

SESSION OF 2026

SUPPLEMENTAL NOTE ON SENATE BILL NO. 419

As Recommended by Senate Committee on
Education

Brief*

SB 419 would establish the Kansas Intellectual Rights and Knowledge (KIRK) Act. The bill would set restrictions on and requirements of public, postsecondary educational institutions regarding individuals participating in non-commercial expressive activities and would establish a cause of action to be brought by either the Attorney General or the individual harmed should a college or university violate the Act. The bill would also amend the Kansas Preservation of Religious Freedom Act.

Legislative Findings

The bill would make findings regarding the life and death of Charlie Kirk and freedom of speech on campuses of public, postsecondary educational institutions. The bill would also deem the conduct of expressive activities, as defined in the bill, to be protected and deem outdoor areas on the campuses of public, postsecondary institutions to be public forums.

Kansas Intellectual Rights and Knowledge (KIRK) Act

Expressive Activities

The bill would authorize any individual to engage in non-commercial expressive activity, defined as any lawful means

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

by which individuals communicate ideas to one another, on the campus of any postsecondary educational institution so long as the individual does not materially and substantially disrupt the functioning of the postsecondary educational institution.

[*Note:* For purposes of the Act, the bill would define “Postsecondary educational institution” to mean any public university, municipal university, community college, technical college, or institute of technology.]

Restrictions on Postsecondary Educational Institutions

Expressive Activity Restrictions. The bill would prohibit postsecondary educational institutions from creating free speech zones or other designated areas outside of which expressive activities are prohibited.

The bill would also restrict postsecondary educational institutions to only maintaining and enforcing reasonable time, place, and manner restrictions that:

- Are in service of a significant institutional interest;
- Are narrowly tailored;
- Are clear;
- Are content- and viewpoint-neutral;
- Are published in advance;
- Provide alternative means of expression; and
- Allow the campus community to spontaneously and contemporaneously assemble or distribute literature.

Security Fees. Postsecondary educational institutions could charge security fees to a student or student association

as part of an application for any expressive activity that requires a permit, with the exception that a postsecondary educational institution could not charge security fees to a student or student association based on the content of the expressive activity by the student, student association, or invited guest thereof. Any security fee charged by a postsecondary educational institution would be required by the bill to be based on content- 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.

The bill would state that its provisions could not be construed to:

- Limit the right of student expression in campus spaces that are not outdoor areas of campus;
- Prevent postsecondary educational institutions from maintaining and enforcing reasonable time, place, and manner restrictions on expressive activity as allowed for under the Act;
- Prevent postsecondary educational institutions from prohibiting, limiting, or restricting expression not protected by the First Amendment of the *U.S. Constitution* or prohibiting harassment; or
- Enable individuals to engage in conduct that intentionally, materially, and substantially disrupts another individual's expressive activity when occurring in a campus space that has been reserved for such activity by the individual, student, or student association.

Responsibilities of Postsecondary Educational Institutions

The bill would require each postsecondary

educational institution to:

- Publish their policies, regulations, or expectations of students regarding free expression on campus to the postsecondary educational institution's website and include such policies in student handbooks and orientation programs;
- Develop materials, programs, and procedures to ensure any individual who is responsible for student discipline or education understands the policies, regulations, and duties of the postsecondary educational institution regarding free expression on campus; and
- Submit annual reports to the Governor and the Legislature on or before the first day of the regular legislative session that include:
 - The course of action implemented to comply with the Act and any changes or updates thereto;
 - A description of any barriers to or incidents of disruptions of expressive activity on campus; and
 - Other information the postsecondary educational institution deems valuable for the public evaluation of the equal protection and enforcement of free expression rights on campus.

The bill would require that the descriptions required in the report include the natures of each barrier or incident and include any disciplinary action taken against the campus community responsible for it. The bill would also require that personally identifiable information of each student involved in the report be kept confidential.

The bill would also require the report to be accessible on 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 identification measures, such as passwords or usernames.

Should a postsecondary educational institution be sued for an alleged violation of First Amendment rights, the bill would require the submission of a supplementary report to the Governor and the Legislature within 30 days of receipt of the notice that a complaint has been filed. Such report would be required to include a copy of the complaint or any amended complaint.

Enforcement

The bill would create a cause of action for either the Attorney General or an individual whose rights under the Act are violated against a postsecondary educational institution, or its officials acting in their official capacity. [*Note:* The bill states that such institutions and officials would not be immune from suit for violations of the Act.]

If the court finds a violation of the Act, the bill would allow for the awarding of monetary damages, reasonable court costs, and attorney fees.

The bill would establish minimum damages to be awarded of \$500 for the initial violation and \$50 for each day the violation continues or a policy in violation of the Act remains in effect, starting the day after a complaint is served to a postsecondary educational institution.

Definitions

The bill would define a variety of terms, including but not limited to:

- “Campus community” would mean students, administrators, faculty, and staff of a postsecondary educational institution and invited guests thereof;
- “Expressive activity” would mean lawful verbal, written, audio-visual, or electronic means by which individuals may communicate ideas to one another and includes, but is not limited to, peaceful assembly, protests, speeches, guest speaker presentations, distribution of literature, holding signs, and circulating petitions; and
- “Student association” would mean any group of admitted students officially recognized or seeking official recognition by a postsecondary educational institution and seeking to receive benefits through said institution.

