



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Higher Education
Wednesday, March 18, 2026 at 2:30 p.m.

Submitted by
Matt Elliott, Athletics Director
Department of Athletics
University of Hawai'i at Mānoa

SB 3263 SD2 – RELATING TO THE UNIVERSITY OF HAWAII

Chair Garrett, Vice Chair Amato, and Members of the Committee:

The Department of Athletics at the University of Hawai'i at Mānoa (UHM Athletics) supports SB 3263 SD2. Creating a long-term, sustainable revenue stream for Name, Image, and Likeness (NIL) will help create opportunities to recruit and retain elite student-athletes. Since July 1, 2025, collegiate institutions have been permitted to use funding to provide additional scholarships and share revenue, and the money generated from this proposed endowment fund may be granted to students within the new national NIL framework. NIL opportunities are important to college sports because they recognize the real economic value that student-athletes create while preserving their ability to benefit from their own work and identity.

In addition to supporting SB 3263 SD2, which establishes a long-term, sustainable funding mechanism for Name, Image, and Likeness (NIL) initiatives, the University appreciates the House Committee on Finance's inclusion of \$5 million in the FY 2026–2027 state budget to address immediate NIL needs. This request remains necessary even if the proposed endowment is established. While the endowment creates a pathway toward long-term sustainability, UH Mānoa Athletics requires near-term resources to meet existing commitments and remain competitive in the evolving intercollegiate athletics landscape.

Immediate funding is critical because the department is actively recruiting and retaining student-athletes in an increasingly competitive NIL environment. These resources are necessary to provide stability, honor current obligations, and allow the department to fully pursue its objectives of attracting, retaining, and supporting student-athletes so they can graduate from the University of Hawai'i while remaining competitive in the Mountain West and Big West Conferences.

At present, UHM Athletics is relying heavily on private fundraising to meet its NIL commitments. State support will help stabilize the program, reduce reliance on unpredictable private sources, and ensure the University can compete equitably during the transition to a sustainable, endowment-based NIL model.

While UHM Athletics is grateful for and supports SB 3263 SD2, the department requests that the committees consider the following modifications:

- In section 304A(b), the department proposes that the endowment commence with no less than \$2 million total dollars, as opposed to establishing a \$10 million minimum. It will take time to raise \$5 million dollars in matching funds, and the department and student-athletes would benefit if the endowment fund could start as soon as the department raises the first \$1 million for the endowment. Ideally, the state could then continue to match new funds as they are raised.
- In section 304A(f), the department proposes revising the language to say that only if the student-athlete hires an agent, then they must use a registered agent or parent. However, some students will elect not to use agents at all, so the law should allow students to operate independently.

UHM Athletics supports SB 3263 SD2 with the proposed modifications and encourages the committee to pass the bill.

March 18, 2026, 2:30 p.m.
Hawaii State Capitol
Conference Room 309 and Videoconference

To: House Committee on Higher Education
Rep. Andrew Takuya Garrett, Chair
Rep. Terez Amato, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN OPPOSITION TO SB3263 SD2 — RELATING TO THE UNIVERSITY OF HAWAII

Aloha Chair, Vice Chair and other Committee Members,

The Grassroot Institute of Hawaii is **opposed** to the portion of [SB3263 SD2](#) that would appropriate taxpayer funds to a name, image and likeness endowment trust fund for student athletes to be administered by the University of Hawaii.

Inasmuch as this bill seeks to clarify NIL rules and enable students to participate in NIL contracts, it deserves praise. This is an evolving area that would be helped by greater clarity for both students and schools, though federal legislation¹ may soon change the landscape of NIL payments.

However, state funds should not be used to compensate athletes. Any legislative appropriation provided for the establishment of an NIL program should be limited to administrative and educational needs only. UH should follow the established practice of schools that pay student athletes from third-party contracts, donations, revenues and other funding sources, not taxpayer dollars.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ [H.R. 4312](#) – SCORE Act, 119th Congress (2025-2026).



LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

Iron Workers Stabilization Fund

T. George Paris
Managing Director

LATE

March 17, 2026

Members of the House Committee on Finance
Thirty-Third Legislature, Regular Session of 2026

Re: Strong Support for SB3263 SD2, Relating to Student-Athlete Compensation

Aloha Chair Garret, Vice-Chair Amato and Members of the Higher Education
Committee,

The Hawaii **Ironworkers Stabilization Fund**, in strong support of SB3263 SD2,
Relating to Student-Athlete Compensation.

We understand that a thriving Hawaii is built on strong foundations, and that includes investing in our people and our institutions. The University of Hawaii (UH) is the single most important institution for higher education and opportunity in our state, and its athletic programs are a vital source of community pride and identity.

Investing in UH football program is a necessary step in the ever-changing world of collegiate athletics. Hawaii must remain competitive. As an island state with only one comprehensive public university, we have a responsibility to our local student athletes and to our community.

This measure is crucial for the University of Hawaii (UH) to retain local talent and remain competitive with mainland schools, enabling local student-athletes to succeed at home. A successful college football program is essential for fostering community health and pride. The bill also establishes a modern, flexible framework that includes essential educational support for student athletes. and our community pride, the Ironworkers Stabilization Fund strongly urges the Committee to **PASS** SB3263 SD2 and commit to UH what is necessary effectively maintain its viability as an option for Hawaii's best athletes and strengthen the local community connection to the program.

Respectfully,

T. George Paris
Managing Director

SB-3263-SD-2

Submitted on: 3/12/2026 7:09:12 PM

Testimony for HED on 3/18/2026 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Sean Spencer	Individual	Support	Written Testimony Only

Comments:

I support SB3263 SD2.

Written Testimony of Carlos A. Santana

March 13, 2026

Prepared for the Hawai`i State Legislature – House Committee on Higher Education

For consideration of SB3263 SD2: Relating to the University of Hawai`i

Proponent Testimony

My name is Carlos A. Santana. I am a graduate of the William S. Richardson School of Law. I have also completed graduate-level coursework on Name, Image, Likeness and Athlete Compensation through the University of Florida. I submit this testimony in support of SB3263 SD 2 relating to student-athlete compensation.

Name, Image, and Likeness

The landscape of college athletics is changing rapidly. The University of Hawai`i must keep up to remain competitive. Many of these changes are coming through litigation and judiciary decisions. Many of these court cases allege the National Collegiate Athletic Association (“NCAA”) has violated antitrust laws by restricting athletes from earning compensation for the use of their name, image, and likeness (“NIL”). As the courts incrementally dismantle the NCAA’s policies on NIL compensation, the Hawai`i legislature should provide specific guidance for the state court through legislation specific to the issue of student-athlete compensation.

In 2015, the Ninth Circuit court held that the NCAA’s rules operate as an unreasonable restraint on trade, in violation of antitrust law.¹ This was only the beginning of the end of the NCAA’s NIL policy. The most notable court case is *In re College Athlete NIL Litigation*, commonly known as *House v. NCAA*. In this federal case, the plaintiff filed an antitrust challenge against the NCAA and five athletic conferences.² The complaint alleges that the NCAA’s restrictions on athlete compensation for NIL use constitute an unreasonable restraint on trade.³ The complaint also alleges that the NCAA, defendant conferences, and member institutions engaged in a conspiracy to collectively refuse to negotiate with athletes for compensation.⁴ After other plaintiffs joined the case, the court certified it as a

¹ *O’ Bannon v. NCAA*, 802 F.3d 1049 (9th Cir. 2015).

² The Atlantic Coast Conference (“ACC”), Big Ten, Big 12, Southeastern Conference (“SEC”), and Pac-12 were co-defendants in the case.

³ *In re College Athlete NIL Litigation*, 4:20-cv-03919 (N.D. Cal.)

⁴ *Id.*

class action. The case was settled in June 2025 when the court approved an agreed-upon settlement between the parties.

