

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

March 4, 2008

8:06 a.m.

MEMBERS PRESENT

Representative Bob Lynn, Chair
Representative Bob Roses, Vice Chair
Representative John Coghill
Representative Kyle Johansen
Representative Craig Johnson
Representative Andrea Doll
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 269

"An Act requiring the state to procure United States and Alaska flags manufactured in the United States; and requiring state buildings and schools to display only United States and Alaska flags manufactured in the United States."

- RESCINDED ACTION OF 2/28/08; MOVED NEW CSHB 269(STA) OUT OF COMMITTEE

HOUSE BILL NO. 353

"An Act relating to the blocking of certain Internet sites at public libraries and to library assistance grants."

- HEARD AND HELD

HOUSE CONCURRENT RESOLUTION NO. 20

Encouraging the installation of fire sprinkler systems in residences.

- SCHEDULED BUT NOT HEARD

HOUSE BILL NO. 406

"An Act relating to a requirement for competitive bidding on contracts for the preparation of election ballots."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HB 269

SHORT TITLE: REQUIRE AK/US FLAGS BE MADE IN USA

SPONSOR(s): REPRESENTATIVE(s) LYNN

01/04/08 (H) PREFILE RELEASED 1/4/08
01/15/08 (H) READ THE FIRST TIME - REFERRALS
01/15/08 (H) STA
01/17/08 (H) STA AT 8:00 AM CAPITOL 106
01/17/08 (H) <Bill Hearing Postponed to 01/19/08>
01/19/08 (H) STA AT 11:00 AM CAPITOL 106
01/19/08 (H) <Bill Hearing Rescheduled to 01/24/08>
01/24/08 (H) STA AT 8:00 AM CAPITOL 106
01/24/08 (H) Heard & Held
01/24/08 (H) MINUTE(STA)
02/14/08 (H) STA AT 8:00 AM CAPITOL 106
02/14/08 (H) <Bill Hearing Postponed to 02/28/08>
02/28/08 (H) STA AT 8:00 AM CAPITOL 106
02/28/08 (H) Moved CSHB 269(STA) Out of Committee
02/28/08 (H) MINUTE(STA)
03/04/08 (H) STA AT 8:00 AM CAPITOL 106

BILL: HB 353

SHORT TITLE: PUBLIC LIBRARY INTERNET FILTERS

SPONSOR(s): REPRESENTATIVE(s) KELLER

02/06/08 (H) READ THE FIRST TIME - REFERRALS
02/06/08 (H) STA, FIN
02/28/08 (H) STA AT 8:00 AM CAPITOL 106
02/28/08 (H) Heard & Held
02/28/08 (H) MINUTE(STA)
03/04/08 (H) STA AT 8:00 AM CAPITOL 106

WITNESS REGISTER

REPRESENTATIVE WES KELLER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, offered a review of his original introduction to HB 353 [given to the House State Affairs Standing Committee on 2/28/08].

JIM POUND, Staff
Representative Wes Keller
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 353 on behalf of Representative Keller, prime sponsor.

CHARLES CLARK, Microcomputer Network Specialist
Information Services
Legislative Affairs Agency
Juneau, Alaska

POSITION STATEMENT: During the hearing on HB 353, answered questions regarding the technical aspects of filtering library Internet access.

STEPHEN J. ROLLINS, Dean
Consortium Library
University of Alaska Anchorage (UAA)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 353.

KARL BECKER
Cordova, Alaska

POSITION STATEMENT: Testified on behalf of himself during the hearing on HB 353.

KATHLEEN HEUS
Kenai, Alaska

POSITION STATEMENT: Testified on behalf of herself during the hearing on HB 353.

MARY JO JOINER, President
Alaska Library Association
Kenai, Alaska

POSITION STATEMENT: Testified during the hearing on HB 353.

KIMBERLY ROTH
Tok, Alaska

POSITION STATEMENT: Testified on behalf of herself and with the permission of the Tok Community Library Board of Directors during the hearing on HB 353.

KATHY MORGAN, Volunteer
Tok Community Library
Tok, Alaska

POSITION STATEMENT: Testified in opposition to HB 353.

DEBBIE JOSLIN
Eagle Forum Alaska
Delta Junction, Alaska

POSITION STATEMENT: Testified on behalf of Eagle Forum Alaska in support of HB 353.

JIM MINNERY
Alaska Family Council
Anchorage, Alaska

POSITION STATEMENT: Testified on behalf of the Alaska Family Council in support of HB 353.

THEODORA WEBBER
Togiak, Alaska

POSITION STATEMENT: Testified during the hearing on HB 353.

JENNY GRIMWOOD
Cordova

POSITION STATEMENT: Testified on behalf of herself during the hearing on HB 353.

CLAIRE RICHARDSON
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of herself in opposition to HB 353.

RAI BENNERT
Friends of the Juneau Public Libraries
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of Friends of the Juneau Public Libraries during the hearing on HB 353.

ACTION NARRATIVE

CHAIR BOB LYNN called the House State Affairs Standing Committee meeting to order at [8:06:32 AM](#). Representatives Roses, Coghill, Johansen, Johnson, Doll, and Lynn were present at the call to order. Representative Gruenberg arrived as the meeting was in progress.

The committee took an at-ease from [8:07:20 AM](#) to [8:07:32 AM](#).

