

2015 DRAFTING REQUEST

Bill

Received: 2/16/2015 Received By: mshovers
For: Sheila Harsdorf (608) 266-7745 Same as LRB:
May Contact: By/Representing: Alison
Subject: Local Gov't - misc Drafter: mshovers
Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Harsdorf@legis.wisconsin.gov
Carbon copy (CC) to: eric.mueller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allow libraries to report certain information about delinquent accounts to a collection agency and to law enforcement

Instructions:

See attached

Drafting History:

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|------------------------|-----------------------|----------------|-----------------------|-----------------|-----------------|
| /? | mshovers 2/24/2015 | | _____ | | | |
| /P1 | mshovers 3/11/2015 | rschluet 2/26/2015 | _____ | sbasford 2/26/2015 | | Local |
| /P2 | mshovers 10/26/2015 | rschluet 3/11/2015 | _____ | lparisi 3/11/2015 | | Local |

| <u>Vers.</u> | <u>Drafted</u> | <u>Reviewed</u> | <u>Proofed</u> | <u>Submitted</u> | <u>Jacketed</u> | <u>Required</u> |
|--------------|-----------------------|-----------------------|----------------|-----------------------|----------------------|-----------------|
| /P3 | mshovers 11/5/2015 | jdye 10/27/2015 | _____ | mbarman 10/27/2015 | | Local |
| /1 | | kfollett 11/5/2015 | _____ | lparisi 11/5/2015 | lparisi 11/5/2015 | Local |

FE Sent For:

*atwtr
12/18/15*

<END>

2015 DRAFTING REQUEST

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Vers. Drafted

Reviewed

Proofed

Submitted

Jacketed

Required

/P3

jdye
10/27/2015

mbarman
10/27/2015

Local

1/MS
FE Sent For:

11/5/15

Jacket for 5

<END>

Shovers, Marc

From: Zikmund, Alison
Sent: Friday, February 13, 2015 4:48 PM
To: Shovers, Marc
Subject: Hardorf bill rqst: libraries

Marc,

Thanks for your help on this bill draft. As I said on the phone, please send us a "P" draft of a bill that would accomplish the following:

- allow libraries to report information about delinquent accounts to a collections agency and to law enforcement
- restrict the information that libraries can share to the person's name, contact information, and amount owed

We may have a few modifications once we look at the P draft and discuss it with our library stakeholders.

There is no rush on this, but we would like to have it within the next 1-2 weeks. Thanks for your help!

Alison Zikmund

Office of Senator Sheila Harsdorf
608-266-7745



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1760/P1

MES:m:...

JLD

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 2/24
WANTED
2/27

jm

X

1 AN ACT ...; relating to: authorizing certain libraries to notify collection agencies
2 and law enforcement agencies of delinquent accounts.✓

Analysis by the Legislative Reference Bureau

Under current law, unless an exception applies, records of a public library that indicate the identity of any person who borrows or uses the library's documents or other materials, resources, or services may not be disclosed.✓ The exceptions are: 1) records disclosed pursuant to a court order; 2) records disclosed to the library's staff acting within the scope of their duties; 3) records disclosed by consent of the subject of the records; 4) records disclosed to a custodial parent of the subject of the records; 5) records disclosed to another public library for purposes of borrowing materials for the subject of the record;✓ and 6) records disclosed to law enforcement officers under certain limited circumstances.

Under this bill, a library may report to a collection agency or a law enforcement agency information about delinquent accounts of any individual who borrows from the library or who uses the library's documents, materials, resources, or services. Under the bill, the information that may be so disclosed is limited to the individual's name, contact information, and the amount owed.✓ ✓

For further information see the **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:

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⁴³
SECTION 1. ~~46.30~~⁴³ (1b) (a) of the statutes is renumbered ~~46.30~~⁴³ (1b) (ag).[✓]

⁴³
SECTION 2. ~~46.30~~⁴³ (1b) (ae) of the statutes is created to read:

⁴³
~~46.30~~⁴³ (1b) (ae) "Collection agency"[✓] has the meaning given in s. 218.04 (1) (a).[✓]

⁴³
SECTION 3. ~~46.30~~⁴³ (6) of the statutes is created to read:

⁴³
~~46.30~~⁴³ (6) (a) Subject to par. (b)[✓] and notwithstanding sub. (1m),[✓] a library that
 6 is supported in whole or in part by public funds may report to a collection agency, or
 7 to a law enforcement agency,[✓] information about delinquent accounts of any
 8 individual who borrows or uses the library's documents or other materials, resources,
 9 or services.[✓]

****NOTE: I'm not sure what affect such reporting would have on an individual's credit report, but do you want to set a minimum amount that is owed before delinquencies may be reported to a collection agency or law enforcement?[✓] Do you want to authorize a library to contract with a collection agency to recover delinquent accounts, or just to report such delinquencies?

