



WHAT'S IN A NAME? MONEY, MAYBE.

Who will shape the large gray areas produced by the novel, loose guidelines?

Excerpted from an article by Dan Murphy for ESPN.com.

College sports is in the midst of its most significant changes in a generation. A mixture of new state laws and NCAA rules changes that went into effect on July 1 have provided athletes with varying degrees of new protections and opportunities to make money by selling their name, image and likeness (NIL) rights. While athletes start to strike deals this summer, questions remain about the short- and long-term implications of a major shift in amateurism rules. Who will shape the large gray areas produced by the novel, loose guidelines? Will Congress provide a uniform federal law to simplify and clarify? Politicians, schools, athletes and the parties interested in paying them are sorting through this brand new marketplace.

joint in Arkansas that sponsored the team's entire offensive line. Dan Lambert—owner of one of the world's most prominent MMA training facilities and a huge Miami football fan—offered to pay every athlete on the Canes roster \$500 per month this year to promote his chain of gyms on social media.

Lambert's more interesting (and potentially more impactful) move in July was to start a company called Bring Back The U, built for the sole purpose of creating NIL opportunities for Miami's athletes. Lambert plans to use the company to raise funds from fans and then donate that money to any local business that will spend it to hire Miami players as endorsers. For example, Bring Back The U might throw a beach party, charging for tickets and holding some type of auction or other fundraising effort. Every dollar collected at this type of event would eventually land in the pocket of a Miami player, Lambert told ESPN. By first donating the money to local businesses with the caveat that they use it to hire the athletes, the operation is in full compliance with Florida's new NIL laws. Lambert says he cleared his plans with the university's athletic department before announcing them.

Lambert's new company is one type of operation the NCAA hoped to avoid. After spending two years attempting to develop restrictions to its NIL rules, the organization had to concede—at least temporarily—to rules that might allow companies like Bring Back The U to pop at campuses across the country. Bring Back The U is just one example of some of the loopholes and gray areas that make the NIL market an uncertain one. The NCAA is still optimistic that

Congress will help them create a new federal law that provides more clearly-drawn lines. However, the urgency on Capitol Hill to pass an NIL bill seems to have dissipated after a pair of Senate hearings in June made little progress toward finding a federal solution. Congress plans to continue discussing federal college sports reform in the future. While no exact dates have yet been determined, Rep. Anthony Gonzalez has asked the House Energy and Commerce Committee to hold a hearing on his proposed NIL bill. While several federal options have been proposed, it's becoming increasingly likely that state laws will start to go into effect before a nationwide change is made. There are 28 states with NIL laws already in place and multiple others that are actively pursuing legislation.

TIMELINE:

HOW WE GOT HERE:

SEPT. 30, 2019: California passes legislation introduced by Sen. Nancy Skinner that will, starting in 2023, prohibit schools from punishing athletes who accept endorsement money while in college. The NCAA called the legislation an "existential threat" to college amateur sports when it was introduced months earlier.

OCT. 29, 2019: The NCAA's board of governors agrees unanimously that it is time to modernize its name, image and likeness rules. The board directs all three NCAA divisions to make rules by January 2021 that allow athletes to make endorsement money while maintaining "the collegiate model."

APR. 29, 2020: A working group appointed by the NCAA lays out

its suggestions for how Division I should change its rules, including details about the opportunities and restrictions for future athlete deals. The Division I Council formally submitted these proposed changes in November 2020 with plans to put them to a vote in January 2021.

JUN. 12, 2020: Florida passes its state law with a scheduled effective date of July 1, 2021, that significantly decreases the time to create a uniform national solution.

JUL. 22, 2020: Emmert, the NCAA president, repeats a request for congressional help in creating a federal NIL law while appearing at a Senate hearing in Washington, D.C. Several senators urged Emmert and the NCAA to broaden the scope of their reform efforts if they wanted help from Capitol Hill.

AUG. 2, 2020: A group of Pac-12

Recommended Five Principles

- Fairness to Athletes as Students
- Inform Athletes on NIL Rights and Restrictions
- Oversight led by independent board that includes current and former college athletes
- Guardrails for NIL Rights
- No Pay for Play from Institution
- National Uniformity of Rules

football players threatens to boycott the season while sharing a list of demands that included giving players a share of athletic department revenue. A similar group of national stars formed a week later and stated its intent to form a college football players' association in the future.

SEPT. 24, 2020: Reps. Anthony Gonzalez, R-Ohio, and Emanuel Cleaver, D-Mo., introduce a federal bill that would allow for NIL deals with some restrictions in hopes of keeping endorsements from disrupting the recruiting process.

DEC. 10, 2020: Sen. Roger Wicker, R-Miss., introduces federal legislation that would allow for some NIL deals and also create an antitrust exemption that would protect the NCAA from some types of future lawsuits.

