

1 HB40
2 128638-3
3 By Representative Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 01-MAR-11
6 PFD: 02/25/2011

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ENROLLED, An Act,

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Athlete Agents Commission with certain modifications; to amend Section 8-26A-5, Code of Alabama 1975, so as to require that applicants for registration be United States citizens or legally present in the United States.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Athlete Agents Commission, with the additional recommendations for statutory change as set out in Section 3.

Section 2. The existence and functioning of the Alabama Athlete Agents Commission, created and functioning pursuant to Section 8-26A-30, Code of Alabama 1975, is continued, and that code section is expressly preserved.

Section 3. Section 8-26A-5 of the Code of Alabama 1975, is amended to read as follows:

"§8-26A-5.

"(a) An applicant for registration shall submit an application for registration to the Secretary of State in a form prescribed by the Secretary of State. The application shall be in the name of an individual and, except as otherwise provided in subsection (b), signed or otherwise authenticated

1 by the applicant under penalty of perjury and shall state or
2 contain all of the following:

3 "(1) The name of the applicant and the address of
4 the applicant's principal place of business.

5 "(2) The name of the applicant's business or
6 employer, if applicable.

7 "(3) Any business or occupation engaged in by the
8 applicant for the five years next preceding the date of
9 submission of the application.

10 "(4) A description of the applicant's:

11 "a. Formal training as an athlete agent.

12 "b. Practical experience as an athlete agent.

13 "c. Educational background relating to the
14 applicant's activities as an athlete agent.

15 "(5) The names and addresses of three individuals
16 not related to the applicant who are willing to serve as
17 references.

18 "(6) The name, sport, and last known team for each
19 individual for whom the applicant acted as an athlete agent
20 during the five years next preceding the date of submission of
21 the application.

22 "(7) The names and addresses of all persons who are:

23 "a. With respect to the athlete agent's business if
24 it is not a corporation, the partners, members, officers,
25 managers, associates, or profit-sharers of the business.

1 "b. With respect to a corporation employing the
2 athlete agent, the officers, directors, and any shareholder of
3 the corporation having an interest of five percent or greater.

4 "(8) Whether the applicant or any person named
5 pursuant to subdivision (7) has been convicted of a crime
6 that, if committed in this state, would be a crime involving
7 moral turpitude or a felony, and identify the crime.

8 "(9) Whether there has been any administrative or
9 judicial determination that the applicant or any person named
10 pursuant to subdivision (7) has made a false, misleading,
11 deceptive, or fraudulent representation.

12 "(10) Any instance in which the conduct of the
13 applicant or any person named pursuant to subdivision (7)
14 resulted in the imposition of a sanction, suspension, or
15 declaration of ineligibility to participate in an
16 interscholastic or intercollegiate athletic event on a
17 student-athlete or educational institution.

18 "(11) Any sanction, suspension, or disciplinary
19 action taken against the applicant or any person named
20 pursuant to subdivision (7) arising out of occupational or
21 professional conduct.

22 "(12) Whether there has been any denial of an
23 application for, suspension or revocation of, or refusal to
24 renew, the registration or licensure of the applicant or any

1 person named pursuant to subdivision (7) as an athlete agent
2 in any state.

3 "(b) An individual who has submitted an application
4 for, and holds a certificate of, registration or licensure as
5 an athlete agent in another state, may submit a copy of the
6 application and certificate in lieu of submitting an
7 application in the form prescribed pursuant to subsection (a).
8 The Secretary of State shall accept the application and the
9 certificate from the other state as an application for
10 registration in this state if the application to the other
11 state meets all of the following criteria:

12 "(1) It was submitted in the other state within six
13 months next preceding the submission of the application in
14 this state and the applicant certifies that the information
15 contained in the application is current.

16 "(2) It contains information substantially similar
17 to or more comprehensive than that required in an application
18 submitted in this state.

19 "(3) It was signed by the applicant under penalty of
20 perjury.

21 "(c) An applicant for registration shall be a
22 citizen of the United States or, if not a citizen of the
23 United States, a person who is legally present in the United
24 States with appropriate documentation from the federal
25 government."

1 Section 4. The Legislature concurs in the
2 recommendations of the Sunset Committee as provided in
3 Sections 1, 2, and 3.

4 Section 5. This act shall become effective
5 immediately upon its passage and approval by the Governor, or
6 its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 29-MAR-11.

Greg Pappas
Clerk

Senate	<hr/> 14-APR-11 <hr/>	Amended and Passed
House	<hr/> 21-APR-11 <hr/>	Concurred in Sen- ate Amendment