

**2001 DRAFTING REQUEST**

**Bill**

Received: 12/19/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Scott Southworth

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - libraries

Extra Copies: MJL

**Pre Topic:**

No specific pre topic given

**Topic:**

Access to library records of minors

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 12/22/2000	rschluet 01/07/2001		_____			S&L
/1			martykr 01/29/2001	_____	lrb_docadmin 01/29/2001		S&L
/2	grantpr 01/29/2001	gilfokm 01/29/2001	rschluet 01/30/2001	_____	lrb_docadmin 01/30/2001	lrb_docadmin 01/30/2001	

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: 12/19/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Scott Southworth

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - libraries

Extra Copies: MJL

**Pre Topic:**

No specific pre topic given

**Topic:**

Access to library records of minors

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 12/22/2000	rschluet 01/07/2001		_____			S&L
/1			martykr 01/29/2001	_____	lrb_docadmin 01/29/2001		S&L
/2	grantpr 01/29/2001	gilfokm 01/29/2001	rschluet 01/30/2001	_____	lrb_docadmin 01/30/2001		

FE Sent For:

<END>

### 2001 DRAFTING REQUEST

**Bill**

Received: 12/19/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Scott Southworth

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - libraries

Extra Copies: MJL

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Access to library records of minors

---

**Instructions:**


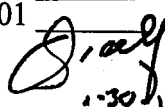
See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	grantpr 12/22/2000	rschluet 01/07/2001		_____			S&L
/1		12-1/1 King 129-01	martykr 01/29/2001	_____	lrb docadmin 01/29/2001		

FE Sent For:


  
 1-30-1      1-30-1  
 <END>

2001 DRAFTING REQUEST

Bill

Received: 12/19/2000

Received By: grantpr

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Scott Southworth

This file may be shown to any legislator: NO

Drafter: grantpr

May Contact:

Alt. Drafters:

Subject: Education - libraries

Extra Copies: MJL

Pre Topic:

No specific pre topic given

Topic:

Access to library records of minors

Instructions:

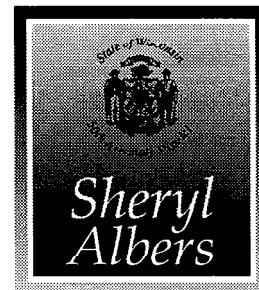
See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	grantpr	" B	Km 1/29	Per 1/ Km 29			
		12-22-00					
		1-1/Kmg					
		10-01					

FE Sent For:

<END>



To: LRB – Drafting  
From: Representative Sheryl K. Albers

Date: December 19, 2000  
Subject: Access to Children's Library Records by Parents & Guardians

---

Please draft a 2001 Assembly Bill which allows parents and guardians to access the library records of their children under the age of 16. My staff attorney, Scott Harold Southworth, drafted sample language for your reference, which I've included below. Thank you.

**SECTION 1.** 43.30 (1) of the statutes is amended to read:

43.30 (1) Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, resources or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to parents or guardians of children under the age of 16 as required under sub. (1m) or to libraries as authorized under subs. (2) and (3).

**SECTION 2.** 43.30 (1m) of the statutes is created to read:

**(1m)** Upon the request of a parent or guardian, a library supported in whole or in part by public funds shall disclose to the parent or guardian all library records of his or her child under the age of 16 relating to the usage of the library's documents or other materials, resources or services.

(END)

2001

Date (time) needed \_\_\_\_\_

LRB - 1647 / 1

PLG : SS King

**BILL**

Use the appropriate components and routines developed for bills.

AN ACT... [generate catalog] *to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .* of the statutes; relating to: *the disclosure of ~~the~~ public library records.*

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . create → anal: → title: → head

For the subheading, execute: . . . . . create → anal: → title: → sub

For the sub-subheading, execute: . . . . . create → anal: → title: → sub-sub

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . create → anal: → text

*(attached / Amal R)*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION #.

Section #. 43.30 (1) of the statutes is amended to read:

43.30 (1) Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses ~~the~~ the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records or to libraries as authorized under subs. (2) and (3).

