

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Eighty-First Session
February 25, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:34 p.m. on Thursday, February 25, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman Richard McArthur
Assemblywoman Rochelle T. Nguyen
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Tom Roberts, Assembly District No. 13

STAFF MEMBERS PRESENT:

Kristi Robusto, Committee Policy Analyst
Sarah Baker, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Rebecca Garcia, President, Nevada Parent Teacher Association
Marilyn Kirkpatrick, Chairwoman, Board of Commissioners, Clark County
Gina Stroughter, Private Citizen, Las Vegas, Nevada
Jeffrey Proffitt, Business Manager, Sheet Metal Workers Local 88
Paul J. Anderson, Legal Counsel, Nevada Interscholastic Activities Association
Bart Thompson, Executive Director, Nevada Interscholastic Activities Association
Shea Backus, Commissioner, National Conference of Commissioners on Uniform State Laws

Chair Bilbray-Axelrod:

[Roll was called. Rules and protocols were explained.] I will now open the hearing on Assembly Bill 105. This bill revises provisions governing interscholastic activities. Assemblyman Roberts, please begin when you are ready.

**Assembly Bill 105: Revises provisions governing interscholastic activities.
(BDR 34-517)**

Assemblyman Tom Roberts, Assembly District No. 13:

Today I am presenting Assembly Bill 105. I will first talk about how this bill came about. I will give a little background on the Nevada Interscholastic Activities Association (NIAA), then I will go over the technical aspects of this bill, and I will open it up for questions. How this bill came about is, my County Commissioner reached out to me. There was a group of parents who were a little upset with the NIAA and the lack of response from that board and that agency.

I had one parent who was the spokesperson for that group. She was supposed to be here today but due to a family issue she could not. So, if you could please allow me to read a quick statement from her and then I will move to the other portions of the bill. This is from Donna Rainone [Assemblyman Roberts read from Exhibit C].

AB105 is a bill that was created to help deal with an issue that has been magnified recently due to the pandemic. Youth sports has been an issue that has been at the forefront of many parents' concerns. It has been a very difficult time dealing with unprecedented issues and the NIAA has a monumental task in addressing these issues. One thing that became apparent during this time is that the parents of student-athletes and student-athletes themselves did not feel that they were being heard. So as a way to open the communication between these groups the idea of this bill came about.

The two parent positions can increase transparency by helping to communicate any ideas and issues both to the rest of the board to help give a broader view and also back to the constituency to help them better understand how the NIAA make their decisions. Their perspective as a parent can be

extremely helpful by widening the scope of discussions and therefore helping the NIAA board make the best decisions for the student-athletes.

The bill also requests the addition of two student-athlete positions to the advisory board. Our state is filled with phenomenal young people who want to make a difference. By adding these positions, you are allowing the youth of Nevada to become part of the process. No one has a better perspective on what is happening and changing in youth sports than the students themselves. Playing sports teaches children many things including hard work, compromise, time management and how to be part of a team. These skills will make them valuable members of the NIAA advisory board.

AB105 is not meant as a criticism of the NIAA but to make a good team even stronger. It is taking what we have learned and heard from the people of our state and implementing change.

With that, I will go over a little background on what I know from the NIAA. *Nevada Revised Statutes* (NRS) 385B.050 gives permissive language for the county school district trustees to form a nonprofit to be known as the Nevada Interscholastic Activities Association. This allows the NIAA to control, supervise, and regulate all interscholastic athletic activities, events, and other interscholastic activities of all public schools and homeschooled children in the state. It also allows private schools, charter schools, and parochial schools to be involved if they choose to join.

Nevada Revised Statutes does not have any guidance on the makeup of the board or any advisory boards. That is completely left up to the nonprofit NIAA. According to federal tax records, the NIAA has about a \$2 million revenue stream every year, with a quarter of that spent on salaries with the executive director, full-time positions, and other overhead expenses. The current NIAA board is composed of nine members. There are three school district trustees and six school administrators; there is no other outside involvement on that board. The website used to list an advisory board that was over sports medicine and rules; however, a recent search does not have any information on that, so I am not aware of any advisory boards that the agency has at this time.

