

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE

House Bill 279  
Ways and Means

(Delegate Miller, *et al.*)

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Resource Centers and Cooperative Programs - Access by Minors - Obscene  
Materials - Prevention

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This bill requires the State Library Research Center, each regional resource center, and each metropolitan cooperative service program to adopt and implement policies and procedures to prevent minors from obtaining access, through Maryland's Public Information Network (SAILOR) or any other interactive computer service, to materials that are obscene or constitute child pornography. These procedures and policies must be adopted by January 1, 2005. The appropriate board of library trustees must submit to the Maryland State Department of Education (MSDE) documentation that shows whether the library is complying with the required policies and procedures.

The bill takes effect July 1, 2004.

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Fiscal Summary

**State Effect:** Potential significant increase in State expenditures assuming MSDE requires filtering devices at the State Library Resource Center and at public libraries that have access to the SAILOR network. Currently, MSDE has not required public libraries to install filtering devices as a condition of complying with similar requirements. MSDE can monitor policies and procedures relating to Internet access with existing resources.

**Local Effect:** None.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Each county or board of trustees of a county library must adopt and implement policies and procedures to prevent minors from obtaining access through the library, by means of the Internet or other interactive computer service, to materials that are obscene or constitute child pornography. A county library board is not required to install filtering devices on its computers.

**Background:** Access to child pornography and other obscene materials through online access to the Internet at public libraries is generating increasing concern in Maryland and throughout the nation. The U.S. Congress passed the Children's Internet Protection Act (CIPA) in 2000 that requires schools and libraries receiving federal funds to filter all computers with access to the Internet. On June 23, 2003, the U.S. Supreme Court ruled that the filtering mandate in CIPA is constitutional for public libraries. This action reversed a 2002 federal district court ruling that had found the filtering mandate unconstitutional.

The General Assembly passed legislation at the 2000 session that required each county or board of trustees of a county library to adopt and implement policies and procedures to prevent minors from obtaining access through the library, by means of the Internet or other interactive computer service, to materials that are obscene or constitute child pornography. These policies and procedures had to be adopted by January 1, 2001. The State Superintendent of Schools must regularly monitor the county libraries to determine whether each library is complying with the required policies and procedures. The legislation does not specifically require local library boards to install filtering devices on their computers. As shown in **Exhibit 1**, 15 library systems in Maryland have installed filtering devices on their computers to protect children from obscene materials.

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### Exhibit 1 Public Library Systems with Filtering Devices

Allegany	Baltimore	Carroll	Harford	Washington
Anne Arundel	Calvert	Charles	Montgomery	Wicomico
Baltimore City	Caroline	Frederick	St. Mary's	Worcester

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#### *Costs to Install Filtering Devices*

The cost to install filtering devices is dependent on many factors including vendor software, number of personal computers, and the negotiations between the library system and vendor. The costs to install a simple filtering system range from \$1,200 to \$3,000 for

smaller library systems and over \$11,000 for larger library systems. For a more complex system, the costs at one library branch can total \$20,000.

### *State Library Network*

The State Library Network insures that the major library resources of the State are readily available to all Maryland residents, thus improving the capacity of each library to meet the specific informational needs of its users and provide maximum use of existing collections. The network has implemented a long-term program to electronically connect libraries and other resources within the State, as well as providing connections to the Internet. The network consists of the State Library Resource Center, three regional resource centers, and the metropolitan cooperative service program. All three systems receive State funding for operating expenses. The proposed fiscal 2005 State budget includes \$14.2 million for the State Library Network.

The Central Library of the Enoch Pratt Free Library in Baltimore City operates as the designated State Library Resource Center. This designation and accompanying State support allow all Maryland residents access to the public library system. Acting in place of the state library that exists in most states, the State Library Resource Center works cooperatively with other libraries in a network which allows materials and information to be shared statewide. The center also operates the State's SAILOR network.

The three regional resource centers provide coordination and services to libraries outside of the State's metropolitan areas. These services include consulting and training, cataloging and materials processing, regional databases, electronic magazine access, automated circulation and catalog systems, electronic networking, and rotating collections. The three regional resource centers are located in Salisbury (Eastern Shore), Charlotte Hall (Southern Maryland), and Hagerstown (Western Maryland).

Metropolitan cooperative service programs may be established in regions not served by regional resource centers. Currently there are no cooperative service programs in effect.

**State Fiscal Effect:** SAILOR is made available to the public in two ways: (1) through the public library systems which already must comply with the bill's requirements; and (2) through dial-up from personal computers at sites outside of public libraries. MSDE indicates that it would be difficult to manage a filtering system on the SAILOR network from users who dial-up the network from personal computers at sites outside of public libraries since a determination cannot be made whether the user is a child or an adult.

As shown in **Exhibit 2**, MSDE estimates the cost to install filtering systems at public libraries that are connected to the SAILOR network at \$1.1 million for one-time expenses and \$0.5 million for annual recurring expenses. The Department of Legislative Services advises that local libraries must already comply with similar requirements and that MSDE has not mandated the use of filtering devices as a basis of complying with the

requirements. In addition, 15 public library systems have already installed filtering devices and therefore should not incur additional expenses. Furthermore, federal law already requires local libraries to install filtering devices as a condition of receiving federal funding. A portion of MSDE's estimate may reflect the cost of complying with federal law, and not necessarily State law.

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**Exhibit 2**  
**Projected Cost to Install Filtering Devices at Public Libraries Connected to the SAILOR Network**

	<u>One-time Costs</u>	<u>Recurring Costs</u>
Filtering/Management Software	\$897,100	\$246,500
Maintenance	0	150,500
Administration	100,000	60,000
Training	40,000	0
Other Expenses	104,500	20,000
<b>Total</b>	<b>\$1,141,600</b>	<b>\$477,000</b>

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**Local Fiscal Effect:** Any additional costs at the Enoch Pratt Free Library resulting from the installation of filtering devices are assumed to be State costs and not the responsibility of Baltimore City. Regional resource centers are not affected since they do not provide direct services to the public.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

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