

☞ **03hr_AC-CF_ab169_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on ... Children and Families (AC-CF)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (May 2012)


Ayes: (2) Representatives Sinicki and Krug.
Noes: (6) Representatives Kestell, Ladwig, Albers,
Jeskewitz, Vukmir and Miller.

INTRODUCTION OF ASSEMBLY AMENDMENT 0452 NOT
RECOMMENDED, Ayes 2, Noes 6

Moved by Representative Albers, seconded by Representative
Vukmir that **Assembly Bill 169** be recommended for passage.

Ayes: (5) Representatives Kestell, Ladwig, Albers,
Jeskewitz and Vukmir.
Noes: (3) Representatives Sinicki, Miller and Krug.

PASSAGE RECOMMENDED, Ayes 5, Noes 3



David Matzen
Committee Clerk

Vote Record

Committee on Children and Families

Date: 5-28-03

Moved by: Albers

Seconded by: Vukmir

AB 169

SB _____

Clearinghouse Rule _____

AJR _____

SJR _____

Appointment _____

AR _____

SR _____

Other _____

A/S Amdt _____

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

- Passage
- Adoption
- Confirmation
- Concurrence
- Indefinite Postponement
- Introduction
- Rejection
- Tabling
- Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Representative Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bonnie Ladwig	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Miller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Shirley Krug	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>3</u>	_____	_____

Vote Record

Committee on Children and Families

Date: 9-28-03

Moved by: Krug

Seconded by: Simicki

AB 169 SB _____ Clearinghouse Rule _____

AJR _____ SJR _____ Appointment _____

AR _____ SR _____ Other _____

A/S Amdt 1

A/S Amdt _____ to A/S Amdt _____

A/S Sub Amdt _____

A/S Amdt _____ to A/S Sub Amdt _____

A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:

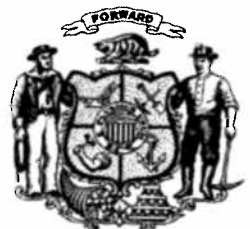
- Passage Adoption Confirmation Concurrence Indefinite Postponement
- Introduction Rejection Tabling Nonconcurrence

Committee Member	Aye	No	Absent	Not Voting
Representative Steve Kestell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Bonnie Ladwig	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Sheryl Albers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Suzanne Jeskewitz	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Leah Vukmir	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Christine Sinicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Mark Miller	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Representative Shirley Krug	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 2 6 _____



WISCONSIN STATE LEGISLATURE



Matzen, David

From: Kestell, Steve
Sent: Tuesday, April 15, 2003 9:41 AM
To: Matzen, David
Subject: FW: AB 169

Dave,
Please forward this to committee members.

Steve

-----Original Message-----

From: Sharon Winkle [mailto:swinkle@esls.lib.wi.us]
Sent: Thursday, April 10, 2003 11:21 AM
To: Rep.Kestell@legis.state.wi.us
Subject: AB 169

Hello Rep. Kestell~

I am writing to you in your capacity as Chair of the Assembly Committee on Children and Families, the committee to which AB 169 has been referred. I thought you might be interested to know how Mead Public Library currently addresses access of parents to library records of their minor children.

By policy, the Library Board considers that a parent's possession of a minor child's library ID card constitutes the permission of that child for the parent to access information about that child's use of Mead Public Library services. We think this solution makes sense in regards to the responsibilities of both the family unit and the public library.

