

### Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

|   |   |
|---|---|
| <b>LRB Number</b> <b>13-3280/1</b>  | <b>Introduction Number</b> <b>SB-317</b>  |
| <b>Description</b><br>Race-based nicknames, logos, mascots, and team names and making an appropriation  |   |
| <b>Fiscal Effect</b>  |   |
| <b>State:</b>   |   |
| <input type="checkbox"/> No State Fiscal Effect<br><input checked="" type="checkbox"/> Indeterminate  |   |
| <input type="checkbox"/> Increase Existing Appropriations<br><input type="checkbox"/> Decrease Existing Appropriations<br><input type="checkbox"/> Create New Appropriations  | <input type="checkbox"/> Increase Existing Revenues<br><input type="checkbox"/> Decrease Existing Revenues<br><input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br><input type="checkbox"/> Decrease Costs |
| <b>Local:</b>   |   |
| <input type="checkbox"/> No Local Government Costs<br><input checked="" type="checkbox"/> Indeterminate   |   |
| 1. <input checked="" type="checkbox"/> Increase Costs<br><input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br>2. <input checked="" type="checkbox"/> Decrease Costs<br><input checked="" type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                            | 3. <input type="checkbox"/> Increase Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory<br>4. <input type="checkbox"/> Decrease Revenue<br><input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory  |
| 5. Types of Local Government Units Affected<br><input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities<br><input type="checkbox"/> Counties <input type="checkbox"/> Others<br><input checked="" type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |   |
| <b>Fund Sources Affected</b>  |   |
| <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS  |   |
| <b>Affected Ch. 20 Appropriations</b>   |   |
| <b>Agency/Prepared By</b>   | <b>Authorized Signature</b>   |
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| <b>Date</b>   |   |
| 10/14/2013  |   |

## Fiscal Estimate Narratives

DPI 10/14/2013

|  |           |                     |        |               |          |
|--|-----------|---------------------|--------|---------------|----------|
| LRB Number   | 13-3280/1 | Introduction Number | SB-317 | Estimate Type | Original |
| <b>Description</b><br>Race-based nicknames, logos, mascots, and team names and making an appropriation |           |                     |        |               |          |

### Assumptions Used in Arriving at Fiscal Estimate

Under current law, a school district resident may object to a school board's use of a race-based nickname, logo, mascot, or team name by filing a complaint with the state superintendent of public instruction (state superintendent). If a complaint is received, the state superintendent must hold a hearing on the complaint, at which the school board has the burden of proving by clear and convincing evidence that the use of the race-based nickname, logo, mascot, or team name does not promote discrimination, pupil harassment, or stereotyping. This bill makes various changes to the complaint process for objecting to a school board's use of a race-based nickname, logo, mascot, or team name.

Local: Indeterminate

More than 30 school districts currently use mascots, names, or logos referencing American Indian imagery. School Districts that receive a complaint of a race based mascot, name or logo and choose not to voluntarily change the mascot, name or logo, spend administrator time and incur legal costs to move forward with the hearing and/or appeal process. School districts that voluntarily change or are required to terminate the use of the race-based name, nickname, logo or mascot, incur costs related to the replacement of existing supplies, team uniforms and associated inventory and replacement of images on physical structures and/or web sites that currently bear the mascot, name, or logo. These costs would vary from district to district. It is unknown how many, if any, complaints will be filed to district's school boards regarding discrimination based on the school's mascots, logos, or names. Thus, local costs are indeterminate.

In addition, the bill prohibits the enforcement of a decision or order to terminate the use of a race-based nickname, logo, mascot, or team name that is based on a complaint filed before the effective date of the bill, including the collection or assessment of any forfeiture based on such decision or order. For any such affected district, the bill may reduce districts costs it may have incurred to comply with the department's decision. This effect is indeterminate.

State: Indeterminate.

Under 2013 SB 317, the State Superintendent refers complaints to the Department of Administration's division of hearings and appeals and makes determinations regarding foregoing case hearings if a school board demonstrates that a federally recognized American Indian tribe that has historical ties to this state has, under an agreement with the school board, approved the school board's use. Because it is not certain how many complaints will be received or how many school boards will request a determination, the cost to the state is indeterminate.

The division of hearings and appeals will hold complaint hearings and the Department of Instruction will be charged for services. Because it is not certain how many complaints will be received or the amount of fees charged by the division of hearings and appeals, the cost to the state is indeterminate.

The department will promulgate rules necessary to implement the legislation. This is additional work for the department, and the work can be completed by existing staff.

### Long-Range Fiscal Implications