Bill as Introduced

2003 SESSION

03-0957
05/01

HOUSE BILL ***710-FN-LOCAL***

AN ACT relative to the confidentiality of library user records.

SPONSORS: Rep. Holden, Hills 48

COMMITTEE: Children and Family Law

ANALYSIS

This bill makes records related to a minor's use of library materials or services available to the minor's parent or guardian.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 710-FN-LOCAL - AS INTRODUCED

03-0957
05/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT relative to the confidentiality of library user records.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Library User Records; Confidentiality; Reference Added. Amend RSA 201-D:11, I to read as follows:

I. Library records which contain the names or other personal identifying information regarding the users of public or other than public libraries shall be confidential and shall not be disclosed except as provided in [~~paragraph~~] ***paragraphs*** II ***and II-a***. Such records include, but are not limited to, library, information system, and archival records related to the circulation and use of library materials or services.

2 New Paragraph; Library User Records; Confidentiality; Access to Library Records of Minors. Amend RSA 201-D:11 by inserting after paragraph II the following new paragraph:

II-a. All library records related to a minor's use of library materials or services for the previous 60 days shall be available, upon written request, to the parent or guardian of the minor. The library shall provide the requested information within 10 business days. In order to comply with this section, the library shall maintain all records related to a minor's use of library materials or services for a period of at least 60 days.

3 Effective Date. This act shall take effect 60 days after its passage.

LBAO
03-0957
1/28/03

HB 710-FN-L - FISCAL NOTE

AN ACT relative to the confidentiality of library user records.

FISCAL IMPACT:

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

LBAO
03-0957
Revised 1/31/03

HB 710 FISCAL NOTE

AN ACT relative to the confidentiality of library user records.

FISCAL IMPACT:

The Department of Cultural Resources states this bill may increase state and local expenditures by an indeterminable amount in FY2003 and each year thereafter. There will be no fiscal impact on state, county, and local revenue or county expenditures.

METHODOLOGY:

The Department states the costs to libraries would depend on the number of requests each library receives. Libraries throughout the State are at different levels of automation, and those that are not automated would have to assign a person to manually review the circulation records for each day to determine who checked out what book.

Amendments

Rep. Arnold, Hills. 46
March 7, 2003
2003-0624h
05/10

Amendment to HB 710-FN-LOCAL

Did not consider

Amend the title of the bill by replacing it with the following:

AN ACT relative to a minor's library user records.

Amend the bill by replacing all after the enacting clause with the following:

1 New Section; Statewide Library Development System; Library User Records of Minors. Amend RSA 201-D by inserting after section 11 the following new section:

201-D:12 Library User Records of Minors.

I. If a library refuses a parent or guardian's request for access to the library user records of a minor, then the library shall be precluded from holding the parent or guardian responsible for a minor's violation of library policy relative to the use of library materials and services.

II. A library shall not deny an adult a library card based on that person's violation, as a minor, of library policy relative to the use of materials and services.

2 Effective Date. This act shall take effect 60 days after its passage.

2003-0624h

AMENDED ANALYSIS

This bill provides that a library cannot enforce a library's user policy against a parent if the library refuses the parent access to a minor's library records.

The bill also provides that a library cannot refuse an adult a library card based on the person's violation of the library user policy as a minor.

Hearing Minutes

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

PUBLIC HEARING ON HB 710-FN-Local

BILL TITLE: relative to the confidentiality of library user records.

DATE: Mar. 5, 2003

LOB ROOM: 206 **Time Public Hearing Called to Order:** 10:00 a.m.

Time Adjourned: 10:30 a.m.

(please circle if present)

Committee Members: Reps. Moran, McRae, J. Brown, Arnold, Bickford, Greenberg, D. Bouchard, Itse, Furman, Gargasz, Dokmo, Quellette, Hallyburton, J. Allen, E. Blanchard, Grassie, B. Richardson, Allison, T. Pratt, L. Johnson and Gile.

Bill Sponsors: Rep. Holden

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Randolph N. Holden, Goffstown- Opposes this bill. He requests that it be ITL'd. He said everything the bill wants can be done in a private way without a statute. He said if it does not happen without a law, he will be back again with a similar bill.

Robert Sargent, President, NH Library Association, Franklin- Opposes.
**Written testimony in file*

Claire Ebel, NHCLU, Concord- Opposes this bill but decided not to speak when she learned the sponsor also opposed it.

