
HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE
PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER
ITS ENACTMENT IS CONSISTENT WITH STATE POLICY.

1 WHEREAS, the Legislature finds that with the proliferation
2 of professional sport franchises in the United States and the
3 immense sums now paid to athletes for commercial endorsement
4 contracts, there is a need to regulate athlete agents; and
5

6 WHEREAS, the Legislature further finds that the commercial
7 marketplace in which athlete agents operate has become very
8 competitive; and
9

10 WHEREAS, in this competitive marketplace unscrupulous
11 agents recruit student-athletes while they are still enrolled in
12 an educational institution, which may cause substantial
13 eligibility or other problems for both the student and the
14 school; and
15

16 WHEREAS, H.B. No. 2440, H.D.2, S.D.2, was introduced in the
17 2006 Regular Session to enact a Uniform Athlete Agents Act (Act)
18 to provide for the registration, certification, and background
19 check of athlete agents seeking to represent student athletes;
20 and
21

22 WHEREAS, the Act would further require athlete agents to
23 disclose:
24

- 25 (1) Their training, experience, and education;
26
27 (2) Whether they or an associate have been convicted of a
28 felony or crime of moral turpitude;
29
30 (3) If they have been administratively or judicially
31 determined to have made false or deceptive
32 representations;



- 1 (4) If they have had their agent's license denied,
- 2 suspended, or revoked in any state; or
- 3
- 4 (5) If they have been the subject or cause of any
- 5 sanction, suspension, or declaration of ineligibility;
- 6 and
- 7

8 WHEREAS, the Act would prohibit athlete agents from
 9 providing materially false or misleading information or making a
 10 materially false promise or representation with the intent of
 11 entering a student athlete into an agency contract; and

12
 13 WHEREAS, in summary, the Act would provide important
 14 provisions for student athletes and the educational institutions
 15 where they compete, create a uniform body of agent registration
 16 information for use by state agencies, and simplify the
 17 regulatory environment for legitimate athlete agents; now,
 18 therefore,

19
 20 BE IT RESOLVED by the House of Representatives of the
 21 Twenty-third Legislature of the State of Hawaii, Regular Session
 22 of 2006, the Senate concurring, that the Auditor is requested
 23 to:

- 24
- 25 (1) Analyze, in accordance with section 26H-6, Hawaii
- 26 Revised Statutes, the probable effects of the proposed
- 27 regulation of athlete agents as contained in H.B. No.
- 28 2440, H.D.2, S.D.2, Regular Session of 2006; and
- 29
- 30 (2) Assess whether the enactment of H.B. No. 2440, H.D.2,
- 31 S.D.2, Regular Session of 2006 would be consistent
- 32 with state policy; and
- 33

34 BE IT FURTHER RESOLVED that the Auditor is requested to
 35 report any findings and recommendations to the Legislature not
 36 later than twenty days prior to the convening of the Regular
 37 Session of 2007; and

38
 39 BE IT FURTHER RESOLVED that certified copies of this
 40 Concurrent Resolution be transmitted to the Auditor and the
 41 Director of Commerce and Consumer Affairs.

