

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	6 - 0 - 2
Yeas:	Barnhart, Berger, Freeman, Holvey, Hunt, Olson
Nays:	-
Exc.:	Garrett, Wingard
Prepared By:	Jim Stenbridge, Administrator
Meeting Dates:	6/9

WHAT THE MEASURE DOES: Exempts manufacturers of athletic products from the definition of “athlete agent.” Requires athlete agents to notify the athlete’s educational institution before initiating contact with student athletes. Limits the definition of student athlete to individuals attending school in Oregon. Makes violation of athlete agent statutes an unlawful trade practice, subject to prosecution by the Attorney General or district attorney. Directs prosecuting attorneys to give consideration to the need for uniformity among the states that have enacted the Uniform Athletic Agents Act.

ISSUES DISCUSSED:

- Functions of agents; definitions of what agents do
- Unscrupulous agent activities and the need for oversight of agents
- Instances involving Oregon collegiate athletes
- Current enforcement, and lack of such, in other states
- University of Oregon national leadership on the issue
- Need for specificity on requirement that notice be delivered to educational institution

EFFECT OF COMMITTEE AMENDMENT: Modifies definition of “agency contract” to include provision that the agreement would make the student-athlete ineligible to compete due to violation of state or national athletic association rules.

BACKGROUND: The National Collegiate Athletic Association (NCAA) has developed the Uniform Athlete Agents Act (UAAA), a model state law that provides a means of regulating the conduct of athlete agents. In most cases, the UAAA, as enacted, requires athlete agents to register with a state authority, typically the Secretary of State, in order to act as athlete agents in that state. During the registration process, athlete agents must provide important background information, both professional and criminal in nature. As of July 2010, the UAAA has been enacted in 40 states, including Oregon (in 1999).

According to the UAAA’s prefatory notes, “In this era in which many professional athletes are highly compensated, their agents perform many valuable services. Concomitantly, the practices of a minority of agents or would-be agents in obtaining the right to represent athletes who may produce substantial fees for their agents have caused serious problems for student-athletes and educational institutions. The tactics of this minority include secret payments or gifts to the athlete, undisclosed payments or gifts to friends and relatives who may be in a position to influence the athlete, unrealistic promises and considerable arm-twisting.” The text of the UAAA is at <http://www.law.upenn.edu/bll/archives/ulc/uaaa/aaa1130.htm>.