HB 269-REQUIRE AK/US FLAGS BE MADE IN USA

[8:07:33 AM](#)

CHAIR LYNN announced that the first order of business was HOUSE BILL NO. 269, "An Act requiring the state to procure United States and Alaska flags manufactured in the United States; and

requiring state buildings and schools to display only United States and Alaska flags manufactured in the United States."

CHAIR LYNN explained that the committee had moved HB 269 out of committee on 2/28/08, with the mistaken understanding that there was no penalty attached to not following the mandate of the bill, when in fact there was. He said there is a committee substitute available.

[8:08:43 AM](#)

REPRESENTATIVE DOLL moved to rescind the committee's action in reporting from the House State Affairs Standing Committee the proposed committee substitute CSHB 269(STA). There being no objection, the committee rescinded its action.

[8:09:01 AM](#)

REPRESENTATIVE ROSES moved to adopt the proposed committee substitute (CS) for HB 269, Version 25-LS1013\L, Bailey, 3/3/08, as a work draft. There being no objection, Version L was before the committee.

[8:09:42 AM](#)

REPRESENTATIVE ROSES clarified that the only change made in Version L is the removal of a penalty, which makes the bill comply with the committee's wishes.

CHAIR LYNN confirmed that's correct.

[8:10:15 AM](#)

REPRESENTATIVE ROSES moved to report CSHB 269, Version 25-LS1013\L, Bailey, 3/3/08, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, the new CSHB 269(STA) was reported out of the House State Affairs Standing Committee.

HB 353-PUBLIC LIBRARY INTERNET FILTERS

[Contains brief mention of SB 119.]

[8:10:42 AM](#)

CHAIR LYNN announced that the next order of business was HOUSE BILL NO. 353, "An Act relating to the blocking of certain

Internet sites at public libraries and to library assistance grants."

8:11:04 AM

REPRESENTATIVE WES KELLER, Alaska State Legislature, as prime sponsor, offered a review of his original introduction to HB 353 [given to the House State Affairs Standing Committee on 2/28/08]. He said HB 353 proposes law to protect children from having access to indecent material, as defined in AS 11.61.128(1)(A)-(F), on the Internet. He said distribution of indecent materials to children is a Class C felony. He reviewed that 40 percent of the 89 public libraries in Alaska have no filters for their Internet access. He said the proposed legislation does not "get into detailed micro-management," but follows the guidelines of the requirements set in the [Children's Internet Protection Act (CIPA)]. He said filters, once hooked up to computers, can continually be update with improvements, and those overseeing the filters can easily unblock them when necessary.

8:14:05 AM

REPRESENTATIVE KELLER, in response to a question from Representative Doll, said the cost of the filters is fairly inexpensive, but he does not have a thorough study of the range of costs.

8:15:05 AM

REPRESENTATIVE KELLER, in response to a question from Chair Lynn, guessed that the filter might be hooked up to the main server. In response to Representative Doll, he said he had not line up any experts to speak about the cost of a filter system.

REPRESENTATIVE DOLL explained her concern is that she received information showing that the cost of basic installation would be \$10,000, and the cost of software would be \$6,000 every year thereafter to maintain a license. She remarked that that would not include any added staff to the library. She said she would like those figures confirmed or denied by an expert giving testimony.

REPRESENTATIVE KELLER reminded Representative Doll that there is a list of costs in the committee packet.

REPRESENTATIVE DOLL indicated her understanding that there is a difference between [that which is on the list] and a professional level [filter system] that would be used in libraries. She reiterated that she would like further details regarding the cost.

[8:17:23 AM](#)

REPRESENTATIVE JOHANSEN asked what the cost to the University of Alaska would be. He also questioned what kind of training librarians would need and how decisions regarding filtering would be made. He asked about the practicality of filtering as it relates to a university student trying to use the Internet to research a paper.

[8:20:00 AM](#)

REPRESENTATIVE KELLER responded that the bill is crafted so that it "does not address those things." For example, the language of the bill would allow a librarian to turn off a filter; the decision would be his/hers. He reminded Representative Johansen that the level of filtering required in the bill is relatively low. He turned to a handout in the committee packet, showing [AS 11.61.128], which lists "the most indecent material." He said he expects many of the libraries would filter more than what is required by law, because "that's the way most of the filters work." The bill does not specify who would be authorized to make decisions about filtering, but he said he assumes it would be the [Internet protocol] (IP) administrator. He reminded Representative Johansen that CIPA already requires filters for any library that receives certain federal discounts.

[8:21:33 AM](#)

REPRESENTATIVE JOHANSEN said he finds the lack of specificity related to who would draw the line problematic.

REPRESENTATIVE KELLER said a library patron can request that the librarian turn off the filter.

[8:22:44 AM](#)

CHAIR LYNN said he supports the concept of bill for the purpose of protecting children, but echoed Representative Johnson's concerns regarding where the line would be drawn. He asked the bill sponsor if he has thought of limiting the filtering

requirement to include every library but that of the university system.

REPRESENTATIVE KELLER explained that the criteria are based on whether or not the Internet access is open to the public, and the university's Internet system is open to the public.

CHAIR LYNN clarified his point is he is trying to separate the children from the adults.

[8:26:33 AM](#)

JIM POUND, Staff, Representative Wes Keller, Alaska State Legislature, in response to Chair Lynn, said over the years libraries have kept certain material off their shelves. The U.S. Supreme Court has said that Internet access in public libraries is neither a traditional nor designated public forum. Regarding the fiscal note, Mr. Pound said those libraries currently receiving federal funds that do not use Internet filters, will no longer receive that federal money. He added, "And we all know where they're going to come to ask for money next year if they do not have these filters on their library computers."

