

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2333** submits the following report:

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

On page 1, by striking all in lines 13 through 35;

By striking all on page 2;

On page 3, by striking all in lines 1 through 38; following line 38 by inserting:

"New Section 1. (a) This section shall be known and may be cited as the Kansas intellectual rights and knowledge act or KIRK act.

(b) As used in the KIRK act:

(1) "Benefit" means recognition, registration, the use of postsecondary educational institution facilities for meetings or speaking purposes, use of channels of communication and funding sources that are otherwise available to student associations at the postsecondary educational institution.

(2) "Campus community" means students, administrators, faculty and staff of a postsecondary educational institution. "Campus community" includes invited guests of such students, administrators, faculty and staff.

(3) "Expressive activity" means lawful verbal, written, audio-visual or electronic means by which individuals may communicate ideas to one another. "Expressive activity" includes, but is not limited to, peaceful assembly, protests, speeches, guest speaker presentations, distribution of literature, holding signs and circulating petitions.

(4) "Harassment" means expression that is unwelcome and so severe, pervasive and

subjectively and objectively offensive that a student is effectively denied equal access to educational opportunities or benefits provided by the postsecondary educational institution.

(5) (A) "Materially and substantially disrupt" means when an individual, with the intent to do so or has knowledge of doing so, significantly hinders another individual or group of individuals from expressive activity, prevents communication of a message or transaction of business of a lawful meeting, gathering or procession by:

- (i) Engaging in fighting, violence or other unlawful behavior; or
- (ii) physically blocking or using threats of violence to prevent any individual from attending, hearing, viewing or otherwise participating in an expressive activity.

(B) "Materially or substantially disrupt" does not include isolated, minor, brief or fleeting nonviolent disruptions of events or conduct that is protected under the First Amendment of the United States Constitution or the Constitution of the State of Kansas, including, but not limited to, lawful protests in outdoor areas of campus that are generally accessible to members of the public unless reserved in advance.

(6) "Outdoor areas of campus" means the generally accessible outside areas of the campus of a postsecondary educational institution where members of the campus community are commonly allowed. "Outdoor areas of campus" includes, but is not limited to, grassy areas, walkways or other similar common areas. "Outdoor areas of campus" does not include outdoor areas where public access is restricted.

(7) "Postsecondary educational institution" means the same as defined in K.S.A. 74-3201b, and amendments thereto.

(8) "Student" means any individual who is enrolled full time or part time in a postsecondary educational institution.

(9) "Student association" means an officially recognized group at a postsecondary

educational institution or group seeking official recognition that is compromised of admitted students and receives or is seeking to receive benefits through the postsecondary educational institution.

(c) (1) Expressive activities are hereby deemed protected and outdoor areas of campus are hereby deemed public forums for the campus community to engage in expressive activities. Postsecondary educational institutions shall not create free speech zones or other designated areas of campus outside of which expressive activities are prohibited.

(2) Postsecondary educational institutions may maintain and enforce reasonable time, place and manner restrictions narrowly tailored in service of a significant institutional interest only when such restrictions are clear, the contents are published and viewpoint-neutral and provide ample alternative means of expression. Any such restrictions shall allow for the campus community to spontaneously and contemporaneously assemble or distribute literature.

(3) Nothing in this subsection shall be construed as limiting the right of student expression in campus spaces that are not outdoor areas of campus.

(d) (1) Any individual who wishes to engage in non-commercial expressive activity on campus shall be permitted to do so freely, so long as the individual's conduct is lawful and does not materially and substantially disrupt the functioning of the postsecondary educational institution.

(2) Postsecondary educational institutions may charge security fees to a student or student association as part of an application for any expressive activity that requires a permit, except that no postsecondary educational institution may charge security fees based on the content of the expressive activity of the student, student association, an invited guest or anticipated reaction to the expressive activity of such student, student association or invited guest. The requirement or amount of any such security fee shall only be determined on the basis

of content-neutral and viewpoint-neutral criteria, including, but not limited to, the location of the activity, the anticipated size of the audience and whether alcohol will be served. Each postsecondary educational institution shall publish the criteria that such institution used for assessing such security fee.

(3) Nothing in this subsection shall be construed to:

(A) Prevent postsecondary educational institutions from maintaining and enforcing reasonable time, place and manner restrictions on expressive activity if such restrictions are:

(i) Narrowly tailored to serve a significant institutional interest;

(ii) employ clear, published, content-neutral and viewpoint-neutral criteria; and

(iii) allow the campus community to spontaneously and contemporaneously assemble, speak or distribute literature;

(B) prevent postsecondary educational institutions from prohibiting, limiting or restricting expression not protected by the First Amendment of the Constitution of the United States or prohibiting harassment; or

(C) enable individuals to engage in conduct that intentionally, materially and substantially disrupts another individual's expressive activity if such activity is occurring in a campus space that is reserved for such activity under the exclusive use or control of such individual, student or student association.

