

CLERK: 25 ayes, 0 nays, Mr. President, on adoption of Senator McFarland's amendment to the bill.

SENATOR LANDIS: The amendment is passed. Mr. Clerk, do we have another item on the desk?

CLERK: Mr. President, Senator McFarland would move to amend. Senator, this is your penalty provision, on page 12, after line 21, insert the following new paragraph: Any person who knowingly and intentionally violates any provision of this section shall be guilty of a Class III misdemeanor. It was printed in last year's Journal as well, Mr. President.

SENATOR LANDIS: Senator McFarland recognized to open on his amendment.

SENATOR MCFARLAND: Thank you very much, Mr. President. This has to do with the misdemeanor penalties that are part of this bill. The original bill draft said that any person who violates any provision in the entire bill would be subject to a Class III misdemeanor. Last year, Senator Chambers raised the objection that there were going to be rules and regulations prescribed by the Secretary of State in the carrying out of this bill and that, in effect, you would have an unconstitutional delegation of authority to the Secretary of State to create rules and regulations that would be subject to a misdemeanor penalty. So what we have done with this amendment is to limit the misdemeanor to apply only to the particular section on page 12, and it would have to do with Section 17 which talks about an agent publishing false and misleading information, or knowingly giving false information or promises, or dividing fees with a sports league, or entering into an agreement by which he would offer anything of value to the athlete and, therefore, in effect, jeopardize his or her eligibility, those specific provisions. I think it takes care of the objections that Senator Chambers had about the Secretary of State being...or being subject to a misdemeanor penalty for perhaps violating a rule or regulation imposed by the Secretary of State. It limits the misdemeanor penalty only to Section 17 which talks about the prohibitions concerning actions by an athlete agent, and those are listed, if you want to take a look, on page 11 of the bill. I think there needs to be some kind of criminal sanction against sports agents who intentionally and knowingly mislead and deceive college athletes into representation agreements. This would be a misdemeanor penalty. It is not like they would...it