

viewed as speculative?

SENATOR LINDSAY: I don't know. I haven't heard the evidence, but it depends. Obviously, you are getting into an area that depends on the evidence. Now there is...it depends on each fact case. If the evidence isn't there to prove the damages, then, obviously, with or without this amendment, the cause of action isn't going to be there.

SENATOR CHAMBERS: Senator Lindsay, what would the measure of money damages be for one who may have lost eligibility but has suffered no money damages because he is not paid for what he is doing, he is not generating any income in any way, so damages refer...let me ask you this, does the term damages refer to money paid to a person to make him or her whole under the law, generally, is that what we are talking about, money as compensation for what the harm that had been done a person?

SENATOR LINDSAY: Correct.

SENATOR CHAMBERS: How could an athlete who is not making any money suffer monetary loss?

SENATOR LINDSAY: That is...we remunerate, or I should say, we pay damages to people not based just on monetary loss in every area of the law. For example, if you are in a car accident, somebody who doesn't have any monetary damages other than hospital bills is still entitled to compensation for pain and suffering or for disfigurement or a whole host of nonpecuniary damages.

SENATOR CHAMBERS: Senator Lindsay, what pain and suffering would result to an athlete for losing his eligibility?

SENATOR LINDSAY: That is a...it is a question for the jury. If a student athlete loses a year of eligibility and because of that is not allowed to participate in his senior year, that is a question for the jury as far as how much.

SENATOR CHAMBERS: Is a person under the laws of this state, Senator Lindsay, allowed to recover damages for emotional distress that comes from no physical injury done to a person?

SENATOR LINDSAY: Yes.