

SPEAKER BARRETT: One minute.

SENATOR SCHMIT: ...and so I guess what concerns me, Senator, is if the monetary loss in this instance could be \$10 million, then if the penalty were 150 percent of that, that's \$15 million, that would just about wipe out the program which may be good or bad, I'm not saying about that, but where do we go then for the funds to carry on the program? Because, as I understand it, the football program basically supports much of the entire athletic program at the University of Nebraska. So I would like to have Senator Chambers discuss some of these items and maybe he can reassure me.

SPEAKER BARRETT: Senator Chambers, yours is the next light so if you would like to answer it now on your time...

SENATOR CHAMBERS: Yes.

SPEAKER BARRETT: ...you have another 10 seconds of Senator Schmit's time. Proceed.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator Schmit, I did explain all of this the day that the bill was moving and the penalty is not against the university. The penalty would be against the NCAA if it imposed a punishment on the university without following due process. So I will explain the bill so that it's in context. We have a situation where...I'm going to wait so I won't have to explain it twice. That's only...okay, because he would say he didn't hear what I said and he wouldn't have, okay. Senator Schmit, it's a situation where there have been a number of instances where schools felt that the NCAA system by which they found violations to exist and imposed punishments did not comport with due process. You couldn't confront the one who accused you. You didn't always know with specificity exactly what evidence resulted in which aspect of the punishment, and if you disagreed with the finding of the infractions committee, then you would appeal it to the NCAA Council and if the NCAA Council agreed, that was the end of it. In the Tarkanian case where something like this happened, a lower court found that one of the investigators had an obvious bias against the coach. That is a violation of due process fairness. So if there were a bill such as this in place and say the NCAA upheld the findings of that biased individual and the university wanted to appeal through