

STAND. COM. REP. NO.

3399

Honolulu, Hawaii

APR - 6 2006

RE: H.B. No. 2440
H.D. 2
S.D. 2

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committees on Judiciary and Hawaiian Affairs and Ways and Means, to which was referred H.B. No. 2440, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT,"

beg leave to report as follows:

The purpose of this measure is to enact the Uniform Athlete Agents Act to protect student-athletes and educational institutions from potential harm caused by unscrupulous athlete agents.

Your Committees received testimony in support of this measure from the Department of Education, the University of Hawaii System, and the Commission to Promote Uniform Legislation. The Department of Commerce and Consumer Affairs submitted testimony in opposition to the measure.

Your Committees find that this measure protects both student-athletes and schools by:

- (1) Requiring an athlete agent to be registered with the State;
- (2) Requiring specific warnings about the potential loss of eligibility to appear in the contract between the student-athlete and athlete agent; and



- (3) Requiring both the athlete agent and the student-athlete to notify the affected school if a contract is signed.

Your Committees note the concern raised by the Department of Commerce and Consumer Affairs regarding the exemption from the standard "sunrise" review under section 26H-6, Hawaii Revised Statutes and that exempting this measure will set a precedent to waive future proposals to regulate other professions, vocations, or occupations. However, your Committees find that the facts and circumstances surrounding the Uniform Athlete Agents Act are different from other proposals to regulate professions, vocations, and occupations such that exempting this measure from the sunrise review will not provide a basis or precedent to exempt future measures.

Your Committees further note that this measure may require a savings clause as criminal penalties are assessed in the measure.

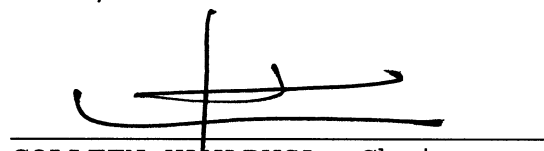
Your Committees have amended this measure to make technical, nonsubstantive changes for clarity and style.

As affirmed by the records of votes of the members of your Committees on Judiciary and Hawaiian Affairs and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2440, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2440, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Hawaiian Affairs and Ways and
Means,



BRIAN T. TANIGUCHI, Chair




COLLEEN HANABUSA, Chair



**The Senate
Twenty-Third Legislature
State of Hawaii**


**Record of Votes of the
Committee on Judiciary and Hawaiian Affairs
(Bills and Resolutions)**

Measure:* HB 2440 HD2, SD1	Committee Referral: CPH, JHW/WAM	Date: 04/04/04		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to: <input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)	/			
HEE, Clayton (VC)	/			
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
IHARA, Jr., Les				/
WHALEN, Paul		/		
TOTAL	4	1	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; margin-top: 10px;"></div>				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

*Do not list more than one measure per Record of Votes.

**The Senate
Twenty-Third Legislature
State of Hawaii**

**Record of Votes of the
Committee on Ways and Means
(Bills and Resolutions)**

Measure:*	Committee Referral:	Date:
HB 2440 HD2 SD1	CPH, JHW/WAM	4/4/06
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____		
The Recommendation is to:		
<input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)		
Members	Ayes	Ayes(WR)
Nays	Excused	
TANIGUCHI, Brian T. (C)	/	
TSUTSUI, Shan S. (VC)	/	
ENGLISH, J. Kalani	/	
ESPERO, Will	/	
FUKUNAGA, Carol	/	
HOOSER, Gary L.	/	
INOUE, Lorraine R.	/	
KANNO, Brian		/
KIM, Donna Mercado	/	
KOKUBUN, Russell S.	/	
NISHIHARA, Clarence K.	/	
SAKAMOTO, Norman	/	
HEMMINGS, Fred		/
SLOM, Sam	/	
TRIMBLE, Gordon	/	
TOTAL	13	0
		0
		2
Recommendation:		
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:		
		
Distribution:		
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency
		Goldenrod Committee File Copy

*Do not list more than one measure per Record of Votes.