Now I will go over the bill. As I stated before, NRS 385B.050 is hereby amended to read as follows: section 1 basically goes over what I have already talked about; it was existing language. Subsection 2 of section 1 adds "Any board formed to govern the Nevada Interscholastic Activities Association must include at least two members who are parents or guardians of pupils who participate in a sanctioned sport." Subsection 3 also adds "Any advisory board formed to advise a governing board of the Nevada Interscholastic Activities Association must include at least two members who are pupils currently participating in a sanctioned sport."

The intent of this bill is to provide people who are not members of the school district to provide some weigh-in and balance to the board. As you saw by the makeup of the board,

two members can hardly outweigh the current board members. Then, any balance in the state, the NIAA, through the bylaws, would be able to adjust the board members to ensure appropriate representation from different sections of the state. With that, I will open it up for any questions.

Chair Bilbray-Axelrod:

Thank you, Assemblyman Roberts. The letter that you have from Donna Rainone, if we could put that on the record. Could you send that over so we have that as an exhibit [\[Exhibit C\]](#)?

My other question was, and I did pull up the board members, you had mentioned advisory board and I was wondering if perhaps the advisory board had become the liaison nonvoting board? I see that it has everything we have: superintendents and different private schools, charter schools, a commissioner from Reno. I do not know if that is now the advisory board. Are you familiar with this?

Assemblyman Roberts:

In my research I did not see the liaison boards mentioned on the website. Previously it was advisory boards, which is why we did the language as we did. Something could have changed or I researched some old language, but this is from the parent whom I work with.

Chair Bilbray-Axelrod:

Okay, when I printed out the board, it was a two-pager and the second page was the liaison board. But things change, and I think we have someone from the board who is planning on testifying as well, so we can figure that out. At this point, do we have any questions from the Committee?

Assemblywoman Torres:

I think this is an excellent way to continue to engage families in our schools and our school decision-making process. Thank you for bringing forth this legislation. I am wondering if this bill is specific enough given that school sports, the seasons, the way those work, they are generally not in a sport for the entire year. They might be in it for just a semester or quarter, whatever that season would be. I am wondering if it is necessary for us to add some clarifying language to this bill so we can make it clear that it would be a student who participates in at least one sport in an academic year, and then for that to be revisited each academic year, especially in the case where students might not continue to be in that sport.

Assemblyman Roberts:

When we were drafting this piece of legislation, the permissive language did not really get into a lot of details on the nonprofit. I think the original language was just to say, Look, if you want to form this nonprofit, *Nevada Revised Statutes* also delineates some of the other duties that they require, or at least that the state requires of this agency or this nonprofit.

I did not want to pin the hands of the board in the manner of what they could figure out by putting in some of the minute language on that. They could certainly put that in there for

active parents. If you are a parent, obviously your child should still be involved in sports, and if you were a student athlete, you should still be involved. We could certainly put that in any amendment as we move forward so that it is clear.

Assemblywoman Torres:

Thank you, I appreciate that, Assemblyman.

Assemblywoman Miller:

My question, which now seems like a suggestion actually, is in line with what Assemblywoman Torres said. If it will be a one-year term, there is nothing in the bill about, for instance, if the student is no longer participating in sports, or if the student graduates, how long is the term that the parent is serving if the student graduates or the student quits athletics; what type of mechanism is in place? Because at that point, they are no longer the parent of a student who is participating.

This is such a brief bill that sometimes I think there needs to be a little more there—not to tie the hands, but just for clarity for moving forward. Because we all know we get into situations and then it is, Oh wait, their son quit, their daughter graduated; now what do we do? How will that be determined? Have you thought along those lines, Assemblyman?

Assemblyman Roberts:

I thought about that and, as I mentioned before, because the statutes were already kind of silent on the makeup of the board—it does not say that you have to have nine members or six members or any number of members—I felt it was not necessary. They could cover that in their bylaws. Those are definitely good suggestions, and if we need that clarity in order to get this done, then I will certainly add it.

Assemblywoman Gorelow:

I think some of my questions were already answered as far as the terms and the nine members. Do you know if that is in their bylaws, or is that kind of fluid on how many members of their board they are allowed to have?

Assemblyman Roberts:

I do not have their bylaws. I would assume they file those every year, and a lot of that is not public record for nonprofits. So I do not know what they have.

Assemblywoman Gorelow:

Would these members be appointed or elected?

Assemblyman Roberts:

It appears by the current members that they are appointed by the board. I do not know if they are permanent slots or rotated slots. Over the years, some of that has changed as to who the members are. As I said, there are three trustees, and obviously those people are elected. The other administrators are basically by position or by their duties in the school district that they serve.

