

HOUSE BILL No. 2581

By Representative Vickrey

1-10

10 AN ACT relating to public libraries; concerning the basis for property
11 tax levies thereof; **[enacting the children’s internet protection act;**
12 **prohibiting certain acts and providing remedies for violations;]**
13 amending K.S.A. 75-2551 and 79-2930 and repealing the existing
14 sections.

15
16 *Be it enacted by the Legislature of the State of Kansas:*

17 **[New Section 1. (a) This section may be cited as the children’s**
18 **internet protection act.**

19 **[(b) As used in this section:**

20 **[(1) “Electronic material harmful to minors” means any elec-**
21 **tronic source of print, picture, figure, image, description, film or**
22 **recording which is harmful to minors, as defined in K.S.A. 21-**
23 **4301c, and amendments thereto.**

24 **[(2) “Internet filtering technology” means a device or technol-**
25 **ogy which reduces access or exposure to internet web sites which**
26 **contain or make reference to electronic material harmful to**
27 **minors.**

28 **[(3) “Minor” means any unmarried person under 18 years of**
29 **age.**

30 **[(4) “Public library” means any library maintained by a city,**
31 **county, township or library district, or any combination thereof,**
32 **and supported in whole or in part by public moneys.**

33 **[(c) Except as provided by subsection (d), every public library**
34 **shall require use of internet filtering technology for any of such**
35 **library’s computers while such computer is being used by a minor.**

36 **[(d) A public library, or an officer, employee or agent thereof,**
37 **may allow a minor to use a library computer for which internet**
38 **filtering technology is not provided if the parent or guardian of**
39 **such minor has given the library written consent for such minor to**
40 **have access to the internet without use of internet filtering**
41 **technology.**

42 **[(e) No public library shall check out or issue any video, DVD,**
43 **film or other material in a visual medium to:**

1 **[(1) A person who, under the voluntary movie rating system of**
2 **the motion picture association of America, would not be admitted**
3 **to view such video, DVD, film or other material; or**
4 **[(2) a person who is unaccompanied by a parent or adult guard-**
5 **ian and who, under the voluntary movie rating system of the mo-**
6 **tion picture association of America, would be required to be ac-**
7 **companied by a parent or adult guardian to be admitted to view**
8 **such video, DVD, film or other material.**
9 **[(f) The provisions of this section shall not be construed to:**
10 **[(1) Prohibit any adult from having unfiltered or unrestricted**
11 **access to the internet or an online service; or**
12 **[(2) preempt the regulation of obscenity by municipalities.**
13 **[(g) If any provision of this act or the application thereof to any**
14 **person or circumstance is held invalid, such invalidity shall not**
15 **affect other provisions or applications of the act which can be given**
16 **effect without the invalid provision or application. To this end the**
17 **provisions of this act are severable.**
18 **[New Sec. 2. (a) Prior to receiving any grant-in-aid for calen-**
19 **dar year 2007 pursuant to the state grants-in-aid to libraries act, a**
20 **library shall certify to the state librarian that the library is under-**
21 **taking action to comply with the provisions of section 1, and**
22 **amendments thereto.**
23 **[(b) Prior to receiving any grant-in-aid for calendar year 2008,**
24 **or any calendar year thereafter, pursuant to the state grants-in-aid**
25 **to libraries act, a library shall certify to the state librarian that the**
26 **library is in compliance with the provisions of section 1, and**
27 **amendments thereto.**
28 **[(c) If a library fails to submit certification as required by this**
29 **section, the library shall be ineligible to receive any grant-in-aid**
30 **pursuant to the state grants-in-aid to libraries act until the library**
31 **certifies such compliance.**
32 **[(d) This section shall be part of and supplemental to the state**
33 **grants-in-aid to libraries act.]**
34 **[New Section 3. No library shall be required to comply with**
35 **the provisions of this act until such time as the state of Kansas**
36 **appropriates sufficient funds to pay for internet filtering**
37 **technology.]**
38 Section ~~4~~ **[4.]** K.S.A. 75-2551 is hereby amended to read as follows:
39 75-2551. Federal funds for public library service made available to the
40 state which are administered by the state librarian or state commission
41 may be used in support of any one or more regional system of cooperating
42 libraries within the provisions of such federal legislation. The use of funds
43 of any regional system of cooperating libraries shall be established by the

1 system board by contracts with boards of participating libraries, or
2 otherwise.

