

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
May 16, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:49 p.m. on Tuesday, May 16, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises Denis, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Tick Segerblom
Senator Pat Spearman
Senator Don Gustavson
Senator Scott Hammond
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

Brian Lewis, Legislative Counsel, Uniform Law Commission
Luis F. Valera, Vice President, Government Affairs and Compliance, University
of Nevada, Las Vegas
Diana Foley, Securities Administrator, Office of the Secretary of State
Peggy Lear Bowen

Senate Committee on Education
May 16, 2017
Page 2

CHAIR DENIS:

I will open our work session. We will begin with Assembly Bill (A.B.) 188.

ASSEMBLY BILL 188 (1st Reprint): Revises provisions governing the eligibility requirements for grants awarded under the Silver State Opportunity Grant Program. (BDR 34-869)

TODD BUTTERWORTH (Policy Analyst):

I will read the summary of the bill from the work session document ([Exhibit C](#)).

CHAIR DENIS:

Is there discussion?

SENATOR SPEARMAN:

I have a question about the money. Was this going to be referred to the Senate Committee on Finance? We went down from 15 credits to 12 credits. There are more students that take 12 credits than those that take 15 credits. Is it possible to request more money? We will probably have more students taking 12 credits.

CHAIR DENIS:

We just approved the money the other day, and it already has been approved in the budget. Does that answer your questions?

SENATOR SPEARMAN:

Okay, that is good.

SENATOR HARRIS MOVED TO DO PASS A.B. 188.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

* * * * *

CHAIR DENIS:

I will open the work session on A.B. 202.

Senate Committee on Education
May 16, 2017
Page 3

ASSEMBLY BILL 202 (1st Reprint): Requires an interim study concerning the cost and affordability of higher education in this State. (BDR S-722)

MR. BUTTERWORTH:

I will read the summary of the bill from the work session document ([Exhibit D](#)).

CHAIR DENIS:

Is there discussion?

SENATOR GUSTAVSON:

I will not be supporting A.B. 202 because we do not need any more Interim studies at this time. I will be voting no.

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 202.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

* * * * *

CHAIR DENIS:

We will move A. B. 275 to our May 18 work session.

ASSEMBLY BILL 275 (1st Reprint): Requires the establishment of a statewide framework for providing integrated student supports for certain pupils and their families. (BDR 34-920)

I will open the hearing on A.B. 372.

ASSEMBLY BILL 372 (2nd Reprint): Enacts the Revised Uniform Athlete Agents Act. (BDR 34-952)

ASSEMBLYWOMAN SHANNON BILBRAY-AXELROD (Assembly District No. 34):

With me today is Assemblyman James Ohrenschall and via telephone is Brian Lewis, Legislative Counsel, Uniform Law Commission in Chicago, Illinois.

This bill is about protecting kids, and I am happy to help the Uniform Law Commission. I would like to make sure that everyone sees the letter of support

Senate Committee on Education
May 16, 2017
Page 4

for A.B. 372 from the National Collegiate Athletic Association (NCAA) that is on the Nevada Electronic Legislative Information System discussing why this bill is important ([Exhibit E](#)).

We want to discuss a conceptual amendment and will do that at the end of this presentation and discussion.

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):

I would like to turn the meeting over to Brian Lewis, Legislative Counselor with the Uniform Law Commission. He is an expert on the Revised Uniform Athlete Agents Act. I will then be happy to answer questions you may have.

BRIAN LEWIS (Legislative Counsel, Uniform Law Commission):

I am Brian Lewis, Legislative Counsel for the Uniform Law Commission, and I work with the Revised Uniform Athlete Agents Act. I will read from my written testimony ([Exhibit F](#)).

Assembly Bill 372 further provides remedies for student athletes by giving them the right to sue an athlete agent for damages caused by violation of the bill. This provision was not initially included in the Uniform Athlete Agents Act (UAAA).

If passed, A.B. 372 will be an important step in modernizing athlete agent regulation in Nevada. I ask for your support to advance this important legislation. Thank you for your time and consideration. I am free to answer questions.

SENATOR HARRIS:

If a student athlete signs a contract and has an agent, could that cause the student athlete to lose his or her eligibility for college sports?

MR. LEWIS:

Yes. There is a warning notice included in the agency contract to alert the student athlete that he or she is potentially risking his or her collegiate eligibility by signing the contract.

SENATOR HARRIS:

That is a great provision to have. I know the NCAA rules are stringent. If athletes accept any prize money in an event, that can make them ineligible and

turn them into a professional athlete. Are you aware of any guidelines at the college level, or as determined by a sport, that having an agent would take a student athlete from being a student athlete and turn him or her into a professional athlete thereby rendering him or her ineligible to participate in college sports?

MR. LEWIS:

Do you mean separate guidelines that the NCAA has at the present time that would rule a student athlete ineligible to participate if he or she signed with an agent?

SENATOR HARRIS:

Yes, my concern is that by virtue of having an agent, would one be considered as transitioning from being a student athlete into a professional athlete.

MR. LEWIS:

During the two-year drafting process of this Act, we had stakeholders such as the NCAA, the National Football League Players Association and sports agent associations involved in this process. In particular, with the NCAA, from my understanding, if a student athlete executes a contract with an athlete agent, at that point in time, a student athlete loses his or her eligibility to participate in future collegiate sports or loses his or her amateurism title. He or she can also lose his or her amateurism by way of accepting any kind of impermissible benefit—that being something he or she is receiving because of his or her athletic ability that a typical student would not receive. I hope that answers your question.