Chair Bilbray-Axelrod:

I think it is not in statute. It is in *Nevada Administrative Code* (NAC) Chapter 82. That is where you can find it. We will move on to Assemblywoman Tolles.

Assemblywoman Tolles:

As a mom of two students who have participated in athletics, I definitely see the value in being able to have that parent and student voice on that committee. I know there were times when I would have appreciated some of that input as a parent myself. I think it rounds out the policies and the oversight in a really good way. I think it is particularly interesting that you have pupils, because we think one of the purposes of sports is to prepare these students in leadership and in life skills. And I think having some pupils engage on a board level is another aspect of preparing those students for future endeavors.

The only question I had was, I noticed there was not an effective date on here. I am just wondering if this is effective upon passage or could it be something that we could look at, putting an effective date to give the board time to fill those positions?

Assemblyman Roberts:

You are correct, there is not an effective date. We would have to ask the Legal Division of the Legislative Counsel Bureau, if it is silent, what does that mean? I do not know if you have them on.

Chair Bilbray-Axelrod:

Legal has gone over to drafting, but Ms. Robusto, are you able to speak to this?

Kristi Robusto, Committee Policy Analyst:

When there is not an effective date at the bottom of the bill, if it is passed through, it becomes effective, I believe, in October. So there is an established effective date in NRS for a bill that does not have one stipulated in the bill language.

Assemblywoman Tolles:

I think I would be interested in pursuing if we would want to put an effective date that would fall over the summer so that it could be before the next academic year. Perhaps July 1 is another common effective date.

Assemblyman Roberts:

Great suggestion, and it seems I have to change some language anyway, so I will look at that as well.

Assemblywoman Hardy:

I, too, think it is good to have the input of parents and students who are actually playing these sports. Maybe this already went along with the other things you talked about that are not in statute but are in the bylaws: If a parent or student wanted to be on the board, how would they do that? Would they just submit their name or do they apply? Is there a process or is that just covered in the bylaws?

Assemblyman Roberts:

I do not know if NAC or their bylaws cover board appointments. They probably do. I did not get the research done on that. We could certainly highlight that to fall in line with other board appointments as well. Good suggestions.

Assemblywoman Hardy:

Okay, some direction on how these people would know about it or, if they want to do it, how to go about that. Thank you.

Chair Bilbray-Axelrod:

Any other questions from Committee members? [There were none.] We will move on to hear testimony in support, opposition, and neutral of A.B. 105. We will begin testimony in support of A.B. 105.

Rebecca Garcia, President, Nevada Parent Teacher Association:

Nevada Parent Teacher Association (PTA) has advocated on behalf of families and children in our state for more than 80 years. We are supportive of A.B. 105 in providing greater representation for families and students. As we have communicated with Assemblyman Roberts, Nevada PTA does feel it is important, though, that it is clearly stated that the parent representatives should not be employees of a school district or charter school.

Involving all stakeholders is critical to ensuring everyone impacted in decisions has a voice in the process. Often we have seen, due either to convenience or because of current engagement, that parent representative positions are filled by employees, which dilutes the purpose of having external parental voices on the committee. So again, we are supportive and hope that can be clarified so authentic parent voices are included in this process. We appreciate engaging more stakeholders. Thank you so much.

Marilyn Kirkpatrick, Chairwoman, Board of Commissioners, Clark County:

We had a lot of kids who were trying to figure out during the summertime what was going on with sports and really did not know where to reach out, and then their parents were asking. This idea came up from the students of Clark County who wanted to be part of the process so they could at least share information across the board.

For all those reasons for encouraging our young folks to be part of civic engagement and encouraging parents to be part of the plans going forward, I support A.B. 105. Thank you for all the good questions you all had. I think there is some room to make some more clarifying pieces of this and to make our communities across the state have a voice when it comes to our students. Thank you for the opportunity.

Chair Bilbray-Axelrod:

Thank you very much for calling in to testify. I know you are very busy, Commissioner, and I feel very honored to have someone of your stature calling in to the Committee to testify.

Gina Stroughter, Private Citizen, Las Vegas, Nevada:

I am in support of A.B. 105. As a parent with a senior who was unable to play this year, I feel it is very important that we get the children who are playing a sport involved. And I really appreciate your giving me the time to be able to say that I am in support of the bill. Thank you.

