

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:30 p.m. on March 10, 2003 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds
Representative Broderick Henderson
Representative Candy Ruff

Committee staff present: Russell Mills, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Rose Marie Glatt, Committee Secretary

Conferees appearing before the committee: Kim Borchers - Concerned Citizen
Karen Housholder - Concerned Women for America of KS
& written testimony of Guiliano Guevara
Shar Hoffman presented written testimony of Julie Birnbaum
Jeanne Gawdun - Concerned Citizen
Connie Kearns - Private Citizen
Representative Becky Hutchins

Written testimony only

Dr. Bascom Ratliff, Director, Beacon Behavioral Healthcare
Chris Tozier, Founder/Managing Member, Filter Logix

Others attending: See Attached

HB 2420 - An Act enacting the children's internet protection act; prohibiting certain acts and providing remedies for violations. Staff reviewed the bill.

All conferees that appeared today were PROPONENTS appeared today

Kim Borchers spoke as a concerned mother and citizen and was the spokeswoman for many groups (Attachment 1). When "Obscenity" and "Harmful to Minors" laws were passed in the late sixties, the possibilities of minors being exposed to pornography were limited. With the advent of the Internet and its free open access at the public library, minors are at greater risk than ever before. Libraries can not control everything minors log onto, but they can control what type of services they provide minors. The default for the library would be filters for minors. **HB 2420** was crafted based on the recommendations given by the federal court in the federal CIPA case. She addressed the following opposing issues: censorship, protected speech blocked, issue not a problem, parental responsibility, local control, funding and fear of litigation.

Karen Housholder, Human & Child Development Specialist (Attachment 2). She reviewed state and national statistics that show pedophiles use pornography to both stimulate their desire and to de-sensitize children. Citizen funded public libraries and schools have a duty to do their best to keep toxic pornography and pedophiles from exploiting children. **HB 2420** provides the legislation regarding Internet filtering in public libraries and schools.

Ms. Housholder read the testimony of Giuliano Guevara, who had personally experienced the negative effects of pornography on his childhood (Attachment 3).

Shar Hoffman read the testimony of Julie Birnbaum, her niece, who had a negative experience with internet pornography at the Johnson County Central Resource Library (Attachment 4).

Jeanne Gawdun spoke about an incident at the local library regarding internet pornography and a small group of pre-teen and young teen children (Attachment 5). The owners and employees of adult bookstores are responsible for violations to the Harmful to Minors Act, yet public libraries are insulated from prosecution for allowing children exposure to obscenity and pornography on the internet. She urged passage of **HB 2420**.

Connie Kearns testified on behalf of her son (Attachment 6). On a visit to the library with his two children, as they walked past the computers he observed six individuals viewing pornography. When he reported this to the librarian, he was informed that the libraries job was to protect individual's freedom.

Representative Hutchins reviewed the provisions of **HB 2420** (Attachment 7).

- Minor children would be allowed Internet access only on “filtered” computers in libraries.
- Parents or guardians would determine whether a minor would be allowed on an unfiltered computer via written consent.
- Default rule for minors will require minor use of filtered computers only, unless parents or guardians provide otherwise
- Lack of knowledge of age or marital status would not constitute a defense unless the defendant had reasonable cause to believe the minor involved was 18 or more years of age.
 1. Minor exhibited an apparently official document purporting his age was 18 years or more; or
 2. the parent or guardian provided a written consent that the minor could access the Internet without a filtering device

She referenced several court cases regarding protection for children from exposure to obscene and harmful material. She gave rebuttal testimony to the arguments against the bill and requested the committee's favorable support of **HB 2420**. In summary she stated that in the original language they considered requiring that the parents or guardians signature be notarized, however if that issue becomes a stumbling block they would consider dropping “notarized” from the bill.

The Chairman reviewed the fiscal note, stating that research needs to be done on the amount of libraries that already have filters on their systems.

Discussions followed regarding clarification of language in the bill, effectiveness of internet filtering systems, incident reports from the Topeka Library and internet problems associated with the size of library.

In response to a committee request Karen Housholder agreed to provide copies of the Kaiser Institute Internet Filtering study to committee members.

The hearing on **HB 2420** was closed.

Representative Gilbert moved that the February 14, 17, 19, 20 and 24 minutes be approved.

Representative Dahl seconded and the motion carried.

Meeting adjourned at 3:00 p.m. with the next meeting scheduled for March 11, 2003.

CONTINUATION SHEET