## 1999 DRAFTING REQUEST

## Assembly Amendment (AA-AB709)

Received: 03/27/2000	Received By: kunkemd		
Wanted: Today	Identical to LRB:		
For: Legislative Fiscal Bureau	By/Representing: David Schug		
This file may be shown to any legislator: NO	Drafter: kunkemd		
May Contact:	Alt. Drafters:		
Subject: Trade Regulation	Extra Copies:		

#### **Pre Topic:**

No specific pre topic given

### **Topic:**

Record-keeping requirements, contacting educational institution and cause of action by educational institution

### **Instructions:**

See Attached

### **Drafting History:**

Vers.	Drafted	<u>Reviewed</u>	<u>Typed</u>	Proofed	Submitted	Jacketed	Reauired
/1	kunkemd 03/27/2000	chanaman 03/27/2000	hhagen 03/27/200	0	lrb-docadmin 03/27/2000	lrb-docadmii 03/27/2000	n

FE Sent For:

<END>

# **1999 DRAFTING REQUEST**

# Assembly Amendment (AA-AB709)

Received: 03/27/2000	Received By: kunkemd		
Wanted: Today	Identical to LRB:		
For: Legislative Fiscal Bureau	By/Representing: David Schug		
This file may be shown to any legislator: NO	Drafter: kunkemd		
May Contact:	Alt. Drafters:		
Subject: Trade Regulation	Extra Copies:		
Pre Topic:			

No specific pre topic given

## Topic:

_	(
Record-keeping requirements	contacting educational institution and cause of action by educational

### **Instructions:**

See Attached

## **Drafting History:**

Vers.	Drafted	<u>Reviewed</u>	Typed	Proofed	Submitted	Jacketed	<u>Required</u>
I?	k u n k e m d	cmt	NA 327	54327			
		$\Lambda$	0				
FE Sent F	or.	3/20					
	01.			<end></end>			

#### Kunkel, Mark

From: Sent: To: Subject: Schug, David Friday, March 24, 2000 4:49 PM Kunkel, Mark RE: AB709 amendment

a 2064

Thanks for your help. I would like an amendment drafted that would create an annual PR appropriation under program 1 of DATCP that the registration fees would be deposited into, effective at the bill's passage. Please authorize DATCP 2.0 FTE positions to be funded from the appropriation and provide \$77,200 in 2000-01.

Please draft a second amendment that would more strictly require an athletic agent to contact either the student's present school, or if they are between schools, the school that the athlete intends to attend no later than seven days after contact between an unregistered agent and a student athlete when the student initiates the call and not allow as an option an unregistered individual to notify an athlete's head coach or the athletic director of the student athlete's last attended school after contact with a student athlete. Also include in the amendment the fix we discussed below relating to self-incrimination so that the record-keeping requirement only applies to other expenses.

Please call with questions.

David Schug Legislative Fiscal Bureau Phone: (608) 266-3847 Fax: (608) 267-6873 David.Schug@legis.state.wi.us

 -----Original
 Message---- 

 From:
 Kunkel, Mark

 Sent:
 Friday, March 24, 200012:03 PM

 To:
 Schug, David

 Subject:
 AB709 questions

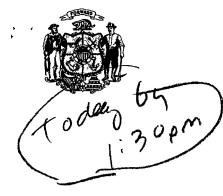
David:

The bill's requirement to keep records regarding services provided to induce athletes to enter into contracts does raise problems regarding self-incrimination. The reason that the problems are raised is that the bill imposes criminal penalties for violations. While it is probably okay to require an agent to keep the records, the problems arise regarding **any attempt to use the records to prosecute an agent for a violation of the bill. The law on this issue is complicated** and fact-specific. But someone could argue that the records can't be used to prosecute because of self-incrimination. This problem negates any reason for requiring the records to be kept in the first place. If they arguably can't be used in a prosecution, why require that they be kept? A way to fix this problem is to revise the record-keeping requirement so that it only applies to expenses.

As for the other 2 issues (the missing "and" and the typo in the emergency rule provisions), we can handle those with a chief clerk's correction.

Please call me if you wish to discuss these issues further.

Mark Kunkel Legislative Attorney Legislative Reference Bureau (608) 266-0131 mark.kunkel@legis.state.wi.us



## State of Misconsin 1999 - 2000 LEGISLATURE

LRBa2065/1 **MDK:...:..** 

CMIT

# ASSEMBLY AMENDMENT,

**TO 1999 ASSEMBLY BILL 709** 



At the locations indicated, amend the bill as follows: 1 Page 5, line 11: delete lines 11 to 13 and substitute: 2 1. "2. No later than 7 days after the contact, the individual does each of the following: 4 a. Submits an application to the department for registration under sub. (3). 5 6 b. Makes a notification about the contact to the athletic director of the 7 educational institution that the student athlete is attending at the time of the contact or, if the student athlete is not attending an educational institution at the time of the 8 contact, the educational institution that the student athlete has expressed a written 9 intention to attend.". 10  $\mathcal{O}$ 2. Page 13, line 16: delete lines 16 and 17 and substitute: 11 "4. A record of any expenses paid in the recruitment or attempted recruitment 12

13 of a student athlete.".

5

Bage 15, line 21: before the period insert "as a result of any conduct by the
 athletic agent that violates this section, any rule promulgated under this section or
 any rule of a national association or amateur organization that governs the sport in
 which the student athlete participates".

-2 -

(END)