



To: Sen. Floyd Prozanski, Chair, Senate Judiciary Committee

From: Lane Shetterly, Uniform Law Commissioner (Oregon)

Re: SB 686

Date: March 4, 2019

**AMENDMENT TO THE REVISED UNIFORM ATHLETE AGENTS ACT
ORS 702.001 - 702.994**

Oregon adopted the Revised Uniform Athlete Agents Act (2015) in 2017.

In September 2017 the FBI arrested ten individuals related to a college basketball corruption scandal, including four assistant college basketball coaches and the director of global marketing for Adidas for bribery. At the heart of the scandal, the government alleged that representatives from Adidas illegally promised six-figure payments to the families of high school student-athletes in exchange for their commitments to schools sponsored by the shoe company and that coaches steered college student-athletes to financial advisors in anticipation of lucrative careers in the NBA.

As a result of these indictments, the NCAA established the Commission on College Basketball, chaired by Dr. Condoleezza Rice, “to fully examine critical aspects of Division I men’s basketball.” In April, the Rice Commission made its recommendations to the NCAA which amended its bylaws on August 8, 2018.

The changes to NCAA bylaws apply only to high school and college student-athletes playing basketball. They provide student-athletes with more freedom and flexibility to explore the possibility of going professional while retaining their college eligibility; minimize the leverage of harmful outside influences on student-athletes; make the NCAA investigations and infractions process more efficient and



binding; and set stronger penalties for schools and individuals who break the rules. The NCAA stated the rationale for the changes in part: “Elite high school prospective student-athletes and college student-athletes need earlier professional advice to determine whether it is in their best interests to declare for the NBA draft or whether college basketball offers a superior pathway.”

The new bylaws conflict with criminal provisions in the Revised Athlete Agents Act (enacted in 12 states, including Oregon). Under the new bylaws, certified sports agents can cover limited expenses of a prospective or enrolled student-athlete and their family for meals, hotel and travel in connection with the agent selection process. The Revised Athlete Agents Act prohibits *any* payments to student athletes as long as the student-athlete is still eligible to play in his/her collegiate sport and acceptance of the benefits would cause the student athlete to lose eligibility.

The NCAA asked the Uniform Law Commission to amend the Revised Athlete Agents Act so that it would not conflict with the bylaw changes adopted by the NCAA. SB 686 does this by incorporating the NCAA's bylaw amendments. The -1 amendments to the bill make it clear that only the NCAA bylaw changes adopted as of the effective date of the bill are incorporated, thereby avoiding any question of an unconstitutional delegation of legislative authority to the NCAA to make future changes to Oregon law. Should the NCAA later amend its bylaws to address other sports or expenses, a further amendment of the Oregon Act will be in order.