Chair Bilbray-Axelrod:

Thank you, Ms. Stroughter, and I think I can speak on behalf of the Committee. We are all heartbroken for the kids who are missing out on their athletic seasons and theater seasons and choir seasons and all of those things, so thank you for calling, and hope to get you all back soon.

Jeffrey Proffitt, Business Manager, Sheet Metal Workers Local 88:

On behalf of the 2,000 sheet metal workers across the state of Nevada and their families who participate in all types of schooling throughout the [unintelligible] and obviously through sports, we appreciate Assemblyman Roberts for bringing this bill forward. We are in favor of A.B. 105. The more community and parental input we could put into these committees, the better. I want to reiterate what Assemblyman Roberts said: we are not here to bash the NIAA. I am in favor of the NIAA; they have done a great job with my kids. My son is leaving this June on a football scholarship, and a lot of the things the NIAA has done throughout the years, we have benefited from. I think this is an enhancement, this is a good thing going forward, and we are fully in support of it.

[[Exhibit D](#) was submitted but not discussed and will become part of the record.]

Chair Bilbray-Axelrod:

Now we will move on to our opposition testimony.

Paul J. Anderson, Legal Counsel, Nevada Interscholastic Activities Association:

I am an attorney with the Maupin, Cox & LeGoy law firm in Reno, and I have been legal counsel to the NIAA for the last 25 years. One of the things I thought I would try to do here today is answer a few of the questions that were raised by members and also clarify a few things. First of all, I do not know if the Committee is aware, but the NIAA is not funded at all by the State of Nevada in any fashion. Our sources of funding are limited to dues from our members' schools, monies received from regional and state tournaments, and certain sponsorships. Adding members to our board—parents—while obviously the Committee is in favor of something along those lines, there is a significant cost that is going to be involved with that.

We have four board meetings per year; those rotated between Clark County and Northern Nevada prior to the COVID-19 situation. A lot of that is done electronically now, but we hope to be going back to in-person meetings. There are travel costs, there are boarding costs, there are those sorts of things that are involved. I think those are matters that the Committee needs to take into consideration before adding a couple of parents to the process.

The other thing, and I think it is a good question that was raised, is how do we select a member or two members to our board, or students to advisory committees. We represent all the schools in the state that play, and they play at different levels; they play at different classification sizes and whatnot. As I am sure you are all aware, the high school in Smith Valley is very different from a 5A school in Clark County or Washoe County, and their interests are much different. How do we pick where these parent representatives come from? How do we pick where the students come from? I think those are all issues that need to be looked at in depth.

To also clarify so that you are aware if you are interested, we do not have bylaws; we are governed by the *Nevada Administrative Code*. We have a significant number of regulations that apply to the board and to our athletic programs—our eligibility and that sort of thing. That is all found in NAC Chapter 385B; that includes how our board is selected, how it is divided based upon population, and those sorts of things. If anybody has any questions, I would be happy to answer those, and if not, I appreciate your time.

Chair Bilbray-Axelrod:

Thank you very much, Mr. Anderson. I do have a quick question: are your board members paid at all?

Paul J. Anderson:

No, they are all unpaid; however, their travel costs and per diem costs are all covered to the extent they are incurred—when we have our meetings, our in-person meetings, and travel is involved, which it typically is for half of the board.

Also, I know there was an issue raised by Assemblyman Roberts, or a question as to our liaisons. Liaisons are selected from various groups within the organization and they are nonvoting members of our board who provide significant input to the board as to what is going on. For instance, we have a liaison member from each of the classifications in the state, the 5A schools, north and south, 4A, 3A, 2A, and 1A. And then we also have a liaison, as was mentioned, from the Nevada Association of School Superintendents. Our 17 superintendents are our legislative commission, and that commission actually sits above our Board of Control. So, it is a bit more complicated than you might understand at this point.

Chair Bilbray-Axelrod:

Thank you for that. I think we do have a couple more questions from the Committee. I am also going to clarify, I was able to find that liaison nonvoting committee list. As Assemblyman Roberts discussed, was that formerly called an advisory board?

Paul J. Anderson:

No, the liaisons are nonvoting members of the board who are selected from various aspects of the association. Just continuing on, we have a liaison from the NIAA Officials Association so that our referees and officials are represented. Those are appointed by the

executive director as well as the board, and there is a certain rotation that takes place with respect to the various seats.

