

17. Former Senator McFarland wanted to hold it and get an Attorney General's Opinion to ensure that this could be done by the Legislature. I never had any doubt whatsoever because we, as a Legislature, under the Constitution, can legislate on any issue the Constitution does not prohibit us from legislating on. So the Attorney General's Opinion came back December of last year stating that in fact we can pass such a bill, that it will be effective, that it will override any rule of the NCAA, that the penalty provisions would be effective in the way intended by the bill. So, if you look at Section 1, you'll find various findings. The first subparagraph of Section 1 points out that various financial aid programs are created by federal and state law, based on need, to help students, that these programs are designed to benefit the students and not the schools, and subparagraph (2) points out that the eligibility is based on established criteria that determine whether a person is needy enough to qualify for this aid. So the preliminary is that a person must establish need based on the criteria contained in the legislation creating the program. Subparagraph (3) points out that in order to participate in a program that is a part of the school's operation and function it should not be necessary, as a condition to participation, for the student to give up any of this aid which he or she would be entitled. Subparagraph (4) points out again that these athletic programs, being an integral part of the university, should be available to every student who wants to participate without having to give up aid. Subparagraph (5) establishes that the Legislature has an obligation to enact laws prohibiting discrimination and to provide remedies for a person discriminated against. Those are the findings. Section 2, starting on page 3, gets to the operative language of the bill. It prohibits the university or any college from enforcing any rule or regulation that would require a student to give up any aid to which he is entitled as a condition to participate in any intercollegiate athletic program. Sections 3 and 4 deal with what happens when that aid should be withheld in violation of this statute. Any person could file an allegation, with the Attorney General, that a violation had occurred. The Attorney General conducts an investigation and issues a finding. Once that finding is made within three days of making that finding that a violation occurs, the Attorney General would issue a directive to the school or university telling them that within ten days of receiving that directive they have to turn the aid over to the student in accord with the program...the requirement of that particular program. That makes it clear that the money is not