

But no matter who analyzes the bill, I can tell you what they are going to have to come up with; first of all, that the bill says in simple terms, there can be no discrimination against athletes in the granting of aid simply because they are athletes. The bill prohibits the NCAA from threatening or imposing a penalty on the university for complying with this bill. If the NCAA violates this bill by threatening or imposing a penalty, it is subject to a \$25,000 fine. Furthermore, a cause of action is created for the university so that even before the NCAA would impose a punishment, the university could go into court, and under the cause of action created by the terms of this bill seek an injunction that would prohibit the NCAA from imposing a punishment. If the NCAA would go into court to try to dissolve such an injunction, its argument would be similar to the following, the NCAA does, in fact, have a rule that discriminates against a category of students in a way that others are not discriminated against who are similarly situated, and the NCAA is asking this court to uphold that discriminatory rule and allow us to punish the university for obeying an antidiscrimination law that was passed by the Legislature. I don't think even the NCAA is that silly, and I will tell you why I say that. I have mentioned it before, the NCAA adopted a rule requiring drug testing of athletes. The State of Washington or California has a law in place prohibiting such testing. The NCAA has said that the universities and colleges in that state do not have to test their athletes because there is a law prohibiting it. So those schools are all out of compliance with an existing law...rule of the NCAA right now and they are not sanctioned, and they are not sanctioned because there is a state law. The law of the state is paramount to any rule of any private association. LB 397 that was passed by the Legislature and signed by the Governor has brought the NCAA within the realm of state law.

SPEAKER BARRETT: One minute.

SENATOR CHAMBERS: It is subject to the laws of our state and the provisions of our Constitution that guarantee due process. Nobody has been able to successfully argue that discrimination is consistent with due process. So if the basis on which the NCAA would try to impose a sanction is a rule that discriminates, their case on its face has to fall because such a presentation violates the principle, not only of due process, but equal protection of the law. It is a serious matter and I regret that there are members of the Legislature more concerned