

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3119/1dn
MDK:wlj:jf

September 29, 1999

Please review this bill to make sure that it achieves your intent. In particular, please note the following:

1. Proposed s. 93.135 (1) (rp) is included in this version of the bill so that athletic agent registration is treated in the same manner as other DATCP licenses or registrations with respect to denial, nonrenewal, suspension or restriction based on failure to pay child support.

2. Proposed s. 100.179 (2) (a) and (b) has been revised to prohibit, with certain exceptions, contacting a student athlete in this state. It seems that this approach is preferable to prohibiting, with certain exceptions, contacting a student athlete who either: 1) is attending an institution in this state, 2) has expressed a written intention to attend such an institution, or 3) plans to attend such an institution. It would be difficult for the state to prove or disprove the third option because that option is entirely dependent on the mental state of the student athlete. Therefore, I do not think that it is a workable option. Please contact me if you want to discuss this issue further.

3. Proposed s. 100.179 (7) (a) 2. has been revised to prohibit providing anything of value or benefit, rather than prohibiting *offering* or providing anything of value or benefit. I made this change because it is consistent with the uniform act, as well as with proposed s. 100.179 (7) (a) 3.

4. A severability provision is not necessary. Under Wisconsin law, the unconstitutionality of any provision of a statute does not affect other provisions that can be given effect independently of the unconstitutional provision if severing the unconstitutional portion does not foil the legislature's manifest intent. See s. 990.001 (11) and *Burlington Northern v. City of Superior*, 131 Wis. 2d 564, 579-87 (1986), *cert denied*, 107 S. Ct. 883 (1987), *Wis. Wine & Spirit Institute v. Ley*, 141 Wis. 2d 958, 971-72 (Ct. App. 1987) and *Town of Clearfield v. Cushman*, 150 Wis. 2d 10, 22-4 (1989).

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