(b) If a public library discloses information as described in par.[✓](a), the information shall be limited to the individual's name, contact information, and the amount owed to the library.[✓]

SECTION 4. Initial applicability.

(1) This act first applies to delinquent amounts that accrue on the effective date of this subsection.[✓]

(END)

Shovers, Marc

From: Zikmund, Alison
Sent: Friday, February 27, 2015 10:09 AM
To: Shovers, Marc
Subject: RE: Draft review: LRB -1760/P1 Topic: Allow libraries to report certain information about delinquent accounts to a collection agency and to law enforcement

Marc,
Thanks for preparing this draft for us. We have one change we would like to make.

Please prepare a /P2 version that would include in the information that libraries can share, the number of overdue materials and their type. For example, allow that libraries could report to the collections agency that the balance they seek to collect includes costs associated with 2 movies, 9 books, etc., that were not returned.

To your drafters note, we are working with some library stakeholders to answer your questions and will likely want to revise the draft later based on their feedback. Thanks for your help.

Alison Zikmund

Office of Senator Sheila Harsdorf
608-266-7745

From: LRB.Legal
Sent: Thursday, February 26, 2015 10:38 AM
To: Sen.Harsdorf
Subject: Draft review: LRB -1760/P1 Topic: Allow libraries to report certain information about delinquent accounts to a collection agency and to law enforcement

Following is the PDF version of draft LRB -1760/P1.



P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

IN 3/11/15
WANGER
3/13

[Handwritten signature]

4

1 AN ACT to renumber 43.30 (1b) (a); and to create 43.30 (1b) (ae) and 43.30 (6)
2 of the statutes; relating to: authorizing certain libraries to notify collection
3 agencies and law enforcement agencies of delinquent accounts.

Analysis by the Legislative Reference Bureau

Under current law, unless an exception applies, records of a public library that indicate the identity of any person who borrows or uses the library's documents or other materials, resources, or services may not be disclosed. The exceptions are: 1) records disclosed pursuant to a court order; 2) records disclosed to the library's staff acting within the scope of their duties; 3) records disclosed by consent of the subject of the records; 4) records disclosed to a custodial parent of the subject of the records; 5) records disclosed to another public library for purposes of borrowing materials for the subject of the record; and 6) records disclosed to law enforcement officers under certain limited circumstances.

Under this bill, a library may report to a collection agency or a law enforcement agency information about delinquent accounts of any individual who borrows from the library or who uses the library's documents, materials, resources, or services. Under the bill, the information that may be so disclosed is limited to the individual's name, contact information, and the amount owed.

including information about the number and types of overdue materials

For further information see the *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:

1 SECTION 1. 43.30 (1b) (a) of the statutes is renumbered 43.30 (1b) (ag).

2 SECTION 2. 43.30 (1b) (ae) of the statutes is created to read:

3 43.30 (1b) (ae) "Collection agency" has the meaning given in s. 218.04 (1) (a).

4 SECTION 3. 43.30 (6) of the statutes is created to read:

5 43.30 (6) (a) Subject to par. (b) and notwithstanding sub. (1m), a library that

6 is supported in whole or in part by public funds may report to a collection agency, or

7 to a law enforcement agency, ^{all of the following: #1.} information about delinquent accounts of any

8 individual who borrows or uses the library's documents or other materials, resources,

9 or services. ^{#2. The number and type of documents or materials that are overdue for each individual about whom information is submitted under subd. 1.}

text: treat

text: treat

****NOTE: I'm not sure what affect such reporting would have on an individual's credit report, but do you want to set a minimum amount that is owed before delinquencies may be reported to a collection agency or law enforcement? Do you want to authorize a library to contract with a collection agency to recover delinquent accounts, or just to report such delinquencies?

10 (b) If a public library discloses information as described in par. (a), the
11 information shall be limited to the individual's name, contact information, and the
12 amount owed to the library.

13 SECTION 4. Initial applicability.

14 (1) This act first applies to delinquent amounts that accrue on the effective date
15 of this subsection.

16 (END)



13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

wed
10/28

repen

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AN ACT to renumber 43.30 (1b) (a); and to create 43.30 (1b) (ae) and 43.30 (6)
of the statutes; **relating to:** authorizing certain libraries to notify collection
agencies and law enforcement agencies of delinquent accounts.

Analysis by the Legislative Reference Bureau

Under current law, unless an exception applies, records of a public library that indicate the identity of any person who borrows or uses the library's documents or other materials, resources, or services may not be disclosed. The exceptions are: 1) records disclosed pursuant to a court order; 2) records disclosed to the library's staff acting within the scope of their duties; 3) records disclosed by consent of the subject of the records; 4) records disclosed to a custodial parent of the subject of the records; 5) records disclosed to another public library for purposes of borrowing materials for the subject of the record; and 6) records disclosed to law enforcement officers under certain limited circumstances.