[8:27:29 AM](#)

REPRESENTATIVE JOHANSEN asked:

Is this a case where we've been told by the federal government that if you don't pass these regulations, federal funding will be withheld from the state?

MR. POUND answered no.

[8:28:11 AM](#)

REPRESENTATIVE JOHNSON questioned if a patron's own computer would be filtered if he/she brought it into a library to take advantage of the wireless Internet service that may be provided there.

REPRESENTATIVE KELLER said that question could be better answered by a computer expert.

[8:29:03 AM](#)

REPRESENTATIVE JOHANSEN expressed concern about restricting access to information at a university library. He asked the sponsor if he has considered excluding the University of Alaska libraries from the bill.

REPRESENTATIVE KELLER said he had contemplated doing so, but decided not to. He commented that the university would still have to meet the requirements of CIPA. He mentioned that the legislature's computers are filtered.

[8:31:22 AM](#)

CHARLES CLARK, Microcomputer Network Specialist, Information Services, Legislative Affairs Agency, explained that there are web filtering devices that can be installed at a certain level of the network to filter web sites. He offered his understanding that such filters "may not go off of key words." Another type of sight filter, he noted, would "live on a server." He related that that type of filter tends to be more expensive, but "could probably be more elaborate about what goes through the system."

REPRESENTATIVE JOHNSON noted that many libraries have open access Internet, where patrons can bring their own computers along and access the library's server. He asked, "Where would the filter be, and where would the 'on/off' switch be for that individual computer, if you brought that in?"

MR. CLARK responded that the filter would have to "live on a server." It could be a filter that blocks by key word. For example, if someone typed in "anatomical parts" on a search engine, that filter would block certain key words from coming through. He mentioned a device that is like a router, but with the ability to block web sites only. He said, "That would live at a higher level, towards where the server would be on a network."

REPRESENTATIVE JOHNSON asked, "And if an individual went to the library and said, 'I have my own computer and I need the filter turned off,' how would you do that?"

MR. CLARK replied that that would probably be difficult. The librarian would have to log into the server and indentify the computer that was connected in order to disable the filtering. In response to follow-up questions from Representative Johnson, he said he could most likely figure out how to do it, and a librarian could be taught to do it. How easy it would be for

the librarian would depend on his/her [computer] experience and the frequency of requests. Regarding price, he said the filters that live on individual computers run between \$40-\$400, depending on quality. He said he does not know the cost of the filters that live on servers, but ventured that that would require a "site license," and the charge would be based upon how many connections to the Internet there were.

REPRESENTATIVE JOHNSON cautioned that the first step may be taken to block individual computers, but by not taking the second, more expensive step, the filter system still may not meet the requirements of CIPA, and, thus, the federal money would still be lost. He said he would not like the legislature to go through the process only to have a wireless access keep the public libraries from receiving that federal money.

8:36:43 AM

MR. CLARK, in response to a question from Chair Lynn, offered his understanding that the filter used on the legislature's computers is called, "WebSense," and it has the ability to block web sites and to block by key word. Many of the filters, he continued, have updates available daily or weekly.

8:38:07 AM

REPRESENTATIVE DOLL, regarding costs, said WebSense, Snort, and Squid are three names of filters available, and although they are each fairly inexpensive, each one requires a technical person to run it and a server on which to run it. She referred to her previously cited costs for installation, software, and licensing, and asked Mr. Clark to comment on those costs.

MR. CLARK said he assisted one library that chose to use a per seat license because it did not have the infrastructure of having a server. He noted that maintaining a server can be expensive. He said he has not been involved with costs, but said whether a cost could be considered out of line would depend on the size of what it covered.

8:39:36 AM

MR. CLARK, in response to a question from Representative Johansen, explained that most updates to filter systems are done automatically. In response to a follow-up question from Representative Johansen, he said he has worked with several of the inexpensive filters, the majority of which are "rather

secure"; however, security depends on how secure the users are. For example, he said, "If you create a password and you hand that password out to other people, then the user is the issue, not ... the software itself." He talked about a library system that was secure to the point where "the box was locked down so you couldn't view other people's profiles," versus a library system that "did not limit everybody's system very much." He mentioned simply putting a general block on egregious web sites, and said there are many levels of blocking with programming.

[8:42:08 AM](#)

MR. CLARK, in response to a question from Representative Coghill, offered his understanding that there are "no filters on key words that would be going through" chat rooms on line.

[8:43:28 AM](#)

REPRESENTATIVE GRUENBERG noted that the bill has not been referred to the House Judiciary Standing Committee. He said he has questions regarding the relationship of HB 353 to CIPA. He highlighted the reference to criminal code, on page 2, [line 2], AS 11.61.128(1)(A)-(F). He highlighted the term "knowingly" as the mental state specified in AS 11.61.128(1), and he noted that the term is defined in AS 11.81.900. He said he anticipates having many questions regarding fairly complex legal issues. He indicated a concern that librarians may find themselves committing a Class C felony if they do not follow the language of subsection (b), on page 2, lines 1-3 of the bill, which read as follows:

(b) If an adult has a research or other lawful purpose to access Internet sites that depict the items described in AS 11.61.128(1)(A)-(F), a public library may disable the technology measure for the adult.

CHAIR LYNN, in response to Representative Gruenberg, reflected the sponsor's indication that SB 119 is not a companion bill to HB 353.