History: 1981 c. 335; 1991 a. 269.

to parents or guardians  
of children under the  
age of 16 as required  
under sub. (4).

of a child <sup>who is</sup> under the age of 18,

SEC. CR. 43.30 (4)

43.30 (4) Upon the request of a person

~~who is~~ parent or <sup>guardian</sup> ~~guardian~~, a library supported in

whole or part by public funds shall disclose

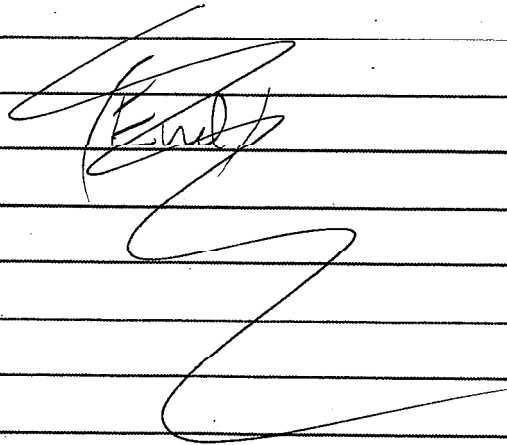
to the <sup>parent</sup> ~~parent~~ or <sup>guardian</sup> ~~guardian~~ all <sup>library</sup> records ~~of~~

~~his or her~~ child <sup>relating</sup> to the use

of the library's <sup>documents</sup> documents or other

~~child~~ <sup>materials</sup> materials, <sup>resources</sup> resources, or <sup>services</sup> services by ~~the~~

~~a parent or guardian~~, the child.





**INITIAL APPLICABILITY**

- 1. In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #** [93] . Initial applicability; .....

( #1 ) ( )

The treatment of sections ..

of the statutes

first applies to .....

- 1. In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inapplA
- 2. Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #** . Initial applicability; .....

( #1 ) *W*

This act first

applies to requests for disclosure ~~of records~~ that are received by a library on the effective date of this subsection.

→ Ehd ←

ANALYSIS

Amal A

Under current law, with certain exceptions, a library that is supported by public funds is ~~required~~ prohibited from disclosing library records that indicate the identity of any individual who borrows or X uses the library's documents or other materials, resources, or services. (5)

This bill requires a library that is supported by public funds, to ~~disclose~~ upon <sup>(the)</sup> request of a parent or guardian of a child under the age of 16, to disclose to the parent or guardian all library records relating to the use of the library's documents or other materials, resources, or services by the child.

→ FB-SL ←

## Grant, Peter

---

**From:** Southworth, Scott  
**Sent:** Monday, January 29, 2001 12:21 PM  
**To:** Grant, Peter  
**Subject:** LRB 1647 -- Access to library records of minors

Peter,

Just received LRB 1647 (library records). Thanks for your work on this one. We're a little concerned about lines 8-11 on page 2 [creation of 43.30 (4)]. When we put together our draft language, we originally looked at writing it in much the same way it's written in the LRB. However, when we deliberated on that type of language, we felt that it could create problems down the road. Specifically, one could read, "Upon the request of a parent or guardian of a child who is under the age of 16" to identify what *type* of parent could request the information, not for what child. If a parent of a child who is 8 requests the library records of a child who is 16, we felt someone could read the clause in their favor and note that the statute doesn't require that the child for whom they are requesting the material be under the age of 16. It's legaleze, but then again, there's a lot of attorneys out there who could make the argument. Our draft language took the "under the age of 16" phrase and moved it away from modifying "parent or guardian" to avoid such an argument.

After looking at the LRB language, however, I like the fact that it's straightforward. However, we believe the problem may still exist. Instead of going with the language we recommended, we think that changing from "the child" to "that child" on line 11 will make it abundantly clear - "that" would then relate back to "child who is under the age of 16" on lines 8-9. If you agree, could you make the change and send a /2 over to me? We'll then introduce. Thanks.

*Scott*

Attorney Scott Harold Southworth  
Research Assistant  
Office of Representative Sheryl K. Albers



2001 BILL

soon

1 AN ACT to amend 43.30 (1); and to create 43.30 (4) of the statutes; relating to:  
2 the disclosure of public library records.

---

*Analysis by the Legislative Reference Bureau*

Under current law, with certain exceptions, a library that is supported by public funds is prohibited from disclosing library records that indicate the identity of any individual who borrows or uses the library's documents or other materials, resources, or services.

This bill requires a library that is supported by public funds, upon the request of a parent or guardian of a child under the age of 16, to disclose to the parent or guardian all library records relating to the use of the library's documents or other materials, resources, or services by the child.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 43.30 (1) of the statutes is amended to read:  
4 43.30 (1) Records of any library which is in whole or in part supported by public  
5 funds, including the records of a public library system, indicating the identity of any



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

January 30, 2001

### MEMORANDUM

To: Representative Albers

From: Peter R. Grant, Managing Attorney

Re: LRB-1647/2 Access to library records of minors

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE  
*SR 30 January 2001*

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 267-3362 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.