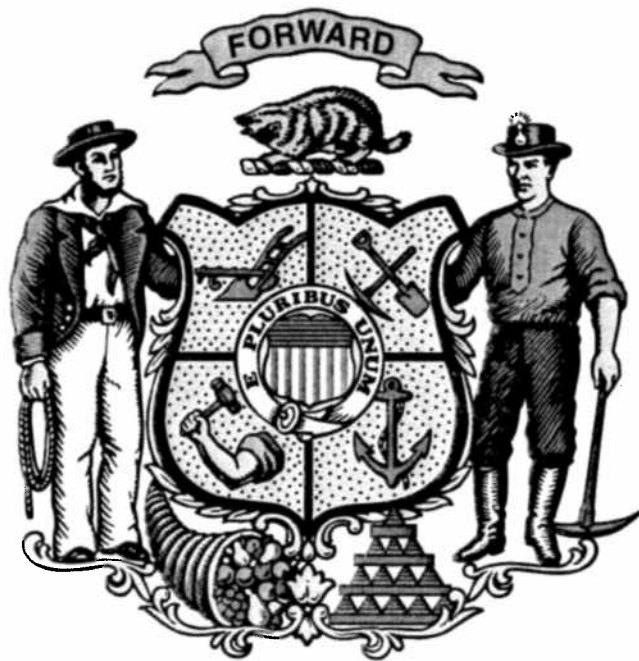
Speaking for myself as the Mead Public Library Director, concerns and solutions of this nature are most effectively addressed at the local community level rather than through state legislation. However if AB 169 is adopted, it should include language allowing public libraries to require ID from parents requesting information from their minor children's records. That step is critical to assuring that confidential information about a minor is not released to an unauthorized individual.

It is also important for committee members to bear in mind that libraries do not keep records for use of all their services. For example, at Mead Public Library we do not know the names of individuals (children or otherwise) who attend group programs or who have been present in the library.

Sharon

Sharon L. Winkle, Director
Mead Public Library
710 N. 8th Street
Sheboygan, WI 53081

www.sheboygan.lib.wi.us
920-459-3400, ext.3414; 920-459-0204 (FAX)



Matzen, David

From: Little, Sharon
Sent: Wednesday, April 16, 2003 5:00 PM
To: Matzen, David
Subject: amendment to AB 169

Hi Dave,

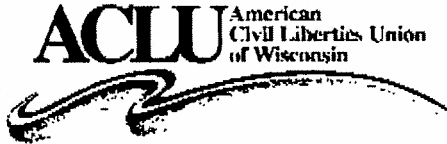
Here's a summary of what Shirley wants the amendment to do:

The fiscal estimate for this bill indicates increased costs to libraries to handle the requests, therefore, Shirley is proposing an amendment to require the state to reimburse libraries for any costs incurred. I have a request in to Peter Grant to draft the amendment.

Can you let me know if you'll let Shirley bring this to committee to introduce?

Sharon Little
Shirley Krug's Office
608-266-5813





April 16, 2003

Rep. Steve Kestell, Chairman
Assembly Committee on Children and Families
Wisconsin State Assembly
State Capitol -- Room 17 West
Madison, Wisconsin

Via Facsimile Only to (608) 282-3627

Dear Chairman Kestell:

The American Civil Liberties Union of Wisconsin believes that Assembly Bill 169, relating to the disclosure of public library records should be improved. The current proposal would allow the parent or guardian of a child under the age of 16 to request disclosure of all public library records relating to the child's use of library documents and services.

A child does not have an absolute right to privacy in a public library setting. That does not mean that they don't any rights, however. As a matter of public policy we should balance limited familial associational rights and limited rights to privacy for children. When the State, i.e. a public library, is doing this balancing it must do so carefully, consistently and according to clearly understood criteria.

We believe that reasonable criteria in part will look at the age appropriateness of the subject matter and the function of the record. 15 years of age is too old to eliminate all privacy. Young people have a legitimate need to access any number subjects included in library materials or services without parental oversight. For instance, young people need to access information on safe sex and sexual abstinence in order to preserve their health. Likewise, they may need information on other sensitive topics, such as domestic abuse, alcohol or drug abuse and eating disorders.

There are many topics we wish children would discuss with their parents, but we know that there are times when they won't. We'd rather they find out about these topics utilizing library resources than not having information to protect their health.

Some records, such as overdue notices, may be accessible to parents of children of any age. Other records, such as Internet usage, should not be disclosed in the case of teenagers.

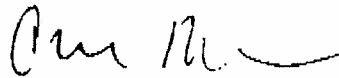
207 E. Buffalo St., Suite 325
Milwaukee, WI 53202-5774
(414) 272-4032 • FAX (414) 272-0182
e-mail: Liberty@aclu-wi.org
<http://www.aclu-wi.org>

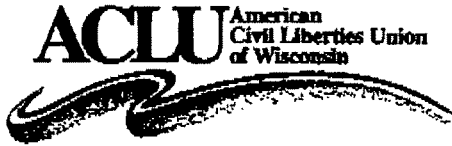
Rep. Steve Kestell
April 16, 2003
page two.