Chair Bilbray-Axelrod:

Yes, I see that the terms are written. Perhaps Assemblyman Roberts could clarify, at some point I believe there was what was called an advisory board. Do you have that information? Is that correct, Assemblyman Roberts?

Assemblyman Roberts:

I got that off their website and some old newsletters that they had. Obviously, I did not do enough research into the NAC as you did, Madam Chair. My expert witness could not be here today, and I apologize.

Chair Bilbray-Axelrod:

We are all dealing with this new day and, I would like to point out, I serve on several boards as well, and I think COVID-19 has shown us there is more than one way to get things done. If the concern was the price of getting students or parents involved, maybe the committee could look at continuing their meetings virtually which, as we have shown, works pretty well. I know we have a couple of questions for you, Mr. Anderson, from Committee members. Before that, could I connect with Ms. Robusto, who would also like to give some additional information that I would like to have clarified.

Kristi Robusto:

I would just like to note that if there are additional questions, the Committee can have the NIAA coordinate with me to get that for them as well.

Chair Bilbray-Axelrod:

Thank you very much, I appreciate that. Now we will go to Assemblywoman Hansen.

Assemblywoman Hansen:

I was curious about a couple of things. I appreciate our Chair clarifying that COVID-19 has taught us that perhaps post-COVID-19, as a way of saving money and being more efficient, we might be able to do some of the Zoom meetings for board meetings and such in the future. I am curious as to why parents were not considered as part of the original nonprofit when you set up your original governing boards. Was that ever explored before?

Paul J. Anderson:

I cannot speak for when the NIAA was originally formed. I was actually a student athlete at the time; that was back in the 1970s. But since my involvement, one thing I can tell you is the NIAA is different from the standpoint of other youth athletics. We are not Little League. We are not soccer or anything else; this is high school education-based sports.

And as I say, if you look at the enabling legislation that led to the creation of the NIAA, the direction was that the 17 superintendents create the association, which they did back in, I believe it was 1973 or so, or 1975. [The association was created in 1967.] There was not

consideration of parent involvement because of the educational-based nature of high school athletics, the various regions of the state being represented by educators and individuals involved in athletics, and that has kind of been the makeup of the board ever since.

Assemblywoman Hansen:

As a parent of eight children who all participated in high school sports, I am thrilled with this legislation, because I do think, yes, educationally, the NIAA is involved. But athletically, it makes sense that athletes be a part of the process, especially as represented by parents. I am grateful to have this legislation come forward and I appreciate your being available for questions. Thank you so much.

Assemblywoman Torres:

I just want to clarify because you mentioned in your comments earlier that NIAA is a separate nonprofit and is not funded with public funds. My understanding at present is schools are paying dues to the NIAA, and schools are obviously publicly funded. My understanding is the nonprofit NIAA is receiving public funds; it is just through a different process. I just want to clarify that there are still funds going from our public money here in the state of Nevada.

Paul J. Anderson:

Yes, as I mentioned, part of our funding comes from membership dues which is funding from the member schools, the majority of which are public schools. But we have many private schools also. Certainly, those are a form of public money, but it is miniscule in terms of what the costs are to run a statewide athletic association.

Assemblywoman Torres:

Yes, and I appreciate that. I also am aware that the organization is also receiving additional funds from ticket prices. As an educator, I have gone to a number of games where I have to pay for tickets. Sometimes I can get it waived but other times I am paying the fees as well. My understanding, though, is a lot of that money is coming from the school community, the school organizations, and the schools. I just wanted to clarify because it is definitely within our power as a legislative body and as a Committee to put in additional guidelines for any organization that we are going to allow to use our public funds.

Assemblyman Flores:

I understand your concern about the expenses with some of the parents. Anybody who participates on a board has to contemplate these different factors such as expenses before they would accept the position. That is just something any individual has to contemplate—not just the parents. To me, logically, it is okay to bring up that point, but I do not know how that makes this bad legislation.

The whole point of this conversation is: Is this board better with parents? It is a yes-or-no answer, but if the answer is no, I would like for you to explain why. Because at the end of the day, that is what we are saying, we want to bring in parental participation and we think that is good. You did raise a concern that you are not sure who the parents may be and that

we are not setting these parameters. I think we are trying to give flexibility. We do not want to narrowly tailor that in a way where we are tying hands. We want to give the flexibility to allow for parental involvement and we want to give that discretion to that board. But I am trying to figure out what the problem is with having parents involved—if there is one. Or maybe you agree, parents are good. If you could just help me understand that.