DEC. 16, 2020: The Supreme Court agreed to hear the NCAA's appeal of a federal judge's ruling in the *Alston v. NCAA* antitrust lawsuit. While not directly related to NIL rules, the Supreme Court's decision in this case could impact how much control the NCAA has in defining amateurism in the future.

DEC. 17, 2020: Sens. Cory Booker, D-N.J., and Richard Blumenthal, D-Conn., introduce legislation

calling for a wide-reaching overhaul of NCAA rules and college sports governance.

JAN. 11, 2021: The NCAA's Division 1 Council decides to indefinitely delay its vote on name, image and likeness rules, citing concerns prompted by a letter from the Department of Justice related to the possible antitrust implications of changing its rules. Emmert, the NCAA president, said he was "frustrated and disappointed" by the delay.

FEB. 4, 2021: Sen. Chris Murphy, D-Conn., and Rep. Lori Trahan, D-Mass., introduce federal legislation that would create a completely unrestricted market for college athlete endorsement deals.

MAR. 31, 2021: The Supreme Court heard oral arguments in the *Alston v. NCAA* antitrust lawsuit.

APR. 1, 2021: NCAA president Mark Emmert met with three men's basketball players trying to raise awareness — using the hashtag #NotNCAAProperty — for what they see as unfair treatment of college athletes. The players asked the NCAA to adopt a temporary blanket waiver that would allow all athletes to make money from endorsement deals next school year while more permanent decisions take shape.

JUN. 18, 2021: Six conference heads (including the ACC, SEC and Pac-12 leaders) propose a new plan that would make individual schools responsible for creating their own NIL policies. The new proposal surfaced after a pair of Senate hearings in June made it clear that a federal law was not imminent.

JUN. 21, 2020: The Supreme Court rules against the NCAA in its appeal, issuing an opinion that dealt a significant blow to the organization's argument that it should receive special antitrust treatment because of its academic mission. The justice's ruling made it clear that NCAA restrictions — including on NIL activity — could face serious legal challenges in the future.

JUN. 30, 2021: The NCAA's Board of Directors adopts a temporary rule change that opens the door for NIL activity, instructing schools to set their own policy for what should be allowed with minimal guidelines.

JUL. 1, 2021: The first batch of state laws, and the NCAA's new rules, go into effect. Athletes start signing endorsements deals minutes after the clock strikes midnight.

2020. Goes into effect: Dec. 31, 2022.

Mississippi — Passed: April 2021. Goes into effect: July 1, 2021.

Missouri — Passed: July 2021. Goes into effect: Aug. 28, 2021.

Montana — Passed: April 2021. Goes into effect: June 1, 2023.

Nebraska — Passed: July 2020. Goes into effect: No later than July 1, 2023 (schools can implement new policy at any time).

Nevada — Passed: June 2021. Goes into effect: Jan. 1, 2022.

New Jersey — Passed: September 2020. Goes into effect: September 2025.

New Mexico — Passed: April 2021. Goes into effect: July 1, 2021.

North Carolina — Signed: July 2021. Goes into effect: July 2, 2021.

Ohio — Signed: June 2021. Goes into effect: July 1, 2021.

Oklahoma — Passed: May 2021. Goes into effect: July 1, 2023 (schools can implement new policy at any time).

Oregon — Passed: June 2021. Goes into effect: July 1, 2021.

Pennsylvania — Passed: June 2021. Goes into effect: June 30, 2021.

South Carolina — Passed: May 2021. Goes into effect: July 1, 2022.

Tennessee — Passed: May 2021.

Effective date: Jan. 1, 2022.

Texas — Passed: June 2021. Effective date: July 1, 2021.

States with bills in legislative process:

There are still some states with bills actively moving through the legislative process: **Massachusetts** (2022), **New York** (2021), **Rhode Island** (2022).



States with laws in place:

Alabama — Passed: April 2021. Goes into effect: July 1, 2021.

Arizona — Passed: March 2021. Goes into effect: July 23, 2021.

Arkansas — Passed: April 2021. Goes into effect: Jan. 1, 2022.

California — Passed: September

2019. Goes into effect: Jan. 1, 2023.

Colorado — Passed: March 2020. Goes into effect: Jan. 1, 2023.

Connecticut — Passed: June 2021. Goes into effect: July 1, 2021.

Florida — Passed: June 2020. Goes into effect: July 1, 2021.

Georgia — Passed: May 2021. Goes into effect: July 1, 2021.

Illinois — Passed: June 2021. Goes into effect: July 1, 2021.

Kentucky — Passed: June 2021. Goes into effect: July 1, 2021.

Louisiana — Passed: July 2021. Goes into effect: July 1, 2021.

Maryland — Passed: May 2021. Goes into effect: July 1, 2023.

Michigan — Passed: December



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