

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2157

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall SRB
Operator's Signature

10/17/03
Date

2003 SENATE JUDICIARY

SB 2157

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall
Operator's Signature

10/17/03
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2157

Senate Judiciary Committee

☐ Conference Committee

Hearing Date: January 15, 2003

Tape Number	Side A	Side B	Meter #
SB 2157	X		28.4
		X	00.0-5
Committee Clerk Signature <i>Maria L. Solberg</i>			

Minutes: Senator John T. Traynor, Chairman, called the meeting to order. . Sen. Traynor requested meeting starts with testimony on the bill.

Testimony in support of SB 215 /

Senator Thomas L. Trenbeath this is a new law for the state of North Dakota. It is of some interest (meter 29.0) This act is basically intended to protect the athlete and the school. This gives the school a right to action against the agent and the "former" athlete if they do not live up to an obligation with the school due to his interaction of the agent - read Policy Statement (meter 29.5)

This uniform act is in the form of the contract, we have never required a contract, and contains highlighted warning to the student athlete of the consequences from signing the contract. (meter 31) I recommend a due pass. Discussion: The existence of a contract.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

Page 2
Senate Judiciary Committee
Bill/Resolution Number SB 2157
Hearing Date January 15, 2003

Senator Carolyn Nelson - Will the license fee offset the cost of running this program. (meter 35.0)

No, the fee is to minimal. Discussion of what 'draft' means (36.0 meter)

Testimony in opposition of SB 2157:

There was no testimony in opposition of Bill

Testimony neutral to SB 2157:

Al Jaeger, Secretary of State- Attachment

Discussion: Licenses go to general fund. We have had calls from agents on where to registrar.

Twenty-eight states have this type of agreement at this time and we have a reciprocal agreement included.

Amendment made by Senator Carolyn Nelson , seconded by Sen. Lyson
as per attachment

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion carried, amendment passed.

Senator Dennis Bercier moved a DO PASS as amended. Sen. Trenbeath second the motion.

Roll Call Vote: 6 Yes. 0 No. 0 Absent

Motion carried,

Carrier: Senator Thomas L. Trenbeath

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

01/17/03
Date

FISCAL NOTE
Requested by Legislative Council
01/15/2003

REVISION

Bill/Resolution No.: SB 2157

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$5,000	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The Secretary of State has no statistical basis on which to form an opinion as to how many registrations in North Dakota would result from the passage of this bill. The Secretary of State's office was not consulted nor was it aware of the bill's introduction by the Commission on Uniform State Laws until a request was received from the Legislative Council for a fiscal note.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The Secretary of State has no basis on which to determine the number of registrations that may result from the passage of this bill and therefore cannot predict the potential revenue.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Regardless of the number of registrations that may be received under this law, the Secretary of State's office will have no choice but to develop forms, procedures, and the necessary programming to accommodate the registration and record keeping process. It is anticipated that this one time cost will be \$5,000, which was not anticipated when the agency submitted its budget request for the 2003/2005 biennium. Nevertheless, the agency will attempt to absorb the cost without asking for an additional appropriation.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Date

the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

As noted in the expenditure narrative, the agency will attempt to absorb the cost without an additional request for funding to cover the expense.

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/15/2003

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

01/17/03
Date

FISCAL NOTE
Requested by Legislative Council
01/03/2003

Bill/Resolution No.: SB 2157

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$8,000	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The Secretary of State has no statistical basis on which to form an opinion as to how many registrations in North Dakota would result from the passage of this bill. The Secretary of State's office was not consulted nor was it aware of the bill's introduction by the Commission on Uniform State Laws until a request was received from the Legislative Council for a fiscal note.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

The Secretary of State has no basis on which to determine the number of registrations that may result from the passage of this bill and therefore cannot predict the potential revenue.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

Regardless of the number of registrations that may be received under this law, the Secretary of State's office will have no choice but to develop forms, procedures, and the necessary programming to accommodate the registration and record keeping process. It is anticipated that this one time cost will be \$8,000, which was not anticipated when the agency submitted its budget request for the 2003/2005 biennium. Nevertheless, the agency will attempt to absorb the cost without asking for an additional appropriation.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

As noted in the expenditure narrative, the agency will attempt to absorb the cost without an additional request for funding to cover

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Date

the expense.

