

Committee Report

CONSENT CALENDAR

February 4, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 219,

AN ACT repealing RSA 332-J regarding athlete agents.

Having considered the same, report the same with the

following resolution: RESOLVED, that it is

INEXPEDIENT TO LEGISLATE.

Rep. Tony Lekas

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 219
Title:	repealing RSA 332-J regarding athlete agents.
Date:	February 4, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would eliminate the requirement for someone acting as an athletic agent to have a certificate of registration from the state. There were changes expected to National Collegiate Athletic Association rules that might have effected this bill. Unfortunately those changes have been delayed due to the COVID-19 pandemic. As a result, an amendment was offered to turn this bill into a study committee to review those rules when they came out and their possible impact on this bill. Due to the difficulties the House faces due to COVID-19, we will not be creating study committees this year. As a result, the ED&A Committee recommends that this bill be found Inexpedient to Legislate. If appropriate, a new bill may be submitted in the future related to this issue.

Vote 14-2.

Rep. Tony Lekas
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 219, repealing RSA 332-J regarding athlete agents. **INEXPEDIENT TO LEGISLATE.**

Rep. Tony Lekas for Executive Departments and Administration. This bill would eliminate the requirement for someone acting as an athletic agent to have a certificate of registration from the state. There were changes expected to National Collegiate Athletic Association rules that might have effected this bill. Unfortunately those changes have been delayed due to the COVID-19 pandemic. As a result, an amendment was offered to turn this bill into a study committee to review those rules when they came out and their possible impact on this bill. Due to the difficulties the House faces due to COVID-19, we will not be creating study committees this year. As a result, the ED&A Committee recommends that this bill be found Inexpedient to Legislate. If appropriate, a new bill may be submitted in the future related to this issue. **Vote 14-2.**

Original: House Clerk

Cc: Committee Bill File

Archived: Tuesday, April 20, 2021 9:30:56 AM
From: [Miriam Simmons](#)
Sent: Tuesday, April 20, 2021 9:07:26 AM
To: [Miriam Simmons](#)
Subject: HB 219 CR - Lekas
Response requested: No
Importance: Normal

From: Carol McGuire <mcguire4house@gmail.com>
Sent: Tuesday, February 9, 2021 4:25 PM
To: [Miriam Simmons <miriam.simmons@leg.state.nh.us>](mailto:miriam.simmons@leg.state.nh.us)
Subject: Re: HB 219

Oops, it's from Lekas

From: Carol McGuire <mcguire4house@gmail.com>
Sent: Tuesday, February 9, 2021 3:05 PM
To: [Miriam Simmons <miriam.simmons@leg.state.nh.us>](mailto:miriam.simmons@leg.state.nh.us); Pam Smarling <Pam.Smarling@leg.state.nh.us>
Subject: HB 219

HB219 repealing RSA 332-J regarding athlete agents

Committee Motion: ITL, 19-0, CC

This bill would eliminate the requirement for someone acting as an athletic agent to have a certificate of registration from the state. There were changes expected to National Collegiate Athletic Association (NCAA) rules that might have effected this bill. Unfortunately those changes have been delayed due to COVID. As a result an amendment was offered to turn this bill into a study committee to review those rules when they came out and their possible impact on this bill. Due to the difficulties the House faces due to COVID we will not be creating study committees this year. As a result the ED&A committee recommends that this bill be found Inexpedient To Legislate. If appropriate a new bill may be submitted in the future related to this issue.

Rep Lekas

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 219

BILL TITLE: repealing RSA 332-J regarding athlete agents.

DATE: February 4, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. T. Lekas

Seconded by Rep. P. Schmidt

Vote: 14-2

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON ED+A

EXECUTIVE SESSION ON HB 219

BILL TITLE: REPEALING RSA 332-J REGARDING ATHLETIC AGENTS

DATE: 2-4-21

LOB ROOM: 306-308

MOTION: (Please check one box)

- OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. LEKAS Seconded by Rep. SCHMIDT Vote: 14-2

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? Yes _____ No

Minority Report? _____ Yes _____ No If yes, author, Rep. _____ Motion: _____

Respectfully submitted, Rep. [Signature], Clerk

OFFICE OF THE HOUSE CLERK



1/22/2021 9:57:48 AM
Roll Call Committee Register
Report

2021 SESSION

Executive Departments and Administration

Bill #: HB 219 Motion: ITL AM #: _____ Exec Session Date: 2-4-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NI</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X	X	
Sytek, John Clerk	X		
Pearson, Stephen C.			X
Yakubovich, Michael		X	
Lekas, Tony	X		
Alliegro, Mark C.	X		X
Bailey, Glenn	X		
Lanzara, Tom E.			X
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeudy, Jean L.	X		
Schmidt, Peter B.	X		
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Fontenault, Timothy J. <u>LABRANCHE</u>	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:		<u>14 - 2</u>	

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 219

BILL TITLE: repealing RSA 332-J regarding athlete agents.

