

STATE OF KANSAS



CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

MESSAGE FROM THE GOVERNOR

REGARDING VETO OF SENATE BILL 26, SENATE BILL 180, SENATE BILL 228,
AND S. SUB FOR HOUSE BILL 2138

Companies have made it clear that they are not interested in doing business with states that discriminate against workers and their families. By stripping away rights from Kansans and opening the state up to expensive and unnecessary lawsuits, these bills would hurt our ability to continue breaking economic records and landing new business deals.

I'm focused on the economy. Anyone care to join me?

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 26, Senate Bill 180, Senate Bill 228, and S. Sub. For House Bill 2138.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

Laura Kelly

DATED

April 20, 2023

Senate Substitute for HOUSE BILL No. 2138

AN ACT concerning education; relating to school districts; requiring separate overnight accommodations for students of each biological sex during school district sponsored travel; requiring contracts for exclusive broadcasts of state high school activities association activities to permit certain local broadcasts; providing for administrative review of resolutions to permanently close a school building; amending K.S.A. 72-1431 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The board of education of each school district shall adopt a policy requiring that separate overnight accommodations be provided for students of each biological sex during school district sponsored travel that requires overnight stays by students. Such policy shall be provided to parents prior to a student's participation in an activity or travel that requires overnight stays by students.

(b) Any student who is subject to retaliation or other adverse action by a school district or any employee thereof as a result of reporting a violation of this section shall have a private cause of action for injunctive relief, damages and any other relief available under law against such school district. All civil actions shall be initiated within two years after the harm occurred. Students 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.

(c) As used in this section:

(1) "Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen or subjective experience of gender;

(2) "school district sponsored travel" means any travel that is necessary for students to attend, participate or compete in any event or activity that is sponsored or sanctioned by a school operated by the school district, including, but not limited to, any travel that is organized:

(A) By any club or other organization recognized by the school;

(B) through any communication facilitated by the school, such as email; or

(C) through fundraising activities conducted, in whole or in part, by school district employees or on school district property.

New Sec. 2. (a) If the association enters into or renews an exclusive broadcast agreement for a regular season activity or postseason activity, such agreement shall not prohibit local broadcasters from broadcasting a school's regular season activity or postseason activity if the local broadcasters:

(1) Provide broadcast services for the school that is participating in the postseason activity;

(2) broadcast at least $\frac{1}{3}$ of the events of such activity during the regular season; and

(3) entered into valid broadcast agreements to broadcast the events of the activity during the regular season.

(b) The provisions of this section shall not prohibit the association from requiring local broadcasters to enter into regular season or postseason broadcast agreements with stipulations that may include, but are not limited to:

(1) Reasonable compensation for broadcasts, except that no fee shall be charged for such broadcasts;

(2) approval by host site;

(3) limitations on organizations that are permitted to sponsor part of the broadcast; and

(4) requirements for competent and professional announcers.

(c) As used in this section:

(1) "Activity" and "activities" mean the same as defined in K.S.A. 72-7117, and amendments thereto.

(2) "Association" means the state high school activities association or any association authorized by K.S.A. 72-7114, and

amendments thereto.

(3) "Broadcast" means the live or recorded audio or video transmission of an activity, play-by-play or similar accounts of such activity via radio, television, internet or other technologies.

(4) "Exclusive broadcast agreement" means an agreement entered into between the association and an organization to broadcast association activities under which such organization retains sole rights to broadcast such activities or first right to broadcast such activities.

(5) "Local broadcaster" means an organization, located in Kansas, that provides local broadcast services for any activity of a local school. "Local broadcaster" includes a student organized broadcast that is offered as an educational course or program by the school.

(6) "Organization" means an individual, public or private corporation, partnership, limited liability company, association, joint venture or any other legal or commercial entity.

(7) "Postseason activity" means an association-sponsored activity that occurs after the regular season is complete, including individual games and tournaments.

Sec. 3. On and after January 1, 2024, K.S.A. 72-1431 is hereby amended to read as follows: 72-1431. (a) As used in this section, "school building" means any building or structure operated or maintained by the board of education of a unified school district.

(b) The board of education of any unified school district, by adoption of a resolution, may close any school building at any time the board determines that the building should be closed to improve the school system of the unified school district. The board of education may close more than one school building in one resolution. A resolution adopted pursuant to this section shall require a majority vote of the members of the board of education and shall require no other approval.

(c) Prior to adopting a resolution closing any school building, the board of education shall call and hold a hearing on the proposal. The notice of such hearing shall include the reasons for the proposed closing, the name of any affected *school* building and the name of any school building to which the involved ~~pupils~~ *students* shall be reassigned. Such notice also shall include the time, date and place of the public hearing to be held on the proposal. Such notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the school district. The last publication shall be at least 10 but not more than 20 days prior to the date of the public hearing.

(d) At *any* such hearing, the board shall hear testimony as to the advisability of the proposed closing, and a representative of the board shall present the board's proposal for such closing. Following the public hearing, or any continuation of such hearing, and after considering all of the testimony and evidence presented or submitted at the public hearing, the board shall determine whether the school building should be closed to improve the school system of the unified school district.

(e) *The state board of education shall conduct an administrative review of a resolution adopted pursuant to this section if the state board receives a request for administrative review signed by at least 5% of the registered voters of such school district who are dissatisfied with such resolution not later than 45 days after the adoption of such resolution. Such request shall be made in such form and manner as prescribed by the state board of education. Upon receipt of any such request, the state board of education shall review the resolution to determine the reasonableness thereof. Not later than 45 days after receipt of any such request, the state board shall issue an advisory determination to the school district that states whether the school district's resolution is reasonable under the totality of the circumstances. Such advisory determination may include recommendations regarding modifying or rescinding the resolution. If the state board receives more than one request for administrative review on the same school district resolution, the state board may dismiss any requests received after the initial request or combine such*

requests with the initial request.

(f) Upon receipt of an advisory determination issued pursuant to subsection (e), including any advisory determination that the resolution is reasonable, the board of education of such school district shall reconsider such resolution. In reconsidering such resolution, the board of education shall hold a public hearing in accordance with the provisions of subsections (c) and (d) and may approve, modify and approve or rescind such resolution upon the conclusion of such hearing.

(g) No resolution adopted pursuant to this section shall be effective until the 45-day time period provided under subsection (e) has elapsed without a request for administrative review.

Sec. 4. On and after January 1, 2024, K.S.A. 72-1431 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.