Name:	Al Jaeger	Agency:	Secretary of State
Phone Number:	328-2900	Date Prepared:	01/11/2003

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

01/17/03
Date

30307.0101
Title.0200

Adopted by the Judiciary Committee
January 15, 2003

fu3
1-17-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2157

Page 3, line 3, replace "sate" with "state"

Page 3, line 18, after the comma insert "the name of the organization,"

Page 3, line 21, after the comma insert "the name of the organization,"

Renumber accordingly

Page No. 1

30307.0101

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

Date: January 15, 2003
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2157

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30307.0101

Action Taken Amended- page 3

Motion Made By Senator Carolyn Nelson Seconded By Sen. Lyson

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) Six (6) No Zero (0)

Absent ALL PRESENT

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall
Operator's Signature

10/17/03
Date

Date: January 15, 2003
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2157

Senate JUDICIARY Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass as Amended

Motion Made By Sen. Bercier Seconded By Senator Thomas L. Trenbeath

Senators	Yes	No	Senators	Yes	No
Sen. John T. Traynor - Chairman	X		Sen. Dennis Bercier	X	
Sen. Stanley Lyson - Vice Chair	X		Sen. Carolyn Nelson	X	
Sen. Dick Dever	X				
Sen. Thomas L. Trenbeath	X				

Total (Yes) Six (6) No Zero (0)

Absent ALL PRESENT

Floor Assignment Senator Thomas L. Trenbeath

If the vote is on an amendment, briefly indicate intent:

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

REPORT OF STANDING COMMITTEE (410)
January 20, 2003 4:45 p.m.

Module No: SR-10-0799
Carrier: Trenbeath
Insert LC: 30307.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2157: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Sixth order on the calendar.

Page 3, line 3, replace "sate" with "state"

Page 3, line 18, after the comma insert "the name of the organization,"

Page 3, line 21, after the comma insert "the name of the organization,"

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

SR-10-0799

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

2003 HOUSE JUDICIARY

SB 2157

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Halliwell
Operator's Signature

10/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2157

House Judiciary Committee

☐ Conference Committee

Hearing Date 3-12-03

Tape Number	Side A	Side B	Meter #
1	xx		20.1-30.7
Committee Clerk Signature <i>A Penrose</i>			

Minutes: 13 members present.

Chairman DeKrey: We will open the hearing on SB 2157.

Sen. Tom Trenbeath: Support (see attached testimony).

Rep. Grande: I know of an agent here in North Dakota, did he participate in this, did he get an opportunity to look at this.

Sen. Trenbeath: I did not speak with any particular agent. The Institutions of Higher Education have been contacted about their interest in this, and to my knowledge, have expressed no concerns and are in support.

Rep. Grande: I guess my concern is that with this, there is someone who has been representing a number of UND hockey players in the past 30 years and has not had any problems, and in doing this he may lose his qualification to do that, is there going to be any way to grandfather this person in.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall
Operator's Signature

10/17/03
Date

Page 2
House Judiciary Committee
Bill/Resolution Number SB 2157
Hearing Date 3-12-03

Sen. Trenbeath: There is nothing in the bill that would grandfather. As far as I know, there is no bond or surety that has to be posted.

Sen. Klemin: Looking at the fact sheet that you've got attached here, looks like quite a few states have already adopted this and was approved in 2000, so it's relatively new. NCAA is supporting this and quite a few other states besides ND have introduced it this year. So unless someone is an agent only in North Dakota and no where else, he would be faced with the same acts in the other states where it has been approved. It would seem that if he is registered here, with reciprocity, it would make it a lot easier to function in other states.

Sen. Trenbeath: By my count, there are 18 states that have adopted this to date, including our neighbor to the east, Minnesota, which is probably be the more likely place that this gentleman would be working in addition to ND. There are 11 other states other than ND that are considering adoption at this time. So I think we will very rapidly exceed the number of states that already have this sort of act in place.

Chairman DeKrey: Thank you. Further testimony in support.

Al Jaeger, Secretary of State: Support (see attached testimony).

Rep. Delmore: On pg 6, there are registration and renewal fees listed. So that should cover registering somebody, unless you get a 1,000 of them on a day, which I doubt.

Mr. Jaeger: We don't have any problem with that, the money will come in and go into the General Fund. We will just handle it.

