

question?

SENATOR SCHMIT: I don't know, Senator Warner, how many instances we might have where it would violate due process, but I am just going to ask if, in effect, there was a penalty such as this levied against the athletic program, particularly the football program, what do you envision the penalty to be or what do you think it might be if that were to be found a valid penalty?

SENATOR WARNER: What would the dollar amount be?

SENATOR SCHMIT: I guess that's what I'm asking. Yeah, it says it's going to be 150 percent of the yearly gross amount realized by the affected athletic program.

SENATOR WARNER: Oh, if it was the University of Nebraska-Lincoln, it runs in my mind their yearly budget is for athletics in total, that's not just football, but it runs in my mind it's in the vicinity of 10 million. It might be over that.

SENATOR SCHMIT: Well, I'm a little weak in the knees right now but I'm going to ask one more question.

SENATOR WARNER: If it has reference to the total program, I thought when we...I thought I recalled someone discuss having it related to maybe one event rather than the whole season but I really can't answer that.

SENATOR SCHMIT: Well, I guess I'm a little sensitive to penalties and I'm a little concerned. I would like to ask Senator Chambers...I'm sure he'll have some comments about it, but I'm concerned about the indefiniteness of this kind of a penalty. I concerned, secondly, about the fact that if we extend due process to a private entity, what does it do? Does it mean that another private entity, the Boy Scouts, the 4-H Club, the Future Farmers of America, any of these entities can come back against an institution, a school or any other entity and ask for a similar kind of protection? I know that Senator Chambers is concerned about a certain area of abuse and I have some sympathy with that. But I find myself, from time to time, having to defend some of these things we do and I really think it needs a lot more discussion than we have had. I don't suppose...I don't believe I was here when the bill was discussed on General File...