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MEMORANDUM

To: Senate Committee on Education
From: Office of Revisor of Statutes
Date: February 4, 2026
Subject: SB 419—KIRK Act

Senate Bill 419 would enact the Kansas intellectual rights and knowledge act, or KIRK act, to statutorily authorize students and student associations to exercise political and ideological beliefs, values and missions and provide a civil cause of action and penalties for violations of such act.

New Section 1 of SB 419 would enact the KIRK act and provide definitions for relevant terms used throughout the act, including, "campus community," "expressive activity," "materially and substantially disrupt," "postsecondary educational institution" and "student association."

Subsection (c) would deem expressive activities protected and outdoor areas of campus public forums for the campus community to engage in expressive activities. Postsecondary educational institutions would be prohibited from creating designated areas of campus outside of which expressive activities are prohibited. Such institutions would be authorized to maintain and enforce certain reasonable time, place and manner restrictions.

Subsection (d) would authorize any individual who wishes to engage in noncommercial expressive activities on campus 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. Postsecondary educational institutions would be allowed to charge security fees for any expressive activity that requires a permit, except that the fee cannot be based on the content of the expressive activity.

Subsection (e) would require postsecondary educational institutions to:

- Publish on their websites and in their handbooks and orientation programs, the institution's policies, regulations and expectations of students regarding free expression on campus;
- Develop materials, programs and procedures to ensure that any individual responsible for student discipline or education understands such policies, regulations and duties of the institutions regarding free expression on campus; and
- Annually submit a report to the governor and legislature on the course of action implemented to comply with the requirements of the bill, a description of any barriers to or incidents of disruptions of expressive activity on campus and any other information deemed valuable for the public to evaluate whether free expression rights have been equally protected.

Subsection (f) would authorize the attorney general or any individual whose expressive rights were violated to bring an action against a postsecondary educational institution or agent of such institution in a court of competent jurisdiction to enjoin the violation of the act and recover damages, reasonable court costs and attorney fees. If the court finds a violation of the act, the court would award damages in an amount of not less than \$500 for the initial violation and \$50 for each day the violation continues.

Sections 2, 3 and 4 of SB 419 would amend K.S.A. 60-5311 through 60-5312 to authorize students and student associations to include exercise of political and ideological beliefs, values and missions in those provisions of law. Currently, those statutes provide for exercise of religion by religious student associations, specifically, the statutes provide that no postsecondary educational institution may take any action or enforce any policy that would deny a religious student association any benefit available to any other student association or discriminate against a religious student or student association.

SB 419 would take effect on July 1, 2026, upon publication in the statute book.