

SESSION OF 2013

**CONFERENCE COMMITTEE REPORT BRIEF
HOUSE BILL NO. 2109**

As Agreed to April 3, 2013

Brief*

HB 2109 would create the Children's Internet Protection Act, requiring technology protection measures be implemented and enforced at both the school district and public library levels. The bill would define "technology protection measure" as any computer technology or other process that blocks or filters online access to visual depictions. The term "visual depictions" would be tied to the definition of the same term contained in the Kansas statute dealing with the crime of sexual exploitation of a child. Other terms would be defined as well.

School District Requirements

The bill would require any school district that provides public access to a computer to implement technology protection measures to ensure no minor has access to visual depictions that are child pornography, harmful to minors, or obscene. School district boards of education would be required to adopt policies to enforce this provision.

Public Library Requirements

Likewise, the bill would require any public library that provides public access to a computer to ensure that no

*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

person, whether minor or adult, has access to visual depictions that are child pornography or obscene and, in addition, to ensure that no minor has access to visual depictions that are harmful to minors. The bill would permit a public library employee to disable any such technology protection measure if requested to do so by an adult and if the computer, when the measure is disabled, would be used only to enable access for legitimate research or other lawful purpose.

The bill would require the State Librarian to establish standards and promulgate rules and regulations to enforce the Act's provisions for public libraries. Each public library governing body also would be required to adopt relevant policy, which must be reviewed at least once every three years and meet specified criteria that include information to patrons on the policy and on procedures available for the submission of related complaints.

Liability

The bill would state any school district or public library that is in compliance with the Act would not be liable for any damages arising out of or related to a minor gaining access to the visual depictions the Act seeks to regulate.

Conference Committee Action

The House Education Budget and Senate Education Conference Committee removed the contents of HB 2109, the military student second count date, and inserted the contents of SB 104 as amended by the Senate Education Committee.

Background

SB 104 was introduced by Senator Abrams. Proponents of the bill at the Senate Education Committee hearing included retired Representative Becky Hutchins; representatives of the Kansas National Education Association, American Family Action, and Concerned Women of America; and two private citizens. A representative of the Kansas Association of School Boards provided neutral testimony on the bill. No opponents testified.

The Senate Education Committee amended the bill by revising the definition of "technology protection measure" to include processes outside the realm of computer technology.

The Division of the Budget fiscal note on the original bill indicated a potential conflict in opinion regarding the fiscal effect. According to the State Library, the passage of the bill would require \$518,322 in additional expenditures from the State General Fund in FY 2014. This figure assumes adding one state librarian position and funding the costs incurred by the Regional Library Systems, including hiring seven more librarians for the seven regional systems. However, the Division of the Budget opined that the hiring of seven permanent state employees would not be necessary; rather, school districts and local libraries would determine the most efficient means to address the requirements of the bill. The Division of the Budget does believe staff would be needed to provide the necessary technical expertise related to the technology requirements of the bill as drafted. The League of Kansas Municipalities stated passage of the bill would cause unspecified additional expense.

education, pornography, public libraries, children

ccrb_hb2109_01_0000.odt