

Representative Kera Birkeland proposes the following substitute bill:

SEX-DESIGNATED INTERSCHOLASTIC ATHLETICS

INDEMNIFICATION

2022 THIRD SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Kera Birkeland

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill addresses liability regarding state limitations on student competition in interscholastic athletic activities designated for students of the female sex.

Highlighted Provisions:

This bill:

- ▶ provides for defense and indemnification regarding state limitations on student competition in interscholastic athletic activities designated for students of the female sex; and
- ▶ provides that a local education agency or school is responsible for enforcement of state limitations on student competition in interscholastic athletic activities designated for students of the female sex.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ To the Attorney General - Attorney General - Civil as a one-time appropriation:
 - From the General Fund, One-time, \$500,000.

Other Special Clauses:

This bill provides a special effective date.



26 **Utah Code Sections Affected:**

27 ENACTS:

28 **53G-6-904**, Utah Code Annotated 1953

29 **53G-6-1007**, Utah Code Annotated 1953

30

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **53G-6-904** is enacted to read:

33 **53G-6-904. Indemnification -- Enforcement.**

34 (1) The state shall defend, indemnify, and hold harmless a person acting under color of
35 state law to enforce this part for any claims or damages, including court costs and attorney fees,
36 that:

37 (a) are brought or incurred as a result of this part; and

38 (b) are not covered by the person's insurance policies or by any coverage agreement
39 issued by the State Risk Management Fund.

40 (2) An LEA or school within the public education system with a team that competes in
41 an interscholastic athletic activity is responsible for the enforcement of this part in relation to
42 the LEA's or school's teams.

43 Section 2. Section **53G-6-1007** is enacted to read:

44 **53G-6-1007. Indemnification -- Enforcement.**

45 (1) The state shall defend, indemnify, and hold harmless a person acting under color of
46 state law to enforce this part for any claims or damages, including court costs and attorney fees,
47 that:

48 (a) are brought or incurred as a result of this part; and

49 (b) are not covered by the person's insurance policies or by any coverage agreement
50 issued by the State Risk Management Fund.

51 (2) An LEA or school within the public education system with a team that competes in
52 an interscholastic athletic activity is responsible for the enforcement of this part in relation to
53 the LEA's or school's teams.

54 Section 3. **Appropriation.**

55 The following sums of money are appropriated for the fiscal year beginning July 1,
56 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for

57 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
58 Act, the Legislature appropriates the following sums of money from the funds or accounts
59 indicated for the use and support of the government of the state of Utah.

60 ITEM 1

61 To Attorney General - Attorney General

62 From General Fund, One-time 500,000

63 Schedule of Programs:

64 Civil 500,000

65 The Legislature intends that appropriations provided under this section be used for the
66 purposes described in Sections [53G-6-904](#) and [53G-6-1007](#). Under Section [63J-1-603](#)
67 appropriations provided under this section do not lapse at the close of fiscal year 2023. The use
68 of any nonlapsing funds is limited to the indemnification described in Section [53G-6-904](#).

69 Section 4. **Effective date.**

70 This bill takes effect on July 1, 2022.