(e) Each postsecondary educational institution shall:

(1) Publish on its website and in any handbooks and orientation programs, such institution's policies, regulations or expectations of students regarding free expression on campus;

(2) develop materials, programs and procedures to ensure that any individual who is responsible for student discipline or education, including, but not limited to, administrators,

campus police officers, residence life officials and professors, understand the policies, regulations and duties of the postsecondary educational institution regarding free expression on campus; and

(3) (A) annually submit a report to the governor and the legislature on or before the first day of the regular legislative session that includes:

(i) The course of action implemented to comply with the requirements of this act, including any changes or updates to such course of action;

(ii) a description of any barriers to or incidents of disruptions of expressive activity on campus, including, but not limited to, attempts to block or prohibit speakers and investigations into any speech by students or student associations. Such description shall include the nature of each barrier or incident and any disciplinary action taken against the campus community determined to be responsible for such barrier or incident, but such description shall keep confidential any personally identifiable information of each student involved; and

(iii) any other information that the postsecondary educational institution deems valuable for the public to evaluate whether free expression rights of all members of the campus community have been equally protected and enforced as provided in this act.

(B) The report shall be accessible from the postsecondary educational institution's website home page by use of not more than three links, searchable by keywords and phrases and accessible to the public without requiring registration or use of a username, password or other identification measures.

(C) If a postsecondary educational institution has been sued for an alleged violation of First Amendment rights, such institution shall submit a supplementary report to the governor and the legislature that includes a copy of the complaint or any amended complaint within 30 days of receiving notice that such complaint has been filed.

(f) (1) The attorney general or any individual whose expressive rights were violated through violation of this act may bring an action against a postsecondary educational institution and any agent of such institution acting in an official capacity in a court of competent jurisdiction to enjoin a violation of this act and recover damages, reasonable court costs and attorney fees. If the court finds a violation of this act in an action brought under this subsection, the court shall award the aggrieved individuals damages in an amount of not less than \$500 for the initial violation and \$50 for each day that such violation continues. The damages shall begin accruing the day immediately after the complaint is served on the postsecondary educational institution. If there are violations that harm multiple individuals, the court shall divide the damages equitably.

(2) Each day that the violation continues and each day that a policy in violation of this act remains in effect shall constitute a new day of the violation.

(g) A postsecondary educational institution that violates this act is not immune from suit or liability for such violation.

(h) The provisions of this act are severable. If any portion of the act is declared unconstitutional or invalid, or the application of any portion of the act to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of the act that can be given effect without the invalid portion or application, and the applicability of such other portions of the act to any person or circumstance shall remain valid and enforceable.

Sec. 2. K.S.A. 60-5311 is hereby amended to read as follows: 60-5311. As used in K.S.A. 60-5311 through 60-5313, and amendments thereto:

(a) "Benefit" means the following:

(1) Recognition;

(2) registration;

(3) the use of facilities of the postsecondary educational institution for meetings or

speaking purposes;

(4) the use of channels of communication of the postsecondary educational institution;
and

(5) funding sources that are otherwise available to other student associations in the postsecondary educational institution.

(b) "Postsecondary educational institution" ~~shall have the same meaning as that term is~~ means the same as defined in K.S.A. 74-3201b, and amendments thereto.

(c) "Student" means any ~~person~~ individual who is enrolled ~~on a full-time or part-time basis~~ full time or part time in a postsecondary educational institution.

(d) "Religious-Student association" means ~~an association of students organized around shared religious beliefs~~ the same as defined in section 1, and amendments thereto.

Sec. 3. K.S.A. 60-5312 is hereby amended to read as follows: 60-5312. No postsecondary educational institution may take any action or enforce any policy that would deny a religious, political or ideological student association any benefit available to any other student association, or discriminate against a religious, political or ideological student association with respect to such benefit, based on such association's requirement that the leaders or members of such association:

(a) Adhere to the association's sincerely held religious, political or ideological beliefs, values or mission;

(b) comply with the association's sincerely held religious, political or ideological beliefs, values or mission;

(c) comply with the association's sincere ~~religious~~ standards of conduct; or

(d) be committed to furthering the association's ~~religious~~ missions, as such or purposes, including any religious, political or ideological beliefs or values, observance requirements,

standards of conduct or missions ~~are as~~ defined by the ~~religious~~ student association, ~~or the religion on which the association is based.~~

