

## Part 2 State Library Division

### **9-7-201 State Library Division -- Creation -- Purpose.**

- (1) There is created within the department the State Library Division under the administration and general supervision of the executive director or the designee of the executive director.
- (2) The division shall be under the policy direction of the board.
- (3) The division shall function as the library authority for the state and is responsible for general library services, extension services, the preservation, distribution and exchange of state publications, legislative reference, and other services considered proper for a state library.

Renumbered and Amended by Chapter 241, 1992 General Session

### **9-7-202 Appointment of director.**

- (1) The chief administrative officer of the division shall be a director appointed by the executive director with the concurrence of the board.
- (2) The director shall have a degree from an institution approved by the American Library Association in library science and shall have demonstrated administrative ability.

Enacted by Chapter 241, 1992 General Session

### **9-7-203 Division duties.**

- (1) The division shall:
  - (a) establish, operate, and maintain a state publications collection, a digital library of state publications, a bibliographic control system, and depositories as provided in this part;
  - (b) cooperate with:
    - (i) other agencies to facilitate public access to government information through electronic networks or other means;
    - (ii) other state or national libraries or library agencies; and
    - (iii) the federal government or agencies in accepting federal aid whether in the form of funds or otherwise;
  - (c) receive bequests, gifts, and endowments of money and deposit the funds with the state treasurer to be placed in the State Library Donation Fund, which funds shall be held for the purpose, if any, specifically directed by the donor; and
  - (d) receive bequests, gifts, and endowments of property to be held, used, or disposed of, as directed by the donor, with the approval of the Division of Finance.
- (2)
  - (a) For a pass-through funding grant of at least \$25,000, the division shall make quarterly disbursements to the pass-through funding grant recipient, contingent upon the division receiving a quarterly progress report from the pass-through grant recipient.
  - (b) The division shall:
    - (i) provide the pass-through grant recipient with a progress report form for the reporting purposes of Subsection (2)(a); and
    - (ii) include reporting requirement instructions with the form.

Amended by Chapter 111, 2010 General Session

**9-7-204 State Library Board -- Members -- Meetings -- Expenses.**

- (1) There is created within the department the State Library Board.
- (2)
  - (a) The board shall consist of nine members appointed by the governor.
  - (b) One member shall be appointed on recommendation from each of the following:
    - (i) the State Board of Education;
    - (ii) the Board of Control of the State Law Library;
    - (iii) the Office of Legislative Research and General Counsel; and
    - (iv) the Utah System of Higher Education.
  - (c) Of the five remaining members at least two shall be appointed from rural areas.
- (3)
  - (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.
  - (b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
- (4) The members may not serve more than two full consecutive terms.
- (5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as originally appointed.
- (6) Five members of the board constitute a quorum for conducting board business.
- (7) The governor shall select one of the board members as chair who shall serve for a period of two years.
- (8) The director of the State Library Division shall be executive officer of the board.
- (9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 144, 2016 General Session

**9-7-205 Duties of board and director.**

- (1) The board shall:
  - (a) promote, develop, and organize a state library and make provisions for its housing;
  - (b) promote and develop library services throughout the state in cooperation with other state or municipal libraries, schools, or other agencies wherever practical;
  - (c) promote the establishment of district, regional, or multicounty libraries as conditions within particular areas of the state may require;
  - (d) supervise the books and materials of the state library and require the keeping of careful and complete records of the condition and affairs of the state library;
  - (e) establish policies for the administration of the division and for the control, distribution, and lending of books and materials to those libraries, institutions, groups, or individuals entitled to them under this chapter;
  - (f) serve as the agency of the state for the administration of state or federal funds that may be appropriated to further library development within the state;
  - (g) aid and provide general advisory assistance in the development of statewide school library service and encourage contractual and cooperative relations between school and public libraries;