Paul J. Anderson:

First of all, I do not know if you understood my answer with respect to the funding part. The NIAA pays the cost of all board members, and that is all I am saying. It is not receiving direct money from the State of Nevada to run the association. The NIAA operates on a pretty thin budget, so by adding two parent representatives, for instance, to our Board of Control, there are going to be added costs that are unfunded for the association. That is just a fact. An already strapped budget prior to COVID-19, and now we have got the COVID-19 situation and we do not have money coming in from gate receipts or anything else and we have not had it for this entire year. Obviously, this is maybe just one glitch of a year, but I just wanted to clarify that on the funding.

As far as the board being better or worse having parents, I do not know the answer to that. My thought is, parents have always had the opportunity to be involved. Although we are not funded directly by the state, we are required to comply with the Open Meeting Law and we do. Parents always have the opportunity to participate through public comment, and parents have the ability to participate through our liaisons, through our board members, and everything else. In terms of concerns, those concerns are brought to the board when there are parental concerns.

Adding parents to the board, to the extent you take the funding issue out of it, you are taking a nine-member board to an eleven-person board. Does it make a heck of a lot of difference? I do not know. Having another voice from another faction of the state, that is not a bad thing. But ensuring that those people have the educational experience and background to understand what education-based athletics is about? And I do not mean any disrespect, but you get a lot of parents—you go to any high school game—who are living through their children and whatnot, and that is not the type of person we are going to want on this board.

Chair Bilbray-Axelrod:

Thank you; we are going to move on. We are getting into a little bit of speculation on who board members would be, so let us move on. Do we have anybody else calling in opposition?

Bart Thompson, Executive Director, Nevada Interscholastic Activities Association:

There are some concerns we have with the bill as currently constituted, and I appreciate Mr. Anderson, our attorney, answering a number of questions. I am not going to take very long because he handled most of what I was going to say, but the unique form of competition that our schools engage in helps to promote the educational mission of the schools. The desire to have those who are working day to day in education, or a part of it, is incredibly strong. The idea of where these two new representatives are going to come from is going to

become a fairly major issue. Because wherever they come from, the representation as it currently is constituted through regulations of the NIAA is going to be skewed in the direction of the geographic area of the state from which they come as well.

In terms of advising and that type of thing, we always welcome parents being part of it. There are a number of parents whom I consult with fairly regularly as we move forward to get an idea of those people who are outside. As far as students go, there are some of our advisory committees that we do place students on. Our sportsmanship committee is one example of that. There are other committees that meet fairly regularly and often in person. That would be difficult on students as they would probably miss a full day of school each time those committees meet, whereas the educators whom we meet with have the ability to be at those meetings.

We currently have four board of trustees members serving on our Board of Control, one from Washoe County School District, one from Clark County School District, one from Carson City School District, and one from Storey County School District. The other five are appointed by boards that they represent. The state is divided into four geographic regions, and each of those regions has a number of representatives on their board based on the student enrollment in that region. The bottom line is, those who are elected to boards of trustees for their school districts are elected by those parents, and those parents do have the voice through those boards of trustees who do select the board members who make the policies for the NIAA. I appreciate your time and your consideration.

[[Exhibit E](#) was submitted but not discussed and will become part of the record.]

Chair Bilbray-Axelrod:

Do we have any more callers in opposition? [There were none.] Is there anyone wishing to testify in neutral on this bill? [There was no one.] We will close support, opposition, and neutral for A.B. 105. Assemblyman Roberts, do you have any closing comments you would like to make?

Assemblyman Roberts:

I would just like to say thank you, Madam Chair, for hearing the bill and being patient with testimony on both sides of it. I really appreciate all the questions and suggestions by the Committee. I will put an amendment together so that we can clarify those things and maybe address some concerns of the opposition and get that back to you in short order.

Chair Bilbray-Axelrod:

Thank you very much. And with that, I am going to close the hearing on A.B. 105, and I am going to open the hearing on Assembly Bill 136. I am now going to pass the gavel to Vice Chair Miller, since I will be presenting on this bill.

[Assemblywoman Miller assumed the Chair.]