REPRESENTATIVE GRUENBERG said he wants to ensure that the legislature is not creating bills "at cross purposes."

[8:45:44 AM](#)

REPRESENTATIVE GRUENBERG asked the sponsor if he has any suggestions as to what expenditures the libraries should cut in

order to pay for the cost of the program proposed through HB 353.

8:46:20 AM

REPRESENTATIVE KELLER responded that he thinks libraries have the responsibility to "maintain what they have," and "this is just a maintenance item" for which they have the money in their budgets. He stated that he presumes the cost for filtering would not be high. Furthermore, he said the bill leaves "the level of expenditure up to the library."

8:47:34 AM

REPRESENTATIVE GRUENBERG remarked that the cost of a filter may be small for a library in Anchorage; however, for the libraries in some of the smallest communities, the relative cost could be considerable. He asked if the sponsor would "support additional appropriations to the libraries for this purpose."

MR. POUND said he thinks the sponsor could approve a one-time-only expenditure for the purchase of software.

8:49:10 AM

CHAIR LYNN asked what the line is between Internet filters and "the whole broad issue of censorship," which he said is quite controversial.

REPRESENTATIVE KELLER said he struggles with the issue of censorship; however, the bill simply targets censorship related to children. He stated that he feels strongly that it is inappropriate to have public libraries that have open access to indecent material, as described in the aforementioned statute.

CHAIR LYNN said he basically agrees, but indicated that one exception is the university library, where a majority of students are over 18.

REPRESENTATIVE KELLER reiterated that since the university libraries are open to public, children have access to them.

8:51:03 AM

REPRESENTATIVE DOLL asked the bill sponsor if, as is true for other legislation, HB 353 is being proposed because of a perceived problem. She noted that the library already requires

its computer users to indicate their agreement to the terms of use.

REPRESENTATIVE KELLER reiterated that a requirement of CIPA is that libraries have a policy regarding the filtering of Internet access, and he said, "We did not go there in this bill." Regarding "the level of the problem," he said he can only provide anecdotes and hesitates to "get into that level of discussion." He reiterated that research of libraries' own records show there are 89 libraries that receive federal and state funding, with 40 percent of those operating without any filtering system whatsoever. In response to a follow-up question from Representative Doll, he said the particulars of how the filters are administered would be a policy call of each library; the bill would simply require that there be a filter used.

REPRESENTATIVE DOLL asked if the sponsor thinks this issue should be decided by the state rather than municipalities.

REPRESENTATIVE KELLER answered yes.

[8:54:26 AM](#)

CHAIR LYNN remarked that [pornography on the Internet] desensitizes everyone, but especially children, to "very objectionable material."

[8:54:48 AM](#)

REPRESENTATIVE ROSES predicted that if the bill were to pass, universities will not risk losing funding, but neither will they use the filters. Instead, they will restrict the public's access to the library. He talked about high school students in advanced placement classes who need access to university libraries in order to do their research. He said the issue is not the cost of the filter or its maintenance, but the criminal language in the bill [text provided previously]. He said a librarian could be deemed to be not as diligent or careful as he/she could or should have been, either inadvertently or deliberately, and someone may want to "make a case over it," which would result in librarians having to defend themselves in court. For example, he explained that a librarian may just decide he/she does not have the time to be administering the filter.

REPRESENTATIVE KELLER said although he is not an attorney, he has looked carefully at the complex definition of "knowingly" and does not think the example Representative Roses gave rises to the level of "knowingly distributing indecent material."

[8:58:03 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Rose's remarks, said that as a practical matter, he does not think the libraries would be criminally prosecuted very often; however, he said they will be concerned about legally being disallowed to get a grant from the state, which would close the library down. He said that is a civil standard that is of concern. He indicated that the language related to the civil standard is found on page 1, lines 11-14, which read:

Sec. 14.56.500. Internet blocking filters required. (a) Except as provided by (b) of this section, a public library that provides members of the public with access to the Internet shall install and maintain in good working order Internet software filters that block Internet sites that depict the items described in AS 11.61.128(1)(A)-(F).

REPRESENTATIVE GRUENBERG said library staffs will have to take a lot of time to enforce the law, train employees, and probably keep extensive records in order to show the Department of Education and other funding sources that they have complied with the law. He asked the bill sponsor if he has considered what libraries will have to do to comply with the law, and at what cost?

REPRESENTATIVE KELLER said he has considered this issue. He related that Alaska's 89 public libraries receive approximately 5 percent of their revenue from the state, 5 percent from the federal government, and the rest from local sources.

[9:01:03 AM](#)

REPRESENTATIVE KELLER, in response to questions from Representative Johansen, offered his recollection that the [Children's] Internet Protection Act was passed in 2000, and was contested and upheld by the U.S. Supreme Court in 2003. He reiterated that 40 percent of Alaska's 89 public libraries do not currently use Internet filters or may be in the process of implementing them. He added that that number nationally is 35 percent. He said those libraries that have not yet implemented

filters are not necessarily ignoring the requirements of CIPA, but may be involved in an implementation process that "takes time and awareness."

REPRESENTATIVE JOHANSEN expressed his skepticism that the learning curve would take [as much time as has passed since the Act was signed into law or upheld by the Supreme Court].

REPRESENTATIVE JOHANSEN observed that CIPA does not require the blocking or filtering of text, only images. He said a book is often much more detailed, interesting, and imaginative than a simple picture.

REPRESENTATIVE KELLER clarified that HB 353 does not specify whether the filtering would be of images versus text.