Sec. 4. K.S.A. 60-5313 is hereby amended to read as follows: 60-5313. Any student or ~~religious~~ student association aggrieved by a violation of K.S.A. 60-5312, and amendments thereto, may bring a cause of action against the postsecondary educational institution for such violation and seek appropriate relief, including, but not limited to, monetary damages. Any student or ~~religious~~ student association aggrieved by a violation of K.S.A. 60-5312, and amendments thereto, also may assert such violation as a defense or counterclaim in any civil or administrative proceedings brought against such student or ~~religious~~ student association.";

Also on page 3, in line 39, by striking all after "K.S.A."; in line 40, by striking all before "are" and inserting "60-5311, 60-5312 and 60-5313"; in line 42, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 6; in line 7, by striking all before the semicolon and inserting "education; relating to postsecondary educational institutions; enacting the Kansas intellectual rights and knowledge act; providing a civil cause of action and penalties for violations of such act; authorizing students and student associations to exercise political and ideological beliefs, values and missions"; in line 8, by striking "2024 Supp. 40-102 and 75-6301" and inserting "60-5311, 60-5312 and 60-5313"; in line 9, by striking all after "sections"; in line 10, by striking all before the period;

Also on page 1, following line 10, by inserting:

"WHEREAS, Charlie Kirk was a courageous American whose life was tragically and unjustly cut short in an act of political violence on September 10, 2025, at Utah Valley University; and

WHEREAS, In 2012, Charlie Kirk, at 18 years old, founded Turning Point USA, a student

movement with the mission to "identify, educate, train, and organize students to promote the principles of fiscal responsibility, free markets and limited government"; and

WHEREAS, Charlie Kirk was a devoted Christian who boldly lived out his faith with conviction, courage and compassion and used his platform to encourage the free exchange of ideas, respectfully engaging in public debates on college campuses across America, including on college campuses in Kansas, as well as at foreign universities like Oxford; and

WHEREAS, Charlie Kirk embodied the principles of the First Amendment of the Constitution of the United States by exercising his God-given right to speak freely and challenge prevailing narratives, and he did so with honor, courage and respect for his fellow Americans, serving as a role model for young Americans across the political spectrum; and

WHEREAS, The assassination of Charlie Kirk was not only a heinous act of violence but a sobering reminder of the growing threat posed by political extremism and violence in our society; and

WHEREAS, Such acts of politically motivated violence are antithetical to the principles of our nation, where differences of opinion are not to be silenced but are to be debated with civility, reason and mutual respect; and

WHEREAS, Leaders at every level, including government, education, media and beyond, must stand united in unequivocal condemnation of political violence, regardless of ideology; and

WHEREAS, The tragic loss of Charlie Kirk should serve as a turning point to recommit ourselves to the timeless American principles of liberty governed by truth and the virtues of peaceful dialogue; and

WHEREAS, The First Amendment of the United States Constitution protects the rights of freedom of speech, freedom of the press, freedom of religion, freedom of association and to petition the Government for all citizens; and

WHEREAS, The Supreme Court has called public universities, "peculiarly the marketplace of ideas," *Healy v. James*, 408 U.S. 169, 180 (1972), where young adults learn to exercise these constitutional rights necessary to participate in our system of government and to tolerate others' exercise of the same rights. There is "no room for the view that...First Amendment protections should apply with less force on college campuses than in the community at large," *Healy*, 408 U.S. at 180; and

WHEREAS, College campuses should be bastions of intellectual diversity, open debate and the free exchange of ideas, regardless of political or ideological affiliation; and

WHEREAS, While speaking at Kansas State University on September 13, 2024, Charlie Kirk's microphone was turned off while he was still answering student questions, forcing him to continue his event by dangerously walking into the crowd; and

WHEREAS, In 2022, the University of Kansas School of Law attempted to suppress speakers for a student association based merely on the viewpoint of the speakers invited on campus; and

WHEREAS, The legislature finds that public universities in this state are failing to provide adequate safeguards for the First Amendment rights of students, leading to a stifling of expression on campus; and

WHEREAS, The legislature condemns the politically motivated death of Charlie Kirk, all politically motivated violence and those who celebrate such violence; and

WHEREAS, The legislature extends its condolences to Erika Kirk, their two young children, the entire Kirk family and Turning Point USA and all its subsidiaries in the loss of their husband, father, family member and organizational leader; and

WHEREAS, The legislature has determined that a significant amount of taxpayer dollars is appropriated to public institutions of higher education each year and as such, this legislature

must ensure that all public institutions of higher education receiving state funds recognize freedom of speech as a fundamental right for all.

Now, therefore:";

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

Conferees on part of Senate

Conferees on part of House