The biggest impact of this settlement is in the area of student-athlete compensation. The settlement provided for \$2.8 billion in damages to the various classes of athlete plaintiffs dating back to 2016. The settlement also included:

- Allowing member institutions to be able to enter into direct NIL agreements with athletes for their broadcast NIL rights (up to a cap of 22 percent of Average Shared Revenue for Power Five institutions);
- Eliminating scholarship limits in favor of roster limits; and,
- Enacting restrictions on NIL deals entered into between athletes and third parties, specifically boosters and booster collectives, where such deals must be for a valid business purpose and for fair market value.⁵

International Students

Legislation should also address the matter of international students. In a recent case, an Australian national was denied a P-1A visa. International students typically apply for F-1 student visas to attend universities in the United States. However, a student is not permitted to work off-campus with an F-1 visa. As this is the case, many international athletes apply for a P-1A visa, which allows international athletes to compete in the United States. In this case, the Australian student-athlete attending a university in the United States applied for the P-1A visa. The U.S. Citizen and Immigration Services (“USCIS”) denied the application because (1) her proposed NIL activities were not seen as “ancillary promotional activities” and are unrelated to her status as an athlete, (2) her NIL representation agreement is not an agency agreement; and (3) she cannot attend school on a P-1A visa.⁶ The student-athlete is challenging this decision and the overall limits on P-1A visa access for college athletes.

The problem:

- Students cannot work on an F-1 visa
- Athletes cannot attend school on a P-1A visa

The solution:

⁵ *Id.*

⁶ *Poa v. Jaddou (USCIS)*, 3:24-cv-00887, Louisiana Middle District Court

- Create a new visa (possibly an F-1A) for foreign students to attend a university, participate in intercollegiate athletics, and avail themselves of NIL opportunities.

The legislature and the University of Hawai`i must persuade federal legislators to require the USCIS to create this new visa program for international student-athletes.

Student-Athletes as University Employees

In July 2024, the Third Circuit Court of Appeals issued an opinion finding that some college athletes can and should be considered employees under the Fair Labor Standards Act (“FLSA”).⁷ In doing so, they developed a four-part test for determining whether particular athletes should be considered employees. Under this test, college athletes may be employees under the FLSA when they (a) perform services for another party, (b) necessarily and primarily for the other party's benefit, (c) under that party's control or right of control, and (d) in return for "express" or "implied" compensation or "in-kind benefits."⁸ This case has not been resolved and is pending a decision on the NCAA’s motion to dismiss.

HB2384 would resolve this issue in Hawai`i courts as it states that nothing in the amended law would create an employment relationship between a student-athlete and the university.

Conclusion

I support this legislation to support the student-athletes and the university. Creating NIL opportunities for all student-athletes, including international student-athletes, is good for the participants, the institution, and the state. While some might feel that it is unfortunate that college athletics has evolved to be about monetary compensation for the athletes, this is the world we live in, and we must stay on par to contend with other universities.

The federal courts and several state legislatures have been weighing in on the issue of athlete compensation. The Hawai`i legislature has an opportunity show that it supports student-athletes’ rights and also supports the university’s efforts to remain competitive in a rapidly changing environment.

As part of an educational curriculum, athletics teaches goal setting and teamwork, among many other benefits. It’s time to show the student-athletes that the legislature is part of the team.

I fully support SB3263 and encourage all legislators to vote in favor.

⁷ 9 U.S.C. §§ 201 et seq.

⁸ *Johnson v. NCAA*, No. 22-1223 (3d Cir. 2024)

March 17, 2026

Representative Andrew Takuya Garrett, House Committee on Higher Education, Chair
Representative Terez Amato, House Committee on Higher Education, Vice Chair
Members of the House Committee on Higher Education

**SB3263 SD2- UH; NAME, IMAGE, AND LIKENESS ENDOWMENT TRUST FUND; CORPUS RESTRICTED;
NAME, IMAGE, AND LIKENESS PROGRAM; STUDENT ATHLETES; REPRESENTATION; ANNUAL REPORT;
APPROPRIATION (\$)**

Aloha Chair, Vice Chair, and Members of the Committee,

My name is Ana Tuiasosopo, and I respectfully submit this testimony in strong support of SB 3263 SD2. I am a proud former University of Hawai'i football player from the 1980s.

