

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Flanagan and Barclay**

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For An Act To Be Entitled

8 "AN ACT TO AMEND TITLE 13, CHAPTER 2, SUBCHAPTER 7 OF THE
9 ARKANSAS CODE OF 1987, TO EXEMPT LIBRARIES LOCATED IN
10 PUBLIC SCHOOLS FROM CONFIDENTIALITY RESTRICTIONS; AND FOR
11 OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code §13-2-703 is hereby amended to read as
16 follows:

17 "13-2-703. Disclosure prohibited.

18 (a) Except as set forth in (c) below, library records which contain
19 names or other personally identifying details regarding the patrons of public,
20 school, academic, and special libraries and library systems supported in whole
21 or in part by public funds shall be confidential and shall not be disclosed
22 except as permitted by this subchapter.

23 (b) Public libraries shall use an automated or Gaylord-type circulation
24 system that does not identify a patron with circulated materials after
25 materials are returned.

26 (c) Libraries located in public elementary and secondary schools in
27 this state shall be exempt from the provisions of this section."

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29 SECTION 2. All provisions of this act of a general and permanent nature
30 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
31 Revision Commission shall incorporate the same in the Code.

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33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 4. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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7 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
8 Seventy-Eighth General Assembly that the provisions of Arkansas Code §13-2-703
9 have placed a burden on librarians in public school libraries in this state;
10 that the provisions of Arkansas Code §13-2-703 do not readily apply to public
11 school libraries; and that this act should become effective immediately upon
12 its passage to relieve public school librarians of the burdens of Arkansas
13 Code §13-2-703. Therefore, an emergency is hereby declared to exist and this
14 act being necessary for the immediate preservation of the public peace, health
15 and safety shall be in full force and effect from and after its passage and
16 approval.

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