In light of these concerns I urge you to amend AB169 to lower the covered ages from under 16 to under 13 years of age.

Thank you.

Sincerely yours,


Christopher Ahmuty



FACSIMILE COVER SHEET

FAX # (414) 272-0182

TO: REP. STEVE KESTELL

DESTINATION FAX # 1-608-282-3627

FROM: Chris Ahumada

DATE: 4-16-03

TOTAL PAGES (Including cover page) 3

If you do not receive all of the pages or have a problem with the transmission
please call (414) 272-4032 and ask for _____.

MESSAGE AB 169





McMILLAN MEMORIAL LIBRARY • 490 EAST GRAND AVENUE • WISCONSIN RAPIDS, WISCONSIN 54494 - 4898
PHONE: (715) 423-1040

**Testimony to the Assembly Committee on Children and Families in
Support of AB 169 (disclosure of public library records)—
April 17, 2003**

My name is Ron McCabe. I am director of McMillan Library in Wisconsin Rapids and author of the recent book *Civic Librarianship: Renewing the Social Mission of the Public Library*. Although I have almost always agreed with the legislative positions of the Wisconsin Library Association, I have to make an exception in this case. I urge you to approve AB 169 as drafted.

There is no reason why parents should not have access to the library records of their minor children under the age of 16. Although it is true that libraries have developed a variety of ways in which to provide this information to parents, these methods are awkward and often of uncertain legality. Generally it is reasonable to take extra measures to protect the confidentiality of library records. In the case of minor children under 16 and their parents, however, it would be helpful to allow local libraries to avoid such procedures. Parents should be encouraged to know what library materials their children are using. It is after all an important parental right and responsibility to supervise the education of one's children.

According to draft testimony distributed by Paul Nelson, the Wisconsin Library Association supports "local control" rather than an "overly broad" legislative approach in dealing with this issue. It should be noted, however, that both the existing statutory language and the proposed bill place limits on local control. The real issue here is which type of limitation is most appropriate. There is nothing that is "overly broad" about the language of the proposed bill. In my opinion, the current statutory language ought to be challenged as being overly broad because it fails to provide the reasonable exemption for parents that the proposed bill seeks to provide.

It seems to me that underlying WLA's objections to this bill is an extreme view of the individual rights of minors that is encouraged by the American Library Association and the American Civil Liberties Union. In a *Wall Street Journal* op-ed piece in 1998, sociologist Amitai Etzioni explained why he opposes keeping the library records of children from their parents. He wrote that, "The ACLU's determination to give minors the rights adults enjoy is a perversion of freedom. Underlying a free society is the assumption that individuals have a basic ability to render judgments. But we aren't born with that ability; children gradually develop it. For this reason, we are not charged with violating children's right to free assembly when we prevent them from running into the street, or their privacy rights when we examine their homework."

The Wisconsin Library Association has proposed a compromise that reduces the age to 14 and restricts the types of records covered. I do not believe that compromising with the point-of-view I have just described will in any way strengthen AB 169. I urge you to approve the bill as drafted.

Thank you for your consideration of this issue.





State of Wisconsin Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

Elizabeth Burmaster
State Superintendent

**Testimony on AB 169
Before the
Assembly Committee on Children and Families
Thursday, April 17, 2003**

Dear Representative Kestell and members of the committee:

The Department of Public Instruction is providing testimony for information in regard to AB 169. The Department's Division for Libraries, Technology, and Community Learning administers state and federal aid to public libraries and public library systems and provides consulting assistance to public libraries. It is also called on to provide opinions relating to Chapter 43 of the Wisconsin Statutes including s. 43.30.

Wisconsin's public libraries contain more than 20 million books, videos, sound recordings, and other items. These items were selected by trained librarians based on a materials selection policy adopted by the local library board of trustees. In 2002 public libraries lent more than 53 million items to the people of Wisconsin. Almost 20 million of these items are lent to children or their parents. Overwhelmingly, these items meet the needs of the child or adult who borrowed them.

Privacy of library use is an important concept in library service. If library users felt that information about the materials that they borrowed from the library would be shared with others, their use of the library would be greatly curtailed. That is why the Wisconsin legislature chose to enact s. 43.30 of the Wisconsin Statutes over twenty years ago and why most other state legislatures across the country have enacted similar legislation.

