

university says, if you want to participate in this football program, you have to agree that you will get none of this aid. That is patently unjust and that is one of the things that I'm emphasizing in this discussion.

SENATOR HANNIBAL: One minute.

SENATOR BEYER: Okay, I will have some questions later then. Thank you.

SENATOR HANNIBAL: Thank you, Senator Beyer. Senator Schmit, please. Senator Schmit, please. He doesn't happen to be here. We'll move on to Senator Chambers then.

SENATOR CHAMBERS: Mr. Chairman and members of the Legislature, let me tell you why the universities become parties to the enforcement of NCAA rules. They agree contractually to make the NCAA rules the rules that govern their own program. No illegal contract can be enforced. If there is a provision in a contract that requires discrimination and discrimination is against the law, that provision of a contract couldn't be enforced anyway. So the university could argue that they are being asked to enforce a nonenforceable discriminatory contract. And since the provision is not enforceable, it could not be a basis for the NCAA to impose a sanction on the university. What I'm having a great amount of difficulty dealing with is that we're talking about an educational institution, a state-funded educational institution practicing discrimination and I hear all of this concern expressed about the welfare of the athletic department. It has a wonderful program based on discrimination, rooted and grounded in discrimination. I will tell you a simple way the university can avoid this problem. Just stop going out and recruiting these players to come to the university when you can't give them a scholarship and don't put them in a position of being coaxed here, then told that they have to give up aid that they're entitled to receive as a condition to participation. But if LB 708 were to be enacted in its present form, without the penalty provision, because it was removed, the university is in a situation to challenge this whole thing in court and there is machinery in the bill to protect the university and I should make some of that clear how it would happen. The bill makes it unlawful for the NCAA to threaten or impose a sanction on the university for complying with this law. This law would be the law of the state. If the NCAA attempted to impose a sanction on the university for obeying the law, then