

LEGISLATIVE BILL 688

Approved by the Governor April 16, 2003

Introduced by Chambers, 11

AN ACT relating to the University of Nebraska-Lincoln; to provide for paying a stipend to or restricting hours of participation for persons competing in intercollegiate athletics; and to provide for applicability of provisions.

Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds and declares that:

(1) Scandals are rampant throughout college football as evidenced by schools placed on probation by the National Collegiate Athletic Association, coaches dismissed or forced to resign for improprieties, and players being declared ineligible to compete for violating rules against receiving fair financial compensation;

(2) Many players are recruited from impoverished families and the rules of the National Collegiate Athletic Association prohibiting reasonable financial compensation render such players vulnerable to inducements, benefits, and other types of compensation which are defined as illicit by the National Collegiate Athletic Association rules;

(3) A fair rate of financial compensation would give players a choice when offered illicit inducements, compensation, or assistance;

(4) Rules of the National Collegiate Athletic Association prohibiting compensation are unduly restrictive and unreasonable, promote unfairness, encourage dishonesty in recruiting and retaining players, and would not be tolerated if applied to all students; and

(5) Players at United States service academies are compensated while in attendance and are eligible to compete against schools which are members of the National Collegiate Athletic Association.

Sec. 2. The Legislature further finds and declares that:

(1) The University of Nebraska-Lincoln participates in a national intercollegiate football program which produces millions of dollars through ticket sales, lucrative national television and other electronic broadcast contracts, and participation in postseason bowl games;

(2) The football program promotes the university and generates valuable intangible benefits such as enhancement of image;

(3) The exertion of players and the revenue they generate produce employment and salaries for many others, subsidize other sports programs at the university, and underwrite travel expenses of numerous university officials, staff, and others who attend postseason bowl games in which the team participates;

(4) The university employs a large athletic department to administer its intercollegiate athletic program and a sizable football coaching staff charged primarily with the responsibility of producing a team capable of competing successfully against the best teams in their conference and in the nation and of generating as much revenue as possible;

(5) Maintaining a winning football team has become an integral aspect of the overall business or occupation of the university as an institution;

(6) The football program of the university could not exist without the athletes who play that arduous and dangerous game;

(7) Such athletes do not appear at the university by accident or happenstance but are actively recruited by university personnel at considerable expense;

(8) Such athletes are not recruited nor are scholarships awarded on the basis of need or academic achievement but for athletic prowess, the recipients having been recruited to be football players and not scholars;

(9) Many players spend more time on football-related activities than academics; and

(10) Because a sound academic program for football players may be difficult to develop due to the demands of the sport, football players are entitled to some tangible return for the strenuous work they perform and the revenue they generate for the benefit of the university.

Sec. 3. The Legislature further finds and declares that, in the same manner that nonathlete students are compensated for performing various tasks while a student, football players shall be entitled to fair financial compensation for playing football.

Sec. 4. Any person who competes in the sport of football for the

University of Nebraska-Lincoln may be granted a stipend, the amount of which shall be determined by the university. In addition, the university may in its discretion grant a stipend to persons who compete in sports other than football which participate in Big Twelve Conference competition.

Sec. 5. Nothing in this act shall be construed to make a person a professional athlete.

Sec. 6. This act shall become operative whenever laws granting a similar stipend or similarly restricting hours of participation are enacted in at least four other states which have teams that compete in the Big Twelve Conference or its successor.

Sec. 7. As a preferable alternative to the requirement of section 4 of this act, the University of Nebraska-Lincoln may limit the number of hours required to participate in intercollegiate athletics to such number that participation in a sport would not impede the student athlete's ability to carry a regular academic workload which will allow such student athlete to graduate in four years, will allow the student athlete adequate time to participate in the intellectual and cultural activities on campus, and further will allow the student athlete to work an average of at least twelve hours per week during the academic school year.