Playing for UH was one of the greatest honors of my life. We wore the uniform with pride, representing not just the university, but the entire state of Hawai'i. Back then, we didn't have the opportunities that today's student-athletes have. There was no name, image, and likeness compensation. Yet, we filled the stadium, brought national attention to Hawai'i, and helped build the foundation of UH athletics as it exists today.

This bill is about fairness and progress.

Today's student-athletes generate real value. They help drive ticket sales, television exposure, sponsorships, and community pride. Establishing a Name, Image, and Likeness Endowment Trust Fund ensures that UH can remain competitive nationally while also doing right by the young men and women who represent our state.

What makes this bill especially important is its long-term vision. By creating a corpus-restricted endowment, this measure is not just a short-term fix—it is a sustainable solution. It protects the principal, grows over time, and provides ongoing support for student-athletes without putting constant pressure on state resources.

I also strongly support the requirement for UH to match funds and develop a structured, transparent distribution formula. That accountability matters. It ensures that the program is managed responsibly and that compensation is tied to the value student-athletes bring to the university.

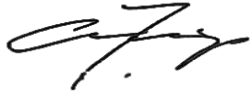
As someone who came through the UH system decades ago, I can say this: our players deserve every opportunity to succeed—not just on the field, but in life. NIL support helps them build financial literacy, professional relationships, and a foundation for their future.

If UH wants to compete in Division I athletics, especially in today's environment, we cannot fall behind. Other programs across the country are already investing heavily in NIL opportunities. This bill helps ensure that Hawai'i is not left behind.

Most importantly, this is about taking care of our own. Our local athletes, and those who come from afar to represent Hawai'i, should know that this state values their contributions.

Mahalo for the opportunity to testify, and I respectfully urge your support for SB 3263 SD2.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Tuiasosopo', written in a cursive style.

Ana Tuiasosopo

March 18, 2026

Representative Andrew Takuya Garrett, Chair
Representative Terez Amato, Vice Chair
Members of the House Committee on Higher Education
Thirty-Third Legislature, Regular Session of 2026

RE: **STRONG SUPPORT** for SB 3263, SD2 – Relating to the University of Hawaii

Hearing Date: March 18, 2026, at 2:30 PM

Aloha Chair Garrett, Chair Amato and Members of the Committee,

Mahalo for the opportunity to submit testimony in **STRONG SUPPORT** of SB 3263, SD2. This bill would allow UH to adopt policies for NIL agreements and activities, as well as provide education, support, and funding for NIL compensation.

As a former student-athlete at UH, I know first-hand of the countless hours that go into practicing, watching films and working out required to represent UH with pride and be part of a successful athletic program. Student-athletes must balance rigorous schedules with their full-time academic pursuits. Although financial aid is available to some student athletes, it rarely covers the cost of attendance when you factor in living expenses without the opportunity for employment. NIL compensation can provide student-athletes with the ability to supplement their scholarships/financial aid with additional income to help make ends meet.

Importantly, NIL has shifted from a recruiting enhancement only available at Power 4 programs to a critical component of collegiate athletics. Coaches across the country — including at UH — emphasize that NIL is central not only to recruiting top talent, but also to retaining players who might otherwise look elsewhere for such opportunities. The absence of sufficient NIL for UH athletes has and will continue to put our programs at a disadvantage compared to other similarly positioned programs and negatively impacts UH's ability to recruit. Even a small NIL agreement will influence an individual student-athletes decision to choose a school and program to attend.

The rise of NIL has also created confusion and the risk of crooked representatives taking advantage of student-athletes. Most student-athletes lack the resources and expertise to properly evaluate the consequences of NIL marketing agreements, tax liability or other potential pitfalls. Hawaii needs a reasonable framework to educate and provide structured and equitable NIL support to student-athletes. SB 3263, SD2 would ensure UH's student-athletes have the same opportunities to benefit from their hard-earned reputation and NIL

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value as their peers nationwide, while at the same time protecting them from confusion and risk. Without the framework, Hawai'i will be at a competitive disadvantage compared to other national programs.

I appreciate the committee's willingness to put forth a reasoned approach to NIL for UH's student-athletes, and strongly urge this committee to pass SB 3263, SD2.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Michael L. Iosua". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael L. Iosua