SENATOR HARRIS:

Yes, it does.

ASSEMBLYWOMAN BILBRAY-AXELROD:

That is an important distinction that you made, Senator Harris. That was one reason I was happy to help out with this bill. One of the things A.B. 372 tightens up, is making runners register as athlete agents.

Athlete agents were not coming to Nevada, but were sending runners to do some of the work and recruitment with the student athletes. The runner did not have to be an athlete agent and perhaps was promising a student athlete a trip to go see a professional team play, or other such favors. The student athlete

Senate Committee on Education
May 16, 2017
Page 6

may be unaware that accepting the trip or favor that he or she would lose his or her eligibility. I wanted to bring the bill forward because of the protection for the kids.

CHAIR DENIS:

Has Nevada had the original UAAA in place since 2000? Is A.B. 372 updating the UAAA?

ASSEMBLYWOMAN BILBRAY-AXELROD:

Yes.

ASSEMBLYMAN OHRENSCHALL:

Currently, our UAAA is the 2000 version and is codified in *Nevada Revised Statutes* (NRS) 398.400 and preceding down from there. Assembly Bill 372 are the revisions. Diana Foley from the Office of the Secretary of State is in Las Vegas waiting to testify. Assemblywoman Bilbray-Axelrod and I have worked closely with Ms. Foley on the amendment trying to tweak "crimes of moral turpitude." I proposed an amendment ([Exhibit G](#)) that tries to keep that term for uniformity sake because this is something that is recognized in terms of a crime of dishonesty. Obviously, these are bad actors that we do not want to serve as athlete agents.

We want language included in the bill to be certain some crimes of moral turpitude are not defined by past or current infractions based on statutes that have been found unconstitutional. I had an offline conversation with Senator Harris. Perhaps my language does not achieve everything we want, so I may need to work on the language or ask our legal department for help on the language for my amendment.

That amendment is alright with the Secretary of State's Office, the Uniform Law Commission and the drafting chairman in keeping us uniform with the other states who have adopted this Act.

CHAIR DENIS:

Do you want to talk more about the amendment?

ASSEMBLYWOMAN BILBRAY-AXELROD:

It came to our attention in the Assembly there had been a movement to remove the words "moral turpitude" from our statutes because of unintended

consequences. I fixed that, which was an easy fix. Subsequently, some concerns were raised by the Secretary of State's Office that removing the term went a little too far. We then worked with both the Uniform Law Commission and our Secretary of State's Office to tighten the words up. We wanted to make sure the intent of why we removed the term was there. As author of the bill, I will also work with Senator Harris.

ASSEMBLYMAN OHRENSCHALL:

One part of the Act that stands out to me that protects athletes is section 31, subsection 5, that states, " An athlete agent shall give notice in a record to the athletic director of any educational institution at which a student athlete is enrolled before the agent communicates or attempts to communicate with"

I think this will provide a lot of protection for student athletes by requiring the athlete agent to work aboveboard, not work behind the scenes and take advantage of the student's youth.

CHAIR DENIS:

We will now hear from those in support of A.B. 372.

LUIS VALERA (Vice President, Government Affairs and Compliance, University of Nevada, Las Vegas)

The University of Nevada, Las Vegas (UNLV) is in support of this bill. The bill brings uniformity, predictability and provides protection for the athletes as well as for the institution. I have also submitted a letter of support from Eric Toliver, Executive Associate Athletics Director, UNLV ([Exhibit H](#)).

DIANA FOLEY (Securities Administrator, Office of the Secretary of State):

I am the Securities Administrator with the Office of the Secretary of State, and I am here today because the Secretary of State's Office has the responsibility of enforcing the UAAA. It is currently codified in NRS 398 as Assemblyman Ohrenschall mentioned.

The Secretary of State's Office is in favor of A.B. 372, and we are in favor of the proposed amendment which would add "crimes of moral turpitude" back into the statutes. I want to thank Assemblywoman Bilbray-Axelrod and Assemblyman Ohrenschall. We really support this bill. It expands the definition for some of the conduct that has been a problem in the community. I am happy to answer questions.

Senate Committee on Education
May 16, 2017
Page 8

CHAIR DENIS:

We have no questions at this time. Is there further testimony in support of the bill? Seeing none, is there testimony in opposition? Seeing none, is there any neutral testimony?

ASSEMBLYWOMAN BILBRAY-AXELROD:

This is an important bill when you see the age that student athletes begin to be recruited. This helps to get rid of the bad actors and protect our young student athletes.

CHAIR DENIS:

I will close the hearing on A.B. 372 and open the meeting to public comment.

PEGGY LEAR BOWEN:

I want to thank the Committee for its work to make public charter schools accountable to you, the elected folk, who are in charge of spending the money and making sure it is spent wisely.

Remainder of page intentionally left blank. Signature page to follow.

Senate Committee on Education
May 16, 2017
Page 9

CHAIR DENIS:

If there is no further public comment and no further business, our meeting is adjourned at 4:19 p.m.

RESPECTFULLY SUBMITTED:

Shelley Kyle,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	3		Attendance Roster
A.B. 188	C	1	Todd Butterworth	Work Session Document
A.B. 202	D	1	Todd Butterworth	Work Session Document
A.B. 372	E	1	National Collegiate Athletic Association	Letter of Support
A.B. 372	F	2	Brian Lewis / Uniform Law Commission	Written Testimony
A.B. 372	G	1	Assemblyman James Ohrenschall	Conceptual Amendment
A. B. 372	H	1	Eric Toliver / University of Nevada, Las Vegas	Letter of Support