

Senate Sunset Committee Meeting

Wednesday, June 6th
1:00 p.m.
Senate Majority Caucus Room
Legislative Hall

Meeting Attendance

Committee Members

Present

Chair Senator John Walsh
Stephanie L. Hansen
David P. Sokola
Brian Pettyjohn

Email

John.Walsh@state.de.us
Stephanie.Hansen@state.de.us
David.Sokola@state.de.us
Brian.Pettyjohn@state.de.us

Absent

Anthony Delcollo

Email

Anthony.Delcollo@state.de.us

Staff

Present

Ryan Dunphy
Christella St. Juste

Email

Ryan.Dunphy@state.de.us
Christella.StJuste@state.de.us

Public Attendees

Sen. Gary Simpson
Mark Cutrona
Geoffrey Christ
David Mangler
Terri Willis
Evan Park

Delaware State Senate
Division of Research
Department of Professional Regulations
Department of Professional Regulations
Art Therapy
University of Delaware

Agenda

1. SB 218 (Simpson) AN ACT TO AMEND TITLE 24 OF THE DELAWARECODE RELATING TO THE LICENSURE OF ART THERAPISTS.
2. SB 223 (Sokola) AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODERELATING TO ATHLETE AGENTS.

The meeting was called to order at 1:08 P.M.

Consideration of Meeting Minutes

Senator Jack Walsh, Chair, brought the Senate Sunset Committee meeting to order with the first item on the agenda, consideration of the meeting minutes from April 25th, 2018. The Senator asked the

Committee if they had any corrections to the meeting minutes. As there were none, he asked for motions to approve the meeting minutes from April 25th, 2018.

Senator David Sokola motioned to approve the meeting minutes. Senator Brian Pettyjohn seconded that motion.

The meeting minutes from April 25th, 2018 were approved unanimously.

Consideration of SB 218

SB 218 (Simpson) AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE LICENSURE OF ART THERAPISTS.

Synopsis:

This bill amends Title 24 of the Delaware Code by changing the qualifications for a Professional Art Therapists. For those graduating with a master's degree prior to January 2013, a master's degree from an accredited educational institution in an art therapy program that was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred is required.

Senator Jack Walsh introduced the bill and then introduced Sen. Simpson for further explanation.

Senator Gary Simpson explained how the bill corrects an oversight on a previous piece of legislation regarding credit hours required to obtain a master's degree in art therapy. He continued on, saying that some programs required less credit hours to obtain a degree. The Senator then stated that this would not affect many people. He asked Terri Willis where she practices art therapy.

Terri Willis stated that she works in the Caesar Rodney School District as an art therapist.

Senator Simpson added that the oversight in the previous piece of legislation affects people like Terry that graduated prior to today's standards.

Senator Walsh stated that this bill affects people who graduated prior to 2013. He asked if there were any questions from the committee.

Senator Sokola said that it is common to grandfather in people in scenarios similar to this and that it is consistent with past practice to do so. The Senator added his support for the legislation.

Senator Pettyjohn agreed.

Senator Walsh asked for public comment on the bill.

Terri Willis stated that she has been an art therapist in Delaware for 30 years, graduating from one of the original art therapy programs with a master's degree from George Washington University. She added that she has had to meet standards of 150 credit hours (CEUs) every 4 years since then. She continued, saying how she passed her national board exam, which requires her to have the clinical background that the current standards hold. She said that all of this is based on the merit of her degree when she initially obtained the degree. She thanked Sen. Simpson for listening to her and added how in other states there is a grandfather clause. She closed by saying that she is the only one in the State of Delaware that is affected by the discrepancy that the bill will fix.

Senator Walsh thanked Terri and asked if there was any more public comment.

With no further questions or comment, SB 118 was circulated and signed out of Senate Sunset Committee with 4 on its merits (Senator Walsh, Sokola, Pettyjohn, and Hansen).

