

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 160** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 7 through 36;

On page 2, by striking all in lines 1 through 31; following line 31, by inserting:

"Section 1. The provisions of sections 1 through 5, and amendments thereto, shall be known and may be cited as the fairness in women's sports act.

Sec. 2. (a) Interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by a public elementary or secondary school, a postsecondary educational institution, as such term is defined in K.S.A. 74-3201b, and amendments thereto, or any school or other postsecondary educational institution whose students or teams compete against a public school or postsecondary educational institution shall be expressly designated as one of the following based on biological sex:

- (1) Males, men or boys;
- (2) females, women or girls; or
- (3) coed or mixed.

(b) Athletic teams or sports designated for females, women or girls shall not be open to students of the male sex.

(c) (1) The Kansas state high school activities association shall adopt rules and regulations for its member schools for the implementation of this section.

(2) The state board of regents and the governing body for each municipal university, community college and technical college shall adopt rules and regulations for the postsecondary

educational institutions governed by each such entity, respectively, for the implementation of this section.

Sec. 3. No governmental entity, licensing or accrediting organization or athletic association or organization shall entertain a complaint, open an investigation or take any other adverse action against a school or postsecondary educational institution for maintaining separate interscholastic, intercollegiate, intramural or club athletic teams or sports for students of the female sex.

Sec. 4. (a) Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of section 2, and amendments thereto, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the school or postsecondary educational institution.

(b) Any student who is subject to retaliation or other adverse action by a school, postsecondary educational institution or athletic association or organization as a result of reporting a violation of section 2, and amendments thereto, to an employee or representative of such school, postsecondary educational institution or athletic association or organization, or to any state or federal agency with oversight of schools or postsecondary educational institutions in this state, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the school, institution or athletic association or organization.

(c) Any school or postsecondary educational institution that suffers any direct or indirect harm as a result of a violation of section 2 or 3, and amendments thereto, shall have a private cause of action for injunctive relief, damages and any other relief available under law against the governmental entity, licensing or accrediting organization or athletic association or organization.

(d) All civil actions shall be initiated within two years after the harm occurred. Persons

or organizations who prevail on a claim brought pursuant to this section shall be entitled to monetary damages, including for any psychological, emotional and physical harm suffered, reasonable attorney fees and costs and any other appropriate relief.

Sec. 5. The provisions of sections 1 through 4, and amendments thereto, are hereby declared to be severable. If any provision of sections 1 through 4, and amendments thereto, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of sections 1 through 4, and amendments thereto, that can be given effect without the invalid provision or application.";

Also on page 2, in line 33, by striking "Kansas register" and inserting "statute book";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "education; relating to student athletes; enacting the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations";

And your committee on conference recommends the adoption of this report.

Conferees on part of House

Conferees on part of Senate