Vice Chair Miller:

Assemblywoman Bilbray-Axelrod, please proceed when you are ready.

**Assembly Bill 136: Adopts changes to the Revised Uniform Athlete Agents Act (2015).
(BDR 34-766)**

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:

Thank you for the time and consideration of Assembly Bill 136, which revises provisions to the Revised Uniform Athlete Agents Act. With me this afternoon is former Assemblywoman Shea Backus from the Uniform Law Commission (ULC).

I am going to provide a bit of background and then I will hand things over to her. A little background on the bill: as many of you may know, the Uniform Law Commission promotes enactment of uniform laws in various areas of state law. Nevada adopted the first version of this act in 2001 [Assembly Bill 253 of the 71st Session], and again in 2017 when I carried a bill revising it. The ULC revised the act again after we met in 2019, allowing student athletes more freedom and flexibility when choosing between entering a professional draft or continuing their college education. These changes were made because of actions taken by the National Collegiate Athletic Association (NCAA). These changes were made in 2018 to provide student athletes with additional flexibility.

Under the new NCAA bylaws, certified sports agents can cover limited expenses of prospective or enrolled student athletes to his or her family for meals, hotels, and travel in connection with the agent's selection process. Because the NCAA bylaws change conflicted with the Revised Uniform Athlete Agents Act, the NCAA asked the ULC to amend the uniform act to remove the conflict. These revisions are reflected in this bill.

So far, 11 states have adopted these changes and another 5, including Nevada, have pending legislation. The changes will enact current law and continue our regulations of athlete agents for the best interests of our students and colleges. Madam Vice Chair and members of the Committee, I will now turn this over to my colleague, former Assemblywoman Shea Backus, and she will go over the sections of the bill.

[[Exhibit F](#) was submitted but not discussed and will become part of the record.]

Shea Backus, Commissioner, National Conference of Commissioners on Uniform State Laws:

Today it is my pleasure to introduce A.B. 136 with Assemblywoman Bilbray-Axelrod, which adopts changes to the Revised Uniform Athlete Agents Act. I want first to take a moment to thank Assemblywoman Bilbray-Axelrod for sponsoring this amendment to an existing uniform act and for working on this legislation. As she had mentioned, we are also grateful for her sponsoring Assembly Bill 372 of the 79th Session that enacted the Revised Uniform Athlete Agents Act in 2017.

Prior to walking this Committee through the bill, I want to take a moment to provide you a brief history of the Uniform Law Commission. The Uniform Law Commission was established in 1892 to provide states with nonpartisan, well-conceived, and well-drafted legislation to bring clarity and stability to critical areas of state statutory law. Uniform Law Commission members include judges, legislators, law professors, and legislative staff, all of whom must be attorneys qualified to practice law, who are appointed by state and territorial government to research, draft, and promote enactment of uniform state law and areas of state law where uniformity is desirable and practical. Chapter 219 of the *Nevada Revised Statutes* provides how members are appointed to the ULC in Nevada.

The Uniform Law Commission's deliberative and uniquely open drafting process draws on the expertise of commissioners but also utilizes input from legal experts and advisors and observers representing the views of other legal organizations and interests that will be subject to the proposed law. The Uniform Law Commission stays up to date by addressing important and timely legal issues such as the need for an amendment to the Revised Uniform Athlete Agents Act to comport with newly implemented NCAA bylaws allowing agents to cover certain expenses for certain athletes.

Now I will walk you through A.B. 136, setting forth the proposed amendments to Nevada's existing Revised Uniform Athlete Agents Act, which is codified under Chapter 398A of the *Nevada Revised Statutes* (NRS). The major change in this bill begins on page 2, line 2 through line 31 of the bill. These amendments specify that an agent cannot provide anything of value that might affect the athlete's eligibility to participate in his or her chosen sport unless:

- the agent notifies the student's educational institution within 72 hours after providing the thing of value; and
- the student athlete or the minor student athlete's parents or guardian acknowledges on the record that this action could result in this athlete's loss of eligibility.

On page 3 of the bill, lines 11 through 16, provisions are added that restrict other individuals for acting on an athlete agent's behalf to engage in prohibited actions. There have been various terms that will be used that get the connection between agent and the athlete, and this now makes sure we are covering all those aspects. While it seemed pertinent with the prior language of the bill to prohibit all athlete agents from providing anything of value to student athletes, it was discovered after various scandals of corruption in 2017 that there needs to be a change to allow student athletes the opportunity to explore professional contracts without giving up the right to continue to attend college, provided they remain academically and otherwise eligible.