Consideration of SB 223

Synopsis:

This Act adopts the Uniform Law Commission's Revised Uniform Athlete Agents Act ("Revised Act"), revising Chapter 54, Title 24 of the Delaware Code, which is based on the Uniform Law Commission's Uniform Athlete Agents Act ("Uniform Act"). In the early 2000s, Delaware and 42 other states adopted the Uniform Act. Delaware's version of the Uniform Act included a Board of Athlete Agents Examiners ("Board"), which was sunsetted by the Joint Legislative Oversight and Sunset Committee in 2012 and removed from the Delaware Code by Senate Bill 184 of the 146th General Assembly (78 Del. Laws, c. 376). In addition to removing provisions related to the Board, Senate Bill 184 also removed provisions requiring athlete agents doing business in Delaware to be registered and subject to administrative oversight. In 2015, the Uniform Law Commission adopted the Revised Act to enhance protections for student athletes and educational institutions, create a uniform body of athlete agent registration information, and simplify the registration process. The changes made to the Uniform Act by the Revised Act became necessary as athlete agent tactics have become more advanced and the industry has become more sophisticated. The need for the Revised Act is highlighted by a recent FBI investigation into athlete agent activities related to the college basketball programs at a number of Division I schools. The Revised Act provides additional safeguards for student athletes by requiring that athlete agents be licensed and that agency contracts contain specific notice provisions. The Revised Act has been enacted by 11 states, with 3 of those enactments occurring this year, passed both chambers of the Minnesota legislature, and is currently being considered in the North Carolina legislature.

Senator Walsh introduced the bill and yields to Senator Sokola for further explanation.

Senator Sokola explained that a bill was made in 2003 that was consistent with the Uniform Law Commission's Athlete Agent Act. He further explained that there have been some changes at the Uniform Law Commission level, and this bill would strike the existing rules. He asked Mark Cutrona a clarifying question, which pertained to the need to use the old language in the bill.

Mark Cutrona answered, clarifying that there was no need to use the old language because the chapter was rewritten.

Senator Sokola further stated that since the entire chapter was rewritten, the old language did not have to be included in the bill. The Senator was unsure whether someone had come to speak on the language.

Senator Walsh asked if anyone would like to speak on that notion.

Senator Sokola continued explaining how the bill is another Uniform Law Commission piece of legislation. He further stated that he was less involved in the process this time because it was not the first time that this legislation has been made. The Senator further stated that this bill makes clarifying changes.

Mark Cutrona, Deputy Director of the Division of Research stated that he is one of six Uniform Law Commissioners in Delaware. He reassured Senator Sokola's statements about how this act was previously implemented. He continued by saying that there were some changes made to the legislation in the Joint Sunset Process. One of these changes was the removal of the board that they could never constitute, due to the low influx of athlete agents in the state. He explains that the process also removed some of the registration requirements that produced a weakened act. He stated that the new act provides a revised system for making sure that athlete agents doing business in the state are registered, along with notice requirements being put into the contract. He explains that this is so that athletes and schools are aware in the process. He asked Evan Park if he was here to speak on that notion.

Evan Park, University of Delaware, stated that he is present as a casual observer.

Mark Cutrona stated that there is a need to adopt the revised act because of the increased protections of students and schools in 11 other states that have adopted the act since 2015. He said that 3 states have adopted the act in this year, possibly in response to an FBI investigation of some college basketball

programs with issues regarding athlete agents. He closes by stating that this act would protect students and schools if the controversial activity seen in some basketball programs were to be happening in this state.

Senator Walsh explains that there is a letter from Brian Lewis of the Uniform Law Commission speaking in favor of this bill. The letter states that if passed, the bill would be an important step in modernizing athlete agent regulation in Delaware.

Senator Walsh then asks if any members of the Committee or the public have any further comments.

With no further comment, SB 223 was circulated and signed out of the Senate Sunset Committee with 4 on its merits (Sen. Walsh, Hansen, Pettyjohn, Sokola).

Senator Walsh asked for a motion to adjourn.

Senator Pettyjohn motioned to adjourn and Senator Stephanie Hansen seconded the motion.

The Senate Sunset Committee Meeting adjourned at 1:16 P.M.

Minutes prepared by Ryan Dunphy, Legislative Assistant on June 8th, 2018

