

# STATE OF KANSAS

DIVISION OF THE BUDGET  
LONDON STATE OFFICE BUILDING  
900 SW JACKSON STREET, ROOM 504  
TOPEKA, KS 66612



PHONE: (785) 296-2436  
FAX: (785) 296-0231  
LARRY.CAMPBELL@KS.GOV

GOVERNOR JEFF COLYER, M.D.  
LARRY L. CAMPBELL, CHIEF BUDGET OFFICER

February 8, 2018

The Honorable Bud Estes, Chairperson  
Senate Committee on Federal and State Affairs  
Statehouse, Room 136-E  
Topeka, Kansas 66612

Dear Senator Estes:

**SUBJECT:** Fiscal Note for SB 340 by Senate Committee on Federal and State Affairs

In accordance with KSA 75-3715a, the following fiscal note concerning SB 340 is respectfully submitted to your committee.

SB 340 would create the Campus Free Speech Protection Act. The bill would clarify that postsecondary educational institutions are not immune from the First Amendment to the *United States Constitution* or Section 11 of the Bill of Rights of the *Kansas Constitution*, and must embrace a commitment to the freedom of speech and expression for all students and all faculty. The bill would further clarify that postsecondary educational institutions must not require students or other faculty to adopt or to indicate their adherence to beliefs or orthodoxies on any particular political, philosophical, religious, social, or other such subject. Further, the institutions must not stifle freedom of speech and expression by implementing vague or overbroad speech codes, establishing free speech zones, imposing unconstitutional prior restraints on speech, or disinviting speakers based on the anticipated reaction or opposition of others to the content of speech. However, the bill clarifies the institutions may require students and faculty to conform their conduct to the requirements of law and policy.

The bill would require the governing authority of every postsecondary educational institution to adopt a policy that affirms certain principles of free speech, which are the public policy of this state. Further, the bill would require the policies adopted to be made available to students and faculty through one or more methods. The institutions would be authorized to adopt a policy on disciplinary action for student speech, expression or assemblies related to student-on-student harassment. The bill defines student-on-student harassment as unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state or local law and that is so severe, pervasive and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit. The bill clarifies that nothing in this Act should be construed as:

The Honorable Bud Estes, Chairperson

February 8, 2018

Page 2—SB 340

1. Granting students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum;
2. Requiring an institution to fund costs associated with student speech or expression;
3. Prohibiting an institution from imposing measures that do not violate the First Amendment to the *United States Constitution* or Section 11 of the Bill of Rights of the *Kansas Constitution*.

In addition, postsecondary educational institutions would be prohibited from imposing costs on students or student organizations based on the anticipated reaction or opposition to a person's speech by listeners. The bill includes definitions for constitutional time, place and manner restrictions; faculty; free speech; and student.

The Kansas Board of Regents indicates SB 340 would have no fiscal effect on the Board office or any Kansas postsecondary educational institution.

Sincerely,



Larry L. Campbell  
Chief Budget Officer

cc: Kelly Oliver, Board of Regents