- (h) give assistance, advice, and counsel to all tax-supported libraries within the state and to all communities or persons proposing to establish them and conduct courses and institutes on the approved methods of operation, selection of books, or other activities necessary to the proper administration of a library;
  - (i) furnish or contract for the furnishing of library or information service to state officials, state departments, or any groups that in the opinion of the director warrant the furnishing of those services, particularly through the facilities of traveling libraries to those parts of the state otherwise inadequately supplied by libraries;
  - (j) where sufficient need exists and if the director considers it advisable, establish and maintain special departments in the state library to provide services for the blind, visually impaired, persons with disabilities, and professional, occupational, and other groups;
  - (k) administer a depository library program by collecting state publications, and providing a bibliographic information system;
  - (l) require the collection of information and statistics necessary to the work of the state library and the distribution of findings and reports;
  - (m) make any report concerning the activities of the state library to the governor as the governor may require; and
  - (n) develop standards for public libraries.
- (2)
- (a) By September 30 of each year, the board shall prepare and submit a request to the governor and the Legislature for prioritized capital facilities grants to be awarded to eligible libraries under this chapter.
  - (b) The board shall prepare a list of the requested capital facilities grants in a prioritized order and include a written explanation of:
    - (i) the total grant amount requested in the list; and
    - (ii) the basis of its prioritization of requested grants on the list.
  - (c) The board shall accept applications for capital facilities grants through June 1 of each year, prior to compiling and submitting its yearly request to the governor and Legislature under Subsection (2)(a).
- (3) The director shall, under the policy direction of the board, carry out the responsibilities under Subsection (1).

Amended by Chapter 111, 2010 General Session

**9-7-206 State Library Donation Fund -- Deposits and fees.**

- (1) There is created an expendable special revenue fund entitled the "State Library Donation Fund" to receive bequests, gifts, and endowments of money.
- (2) Any interest or proceeds realized from the use or disposition of property received by the division or interest on the fund itself shall be deposited in the State Library Donation Fund and used by the State Library Division for the purposes specified by the donor.
- (3) All fees paid to the library and collections made due to damaged books or through sale or exchange of books and other materials shall be deposited in the General Fund as dedicated credits for use by the State Library Division.

Amended by Chapter 400, 2013 General Session

**9-7-207 Deposit of state publications.**

- (1)

- (a) Each state agency and political subdivision publishing a digital version of a state publication shall deposit a digital copy with the division.
  - (b) Each state agency and political subdivision shall deposit with the division copies of each state publication that it elects to publish in a physical format in the numbers specified by the state librarian.
  - (c) The division shall forward two copies of each state publication published in a physical format deposited with it by a state agency to the Library of Congress, one copy to the state archivist, at least one copy to each depository library, and retain two copies.
- (2) Each state agency or political subdivision shall deposit with the division a digital copy of each audio and video publication or recording issued by it for bibliographic listing and retention in the digital library.
  - (3) Each state agency or political subdivision shall deposit with the division copies of audio and video publications or recordings issued by it in physical formats in the numbers specified by the state librarian for bibliographic listing and retention in the state library collection.
- (4)
    - (a) The division shall publish or make available to the public through electronic networks a list of state agency publications.
    - (b) The list shall be published periodically and distributed to depository libraries and the state archivist.
  - (5) Materials the division considers not to be of major public interest will be listed, but no copies will be required for deposit.

Amended by Chapter 81, 2006 General Session

**9-7-208 Digital library for permanent public access.**

- (1) The division shall manage and maintain an online, web-accessible digital library for state publications.
  - (2) The division shall provide for permanent public access to the publications in the digital library.
  - (3) The library shall be accessible by agency, author, title, subject, keyword, and such other means as provided by the division.
- (4)
    - (a) Each state agency publishing a digital version of a state publication shall deposit a digital copy of the publication with the division.
    - (b) A state agency may not remove a state publication it posts to its public website until a copy is deposited into the digital library for permanent public access.

Repealed and Re-enacted by Chapter 81, 2006 General Session

**9-7-209 Depository libraries.**

- (1) Upon application, a library in this state may be designated as a depository library by the division.
- (2) To be designated as a depository library, a library shall contract with the division to:
  - (a) provide adequate facilities for the storage and use of state publications;
  - (b) render reasonable service without charge to patrons; and
  - (c) provide reasonable access to state publications.
- (3) A depository library shall receive at least one copy of all state publications issued by state agencies in a physical format.

- (4) Each depository library shall have electronic network access to the bibliographic records and the state publications deposited with the division for the purposes of local preservation and providing local access.

Amended by Chapter 81, 2006 General Session

**9-7-210 Micrographics and other copying and transmission techniques.**

The division may use micrographics, computer files, electronic networks, or other copying or transmission techniques to meet the needs of the depository system.

