

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 44** SLS 22RS 79

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

Date: May 24, 2022	9:23 AM	Author: MIZELL
Dept./Agy.: Education		Analyst: Tim Mathis
Subject: Creates the Fairness in Women's Sports Act		

AMUSEMENTS/SPORTS

EN SEE FISC NOTE GF EX See Note

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Provides for the Fairness in Women's Sports Act relative to a school's ability to offer equal opportunities to each student to participate in team sporting events on an equal basis. (8/1/22)

Proposed legislation defines "biological sex" as a statement of a student's biological sex on the student's official birth certificate which is entered at or near the time of the student's birth. Requires intercollegiate or interscholastic athletic teams or sporting events that are sponsored by a school that receives state funding to be designated as only one of the following: (1) a male, boys', or men's team or event for those students who are biological males; (2) a female, girls', or womens team or event for those students who are biological females; or (3) a coeducational or mixed team or event for participation by biological females and biological males. Provides that athletic teams or sporting events designated for females, girls, or women shall not be open to students who are not biologically female. Restricts any government entity, licensing or accrediting organization, and any athletic association from entertaining a complaint, opening an investigation, or taking any other adverse action against schools for maintaining a separate athletic team or event reserved for students of the female biological sex. Provides that no cause of action may be maintained against school employees and board members. Provides for appropriate relief and damages in the event biological female students are deprived of an athletic opportunity or suffer as a result of a violation of the proposed law.

EXPENDITURES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2022-23	2023-24	2024-25	2025-26	2026-27	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

However, for informational purposes, ten states have adopted similar legislation since 2020, and a number of those states are experiencing legal challenges. If any state entity is named as a party to a lawsuit, it is anticipated that the LA Attorney General's Office would experience additional costs, although the majority, if not all costs would likely be absorbed using existing resources. Should any public postsecondary institution or local school district experience litigation, they may similarly incur costs for legal services, however this is indeterminable.

In addition, the Governor of the State of Idaho was named as a party to a lawsuit entitled *Hecox v. Little et al.* following the enactment of the Fairness in Women's Sports Act (House Bill 500) on 3/30/20. Since the lawsuit was filed on 4/15/20, the Idaho Attorney General's Office has incurred \$75,788 to handle the case, including the following: \$53,594 in salaries and related benefits equivalent to approximately 861 hours of staff time for three attorneys and one paralegal; \$22,197 for expert consulting services, court transcripts and filing fees. The agency reports these costs were paid for out of the office's existing operating budget.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Interim Deputy Fiscal Officer