

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2 By: Bergstrom of the Senate
3 and
4 Hasenbeck of the House
5
6

7 An Act relating to school finances; amending Section
8 4, Chapter 379, O.S.L. 2017 (70 O.S. Supp. 2020,
9 Section 3-117.3), which relates to the School Finance
10 Review Commission; directing the commission to
11 conduct a review of certain matters; providing an
12 effective date; and declaring an emergency.

13 AUTHORS: Add the following House Coauthors: Dills, West (Kevin),
14 Crosswhite Hader, West (Josh), Humphrey, Conley, Stark,
15 Russ, Boles, Townley, Gann, Kendrix, Lawson, McDugle,
16 Roberts (Sean), Manger, Lowe (Dick), Steagall, Roe, Hardin
17 (David), Grego, Dempsey, Smith, West (Rick), Sneed,
18 Cornwell, Wolfley, Bashore, Olsen, Miller, Stearman and
19 Baker

20 AUTHORS: Add the following Senate Coauthors: Murdock, Dahm,
21 Hamilton, Quinn, Stephens, Rogers and Bullard

22 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
23 and replace with:

24 "An Act relating to student athletics; creating the
Save Women's Sports Act; providing short title;
providing definitions; requiring certain athletic
teams to be designated based on biological sex;
requiring execution of affidavit; requiring certain
notification; prohibiting certain teams from being
open to students of certain sex; creating causes of
action for certain students; prohibiting certain
groups from taking actions against schools for

1 maintaining athletic teams or sports for students of
2 the female sex; creating a cause of action for
3 certain schools; requiring causes of action to be
4 initiated in certain time frame; providing for award
5 of damages, fees and costs; providing for
6 codification; providing an effective date; and
7 declaring an emergency.

8 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

9 SECTION 1. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 27-105 of Title 70, unless there
11 is created a duplication in numbering, reads as follows:

12 A. This act shall be known and may be cited as the "Save
13 Women's Sports Act".

14 B. As used in this section:

15 1. "School" means a public school district or public charter
16 school in this state or an institution within The Oklahoma State
17 System of Higher Education;

18 2. "School athletic association" shall have the same meaning as
19 provided for in Section 27-102 of Title 70 of the Oklahoma Statutes;
20 and

21 3. "Intercollegiate association" shall mean a national
22 association that sets eligibility requirements for participation in
23 sports at the collegiate level and that provides the coordination,
24 supervision and regulation of the intercollegiate competitions.

C. Athletic teams that are sponsored by a school or sponsored
by a private school whose students or teams compete against a school

1 shall be expressly designated as one of the following based on
2 biological sex:

- 3 1. "Males", "men" or "boys";
- 4 2. "Females", "women" or "girls"; or
- 5 3. "Coed" or "mixed".

6 D. Prior to the beginning of each school year, the parent or
7 legal guardian of a student who competes on a school athletic team
8 shall sign an affidavit acknowledging the biological sex of the
9 student at birth. If the student is eighteen (18) years of age or
10 older, the student who competes on a school athletic team shall sign
11 an affidavit acknowledging his or her biological sex at birth. If
12 there is any change in the status of the biological sex of the
13 student, the affiant shall notify the school within thirty (30) days
14 of such change.

15 E. 1. Athletic teams designated for "females", "women" or
16 "girls" shall not be open to students of the male sex.

17 2. Any student who is deprived of an athletic opportunity or
18 suffers any direct or indirect harm as a result of a violation of
19 paragraph 1 of this subsection shall have a cause of action for
20 injunctive relief, damages and any other relief available permitted
21 by law against the school.

22 3. Any student who is subject to retaliation or other adverse
23 action by a school, school athletic association or intercollegiate
24 association as a result of reporting a violation of paragraph 1 of

1 this subsection to an employee or representative of the school,
2 school athletic association or intercollegiate association or to any
3 state or federal agency with oversight of schools in this state
4 shall have a cause of action for injunctive relief, damages and any
5 other relief available permitted by law against the school, school
6 athletic association or intercollegiate association.

7 F. 1. The State Board of Education, the Oklahoma State Regents
8 for Higher Education and any school athletic association or
9 intercollegiate association of which a school is a member shall be
10 prohibited from entertaining a complaint, opening an investigation
11 or taking any other adverse action against a school for maintaining
12 athletic teams or sports for students of the female sex as provided
13 for in subsection E of this section.

14 2. Any school that suffers any direct or indirect harm as a
15 result of a violation of paragraph 1 of this subsection shall have a
16 cause of action for injunctive relief, damages and any other relief
17 permitted by law against the State Board of Education, the Oklahoma
18 State Regents for Higher Education, school athletic association or
19 intercollegiate association.

20 G. Causes of action authorized by this section shall be
21 initiated within two (2) years after the harm occurred. Persons or
22 associations that prevail on a claim brought pursuant to this
23 section shall be entitled to monetary damages including for any
24 psychological, emotional and physical harm suffered, reasonable

1 attorney fees and costs and any other appropriate relief permitted
2 by law.

3 SECTION 2. This act shall become effective July 1, 2021.

4 SECTION 3. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval."

8 Passed the House of Representatives the 19th day of April, 2021.

9

10

11

Presiding Officer of the House of
Representatives

12

13 Passed the Senate the ____ day of _____, 2021.

14

15

16

Presiding Officer of the Senate

17

18

19

20

21

22

23

24

1 ENGROSSED SENATE
2 BILL NO. 2

By: Bergstrom of the Senate

3 and

4 Hasenbeck of the House

5
6 An Act relating to school finances; amending Section
7 4, Chapter 379, O.S.L. 2017 (70 O.S. Supp. 2020,
8 Section 3-117.3), which relates to the School Finance
9 Review Commission; directing the commission to
10 conduct a review of certain matters; providing an
11 effective date; and declaring an emergency.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 4. AMENDATORY Section 4, Chapter 379, O.S.L.
14 2017 (70 O.S. Supp. 2020, Section 3-117.3), is amended to read as
15 follows:

16 Section 3-117.3. A. The School Finance Review Commission shall
17 conduct a review of all matters related to school finance, including
18 but not limited to ~~teacher~~:

19 1. Teacher compensation, and benefits and administration;

20 2. Administrative costs including administrative functions that
21 may be shared between school districts;

22 3. Opportunities for school districts to be operated in a cost-
23 effective manner;
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24