DATE: February 4, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 1:30 p.m.

Time Adjourned: 1:45 p.m.

(please circle if present)

ALL PRESENT EXCEPT BAILEY ←

Committee Members: Reps. McGuire, Roy, Sytek, S. Pearson, Yakubovich, Lekas, Alliegro, Bailey, Lanzara, Santonastaso, P. Schmidt, Schultz, Goley, Judy, Schuett, Fellows, Fontaineau, Grote, M. O'Brien

LABRANCHE

Bill Sponsors:

Rep. Yokela

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 219 repealing RSA 332-J regarding athletic agents. (1:30/1:45)

Rep. Yokela, sponsor, introduce the bill and spoke in support.

Rep. Yokela said that there are no education or training aspects for this license. He felt that there was an odd situation with athlete agents with respect to where liabilities and responsibilities lie – with the college? With the agent?

He said that the NCAA was coming up with guidelines which would pertain to this area. For that reason, he had an amendment that would change the bill to a study committee.

There was a discussion with the Chairman about what the appropriate future of this bill was and that ED&A did not normally handle liability and representation issues. Rep. Yokela said he was willing to do work on the bill during the summer.

Rep. Horrigan spoke in opposition and said that this bill was not necessary.

The arrangements were private contracts. He said that both amateur and professional sports were very highly regulated industries. He noted that many other states have similar legislation and none have repealed it.

Public hearing adjourned at 1:45 p.m.

Respectfully submitted by

Rep. John Sytek

Committee Clerk

HB 219 repealing RSA 332-J regarding athletic agents. (1:30/1:45)

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Public hearing adjourned at 1:45 p.m.

Respectfully submitted by
Rep. John Sytek
Committee Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB219 on 2

Support: 8 Oppose: 8 Neutral: 2 Total to Testify: 4

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Horrigan, Rep. Timothy	timothy.horrigan@leg.state.nh.us	603.969.3823	An Elected Official	Strafford 6	Oppose	Yes (0m)	2
Osborne, Jason	HouseRepOffice@leg.state.nh.us	603.271.3665	An Elected Official	Myself	Support	No	2
Potucek, John	potucek1@comcast.net	603.432.9049	An Elected Official	Myself	Support	No	2
Aron, Judy	judy.aron@leg.state.nh.us	604.843.5908	An Elected Official	Myself	Support	No	2
Plett, Fred	fred.plett@leg.state.nh.us	603.660.0732	An Elected Official	Myself	Support	No	2
Smith, Jonathan	jhsmithnh5@gmail.com	603.651.1137	An Elected Official	Myself	Support	No	2
THEBERGE, ROBERT	rolath@hotmail.com	603.915.0187	An Elected Official	Myself	Support	No	2
Weyler, Ken	kweyler@aol.com	603.778.5225	An Elected Official	Rock. 13	Support	No	2
ploszaj, tom	tom.ploszaj@leg.state.nh.us	603.279.9965	An Elected Official	Myself	Support	No	2
Vose, Michael	michael.vose@leg.state.nh.us	603.734.4084	An Elected Official	Myself	Support	No	2
Johnson, Dawn	Dawn.Johnson@leg.state.nh.us	603.305.8466	An Elected Official	Myself	Support	No	2
Edwards, Rep Jess	jess.edwards@leg.state.nh.us	603.370.7885	An Elected Official	Rockingham District 4 (Auburn, Chester, Sandown)	Support	No	2
Spillane, James	james@jamespillane.org	603.463.5623	An Elected Official	Rockingham 2	Support	No	2
Piemonte, Tony	tony.piemonte@leg.state.nh.us	603.391.4676	An Elected Official	Myself	Support	No	2
Greene, Bob	bob.greene@leg.state.nh.us	603.880.3929	An Elected Official	Myself	Support	No	2
Cronin, Tom	thomas.cronin@unh.edu	603.862.0574	State Agency Staff	The University System of NH	Neutral	No	2
Ankarberg, Aidan	aidan201@yahoo.com	603.770.1795	An Elected Official	Myself	Support	No	2
Cody, Belanger	cody.belanger@leg.state.nh.us	603.702.0128	An Elected Official	Myself	Support	No	2
Layon, Erica	erica.layon@leg.state.nh.us	603.479.9595	An Elected Official	Myself	Support	No	2
Blasek, Melissa	melissa.blasek@leg.state.nh.us	603.401.2542	An Elected Official	Myself	Support	No	2
Lekas, Alicia	rep.alicia.lekas@gmail.com	603.881.8960	An Elected Official	Hillsborough 37	Support	No	2
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Neutral	No	2
Nunez, Hershel	hershel.nunez@leg.state.nh.us	603.260.9630	An Elected Official	Myself	Support	No	2