Rep. Kretschmar: I would suggest that you find that "bond" book. You could use it for this.

Mr. Jaeger: If Secretary Meyer was still in office, I imagine we'd still have some books down there, but we don't anymore.

Page 3
House Judiciary Committee
Bill/Resolution Number SB 2157
Hearing Date 3-12-03

Rep. Klemini: The fiscal note shows expenditures to set up this program, but doesn't show any revenue from the registration fee.

Mr. Jaeger: We don't have any way of knowing what that would be.

Rep. Klemini: But there would be revenue, some revenue to offset part of the costs.

Mr. Jaeger: The reason I didn't put anything in there, there might be one in ND. What I see here, more than just in ND, is the reciprocal part of it, that's where we are going to gain some fees. As the notoriety of our university athletes increases, it might be more common. We don't object to doing it, this is a new area for us and we have no way of predicting. I suppose it would be nice to say that 100 of our state athletes are going to make a big time and need agents.

Chairman DeKrey: Thank you. Further testimony in support, opposition to SB 2157. We will close the hearing.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

3/17/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2157

House Judiciary Committee

☐ Conference Committee

Hearing Date 3-17-03

Tape Number	Side A	Side B	Meter #
2	XX		18.8-20.3
Committee Clerk Signature <i>Penrose</i>			

Minutes: 12 members present, 1 member absent (Rep. Galvin)

Chairman DeKrey: What are the committee's wishes in regard to SB 2157. Rep. Grande are you satisfied with the bill.

Rep. Grande: Yes, I am. I move a Do Pass.

Rep. Kretschmar: Seconded.

12 YES 0 NO 1 ABSENT

DO PASS

CARRIER: Rep. Grande

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

Date: 3/17/03
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2157

House Judiciary Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Grande Seconded By Rep. Kretschmar

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	✓		Rep. Delmore	✓	
Vice Chairman Maragos	✓		Rep. Eckre	✓	
Rep. Bernstein	✓		Rep. Onstad	✓	
Rep. Boehning	✓				
Rep. Galvin	AB				
Rep. Grande	✓				
Rep. Kingsbury	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. Wrangham	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Grande

If the vote is on an amendment, briefly indicate intent:

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall 3/17/03
Operator's Signature Date

REPORT OF STANDING COMMITTEE (410)
March 17, 2003 12:17 p.m.

Module No: HR-47-4904
Carrier: Grande
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2157, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO**
PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2157 was
placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-47-4904

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

2003 TESTIMONY

SB 2157

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sos



SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 15, 2003

2157

1/15

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@state.nd.us

TO: Senator Traynor, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2157 - Regulation of Athlete Agents

The Secretary of State's office was unaware of the subject bill until after Commission on Uniform State Laws filed it. In other words, even though the bill establishes an administrative function within the Office of the Secretary of State, we were not consulted beforehand as to the bill's functional or fiscal impact to our office.

At this point, we have absolutely no idea how many registrations would result from the passage of this bill. Currently, athlete agents are covered in Chapter 9-15, which is being repealed by Section 17 of this bill. That chapter does not have a registration requirement or does it name a registrar.

Nevertheless, we have reviewed the bill and consulted with our legal counsel. If the bill becomes law, the Secretary of State's office has determined that it can perform the administrative functions required by the subject bill. However, we would respectfully request that the following amendments be adopted first.

Page 3, line 3 The word, "sate" is an unknown term to us and we do not know what it means and if it is a typo, what it is supposed to be.

Page 3, line 18 After the comma that appears after the word corporation, insert "the name of the organization."

Page 3, line 21 After the comma that appears after the word agent, insert "the name of the organization."

Page 4, line 23 After the word registration, insert comma and "valid for one year,"

page 6
line 7
copy 2/17/03

The other concern of the Secretary of State's office is not related to the text of the bill. It is related to the cost to implement the administration of the athlete agent law. Those concerns are summarized in the fiscal note for the bill.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Operator's Signature

Date

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.state.nd.us/sec



SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 12, 2003

PHONE (701) 328-2900
FAX (701) 328-2992

E-MAIL sos@state.nd.us

TO: Rep. DeKrey, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: SB 2157 - Regulation of Athlete Agents

The Secretary of State's office was unaware of the subject bill until after Commission on Uniform State Laws filed it. In other words, even though the bill establishes an administrative function within the Office of the Secretary of State, we were not consulted beforehand as to the bill's functional or fiscal impact to our office.