As Assemblywoman Bilbray-Axelrod indicated, the NCAA had changed its bylaws to permit sports agents to cover certain payments for student athletes and family members for meals, hotels, and travel in connection with recruiting and signing the student athletes as a client. Since a change to the NCAA bylaws would violate the criminal provisions found in NRS 398A.400, subsection 4, which also can be found in A.B. 136 on page 3 at lines 20 through

24, this amendment is now being proposed to accommodate the changes that were made to the NCAA bylaws, thereby allowing student athletes to take advantage of the freedom and flexibility given by the NCAA without losing the opportunity to remain a college athlete. Ultimately these revisions are designed to minimize the leverage of harmful outside influence on high school recruits and college student athletes. With that, I will be happy to answer any questions that you may have regarding this bill.

[[Exhibit G](#) was submitted but not discussed and will become part of the record.]

Vice Chair Miller:

Committee members, are there any questions?

Assemblywoman Nguyen:

Thank you for your presentation. I appreciate this. It is always good to see Ms. Backus here "nerding out" on details and policies of laws. Are there any other changes that you suspect we will need to make it even more fluid?

Shea Backus:

It is interesting because this bill actually is a little broader than what the NCAA bylaw had provided. The NCAA bylaw addressed basically basketball players because that was what the need was and the study that was performed. Because of that, the uniform law made it a little broader and did not limit it just to basketball players and allowed it to all student athletes. Definitely, if that was the answer to your question. The other side of it is, it was expanded in the revised version that Assemblywoman Bilbray-Axelrod brought in 2017 that now is being broadened a little more, and I think we are okay with that at this time.

Vice Chair Miller:

Any additional questions? [There were none.] We will move to testimony in support.

Jeffrey Proffitt, Business Manager, Sheet Metal Workers Local 88:

Madam Chair, I would like to speak in support of this bill. Again, I have a 6-foot-4-inch, 240-pound, 17-year-old boy who is about to go into college. This is something we have had to deal with, a lot of people bombarding him, even though as big as he is, he is still a kid. Everybody wants a piece of him and wants to give him things, and we have to really watch what we are doing. I appreciate this bill—anything we could do to protect the young students and parents who do not always know the rules, and give them a way to report when something happens. I appreciate this bill and we are in support.

Vice Chair Miller:

Thank you. Do we have another caller? [There was no one.] Do we have anyone for opposition or neutral? [There was no one.] With that, do our presenters have any closing remarks?

Shea Backus:

I just want to thank the Committee and thank you, Vice Chair Miller, for stepping in and covering this so that Assemblywoman Bilbray-Axelrod could present A.B. 136. I am available outside if anyone has questions. Thank you for your time today and your service to our state.

Vice Chair Miller:

Thank you as well. It is always good to see you, and we appreciate your continuing service to our state by helping to present this bill. With that, I will close the hearing on A.B. 136 and hand the gavel back over to Assemblywoman Bilbray-Axelrod.

[Assemblywoman Bilbray-Axelrod reassumed the Chair.]

Chair Bilbray-Axelrod:

Now we will move on to public comment. [There was none.] Are there any comments from members before we adjourn? [There were none.] Our next meeting will be Tuesday, March 2, at 1:30 p.m. That concludes our meeting for today. Meeting is adjourned [at 2:43 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Baker
Recording Secretary

RESPECTFULLY SUBMITTED:

Paris Smallwood
Transcribing Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony submitted by Donna Rainone, presented by Assemblyman Tom Roberts, Assembly District No. 13, regarding Assembly Bill 105.

[Exhibit D](#) is a collection of emails in support of Assembly Bill 105.

[Exhibit E](#) is a letter submitted by the Nevada Interscholastic Activities Association in opposition to Assembly Bill 105.

[Exhibit F](#) is a document titled "A Few Facts About the Revised Uniform Athlete Agents Act (2015) (Last Amended 2019)," submitted by the Uniform Law Commission, regarding Assembly Bill 136.

[Exhibit G](#) is a document titled "2019 Amendment to the Revised Uniform Athlete Agents Act (2015) – A Summary," submitted by the Uniform Law Commission, regarding Assembly Bill 136.