

let's get rid of the criminal section on it. It is three lines. You have got to pull the bill out, but it is the three lines that deal with criminal liability. My amendment moves to strike those and to insert, and it is actually in the paragraph before it, an additional section which would also make the athlete agent liable civilly for damages caused by violations of the act. That takes it out of the criminal side of the...criminal side and moves it over to the civil side. It eliminates those questions that Senator Chambers had with the bill, and I am sure if this amendment is adopted, Senator Chambers will jump on board, and he will be trying to push this bill through. I would urge you to, for those of you who are interested in the amendment, we go to page 14, lines 2, 3, and 4 would be stricken. Those words are "Any person who knowingly and intentionally violates the act shall be guilty of a Class III misdemeanor", and adds on page 13, a new subparagraph (d) at line 22, shall pay to the athlete damages incurred by the athlete by reason of the athlete agent's violation of the act. I think this treats the problems that Senator Chambers has with the act. I do see that his arguments have some merit as far as on the constitutionality. I like the concept of the act. I like the act. Let's make sure that it is a good act. I think this amendment will help to do that.

PRESIDENT: Thank you. Senator McFarland, please.

SENATOR MCFARLAND: Thank you, Mr. President. I won't oppose the amendment right now. I will tell you why. If there are concerns about that, and I think, quite honestly, Senator Chambers may have raised a legitimate concern, and I talked with the Secretary of State yesterday about it, I can come back, I will draft an amendment that will take care of it. I will tell you why the criminal penalty is included in there, and I will probably on Select consider whether a criminal penalty should be reinstated. The reason for the criminal penalty is that there are a lot of athletes who are used and exploited by sports agents, and yet when they find that they have lost money and that they have been misled and have been taken advantage of by sports agents, they are reluctant to file any civil proceeding because they don't want the embarrassment. They don't want to be perceived as a troublemaker. They tend to want to...they don't want their contract difficulties and their salary and all that kind of information being publicized in a court proceeding, and so they are reluctant to do anything about it. And the reason for the criminal penalty is not only to make it a