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February 10, 2026

Senator Greg Hembree, Chair

Senate Education Committee

H. 4902 would create a new class of secret information held by public universities and colleges concerning the “(a) total amount, and any percentage amount, of those revenue funds paid as part of an intercollegiate athletics revenue-sharing program to any specific intercollegiate athlete; and (b) the total amount, and any percentage amount, of those revenue funds as allocated as part of an intercollegiate athletics revenue-sharing program to any specific intercollegiate sport or athletics program.”

If this bill is passed, these records and information could be withheld from disclosure pursuant to an SCFOIA request. The bill also makes documents “related to or created as part of the process of negotiating an agreement with an intercollegiate athlete as part of an intercollegiate athletics revenue-sharing program, including any agreements entered into with any specific intercollegiate athlete” entirely “confidential” and outside of what SCFOIA request can now reach. State law previously indicated that the information relative to a particular athlete’s NIL contract was outside SCFOIA also, unless the college or university maintained it. Now, even colleges or universities don’t have to respond to SCFOIA requests of this type.

If passed, it would be much harder for the public and its watchdog, the press, to understand how these entities, plainly subject to SCFOIA otherwise, are either actually working in the public interest or are merely claiming to. And in doing so, this act reduces the potential accountability for overpromising athletic directors or other school officials who increasingly view these children (some are of the age of majority) as employees.

If passed, this act would chill freedom of expression regarding the use of public funds to pay for the athletes that a particular education institution wishes to enroll and decrease the transparency around how these particular transactions may or may not aid the scholarly or athletic vision of a particular school.

If passed, not just journalists and researchers, BUT also the fans of these institutions would be unable to evaluate the soundness of a particular strategy to recruit a given player or retain that player for subsequent seasons.

If passed, this act would further deprive society of understanding what is necessary to create an informed citizenry, essential to democratic governance of a society governed by the people and for the people.

**This bill should not be passed.**

Sincerely,

Taylor M. Smith IV

Attorney

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South Carolina Press Association