

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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Reauired</u>
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FE Sent For:

<END>

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FE Sent For:		3/27					

<END>

Kunkel, Mark

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

a 2065

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, 2000 12:03 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



Today by
1:30pm

**ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 709**

NPO
please
fix this
line on
request
sheet

1 At the locations indicated, amend the bill as follows:

2 1. Page 5, line 11: delete lines 11 to 13 and substitute:

text
treat

3 "2. No later than 7 days after the contact, the individual does each of the
4 following:

5 a. Submits an application to the department for registration under sub. (3).

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
8 or, if the student athlete is not attending an educational institution at the time of the
9 contact, the educational institution that the student athlete has expressed a written
10 intention to attend."

11 2. Page 13, line 16: delete lines 16 and 17 and substitute:

text
treat

12 "4. A record of any expenses paid in the recruitment or attempted recruitment
13 of a student athlete."