We have no idea how many registrations would result from the passage of this bill. Currently, athlete agents are covered in Chapter 9-15, which is being repealed by Section 17 of this bill. That chapter does not have a registration requirement or does it name a registrar.

Nevertheless, we have reviewed the bill and consulted with our legal counsel. If the bill becomes law, the Secretary of State's office has determined that it can perform the administrative functions required by the subject bill.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

UNIFORM ATHLETE AGENTS ACT
TESTIMONY
SENATOR THOMAS L. TRENBEATH
HOUSE JUDICIARY COMMITTEE
SB 2157

It is beyond dispute that agents provide valuable and essential services for professional athletes. However, frequent headlines report improper or illegal contacts between agents, or would be agents, and athletes with remaining eligibility for amateur events. These instances cause loss of eligibility for the athletes and may also cause sanctions to be imposed upon educational institutions. These instances are highly publicized and inordinately time consuming and disruptive for the affected institution.

As a result of the above, at least twenty-eight states have adopted athlete agents acts, including North Dakota. Unfortunately, the existing statutes are fairly vague and lack uniformity from state to state. They also lack reciprocity. An athlete agent intending to do business in each state is required to comply with twenty-eight different sets of requirements for registration and be aware of twenty-eight different regulatory schemes.

The principal purposes of the proposed uniform act (SB 2157) are to:

- Provide for reciprocity of registration.
- Authorize denial, suspension or revocation of registrations based upon similar actions in another state.
- Regulate the conduct of individuals who contact athletes for the purposes of obtaining agency contracts.
- Require notice to educational institutions when an agency contract is signed by a student athlete.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

- Provide a civil remedy for an educational institution damaged by the conduct of an athlete agent or a student athlete.

- Establish civil and criminal penalties for violation of the act.

Mr. Chairman and committee members. I ask your favorable consideration with respect to SB 2157.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date

Uniform Law Commissioners

[Home](#)

> A Few Facts About The...

UNIFORM ATHLETE AGENTS ACT

PURPOSE:

This act provides for the uniform registration, certification, and background check of sports agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports. The act also imposes specified contract terms on these agreements to the benefit of student athletes, and provides educational institutions with a right to notice along with a civil cause of action for damages resulting from a breach of specified duties.

ORIGIN:

Completed by the Uniform Law Commissioners in 2000.

APPROVED BY:

American Bar Association

SUPPORTED BY:

National Collegiate Athletic Association

STATE ADOPTIONS:

Alabama	Minnesota
Alabama	Mississippi
Arizona	Nevada
Arkansas	Pennsylvania
Delaware	Tennessee
District of Columbia	Utah
Florida	U.S. Virgin Islands
Idaho	Washington
Indiana	West Virginia

2003 INTRODUCTIONS:

Connecticut
Georgia
Illinois
Kansas
Kentucky
Maine
Maryland
Montana

http://www.nccusl.org/nccusl/uniformact_factsheets/uniformacts-fs-aaa.asp

3/12/2003

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.


Operator's Signature


10/17/03
Date

New Jersey
North Dakota
Oklahoma
Texas

For any further information regarding the Uniform Athlete Agents Act (2000), please contact Michael Kerr, John McCabe, or Katie Robinson at 312-915-0195.

© 2002 National Conference of Commissioners on Uniform State Laws
211 E. Ontario Street, Suite 1300
Chicago, Illinois 60611

tel: (312) 915-0195 | fax: (312) 915-0187 | e-mail: nccusl@nccusl.org


FastCounter by bCentral

http://www.nccusl.org/nccusl/uniformact_factsheets/uniformacts-fs-aaa.asp

3/12/2003

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanne Hall
Operator's Signature

10/17/03
Date



[Home](#) [Staff Contacts](#) [What's New](#) [Press Releases](#) [About NCCUSL](#) [Discussion Forums](#) [Links](#)

Section Title: Introductions & Adoptions Of Uniform Acts.