Testimony

Archived: Wednesday, April 7, 2021 12:10:30 PM
From: Cronin, Thomas
Sent: Thursday, February 4, 2021 12:43:14 PM
To: ~House Executive Departments and Administration
Cc: Josh Yokela
Subject: HB219, repealing RSA 332-J regarding athlete agents.
Importance: Normal

Good afternoon members of the committee,

Due to other hearings this afternoon I am unsure if I will be able to attend your committee's hearing on HB 219, repealing RSA 332-J regarding athlete agents. I have been in touch with the sponsor, Rep. Yokela, and understand that he intends to bring an amendment to study this subject given expected changes to NCAA bylaws. The university system is supportive of this amendment and looks forward to the opportunity to work with the would be committee on this issue in the fall. We're incredibly thankful to Rep. Yokela for the time he has spent with us discussing his bill.

If I am unable to answer questions at the hearing please know I would be happy to speak with any of you anytime regarding this issue.

Thank you all,

Tom

Thomas P. Cronin
Director of Government Relations
Cell: 603.264.5659
Office: 603.862.0574
thomas.cronin@unh.edu

Amendment to HB 219

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a committee to study repealing RSA 332-J relative to athlete agents.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Committee Established. There is established a committee to study repealing RSA 332-J,
8 relative to athlete agents.

9 2 Membership and Compensation.

10 I. The members of the committee shall be as follows:

11 (a) Three members of the house of representatives, appointed by the speaker of the
12 house of representatives.

13 (b) One member of the senate, appointed by the president of the senate.

14 II. Members of the committee shall receive mileage at the legislative rate when attending to
15 the duties of the committee.

16 3 Duties. The committee shall:

17 I. Study recent changes to NCAA rules, including the decision to allow a basketball student-
18 athlete to hire and accept limited benefits from an agent, and whether these changes conflict with or
19 otherwise affect the need for RSA 332-J.

20 II. Identify the advantages and disadvantages of RSA 332-J and whether a state law
21 regulating athlete agents in New Hampshire is needed.

22 III. Determine whether representatives should be held to be liable for the actions taken on
23 behalf of the athlete or if the responsibility should lie entirely on the athlete.

24 IV. Consider how the role of an athlete agent may differ from any other representative of an
25 athlete's interest, including brand managers or marketing managers, and whether issues of liability
26 can be adequately addressed through contractual agreement rather than by statute.

27 V. Determine whether RSA 332-J, regarding athlete agents, should be repealed and
28 anything else the committee finds relevant to this issue.

29 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
30 among the members. The first meeting of the committee shall be called by the first-named house
31 member. The first meeting of the committee shall be held within 45 days of the effective date of this
32 section. Three members of the committee shall constitute a quorum.

Amendment to HB 219

- Page 2 -

- 1 5 Report. The committee shall report its findings and any recommendations for proposed
- 2 legislation to the speaker of the house of representatives, the president of the senate, the house
- 3 clerk, the senate clerk, the governor, and the state library on or before November 1, 2021.
- 4 6 Effective Date. This act shall take effect upon its passage.

UNAPPROVED

2021-0213h

AMENDED ANALYSIS

This bill establishes a committee to study repealing RSA 332-J, relative to athlete agents.

UNAPPROVED

Bill as
Introduced

HB 219 - AS INTRODUCED

2021 SESSION

21-0247
05/10

HOUSE BILL **219**

AN ACT repealing RSA 332-J regarding athlete agents.

SPONSORS: Rep. Yokela, Rock. 33

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill repeals RSA 332-J, relative to athlete agents.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 219 - AS INTRODUCED

21-0247
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT repealing RSA 332-J regarding athlete agents.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Repeal. RSA 332-J, relative to athlete agents, is repealed.
- 2 2 Effective Date. This act shall take effect 60 days after its passage.