3 Participating boards shall have the power and are hereby authorized to
4 pay for services purchased from the system board.

5 Any funds appropriated by the legislature and administered by the state
6 librarian for the promotion of library services may be used to pay all or
7 part of the expenses and equipment of any regional system of cooperating
8 libraries.

9 The system board shall be subject to the cash basis and budget laws of
10 the state. The budget of the system board shall be prepared, adopted and
11 published as provided by law and hearing shall be held thereon in the
12 first week of the month of August of each year. The tax levy made pur-
13 suant to the budget shall be *based upon the certified preliminary abstract*
14 *of property values submitted to the director of property valuation pur-*
15 *suant to K.S.A. 79-1604, and amendments thereto, and shall be certified*
16 *to the county clerks of each county in the territory of the regional system*
17 *of cooperating libraries.*

18 Each system board is hereby authorized to levy not in excess of $\frac{3}{4}$ mill
19 of tax to be used for library purposes on all of the taxable property within
20 the boundaries of the regional system of cooperating libraries that is not
21 within a district supporting a library with funds of the district.

22 Sec. ~~2~~. [5.] K.S.A. 79-2930 is hereby amended to read as follows: 79-
23 2930. (a) Two copies of the budget certificate giving the amount of ad
24 valorem tax to be levied and the total amount of the adopted budget of
25 expenditures by fund, along with itemized budget forms for each and
26 every fund and proof of publication of the notice of budget hearing con-
27 taining the budget summary shall be presented to the county clerk within
28 the time prescribed by K.S.A. 79-1801 ~~as amended~~ *and amendments*
29 *thereto*. Where action has been taken under any statute to increase the
30 amount of tax to be levied authorized by law, a statement showing the
31 increased amount or tax levy rate voted, or a copy of the charter resolution
32 or ordinance making the change, shall be attached to the budget each
33 year the change is in effect.

34 (b) The county clerk shall make any reductions to the ad valorem tax
35 to be levied, compute the tax levy rates based on the final equalized
36 assessed valuation, and enter such on the budget certificate before at-
37 testing the budget, *except that with regard to levies made under K.S.A.*
38 *75-2551, and amendments thereto, such levies shall be based upon the*
39 *certified preliminary abstract of property values submitted to the director*
40 *of property valuation pursuant to K.S.A. 79-1604, and amendments*
41 *thereto*. A copy of all budgets for taxing subdivisions of the county, prop-
42 erly attested, shall be filed with the director of accounts and reports, along
43 with a copy of the tax levy rate summary required of the county treasurer

1 by K.S.A. 79-2002, and amendments thereto.

2 (c) Each fund of the adopted budget certified to the county clerk in
3 no event shall exceed the amount of ad valorem tax to be levied and the
4 proposed expenditures of such fund in the proposed budget as originally
5 published. The governing body of each taxing subdivision shall not certify
6 an amount of ad valorem taxes to be levied that is in excess of any tax
7 levy rate or amount limitations or any aggregate tax levy limitations. The
8 governing bodies, in fixing the amount may take into consideration and
9 make allowance for the taxes which may not be paid, such allowance,
10 however, shall not exceed by more than 5% the percentage of delinquency
11 for the preceding tax year.

12 Sec. ~~3~~ [6.] K.S.A. 75-2551 and 79-2930 are hereby repealed.

13 Sec. ~~4~~ [7.] This act shall take effect and be in force from and after
14 its publication in the statute book.