> Summary

UNIFORM ATHLETE AGENTS ACT

With the proliferation of professional sport franchises in the United States, and the immense sums now paid to athletes for commercial endorsement contracts, it is no surprise that the commercial marketplace in which athlete agents operate has become very competitive. And while maximizing the income of one's clients is certainly the "American way" (as well as good business practice), the recruitment of a student-athlete while he or she is still enrolled in an educational institution may cause substantial eligibility or other problems for both the student and the school, especially where the athlete is not aware of the implications of signing the agency agreement or where agency is established without notice to the athletic director of the school. The problem becomes even more acute where an unscrupulous agent misleads a student. While several states have enacted legislation to address these issues, agent registration and disclosure requirements vary greatly from state to state, causing confusion among student athletes, athletic departments, educational institutions, and the agents themselves.

The Uniform Athlete Agents Act provides for the uniform registration, certification, and background check of sports agents seeking to represent student athletes who are or may be eligible to participate in intercollegiate sports, imposes specified contract terms on these agreements to the benefit of student athletes, and provides educational institutions with a right to notice along with a civil cause of action for damages resulting from a breach of specified duties.

The act requires agents to disclose their training, experience, and education, whether they or an associate have been convicted of a felony or crime of moral turpitude, have been administratively or judicially determined to have made false or deceptive representations, have had their agent's license denied, suspended, or revoked in any state, or have been the subject or cause of any sanction, suspension, or declaration of ineligibility. Agents are required to maintain executed contracts and other specified records for a period of five years, including information about represented individuals and recruitment expenditures, which would be open to inspection by the state.

While the act imposes significant disclosure, registration, and record-keeping requirements on athlete agents, those who are issued a valid certificate of registration or licensure in one state would be able to cross-file that application (or a renewal thereof) in all other states that have adopted the act. This aspect of the act at once simplifies regulatory compliance for agents, while at the same time facilitates the ability of all jurisdictions to obtain dependable, uniform information on an agent's professional conduct in other states.

Because the potential loss of intercollegiate eligibility is a serious, and often unexpected, effect of entering

an athlete-agent contract, the act provides student-athletes with a statutory right to cancel an agency contract within 14 days after the contract is signed without penalty. In addition, athlete-agent contracts subject to the act are required to disclose the amount and method of calculating the agent's compensation, the name of any unregistered person receiving compensation because the athlete signed the agreement, a description of reimbursable expenses and services to be provided, as well as warnings disclosing the cancellation and notice requirements imposed under the act.

The potential loss of a student-athlete's eligibility is also a serious concern for athletic programs at educational institutions - accordingly, the act requires both the agent and the student-athlete to give notice of the contract to the athletic director of the affected educational institution within 72 hours of signing the agreement, or before the athlete's next scheduled athletic event, whichever occurs first. Where applicable, the agent must also provide this notice to a school where he or she has reasonable grounds to believe the athlete intends to enroll. The act would also provide educational institutions with a statutory right of action against an athlete agent or former student athlete (several, but not joint, liability) for damages, including losses and expenses incurred as a result of the educational institution being penalized, disqualified, or suspended from participation by an athletics association or conference, or as a result of reasonable self-imposed disciplinary actions taken to mitigate sanctions, as well as associated party costs and reasonable attorney's fees.

Finally, the act prohibits athlete agents from providing materially false or misleading information or making a materially false promise or representation with the intent of inducing a student athlete to enter into an agency contract, or from furnishing anything of value to a student athlete or another person before that athlete enters into an agency contract. The act provides that an athlete agent may not intentionally initiate contact with a student athlete unless registered under this act, and may not refuse or willfully fail to retain or permit inspection of required records, fail to register where required, provide materially false or misleading information in an application for registration or renewal thereof, predate or postdate an agency contract, or fail to notify a student athlete (prior to signing) that signing an agency contract may make the student athlete ineligible to participate as a student athlete in that sport. The act would impose criminal penalties for violations of these prohibitions.

The Uniform Athlete Agents Act provides important protections for student-athletes and the educational institutions where they compete, creates a uniform body of agent registration information for use by state agencies, and simplifies the regulatory environment faced by legitimate sports agents.

© 2001 National Conference of Commissioners on Uniform State Laws		SITE MAP
211 E. Ontario Street, Suite 1300		
Chicago, Illinois 60611		
(312) 915-0195 ~ fax	e-mail the office - click here	
(312)915-0187		