David Minnis, Lobbyist, NH Library Association- Opposes. Libraries are controlled by library trustees. They set the policies and support the library. An incident in one community is what brought this bill forward. A letter sent to a child from the library can be opened by the parent. There are 234 libraries in the state, each controlled locally. Some libraries give a family card to all members of a family so that the fines for overdue or lost books will be dealt with by all family members. Libraries are very sensitive to the needs of their communities.

Respectfully Submitted,

Barbara Hull Richardson

Rep. Barbara Hull Richardson, Clerk

Testimony

FILE COPY

HB 710

nhLa

New Hampshire Library Association

Good morning. My name is Robert Sargent and I am the president of the New Hampshire Library Association. On behalf of our more than 500 members, comprised of library directors, reference librarians, children's librarians, support staff, trustees, and friends, I am here to assure you that we recognize and share the concerns of the public regarding the confidentiality statute and how it relates to library use by minors. Following several discussions, through our lobbyist, with House Bill 710's sponsor, our Association remains opposed to the bill's passage and will voluntarily address its issues.

Commencing immediately, the Association will begin a campaign to remind our members of the importance of educating parents and guardians as to the rights and responsibilities conferred with a library card, in accordance with the state statute and the library's policies, when registering their minor children as customers. It is imperative that our members convey to parents how the library's policies and the state statute will affect the records created by the use of the card, and then parents will be able to make informed choices about their family's use of the library.

We will begin our campaign by distributing a message on our email discussion list recommending that libraries put their lending policies in writing for parents to read and keep. We will continue our campaign by posting a permanent message on our website urging our members to follow this practice. As president, I will write a letter for our next newsletter encouraging our members to follow this practice. We will provide seminars at our conferences educating our members on how to follow this practice, and how to develop additional solutions that suit the needs of their communities. And finally, we will continue to use our email discussion list for an ongoing dialogue on the success of this practice.

Thank you for your time this morning.

Voting Sheets

HOUSE COMMITTEE ON CHILDREN AND FAMILY LAW

EXECUTIVE SESSION on HB 710-FN-Local

BILL TITLE: **relative to the confidentiality of library user records.**

DATE: Mar. 13, 2003

LOB ROOM: 206

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, (ITL,) Interim Study (Please circle one.)

Moved by Rep. Irene A. Pratt

Seconded by Rep. Janet F. Allen

Vote: 11-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 11-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Barbara Hull Richardson, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

CHILDREN AND FAMILY LAW

Bill #: HB 710 Title: relative to the confidentiality of library user records.

PH Date: 3/5/03 Exec Session Date: 3/13/03

Motion: ITL Amendment #: ~~2003-0624h~~

MEMBER	YEAS	NAYS
Moran, Edward P, Chairman	✓	
McRae, Karen K, V Chairman	✓	
Brown, Julie M		
Arnold, Thomas I		
Bickford, David A	✓	
Greenberg, Gary C	✓	
Bouchard, David M		
Itse, Daniel C		
Furman, Christine M		
Gargasz, Carolyn M	✓	
Dokmo, Cynthia J		
Ouellette, Robert O	✓	
Hallyburton, Margaret D	✓	
Allen, Janet F	✓	
Blanchard, Elizabeth D		
Pratt, Irene A	✓	
Allison, David C		
Richardson, Barbara Hull, Clerk	✓	
Johnson, Lionel W		
Grassie, Anne C		
Gile, Mary Stuart	✓	
	11	0
TOTAL VOTE:		

Printed: 2/5/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Children and Family Law**

BILL NUMBER: **HB 710-FN-Local**

TITLE: relative to the confidentiality of library user records.

DATE: March 13, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

The sponsor requested that this bill be found inexpedient to legislate by the committee because an understanding has been reached with the New Hampshire Library Association to resolve the concerns of confidentiality, rights and responsibilities that had prompted this legislation.

Vote 11-0.

Rep. Irene A. Pratt
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

CONSENT CALENDAR

Children and Family Law

HB 710-FN-Local, relative to the confidentiality of library user records. **INEXPEDIENT TO LEGISLATE**

Rep. Irene A. Pratt for Children and Family Law: The sponsor requested that this bill be found inexpedient to legislate by the committee because an understanding has been reached with the New Hampshire Library Association to resolve the concerns of confidentiality, rights and responsibilities that had prompted this legislation. **Vote 11-0.**

HB 710

The sponsor requested H.B. 710 be I.T.L.ed by the committee because an understanding has been reached with the N.H. Library Association to resolve the concerns of confidentiality, rights, and responsibilities, that had prompted this legislation.

Irene Pratt-

Consent

Ok 8 pm