

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3417/P1dn

EVM:eev:ev

November 27, 2013

ATTN: Tyler Sivret

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. I do not believe this draft can do quite what is being requested. The instructions appear to request that a county be authorized to instruct a library in an adjacent county to bill certain patrons for services. The county does not, however, have authority over libraries in adjacent counties. This draft, instead, allows a county to opt out of reimbursing certain libraries in adjacent counties and allows these libraries to charge certain patrons from “opt-out” counties for library services.
2. To facilitate budgeting you may wish to provide a deadline for a county to notify libraries that it will not be making reimbursement payments. This draft provides such a deadline. See s. 43.12 (8) (b) (“By December 1 of each year.”) Please let me know if this does not meet your intent. Do you want the opt-out to be permanent or renewable yearly? This draft currently does the latter.
3. May a county select which libraries it wishes not to reimburse or must it opt out of reimbursing all qualifying libraries in adjacent counties? This draft requires a total opt-out.
4. The county is required to reimburse libraries for loans made to pupils enrolled in K-12 public school or tribal school or attending K-12 private school. Does this meet your intent?
5. Do you wish to provide that a library’s sole recourse is invoicing patrons? It seems likely that in some cases invoicing patrons may not be economical. Do you wish to provide that a library may take other measures, e.g., refuse to provide service to patrons from counties that opt out of the reimbursement regime or charge a fee to these patrons for library service? May a library refuse to provide service to a patron who has been invoiced, but has not paid? This draft specifically permits a library to bill patrons from “opt-out” counties for library services and allows the library to refuse service to patrons from “opt-out” counties who do not pay such bills within 90 days.
6. Do you wish to provide that a library may bill any patron from an “opt-out” county or only those patrons who are not residents of a municipality that maintains a public

library under s. 43.52 or 43.53? Under this bill, a library may bill any patron from an “opt-out” county.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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