Under this bill, a library may report to a collection agency or a law enforcement agency, information about delinquent accounts of any individual who borrows from the library or who uses the library's documents, materials, resources, or services, including information about the number and types of overdue materials. Under the bill, the information that may be so disclosed is limited to the individual's name, contact information, and the amount owed.

subject to a condition

A library may report delinquent accounts to a law enforcement agency only if the delinquency is at least \$500.00



For further information see the *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:

1 SECTION 1. 43.30 (1b) (a) of the statutes is renumbered 43.30 (1b) (ag).

2 SECTION 2. 43.30 (1b) (ae) of the statutes is created to read:

3 43.30 (1b) (ae) "Collection agency" has the meaning given in s. 218.04 (1) (a).

4 SECTION 3. 43.30 (6) of the statutes is created to read:

5 43.30 (6) (a) Subject to par. (b) and notwithstanding sub. (1m), a library that
6 is supported in whole or in part by public funds may report ^{information} to a collection agency, or
7 to a law enforcement agency, ^{the following} all of the following: ^{as provided in par. (c)} ✓

8 1. Information about delinquent accounts of any individual who borrows or
9 uses the library's documents or other materials, resources, or services.

10 2. The number and type of documents or materials that are overdue for each
11 individual about whom information is submitted under subd. 1.

****NOTE: I'm not sure what affect such reporting would have on an individual's
credit report, but do you want to set a minimum amount that is owed before delinquencies
may be reported to a collection agency or law enforcement? Do you want to authorize a
library to contract with a collection agency to recover delinquent accounts, or just to
report such delinquencies? ✓

12 (b) If a public library discloses information as described in par. (a), the
13 information shall be limited to the individual's name, contact information, and the
14 amount owed to the library.

15 SECTION 4. Initial applicability.

16 (1) This act first applies to delinquent amounts that accrue on the effective date
17 of this subsection. ✓

18 (END)


✓
ING
2-14

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1760/P3ins
MES:jld

INS 2-14

(c) A library may report the information as described in par. (a)[✓] to any of the following:

1. A collection agency.
2. A law enforcement agency, but only if the dollar value of the individual's delinquent account is at least \$50.00^g 

Shovers, Marc

From: Zikmund, Alison
Sent: Thursday, November 05, 2015 2:15 PM
To: Shovers, Marc
Cc: Truax, Dustin
Subject: LRB: 1760 P3

Marc,
LRB 1760/P3 looks good. Please send us an introducible version and jacket.

Rep. Vandermeer will be our Assembly lead on this proposal. Please allow her office to work with you on this bill.
Thanks.

Alison Zikmund

Office of Senator Sheila Harsdorf
608-266-7745



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1760/P8
MES:jld

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

no changes

today

Jacket for (S)

regm

- 1 **AN ACT** *to renumber* 43.30 (1b) (a); and *to create* 43.30 (1b) (ae) and 43.30 (6)
2 of the statutes; **relating to:** authorizing certain libraries to notify collection
3 agencies and law enforcement agencies of delinquent accounts.

Analysis by the Legislative Reference Bureau

Under this bill, a library may report to a collection agency or, subject to a condition, a law enforcement agency, information about delinquent accounts of any individual who borrows from the library or who uses the library's documents, materials, resources, or services, including information about the number and types of overdue materials. A library may report delinquent accounts to a law enforcement agency only if the delinquency is at least \$50. Under the bill, the information that may be so disclosed is limited to the individual's name, contact information, and the amount owed.

Under current law, unless an exception applies, records of a public library that indicate the identity of any person who borrows or uses the library's documents or other materials, resources, or services may not be disclosed. The exceptions are: 1) records disclosed pursuant to a court order; 2) records disclosed to the library's staff acting within the scope of their duties; 3) records disclosed by consent of the subject of the records; 4) records disclosed to a custodial parent of the subject of the records; 5) records disclosed to another public library for purposes of borrowing materials for the subject of the record; and 6) records disclosed to law enforcement officers under certain limited circumstances.

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

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

3 43.30 (1b) (ae) “Collection agency” has the meaning given in s. 218.04 (1) (a).

4 **SECTION 3.** 43.30 (6) of the statutes is created to read:

5 43.30 (6) (a) Subject to par. (b) and notwithstanding sub. (1m), a library that
6 is supported in whole or in part by public funds may report the following information
7 as provided in par. (c):

8 1. Information about delinquent accounts of any individual who borrows or
9 uses the library’s documents or other materials, resources, or services.

10 2. The number and type of documents or materials that are overdue for each
11 individual about whom information is submitted under subd. 1.

12 (b) If a public library discloses information as described in par. (a), the
13 information shall be limited to the individual’s name, contact information, and the
14 amount owed to the library.

15 (c) A library may report the information as described in par. (a) to any of the
16 following:

17 1. A collection agency.

18 2. A law enforcement agency, but only if the dollar value of the individual’s
19 delinquent account is at least \$50.

20 **SECTION 4. Initial applicability.**

1 (1) This act first applies to delinquent amounts that accrue on the effective date
2 of this subsection.

3 (END)