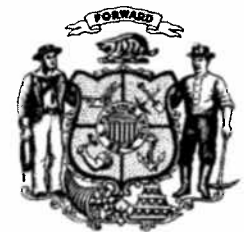
In enacting and modifying s. 43.30, the legislature chose not to limit privacy of library use by age. This decision has created both policy issues and procedural issues for libraries and their users.

An important public policy issue for consideration by this committee is whether enactment of the change proposed by AB 169 would cause some young people to avoid seeking reliable information at the public library which could assist them in dealing with personal or family problems of a significant nature. These problems might include a family member who is alcoholic or has a mental illness or is an abusive parent. Many librarians, especially those who work most directly with young people, feel that the proposed change in AB 169 would inhibit use of libraries by some young people.

Most of the procedural problems for libraries relate to use of the library by very young children. A library card has become a symbol of growth and learning as well as a mechanism for borrowing library materials. Even though a parent could easily borrow materials for their young children using the parent's card, it is often important to the child and the parent for the child to



WISCONSIN STATE LEGISLATURE



MEMORANDUM

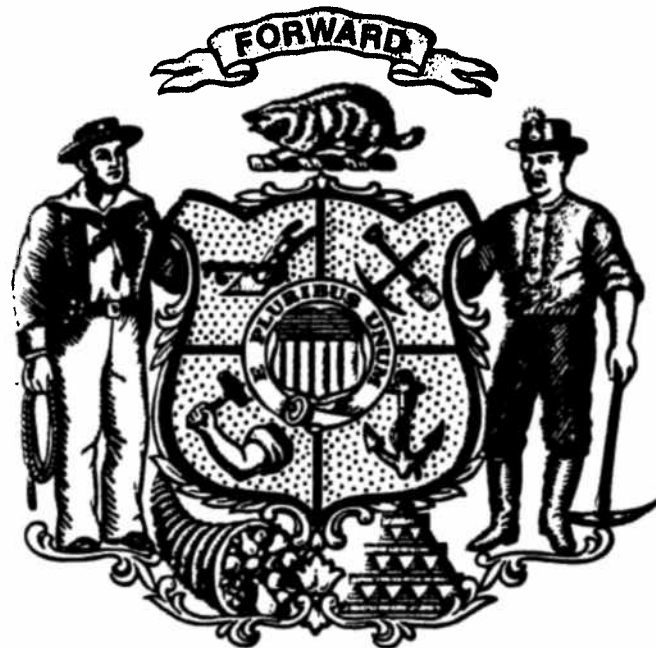
To: Members of the Assembly Committee on Children and Families
From: Atty. Joan Korb, Legislative Chair
Children and the Law Section, State Bar of Wisconsin
Date: April 17, 2003
Re: Assembly Bill 169

Thank you for the opportunity to present the unanimous opinion of the Children and the Law Section Board on Assembly Bill 169. The Section Board opposes the disclosure of Public Library Records relating to a child's use of library resources to parents and guardians of children under the age of 16.

The Section is very concerned about the loss of privacy for children and the loss of a valuable resource for children. There are many children who cannot go to their parents to receive information regarding everything from mental health issues such as eating disorders, drug abuse, alcohol abuse; sexuality; sexual and physical abuse by peers and perhaps family members. Should a young boy or girl that is being victimized by a parent or guardian now be victimized again by disclosure of library records that may jeopardize their safety?

Current statutes allow the release of library records with a court order, for legitimate purposes. The Section does not believe it is appropriate for public libraries to become the investigative tool of parents and guardians. Making library records available to parents and guardians without any notice or reason may unwittingly harm more children than it helps or protects.

The Children and the Law Section of the State Bar urges committee members to oppose Assembly Bill 169.