Severability

The bill states that provisions of the Act would be 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 would not affect other portions of the Act that can take effect without the invalid portion or application.

Kansas Preservation of Religious Freedom Act

The bill would amend the Kansas Preservation of Religious Freedom Act to include political and ideological student associations as groups that postsecondary educational institutions could not take action against or enforce any policy that would deny the group any benefit available to any other student association.

Additionally, the bill would expand the sincerely held beliefs and standards that a student association could require of its leaders or members to include political beliefs, ideological beliefs, values, and missions.

[*Note:* Currently, the Kansas Preservation of Religious Freedom Act only provides such prohibitions for religious student associations and sincerely held religious beliefs and standards.]

Background

The bill was introduced by the Senate Committee on Education at the request of Senator Masterson.

Senate Committee on Education

In the Senate Committee hearing, **proponent** testimony was provided by representatives of the Alliance Defending Freedom, Kansas Family Voice, and Senator Masterson, and a private citizen who self-identified as the president of the University of Kansas chapter of Turning Point USA. The proponents generally stated that the bill is necessary to protect students' rights to free speech, assembly, and expression on public college and university campuses. The conferees expressed concerns about current campus climates regarding free speech and stated that the bill would codify First Amendment protections and ensure that restrictions are applied in a viewpoint-neutral way.

Written-only **proponent** testimony was provided by representatives of 1st Amendment Partnership, Americans for Prosperity Kansas, and Kansas Justice Institute, and two private citizens, one of whom self-identified as the President of the Kansas State University chapter of Turning Point USA.

Opponent testimony was provided by representatives of the ACLU of Kansas, Kansas Interfaith Action, and

Mainstream Coalition. The opponents generally stated that existing First Amendment protections and legal precedent already protect free speech on campus and that the bill could enable discrimination by allowing student associations to exclude members based on political, ideological, or religious beliefs. Additionally, they stated that mandatory reporting and publication of campus expression could expose students and faculty to harassment or threats, and that enforcement mechanisms might favor certain viewpoints over others.

Written-only opponent testimony was provided by representatives of American Atheists and Kansas Interfaith Action and two private citizens.

No other testimony was provided.

Fiscal Information

According to the fiscal note prepared by the Division of Budget on the bill, the Office of Judicial Administration indicates that the enactment of the bill could increase the time spent by district court judicial and nonjudicial personnel in processing, researching, and hearing cases filed due to the bill. Such increase would generate additional docket fees for any cases filed; however, a fiscal effect cannot be estimated.

The Office of Attorney General estimates any fiscal effect resulting from enactment of the bill could be absorbed within existing resources.

Fort Hays State University estimates additional State General Fund (SGF) expenditures of \$2,500 in FY 2027 and \$500 in FY 2028 if the bill is enacted. For the FY 2027 amount, \$2,000 would be one-time costs for training, policy updates, and annual reporting. The remaining \$500 would be for other operating expenditures to comply with the bill's provisions and would be ongoing.

Emporia State University estimates any fiscal effect resulting from enactment of the bill could be absorbed within existing resources.

Pittsburg State University estimates additional SGF expenditures of \$85,000 in both FY 2027 and FY 2028, along with an additional FTE position, if the bill is enacted. The additional funding would be for salaries and wages for a Compliance Manger position to comply with the bill's provisions.

Kansas State University estimates additional SGF expenditures of \$135,000 in FY 2027 and \$64,000 in FY 2028 if the bill is enacted. Of the FY 2027 amount, the entire amount would be for one-time costs, including \$80,000 for policy review and updates, \$20,000 for event management contingencies, \$15,000 for training development, \$15,000 for reporting system maintenance, and \$5,000 for updates to websites and handbooks. For FY 2028, \$64,000 would be for ongoing expenditures, including \$8,000 for training, \$30,000 to compile information for annual reporting to the Governor and Legislature, \$6,000 for system maintenance, and \$20,000 for event management contingencies.

Both the University of Kansas and the University of Kansas Medical Center each estimate additional expenditures between \$350,000 and \$626,000 in FY 2027 and \$350,000 and \$600,000 in FY 2028 if the bill is enacted. Of the FY 2027 amount, \$26,000 would be for a one-time expenditure to create a training module. The remaining \$600,000 would be ongoing expenditures, including \$250,000 for litigation costs, \$168,000 for an additional 2.00 Campus Police Officer FTE positions, \$172,000 for all employees to take an online training course, and \$10,000 for current staff time to manage the bill's requirements. The Division of the Budget notes that any additional funding for litigation costs would only be needed if there is a complaint filed against an institution or other legal action concerning the bill's provisions.

Wichita State University estimates additional SGF expenditures between \$13,790 and \$22,420 in FY 2027 and \$8,890 and \$15,220 in FY 2028 resulting from the bill's enactment. Of the FY 2027 amount, between \$4,900 and \$7,200 would be for one-time expenditures for current staff for compliance and policy updates, training, reporting, and legal review. Ongoing expenditures would total between \$8,890 and \$15,220 for current staff to comply with the bill's provisions.

The Board of Regents states enactment of the bill would have a negligible fiscal effect on agency operations and the postsecondary education system.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2027 Governor's Budget Report*.

Student; Speech; Public forum; KIRK; Harassment; Student association; Post secondary educational institution