Amended by Chapter 32, 1995 General Session

**9-7-211 Local libraries -- Annual reports.**

All municipal, city, county, and public school libraries shall submit an annual report to the director of the division on the condition and affairs of each library as required by the State Library Board.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-7-212 Contracts with nonpublic libraries.**

The director of the division, subject to the direction and approval of the State Library Board, may contract with nonpublic libraries to receive their library services and to otherwise coordinate the state library program with those libraries.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-7-213 Rulemaking.**

The division may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, necessary to implement and administer the provisions of this chapter including:

- (1) standards which shall be met by libraries to obtain and retain a designation as a depository library;
- (2) the method by which grants are made to individual libraries, but not including appropriations made directly to any other agency or institution;
- (3) standards for the certification of public librarians; and
- (4) standards for the public library online access policy required in Section 9-7-215.

Amended by Chapter 378, 2010 General Session

**9-7-214 Intentionally defacing, injuring, destroying, or refusing to return property -- Misdemeanor.**

Whoever intentionally defaces, injures, or refuses to return on demand, or destroys any property belonging to the state library or loaned through its coordinating agencies or facilities, shall be guilty of a misdemeanor.

Renumbered and Amended by Chapter 241, 1992 General Session

**9-7-215 Internet and online access policy required.**

- (1) As used in this section:

- (a) "Child pornography" is as defined in Section 76-5b-103.
  - (b) "Harmful to minors" is as defined in Section 76-10-1201.
  - (c) "Obscene" is as defined in 20 U.S.C. Sec. 9101.
  - (d) "Technology protection measure" means a technology that blocks or filters Internet access to visual depictions.
- (2) State funds may not be provided to any public library that offers use of the Internet or an online service to the public unless the library:
- (a)
    - (i) has in place a policy of Internet safety for minors including the operation of a technology protection measure:
      - (A) with respect to any publicly accessible computer with Internet access; and
      - (B) that protects against access to visual depictions that are:
        - (I) child pornography;
        - (II) harmful to minors; or
        - (III) obscene; and
    - (ii) is enforcing the operation of the technology protection measure described in Subsection (2) (a)(i) during any use of a computer by a minor; and
  - (b)
    - (i) has in place a policy of Internet safety including the operation of a technology protection measure:
      - (A) with respect to any publicly accessible computer with Internet access; and
      - (B) that protects against access to visual depictions that are:
        - (I) child pornography; or
        - (II) obscene; and
    - (ii) is enforcing the operation of the technology protection measure described in Subsection (2) (b)(i) during any use of a computer.
- (3) This section does not prohibit a public library from limiting Internet access or otherwise protecting against materials other than the materials specified in this section.
- (4) An administrator, supervisor, or other representative of a public library may disable a technology protection measure described in Subsection (2):
- (a) at the request of a library patron who is not a minor; and
  - (b) to enable access for research or other lawful purposes.

Amended by Chapter 320, 2011 General Session

**9-7-216 Process and content standards for policy.**

- (1)
  - (a) Each library's policy shall be developed under the direction of the library board, adopted in an open meeting, and have an effective date. The library board shall review the policy at least every three years, and a footnote shall be added to the policy indicating the effective date of the last review.
  - (b) Notice of the availability of the policy shall be posted in a conspicuous place within the library for all patrons to observe. The library board may issue any other public notice it considers appropriate to inform the community about the policy.
- (2) The policy shall:
  - (a) state:
    - (i) that it restricts access to Internet or online sites that contain material described in Section 9-7-215; and

- (ii) how the library board intends to meet the requirements of Section 9-7-215;
- (b) inform patrons that administrative procedures and guidelines for the staff to follow in enforcing the policy have been adopted and are available for review at the library; and
- (c) inform patrons that procedures for use by patrons and staff to handle complaints about the policy, its enforcement, or about observed patron behavior have been adopted and are available for review at the library.

Amended by Chapter 193, 2004 General Session

**9-7-217 Reporting.**

The division shall submit a report to the department regarding the compliance of library boards with the provisions of Section 9-7-215 for inclusion in the annual written report described in Section 9-1-208.

Amended by Chapter 371, 2014 General Session