Wisconsin Library Association

5250 East Terrace Drive
Suite A-1
Madison, WI 53718-8345
(608) 245-3640
(608) 245-3646 Fax
www.wla.lib.wi.us
email: wla@scls.lib.wi.us

- Association of Wisconsin Special Librarians
- Wisconsin Association of Academic Librarians
- Wisconsin Association of Public Libraries
- Wisconsin Association of School Librarians
- Wisconsin Library Trustee Association

- Circulation Services
- Document Services
- Intellectual Freedom
- Interlibrary Loan
- Library Research
- Library User Education
- Media and Technology
- Outreach Services
- Readers Section
- Reference & Adult Services
- Social Responsibilities
- Support Staff
- Technical Services
- WI Genealogy & Local History
- Wisconsin Small Libraries
- Youth Services

**Testimony to the
Assembly Committee on Children and Families
regarding AB 169 (disclosure of public library records)
Thursday, April 17, 2003**

Dear Representative Kestell and other members of the Committee,

My name is Paul Nelson. I am the Director of the Middleton Public Library, a position I have held for the past 17 years. I also serve as Chair of the Library Development & Legislation Committee of the Wisconsin Library Association. At its April 11th meeting, the WLA Board of Directors agreed that the issue of access to children's library records is one of local control. They also endorsed the compromise language that is found at the conclusion of my testimony.

Speaking for myself then as both a parent and a librarian, I am sympathetic to the issue that this legislation addresses: the legal and moral duty of parents to support, maintain, and care for their minor children. However, I am concerned about the bill's overly broad nature.

A number of public libraries in the state have used the "persons authorized by the individual to inspect such records" clause of 43.30(1) to provide some flexibility in responding to requests from parents regarding what their children have checked out of the library. According to Middleton's City Attorney, "If the [library card] application contained language authorizing the minor to disclose information in the circulation records to the child's parents, and the application was signed by the child, it would appear to me to comply with the letter of the statute." (*Letter to Library Director Paul Nelson dated June 30, 2000.*) He did, however, note that such a policy might be viewed as controversial.

Such a reaction has not occurred in Rhinelander. The circulation policy of the Rhinelander District Library states that records will be made available to "the legal parents or guardian of a minor patron." Patrons with overdue materials, for example, "forfeit a portion of their privacy, as the library reserves the right to induce return of Library materials through expedient and established policies....In cases where the patron is a minor, responsibility for overdue materials shifts to the parent or legal guardian and notification of overdue material, fines and fees will be made to the parents as well as to the child."

At Middleton, we formerly struggled with requests made by patrons to pick up family member's library materials that had been sent to us from other libraries, "holds" as they are called in the library vernacular. A brief explanation of the privacy provision in chapter 43 of the Wisconsin State Statutes was frequently taken as an irrational response from library staff as far as the requestor was concerned.

Leaders, educators and advocates @ your library.

"But I'm picking this up for my wife," more than one patron sputtered, his face reddening in frustration.

These encounters were not pleasant ones.

I share this story as an example of how we provided some flexibility to Middleton's circulation policy. Patrons can now opt to fill out a "holds pickup authorization" form.

The first paragraph of the form reads: *We understand the library's policy for protecting the privacy of its users and its responsibility for protecting library materials. We authorize the library to allow the listed patrons to pick up each others holds at any LINK library. We understand that the person checking out materials must present his/her own valid library card and that this person will be responsible for the materials he/she has checked out on that card.*

Agreeing parties must then sign the form, which has provided a happy solution to what was an irksome problem for everyone concerned.

The point I wish to make here is that there are local solutions that should first be considered before a one-size-fits-all legislative approach is taken. Parents who feel that they have a right to know what their children have checked out of the library should first address this concern with the local library board. Board members could be asked to consider a provision similar to that which is found in the circulation policy of the Rhinelander District Library. In addition, many libraries now provide parents the ability to access their children's circulation records remotely, via a home computer or the telephone. Although they are not yet available at any Wisconsin public library, family library cards will be an option within the next few years.

Colleagues have also expressed the concern that non-custodial parents of minor children may take advantage of the overly broad nature of AB169 to obtain personal as well as circulation information that could put certain children at risk.

In a spirit of compromise, I offer the following suggestions to make AB169 less broad in its scope:

1. page 2, line 5. "...children under the age of ~~16~~ 14 as required..."
2. page 2, lines 10-11. "...all library records relating to ~~the use of the library's documents or other~~ overdue and lost materials. ~~resources, or services by that child.~~ according to policies established by the local library.

Thank you for the opportunity to present this testimony.