

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass the A-Engrossed Measure
Vote:	5 - 0 - 0
Yeas:	Beyer, Knopp, Kruse, Roblan, Hass
Nays:	0
Exc.:	0
Prepared By:	Richard Donovan, Administrator
Meeting Dates:	4/16, 4/23

WHAT THE MEASURE DOES: Modifies, for purposes of regulating student athlete agents, definitions of “athlete agent” and “agency contract.” Expands application of statutes to include agents representing student athletes in elementary and secondary schools. Requires athlete agent to notify educational institution in writing before initiating contact with student athlete. Specifies form and process for notification. Makes violation of specified statutes unlawful trade practice.

ISSUES DISCUSSED:

- Current proliferation of “runners,” namely individuals performing recruitment activities not currently covered by statute, including but not limited to third party coaches, boosters, and acquaintances
- Intent to protect eligibility of students unless they choose to pursue professional status
- Measure as updating definition of “agent” to coincide with recently updated National Collegiate Athletic Association (NCAA) definition
- Discretion of Attorney General, not mandatory action, required
- No “pattern” required, as with other similar Trade Practices actions; definitions section names specific instance, rather than pattern requirement, in measure

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, ORS 702.005 defines an athlete agent as an individual who enters into an agency contract with a student athlete, or directly or indirectly, recruits or solicits a student athlete to enter into an agency contract, and includes an individual who represents himself or herself as such to the public. House Bill 3296-A changes the definition to the following:

“Athlete agent” means an individual who, directly or indirectly, represents or attempts to represent a student athlete for the purpose of marketing the student athlete’s athletic ability or reputation for financial gain; or seeks to obtain a type of financial gain or benefit from securing a prospective student athlete’s enrollment at an educational institution or from a student athlete’s potential earnings as a professional athlete.”

House Bill 3296-A also expands the definition of an agency contract to include both written and oral agreements between a student athlete and a person or an “organization or legal, commercial or other entity” and adds the following additional description:

“(or) A written or oral agreement entered into by a student athlete that makes the student athlete ineligible to participate in an interscholastic or intercollegiate sport because of a violation of rules or regulations established by a state or national organization that governs student athlete eligibility or participation.”

Additionally, House Bill 3296-A defines educational institutions to include elementary and secondary schools, as well as community colleges, universities and other educational institutions. The measure also adds the requirement that, before initiating contact with a student athlete, an agent must provide written notice to the educational institution of the intent to contact the student and makes violations of statutory provisions an unlawful trade practice.

4/23/2013 4:52:00 PM

This summary has not been adopted or officially endorsed by action of the committee.