REPRESENTATIVE JOHANSEN said he understands that; however, the sponsor has discussed the proposed legislation "based a lot on CIPA requirements," which do not require the filtering of text. He clarified that he had just been pointing out that text can be "more graphic than your bright line of what's okay and what's not." He noted that [on page 2, line 5, of the bill], an adult is specified as "an individual who is 18 years of age or older", while [on page 2 of 5, in a handout in the committee packet, entitled, "Meeting CIPA Requirements With Technology"], "Adults are defined as persons 17 years of age or older." He questioned whether that was an oversight.

[9:04:39 AM](#)

MR. POUND noted that the information in the committee packet was derived from the Internet, and he offered his understanding that the federal government "uses 17 rather than 18."

[9:05:07 AM](#)

STEPHEN J. ROLLINS, Dean, Consortium Library, University of Alaska Anchorage (UAA), referred to a letter in the committee packet he wrote to Representatives Lynn and Keller. He warned that HB 353 would take the state "down a slippery slope." He opined that the bill's definition of "public library", which includes all libraries in the state that serve the public in any capacity, is too broad. He said the previously stated number of 89 libraries is not accurate, because it does not include university, "special," or school libraries in the state. He said he knows of no state that requires filtering for college, university, or research libraries, and there is no federal

legislation requiring filtering for those libraries. He stated, "CIPA is not applied at the university and is not a requirement."

MR. ROLLINS explained that one of the reasons universities have been exempted from federal regulations is that filters do not work in college, university, and research libraries. He explained that filters too often inadvertently block relevant websites. Furthermore, turning filters on and off for adults is not manageable, because "nearly every one of our users is an adult, and at UAA we see about 10,000 per week." Mr. Rollins said UAA monitors the use of its Internet computers without filters, relying on visual monitoring to spot computer gaming, pornography, and other recreational uses. He related that just last week, UAA removed a local resident from its library for using one of the computers to access a pornographic website. He added, "And if they repeat that behavior, they will be trespassed from the university library."

MR. ROLLINS said the bill's unfunded mandate would cost the university thousands of dollars each year to license and maintain software for filters - an estimated \$6,000 annually. The bill, he said, threatens to remove all state library funding from UAA if it does not filter its Internet. He reported that last year, UAA's library received approximately \$120,000 and it expects to receive about \$150,000 next year. The funding is for the statewide library electronic doorway (SLED) and for the statewide data basis program, which the UAA library helps to manage and coordinate. He said the proposed legislation also threatens public access to the university library, because, since filtering is not an option, the university libraries would have to stop serving the public. He stated, "This result cannot be the intention of HB 353."

[9:08:39 AM](#)

MR. ROLLINS stated, "I also want to point out that ... HB 353 gives two different definitions of a public library: One, a public library is one that provides members of the public with access to the Internet. The Second definition is: A public library is 'a library that is open to members of the public.' These are two very different definitions, with the second even broader than the first." He stated that HB 353, in its current form, should not be passed, and universities should be exempt from filtering requirements. He reiterated that the current system the university uses to monitor computer Internet use provides proper balance between appropriate and inappropriate

use of its equipment. He emphasized that the bill is too broad and "takes the state in to an area" that he said he believes "should stay with the local communities."

MR. ROLLINS, in response to Chair Lynn, said he thinks the bill needs to be significantly rewritten and narrowed in its definitions of a "public library". In response to Representative Coghill, he said the library clusters its computers around its reference desk, visible to the public, and the library staff ensures that the computers available are being used for the maximum number of uses for educational and resource purposes. A patron who is on a computer game too long, and certainly anyone who is visiting a pornography site, will be asked to leave.

[9:11:56 AM](#)

MR. ROLLINS, in response to questions from Representative Gruenberg, said he does not have a figure as to how many patrons visit libraries nationwide. He offered further information regarding the previously mentioned grant monies from the state, which he clarified are for a program that serves "every resident of Alaska." He noted that UAA has five libraries, and he estimated that the University of Alaska Fairbanks (UAF) has five libraries and the University of Alaska Southeast (UAS) might have two.

[9:14:14 AM](#)

REPRESENTATIVE ROSES expressed appreciation for Mr. Rollins' comments regarding the monitoring that is currently being done. He asked Mr. Rollins if the university has wireless capability in its libraries and, if so, what kind of monitoring is possible.

MR. ROLLINS answered yes, but said there is no monitoring of the wireless connections. In response to a follow-up question from Representative Roses, he said he assumes that filters would have to be applied at the network server level, which would then filter the wireless connection.

REPRESENTATIVE ROSES asked, "And so, that would cause some difficulty in terms of being able to then turn the filters on and off?"

MR. ROLLINS responded, "We wouldn't know that the person had the need to turn it on and off."

9:15:26 AM

KARL BECKER testified on behalf of himself during the hearing on HB 353. He noted that he works part time at the public library in Cordova as an Internet Technology (IT) technician, and he said he understands the legitimate concern regarding the manner in which young people are exposed to the world. However, he emphasized his belief that controlling access on the Internet is primarily the responsibility of parents. He said he is far more concerned about what young people may see on television, in stores, and in supermarket checkout [lines], then what they may inadvertently be exposed to in a public library.

