize their Name, Image and Likeness, I do believe that HB 2264 will help preserve the quality and diverse student-athlete experience by prohibiting student-athletes from becoming employees. If student-athletes become employees, it is my belief that this would quickly lead to a dramatic reduction in the number of sports sponsored by institutions, with a particular impact on non-revenue and Olympic sports. Not only would college athletics become unrecognizable, it would have a disastrous impact on our U.S. Olympic model because 80% of our Olympic athlete's matriculate through the collegiate system.

If the NCAA cannot garner enough support for national legislation, or if the U.S. Congress elects not to act or is unable to do so in time to preclude the individual state bills from going into effect, then the State of Kansas must be prepared with this bill. With the new administration in Washington D.C., it remains unclear how Congress will respond. Therefore, we anticipate a lapse in time between the effective dates of the NCAA's request for federal legislation and when individual state laws go into effect this summer. HB 2264 will ensure colleges and universities within our state are not placed at a disadvantage in this interim period.

Thank you for the opportunity to testify before you today and I look forward to answering your questions at the appropriate time.