

1 HB178
2 216353-1
3 By Representative Blackshear
4 RFD: State Government
5 First Read: 01-FEB-22

SYNOPSIS: Under existing law, the Alabama Athlete Agents Commission adopts rules relating to standards of conduct for athlete agents. Existing law makes no provision for meetings of the commission by virtual means.

This bill would authorize the Alabama Athlete Agents Commission to conduct meetings via virtual means, and would provide that meetings via electronic means are exempt from the provisions of the Alabama Open Meetings Act relating to electronic meetings.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to athlete agents; to amend Section
2 8-26B-30, Code of Alabama 1975, relating to the Alabama
3 Athlete Agents Commission; to authorize the commission to
4 conduct meetings via virtual means under certain conditions;
5 and to make nonsubstantive, technical revisions to update the
6 existing code language to current style.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. Section 8-26B-30, Code of Alabama 1975,
9 is amended to read as follows:

10 "§8-26B-30.

11 "(a) The Alabama Athlete Agents Commission is
12 continued in existence. The commission shall consist of the
13 Secretary of State and 18 members to be appointed as follows:

14 "(1) One member appointed by the Governor.

15 "(2) One member appointed by the Lieutenant
16 Governor.

17 "(3) One member appointed by the Speaker of the
18 House of Representatives.

19 "(4) The athletic director or an individual
20 appointed by the athletic director at each of the following
21 institutions of higher education:

22 "a. Auburn University.

23 "b. University of Alabama, Tuscaloosa.

24 "c. University of South Alabama.

25 "d. Alabama State University.

26 "e. Alabama A & M University.

27 "f. Tuskegee University.

- 1 "g. Troy University.
- 2 "h. Jacksonville State University.
- 3 "i. University of North Alabama.
- 4 "j. University of West Alabama.
- 5 "k. Miles College.
- 6 "l. University of Montevallo.
- 7 "m. University of Alabama, Huntsville.
- 8 "n. University of Alabama, Birmingham.
- 9 "(5) One member appointed by the Alabama High School
- 10 Athletic Association.

11 ~~"(b) In appointing members to the board, the~~
12 ~~appointing power shall select those persons whose~~
13 ~~appointments, to the extent possible, ensure that the~~
14 ~~membership of the board is inclusive and reflects the racial,~~
15 ~~gender, urban/rural, and economic diversity of the state (1)~~
16 All appointing authorities shall coordinate their appointments
17 so that diversity of gender, race, and geographical areas is
18 reflective of the makeup of this state. All appointed members
19 of the commission shall be citizens of the United States and
20 residents of Alabama.

21 "(2) The term of each appointed commission member
22 shall be three years and members are eligible for
23 reappointment. If a vacancy occurs, the appointing power for
24 the vacant position shall appoint a successor who shall take
25 office immediately and serve the remainder of the unexpired
26 term. Members of the Alabama Athlete Agents Commission serving

1 on October 1, 2016, shall continue to serve on the Alabama
2 Athlete Agents Commission until their term expires.

3 "(c) Within 15 days after their appointment, the
4 members of the commission shall take an oath before any person
5 lawfully authorized to administer oaths in this state to
6 faithfully and impartially perform their duties as members of
7 the commission, and the same shall be filed with the Secretary
8 of State.

9 "(d) The Governor may remove from the commission any
10 appointed member for neglect of duty or other just cause.

11 "(e) The commission shall elect annually a chair, a
12 vice chair, and a secretary-treasurer from its members.

13 "(f) A majority of the commission shall constitute a
14 quorum for the transaction of business.

15 "(g) (1) Meetings of the commission may take place by
16 means of telephone conference, video conference, or similar
17 communications equipment by means of which all persons
18 participating in the meeting may hear each other at the same
19 time.

20 "(2) Participation by means authorized in this
21 subsection shall constitute presence in person at a meeting
22 for all purposes, including the establishment of a quorum, to
23 deliberate, and take action.

24 "(3) The telephone or video conference or other
25 similar communications equipment shall also allow members of
26 the public the opportunity to simultaneously listen to or

1 observe meetings held pursuant to this subsection, to the same
2 extent allowed for public participation at physical meetings.

3 "(4) The commission shall give notice of any meeting
4 held pursuant to this section in the same manner required by
5 Section 36-25A-3 for physical meetings. Meetings of the
6 commission conducted pursuant to this subsection shall not be
7 subject to the provisions of Section 36-25A-5.1.

8 "(g)(h) The Secretary of State shall keep records of
9 the proceedings of the commission; and, in any proceeding in
10 court, civil or criminal, arising out of or founded upon any
11 provision of this chapter, copies of those records certified
12 as correct by the Secretary of State shall be admissible in
13 evidence as tending to prove the content of the records.

14 "(h)(i) The Secretary of State shall have printed
15 and published for distribution an annual register which shall
16 contain the names, arranged alphabetically, of all persons
17 registered under this chapter. The Secretary of State shall
18 also provide a quarterly report to the commission of all
19 agents registered during the quarter, any suspension or
20 revocation of registered agents during the quarter, and other
21 disciplinary action taken against an agent.

22 "(i)(j) The Secretary of State may employ personnel
23 and arrange for assistance, service, and supplies as the
24 Secretary of State may require for the performance of the
25 duties of the commission.

26 "(j)(k) The commission may ~~promulgate~~ adopt and,
27 from time to time, amend rules and standards of conduct for

1 athlete agents appropriate for the protection of the residents
2 of the state. At least 35 days prior to the completion of
3 notice of any rule or amendment, the Secretary of State shall
4 mail copies of the proposed rule or amendment to all persons
5 registered under this chapter, with a notice advising them of
6 the completion of notice of the rule or amendment and
7 requesting that they submit advisory comments thereon at least
8 15 days prior to the completion of notice. Failure to receive
9 by mail a rule, amendment, or notice by all persons registered
10 under this chapter shall not affect the validity of the rule
11 or amendment.

12 "~~(k)~~ (l) Except for the Secretary of State, each
13 member of the commission, who is not otherwise reimbursed by
14 public funds for services provided to this commission, shall
15 be paid fifty dollars (\$50) for each day the member is
16 actively engaged in the discharge of official duties as a
17 member of the commission, and shall also be entitled to, and
18 shall receive, reimbursement for actual necessary expenses
19 incurred in the discharge of official duties on behalf of the
20 commission.

21 "~~(i)~~ (m) The Alabama Athlete Agents Commission shall
22 be subject to the Alabama Sunset Law, Chapter 20, Title 41, as
23 an enumerated agency as provided in Section 41-20-3, and shall
24 have a termination date of October 1, 2019, and every four
25 years thereafter, unless continued pursuant to the Alabama
26 Sunset Law."

1 Section 2. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.