MR. BECKER said he would like library patrons to be able to access the Internet as freely as any state legislator. Internet use, he posited, should be determined at the community level through the setting of policy by local library boards, which is how it is done in Cordova. The Cordova Public Library prominently displays its Internet use policy at each computer. Furthermore, the computers are located in a high-traffic area, which allows monitoring of their use and discourages inappropriate Internet use in the library. Mr. Becker said the downside of that is the lack of privacy for patrons who are using the Internet appropriately. He said in four years he has received only one complaint from a patron regarding another patron's use of the Internet, and only three times has he had to "discourage particular uses of patrons, and the response has been immediate."

9:18:00 AM

MR. BECKER questioned who would decide which sites would be inaccessible: the government, the manufacturer of [filtering] software, [information technology] IT personnel, or librarians? He reiterated that he believes these types of decisions should be made on the local level - by those who represent the values of the community. He expressed another concern that the bill does not specify which software would be used, information he said is important for the public to know. Another issue, he said, would be "social networking sites." He mentioned "chat" sites, and named Facebook, Flickr, and YouTube, LLC. He said those sites can be legitimately used, but can allow unwanted content to get through, which he said "creates a false sense of security that filters will block all information that young people - in some people's opinion - should not be exposed to." Filters will also block information that should be legitimately

available to adults, such as legitimate medical or artistic information.

MR. BECKER said he thinks a defect in the bill is that if an adult were to ask that the filter be turned off, presumably that adult patron could then view publicly any materials he/she chose. He concluded, "I appreciate the depth and the extent of questioning that this bill is receiving, since I believe that it has not been a very carefully considered bill."

[9:20:58 AM](#)

CHAIR LYNN said he agrees that parents should be responsible for setting limits for their children; however, parents don't always accompany their children to the library.

[9:21:39 AM](#)

REPRESENTATIVE JOHNSON offered his understanding that the bill deals only with federal grants, but noted that written information from the University of Alaska mentions state grants. He asked for confirmation that passing the bill would mean that state grants would also be blocked; that libraries would "also be dropped from getting state grants."

CHAIR LYNN noted that Representative Roses nodded his head in the affirmative.

REPRESENTATIVE JOHNSON continued:

And the second point I would like to make for the record: I believe the legislative computers are blocked and filtered.

CHAIR LYNN confirmed that they are. Echoing Mr. Becker's previous remark, he questioned how only the objectionable parts of YouTube could be blocked by a filter.

[9:22:37 AM](#)

REPRESENTATIVE GRUENBERG, in response to Representative Johnson, said:

Section 1 deals with state grants, and that's in Title 14, which is [the] Title on education. The department there, I believe, refers to the Department of Education. And I think Mr. Rollins spoke as to

whether the university blocks things. His letter of February 22 mentions that also.

[9:25:17 AM](#)

KATHLEEN HEUS, testified on behalf of herself during the hearing on HB 353. She noted that she has been involved with libraries for many years, both as staff and volunteer. She stated her belief that as much information as possible should be made available to library patrons. She said it is the parents' responsibility to teach their children what is and is not acceptable, and restricting information on the Internet often results in viable information also being filtered. She pointed out that patrons may be reluctant to ask a librarian to turn a filter on and off, even for the purpose of accessing pertinent health information. Regarding filters for computers, she remarked that any lock that is made can be unlocked. Ms. Heus noted that a recent study showed the following rates of effectiveness of filters: text, 85 percent; images, 38 percent; and video images, 33 percent. In response to Chair Lynn, she said she would submit those statistics to the committee in writing [subsequently included in the committee packet].

[9:27:51 AM](#)

MARY JO JOINER, President, Alaska Library Association, testified during the hearing on HB 353. She said the bill is problematic, not only for those who work in Alaska's libraries, but also for all of the Alaskans who use those libraries. She stated that the language is too broad, and, while there would be no direct cost to state government, local communities would incur costs to purchase, install, and maintain a system that would require "staff intervention on patron requests." Furthermore, she said the proposed legislation may restrict direct public access to university libraries and indirect access to interlibrary loan materials and databases.

MS. JOINER quoted an excerpt from Representative Keller's personal web site, [weskeller.com], which read as follows [original punctuation provided]:

He will support laws that promote the following:
Less Government: Reduce government regulation, size, and spending without jeopardizing truly needy and vulnerable Alaskans or hindering programs that are best done by government as described in the

Constitution. Prioritize Local over Federal or State control.

MS. JOINER said AkLA concurs; regulations applying to library policies are a local concern. She cited another portion of the aforementioned web site, which read as follows [original punctuation provided]:

Stronger Families: Enhance traditional family values and parental rights and responsibility to rear children with minimal governmental interference.

MS. JOINER said the American Library Association's Office of Intellectual Freedom states, "Parents, and only parents, have the right and responsibility to restrict their own children's access, and only their own children's access to library resources, including the Internet."

MS. JOINER said it would seem that AkLA shares the same goals for government [as Representative Keller]. She noted that on his web page, Representative Keller also expresses his desire to make government "open and accessible." Ms. Joiner concluded that the proposed legislation "does none of these," and she is confused. She stated her belief that HB 353 would not serve Alaskans well.

[9:30:02 AM](#)

CHAIR LYNN noted that he had recently heard a bill in the House Judiciary Standing Committee regarding parents' responsibility for their children and potential government interference, and he said there are some inconsistencies between that bill and HB 353.

[9:30:27 AM](#)

REPRESENTATIVE GRUENBERG asked Ms. Joiner to poll AkLA's member libraries to show how much it would cost to "install and maintain in good working order Internet software filters that comply with this bill."

MS. JOINER said she would be happy to provide that information [subsequently included in the committee packet].

