

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1190  
By: Armbrister  
State Affairs  
4-3-97  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law establishes guidelines for the behavior of athlete agents. Concern exists that the behavior of some athlete agents may be contradictory to established guidelines between athletes and athlete agents. This bill establishes provisions that relate to contracts and communications involving certain athletes and athlete agents.

### **PURPOSE**

As proposed, C.S.S.B. 1190 establishes provisions that relate to contracts and communications involving certain athletes and athlete agents.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1(a)(2), Article 8871, V.T.C.S., to redefine "athlete agent."

SECTION 2. Amends Section 1(d), Article 8871, V.T.C.S., to provide that a person who declares himself eligible for recruitment by a professional sports team may be contacted by an athlete agent. Provides that any contact with the person by an athlete agent is subject to the requirements of this Act, if the person later becomes eligible to participate in intercollegiate sports.

SECTION 3. Amends Section 2(a), Article 8871, V.T.C.S., to authorize an athlete agent to contact an athlete only as provided by this Act. Requires the athlete agent to register with the state before the athlete agent is authorized to enter into a contract with an athlete. Deletes a provision authorizing a registered athlete agent to make those contacts only in accordance with this Act.

SECTION 4. Amends Section 6, Article 8871, V.T.C.S., by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Prohibits an athlete agent from participating in certain activities, including directly contacting an athlete who is participating in football or basketball until after completion of the athlete's last intercollegiate contest, except as otherwise provided by this Act. Prohibits an athlete agent from entering into an oral or written agreement that the athlete agent will represent the athlete before the athlete's last intercollegiate contest. Deletes a provision prohibiting an athlete agent from entering into any agreement, written or oral, by which the agent will represent the athlete and from entering into an agreement that purports to take effect at a time after that contest is completed.

(c) Provides that this Act does not prohibit, rather than prohibit or limit, an athlete agent from sending certain written materials to an athlete, if the agency simultaneously sends an identical copy of the written material to the athletic director of the institution of higher education in which the athlete is enrolled as a student or to the athletic director's designee. Deletes a provision regarding representation of an athlete.

(d) Provides that this Act does not prohibit an athlete, the athlete's parents or legal guardians,

from initiating contact with an athlete agent to arrange an interview to make certain determinations. Prohibits the athlete agent from discussing the agent's services with an athlete or the athlete's parents, or legal guardians until after the athlete agent has given notice of the proposed discussion to the athletic director or the athletic director's designee of the institution of higher education in which the athlete is enrolled as a student.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 4.

Amends Article 8871, V.T.C.S., by amending Subsection (c), to provide that this Act does not prohibit an athlete agent from sending to an athlete certain written materials, rather than providing that this Act does not prohibit or limit an athlete agent from simultaneously sending certain written materials. Provides that the written materials may be sent by an agent to an athlete if the agent simultaneously sends an identical copy of the written materials to the athletic director of the institution of higher education in which the athlete is enrolled as a student or to the athletic director's designee. Deletes a provision regarding the representation of an athlete. Provides that this Act does not prohibit an athlete or the athlete's parents or legal guardians, rather than the parents or other advisors, from contacting, rather than contacting and interviewing, an athlete agent. Prohibits an athlete agent from discussing the agent's services with the athlete or the athlete's parents or legal guardians, rather than the agent discussing the services with an athlete, the athlete's parents, legal guardians, or other advisors.