Utah News

The Online Access at Public Libraries Act is a four year-old law that calls for libraries to set online policies restricting access by minors to Internet sites containing obscene material but did not require the use of Internet filters; Utah's new Children's Internet Protection Act does require filters. Utah libraries already use a variety of approaches to comply with the current law: Internet filtering, staff training in identifying and resolving problems with patrons, strategic placement of Internet computers in public areas, recommendations of high quality web sites for young patrons and parental involvement in appropriate use of the Internet.

Passage of HB 341 raises many questions about how the unfunded bill can be successfully implemented. Local decency groups, bill sponsors and librarians alike are concerned over safety of children in libraries but are also concerned about how to make this new mandate work. The questions spawned a need for a forum for free exchange of ideas among different organizations impacted.

State Librarian and State Library Director Donna Jones Morris began conversations that hatched an idea to bring a representative of the group Communities for Decency that started the move to pass HB 341. Communities for Decency (CFD) is a grass roots organization with a current membership of 1500+ citizens statewide. CFD works to promote decency and high standards in the community and protect families and children from the harmful effects of pornography through education, family friendly legislation, and victim assistance resources. Ongoing conversations resulted in representatives from the CFD group and representatives from the Utah Library Association engaging in to represent the library community together for a facilitated meeting and a panel to help sift through all varieties of scenarios and situations that could surface with implementation of HB 341.

House Bill 341 contains no funding for implementation. "The cost to libraries could be high," says Morris. "Funding sources to cover the cost of filtering are yet to be determined; existing programs will likely be affected." Utah library boards have been deciding how or if they will be complying. Most libraries have passed policies complying with the law.

Morris says it's still very important that the library community cultivate a reputation for actively pursuing both the safety of patrons of all ages and ready access to the best, most informative and most authoritative sites on the Internet. Commitment to children and their safety is at the heart of why librarians are involved with usage of the Internet.

Arthur Brady, Library Liaison, Communities for Decency stated, "I was heartened to learn that the anti-filtering policy promoted by ALA is not universally supported among Utah librarians. Filtering has been a thorny issue for libraries for more than a decade, and as a librarian, I was proud of ULA's willingness to sponsor the event, and of the delegates' frank and open participation. Communities for Decency is pleased with the positive tone of the discussion. Discovery that we have strong supporters among Utah's librarians bodes well for continued dialogue. The ultimate success of assuring that libraries do everything they can to protect our

children, our families and our communities from the horrors of Internet pornography will require more work, and the ULA panel discussion was a good first step."

"Working together with the library community is the most effective way to make positive headway concerning unsafe circumstances that can impact our children and our families", says Whitney Reich, Communities for Decency representative. "Our group is encouraged by the constructive progress that was made during these meetings."

The facilitated introductory meeting and a panel discussion that was presented during the Utah Library Association conference were made up of members of the Communities for Decency along with members of the Utah Library Association and representatives of the library community. Facilitator Diane Hamilton led the discussions in a productive and positive manner and guided the exchanges to a successful conclusion. The clear and open communication of the gatherings is due in part to the accomplished facilitation of Ms. Hamilton. The group together determined to keep communication open and be advocates for support, money, multifaceted strategies along with models and measures of success as they may apply to future legislation.

"As Utah libraries establish new Internet access policies, every community is working to reflect the needs of their library patrons," says Morris. "Providing needed information and protecting minors are complimentary goals that I'm sure all Utah libraries endorse." Answers to questions concerning implementation are available on the Utah State Library website.

Internet Online Access Policies to Be Re-submitted

In 2004, the State Legislature passed HB 341, amending the provisions of UCA 9-7-215, but the administrative procedures and reporting requirements established by R223-2 remain unchanged and in force. Under the Rule, in order to maintain eligibility to receive state funds, the library must re-submit its Internet Online Access Policy "to the State Library Division no later than July 1, 2004, and every three years thereafter." The policy, as re-submitted to the Division by that date, must respond to the requirements of UCA 9-7-215, as amended by the 2004 Legislature. Central among the provisions of the amended law is the required use of a "technology protection measure" (filter) on the library's publicly accessible computers connected to the Internet.

It is important to note that under the federal Children's Internet Protection Act (CIPA), in order to qualify for Library Services and Technology Act (LSTA) grants for Internet hardware (computers), or for federal E-Rate Discounts, the library must filter all computers connected to the Internet, including those reserved for library staff. As librarians and library boards determine what their library's use of Internet filters is to be, they should consider these differing requirements for eligibility to receive both state and federal dollars.

Since the original passage of the law requiring an Internet online access policy in order to be eligible to receive state funds, the State Library Division has interpreted the phrase "state funds" to mean dollars distributed through grants to public libraries, and as lender library support payments. The Division will continue to follow this interpretation in the future.

From the Library Division Newsletter of the Utah State Library

Some last minute news, Sarah Michalak, Director of the J. Willard Marriott Library at the University of Utah will be leaving to be the new director of the libraries at UNC-Chapel Hill, beginning in September 2004.