REPRESENTATIVE GRUENBERG clarified that he would like information pertaining to all the costs involved.

9:31:39 AM

KIMBERLY ROTH, testified as follows:

I am the librarian for the Tok Community Library, which is the public library in Tok. I'm a member of the Tok Community Library ... Board of Directors, and I am giving this testimony with the permission of the board of directors. ... The Tok Community Library is an all-volunteer, non-profit organization, incorporated in 1955, under the Territory of Alaska. This organization is in the fifty-third year of supplying continuous, all-volunteer library service to the community of Tok and the surrounding area. HB 353, though well-intentioned, will have detrimental effects on small libraries in rural communities. If this bill is passed, the Tok Community Library will have no choice but to discontinue public Internet access. This library operates on the public library assistance grant - in FY 08, it was \$6,350 - [and] monies raised from local fundraisers and used book sales. The major source of income for the Tok Community Library is the public library assistance grant. It cannot even afford the purchase price of such a filtering system which would actually cost thousands, let alone the cost of annual updates, training, or tech support. It could not afford the liability to any of the volunteers in the capacity in which they serve should a problem of such a filtering system arise.

The browsers of this library patron computer defaults to SLED - the state library electronic doorway - for reference and research use. The monetary value of this on line material, in print form, is literally in the thousands, and much is not even available in print form. Not having this on line resource would require the library budget to be used to buy reference material in print form. There would be less money for other areas of the collection and a decrease in quality of the collection as a whole. With a decrease in the quality of collection and reduced access to reference material, this public library service will be diminished. No filter on a single public library access computer in the Tok Library is posted. It is well known in the community and it's a non-issue. This is Tok. If it was an issue it would be

addressed. There has never been a single complaint to the board of directors regarding the lack of filter on the computer. If each community were allowed to address this issue locally, it would allow for the most appropriate course of action by those who live in the community and use the service.

[9:35:07 AM](#)

KATHY MORGAN, Volunteer, Tok Community Library, told the committee that her testimony would be abbreviated, because many of her remarks had already been covered by previous testifiers. She said [passage of HB 353] would force the Tok Community Library to terminate its public access to Internet, because it would not be able to afford the financial and technical burden of filtering and the training and hours involved for installation and maintenance of related software. She said the library has no paid employees. It receives 90 percent of its funding from a state library assistance grant; therefore, if it were made to add filters in order to avoid losing the grant, it would have to stop providing Internet to its patrons. Doing so, she said, would have a snowball effect; the library would have to spend a great deal more on reference materials and it would be much more difficult for patrons to locate needed books through interlibrary loans without access to SLED.

MS. MORGAN referenced [subsection (b), on page 2, lines 1-3, of HB 353], which read as follows:

(b) If an adult has a research or other lawful purpose to access Internet sites that depict the items described in AS 11.61.128(1)(A)-(F), a public library may disable the technology measure for the adult.

MS. MORGAN informed the committee that she started college three years before she was "of legal age," and the proposed law would have seriously hampered her in doing college research. She emphasized her strong objection to HB 353.

[9:37:25 AM](#)

DEBBIE JOSLIN, Eagle Forum Alaska, testified on behalf of Eagle Forum Alaska in support of HB 353. She stated that she takes the responsibility of parenting seriously and is not asking that the library take over her duties as a parent; however, children don't always do what they are told - not even children who know better. She said she has heard a lot of testimony regarding the

cost of using filters, but she said a family has a right to a family-friendly public resource - the public library. She said children can be doing legitimate research and accidentally stumble upon an inappropriate web site. She said she would not have a problem with adults needing to ask for a filter to be turned off to do research.

9:40:15 AM

JIM MINNERY, Alaska Family Council, Testified on behalf of the Alaska Family Council in support of HB 353. He said the council supports the bill for many reasons. First, there is no reason that state law regarding this issue should be any different than federal law. He said roughly 60 percent of the public libraries - not including the university library system - are currently utilizing the Internet filters that are required by CIPA; they were not put out of business by that federal law. The other 40 percent, he said, "have chosen, for whatever reason, not to adhere to the requirements of CIPA, so they have lost the right to have access to the federal rates of Internet access, which is called, 'E-rate.'" Mr. Minnery encouraged the committee to contact the libraries currently using filters to find out what the cost of such a system is. He stated, "In our view, government has a compelling interest in preventing the dissemination of obscenity and pornography harmful to minors."

MR. MINNERY said the second reason the council supports the bill is that it believes libraries should be "sanctuaries of learning," and that "children's access to information and the desire to learn should not be put at risk by allowing them access and exposure to harmful material." The third reason, he said, is that the council firmly believes that parents should have the primary role in educating their children regarding what they think is appropriate. He related that the Alaska Family Council is in the process of developing a series of statewide seminars to teach parents how to become aware of dangers such as pedophiles and pornography and help their children "navigate the technical world." Mr. Minnery said pedophiles and pornography distributors routinely use marketing strategies to attract children. He mentioned "Third Way" - a web site that has found that 20-30 percent of Internet pornography consumption today is by children 12-17 years of age. Despite the availability of foolproof age verification systems, children have easy access to pornography on line. Mr. Minnery reported that the average age at which children are first exposed to pornography on the Internet is 11.

