

university, as an educational institution in our state, is also obligated to comply with state law. It puts them in a real dilemma. This amendment would at least allow them to resolve that dilemma initially by comporting with NCAA rules, not risking the possible sanctions against them by the NCAA, at least initially, and then allow the Attorney General to then have to bring an action to try to force the NCAA and the university to comply with this loss if it does pass. I think the amendment doesn't really take away from the purpose that Senator Chambers is trying to address. The purpose that he is trying to address, I think, is...in a way it's a...it is a reasonable one, is to try and eliminate this discriminatory practice. The problem is that it puts the university and the athletic department in a real bind and risks...it subjects them to potential sanctions of the NCAA. So I would urge your adoption of this amendment which would strike the fine provisions against the university for any violation. Thank you.

SENATOR HANNIBAL: Thank you, Senator McFarland. Senator Chambers, please.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, Senator McFarland and I have been discussing this bill continuously since yesterday and I agree with the amendment. What the amendment will...first of all, the language currently in the bill would subject the university to a \$25,000 fine should they violate this law, as written, by withholding aid from one of these students in a discriminatory manner. My intent is to stop what the NCAA is doing. So Senator McFarland's theory, and I tend to agree with it, is that if we remove this language that would impose a penalty on the university and direct the penalty provisions to the NCAA, we free the university from fear of being sanctioned should they try to create a situation where there can be a lawsuit. Now I will say that in simpler terms if I can, but I wanted that in the record for anybody who would read it. If we remove the penalty provision, the university would be presented with a choice between two things, comply with LB 708 or...and face sanction by the NCAA perhaps; or they could give the aid and risk the student...wait a minute. If they give the aid, they would violate NCAA rules but comply with the law. If they withhold the aid, then the student, under the provisions of the bill, could go to the Attorney General who would then initiate action and tell the university, give this aid to the student because it is required under the law and he is entitled to it.