

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4177S.01I
 Bill No.: SB 781
 Subject: Education, Elementary and Secondary; Education, Higher; Department of
 Elementary and Secondary Education; Department of Higher Education and
 Workforce Development
 Type: Original
 Date: February 28, 2022

Bill Summary: This proposal establishes the "Save Women's Sports Act" relating to female-only athletics in middle schools, high schools, and colleges.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
University Funds	\$0 or (Unknown) or Unknown	\$0 or (Unknown) or Unknown	\$0 or (Unknown) or Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	\$0 or (Unknown) or Unknown	\$0 or (Unknown) or Unknown	\$0 or (Unknown) or Unknown

Oversight assumes this proposal could result in additional costs for school districts and public institution of higher education as it creates a cause of action for students to seek injunctive relief, damages and other relief for violations of these provisions. In addition, Oversight assumes this proposal could result in income as it creates a cause of action for schools and institutions that suffer harm as a result of a violation of these provisions. Oversight assumes the impact could possibly reach the \$250,000 threshold.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2023	FY 2024	FY 2025
Local Government	\$0 or (Unknown) or Unknown	\$0 or (Unknown) or Unknown	\$0 or (Unknown) or Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Attorney General's Office, Department of Elementary and Secondary Education** and the **Department of Higher Education and Workforce Development** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **University of Central Missouri** state there is the potential for financial impact; however, they are unable to determine amount at this time as it is dependent on too many extraneous factors.

Officials from the **University of Missouri System** and the **St. Charles Community College** each assume the proposal will have no fiscal impact on their respective organizations.

Oversight notes transgender student participation in interscholastic sports is regulated by school districts and the Missouri State High School Activities Association (MSHSAA); while intercollegiate sports is regulated by National Collegiate Athletic Association (NCAA). Per the by-laws of the [MSHSAA](#) and the [NCAA](#):

- transgender students undergoing hormonal treatment for gender transition (male to female) may compete on women's teams after completing one calendar year of testosterone suppression treatment.
- transgender students who have commenced treatment with testosterone for gender transition (female to male) are no longer eligible to compete on women's teams.

Oversight assumes this proposal requires school districts and public institutions of higher education to assign teams based on the biological sex assigned at birth and prohibits students of the male sex as assigned at birth from competing on teams designated for females.

Oversight assumes this proposal could result in additional costs for school districts and public institution of higher education as it creates a cause of action for students to seek injunctive relief, damages and other relief for violations of these provisions.

In addition, **Oversight** assumes this proposal could result in income as it creates a cause of action for schools and institutions that suffer harm as a result of a violation of these provisions.

Oversight is ultimately uncertain on the impact from this proposal but assumes the costs or income could exceed \$250,000.

Oversight received a limited number of responses from school districts and public institutions of higher education related to the fiscal impact of this proposal. Oversight has presented this fiscal note on the best current information available. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other school districts and public institutions of higher education were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
UNIVERSITY FUNDS			
<u>Costs</u> - legal costs, costs for damages and other relief - §167.780	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Income</u> - relief for harm caused by violations - §167.780	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>
ESTIMATED NET EFFECT ON UNIVERSITY FUNDS	\$0 or (Unknown) or <u>Unknown</u>	\$0 or (Unknown) or <u>Unknown</u>	\$0 or (Unknown) or <u>Unknown</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2023 (10 Mo.)	FY 2024	FY 2025
PUBLIC SCHOOLS AND COMMUNITY COLLEGES			
<u>Costs</u> - legal costs, costs for damages and other relief - §167.780	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Income</u> - relief for harmful caused by violations - §167.780	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>	\$0 or <u>Unknown</u>
ESTIMATED NET EFFECT ON UNIVERSITY FUNDS	\$0 or (Unknown) or <u>Unknown</u>	\$0 or (Unknown) or <u>Unknown</u>	\$0 or (Unknown) or <u>Unknown</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act establishes the "Save Women's Sports Act."

Under this act, middle school, high school, and postsecondary sports teams which compete against public middle schools, high schools, or institutions of postsecondary education shall be expressly designated as male, female, or coeducational using terms provided in the act.

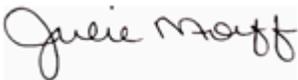
No athletic team or sport designated for females, women, or girls shall be open to students of the male sex, as assigned at birth.

This act establishes a private cause of action for students deprived of an athletic opportunity or who suffers direct or indirect harm as a result of a violation of this act, students subject to retaliation or other adverse action by a school or athletic association or organization as a result of certain reports of violations of this act, and schools and institutions that suffer a direct or indirect harm as a result of a violation of this act. Such civil action may be brought within two years after the harm has occurred. Prevailing plaintiffs shall be awarded monetary damages, reasonable attorneys' fees and costs, and any other relief considered appropriate by the court.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
University of Missouri System
University of Central Missouri
St. Charles Community College



Julie Morff
Director
February 28, 2022



Ross Strobe
Assistant Director
February 28, 2022