[9:44:08 AM](#)

MR. MINNERY said that ultimately, any controversy regarding this issue boils down to weighing the cost to libraries and "having to do a little extra work." He reported that sexually explicit and obscene images are proven to be addictive. Mr. Minnery said he thinks that filtering software has been proven to be much easier to "put into place" than "a lot of the folks have recognized today." He said concerns are outdated; they focus on "out-dated scenarios." He explained, "... When legitimate material is blocked, an immediate action can occur by the administrator to unblock that." Mr. Minnery concluded that for the aforementioned reasons, the Alaska Family Council strongly encourages the House State Affairs Standing Committee to pass HB 353 in order to protect Alaska's children from what the council believes is "a very real danger."

MR. MINNERY said he does not know why the library in Tok would be any different in its ability to follow the requirements of CIPA than the 60 percent of public libraries that have.

[9:46:21 AM](#)

MS. ROTH, in response to Mr. Minnery, reiterated that the Tok Community Library, as a small library, is not fiscally able to afford filters. Furthermore, she reemphasized that no one who uses the library in Tok is concerned about the issue; they oversee the Internet use of their children.

[9:47:30 AM](#)

THEODORA WEBBER told the committee that Togiak has two public libraries, one at its school and the other a community library. She indicated that the former has filters currently in use, while the other will be equipped with a filter system. She said she does not know the ramifications of the proposed legislation regarding Togiak's choice of software. She reported, "It cost us \$30,000 to purchase the library the software, the administration computer, our laptops, and our Internet access. She said Togiak has a volunteer IT technician to whom the community makes requests to block certain web sites.

MS. WEBBER offered details of Togiak's software program: Library patrons register for an identification number; those under the age of 18 have an automatic block put on their ID card; those 18 or over have no block put on their cards. She indicated that the cost of keeping that information updated is

\$600 annually and requires the attention of the IT volunteer once a month.

MS. WEBER stated that she thinks the use of filter software [in public libraries] is a good idea, but she thinks it should be left to the community - not the state - to decide what to filter. In response to a remark from Chair Lynn, she clarified her understanding is that the bill would not dictate to libraries which filter to use, but would mandate the use of a filter for all patrons, no matter their age.

[9:50:16 AM](#)

MS. WEBBER, in response to a question from Representative Roses, reviewed how the ID card is used in Togiak. In response to Representative Johansen, she explained that the patron's ID number is entered on the computer keyboard and the name comes up with the number. If someone is attempting to use another person's ID card, both patrons are no longer allowed to use the system. This process, she noted, is monitored by the IT technician at the school library and by the volunteer librarians at the community library. In response to a follow-up question from Representative Johansen, she proffered, "In our community, we're small enough that everybody knows everybody."

[9:52:20 AM](#)

JENNY GRIMWOOD testified that she is a mother of five children who lives in Cordova. She noted that the elementary students in Cordova use the public library, as well as many transient people in the summer. She said there currently are no filters on Cordova's library Internet system, but she commented on the ease in which the computer screens can be viewed by others. She stated that it is difficult as a parent to keep up with the advances of technology, and she emphasized the importance of doing everything possible to make libraries safe for children.

[9:53:22 AM](#)

CLAIRE RICHARDSON, noted that she had submitted written testimony [included in the committee packet], and she read a condensed version of that testimony as follows:

I am a homemaker, a graduate student in pastoral studies, and I'm the mother of a 9-year-old daughter. ... Internet safety is a very important topic for my husband and for me, and our local library is our most

important community resource here in Juneau for our family. Therefore, I read the bill with a lot of interest.

... I applaud Representative Keller's interest in the safety of my third grader, but the more I thought about the bill's punitive stance - denying state funds to any library that doesn't use filters - gave me pause to reflect on two points: One, how does my local library handle the situation currently?; and two, as a parent, am I comfortable with that level of safety?

Juneau Public Libraries do not use Internet filters, and yet, I've always felt my child was very safe. Why? Well, for one thing, the layout of the library allows children to be in their own, very separate area. They have two computers for their use with no Internet access at all. The librarians are seated next to the "grownup" computers, and in all my years visiting the downtown library, I have never seen children using those Internet computers.

By design and consensus, the current system at my library seems to be working. Frankly, I think my child has greater access to questionable Internet sites at their friend's home or in our home. Filters are used in the schools, but let's face it, the best filter is a human being: me, the parent, a teacher, and - if need be - a librarian.

However, just because I am satisfied with Juneau's course of action, I would never [emphasis on "never"] impose our choice on other Alaska communities. I understand that Anchorage, Fairbanks, and Ketchikan have already chosen to use filters. And that's the magic of libraries - they are community driven - people making decisions within their own community.

I am not in favor of any state law that would punish cities and towns for making thoughtful choices that best meet the needs of their communities. I would suggest that HB 353 wants to fix something that is not broken, as it appears that each community is doing a fine job choosing what is best for its local library.

CHAIR LYNN pointed out that there is difference between private computer use and [the necessary standards related to] public computer use.

MS. RICHARDSON said she agrees, and complimented the Juneau library for separating the children's computers from those used by adults.

[9:57:01 AM](#)

RAI BENNERT, Friends of the Juneau Public Libraries, testifying on behalf of Friends of the Juneau Public Libraries, said Juneau's libraries have safeguards already in place to prevent viewing of "adult content." He said the bill appears to be correcting a problem that may not exist. He noted that he had submitted a letter to the committee [in the committee packet], which details some of the concern that Friends of the Juneau Public Libraries has with the bill, and he asked for "a continuation revue by the committee on those points."

[9:58:13 AM](#)

CHAIR LYNN closed public testimony.

[HB 353 was heard and held.]

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at [9:58:51 AM](#).